

Statutory amendments 1 July 2011:

## Earlier follow-up of employees on sick leave

It is often possible for sick employees to work full or part-time if the workplace is adapted. Generally, the earlier follow-up starts, the faster the employee can return to work..

The employer has the main responsibility for making the necessary arrangements and for following up employees on sick leave, while employees have a duty to cooperate in finding ways to avoid unnecessarily long sick leave. The doctor or health personnel who issue the sickness certificate as well as NAV have roles in the follow-up work.

The purpose of the recent statutory amendments is to ensure earlier intervention and stronger commitment and cooperation in the follow-up of people on sick leave. The new Inclusive Workplace Agreement also emphasises the importance of good cooperation between employers and employees in order to achieve more inclusive workplaces. The employer, employee and sick-leave certifier all have clearly defined tasks in the follow-up work.

- The employer must prepare a follow-up plan in cooperation with the employee, within four weeks of sick leave. The plan shall describe what kind of arrangements need be made to enable the employee on sick leave to continue working, part time or full time. Exemptions may be granted, for example if it is highly likely that the employee will return to work without any adaptations having to be made at the workplace, or if it can be established that the person in question will not be able to return to work at all. A copy of the follow-up plan must be sent to the individual's doctor (sick-leave certifier).
- Within seven weeks of full or part-time sick leave, the employer must convene a dialogue meeting. The doctor who issued the medical certificate must attend this meeting if desired by the employee or if it is deemed appropriate. If the company has an occupational health service, it must be represented at the meeting. The objective of the meeting is to find solutions within the company that can help the person on sick leave return to work. The follow-up plan is updated at this meeting.
- Within nine weeks, the employer must send the follow-up plan to NAV, as well as a special report with information about the follow-up work.
- If the sick leave is extended, the NAV office shall convene a second dialogue meeting after no more than 26 weeks. This meeting is mandatory for both the employee and the employer, and, if relevant, the employee's doctor and/or other health personnel must attend. If the employee, employer, sick-leave certifier or NAV finds it necessary, the second dialogue meeting may be brought forward to an earlier date. It is also possible for any party to request a third dialogue meeting.

NAV will impose sanctions on any party that does not fulfil their responsibilities regarding the follow-up work. The purpose of this is to establish a follow-up culture where everyone assumes the tasks ascribed to them.

The statutory amendments are part of the general effort to promote more inclusive workplaces.

## Important contractual provisions

**Within four weeks** the employer must prepare a follow-up plan in cooperation with the employee, unless it is clearly unnecessary. The follow-up plan must include:

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

The follow-up plan must be sent to the employee's doctor/sick-leave certifier.

**Within seven weeks** the employer shall convene a dialogue meeting that the doctor/sick-leave certifier shall also attend, unless the employee wishes otherwise or it is clearly unnecessary. If the company has an occupational health service, it must be represented.

**Within eight weeks** the doctor must issue an

extended medical certificate, documenting compelling medical reasons why the employee cannot be in work-related activity.

**Within nine weeks** the employer must submit the revised follow-up plan and report form to NAV.

**Within 26 weeks** the NAV office must summon the employee and employer to a second dialogue meeting to consider work-related measures. Attendance is obligatory. The employee's doctor/sick-leave certifier shall attend, if necessary.

At the request of the employee, employer and/or sick-leave certifier, a third dialogue meeting may be held.

**Within one year** at the latest, which is the maximum period for sick leave with sickness benefit, the NAV office will reassess the situation and the need for work-related measures.

## Who does what?

### The employer must:

- work systematically to prevent illness and injury, and adapt the work for the person on sick leave, or find new tasks
- follow up employees during and after a period of illness
- prepare a follow-up plan in cooperation with the employee, unless this is obviously unnecessary. The plan is to be completed no later than four weeks after the employee was partially or fully absent from work
- convene a dialogue meeting to evaluate the follow-up plan, no later than seven weeks after the employee was granted full or partial sick leave. The dialogue meeting may be held at the workplace, in the doctor's office or as a telephone conference. The meeting should be planned well in advance
- submit the follow-up plan and report form to NAV within nine weeks of sick leave. The follow-up plan should include information about possible needs for measures or services from NAV
- participate in dialogue meetings convened by the NAV office

### The employee must:

- from the first day cooperate with the employer to find solutions to prevent full sick leave
- participate in the preparation of a follow-up plan
- be prepared to perform other tasks, if they are unable to perform their usual work
- participate in initiatives by the employer that may promote full or partial return to work
- attend dialogue meetings

### The sick-leave certifier must:

- motivate, stimulate and give the employee on sick leave the confidence to be active in the workplace, provided 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 compelling medical reasons why work-related activity is not possible
- attend the first dialogue meeting with the employer and employee when summoned
- Attend the dialogue meeting convened by the NAV office
- make a statement within the parameters defined by doctor-patient confidentiality

