



GUIDE TO FOLLOW-UP ON ABSENCE DUE TO ILLNESS

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Introduction

The purpose of this guide is to provide an overview of the minimum requirements and possible ways of ensuring job retention in connection with follow-up on employees' absence due to illness, and also to establish the best possible conditions for the employee to return to work as quickly as possible, for the employee to remain employed or, if this is not possible, to ensure a swift resolution of the situation for the employee.

The guide is intended to ensure continuity and action behind the initiatives.

Notification of illness

Employees must notify the workplace that they are ill on the first day of illness, in accordance with locally agreed guidelines.

If the employee is to undergo surgery or prolonged treatment, the workplace must be informed of the time/period of absence as soon as the employee has this information. This is to facilitate the planning of the work and any necessary re-assignment of tasks.

Frequent or atypical absence due to illness

A particular area of focus for Aarhus University is frequent and/or long-term absence due to illness. Experience shows that the longer the period of absence due to illness, the greater the risk that the employee never returns to work. This means that it is always worthwhile to start the dialogue on job retention and returning to work as early as possible.

Frequent absence due to illness is when an employee has more than:

- four periods of absence due to illness within six months; and/or
- ten single days of absence due to illness within 12 months.

The manager should be attentive of an employee with frequent or atypical periods of absence due to illness. In this basis, the manager will convene a sickness absence meeting, following a specific assessment.

The purpose of the meeting is to jointly review the pattern of absence due to illness during the past year, to ask the employee to describe his/her health status, and to identify any needs the employee may have which the workplace can accommodate. The employee and the manager must together assess whether a Section 56 agreement may be relevant.

Long-term absence due to illness

If the absence due to illness is expected to exceed 21 consecutive days, the manager must invite the employee to a sickness absence meeting. This should already take place around the 10th-14th day of absence due to illness and, if the absence continues sickness absence meetings must be held at two- to four-week intervals, as deemed appropriate.

The purpose of the meeting is to discuss the status of the absence due to illness, as well as the prospects and possibilities for the employee to return to work on a full-time or part-time basis. The purpose is also to identify any needs the employee may have which the workplace can accommodate. The manager decides whether the employee must bring a medical certificate to the meeting.

Sickness absence meetings

Sickness absence meetings are intended to ensure follow-up on employees' absence and ensure the best possible conditions for the employee to return to work as quickly as possible. The manager and the employee are obliged to cooperate on the follow-up on absence due to illness. If, due to ill health, the employee is unable to attend a meeting at the workplace in person, the meeting may take place either by telephone or at another agreed location.

An invitation to a sickness absence meeting is sent to the employee stating the time, place and purpose of the meeting, as well as the names of the participants, and informing the employee that he/she is entitled to be accompanied by a union representative, occupational health and safety representative or another observer.

The manager is responsible for the framework, form and content of the meeting. The meeting is based on committed cooperation between the manager and the employee characterised by respect, appreciation and a listening approach. A positive dialogue is key, so that both parties are attentive and allow each other to express their perspectives, thoughts and experience.

Under the Danish Act on the Use of Health Data etc. on the Labour Market (*Helbredsoplysningsloven*), questions may not be asked about the specific nature of the employee's illness, but the employee is free to provide such information.

The manager may request information about any functions which the employee is able to undertake despite being ill, the expected absence due to the illness, or any measures that may be required as a consequence of the illness.

In order to identify any auxiliary measures and to assess the prospects of the employee returning to work on either a full-time or part-time basis, and depending on the specific situation, the manager may ask whether moving to a different physical working environment would help the employee, whether a period of working part-time might be a solution, whether the employee might be able to work from home, or whether any other measures or auxiliary equipment might help the employee to return to work more quickly, on either a full-time or part-time basis. Consideration must always be given to the daily operations of the department/unit.

A sickness absence meeting must always conclude with a concrete action plan for the next steps, and the writing of minutes. The minutes are submitted to HR for filing in the personnel records. Prior to this, the employee must be informed thereof. In accordance with data protection legislation, the minutes may not be stored in a mailbox or on personal drives.

