Workplace Absences: Québec Limits Management Rights



On Oct. 9, 2024, Québec's Bill 68, *An Act mainly to reduce the administrative burden of physicians* (the "Bill"),[1] was assented into law.

The Bill aims to reduce the administrative burden of physicians who spend a significant amount of time on tasks such as completing insurance forms or medical certificates for patients, so they can focus on patient care.

However, while attempting to achieve this goal, the Bill also impacts employers by curtailing some management rights regarding employee absences.

Absences due to sickness

The Bill amends the *Act respecting labour standards*[2] (the "ARLS"), by providing that in the case of the first three periods of absence—of three days or less —taken by an employee over a period of 12 months, the employer may not request a document attesting for the reasons of such absences.

As such, employees who are absent due to sickness, organ or tissue donation, an accident, domestic violence, sexual violence or a criminal offence[3] will not be required to provide written justification for their absence, including a medical certificate, if the above-mentioned conditions are met.

Absences due to family-related obligations

For family-related obligations[4], while employers will be allowed to request documentation attesting to the reasons for the absence, they will no longer be permitted to specifically ask for a medical certificate regardless of the length of the employee's absence.

As a reminder, employees are allowed to be absent from work for up to 10 days per year to fulfil such family-related obligations provided that the employee has taken "reasonable steps within the employee's power to limit the leave and the duration of the leave."[5]

Conclusion

While Bill 68 serves an important purpose with regards to improving healthcare

access, it does raise concerns for employers who wish to properly manage employee absences.

However, it should be noted that Bill 68 does not prevent employers from managing absenteeism or imposing disciplinary measures to address abuse. Employers will, therefore, still be within their right to monitor absences from the workplace, within the parameters of these new amendments.

In addition, the new restrictions brought to the ARLS by the Bill will not impact the employer's right to require supporting documentation in relation with other leaves of absence provided in the ARLS such as compassionate care leave[6] or bereavement leave[7].

The above-mentioned amendments to the ARLS will come into force as of **January 1, 2025**.

Employers should proactively review their absence management practices and ensure managers understand the changes.

Footnotes

1 2024, c. 29.

2 CQLR, c. N-1.1.

3 *Id.*, s. 79.1.

4 *Id.*, s. 79.7.

5 Id., s. 79.7

6 ARLS, s. 79.8.

7 ARLS, ss. 79.10.1, 79.11, 80, 80.12

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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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