

# SICKNESS

This is only intended to provide a general overview and very basic guide. We hope it helps but if more detailed assistance is required then please contact ASL or your legal advisors.

This fact sheet is not intended to deal in detail with Statutory Sick Pay (SSP), which is well explained in publications issued by Inland Revenue. However, briefly, the law requires employers to pay certain minimum amounts for up to 28 weeks to most employees who are incapable of working under their Contracts of Employment. Generally it is advisable to consider carefully and formulate an overall policy that applies to all employees, then 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 for the entire period of absence. 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 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. Ensure that job descriptions are updated and discussed with the relevant employees, ideally as part of a periodic appraisal/evaluation. Remember that a variation in a job description must be agreed by the employee.
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.