

## **SICK LEAVE MANAGEMENT POLICY**

### **PREAMBLE**

1. It is acknowledged by University College Cork that the vast majority of staff have a good record of attendance. However, it is also recognised that there is a minority of instances where this is not the case and where an employee's attendance falls below a level that is acceptable.

### **INTRODUCTION**

2. Attendance management is essential to the effective organisation of a high quality and cost efficient University. The purpose of this policy is to set out University College Cork's commitment to supporting employee wellbeing and welfare as part of its overall management of attendance policy; with a view to assisting employees to fulfil their contractual obligations and to render regular and efficient service. UCC is committed to maintaining the safety, health and welfare of staff while at work and doing all that is reasonably practicable to assist employees who are absent from work due to injury or ill-health to return to work as soon as possible.

### **PURPOSE**

3. The contribution, ability and dedication of University employees are vital to the delivery of a quality service. University College Cork Sick Leave Management Policy clarifies the roles and responsibilities of employees, Heads of Departments and the Department of Human Resources in the effective management of attendance. Its aim is to provide a consistent approach to managing sick leave while at the same time taking individual circumstances into account in order to act reasonably. All matters in relation to attendance management will be handled in a consistent, confidential and sensitive manner by Heads of Department. Authorised leave should be formally recorded. The application of the Sick Leave Scheme is at the discretion of the University and the University reserves the right to seek independent medical advice as appropriate during the entire employment relationship.

### **SCOPE**

4. This policy is applicable to all employees of the University.

### **DEFINITIONS**

5. "The Head" in this procedure is the Head of the primary academic or administrative department or unit or research unit (by whatever name called) within which the employee works. "Unit" for this purpose includes any entity operating under the auspices of any particular department. The term "Head" shall include a person acting in that capacity, and in the case of employees who do not have a direct or indirect reporting relationship with such a person, the appropriate person within the University with whom the employee has a direct reporting relationship shall for this purpose be the "Head".

6. "representation" means, in accordance with section 4.4 of the Schedule to the Industrial Relations Act, 1990 (Code of Practice on Grievance and Disciplinary Procedures) (Declaration) Order 2000 (SI 146 of 2000) the involvement of a colleague of an employee's choice or an officer or member of a Representative Association, but not any other person or body unconnected with the University, in representing the interests of an employee;

7. "Representative Association" means the trade union or entity chosen by an employee, and recognised by the University, to represent his or her interests with respect to terms and conditions;

8. "University Occupational Health Provider" refers to an independent, confidential advisory service on all matters relating to the effect of health on work, and work on health. It is essentially a pro-active and preventative service rather than a treatment service, and its functions should be distinguished from that of a General Practitioner.

This is referred to as the "University Medical Officer" in the University Sick Leave Policy

## **KEY PRINCIPLES OF THE POLICY**

9. This policy:

- Acknowledges the need to provide a positive working environment for all employees
- Acknowledges that employees will be offered all appropriate support
- Recognises that the University encourages a high rate of attendance from its employees
- Recognises the need for early intervention in cases where attendance falls below acceptable levels and the necessity for the employee and the manager to take appropriate action
- Promotes the use of Occupational Health and Employee Assistance support
- Supports the line manager in addressing attendance issues
- Acknowledges that managers will act responsibly in managing, recording and reporting attendance in a reasonable, fair and consistent manner
- Confirms that where the Sick Leave Management Policy and/or associated schemes are not being adhered to, appropriate action will be taken
- Confirms that continued access to Sick Pay Schemes is conditional on staff complying with the Sick Leave Management Policy and co-operating with any reasonable measures to facilitate their return to work
- Acknowledges the role of the Department of Human Resources in monitoring compliance with this policy

10. It is not the University's intention that employees who are ill should be at work. Whilst all employees have a responsibility to the service of which they are part, to colleagues and to themselves to attend work and fulfil their contract of employment, it is recognised that from time to time employees will suffer ill-health.

11. One of the key features of this policy is the principle of early intervention: early and successful addressing of issues with employees will reduce the possibility of employees having problems with their attendance.

