British Columbia Establishes New Illness And Injury Leave



On November 27, 2025, British Columbia Bill 30 received Royal Assent, establishing a new illness and injury leave for employees. This law, effective immediately, provides up to 27 weeks of unpaid leave each year.

Length of Leave and Eligibility

The new law amends the British Columbia *Employment Standards Act* (ESA) to provide up to 27 weeks of job-protected leave per 52-week period for any employee with a "serious personal illness or injury" that leaves them unable to work for at least one week. This 52-week period is measured from the date of an employee's first use of leave under the law.

Because this new leave is established alongside existing leaves under the ESA, employees taking serious illness or injury leave have the same rights as for other absences, including the right to be reinstated to the same or a comparable position.

The law provides that this leave is unpaid and must be taken in at least one-week increments. The length of an employee's leave is measured beginning either the day on which they became unable to work or the day on which they took leave from their work, whichever is earlier. Conversely, an employee's leave is considered to have ended when the employee returns to work, has taken the full 27 weeks of leave, or 52 weeks have passed since the employee's first leave within that period, whichever is earliest.

Importantly, the law does not prescribe a number of days that an employee must have been employed before being eligible for the leave, though the bill clarifies that such an employment eligibility period may be specified through subsequent regulation.

Leave Certification

Employees seeking to take this leave must provide their employers with a medical certification as soon as practicable. The certification, which must be obtained from a medical practitioner, must include all of the following information:

- A statement that the employee is unable to work for medical reasons;
- The date on which the employee's inability to work began, or, for leave that is forthcoming, the date on which the employee will be unable to work; and
- The date on which the employee is expected to return to work without needing

subsequent, related leave under the law.

If an employee returns from work before the end date specified in their medical certification and requires subsequent leave for the same medical reason, they may take additional leave until their existing medical certification's listed end date without requiring a new certification to be issued.

If an employee reaches the end date of the leave under their medical certification and needs additional leave, they must provide their employer with a new medical certification as soon as practicable.

Steps for Employers

Because the new law immediately established a new leave structure for employees of all tenures, British Columbia employers should take steps to:

- Update their policies for leave management to include those for serious illnesses and injuries.
- Train human resources personnel and managers on the updated restrictions and exceptions.

Additionally, employers should monitor further developments, especially regulations establishing an eligibility period for this leave, and seek legal guidance when updating procedures related to leave management.

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: Joe St. James, Osaro Obaseki

Littler LLP