

Engagement regarding Prohibiting Sick Notes for Short-term Work Absences

Issue: In April 2025, the Government of British Columbia (BC) introduced the *Employment Standards Amendment Act, 2025* (Bill 11) to prohibit employers from requiring employees to provide a “sick note”, written by a healthcare professional, for short-term absences from work. The Ministry of Labour is consulting with representatives for employers, employees, and healthcare professionals to help inform the development of regulations that will set out the details of the sick note restriction. These regulations will be implemented prior to respiratory illness season in Fall 2025.

Rationale: Healthcare professionals and labour advocates have raised concerns about requiring employees to provide a sick note as evidence to support a short-term absence from work. They note that sick note requirements can lead to an inefficient use of healthcare professionals’ time, create an unnecessary burden on BC’s healthcare sector, and unnecessarily expose the public to communicable diseases by forcing ill patients to leave their homes when seeking a sick note. Restricting this practice should alleviate some strain on the healthcare system by reducing the administrative burden on certain healthcare professionals, thereby providing them with more time to care for patients who need medical care. It will also help reduce the spread of communicable diseases. In addition, this will ensure that employees will not have to personally pay for such notes.

The Sick Note Restriction: If passed and brought into force, Bill 11 will restrict employers from requiring employees to provide sick notes from physicians, nurse practitioners and registered nurses for short-term absences from work for illness, injury, or other health related reasons, such as attending a medical appointment. The proposed restriction would only apply to sick notes to support an absence of a certain duration and/or frequency (to be determined). It would not apply to medical certificates or reports for other purposes, such as those required for longer absences, to support medical accommodations, or to certify that an injured worker is medically fit to return to work.

Details to be prescribed by regulation: Bill 11 provides that some details for the restriction will be set out in regulations that are still to be developed. This includes the following:

1. Setting the duration and/or frequency of an absence to which the sick note restriction applies
 - It has been suggested that sick notes should be prohibited for absences of five consecutive days or less. Some Canadian jurisdictions take the approach that employers can only ask for sick notes when the duration of the absence reaches a certain threshold (e.g., more than three to five consecutive days). Other jurisdictions prohibit employers from requiring sick notes for a certain number of absences, each

consisting of a specified number of consecutive days (in Nova Scotia, for example, the employer may not require a sick note unless the employee has already had at least two absences of five or less days due to sickness or injury in the previous year). Another approach is to prohibit sick notes until the employee reaches a specified number of cumulative days of absence throughout the year (e.g., the prohibition applies to the first five, non-consecutive, sick days in a year).

2. Adding other health care professions to the sick note restriction
 - Other health care professionals could be added to the sick note restriction in order to further reduce the administration burden in the healthcare system.
3. Restricting employers from asking for a sick note if an employee misses work on a short-term basis due to the illness, injury, or health of another specified person
 - The *Employment Standards Act* provides an employee with up to five unpaid days of leave per year to meet responsibilities related to the care or health of a child in the employee's care or of another member of the employee's immediate family. This includes the spouse, child, parent, guardian, sibling, grandchild, or grandparent of an employee, and any person who lives with an employee as a member of the employee's family. There are currently no restrictions prohibiting employers from requesting a sick note if an employee takes leave to care for such individuals, or any other person.

Other Jurisdictions: Sick note prohibitions are not unusual in Canada. Currently, seven jurisdictions have statutory restrictions on the use of sick notes to support short-term absences from work due to illness or injury. Most Canadian jurisdictions that restrict the use of sick notes provide that this prohibition only applies in relation to the job protected illness or injury leave (sick leave) that employees are entitled to under their employment standards laws. Please see the Appendix for more information regarding other Canadian jurisdictions.

No Change to Existing Sick Leave Entitlement: The proposed changes do not impact the sick leave entitlement under the *Employment Standards Act* (ESA) which provides employees with up to three days of unpaid sick leave and up to five days of employer paid sick leave per calendar year (i.e., eight total days each year). In addition, employers will continue to be able to ask employees to provide "reasonably sufficient proof" that they are entitled to take this leave. Where the duration or frequency of the employee absence falls under the threshold for the sick note restriction, "reasonably sufficient proof" cannot include a sick note from the specified professions; however, it may include other forms of proof, such as a hospital bracelet or a dated receipt from a pharmacy.

Feedback: The ministry requests feedback by June 20, 2025, on the following questions related to the details to be specified in the regulations, on expected impacts, and on anything else that government should consider when developing these regulations and implementing the sick note restriction.

1. Should the restriction apply to sick notes from other healthcare professionals besides physicians, nurse practitioners, and registered nurses? Which other healthcare professions should be considered, now or at a later date?
2. What is the threshold for a “short-term” absence to which the restriction should apply? How long, or how frequently, should an employee be absent due to illness or injury before an employer can require a sick note? Information on how other Canadian jurisdictions have addressed this issue is provided in the appendix for information only, and BC is interested in your input on the right approach for our province.
3. Should the sick note restriction be limited such that it only applies when the employee is absent from work for reasons related to their own health? Or should employers also be restricted from requiring a sick note in relation to another person when the employee is absent due to the health of that other person? If so, what other individuals should be captured (e.g., the employee’s child, immediate family members, or others)?

Appendix: Use of Sick Notes in Canadian Jurisdictions

Jurisdiction	Restriction on Sick Notes
British Columbia	<p>No general restrictions on the use of sick notes for short-term illness or injury leave.</p> <p>However, employers cannot ask employees to provide a sick note from physicians, nurse practitioners, or registered nurses to support their request for COVID-19 related leave, as provided under the <i>Employment Standards Act</i>.</p>
Alberta	No restrictions on the use of sick notes
Saskatchewan	<p>Currently no restrictions on the use of sick notes. In December 2024, amendments were introduced to prohibit employers from requesting a sick note with respect to the employee's absence from work due to illness or injury unless:</p> <ul style="list-style-type: none"> the employee's absence is longer than five consecutive working days; or the employee has had non-consecutive absences of two or more working days due to illness or injury in the preceding 12 months. <p>These amendments have not yet been passed.</p>
Manitoba	No restrictions on the use of sick notes
Ontario	Employers cannot ask employees to provide a sick note from a "qualified health practitioner" (i.e., a physician, a registered nurse, psychologist) to support their request for the sick leave entitlement under employment standards law.
Quebec	Employers cannot require employees to provide a "document" to support their entitlement to the sick leave entitlement under employment standards law for the first three periods of absence not exceeding three consecutive days taken over a 12-month period.
Nova Scotia	<p>Employers cannot require a sick note with respect to the employee's absence from work due to illness or injury unless:</p> <ul style="list-style-type: none"> the employee has missed more than five consecutive working days due to sickness or injury; or,

	<ul style="list-style-type: none"> the employee has already had at least two non-consecutive absences of five or fewer working days due to sickness or injury in the previous 12-month period.
New Brunswick	Employers can only require sick notes to support a request of four or more consecutive days of the sick leave entitlement under employment standards law.
Prince Edward Island	Employers can only require sick notes to support a request of three or more consecutive days of the sick leave entitlement under employment standards law. If a sick note is permitted it may be provided by a physician.
Newfoundland and Labrador	No restrictions on the use of sick notes
Yukon	No restrictions on the use of sick notes
Northwest Territories	Employers can only require sick notes to support a request of four or more consecutive days of the sick leave entitlement under employment standards law. If a sick note is permitted it may be provided by a physician, or, in some cases, a nurse practitioner or registered nurse.
Nunavut	No restrictions on the use of sick notes
Canada	Employers can only require sick notes to support a request of five or more consecutive days of the sick leave entitlement under employment standards law.