12. Employees will receive every support practicable during times of ill-health e.g. access to Occupational Health support, Employee Assistance Programme, etc. Employees will also receive continuing support upon their return to work following ill-health or in the event of acquiring a disability during the course of their working life.

13. The University is committed, where appropriate, to providing opportunities for employees to participate in workplace rehabilitation, to facilitate a timely and safe return to normal duties following injury or illness.

## **ROLES and RESPONSIBILITIES**

14. Regular attendance of staff is vital in order to deliver an efficient and high quality service. It is therefore critical that employees and management ensure high levels of attendance at work. The following section clarifies the roles and responsibilities of Employees, Heads and Human Resources in the effective management of attendance. It also sets out the role of the University's Occupational Health Provider in this regard.

### **15. Responsibilities of Employees**

- To render efficient and productive service by way of regular and uninterrupted attendance at work
- To take responsibility for their own health
- To advise the line manager of any relevant matter that may affect their attendance and avail of appropriate services
- To co-operate fully with appropriate rehabilitative measures to facilitate a return to work as quickly as possible
- To minimise absences arising from accidents or ill-health by complying with Health and Safety requirements and taking reasonable care of their own safety and that of others
- To familiarise themselves with and comply with the provisions of the Sick Leave Management Policy

#### 16. Responsibilities of Heads

- To promote high levels of attendance in accordance with this Sick Leave Management Policy
- To ensure employees are familiar with the Sick Leave Management Policy
- To advise employees of the Employee Assistance Programme and promote uptake
- To communicate and reinforce high levels of attendance
- To ensure compliance with the notification and certification procedure
- To manage Health and Safety in the workplace
- To hold return-to-work discussions (Appendix 2) after each period of absence and to hold such meetings with due sensitivity
- To monitor levels of illness absence and maintain accurate records of attendance (i.e. notifying HR of absence through the completion of an SL1 Form)
- To seek support and advice from Human Resources in relation to the management of attendance
- To advise employees when their sick leave record is a cause for concern (e.g. frequent short-term absence, provision of unacceptable medical certificates, no certificate, etc.) and to advise of the necessary improvements
- To take all appropriate steps to accommodate a phased return to work in line with any recommendations from the Occupational Health Provider
- To make appropriate adjustments to employment arrangements or appropriate accommodation for employees with a disability
- To direct employees to sources of information regarding Sick Leave Schemes and associated schemes
- To familiarise themselves with and comply with the provisions of the Sick Leave Management Policy

#### 17. Role of Human Resources

- To provide advice and support to Heads in the monitoring and management of illness absence and to ensure consistent application of the policy
- To provide welfare support to all employees as appropriate
- To disseminate sick leave record reports to Heads and assist in identifying possible causes and areas where improvements can be made
- To liaise with Occupational Health and Heads and advise on the implementation of recommendations arising from occupational health referrals as required
- To collaborate with Occupational Health and Employee Assistance providers to develop initiatives to promote a safe and healthy working environment
- To provide training and support for line managers and employees regarding this policy
- To provide information and guidance on all Sick Leave Schemes and associated schemes
- To provide appropriate support to employees of the University where sick leave arises
- To oversee and monitor compliance and reporting in line with University policy

#### 18. Role of Occupational Health Provider

- To provide an independent advisory service on any health-related matter which is affecting an employee's ability to undertake work or the impact of work on an employee's health, taking into account the illness prompting the referral and medical opinion where available
- To advise on an employee's fitness to undertake his/her full range of contracted duties and to make recommendations on measures to assist the employee to return to work following illness absence as quickly and safely as possible
- To advise on an employee's fitness to undertake modified or alternative duties
- To advise managers and individuals on any areas of support for health-related problems that may be affecting employment
- When further information is required to liaise with an employee's medical adviser and line manager (with appropriate consent)

19. The Occupational Health Provider is governed by strict ethical standards and must maintain confidentiality in relation to medical information. The Occupational Health Provider will not disclose the details of the employee's medical condition without the employee's consent unless it is necessary to do so in order to advise Heads on the extent to which the employee's health will affect his/her ability to perform his/her duties or where the employee's condition places the health and safety of others at risk.

