

Practical hints and tips for employers: *Managing sickness leave effectively throughout the employment relationship*

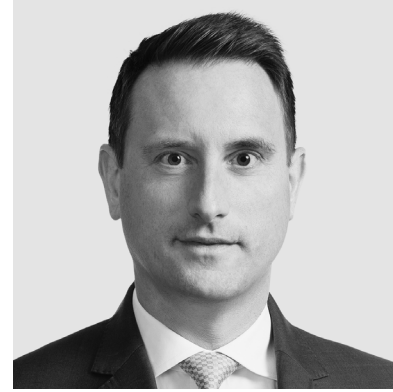
5 June 2025



Pictures and videos can be captured and published on
AmCham and **A&O Shearman** media. More info:



Welcome & Introduction



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Agenda

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- 01** Sick leave during the trial period

 - 02** Managing sick leave during employment

 - 03** Navigating the complexities –
Interactions between employers and CNS

 - 04** Explore the legal framework
for absenteeism as a ground for dismissal



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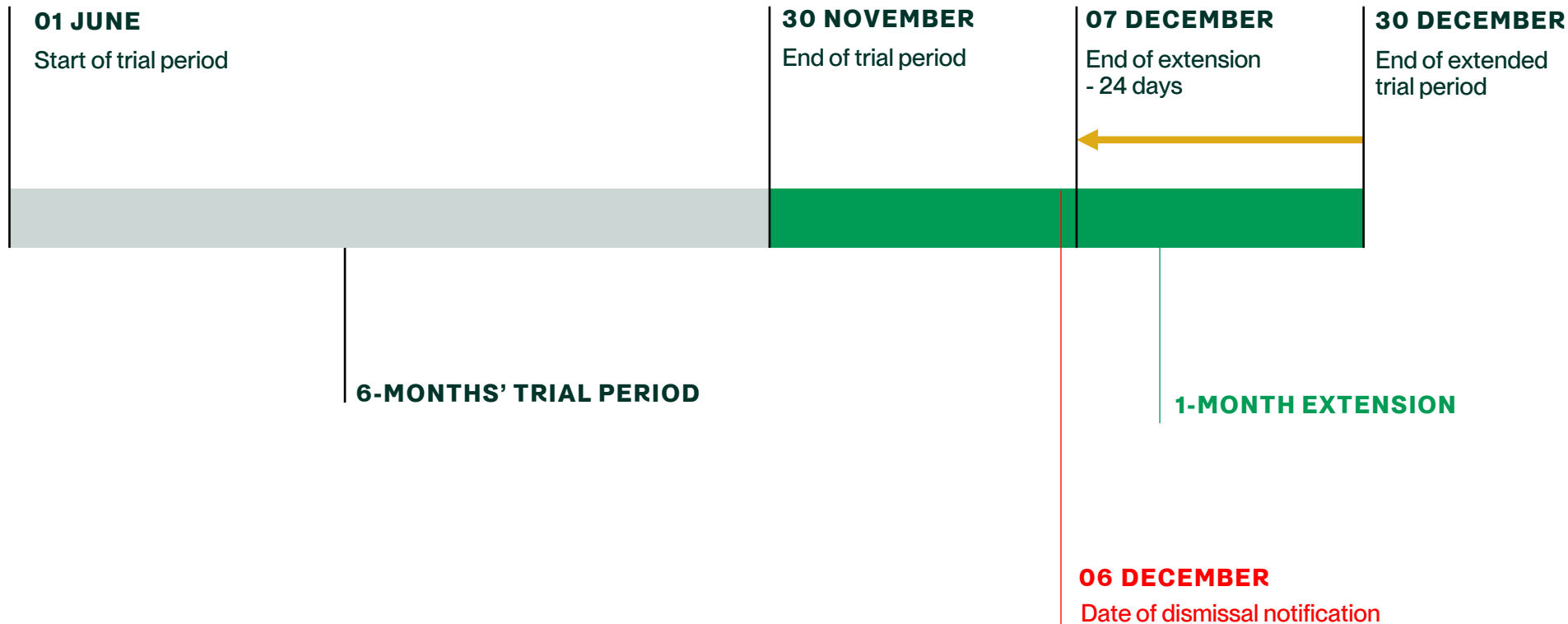
Sick leave during the trial period

CHRISTOPHE ERNZEN



Dismissal during trial period

Protection against dismissal vs. Flexibility of trial period



TAKEAWAY POINTS

Get calculations right

Take action as soon as clear that trial period will not be successful

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Managing sick leave during employment

