#

**Employment and Social Development Canada**

**Guide for Managers:**

**Proactive Management of Paid Sick Leave**

**November 2013**

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1. INTRODUCTION

The goal of every manager is to create a positive work environment that challenges employees and recognizes successful efforts to accomplish work objectives. However, even in the best work environment, sick leave absenteeism can occur.

How we deal with short and long term absences from work due to injury or illness has a significant impact on worker productivity and our ability to deliver effective and affordable services to Canadians.

Judgment, discretion and common sense are required as circumstances vary greatly from one situation to another. What may be valid sick leave in one case may be inappropriate in another situation.

While it is difficult to apply one standard to all situations, managers are strongly encouraged to be consistent in their approach to approving sick leave.

1. PURPOSE AND SCOPE

The purpose of this guide is to ensure that a consistent, supportive and equitable approach is taken by managers in managing paid sick leave, while fully respecting the provisions of collective agreements. The guide is to be used to improve absence management through awareness, and to improve individual case management.

This guide outlines the roles and responsibilities of all managers within the Department with delegated human resources authorities to manage and approve paid sick leave.

1. BENEFITS OF SICK LEAVE ABSENCE MANAGEMENT

Paid sick leave coverage provides for short-term income protection during the 13‑week qualification period to access disability insurance (DI).

Implementing adequate measures in managing sick leave will help employees cover illness‑related absences in order to avoid financial hardship that can result when employees do not bank sufficient paid sick leave to cover the 13‑week qualification period.

This can also reduce instances in which sick leave is advanced, creating a liability as advanced leave is deducted from any sick leave credits subsequently earned by the employee.

Absence management provides opportunity for:

* Early intervention and support for employees facing a variety of situations;
* Better distribution of workload among employees, resulting in improved morale, productivity and performance; and
* Reduction in operational and administrative costs.
1. ROLES AND RESPONSIBILITIES

Sick leave is ***a negotiated benefit*** and managers have a responsibility to ensure that this benefit is used according to the relevant collective agreements/terms and conditions of employment.

* 1. ***Managers*** - *encompasses all senior management officials, directors, managers, team leaders and supervisors with delegated authority and responsibility for:*
		+ Applying the terms outlined in the collective agreements;
		+ Administering provisions set out in this guide for employees under their supervision;
		+ Informing employees of their responsibility to notify their manager when they are unable to come to work;
		+ Monitoring and reviewing the use of paid sick leave for each employee on a monthly or quarterly basis;
		+ Bringing instances of above‑average use or potential patterned or excessive use of sick leave to the attention of the employee;
		+ Communicating any concerns to the employee; and
		+ Consulting with Human Resources when required.
	2. ***Employees***

In the case of paid sick leave, the employee is responsible for:

* + - Using paid sick leave according to the relevant collective agreements/terms and conditions of employment;
		- Notifying their immediate supervisor or other designated person as soon as possible on the first day of absence;
		- Completing the declaration and submitting a leave request;
		- Providing appropriate medical information when necessary;
		- Completing forms for insurance purposes and other applicable processes;
		- Participating actively in rehabilitation and the return‑to‑work process; and
		- Consulting with their union representative when necessary.
	1. ***Human Resources***

Human Resources is responsible for:

* + - Providing advice and guidance to managers on managing sick leave absences and the employee’s return to work.
1. MEDICAL CERTIFICATE

In some circumstances, managers will require a medical certificate from a physician. The discretion to ask for medical certification is in accordance with the relevant collective agreements/terms and conditions of employment.

Managers are expected to clearly communicate the requirement of substantiating the leave to the employee as early as possible, or in a prior conversation with the employee on proper use of paid sick leave.

A medical certificate confirms that the employee’s absence from work was due to health reasons, or indicates the expected return‑to‑work date, fitness to resume normal duties and any functional limitations. The cost of acquiring a medical certificate for leave‑related issues is the responsibility of the employee. Medical certificates serve both the employee and the employer in facilitating [absence management](http://iservice.prv/eng/hr/dm/process/absence_management.shtml) and the [return-to-work process](http://iservice.prv/eng/hr/dm/process/return_to_work/index.shtml).

