



## UNIT-6

## Managing Absence

### Learning Outcomes

By the end of this unit the learner will be able to:

- ✓ Take proactive steps to prevent problematic absenteeism
- ✓ Understand the main causes of excessive absence at work
- ✓ Track and report absenteeism to identify potential issues

## Unit 6

### Managing Absence

#### Introduction

Absence creates problems for the person who is absent as well as the organisation. It can be extremely disruptive for small businesses, especially those with limited resources to cover and manage the direct and indirect costs of an absence.

Absence puts additional strain on those who are present, which can result in mistakes and delays, as well as lower productivity, higher costs, and a negative impact on service. It can be stressful for both the manager and the rest of the team. If the absence is perceived as unjustified, it can lead to resentment among coworkers and a loss of respect for the manager who tolerates it.

It can cause a sense of isolation in the absent person, which can lead to depression and low self-esteem. It may result in a loss of income in some cases.

#### Points to Remember

- Address absenteeism issues before they spiral out of control.
- Keep track of absence rates, identifying patterns and gathering information on common causes.
- Wherever possible, address the source of the problem.
- Implement an absence management policy that is well-understood and followed.
- Establish and communicate attendance review trigger mechanisms. Set up reporting procedures and make sure they're followed.
- Always conduct return-to-work interviews and talk about the reasons for your absence.
- Distinguish between absences caused by an underlying medical condition and absences that are not caused by an underlying medical condition.
- Stay in touch with employees who are out of the office for an extended period of time.
- Use the disciplinary procedure to deal with non-genuine absences.
- Keep in mind that a genuine absence can be grounds for dismissal if all relevant factors are considered and proper procedures are followed.
- Be aware of the legal obligations that apply to pregnant employees and employees with disabilities.
- Ensure that managers are aware of their responsibilities in terms of absence management and that they have the support and training they need to do so effectively.

- Policies and procedures are important, but a positive and supportive work environment, as well as effective health and safety management, are also important in preventing excessive absence.

### **Keeping Track of and Monitoring Absenteeism Rates**

Monitoring and measuring absence is an important part of the management process. This allows the company to spot any patterns, such as a higher-than-average number of sick days or specific reasons for absences, and take appropriate action. Make certain that:

- Absence is captured and recorded completely and accurately;
- Absences are appropriately classified so that information on different types of absences, such as agreed absences, short-term absences, and long-term absences, is available.
- Absence can be analysed based on the cause, such as stress, a cold or flu, or a bad back; and
- Absences are managed consistently, and action is prompted by consistent triggers.

### **Patterns of Absence**

Effective absence rate measurement and monitoring should reveal any unusual patterns, both across the organisation and in relation to specific individuals. The type(s) of illness that someone complains of, as well as the reasons given for their absences, should be tracked to see if there is a link between the absences.

Keep in mind that a number of absences due to an underlying illness could be due to a disability that would necessitate reasonable accommodations under the law (see the later paragraphs on disability).

Employers should also keep track of when employees are absent, especially if there is a pattern of absences. Those who leave on Fridays may be getting a head start on the weekend, while those who leave on Mondays may be recovering from the weekend. If the behaviour persists, it should be investigated and dealt with according to the Company's disciplinary policy.

### **Causes of Absence**

Employees may miss work for a variety of reasons, including genuine health issues, caring responsibilities, personal issues, and a lack of motivation. Physical or mental health issues can result in both short and long-term absences. The most common cause of short-term absence is minor illnesses (such as colds, flu, stomach upsets, headaches, and migraines). The most common causes of short-term absence are musculoskeletal injuries, back pain, and stress.

Stress, acute medical conditions (such as stroke, heart attack, and cancer), mental ill-health, musculoskeletal injuries, and back pain are the most common causes of long-term absence. Manual workers are more likely to suffer from musculoskeletal injuries and back pain, while non-manual workers are more likely to experience stress. Stress-related illness is on the rise in the United Kingdom, with a growing number of businesses reporting an increase in mental health issues like anxiety and depression among their employees. Increased levels of stress are caused by job-related factors such as rising workloads, organisational changes, and job insecurity. Stress levels are also influenced by non-work factors such as family and relationship issues, as well as financial concerns.

