

BILL 68 AND MEDICAL CERTIFICATES: IMPORTANT NEW PROVISIONS FOR EMPLOYERS

Posted on January 21, 2025

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Bill 68, *An Act mainly to reduce the administrative burden of physicians*,^[1] which came into force on January 1, 2025, amends certain provisions of the *Act respecting Labour Standards* (the "ALS").^[2] In fact, since January 1, 2025, employers must be more careful before requesting documentary evidence to justify certain employee absences.

It is therefore clear that the practices and policies followed by certain employers will have to be revised.

Before Bill 68

Before Bill 68 came into force, section 79.2 of the ALS provided that employers could request that employees provide a document attesting to the reasons for their absence if warranted by the circumstances, such as the duration of the absence or its repetitive nature.

Absences Including Sick Days

Going forward, an additional requirement is added to section 79.2 of the ALS. Employers may no longer request that employees provide a document justifying their absence for the first three (3) absences of less than three (3) consecutive days within a twelve (12) month period for the following reasons: sickness, an organ or tissue donation, an accident, domestic violence, sexual violence or a criminal offence.^[3]

However, a few exceptions apply:

- If an employee is absent for one of the reasons above on more than three (3) occasions for three (3) consecutive days or less within a twelve (12) month period, the employer may request documentary evidence justifying the absence,^[4] such as a medical certificate.
- In cases where an absence lasts more than three (3) consecutive days for the reasons above, the employer may also request that the employee provide documentary evidence justifying the absence, such as a medical certificate.

Medical Certificates and Family Obligations

Section 79.7 of the ALS already provided that, among other things, an employee may be absent from work for ten (10) days per year to fulfil obligations relating to the care, health or education of the employee's child or the child of the employee's spouse, or because of the state of health of a relative.

Going forward, following Bill 68, employers may no longer request that employees provide medical certificates to justify absences due to family obligations, although they may request other types of supporting documents.^[5]

Certain Other Absences

Bill 68 covers only the absences referred to above. Thus, employers may continue to request that their employees provide documentary evidence justifying all other absences covered by the ALS.

As of January 2025

Some employers must now revise and reassess their practices and policies to comply with the provisions of Bill 68.

Should you have any questions about this bulletin or require further information, please contact one of the members of our team.

[1] *An Act mainly to reduce the administrative burden of physicians*, 1st Session, 43rd Legislature (Qc).

[2] *Act respecting Labour Standards*, CQLR c N-1.1.

[3] *Ibid*, s. 7. See also s. 79.2 of the ALS.

[4] *Ibid*, s. 8.

[5] *Ibid*, s. 9.

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A Cautionary Note

The foregoing provides only an overview and does not constitute legal advice. Readers are cautioned against making any decisions based on this material alone. Rather, specific legal advice should be obtained.

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