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First Session, Forty-third Parliament  
3 Charles III, 2025  
Legislative Assembly of British Columbia

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**BILL 11**

**EMPLOYMENT STANDARDS  
AMENDMENT ACT, 2025**

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Honourable Jennifer Whiteside  
Minister of Labour

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### **Explanatory Notes**

CLAUSE 1: *[Employment Standards Act, section 49.2]* provides that, in specified circumstances, an employer must not request, and an employee is not required to provide, a sick note or similar document in relation to health-related leave taken on a short-term basis.

**BILL 11 – 2025**

**EMPLOYMENT STANDARDS AMENDMENT ACT, 2025**

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:

*1 The Employment Standards Act, R.S.B.C. 1996, c. 113, is amended by adding the following section:*

**Sick note not required**

**49.2** (1) In this section:

“**health practitioner**” means the following:

- (a) a medical practitioner;
- (b) a person who is authorized under the *Health Professions Act* to practise the designated health profession of nursing;
- (c) a person who is authorized to practise a designated health profession, within the meaning of the *Health Professions Act*, that is prescribed for the purposes of this definition;
- (d) a person who is authorized, in another jurisdiction, to practise a health profession that is equivalent to a designated health profession that may be practised by a person referred to in paragraph (a), (b) or (c);

“**health-related leave**”, in relation to an employee, means leave or other absence from work that is related to the health, illness or injury of the employee or a prescribed individual, other than leave under sections 50, 51, 52.1 and 52.11 and a type of leave or other absence from work specified in the regulations;

“**specified circumstances**” means the circumstances specified in the regulations in relation to health-related leave taken on a short-term basis;

“**specified health record**”, in relation to health-related leave, means a note, document or other record that is produced by a health practitioner at the request of the employee or prescribed individual for the purposes of proving a fact or circumstance in relation to the health-related leave.

(2) Without limiting sections 52.12 (5) and 52.13 (6) and subject to the regulations, if the specified circumstances apply to an employee’s health-related leave,

- (a) the employer must not request that the employee provide a specified health record to the employer in relation to the health-related leave, and

- CLAUSE 1:    ***[Employment Standards Act, section 49.2 – continued]***
- CLAUSE 2:    ***[Employment Standards Act, section 49.2]*** replaces a reference to the *Health Professions Act* with a reference to the *Health Professions and Occupations Act* and is consequential to the enactment of the *Health Professions and Occupations Act*.
- CLAUSE 3:    ***[Employment Standards Act, section 52.12]*** is consequential to amendments made by this Bill to the Act.
- CLAUSE 4:    ***[Employment Standards Act, section 52.13]*** is consequential to amendments made by this Bill to the Act.
- CLAUSE 5:    ***[Employment Standards Act, section 127]*** authorizes regulations in relation to section 49.2, added by this Bill to the Act.

- (b) the employee is not required to provide a specified health record to the employer in relation to the health-related leave.

**2     Section 49.2 (1) is amended in paragraphs (b) and (c) of the definition of “health practitioner” by striking out “Health Professions Act” and substituting “Health Professions and Occupations Act”.**

**3     Section 52.12 is amended**

**(a) by adding the following subsection:**

- (1.1) In this section and section 52.13, “**specified health practitioner**” means a person referred to in paragraph (a) or (b), or in paragraph (d) as it relates to those paragraphs, of the definition of “health practitioner” in section 49.2 (1). ,

**(b) in subsection (2) (a) (ii) by striking out “a medical practitioner, nurse practitioner or registered nurse” and substituting “a specified health practitioner”, and**

**(c) in subsection (5) by striking out “note from a medical practitioner, nurse practitioner or registered nurse” and substituting “note, document or other record that is produced by a specified health practitioner at the request of the employee or eligible person”.**

**4     Section 52.13 (6) is amended by striking out “note from a medical practitioner, nurse practitioner or registered nurse” and substituting “note, document or other record that is produced by a specified health practitioner at the request of the employee”.**

**5     The following paragraph is added to section 127 (2):**

(u.2) for the purposes of section 49.2,

- (i) prescribing designated health professions for the purposes of paragraph (c) of the definition of “health practitioner”,
- (ii) prescribing individuals, including by reference to classes of individuals, and specifying types of leave or other absences from work, for the purposes of the definition of “health-related leave”,
- (iii) specifying circumstances in relation to health-related leave taken on a short-term basis for the purposes of the definition of “specified circumstances”, including by reference to consecutive, non-consecutive and cumulative periods of health-related leave in a calendar year or other specified period, and
- (iv) providing for exceptions to subsection (2) of that section, and establishing limits or conditions for those exceptions; .



**Commencement**

- 6** This Act comes into force by regulation of the Lieutenant Governor in Council.