### **Dealing with Absence**

Every employer should have an up-to-date absence management policy that includes:

- Confirmation of contact on the first day of the illness;
- The self-certification procedure;
- The need for Fit Notes and what is expected of employees in this regard;
- Procedures for communicating with absent employees;
- Any additional entitlement to enhanced sick pay beyond the current statutory provisions;
- How the company can assist in the coordination and facilitation of an employee's return to work after a longer absence;
- Managing absence as a capability issue (i.e., dealing with absences due to a medical condition);
- Managing absences as a conduct issue (i.e., dealing with absences that aren't caused by a medical condition); and
- A reference to the disciplinary procedure, in case it is necessary to use it.

### **Procedures for Reporting**

It is critical that employees follow the company's absence reporting procedures. This means that the employee must call and speak with their manager directly. The manager must understand why the employee is absent and how to handle the situation. If the employee does not call themselves, the manager should contact them as soon as possible to inquire about their absence. This is true even if a serious event has occurred, such as a bereavement.

In this case, calling the manager to offer support and tell the employee not to worry about work is appropriate. If the absence is not genuine, communicating with the employee while they are away reinforces the fact that the absence has been noticed and the employer is keeping an eye on the situation. Regardless of whether the employer believes the absence is genuine or not, the same approach should be taken.

The manager should simply inquire about the reason for the absence and the expected return date, taking care not to accuse the employee of anything or give the impression that they are suspicious of the absence. Employers should keep records for sick leave separate from those for non-sick leave, such as dependents' leave, maternity leave, and so on.

### **Statement of Fitness for Work – 'Fit Notes'**

Employees who are absent for more than seven days should provide a Statement of Fitness for Work certificate, also known as a Fit Note, to their employer.

The Fit Note will state whether or not someone is unfit for work and whether or not they are potentially fit for work. Fit Notes can be handwritten or printed, but a doctor must always sign them.

### **Sick Leave Pay**

Employees who have been sick for at least four days in a row, including non-working days, and earn more than the weekly threshold are eligible for Statutory Sick Pay (SSP).

In addition to SSP, many employers offer Occupational Sick Pay. Some companies offer this benefit to all employees, while others only offer it to certain employees based on their position in the company or the nature of their job.

The length of time that an employer pays occupational sick pay to an employee on long-term sick leave varies widely. This can range from paying full pay for one to three weeks to paying full pay for up to 30 weeks for employees on long-term sick leave. Some people then continue to pay at a reduced rate for a few more weeks. Sick Pay information can be found on the NI Business Info and HMRC websites.

### **Short-Term Absence**

The term "short-term absence" refers to absences of up to four weeks. Because this type of absence is usually unplanned and difficult to cover at short notice, it can be particularly disruptive to business. When employees are sick, many will take a day off, but when they are absent frequently, the reasons for their absence must be investigated. To deal with short-term absences, follow these steps:

1. Conduct a return-to-work interview to reevaluate/discuss each absence (see later information on return-to-work interviews).
2. Hold an absence review meeting to discuss the overall pattern of absences, determine the cause, and come up with a plan of action (see later information on absence review meetings).
3. Seek medical advice if you think you might have a medical problem. This will necessitate the employee's consent (see later information on medical reports).

4. Absences due to disability will be carefully considered, and a reasonable adjustment may be made if necessary. This could entail providing specialised equipment or altering work hours or content. Before taking disciplinary action against a disabled employee, reasonable adjustments should be made, or should have been made previously. Employers should seek legal counsel on their legal responsibilities regarding disabled employees.
5. Determine the best course of action based on all available data. This could include putting in place procedures to dismiss an employee on the basis of capability (health) if the information indicates that the employee is unlikely to be able to meet the business's attendance requirements on a regular basis.

