

Fake doctor's notes can get you fired

The Basic Conditions of Employment Act (BCEA) states you have to provide a doctor's note to your employer if you are absent from work for more than two consecutive days, or more than twice within eight weeks.



Image: Supplied

Some employees, however, think nothing of using a fake doctor's note to claim illness, when they were actually out and about having fun, or off on a mini holiday.

What they fail to realise, says Nicol Myburgh, Head: HCM Business Unit at CRS Technologies, is that the fabrication of sick notes is considered a fraudulent act which can put their jobs in jeopardy.

"The BCEA requires that a doctor's note must be issued by a certified medical practitioner registered with the Health Professions Council of South Africa (HPCSA)," he explains.

"The HPCSA has established stringent criteria for medical certificates, which must include specific details about the practitioner, the patient's name, examination date, a layman's description of the illness, and the recommended sick leave

period.”

It’s not necessary for the sick note to contain the doctor’s diagnosis, unless the employee consents to this disclosure, he continues, but practitioners may frame the diagnosis in a way that respects the patient’s comfort level.



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Jacques van Wyk & Michiel Heyns 14 Apr 2023



“More importantly, the dates on which the employee is unable to work – not the date of the doctor’s visit – must be clearly stated.

“Additionally, the doctor’s signature alongside the employee’s name is essential to validate the sick note’s legitimacy.”

Anything suspicious such as altered dates or missing practitioner details should raise a red flag for employers.

Sick notes are intended for genuine cases of inability to work and as such are geared to protecting both the employer and employee.

“Using a doctor’s note as a means to exploit leave for leisure purposes is a serious offense that can result in a permanent breakdown of the trust relationship between the employer and the employee, Myburgh warns.

“This can lead to a disciplinary hearing and ultimately dismissal of the employee on grounds of fraud.”

Myburgh urges employers to ensure that submitted sick notes adhere to the strict criteria outlined by the HSPCA to prevent sick leave fraud and subsequent financial losses for companies.

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