

## STATUTORY AMENDMENTS 1 MARCH 2007: CLOSER FOLLOW-UP OF EMPLOYEES ON SICK LEAVE

In order to find solutions that prevent unnecessarily long absences, it is vital to start a process as soon as possible. It will often be possible for the employee to continue working part-time or full-time, if necessary adjustments are made at the workplace.

The employer has the main responsibility for facilitating and following up employees on sick leave. Amendments to the Working Environment Act and the National Insurance Act from 1. March 2007 reinforce this responsibility. Stronger requirements are set for more activity-oriented measures early on in the sick leave period, and the potential for control and sanctions has been expanded.

The main changes entail that the employer must, to a greater degree than previously, facilitate and follow up employees on sick leave. The employee and the doctor/health personnel certified to report sick leave now have a greater responsibility to participate:

- The employer must initiate a follow-up plan in cooperation with the employee. The plan is to describe what is needed for the employee on sick leave to continue working, part-time or full-time. This plan is to be completed no later than six weeks after sick leave has started. Previously the deadline was eight weeks. Exceptions are made if a plan is obviously unnecessary, for example in cases where it is clear that the employee is able to return to work without facilitation or when the employee is highly unlikely to be able to return to work
- If the employee has been on full-time sick leave for 12 weeks, the employer must convene a dialogue meeting. The doctor/health personnel certified to report sick leave must participate if the employee so desires. If the company has a health service, they must be represented. The purpose of the meeting is to find solutions within the company, which can help the person on sick leave to return to work
- If the sick leave is extended, the NAV office must convene a new dialogue meeting after no more than six months. Both the employee and employer are obliged to participate, and the doctor/other health personnel must participate if relevant

The amendments reinforce previous amendments and are in accordance with the Cooperation Agreement on a More Inclusive Workplace. The main principle is that the employer and employee as soon as possible look for solutions making it possible to continue working, part-time or full-time. If a sick note is required, the doctor/health personnel certified to report sick leave must always consider part-time rather than full-time sick leave.

For more information, visit [nav.no](http://nav.no) and [www.arbeidstilsynet.no](http://www.arbeidstilsynet.no), as well as the websites of the major labour partners.

### WHO DOES WHAT?

#### The employer must

- work systematically to prevent illness and injury, and facilitate the work for the person on sick leave, or find new job tasks
- follow up employees during and after a period of illness
- prepare a follow-up plan in cooperation with the employee which is to be completed no later than six weeks after the employee was partially or fully absent from work for the first time
- convene the employee to a dialogue meeting to evaluate the follow-up plan, no later than 12 weeks after the employee was granted full sick leave. The doctor/health personnel certified to report sick leave may participate if the employee so desires. The dialogue meeting is held at the workplace, or in the doctor's office. Notice of the meeting must be sent well in advance. A written summary from the meeting must be submitted to the NAV office.
- report needs for assistance and services from the Norwegian Labour and Welfare Administration
- participate in the dialogue meeting convened by the NAV office in cases of sick leave with a duration of six months

#### The employee must

- as early as possible cooperate with the employer to find solutions preventing full sick leave
- participate in the preparation of a follow-up plan
- be prepared to perform other job tasks, if the usual tasks cannot be performed
- participate in initiatives by the employer which may contribute to full or partial return to work
- participate in dialogue meetings

#### The doctor/health personnel certified to report must

- motivate, stimulate and give confidence for activity in the workplace when this is advisable from a medical point of view
- consider partial (i.e. part-time) sick leave as an alternative to full sick leave
- evaluate whether there are weighty medical reasons why work-related activity is not possible
- participate in dialogue meetings, which must take place no later than 12 weeks after start of sick leave, if the employee so desires
- if considered relevant, participate in the dialogue meeting convened by the NAV office when the sick leave has lasted for six months
- make a statement within the limits of patient-doctor confidentiality

Manual therapists and chiropractors are permitted to report sick leave with a duration of up to eight weeks and are, like doctors, relevant participants in dialogue meetings.

