SICKNESS ABSENCE MANAGEMENT

1. INTRODUCTION
11. The Dublin Institute of Technology (hereinafter called “the Institute”) recognises that regular attendance is an essential part of the smooth running of the Institute and formally managing attendance can help reduce overall incidence of sickness absence. It is accepted that the vast majority of sickness absences are genuine and should be treated in a sympathetic manner. Through this policy and associated procedures, the Institute has put in place support arrangements for the management of sickness absence. The aim of the “Sickness Absence Management Policy and Procedures” is to:

1.1.1 Treat all staff consistently.
1.1.2 Maintain staff effectiveness and efficiency.
1.1.3 Help retain a trained and experienced workforce.
1.1.4 Advise managers and staff about the need to control sickness absences and their role in this process.
1.1.5 Advise on steps required of managers to deal with the difficulties arising from frequent and persistent absences.
1.1.6 Draw to the attention of managers the Institute’s arrangements for dealing with long-term health problems.
1.1.7 Clarify the role of managers in relation to the welfare of their staff.

1.2 This policy and procedures should be read in conjunction with “Leave Entitlements” which can be found at www.dit.ie/hr/staff policies.

2. SCOPE
2.1 This policy and procedures applies to all managers and staff within the Institute. Cases involving addiction or substance abuse may be dealt with separately in accordance with the Institute’s policy for such matters.

3. DEFINITION OF “SICKNESS ABSENCE”
3.1 Sickness absence arises where:
3.1.1 Ill health makes a person unfit to work; and/or;

3.1.2 A doctor advises an individual to stay away from work due to illness, convalescence, the possibility of having a contagious illness or otherwise in the interest of the health and safety of the individual concerned and/or other members of staff.

4. **TYPE OF ABSENCE**

4.1 **Short-Term Absence**
   Short-term absence is any absence for a period of time of four weeks or less. This type of absence does not normally have a set pattern and is usually caused by minor, in most cases, unconnected ailments.

4.2 **Frequent and Persistent Absence**
   Frequent and persistent absence is defined where a staff member is absent due to sickness (certified or uncertified) comprising:
   
   4.2.1 five occasions of absence (or more) in any 12 month rolling period; or
   
   4.2.2 any patterns of absence (e.g. Mondays and Fridays, days immediately preceding or following a period of planned annual leave, bank holiday or concession days; or where there is a pattern of absence at the same time period each year).
   
   4.2.3 Regular annual patterns of paid sick leave.

4.3 **Long Term Absence**
   Long term absence is any continuous certified absence for a period exceeding four weeks.

4.4 **Unauthorised Absence**
   This occurs when a staff member’s absence:
   
   4.4.1 is not supported by a doctors note by due date where applicable (i.e. by the fourth day of absence);
   
   4.4.2 has not been authorised by the appropriate level of management; or
   
   4.4.3 has not been communicated to the Institute using the correct procedure.

4.5 Unauthorised absences will be addressed through the appropriate disciplinary procedures.

5. **MEDICAL EXAMINATION**
5.1 The Institute may at any time request an employee on sick leave to submit himself or herself to a doctor nominated and paid for by the Institute for a medical examination and the Institute shall be entitled to receive appropriate and relevant details of the results of such medicals.
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6. SICKNESS ABSENCE REPORTING/GENERAL PROCEDURES
6.1 In the event of a member of staff becoming unable to report for duty due to ill-health, the following procedures must be adhered to:

6.1.1 The staff member must notify his/her manager immediately (having regard to any teaching timetables or responsibilities/meetings scheduled for that day) and not later than one hour before the staff member is due to commence duty and in any event not later than 10.00 a.m. on the first day of absence.

6.1.2 The staff member concerned should personally report his/her absence to his/her manager or through some other agreed arrangement if this is not possible. These arrangements will be specified locally. A message left on voice-mail or with junior colleagues is not acceptable. Notification must include:

(i) the general nature of the illness;

(ii) an indication of when the staff member expects to be fit to return to work.

