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3HR Legal Weekly

Employment

How to support the return to work of disabled employees after a period of absence

Your company should already have in place policies and procedures for dealing with employee absence, whether they are disabled or not. However, when dealing with a disabled employee, employers have additional duties and considerations that they must comply with. A well-planned approach can help ensure that a disabled employee's return to work is successful and sustainable.

Communication

It is important to keep a clear line of communication with the employee open throughout the absence management process. Whether they have been off with an illness or as a result of becoming impaired in some way, the employee will know their condition and how it affects them, so the employer should speak to them to try to understand it and manage any anxieties the employee may have about returning to work.

Medical report

Employers should consider involving medical experts to help guide the return to work and assist with their understanding of the employee's condition. The employee's consent will need to be obtained to contact their GP or the company's Occupational Health specialist for a medical report.

Return-to-work plan

Once the medical report has been obtained, the employer and employee should agree a return-to-work plan. This plan may include a phased return, which helps the employee readjust to working. A phased return may involve reduced hours or duties. This should be discussed with the employee, who should let their employer know what they feel comfortable and confident doing.

Reasonable adjustments

When dealing with disabled employees, employers have a duty to consider reasonable adjustments. To see what the employee may require, the employer should ask the employee about what they perceive as potential barriers in the workplace and what solutions they can propose. A discussion can then take place to jointly decide what adjustments can reasonably be made.

Regular reviews

Once a return-to-work plan is in place, regular reviews will allow both parties to talk through any issues, address them and make changes to prevent future absences.

Letting colleagues know

Employees have a right to privacy, but it is important to create an environment of understanding and support amongst the wider workforce, especially if adjustments are being made. Therefore, employers should talk to the employee about if and how they would like to disclose their health situation to their colleagues.

Employers will need to balance the needs of the business, workload and targets with the need to ensure the successful return to work of the employee. If your business requires support with dealing with managing absence or disabled employees, please contact our employment law team.

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