

Managing sickness absence and return to work

Practical advice for employers and managers

Information sheet 3

Delivering good health at work should be a core activity for all organisations. It should be an issue for senior management action and not just approached as routine compliance with health and safety and employment laws. Workplace preventative approaches have the primary role in improving health at work, but there is equally a need and a strong moral case to ensure that when workers are injured or made ill because of workplace activities they are properly helped. This ensures the impact of their problems are reduced and that they are able to lead as full a life as possible. But the effects of ill health and disability that has no clear or established relation to work can be equally devastating and for most workplaces this will be more common. So, this approach for managing sickness absence and return to work is aimed at everyone who could benefit, whatever the cause of their sickness.



What does managing sickness absence and return to work involve?

There are six key elements in HSE's recommended process:

- recording sickness absence;
- keeping in contact;
- planning and undertaking workplace adjustments;
- making use of professional or other advice and treatment;
- agreeing and reviewing a return to work plan;
- co-ordinating the return to work process.

You may find it helpful to set out an organisational approach to these elements, for example in a policy statement (see Appendix A).

The six elements

Recording sickness absence

If you are a small business you will be well aware of who is off sick. But it is important to know the reasons, in case the cause may be work related and adjustments are needed to help return to work. In larger organisations, analysis of sickness absence records can reveal trends of illness or injury that could be caused or made worse by work.

Knowing why your employees are off work will help you to:

- identify patterns and high level causes of short/long-term sickness absence;
- identify work-related/other causes;
- identify organisational interventions to manage sickness absence;
- plan cover for absent employees;
- benchmark your performance.

The suggested minimum information that you will need to help manage sickness absence is:

- the name of your employee and their contact details;
- the date of the first day of absence;
- the cause of their absence;
- whether their injury or illness is work related;
- the number of working days absent;
- the date your employee was last contacted and the outcome;
- the expected length of their absence;
- the expected return to work date.

Keeping in contact

Keeping in contact is a key factor in helping your absent employees return to work. Some employees may fear they will be pressed to return before they are ready, but without contact, your absent employees are likely to feel increasingly out of touch and undervalued.

Employers sometimes feel that asking absent employees for information to help them return will appear intrusive. You may feel equally uncomfortable about talking to an employee whose performance, combined with frequent short-term absence, is causing you concern. Listed below are some dos and don'ts to help you deal with these sensitive issues.

Do:

- create a climate of trust by agreeing methods, frequency and reasons for keeping in contact;
- consider training for your managers on a sensitive approach to help them get the most out of contact;
- consider the timing and form of contacts and who should make them;
- be flexible, treat each case individually but on a fair and consistent basis;
- if your employee is able to travel, suggest they come in to see colleagues at lunch time or coffee breaks;
- keep a note of contacts made;
- welcome your employee back to work after absence;
- carry out return to work interviews;
- give your employees the opportunity to discuss their health or other concerns that are affecting their performance or attendance in private;
- remember that medication can have side effects on things like physical stamina, mood, driving, machinery operation and safety critical tasks.

Don't:

- wait until someone is on long-term absence before making contact;
- delay making contact or pass responsibility to someone else, unless there are sound reasons for doing so;
- make assumptions about your employee's situation or their medical circumstances;
- put pressure on your employees to discuss their return before they are ready;

- talk to other people about your employee's circumstances without that person's knowledge and consent;
- say that colleagues are under pressure or that work is piling up;
- forget that recovery times for the same condition can vary significantly from person to person.

Encourage your absent employees to talk to their own GP about what they may be able to do as they make progress or adjust to their condition. This will help you to judge whether a gradual return may be the best way forward or whether other workplace adjustments are more appropriate.

What if my absent employee refuses contact?

Ensure all your employees understand their responsibility to keep you informed about why they are absent from work and when they are likely to return. Your organisational rules need to set out clearly how and when to notify absence.