MAURICE MACCHI



Unjustified absences: criteria to assess if a dismissal is possible



**INFORMATION OF EMPLOYER
ON FIRST DAY OR EXTENSION**



**TOTAL NUMBER OF DAYS
ABSENT**



**EMPLOYEE'S LENGTH OF
SERVICE**



**EXISTENCE OF PREVIOUS
INCIDENTS**

Suspicion about the legitimacy of sickness

TOOLS AND EVIDENCE



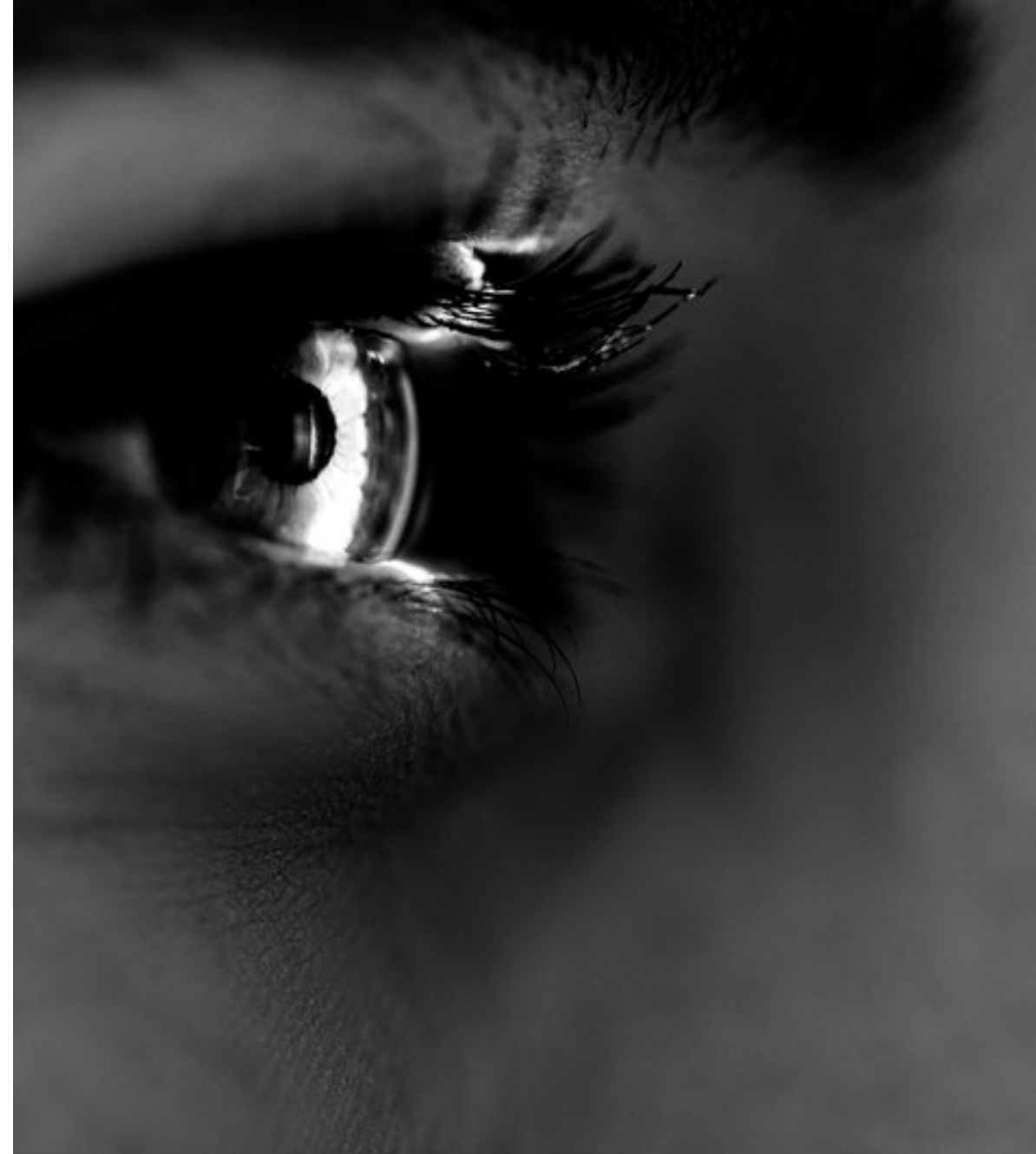
Medical counter-examination



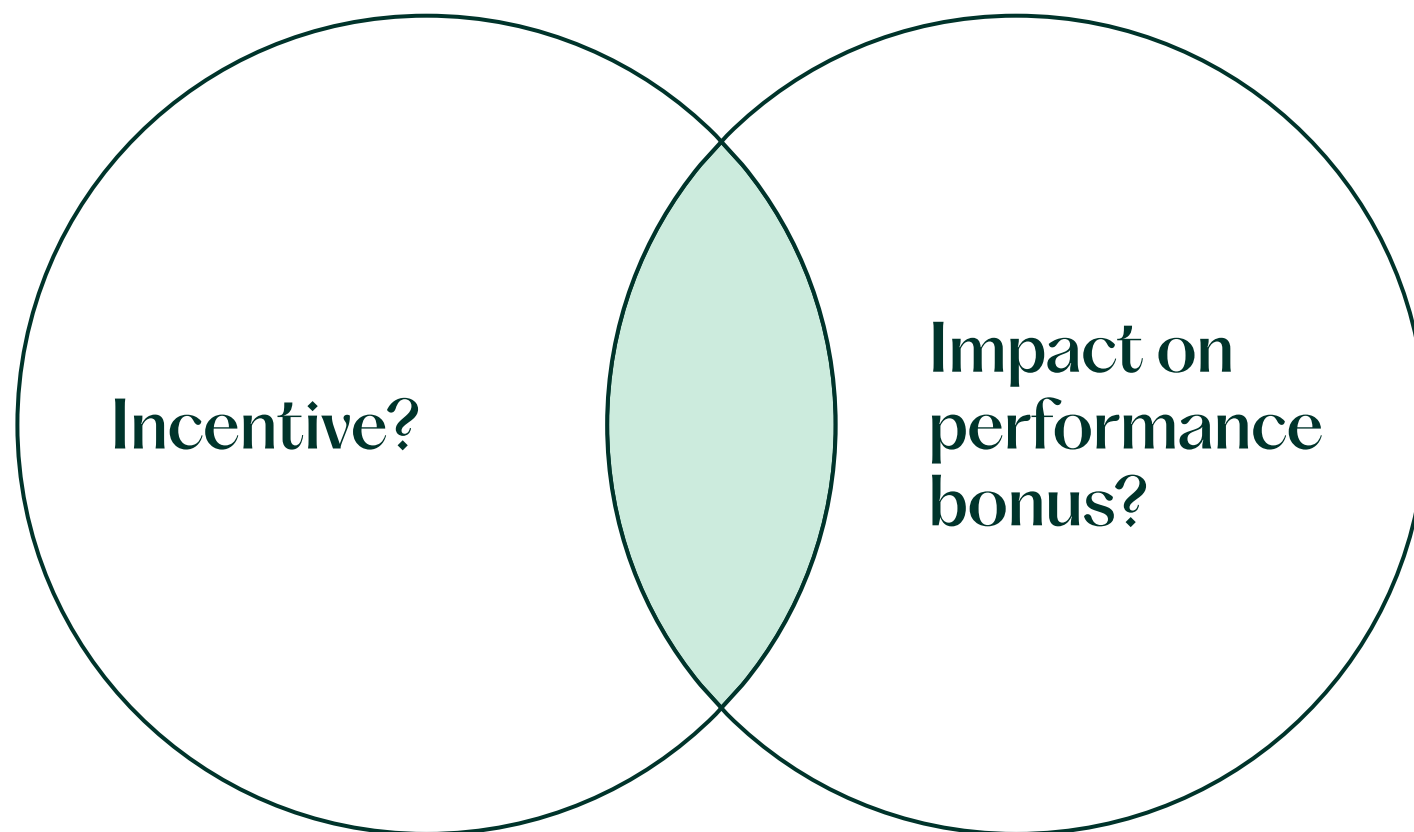
Social media



