

IF YOU ARE UNABLE TO WORK DUE TO ILLNESS

RETENTION PLAN - PARTLY BACK TO WORK

If you do not think you will be able to return to work within eight weeks from your first day of absence, you may ask your immediate superior to prepare a Retention Plan (fastholdelsesplan). This plan must be in writing.

You may ask for such a plan to be prepared at any point during your period of absence, for example during the Return to Work Interview. However, your employer is entitled to refuse to prepare such a plan if he or she does not believe it is possible to make a realistic plan at that time.

You and your employer prepare the plan together. The purpose of the plan is to express in words how you can return to work as soon as possible, either on a full-time or a part-time basis.

You have the right to have an assistant present during the interview, for example your union or safety representative.

SOLEMN DECLARATION

Your employer may still ask you to submit a solemn declaration from your first day of absence.

DOCTOR'S CERTIFICATE

Instead of the Capacity for Work Statement, or as a supplement to it, your employer may ask you for a medical certificate called a 'friattest' from your doctor to document long-term sickness that makes you unable to work.

THE LOCAL AUTHORITY

Your local authority will follow you from the sidelines when you become unable to work due to illness. The local authority may be involved in the dialogue between you and your employer and can offer advice as to how it can be made possible for you to return to work.

Also, when you have been absent from work for about eight weeks, your local municipal job centre will assess your ability to gradually return to work.

READ MORE AT THESE WEBSITES

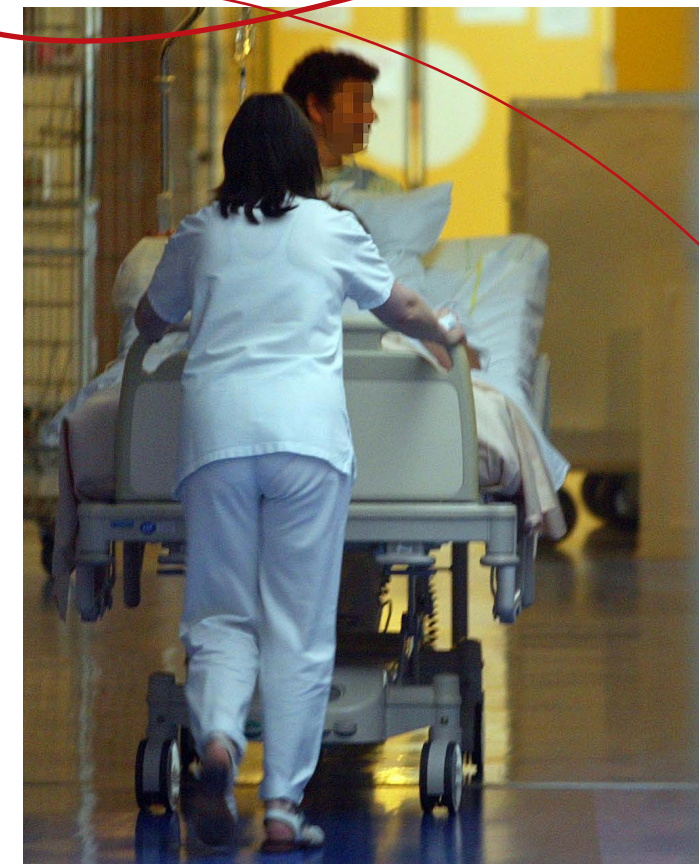
You can download the Capacity for Work Statement from several websites, including www.sygeguide.dk.

