

Medical Certificates And Bill C-68: What Are The Consequences For Employers?



Scope of Application and Entry into Force

The *Act* mainly to reduce the administrative burden of physicians (“Bill 29”) was passed on October 8, 2024. These provisions amend the *Act respecting labour standards* (the “ALS”) and will come into force on January 1, 2025. These new prohibitions also apply to employees governed by the *Act respecting labour relations, vocational training and workforce management in the construction industry*.

A Common Practice

The ALS stipulates that an employee must inform their employer of their absence as soon as possible, specifying the reason. If the absence is prolonged or frequent, the employer may request a document attesting to the reason.

Employers regularly request medical certificates justifying an employee’s absence, whether the absence is long or short-term, and sometimes for minor ailments such as a cold or gastro-enteritis.

New Bans

The aim of Bill 29 is to regulate and limit this practice. Firstly, it prohibits employers from requiring a medical certificate for an employee’s first three absences each year, when they are absent for three days or less.

This prohibition applies when an employee is absent for the following reasons:

1. Illness
2. When their presence is required with a family member or a person for whom they are acting as a caregiver due to a serious illness, a life-threatening illness or a serious accident
3. Their minor child is suffering from a serious, life-threatening illness
4. Their minor child has suffered serious bodily injury resulting from a criminal act, and the parent’s presence becomes necessary
5. When the minor child has disappeared
6. In the event of the death of a minor child, spouse, father or mother

The ALS also provides that an employee may be absent for up to ten non-consecutive

days per year for reasons related to the care, health or education of their child, or to help a person for whom they are acting as a caregiver.

The employer may request a document attesting to the reasons for the absence, but from January 1, 2025, it will be forbidden to require this document to be a medical certificate.

Points to Remember

An employer must not require an employee to provide a document attesting to the reasons for their absence for the first three times the employee is absent for three days or less in a year.

An employer may require a supporting document when an employee is absent from work for reasons relating to their child or a person for whom they are acting as a caregiver, but this document must not be a medical certificate.

The content of this article is intended to provide a general guide to the subject matter. Specialist advice should be sought about your specific circumstances.

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