Employees may be reluctant to notify illness or keep in contact because of sensitive issues. Your employee may feel embarrassed about describing their condition, or the illness may be related to difficult work situations or working relationships. This can be helped by:

- ensuring your employee knows who they can talk to, other than their manager, about their problems;
- using trade union representatives as intermediaries;
- enabling your employee to talk to someone of the same sex or religion, or at a neutral place away from work and home;
- making the first contact in writing, offering help with any problems at work;
- using an independent mediator.

Conducting a return to work interview

This is an important and highly effective tool for managing return to work. It might be an informal chat to welcome your employee back to work, and to confirm their record of absence is correct. It could be a full discussion of remaining health issues that may affect work and what workplace adjustments will have to be made. A return to work interview may be a good opportunity to offer help to an employee you suspect is affected by pressures, whether domestic or work related. If they become distressed, stay focused, give them time to recover and reassure them that you are listening. The main thing is to listen well and be objective.

Planning and undertaking workplace adjustments

The general purpose of adjustments is to:

- return your sick employee to their job with any adjustments needed, or to an alternative job if no adjustments are possible;
- retain valuable skills;
- remove barriers to return to work.

Keeping in contact with your absent employee will help you to plan any adjustments to their work that may be needed for their return. Some adjustments may also be necessary to enable employees with a health condition that could worsen over time to stay in post.

Becoming disability aware

If your employee is or becomes disabled, you are legally required under the Disability Discrimination Act 1995 (DDA) to make reasonable adjustments that will enable your employee to continue working. What is reasonable will depend on:

- the financial and other impact of adjustments on your organisation and its activities;
- how effective adjustments are likely to be;
- the particular needs of your individual employee, not the nature of their disability alone; and
- the availability of financial or other assistance to you.

The Disability Rights Commission helpline (Tel: 08457 622 633) can give advice on reasonable adjustments.

The adjustments needed by an employee following illness or injury and those for a disabled person will often be similar. It is helpful to get into the habit of considering reasonable adjustments to help an employee return to work whether or not they are disabled in the legal sense.

How do I find out about what adjustments are needed?

Adjustments need not be difficult and solutions will often be found by working together with your employee and their trade union representatives. But sometimes, professional advice will be necessary.

The key steps in planning adjustments are:

- consider your employee's needs and what they can do;
- assess the possible barriers to your employee's return;
- consider the adjustments needed to overcome these barriers;
- review health and safety risk assessments in the light of the proposed adjustments;
- review how well the adjustments work;
- seek professional advice, where necessary, to help you and your employee make informed decisions.

Making reasonable adjustments

Ill health or injury is sometimes caused by a specific event such as an accident. More often it is a combination of factors, such as increased workloads, lack of control over work or failure to take breaks. Pain and discomfort feel more acute when there are other difficulties to deal with at the same time.

If an employee is suffering from back or joint pain, you may need to consider adjustments to ergonomic factors like working posture, the equipment used, the working environment, the pace of production and the spacing of rest breaks.

Employees will readjust more easily and gain confidence to cope with lingering pain or depression brought about by events outside work if they feel supported at work, demands are reasonable and tasks are satisfying.

Examples of adjustments to working arrangements

- Allow a phased return to normal working hours or workloads to build up strength and confidence.
- Change your employee's working hours to allow easier travel to work, or allow flexible working to ease work/life balance.
- Provide help with transport to and from work.
- Arrange home working (providing a safe working environment can be maintained).
- Allow your employee to be absent during working hours for rehabilitation assessment or treatment.

Examples of adjustments to premises

- Move tasks to more accessible areas and closer to washing and toilet facilities.
- Make alterations to premises, eg providing a ramp for people who find steps difficult.

Examples of adjustments to the job

- Provide new or modify existing equipment and tools.
- Modify workstations, furniture, and movement patterns.
- Provide additional training.
- Modify instructions or reference manuals.
- Modify work patterns or management systems to reduce pressures and give the employee more control.
- Arrange telephone conferences to reduce travel.
- Modify testing or assessment procedures.
- Provide a buddy or mentor to your employee while they regain their confidence at work.
- Reallocate work within the employee's team.
- Provide alternative work.

