Advice to members

Issuing sick leave certificates

February 2017
"A modern award or enterprise agreement may include terms relating to the kind of evidence that an employee must provide in order to be entitled to paid personal/carer’s leave, unpaid carer’s leave or compassionate leave."

FAIR WORK ACT 2009 - SECT 107, part 5

An employer’s acceptance of a certificate from a non-medical practitioner is likely to depend on whether they consider the certificate to be reasonable (on objective grounds) in the circumstances. The previous Australian Fair Pay and Conditions Standard listed professions that could sign a personal/carer’s leave certificate, but there is no list in the National Employment Standards, which are 10 minimum employment entitlements that have to be provided to all employees covered by the national workplace relations system. There is thus no guarantee that a certificate from an optometrist would be acceptable to an employer, so the person requesting the certificate will need to check with their employer whether a certificate from an optometrist is acceptable under the terms of any award under which they are employed.

A certificate is a legal document and any practitioner making a false, misleading or inaccurate statement could face civil or legal criminal action.

An employee can take paid sick leave when they can’t work because of a personal illness/injury. An employee is not necessarily entitled to personal leave when attending a routine appointment, but if the reason for the appointment relates to a condition that makes the person unable to work, a certificate can be generated e.g. in the case of optometric consultations, for conjunctivitis, or where there has been dilated pupil examination. The certificate may specify the necessary time away from the workplace.

The certificate should only be issued for a condition or injury observed by the optometrist or reported by the patient and considered to be true by the optometrist. The certificate should be restricted to matters within optometric scope of practice. The optometrist should not include any diagnosis or details of the patient’s condition unless they are given permission to do so.

The optometrist may wish to have a printed form where they fill in the details. Alternatively they may wish to use letterhead. The certificate must be legible; it may be written or typed and should use layman’s terms so it can be understood by the patient’s employer. Abbreviations or optometric jargon should not be used.

The certificate should include the following information:

- The name, address and contact telephone number of the optometrist issuing the certificate
- The name of the patient
The date on which the certificate was written
The date of the examination
The dates to which the certificate applies for sick leave purposes – if the optometrist believes that the patient needs to have a specific number of days away from work, this should be indicated.
The degree of incapacity of the patient. (In Victoria, the certificate must state the employee was, is or will be unfit for work because of personal illness or injury.4)
The signature of the optometrist issuing the certificate.

A certificate may be issued after the patient has taken sick leave and in this case must state the date on which the certificate was issued and the period during which the optometrist believes that the patient would have been unfit for work.

The examination date must be the date on which the patient attended the optometrist; it must not be altered to correspond with an existing or proposed absence from work.

The optometrist may request that the patient signs the certificate, both as a means of identification and to acknowledge the content of the certificate.

Optometrists should indicate on the patient’s record that a certificate for sick leave has been issued and the dates that the certificate covers.

References