Doctor’s Note Restrictions Under Employment Standards Laws – Know The Laws Of Your Province



Companies typically require employees who call in sick to furnish a note from a doctor, licensed nurse, or other medical professional (which we’ll refer to collectively as “doctor’s notes”) to prove they were really sick and had to miss work. At least they used to. Employment standards laws in many jurisdictions now impose restrictions on using doctor notes to verify sick leave or short medical absences. Here’s a summary of the current doctor’s note rules and restrictions in each part of Canada.

Caveat: Keep in mind that these restrictions apply only to short medical absences, such as when an employee misses a couple of days of work with the flu. Employers have every right to demand a doctor’s note or other form of verification for long-term absences due to illness or injury, including absences to care for a sick or injured family member.

For more, go to the HR Insider website for a complete Sick Leave Compliance Game Plan.

FEDERAL

An employer may ask an employee who returns to work from a medical leave to provide a certificate issued by a health care practitioner certifying that the employee was incapable of working during the medical leave, provided that:

- The request is in writing.
- The medical leave lasts 5 or more consecutive days.
- The employer requests the certification within 15 days of the day the employee returns from medical leave (*Canada Labour Code*, Sec. 239(2)).

ALBERTA

The Employment Standards Code doesn’t expressly address an employer’s right to

require an employee to provide a medical note to verify sick days or short-term medical absences.

BRITISH COLUMBIA

An employer may not request that an employee provide a note, document, or other record produced by a health practitioner for purposes of proving a fact or circumstance in relation to the health-related leave (Employment Standards Act, Part 6).

MANITOBA

The Employment Standards Code doesn’t expressly address an employer’s right to require an employee to provide a medical note to verify sick days or short-term medical absences.

NEW BRUNSWICK

An employer may require employee to provide a certificate of a medical practitioner, nurse practitioner, or midwife certifying that the employee is incapable of working due to illness or injury if the requested leave is for 4 or more consecutive calendar days (Employment Standards Act, Sec. 44.021(2)).

NEWFOUNDLAND & LABRADOR

An employee need not provide an employer a certificate of a medical practitioner or nurse practitioner for sick leave lasting less than 4 or more consecutive days (Labour Standards Act, Sec. 43.11(3)).

NOVA SCOTIA

The Labour Standards Code doesn’t expressly address an employer’s right to require an employee to provide a medical note to verify sick days or short-term medical absences.

NORTHWEST TERRITORIES

An employer may only ask an employee to provide a certificate of a medical practitioner or nurse practitioner for sick leave if the leave lasts more than 3 consecutive days (Employment Standards Act, Sec. 29).

NUNAVUT

The Labour Standards Act doesn’t expressly address an employer’s right to require an employee to provide a medical note to verify sick days or short-term medical absences.

ONTARIO

An employer may require employee to provide reasonable evidence of entitlement to sick leave but may not require a certificate from a qualified health practitioner (Employment Standards Act, Sec. 50).

PRINCE EDWARD ISLAND

If an employee requests sick leave of 3 consecutive calendar days, the employer may require the employee to provide a certificate signed by a medical practitioner certifying that the employee is or was unable to work due to illness or injury (Employment Standards Act, Sec. 22.2).

QUÉBEC

An employer may require the employee to furnish a document attesting to reasons for a medical leave of absence when such a request is warranted such as by the duration or repetitive nature of the absence (Labour Standards Act, Div. V.0.1).

SASKATCHEWAN

An employer may, in writing, require an employee taking personal injury or illness leave to provide a certificate of a duly qualified medical practitioner certifying that the employee was incapable of working due to illness or injury (Saskatchewan Employment Act, Sec. 2-40).

YUKON TERRITORY

The *Employment Standards Act* doesn’t expressly limit an employer’s right to require an employee to provide a medical note to verify sick days or short-term medical absences.