Phased return

In many cases a phased or gradual return to normal hours within a fixed timescale is a key way of getting your employees back to work. There is no single pattern that suits everyone. Discuss in advance with your employee what impact this will have on their pay.

Meeting health and safety requirements

Health and safety law requires you to undertake risk assessments of your activities to prevent people being harmed. You need to review your risk assessment and possibly amend it:

- if there has been a significant change in your employee through illness, injury or disability, or effects of medication, that makes them vulnerable to additional risk; or
- if you are introducing adjustments that could affect the work and health of others.

Any changes to risk assessments should be discussed with trade union safety representatives.

Do not make assumptions about disabled people's capabilities. In most cases, health and safety responsibilities should not prove an insurmountable barrier to the retention of disabled workers. If a risk assessment suggests that it is not reasonably practicable to reduce risks for a disabled worker to levels for other workers, then:

- seek an open-minded assessment from a competent person who understands all the relevant issues;
- consult the disabled worker concerned;
- establish whether the excess risk is acceptable or whether it is substantial and not reasonably practicable to overcome;
- discuss your findings with the employee concerned.

A reasonably practicable measure is one that would not be grossly disproportionate to the cost of introducing it and the risk reduction it would achieve. Failing to keep an employee on to protect their health and safety would only be justifiable if you could show that controlling the particular risks to the person concerned is not reasonably practicable.

What if my employee cannot return to their original job?

Unfortunately, there will be times when there is no reasonable adjustment or control measure that will enable an employee to return to their original job. Examples include failing to pass a statutory medical or the extent of an employee's physical limitations. One solution may be to offer the employee an alternative job and any necessary retraining. Sometimes continued employment is not possible, but it is important not to jump to conclusions before you have explored the alternatives.

The key issues for you and your employee regarding alternative work include checking that the alternative is suitable, the impact on contractual terms, whether any training or other support is needed and what the employee will do while alternatives are pursued.

Making use of professional or other advice and treatment

Very often a straightforward adjustment such as a gradual return to full-time working will be enough to enable your employee to return to work. But sometimes you will need professional or other specialist advice to help you with this.

Sources of advice include:

- Workplace Health Connect (Tel: 0845 609 6006);
- NHS Plus (Tel: 0800 920 062);
- Jobcentre Plus;
- HSE's Employment Medical Advisory Service;
- rehabilitation and occupational health providers;
- case managers;
- disability charities;
- trade unions;
- the employee's GP.

NHS Direct (England and Wales) (Tel: 0845 46 47) and NHS 24 (Scotland) (Tel: 08454 24 24 24) can provide confidential information by telephone to your employees and their families on what to do if they feel ill.

Using professional advice from occupational health and rehabilitation services

Occupational health practitioners and independent providers of occupational health and rehabilitation services can play major roles in carrying out health assessments, evaluating reasons for absence, helping managers plan an employee's return to work and talking to any other professionals involved. Even with this help, an employee may still need to be referred to a consultant for specialist advice.

If you use occupational health or rehabilitation services, do bear in mind that the doctors, nurses and other professionals involved are professionally bound to provide impartial, independent and objective advice to both you and your employee. All health professionals have a duty of confidence that prevents them from disclosing confidential personal information to an employer without the informed consent of the employee concerned. But even where consent has been refused, the occupational health adviser still has a duty to the employee to inform their employer about fitness for work issues, where the employee's health and safety may be at risk.

Helping with prompt provision of treatment

The longer an employee is off work the more challenging it becomes to manage their health problems. It may benefit both of you to help your employee avoid long waiting times for physiotherapy, medical treatment or psychological therapy. Some organisations take this route if the NHS cannot deliver treatment in the short term and there is a reasonable hope of the employee returning to work. Help can be provided by:

- one-off payments or loans for private consultations or treatment;
- providing private medical insurance for employees on a non-contributory basis;
- providing permanent health or income protection insurance under which the insurer assesses the employee's needs and helps them get treatment;
- choosing Employers' Liability Compulsory Insurance (ELCI) packages that include provision of rehabilitation;
- employing or contracting with employee assistance programme providers to make counselling services available to employees.

