

Are You One Of The 26% Of Malaysian Employees Who Submitted Fake MCs in 2015?

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LAST year, a survey conducted by *JobStreet.com* revealed that 26% of employees have admitted to fake being sick to obtain medical certificates (MC).

Surprisingly or not so, the top three reasons given for taking off work with fake MC including no mood to work, feeling burnt-out and to attend job interviews. The job portal also stated that such reasons were signs that an employee is not feeling motivated at their office and is being dishonest to avoid going to the workplace.

Out of 1,058 employers and 749 employees polled in the survey – believe it or not, it was found that one in four respondents said they would purchase fake MCs if given an opportunity and they are prepared to pay up to RM25 for the fake certificate.

More surprisingly, more than half of employers surveyed claimed to have staff whom they felt pretended to be sick to obtain an MC.

Although it is totally understandable that many illnesses can come about suddenly but it is not surprising that some

employees may be lying about their illness or even try to falsify a sick claim to 'convince' their employers about their sick leave.

Malaysian Digest polled the views from relevant stakeholders who gave their take on fake MCs and shared with us their opinions on this recurring issue.

'Submitting False Sick Claim Is A Crime' – MACC

Employees who submit false sick claims are committing corruption as the act is an offence under the Malaysian Anti-Corruption Commission (MACC) Act, a local English-language daily reported last Wednesday.



FilePic: vacationcounts.com



Quoting an explanation from an MACC officer Mohamad Tarmize Abdul Manaf on the anti-graft body's official blog ourdifferentview.com, the report said submitting a medical certificate was the same as submitting a claim, a receipt or an invoice and it was an offence to submit a false claim under Section 18 of the Act.

"Did you know that producing a medical certificate with false information about one's illness is a form of corruption? It is under the fake claims category," the community education division officer said in a post "*Menipu sakit, satu kesalahan rasuah*" (Faking illness is a crime) recently.

The MACC officer went on and cited a legal precedent where an employee was charged for falsely taking two sick days with full pay – he was eventually found guilty after it was proven that he was not ill during the two days for which he submitted a medical certificates (MCs).

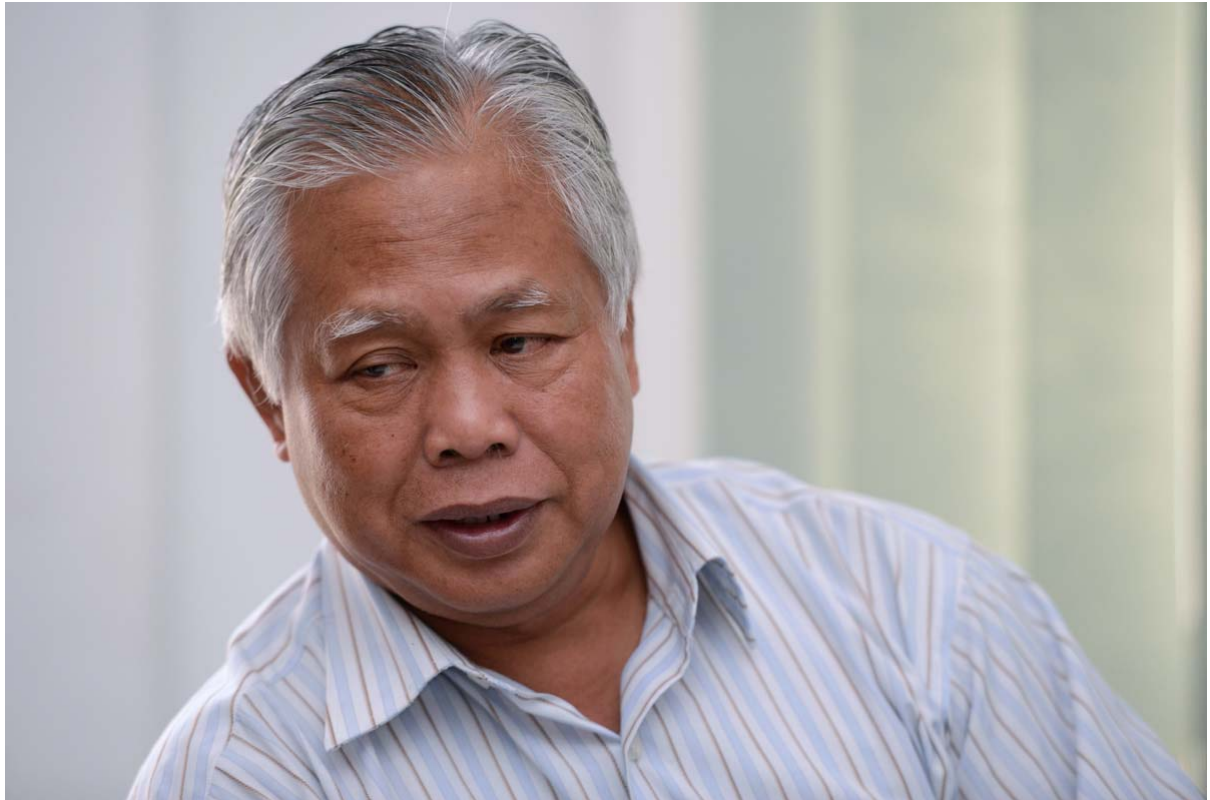
The defence said the MCs submitted were not covered under the Act. But the judge ruled that MCs had monetary value as the accused had received full salary on both "sick" days, and the accused was then ordered to repay the money and slapped with a fine.