Medical certificates

Several types of medical documentation are needed in connection with an employee's absence due to illness. The request for such documentation is handed/sent to the employee to take to his/her own doctor. Any expenses associated with obtaining the documentation are borne by the workplace.

1. Certificate of fitness for work:

If an employee is at risk of absence due to illness on either a full-time or part-time basis, or if an employee is already absent due to illness on a full-time or part-time basis, a certificate of fitness for work might be relevant. A certificate of fitness for work is used in cases where the manager – after a dialogue with the employee – is in doubt concerning how the employee's health situation should be taken into account so that the employee can return to work on either a full-time or part-time basis, either performing his/her usual duties or adapted duties. The doctor assesses whether the working conditions described and any proposed changes to the employee's job functions are sufficiently protective of the employee's needs. It is not necessary to prepare a certificate of fitness for work if the manager and the employee agree on a plan for the employee's return to work.

2. Certificate of duration

For employees who are absent or expected to be absent due to illness for more than 14 days, the manager may need to obtain a medical assessment of when the employee can make a full and permanent return to work on ordinary terms.

3. Medical statement of incapacity for work

An ordinary medical certificate, also known as a medical statement of incapacity for work, can be obtained as documentation that the employee is lawfully unable to work, and this certificate can only be used in connection with the current period of absence due to illness. The medical statement of incapacity for work can also serve as documentation of lawful absence if the employee does not have the opportunity to attend a sickness absence meeting, or in connection with illness arising while the employee is on holiday.

For employees with frequent or atypical absence due to illness, the manager may also request a medical statement of incapacity for work from the first day of illness.

Options available during absence due to illness

The options available during a period of illness are always based on a concrete and individual assessment, often in cooperation with the employee's municipality of residence. If the relevant option is an initiative that requires the municipality's approval, the manager – by agreement with the employee – may invite the municipality to attend the sickness absence meeting. The manager is always welcome to contact HR for input and to ask HR to participate in sickness absence meetings.

Partial absence due to illness

If an employee is absent due to illness, but able to carry out some of his/her duties, e.g. by working from home or working reduced hours at the workplace, the absence must be registered as the number of hours that the employee has not worked.

The purpose is to enable an employee who has been absent due to illness on a full-time basis to make a gradual return to work. The manager and the employee will agree on the number of working hours and the work tasks which the employee is able to perform. In this way, a period of full-time absence due to illness is not unnecessarily prolonged, and the employee's affiliation with the workplace is maintained.

An agreement on partial absence due to illness is often a way of preventing long-term absence.

Sick leave benefit reimbursement is granted when the absence is a minimum of four hours per week.

Fast track – early follow-up by the municipality

If the period of absence due to illness is expected to last for more than eight weeks, the manager or employee may request fast-track consideration by the municipality of the notice of absence due to illness.

The employee automatically has the first follow-up meeting with the municipality no later than two weeks after the request, compared to the normal eight weeks from the first day of absence. This means that the municipality can provide the relevant support and specific tools sooner. Fast track is a voluntary scheme and must therefore be agreed between the manager and the employee before contacting the municipality.

The manager contacts HR, which forwards the request to the municipality via Nemrefusion. The municipality then contacts the employee for a follow-up meeting within a period of two weeks.

Section 56 agreement – for employees suffering from a chronic and/or long-term condition

An agreement pursuant to Section 56 of the Danish Act on Benefits in the Event of Illness or Childbirth (*Lov om sygedagpenge*) makes it possible to retain an employee with an increased level of absence due to a chronic and/or a long-term condition, whether the absence is due to the employee's incapacity for work, or to the treatment which the employee receives for the condition. Under the scheme, the employer receives sick leave benefit reimbursement from the first day of illness.

A Section 56 agreement may be concluded in the following cases:

- when an employee's risk of illness is significantly increased due to a long-term or chronic condition, and the absence due to illness is estimated to total at least ten days of absence over a period of one year;
- when the employee is to be admitted to hospital or to receive outpatient treatment, and the admission or treatment had been decided at the time of employment; or
- when, under the current employment, the employer has already paid out sick leave benefit for 21 days due to the same condition within the last 12 months prior to the admission or treatment.