### The company health service must

- work preventively
- assist in individual adaptations and in the preparation of the follow-up plan
- attend dialogue meetings after seven weeks of sick leave

### The employee representative and safety delegate must

- help make sick leave work an integrated part of the health, safety and environmental (HSE) work
- when relevant, advise and guide employees and assist the employee in the dialogue with the employer and other parties
- attend dialogue meetings, if the employee so desires

### The NAV office must

- make sure that it has received the report form and follow-up plan from the employer within nine weeks of sick leave, and issue warnings in the event of neglected obligations, when relevant
- consider the need for measures from NAV, including occupational rehabilitation if in-house training is not possible. This possibility must be reconsidered at the first opportunity and at the latest before the expiry of the sickness benefit period, which is one year
- convene the second dialogue meeting between the employee on sick leave and the employer within 26 weeks of sick leave, unless it is obviously unnecessary. The employee's doctor or other health personnel must attend this meeting, if relevant
- if necessary, or at the request of the employee, employer and/or sick-leave certifier, convene a third dialogue meeting
- supervise to ensure that the employee on sick leave, employer and sick-leave certifier perform their follow-up obligations. Impose sanctions if obligations are not met.

### The Norwegian Labour Inspection Authority must

- provide guidance and supervision in order to ensure that enterprises initiate systematic health, environment and safety measures with a view to preventing factors at the workplace or the work itself from causing injury or illness
- supervise to ensure that the employer has a plan for following up and making the necessary adaptations and arrangements for employees on long-term sick leave, and check that the plan is actually carried out
- supervise to ensure that enterprises that are required to have a company health service requirements comply with the regulations in force and that these are appropriately implemented
- supervise to ensure that enterprises adapt the workplace and work tasks according to the age, work capability, etc. of the individual employee, so that illness and injury are prevented long before absence from work becomes necessary

Read more on [nav.no](http://nav.no)

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The workplace is the main location for prevention and follow-up of sickness absence. The Working Environment Act and the National Insurance Act establish meetings, deadlines and sanctions if the obligations in the follow-up process are not observed.\* It makes no difference whether the employee is on full or partial sick leave – the aim is to avoid unnecessarily long sick leave. On 1 July 2011 new rules were adopted, regarding earlier and closer follow-up of employees on sick leave.