In response to this, MACC deputy chief commissioner (prevention) Datuk Seri Mustafar Ali confirmed that any kind of fake claims submitted to employers was an act of deceiving the principal and an offence, adding that under Section 24, workers making false claims could be jailed for up to 20 years and fined!

“I Am Of The Opinion That It Is More Of Misconduct In The Workplace” - MEF

In a report last year, the Malaysia Employers Federation (MEF) revealed that employers lost RM2.9bil annually in overtime payments to workers who are replacing those on medical leave.

So, how do employers view workers who feigned illnesses to get sick leave?



Shamsuddin: “I don’t deny the fact that faking false sick claims may be deemed as a corruption crime from the legal point of view, but it is worth noting that it is not easy to prove that it had an element of corruption.”

Contacted last Monday, Malaysian Employers Federation (MEF) executive director Datuk Shamsuddin Bardan (*pic*) asserted that faking false sick claims is more of misconduct in the workplace rather than a form of corruption crime.

“Although one side of the debate on whether or not submitting a false sick claim is a form of corruption is unfair, but I am of the opinion that it is more of misconduct in the workplace.

“I don’t deny the fact that faking false sick claims may be deemed as a corruption crime from the legal point of view, but it is worth noting that it is not easy to prove that it had an element of corruption,” he told *Malaysian Digest* when contacted here Monday.

Commenting further on the matter, Shamsuddin opined: “Submitting fake MCs is an issue which can be easily resolved internally, and hence it should be left up to the employers [to take action]. MACC should focus more on legal issues instead of interfering on this internal problem in an organization.

“Besides, it involves fewer procedures and more economically justifiable for employers to take action against employees who submit fake MCs, instead of going to MACC to pursue recourse,” he stressed.

Echoing the stance of MEF’s Shamsuddin, President and Executive Director of Yayasan Pekerja Malaysia (YAPEM) Datuk Omar Osman asserted that workers or employees who submit false sick leave is guilty of a mere misconduct in the workplace and it is not a form of corruption in essence.

“Although it is legally wrong for employees to submit false MCs, but I hold on tight to the notion that it is mostly an issue of misconduct in the workplace and it should not be comparable to an act of corruption,” Omar told *Malaysian Digest*.

“I don’t think MACC has to be involved as the majority of the employers are able to handle this recurring issue internally,” he added.