www.3f.dk

www.sygeguide.dk

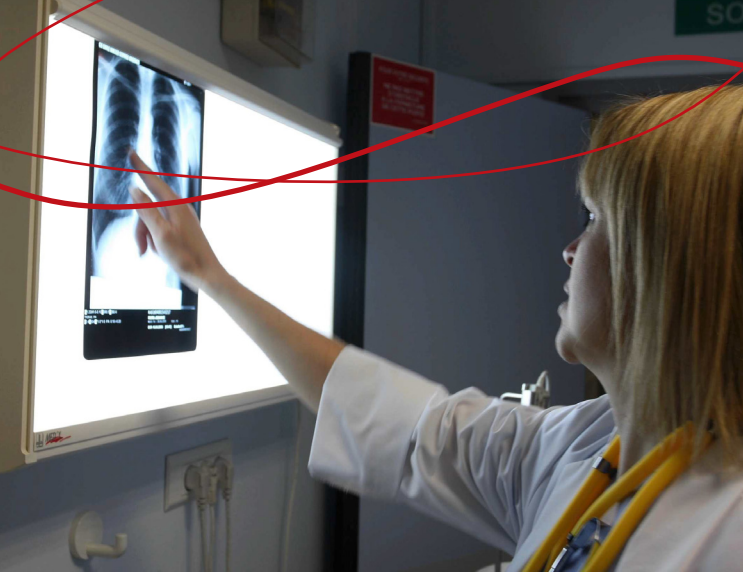
www.rasksnak.dk

www.arbejdsmiljoweb.dk



THE RULES AND TOOLS TO HELP YOU STAY IN CONTACT WITH YOUR WORKPLACE.

- Return to Work Interview
- Capacity for Work Statement
- Retention Plan



If you have become unable to work due to illness, it is important that you stay in contact with your workplace. Studies show that this will make it much easier for you to go back to work when you are better.

You may not be able to work full time or perform the same job functions as before. This is something that will have to be determined in consultation with your employer.

Danish law sets out some rules and ways for you and your employer to find out what can be done to keep you on the job.

The main purpose of these rules is to help find out which job functions you can handle and what can be done to help you perform these functions, instead of focusing on what you cannot do.

This folder contains brief descriptions of three things you can or must do if you become unable to work due to illness.

Ask your union or safety representative or your local 3F branch for more details so that you can be prepared for the process. On the back of this folder there are a number of web addresses where you can find more detailed information about the various subjects.

RETURN TO WORK INTERVIEW

Your employer has an obligation to call you in for a Return to Work Interview (sygefraværssamtale), but the interview can be held over the telephone instead. If you fail to attend the interview, you will not lose your right to claim sickness benefits, but it may have consequences affecting your employment. For example, you may be given a warning. This interview must be conducted within four weeks of your first day of absence.

Some people who are absent from work owing to illness may see such an interview as a sign of mistrust and as surveillance. Instead, consider it an opportunity for you and your employer to find out what your options are while you are away from work.

The purpose of the interview is for you and your employer to determine how much longer you expect to be unable to work and what can be done to enable you to return to work.

Your employer does not need to know everything, and there are questions your employer is not permitted to ask. For example, your employer cannot ask you directly what your illness is.

Your employer is allowed to ask you questions such as:

- Are you able to work part-time?
- Are you able to lift loads, use a mop, work on a production line, etc?
- Are there any job functions you yourself think you can carry out?

You have the right to have an assistant present during your interview, for example your union or safety representative.

CAPACITY FOR WORK STATEMENT

The medical certificate previously required in connection with absence from work owing to illness has been replaced by a Capacity for Work Statement (mulighedserklæring). This means that, while you are still ill, you, your employer and your doctor must look at what your options are in terms of returning to work.

Your employer may call you in for an interview at any time while you are still home sick, but the interview can also be conducted by telephone. Your employer is allowed to ask you questions such as:

- Are you able to work part time?
- Would assistance from a colleague help?
- What assistive aids and adjustments are needed?

Your employer is not allowed to ask questions about your diagnosis.

You and your employer must complete the first part of the form together, which should explain how your capacity for work is reduced and what aspects of your work are affected. The idea is for you and your employer to find out what kind of arrangements can be made to make it possible for you to return to work.

Your doctor must then provide an assessment of how much your capacity for work is reduced, what your current capacity for work is, and also how long it will be necessary to adapt your job to your illness, adding this information in the second part of the form.

You must give the statement to your employer yourself or send it by registered mail so that you can document that you have submitted it.

Your employer must pay the cost of the doctor's statement, and you have about two weeks to obtain it.

You have the right to have an assistant present during the interview, for example your union or safety representative.