A medical certificate, with the appropriate information, also:

* demonstrates that the employee is working at regaining their health to return to work as soon as possible, or states that the employee is not fit to work;
* confirms that the employee is medically fit to return to work;
* fulfils disability insurance criteria to seek medical treatment at the onset of the absence; and
* provides the manager with a better indication of the duration of leave and enables the manager to redistribute the employee’s workload accordingly.
1. SUBSTANTIATION OF PAID SICK LEAVE
	1. Consecutive sick leave absence of five days or more

Managers are strongly encouraged to request a medical certificate when an employee will be absent from the workplace for **five or more continuous days**.

The medical certificate must include all of the following:

* a health care provider’s statement that absence from work is justified based on medical necessity;
* a specific time period for which an absence is medically necessary; and
* a specific start date, an estimated return–to‑work date or a date for reassessment by the physician.

If a return‑to‑work date is not established at the onset of the absence, the physician will need to provide a date for the employee to be reassessed. A new medical certificate is required to substantiate any extension of the paid sick leave.

If you require assistance with managing a continuous health‑related absence or you have a return–to‑work situation, contact the [Human Resources Service Center](http://hrsc-csrh.prv/index.html).

\* Note: This does not preclude the manager’s discretion to require a medical certificate for sick leave absences of less than five days.

* 1. Patterned use, excessive use or misuse of paid sick leave

Where managers have concerns over the amount of sick leave used by an employee, notice a pattern of absences, or notice that use is excessive, the manager has the responsibility to communicate their concerns to the employee. Managers need to be satisfied that sick leave is used in accordance with the relevant collective agreements. Managers have the discretion to ask the employee to provide a medical certificate for all future sick leave, regardless of the duration.

Attendance monitoring can be a useful tool in correcting inappropriate use of sick leave. The following situations **may** indicate a pattern of sick leave use that warrants requiring a written medical certificate, but there might also be other personal reasons behind these:

* Consistent use of sick leave on the same days (e.g. Mondays or Fridays);
* Use of sick leave as earned with no substantiation and no past explained absences;
* Very few or no sick leave credits remaining in an employee’s bank and no history of medically confirmed extended sick leave;
* Consistent/unscheduled uncertified sick leave in conjunction with annual leave, statutory holidays or weekends; and
* Liquidation of sick leave credits prior to retirement where there is no apparent health‑related reason for the leave.

The ability to manage paid sick leave efficiently requires managers to be aware of their employees’ paid sick leave usage, as well as be aware of the balance of their banked sick leave credits. There are several tools at your disposal to help with this analysis, such as Paperless Office or the Corporate Management System (CMS).

1. DIALOGUE BETWEEN MANAGER AND EMPLOYEE

A conversation between the manager and the employee is essential when dealing with either a leave of five days or more in duration, or when patterned use, excessive use or misuse is observed.

 **7.1 Consecutive sick leave absence of five days or more**

Managers are expected to clearly communicate with employees the potential need to substantiate sick leave of five or more days with a medical certificate. Managers can do so during individual conversations with employees or during a staff meeting.

Managers are strongly encouraged to remind employees when they call in sick that, should they be off on sick leave for five days or more, a medical certificate will be required.

**7.2 Patterned use, excessive use or misuse of paid sick leave**

Managers are expected to monitor their employees’ sick leave usage as well as verifying that sick leave is used appropriately. Managers may use the leave record in Paperless Office to help them monitor their employees’ sick leave usage.

Frequent, recurrent or chronic absences could mean one of two things: the employee has a health condition that prevents them from being in the workplace or it could mean that the employee is using leave inappropriately.

For any situations of patterned use, excessive use or misuse, managers are expected to have an open and respectful conversation with their employees to:

* Verify the reason for the leave;
* Educate employee on proper usage of sick leave; and
* Implement measure(s) to remediate the situation.

