

Health and Safety Bulletin

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“Fit Notes” – Guidance for UNISON Activists

From 6 April 2010 there will be a number of changes to the sick note, or medical statement, that employees get from their GP to certify sickness absence.

Previously a sick note simply stated whether a doctor believed that a person should or should not be in work. The new medical statement will either indicate that a person is not fit for work, or that they might be fit for some work under certain circumstances. The doctor will also be able to suggest changes that would assist a return to work. There is no requirement for the GP to write anything apart from that the person is not fit for work and how long the person is “signed off” for. In most cases the patient and employer will see no change in the information that the medical statement gives.

In the future, the note will be completed and stored electronically by the GP rather than handwritten, although it will still be given directly to the worker to send to the employer.

There will be no change to the basic purpose of the medical statement and it will still be used by employees as confirmation of illness if claiming sick pay.

Background

The key to reducing long-term sickness absence has three components. The first is prevention of injury and illness, both in the workplace and outside of the workplace. Secondly early access to treatment and, if appropriate rehabilitation. Thirdly, good return to work policies which are worker-centred and aim to support the worker in the transition back to work.

The idea that a person is either too ill to work at all, or well enough to fulfill their full duties does not reflect the real experience of those who are recovering from a long-term illness who would often like the opportunity of returning in a phased or supported way.

UNISON have negotiated sickness absence policies that aim to ensure those on long term sickness absence are given the opportunity to have a graduated supported return to work. These policies also recognise however that the main barrier to a return to work after a lengthy absence is not necessarily physical, but can be psychological.

We have always seen return to work as being more than a medical issue. We see the relationship instead as a partnership between the GP, HR, line manager, worker and their representative. The principles behind the changes are therefore welcomed although there are concerns that GPs may not know enough about either occupational medicine, or the workplace to make an accurate judgment of what tasks a worker could perform if they go back to work before they are fully recovered. Many employers do not have sufficient occupational health advice to implement the recommendations of the GP. This is why UNISON workplace representatives such as safety reps and stewards will have a key role in supporting people where the doctor recommends an early return to work may be possible.

The New Process

The new medical statement will still be evidence. It confirms that an employee cannot work due to injury or illness, and normally will not be required until after the 7th calendar day of sickness.

The present arrangements for Statutory Sick Pay (SSP) and any occupational sick pay scheme that an employee may have will not be changed. As at present, the form is advice that is given to the worker for the employer as evidence of illness for the purposes of sick pay. It is not binding.

What the changes will be

The form will now have two options. That the patient is “not fit for work” or that the patient “may be fit for work taking account of the following advice.”

There will be four types of alterations listed which the GP can tick. These are:

- **A phased return to work**
- **Altered hours**
- **Amended duties**
- **Workplace adaptations**

There will be space for the doctor to provide more information on the condition and how it may affect what the worker do.

In most cases there will be nothing to recommend and, as at present, the worker will go back to work once the GP feels they are ready to. There will not however be an option for the GP to say that a person is “fit for work”. The doctor will simply not issue a new medical certificate.

The doctor should only recommend a return to work if the person is not fully recovered after discussing it with the patient. The doctor should also make sure the patient is fully aware of what is being suggested.

The doctor is likely to propose a **phased return to work** where someone is suffering from an illness that has left them fatigued. Phased return to work can also be recommended if there has been a long period of time away from work and a lack of confidence about returning full-time. It may also be used if a person has an injury where the doctor believes that their strength has to be built up gradually. Often a phased return to work may be proposed along with other changes such as amended duties.

Altered hours is slightly different. Here the doctor will recommend that the pattern of working hours is changed. This may be recommended if the GP feels that the person may not be able to travel in rush hour public transport, or if shift working should be avoided.

The GP should recommend **amended duties** where they believe that an employee cannot fully do their former work. But may be able to do their job if some duties are avoided or changed. This could include not doing any kind of lifting if recovering from a back injury, or avoiding any work with the public if a person is recovering from workplace stress.

Workplace adaptations may be recommended if the GP believes that some physical adaptations are needed to help the person return to work. An example of this could be moving someone’s desk to the ground floor of a building if they have trouble with stairs.

