

# HR Guide

## Long-term sickness

### Potential dismissal meeting

**This document does not constitute a legal opinion or legal advice and is intended to be a guide only. To ensure you follow best practice (and, if applicable, do not compromise your insurance), you should contact the Alcumus HR Consultancy team before embarking on the process and at each subsequent stage.**

## **Long-term sickness: Potential dismissal meeting**

### **Hold a potential dismissal meeting for ill health (capability)**

This meeting is held when the employee is not able to return to work as they are unfit for any work for the foreseeable future.

This meeting may also be held when an employee has returned to work for a temporary arrangement of light or specific duties as specified by their doctor but this is not working out for the business, the employee or both.

The meeting will recap everything to date and check there has been no change in the employee's condition since the last meeting. Sometimes it is necessary to get another medical report if some time has passed. The invite sent for this meeting should make it clear that a potential outcome of this meeting is a termination of employment on the grounds of ill health (capability). The letter should also offer the employee the right to be accompanied by a colleague or a suitably qualified Trade Union official.

If a dismissal is the outcome, the dismissal and payments should be confirmed in writing and the right of appeal offered.

Notes should be taken at all meetings to provide a written record of events.

### **What do I do if they are absent with stress?**

If the medical certificate simply states "stress", you will not know whether it is home or work-related stress or both. You need to find out. If it is work-related stress, then you owe your employee a duty of care, so from an employee relations and health and safety perspective you should not just leave the situation alone but try to take active steps to resolve any problems. Failure to do anything can be a problem as the employee may feel more disengaged (and raise a grievance – see below) and/or pursue legal action, e.g. the employee may consider resigning and claiming constructive dismissal.

The best course of action is to wait a few days to let the dust settle and then write to the employee and ask how they would like to be contacted by the Company and by whom. If they are not happy to receive phone calls then this must be respected and all contact should be in writing. Invite them to a sickness review meeting.

If they raise specific complaints about work problems leading to their stress then you should offer them the opportunity to raise a formal grievance as per the Company's Grievance Procedure. You would then undertake a Grievance Procedure separately. In these situations you should not wait for 4 weeks to pass but try to meet with the employee sooner, being flexible about when meetings are held, who holds these meetings, always listening to what your employee is saying.