If there is no underlying health issue, it could also result in a dismissal for misconduct. Warnings, the opportunity to improve attendance, advance written notification of meetings, and the right to be accompanied at meetings should all be part of the process in this case. The employee's right to appeal should also be informed.

### **Long-Term Absence**

Long-term absences are defined as those that last longer than 28 days or four weeks. Even a couple of weeks away from a small business can have a significant impact, especially if the individual is in a key position.

It's critical to strike a balance between the company's needs and the employee's needs, to plan for cover during the absence, and to consider the options if the employee is unable to return. Employers should first work with employees to assist them in returning to work. As a result, you will be able to:

- Retain valuable employees while avoiding costly recruitment and training;
- Cut costs that aren't necessary (e.g., sick pay);
- Do not discriminate against disabled workers;
- Enhance and maintain positive employee relationships.

Employers should follow the steps outlined below to manage long-term absence.

#### **1. Communicate and consult with the employee on a regular basis.**

It's critical to keep in touch with the person who isn't present on a regular basis. This should be maintained throughout the absence. This communicates to the individual that their contribution at work is valued and that they are missed, which can help to prevent feelings of isolation and depression, which can make the absence last longer than it otherwise would. During the absence, the employer and employee should agree on how and when to communicate.

During these discussions, the employee should keep the employer up to date on their current prognosis and when they might be able to return to work.

### **2. Get a thorough medical examination.**

To get a true and complete picture of the employee's health and potential return dates, the employer should obtain a detailed medical opinion on whether the employee is capable of performing the duties of the employment contract.

This should come first from the employee's own doctor, followed by a company doctor or an independent occupational health specialist if necessary (e.g. if the original report is vague or unhelpful). When there is a conflict between reports and an employer relies on one, there should be good reasons for it. If the employee is seeing a specialist consultant, his or her opinion could be crucial.

### **3. Think about how you can assist the employee in returning to work.**

Long-term absence intervention's ultimate goal is to assist the employee in returning to work. Four to six weeks is the ideal timeframe for encouraging an employee to return to work (and avoiding many compounding health problems).

Returning to work can be very beneficial for employees because it can increase self-respect, self-esteem, mental well-being, social inclusion, as well as financial stability and independence, if done correctly and on time. Line managers play a critical role in the return-to-work process as well as their employees' health and well-being, so it's critical that they're given the tools they need to manage the process effectively. Moving the employee to a different (less strenuous) job or making reasonable adjustments to the employee's workplace or work day may be part of the return-to-work plan.

Some of these adjustments, such as a phased return to work, may be suggested by the doctor. When deciding on return-to-work strategies, employers must be aware of any obligations under the Disability Discrimination Act.

The following are some examples of reasonable adjustments:

- Changing a person's working hours;
- Assist with getting to and from work;
- Rearranging responsibilities and looking at aspects of the job that the person finds particularly stressful;
- Delegating some of an employee's responsibilities to a coworker and adjusting the job's content;
- Giving employees more flexibility in how they plan and manage their time and workload;

- Allowing employees to work from home for a portion of the time;
- Taking time off for therapeutic sessions, treatment, evaluation, and/or rehabilitation;
- Changing shift patterns or looking into other work options such as part-time, job-sharing, or flexible working hours;
- Review and implementation of physical work environment adjustments, such as moving away from a busy corridor or allowing someone to use headphones to block out distracting noises; and
- Identifying training needs and assisting in the development of necessary skills.

#### 4. Re-assignment or dismissal

There may be times when a doctor is unable to predict when an employee will be able to return to work or when a return is unlikely in the near future. If an employee is no longer fully capable, competent, or available to perform the duties associated with the role, an employer is not required to keep the position open indefinitely.

Once an employer is aware of an employee's medical condition, the employer must determine how long the employee can be away from work and evaluate options for how he or she can meet the company's needs. The employer is not expected to treat the situation as a medical emergency. The decision is made based on the needs of the organisation. Any decision, however, must always be reasonable, and the ill employee must be treated with care at all times.