20. In the event of the Occupational Health Provider and/or medical advisors disagreeing in respect of the medical condition of an employee with the employee's own doctor, the employee will be asked to give permission for the Occupational Health Provider to make contact and speak with the employee's doctor. If there is still a conflict between the OHP and the employee's doctor then the matter will be referred to an independent third party doctor following consultation with the employee concerned.

**21. Role of Employee Assistance Programme**

- The Employee Assistance Programme provides a confidential support, counselling, and referral service to all University employees who are experiencing personal or work related difficulties. No information will be given to anyone without the employee's express permission.
- Advice and guidance is also available to managers in dealing with employee welfare issues.
- Full details can be found at <http://www.ucc.ie/en/hr/eap/>

**REPEATED AND SHORT-TERM SICK LEAVE**

22. Repeated short-term absences will be monitored by Heads with the support of Human Resources. Normally a Sick Leave Review Meeting (see Appendix I) should be held in every case where an employee's absence rate or pattern is of concern, whether the absences<sup>1</sup> are certified or uncertified. Managers should take account of the prevailing circumstances and examine the employee's pattern of sick leave in determining when to conduct review meetings.

23. Cases can be referred to the Occupational Health Provider, if the staff member feels that his/her absences primarily relate to an underlying medical condition and management require clarification/advice on this. In such instances the Occupational Health Provider should be provided with details of the outcome of prior management meetings with the staff member about his/her attendance pattern. Ordinarily, repeated short-term absence cases should only be referred to the Occupational Health Provider following a sick leave review meeting.

**SICK LEAVE ABUSE/DISCIPLINE**

24. Failure to comply with the sick leave regulations may lead to the University's Disciplinary Procedure being invoked.

**LONG TERM SICK LEAVE**

25. Sick leave absence of more than four weeks duration will be regarded as long-term, in line with existing practice. Persons on long-term sick leave will be referred at an early stage to the Occupational Health Provider with a view to increasing his/her chances of returning to work. All cases, other than specific illnesses that the Occupational Health Provider has advised do not need to be referred, will be referred as soon as possible but no later than six weeks after the absence begins, in line with existing practice. The employee will be notified of the referral. In accordance with the existing provisions of the Sick Leave Scheme management is free to refer cases earlier, and this is particularly advisable where the absence is attributed to the working environment or arising from work.

26. If an employee refuses to attend and engage with the Occupational Health Provider, s/he should be aware that management may have to deal with their case as a disciplinary issue rather than as a health issue.

**REVIEW**

27. It is intended to review the operation of this policy after a period of 12 months from the date of implementation.

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<sup>1</sup> Individuals with five or more days uncertified leave and/or, more than two periods of certified absence in the preceding twelve month period.

## **ACCESS TO RECORDS**

A staff member has the right to access his/her own records in line with the policy for access to personnel files:

<http://www.ucc.ie/en/SupportandAdministration/PoliciesandProcedures/HumanResources/General/EmployeeRecordsAccessPolicy/>

<b>Approved by:</b>	<b>Date:</b>
University Management Team Operations	9th October, 2012

## **Appendix 1 Sick Leave Review Meeting**

### **STAGE 1**

1. Where an employee is frequently absent a Head will meet with the employee to review attendance. The emphasis of the meeting should be on discussion, fact finding and positive actions.
2. At this meeting the Head should:
  - Review and agree dates of illness absence to ensure that records are accurate
  - Listen to any explanation offered by the employee
  - Explore whether there are any aspects of the job or working environment that may be causing the absences
  - Review any assistance provided to the employee and make further proposals if necessary, including the opportunity to avail of Occupational Health Provider, Employee Assistance Programme
  - Consider whether or not there is continued cause for concern and action If there is no continued cause for concern and action, the meeting is closed and the manager will write to the employee within 5 days confirming the discussion
  - If there is continued cause for concern and action this will need to be identified along with an outline of the improvement to be achieved (within a monitoring period of three months) as well as any additional appropriate supports if relevant
  - Advise the employee that he/she will be referred to the Occupational Health Provider for review
  - Advise the employee that a further review meeting will be arranged. The employee will also be advised of the consequences of not meeting required improvements.
3. After the meeting the Head will write to the employee within five working days confirming the outcome of the meeting and, monitoring period and potential consequences of a lack of a sufficient improvement in attendance.
4. At the end of the review period, if there has been a sufficient improvement, this should be noted by the Head, communicated to the employee, and followed up in writing. Similarly, if there has not been a sufficient improvement, this should also be communicated to the employee and followed up in writing.
5. Where there has not been sufficient improvement the matter will be referred to Stage 2, which is set out hereunder.