In each of these cases the GP should base the recommendations on what the patient has told them about their workplace. The GP should discuss the proposals and implications fully with the patient.

The medical statement will then be given to the patient, as at present. The patient should then send it to the employer. It is good practice for the employer to then discuss the proposals with the employee and agree what changes will be made. If they disagree then the employer should not force the employee to come back until they feel comfortable with the changes proposed.

If in doubt the worker should ask their UNISON rep for advice and support.

In many cases, employers will have to get professional advice to help them decide on what action to take in relation to adaptations. Where they have no access to an occupational health service the employer may feel that they do not want to make the changes. In some cases the employer will not know who to go to for advice. The new national Occupational Health advice line pilot will provide occupational health advice from qualified healthcare professionals. In many instances this will resolve the issue but if further information is required the employer will be signposted from the advice line to the appropriate local or national agency.

UNISON reps should always make sure that the employer seeks professional advice before proceeding with any adaptations.

The employer does not have to accept the advice on the medical statement. In this case the employer must accept the statement and the employee should be treated as though the doctor has advised “not fit for work”. Many employers will try to say that the employee is ready to come back and is no longer “signed off”. This is not the case and the government advice on this is clear. However union representatives will have to make sure that employers do not ignore the GP’s advice and still expect the employee to come back to work.

The employer must do a **revised risk assessment** if they make any adaptations or changes to an employee’s duties. The risk assessment will ensure that any adaptations do not introduce new risks.

In addition, if the employee is disabled and covered by the Disability Discrimination Act then the new “fit note” procedures do not alter the duty on the employer to make reasonable adjustments regardless of what a GP recommends.

There are certain other groups where the medical statement cannot over-ride an employer’s responsibilities not to allow a person back to work when ill. This applies even if a GP recommends it. Included in this group are some workers in safety critical jobs and some transport workers where there are separate regulations.

Employers and workers know the workplace and what a job entails far better than a GP. If there is any possibility of allowing an employee to return before they are fully fit the employer should put the safety of the workforce before any recommendation(s) on a medical statement.

Where employers use the additional information on the revised medical certificate to facilitate an early return to work for those employees who want this they must be supported. It will also help to reduce sickness absence.

However if employers see it as a green light to try to force workers back to work before they are well enough to return, in the long run, it will only lead to increased sickness absence and increased conflict.

What branches can do

Checklist

UNISON safety representatives and stewards should act now to make sure that they have procedures in place to deal with any issues that arise as a result of the changes to the medical certificate.

Inform your members about the changes and ensure that your employer also knows about them.

Seek agreement that any disputes over changes to work or working time proposed as a result of a medical certificate can be dealt with by the grievance procedures.

Make sure that, where necessary, your employer's sickness absence arrangements are updated to take account of the proposed changes.

If you have an occupational sick pay scheme, seek to negotiate a "no detriment" agreement. Otherwise seek an agreement that no-one will lose out financially through losing SSP or other benefits.

Where new agreements are negotiated as a result of these changes please ensure that a copy is sent to Bargaining Support Group for information at: bsg@unison.co.uk

Statement of fitness for work For social security or Statutory Sick Pay

Patient's name

I assessed your case on:

and, because of the following condition(s):

I advise you that:
 you are not fit for work.
 you may be fit for work taking account of the following advice:

If available, and with your employer's agreement, you may benefit from:

<input type="checkbox"/> a phased return to work	<input type="checkbox"/> amended duties
<input type="checkbox"/> altered hours	<input type="checkbox"/> workplace adaptations

Comments, including functional effects of your condition(s):

Sample

This will be the case for

or from to

I will/will not need to assess your fitness for work again at the end of this period.
(Please delete as applicable)

Doctor's signature

Date of statement

Doctor's address

Workers Memorial Day 2010

At 12 midday on Wednesday 28 April, UNISON staff and members across the UK will take part in a minutes' silence. During this period of silence we will remember those members and workers injured, made ill, or killed by their work.

This year is the first year that the UK Government will formally recognise International Workers Memorial Day (IWMD) as a national day of remembrance, thereby joining many other countries across the world.