Private investigator



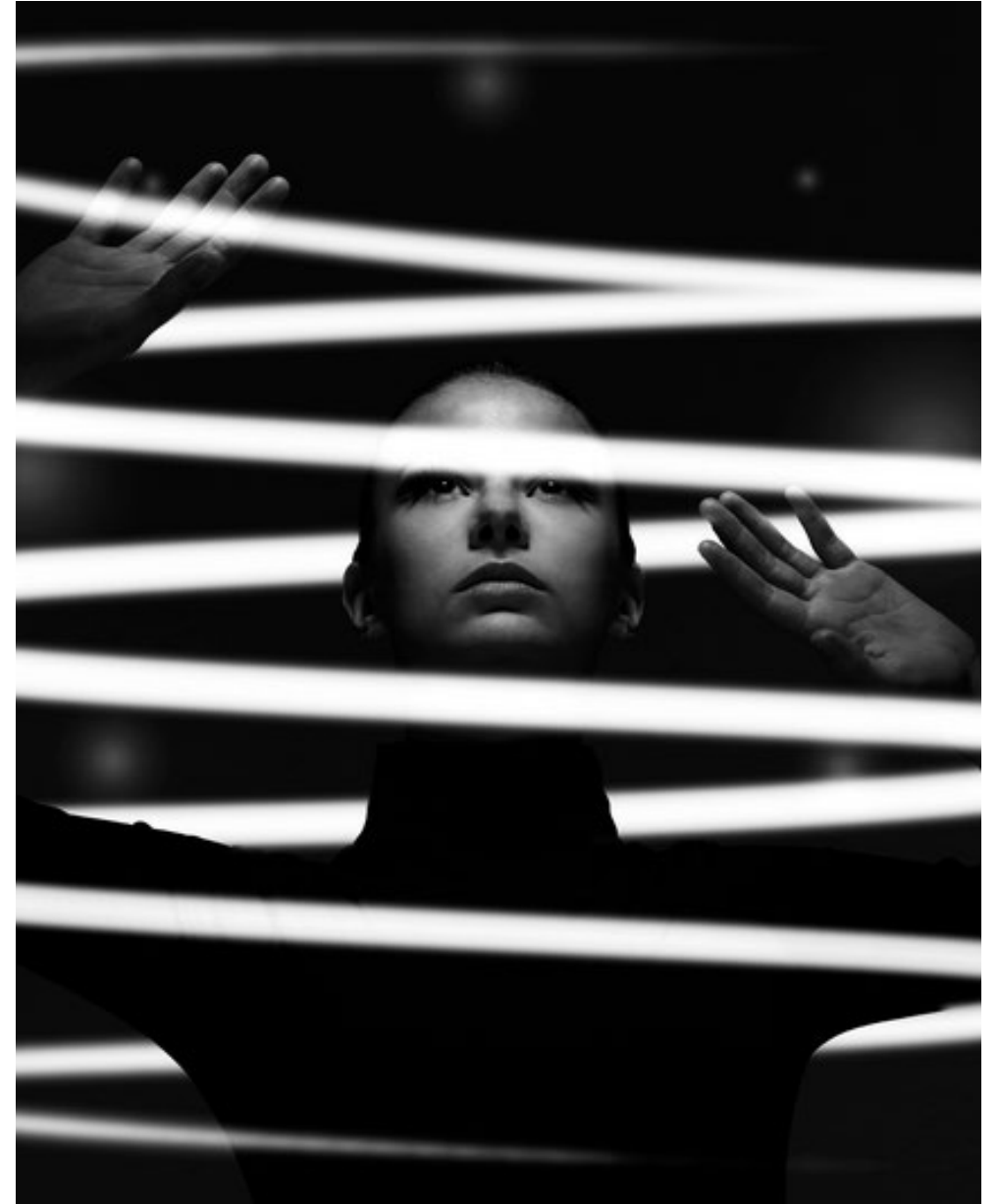
How to try to reduce sickness related absences?



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Navigating the complexities – Interactions between employers and CNS

