

BC Proposes Amendments to the Employment Standards Act

Surprise, surprise...another Bill but this time in British Columbia.

On April 29, 2019, the BC Government tabled *Bill 8: Employment Standards Amendment Act, 2019*. If passed into law, Bill 8 will be the first major revision of the *Employment Standards Act* (“ESA”) in about 15 years.

Some of the highlights of the amendments to take note of are:

Statutory Leaves: The following new statutory leaves have been proposed:

Critical illness or injury leave: An employee who requests leave will be entitled to up to 36 weeks of unpaid leave to provide care or support to a family member who is under 19 at the start of the leave (up to 16 weeks of unpaid leave for a family member who is 19 years or older). A certificate from a medical practitioner or nurse practitioner is required.

Domestic violence leave: Provides for up to 10 days of unpaid leave for victims of domestic violence to seek assistance for a variety of reasons related to the domestic violence. In addition, employees who experience domestic violence will be entitled to 15 weeks of unpaid leave.

Ability to Conduct Investigations: The Director may at any time and for any reason conduct an investigation to ensure compliance with the ESA and the regulations.

Wage Recovery: Employees will be able to recover wages owed from their employer for a period of 12 months (instead of the current 6 month recovery period). An extension to 24 months may be possible in some exceptional circumstances.

Record Keeping: Employers will be required to keep certain employment records for a period of 4 years (instead of the current 2 years).

Informing Employees of Their Rights: An employer will be required to make available or provide to each employee, in a form provided or approved by the Director, information about their rights under the ESA.

Collective Agreements: Collective Agreement provisions must meet or exceed the minimum requirements of the ESA and if they fail to do so (or are silent), the ESA entitlements will apply.

This amendment will only apply to Collective Agreements effective on or after the date the legislation comes into force.

Tips & Gratuities: With some exceptions, an employer will not be permitted to withhold gratuities from an employee, make a deduction from an employee's gratuities or require an employee to return or give the employee's gratuities to the employer.

Temporary Help Agencies: Operators of temporary help agencies must be licensed under the ESA. If an employer engages the services of a temporary help agency and the operator is not licensed, the employer will be deemed to be the employer of each employee of the temporary help agency who performs work on their behalf.

Hiring Youth: With some limited exceptions, employers will be prohibited from hiring children under the age of 14 and children under the age of 16 will be prohibited from working in a hazardous industry or performing hazardous work.

If you have any questions regarding these changes or anything else employment standards related, please contact us to speak to an e2r® Advisor.

Side Note: On April 30, 2019, the BC government introduced Bill 30, Labour Relations Code Amendment Act, 2019. If you would like specific information regarding these labour amendments, please contact us to speak to an e2r® Advisor.