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1st SESSION, 67th GENERAL ASSEMBLY  
Province of Prince Edward Island  
2 CHARLES III, 2023

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**CHAPTER 41**  
**(Bill No. 106)**

**An Act to Amend the Employment Standards Act**

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Hal Perry  
Leader of the Official Opposition

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GOVERNMENT BILL

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Andrea MacRae  
Acting King's Printer  
Charlottetown, Prince Edward Island





**CHAPTER 41**

**AN ACT TO AMEND THE EMPLOYMENT STANDARDS ACT**

*(Assented to November 29, 2023)*

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BE IT ENACTED by the Lieutenant Governor and the Legislative Assembly of the Province of Prince Edward Island as follows:

- 1. Subsection 5.3(1) of the *Employment Standards Act R.S.P.E.I. 1988, Cap. E-6.2*, is amended by the addition of the following after clause (g):**

(g.1) the amount of any paid sick leave to which the employee is entitled;

- 2. Subsection 5.6(1) of the Act is amended by the addition of the following after clause (j.2):**

(j.3) the number of days of paid sick leave that the employee has accumulated and used;

- 3. (1) Subsection 22.2(2) of the Act is repealed.**

- (2) Subsection 22.2(3) of the Act is repealed and the following substituted:**

**Details of leave to employer**

- (3) An employee requesting leave under subsection (1) or subsection (4) shall advise the employer, subject to subsections (1), (4) and (9), of the anticipated duration of the leave.

- (3) Subsections 22.2(4) and (5) of the Act are repealed and the following substituted:**

**Paid sick leave**

- (4) Where an employee has been employed by the same employer for a continuous period of at least 12 months, the employer shall, at the request of the employee, grant the employee leaves of absence with pay of up to the number of days provided for in subsection (6), in total during a twelve calendar-month period, in addition to any unpaid leave that the employee is entitled to under subsection (1).

**Rate of pay**

- (5) Where an employee is entitled to a day of paid sick leave pursuant to subsection (4), the employer shall pay the employee

- (a) in the case of an employee who is paid hourly, the employee's regular rate of wages multiplied by the number of hours for which the employee would have worked if the employee had not requested the leave of absence; or
- (b) in the case of a salaried employee, the employee's rate of pay for a day of work.

**Accrual of days of paid sick leave**

- (6) An employee earns, as of the first day on which this subsection applies to the employee,
  - (a) after twelve months of continuous employment with the same employer, one day of paid sick leave;
  - (b) after 24 months of continuous employment with the same employer, one additional day of paid sick leave; and
  - (c) after 36 months of continuous employment with the same employer, one additional day of paid sick leave.

**Maximum days**

- (7) An employee is entitled to earn up to three days of paid sick leave in a calendar year.

**No annual carry forward**

- (8) Each day of paid sick leave that an employee does not take in a calendar year is not to be carried forward to the following calendar year.

**Medical certificate, paid sick leave**

- (9) Where an employee requests a leave of absence under this section that is three consecutive calendar days in length, the employer may require the employee to provide the employer with a certificate signed by a medical practitioner certifying that the employee is or was unable to work due to illness or injury.

**Paid days first**

- (10) An employee is entitled to take any paid days of leave available to the employee before any of the unpaid days of leave that the employee is entitled to under subsection (1).

- 4. **This Act comes into force on a date that may be fixed by proclamation of the Lieutenant Governor in Council.**



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## CHAPTER 41

(Bill No. 106)

### An Act to Amend the Employment Standards Act

<i>STAGE:</i>	<i>DATE:</i>
<i>1st Reading:</i>	November 7, 2023
<i>2nd Reading:</i>	November 8, 2023
<i>To Committee:</i>	November 8, 15, 21, 22, & 28, 2023
<i>Reported:</i>	November 28, 2023
<i>3rd Reading and Pass:</i>	November 29, 2023
<i>Assent:</i>	November 29, 2023

#### SIGNATURES:

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Honourable Antoinette Perry, Lieutenant Governor

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Honourable Darlene Compton, Speaker

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Joseph Jeffrey, Clerk

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Hal Perry  
Leader of the Official Opposition

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GOVERNMENT BILL

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