Taxable benefits

Payments, private medical insurance and income protection insurance may each be taxable to the employee. Services for work-related ill health and general welfare counselling are normally exempt from tax. Further information is given in HSE's free leaflet *Tax rules and the purchase of occupational health support*.

How can I get help with reasonable adjustments for disabled employees?

If you or your disabled employee need assistance with reasonable adjustments, your employee can apply to their nearest Jobcentre Plus for help under the Access to Work (AtW) Scheme. The scheme can help with:

- adaptations to a vehicle, help towards taxi fares or other transport costs;
- alterations to premises to provide better access;
- new equipment or adaptations to existing equipment;
- support workers.

Jobcentre Plus Disability Employment Advisers (DEAs) can also help and advise on good employment practice in the recruitment, retaining, training and career development of disabled people. They can advise on job redesign, adjustments at work and avoiding job loss if return to existing duties is not possible.

Agreeing and reviewing a return to work plan

To help the return to work plan succeed, you need to consult everyone affected by it. Empowering an individual to influence their own return to work will often increase their well-being and confidence.

When is the right time to prepare a plan?

Developing a plan at an appropriate time is crucial. Discussing a plan too soon may put your employee under pressure, particularly when there are underlying work issues that need to be tackled. But, leaving it too late may mean your employee loses confidence in their ability to return to work even with appropriate support. The right time will depend on the person concerned and the nature of their illness, injury or disability.

Usually, the best time to prepare a plan is 3-4 weeks into an absence. In cases of injury or post-operative convalescence, there may be clear physical milestones in the healing process that will influence the plan.

Who should put the plan together?

In many cases your employee's manager will be able to prepare the plan with the employee, their trade union representatives and other employees affected. When input is needed from a number of advisers, the plan may need to be drawn up by the person co-ordinating the employee's return to work. In the case of serious injury or mental illness, occupational health advisers, the employee's GP, hospital consultants or other specialists may also need to be involved.

What needs to go into the plan?

Depending on the specific needs of your employee, it can take the form of a simple chart or a written statement. The content needs to:

- take account of any advice your employee or their manager may have received from the employee's GP, occupational health adviser etc;
- reflect the needs of your employee and your organisation.

It is useful to include:

- the approximate date of your employee's return to work;
- the goal of the return to work plan;
- the time period of the plan;
- information about alternative working arrangements;
- information about any impact on terms and conditions;
- what checks will be made to make sure the plan is put into practice;
- dates when the plan will be reviewed and by whom.

Putting the plan into operation

Before the plan is put into operation, check that:

- it does not require your employee to return before they are ready;
- the employee understands any impact on their pay;
- the plan takes account of:
 - the employee's views;
 - any professional advice provided by their GP or occupational health adviser;
 - any views and advice from trade union representatives;
- control measures have been put in place if alternative arrangements could affect the health and safety of the employees' teammates;
- obligations, under the DDA, to provide reasonable adjustments are met and regularly reviewed;
- the plan is supported and agreed by the employee, their line manager and teammates affected;
- steps have been taken to keep everyone involved informed and to make sure the plan is respected;
- arrangements have been made to review the plan with your employee and their trade union representatives at suitable intervals and at its end.

To be effective, the plan must be understood, implemented properly and kept under close review. Make sure that everyone knows where they stand and that employees and managers are not subject to conflicting demands. If the employee cannot cope, they may become disheartened and take more sick leave. End-of-plan reviews will help your employee and their manager decide if the plan needs to be extended and changed. Look out for lessons that could apply to future plans involving other employees.

