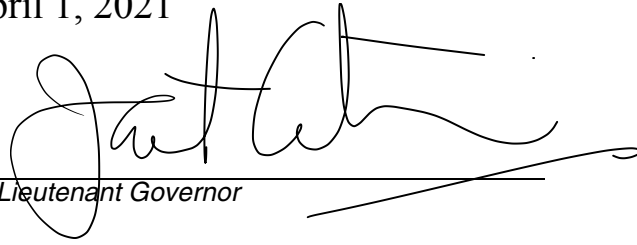


PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 216

, Approved and Ordered April 1, 2021


Lieutenant Governor

Executive Council Chambers, Victoria

On the recommendation of the undersigned, the Lieutenant Governor, by and with the advice and consent of the Executive Council, orders that the Employment Standards Regulation, B.C. Reg. 396/95, is amended as set out in the attached Schedule.



Minister of Labour



Presiding Member of the Executive Council

(This part is for administrative purposes only and is not part of the Order.)

Authority under which Order is made:

Act and section: *Employment Standards Act, R.S.B.C. 1996, c. 113, s. 52.12*

Other: *O.C. 1155/95*

R20491396

SCHEDULE

- 1 *The Employment Standards Regulation, B.C. Reg. 396/95, is amended by adding the following heading after section 45:*

PART 7.01 – MATTERS RELATED TO COVID-19 .

- 2 *Part 7.01 is amended by adding the following sections:*

Prescribed matters for COVID-19 – persons

45.02 For the purposes of section 52.12 (1) (c) of the Act, the following persons are prescribed:

- (a) a member of the employee’s immediate family;
- (b) an individual who is in a class of individuals referred to in section 2 (a) or (b) of the Family Member Regulation;
- (c) whether or not related to an employee by blood, adoption, marriage or common law partnership, an individual who requires care and who considers the employee to be, or whom the employee considers to be, like a close relative.

Prescribed matters for COVID-19 – situations

45.03 (1) In this section, “**dependant**” means

- (a) an eligible person as defined in section 52.12 (1) (a) or (b) of the Act, or
- (b) a person who
 - (i) is an eligible person prescribed under section 45.02 of this regulation,
 - (ii) is unable, because of illness, disability or another reason, to obtain the necessities of life, and
 - (iii) is under the day-to-day care and control of the employee.

(2) For the purposes of section 52.12 (2) (f) of the Act, the following are prescribed situations:

- (a) the employee, in the opinion of a medical health officer, medical practitioner, nurse practitioner or registered nurse, is more susceptible to COVID-19 because the employee
 - (i) has an underlying condition,
 - (ii) is undergoing treatment, or
 - (iii) has contracted another illnessand the employee receives, or will receive, the Canada recovery sickness benefit under the *Canada Recovery Benefits Act* for leave taken under section 52.12 (2) of the Act;
- (b) the employee requires leave
 - (i) to be vaccinated against COVID-19, or
 - (ii) to assist a dependant who is being vaccinated against COVID-19.