

**Reference No:** EI09/234/76;     **Date:** 18/11/91

**Circular 32/1991:- Clearance by reference to sick absence and health**

A Dhuine Uasail,

I am directed by the Minister for Finance to say that he has accepted an agreed recommendation of the General Council under the scheme of conciliation and arbitration for the Civil Service concerning the arrangements which apply to the clearance of staff for promotion or establishment by reference to sick absence or health.

2.       The following should be substituted for paragraphs 5.1 and 5.2 of Circular 34/76:

"5.1 Where a candidate has disputed rejection following the reference of the case to the Chief Medical Officer, an appeal to further medical opinion will be available only in the following circumstances:

(a)       where the rejection is on health grounds and the candidate maintains that the sick absences in question have been due to a health problem which has been rectified

or

(b)       where the rejection is on grounds of a bad sick leave record and

          (i)       the discounting of a specified absence or absences would reduce the amount of sick leave below the limits provided for in paragraph 3.4, and

          (ii)       the candidate maintains that such absences were due to minor curative or "repair" operations or illnesses which, of their nature, are unlikely to recur in the future (pregnancy-related illnesses would normally be considered non-recurring).

          In such circumstances, an officer may apply to have his/her case referred to a specialist for a further medical opinion. The officer will be required to pay a fee at a rate fixed by the Minister but will be recouped that expenditure if the appeal is successful."

3.       The Staff Side have requested that attention be drawn to advice previously given that it is in the interests of staff that, on the first occasion on which an officer submits a medical certificate during pregnancy, the fact that she is pregnant should be noted on the certificate.

Mise le meas  
J McGovern  
Assistant Secretary