

## What you should know about sick leave

You should become familiar with your rights and obligations regarding sick leave so you know what to do when you are sick or ill – whether your condition is short or long term. This column provides information on article 34 of the collective agreement which contains the “rules” on taking sick leave. It also provides information on related policies and processes.

### **How am I required to notify my manager when I’m sick?**

When you can’t attend work because you are sick, injured, or quarantined, you must notify your manager according to the Board’s “Notification of Absences Policy”. It says that “Employees unable to attend work, as scheduled, must attempt to personally contact their manager (or designated alternate) by telephone as soon as possible before their next scheduled shift. If such employees are unable to personally contact their manager, they may leave a voice mail...”

### **What must I tell my manager when I phone in sick?**

You are only required to tell your manager:

- The general reason for your absence, i.e., that you are sick, injured, or quarantined
- Your expected date of return
- A telephone number at which (or through which) you can be contacted

### **Can my manager call me when I’m sick?**

Your manager may call you to:

- Obtain **urgent** work-related information
- Find out when you expect to return to work, if you did not return on your expected return date

Sometimes a manager may call you at home out of genuine concern for your well-being. (For example, a manager might call someone who lives alone because they are concerned the person may need help.) However, if your manager calls you at home and you feel the calls are intrusive, you can ask your manager to stop calling you. If you feel uncomfortable speaking to your manager about this, contact your shop steward for assistance.

### **Can my manager ask me to provide medical evidence if I’ve been off sick for a few days?**

Normally, your manager should not ask for a doctor’s note (or any other form of proof) if you are away for five days or less. Your manager should treat you with respect and accept that you are legitimately sick when you phone in. A few people might try to abuse sick leave, but that’s not an acceptable reason to treat everyone with suspicion. A manager needs evidence to question someone’s use of sick leave. Asking for a doctor’s note should be the exception, not the rule.

### **When is it acceptable for my manager to ask for a doctor’s note?**

Article 34.01 identifies the kinds of conditions under which it may be acceptable for a manager to ask you to provide a doctor’s note. These are:

- Where it appears that a pattern of consistent or frequent absences from work is developing
- When you have been off for more than five consecutive scheduled days of work
- When at least 30 calendar days have elapsed since the last note or statement and you have been on sick leave throughout that time

If your manager asks you to provide a doctor’s note or evidence of your illness, contact your shop steward. Your steward will clarify your rights and help you determine whether your manager’s scrutiny of your sick leave is over zealous. When you are struggling to maintain or regain your health, your shop steward can be an ally in protecting your rights and in meeting your obligations to the employer.

### **It seems to me that one of my work colleagues is taking too much sick time.**

Sometimes people are tempted to speculate about the use of sick leave by a colleague. We should give our colleagues the same respect as we expect from our employer when we need sick leave. Even though a manager may ask for a doctor’s note under the conditions listed above, most of the time, the Board finds that there are no reasons to question use of sick leave. You should

also keep in mind that many illnesses that are prevalent in our society are invisible, such as chronic fatigue and psychological and mental health illnesses.

**What information should my doctor include in a note?**

Check that your doctor includes this information:

- The date of your visit with your doctor
- The general nature of your illness – not the diagnosis
- The prognosis and expected return date

A note written on a prescription pad is acceptable. If your doctor charges for this, you must pay the fee.

(See a sample note in the box below.)

<p>Dr. B. Well, M.B., B.Ch. Suite 104, Healthee Medical Bldg, 55 Illness Way, Delta, B.C. 604 444-4444</p> <p><i>July 30, 2007</i> <i>I saw Jane Doe today. She is recovering from surgery and is under my care. I expect she will be able to return to work by September 15, 2007.</i></p> <p><i>B. Well, M.D.</i></p>
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**After receiving the note, can my manager ask for more proof?**

No, not if the doctor's note is complete – i.e., it contains the information listed above. The Board must treat your doctor's opinion of your illness as valid. Your manager also can't ask you to be examined by another doctor. If the note isn't complete, the Board can require you to take an "Employee Absence Statement" form to your doctor to complete. This will mean another visit to your doctor. The form asks for more information than is required on a doctor's note.

If your manager asks you to provide a completed Employee Absence Statement, contact your shop steward before you take the form to your doctor.

**To whom do I return the doctor's note or Employee Absence Form?**

Give the doctor's note to your manager. Submit the Employee Absence Form to the Administrator-LTD,

RTW & WCB in Human Resources (HR). The current administrator is Janet Nilssen.

**I was told to return the "Employee Statement of Absence" form in five days, but my doctor said to leave it with him. I'm worried he won't mail it to the Board on time.**

Many doctors will tell patients to leave the form with them, as they prefer to do their paper work when they are not seeing patients. If this is the case with your doctor, inform the Administrator-LTD, RTW & WCB in H.R. of the date you gave the form to your doctor.

Also, let the administrator know if you are unable to get an appointment with your doctor within the five days. The Board will cover the cost of any fees associated with completion of this form. Get a receipt and submit it to the Administrator-LTD, RTW & WCB.

**What is the "Staff Certificate of Fitness"?**

This is the form the Board may ask you to take to your doctor when you have been absent due to a major illnesses or injury. Your job description, an "Awareness Checklist", and other related information about your job may be attached to this form. In this form, your doctor provides the employer with his or her opinion as to whether you are able to attend work on a regular basis, perform the full range of your duties, or perform your job safely without endangering yourself or another person. If you are asked to submit this form, contact your shop steward.

**If I am off sick, but think that I could do part of my job, what should I do?**

Call a Return to Work (RTW) Coordinator to work with you and your manager to arrange light or modified duties. For more information on the RTW program, go to WSN. Click on "Employee Services", then "My health and wellness", and finally, "Arrange my return to work".

**I'm ready to return to work after a lengthy illness, but don't think I'm up to full-time work, what should I do?**

As above, call a RTW Coordinator to arrange a graduated return to work.