When it is confirmed that sick leave is due to a recurrent health situation:

* In some situations an employee could have a health-related situation (i.e. employee is undergoing repetitive and/or continuous treatment or employee is prone to suffer a health-related problem on a specific day of the week) that could prevent them from being in the workplace. Managers are strongly encouraged to request a medical note that will substantiate the recurrent leave for this employee. This measure may be a one-time request or be reviewed on an annual basis. The [Stay-at-Work section of the Disability Management Guide](http://iservice.prv/eng/hr/dm/process/stay_at_work.shtml) provides management with additional guidance to address these types of situations.

When it is confirmed that sick leave is used inappropriately:

* Managers are strongly encouraged to request a medical note for any sick leave request the employee will be submitting for a period of time as determined by the manager. It is recommended that this be for a period of no less than six (6) months. This measure is to be reviewed before the end of the discussed period and, at the discretion of the manager could be extended if the issue is still present.

Managers are expected to clearly communicate to employees the reason for which the above actions are being implemented - from the benefits of banking sick leave to the impact on workplace operational requirements.

After analysis and after appropriate actions have been implemented, should there still be an issue with an employee using sick leave inappropriately; please contact the [Human Resources Service Center](http://hrsc-csrh.prv/index.html).

1. MEDICAL AND DENTAL APPOINTMENTS

**Managers may grant** up to 3.75 hours for employees to attend their own personal medical and dental appointments without any charge to their leave credits in cases of routine, periodic check-ups, in accordance with the relevant collective agreements/terms and condition of employment and the ***Directive on Leave and Special Working Arrangements*.**

If employees are undergoing regular or continuous treatment for a specific complaint or condition, time off should be charged to the employee’s sick leave credits.

1. EDUCATING EMPLOYEES

It is the responsibility of the manager to ensure that employees are aware of the established protocols for requesting paid sick leave to prevent conflict. Managers should also ensure that all employees are aware of their entitlement to sick leave credits, proper use of paid sick leave, and the benefits of banking sick leave.

A tool for managers with key messages to communicate to employees is available in [Appendix A](#_APPENDIX_A_-). In addition, information for new employees will be included in the [new employee orientation](http://iservice.prv/eng/hr/onboarding/index.shtml) package.

1. CONCLUSION

Sick leave is a negotiated benefit and managers and employees have a responsibility to ensure that it is used according to the relevant collective agreements/terms and conditions of employment. This *Guide* provides information that will help managers fulfil their responsibilities.

When in doubt about what to do, managers should contact the [Human Resources Service Center](http://hrsc-csrh.prv/index.html).

1. AUTHORITIES AND REFERENCES

Relevant collective agreements

<http://www.tbs-sct.gc.ca/pubs_pol/hrpubs/coll_agre/siglist-eng.asp>

*Policy on Terms and Conditions of Employment*

<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?section=text&id=15771>

*Policy on the Duty to Accommodate Persons with Disabilities in the Federal Public Service*

<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=12541&section=text>

*Directive on Terms and Conditions of Employment*

<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?section=text&id=15772>

*Directive on Leave and Special Working Arrangements*

<http://www.tbs-sct.gc.ca/pol/doc-eng.aspx?id=15774>

*ESDC’s Table of Human Resources Authorities*

<http://iservice.prv/eng/hr/staffing/managers_corner/delegation_accountability/docs/hr_authorities_new.docx>