7. MANAGERS’ RESPONSIBILITIES
7.1 All managers are responsible for absence management including the maintenance of records of absences. Managers must ensure staff have been issued with and understand the Sickness Absence Management Policy and Procedures on joining the College/School/Department/Function. Managers should also have regard to the following:

7.1.1 Medical Certificates
Request staff to furnish them with weekly doctors’ notes, for illnesses over two days, and monthly doctors’ notes for long term sickness absences. Doctors’ notes should then be sent immediately to Human Resources, retaining copies.

7.1.2 Maintenance of Records
Maintain uncertified sick leave records and remind staff of the maximum number of uncertified sick leave days which may be permitted. Where a staff member is nearing the maximum permitted number of uncertified sick leave days: inform Human Resources so that they can advise the staff member of the situation. Please note that the applicable year, in this context, for academic/technical/maintenance staff is the academic year, and for administrative/library/IT staff, is the calendar year.

7.1.3 Return to Work
(i) Acknowledge, after any period of absence, a staff member’s return to work, even if it was just one day. In many cases, this will be no more than a courteous enquiry as to whether the staff member is now well, and this may take place over the phone. In some cases, this may be delegated to another manager or supervisor as appropriate.

(ii) Request staff to submit a ‘Fit to Resume’ doctor’s note, by the resumption date, following long term sickness absence. The staff member must also contact the manager in advance of returning to work. The ‘Fit to Resume’ doctor’s note should then be sent to Human Resources, with a memo confirming resumption of duty. Unless a fit to resume note is produced, the staff member, depending on the nature of the work and the reason for the absence, may begiven
up to a week to produce the note and/or not allowed to resume work until the note is produced.

(iii) In any instance, where a staff member is requesting a partial return to work, notify Human Resources without delay as the Institute may be able to facilitate this.

7.1.4 Inform staff paying Class A Social Insurance contributions of the Managing Disability Benefit/Injury Benefit regulations which are set out at section 9 below.

7.1.5 Treat all staff consistently.

8 STAFF RESPONSIBILITIES
8.1 Staff are required to attend work regularly and to give effective service. Failure to do so is a breach of their terms and conditions of employment.

8.2 Staff must adhere to absence reporting procedures.

8.3 Staff must submit a doctor’s note for absences exceeding two days to their manager.

8.4 Staff paying Class A Social Insurance contributions must discharge their responsibilities in respect of Managing Disability Benefit/Injury Benefit.

8.5 Staff are expected to see/speak with their manager (or designated person) on return from sick leave.

8.6 Staff on sick leave for more than one week are expected to contact their manager before they return to work.

9 MANAGING DISABILITY BENEFIT/INJURY BENEFIT (APPLIES TO STAFF PAYING CLASS A SOCIAL INSURANCE CONTRIBUTIONS)
9.1 For sickness absences of more than six days, the staff member should return to their doctor and request him/her to complete page 1 (of part 1) of the Form MC1 ‘First Certificate of Incapacity’. This is the initial claim for Disability Benefit/Injury Benefit. The staff member should also complete all other relevant parts; and send the completed form to Human Resources.

9.2 For each subsequent week of sickness absence, the staff member should send a completed Form MC2, ‘Intermediate Certificate of Incapacity for Work’ to Human Resources. The staff member and doctor should have each completed those parts of page 1 of this form, relevant to them.

9.3 For the final week, the staff member should send Form MC2 ‘Final Certificate of Incapacity for Work’, to Human Resources. The staff member and doctor should each have completed those parts of page 2 of this form, relevant to them.

10. HR RESPONSIBILITIES
10.1 While management of absence due to sickness is primarily a line management function, Human Resources will provide assistance, advice and support to managers, ensuring fairness and consistency throughout the Institute.
10.2 Human Resources will collate, analyse and publish departmental and organisational absence statistics.

11. **ABSENCE MANAGEMENT PROCEDURES (SHORT TERM ABSENCES)**

11.1 The sickness absence of staff will be monitored by their managers, on a continual basis, in order to identify cases of initial concern and thereafter, cases continuing with an unacceptable level of absence and/or patterns of absence. Managers may decide to take action (in consultation with Human Resources where necessary) in accordance with the appropriate procedures (outlined below).

