Working together for better workplace health

SICKNESS ABSENCE / REHABILITATION
Sickness absence / rehabilitation

Taking action on absence

Sickness absence can have devastating effects on your business costs and the quality of life of the worker concerned. Research shows that almost one in five people who exceed 6 weeks sickness absence will stay off work sick and eventually leave paid employment.

Everyone at work will probably need to take sick leave at some time during their working lives and in most cases this lasts only a few days. But, if it turns into long-term sickness absence, it can have devastating effects on the productivity and competitiveness of your business, and the health and well-being of your employees. Surprisingly the majority of people who leave work through ill health do not do so because of severe illness. Most suffer from common health complaints experienced by many of us, like mild to moderate mental health problems, or muscle, joint or back pain. Their inability to get back to work points to the existence of problems that health care alone does not solve.

The statistics are clear, long-term sickness absence costs UK business over £12 billion a year. Employers £495 a year in direct costs for every worker employed (CBI 2005 statistics). In 2011 there was 131 million days lost to sickness absence in the UK (ONS) and represents only 5% of absence cases, but accounts for 33% of working days lost (CBI 2004 statistics).

- sickness absence is not just a matter of ill-health. It is affected by a combination of personal and work factors
- early intervention is key
- work is essential to good health and well-being if properly managed. Return to work is part of the recovery process and can safely happen before symptoms die down
- the journey from someone going on long-term sick leave to leaving paid employment altogether is not inevitable and you can take action to prevent losing your employees through poor health

By taking action to prevent the loss of your employees through poor health you will:

- hold on to valued staff
- avoid unnecessary recruitment and training costs and maintain competitiveness
- retain a healthy workforce
- reduce your Statutory Sick Pay (SSP) and overall sickness absence costs
- avoid significant penalties for discriminating against disabled employees
- improve workplace relations
- raise your organisation’s reputation
- safeguard the livelihood of your employees

And for your employees, the benefits of returning to work are improved health and well-being, and more pay in their pocket.

The message is clear: The sooner that you take positive action in partnership with your employees the more likely it is that long term sickness absence will be reduced and sick...
employees will successfully return to work and help you maintain and build a productive and competitive business.

The Law
There is no law that requires employers to assist every ill or injured employee in their workforce to return to work. However you should be aware of these legal requirements, which may apply.

Equality Act 2010
Disabled workers are protected by the Disability Discrimination Act 1995.

The DDA means that you have to make reasonable adjustments to the workers working arrangements or conditions to make sure they are not treated less favourably than other workers. Workers whose injury or poor health persists may become eligible for DDA protection.

Health and Safety at Work etc. Act (HSWA) 1974
You also have responsibilities under the HSWA to protect workers after they return to work if they have become more vulnerable to risk because of illness, injury or disability.

Employment laws
You can avoid unnecessary dismissals and retirements due to ill health, but if you consider taking such action remember that you have responsibilities under the Employment Rights Act 1996 to adopt fair procedures before dismissing workers on grounds of sickness absence.

Employment Act 2002
To adopt statutory minimum dismissal, disciplinary and grievance procedures, you should bear in mind the company’s contractual obligations to your employee and theirs to you to abide by their contract of employment.

Data Protection Act 1998
The sickness absence data you keep and process has to comply with the Data Protection Act 1998. If an absence record contains specific medical information relating the employee this is deemed sensitive data and you will have to satisfy the statutory conditions for processing such data.

What should you do?
Develop a simple policy for sickness absence and rehabilitation. The information given on the back page will assist.

How often do you need to review the policy?
It should be reviewed and possibly revised in the light of experience, or because of operational or organisational changes. It is useful to review the policy regularly, for example annually.

Key actions for a successful policy statement

- discuss and agree the content with worker representatives
- get the practice right - consider piloting it before committing it to a statement
- write the content in plain language, making sure it is clear who is responsible and accountable for carrying out any actions or procedures
• make sure everyone understands their responsibilities and has the skills and knowledge to put them into practice and provide training if necessary
• check that procedures are put into operation and they are carried out consistently for all workers affected
• invite feedback from workers, trade union and worker representatives and
• Identify someone who is to be responsible for managing sickness absence and rehabilitation
• This could be a manager or supervisor. You should ensure that they have been given sufficient training and information for managing sickness absence and rehabilitation.
• Put some arrangements in place for when a worker is off sick, and check to see if they are working well
• create a climate of trust by agreeing methods, frequency and reasons for the worker keeping in contact with managers and worker representatives
• take time to know your workers and the things that affect their health as this will help you to decide the kind of contact they would welcome
• consider training for managers and workers on a sensitive approach to helping each other get the most out of contact with absent workers
• be flexible, treat each case individually but on a fair and consistent basis
• don’t make assumptions about the employee’s situation or their medical circumstances or talk to others without their knowledge and consent
• encourage discussion about overcoming barriers to return
• don’t put pressure on workers to discuss their return to work before they are ready
• if the employee is able to travel suggest they come in to see colleagues at lunch time or coffee breaks
• carry out return to work interviews
• give workers the opportunity to discuss their health or other concerns in private
• remember that medication can have side effects on things like physical stamina, mood, driving, machinery operation and safety critical tasks
• don’t forget that recovery times for the same condition can vary significantly from person to person