JULIAN KISSLINGER



Employee's information obligations

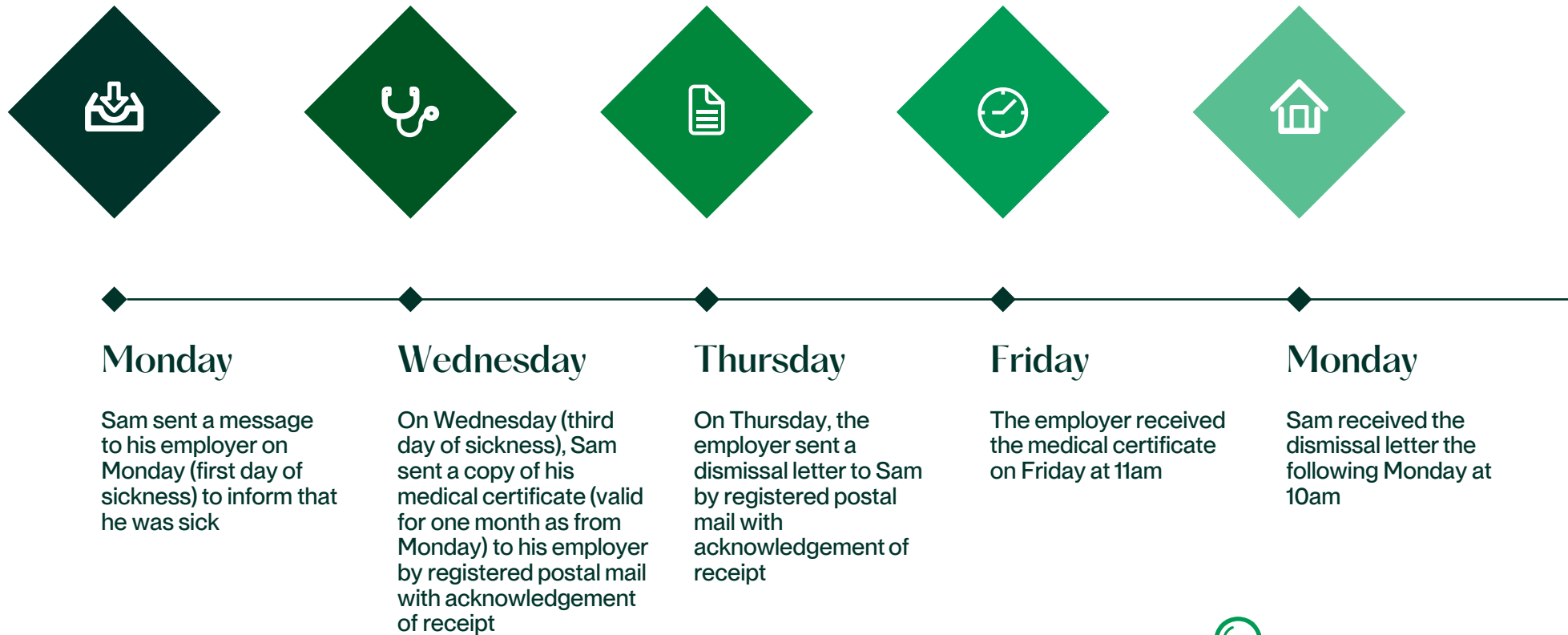
**WRITTEN OR VERBAL
NOTIFICATION ON
FIRST DAY OF ABSENCE**



**Protection
against
dismissal**

**SUBMISSION OF MEDICAL
CERTIFICATE NO LATER THAN
THIRD DAY OF ABSENCE**

Sam is sick



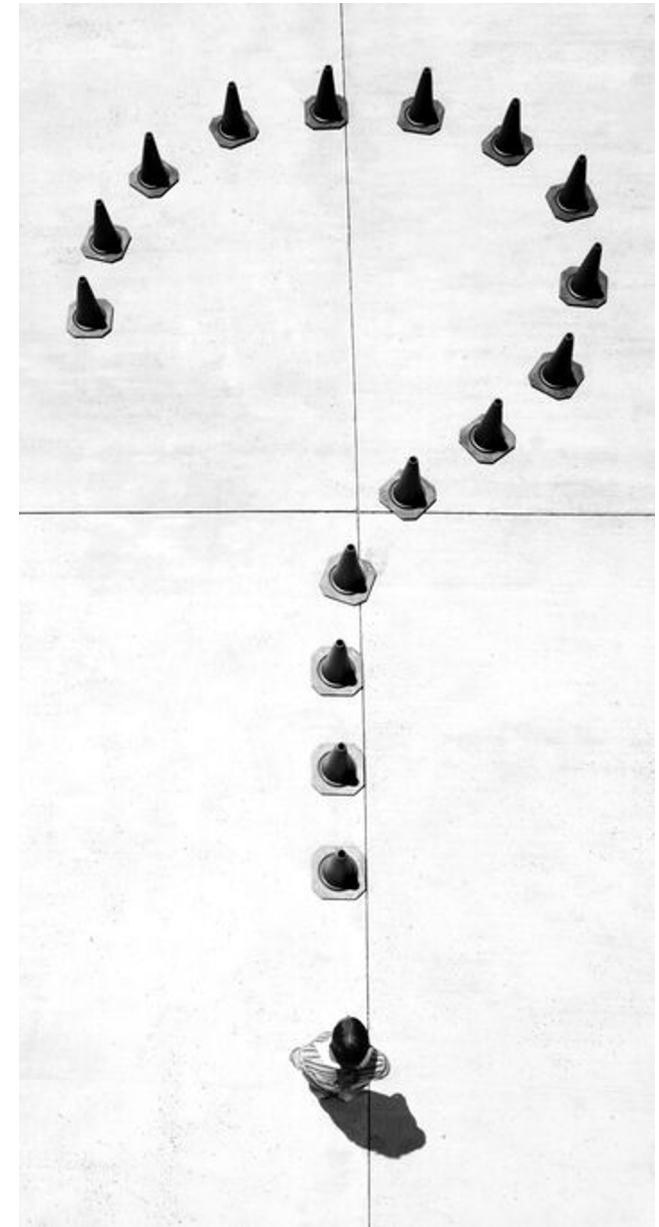
 **Was Sam protected against dismissal?**

Interaction between employers and CNS

Who pays the
employee during
sick leave ?

