



HR Broadcast – Contact with an employee who is off sick

I was recently in conversation with a well-respected business leader / CEO who believed he had no right to contact an employee who was off sick from work. He was extremely surprised when I advised him this was not the case. There is no legislation which prohibits the employer from contacting a sick employee, although common-sense must prevail and the employer must remain reasonable when doing so. In addition, and important to bear in mind, the employer should always be trying to help a sick employee return to work as quickly as possible and this could prove very difficult without speaking to the employee directly.

However, you may have a situation where you have tried to call your sick employee a number of times without the call being answered and you have concerns for their wellbeing and therefore it would be reasonable to make a number of attempts to call the employee at various times of the working day. You might have also left messages on their mobile phone asking them to return your calls. However, despite all your best efforts, you've not been able to contact this employee.

In this situation, it is easy to conclude that the employee is simply avoiding you - which may be the case in certain situations. However, I urge you not to jump to conclusions, it is just possible that they have gone to stay with a friend or relative whilst they recover from their illness or even they may have been admitted to hospital.

In this situation your next step should be to write to the employee at their home address asking them to contact you as a matter of urgency.

The purpose of this letter is to enquire into your employee's welfare and see what, if anything, you can do to help them return to work. The sending of this letter is not the commencement of any formal proceedings and the tone of your correspondence should reflect as much.

Once you have sent the letter you should still make reasonable attempts to contact the employee. Say, one call in the morning and another in the afternoon but you should keep notes of all attempts to make contact in case formal proceedings become necessary at some time in the future.

Finally, if this letter does not produce a response then I suggest that you write to the next of kin.