

Strengthening Eligibility Parameters for B.C.'s 27-Week Illness or Injury Leave and Reviewing the Cumulative Impact of Recent Employment and Standard Act Changes (2026)

Issue

B.C.'s new 27-week unpaid, job-protected illness or injury leave provides important support for workers facing serious health challenges. However, the absence of a prescribed minimum employment tenure creates undue cost, burden and exposure for employers, particularly small and medium-sized businesses. As this leave is just the latest in a suite of Employment Standards Act changes impacting employers in recent years, the provincial government should constrain eligibility for this leave and conduct a review of the cumulative impact of recent labour and employment law changes.

Background

In 2025, the provincial government introduced a new unpaid, job-protected leave of up to 27 weeks for employees experiencing serious illness or injury. While the business community supports balanced workplace standards that protect workers, they must remain practical for employers to administer and mitigate negative impacts on businesses. Feedback from the business community indicates that key elements of the leave's implementation lack sufficient eligibility requirements, increasing potential costs and administrative burden, particularly for small and medium-sized enterprises (SMEs).

Broad Eligibility Due to Lack of a Minimum Tenure Requirement

The legislation creating this leave foresees an eligibility requirement of a certain number of consecutive days of employment and gives government clear authority to establish a reasonable tenure threshold through regulation. However, the government has decided not to regulate a minimum tenure requirement, meaning employees may qualify almost immediately, and with very limited attachment to the employer.

This creates an undue burden for small and mid-sized employers. Without a reasonable tenure threshold, businesses may be required to manage job protection obligations for employees who have only recently started their employment. For SMEs operating with lean staffing models, these requirements can create significant scheduling, coverage, and workforce planning challenges, particularly around backfilling positions and covering absences.

B.C.'s business community is built by small business. Of the 550,000 businesses in B.C., 98% are small businesses with fewer than 50 employees.¹ Unlike large organizations with deeper staffing pools, smaller employers often lack the flexibility to absorb extended absences without incurring overtime, temporary staffing costs, or lost productivity. Establishing a clear minimum tenure requirement of 90 days of consecutive employment would better improve predictability and practicality for employers and aligning it with common provisions like paid illness or injury leave (paid sick days), paid statutory holiday eligibility, and provincial termination and pay requirements.

¹ BC Stats, Small Business Profile. Accessed online: March 3, 2026

Recent Legislative Changes Increasing Employer Burden

The introduction of the 27-week illness or injury leave comes amid a series of recent employment standards and labour relations changes that have collectively increased compliance complexity and cost pressures for B.C. employers. These include the addition of a new statutory holiday, the implementation of five days of mandatory paid sick leave, restrictions on employer use of sick notes, among others. While each measure has been advanced with specific policy objectives, their cumulative effect has materially shifted administrative and operational pressures onto employers—particularly small and medium-sized businesses with limited Human Resources capacity. As a result, a fulsome review of the cumulative impact of these changes is warranted.

THE CHAMBER RECOMMENDS

That the Provincial Government:

1. Amend regulations under the Employment Standards Act to establish a minimum employment tenure requirement of 90 days for eligibility for the 27-week serious illness or injury leave.
2. Commit to a comprehensive review, with meaningful business community involvement, of the cumulative impacts of recent Employment Standards Act changes, with the objective of protecting workers while mitigating and reducing the administrative and cost burdens placed on B.C. employers.

Submitted by the Greater Langley Chamber of Commerce, Delta Chamber of Commerce, and the Surrey & White Rock Board of Trade