The 2010 Theme and Background to IWMD

The slogan for the Day, is as usual, *Remember the Dead, Fight for the Living*. This year's theme, chosen by the ITUC, is *Unions make work safer*. This fact comes as no surprise, as the latest TUC report, *The Union Advantage*, confirms (go to: <http://www.tuc.org.uk/extras/unionadvantage.pdf>).

Each year on 28 April, IWMD is marked around the world to *Remember the dead, and Fight for the living*. We remember those killed, made ill, or injured by their own or someone else's work. Their pain and suffering and that of their families deserves not to be forgotten. We also renew our commitment to, and demand once more, safe and healthy work for all.

Far too many workers and their families suffer each and every year. The figures from the Health and Safety Executive (HSE) which make the headlines never tell the full story. It is estimated that work incidents cause up to 1,600 deaths each year; including deaths to members of the public, work-related suicide, and road traffic accidents whilst driving for work. On top of this, it is estimated that there are up to 50,000 deaths from work-related illnesses; including cancers, respiratory illnesses, and heart disease. For more information, see *The Whole Story*, in the *Safety and Health Practitioner* (go to: www.shponline.co.uk/article.asp?pagename=archive&article_id=8265).

What is UNISON calling for?

Society no-longer finds domestic violence or drink-driving acceptable. It's time for work-related ill-health, injury, and death to also become unacceptable rather than a tragic but accepted part of the world of work. Remember that the HSE has previously stated that about 70% of workplace "accidents" are due to the poor management of health and safety.

Achieving official recognition does not mean that the job is done. IWMD and official recognition are a means to an end – this being to raise awareness of the importance of health and safety and to campaign for safer and healthier work.

Similarly, remembering those who have died, been injured, or made ill is an important part of the Day. However, equally important is to fight for the living by ensuring that the Day is used to campaign, organise, and recruit on health and safety at branch level. Unions make work safer, and make it most safe when there is a large, active, and involved membership.

How UNISON Branches can take?

Have you or your branch organised an event, or are you taking part in a joint event? If not, there's still time to plan something – see the list of suggestions below. Also, whether you have something else planned, or nothing so far, join us in a minutes' silence at 12 midday. Let's make this IWMD even more "remembered" than the last. Speak to your employer about asking all staff to take part in a minutes' silence whilst at work.

Possible IWMD activities for your UNISON branch include:

- Presentations and speeches from local MP's – invite them to your event.
- Displaying UNISON's IWMD or other posters (see below under "IWMD Resources")
- Wearing, ordering, and distributing the IWMD purple ribbons and car stickers to members (again see below).
- Making sure you have plenty of UNISON recruitment materials to put on your stall, have at your event, or to distribute to non-members. UNISON has a selection of general recruitment materials; plus some specific to health and safety including: a member recruitment leaflet, and a safety rep recruitment leaflet and poster.
- Writing a letter to the local press about any of the campaign issues or local events.
- Organising a safety reps inspection or carrying out a body mapping exercise. For more information on these, go to Health and Safety Organiser, Issue 51 and Health and Safety Organiser, Issue 57.
- Remembering any workers who have been killed at the workplace or in the community by arranging an event such as planting a memorial tree in a public place, putting up a plaque, or dedicating a sculpture.
- Asking religious centres to mark IWMD.
- Negotiating with your employer to hold one minutes' silence at 12 noon.
- Requesting for official flags on public buildings to be flown at half-mast. Many employers agree to this each year as a mark of respect and remembrance, but a few have been reluctant because IWMD was not officially recognised – well now it is!

Examples of events organised by UNISON branches in previous years can be found on UNISON's IWMD website (go to: www.unison.org.uk/safety/campaigns.asp).

Whatever you plan to do, let us know and we will publicise it! Contact:
The Health and Safety Unit, UNISON, 1 Mabledon Place, London, WC1H 9AJ.
Alternatively, email: healthandsafety@unison.co.uk.

More Information and Resources

Campaigning, Recruiting, and Communicating

- For advice on running a campaign, recruiting, and communicating with members and potential members, go to: <http://www.unison.org.uk/communicating/index.asp>. See also the brief article in issue 60 of *Health & Safety Organiser*.
- Safety Rep Recruitment poster – stock no. 1681.
- Safety Rep Recruitment leaflet – stock no. 1682.
- General health and safety member recruitment leaflet – stock no. 2729.
- General member application form – stock no. 1088.