As from when ?

For how long ?



Remuneration during sickness

PHASE 1

End of calendar month in which 77th day of incapacity for work occurs

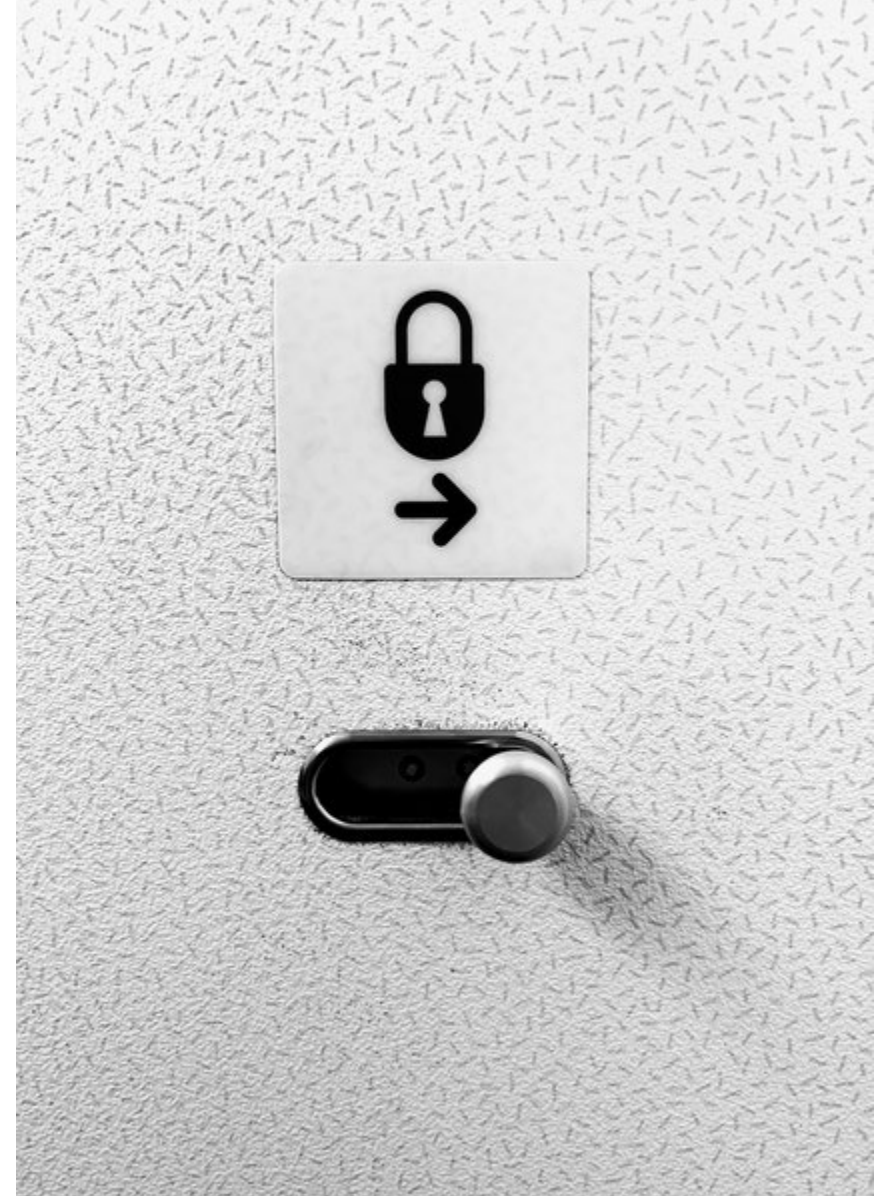
Reference period of 18 consecutive months

- ♦ Employer fully maintains salary and benefits
- ♦ Employer is reimbursed for 80% of these costs by “*Mutualité des employeurs*”

