



EVENING NEWS

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Jobs clinic

My firm won't give sick pay without GP's certificate

Q MY employer will not accept a self-certificate for absence due to illness. Anyone who has been off work must produce a letter from a GP, with any fee charged by the doctor refunded by the company.

The problem is that many employees find their GPs are not happy about writing a sick note, saying that the employer should accept a self-certificate. However, anyone supplying a self-certificate is not paid the appropriate sick pay.

My employer has posted on the noticeboard that this is in compliance with a local agreement, which employees have not seen and are not aware of. Is my company within its rights to behave like this?

A YOU don't say whether your employer pays only statutory sick pay (SSP) or contributes something more than that through company sick pay.

In either case, an employer can make its own rules about when and how employees are expected to notify them about illness.

However, as far as the payment of statutory sick pay is concerned, one of the things an employer cannot insist upon is a medical certificate on or before the seventh day of illness-related absence. If an employer withholds the payment of SSP because a medical certificate has not been provided, then that employee should seek legal advice.

An employer is, however, entitled to ask for a medical certificate before the payment of any company sick pay. I'm sure if this is explained to the GP, then he or she will be willing to provide you with one, even if they are not particularly happy about doing so.

Employers' rules on the notification of staff illness – or, more generally, a company's policy on sickness absence or any changes made to that policy – should be communicated to all employees in advance.

It may be that simply pinning a notice on a noticeboard is not enough, but it is difficult to give a definite answer about this (or the local agreement) without knowing more details.

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■ Do you have a question to put to our panel of experts? Write to: Jobs Clinic, c/o Special Reports, Barclay House, 108 Holyrood Road, Edinburgh, EH8 8AS. Alternatively, e-mail: jobsclinic@scotsman.com

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