

Keeping contact centre leaders in touch with employment law

Managing short-term absence

Top 10 tips for dealing with sickness absence

Short term v long term

There is no legal definition of short-term absence; many employers define it as absence of less than 4 weeks.

Notification procedures

Requiring employees to call you themselves – not via a family member etc – to report absence may prevent non-genuine absence. Insist on a call; text messages etc should not be accepted.

Ascertain the reason

Ask the employee for details of their absence e.g. when illness started, when they expect to return. Make a note of what they say.

Keep a record

Keep details of all absences in a centralised location rather than separate notes in different places so you can easily review an employees' sickness record. Look for patterns which may require further questioning.

Payment of SSP

Statutory Sick Pay (SSP) is payable from the fourth consecutive day of absence if the employee meets certain criteria e.g. minimum earnings level.

Meet with employee on their return

Ask the employee about the reason for the absence, clarifying the details they gave on the phone. Question inconsistencies. If absence patterns are identified, ask the employee for explanations. Ask about underlying conditions – could there be a disability? The Equality Act 2010 puts extra obligations on you when dealing with disabled employees.

Explain the impact of their absence

Tell the employee how their absence affects the business, overall targets and their colleagues to help them realise that their absence isn't just about them.

Incentivise attendance

Tying attendance to reward e.g. an attendance bonus may help discourage the typical "I just don't feel like going in today" attitude.

Non-genuine absence is a disciplinary offence

Disciplinary proceedings should be used where evidence indicates an employee faked sickness absence. Ensure evidence is valid and reliable. A GP fit note is only provided for absences of seven days or more; self-certification is used otherwise.

Invoking disciplinary procedures

Frequent short term absence, where there are no underlying conditions, can be dealt with as a disciplinary offence resulting in warnings and, ultimately, dismissal.

Employment Tribunal Watch

Flexible working

What happened in this case?

An employee tried to give his manager a flexible working request but two managers refused to take it. Although a third manager accepted it, the request was lost and the employee was asked to re-submit it. A meeting was held at which the employee was told the request was refused. The employee was not given the right to appeal. The process took 4.5 months. Employment Tribunal held: Employer did not deal with request reasonably and employee was awarded over £2000.

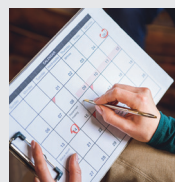
What should have happened?

Requests must be handled "reasonably" and within 3 months at the most. There should have been no delay in dealing with the request; no requirement to re-submit it (it should have been verbally clarified) and the meeting should have been used to discuss the request (not just convey the outcome). The employee should also have been allowed to appeal. This case was *King v Tesco Stores*.

Legal Briefs



The new **National Minimum Wage increases** were announced as part of the Autumn Budget. From April 2018, the following hourly rates will apply: National Living Wage (age 25+) - £7.83; age 21 to 24 - £7.38; age 18 to 20 - £5.90; 16 – 17 - £4.20; apprentice rate – £3.70.



From 2020, parents with children under the age of 18 will be given a right to take 2 weeks' **parental bereavement leave** in the event that their child dies. Employees with 26 weeks' service will be paid when on leave at the rate of maternity pay although this rate is yet to be confirmed.



New Acas guidance on **pregnancy discrimination** helps employers ensure they are not unintentionally discriminating against pregnant women and women on maternity leave. Employers should be particularly careful in redundancy situations, the guidance explains.