Prior to making any decision, the employee should be given fair notice that his or her dismissal for capability is under consideration, and the employer should engage/consult with the employee to determine what reasonable adjustments could be made and what alternative roles could be offered to facilitate the employee's return.

Even if the employee is not disabled, it is best practise to take this into account to avoid an unfair dismissal claim.

Dismissal should only be used as a last resort after all other options have been exhausted. Before making this decision, the employer should think about the following:

- The employee's personal physician, a GP appointed by the employer, or an occupational health specialist's medical opinion;
- The actual business effects of the absence, such as the difficulty in completing work or the amount of disruption caused by the absence;
- The amount of time the company can wait for the employee to return before the absence has a significant impact on the company;
- The illness's characteristics;

Alternatives to dismissal, as well as any "reasonable adjustments" that might be expected under the Disability Discrimination Act 1995, if applicable;

- Any measures that could assist the individual in returning to work;
- How long the employee has been with the company; and
- A replacement worker's availability.

If reasonable adjustments cannot be made in the individual case and the business cannot sustain the absence, the employer should implement procedures to compensate for the absence.

Dismiss the employee on the basis of capability, following the statutory procedures for dismissal. An unfair dismissal claim could be filed if a fair procedure was not followed before dismissing the employee.

### **Dismissal Alternatives**

An employee may be eligible for early retirement due to ill health in certain circumstances. This will be determined by the terms of any company-sponsored pension plan.

They may also be eligible for government assistance.

### **Dealing with Absence as a Conduct Issue Using the Disciplinary Procedure**

When there is no underlying medical condition causing the absence due to illness, the employer will pursue disciplinary action as a conduct issue.

Similarly, if there is evidence that the employee reported being sick when they were not, this evidence could be used in an investigation into alleged misconduct. However, the employer must make sure that any response is appropriate for the evidence presented and that the approach is consistent with other similar incidents in the company.

It can be difficult to demonstrate that an employee was not genuinely ill, so employers should conduct a thorough investigation to ascertain the facts and gather as much evidence as possible. Employers should, for example, obtain statements from coworkers or copies of any incriminating posts made on social media sites. If there is a pattern of suspicious absences, the employer may request that the employee see an Occupational Health Professional or consent to a medical report from their primary care physician.

When they return to work, an investigation meeting should be held between the employer and the employee to discuss the reason for their absence and to allow them to explain their actions.

Employers must be aware of any long-term conditions that an employee may have, and take into account the possibility that the employee was genuinely unable to work but not unable to engage in other activities.

For example, if an employee suffers from depression and was seen out shopping because he or she felt it helped them cope with their illness, but was genuinely unable to attend work, formal disciplinary action may not be appropriate. Discipline in these circumstances could lead to a claim of disability discrimination against the employer.

Should the employer believe there is a case to answer after a thorough investigation, consideration must be given to how best to handle the situation.

Individual circumstances and the employee's reaction to the situation will often determine this. When an employee self-certifies and takes enough time off work to qualify for sick pay, and the employer has proof that they were not genuinely sick and entitled to it, it may be considered gross misconduct to claim sick pay fraudulently.

The disciplinary procedure should be followed in this case. This will include conducting a thorough investigation, allowing the employee to respond to any allegations, and allowing the employee to be present at any disciplinary meetings. If at all possible, it is also preferable that the person who conducted the investigation does not preside over the disciplinary hearing.

### **Illnesses Associated With Pregnancy**

If the reason for the dismissal/discrimination is related to pregnancy, employment law makes it illegal to fire or discriminate against an employee. Morning sickness, backache, miscarriage, and post-natal illnesses are examples of pregnancy-related illnesses.

Pregnancy-related illnesses should be kept in a separate file and should never be counted in order to meet trigger points or other objectives.

