

Employment Update: Restrictions on Employer Sick Note Requests in Canada - Nov 2025

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The government of British Columbia recently passed new rules regarding short-term sick leaves, and in particular introduced new restrictions on requests by employers for employees to provide “sick notes”.

In doing so, British Columbia joined other Canadian lawmakers that have moved decisively in recent years to curb routine demands for sick notes, aiming to reduce strain on the health-care system and simplify short-term absence management. Several jurisdictions now prohibit or tightly restrict employer requests for medical certificates for brief absences, with British Columbia, Ontario, Quebec, Nova Scotia, Saskatchewan, and the federal jurisdiction each implementing clear thresholds and procedures. Others, including New Brunswick, Prince Edward Island, and Newfoundland and Labrador, have maintained or refined longer-standing frameworks that set parameters for when a note can be sought.

This update summarizes the current landscape, beginning with those jurisdictions where the changes were most recently introduced, and highlights practical compliance steps for employers.

British Columbia

Effective November 12, 2025, British Columbia prohibits employers from asking for or requiring a medical note for a worker’s first two health-related absences of five consecutive days or fewer in a calendar year. These restrictions were implemented through amendments to the *Employment Standards Regulation* following Bill 11, the *Employment Standards Amendment Act*, 2025, which received Royal Assent on May 29, 2025.

The definition of “health-related” expressly includes absences due to illness or injury of the employee or an immediate family member. This includes the five paid and three unpaid days of sick leave available under the BC ESA. Employers may still request reasonably sufficient proof (which may include medical notes) for absences longer than five consecutive days, or after two short-term health-related absences in the same year. In addition, there are exceptions for

documentation requests even within the first two short absences (i) to assess whether the employee is fit to return to work, and (ii) to determine whether accommodation is required.

These restrictions do not apply to other statutory leaves under the BC ESA (including, for example, compassionate care, critical illness, maternity or parental leave).

Quebec

Effective January 1, 2025, Quebec's Bill 68 prohibits employers from requiring any document attesting to the reasons for an employee's absence, including a medical certificate, to justify the first three short-term absences (each of three consecutive days or less) within a rolling 12-month period measured from the first such absence, when the absence is due to sickness, an accident, organ or tissue donation, domestic or sexual violence, or a criminal offence. Employers are also barred from demanding a medical certificate for absences taken to meet family or caregiver obligations, regardless of length, though other non-medical evidence reasonably related to the absence may still be requested. Employers may continue to seek supporting documentation for absences longer than three consecutive days and, from the fourth short-term absence within the 12-month window, for the covered reasons.

Newfoundland and Labrador

Effective December 4, 2024, Newfoundland and Labrador repealed the *Labour Standards Act* provision that required an employee to provide a medical or nurse practitioner's certificate to substantiate three or more consecutive days of the Act's seven days of unpaid sick leave. The repeal eliminates the statutory "sick note" requirement for short-term statutory sick leave but does not bar employers from setting their own documentation rules. Employers should review and update policies accordingly and distinguish short-term statutory sick leave, where a note is no longer mandated by statute, from longer-term medical leaves created under companion reforms (such as long-term illness or injury and organ donation leaves), which still require a medical or nurse practitioner certificate.

Ontario

Ontario amended the *Employment Standards Act, 2000* effective October 28, 2024, to prohibit employers from requiring a certificate from a qualified health practitioner as evidence that an employee is entitled to Ontario ESA short-term sick leave. Employers may still request "evidence reasonable in the circumstances," such as an employee attestation, but they cannot require a medical note from a physician, registered nurse, or psychologist for Ontario ESA short-term sick leave. The restriction applies to the Ontario ESA's three days of unpaid, job-protected sick leave per calendar year for employees with at least two consecutive weeks of service. It does not affect an employer's ability to seek appropriate medical documentation for other purposes, such as accommodation or return-to-work planning, or where an absence is outside Ontario ESA short-term sick leave, or the employee has exhausted the Ontario ESA entitlement.

Prince Edward Island

In Prince Edward Island, amendments introducing paid sick leave took effect October 1, 2024, and confirmed that an employer may require a medical certificate when an employee takes three consecutive days of sick leave.

Nova Scotia

Nova Scotia's *Medical Certificates for Employee Absence Act* came into force on July 1, 2023, and limits when employers can require a sick note. An employer may request a medical certificate only if an employee's absence due to sickness or injury lasts more than five consecutive working days, or if the employee has had at least two non-consecutive absences of five or fewer working days in the prior 12 months. The Act also broadens who may certify the absence, allowing notes from qualified health professionals providing care, such as nurses, dentists, pharmacists, physiotherapists, or social workers.

Federal (Canada Labour Code)

For federally regulated employers under Part III of the *Canada Labour Code*, a key restriction took effect on December 1, 2022. An employer may request a medical certificate only when an employee has taken a medical leave of absence, with or without pay, of at least five consecutive days, and any request must be made in writing no later than 15 days after the employee's return to work. This change was introduced alongside the entitlement to up to 10 days of paid medical leave per year and prevents sick note requests for short one to four-day absences.

New Brunswick

New Brunswick's *Employment Standards Act* also limits when employers can require a sick note. Employees who have worked at least 90 days are entitled to up to five unpaid sick days in a 12-month period, and an employer may request a medical certificate only when an employee takes sick leave of four or more consecutive days. For shorter absences, employers should not demand a doctor's note and may instead seek other reasonable evidence of entitlement where appropriate.

Saskatchewan (upcoming)

Saskatchewan has enacted Bill 5, *The Saskatchewan Employment Amendment Act, 2024*, which received Royal Assent on May 13, 2025, and comes into force on January 1, 2026. Under the amended *The Saskatchewan Employment Act*, employers are prohibited from requesting a medical certificate to verify an absence due to illness or injury unless the employee has been away for more than five consecutive working days or has had two non-consecutive absences of two or more working days due to sickness or injury in the preceding 12 months. The limitation applies to absences related to the employee's own condition and to leave connected to an immediate family member's illness or injury.

Employer Takeaways

Employers in the applicable provinces should update their attendance management and leave policies to reflect statutory verification thresholds for employee absences, with the goal of

incorporating clear, consistently applied policies, and ensure they retain appropriate documentation to support accommodations, benefits administration and extended leaves.

For specifically tailored advice on navigating sick note restrictions and updating your attendance and leave policies across Canadian jurisdictions, please reach out to a member of Blaney's [Labour and Employment Group](#).

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