Examples of situations in which a Section 56 agreement is relevant: employees suffering from chronic migraines, epilepsy or arthritis, and employees undergoing special treatment programmes, e.g. cancer or alcohol abuse treatment programmes.

The agreement must be made in writing, may be established for two years at a time and solely covers the condition specified in the agreement. The agreement is not renewed automatically, but it is possible to re-apply.

At www.borger.dk, application form DP211 can be found under the employee's municipality of residence. The form must be completed and signed by the manager and the employee. The completed form must then be

sent to the employee's municipality of residence, which will assess whether the agreement can be approved. The approval is sent to HR.

Subsidies for auxiliary equipment for employees

The purpose of the "subsidies for auxiliary equipment" scheme is to ensure retention of employees with a functional impairment.

Subsidies can be granted for the purchase of auxiliary equipment for existing employees in the form of work tools and minor workplace adaptations.

Conditions for subsidies:

- The auxiliary equipment is not customary at the workplace.
- The work tools/workplace adaptations are essential for the person to be retained/employed without a salary subsidy.
- The tool/adaptation compensates for any reduction of the person's working capacity.

Which employees are covered by the scheme?

- Employees in ordinary jobs
- Employees in flexi-jobs
- Disability pension recipients in subsidised-salary jobs
- Unemployed persons in subsidised-salary jobs
- Interns in subsidised internships
- Persons employed as part of employment measures under the Danish Act on Active Employment Measures (*Lov om en aktiv beskæftigelsesindsats*).

Subsidies may, for example, be granted for various types of IT auxiliary equipment, such as a voice recognition programme for employees with a hearing impairment, or a special ergonomically-adapted office chair.

Application form 441 can be found at www.jobnet.dk, and must be sent to the employee's municipality of residence.

- The following documents must be submitted:
- Completed application form
- Documentation of the functional impairment
- Description of what is applied for, as well as the reasons for the application.

Opportunity for adapted duties

Aarhus University will seek to ensure relevant employment for employees who risk losing their attachment to the labour market due to illness or reduced working capacity, but subject to the condition that continued employment is realistic in relation to the employee's working capacity and possible work tasks.

If there is a risk of absence due to illness in the near future, the adaptation of current work tasks or new tasks may therefore be a way to retain the employee in employment.

Subsidised internship

Employees on sick leave can be offered a subsidised internship in the workplace from which they are absent due to illness, or in another workplace. The purpose of a subsidised internship is to identify or train the employee's professional, social or linguistic skills, and to clarify employment goals.

Subsidised internships are for a period of up to 13 weeks with the option of an extension and can be combined with other measures, such as a mentoring scheme, auxiliary equipment or health-related initiatives. During the subsidised internship, the employer is still entitled to full reimbursement of sick leave benefits, provided that the conditions for receiving sick leave benefits are fulfilled.

The subsidised internship makes it possible for both the employee and the employer to assess whether and to what extent the employee can be expected to be able to return to work on either a full-time or part-time basis.

The internship must be agreed with the employee's municipality of residence.

Application can be made via VITAS.

Examples of use of subsidised internships:

- An employee suffering from stress is tested in the workplace to find out whether it is possible for him/her to return to work at the same workplace. After a prolonged period of absence due to illness, it may be difficult for an employee to start work again, and also, it may be difficult for the employee to cope with his/her duties following a long period of absence. It is therefore possible to test this for a short period of time.
- An employee with cancer is tested to establish whether it is possible for him/her to return to working 37 hours.
- A worn-out employee who has been dismissed as a consequence of absence due to illness is offered a subsidised internship at another faculty in order to review his/her professional skills.

The mentorship programme

The mentorship programme is a way for employers to be supported in their efforts to retain an employee.

A mentorship function can be undertaken by an existing employee. The role of the mentor is to support the employee who is absent due to illness in areas where this is deemed necessary, both professionally and socially. In order to receive mentorship subsidies, the initiatives must exceed any measures the employer is generally expected to take. Moreover, the mentoring function must be assessed to be decisive for retaining the employee in the specific case.

