

## Can employers visit sick workers at home?

Many employees see the employer's absence management policy system as part of the disciplinary process, and in many cases are rightly suspicious of it. There is nothing in law to prevent an employer visiting a sick worker at home, although many people would question their motives for doing so, and depending on the circumstances, many UCU members see it as an intimidatory and aggressive move by the employer.

Absence management procedures have become much tougher over the past few years, and many employers now include home visit provisions. Some procedures will have been negotiated with the union; others have been imposed unilaterally by the employer. A worker would probably be held to have consented to such a procedure as part of their contractual terms when joining the employer. So if one of the employer's absence management policy steps is to make home visits, then the employer is on safe ground.

Employers often justify such steps in terms of keeping in touch with workers who are off-sick long-term with a view to ensuring that suitable arrangements can be made when they return to work. This is something both ACAS and the HSE recommend, and something the union would support where it is positive, and helps in getting members back into work in appropriate ways, and with any adjustments that are necessary. The definition of long-term sickness is open - it can be as little as two weeks, according to ACAS.

See <http://www.acas.org.uk/index.aspx?articleid=1206> for ACAS guidance on absence procedures for employers - Step 4 Point 7 in the table: note this also says such visits should be with the employee's agreement. Members who are unhappy about being visited can always refuse, but that can be quite difficult for an individual to do in isolation if the employer insists or threatens.

A good employer who really does have their employee's best interests and welfare at heart will be only too happy to include the employee's representative in such a visit, and to discuss with both the member and the union rep what needs to be done to ensure a successful return to work. Some employers may be reluctant to let the union rep attend a visit, but if that's what the member wants, then the UCU should insist. Branches and LA's should consider negotiating this provision into any existing absence management agreements or policies if it isn't already in there.

The HSE endorse this approach in their leaflet for safety reps and other union representatives: ***Working together to prevent sickness absence becoming job loss: Practical advice for safety and other trade union representatives.*** From <http://www.hse.gov.uk/pubns/web02.pdf>

<http://www.hse.gov.uk/sicknessabsence/index.htm> for the HSE guidance and the CIPD toolkit at <http://www.hse.gov.uk/sicknessabsence/toolkit.htm> guidance on long-term absence is fairly neutral and careful.