



Company requested Medical certificate; Grounds for the company to request a medical certificate and what must be provided on the certificate .

Section 239(1) (c) of the Canada Labour Code provides that you cannot be dismissed or disciplined due to absence. However, it also provides that the employer can request a medical certificate “certifying” that you were unable to be at work due to injury or illness for a specified period that coincides with your absence from work.

You are not required to provide information on the nature of your illness or injury, only that you were unable to be at work due to injury or illness for a specified period that coincides with your absence from work.

Canada Labour Code – Section 239. (1)

239. (1) Subject to subsection (1.1), no employer shall dismiss, suspend, lay off, demote or discipline an employee because of absence due to illness or injury if

(a) the employee has completed three consecutive months of continuous employment by the employer prior to the absence;

(b) the period of absence does not exceed twelve weeks; and

(c) the employee, if requested in writing by the employer within fifteen days after his return to work, provides the employer with a certificate of a qualified medical practitioner certifying that the employee was incapable of working due to illness or injury for a specified period of time, and that that period of time coincides with the absence of the employee from work