No More Sick Notes? What B.C. Employers Need To Know About Bill 11, Employment Standards Amendment Act, 2025



The B.C. government introduced Bill 11 on April 15, 2025, proposing amendments to the *Employment Standards Act,* R.S.B.C. 1996, c. 113 (the "*ESA*") that will restrict employers from asking employees for a sick note for short-term health-related leave. Further details about the changes will come through regulations still to be developed and finalized, but the government has announced that these changes will be in force prior to the Fall 2025 respiratory illness season, which typically begins in October.

Bill 11 and its restriction on sick notes is aimed at easing the administrative burden on B.C.'s healthcare practitioners (including B.C. doctors who wrote approximately 1.6 million sick notes in 2024, according to the Canadian Medical Association, as set out in the Bill 11 news release). However, it will have a significant impact on how employers are allowed to manage their employees' short-term illness and injury leave.

What's the Proposed Change?

Under the *ESA* and the *Employment Standards Regulation,* B.C. Reg 396/95, employees in B.C. are entitled to 5 days of paid sick or injury leave, and an additional 3 days of unpaid leave.

Currently, employers may request a sick note from employees, and employees must "as soon as practicable, provide to the employer reasonably sufficient proof that the employee is entitled" to the sick leave (s. 49.1). If Bill 11 becomes law, provincially-regulated employers in B.C. will no longer be allowed to require a sick note from employees covered by the *ESA* for short-term sick or injury leave.

According to the BC government news release explaining Bill 11, regulations will be developed to set out how many days is considered a short-term absence, and how often an employee may be absent before their employer can request a formal sick note. In developing these regulations, the BC government will engage with stakeholders and may look to other provinces or the federal jurisdiction.

Ontario recently enacted changes to prohibit employers from requiring a sick note as evidence; in that province, employees are entitled to a total of 3 days of unpaid sick leave per calendar year. Last fall, Ontario's *Working for Workers Five Act,*

2024 passed, which, among other things, amended section 50 of the *Employment Standards Act, 2000* so that employers can require the employee "to provide evidence reasonable in the circumstances that the employee is entitled to leave" (s. 50(6)), but "shall not require an employee to provide a certificate from a qualified health practitioner as evidence" (s. 50(6.1)).

Federally, employers may only seek a certificate for statutory medical leaves lasting 5 days or more.

What This Means for Employers

While the intent of Bill 11 is to ease the administrative burden on health-care providers and support the individual health of sick employees, it will place a limitation on employers and human resources professionals. If Bill 11 passes and when further details are announced by regulation, employers should review and revise existing sick leave policies and procedures.

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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