#### The company health service must

- work preventatively
- participate in dialogue meetings after 12 weeks of sick leave

#### The worker's representative and safety delegate must

- contribute to make sick leave work an integrated part of the HSE work
- when relevant, advise and guide employees and assist the employee in the dialogue with the employer and other parties
- participate in the dialogue meeting, if the employee so desires

#### The NAV office must

- request the follow-up plan no later than after 12 weeks, if the employee remains on sick leave. The NAV office may request the follow-up plan after six weeks
- as early as possible consider the need for measures from the Norwegian Labour and Welfare Administration, including occupational rehabilitation if there is no opportunity for in-company rehabilitation. This opportunity must be re-evaluated no later than at the end of the sickness benefit period, which is one year
- hold a dialogue meeting between the employee on sick leave and the employer no later than after six months of sick leave, except when obviously unnecessary. A doctor or other health personnel is to participate if relevant

#### The Norwegian Labour Inspection Authority must

- guide and supervise in order to ensure that enterprises initiate systematic health, environment and safety measures preventing workplace related factors or the work itself from causing injury or illness
- supervise to ensure that the employer has a plan for following up and facilitating employees on long-term sick leave, and check that the plan is actually carried out
- supervise to ensure that enterprises subject to company health service requirements comply with regulations in force and that these are appropriately implemented
- supervise to ensure that enterprises adjust the workplace and job tasks according to age, work ability, etc. of the individual employee, so that illness and injury may be prevented long before absence from work becomes necessary

### IMPORTANT AGREEMENT ITEMS

**After no more than six weeks**, the employer is obliged to formulate a follow-up plan in cooperation with the employee, except in cases where this is obviously unnecessary. The follow-up plan is to contain:

- an evaluation of the employee's work tasks and work ability
- relevant facilitation and measures implemented by the employer
- need for external assistance
- plan for further follow-up

The NAV office may request the follow-up plan.

**After eight weeks**, the doctor must complete an expanded medical certificate. Weighty, medical reasons preventing activity must be documented.

**After no more than 12 weeks**, the employer must convene a dialogue meeting, where the doctor or other health personnel must participate if the employee so desire. The company health service must be represented at the meeting, if the enterprise has one. The NAV office is to obtain the follow-up plan (which may be revised) and receive a written summary from the meeting.

**After no more than six months**, the NAV office must convene the employee and employer to a new dialogue meeting. All parties are obliged to attend. The doctor or other health personnel must participate if relevant. The NAV office is to evaluate whether occupational rehabilitation is relevant.

**After no more than one year**, which is the maximum sick leave/sickness benefit period, the NAV office is to re-consider rights and needs for measures, for instance occupational rehabilitation.

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# CLOSER FOLLOW-UP OF EMPLOYEES ON SICK LEAVE

The workplace is the most important arena for prevention and follow-up of absence due to illness. The Working Environment Act and the National Insurance Act have stipulated certain arenas for meetings and deadlines for the follow-up by the enterprise of employees on sick leave. Exempted from these rules are cases, where this would appear obviously unnecessary.