Employers must be aware that firing or treating employees unfairly is illegal between the time of conception and the end of statutory maternity leave, also known as the "protected period." Employers who are thinking about firing a pregnant employee should seek legal advice or contact the Labour Relations Agency.

### **Disability Discrimination Legislation**

Discrimination against disabled job seekers and employees is prohibited under the Disability Discrimination Act of 1995. It's critical to remember this when dealing with disability-related absences.

A person is disabled if they have one or more of the following:

- a disease such as cancer, multiple sclerosis, or HIV infection; or
- Any other physical or mental impairment that has a significant and long-term negative impact on their ability to perform daily activities.

Disability discrimination can take many forms, but the following are the most common when dealing with an employee's disability-related absences:

- Failing to comply with the duty to make reasonable adjustments (see previous section for more information); and
- Handling the procedure with insufficient sensitivity, resulting in disability-related harassment, such as making insensitive comments to an employee with a mental health illness such as "pull yourself together."

The duty to make reasonable adjustments will always be the most important consideration. Contact the Equality Commission, which publishes a "Disability Code of Practice for Employers," for more information.

Employers can consider several factors when determining whether an adjustment is reasonable, including the cost of making the adjustment and the size of their company. If an employer is considering making changes to a current employee's job, they can also consider the employee's skills and experience, as well as the length of time they've been there.

### **Mental Health/Stress**

Sickness absence, especially long-term sickness, is frequently caused by stress and mental health issues. Mental illness can range from a general sense of sadness to common disorders like anxiety and depression, as well as, in rare cases, severe mental illnesses like bipolar disorder or schizophrenia.

According to research, mental health issues have become more prevalent in recent years, and one in every four of us is likely to experience mental health issues at some point in our lives. Despite this, few employers have preventative measures in place, and many do not understand how to effectively deal with mental health issues.

Because of the stigma associated with mental illness, many employees are hesitant to admit to having mental health issues. Mental health issues can be difficult to diagnose for these and other reasons. They can be brought on by a combination of factors affecting an employee at work and at home, such as stress, bullying, or depression. Employers should ensure that any stress-related risks to employees' health have been assessed and addressed.

Managers should be on the lookout for any signs of mental illness, such as:

- An uptick in unexplained absences or sick days;
- An unusually low level of quality in someone's work;
- Starting to arrive late to work;
- Not being able to keep up with the workload;
- Refusing to participate in work-related social gatherings;

- claiming exhaustion and a lack of energy;
- Inadequate performance or punctuality;
- Ineffective decision-making; or
- Excessive irritability when asked to do something, as well as uncommunicative or moody behaviour.

The best first step is to have a quiet conversation with the employee. It's possible that something at home is bothering them, and all that's required is a little patience and understanding.

Other practical measures will include workload monitoring, physical environment changes, and assisting the employee in finding a suitable counselling service.

Having an open, supportive culture where employees can freely discuss issues can help to prevent problems as well as early detection of any problems that do arise.

Follow the same procedures as any other absence if the employee is absent or returning from a sick leave:

- Stay in touch with them while they're away;
- Conduct a return-to-work interview on the first day of their return; and
- Check in on how they're doing and keep an eye on their behaviour and performance, providing assistance as needed.

Mental illness can be considered a disability for the purposes of the Disability Discrimination Act if an employee experiences it, or is likely to experience it, for a long enough period of time (at least 12 months) and if it is severe enough. Many conditions, including depression, anxiety, schizophrenia, and bipolar disorder, are likely to pass this test.

As a result, any employee who is disabled as a result of mental illness will be covered by the act, which includes the right to reasonable accommodations.

Employers are also expected to take a proactive role in dealing with work-related stress, according to recent case law, and must consider the appropriate response in relation to the individual employee. As a bare minimum, give the employee paid time off and obtain a medical report.

Even if it means reducing hours, providing flexible working, providing counselling, or authorising extended leave, employers should follow the recommendations of any report. Employee personnel records must be accurate and up to date; otherwise, the employer may be unaware of the severity or breadth of an employee's work-related stress complaints.