1. DEFINITIONS
* **Sick Leave:** is intended to protect an employee’s income when the employee is unable to perform their duties because of illness or injury provided that:
1. the employee satisfies the employer of this condition in such manner and at such time as may be determined by the employer; and
2. the employee has the necessary sick leave credits.
* **Medical certificate:** a document signed by a health professional (physician/specialist, nurse practitioner or mid-wife) competent within their scope of practice to make a medical evaluation of the employee’s illness or injury. A medical certificate or any document containing medical information is considered confidential.
* **Patterned use:** Pattern of sick leave use over a period of time (e.g. approximately six months) such as the day before or after a holiday, on Mondays and/or Fridays, after a payday, after the tenth working day of the month (newly credited sick leave), or on a specific day each month.
* **Excessive use:** occurs when an employee with no history of extended sick leave due to health reasons makes excessive use of sick leave or maintains a zero or a near‑zero paid sick leave balance with no substantiation and no history of past explained absences.
* **Misuse:** occurs when an employee uses sick leave for unauthorized purposes or misrepresents the actual reason for the absence. Sick leave is not intended to supplement any other type of leave with pay. It must not be used to cover circumstances involving depleted family-related leave or annual leave, to extend weekends, or to stay home with children or elderly parents.
1. USEFUL LINKS

*HRSDC Guidelines Duty to Accommodate in the Workplace – A Shared Responsibility*

<http://iservice.prv/eng/hr/dta/index.shtml>

*Occupational Health and Safety - Ergonomics*

<http://iservice.prv/eng/hr/ohs/topics/ergonomics.shtml>

1. EFFECTIVE DATE

This Guide takes effect on November 4, 2013.

**Developed by:**

Human Resources Services Branch

# APPENDIX A - Key Messages for Managers to Proactively Educate Employees on Sick Leave

The Departmental Guide for Managers: Proactive Management of Paid Sick Leave has been created to provide managers with a consistent and equitable approach to approving paid sick leave and to ensure that all employees are educated on the appropriate use of sick leave credits while fully respecting the provisions of their collective agreements. The following are speaking points to support managers in proactively educating employees and communicating the employer’s expectations.

* *Speaking points may be used by managers on a one-one-one basis (ex: during a bi-lat) or during a team meeting.*
* *Managers are invited to adapt the content to their team’s specific needs while ensuring key messages are covered.*

|  |  |  |
| --- | --- | --- |
| **Appropriate use of sick leave** | **Sick leave is intended for times when you (and not family members) are unable to work because of illness or injury and not for any other purpose.**  | * If you are too ill to work and especially if you have a contagious ailment, you should remain home to avoid worsening your situation or getting your colleagues sick.
* For other types of absences, it is important to use the right leave code:
* Time for routine, periodic check-ups (up to 3.75 hours in one day) can be requested under Code 635 - Authorized absence (medical appointments) with no charge to the sick leave bank. However, sick leave is to be used if you undergo regular or continuous treatment for a specific health-related condition
* Pregnant employees will be granted leave (up to 3.75 hours) for regular check-ups (leave code 681)
* Employees providing temporary care to a sick member of their family (ex: sick children) may request Family Related leave (645).
 |
| **Importance of Employees Banking Sick Leave** | **It is important to bank sick leave to maintain income during short term (less than 13 week) absences due to illness or injury.** | * Some employees are under the impression that disability insurance covers us totally should we be too ill to work for a few months. Actually, this is not the case. Our disability Insurance plan only covers us if we have to be away for more than 13 consecutive weeks.
* Your paid sick leave credits cover the 13 week waiting period. Weeks 1 to 13 are not insured. Within the public service, our sick leave credits are a form of short term disability insurance where our employer pays 100% of our salary. It is the best short term disability coverage one can have…if we accumulate our sick leave credits.
 |
| **If you do not have at least 13 weeks (i.e. 65 days) of sick leave credits in your bank, you may face financial hardship should you need to be away from work for health reasons.** | * Once all sick leave credits are exhausted, your pay stops, leaving you with no income at all from the employer until disability insurance benefits start (should you be approved for them).
* The only way to receive some form of income during that time is to access Employment Insurance Sickness Benefits.
 |
| **Situations where medical certificates are required** | **Sick leave is a benefit but it is not an automatic entitlement like vacation leave. Absences of 5 or more consecutive days may require a medical certificate.**  | * Employees have an agreement with the employer that they will work in exchange for pay. Should they not be able to honor this contract, it’s only fair that the employer want to ensure it is for genuine reasons, illness or injury being among them. Therefore, employees may have to provide proof in the form of a medical certificate that demonstrates it is truly for health-related reasons that they were unable to work.
* As a manager, I can use my discretion and require a medical certificate for sick leave absences of less than five days (for example, if there is patterned or excessive use of sick leave).
 |
| **Proactive monitoring of sick leave usage** | **Managers are expected to monitor sick leave usage through Paperless for their entire teams. I will engage you on utilization if I have concerns or questions.** | * I will be reviewing sick leave utilization of the unit.
* If there are anomalies I will engage individuals to discuss situation and identify solutions and protocols of required.
 |

