

Return to Work



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A contract of employment contains an implied term that the employer will take reasonable care for the employee's health and safety.

When an employee has been absent from work, while it is not a legal requirement, it is best practice to ensure that they are ready to return to a competent level to perform their duties, as well as to keep them informed of any organisational changes and updates. A return to work meeting (RTW) can be an informal chat between the employee and their line manager and should ideally happen on their first day back to work or as close to that as possible.

What are the benefits of carrying out a return-to-work meeting?

There are many benefits to both employee and employer for conducting return to work interviews, and evidence shows they can be one of the most important tools for lowering sickness absence. Other benefits include:

- ◀ Provides you with the opportunity to check that the employee is well enough to return, therefore ensuring you comply with your duty of care obligations
- ◀ Enables you to comply with your legal obligations under the Equality Act 2010. Specifically, your obligation to make reasonable adjustments to support a disability
- ◀ Allows you to take steps to either adjust the workload or reallocate, if there are some tasks they temporarily cannot do
- ◀ The fact that the organisation carries out RTW interviews, tells other employees that the business monitors sickness absence and therefore this can act as a deterrent for those who may not be genuine
- ◀ Enables you to find out if there are any workplace issues that are contributing to or causing the sickness absence and therefore allows you to take action and address concerns
- ◀ Identifies any adjustments that could be made in the workplace to reduce the chance of future absences being required
- ◀ Detect any trends that might be present in an employee's absences

Some examples of how a return-to-work interview demonstrates an employer is meeting their legal obligations regarding the health and wellbeing of their employees:

- ◀ In the RTW, the employee tells you that they feel well enough to return but their GP or registered healthcare professional has recommended (noted on their Fit Note) that they can return but only undertaking light duties. They are employed as a Store Assistant, stacking shelves in a shoe store. You discuss the Fit Note with the employee and how recommendations can be made. You agree to adapting their duties for a number of weeks so they work on the tills, where they can be seated. This will remove the need for lifting or working at height.
- ◀ Your employee tells you that their GP has referred them to the local hospital for further investigations. Their condition has resulted in the employees having 6 occasions of sickness absence in the last 12 months, totalling 24 working days. You ask the employee to attend an Occupational Health appointment so that the business can get a medical opinion on their health and any impact it could have on their job role. Therefore, you are looking to explore adaptations (if required)

Other things to consider:

- ◀ Make sure the meeting is held privately and is confidential
- ◀ Gather any relevant employee records prior to meeting
- ◀ Ensure the employee knows what support is on offer, any adjustments that need to be considered
- ◀ What support the employee may need and if there is anything they need to bring to the meeting

Please click below to access our Return to Work Framework.

www.businesswest.co.uk/resources/hr-support-return-work-framework