

Follow-up of sick leave

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

The employer has the main responsibility for making necessary adaptations at work, and following up the employees on sick leave. The employee has a duty to cooperate in finding ways to avoid the sick leave from being unnecessarily long. The doctor or health personnel who issue the sickness certificate and NAV also have roles in the follow-up work and the joint efforts to ensure a more inclusive working life (IA).

Systematic IA work involves close dialogue with the employee representatives, with an emphasis on prevention and good follow-up of the employees who go on sick leave. The sickness certificate, the application and the follow-up plan are digitalised. Read more at nav.no/digitalsykmelding

The IA Agreement 2019-2022

The *Letter of Intent regarding a more inclusive working life (IA)* is signed by the authorities and the parties to the labour market. The IA Agreement for the period 2019-2022 comprises all of Norway's working life and puts the workplace clearly at the centre. The IA agreement aims to create a working life with room for everyone by preventing sickness absence and dropout, and in this way contributing to increasing employment. The parties agree on two national objectives:

- To reduce sickness absence by 10 per cent compared with the annual average of 2018
- To reduce withdrawal from working life

Two special focus areas have been highlighted: Preventive work environment efforts and efforts focused on long-term and/or frequently recurring sickness absence.

Policy instruments: NAV Workplace Centre's assistance and expertise will be a key tool for the enterprises and can provide training, professional advice and support, among other things, to the enterprise's process work in order to achieve the objectives of the IA Agreement.

The employer is obliged to discuss with the employee representatives whether the right to self-certification should be extended. The employer can grant the right to use self-certification for the employer period of 16 days and not just for 3 days, which is a right under the law.

In case of long-term and/or frequently recurring sickness absence, the employer may apply to NAV for expert assistance. It is a prerequisite that the employer, NAV and the employee agree that external assistance is appropriate.

Read more about the IA Agreement at regjeringen.no/ia

Important milestones

Within 4 weeks of sick leave, the employer must prepare a follow-up plan in cooperation with the employee, except in cases where this is clearly unnecessary. The follow-up plan must be conveyed to the sick-leave certifier.

Within 7 weeks the employer must convene an initial dialogue meeting with the employee on 100 per cent sick leave, which also the sick-leave certifier shall attend if the employee, and possibly also the employer, find this expedient. If the employee has been on graded sick leave, the meeting shall be held if the employer, the employee or the sick-leave certifier find this expedient.

Within 8 weeks: In order to still be entitled to sickness benefits, the employee on sick leave is obliged to be in work-related activity. The exception is when compelling medical reasons prevent such activity. This must be documented by the sick-leave certifier. If it is not possible to adapt the workplace, this must be documented by the employer. NAV assesses whether the duty to be in work-related activity has been met.

Within 26 weeks the local NAV office must summon the employee and the employer to a second dialogue meeting. The meeting is mandatory for both parties. The sick-leave certifier or other health personnel must attend if NAV finds this appropriate. Work-related measures must be considered. All the parties may request that the second dialogue meeting is held at an earlier date.

When required, all the parties may request that NAV convenes a third dialogue meeting.

Within 1 year, which is the maximum period for sickness benefit, the NAV office will reassess the situation and the need for work-related measures.

FOLLOW-UP PLAN

A follow-up plan is for the benefit of the employee and the employer, but will also function as an information channel for the sick-leave certifier, NAV and any other sources of support. The work on the follow-up plan must be dynamic and it must be updated regularly during the course of the employee's absence.

The following plan will include

- an assessment of the employee's duties and the ability to perform these
- relevant adaptation or measures by the employer
- any need for external assistance
- plan for further follow-up

Exceptions from the follow-up plan

A follow-up plan must be prepared unless this is clearly unnecessary, for example, when it is clear that the person on sick leave will not be returning to work, or when the employee will be returning to work regardless of any adaptation measures. It may also be "clearly unnecessary" when the employee is on graded sick leave and may already be in dialogue regarding follow-up and adaptation of the workplace.

DIALOGUE MEETINGS

The purpose of the dialogue meetings is to discuss what is needed to prevent unnecessary long-term sick leave. Together, they discuss the possibilities and limitations and make plans for further follow-up work. If there is not sufficient time, or if long distances make it difficult to meet, it is possible to conduct the dialogue meetings by telephone or via video link. The number of dialogue meetings depends on the length of the sick leave and what is appropriate.

