

Civil Service Conciliation and Arbitration Scheme

General Council Report 1523

(Meeting of 9 June, 2011)

**Claim: To ensure any sick leave certified as being related to the swine flu epidemic be discounted for promotion and incremental progression purposes.**

1. This claim was lodged at the General Council meeting of 9 June, 2011.
2. The Official side undertook to provide a note to the Staff side on their position, which was forwarded to the Staff Side on 29 June, 2011, content as follows:

The views of the Chief Medical Officer for the Civil Service have been sought. The position is as follows:

H1N1 Influenza/Swine Flu was in many instances clinically indistinguishable from seasonal influenza or a severe common cold. Thus, if there were to be automatic discount of H1N1-related sick leave, the discounting of sick leave for seasonal influenza/ severe common colds would arise, which is not appropriate.

The CMO is of the view that it is impossible to generically discount all H1N1 cases, but that each person should be considered on a case-by-case basis. Generally, the illness either resolved after 5 days, or else in a small minority of cases, deteriorated markedly, requiring hospitalisation. Thus, if someone was off duty perhaps for 4 weeks with an absence attributed to H1N1, it is unlikely that their 4 week absence was due in the main to H1N1.

In the light of the foregoing, this Department is not prepared to concede the claim as submitted.

2. The Staff Side asked that a report recording disagreement be drawn up.
3. This report, recording disagreement, was adopted on 21 September, 2011

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Simon McGrath  
Official Side Secretary

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Gerry Malone  
Staff Side Secretary