PHASE 2

Sickness benefits from CNS

Limited to five times the social minimum wage



Case study

SAM FALLS CONTINUOUSLY SICK STARTING FROM 03 MARCH 2025

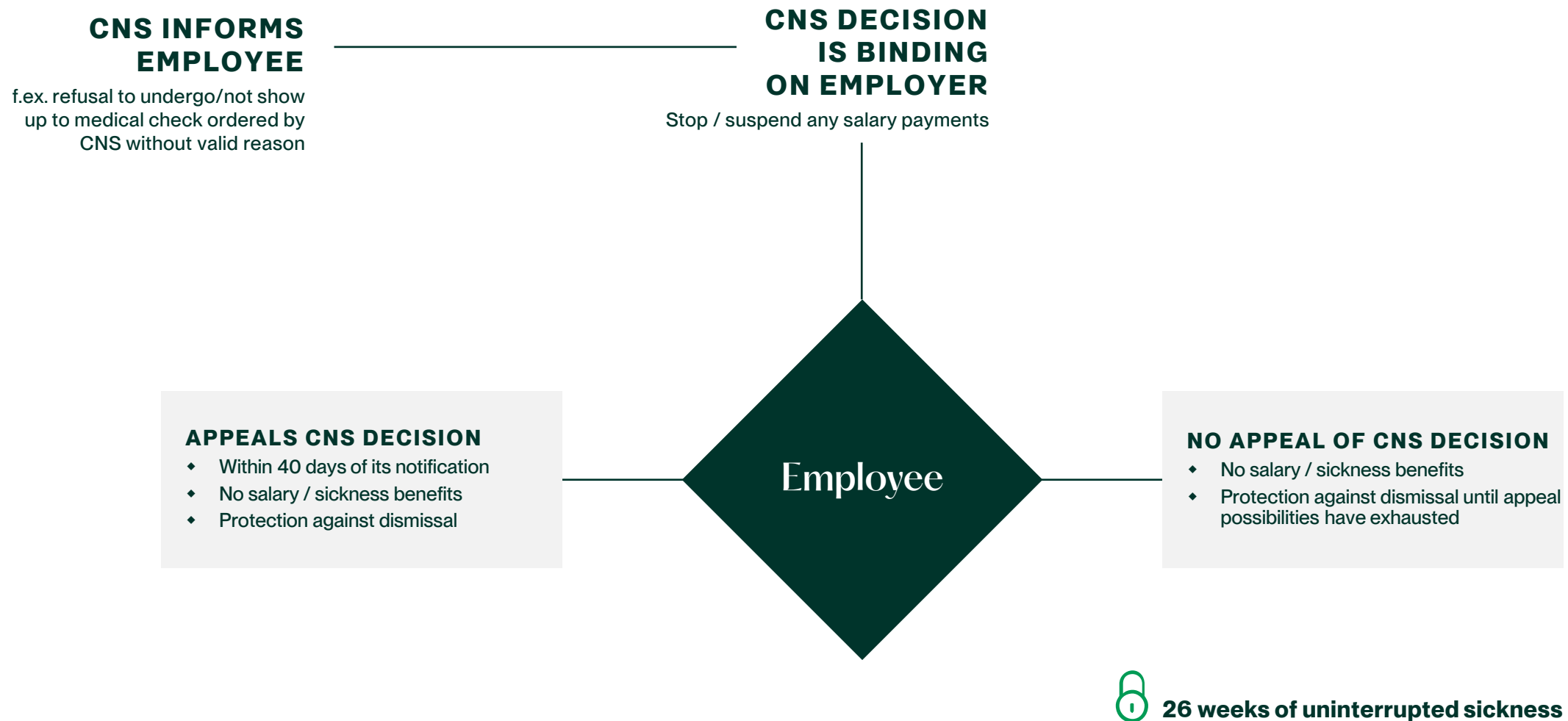
**The 77th day of sickness falls within
the month of May, more precisely
on 19 May 2025**

**Employer will have to maintain
Sam's contractual remuneration
until 31 May 2025**



**As from 1 June 2025,
Sam will be taken on
by CNS and receive
sickness benefits
from CNS**

CNS refusal to maintain salary or sickness benefits



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Explore the legal framework for absenteeism as a ground for dismissal

