

# Organisational Safety and Wellbeing

## Fact sheet: Independent medical examinations - Information for employees.

This fact sheet should be read in conjunction with the [Independent medical examinations procedure](#).

### What is an independent medical examination?

The purpose of an independent medical examination is to obtain the examining doctor's opinion as to whether an employee has a mental or physical illness or disability that may adversely affect attendance or performance. It generally follows discussions around a period of current absence from the workplace or discussions to try to resolve unsatisfactory performance issues.

An independent medical examination may assist in identifying:

- the likely effect (if any) of the mental or physical illness or disability on the employee's performance,
- an estimate of how long the illness or disability or its effects are likely to last; and
- what actions (if any) could be considered by the Department of Education (the department) to assist to resolve the likely effects on the employee's role.

### Why am I receiving a letter directing me to attend an independent medical examination?

You are receiving a letter as you are being directed by the delegated officer of the department in accordance with section 104 of the *Public Sector Act 2022* (PS Act) to attend and submit to an examination by an independent doctor selected by the department. This is because it is reasonably suspected that your absence from duty or unsatisfactory performance issues are caused by mental or physical illness or disability.

### Who pays for the costs of the examination?

The department will pay the costs of the examination, including reasonable travel costs to and from the place of the examination. You should confirm with your nominated contact person as to what travel costs can be considered **prior** to attending the appointment.

### How has the department selected the examining doctor?

The department has selected a doctor who has expertise in the relevant area of the suspected mental or physical illness or disability.

You will not previously have been treated by the examining doctor selected to ensure the doctor is independent.

### Do I have a choice about whether to attend and participate?

No, you are required to attend and participate as you have been given a direction to do so under the PS Act.

It is expected you will actively participate in the examination, and this includes attending the appointment, answering the doctor's questions, submitting to reasonable non-invasive diagnostic test (e.g. x-rays, mental health tests), and participating in any processes about the outcome of the examination. You do not need to provide your historical medical records to the examining doctor, although the examining doctor may ask you questions about your medical history.

If you are unable to attend for a valid reason, or you have concerns about attending, you must contact the nominated person on the letter as soon as possible to discuss your options.

### What if I don't attend and/or participate?

You will not be given sick leave (paid or unpaid) for any period during which you fail to comply with the direction to submit to the examination (section 105 of the PS Act). This means that if you do not attend the examination, do not actively participate in the examination, or if you cancel the appointment without providing a reasonable amount of notice, you will not have sick leave approved.

In these circumstances, you may also be liable to disciplinary action under section 97(1)(d) of the PS Act, on the grounds of your contravening a direction given to you as a public service employee without reasonable excuse.

### What information will be provided to the examining doctor?

The examining doctor will be given information about the background to the request for the independent medical examination including a description of your role, duties and responsibilities, an outline of the work environment and a chronology of relevant events.



You will be provided with the same background information and questions that will be provided to the examining doctor before the appointment.

If you have any additional information you wish the examining doctor to consider, this should be supplied to the doctor prior to the examination.

### What will the examining doctor tell the department?

The examining doctor will prepare a report, providing their expert medical opinion on whether you have a mental or physical illness or disability that may adversely affect your performance or attendance and will provide responses to the questions that have been provided to you.

### Will I get a copy of the report?

The department will receive a report from the examining doctor following your medical examination. Once this report has been received you will be provided with a copy, unless the examining doctor advises that they believe disclosing the information in the report to you may be prejudicial to your mental or physical health or wellbeing. In this case a copy will be provided to a doctor nominated by you upon your written request, as specified in section 106(5) of the PS Act.

### Who will see my personal information and the IME report?

In the course of the independent medical examination process, your personal information, including medical information, will be collected by the examining doctor to enable them to undertake the examination and provide their opinion and report. The examining doctor is engaged by the department and is required to comply with the *Information Privacy Act 2009* (Qld). Your consent to the collection of your personal information for the purpose of the examination is not

required because you are being directed to undertake the examination under the PS Act.

The examining doctor will be asked to not include personal information in their report unless it is relevant to the understanding of the doctor's opinion about the impact of any mental or physical illness or disability on your employment.

The report will be stored on a confidential departmental file. Only authorised departmental employees will have access to the report. The report will not be provided to your work area/school or other external parties without appropriate authorisation from yourself, unless required by law.

### What happens after the independent medical examination?

The delegated officer will consider the examining doctor's report and recommendations. The delegated officer will then propose an appropriate course of action to you in writing, which may include, but is not limited to:

- a) take no action; and/or
- b) continue or initiate action to manage your unsatisfactory work performance or attendance; and/or
- c) continue or commence action to manage you and your illness or disability (e.g. provide ongoing rehabilitation support); and/or
- d) provide you with a reasonable adjustment(s) where possible; and/or
- e) explore opportunities for a suitable vacant role and transfer or redeploy you to a suitable position within the department; and/or
- f) retire you from the department.

You will be provided with an opportunity to respond to any proposed course of action.

### Review rights

You may seek an internal review of a decision to require you to submit to a medical examination, where you believe the decision does not satisfy the conditions of section 103 of the PS Act.

Information about this review right is available under the [Directive 10/20 Independent Medical Examinations](#).

This written review request must be submitted within 14 days of receiving the notice and emailed to the nominated person on the direction letter and [MECInternalReview@qed.qld.gov.au](mailto:MECInternalReview@qed.qld.gov.au). The internal reviewer will have access to all information considered for the original decision.

### Appeal rights

You may appeal a decision to require you to submit to a medical examination, where you believe the decision does not satisfy the conditions of section 103 of the PS Act. Information about this appeal right is available under the [Directive 10/20 Independent Medical Examinations](#).

The PS Act provides 21 days to appeal from the date the employee received the direction letter. An [Appeals Guide](#) provides further details regarding the process.

Any queries regarding appeals should be directed to the Queensland Industrial Relations Commission.

