

Alberta Extends Long-Term Illness And Injury Leave To 27 Weeks



With the new year comes new considerations for employers, particularly as they relate to the provision of long-term illness and injury leave for employees.

Effective January 1, 2026, amendments to Alberta's *Employment Standards Code* (the "Code") have increased the maximum long-term illness and injury leave entitlement from 16 weeks to 27 weeks per calendar year. Additional information from the Alberta Government can be found [here](#).

Overview

The Code provides for long-term illness and injury leave for eligible employees who cannot work due to illness, injury, or quarantine (see [section 53.97](#)). Employees qualify if they have been employed by the same employer for at least 90 days.

Long-term illness and injury leave under the Code is typically unpaid unless a collective agreement or employment contract provides otherwise (i.e. the employee has sick pay entitlements or disability benefits). The key employer obligation arising out of the Code is job protection: employers must grant the leave to eligible employees and reinstate them to the same or an equivalent position at the end of the leave. Employees on leave are also considered continuously employed for years-of-service calculations.

January 2026 Amendments

As of January 1, 2026, eligible employees may take up to 27 weeks of long-term illness and injury leave per calendar year. In cases where employees began the leave before January 1, 2026, the new amendments allow for the leave length to be extended to reflect the new statutory maximum.

Where an adjusted end date extends beyond the period stated in the employee's original medical certificate, employees must provide a new medical certificate.

With the extension of allowed long-term illness and injury leaves from 16 weeks to 27 weeks, Alberta is now aligned with other provinces such as BC, Ontario, and Saskatchewan.

Information for Employers

Despite the new amendments, the framework regarding long-term illness and injury leaves under the Code remains the same. For one, employees are still required to provide a medical certificate (which may be issued by a nurse practitioner or physician) stating the estimated duration of any requested leave and the estimated return date. Employees are expected to provide the certificate before the leave begins or as soon as reasonably possible. Employees must also inform their employers of any changes to their estimated return date.

When returning to work, employees are required to provide at least one weeks' written notice to their employer. Two weeks' written notice is required if the employee does not intend to return to work after their leave ends.

Furthermore, under the Code, employers are not required to reinstate employees who fail to give notice or do not report to work on their next scheduled work day after their agreed upon return date. Exceptions may be made if an employee's return to work is delayed by unforeseeable or unpreventable circumstances.

Interaction with Human Rights Legislation

Despite the seemingly straightforward rules about long-term illness and injury leave found in the Code, employers need to remember that human rights legislation and "duty to accommodate" considerations also affect an employee's right to take extended leaves of absence for medical reasons. For example, the end of the 27-week Code required leave doesn't automatically mean that an employee who remains medically unable to work can now be terminated. In fact, there is a good chance that any such termination would be considered discriminatory under human rights legislation. Employers should always seek legal advice prior to terminating any employee who is absent from work for medical reasons.

Next Steps

The expanded leave duration makes it even more important for employers to have a consistent approach to managing leaves, including requesting and tracking medical certificates; confirming start and return dates; and documenting changes to leave duration.

The new amendments may also modulate internal labour demands, particularly in cases where employees already on leave may extend their leave by an additional 11 weeks.

Lastly, employers should consider how the extended leave provisions may impact reinstatement, termination, or performance management decisions affecting employees on or recently returning from leave.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

Authors: [Vicki Giles](#), [Tom Ndekezi](#)

McLennan Ross LLP