\*Managers should consult Annex B – Frequently Asked Questions for useful information to answer potential employee inquiries or concerns concerning these messages.

# APPENDIX B - Frequently Asked Questions

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**Q1: What is the purpose of the ‘Guide for Managers: Proactive Management of Sick Leave?**

A1: The purpose of this guide is to ensure that a consistent, supportive and equitable approach is taken by managers in managing paid sick leave, while fully respecting the provisions of collective agreements.

The guide is to be used to improve absence management through awareness, and to improve individual case management.

The guide focuses on assisting managers to establish protocols and best practices with employees related to managing sick leave.

**Q2: What is the purpose of paid sick leave?**

A2: Paid sick leave is a form of income support to bridge to a return to work or to third party disability insurance (ex: SunLife, Industrial Alliance) when an employee is unable to work due to illness.

Sick leave can also be used if employees undergo regular or continuous treatment for a specific health related condition.

In addition, an employee, who suffers an occupational injury and is off work, will use sick leave while awaiting Provincial Workers’ Compensation approval of a claim, at which time sick leave credits will be reinstated and replaced with Injury on Duty leave.

# Q3: What happens if an employee exhausts their paid sick leave and is not fit to return to work? Is an employee required to use all forms of paid leave (such as annual leave) prior to going on sick leave without pay?

A3: Employees are not required to exhaust all forms of paid leave prior to requesting sick leave without pay. However, employees may request to use some in order to postpone interruption of their pay. In such cases, it is recommended that you consult with the [Human Resources Service Centre](http://hrsc-csrh.prv/) prior to employee’s paid sick leave being exhausted to discuss possible leave usage based on specific case circumstances.

**Q4: Why is not having enough paid sick leave credits to bridge to disability insurance an issue?**

A4: Currently, employees must rely on banked sick days for short-term illnesses. Not having sick leave with pay to cover the 13 week qualifying period for Disability Insurance could result in a leave without pay situation before disability insurance benefits start.

Other possible income support options are Employment Insurance Sickness Benefits, unused paid leave such as personal or volunteer leave or earned annual leave. In cases where employees request to use unused paid leave, it is recommended that you consult with the [Human Resources Service Centre](http://hrsc-csrh.prv/) prior to employee’s paid sick leave being exhausted to discuss possible leave usage based on specific case circumstances.

**Q5: Why are managers being asked to monitor sick leave usage?**

A5: The public service suffers from exceedingly high levels of absenteeism and our employees must rely on banked sick leave for short-term illness until long-term disability coverage begins at 13 weeks. Almost 60% of employees in the public service lack sufficient sick leave to take them through the 13 week period for disability insurance.

Being aware of their employees’ paid sick leave usage, as well as the balance of sick leave credits are practices that help managers manage disability efficiently.

**Q6: How will manager’s monitor sick leave?**

A6: Paperless Office or the Corporate Management System (CMS) are two tools at managers’ disposal to help with managing sick leave absences.

**Q7: How can I address the fact that some employees believe that it is not as important for them to accumulate sick leave?**

A7: Proactively educating employees that paid sick leave is their short-term disability plan and that it is therefore important to accumulate credits is a step in the right direction. Proactively monitoring sick leave and where there are concerns, having a discussion with employees early on also helps to raise awareness. Employees may also be reminded that sick leave does not only cover illnesses but injuries as well, which can happen to anyone, at any point in their career.