Co-ordinating the return to work process

If you have had to get help from a number of advisers it may be helpful to appoint someone to act as a co-ordinator. They can make sure information is available in time, arrangements go smoothly and everyone concerned knows and understands what is expected from them. In smaller businesses, the owner or a manager may be able to act as the co-ordinator in a fairly informal way, perhaps with external advice.

Whoever is chosen, it is important that they are familiar with the employee's job and work environment, able to communicate and negotiate with staff at all levels, and be sensitive to the needs of the employee concerned.

Using a case manager

A more formal approach to co-ordination, known as 'case management', may be needed in complicated cases or when input from a number of specialists is necessary. Case managers can also mediate in cases where communications have broken down or help is needed to move things on. A case manager is typically someone who is professionally qualified and may be involved in the treatment of the returning employee. The case management approach is widely used in Australia to help ill and injured employees back to work and is beginning to be recognised in Britain. The Case Management Society UK can provide more information (Tel: 0870 850 5821).

And finally...there is much you can do to make sure you do not lose valuable employees through sickness. Taking action will reduce costs to your reputation and balance sheet while enhancing the health and well-being of your employees.

Appendix A Developing a policy on return to work and putting it into practice

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

If your business is very small, helping an employee to return to work after sick leave or to stay in post following illness or disability may be a 'one-off' event. It may be enough to think about how you would manage the situation and what reasonable adjustments you could make in advance, with the help of your workforce.

What should a written return to work policy look like and what should it include?

Depending on the size and needs of your organisation, the policy could be a statement or a set of guidelines, ranging from a half page of short points for a small business to a longer, more detailed document for large organisations with extensive resources. It could be a stand-alone document or part of other policies.

It is helpful to:

- separate disciplinary procedures for dealing with absence from measures to support return to work.
- avoid confusion by not including the policy in statements that you are legally required to provide, eg the health and safety policy statement.

It is useful to include:

- your organisation's commitment to helping employees return to work after sickness;
- confirmation that you will:
 - work with trade union representatives to develop and review the return to work policy;
 - make reasonable adjustments to keep an employee wherever possible;
 - agree return to work plans with everyone affected;
 - ensure all employees are treated fairly, equally and consistently;
- provision of 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 of employees;
- arrangements for return to work interviews;
- how the policy links in with other key policies;
- what managers are expected to do and are responsible for.

Helping your managers to support the policy

Managers are key to carrying out your return to work policy. To do this, they need to fully understand their responsibilities, what resources are available to them and that they are supported by the organisation.

Helping your employees support the policy

Any return to work policy will only work if all your employees know, understand and fully support its content and are confident that it will be properly put into operation whenever an ill, injured or disabled employee needs help to return to work. You should reassure them that the policy is about safeguarding their health and well-being, helping them to stay in work and improving the performance of your business, rather than job loss.

It is helpful to pilot a new system before making it operational, inviting feedback from all employees at this stage and at regular reviews thereafter.

Want to know more?

For more information on managing sickness absence, please see the following HSE publications:

Managing sickness absence and return to work: An employer's and manager's guide HSG249 HSE Books 2004 ISBN 0 7176 2882 5

Off work sick and worried about your job? Steps you can take to help your return to work Leaflet INDG397 HSE Books 2004 (single copy free or priced packs of 15 ISBN 0 7176 2915 5) Web version: www.hse.gov.uk/pubns/indg397.pdf

Working together to prevent sickness absence becoming job loss: Practical advice for safety and other trade union representatives Leaflet Web02 HSE 2005 Web only version available at www.hse.gov.uk/pubns/web02.pdf

For more information about tackling back pain and the Better Backs campaign, visit: betterbacks.hse.gov.uk or phone HSE's Infoline on: 0845 345 0055

For more information on managing sickness absence, visit: www.hse.gov.uk/sicknessabsence

For more information on involving workers in health and safety management, visit: www.hse.gov.uk/involvement

For free practical advice on health, safety and return to work issues please contact Workplace Health Connect on: 0845 609 6006