Deadlines, roles and tasks	Self-certification 1-3 days For IA enterprises: 1-8 days	Medical certificate > 4 weeks	Medical certificate > 7 weeks	Medical certificate > 8 weeks	Medical certificate > 9 weeks	Medical certificate > 26 weeks	Medical certificate > 1 year
<b>Employer</b> Responsible for as soon as possible to make arrangements to enable an employee on sick leave to be in some form of work-related activity at the workplace	<ul style="list-style-type: none"> <li>Have self-certification form</li> <li>In the event of absence lasting several days: Contact the employee</li> </ul>	<ul style="list-style-type: none"> <li>Prepare a follow-up plan in collaboration with the employee.</li> <li>The plan must contain:               <ul style="list-style-type: none"> <li>an assessment of the employee's tasks and work capability</li> <li>relevant adaptations or measures by the employer, possibly combined with measures supplied by NAV</li> <li>plan for further follow-up</li> </ul> </li> <li>The follow-up plan shall be sent to the sick-leave certifier as soon as it has been prepared, at the latest after four weeks.</li> </ul>	<ul style="list-style-type: none"> <li>Arrange a date for the first dialogue meeting with the employee and the company health service, and, possibly also including the sick-leave certifier. The purpose of the dialogue meeting is to discuss the contents of the follow-up plan and determine whether it will be pertinent to make any adaptations at the workplace.</li> <li>The follow-up plan shall be updated and should be sent to the sick-leave certifier.</li> </ul>	<ul style="list-style-type: none"> <li>If you are not in work-related activity after eight weeks, an extended medical certificate is required documenting compelling medical reasons that prevent activity.</li> </ul>	<ul style="list-style-type: none"> <li>Send NAV updated follow-up plan and report on the follow-up work done (follow-up plan and dialogue meeting), and whether the sick-leave certifier was invited to and attended the meeting.</li> </ul>	<ul style="list-style-type: none"> <li>Attend second dialogue meeting, convened by NAV</li> <li>Submit the revised follow-up plan to NAV at the latest one week before the meeting. The plan shall indicate what measures the company has implemented and measures that have been considered and proven infeasible.</li> </ul>	<ul style="list-style-type: none"> <li>Attend a possible third dialogue meeting</li> </ul>
<b>Employee</b> Shall cooperate and suggest solutions to reduce sickness absence and provide information about your functional ability	<ul style="list-style-type: none"> <li>Inform the employer of absence</li> <li>Report the time frame</li> </ul>	<ul style="list-style-type: none"> <li>Assist in finding solutions that enable you to return to work as quickly as possible</li> <li>Be prepared to do other suitable work or adapted work, if this will help you return to work sooner.</li> <li>Participate in the preparation and implementation of the follow-up plan.</li> </ul>	<ul style="list-style-type: none"> <li>Attend the dialogue meetings with the employer and company health service, unless a medical condition prevents this. The sick-leave certifier shall also attend, unless you don't want it</li> <li>Assist in finding solutions that enable you to return to work as quickly as possible</li> </ul>	<ul style="list-style-type: none"> <li>Issue an extended medical certificate describing and documenting the medical reasons for absence from work</li> </ul>	<ul style="list-style-type: none"> <li>Attend the dialogue meeting, unless a medical condition prevents this</li> <li>Assist in finding solutions that enable you to return to work as quickly as possible</li> </ul>	<ul style="list-style-type: none"> <li>Attend the dialogue meeting, unless a medical condition prevents this</li> <li>Assist in finding solutions that enable you to return to work as quickly as possible</li> </ul>	<ul style="list-style-type: none"> <li>Attend a possible third dialogue meeting</li> <li>Before the expiry of the sickness benefit period (52 weeks), you must assess, in consultation with NAV and the sick-leave certifier, whether there is a need to apply for occupational rehabilitation or employment schemes (entitlement to sickness benefit ceases after 52 weeks)</li> </ul>
<b>Sick-leave certifier</b> Is medically responsible and shall encourage people on sick leave to work full time or part time, in cases where it is medically advisable	<ul style="list-style-type: none"> <li>If absence beyond the self-certification period is required, a medical certificate must be issued</li> <li>Consider graduated (partial) sick leave</li> </ul>	<ul style="list-style-type: none"> <li>Attend the dialogue meeting, as agreed. As necessary, notify the employer if it is medically inadvisable for the employee to be in activity.</li> </ul>	<ul style="list-style-type: none"> <li>Attend the dialogue meeting, if your presence is requested</li> </ul>	<ul style="list-style-type: none"> <li>Attend the dialogue meeting, if your presence is requested</li> </ul>	<ul style="list-style-type: none"> <li>Attend the dialogue meeting, if your presence is requested</li> </ul>	<ul style="list-style-type: none"> <li>Attend the dialogue meeting, if your presence is requested</li> </ul>	<ul style="list-style-type: none"> <li>Attend a possible third dialogue meeting</li> <li>Assess whether the employee is still incapable of working and needs other services from NAV</li> </ul>
<b>Company health service</b> <ul style="list-style-type: none"> <li>Work preventatively</li> <li>May be involved in follow-up</li> </ul>		<ul style="list-style-type: none"> <li>Attend dialogue meetings</li> </ul>					
<b>NAV office</b> <ul style="list-style-type: none"> <li>Provides support and pays sickness benefit after the employer liability period (the first 16 days).</li> <li>Shall suggest measures and tools that can promote work-related activity</li> <li>Shall impose sanctions if the employee, employer or the sick-leave certifier do not fulfil their follow-up duties.</li> </ul>			<ul style="list-style-type: none"> <li>Assess the requirement for work-related activity and the need for work-oriented follow-up from NAV</li> <li>Determine whether the individual in question still qualifies for sickness benefit</li> </ul>	<ul style="list-style-type: none"> <li>Check that the follow-up plan and required registration forms have been received and a dialogue meeting has been held.</li> </ul>	<ul style="list-style-type: none"> <li>Arrange a dialogue meeting within 26 weeks. The topics at this meeting are the follow-up plan and possibilities for solutions at the workplace, and whether the individual needs occupational rehabilitation or employment schemes organised by NAV</li> </ul>	<ul style="list-style-type: none"> <li>Convene and attend a third dialogue meeting at the request of the employee, employer and/or sick-leave certifier.</li> <li>Employment schemes, and, as applicable, work assessment allowance, shall be considered before the limit for sickness benefit is reached (52 weeks).</li> </ul>	
<b>Employee representative / safety delegate</b> Help make sickness absence work an integrated part of the HSE work in the enterprise, give advice and guidance to the employee and assist in the dialogue with the employer. May attend dialogue meetings.							
<b>Norwegian Labour Inspection Authority (Arbeidstilsynet)</b> Provide advice and monitor that enterprises work preventively to prevent sickness and injury and that they have a plan for follow-up and adaptation of the workplace for people on long-term sick leave. It also supervises the enterprise's use of company health services.							
*Unless clearly unnecessary, a follow-up plan shall be prepared and dialogue meetings shall be held. An exception can be made if the employee, for example: <ul style="list-style-type: none"> <li>most likely will return to work without adaptations having to be made at the workplace, or</li> <li>it can be established that the person in question will not be able to return to work</li> </ul>							

NAV has a number of measures that may contribute to a more rapid return to work (see nav.no). Inclusive workplaces (IA-virksomheter) will receive special follow-up from their contact person at the county branch of the NAV Inclusive Workplace Centre (Arbeidslivssenter).