If required, the sick-leave certifier, occupational health service and employee representatives or safety delegates may attend the dialogue meetings. In this case, the employee must consent.

Dialogue meeting 1 is the employer's responsibility and must be held within 7 weeks of sick leave. Dialogue meeting 1 is basically a meeting between the employee and the employer, but other parties may be summoned if this is appropriate. The participants will discuss the contents of the follow-up plan and clarify if any measures in the workplace are required. Dialogue meetings are not required if the employee is on partial sick leave - unless the employee, employer or the sick-leave certifier finds this appropriate.

Exceptions from dialogue meeting 1

Dialogue Meeting 1 need not be held if it is clearly unnecessary, for example:

- in case of serious illness where it can be determined that the employee will not be able to return to work.
- when it is obvious that the employee will return to full-time employment within a short time without adaptation measures.
- when adaptation measures have already been successfully implemented and it is clear that the employee will return to full-time employment within a short time.
- in case of serious illnesses where the cause of the sickness certificate is of such a nature that the meeting cannot be conducted in an appropriate manner. (In such cases, the meeting will be held at a later date, if possible).

If the employee is on partial sick leave, the meeting will be held when the employer, employee or sick-leave certifier deems this appropriate.

Dialogue meeting 2 must be held before the sickness absence as lasted 26 weeks. NAV is responsible for convening. In week 16, the employer and the employee receive a message from NAV asking whether they assess the need for a dialogue meeting. The NAV counsellor makes the decision based on the replies and on an overall assessment. It is possible to expedite the dialogue meeting if one of the parties so wishes.

Exceptions from dialogue meeting 2

In some situations there are reasons for making exceptions from dialogue meeting 2:

- medical reasons
- admission to a health institution
- when the employee is expected to be fit for work before the sick leave has lasted 28 weeks
- ongoing measures are likely to result in the employee being fit for work

Dialogue meeting 3 may be organised by NAV if one of the parties so wishes.

FAILURE TO MEET THE OBLIGATIONS

The Labour Inspection Authority must supervise the enterprises' systematic HSE work and how the enterprises work to reduce sickness absence through follow-up and making the necessary adaptations and arrangements for employees on sick leave. If the Labour Inspection Authority uncovers breaches of these obligations, it may impose its ordinary sanctions.

The Board of Health ensures compliance with the provisions of the Health Personnel Act and therefore will be able to apply the Act's general sanctions against sick-leave certifiers who do not contribute as the law requires.

NAV may stop the sickness benefit if the employee on sick leave does not cooperate in accordance with the law.

Follow-up of sick leave

Updated 2019

Follow-up of employees on sick leave

The workplace is the most important arena for preventing and following-up sick leave. The Working Environment Act and the National Insurance Act lay down some obligations, meeting arenas and deadlines in the follow-up work. The aim is to prevent sick leave from being unnecessarily long.

