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Dealing with Sickness Absence

Dealing appropriately with sickness, whether short or long term, is vital to minimise the risk of claims for unfair dismissal and/or disability discrimination. Failure to do so may result in a claim to an Employment Tribunal resulting in:

- Financial penalty – the potential award for disability discrimination is unlimited
- Adverse publicity
- Unnecessary time wasted

Develop Absence Procedures for short and long term sickness

- Provide to employees, update and re-circulate as required

Manage Absence Proactively

- Keep records of absence
- Use triggers for action
- Always use return-to-work interviews
- Consider implementing a sickness absence management policy

Understand The Cause

- Provide in contracts for Medical Reports to be obtained where required
- Comply with the provisions of the Access to Medical Reports Act if appropriate
- Always address whether there is a disability: consider reasonable adjustments, including alternative roles; and avoid less favourable treatment on the grounds of disability

During Absence

- Stay in touch as appropriate
- Observe the terms of the contract and remember that holiday will continue to accrue during sick leave

Dismissal?

- Once all other avenues have been explored, consider dismissal either for capability (long-term sickness) or for conduct (persistent short-term absence).
- Follow full procedures including obtaining medical reports

For more information or to discuss your requirements, contact:

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Always take legal advice!

These comments are provided for guidance only. Each situation has to be examined on its own merits and you should not, therefore, rely upon the above without taking specific legal advice in relation to any particular matter.