



# Sickness Absence and Sick Pay

Issue Date: 05.04.2019

## **PURPOSE**

This policy lays out the procedure for the management of sickness absence and provisions for sick pay.

This policy seeks to provide a framework to ensure a fair and consistent approach to the management of absence and to ensure that disruption at work as a result of absence is minimised.

All employees are entitled to receive limited Sick Pay when they are absent from work due to sickness. Certain employees may also be entitled to Statutory Sick Pay (SSP) which is paid out and administered by employers on behalf of the State.

It is the responsibility of ELATT's management team and all employees to understand the sickness reporting arrangements and the procedures for managing absence.

## **SICKNESS ABSENCE NOTIFICATION**

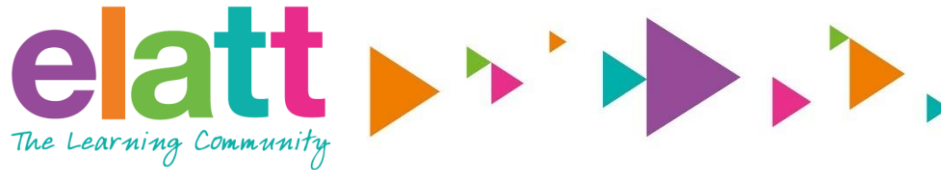
Absence for reasons of sickness must be reported as soon as possible, preferably before 9.00am to their Line manager, on the first day of absence, stating the reason and expected duration of absence.

It is the employee's responsibility to keep ELATT advised of circumstances that are preventing a return to work and of their likely date of return. The employee also has a duty to co-operate with ELATT, to provide medical certification where necessary and to agree to permit ELATT to reasonably seek medical advice and evidence from medical professionals. Employees must provide a point of contact during any absences and may expect regular contact from ELATT via either or both telephone calls and home visits. Failure to meet these requirements may result in disciplinary action, which could lead to dismissal. An employee should also be available to attend a hearing if requested.

In cases of sickness absence of seven days or less (inclusive of non-working days) the Absence Record Form should be completed immediately upon return to work. Where absence lasts, or is expected to last, for a period in excess of seven days (inclusive of non-working days), a Statement of Fitness for Work will be required from the doctor to cover the employee for the duration. Statements must be forwarded immediately to ELATT. Failure to do so may result in sick pay being delayed or withheld, and disciplinary action being taken.

Absence on the grounds of sickness for a period 24 hours immediately preceding or following public, statutory or annual holiday will be treated as unauthorised unless supported by a Private Medical Certificate or authorised Absence Record Form.

This policy is non-contractual and may change from time to time.



Employees must not undertake any paid or unpaid work during sickness absence and any therapeutic work recommended will be discussed with the employer who will provide this wherever possible.

Unauthorised absence may lead to disciplinary action including dismissal.

## **MAY BE FIT FOR WORK**

Where the GP has indicated that an employee “may be fit for work” ELATT will take the following steps:

- The manager will meet with the employee to discuss ways of helping the employee to come back to work. The following considerations will be discussed; a phased return to work; altered hours; amended duties; and/or workplace adaptations.
- Where any of these options are deemed as feasible on the doctor’s recommendation a temporary time period will be agreed between the manager and the employee.
- This will be documented in writing and a suitable review period agreed.
- It should be noted that whilst ELATT will take all reasonable steps to support employees to return to work, the GP’s advice regarding changes is not legally binding. Therefore in circumstances where ELATT does not feel it is possible/feasible for it to provide this support the statement will be used as if the doctor had advised “not fit for work.” The employee does not need to return to their doctor for a new statement to confirm this.
- If the employee is treated as “not fit for work” they will be paid sick pay as per ELATT’s sickness policy.

## **ACCESS TO MEDICAL REPORTS**

In certain circumstances it may be necessary for ELATT to obtain a Medical Report from an employee’s doctor/specialist in order to establish:

- Reason for absence;
- Duration of absence;
- When the employee will be able to return to work;
- What, if any, treatment is being prescribed;
- Whether the problem will recur;
- Whether the employee can do all the duties of the job.

The above will enable ELATT to plan workloads. It is in the interests of both the employee and ELATT to establish the employee’s ability to work with the benefit of a medical opinion from a GP or specialist.

Employees have certain rights under the Access of Medical Reports Act 1988, which are as follows:

- Employees may withhold consent to the report being sought;
- Employees can request to see the report prior to it being forwarded to ELATT.
- If employees indicate that they wish to see the report in advance, ELATT will inform them when the doctor/specialist has been written to, and he/she will be informed that the employee wishes to see the report. Employees then have 21

This policy is non-contractual and may change from time to time.

days to contact the doctor/specialist regarding the arrangements to see the report.

- Should the employee indicate that he/she does not wish to see the report prior to ELATT, the employee is still entitled to write to the doctor within 21 days of the report having been received by ELATT. It is company policy to provide employees with a copy of the report in any event prior to a meeting being arranged to discuss the content.
- Employees have the right to ask the doctor/specialist for a copy of the report for up to six months after it has been supplied. There may be a charge for this. The doctor/specialist cannot submit the report to ELATT without the employee's consent.
- Employees may ask the doctor/specialist to amend any part of the report which is considered by the employee to be incorrect or misleading.
- If the doctor/specialist is not in agreement, the employee may attach a statement of his/her views with the report.
- If the doctor/specialist thinks the report, or any part of the report, would harm the employee or others it can be withheld from the employee.
- ELATT would stress that no decision will be made that could affect an individual's employment without full consultation with that individual and careful consideration of all the circumstances.
- Employees will be asked for their written consent to permit ELATT to obtain a medical report, retain the information on the employee's file, and disclose it as necessary to appropriate line management for the purposes of discussing work related issues.