“Long Story Short, We Have To Examine The Patients’ Problem First” - Medical Doctor

In an interview with *Malaysian Digest*, the Medical Director of Mont Hope Clinic, Dr Kugan Ganganaidu (*pic*) said it is important to establish a mutual understanding and a sense of trust between employees, employers and doctor when it comes to tackling the fake MC issue in the workplace.



Dr Kugan: "As a medical professional, we are obliged to abide by the laws as doctors have to come up with a legal letter and verify the patients' illness or injury (both short-term and long-term) before issuing sick claims." — Picture by Teh Wei Soon

“As a medical professional, we are obliged to abide by the laws as doctors have to come up with a legal letter and verify the patients’ illness or injury (both short-term and long-term) before issuing sick claims. Long story short, we have to examine the patients’ problem first,” Dr Kugan said.

“Although it is understandable for employers to prioritize productivity in the workplace, they are always encouraged build and maintain mutual trust with their employees. If they are suspicious [on the MCs submitted by their staff], they are always encouraged to engage with the doctors to make all things transparent.”

“As doctors, it’s not our job to figure out whether a patient lies or not. That’s not our job scope. Our job is to find out whether a patient is ill or has a reason to be absent from work, medically or non-medically. If they are ill, we will then proceed to validate that he or she cannot be productive [at the workplace] and a sick leave will be issued,” he stressed.

Dr Kugan, when asked how a doctor usually examines a patient’s health condition before issuing a sick claim, remarked: “We will do a medical assessment before issuing sick leave to patients. This is to determine whether the patient is medically fit to work. We will advise them on whether their health condition meant that they should not work.”

“Having said that, it should be noted that not all sicknesses can be validated in 10 or 20 minutes. Among them includes gastric, food poisoning, headache and menstrual pain. Therefore, mutual trust between employers and employees is of utmost importance,” he added.

Those Planning To Fake An Illness May Want To Reconsider As Employers Can Easily Verify MCs

Even though in many cases, most employers do not sack workers for submitting an isolated fabricated sick claim but there have been discussions regarding whether it is acceptable to sack someone for submitting fabricated medical certificates.

However, employers today can easily check out MCs validity if they become suspicious of the staying-away-from-work habits of their employees that they suspect are taking advantage of the company's sick leave allowance.



A doctor's note validity is easily verified as the issuing doctor has to be registered with a professional council and the medical certificate should have a valid practice number.

However, this does not include traditional healers. Traditional healers may issue certificates, but employers can reject them if they are not bound by a collective agreement to accept such certificates. Some certificates from traditional healers do contain a practice number but that is merely an indication that the healer has registered with a voluntary Interim Council (established in 2005) that no longer exists.

A valid medical certificate must contain the following details:

- the doctor or practitioner's such as name, address, qualification and signature
- the employee's name
- description of the employee's illness
- the date and time of the doctor's visit
- certifies that the employee is unfit for work

There is no escaping the fact that there has occasionally been mudslinging at the medical profession with regards to medical absenteeism but the reality is there are many stakeholders involved to overcome this problem and therefore, we cannot point our blaming fingers to medical practitioners alone.

This recurring issue has always been the butt of many office humour and jokes and to end the story on a lighter note, here are some of the most memorable excuses reported by employers in 2015, according to a study by US-based job agency, CareerBuilder, who surveyed 3,321 full-time workers and 2,326 hiring managers on their habits and experiences with missing and calling in sick to work.

2015's most absurd excuses for calling in sick:

Employee said the universe was telling him to take a day off.

Employee's wife found out he was cheating. He had to spend the day retrieving his belongings from the dumpster.

Employee poked herself in the eye while combing her hair.

Employee said his wife put all his underwear in the washer.

Employee was going to the beach because the doctor said she needed more vitamin D.

Employee said her cat was stuck inside the dashboard of her car.



FilePic: facilityexecutive.com