DEADLINES, ROLES AND TASKS	SELF-REPORTED SICK LEAVE 1-3 DAYS <small>For Iw enterprises:</small> 1-8 DAYS	SICK LEAVE > SIX WEEKS	SICK LEAVE > EIGHT WEEKS	SICK LEAVE > 12 WEEKS	SICK LEAVE > SIX MONTHS	SICK LEAVE > ONE YEAR
<b>EMPLOYER</b>	<ul style="list-style-type: none"> <li>Have the self-report form available</li> <li>When the absence lasts several days: Contact the employee</li> </ul>	<ul style="list-style-type: none"> <li>Prepare a follow-up plan in cooperation with employee</li> <li>The plan must include evaluation of employee's work tasks and work ability</li> <li>relevant facilitation or measures implemented by the employer (possibly combined with measures supplied by the Norwegian Labour and Welfare Administration)</li> <li>plan for further follow-up</li> </ul>	<ul style="list-style-type: none"> <li>Convene a dialogue meeting with the employee and company health service, possibly also including doctor/health personnel certified to report sick leave</li> <li>The dialogue meeting is intended to discuss the content of the follow-up plan and clarify relevant measures at the workplace</li> <li>The NAV office is to receive a written summary from the meeting</li> </ul>	<ul style="list-style-type: none"> <li>Participate in a new dialogue meeting. A description of what in-company measures have been implemented or considered, or have proven impossible to implement, must be available at the meeting</li> </ul>	<ul style="list-style-type: none"> <li>Participate in dialogue meeting, unless medical causes prevent participation</li> </ul>	<ul style="list-style-type: none"> <li>Consider, in cooperation with the NAV office, whether there is a need for rehabilitation or occupational rehabilitation (The right to sickness benefit ceases after 52 weeks)</li> </ul>
<b>THE EMPLOYEE</b>	<ul style="list-style-type: none"> <li>Notify the employer about absence</li> <li>Notify the employer about the duration of absence</li> </ul>	<ul style="list-style-type: none"> <li>State own functional ability and duration of absence</li> <li>Contribute in finding solutions making it possible for you to return to work as soon as possible</li> <li>Be prepared to perform other work tasks, if this is considered to contribute to a quicker return to work</li> </ul>	<ul style="list-style-type: none"> <li>Participate in dialogue meetings with the employer. The doctor/health personnel certified to report sick leave must also participate, if the employee so desires</li> <li>Attending the dialogue meeting is compulsory, unless medical causes prevent attendance</li> </ul>	<ul style="list-style-type: none"> <li>Participate in dialogue meetings with the doctor/health personnel certified to report sick leave must also participate, if the employee so desires</li> <li>Attending the dialogue meeting is compulsory, unless medical causes prevent attendance</li> </ul>	<ul style="list-style-type: none"> <li>Participate in dialogue meeting, if relevant</li> </ul>	<ul style="list-style-type: none"> <li>Evaluate whether the employee continues to be unable to work needing other services or benefits from the Norwegian Labour and Welfare Administration</li> </ul>
<b>DOCTOR/HEALTH PERSONNEL CERTIFIED TO REPORT SICK LEAVE</b>	<ul style="list-style-type: none"> <li>is medically responsible</li> <li>is to motivate for part time or full time work, if medically advisable</li> </ul>	<ul style="list-style-type: none"> <li>A sick leave notice must be issued if absence beyond the self-reporting period is necessary</li> <li>Continuously consider partial sick leave, or active sick leave</li> </ul>	<ul style="list-style-type: none"> <li>Write expanded medical certificate describing and documenting medical reasons for the absence</li> </ul>	<ul style="list-style-type: none"> <li>Participate in the dialogue meeting if summoned, or notify the employer if this is inadvisable for medical reasons</li> </ul>	<ul style="list-style-type: none"> <li>Participate in dialogue meeting, if relevant</li> </ul>	<ul style="list-style-type: none"> <li>Evaluate whether the employee continues to be unable to work needing other services or benefits from the Norwegian Labour and Welfare Administration</li> </ul>
<b>COMPANY HEALTH SERVICE</b>	<ul style="list-style-type: none"> <li>work preventatively</li> <li>may be involved in the follow-up</li> </ul>			<ul style="list-style-type: none"> <li>Participate in dialogue meetings in enterprises with company health service</li> </ul>		
<b>THE NAV OFFICE/ THE NORWEGIAN LABOUR AND WELFARE ADMINISTRATION</b>	<ul style="list-style-type: none"> <li>provide support</li> <li>disburse sickness benefit after the employer period (the first 16 days)</li> <li>propose relevant measures which can contribute to occupational activity</li> </ul>	<ul style="list-style-type: none"> <li>May request follow-up plan</li> </ul>	<ul style="list-style-type: none"> <li>Consider the occupational activity requirement</li> <li>Determine whether continued sickness benefit is justified</li> </ul>	<ul style="list-style-type: none"> <li>Obtain follow-up plan and receive written summary from the dialogue meeting</li> <li>Evaluate alternatives for the person on sick leave inside and outside the enterprise</li> </ul>	<ul style="list-style-type: none"> <li>Convene dialogue meeting after no more than six months. The agenda is the follow-up plan and possible solutions in the workplace, as well as the need for rehabilitation or occupational rehabilitation</li> </ul>	<ul style="list-style-type: none"> <li>Maximum limit for sickness benefit. Occupational rehabilitation or rehabilitation to be re-considered</li> </ul>

**WORKER'S REPRESENTATIVE/ SAFETY DELEGATE**  
Contributes to make sick absence work an integrated part of the HSE work, advises and guides the employee and assists in the dialogue with the employer.  
May participate in dialogue meetings.

**THE NORWEGIAN LABOUR INSPECTION AUTHORITY**  
Guides and supervises enterprises to ensure that preventative work is done to prevent illness or injury and that enterprises have a plan for follow-up and facilitation for employees on long-term sick leave. Supervises the enterprises' use of the company health service.

NAV has a number of measures that can contribute to a quicker return to work (see nav.no). Iw enterprises receive special follow-up via their regular contact at the county Iw centre.



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