

Federal Post

Federal Budget Bill Proposes Amendments to 10 Days' Paid Medical Leave of Absence under *Canada Labour Code*

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On April 28, 2022, the federal government tabled Bill C-19, [Budget Implementation Act, 2022, No. 1](#), giving effect to the initiatives found in its April 7, 2022 budget, [A Plan to Grow Our Economy and Make Life More Affordable](#).

This *Federal Post* focuses on the Bill C-19 amendments to the new paid medical leave of absence (10 days per calendar year) in the *Canada Labour Code* (CLC). That leave of absence was enacted by Bill C-3, [An Act to amend the Criminal Code and the Canada Labour Code](#), but **has not yet been proclaimed into force** (see our [prior blog post](#) on Bill C-3).

If passed, Bill C-19 would make the following changes to the paid medical leave of absence:

- it would apply only to employers with 100 or more employees on the day the provision comes into force, even if that number subsequently drops below 100 (note that Bill C-19 would allow for the repeal of this provision at a later date)
- the service requirement would be reduced such that employees begin accruing one day of paid medical leave of absence per month following 30 days of continuous employment (reduced from 60 days in the Bill C-3 amendments); employees remain entitled to three days of paid medical leave of absence after completing 30 days of continuous employment
- the provision that an employer may require a certificate issued by a healthcare practitioner to substantiate a medical leave of absence without pay of three consecutive days would be removed; employers would now be able to ask for a certificate where an employee has taken a medical leave of absence of at least five consecutive days (regardless of whether the leave was paid or unpaid)
- section 189 would now apply to this provision; that section states that employees who change employers due to the lease or transfer of a work, undertaking or business, or due to a contract being awarded through a retendering process, are deemed to be continuously employed with one employer, among other things.

Bill C-19 also authorizes the making of regulations with respect to:

- the entitlement of 10 days of paid medical leave of absence in a calendar year
- the carry-over of days at the end of a calendar year, and
- the modification of the entitlement where employees or classes of employees earn paid medical leaves of absences that are substantially equivalent to the entitlement provided under the CLC.

Bill C-19 states that these amendments would come into force upon proclamation, but no later than December 1, 2022 (with the exception of the 100-employee threshold, which would come into force upon proclamation).

Editor's Note: Bill C-19 received Royal Assent on June 23, 2022.

Please contact [your regular Hicks Morley lawyer](#) should you have any questions regarding these changes.

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