### **STAGE 2**

6. If there has not been a sufficient improvement in attendance and the Occupational Health Provider has indicated there is no underlying medical reason for the absences a meeting must take place at which the employee is informed of the advice of the Occupational Health Provider. The employee may be accompanied at such a meeting.
7. The Employee may challenge the advice of the Occupational Health Provider with supporting medical evidence.
8. If there is no challenge the Head should consider the appropriate course of action including the invoking of formal procedures.
9. The Disciplinary Procedure will not be initiated where employees are subject to medical investigation/intervention.

10. Heads should work with the Department of Human Resources and obtain effective support and guidance throughout this process.

11. Action may also be taken in respect of other unacceptable patterns of absence e.g. regular Monday or Friday absence, sickness occurring before and after public holidays, absence before and after booked annual leave, lateness, part-day absences. A regular pattern of such absences may be subject to a process as outlined above.

## **Appendix 2   Return to Work Meeting**

1. This meeting will involve a discussion with the employee following each absence from work due to illness. This will be done informally, in private on the day of the employee's return to work or as soon as possible thereafter. The aim of the discussion is to:

- Show concern for the individual's health, offer any support and identify and explore any underlying problems at an early stage so that remedial action may be taken
- Advise the employee of the Employee Assistance Programme and/or Occupational Health Provider
- Bring the employee up to date on relevant workplace matters
- Facilitate the employee to identify any possible underlying causes of absence that may be important for the employee
- Identify if there are any health and safety or environmental issues in the workplace causing absenteeism

2. While concerns regarding the employee's attendance may be discussed, the informal return-to-work discussion does not constitute a stage in the Disciplinary Procedure.

3. Heads should keep a record of the fact that the discussion took place by co-signing the "Return to Work Form (SL2)" (Appendix 3).

4. The "Return to Work (SL2)2 form will be retained on an employee's personnel file for the length of the sick leave associated with the illness, which in line with the Sick Leave Policy may be for a rolling period of up to 4 years.

**Return to Work Notification (SL2)**

(to be completed by Staff Member and signed by Department)

I wish to advise that I returned to work on: DD/MM/YYYY

I have been absent on sick leave from DD/MM/YYYY to DD/MM/YYYY

No. of Working Days absent:

As a result of (*please state nature of illness*):

**The University may need to be specifically aware of this information so as to ensure that its duty of care to you and others as members of staff may be exercised. Examples of such illnesses include, but are not limited to, occupational injury, stress or stress related illness, illness which may be exacerbated in the workplace or a contagious illness which could put fellow employees at risk**

Medical Certificate Submitted? Yes ☐  
No ☐

Name of Staff Member (please use block letters): \_\_\_\_\_

Staff Number: \_\_\_\_\_

Department: \_\_\_\_\_

**Please note the following:**

The Head of Department or his/her nominee should forward a completed SL1 form to the Human Resources Department immediately on being notified of the sick leave of any member of staff. The staff member is required to complete the SL2 form on the day of return to work. This should be signed by the employee and Head of Department at a Return to work Meeting and returned to the Human Resources Department. If leave is certified, the original medical certificate should be submitted also.

Full guidelines on the Sick Leave Scheme are available from the Department of Human Resources or at:

<http://www.ucc.ie/en/SupportandAdministration/PoliciesandProcedures/HumanResources/Leave/SickLeave/#d.en.168089>

This section below is to be signed as a record that a Return to Work meeting has taken place as provided for in the Sick Leave Management Policy.

Signed:

**Employee:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Head:** \_\_\_\_\_ **Date:** \_\_\_\_\_

Please attach medical certificate where relevant