

LABOUR MANAGEMENT REVIEW COMMITTEE

October 16, 2025

Honourable Malaya Marcelino
Minister of Labour and Immigration
Room 156 Legislative Building
Winnipeg, MB R3C 0V8

Dear Minister:

As requested in your letter of July 31, 2025, the Labour Management Review Committee (LMRC) has convened to provide input on potential changes to the Employment Standards Code (Code) regarding the addition of a new unpaid attachment leave for the purpose of adoption and surrogacy and the limitations to the use of sick notes.

The LMRC met on September 3, 15, and 26 to discuss these matters and are pleased to provide our consensus recommendations supporting the addition of a new unpaid attachment leave for the purpose of adoption and surrogacy and limitations to the use of sick notes. Specifically, the LMRC is supportive of parameters as follows:

Attachment Leave

- The proposed leave should align with the recent federal amendments to The Employment Insurance Act and The Canada Labour Code so that employees in Manitoba can access the new federal EI benefits. The proposed leave should also be consistent with similar leaves under Manitoba's Employment Standards Code, such as maternity and parental leaves.

Sick Notes

- There should be legislation prohibiting employers from requiring a sick note in the following circumstances:
 - Before an employee has been absent from work for a total of seven (7) consecutive calendar days (1 week). Once the seven (7) consecutive calendar days are exceeded, employers would have the right to require a sick note should they choose to do so.
 - Before an employee has been absent from work for a total of ten (10) workdays in a calendar year. Once the ten (10) workday threshold is exceeded, employers would have the right to require a sick note should they choose to do so.
- LMRC should review the legislation after three years to determine if it is meeting objectives and/or presenting any operational challenges in practice.
- The restriction of requesting sick notes should apply to requests under all circumstances (the Nova Scotia model) and not just cases where employees are accessing up to three unpaid family leave days under the Code. In other words, it should not matter whether employees are using paid or unpaid sick leave.
- All sick notes/medical reports which are required by the employer will be paid for by the employer.

- Sick notes should be defined as short-term absence verification documents originating from any regulated health care professional operating within the scope of their practice (that is: entitled to diagnose and provide treatment for the particular condition) and not just notes from physicians.
- No restrictions will apply to employers requiring medical certificates/reports for accessing long-term leave under the Code (as well as EI or insurance benefits), nor will any restrictions apply to documents necessary for safety, disability, insurance or for informing safe and appropriate work, such as safe return to work plans, accommodation forms, functionality assessments, etc.
- The branch should undertake a proactive education initiative to inform employers of the new rules with the aim of maximizing compliance, including a reasonable phase in period (we suggest six months). The Code's existing penalty should apply in the case of non-compliance (with the normal enforcement by the branch and appeal process to the Labour Board), but that education, not punitive penalties, should be the first approach by the branch/Manitoba Labour Board.

The committee wishes to thank you for the opportunity to provide input on these potential changes and would also like to express our appreciation to the Labour and Management Caucus members for their consideration of these issues and to departmental staff for their assistance and support.

If you have any questions, or wish to discuss any aspect of this letter, please do not hesitate to contact the Chairperson, Michael Werier.

Sincerely,



Kevin Rebeck
Labour
Caucus Chair



Michael Werier
Chairperson



Peter Wightman
Management
Caucus Chair

cc: Members of the Manitoba Labour Management Review Committee