

# NIPSA HEALTH AND SAFETY CONFERENCE

19<sup>th</sup> October 2021  
Neill Wallace

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# RETURNING TO WORK AFTER AN ABSENCE

- Employers should ideally have a well-defined absence management policy to which all staff are familiar.
- The policy should dictate how employees report their sickness absence and how the employer will respond.
- LRA guide on managing sickness absence [here](#)

# DEFINITION OF “DISABILITY”

## Disability Discrimination Act 1995:

(1) a person has a disability for the purposes of this Act if he has a physical or mental impairment which has a **substantial** and **long-term adverse effect** on his ability to carry out **normal day-to-day activities**.

Best information can be sought from the Equality commission [here](#)

EQ document on the definition of a disability can be viewed [here](#)

Does “long Covid” fit into this definition

# IDEAS FOR A PHASED RETURN

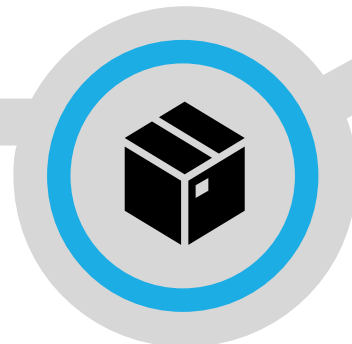
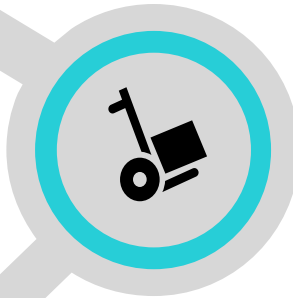
## Inadequate performance

What happens if performance is not adequate? Review?



## Impact on staff

How will this impact on the other staff and how will this be managed?



## Discuss issues

- Each instance will be unique
- Management and staff should discuss the phased return
- Open honest communication around issues



## Individual plan detail

Document that states:

- Hours build up
  - Duties
- Adjustments
- Assessments
  - Pay



## Pay arrangements

reduced hours so:

- reduced pay?
- SSP or enhanced sick pay?
- Annual leave?



# TEMPLATE FOR A PHASED RETURN



# Options when SSP ends





# QUESTIONS TO ASK AT A RETURN TO WORK INTERVIEW 1

You should conduct return-to-work interviews in order to:

- welcome employees back
- check they are well enough to be at work
- discuss the details of an agreed return to work based on advice given
- by the GP in the Statement of Fitness for Work · update employees on any news while they were off
- identify the cause of the absence and find out whether they have a disability and whether the provisions of the Disability Discrimination Act 1995 applies such as the need to make a reasonable adjustment

# QUESTIONS TO ASK AT A RETURN TO WORK INTERVIEW 2

- establish if their sickness is work-related and whether there are any health and safety issues you need to address.
- admit that their sick absence is really caused by having to care for an elderly relative for example?
- feel able to tell you they are being bullied by a manager/colleague?

# EMPLOYEES UNABLE TO PERFORM AT THEIR OPTIMUM LEVEL DUE TO LONG COVID

- This requires careful consideration
  - Are there potential DDA issues?
  - Seek advice from the Equality Commission
  - Talk to your HR department about it (you could always contact the LRA also)
  - Are reasonable adjustments available?
- 
- Potential capability issues – capability dismissal?
  - LRA code - [here](#)

# LRA CONTACTS

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*“That’s all Folks!”*

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