

CONSULTATION DRAFT

AN ACT TO AMEND THE EMPLOYMENT STANDARDS ACT (NO. 4)

BILL NO.

2022

BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

1. **Clause 2(4)(a.2) of the *Employment Standards Act R.S.P.E.I. 1988, Cap. E-6.2, is repealed and the following substituted:***
 - (a.2) those provisions relating to paid sick leave and an emergency leave of absence as contained in sections 22.2 and 22.5:

2. **Subsections 22.2(4) and (5) of the Act are repealed and the following substituted:**

Paid sick leave

 - (4) An employee earns,
 - (a) in the case of an employee whose employment with an employer begins on or before the day on which this subsection comes into force, in the calendar year in which this subsection comes into force,
 - (i) after completing 30 days of continuous employment with the employer, three days of paid sick leave and,
 - (ii) after 60 days of continuous employment with the employer, at the beginning of each month after completing one month of continuous employment with the employer, one day of paid sick leave, up to a maximum of 10 days;
 - (a) in the case of an employee whose employment with an employer begins after the day on which this subsection comes into force, in the calendar year during which they were employed,
 - (i) after completing 30 days of continuous employment with the employer, three days paid sick leave and,
 - (ii) after 60 days of continuous employment with the employer, at the beginning of each month after completing one month of continuous employment with

the employer, one day of paid sick leave with pay, up to a maximum of 10 days; and

- (c) in each subsequent calendar year, at the beginning of each month after completing one month of continuous employment with the employer, one day of paid sick leave, up to a maximum of 10 days.

Rate of wages

- (5) Each day of paid sick leave that an employee takes must be paid at their regular rate of pay for a day of work.

Annual carry forward

- (6) Each day of paid sick leave that an employee does not take in a calendar year is to be carried forward to January 1 of the following calendar year and decreases, by one, the maximum number of days that can be earned in that calendar year under subsection (4).

Medical certificate, paid sick leave

- (7) Where an employee requests a leave of absence under subsection (4) that is five consecutive calendar days in length, the employer may require the employee to provide the employer with a certificate signed by a medical practitioner certifying that the employee is or was unable to work due to illness or injury.

Paid days first

- (8) An employee is entitled to take any paid days of leave available to the employee before any of the unpaid days of leave.

EXPLANATORY NOTES

SECTION 1 amends clause 2(4)(a.2) of the *Employment Standards Act* to establish that provisions relating to paid sick leave contained in section 22.2 apply to employees whose terms and conditions of work are established by a collective agreement pursuant to the *Labour Act*.

SECTION 2 amends section 22.2 of the Act to establish that

- an employee may earn and take up to 10 days of paid sick leave in a calendar year;
- an employee may carry over unused paid sick days to the following calendar year;
- an employer may require the employee to provide a certificate signed by a medical practitioner certifying that the employee is or was unable to work due to illness or injury; and
- an employee is entitled to take paid days of leave before any unpaid leave.