

Guidelines for Writing Certificates for Employee Absence

Introduction

In 2023, Bill 356 – the Patient Access to Care Act—was introduced to improve access to health care in Nova Scotia by reducing administrative burdens and expanding the scope of health professionals. Schedule B of the Act—the Medical Certificates for Employee Absence Act—introduced key legislation (section 5(3)) that expands the scope of social workers, permitting them, along with nurses, dentists, pharmacists, and physiotherapists, to issue medical certificates for employee absence due to sickness or injury (henceforth referred to as Certificates) on behalf of their clients.

The Nova Scotia College of Social Workers (NSCSW) recognizes this legislation as a small step toward more timely access to health care and toward reducing administrative burdens on health care providers *and* Nova Scotians more broadly. In keeping with our commitments to social justice, equity, dignity, and self-determination, social workers stand with Doctors Nova Scotia in their call to end the employer practice of requiring Certificates from employees. Further, we call on employers to take a proactive approach to worker well-being rather than the current neoliberal managerial approach, by providing the adequate supports, benefits, compensation, and resources that create healthy and effective workforces.

Rationale

This document is a statement of guidelines for social workers regarding the completion of certificates of employee absence on behalf of their clients, ensuring that they practice within their individual scope of practice as stipulated by legislation. This document is also intended to provide the public with information about what they can expect from a social worker in the completion of medical certificates for employee absence in Mi'kma'ki (Nova Scotia).

When writing Certificates, social workers must adhere to these specific guidelines in addition to general standards of practice. These guidelines aim to ensure that Certificates are written professionally, and in alignment with social work values and ethics.

As in all areas of professional practice, social workers writing Certificates in Mi'kma'ki must adhere to the Nova Scotia College of Social Workers' (NSCSW) Code of Ethics, Standards of Practice, and the Nova Scotia Social Workers Act.

Disclaimer

Social workers cannot provide a Certificate for Employee Absence after only one session, as this would not provide sufficient evidence to develop an in-depth biopsychosocial assessment and formulation.

The provision of a Certificate by a social worker is not a guarantee of further paperwork being completed by that social worker. For instance, if an employee is off work for more than five days, a social worker may provide them with a Certificate for their employer. However, if the employee has short term illness benefits, their insurance provider may not accept documentation from social workers.

Definitions

Certificate (also known as a “sick note”) - A written certificate providing context for employee absences and illness as per *section 5 (1) of An Act Respecting Medical Certificates for Employee Absences Due to Sickness or Injury*.

For the purposes of these guidelines, Social Work is defined as per the Social Work Act in Nova Scotia, as “the provision of professional services to clients through the use of social work knowledge, theory, skills, judgement and values acquired through a program from an approved faculty of social work.”

As per the NSCSW Standards of Practice, the professional services to clients referred to in the Social Work Act and applicable to the Medical Certificates for Employee Absences due to Sickness or Injury may include: “intervention through direct contact with clients, including assessment, case management, client-centered advocacy, education, consultation, counselling, crisis intervention and referral.”

“Individual scope of practice” means the services for which a member of a regulated health profession is educated, authorized and competent to perform (Medical Certificates for Employee Absence Act).

Part I: Understanding Employee's Rights

1.1 Knowledge

Social Workers must demonstrate an understanding of the Medical Certificates for Employee Absence Act, so as to ensure that the rights of employees under the Act are safeguarded, as per Standard 6.1.

- The Act only applies to provincially regulated employers and employees
 - The Act applies to all provincially regulated employees, regardless of status (e.g. seasonal, full-time, contract)
- Employers may only request a Certificate from an employee if:
 - They have been absent for more than five consecutive working days; or
 - They have already had two non-consecutive absences of five days or less due to illness or injury in the previous twelve months

1.2 Advocacy

Standard 6.1.3. Social Workers shall advocate for equitable social, economic, political and cultural policy and legislation.

If a social worker determines that the employer's request is in contravention of the Act, social workers may inform their clients of their right to file a complaint with the Labour Standards Division. Social workers may also file a complaint against the employer, with the informed consent of their client.

If an employer violates the Act, they may be ordered to comply with the Act and to pay a financial remedy to the employee. Employers can also be subject to penalties for violating the Act (Doctors NS).

