

DEALING WITH ABSENCE

Absenteeism is expensive. Costs include reduced productivity, lower quality goods or services due to understaffing and poor morale from employees who had to do extra work. Thus, it is important that you measure and manage absence effectively with a clear absence policy in place which is understood by all employees.

WHAT YOU NEED TO KNOW

ABSENCE POLICIES

Absence policies must outline employee's rights and obligations when taking time off work due to sickness. The policy should:

- Provide details of sick pay terms and sickness benefits;
- Outline processes employees need to follow when taking sick leave and when they return;
- Advise when they need a GP or self-certified sick note and the potential need for medical reports; and
- Include processes for managing long term absence.

WHAT YOU NEED TO DO

MANAGING SHORT TERM ABSENCE

Make sure you follow your internal procedures and these steps to deal with short-term absence:

- Investigate the frequency, duration and reasons for absence;
- Carefully monitor individual, departmental and overall workplace absence;
- Discuss problems with the employees concerned. Consider the use of return-to-work interviews with line management and completion of self-certification forms;
- Consider requesting a medical report, with the employee's consent, to establish if there is any underlying medical condition to support the level of absence. There may be a condition or links to disability discrimination which may not be immediately apparent. Support and/or adjustments may be appropriate;
- Work in conjunction with GPs, medical professionals including occupational therapists and PHI providers (if applicable) for advice on how to support the employee's return to work. If there are no good medical reasons for the absences, the employee should be counselled and told what improvement is expected and warned what the consequences will be if none is seen.
- If there are grounds to suspect that the employee's reasons for the absence are not genuine, investigate carefully, discuss with the employee and pursue formal disciplinary action where appropriate, in line with your procedure.
- Consider what can be done to assist employees with personal or family problems - would counselling help?
- If the employee has a recognised illness or medical condition that is not a disability but their absence rate is unacceptably high, dismissal may be appropriate following the capability process. The employee's length of service and the availability of suitable alternative employment are relevant factors to consider before reaching a decision.
- Exhaust contractual rights to sick pay and other benefits e.g. PHI.

WHAT YOU NEED TO DO

DEAL WITH PERSISTENT SHORT-TERM ABSENCES

Although sickness absence can be a sensitive subject to tackle, it should be dealt with carefully yet robustly before short term absences become persistent and have an effect on the performance of the business.

You should:

- Refrain from making snap decisions to avoid the risk of a claim for unfair dismissal.
- Deal with sickness issues as early as possible, document conversations and record all absences.
- Act reasonably and take into account the following considerations when making any decisions:
 - The length and pattern of the absences
 - The spaces of good health in-between absences
 - The likelihood of recovery
 - Sick pay entitlement
 - The impact that the absences are having on the workforce
 - The cost of hiring a temporary employee
 - Whether you could make adjustments to the duties or hours of work to accommodate the medical condition of the employee.

MANAGE LONG-TERM ABSENCES

You need to have strategies in place to help employees get back to work after long periods of sickness related absence.

You should:

- Ensure contact is maintained with employees in a sensitive manner.
- Use health professionals to evaluate the reasons for absence and carry out health assessments.

Plan adjustments to enable their return to work:

- Allow a gradual return to work, from part time to full time.
- Change work patterns or management style to reduce pressure
- Enable them to do flexible working
- Accommodate the employee's mobility

Create a return-to-work plan. Include:

- How the role has been modified
- The time period
- The new working arrangements
- The date on which the plan will be reviewed.

Agree the plan with the employee, their line manager and anyone else affected

LEGISLATIVE CONSIDERATIONS

- Under Employment (Jersey) Law 2003, revised, the Health and Safety at Work (Jersey) Law and the Discrimination (Jersey) Law 2013, employers need to ensure they are making reasonable adjustments for employees who have a disability, to avoid claims of discrimination.
- Employers also need to record pregnancy related sickness absence separately to other sickness absence to avoid claims of sex discrimination.

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