It is a condition that the employee does not perform his/her usual job functions during the hours in which he/she serves as a mentor.

Example of mentorship programme:

- An employee suffering from stress who returns to work, and who finds it difficult to be in rooms with many people, may have a colleague as his/her mentor, to support the employee in work situations that lead to anxiety.
- It is the manager's responsibility to appoint the mentor and subsequently follow up on the mentorship programme. It is also the manager's responsibility to ensure support in relation to the mentor's tasks at work, among other things by ensuring visibility and prioritisation of the required resources for the task.
- The mentorship subsidy is granted to cover the payroll costs for the reduction of the workload of the employee who takes on the mentoring role. The number of hours etc. is determined based on a specific assessment of the needs of the person to whom a mentor is to be assigned.

Application form AB401 can be found at www.jobnet.dk. The completed form must be sent to the employee's municipality of residence for approval.

Personal assistance

Personal assistance for work purposes is intended to ensure that employees with permanent and significant mental or physical functional impairment enjoy the same opportunities as others in the labour market via offers of special personal assistance.

Under the scheme, employees can receive personal assistance for up to 20 hours per week (for full-time employees) e.g. assistance with practical tasks associated with their employment, such as heavy lifting etc. The assistance may also comprise help to structure their work, or interpretation services (sign language interpreting, real-time captioning and MHS interpreting).

The employee must be able to perform the duties which the job involves, and the duties must not be incompatible with the employee's functional impairment. The personal assistant is not a temporary employee or an ordinary assistant, but more of an "extended arm".

It is a requirement that the employee's functional impairment is stable, and personal assistance therefore cannot be granted in connection with transient conditions. As a general rule, the assistance is for an unlimited time, but the need for assistance must be reassessed in connection with any change in work tasks.

Examples of personal assistance:

- An employee with arthritis in the hands cannot open mail or type on a computer. The employee can be offered personal assistance to open mail and type what the employee dictates or communicates for typing in other ways, e.g. an email.

- Following a back operation, an employee is unable to perform heavy lifting. In such case, personal assistance may be granted, so that a colleague handles the task for the employee instead.
- A hearing-impaired employee may be granted personal assistance to ensure that he/she hears what is being said, or to answer the phone.

The application form is available at www.bmhandicap.dk. The form must be completed and submitted to the employee's municipality of residence for approval. The approval is sent to HR.

The personal assistant is usually an employee who is already employed and for whom a workload reduction can be arranged for a number of hours per week. Alternatively, the personal assistant can be employed by the employer on ordinary terms and conditions.

As stated, as a general rule the subsidy corresponds to the National Union of Commercial and Clerical Employees (HK) collective agreement's hourly rate for students working in the state sector. Consequently, the associated expenses will not be reimbursed in full.

Flexi-jobs for the purpose of employment retention

For an employee to be granted a flexi-job for the purpose of employment retention, the general rule is that during the past 12 months the employment has been subject to special terms and/or considerations, except in the case of an acute injury or illness. It is therefore important that the manager continuously documents any considerations made, e.g. in the minutes of sickness absence meetings.

For the municipality to grant a flexi-job, three conditions must be met:

- The employee must be below retirement age
- The municipality must assess that the employee's capacity for work has been permanently and significantly reduced
- All possibilities for the employee to remain in employment on normal terms and conditions must have been explored

Flexi-jobs are granted for a period of five years and must then be reassessed by the municipality. For employees over 40 years of age, the flexi-job may then be made permanent.

The final decision concerning the granting of flexi-jobs is made by the municipality, and it is therefore recommended to involve the municipality as early as possible in the process.

As an employer, you must pay the normal salary for the work performed by the employee employed in a flexi-job. This means that if someone is employed in a flexi-job for 20 hours per week with a work intensity of 50%, AU must pay the applicable hourly rate for ten hours. In addition to this, the employee will receive a flexi-job allowance, which depends on his/her salary income, from the municipality.

Psychological counselling

Aarhus University has entered into an agreement with Dansk Erhvervspsykologi to provide psychological counselling for work-related problems. This counselling service is available to all Aarhus University employees.