Part II. Assessing Whether and When to Write a Certificate

Under the Act, a Medical Certificate for Employee Absence due to Sickness or Injury can only be provided by “a qualified health professional who is providing a diagnosis, treatment or care to the employee:

- a) With respect to the sickness or injury that is causing the employee’s absence from work;
- b) That falls within the scope of practice of the profession of the qualified health professional; and
- c) That falls within the individual scope of practice of the qualified health professional.”

2.1 Scope of Social Work Practice

Social workers writing Certificates for employees in Nova Scotia must be registered with the Nova Scotia College of Social Workers (NSCSW).

When assessing whether to write a Certificate at a request of a client, a social worker must reflect upon whether or not the client’s absence from work is related to an issue that can be addressed by a social worker under the Social Work Act in Nova Scotia, section 5A, subsection 2(A) – “intervention through direct contact with clients, including assessment, case management, client-centered advocacy, education, consultation, counselling, crisis intervention and referral.”

When assessing whether to write a Certificate at the request of a client, a social worker must also reflect upon whether or not the client’s absence from work is related to the presenting issue being addressed with the social worker. They must also reflect upon whether they are the most appropriate health professional to complete the note. For instance, a social worker employed in mental health urgent care might refer to the client’s clinical social work specialist in community for the provision of a Certificate.

2.1.1 Individual Scope of Practice

Area of Practice

Social workers – either BSW or MSW— writing a Certificate must be the primary care provider treating the particular health issue for which the client is requesting the Certificate. For instance, if a client with a diagnosis of PTSD is seen by social work in a primary care clinic for assistance with Canada Pension Plan Disability paperwork, it would not be appropriate for the social worker to write a Certificate for PTSD symptoms. If the social worker was providing care for the patient’s PTSD, then a Certificate would be appropriate.

Students and Learners

Students and registered social workers in a learner role (e.g. RSW completing an MSW placement) cannot write Certificates.

Social Work Candidates

It is within the scope of practice of a Social Work Candidate to write a Certificate.

Social workers with secondary registration

Social workers with secondary registration with NSCSW need to follow the scope of practice and legislation related to the provision of Medical Certificates for Employee Absence due to Sickness or Injury in NS. For instance, a social worker with secondary registration with NSCSW and primary registration in a province in which social workers can provide diagnosis would not be able to provide diagnosis in a Certificate for a client in Nova Scotia.

2.1.2 Self-Assessment

Before a social worker can issue a Certificate, they must first critically assess their qualifications, as per Standard 10 of the NSCSW Standards of Practice. They should provide an honest and accurate description of their education, training, experience, professional affiliations, licensure, and the specific services they render. For instance, if the reason for employee absence is anxiety, the social worker providing care must be able to demonstrate that they hold the necessary specialized skill and training to treat anxiety.

2.1.3 Scope of Employment

Social workers should only write Certificates for clients if this expanded scope of practice is supported by the social worker's employer for the position the social worker holds within the organization.

In the absence of any direction from the employer, social workers may write Certificates for clients if the request is related to their scope of work and within their individual scope of practice.

Part III Implementation

3.1 Appropriateness

Before a social worker considers writing a Certificate at the request of a client, they should reflect upon whether they are the most appropriate professional to complete the note. Factors that would contribute to this analysis might be:

- Whether there are other health care providers in the client's circle of care that are already treating the presenting issue for which the client is requiring a Certificate

- Whether the social worker is the primary care provider in the treatment or care of the presenting issue requiring a Certificate
- Whether the social worker has sufficient evidence to support and/or justify the provision of a Certificate related to the issue requiring a Certificate, as per Standard 2.2.8
- Whether the provision of a Certificate is in the best interests of the client and the therapeutic relationship.

3.2 Informed Consent & Confidentiality

In alignment with Standards 1.1 and 1.2, social workers must hold and document a detailed consent discussion with the client requesting the Certificate prior to agreeing to its completion. Informed consent should include information regarding:

- The information that will be provided to the employer
- Responsibilities of the client regarding requests for additional information from the employer
- The conditions (and limitations thereof) under which it would be appropriate for the social worker to provide additional information/documentation
- How and by what means the Certificate will be provided (e.g. directly to the employee or directly to the employer via secure communication method)
- Whether the Certificate will be provided electronically or in hard copy
- The storage of the letter in the client's file.

