

Dear Clients,

Subject: Management of Absence from Work Not Covered by Medical Certification and Commencement of Sick Leave

This circular is intended to provide clarification on the management of absences from work that are not covered by medical certification, with reference to the case in which an employee, absent from work on a given day, goes to the doctor only on the following day to obtain a sick leave certificate. This situation frequently occurs in personnel management practice and requires a precise legal and administrative framework.

The employee must promptly notify the employer of the absence due to illness and of the address at which he or she may be reached, in order to allow any subsequent medical checks. It should be noted that the state of illness, regardless of the transmission of the medical certificate, must be communicated promptly to the employer before the start of the work shift. Such communication serves, in fact, to justify the employee's absence, while the certification is intended to prove the existence of the justifying reason.

According to the legislation currently in force, illness must be certified by the attending physician and transmitted electronically to INPS, as provided for by Article 55-septies of Legislative Decree No. 165/2001 and the subsequent implementing provisions. However, even before the introduction of the electronic system, INPS had already clarified essential aspects concerning the commencement of sick leave.

In this regard, INPS Circular No. 63 of 1991 specified that the medical certificate must clearly state the date on which the illness began, and that the illness takes effect from the date indicated by the doctor. The circular also establishes that the assessment of the commencement date falls exclusively



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within the competence of the physician issuing the certificate, who may assign a date of onset prior to the examination only where this is clinically justified.

Subsequently, INPS Circular No. 147 of 1996 further clarified the matter, reiterating that backdating of the certificate is neither automatic nor left to the discretion of the employee or the employer, but requires a specific and reasoned certification by the doctor. In the absence of such clinical justification, the illness takes effect from the date of the examination, namely the date on which the certificate was actually issued.

In light of these well-established principles, it is specified that if an employee is absent from work on one day (day 1) and goes to the doctor only on the following day (day 2), obtaining a certificate that indicates day 2 as the commencement date, day 1 must, for all intents and purposes, be regarded as an unjustified absence.

The company may not unilaterally assign retroactive effect to the certificate, nor may it treat as covered by sick leave a day for which no medical certification exists.

The unjustified absence on day 1, therefore, entails the consequences provided for by collective bargaining agreements and by the company disciplinary regulations, including non-payment of wages, non-accrual of contractual entitlements, and possible disciplinary action on the grounds of unjustified absence.

Only where the doctor, on the basis of objective and documentable elements, deems it clinically justified for the illness to commence on day 1, and expressly states this in the certificate, may that day be considered covered by sick leave pursuant to the above-mentioned INPS Circulars No. 63/1991 and No. 147/1996.



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It is further reiterated that the employee remains under the obligation to promptly notify the absence in accordance with the procedures laid down by the applicable National Collective Bargaining Agreement (CCNL) and by the company rules in force, as well as to act without delay in obtaining certification of the illness.

Our Firm remains available to verify the training obligations applicable to the various categories of workers and to clarify any interpretative doubts regarding exemptions and specific sectors.

This circular is for information purposes only and does not constitute professional advice in relation to specific cases. For further information or operational assistance, our Firm remains at your disposal.

Kind regards,

7 April 2026

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