
NEWS RELEASE

For Immediate Release
2020LBR0018-001174
June 25, 2020

Ministry of Labour

Temporary layoff provisions for workers, employers extended

VICTORIA – Following conversations with business and worker representatives, the Province of British Columbia has extended the temporary layoffs provisions to a maximum of 24 weeks expiring on Aug. 30, 2020, during the COVID-19 pandemic.

The extension will give employers and workers additional flexibility to support economic recovery in the province with the expectation that businesses honour their obligations to workers and reach agreement with their employees in the event a further extension is required.

“This extension will provide even more certainty and flexibility,” said Harry Bains, Minister of Labour. “This will also give additional time to ensure that employers and workers are able to craft agreements if there is a need to further extend temporary layoffs, while still protecting workers’ rights to compensation for length of service.

“Our goal is to maintain connections between employers and workers who have a joint interest in supporting the economic recovery of businesses in B.C. and the jobs that go with them. Employers who are not able to return to full operations and need additional time can do so with agreement from their employees, but we expect those employees will be recalled when operations have resumed.”

Section 72 of the B.C. Employment Standards Act provides a tool unique in Canada, allowing employers and workers to extend temporary layoffs by making a joint application to the Employment Standards Branch.

“We heard loud and clear from employers that they need this extension,” Bains said. “We also know it is important to ensure that workers know that they have to be involved in the agreement with the employer to extend the temporary layoff and have a right to decline the layoff and accept the compensation for length of service which they are entitled to.”

Government will continue discussions with worker and employer representatives to ensure the Section 72 applications are processed in a timely and effective manner to support economic recovery and protect workers’ rights.

BC’s Restart Plan is supporting business to safely reopen and get people back to work. Employers are also encouraged to make use of the federal wage subsidy to assist them in bringing their workers back.

Learn More:

For information on employment standards around temporary layoffs, visit:

www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/termination#laying-off

Learn more about B.C.'s economic recovery planning: <http://gov.bc.ca/recoveryideas>

For information about BC's Restart Plan, visit: <http://gov.bc.ca/restartbc>

For the latest medical updates, including case counts, prevention, risks and testing, visit: www.bccdc.ca

Or follow @CDCofBC on Twitter.

For the provincial health officer's orders, notices and guidance, visit: www.gov.bc.ca/phoguidance

For non-health related information, including financial, child care and education supports, travel, transportation and essential service information, visit: www.gov.bc.ca/Covid-19

Or call 1 888 COVID19 (1 888 268-4319) between 7:30 a.m. and 8 p.m. (Pacific time), seven days a week.

A backgrounder follows.

Contact:

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Connect with the Province of B.C. at: news.gov.bc.ca/connect

BACKGROUND

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Temporary layoff provisions

The Province's extension of the temporary layoff provision until Aug. 30, 2020, follows the previous change to expand the layoff period from 13 to 16 weeks, announced by government on May 4, 2020.

This new timeline aligns with the extended Canada Emergency Response Benefit (CERB), which extends to a maximum of 24 weeks.

For an individual business where circumstances necessitate a further extension of the temporary layoff provisions, an employer can apply for a variance under Section 72 of the Employment Standards Act.

Section 72, a provision that is unique in Canada, allows for an employer and the majority of their affected workers to apply for a variance to certain sections of the act.

72. An employer and any of the employer's employees may, in accordance with the regulations, join in a written application to the director for a variance of any of the following:

(a) a time period specified in the definition of "temporary layoff";

To apply for a variance a letter must be delivered to the director of employment standards with the following information:

(a) the provision of the act the director is requested to vary;

(b) the variance requested;

(c) the duration of the variance;

(d) the reason for requesting the variance;

(e) the employer's name, address and telephone number;

(f) the name and home phone number of each employee who signs the letter.

To ensure the process is as straightforward as possible, a form is available on the Employment Standards website to assist in the application process.

For more information on applying for a variance and to download the application form, visit: <https://www2.gov.bc.ca/gov/content/employment-business/employment-standards-advice/employment-standards/hours/variances>

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