

PROVINCE OF BRITISH COLUMBIA

ORDER OF THE LIEUTENANT GOVERNOR IN COUNCIL

Order in Council No. 219

, Approved and Ordered May 4, 2020

  
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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. 369/95, is amended as set out in the attached Schedule.

  
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Minister of Labour

  
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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. 127*

Other: *OIC 1155/95*

R10413017

## SCHEDULE

*1 Part 7 of the Employment Standards Regulation, B.C. Reg. 396/95, is amended by adding the following section:*

### **Exclusions during COVID-19 emergency**

- 45.01** (1) In this section, “**COVID-19 emergency**” means the emergency that is the subject of
- (a) the notice provided on March 17, 2020 by the provincial health officer under section 52 (2) of the *Public Health Act*, and
  - (b) the declaration of a state of emergency made on March 18, 2020, and any extension of that declaration, under section 9 of the *Emergency Program Act*.
- (2) If an employee is laid off and does not have a right of recall and the COVID-19 emergency is a cause of all or part of the layoff, the definition of “temporary layoff” in section 1 of the Act does not apply in relation to the employee and that layoff and the conditions of employment for the employee are altered in relation to that layoff by substituting the following definition:
- “**temporary layoff**” means a layoff of up to 16 weeks in any period of 20 consecutive weeks.
- (3) Subsection (2) does not apply in relation to a layoff described in section 37.7 (7).