



# FYI



| PLEASE POST |

**Date:** April 6, 2020

**To:** All BCGEU Members

**Re:** URGENT – Covid 19, Your Benefits and Your Pension

During this extremely challenging time, it is important for everyone to understand the implications on members health and dental benefits as well as their pension plan and more specifically, eligibility and contributions to both. Each collective agreement has their own specific provisions and members should review their C/A and contact their staff representative if they have any questions. This bulletin is to provide you with an overview on the requirements and obligations on employees and employers if you find yourself on an unpaid leave during this crisis.

#### **Leaves of Absence**

The Employment Standards Act (ESA) has a number of leaves identified which imbed specific obligations on employees and employers while on unpaid leaves. On March 23, 2020, the provincial government added language the ESA to protect workers in the event they are required to take unpaid leave from their job in very specific circumstances as a result of the COVID 19 outbreak. Note the following:

1. ***Where an employee is on an unpaid leave included in Part 6 of the ESA, which now includes unpaid leaves related to COVID-19. In very specific circumstances, the Act creates a legislative requirement for employers to make pension and benefit contributions. In these circumstances (see page three), if an employee pays their normal contribution for the unpaid leave, employers are obligated to pay for their contributions which would have occurred if the employee had continued to work.***
  - a. Existing **Municipal, Public Service or College Pension Plan** employees commencing a leave prior to May 1 can purchase their leave time at the end of the leave upon return to work. Employees have up to five years from the end of the leave to make the purchase. That would then require the employer to pay their portion.
  - b. Employees who start their pension after May 1, 2020 will have the option to purchase their time during the leave or after the leave up to to five years following the return to work.
  - c. With regard to **other pension plans** members may be covered by, ie. United Way, Credit Unions – Central One, BC Target Benefit Plan, RRSP's etc, the provisions of the ESA would still be applicable and should be pursued with your employer following the same guidelines. So long as you make your contribution, the employer will be required to make



*their contribution. Individuals would have to make arrangement with the employer regarding payment of their portion to be submitted to any plan they participate in.*

2. **For LOAs not protected by the new ESA** provisions, when a regular employee is on an unpaid leave, employers are not required to continue paying pension or benefit contributions unless stipulated in the their C/A. Employees may discuss and work out maintaining their pension or health and dental benefits if they so choose.
  - a. **In regard to Municipal, Public Service or College Pension Plans:** if employees want to purchase their pension contributions, they can apply to the Pension Corporation to do so at [www.pensionsbc.ca](http://www.pensionsbc.ca). They are required to contribute both the employer and employee contributions for the period of an unpaid leave. If a participating employee chooses not to purchase both the employer and employee share of contributions, then all contributions to their respective plan discontinues on the first day of an unpaid leave of absence and they will have not pensionable time for the period. Members have up to five years from the leave to purchase the time as per the Income Tax Act.
  - b. **Members participating in other plans noted in 1(c)** need to check the provisions of the C/A and the pension plan to determine if they can contribute for a leave other than those covered in Part 6 of the ESA. You may also wish to check with the union.

**NOTE: A leave of absence is different than a layoff under the law and as a result, the new ESA provisions do not apply to layoffs. Public service plans do not allow for purchase for a layoff.**



### **New job-protected leaves for workers** *(from Province of BC release March 24, 2020)*

The Government of B.C. has passed amendments to the Employment Standards Act that provide workers covered under the act with job-protected leave if they are unable to work for reasons relating to COVID-19.

The amendments also include a new three-day unpaid, job-protected sick leave that will support people on an ongoing basis when they cannot work due to illness or injury.

#### **COVID-19 job-protected leave details:**

- The immediate job-protected leave allows workers affected by COVID-19 to stay home as needed without the risk of losing their job.
- The leave is retroactive to Jan. 27, 2020, when the first presumptive COVID-19 case was confirmed in B.C.
- This protection is available to people considered employees under the Employment Standards Act who are unable to work for the following reasons:
  - **they have been diagnosed with COVID-19** and are acting in accordance with instructions or an order of a medical health officer or the advice of a medical practitioner, nurse practitioner or registered nurse;
  - **they are in quarantine or self-isolation** in accordance with an order of the provincial health officer, an order made under the federal Quarantine Act, or guidelines of the BC Centre for Disease Control or the Public Health Agency of Canada;
  - **they have been directed by their employer** to stay home because of concerns about their exposure to others;
  - **they are unable to return to B.C.** because of a travel or border restriction; or
  - **they are providing care to their minor child** or a dependent adult who is their child or former foster child, including when a school, daycare or similar facility has closed.
- There is no limit on how long people can take the leave. As long as someone is unable to work due to one of the reasons above, they will be eligible for this leave.
- In addition to job protection, workers may be eligible for financial supports through expanded federal Employment Insurance benefits.
- Workers not covered by the Employment Standards Act (e.g., contractors) are also eligible for financial supports through federal Employment Insurance benefits.
- As with other job leaves, workers may need to give reasonable evidence of eligibility if their employer requests it, but a doctor's note will not be required.
- The COVID-19 job-protected leave is tied specifically to the COVID-19 emergency and will be repealed when it is no longer needed.

#### **Permanent three-day job-protected illness or injury leave details:**

- People considered employees under the Employment Standards Act will be able to take up to three days of unpaid, job-protected sick leave per calendar year if they are unable to work due to illness or injury.
- This brings B.C. in line with most other Canadian jurisdictions, which all offer some form of job-protected illness leave.
- To qualify, people must have worked for their employer for at least 90 days.
- As with other job leaves, workers may need to give reasonable evidence of eligibility if their employer requests it.
- This is a permanent change to the Employment Standards Act and will stay in place when the COVID-19 provisions are repealed.

