

"Your staff are your most valuable resource..." Whether your company employs two people or two hundred, this key item should be at the top of every manager's priority list. Yet, keeping up to date with changing employment legislation - especially with added European Community Directives - becomes more complex and costly every day. In these Fact Sheets, we have tried to provide basic guidelines and ideas to help you adapt or improve your personnel procedures. Please remember the advice given is general and not intended to be legally definitive. The Fact Sheets on various employment and human resource matters can be accessed at www.aslrecruitment.co.uk/useful-resources

SICKNESS

This fact sheet is not intended to deal in detail with Statutory Sick Pay (SSP), which is well explained in publications issued by the Inland Revenue. However, the law requires employers to pay certain minimum amounts for up to 29 weeks to most employees who are incapable of working under their Contracts of Employment. Prior to 1994 all employers could reclaim some or all of the payments but nowadays only certain employers are able to reclaim the cost of SSP. Generally it is advisable to consider carefully and formulate an overall policy that applies to all employees so that a statement of rules can be included in the employee's Contract of Employment.

Here we are more concerned with how a business deals with and monitors the sickness absence of its workers.

Helpful Hints

1. To assess whether there is a problem, the employer will need a system to monitor and review absences due to sickness. A simple weekly attendance report will provide necessary data to compile monthly or quarterly overviews.
2. Think carefully before introducing any sick pay scheme which enables an employee to be absent on full pay. Any scheme, which provides no difference in pay for those at work and those absent, could mean you end up with an entire office or department all suffering the same ailment! However, all jobs require workers to be fit but some jobs more so than others. It may be preferable and less costly to ensure employees are sufficiently recovered before expecting them to return to work.
3. Attendance reports may reveal sickness trends amongst certain workers, either as groups or individuals. There is the possibility that the physical working environment may be a contributing factor. Employers have a statutory duty to provide a healthy and safe place and system of work and failure to deal effectively with such matters could lead to costly and time consuming litigation.
4. Persistent 'malingerers' may show a pattern of absenteeism. Frequent lateness or non-attendance on Mondays may require investigation, as this may be a symptom of some personal problem.
5. Usually, a sensible, fair yet firm, approach to absenteeism is required. People do become ill and employers need to have a caring and sympathetic approach but abuse by a minority must be avoided. Individual meetings with employees to discuss sick absence may be enough to deter persistent offenders.
6. When drafting rules for absence payments, it can be useful to provide for some degree of management discretion with regard to such payments. This will allow positive and sensible provisions to be put in place for all employees, but give flexibility in the event of abuse by a minority. However, management must guard against any form of discrimination when exercising discretion.
7. In the case of persistent uncertified absences, it may be appropriate for the employee to be examined by a doctor at the employer's expense, subject to consent by the employee, or subject to any existing contractual agreement for such an examination. A medical report can help an employer decide on the best course of action.