3.3 Assessment

A social worker may only complete a Certificate for a client when there is sufficient evidence to support it following the completion of a social work assessment. Assessment factors that would contribute to this determination are:

- Severity, intensity and duration of symptoms
- Level of functional impairment of the symptoms, particularly related to work
- Relevant health history
- Available supports and resources
- Whether the time off is clinically indicated in the intervention plan.

The social worker's professional opinion regarding the client's absence as outlined in the Certificate must be "based on sufficient and substantial information about the client which may include documented interaction, assessment, observation and consultation" (Standard 2.2.8). This reduces the risk of potential errors or inaccuracies that could negatively impact the client.

3.4 Content

Certificates written by a social worker must include:

- Date the note was written
- Relevant identifying information for employee (name, possibly employee number)

- Reason for absence, including only the minimum information required for the purposes of certifying the absence (Personal Health Information Act, p. 15). For instance:
 - “_____ [insert client name] is currently under my care. I am writing to you to certify that _____ [insert pronoun here] has been absent from work from _____ [insert dates of absence here] due to health reasons”; OR
 - “_____ [insert client name] is currently under my care. I am writing to you to certify that _____ [insert pronoun here] will be absent from work from _____ [insert dates of absence here] due to health reasons. To be re-assessed _____ [insert date here].
- The assessor’s qualifications, including:
 - Registration with the NSCSW
 - Level of education
- Appropriate mechanisms for follow-up communication, for instance:
 - If more information is required to justify further absences, the employer should request that information directly from their employee rather than contacting the social worker. This establishes that any further health information is released with the express consent of the employee and at their direction.

Certificates written by a social worker should *not* include:

- The client’s historical health information and clinical details, unless at the request of the client and with their informed consent. For instance, if the client has been absent from work for more than five consecutive days due to a flare up of PTSD symptoms, the social worker would not as a matter of course include details of the client’s diagnosis or relevant history in the Certificate.
- Detail of illness/symptoms/or treatment that would be more appropriate for short term illness and/or long-term illness paperwork.

3.5 Procedure & Policy

Social workers should follow the organizational policy of their employer regarding acceptable methods for clients to request a Certificate (e.g. whether a note must be requested in person, or if it is acceptable to request in e-mail or by phone).

Social workers in private practice are encouraged to develop and follow their own policies and procedures related to how a note can be requested.

Social workers maintain a copy of the Certificate for their records, as per Standards 7.7.1. and 9.3.

3.6 Continuity of Care

When a social worker determines they are not the most appropriate health care provider to complete a Certificate, they have a professional obligation to ensure continuity of care for the client. This includes:

- A) Timely Communication: Clearly informing the client, with a respectful and trauma-informed approach, that the request falls outside the social worker’s scope of practice or clinical role.

- B) Identify Appropriate Providers: Making reasonable efforts to refer the client to another suitable health care professional, such as a primary care provider, nurse practitioner, or psychologist, who is better positioned to assess and document the health concern.
- C) Virtual and Community-Based Options: Where access to in-person care is limited, social workers should be prepared to recommend virtual care services or other appropriate community-based health resources that can support the client's needs.
- D) Collaborative Practice: As outlined in Standard 2.6.6, social workers should collaborate with other professionals involved in the client's care to support seamless service delivery and avoid unnecessary barriers or service gaps.
- E)

This approach ensures clients are not left unsupported and reflects ethical and client-centered practice under the NSCSW Standards of Practice, Section 2.6: Continuity of Service.

3.7 Fees

When determining fee schedules for the completion of a Certificate, social workers in private practice must follow Standard 7.3.1, Responsible Fee Practices. Fees are determined by individual social work clinicians. They are encouraged to consider the following factors:

- Complexity of the issue
- How quickly the letter is required by the employer
- Time required to write the letter

Social workers in public practice should not charge fees for the completion of a Certificate, unless guided by their employer policy to do so.

3.8 Considerations for employers of social workers

Employers of social workers are encouraged to develop policy regarding the completion of Certificates by social workers. It is recommended that employer policy take into consideration such factors as:

- Scope of employment
- Workload
- Acceptable method of Certificate request and provision
- Fees for service, if/as applicable

References

[Medical Certificates for Employee Absence | novascotia.ca](#)

[Medical Certificates for Employee Absence Act](#)

NSCSW Standards of Practice



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