

# How to deal with fraudulent medical certificates



By [Lia Marus](#)

6 Aug 2013

If you suspect one of your employees of having turned in a fraudulent sick note or, worse, a series of fraudulent sick notes, you need to know how to deal with this situation. Recently, I went to a seminar run by Cliffe Dekker Hofmeyr (CDH) where speakers Mohsina Chenia and Michael Yeates from CDH told us what to do if we ever found ourselves in one of these situations.

## What to do first when you suspect that a sick note is a fake

After you've found one/a number of suspicious-looking medical certificates in your organisation, the first thing you need to do, says Chenia, is to contact the medical practitioner and verify the authenticity of the certificates and possibly the diagnosis. But be warned that the practitioner is under no legal obligation to tell you anything as this could constitute a serious breach of doctor-patient confidentiality. However, says Yeats, if the CCMA subpoenas the medical practitioner he would be forced to provide details of the employee's illness.

## What is a medical practitioner allowed to tell you?

If you contacted an employee's medical practitioner to establish the nature of the illness that forced the time off work, the practitioner would be able to confirm:

- If he/she had examined the employee,
- On what date he/she had examined the employee, and
- If he/she had issued a medical certificate stating that he/she had examined the employee and had found the employee to be unfit for duty.

## Verify the medical practice's address and registration number

There have been cases where one practice number has been used by multiple doctors to issue false medical certificates. So if you have a number of employees with medical certificates issued from doctors with the same practice number, and you suspect foul play, investigate this thoroughly!

If you suspect that the medical practitioner or the practice number is shady, Chenia advises that you contact the Health Professions Council of South Africa (HPCSA) or the Allied Health Professions Council of South Africa to look up the health-care professional or the practice.

Important: If, during your investigations, you find that the practice number is not registered with the HPCSA or the Allied Health Professions Council of South Africa, you are entitled to reject the certificate!

## **Send through a "test patient" to see if a medical practitioner is cooking medical certificates**

Another way that you can check suspected fraudulent medical practitioners out is by sending through a test patient to be examined by the practitioner. This, says Yeats, will function in the same manner as a mystery shopper in a retail environment, i.e. just as a mystery shopper gets sent in to a retail environment to test levels of customer service so the test patient would be sent in to establish if the relevant practitioner is willing to give the test patient a fraudulent medical certificate.

If any employee dispute, for example regarding sick leave abuse, gets to the point where it goes to arbitration, you are entitled to appoint your own doctor to testify at the hearing.

## **7 Steps to take when you suspect that sick leave is being abused in your company**

At the end of his presentation, Yeats suggested that you follow seven steps to root out sick leave abuse when you suspect it in your company:

- Analyse leave patterns to see if anyone is perhaps abusing leave, for example, people always taking a sick day before or after a long weekend.
- Call a counselling meeting with the employee to discuss his absenteeism rates. At this meeting, talk to him about correcting his behaviour.
- Monitor this employee to see if the action to correct his behaviour has been successful.
- If your employee hasn't embraced the corrective action and still takes sick leave without being able to produce proof that he has actually been sick (or he hasn't followed the proper procedures with regard to letting you know that he won't be at work), institute disciplinary action against him.
- Impose progressive discipline against him and if he makes the same mistake, give him a written warning.
- If his behaviour with regards to abusing sick leave still doesn't improve, hold a formal disciplinary hearing.
- If the employee still doesn't comply, the next step is dismissal.

## **ABOUT LIA MARUS**

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