

MEDICAL CERTIFICATES

Medical certificates (or 'sick notes' to use the common term) are a source of aggravation to employers.

What constitutes a 'valid' medical certificate? That is the question.

The following excerpt from the Ethical and Professional Rules of the Medical and Dental Professions Board of the Health Professions Council of South Africa provides a starting point: (don't worry too much about this mouthful – put differently, it means that the medical profession have introduced the following rules with respect to medical certificates)

Rule 15(1) A practitioner shall only grant a certificate of illness if such certificate contains the following information, namely:

- (a) the name, address and qualification of the practitioner;
 - (b) the name of the patient;
 - (c) the employment number of the patient (if applicable);
 - (d) the date and time of the examination;
 - (e) whether the certificate is being issued as a result of personal observations by the practitioner during an examination, or as the result of information received from the patient and which is based on acceptable medical grounds;
 - (f) informed consent of the patient:: Provided that if the patient is not prepared to give such consent, the medical practitioner or dentist shall merely specify that, in his or her opinion based on an examination of the patient, the patient is unfit to work;
 - (g) whether the patient is totally indisposed for duty or whether the patient is able to perform less strenuous duties in the work situation;
 - (h) the exact period of recommended sick leave;
 - (i) the date of issuing of the certificate of illness; and
 - (j) a clear indication of the identity of the practitioner who issued the certificate which shall be personally and originally signed by him or her next to his or her initials and surname in printed or block letters
- (2) If pre-printed stationery is used, a practitioner shall delete words which are irrelevant.
- (3) a practitioner shall issue a brief factual report to a patient where such a patient requires information concerning him or herself.

The above is largely self explanatory. Rule (e) refers to those occasions where, for example, the employee has been off sick on Monday and Tuesday and then on Wednesday he goes along to the Doctor and informs the Doctor that he had flu since Monday and requires a sick note. The Doctor will then normally write in the sick note that "I was informed that the patient etc."

You do not have to accept this as genuine illness. The Doctor is only telling you that the patient says he was ill. The Doctor is not certifying that he made an examination and is able to confirm the illness.

You would therefore be perfectly justified in informing the employee that the time taken off will be regarded as unpaid leave and that in future he should visit the Doctor when he falls ill and are not after he has recovered from the alleged illness.

Rule (f) states that the Doctor should give a description of the illness. This may not always be stated, particularly where the nature of the illness, if disclosed, may embarrass the patient.

If you have extremely good reason, for example if this employee is regularly off sick, then perhaps you could assist the employee in typing a letter for the Doctor authorising him to disclose to you the nature of the illness. Alternatively you could request the employee to go to the Doctor and obtain the information in terms of rule (3).

Note that in terms of rule (j) the medical practitioner is required to print his name and initials on the medical certificate in addition to his usual signature.

Regarding medical certificates issued by a clinical hospital, it is normally found that the certificates are not signed by a registered medical practitioner. Every clinic and every hospital has qualified medical practitioners in attendance, and any person who is ill must be examined by such a person.

An examination by a nurse or other person who is not qualified to carry out examination and diagnosis is not acceptable.

A certificate signed by a person other than a qualified medical practitioner who is authorised to make such examination and diagnosis is equally unacceptable.

This means that any certificate bearing an illegible signature and a rubber stamp is unacceptable and in such cases you must insist that the rule (j) be complied with, otherwise you must treat the period of illness as unpaid leave.

Remember also that the those occasions where an employee takes only one day or two days off sick and of course is not required to produce a medical certificate, those days remain classified as sick leave days and are deductible from the employees sick leave entitlement.