



LEADERSHIP, ADVOCACY AND SERVICE FOR MANITOBA'S PUBLIC SCHOOL BOARDS

Briefing to the Standing Committee on Social and Economic Development

Re: Bill 11 – *The Employment Standards Code Amendment Act (Sick Notes for Employee Absences)*

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On Behalf of: The Manitoba School Boards Association

Introduction

The Manitoba School Boards Association (MSBA) represents all public school boards in Manitoba and the Manitoba Institute of Trades and Technology (MITT). MSBA advocates on behalf of its members to ensure the continued strength, responsiveness, and sustainability of public education in Manitoba.

MSBA appreciates the opportunity to provide comments respecting Bill 11, *The Employment Standards Code Amendment Act (Sick Notes for Employee Absences)*.

Purpose and Scope of the Bill

Bill 11 proposes amendments to *The Employment Standards Code* to limit the circumstances under which an employer may require an employee to provide a sick note. Specifically, an employer may only request a sick note where an absence exceeds seven consecutive days or where an employee has been absent for more than ten scheduled workdays within the same calendar year. The Bill also expands the categories of health professionals who may issue a sick note and requires employers to reimburse reasonable costs associated with obtaining such documentation.

The Bill implements recommendations advanced through the Labour Management Review Committee (LMRC) process and reflects a broader effort to reduce administrative burden while supporting access to health care services.

MSBA Position

MSBA is supportive of the overall intent and direction of Bill 11.

In particular, MSBA recognizes and supports:

- The effort to reduce unnecessary administrative burden associated with sick notes;
- The acknowledgement of pressures within the health care system and the need to prioritize patient care;
- The expansion of recognized health professionals who may provide documentation; and
- The reliance on recommendations developed through the Labour Management Review Committee (LMRC).

MSBA strongly supports the continued use of the LMRC as a collaborative, consensus-based mechanism for reviewing proposed legislative changes impacting employers and employees. The LMRC process provides an important forum through which balanced and practical policy recommendations can be advanced.

Considerations for School Divisions

While Bill 11 is broadly applicable across sectors, its implementation has practical implications for school divisions as employers.

School Divisions operate within a distinct legislative and administrative framework under *The Public Schools Act*. In particular, school division governance, operational planning, and financial management are structured around the school year (July 1 to June 30), rather than the calendar year (January 1 to December 31).

This distinction has direct implications for how employee absences are tracked, managed, and reported within school divisions.

Recommendation: Alignment with School Year Framework

Bill 11 currently establishes a threshold tied to absences occurring within a “calendar year.”

MSBA recommends that the legislation be amended to allow for an alternative 12-month period to better align with sectors that operate on a different statutory or operational cycle.

Specifically, MSBA recommends:

That Bill 11 be amended to permit employers to apply the 10-day absence threshold over an alternative 12-month period, such as a school year (July 1 to June 30), where appropriate.

This adjustment would:

- Align legislative requirements with existing tracking and budgeting systems in the K–12 public education sector;
- Reduce administrative complexity for tracking systems;
- Support more accurate and efficient human resource management practices; and
- Maintain the intent and integrity of the Bill while allowing for necessary operational flexibility.

This proposed amendment is narrow in scope and does not alter the policy objective of the legislation. Rather, it ensures that implementation is practical and consistent with existing statutory frameworks governing public education.

Additional Consideration: Alignment with Other Jurisdictions

MSBA notes that other Canadian jurisdictions have adopted approaches that incorporate flexible 12-month measurement periods and similar thresholds when determining when a medical note may be requested. For example:

- **Saskatchewan** (*Employment Standards Act*, s. 2-40(3)) provides that employers may not request a medical note unless an employee has been absent for five consecutive days or has taken two or more non-consecutive sick days within a 12-month period;
- **Nova Scotia** (April 2023 amendments) provides that employers may not request a medical note unless an employee has been absent for more than five working days or has already had two absences of five or fewer days in the previous 12 months; and
- **Quebec** (October 2024 amendments) similarly allows for thresholds to be assessed over a 12-month period.

MSBA encourages the Committee to consider approaches such as these, which maintain the policy objective of reducing unnecessary administrative burden while providing flexibility in how absence thresholds are calculated. Incorporating similar language in Bill 11 would support consistency with other jurisdictions and ensure that Manitoba employers, including school divisions, are able to implement the legislation in a practical and efficient manner.

Implementation Considerations

As with other amendments to employment standards legislation, MSBA emphasizes the importance of:

- Clear communication and guidance to employers;
- Adequate implementation timelines; and
- Ongoing consultation with stakeholders, including MSBA and school divisions, as regulations or guidance are developed.

In Closing

MSBA appreciates the Government's efforts to modernize *The Employment Standards Code* and reduce unnecessary administrative requirements related to sick notes. MSBA supports the intent of Bill 11 and the collaborative LMRC process through which its recommendations were developed. At the same time, MSBA encourages a minor but important amendment to ensure alignment with the school-year-based operational framework of Manitoba's school system.

By incorporating flexibility with respect to the 12-month reference period, the legislation can better reflect the realities of public sector employers while maintaining its policy objectives.

MSBA looks forward to continued engagement with Government as this legislation proceeds and is implemented.