## SHORT TERM ABSENCE

ELATT defines Short Term Absence as less than five days. Where an employee is persistently absent on a short term basis the following triggers will be used to identify a level of unacceptable absence. ELATT does not dispute that the employee is absent for a genuine reason but ELATT has to manage its business effectively and the level of absence detailed below has been identified as unsustainable.

### Three periods of absence in a rolling six-month period:

When this level of absence is reached the Line manager will arrange an absence review meeting to discuss the periods of absence and where appropriate agree achievable targets to decrease absence in the future. ELATT will try to support and assist the employee where possible to meet these targets. If the absence level does not improve and the agreed targets are not met then this may lead to disciplinary action.

## LONG TERM ABSENCE

ELATT defines Long Term Absence as four or more consecutive weeks. In order to support an employee who is absent from work for a long term period, for reason of sickness, ELATT may arrange a welfare meeting. This will involve the employee's Manager meeting the employee at home, work or an alternative suitable place as the employee sees fit. The purpose of this meeting is to ensure ELATT fully understand the employee's needs at this time and is able to support the employee in a return to work. This will also allow the employee to be kept up to date with the work environment if they wish.

This policy is non-contractual and may change from time to time.

This situation will necessitate access to the employee's medical records in accordance with the Access of Medical Reports Act 1988, as detailed above, to understand how they can support the employee and aid a return to work.

The result of this action will be:

- A return to work;
- A review within a set timescale;
- Dependent on circumstances, the employee and their Manager may agree a rehabilitation plan to return the employee to work which could include a staggered return to work or other measures as appropriate to each individual situation.
- In some cases, termination of employment on grounds of ill health. The employee will be consulted on any such decisions. In this case employees will be told about their entitlement to notice pay and (if applicable) pension.

## **RETURN TO WORK**

On an employee's return to work their Line manager will check that they feel able to return to work. On all occasions the Line manager will conduct a return to work interview which will involve exploring the nature of the absence, the employee's ability to return to their duties and whether any further support is required from ELATT. Whether this is held informally or formally will be at the judgment of the Manager but the employee will be assured that the discussion is confidential. This will ideally be conducted on the employee's first day back at work.

Employees may be asked to present a certificate from their GP confirming their fitness for work. Employees may also be required to undergo a medical examination by a doctor appointed by ELATT.

The decision of ELATT will be final following consultation with the doctor as to whether the employee is fit to return to work. If an employee is certified as fit to work by their GP, but is prevented from undertaking normal duties whilst awaiting an appointment with the ELATT appointed doctor, normal pay will only be applied to that intervening period if the ELATT appointed doctor also confirms fitness to work during that same period.

## **QUALIFICATION FOR SICK PAY FROM ELATT**

Within any rolling twelve-month period, all employees are entitled to 10 days sick pay paid at their normal rate of pay inclusive of any entitlement to SSP followed by 10 days paid at half the normal rate of pay inclusive of SSP on the proviso that the sickness absence is certificated properly. Thereafter Statutory Sick Pay provisions apply.

## **QUALIFICATION FOR STATUTORY SICK PAY**

Employees will be entitled to Statutory Sick Pay if they earn enough each week to be paying National Insurance Contributions and on the proviso that sickness absence is certificated properly.

This policy is non-contractual and may change from time to time.



## **NOTIFICATION TO EMPLOYER**

Sick Pay and Statutory Sick Pay cannot be paid to an employee unless and until the employer receives written evidence of the employee's sickness as follows:

- For the first seven days of sickness absence – a Self-Certification form or Absence Record Form.
- For eight or more days of sickness absence – a Statement of Fitness for Work Certificate.

It is important to remember that if there are any periods of sickness absence not covered by a certificate, no payment can be made.

Any employee who has been absent due to sickness and is found not to have been genuinely ill, will be subject to disciplinary action.

## **WHEN SICK PAY FROM ELATT IS PAYABLE**

- Sick Pay is only paid for days an employee normally works. For example, if an employee works Monday to Friday, Sick Pay will apply to those five days.
- Sick Pay is payable from the first day of sickness absence.
- Sick Pay is paid to employees in the same way as normal pay.
- Entitlement to continued Sick Pay is assessed on a rolling twelve-month period.
- Employees are not entitled to receive Sick Pay if the employment is terminated, or if Statutory Maternity/Adoption/Paternity Pay is being paid.

## **WHEN SSP IS PAYABLE**

- SSP is only paid for a day or days an employee normally works.
- SSP is not payable for the first three days of an employee's sickness. Therefore, payment starts on the fourth day and continues for as long as the employee is absent, up to a maximum of 28 weeks in any one period of sickness.
- SSP is paid to employees in the same way as normal pay.
- The entitlement to SSP depends on the employee's average earnings. The rate is set by the Government and the amount will be shown on the pay statement.
- Should an employee be absent due to sickness within eight weeks of a previous period of sickness, providing the second absence is for four days or more, SSP will be paid for the whole of the second period of absence and not just after the first three days.
- Employees are not entitled to receive SSP from the employer if the employment is terminated, or if Statutory Maternity/Adoption/Paternity Pay is being paid.

This policy is non-contractual and may change from time to time.