**MEDICAL CERTIFICATES**

At the outset, the medical information on Medical Certificates belongs to the teacher and not the union or the employer.

Generally, the employer is entitled to know in order to assess routine requests for extended medical leaves:

* whether the employee is under the care of a physician;
* whether the employee is following the care/treatment;
* what the return to work date is, if known; and
* any modifications required to support a return to work.

The employer is **not** entitled to know:

* diagnosis; or
* details of treatment.

As well, employers are not entitled to contact a member’s physician/healthcare provider directly without the consent of the member. Legal does not recommend that members provide consent for their employer to contact their physician directly. All medical information should go through the employee and/or local. This is regardless of whether the medical information is for a partial or complete medical leave or for accommodation purposes. WCB, however, is able to contact a physician for a teacher who is on a WCB claim.

The local and/or member should make sure that the preamble on the medical form that the member signs and brings to their physician to complete only authorizes the physician to complete the medical form; it should not provide consent for the physician to release information directly to the employer. Often physicians will complete the form after the member has left the office and may not complete the form as fully as the member expected. It’s important that the teacher look at the completed medical form and check that it reflects the conversation they had with the doctor prior to it being sent to the employer. In Local 2, the office gets the completed medical form either from the Dr. or the member and sends it to HR.

Teachers should talk to their doctor about any concerns they have with respect to disclosing private medical information. Examples of information which usually does not have to be provided:

* diagnosis
* specific treatments
* medication
* types of therapies
* reasons for the illness

The Taylor Award outlines a balance between ‘employee privacy’ and the ‘employer right to know’ for accommodation purposes or for dealing with work assignments.

If teachers submit forms with less information that is reasonably necessary in the circumstances, this leads to employer requests for more information.

Sometimes, teachers will ask doctors to weigh in and be very specific as to:

* what their work schedule must be
* types of students they can work with
* what classes they can teach or not teach

More information may be necessary where the teacher is seeking a very specific accommodation including teaching only certain classes or working a preferred schedule.

More detailed medical information may also be necessary if raising medical issues as an explanation for conduct or competency concerns.

When medical forms are used for a specific teacher it is important that we do not discourage doctors from providing information that may be reasonably necessary to assess a need for medical leave.

We should not assume that provision of the most minimal medical information is always in the member’s interest.  Responses to questions should be consistent with what is reasonably necessary to determine eligibility for medical leave or is otherwise in the member’s interest to provide. This may vary depending on the circumstances. Similarly, our advice to members on how to discuss the form with their doctor should also reflect the individual circumstances.

Anything in addition to the questions on either of the forms (Request for Partial Leave & Request for Extended Leave) will need to be on a case by case basis and will require the involvement of the local.