



New fit note rules add to businesses' concerns over sick leave

A spokesperson for the Department for Work and Pensions said: "For any sickness absences which began on or after 10 December 2021, up to and including 26 January 2022, GPs will not need to provide employees with medical evidence of sickness, such as a fit note, for the first 28 days of absence."

So does the suspension of the seven-day self-certification rule mean employees – including those with contractual sick leave – can take a month off sick with no doctor's note?

Employment law firm GQ|Littler says that this may in practice end up being the case, because the alternatives are too costly and burdensome to be worthwhile for companies to adopt over such a short timeframe.

In practice, says **Caroline Baker**, partner at GQ|Littler, "employers are likely to be left with a choice of paying for a fit note from a private medical provider or paying company sick pay without a doctor's note."

"These changes are in practice going to force many employers to pay full company sick pay for weeks at a time with no proof that the employee has been unable to work. These changes also put employers in a very awkward situation when dealing with absent staff in the coming weeks. Given the Omicron variant and other seasonal illnesses, this will likely apply to a large number of staff."

Companies are likely to respond, says Baker, by simply deciding to pay company sick pay without fit notes for the period for which the 28-day extension applies.

She adds: "Employers are unlikely in most cases to consider it worthwhile to put in place a system for getting doctors notes from a private provider for what is a very short period."

Companies that require some employees to acquire a sick note and not others must be careful to avoid discrimination, warns Baker.

Read the full article [here](#).