



Long term absence

The liability that can arise from an employer's failure to deal with long term absence in the right way can be substantial.

High levels of sickness absence can:

- Cause lost or delayed production;
- Reduce the range and standard of service offered by a business;
- Lower morale and cause dissatisfaction in the workplace; and
- Indicate other problems including personal and work related issues.

What happens if you get it wrong?

Failing to deal with absence in a fair way can lead to claims for unfair dismissal (currently compensation is capped at £68,400) and disability discrimination. There is no cap on compensation for disability discrimination and no qualifying service required. It is therefore essential to consider the reasons for absence even for those with less than one year's service.

How to deal with long term absence

- Open and constructive discussions are essential;
- Talk to the employee and discuss their absence;
- Keep in touch during the employee's period of absence and discuss plans for return to work;
- Consider alternative work/working arrangements/reasonable adjustments to ease the employee back to work;
- Seek medical opinion before any decisions are made;
- Review absence processes/policies;

- Record, monitor and measure absences;
- Carry out risk assessments to identify and control risks that may lead to long term absence;
- Review equal opportunities and disciplinary and grievance procedures; and
- Train managers on your policies and procedures.

How we can help

We can assist your business in putting in place the required policies and procedures and associated training requirements. We can also advise on individual circumstances and advise you on the most effective process to achieve your aims. We appreciate that sometimes this may mean taking a commercial view on how best to proceed and our advice is tailored to suit your business needs.

For further advice please contact:

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