

HOW?

Managing sickness and absenteeism

Mr X asked his employer for extra leave to go on holiday to Majorca. This was refused. During the week concerned Mr X was absent from work, returning with a sick note for a gastric upset and a deep suntan. Unfortunately for him, one of the managers of the firm he worked for had also been in Majorca and had seen him on the beach. He was dismissed.

We're likely to all have come across the professional "sickie" in an organisation at some time in our careers. We're not talking about the person who gets a 24-hour "bug" every time United play away mid-week (though this can be a problem and should be dealt with by means of a quiet word, or disciplinary procedure if it persists - make sure you've got reasonable proof, e.g. they were seen on the TV, shouting at the referee!). More difficult to deal with is the one who is always having short "illnesses" for indeterminate reasons - colds, migraine, bad back, etc. They can usually produce a doctor's note, if asked, but the medical reasons tend to be vague. This has to be tackled early on and the real cause established. It may be that there is a genuine medical problem which the GP hasn't picked up, in which case suggest they get a specialist's opinion. More usually, it's just that they're not happy in their work - so find out why.

There could be a deeper reason lurking, such as harassment, stress or problems at home. Work with the person to try and get to the truth and see what can be done about it. Again, leaving it could lead to a bigger problem, for example if the employee goes to a tribunal, citing harassment, victimisation or stress through an unreasonable workload.

When does sickness become excessive?

Surveys carried out in a number of sectors have shown levels of staff sickness ranging from 2% to 5% of available staff days (discounting holidays). An average of about 3.6% is used by many personnel specialists as a rule of thumb. If your organisation is showing sickness levels well above this figure and the results are not being distorted, for example by one employee with a long-term illness, then further investigation is needed to establish whether any patterns emerge. Is it the same people who always get ill? Is illness more common among one particular group of employees, say the office workers rather than the project officers? In the latter case, could there be an environmental reason - so-called "sick building syndrome," for example, where poor ventilation can lead to frequent minor infections?

Sometimes the problem is a human one. If subordinates of a particular manager have a high

record of absence, it is quite valid for senior executives to question the management style of that individual. The manager's idea of firm management could be seen by employees as bullying. Perhaps the manager would benefit from further training. In an extreme case, where severe harassment has been uncovered, invoking the disciplinary procedure is not only appropriate but necessary. Failure to act could have severe consequences if an employee goes to a tribunal citing bullying or harassment and the organisation has allowed it to continue. Don't underestimate the amount of bullying that goes on - a TUC survey reported that nearly 40% of calls to its hotline were to do with bullying or harassment.

Job design

One of the commonest reasons for an employee being unhappy can be their job description. Many job descriptions haven't been thought about properly for a long time, if ever. Sometimes a job description just "happens," as when the organisation goes through something like Investors In People and an employee just writes down what they currently do. Things are added on to this piecemeal over a period of time, as circumstances change. Then the post holder leaves and the new employee finds themselves landed with a mish-mash of ill-fitting job elements, with no clear direction or focus. Too often, a job description is all responsibility with no authority - the job depends on things outside the control of the employee who is held responsible. People need to be given the authority to influence events on which their performance will be judged. Job descriptions should automatically be reviewed whenever someone leaves - this will benefit the organisation as well as the new employee.

Culture

The culture of a voluntary organisation is likely to be different from that of a commercial business but even so this does not mean that all voluntary organisations are the same. If management is lax in any organisation, employees will take advantage of it. If, on the other hand, management style is too bureaucratic or draconian, morale will suffer. A common understanding of what's acceptable is necessary for all concerned. Often in the voluntary sector, there is a tendency to resent close management as unacceptable scrutiny. A frequently held view is: "I'm working hard for this organisation because I believe in what it does. I work long hours and don't always take all the TOIL I'm owed, so in return, I don't expect you to monitor my every movement." A balance needs to be struck between this point of view and the reasonable need of management to know that an employee is doing their job properly. Make it clear from the start what is expected of



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employees by way of reporting and make sure this is done, through regular supervision sessions. Introducing timesheets into an organisation may seem bureaucratic but if you believe staff are taking advantage of lax management it may be the only way to tighten up.

