

## Occupational health policy and procedure

### Policy

Occupational health is a shared responsibility. Under Law, British Waterways is responsible for the health and safety of its employees, employees have to look after their own health and safety and we all have to take care of the health and safety of others.

Occupational health embraces:

- the effect of work on health, whether through sudden injury or through long-term exposure to agents with latent effects on health, and the prevention of occupational disease through techniques which include health surveillance, ergonomics and effective management systems;
- the effect of health on work, bearing in mind that good occupational health practice should address the fitness of the task for the employee, not the fitness of the employee for the task alone;
- rehabilitation and recovery programmes;
- helping the disabled to secure and retain work;
- managing work-related aspects of illness with potentially multi-factorial causes (e.g. musculo-skeletal disorders, coronary heart disease) and helping employees to make informed choices regarding lifestyle issues.

British Waterways works in partnership with the T&GWU and Unison:

- to build a better working environment;
- to strive to ensure and demonstrate that every reasonable effort has been made towards secure employment including improving working practices for the prevention of harm and the encouragement of rehabilitation and retention;
- to focus on the quality of the working environment covering welfare, occupational and wider health issues, job design, satisfaction, and workplace safety;
- to work openly and transparently with genuine and timely consultation with all relevant parties to develop solutions to problems;
- to ensure joint communication on occupational health issues;
- to jointly monitor the management of health surveillance, sickness absence and rehabilitation;
- to handle all individual cases with sympathy and understanding.

### Medical confidentiality

All of the records including medical questionnaires, medicals and health surveillance are categorised as medically confidential.

Occupational health records can only be accessed by British Waterways' Occupational Health Advisors (contacts), and by the employee in accordance with Data Protection legislation. This also includes any information obtained from GPs and specialists with the written consent of the employee under the Access to Medical Reports Act 1988. The only exception to this is where prior written consent has been given by the employee for the information to be disclosed to other named persons.

In interpreting the information, Occupational Health will inform British Waterways whether the employee is fit for work or not and if any work restrictions should apply, but may not disclose any medically confidential information without the employee's prior written consent.

Medical records are held locally in envelopes sealed by our Occupational Health Advisors and in locked cabinets. These envelopes may only be opened by our Occupational Health Advisors. There will be nominated local keyholders at each British Waterways' site who will be authorised to access the cabinets but not the envelopes. Unauthorised access to cabinets and/or records will result in disciplinary action.

### **Employment medical screening**

The purpose of employment medical screening is to:

- ascertain whether an individual is fit and safe to perform the job for which he/she is being considered;
- advise on any requirement for reasonable adjustments that may need to be made to the work activity or environment, in view of the individual's capabilities.

All offers of employment are made subject to medical screening. Employees and prospective employees may be required to undergo a medical examination. Full account will be taken of Disability Discrimination legislation.

### **Health surveillance**

The purpose of health surveillance is to:

- provide appropriate health surveillance for employees, based on an assessment of the potential risk of harm through work activity;
- provide employees with general advice on other health matters.

Employees will be encouraged to attend and co-operate with Health Surveillance as requested and to inform British Waterways of any medical condition that may affect his or her potential to complete work safely, or which they suspect may have been caused or exacerbated by work activity.

As health surveillance is designed to meet relevant statutory safety requirements, co-operation with the policy is required. Refusals to attend statutory elements of health surveillance by an employee will be explored sensitively, but unreasonable refusal to co-operate may result in disciplinary action. Individual employee's reasons for not attending i.e. religious or other personal factors will be fully taken into account.

The Health Surveillance Policy and Procedure is held in the Safety Documents Folder and a copy is included in the additional information section.

### **Absence management and rehabilitation**

The purpose of absence management and rehabilitation is to :

- demonstrate commitment to employees health, safety and welfare;
- monitor and manage sickness absence in a fair and equitable way;

- take positive action to improve attendance (eg through well thought out rehabilitation programmes);
- rehabilitate employees to enable an earlier return to work following illness or injury;
- promote early intervention for conditions known to respond well to such action;
- reduce levels of sickness and association absence;
- minimise the incidence of ill-health retirement.

