

PSA LINK

NO 1/2016

PSA SHOP STEWARD NEWSLETTER

What is a “valid” medical certificate?

The medical profession has introduced the following rules regarding medical certificates:

Medical certificates should contain the following information:

- Name, address and qualification of the practitioner
- Name of the patient
- Employment number of the patient (if applicable)
- Date and time of the examination
- 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
- A description of the illness or disorder with the informed consent of the patient. If the patient is not prepared to give such consent, the medical practitioner shall merely specify that, in his or her opinion based on an examination of the patient, the patient is unfit to work
- Whether the patient is totally indisposed for duty or whether the patient is able to perform less strenuous duties in the work situation
- Exact period of recommended a sick leave
- Date of issuing of the certificate of illness
- A clear indication of the identity of the practitioner who issued the certificate, which is personally and originally signed by him or her next to his or her initials and surname in printed or block letters. If preprinted stationery is used, a practitioner must delete words that are irrelevant.

If the employee has been off sick for two days and on the third day visits the medical practitioner and informs the medical practitioner that he or she had flu for the past two days and requires a sick note, the medical practitioner will normally write on the sick note that he or she was informed that the patient was sick. The employer does not have to accept this as genuine illness. The medical practitioner is only stating that the patient says he or she was ill. The medical practitioner is not certifying that he or she made an examination and is able to confirm the illness.

The employer is therefore perfectly justified in informing the employee that the time taken off will be regarded as unpaid leave and that in future he or she should visit the medical practitioner when he or she falls ill and not after he or she has recovered from the alleged illness. The rules state 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 the employer has an extremely good reason, for example if an employee is regularly off sick, the employer could assist the employee in typing a letter for the doctor authorising him to disclose the nature of the illness. Alternatively, the employer could request the employee to go to the doctor and obtain the information.

In terms of the rules, the medical practitioner is required to print his or her name and initials on the medical certificate in addition to the 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 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. This means that any certificate bearing an illegible signature and a rubber stamp is unacceptable and the employer must treat the period of illness as unpaid leave.

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

www.labourguide.co.za



The PSA cares