We have found that employers are being critical of medical certificates and what is contained in them in that they are denying employees exemptions, unless the medical certificate is clear on the following topics:

1. It needs to contain a reference to the directive of that State and/or Territory and be tailored to that.
2. It needs to clearly stipulate a medical condition, disease or ailment that prevents a person from wearing a mask. We have found that a statement which contains specific reference to diagnosed mental health, anxiety and/or depression, past trauma, asthma, allergies including specific allergies to dust, pollen, food allergies, claustrophobia etc helps.
3. It needs to link up that condition to how the mask will affect that person’s functionality at work, hence making them not fit for work if they wear one.
4. It needs to specify that the person does not present or currently has any symptoms of COVID-19 and/or influenza.
5. It needs to have a generic statement that there are no reasonable adjustments that can be made to address this issue except for not wearing the mask.

**Examples of Doctor’s Medical Mask Exemption**

*“Mandy has been diagnosed with a mental health disorder since 2012. The present directives that have created a mandate for wearing a mask at the workplace cannot be satisfied by Mandy. In my opinion, Mandy is legitimately exempted from wearing the mask as the mental health disorder will create feelings of disorientation and trigger past memories. Her fitness for work will be impacted by wearing a mask and as she does not present with any COVID-19 symptoms or influenza symptoms she is not to be a risk to any other person. It is sufficient for her to be attending work and socially distance. Mandy has attempted to try and wear a face shield in public but suffered from serious migraines and headaches. There are no reasonable adjustments that can be made for her condition to accommodate wearing a mask.”*

*“Daniel has been diagnosed with Asthma. The present directives that have created a mandate for wearing a mask at the workplace cannot be satisfied by Daniel. In my opinion, Daniel is legitimately exempted from wearing the mask as the Asthma creates shortness of breath and chest tightness and pain. His fitness for work will be impacted by wearing a mask and as he does not present with any COVID-19 symptoms or influenza symptoms he is not to be a risk to any other person. It is sufficient for him to be attending work and socially distance. Daniel has attempted to try and wear a face shield in public but suffered from serious migraines and headaches. There are no reasonable adjustments that can be made for his condition to accommodate wearing a mask.”*

We say that employers are acting unlawfully for questioning these medical certificates because they are neither Authorised Officers under the law or medical practitioners themselves. They have also not made any risk assessments on the employee to reject the medical assessment from their medical practitioner. However, we want to assist you in ensuring that you can address all the issues that may arise and hence you need to communicate clearly to your medical practitioner the requirements that best suit your condition. We also state that generic medical exemptions that refer to breathlessness are insufficient and will be rejected by employers, so ensure your visit to the medical practitioner is productive and addresses these issues.

Since writing these templates, it also appears that many general practitioners are not providing any more specific medical exemptions. In these cases, it may be appropriate to get a statement from your doctor in relation to your specific health condition and then accompany that with a letter and/or email to your employer specifically stating that your general practitioner is frightened to provide you with a medical exemption due to fear of repercussions from the Regulator, however, you have a clear statement from him/her regarding your medical condition which disables you from wearing a mask, without negative health consequences to you.

We also note here that many people have realised that they have a medical health condition which does not allow them to wear the mask over elongated periods of time after they have legitimately attempted to wear the mask. If that is the case for you, then you need to go to your general practitioner and explain the situation and that you derived your medical condition after your attempts to wear the mask.

Some employers have also been using the Occupational Health & Safety legislation to force their employees and customers to wear masks and other PPE. They argue that the mask provides protection from transmission. The OH&S standards looks at reasonableness of the standard and the ultimate benefits need to be weighed against the detriments. Some employers have pushed the “reasonable adjustments” arguments saying that the employee should wear a head shield if they can’t wear a mask. If you are not averse to that, then you can, however we have found that many employees who have tried the head shields have also suffered from serious migraines and headaches. If that is the case for you, make sure that your medical exemption also covers your reactions to the head shields.