

Bill 30: Serious Illness Or Injury Leave: What BC Employers Need To Know



The BC government has introduced [Bill 30](#), which would create a new category of job-protected unpaid leave under the *Employment Standards Act* (“*ESA*”). If passed, this change will give employees the right to take up to 27 weeks of unpaid leave in a 52-week period due to serious illness or injury (the “**Serious Illness or Injury Leave**”). While there is no direct payroll cost to employers, the new leave will have meaningful impacts on workforce planning, scheduling, and disability management.

Implications for Employers

The new Serious Illness or Injury Leave is similar to an employer’s existing accommodation obligations under the BC the *Human Rights Code*, but provides additional protections.

While the accommodation obligations under *Human Rights Code* generally require employers to maintain employees’ employment while they are unable to work due to a mental or physical disability, the new Serious Illness or Injury Leave gives employees a separate legal right to take time off work. Moreover, it provides job protection. In other words, employees must be returned to their pre-leave position or a comparable position as soon as the leave ends.

Employers will have to comply with both the *ESA* and the *Human Rights Code* when addressing longer-term medical absences. This emphasizes the importance of accurately tracking medical documentation and leave length, and managing return-to-work processes. Care must also be taken when restaffing an employee’s position during their leave to limit liability to new staff once the employee is fit to return to their position.

What is Left to Be Clarified?

Certain aspects of Bill 30 will be clarified by future regulations, including the minimum length of employment before eligibility and which health professionals can certify medical leave. Additionally, the term “serious personal illness or injury” is not defined in the legislation, leaving its scope uncertain until further explanation is provided. Employers may also have questions about whether they can request ongoing medical updates, how much notice employees must provide for intermittent absences, and how the new leave will apply to employees already off work when the legislation takes effect.

Key Takeaways

Bill 30 will require employers to prepare for a new type of employment leave due to employee illness or injury. Policies, employment contracts, and HR procedures should be updated to reflect the new entitlement once it takes effect. More importantly, employers should begin reviewing their disability management practices, medical documentation procedures, and staffing contingency plans to ensure operational compliance.

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.

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