

Information sheet for Medical Practitioners and Medical Specialists

Medical certificate requirements for NSW Police Force Employees

NSW Police Force is committed to the implementation of strategies that ensure the health, safety and wellbeing of all employees in the workplace and to the broader goals of achieving and sustaining a productive, healthy, efficient and high performing workplace.

As a condition of a number of NSW Industrial Awards the provision of paid sick leave is subject to an employee, where required, providing evidence of illness which must indicate the nature of illness or injury and the estimated duration of the absence. NSW Police Force employees like other public sector employees are required to meet this standard in order to be paid sick leave.

It is noted that these types of provisions are not unusual and comprehended by the NSW Office of the Privacy Commissioner. Refer to the link at:

http://www.lawlink.nsw.gov.au/Lawlink/privacynsw/ll_pnsw.nsf/pages/privacy_faqsickleave

NSW Police Force is aware that the nature of illness specified in a medical certificate is a type of personal information which falls within the *Health Records and Information Privacy Act (HRIPA) 2002*. As such appropriate procedures are in place within NSW Police Force to ensure that this information remains confidential and complies with legislative requirements.

If an employee is concerned about disclosing the nature of the illness to their Manager they may elect to have their application for paid sick leave dealt with confidentially by another appropriate person. As you would be aware, NSW Police Force has a duty of care to employees and in some circumstances the nature of illness is relevant in ensuring compliance with the *Occupational Health and Safety Act 2000*.

The Medical Council of New South Wales Medical Certificates Policy states

2.7 Patient rights to confidentiality must be respected; a diagnosis should not be included in a certificate without a patient's consent and includes the footnote Certain employers (eg state instrumentalities) insist on this information.

It is ultimately an employee's choice whether they provide medical evidence to meet the award requirements for paid sick leave. Furthermore, it is a matter for an employee whether they provide their treating doctor with consent to include nature of illness on a medical certificate. Where consent is given to a treating doctor, it is understood that there should be no reason why the nature of illness is not included on a medical certificate.

NSW Police Force has developed a consent form for employees to sign in circumstances where they wish to be paid sick leave and their treating doctor is concerned about including the nature of illness on a medical certificate.