

Concern about rise in sick leave

The number of sick days taken between 2000 and 2013 has increased by a staggering 466%. In 2000, 700,000 days sick leave were taken by employees which rose to 3.96 million in 2013 - despite employment remaining almost stagnant during that period, according to Adcorp's latest Employment Index.



Image courtesy of David Castillo Dominici / FreeDigitalPhotos.net

Johan Botes, director of Employment Law at Cliffe Dekker Hofmeyr, says this reported rise in sick leave usage by employees is extremely alarming. "It is staggering to note that 25% of employees use the entire statutory allocation for sick leave (36 days per 3-year cycle for 6-day workers). This seems to confirm anecdotal evidence of some employees viewing sick leave days as a right, or an additional source of leave to supplement their annual leave," he says.

Employers seeking to manage this alarming contributor to wasted productivity should consider steps to manage delinquent behaviour related to sick leave usage. Botes says steps could include employers notifying all employees that they must report their absence due to ill health or injury immediately, at reporting time or as soon as possible thereafter. There are still employers who are content with employees staying away for days from work provided the employee eventually submits a medical certificate covering the days of absence.

Scrutinise certificates

The medical certificate should not be treated by the employer or employee as a magical document that miraculously explains away days of otherwise unreported absence. The rule should be that the employee must immediately notify the employer of the envisaged absence due to ill health or injury. This should then be followed up with a medical certificate, where required and appropriate.

"Employers should also scrutinise medical certificates submitted. Where the employer suspects foul play, the employer is entitled to contact the health practitioner to enquire whether the practitioner did indeed issue the certificate and whether the practitioner consulted the patient. Many employees have previously misappropriated a pad of medical certificates left lying around in the doctor's practice. The doctor should not have any difficulty in confirming that he or she did indeed issue the

certificate. This would not require the practitioner to disclose confidential information to the employer in breach of the practitioner's duties," Botes explains.

"Where an employer suspects that a practitioner is generous in issuing medical certificates, the employer may complain to the Health Professions Council. They would, no doubt, be interested to hear complaints about practitioners who routinely issue medical certificates to the same employee every payday, Friday or Monday, or book a group of employees from the same employer off over a particular period," Botes says.

Engage with employees

Employers should also ensure that it utilises the medical incapacity process to manage incapacity due to ill health or injury. Where an employee is unable to perform tasks inherent to the position as a result of illness or injury, the employer may consult the employee in order to remedy the situation.

"The employee need not have exhausted all statutory sick leave before the employee is permitted to engage with the employee on his or her condition. Prudent employers will stay abreast of any changes in an employee's attendance, engage the employee in discussion as soon as the employee's attendance results in the work output suffering and implement the measures prescribed in Items 10-11 of Schedule 8, contained in the Labour Relations Act, No 66 of 1995." He adds that at a time when our economy shed 34,654 jobs in August alone, businesses can ill afford to lose the productivity of those employed.

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