## Procedures to Assist in Absence Management

### The Return-to-Work Interview

Return-to-Work interviews are widely regarded as one of the most effective methods of absence management. They serve as a way to show support for employees who have been sick and to plan for a smooth return to work, as well as to deter non-work-related absences. They also assist managers in identifying any underlying health issues that are causing absences, allowing them to put in place measures to help employees avoid taking time off in the future.

Every person should have a Return-to-Work Interview after any absence, regardless of the length of the absence. Following the procedures consistently will help to avoid any claims of discrimination or unfairness. Within an hour or so of returning to work, the Return-to-Work Interview should take place in private.

The format of the interview should be as follows:

- 1. Greet the Returning Employee**

Welcome them back, tell them how much they were missed, and make sure they are fit to work. Keep them up to date on any news or events that occurred while they were away.

- 2. Talk about the Absence and the Attendance Record**

Inform the employee about the number of days and times they've been absent, as well as how this compares to the company's target or benchmark.

This conversation is not intended to make the employee feel bad; rather, it is intended to discuss objective information about their attendance. Individual circumstances should be considered once again in order to avoid causing undue stress to an employee who may have experienced a single bout of illness or bad luck.

However, if absence levels exceed the target and are causing concern, it may be necessary to hold a separate Absence Review Meeting. The remainder of the Return-to-Work Interview should be devoted to determining what is required for a successful return to work. The Return-to-Work Interview meeting should be documented.

### The Absence Review Meeting

When the overall level of absence is causing concern, this is a separate informal meeting to review the individual's overall attendance record. This meeting should take place a day or two after the last Return-to-Work Interview to ensure that everyone understands that this isn't about

one specific absence, but rather the overall level of attendance. This needs to be stated right at the start of the meeting.

If there are legitimate reasons for absence, the causes will be obvious, and the meeting can focus on ways to overcome or accommodate them. If the absences are not due to genuine illness, the manager's interest in the absences will cause the employee to reconsider taking more time off.

The purpose of the meeting is to discuss why this person has a higher rate of absence than others, to investigate the possible causes, and to take steps to address them.

It's a good idea to ask the person why their absence rate is higher than others' and to follow up with any additional questions to ensure a clear understanding of the reasons for the absence. It may be possible to take action to address this once the reason is clear. It's possible that factors at work are contributing to illness, and it's possible that changes can be made to address them.

For example, if a manager's behaviour is causing stress to an employee, the manager may be given training. The employee may have caring responsibilities that necessitate staying at home to care for a child or an elderly relative, and a flexible working arrangement may be possible to accommodate this.

However, the business needs may dictate that this is not possible on a permanent basis, but it could be considered on a temporary basis. If this is also not possible, the employee must assume responsibility for resolving the problem.

If there is no obvious reason for the absence, inform the person that you will need to obtain additional medical information to determine whether there is an underlying cause. Please see the information below for more details.

Depending on the level of absence, the reason for the absence, and whether or not there has been a previous absence review meeting, it may be appropriate at this point to inform the person that if attendance does not improve, more formal handling may be required, which could include disciplinary action, i.e. where absence has been identified as a conduct issue, which could lead to disciplinary action. For more information on dismissal, see Section 18.

### **Medical Evaluation and Consent**

Obtaining a professional medical opinion is helpful when deciding what action to take when absence levels are causing concern. This can be accomplished by obtaining a report from the individual's primary care physician or referring the individual to a company-designated physician.

An Occupational Health Professional may be well placed to provide an objective view of the situation and recommend an effective solution that is satisfactory for both the employee and the

employer in difficult or sensitive cases (e.g., where an employee is suffering from work-related stress or during a grievance / disciplinary process).

### Further Reading:

- ✓ *Absence Management - A Real World Approach Kindle Edition by Graham Smith*
- ✓ *Absence Management Pocketbook by Max Eggert ,2009*