



## HR Broadcast – Reasonable contact with sick employees

I am often asked when and how an employer can make contact with an employee who is off work due to sickness in order to keep up to date with their progress. My response is that the employer should maintain regular and reasonable contact with an employee who is off sick; this is seen as good employment practice. However what happens when you can't get hold of a sick employee?

As you may already be aware as soon as a sickness absence goes into a second calendar week, then you should start to receive fit notes from the employee, issued and signed by the GP. For some reason some employers feel unable to act. It is vital that you don't allow this to happen.

Whilst it is totally unreasonable to harass an employee during a period of sickness absence, such as phoning them every day, you are quite entitled to have reasonable contact, say once every week or so, to:

- (1) Check how they're getting on; and
- (2) See if there's anything more you could be doing to help facilitate a return to work.

It is worth remembering that if the employee is disabled or you suspect that the employee may be disabled then the Equality Act 2010 places you under a specific duty to make reasonable adjustments. This is to ensure that the employee isn't placed at a substantial disadvantage compared with non-disabled employees. This can include adjustments to

enable a return to work. The sooner this aspect is examined, the better.

Normally contact will be by phone or in some case e-mail. I prefer telephone contact. In the vast majority of cases the employee will be entirely co-operative. However, you may be faced with a situation where you've made several attempts to contact a sick employee without any success. In this situation you should write to the employee asking them to make contact with you. In this letter you should list down all the times and dates that you have attempted to make contact.

If the letter doesn't bring any contact, then consider writing to your employee's nominated emergency contact or next of kin and request that they ask your employee to phone you. Be aware that you may have out-of-date contact details for your employee or they might be staying elsewhere during their sickness absence.

Also remember that it is worth visiting the employee's home to see if they are available for a conversation, if they agree to a visit.

Occasionally we encounter a situation where there is no response at all from the employee. What to do next?

The employee is acting in breach of contract by failing to work and failing to make any contact with you as the employer. Arguably the contract is also 'frustrated' because one party, the employee in this case, is failing to do what they are required to do.



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The correct way forward would be to carry out an investigation and then to institute a disciplinary process which might lead to dismissal. However, if there is no way of contacting the employee, even through a workmate or a relative, then calling a disciplinary process when you know that a letter or email will either not reach the employee or it will be ignored, would be pointless.

When it is clear that such circumstances exist then I would suggest terminating the contract of employment and paying any accrued pay to the employee directly into their bank account. I would then send a letter to the last known address, with the P45, explaining what you have done.