A joint psychological counselling scheme is an important element in Aarhus University's efforts to combat stress, cooperation issues, crises, etc. that may have a negative impact on the work and performance of employees. Under the scheme, employees have access to external psychological counselling in any situation which could affect their capacity for work.

Find more information at the website

<https://medarbejdere.au.dk/en/administration/hr/workingenvironment/psychological-work-environment/psychological-counselling-service/>

Alcohol/substance abuse problems

An employee can contact Dansk Erhvervspsykologi anonymously and receive up to three hours of counselling by an authorised psychologist. Find more information at the website

<https://medarbejdere.au.dk/en/administration/hr/workingenvironment/psychological-work-environment/psychological-counselling-service/>

Managers are obliged to address any substance abuse problems (including suspected substance abuse problems) among their employees.

Many municipalities offer free treatment to citizens with substance abuse problems. Alcohol and substance abuse are treated on an equal footing with the prevention and treatment of other illnesses. The manager can ask the case officer/business consultant about the applicability of Section 56 during the period of treatment.

Critical illness

Most employees have a pension scheme as part of their employment terms, and many employees are covered by group life insurance, either via their employment or under a private insurance policy.

An employee may therefore be covered by insurance in connection with critical illness. The employee must contact his/her pension provider or insurance company for advice and guidance.

MitHR and reimbursement

As from the first day of absence, all absence must be registered in MitHR under the relevant header. This must be done in order to ensure that it is possible to apply for reimbursement within the applicable deadline. The period of absence due to illness is not closed in MitHR until the employee is back to work on a full-time basis.

Days of partial fitness for work, i.e. when the employee's working hours are reduced/less than the normal hours, will be registered as days of absence due to illness.

Reimbursement of sick leave benefits

An employer who pays out a salary during periods of absence due to illness is entitled to receive the sick leave benefits to which the employee would otherwise have been entitled from the municipality, if the employee is ill for more than 30 days and fulfils the employment requirement. However, the reimbursed amount may not exceed the actual salary paid out to the employee for the same period of time.

In order to receive the reimbursement, the employer must notify the employee's municipality of residence of the employee's absence due to illness, and apply for reimbursement. HR handles applications for sick leave benefit reimbursement, provided that the absence due to illness has been registered correctly. The municipality must be notified of the absence due to illness within five weeks of the first day of absence. If the deadline is not observed, the general rule is that the employer will only be reimbursed as from the date of notification of the absence due to illness.

Reimbursement as from the first day of absence due to illness

In certain situations, the place of employment may be entitled to reimbursement as from the employee's first day of absence. This applies if the absence is covered by a "Section 56 agreement", if the illness is pregnancy-related, or if the employee is employed in a flexi-job. It is therefore important to use the correct category in MitHR.

Duration of reimbursement of sick leave benefits

The reimbursement of sick leave benefits will cease when sick leave benefits have been paid out for more than 22 weeks within the past nine months, unless a special extension can be granted. An extension may be possible e.g. if the employee is receiving relevant treatment and is expected to be fit to return to the same level of employment as before the sick leave.

Discontinuation of reimbursement

The entitlement to sick leave benefits may lapse if the employee does not make the necessary contribution to the municipality's processing of his/her case. The employee must thus obtain any medical certificates and participate in any meetings requested by the municipality.

Holiday during absence due to illness

Subject to agreement with the municipality of residence, it is possible for employees who are absent due to illness on a part-time or full-time basis to take holiday. The reimbursement of sick leave benefits is interrupted during the agreed period, so that the employee can be declared fit for work during the period in

order to take holiday. After the end of the employee's holiday, the reimbursement is resumed without any new employer-paid period.

Replacement holiday

Employees may be entitled to replacement holiday if they fall ill during their holiday, provided that they have already been ill for five days (waiting days) during one or more periods of holiday within a holiday year. However, for this to apply, the employee must notify his/her workplace on the first day of illness, in accordance with the local guidelines, and submit a medical certificate (or other form of medical documentation) that applies as from the first day of illness. The employee must pay for the medical certificate. [See the detailed guidelines here and the form](#) which must be used to apply for replacement holiday due to illness.