Some voluntary organisations suffer from an employee known as "The Saint". This person is always out, always busy attending evening meetings, always claiming TOIL but is very difficult to pin down as to exactly where they were and when. This makes it impossible to check whether they are actually doing all the hours they claim. Everyone says this person is brilliant - look at all the hours they work. As most managers know, however, it's always better to work smarter rather than longer -just because someone is putting in the hours doesn't mean they are always working as effectively as they could be. Checking up on such a person all too often reveals they're using the "always busy" routine to cover up the fact they're not working quite as many hours as they would have you believe!

Long-term illness

If an employee has been off work sick for a prolonged period, the employer is quite within their rights to ask when they might be likely to return. The employee's GP may also be consulted, provided the employee agrees to this and states whether or not they wish to have access to their report before it is passed to their employer. This process is covered by the Access to Medical Reports Act 1988, as well as the Data Protection Act 1998, so it is vital that everything is put in writing, including the employee's permission and request to see the report, before contacting the doctor.

If this does not resolve the situation satisfactorily, the employer may request an appointment with an occupational health practitioner to assess the employee's condition. The employee is not under any obligation to agree to this but persistent refusal to permit discussion of their medical status may count against them. Of course, in most cases, the intention is merely to ensure the employee's health is being looked after properly, and find out whether they will be fit to return to work, even if that means their duties might have to be altered to accommodate a disability caused by the illness. The Disability Discrimination Act requires employers to make reasonable adjustments to the workplace or job description if an employee becomes disabled, say as the result of an accident. This could involve, for example, moving someone's place of work to the ground floor if they have acquired a mobility problem.

In some cases, the nature of the work or the working environment means it may not be possible for the

employee to return and dismissal remains the only option. Employers need to be very careful about handling this, as it has led to many unfair dismissal claims, if the employee feels they could do an adapted or alternative job. Always take professional advice before proceeding down this route. Medical reports must be obtained, consultation with the employee must take place and the employee must be offered the right of appeal against any decision (in a charity this would normally be to the Trustees or a Trustee sub-committee).

Tribunals tend to side with the employee if there was any other job in the organisation they could have been offered as an alternative to dismissal. However, the employer is not under any obligation to create a new post where none currently exists, or to maintain salary levels if the alternative job is at a lower grade. Look at whether the current job could be modified, for example by swapping elements with other employees, such as more administrative work in place of lifting heavy weights. (Make sure the other employees are happy about this, as you may just be exchanging one problem for another!)

Repeated short-term absence

If someone has been repeatedly absent from work for short periods it is necessary to go through the proper procedure to ensure fair treatment. It is vitally important never to assume someone is malingering, even if the facts appear obvious, as underlying medical conditions can sometimes lead to repeated minor illnesses. If stress or mental health turns out to be the issue behind it all, a tribunal will expect to see that the employer did everything possible from the outset to alleviate the problem.

Set up a meeting between the employee and their line manager at which they can discuss the situation in a relaxed atmosphere, trying to get to the root of any problem, be it medical, work-related or otherwise. Make it clear that the organisation is concerned about the repeated absences and that this is a formal meeting. The employee may be accompanied by a friend or a trade union representative, if they wish. The line manager may in this case request that a more senior manager or personnel specialist also be present. Set a review date in say two or three months' time. Record details of this and subsequent meetings in the employee's file.

If, at the end of this time, nothing has changed, another meeting should be held at which the organisation offers whatever help it can, with the emphasis on eliminating possible medical causes.

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Ask if the employee's GP may be approached for a medical report (follow the written procedure described earlier). Offer an appointment with the occupational health service or a doctor of the organisation's choosing. At this meeting it should be made clear that further absences within a specified period will force a third meeting, involving a more senior manager, at which a range of options may be considered. Obviously if during the process, the levels of absence have reduced drastically, initiating the formal procedure has achieved its purpose but it will still be necessary to monitor the situation to ensure they don't creep back up again after a few months.

