

NEWS

employment law

DEALING WITH EMPLOYEE ABSENCE

Employee absences can be both costly and disruptive

It is advisable to have systems in place to measure and analyse these costs so that you can identify problem areas. Are there patterns of absence? Does a particular department have a below average record?

Unhappy, demoralised employees are more likely to take time off work. Workplace stress is still the most common cause of long-term sickness among non-manual workers. Creating a friendly workplace environment, where staff feel valued as part of a team and where flexible, 'family friendly' policies are in force is likely to pay dividends, keeping absenteeism to a minimum.

To manage absence effectively, make sure staff are well informed as to your sickness policy and procedures. Make sure procedures are seen to be followed and keep accurate records. These must be kept for at least three years after the appropriate financial year-end.

When hiring new staff, make sure you check their attendance record with the previous employer. If new staff are absent it is good practice to make sure you know if there are problems preventing them from settling in. How staff are treated in the first weeks of a new job is vital. Inadequate training can leave them feeling disillusioned.

It is sensible for employers to ensure that contracts of employment allow them the right to get an independent medical assessment in the event of an employee taking more than a few days off work. You may consider requiring all potential employees to undergo a medical examination with an occupational health adviser.

As a matter of company policy always carry out a 'return to work' interview. This may range from 'hope you're better, we missed your contribution' to an identification of underlying problems that will affect your management strategy. It may also deter malingerers.

Long-term sickness must be handled sensitively. You must have an employee's permission to apply for a medical report. It is vital to keep in touch so that the employee doesn't feel isolated. Consider referring them to an occupational health specialist. This can identify ways of helping them return to work and give you information as to how long the absence is likely to last.

Disciplinary action for unacceptable absence must be distinguished from dismissal on health grounds. Employers need to be aware of the full range of conditions which come under the Disability Discrimination Act 1995 (DDA). Where an employee is suffering from a condition covered by the Act, reasonable adjustments must be made to help them return to work.

Employers are reminded that with effect from December 2005 the Disability Discrimination Act 2005 made changes to the definition of 'disability' for the purposes of the DDA. Protection under the Act was extended to those diagnosed with progressive forms of cancer, HIV and multiple sclerosis. Previously, protection was afforded when the illness started to have an adverse effect on a person's ability to carry out their day-to-day activities.

In addition, there is increased protection for those suffering from mental illness as the requirement that the condition is a clinically well-recognised illness has been removed.

Many businesses take out insurance cover against awards from tribunals and the legal costs of fighting Tribunal proceedings. We can now offer insurance as part of our service which enables you to nominate Bray & Bray as your appointed solicitor.

Our team can offer EXPERT ADVICE on this topic or other employment law matters. Please contact us.

MARKET HARBOROUGH OFFICE

51 High Street, Market Harborough
Leicestershire LE16 7AF
Tel: 01858 467181
Fax: 01858 434362

LEICESTER OFFICE

Spa Place, 36-42 Humberstone Road
Leicester LE5 0AE
Tel: 0116 2548871
Fax: 0870 3835023

HINCKLEY OFFICE

33 Station Road, Hinckley
Leicestershire LE10 1AP
Tel: 01455 639900
Fax: 01455 614331