

SICKNESS IS FOR WIMPS

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Perceptions

- “Sickies are a sign of a sick society” Daily Mail 25 November 2011
- “I will end the sick note culture that acts as conveyor belt to a life on benefits”, says Cameron 24 November 2011
- “Public sector workers more likely to take sickies” – Daily Telegraph 15 May 2012



Reality

- 2011 – 131 million days lost due to sickness absence, down from 178 million days in 1993 – Office for National Statistics
- “There are differences in the types of jobs between the two sectors” Office for National Statistics 15 May 2012
- “Deprivation and sickness absence are correlated” Audit Commission 10 February 2011.



Trade Union response

- Legal
- Campaigning
- Negotiating



Legal

- Health and Safety at Work Act 1974
- Management of Health and Safety at Work Regulations 1999 – as a safety rep you have the right to be consulted on anything that affects the health and safety of members
- Equality Act 2010



Equality Act 2010

- *(Royal Liverpool Children's NHS Trust v. Dunsby)*
“Employer did not have an absolute obligation not to sack someone whose absence was down to ill-health due to disability, but required only that the dismissal was justified.”
- *O'Hanlon v. The Commissioners for HM Revenue and Customs* “no entitlement to continued sick pay for disability-related absences after the exhaustion of the time laid down in the employer's procedures on sickness.”



Equality Act 2010


- Separate category of disability-related absence. The reasonable adjustment case can be deployed with this one, and, with public sector employers, their equality duty.
- Good disability leave policy, also as a reasonable adjustment.
- Supported by Equality and Human Rights Commission



Campaigning

- High level of union membership;
- High level of membership activity;
- There are reps in all areas of the workplace.





Identify the issues to campaign on.

- Have a good chance of success
- Be widely and deeply felt
- Be easily understood and an issue which can involve members and potential members
- Be worth the effort



Questions about your employer

- Enforcement action?
- Good health and safety record?
- Discrepancies that can be exploited?



What do members think?

- One to ones with health and safety reps;
- Use Workplace inspections to open dialogue;
- Surveys.



Negotiating

- <http://www.unison.org.uk/acrobat/18267.pdf>



Negotiating: identifying your aims

- Monitoring and absence figures
- Role of Safety Reps
- Transparency and consistency
- Management competency and discretion
- Rehabilitation not punishment
- Occupational Health
- Equalities agenda



Negotiating: potential sticking points

- Trigger points
- Reasonable adjustments
- Work related injury or illness
- Economic climate



Mutual benefits

- Improved health and wellbeing of the workforce
- Reduction in absenteeism and presenteeism
- Retention of workers and members
- Avoid tension within the workplace
- Reduction in capability hearings and potential costly legal challenges