A tool for managers with key messages to communicate to employees is available in Appendix A of the Guide for Managers: Proactive Management of Paid Sick Leave. In addition, information for new employees will be included in the [new employee orientation](http://iservice.prv/eng/hr/onboarding/index.shtml) package.

**Q8: Do I need to discuss sick leave with employees that have rarely used sick leave?**

A8: All employees, including employees who exercise a management role, should receive the same general information regardless of their sick leave usage, especially being made aware of management practices/expectations when paid sick leave is used.

**Q9: What should be done when an employee regularly requests uncertified sick leave?**

A9: Where managers have concerns over the amount of sick leave used by an employee, the manager has the responsibility to communicate their concerns to the employee. Employees may provide information that satisfies management that they were unable to come to work because of illness or injury. For more information, consult section 6.2 and 7.2 of the Guide.

**Q10: Is paid sick leave granted automatically to an employee who regularly requests sick leave and provides a medical certificate every time?**

A10: According to collective agreements, managers shall grant sick leave if they are reasonably satisfied that the employee could not work for health reasons. Normally, medical certificates are considered satisfactory. If you have further questions, please open a ticket at the [Human Resources Service Centre](http://hrsc-csrh.prv/).

**Q11: What purpose does requesting a medical certificate serve for the employer?**

A11: Requesting a medical certificate serves several purposes, including demonstrating that health reasons preclude an employee from working. A medical certificate, with appropriate information also:

* demonstrates that the employee is working at regaining their health;
* confirms that the employee is medically fit or not fit to return to work;
* fulfils disability insurance criteria to seek medical treatment at the onset of the absence; and
* provides the manager with a better indication of the duration of leave and enables the manager to redistribute the employee’s workload accordingly.

**Q12: When is it appropriate to request a medical certificate?**

A12: Managers are strongly encouraged to request a medical certificate when

* frequent, recurrent or chronic sick leave absences occur regardless of duration
* an employee will be away from the workplace for **five or more continuous days** to focus on regaining their health.

If you require assistance contact the [Human Resources Service Center](http://hrsc-csrh.prv/index.html).

**Q13: Is certifying sick leave a requirement when employees are using sick leave appropriately?**

A13: It is strongly recommended that sick leave be certified in certain circumstances (refer to Question 11)

Every case should be considered individually, however requesting a medical certificate can provide valuable information (see question 10)

Employees may not expect to be on extended sick leave at the beginning of a leave, and seeking medical attention in the early days of the absence can provide both the employee and the manager with a better understanding of the leave situation.

**Q14: Who covers the cost of medical certificates?**

A14: The cost of acquiring a medical certificate for leave‑related issues is the responsibility of the employee.

**Q15: What are examples of inappropriate uses of sick leave?**

A15: Attendance monitoring can be a useful tool in detecting pattern and/excessive use of sick leave that could either suggest misuse or presence of health related challenges. The following are examples of pattern or excessive use that, without justification, could suggest that sick leave is used inappropriately:

* Consistent use of sick leave on the same days (e.g. Mondays or Fridays) with no medical justification;
* Use of sick leave as earned with no substantiation and no past explained absences
* Consistent/unscheduled uncertified sick leave in conjunction with annual leave, statutory holidays or weekends, or school pedagogical days
* Liquidation of sick leave credits prior to retirement where there is no justified presence of health-related reason for the leave

If you deem it necessary, you may exercise your management discretion and ask that all future SLWP requests are substantiated with a medical certificate. It is recommended that you open a ticket at the [Human Resources Service Centre](http://hrsc-csrh.prv/) should you require additional information.

**Q16: What can be done when an employee is away for health related reasons with not enough paid sick leave to carry them through the Disability Insurance elimination period of 13 weeks?**

A16: For support on to how to manage a situation of continuous health related absence, please consult the [Disability Management section on iService.](http://iservice.prv/eng/hr/dm/index.shtml)