

# Illness or Injury Leave - Act Part 6, Section 49.1

**Highlights to act- For more in depth information please visit the Government of British Columbia website**

After 90 consecutive days of employment with an employer, an employee, for personal illness or injury, is entitled in each calendar year, to

- (a) paid leave up to the number of days prescribed, and
- (b) unpaid leave for up to 3 days.

Illness or injury leave is an employee-initiated leave. This leave is a statutory entitlement, not something that may or may not be granted at the discretion of the employer. This paid leave is sometimes referred to as 'sick leave' with 'sick pay'.

After 90 days of employment, employees can take up to **5 paid days** and **3 unpaid days** of job-protected leave per calendar year. This leave is employee-initiated, and employees decide whether they are requesting paid or unpaid leave.

Calendar year means a period of 12 consecutive months beginning on January 1. Eligible employees who start employment part way through the calendar year are entitled to the full 5 paid days and 3 unpaid days despite not being employed for the full calendar year. Illness or injury leave cannot be prorated for employees who start after January 1. Illness or injury leave does not carry over from year to year if it is not used.

If requested, the employee must, "as soon as practicable", provide their employer with reasonably sufficient proof to show that an illness or injury was the basis for their absence. The requirement to provide "reasonably sufficient proof" and to do so "as soon as practicable" anticipates that both the proof and the timelines for providing it be reasonable in the circumstances. Proof of entitlement to sick leave may take many forms. For example, if it is reasonable in the circumstances, it could take the form of a receipt from a drugstore or pharmacy, a medical "bracelet" from a hospital, or a note from a doctor, nurse practitioner, psychologist, counsellor, or therapist. The proof requested should be proportionate to the leave and the surrounding circumstances.