11.1.1 **Counselling Meeting (Immediate Line Manager*)**

*This should normally be undertaken by Heads of Department, Senior Staff Officers, College Librarians, Buildings or Service Supervisors, Senior Technical Officers or other staff as appropriate.

(i) The absence frequency/record is causing concern and/or is having a negative impact on the College/School/Department or Functional area:

(a) The immediate line manager should meet the staff member informally and advise of the Institute’s concern, in terms of both the staff member’s welfare, and the negative impact on their department and colleagues caused by their frequent absences.

(b) The line manager should be sympathetic and listen carefully to the staff member’s views, and inform them of any appropriate assistance that may be available (i.e. Employee Assistance Programme; Occupational Health). The line manager should seek assurance about the likelihood of regular attendance in the future.

(c) If any medical condition is identified at this stage and it is likely to have an adverse effect on the individual’s performance in the job, the line manager should ask the staff member to visit their doctor and obtain a doctor’s note. If, on receipt of this doctor’s note, the Institute is not satisfied for any reason with the nature or content of the doctor’s note, a decision may be made to communicate further with the doctor or to seek a formal medical assessment by a doctor nominated by the Institute.

(d) Notwithstanding that the ailment may be genuine, a sustained improvement in attendance is expected or the next stage in the procedure will be invoked.

(e) A file note should be prepared detailing all matters discussed and a review period set of one to three months. This is determined by the individual circumstances of each case.

(f) The outcome of this meeting must be confirmed in writing by the line manager who held the meeting, normally within five working days.

(g) At the end of the review period, if there has been a satisfactory and sustained improvement the line manager must arrange to meet the staff member informally:

- The staff member will be advised that no further action will be taken at this time.
- S/he should be made aware that if, at any time within the subsequent twelve month period, the length and/or frequency of absence causes concern the procedure will be recommenced at the next stage of the Sickness Absence Management Policy and Procedures.
• A file note should be prepared detailing all matters discussed and a copy should be given to the individual.

• Where regular monitoring indicates that no improvement in the sickness absence pattern has occurred the case should be referred to a First Formal Review Oral Warning Stage.

11.1.2 First Formal Review by Appropriate Manager” Oral Warning Stage
* This should normally be undertaken by Heads of Department, Senior Staff Officers, College Librarians, Buildings or Service Supervisors, Senior Technical Officers or other supervisory staff as appropriate.

(i) If the review period has finished and the staff member’s absences continue to give concern, s/he should be invited to attend a formal review meeting with his/her manager.

(ii) The sickness record and a copy of the Sickness Absence Management Policy and Procedures should be included in a letter inviting the staff member to this meeting. The staff member should also be advised that s/he is entitled to be represented by a trade union representative or a colleague as appropriate. The purpose of the meeting will be to:

(a) Discuss the sickness record and reasons for this with a view to identifying:

• any underlying problems that may contribute to absences,
• whether appropriate medical advice has been sought and followed,
• the likelihood of regular attendance in the future.

(b) Where appropriate, staff should be advised of assistance available within the Institute (i.e. Employee Assistance Programme, Occupational Health).

(c) The staff member should be made aware of the Institute’s concern and that the terms of their employment are not being met because of their absences and the operational problems this causes.

(d) The staff member should be advised (except where he/she decides to seek medical advice) that if there is not a significant improvement, their employment may ultimately be terminated on the grounds of his/her inability to maintain an acceptable attendance level and give regular and effective service. This constitutes a Verbal/Oral Warning. Notwithstanding the fact that a doctor’s note may be submitted the Institute reserves the right to have the individual medically examined by a doctor nominated by the Institute.

(e) If medical advice is being sought (either by the staff member or the Institute), the meeting should be postponed and normally reconvened within five working days of its receipt.

(f) The staff member should be advised that their sickness absence record will be monitored throughout the review period.