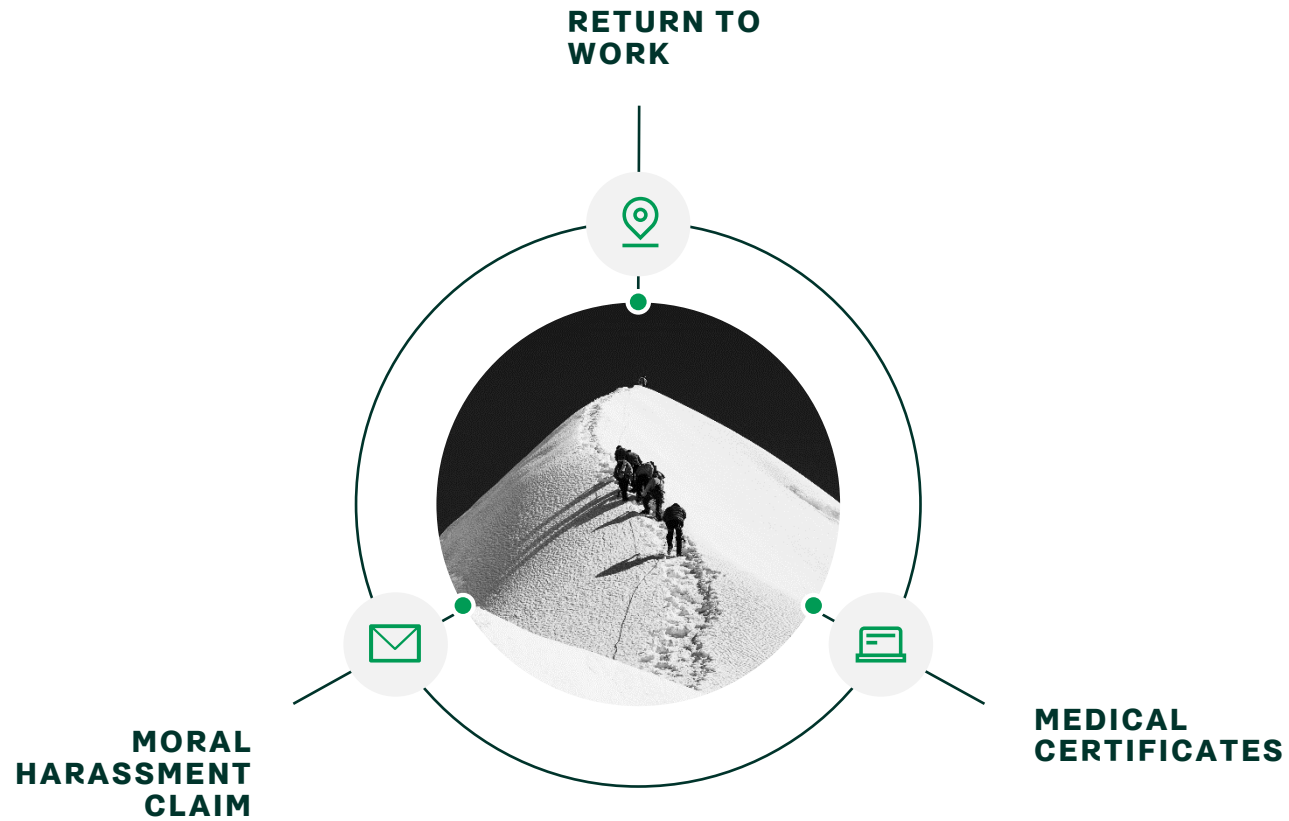
NATHAËL MALANDA



Absenteeism

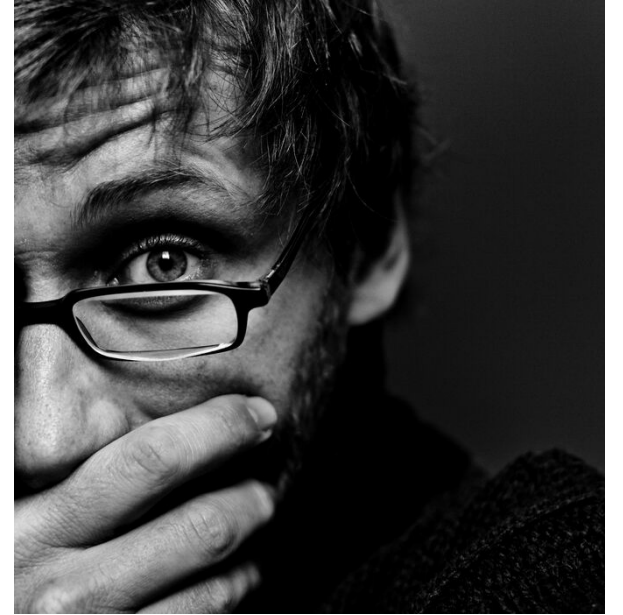


Specific points of attention



"Understanding and Preventing Workplace Harassment" training

NEW E-LEARNING TOOL



A comprehensive e-learning tool



Built to foster a safer workplace

Whether a manager, team member, or trainee, your employees will gain the knowledge needed to foster a culture of dignity, inclusion, and zero tolerance for harassment.



Proven methodology

Based on our in-person client training, this course uses real-life scenarios and practical tips to clarify what harassment is, define everyone's responsibilities, and guide appropriate responses.



Developed by lawyers

By completing this course, you are not only contributing to a positive workplace culture, but also ensuring your organization meets its legal duties to prevent and address harassment.

To receive a quote or to sign up for the training, contact: empas@aoshearman.com

Meet your team



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