Employees may be referred by line management to Occupational Health to ascertain if a medical examination is necessary.

Job function assessment

Referral to local Nationwide occupational health service

Occupational Health Advisors (Contacts)

This referral will be made in full consultation with the employee and with the welfare of the employee in mind. The employee is expected to attend such referrals. Any refusal to attend will be explored sensitively, but unreasonable refusal to co-operate may result in British Waterways acting on the facts as known or in disciplinary action. Individual employee's reasons for not attending i.e. religious or other personal factors will be fully taken into account.

In exceptional circumstances an employee who does not want to discuss a health issue with his/her line manager may be referred to Occupational Health by the Personnel Department or by a Trade Union Representative who is an Employee Representative on the National Joint Forum. The Trade Union Representative will advise the Personnel Department if such a referral is made.

### **Absence Management and Rehabilitation procedure**

The emphasis throughout this procedure is not to force employees who are unfit back to work, but to take positive action to improve attendance through well thought out rehabilitation programmes. an early return to work will often prove therapeutic, and provide a better outcome than an employee at home and alone will produce.

### **Organisational responsibilities**

Everyone has a responsibility to ensure high levels of attendance. Specifically, these responsibilities are:

*Employees should:*

- report any absence from work to their manager/supervisor in accordance with British Waterways' Sickness Absence Reporting procedure.
- co-operate with requests to attend OH assessments. Refusal to attend following a referral at Management request, will result in British Waterways making a decision on the only available information and may result in disciplinary action.

*Managers/Supervisors should:*

- take prime responsibility for absence management.
- maintain contact with absent employees.

- ensure that new employees are informed of British Waterways' sickness absence reporting procedure and that all employees follow this agreed procedure.
- ensure that all absences are recorded and that accurate attendance/non-attendance records are maintained.
- conduct a return to work interview on the employee's return to work, to discuss reasons for the absence, and, where necessary via the OH service, arrange a health assessment to identify the need for any work restrictions etc.
- identify any occupational causes of ill health, and trigger action to improve the situation
- seek advice from OH contacts in determining whether repetitive absence has an underlying medical cause
- speed return to work as appropriate following reference to OH advice/expertise
- ensure that employees receive sympathetic counselling/advice
- where necessary, ensure that employees receive positive encouragement to improve attendance and to take appropriate action where other measures have failed.
- involve Trade Union representatives as appropriate at an early stage.

*Trade Unions should:*

- explain and increase awareness and understanding of occupational health
- assist and support employees' involvement in OH referrals
- liaise with line management and Occupational Health where appropriate
- promote good communications between employee and line manager
- accompany and represent employees where necessary

*Occupational Health should:*

- provide professional occupational health advice to British Waterways
- support managers/supervisors in planning return to work programmes
- make recommendations for specialist treatment when appropriate
- ensure good communications especially during the early part of a rehabilitation programme
- regularly review rehabilitation programme objectives, priorities and end dates

*Personnel/Payroll should:*

- provide absence summaries on a quarterly basis to line managers for monitoring purposes
- ensure a consistent approach to absence management and rehabilitation is applied
- support and advise line managers and employees regarding absence management and rehabilitation
- monitor performance of occupational health advisers

## **Definitions**

Information from self certified sickness forms and doctors' certificates will be collated by Payroll for sick pay purposes and to identify employees requiring early intervention by our Occupational Health Advisers. For analysis purposes, the definitions shown below apply.

- **Short term sickness absence:** absence less than consecutive 20 working days.
- **Long term sickness absence:** absence of 20 consecutive days or more.
- **Repetitive absence:** where an employee's absenteeism index score is 150 or more.

The index score is calculated as follows:  $S \times S \times D$  where

S = the number of spells in a specified period

D = the number of days of absence in a specified period

However, managers should take into account that some employees with an accepted underlying medical reason may have a score in excess of 150; such individual circumstances, including employees disabled as defined under disability legislation, will be recognised and treated sympathetically.

- **Rehabilitation:** is the restoration to health and working capacity of a person debilitated by illness (physical or psychological) or by injury.
- **Early intervention** - absences due to depression/anxiety/stress, back pain and accidents at work are conditions known to respond well to early intervention. In these cases line management will make an immediate referral to Occupational Health.

