



HR Broadcast – Return to work interviews

A vital part in any process as regards the management of sickness absence is the return to work interview. This is something I regularly recommend and even include this either in the contract of employment or as part of the sickness absence policy within the handbook. The return to work interview is something you require all employees to attend on returning to work, either after every period of absence or significant absence.

However, you may get a situation where the employee objects to the person who will be conducting it, what do you do in that situation?

I recommend return to work interviews as part of the sickness absence process for four reasons:-

1. The employer needs to know whether there are any issues that he needs to be aware of and if anything can be done to prevent future absence.
2. If the return to work interview is done either on all occasions, or to a fixed schedule, for example, after 10 days of absence, the culture within the organisation will be such that the interview will be anticipated and will not be seen as a threat.
3. It has been proven that return to work interviews do reduce fraudulent sickness absence on the basis that employees may be less likely to take a day off if they will have to go through this process on their return.
4. From a health & safety perspective you will fulfil your legal duties and obligations in ensuring that the employee is fit to work and whether any adjustments are required.

So, to go through the return to work process, ideally the interview should be arranged as soon as the employee returns to work, i.e. that morning as early as possible before they start work. The discussion should be held in a private place and be conducted by the employee's line manager; this is not something to be delegated. If the line manager is not available then an alternative may be used but should be a person of a similar status in the workplace.

In the event of the employee raising objections to the person who is going to conduct the interview the first thing the employer needs to establish is the reason for the objection. All too often I come across line managers who jump to conclusions, which is the wrong approach; always establish the facts. In particular ask for the reasons for the objection (is this objection masking some other reason) as opposed to asking why they don't want a particular person to conduct the interview (this could be because they have an issue with that person or the matter could be highly sensitive and they would prefer to discuss this with someone of the same sex).

The reason could be perfectly reasonable and if so then it has to be right to accept that but then offer an alternative person. However, in a situation where the employee refuses point blank to engage with anyone or their objection has unreasonable grounds then this is simply not acceptable. In this situation the employer should say to the employee that they are obliged to co-operate and you have a duty to protect their and others' health and safety. If this approach is still met with an objection then I am afraid this becomes a disciplinary matter.