



BULLETIN

TRANSPORTATION DISTRICT 140 DISTRICT DES TRANSPORTS 140

International Association of Machinists and Aerospace Workers
Association internationale des machinistes et des travailleurs et travailleuses de l'aérospatiale

TO ALL IAMAW MEMBERS LEGISLATION UPDATE 10 PAID SICK DAYS

Dear Members,

Throughout the pandemic, one of key issues workers across Canada faced were lack of paid sick days. Paid sick days made it possible for those who were sick with COVID-19 to stay at home and recover, in turn, limiting the spread of COVID-19 in workplaces. IAMAW members, along with many others either lacked paid sick days, or were limited to a few days, while some were limited in how they could access sick days. Despite the risks that sick workers posed to co-workers, and heightened risks of outbreaks, employers refused to bend, seeing no issue in workers reporting to work sick. For these reasons, the IAMAW, along with other CLC affiliates, lobbied provincial and federal governments to provide paid sick days.

I am proud to say that our efforts were successful and that as of Dec.1, 2022, the *Canada Labour Code* was amended to provide 10 paid sick days for workers in the federal jurisdiction. There has been less success at the provincial level, particularly in provinces where Conservative governments brought in temporary measures, which are now expired.

The information below summarizes what's been shared with us through consultations with the Labour Program, the Labour Standards Advisory Committee and Employment Social Development Canada.

How is the new legislation applied?

The accrual of sick days starts in December, but actual sick days are not accrued until next year. 3 days will be accrued at the end of the first 30 days of legislation coming into effect, then additional days are accrued at a rate of 1 day per month, to a maximum of 10 days. It's important to note that paid sick days are not in addition to what Collective Agreements provide, rather, if the Collective Agreement is inferior to the new law, employers must abide by the superior legislation. Sick days can't be stacked with days available under a Collective Agreement; workers have access to either their Collective Agreement entitlements, if that agreement is superior to the law, or 10 days if the legislation is better than the agreement. The two cannot be combined. As a general rule, when determining if a Collective Agreement provides a better benefit than the new law, consider the entirety of sick day clauses in Collective Agreements.

Please be aware that paid sick days are separate from personal days, as they are intended for different purposes, and also, cannot be combined.

What is known to us right now is that days are accrued for each day worked - accruals are not based on hours worked. Accruing sick days in this manner ensures that part-time and casual employees are not disadvantaged. Accruing of sick days also happens when an employee takes any type of leave provided under the *Code*. In order to begin accruing days, a worker must have continuous employment.

Paid time off is compensated at 100% of a worker's wages, and there is no limit to how often paid sick days under the *Code* are used. However, no more than 10 days can be accrued in any given year, and although unused days can be carried over, no more than 10 can be accrued. Each year a worker would have access to 10 paid days only. As an example, if an employee carries over 5 days into 2024, in 2025, they could only accrue 5 paid days, for a total of 10.

The details of how the new legislation impacts your Collective Agreement will be shared as information becomes available. A summary of updated IPGs is available through this link:

<https://www.canada.ca/en/employment-social-development/programs/laws-regulations/labour/interpretations-policies/medical-leave-pay.html#h2.13>

In solidarity,

Dave Flowers
President & Directing
General Chairperson

DF/mdr

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