## **Absence monitoring**

### *On reporting absence*

In accordance with sickness absence reporting of British Waterways' Employment Provisions, the employee should contact his/her line manager to report his/her absence and speak to the line manager in person. The line manager will establish from the telephone conversation the reason for the absence, the expected length of absence and will counsel the employee where appropriate. If the reason for absence is due to a condition which is known to respond to early intervention then the line manager will discuss an immediate referral to Occupational Health with the employee. It is essential that the line manager maintains regular contact with the employee throughout his/her absence. This will help the individual realise they are missed, encourage his/her return to work and allow managers to offer an occupational health referral or any other assistance if appropriate.

### *On return to work*

Following any absence, a return to work interview should be held with the employee by his/her immediate line manager. The purpose of the interview is:

- to agree that the employee is safe to resume work where appropriate by reference to Occupational Health
- where there is a high level of absence, or the absence is thought not to be genuine, to express concern over the situation, and explore it in more depth.
- to allow referral to be made to medical advice from the OH service, if appropriate

If appropriate a brief record of this interview and relevant conclusions should be made.

If the absence falls into one of the categories below, further action may be necessary.

## **Action**

### *Short term sickness absence*

If absence is for one of the conditions defined under early intervention, an immediate referral is made by the line manager to Occupational Health.

If the absence is for other reasons, the line manager should maintain contact with the employee, at a suitable frequency, offering assistance where appropriate.

### *Repetitive absence*

When an individual's sickness absence falls into this category (see definition above), all available information should be gathered to identify, as far as possible, the reasons for absence and any patterns of absence.

## **Informal**

An informal meeting should be arranged between line manager and employee to discuss

- the reasons and patterns for absence
- what, if any, medical advice has already been sought
- whether there are any underlying medical conditions on which Occupational Health could advise any personal or domestic problems or concerns.
- any personal or domestic problems or concerns.

Any mitigating factors will be taken into account. If a satisfactory explanation is not forthcoming, an Informal Caution should be given. The employee should be advised that his/her absence level is too high and that his/her sickness record will be carefully monitored and reviewed.

If the absence is identified as being due to a possible underlying medical condition, as a first step, referral should be made to Occupational Health. If a medical condition is identified, Occupational Health will give appropriate advice. If there is no satisfactory medical explanation, this should be discussed with the individual employee and an Informal Caution may be appropriate.

## **Formal**

### *Written caution*

If the employee continues to have incidents of sickness absence, and there is no evidence of an underlying medical problem, a formal hearing should be arranged. The hearing will be conducted by a manager, who has not been previously involved, in the presence of a representative of the Personnel Department in an advisory capacity.

At the hearing, the employee should be asked, in a reasonable, compassionate manner, whether he/she has any explanation for his/her absences. If so, this should be followed up and any constructive help given which may contribute to an

improvement in the employee's attendance record. This may include a referral to Occupational Health. If some root cause for the absence is found, which is related to health, then it may be appropriate for the matter to be dealt with through the procedure for cases of long term sickness absence.

If no satisfactory explanation is forthcoming, however, the individual should be issued with a Written Caution. This will indicate that previous levels of absence have been unacceptably high and state that a significant improvement is required, or dismissal may ensue. The Written Caution will remain on the employee's record for six months.

#### *Final written caution*

If the employee fails to achieve the required improvement, this will result in a further formal hearing being arranged and, unless mitigating circumstances are revealed, a Final Written Caution should be issued, indicating that continued failure to achieve the stated level of attendance will result in dismissal. Sufficient time for improvement must be given, with specific reviews being undertaken every three months. The Final Written Caution will remain on the employee's record for twelve months.

### **Dismissal**

If the employee still fails to achieve and maintain the required improvement, a further formal hearing will be arranged. The employee's age, length of service, performance, the likelihood of a change in attendance, the availability of suitable alternative work and the effect on the business of past and possible future absences, should all be taken into account in determining appropriate action. Unless mitigating circumstances are revealed, the employee will be dismissed.

