

COVID-19 Paid Sick Leave Program

Additional Information for Employers and Employees

QUALIFYING FOR THE BENEFIT

The COVID-19 Paid Sick Leave Program applies to Nova Scotia employees who **miss less than 50%** of their scheduled work time in a one-week period due to COVID-19. (Note, if the calculation of missed time equals 50% or more of the employee's scheduled work week, the employee might qualify for the [Canada Recovery Sickness Benefit \(CRSB\) - Canada.ca](#).)

The reason for time missed must be because the employee is:

- Self-isolating due to an exposure, close contact, or symptoms **and**:
 - waiting for rapid or lab (PCR) testing
 - taking the test
 - waiting for test results
- Getting a COVID-19 vaccine or booster (this includes travel time related to getting the vaccine or booster)

Information about accessing rapid or lab (PCR) testing is available at [COVID-19 Testing | Nova Scotia Health Authority \(nshealth.ca\)](#)

Example #1

Self-isolating and Testing

An employee is scheduled to work 45 hours the week of December 27, 2021. The employee learns on December 26 they are a close contact of someone who has tested positive for COVID-19. They immediately self-isolate and arrange for a COVID test. Arrangements are made for the employee to begin working remotely starting December 28 and, as a result, they miss only 10 hours of work that week. The employee meets the criteria outlined above.

Questions and Answers

Q: If an employee can work remotely while self-isolating but chooses not to, can they still qualify for the Program?

A: No. The Program is meant to support individuals who are unable to work.

Q: If an employee misses 50% or more of their scheduled work week because they are required to self-isolate, can their employer access the Program by only claiming pay for the employee's missed time that falls below the 50% threshold?

A: No. The employee does not meet the criteria to qualify for the Program. The employee might, however, qualify for the [Canada Recovery Sickness Benefit \(CRSB\)](#) administered by the federal government.

Example #2

Getting the Vaccine or Booster

An employee has a booster appointment on December 26, 2021 and must take 2 hours off work that day to travel to their appointment, get their booster and return to work. The 2-hour period the employee needs off work to attend their appointment meets the criteria of the Program.

Questions and Answers

Q: If the employee misses work due to side effects from the vaccine or booster, can the employee claim that missed time?

A: No. Missed time due to side effects does not meet the Program criteria.

Q: If an employee takes a full day off work to get their vaccine or booster – even though they only need part of the day to attend their appointment – can they claim a full day's pay through the Program?

A: No. The Program only covers the time the employee needs off work to get their vaccine or booster.

ELIGIBILITY

Employers

- are a for-profit business or not-for-profit organization
- have a permanent physical location in Nova Scotia
- are registered to do business in Nova Scotia (unless such registration is not required)
- are in good standing with the Province of Nova Scotia (not in default of any financial obligations like loan repayments, taxes, fines, fees, administrative and court orders)
- are claiming reimbursement for Nova Scotia-based employees
- do not provide their employees with at least 4 paid sick leave days

Example #3

An employer has a head office in Ontario and a satellite office in Nova Scotia. The employer provides Nova Scotia employees with 1 paid sick day per calendar year. The Nova Scotia employee misses three days of work the week of January 3, 2022 because of self-isolation and testing requirements due to a COVID-19 exposure. The missed time is less than 50% of the employee's scheduled hours of work that week. The employee is entitled to 1 paid sick day for the missed time under their employment agreement. The additional two days missed qualify under the Program, as their employment agreement provides for only one paid sick day.

Questions and Answers

- Q.** Is an employer eligible for the Program if the employer has a physical office in Nova Scotia, employs individuals who need time off work due to COVID-19 and those individuals perform their work outside of Nova Scotia, for example in New Brunswick?
- A.** No. Employees who work for a Nova Scotia employer but perform their work (including virtual work) outside of Nova Scotia, do not meet the Program criteria.

Q. Is an employer eligible for the Program if they employ temporary foreign workers who live and work in Nova Scotia?

A. Yes. Employers who reimburse employees, who are temporary foreign workers, for missed time due to the reasons outlined previously may be eligible for the Program.

Q. If an employer provides employees with paid sick leave but the benefit does not apply to medical appointments, can the employees qualify for the Program to take time off work to get a vaccine or booster?

A. Yes. If the Program offers a paid benefit greater than the paid benefits available to employees under their employment agreement, employees may be eligible for the Program.

Q. If the employer provides paid sick leave to permanent full-time employees but not part-time or casual employees, can the part-time and casual employees qualify for the program?

A. Yes. Employees who are not entitled to employer paid sick leave/medical time under their employment agreement can qualify for the Program.