IWMD Resources

- UNISON's 2010 IWMD Poster – stock no. 1288.
- UNISON 2010 leaflet for distribution prior to or at an IWMD event – stock no. 2746.
- IWMD briefing note (for you to amend/update as you wish) – on the UNISON IWMD website.
- *Health & Safety Organiser*, issues 65, 60, 55, and 54.
- *UNISON for a cleaner, safer workplace* poster - order paper copies from the Health and Safety Unit or download it from: www.unison.org.uk/acrobat/B2429.pdf.
- IWMD Ribbons and Stickers – order them from for your branch or workplace from the Greater Manchester Hazards Centre (GMHC – see special order form below).
- UNISON's IWMD website (go to: www.unison.org.uk/safety/campaigns.asp) – this has links to all the above resources, plus other useful websites for IWMD including: the TUC, the GMHC, *Hazards Magazine*, and the National Hazards Campaign.

How to order UNISON materials

Most general health and safety materials are available at: www.unison.org.uk/safety. Some job or sector specific materials are produced by and available from the relevant national department.

Items with a stock no. can be ordered: **online** from the Communications Catalogue at: www.unison.org.uk/resources/index.asp, by emailing: stockorders@unison.co.uk, or by calling: 020 7551 1455. **If by email or phone**, you'll need to state all the information requested in the order from overleaf.

For all other general health and safety materials contact: The Health and Safety Unit, UNISON, 1 Mabledon Place, London, WC1H 9AJ. Alternatively, email: healthandsafety@unison.co.uk.

Please note that if you are using both of the order forms below – you’ll need to photocopy one side. We have printed this bulletin on both sides to save paper as part of UNISON’s green strategy.

UNISON Stock Items Order Form

Complete the form below and return to:

Communications Unit,
UNISON,
1 Mabledon Place,
London,
WC1H 9AJ.

From: Tel:

Branch Name: Branch No:

Please send me the following [DON'T FORGET TO SAY HOW MANY]: 

STOCK ITEM	STOCK No.	QUANTITY
Workers Memorial Day Poster	1288	
Workers Memorial Day Leaflet	2746	
General health and safety member recruitment leaflet	2729	
General member application form	1088	
Safety Rep Recruitment poster	1681	
Safety Rep Recruitment leaflet	1682	
[BLANK ROWS FOR YOU TO ORDER OTHER MATERIALS]		

Name:
UNISON Branch:
Address:

**THIS IS YOUR
ADDRESS
LABEL - PLEASE
WRITE**

.....
.....
.....

Postcode:



Return order form to:

Greater Manchester Hazards Centre, Windrush Millennium Centre, 70 Alexandra Road, Manchester, M16 7WD.
Tel: 0161 636 7557. Fax: 0161 636 7556.
Email: mail@gmhazards.org.uk

IWMD Ribbons and Stickers Order

Date:

For Office Use

Name:

date sent:

Organisation:

paid:

Address:

.....

.....Postcode:.....



Workers Memorial Day 'Forget-Me-Knot' Ribbons

Number required:

Price: Single ribbons @ **30p** each **plus** SAE/postage **£**.....

2 – 99 ribbons @ **30p** each **inc.** postage **£**.....

100 and over @ **25p** each **inc.** postage = £25.00 per 100 **£**.....

Total: **£**.....

WORKERS' MEMORIAL DAY ♦ 28TH APRIL Remember the Dead: Fight for the living



Workers Memorial Day Car Stickers

Size 210mm x 60mm

Number required:

Price: Single stickers @ **£1.00** each **inc.** P+P **£**.....

2-10 stickers @ **50p** each **inc.** postage **£**.....

11 to 100 @ **25p** each **inc.** postage **£**.....

Bulk orders negotiable – tel: 0161 636 7557

Total: **£**.....

Combined Total for ribbons and stickers: **£**.....

It would be helpful if you could enclose the payment with your order. However, if this is difficult for you to do, please send the order without payment, and we will invoice you.

Please make cheques payable to 'Greater Manchester Hazards Centre Ltd.'