

# Managing sickness absence and return to work in small businesses

**On April 6 2010, the revised Medical Statement (the 'Fit Note') was introduced in England, Scotland and Wales.**

The guidance contained here was first published in 2004 and therefore makes no reference to the Fit Note. We would ask readers of this guidance document to consider how the introduction of the Fit Note has impacted on the good practice contained in it.

To help readers in making this consideration, HSE suggests that they refer to the relevant guidance on the introduction of the Fit Note:

**Employers** <http://www.dwp.gov.uk/docs/fitnote-employer-guide.pdf>

**Employees** <http://www.dwp.gov.uk/docs/fit-note-employee-guide.pdf>

**GPs** <http://www.dwp.gov.uk/docs/fitnote-gp-guide.pdf>

**OH providers** <http://www.dwp.gov.uk/docs/fitnote-occupational-health-guide.pdf>

# Managing sickness absence and return to work in small businesses

For small employers, an employee off work sick for more than 14 days is likely to be rare. But when it does happen, there are considerable benefits from working in partnership with your employees and their trade union and other employee representatives to help those off work sick to return to work.

By doing this you will:

- keep valued staff and avoid unnecessary recruitment and training costs;
- keep your business productive, and where your sick employee has built up a loyal client base, keep this as a source of income;
- reduce unnecessary overheads, eg saving on lost wages and sick pay costs;
- help meet your legal duties and avoid discriminating against disabled workers;
- maintain and improve workplace relations by working in partnership with your employees and their workforce representatives.

Tell your employees what they can expect from you to help them return to work, as far as your business permits. Make sure they understand their own contractual duties to you, including what procedures you require for absences from work. But it is important to have a fair and consistent approach to return to work and for you and your employees and their representatives to be honest and trust each other at every step of the process. The sooner you take positive action in partnership with your employees and their representatives, the more likely it is that your sick employees can return to work successfully and get on with helping you build your business.

## What can be done

Tell your employees that it's your policy to help them return to work following sickness absence. Explain to your employees that returning to work will benefit them with improved health and wellbeing and with more pay in their pocket.

Record and monitor all sickness absence. You may be well aware which of your employees is off work sick, but it is still important to know the cause of their sickness, in case it is work-related. If it is, you can put in place organisational measures, ie modified work, including reasonable adjustments, that will help them and those who are sick in the future to return to work.

## Less than 3 days of sickness absence

- Your employee should tell you why they are absent from work.
- When your employee returns to work, welcome them back and have a chat about their absence.

## Between 4 and 14 days of sickness absence

- Keep in touch with your employee.
- When your employee returns to work, conduct a return to work interview. This in many cases will be a simple welcome back but you may need to discuss actions to help your employee's performance at work or underlying issues if short-term absence is frequent.

## Between 15 and 28 days of sickness absence

- Keep in touch regularly with your employee and identify the barriers that prevent returning to work (many of these will not need a medical solution).
- You may need to consider expert advice, eg doctors, occupational health and rehabilitation providers.
- Welcome your employee back and conduct a return to work interview.
- If it seems your employee is not likely to return to work soon then talk to them about the need to consider a return to work plan.

## After 28 days of sickness absence

- Continue to keep in touch regularly with your employee about their absence.
- Put together a plan of actions and reasonable adjustments to help your employee return to work, including seeking expert advice if necessary, and agree these with your employee and others involved.
- Welcome your employee back and implement the plan.
- Review your employee's return to work progress until they resume their full duties.

Sometimes, even with everybody's best efforts, it is not possible to return your sick employee to full or even partial employment, but it is important not to jump to conclusions before alternative solutions have been explored. You may need to consider seeking expert advice before making any decisions.



Remember, as an employer, you have duties under the following legislation:

- The Health and Safety at Work etc Act 1974 to ensure that the health and safety of everyone at work is protected, so far as is reasonably practicable.
- The Disability Discrimination Act (DDA) 1995 to make reasonable adjustments to accommodate employees who are or have become disabled, as defined by the DDA. The fact that a person has a disability does not mean that they represent an additional risk to health and safety.
- You will also have to take account of those rights at work your employees have under employment law.

More detailed help is available from the HSE guide, *Managing sickness absence and return to work* HSG249 HSE Books 2004 ISBN 0 7176 2882 5 or at [www.hse.gov.uk/sicknessabsence](http://www.hse.gov.uk/sicknessabsence). There is also a leaflet for employees *Off work sick and worried about your job? Steps you can take to help your return to work* INDG397 HSE Books 2004 (single copy free or priced packs of 15 ISBN 0 7176 2915 5).

### Further information

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This desk aid is available in priced packs of 20 from HSE Books ISBN 0 7176 2914 7 (single free copies are also available from HSE Books).

This desk aid is intended to simply provide practical information. Where reference is made to legal duties this should not be regarded as an authoritative statement of the law and for legal advice readers should refer, in the first instance, to the sources signposted in Appendix 5 in the HSE guide on *Managing sickness absence and return to work* or at [www.hse.gov.uk/sicknessabsence](http://www.hse.gov.uk/sicknessabsence).

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