(iii) A file note should be prepared detailing all matters discussed and a review period set of one to three months. This is determined by the individual circumstances of each case.
(iv) **The outcome of this meeting must be confirmed in writing by the manager who held the meeting, normally within five working days. A copy should be given to the staff member and their representative or colleague.**

(v) **At the end of the review period, if there has been a satisfactory and sustained improvement the manager must arrange to meet the staff member formally:**

(a) Rights of Representation apply i.e. the staff member may be accompanied by a trade union representative or colleague.

(b) The staff member will be advised that no further action will be taken at this time.

(c) S/he should be made aware that if, at any time within the subsequent twelve month period, the length and/or frequency of absence causes concern the procedures will be recommenced at the next stage of the Sickness Absence Management Policy and Procedures.

(d) A file note should be prepared detailing all matters discussed and a copy should be given to the individual and representative or colleague who attended the meeting.

(vi) **Where regular monitoring indicates that no improvement in the sickness absence pattern has occurred, the case should be referred to a Second Formal Review First Written Warning Stage.**

### 11.1.3 Second Formal Review by Appropriate Manager* First Written Warning

*This should normally be undertaken as appropriate by Head of School, College Manager, Senior Librarian, Administrative Officer, Assistant Principal Officer, Buildings Maintenance Manager or other management staff.*

(i) **Where regular monitoring indicates that there has been no significant improvement in the level of sickness absence, the manager will send a letter inviting the staff member to a meeting. The letter will include the absence record, a copy of the Sickness Absence Management Policy and Procedures and advice on rights of representation. The content of the meeting will be as follows:**

(a) If medical advice is being sought (either by the staff member or the Institute), the meeting should be postponed and normally reconvened within five working days of its receipt. Notwithstanding the fact that a doctor’s note may have been submitted the Institute reserves the right to have the individual medically examined by a doctor nominated by the Institute.

(b) The staff member should be given the opportunity to explain his or her absence record. If appropriate, the manager should inform the staff member that a **First Formal Written Warning** is being issued and that this warning will remain on the staff member’s file for a twelve month period. A copy of the warning should be issued to the staff member and to his/her representative or colleague. The individual will be advised that attendance will be reviewed on a regular basis over the coming twelve months and formal meetings will be arranged on a quarterly basis or earlier if circumstances warrant this.
(c) The staff member should be informed that failure to comply with the Institute’s attendance expectations and to improve on the present unacceptable record of sickness absence may ultimately result in the termination of their employment with the Institute.

(ii) A file note should be prepared detailing all matters discussed and a review period set of one to twelve months. This is determined by the individual circumstances of each case.

(iii) The outcome of this meeting must be confirmed in writing to the staff member, normally within five working days by the manager who held the meeting. A copy should also be given to the individual and representative or colleague who attended the meeting.

(iv) At the end of the review period, if there has been a satisfactory and sustained improvement the manager must arrange to meet the staff member formally:

(a) Rights of Representation apply i.e. the staff member may be accompanied by a trade union representative or colleague.

(b) The staff member will be advised that no further action will be taken at this time.

(c) S/he should be made aware that if, at any time within the subsequent twelve month period, the length and/or frequency of absence causes concern, procedures will be recommenced at the next stage, which could result in a Final Written Warning being issued and ultimately the termination of their employment by the Institute.

(d) A file note should be prepared detailing all matters discussed and a copy should be given to the individual and representative or colleague who attended the meeting.

(v) Where regular monitoring indicates that there has been no significant improvement in the level of sickness absence, the case should be referred to a Third Formal Review Final Written Warning Stage.

11.1.4 Third Formal Review by Director* Final Written Warning Stage

*Appropriate Director

(i) Where regular monitoring indicates that there has been no significant improvement in the level of sickness absence, the Director will send a letter inviting the staff member to a meeting with him/her. The letter will include the absence record, a copy of the Sickness Absence Management Policy and Procedures and advice on rights of representation. The content of the meeting will be as follows:

(a) If medical advice is being sought (either by the staff member or the Institute), the meeting should be postponed and reconvened normally within five working days of medical advice being received. Notwithstanding the fact that a doctor’s note may have been submitted the Institute reserves the right to have the individual medically examined by a doctor nominated by the Institute.

