

CSPS POLICY BRIEF

SHOULD BRUNEI ADOPT A SELF-CERTIFYING MEDICAL LEAVE POLICY?

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EXECUTIVE SUMMARY

Self-Certified Medical Leave (or SCML) is paid leave where an employee can be absent from work due to a minor illnesses without the need for a doctor's medical certificate (MC). It is commonly expressed in terms of the maximum number of days entitled per year¹ and the maximum number of days in a row² which an employee may take. This policy brief addresses the question of whether Brunei should adopt a self-certifying medical leave policy (SCML) for employees in the public and private sector. It also proposes for the best SCML option to adopt if SCML is to be implemented.

Currently, with the exception of employees in Brunei Shell Petroleum (BSP)³, there is no SCML provision for both public and private sector employees. For employees in the public sector and possibly most employees in the private sector, there is instead, unlimited and paid sick leave provided that an MC can be obtained⁴.

In 2013, the Ministry of Health (MOH) drafted a Working Paper which proposed for the implementation of SCML in Brunei⁵. Based on substantial surveys of patients visiting MOH Clinics, the MOH Working Paper favours SCML due to the finding that the current requirement for MC for approval of sick leave for especially minor illnesses creates administrative inconveniences both for employees and medical staff

¹ E.g. Singapore. Other countries state an upper limit e.g. UK with 7 days but it was unclear if this is for one calendar year or more.

² Thailand, Indonesia, Myanmar and Norway provide up to 2 consecutive days; Germany with 3; UK and Sweden with 7 consecutive days.

³ Briefing by BSP on its SCML policy to CSPS and MOH personnel on 08 April 2014

⁴ Sick leave provisions for the private sector depend on the employment contract. It is likely that if it is not unlimited, then it is at least unspecified depending on the discretion of the employer vis a vis the bargaining power of the employee. Also, in a way, the SCML is practiced by Brunei students whereby parents are allowed to certify sick leave for their children up to three days without the need to obtain MCs

⁵ Kertas Kerja Pengeluaran Cuti Sakit Pengesahan Sendiri di Negara Brunei Darussalam 2013

in terms of long waiting time and overcrowding in medical clinics. In addition to financial wastage from such administrative burdens, there is also the potential of MC abuse by employees to avoid work. CSPS was invited to provide a policy brief to review the MOH Working Paper, specifically whether Brunei should adopt a SCML policy and if so, the best option on how to implement it.

It is our view that the SCML should be implemented for both public and private sectors as the current system requiring MCs for sick leave is prone to abuse and has a tendency to encourage or at least, accommodate longer and unnecessary absenteeism from work. This presents negative implications as it results in considerable direct and indirect costs to the workplace, individual and MOH. There is a strong case for proper control on the duration of paid sick leave for minor illnesses and abuse of MC issuance so that absenteeism can be reduced. A more robust management of sick leave can be achieved via an SCML policy which provides empowerment for employees to decide whilst at the same time, incentivizes them to reduce sick leave or to return to work earlier.

Our recommendation is for the abolition of the MC requirement for taking sick leave for minor illnesses in favour of the SCML provision for a specified number of six days per year to be taken not more than two days in a row. In addition, there should be a monetary reward for the number of SCML days that are not utilized by the employee to be paid on an annual basis. If this is administratively inexpedient, then the monetary reward may be omitted to allow for six days SCML per year to be taken not more than two days in a row.