

# COVID-19 NOVEL CORONAVIRUS

## Vaccination Leave Fact Sheet



### Who can take COVID-19 Vaccination Leave?

All employees are entitled to take the paid leave for the purpose of becoming vaccinated against COVID-19.

### How long is COVID-19 Vaccination Leave?

The legislation provides up to a maximum of three hours of paid leave for each time an employee receives a COVID-19 vaccine.

### When did the leave take affect?

The leave received royal assent on May 12, 2021 and took effect on that day. Regardless of when an appointment was scheduled, if an employee took time off of work to receive a COVID-19 vaccine on May 12, 2021 or later they would be eligible for the leave.

### How do employers calculate the amount to which an employee on COVID-19 Vaccination Leave is entitled?

Employees must be paid at least the wages they would normally earn for their regular hours of work for each hour, or part of an hour they take while on this leave, up to a maximum of three hours for each time an employee receives a COVID-19 vaccine.

Employees whose regular hours of work or wages vary are entitled to be paid using the following formula:

$$\text{Average hourly wage} = \frac{\text{Employees total regular wages (not including overtime) in the 4 weeks immediately before the leave began}}{\text{Total number of Regular hours worked by the employee during the 4 weeks immediately before the leave began}}$$

### Does paid time off for the vaccine leave count towards standard hours of work and overtime?

No. 'Hours of work' means the hours or parts of hours during which an employee performs work for an employer and includes hours during which an employee is required by the employer to be present and available to work. Because wages paid for this leave are not considered 'hours of work', they would not be counted towards overtime.

### Is the amount paid for this leave included in the calculation of vacation wages?

Yes. It is considered a wage and only those wages which are excluded under S. 39(1) of the code are exempt from vacation wage.

### Is the amount paid for this leave included in the calculation of general holiday wages?

Yes. It is considered a wage and would be included in a general holiday wage calculation.

### Does an employer have to pay for the leave if an employee is not returning to work after their appointment?

An employer must pay for any time off an employee takes, up to a maximum of three hours per COVID-19 vaccination, during their regular scheduled working hours.

Meaning that if an employee is scheduled to work until 3:30 pm, they have a COVID-19 vaccination appointment at 3:20, and they leave work at 3:15, the employer would be required to pay for the time the employee took off, in this case 15 minutes.

### How much notice is required?

Employees must give their employer as much notice as is reasonable in the circumstances.

## **Do employees have to provide a medical certificate to take this leave?**

No. To reduce strain on the health system and to help prevent spread of the virus, employers may request reasonable verification of the need for leave, but cannot request a note from a doctor, nurse, or other health professionals.

During the COVID-19 public health crisis, employers are not permitted to request a physician's certificate or medical certificate to verify an employee's eligibility for this leave or any other protected leave available under The Employment Standards Code.

## **What is reasonable verification for paid vaccination leave?**

Reasonable verification will be different from case to case. The intent is to confirm the employee is taking the leave to obtain a COVID-19 vaccination. A possible example of reasonable verification could include but is not limited to: confirmation of an appointment to get a vaccine from a pharmacy, a health professional or Shared Health.

## **If my employer already provides paid sick time, can they use that to pay for this leave?**

No. If an employer already provides paid sick time (or any other greater benefit which is not included in the Employment Standards Code) they cannot draw on an employee's existing sick time to pay for this leave.

## **Can an employer apply for the Manitoba Pandemic Sick Leave for reimbursement in order to pay for this leave?**

Employers who pay employees for time off to get a COVID-19 vaccination may be eligible for reimbursement through the Manitoba Pandemic Sick Leave program. For more information, please see their website: [Manitoba Pandemic Sick Leave Program](#).

## **Will I be paid if I have to take off additional time from work due to COVID-19 vaccination side effects?**

The Code does not require employers to pay employees for time off related to COVID-19 vaccination side effects. The COVID-19 vaccination leave only provides payment for up to a maximum of three hours for the purpose of getting the vaccination. However, the Public Health Emergency Leave provisions do provide job protection for employees who are unable to perform work due to experiencing side effects after receiving a COVID-19 vaccine.

Employers who choose to pay an employee for time off due to side effects may be eligible for reimbursement through the Manitoba Pandemic Sick Leave program. For more information, please see their website: [Manitoba Pandemic Sick Leave Program](#).

## **What if the employer refuses to pay for the leave?**

Employers must pay for up to a maximum of three hours for each time an employee receives a COVID-19 vaccine. Employees who are not compensated by their employer can file a complaint with Employment Standards no later than six months after the date the employee should have been compensated.

## **Can a parent take the paid vaccination leave, in order to take their child to get vaccinated?**

No. The leave is for an employee to receive a COVID-19 vaccination. However as per S.59.12(2)(d) an employee would receive job protection for the time they take off to take their child to get vaccinated.

## **For more information contact Employment Standards:**

Phone: **204-945-3352** or toll free in Canada **1-800-821-4307**

Fax: 204-948-3046

Website: [www.manitoba.ca/labour/standards](http://www.manitoba.ca/labour/standards)

This is a general overview and the information used is subject to change. For detailed information, please refer to current legislation including The Employment Standards Code, The Construction Industry Wages Act, The Worker Recruitment and Protection Act, or contact Employment Standards.

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