

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

- (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.