August 7, 2025
Ministry of Labour
Via labour.policy@gov.bc.ca

RE: FEEDBACK ON PROPOSED 27-WEEK EXTENDED ILLNESS AND INJURY LEAVE

To Whom It May Concern,

On behalf of the undersigned business associations, which together represent industries throughout the B.C. economy and hundreds of thousands of workers, we are writing to provide our feedback on the Ministry's proposal to amend the *Employment Standards Act* to include a new, 27-week, unpaid, job-protected leave for illness or injury.

We appreciate the Ministry's desire to provide additional support to workers facing serious illness or injury. No one disputes the importance of compassion and flexibility in the face of life-altering medical challenges. However, the proposed changes raise several significant concerns for small- and medium-sized businesses (SMEs), who make up 98% of employers in British Columbia.

Now is not the time to impose new operational burdens on SMEs.

Employers in sectors across the economy are already facing a difficult environment: cost inflation, lingering supply chain challenges, a shortage of skilled workers, rising payroll and tax costs, and heavy regulatory compliance demands. Layering on a new, job-protected leave of more than six months – even if it's unpaid – further constrains employers' ability to manage their workforce and meet operational needs.

For small employers in particular, the absence of even one or two team members for extended periods can be deeply disruptive. For example, a 15-person company losing one worker for six months must absorb a 6.7% workforce gap – often without the ability to permanently backfill the role. The proposal, by requiring job protection without a clear end date (renewable every 52 weeks), will leave many business owners in a difficult limbo when making staffing and project planning decisions.

There is significant uncertainty related to this type of leave as rarely does the person taking it know how long it will be needed. It is one obstacle for a small employer to retain another employee to backfill an ill employee for a predictable leave of six months. It is another entirely for a leave that may begin as one month, becomes two, then ends after an additional two weeks. An employer is faced with the prospect of operating short-handed (and thus less productively) for an indefinite period, or hiring another employee for an indeterminate, short period. It is impossible for an employer to hire a backfill employee for a fixed length contact in such a circumstance, meaning that after three months that backfill employee will be entitled to severance – again increasing costs to the employer.

This policy creates more uncertainty without considering employer needs.

While the proposed leave aligns with Employment Insurance sickness benefits, those supports are federal and financial in nature – not workforce management tools. Under the B.C. proposal, the burden of navigating temporary replacements, maintaining productivity, and covering absent workers falls entirely on the employer, who has no mechanism to recoup costs or manage continuity.

We are also concerned that the proposal includes no minimum employment threshold, opening the door to leave claims almost immediately after hiring; and explicit restrictions on modifying job conditions, even when operations require flexibility.

There are also potential unintended consequences that are not considered in this proposal. For example, will time spent on this permitted extended leave be considered continuous service for the purpose of vacation accrual, severance, and other entitlements? If so, this would represent a significant cost and legal liability for employers, particularly SMEs, who may not have the capacity to absorb such obligations.

Moreover, there are already relevant protections in place. Employees dealing with illness or injury are already protected under the *BC Human Rights Code*, which prohibits discrimination on the basis of disability and which already inherently recognizes and balances the responsibilities of small vs. large employers. Employers routinely accommodate workers within this framework to the point of undue hardship, a well-established codification that recognizes the limits of small employers. Employees may also be eligible for EI sickness benefits, short-term disability insurance, or other employer-provided plans.

We recommend the Ministry pause implementation of this proposed leave and instead conduct a full economic impact assessment, particularly on SMEs. Any changes to the *Employment Standards Act* must balance compassion for individuals with the reality of operating a business. We also recommend:

- Setting a minimum employment tenure (we suggest 6 months) before eligibility.
- Capping leave renewals or requiring more robust requalification thresholds.
- Creating a narrow exemption or flexibility provision for small employers under a certain staff threshold.

While the goal may seem sensible, the execution of this policy risks hamstringing thousands of B.C. businesses. We urge the government to revisit this proposal through the lens of economic impact, employer burden, operational feasibility, and overall priorities around furthering worker protections – especially at a time when business confidence is low.

Sincerely,

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Dave Earle
President & CEO, B.C. Trucking Association

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