Q. If an employer provides less than 4 days paid sick leave under an employee's employment agreement, can the employee qualify for the maximum 4 days under the Program as well.

A. No. The employee can only qualify for the difference between what the employer provides, and the 4 days provided under the Program. For example, if the employer provides 2 paid sick days under the employee's employment agreement, the employee can only qualify for a total of 2 days under the Program.

LENGTH OF THE BENEFIT

Employees can qualify for a maximum of 4 days over the duration of the Program (December 20, 2021 to March 31, 2022). Further, employers can submit claims for multiple employees who may each qualify for up to 4 days.

Example #4

The employer has 246 employees at their Nova Scotia manufacturing plant. 120 employees require time off to obtain a COVID-19 vaccine or booster. The employer provides employees with paid time off to get their vaccine or booster. Paid time off for medical appointments is not provided for in the employees' employment agreements. If the employer meets all other eligibility criteria, the employer can submit a claim to the Program to be reimbursed for employees' paid vaccine time.

Example #5

The employee misses work time over three days during the week of January 10, 2022 due to COVID symptoms and testing. The missed time is less than 50% of the employee's scheduled hours that week. The employer pays the employee for the missed time, submits a claim to the Program for reimbursement and is approved for payment. The same employee needs 2 hours off work in February to get their booster. As the employee has used only 3 of the 4 days available through the Program, the time off in February to get their booster is still within the maximum 4 days offered by the Program.

Questions and Answers

- Q.** Does appointment time to get vaccinated count as 1 of the 4 days an employee might be entitled to under the Program, even if the employee is required to miss only part of a work day to get their vaccine ?
- A.** Yes. If an employee misses part of a workday for the reasons outlined previously, it counts as 1 of the 4 days available through the Program.
- Q.** If an employer submitted a claim for an employee when the Program was in effect previously (May 10, 2021 to July 31, 2021) can the employee still qualify for up to 4 days again under the relaunched Program?
- A.** Yes. Even if an employee qualified for the maximum 4 days under the previous launch of the Program, the employee could still qualify for up to 4 days under the relaunch of the Program (December 20, 2021 to March 31, 2022).

MAXIMUM PAYMENT

Under the Program, employees qualify for their hourly rate of pay for missed time up to a maximum of \$20 per hour or \$160 per day.

Example #6

An employee earns \$18 per hour and misses 10 hours of work in one day for the reasons outlined previously. The employee qualifies for the Program. The employer pays the employee for the missed time and submits a claim to the Program for 10 hours at \$18 per hour (\$180). The employer is approved for the maximum of \$160 per day.

Example #7

An employee earns \$25 per hour and misses 6 hours of work for the reasons outlined previously. The employee qualifies for the Program. The employer pays the employee for the missed time and submits a claim to the Program for 6 hours at \$25 per hour. The employer is approved for \$120 (\$20 x 6 hours) as the maximum hourly rate of pay covered by the Program is \$20 per hour.

Questions and Answers

- Q.** If a claim exceeds the maximum amount allowed under the Program, should the employer adjust the employee's rate of pay or missed time when submitting their claim to ensure it falls within the maximum amount allowed under the Program.
- A.** No. Employers are required to submit the employee's actual rate of pay and hours missed, and this information should be accurately reflected in the employer's payroll records along with confirmation of the payment made by the employer to the employee for the missed time.
- Q.** If an employee's hourly rate of pay is less than the maximum allowed under the Program, for example \$15 per hour, can the employer pay the employee \$20 per hour for missed time, as a greater benefit, and seek reimbursement for the full amount paid to the employee?
- A.** No. Employers must submit the employee's actual rate of pay and time missed.

VERIFICATION

Program applicants will be required to submit relevant documentation with their claim showing:

- the employee was paid for the time being claimed
- the hours/time the employee was scheduled to work during the period for which the employer is claiming reimbursement and the hours/time the employee did, in fact, work during that period

If the claim is in relation to the employee obtaining a vaccine or booster, the applicant will need to provide the date of the vaccine/booster appointment, the appointment time, and the number of kilometres traveled to and from the appointment.

As well, applicants may be asked to provide additional information, if the Department of Labour, Skills and Immigration determines additional information is required. Additional information may be requested as part of the claim verification process or if the application is audited.

Questions and Answers

Q. What if an employer does not provide requested information?

A. The employer may be deemed ineligible for the Program. If an employer is reimbursed for employee wages based on information in their application and then deemed ineligible as a result of a subsequent audit or verification process, the employer will be required to return the payment to the Province.

QUESTIONS ABOUT QUALIFYING FOR THE PROGRAM

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