Deadlines, roles and tasks	Self-Certification 1 – 3 days unless otherwise agreed.	Sickness certificate > 4 weeks	Sickness certificate > 7 weeks	Sickness certificate > 8 weeks	Sickness certificate > 26 weeks	Sickness certificate > 1 year
	<p>Employer Is responsible for making arrangements as soon as possible to enable an employee on sick leave to be in work-related activity the workplace. Must be able to document the follow-up work. The enterprise must store the documentation.</p> <p>Employee Shall cooperate and contribute actively to finding solutions in order to return to work as quickly as possible.</p> <p>Sick-leave certifier Shall motivate the employee to work full or part-time, if it is medically advisable.</p> <p>NAV Provides support in the follow-up work. Pays sickness benefits. Has various work-related instruments. Will propose relevant instruments that may contribute to work-related activity. Enterprises may receive assistance from NAV Workplace Centre on the basis of a documented dialogue between the parties in each enterprise.</p> <p>Employee representative/Safety Delegate</p> <p>Occupational health service</p> <p>The Norwegian Labour Inspection Authority</p>	<p>Have self-certification forms. Contact the employee when he or she has been absent for several days.</p> <p>Prepare a follow-up plan in cooperation with the employee, unless this is clearly unnecessary. Ensure that the follow-up plan is communicated to the sick leave certifier at the latest when the sickness absence has lasted 4 weeks. The plan must be sent to NAV when NAV asks for it, or assistance from NAV is required.</p> <p>Participate in the preparation and implementation of the follow-up plan. Help find solutions that contribute to you returning to work if this is possible.</p> <p>Continuously assess partial sick leave. Receive the follow-up plan.</p> <p>If a longer period of sick leave is required after the self-certification period, a sickness certificate must be issued. Partial sick leave must be assessed on an ongoing basis.</p>	<p>In the case of 100% sick leave, a Dialogue Meeting 1 is to be agreed with the employee, unless it is clearly unnecessary. If the employee is on partial sick leave, the meeting is only held if this is appropriate. If required, the sick-leave certifier, the occupational health service, NAV and/or an employee representative/safety delegate may attend the meeting. The employee must give consent if the sick-leave certifier is summoned.</p> <p>Attend a dialogue meeting at the workplace unless a medical condition prevents this. Inform your employer if you want the sick-leave certifier and/or other support to attend the meeting.</p> <p>Attend the dialogue meeting if you are summoned. Notify if there are any extraordinary circumstances in your work situation, which mean that you cannot attend the meeting.</p>	<p>Facilitate partial sick leave or notify NAV if facilitation is not possible in the workplace.</p> <p>Attend the dialogue meeting, if you are summoned. You may request NAV to hold a Dialogue Meeting 2 at an earlier date. Submit a revised follow-up plan to NAV no later than 1 week prior to the meeting.</p> <p>If you are not in work-related activity within 8 weeks, an extended medical certificate is required to document that there are compelling medical reasons that prevent activity.</p> <p>Consider partial sick leave. If compelling medical reasons prevent the employee from being in work-related activity, you must document this in a sickness certificate.</p> <p>Assesses whether the activity requirement has been met and that the employee is still entitled to sickness benefit. Assesses whether there is a need for work-related follow-up from NAV.</p>	<p>Attend Dialogue Meeting 2 organised by NAV. You may request NAV to hold the Dialogue Meeting 2 at an earlier date. Submit a revised follow-up plan to NAV no later than 1 week prior to the meeting.</p> <p>Attend the dialogue meeting, unless there are medical reasons that prevent this. You may request NAV to hold a Dialogue Meeting 2 at an earlier date. Help find solutions that enable you to return to work as soon as possible.</p> <p>Attend the Dialogue Meeting 3 if you are summoned. You may request NAV to hold a Dialogue Meeting 3. Before the end of the sickness benefit period (52 weeks), you and your sick-leave certifier should consider whether assistance from NAV is required. It may also be necessary to apply for work assessment allowance (AAP).</p> <p>Attend Dialogue Meeting 3 if you are summoned. You may request NAV to hold a Dialogue Meeting 3. Assess whether the employee is still not fit for work with needs for other benefits from NAV.</p> <p>Attend Dialogue Meeting 3 if you are summoned. You may request NAV to hold a Dialogue Meeting 3 if requested or if NAV finds this appropriate. Assesses as early as possible whether an employment scheme or work assessment allowance are necessary, at the latest before the maximum sickness benefit limit is reached.</p>	<p>Attend Dialogue Meeting 3 if you are summoned. You may request NAV to hold a Dialogue Meeting 3.</p> <p>Attend Dialogue Meeting 3 if you are summoned. You may request NAV to hold a Dialogue Meeting 2 at an earlier date. Help find solutions that enable you to return to work as soon as possible.</p> <p>Attend Dialogue Meeting 3 if you are summoned. You may request NAV to hold a Dialogue Meeting 3. Assesses whether the employee is still not fit for work with needs for other benefits from NAV.</p> <p>Holds a Dialogue Meeting within 26 weeks, unless it is clearly unnecessary. Assesses whether the sick-leave certifier should attend. Summons to an early Dialogue Meeting 2 if requested or if NAV finds this appropriate. Prepares the meeting so that there is progress in the follow-up.</p>