

Employment

Current Employee

Sickness absence



**RIGHT TO
PARTICIPATE**

Useful knowledge

Although many employers often confuse disability and long-term health conditions with sickness or illness, under the Equality Act 2010 employers should differentiate between absence due to disability, and general sickness absence.

Many employers' processes and systems use absence 'triggers', such as number of days' absence over a specified time period, to inform capability or disciplinary procedures within the workplace. Consequently, many employers also have processes which enable managers and HR officers to record disability related and sickness absence separately. However, many still don't. It is therefore essential when you're out of the office that each instance is addressed appropriately within the employer's return to work or absence recording and management systems.

Useful skills

- Self-awareness
- Record keeping
- Effective communication

Ways to assert your legal rights

If your disability or long-term health condition means you're more likely to be absent from work than your non-disabled peers, you can ask your employer to differentiate clearly between the two types of absence.

If your employer does not differentiate between disability related and sickness absences, you can use the Equality Act to assert your right for this to happen as a 'reasonable adjustment'.

This could take the form of

- modifying an internal policy on types of absence
- changing how absence is treated within the workplace
- allowing pre-planned 'disability leave'

Other reasonable adjustments can minimise absence from work. For example, when you're off work due to your disability, enabling you to work from home for an agreed period, or enabling a phased return to the workplace, are both examples of reasonable adjustments that do this.

This should be recorded, either in a meeting with your line manager if the adjustment is discretionary, or indeed in this being reflected in an amendment of the wider organisational policy on absence.

It is not enough for an employer to state that all employees are treated 'equally'!

[Download template complaint letter](#) about a failure to make a reasonable adjustment by differentiating between disability related and sickness absence.

You can have confidence in the process because

Disabled employees are protected from discrimination, harassment and victimisation by The Equality Act 2010.

You can get more help from

The [Equality Advisory & Support Service \(EASS\)](#) runs a free helpline assisting individuals with equality and human rights issues across England, Scotland and Wales.

- Telephone** • 0808 800 0082
- Text phone** • 0808 800 0084
- Email** • [through websites form](#)

ACAS runs the [Early Conciliation service](#) for when you can't sort out things directly with an employer.

- Helpline** • 0300 123 1100
- Website** • www.acas.org.uk