

# Sick leave – a worker's right?

Doctors spend a great deal of their time issuing certificates for sick leave and experience many problems in relation to this aspect of their work. The Western Cape branch of the National Medical and Dental Association, in an attempt to throw light on the problems, sent questionnaires to 350 general practitioners in the Greater Cape Town area. 93 doctors replied. Of these 8 were no longer in general practice. Almost all of the 85 practising doctors who replied, practise in the working class suburbs. In the report that follows the numbers in brackets indicate the number of doctors who gave a particular reply.

## Doctors' difficulties in granting sick leave

Ideally doctors should be able to issue sick certificates having only to take into account their patients' welfare. 23 of the doctors felt that they experienced difficulties in putting patients off work for the full amount of time they thought necessary for their recovery. One doctor cited the example of putting domestic workers off work and having their "madams" then come to their homes to fetch them for work. He also gave a recent example of a builder who had pneumonia and was booked off work for a week. His employers promptly sacked him.

The most common reason given for difficulty in putting patients off work was the fear that the workers might lose their jobs (12). Other reasons included loss of income for the worker (5) and pressure from the management or company nurse (5). 52 doctors had not experienced this problem and 10 did not complete this question.

A large number of doctors (56) however, had had their sick certificates queried. This was done by management (52), but also by the company doctor or sister (13) and by the sick pay fund (4). The commonest queries were that the worker had been given too much time off for a particular illness (26) or else the diagnosis was queried (26). A part-time company doctor who completed the questionnaire said that he was often (underlined three times) asked to re-examine patients seen by private GP's to see if they were really as ill as the private GP's sick certificate would indicate. Other queries were that a particular worker had been given too many periods of sick leave (18), that the patient's diagnosis was

- sick leave -

demanded (13) and that the certificate had been falsified (10). In one case the query arose when a patient on sick leave was found not to be at home when visited by management. 8 doctors reported that their sick certificates had been overruled by management.

### Confidentiality: a worker's right

In terms of medical ethics any information the doctor has about the patient is confidential and should only be divulged to a third party with the patient's consent. 43 doctors reported that they had been asked to divulge confidential information about patients. This was usually done by management (36) and sometimes by the company doctor or sister (12). 7 doctors singled out the "madams", employers of domestic workers, as being "the most inquisitive". 42 doctors had not experienced this problem.

Doctors were asked if they thought the employer had a right to know the diagnosis of a worker being put off work. 29 felt that the employer did not, mainly because information about the patient was confidential (21). 53 doctors felt that the employer should know the diagnosis though some of them (30) qualified their answers with reasons that were sympathetic towards workers. For example, one doctor said, "I don't have a problem with a general diagnosis. It is often very useful for the employer to know the general diagnosis being provided and a patient certainly has a right to refuse disclosure. It is often very useful for the employer to know the general diagnosis in terms of being able to know what to expect of the worker at work, knowing that the worker requires follow up, monthly visits, etc." Doctors emphasised that "sensitive" or "personal" diagnoses should not be disclosed.

Other reasons for supporting provision of information to management included cases of occupational disease, and illnesses which were a risk to other workers. Some doctors emphasised the need to obtain the patient's consent first. 21 doctors gave reasons that were in the employer's interests, eg. employees abuse sick leave, and the employers have to pay the sick leave pay.

### Doctor's attitudes

The final question related to patients who belonged to Industrial Sick Funds. Doctors were asked if workers belonging to these funds put pressure on them to be put off work longer than was necessary. 55 doctors felt this was the case. The commonest reason (37) was

that workers would not be paid if off work for less than a specified period of time. The clothing and building industries were mentioned in this regard. 17 doctors also mentioned that workers felt that they were entitled to take all their sick leave each year. 20 doctors felt that they had not been pressurised and 10 did not complete this question.

Doctors were asked to comment in general on the sick pay issue and their responses differed widely:

- \* "Very often employers phone to find out about their employee's condition. When referred to the sick certificate, it is indicated that they do not believe either the doctor or the patient or both. In my experience there are very few cases of genuine concern for the employee but merely trying to ascertain whether the patient cannot be put off for a shorter interval or not at all thus avoiding sick pay."
- \* "Sick leave is abused by the majority of patients especially at times of long weekends, public holidays. My personal attitude is that practitioners should only grant sick leave when absolutely warranted on medical grounds and then ruthlessly stamp out the "right" some patients claim to have as far as sick leave is concerned."
- \* "I resent the feeling when working for factories that I'm a paid employee of that company and my loyalties should be towards the company rather than the patient. Very often the company sister gives one the impression that every sick certificate issued by me is a personal defeat for her (and the company). Everyone is viewed as a malingerer until proven otherwise."

It seems that doctors are not happy with the situation regarding sick certificates. "Sick and tired of writing out sick certificates", wrote one doctor. A number of doctors suggested that a sick certificate should only be required for absences of longer than three days. This is a matter which needs to be discussed by representatives of all parties involved - doctors, employers and workers.

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