

## Human Resources Legislative Update

# Federal Government Tables Bill to Provide 10 Days Paid Sick Leave and to Protect Healthcare Workers From Intimidation

**Date:** November 29, 2021

On November 26, 2021, the federal government tabled Bill C-3, [An Act to amend the Criminal Code and the Canada Labour Code](#).

### Amendments to the *Canada Labour Code*

If passed, Bill C-3 would amend the *Canada Labour Code (Code)* to provide employees in federally regulated industries with up to 10 days of paid medical leave. After completing one month of continuous employment with an employer, an employee would earn one day of paid medical leave at the beginning of each month, up to the 10-day maximum. The paid medical leave must be paid at the employee's regular rate of wages for their normal hours of work.

In addition, any days of paid medical leave that an employee does not take in a calendar year would carry forward to January 1st of the following calendar year and count towards the 10 days that can be earned in the new year.

An employee would be entitled to take their paid medical leave in one or more periods; however, the employer may require that each period of leave be of not less than one day's duration. Further, an employer may, in writing and no later than 15 days after an employee who has taken paid medical leave has returned to work, require the employee to provide a certificate issued by a health care provider that they were incapable of working for the period of their leave.

Finally, in order to avoid duplication with the current personal leave provisions under the *Code*, Bill C-3 would repeal section 206.6(1)(a) of the *Code* that provides for up to five days of leave per year (the first three of which are currently paid days) for treating a personal illness or injury. It also provides for regulation-making authority to modify, in certain circumstances, the provisions respecting paid medical leave.

### Amendments to the *Criminal Code*

Bill C-3 would amend the *Criminal Code* to address circumstances where healthcare workers, or those seeking to access healthcare, are subject to intimidation. In particular, Bill C-3 would make it an offence to engage in conduct with the intent to provoke a state of fear in:

- a person in order to impede them from obtaining health services from a health professional,
- a health professional in order to impede them in the performance of their duties, or
- a person, whose functions are to assist a health professional in the performance of the health professional's duties, in order to impede that person in the performance of those functions.

Bill C-3 would also make it an offence to intentionally obstruct or interfere with another person's access to a place at which health services are provided by a health professional.

A person who commits one of these offences would be guilty of an indictable offence and liable to imprisonment of up to 10 years, or, for less serious cases, of an offence punishable on summary conviction.