The third meeting, assuming continued short absences have occurred and, if necessary, obtaining medical evidence, should make it clear that, whatever the reasons, the organisation cannot accept these levels of absence, as it puts unfair stress on colleagues who have to cover for that person. If the medical evidence supports the employee's reasons for absence, then it may be appropriate to discuss reducing their hours, moving them to a less demanding job or even early retirement. If there are no compelling medical grounds to support the employee's case, make it clear in writing that dismissal will result if the situation is not resolved within a given time. Unacceptable absence levels fall under "some other substantial reason for dismissal" on the scale of grounds for dismissal contained in most disciplinary models.

Disability and absence

Employees with a disability are required to tell their employer about it. The employer cannot be expected to make reasonable adjustments to allow for the disability if they were unaware of it. Some disabilities lead to a higher than average level of absence and most large employers have a policy of allowing for a certain level of sickness related to a disability. For example, a person with asthma is likely to be more ill and off work longer if they get a cough than most non-disabled employees (asthma has now been accepted as a disability in tribunal cases). Most employers now have a question relating to disability in their job application forms, which should not prejudice the employee's chance of getting the job but, once appointed, informs the organisation of the fact and nature of any disability.

Other absences

There are detailed provisions for maternity leave, which we do not have the space to go into here. Any organisation needs to be fully aware of the implications, even to the extent of financial planning to cover temporary replacements for women on maternity leave, which can have a significant impact on a small voluntary organisation employing female staff. One way

is to build a figure into the budget each year which, if not used, can either be carried forward as a contingency fund, or used as extra funding for any special projects that come along.

Parental leave is also now built into UK law which includes the right to unpaid leave for either parent on the birth or adoption of a child, unconnected with maternity leave, the right to time off for urgent family reasons and various other requirements.

Childcare is increasingly becoming an issue, with more families having both parents at work and having to depend on child minders during the day. If the child minder is unavailable for any reason, one parent may have to stay at home if no alternative arrangement is available. It is up to the employer what policy to adopt on this but most would agree that it is good practice to allow a certain leeway for occasional child minding crises. Having a stated policy also helps to stop the issue being driven underground, by a parent claiming to be sick when in reality it was the child minder. Compassionate leave is also best dealt with by a policy which states the general guidelines. If you have an exceptional case, you can always relax the policy on a one-off basis but make it clear this doesn't set a precedent for others.

Unpaid leave can be granted on a case by case basis for a number of reasons. Perhaps someone has the opportunity to go on a special trip to some far-flung destination which exceeds their normal leave allowance. Permitting them to take the extra time off unpaid can pay dividends for the organisation if the employee returns invigorated and full of renewed energy. (It has also been known to backfire, if they decide they like it there so much they don't want to come home again!) Other reasons could include extended study leave or attending conferences in a capacity unconnected with the job. Some organisations will agree to additional unpaid leave for a single parent during school holidays, for example.

And finally

There are some things no policy can prepare you for - a Luton policeman lodged a complaint with his employers after being refused compassionate leave following the sudden death of his pet rabbit. (Guardian Society, 1997)

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More information

ACAS has a free help line for personnel matters on 0115 9693355 and on its website at www.acas.co.uk

Further Reading

Managing Absence - A Handbook for Managers in Public and Voluntary Organisations Hargreaves, Morton & Taylor. Russell House Publishing, 1998. ISBN 1-898924-17-1

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Who are we?

High Peak CVS works to ensure that local voluntary and community groups can access as much support, advice and information as possible. We help groups in many different areas, such as funding, charity registration, practical services including printing, training and links to training and with legal issues. We have resources, including a meeting room, computers and OHP for use by groups.

To find out how we can help you, please contact us on 01663 735 350 or email hello@highpeakcvs.org.uk