### **Appeals against decisions**

Individuals may appeal against decisions made at formal hearings. He/she should appeal to the appropriate Personnel Manager, in writing, within ten working days of receiving confirmation of the decision. The letter should include a statement of the grounds upon which the appeal is based.

The Personnel Manager shall arrange for the appeal to be heard at the earliest possible opportunity, normally not later than ten working days from receipt of the appeal, whilst providing an opportunity for all sides to reflect on the circumstances and for the employee to prepare his/her case.

The Appeal Hearing shall be heard by a manager at a higher level of authority to the manager who conducted the absence hearing and who has not been involved at any stage of the procedure, advised by a representative of the Personnel Department. The case will be put by the line manager who presided at the original hearing.

### **Right to representation**

At these formal hearings, individuals will have the right to be accompanied by a Trade Union representative or a colleague.

### **Long term sickness absence**

Regular contact should be maintained with the employee. Occupational health advice is likely to be required in cases of lengthy absence. The line manager should refer the employee to Occupational Health as rehabilitation or fast track referral may be appropriate.

#### Fast track referral form

British Waterways will consider assisting employees through funding of a private medical investigation/examination, where this early intervention is likely to restore an employee to full fitness and has direct cost effective benefits to the business.

Referral may be considered where an employee has made Occupational Health aware that they are waiting for a consultant appointment to provide a diagnosis/recommendation of treatment, or that they are on a waiting list for a medical procedure/treatment, e.g. physiotherapy.

British Waterways will attempt to provide productive work for all employees who are temporarily restricted by an injury/illness, unless being at work would be detrimental to the employee's recovery, or risk re-injury, or risk the health and safety of others.

Returning an employee to productive work promptly is in the best interests of the recuperating employee, both physically and psychologically, and of British Waterways. Occupational Health will communicate closely with the employee's medical advisors, as appropriate, to ensure that work given is compatible with his/her physical/psychological limitations.

If the employee is unable to carry out his/her normal duties, alternative work will be considered. It must however be useful and within the scope of the employee's capabilities.

Occupational Health will advise the line manager on the likely duration of rehabilitation, details of any duties that the employee will be restricted from undertaking and, an indication as to how long these restrictions will apply, whether further review is required and the date that this should take place.

When deciding upon a programme of rehabilitation for an employee, it is essential that as well as assessing whether the employee can undertake the proposed job effectively, the assessment considers whether the employee can do it safely and that it will not further endanger his/her health.

An employee is expected to co-operate in trying alternative work when in the opinion of Occupational Health, it would not be detrimental to recovery or cause undue discomfort. Should co-operation not be forthcoming the question should be referred to the Personnel Department and the local trade union representative, if a member.

If, after trying alternative work the employee or his/her line manager feels that it is unsuitable or harmful, the situation should be referred back to Occupational Health.

If rehabilitation is not appropriate or not successful, suitable alternatives including redeployment to work within the individual's capability should be explored.

If an alternative position is identified then, in principle, the employee should be paid in accordance with the Salary Band and Profile Zone associated with the alternative position. If this would result in a reduction in the employees salary payments,



consideration would be given to appropriate protection, taking into account any difference in responsibility level and the financial implications for British Waterways. Normally it would be expected that an employees salary payments would be maintained at the higher rate for up to three years. At the end of the salary protection period a joint review of the individual circumstances would be undertaken. Full account would be taken of all circumstances including disability issues and an extension of the period could be agreed if appropriate.

In accordance with Disability Discrimination legislation, where an employee has a disability following illness or injury, steps will be taken to make reasonable adjustments and/or to redesign the job or change the pattern of work such that he/she can continue to work. If this proves to be impossible, efforts should be made to re-deploy the employee into alternative substantive work.

If, ultimately, the employee cannot be rehabilitated back in to the workplace the employment will, unfortunately, be terminated on the grounds of capability. This decision will be taken after full consultation with the employee and in a compassionate manner offering appropriate help and advice according to individual circumstances.

An application for an ill health pension may be made to British Waterways' Pension Fund. The award of an ill health pension is a matter for the consideration of the Pension Fund Committee of Management within the rules of the Fund.