Consultation and help
Putting in place a systematic approach to deal with sickness absence across a company is much easier when you do this in co-operation with your workers and their representatives.

You may already have some building blocks in place but you may need to take a fresh look at how:

• you work with worker representatives on help for ill, injured or disabled workers
• you check and record sickness absence
• your managers are trained to deal with sickness absence and disability
• you involve absent workers in planning their return to work
• wage arrangements/conditions of work - do they help or hinder return
• you plan reasonable adjustments for disabled workers
• you control any risks to workers from work activities
• the way you manage work to prevent poor health being made worse by work
• Expert help available
• Constructing Better Health insert CBH Contact details
• The NHS: - Your GP can help with any health problems arising from your work - NHS Direct - a 24 hour helpline for health problems: 0845 4647 - NHS drop-in health centres mean you don’t need an appointment

Publications
• Managing sickness absence & return to work: An employers and managers guide HSG249 ISBN 0 7176 2882 5 which can either be purchased as a hard copy or available as a free pdf download from the HSE website http://www.hse.gov.uk/pubns/books/hsg249.htm
• Managing sickness absence and return to work in small businesses RR 138 Best practice in rehabilitating workers following absence due to work related stress. This report provides examples of how to encourage workers to return to work and to prevent recurrences of their initial stress. The case studies in the report cover England, Scotland and Wales, and some specific advice for SME’s
• Example rehabilitation/sickness absence policy

Don’t wait until someone goes on long term absence to consider your contact strategy, but plan ahead in partnership with your management team, Trade Unions and employee representatives (TU).

You are not legally required to produce a return to work policy, but it is often convenient to set out expectations, roles and responsibilities in a written return to work policy so you have something to refer to. Your workers need to know what to expect, managers need to understand their roles and everyone needs to be clear about who is responsible for action.

What should a written policy look like?
There is no one size fits all, the format needs to be one that suits your circumstances, eg. a statement or a set of guidelines, ranging from half a page of short points for a small company to a longer, more detailed document for large companies with expert resources.

It is useful to consider whether the written policy should stand alone or form part of other company or organisational policy documents, eg. equal opportunities guidelines or staff handbooks. Draw a clear distinction between information on disciplinary procedures and guidance for helping workers back to work.

What do I need to include in a written policy?
Information that is useful to put into a policy statement, includes:

• your organisation’s commitment to helping workers return to work
• confirmation that your workers can expect you will: work with trade union representatives and other employee representatives on developing and reviewing the operation of the return to work policy
• make reasonable adjustments to retain an employee who has become disabled or whose disability has worsened so they are not put at a substantial disadvantage in their job
• support returns to work, eg. in the form of adjustments to the workplace or changes to systems or hours of work wherever possible and redeployment where this is necessary
• agree return to work plans with everyone affected
• ensure that workers who have suffered ill health, injury or disability will be treated fairly, equally and consistently
• your arrangements for recording sickness absence, as appropriate
• provision of leave and time off to help return to work or to attend medical appointments
• procedures for keeping in contact with staff on sick leave and what is expected from the employee
• arrangements for return to work interviews
• how the policy links in with other key policies, such as personnel, health and safety, equal opportunities etc, and company employee benefit schemes
• If your organisation has a line management structure and access to human resource or occupational health support you may also wish to consider including:
  • what action line managers should take and when and how the action will be supported
  • responsibilities for putting the return to work plan into action and reviewing its progress
  • sources of advice within the organisation on what can be done to help an employee’s return to work and continued employment
  • help that can be given to workers by government agencies, charitable bodies and other industry and specialist organisations
  • the information that needs to be provided and requested when making occupational health or other medical referrals

Signed
(Chairman / Managing Director / Senior Partner)
Date

Expert help is available from:
Constructing Better Health
Contact us for impartial and confidential advice:
tel: 0845 873 7726 or click on www.cbhscheme.com

CBH accredited occupational health service providers listed on the CBH website

Further information regarding preventative measures can be found on the HSE website in the Construction Occupational Health Management Essentials toolkit (COHME).

www.hse.gov.uk