



An Roinn Airgeadais  
Department of Finance

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To: All Personnel Officers

16 February 2006

**Re: Fitness of civil servants to return to work following sick leave**

Dear Personnel Officer,

A claim has been referred to General Council in relation to the treatment of absence from work of staff, certified as fit to return to work by their doctor, but who have been referred to the Chief Medical Officer by Personnel sections.

As a result, this Department has been in contact with Departments/Offices with a view to establishing current practice.

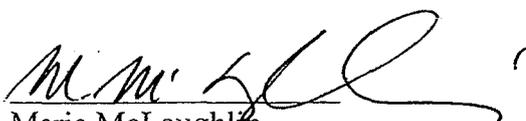
It would appear from that survey that situations sometimes arise where, although an officer (usually after a long period of sick leave) has a certificate of fitness to return to work from his/her own doctor, the Personnel Officer may wish, in the context of the duty of care to the officer in question and staff generally, to refer the officer to the CMO before agreeing to a return to work.

It should be said that referral to the CMO need not be considered as routine or normal in the context of most decisions regarding fitness to return to work. However when referral to the CMO is indicated, the CMO's Office will look in the first instance for a doctor's report, and based on this report may clear the officer to return to work or else may need to see the officer for an appointment. The CMO's Office has indicated that it will try to see the officer as soon as is practicable in these circumstances.

In deciding how any waiting period before return to work is to be treated from the point of view of the officer's sick leave record, Personnel Officers should be guided by the following considerations. If on examination by the CMO, the CMO shares the opinion of the officer's own doctor that the officer is fit to return to work, the Personnel Officer is free, according to his/her discretion and according to the circumstances of each case (such as, for instance, the length of the waiting period), not to count the period of waiting to return to work or any part of it, as part of the officer's sick leave record, e.g. for promotion purposes and/or for pay purposes. In these cases, i.e. where the officer's own doctor has certified that the officer can return to work and the CMO agrees, it is not necessary to require the officer to request a certificate for the waiting period.

If, on the other hand, the CMO does not share the opinion of the officer's own doctor regarding the officer's fitness to return to work, then the waiting period (and any subsequent period of sick leave) should be treated as part of the officer's sick leave record and the CMO will communicate this to the relevant Personnel section.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Marie McLaughlin', written over a horizontal line.

Marie McLaughlin  
Principal  
Personnel & Remuneration Division