

Sick leave rules from 1 July 2011:

Early 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. Exemption is granted if this is clearly unnecessary. For example, cases where it is clear that the employee will return to work without any adaptations having to be made at the workplace, or in connection with serious illness. 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. Exemption is granted if this is clearly unnecessary (more information on next page). The doctor who issued the medical certificate must attend this meeting unless the employee wishes otherwise or it is clearly unnecessary. 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 report to NAV about the follow-up work at the workplace. Both the NAV form "Report on follow-up of an employee on sick leave" and the personal follow-up plan must be submitted. Reports can be submitted electronically or by post.
- 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 can 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 performs 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 / the 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 report to NAV and submit the report form and follow-up plan.

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 / the sick-leave certifier shall attend if NAV finds it appropriate.

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.

Read more on nav.no

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 or video conference. The date, time, place and meeting form should be planned well in advance
- submit the report form and follow-up plan 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 to provide information about the conditions at the workplace and the possibilities for adaptation

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

NAV 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 NAV deems it 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

Sick leave rules from 1 July 2011:

Earlier follow-up of employees on sick leave

Updated October 2012

Earlier follow-up of employees on sick leave

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
Employer Shall as soon possible 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"> Have self-certification form In the event of absence lasting several days: Contact the employee 	<ul style="list-style-type: none"> Prepare a follow-up plan in collaboration with the employee. The plan must contain: <ul style="list-style-type: none"> an assessment of the employee's tasks and work capability relevant adaptations or measures by the employer, possibly combined with measures supplied by NAV plan for further follow-up 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.	<ul style="list-style-type: none"> 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. The follow-up plan shall be updated and should be sent to the sick-leave certifier. 		<ul style="list-style-type: none"> Report to NAV about the follow-up at the workplace. Both the NAV form "Report on follow-up of an employee on sick leave" and the follow-up plan must be submitted. Any circumstances that have led to a follow-up plan not being prepared, or a dialogue meeting not being held, must be stated on the report form. The report can be submitted electronically or by post – read more about this on nav.no. 	<ul style="list-style-type: none"> Attend second dialogue meeting, convened by NAV 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. 	<ul style="list-style-type: none"> Attend a possible third dialogue meeting.
Employee Shall cooperate and suggest solutions to reduce sickness absence and provide information about your functional ability	<ul style="list-style-type: none"> Inform the employer of absence Report the time frame 	<ul style="list-style-type: none"> Assist in finding solutions that enable you to return to work as quickly as possible Be prepared to do other suitable work or adapted work, if this will help you return to work sooner. Participate in the preparation and implementation of the follow-up plan. 	<ul style="list-style-type: none"> 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 Assist in finding solutions that enable you to return to work as quickly as possible 	<ul style="list-style-type: none"> If you are not in work-related activity after eight weeks, an extended medical certificate is required documenting compelling medical reasons that prevent activity. 		<ul style="list-style-type: none"> Attend the dialogue meeting, unless a medical condition prevents this Assist in finding solutions that enable you to return to work as quickly as possible 	<ul style="list-style-type: none"> Attend a possible third dialogue meeting 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. It may also be relevant to apply for work assessment allowance before entitlement to sickness benefit ceases.
Sick-leave certifier 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"> If absence beyond the self-certification period is required, a medical certificate must be issued Consider graduated (partial) sick leave 	<ul style="list-style-type: none"> Attend the dialogue meeting, as agreed. As necessary, notify the employer if it is medically inadvisable for the employee to be in activity. 	<ul style="list-style-type: none"> Issue an extended medical certificate describing and documenting the medical reasons for absence from work 		<ul style="list-style-type: none"> Attend the dialogue meeting, if your presence is requested 	<ul style="list-style-type: none"> Attend a possible third dialogue meeting Assess whether the employee is still incapable of working and needs other services from NAV
Company health service <ul style="list-style-type: none"> Work preventatively May be involved in follow-up 			<ul style="list-style-type: none"> Attend dialogue meetings 				
NAV <ul style="list-style-type: none"> Provides support in the follow-up work Pays sickness benefit Offers a range of work-related measures Enterprises that have signed an Inclusive Workplace Agreement ("IA enterprises") will receive special assistance from the NAV Inclusive Workplace Support Centre (Arbeidslivssenter). Read more on nav.no 		<ul style="list-style-type: none"> NAV sends an information letter to people on sick leave. The follow-up plan shall not be sent to NAV until week 9, unless assistance from NAV is required 		<ul style="list-style-type: none"> Assess the requirement for work-related activity and the need for work-oriented follow-up from NAV Determine whether the individual in question still qualifies for sickness benefit 	<ul style="list-style-type: none"> Receive the report form and follow-up plan Assess relevant NAV measures, if it is stated in the follow-up plan that NAV's assistance is required Issue a warning to the employer in the event of inadequate reporting 	<ul style="list-style-type: none"> Hold a dialogue meeting within 26 weeks. Determine whether the sick leave certifier should attend. 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 	<ul style="list-style-type: none"> Convene and attend a third dialogue meeting at the request of the employee, employer and/or sick-leave certifier. Employment schemes, and, as applicable, work assessment allowance, shall be considered before the limit for sickness benefit is reached (52 weeks). In this context, it may be relevant to conduct a work capability assessment.
Employee representative / safety delegate	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.						
Norwegian Labour Inspection Authority (Arbeidstilsynet)	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.						

Exemption from the follow-up plan and first dialogue meeting

Unless it is clearly unnecessary, a follow-up plan shall be prepared and dialogue meetings shall be held. Exceptions include, for example:

- serious illness where it is clear that the individual in question will not be able to return to work
- cases where it is clear that the employee will return to work without any adaptations having to be made at the workplace

- cases where adaptations have been made at the workplace that serve their purpose and it is clear that the employee will shortly return to full work
- serious illness where the cause of the sick leave means that the meeting cannot reasonably be held. (If possible, the meeting should be held on a later occasion.)

Sanctions in the event of neglect of duties

If the follow-up obligations are not observed, NAV can issue sanctions. The employer may be fined the equivalent of six court fees (NOK 5,160 as per November 2012) for each violation. The employee runs the risk of losing the sickness benefit. The sick-leave certifier may be fined a violation fee equivalent to 12 court fees (NOK 10,320 as per November 2012) in the event of failure to attend at least seven dialogue meetings. A letter of warning will be sent before NAV puts sanctions into effect.