(b) The staff member should be given the opportunity to explain his or her absence record. If appropriate, the manager should inform the staff member that a Final Written Warning is being issued and that this warning will remain on the staff member’s file for a specified
period (twelve months). A copy of the warning should be issued to the staff member and to his/her representative. The individual will be advised that attendance will be reviewed on a regular basis over the coming 12 months and formal meetings will be arranged on a quarterly basis or earlier if circumstances warrant this.

(c) The staff member should be informed that failure to comply with the Institute’s attendance expectations and to improve on the present unacceptable record of sickness absence may result in the termination of their employment with the Institute.

(ii) A file note should be prepared detailing all matters discussed and a review period set of one to twelve months. This is determined by the individual circumstances of each case.

(iii) The outcome of this meeting must be confirmed in writing to the staff member normally within five working days by the Director who held the meeting. A copy should also be given to the representative or colleague who attended the meeting.

(iv) At the end of the review period, if there has been a satisfactory and sustained improvement the Director must arrange to meet the staff member formally:

(a) Rights of Representation apply i.e. the staff member may be accompanied by a trade union representative or colleague.

(b) The staff member will be advised that no further action will be taken at this time.

(c) S/he should be made aware that if, at any time within the subsequent twelve months, the length and/or frequency of absence causes concern, the matter will be referred to the next stage of the procedure which could ultimately lead to termination of employment by the Institute.

(d) A file note should be prepared detailing all matters discussed and a copy should be given to the individual and representative or colleague who attended the meeting.

(v) Where regular monitoring indicates that there has been no significant improvement in the level of sickness absence, the case should be referred to Human Resources for consideration.

11.1.5 Fourth Formal Review – Human Resources*
* Head of Employee Relations and appropriate Director

(i) Where regular monitoring indicates that there has been no improvement in the level of sickness absence the Head of Employee Relations will send a letter inviting the staff member to a meeting with him and the appropriate Director. The letter will include the absence record, a copy of the Sickness Absence Management Policy and Procedures and advice on rights of representation. The content of the meeting will be as follows:

(a) If medical advice is being sought (either by the staff member or the Institute), the meeting should be postponed and reconvened normally within five working days of medical advice being received. Notwithstanding the fact that a doctor’s note may have been submitted the Institute reserves the right to have the individual medically examined by a doctor nominated by the Institute.
(b) The staff member should be given the opportunity to explain his or her absence record.

(ii) Following the meeting the Head of Employee Relations will review the case in consultation with the appropriate Director and decide on one of the following courses of action:

(a) A further review period will be set – only in exceptional circumstances;

(b) Termination of employment in accordance with the applicable procedures;

(c) That the individual be examined by a doctor selected in accordance with part 5 above for the purposes of determining the fitness of the staff member to continue in accordance with part 0 below.

(iii) The outcome of this meeting must be confirmed in writing to the individual by the Head of Employee Relations, normally within 20 working days of the case being referred to Human Resources. A copy should also be given to the representative or colleague who attended the meeting.

11.1.6 Right of Appeal – Director of Human Resources

(i) A staff member may submit in writing an appeal of the decision of the Head of Employee Relations to the Director of Human Resources. This should be received within five working days of receipt of the decision of the Head of Employee Relations.

12. LONG TERM ABSENCES (ABSENCE CASE MANAGEMENT PROCESS)

12.1 Absence Management Procedures - Long Term Absences

Human Resources through the appropriate management structures will initiate formal contact with staff who have been reported as absent for at least four weeks. In some cases, it may be appropriate to maintain contact with a relative or a nominated individual. Human Resources will liaise with managers in advance, to identify whether there are any special or sensitive circumstances which should be taken into account.

(i) After a period of three months, if the staff member is still absent from work, Human Resources may also make arrangements for a formal medical assessment by a doctor nominated by the Institute.

