

How to manage staff absence

Employers are not expected to continue to employ staff indefinitely if they are unable to perform their side of the employment contract because of ill health. But dismissal should be a last resort when dealing with genuine illness, and should be conducted fairly. Employers that comply with all four of the following stages are unlikely to fall foul of the law.

Stage one: A meeting with your employee

You should conduct regular return-to-work meetings, each time an employee is absent from work. You should meet any employees with high levels of frequent and intermittent, or long-term, absences to discuss the cause of the absence, any medical advice the employee has received, the likelihood of future absences, and possible job changes that would reduce the absences. You should also discuss possible return-to-work dates for long-term absences, and plans to assist employees when they do return.

Stage two: Medical input

There may be an underlying cause for regular absences. You will need medical input to understand what an employee is capable of doing, to find out if there are any adjustments that could be made to your employee's role to reduce absence levels, and to get a view on whether the employee is disabled under the Disability Discrimination Act 1995 (DDA). Any medical input should be discussed with the employee as part of the consultation process. You will need to get the employee's consent if you want to write to their doctor or consultant for information about their illness.

Stage three: Reasonable adjustments

As an employer you have a legal duty to consider any "reasonable adjustments" to enable employees classed as disabled under the DDA to continue to perform their roles. Dismissing an employee not classed as disabled is also more likely to be fair if the employer has considered possible adjustments and alternatives. Whether or not an adjustment is reasonable will depend on the practicability, cost and likely effectiveness of it; the organisation's financial resources, and its nature and size; and the extent to which employees, and possibly their colleagues, are willing to co-operate with changes.

Stage four: Dismissal decision

Employees should be aware that the employer is considering dismissal as a result of the conversations that have taken place previously. You should have a full, up-to-date picture of the employee's medical condition and have considered alternatives to dismissal. When making a decision to dismiss you should also consider the employee's length of service, performance, whether there is likely to be a change in attendance, whether suitable alternative work is available, and the effect of your employee's absences is having.