(ii) A further review of the individual’s case may take place three to six months after the formal medical assessment.

(iii) The Institute may also seek to have the individual examined by a doctor selected in accordance with part 5 above.

12.2 Before returning to work any member of staff who has been on certified sick leave for a period of more than four weeks, must get a letter from his/her doctor certifying that (s)he is fit to return to work. The Institute also reserves the right to refer an individual to a doctor nominated by the Institute before allowing him/her to return to work.

12.3 In certain circumstances under circular letter No. IT 02/05, arrangements may be made for partial resumption of duty by a lecturer who is recovering from a particular prolonged serious illness or recovering from major surgery. Details are available on the Human Resources website of the staff intranet. Similar arrangements may also be made for other members of Institute staff subject to
operational requirements and medical advice.

13. RETIREMENT OR TERMINATION ON THE GROUNDS OF ILL HEALTH/INCAPACITY

13.1 Where the Institute is of the view that a staff member is unfit to carry on in his or her position whether by reason of mental or physical incapability or otherwise (including any physical or mental defect likely to impair his or her ability to perform his or her duties) the following procedures will apply:

13.1.1 The Institute will refer the staff member to a doctor nominated by the Institute in accordance with part 5 above.

13.1.2 Where the medical opinion of the doctor confirms that the staff member is unable to discharge the duties of his/her position or is otherwise incapable of giving regular and effective service and the staff member (having taken his own medical advice if he/she so decides) accepts this opinion then the staff member will be retired on the grounds of ill health and subject to the applicable terms, conditions, processes and procedures relating to same.

13.1.3 Where the medical opinion of the doctor confirms that the staff member is unable to discharge the duties of his/her position or is otherwise incapable of giving regular and effective service and the staff member or his/her own medical advisor disagree with the medical opinion obtained by the Institute, then the staff member will be referred to a second doctor nominated by the Institute.

13.1.4 Where the second medical opinion confirms that the staff member is unable to discharge the duties of his/her position or is otherwise incapable of giving regular and effective service and the staff member directly or through his/her own medical advisor disagrees with the opinion then the following procedure will apply:

(i) In the case of officers to whom Sections 13(3) and 13(4) of the Dublin Institute of Technology Acts 1992 to 2006 apply:

(a) the Institute shall request the Minister for Education and Science to nominate a medical examiner to act as a local inquiry pursuant to Section 8 of the Vocational Education (Amendment) Act 1944 for the purpose of establishing the fitness or otherwise of said officer to continue to hold his or her appointment;

(b) if as a result of said local inquiry the Minister is satisfied the officer is unfit for office the Minister may by order remove the officer from office.

(ii) In the case of employees of the Institute other than those to whom Sections 13(3) and 13(4) of the Dublin Institute of Technology Acts 1992 to 2006 apply the Institute (being the appropriate management authority within the Dublin Institute of Technology from time to time) having considered the medical reports available to it, may decide:

(a) to dismiss the staff member on the grounds of incapacity; or

(b) the staff member must retire on grounds of ill health subject to the applicable terms, conditions, processes and procedures relating to same.
(iii) Where any staff member fails or refuses to cooperate with the procedures described in paragraphs 13.1 to 13.1 (d) (ii) (b) above the Institute shall: consider same a refusal to obey or carry into effect an order lawfully given and/or other misconduct and:

(a) in the case of officers to whom Sections 13(3) and 13(4) of the Dublin Institute of Technology Acts 1992 to 2006 refer the matter to the Minister pursuant to Section 8 of the Vocational Education (Amendment) Act 1944; and

(b) in the case of employees of the Institute other than those to whom Sections 13(3) and 13(4) of the Dublin Institute of Technology Acts 1992 to 2006 refer the matter to the Institute (being the appropriate management authority within the Dublin Institute of Technology from time to time) for the its decision as to whether the staff member should in all the circumstances be dismissed.

14. **QUERIES**
   Contact: Resourcing – Leave & Benefits, Human Resources
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