



*“Today is the first day
of the future, and it
looks brighter now.”*

NS, London

Sick and off work?

What to do and what not to do to
manage your situation.

If you are off work sick you need to ensure you follow the correct steps in dealing with your employer. This will help you to manage the situation with a minimum amount of distress. If you have a physical or mental impairment which is having a significant impact on your life you may qualify as disabled under the Equality Act 2010. This gives you additional legal protections.

do:

- do notify your employer in accordance with the sickness policy in your employment contract or Staff Handbook.
- do get a medical certificate from your GP. A letter from a hospital consultant may suffice as an interim measure but your employer will need the GP form.
- do make sure you keep up to date with your medical certificates and book an appointment with your GP before your last certificate runs out.
- do ask your GP to be medically specific. This will assist you if you remain off sick longer-term and want to gain the protections of the disability discrimination laws in the Equality Act 2010 ("the Act).
- do make sure you tell your employer that you prefer not to receive any contact while you are off sick. If they need something from you other than your certificates ask them to contact you only by email.
- do raise a grievance if you are ill/off work because of a work issue. Your employer should have a grievance policy which will tell you how to do it.
- do ask for any disciplinary hearing your employer convenes while you are off sick to be postponed on medical grounds and contact a lawyer.

- ✓ do remember that there are time limits in the Employment Tribunals for bringing claims. It is generally three months minus one day from the date of dismissal or the last discriminatory act. If you are unsure you must take advice at the earliest opportunity otherwise you may not be able to claim. Most solicitors offer a free initial consultation. [Visit the government's website for more details.](#)
- ✓ do ask for reasonable adjustments to be made to facilitate your return to work if you want to go back. If there are things that can be done to enable you to get back to work your employer must put them in place. There is free guidance on the [Equality and Human Rights Commission website](#) about what reasonable adjustments are and how they can help you.
- ✓ do seek advice before taking any steps to end your employment. If you feel you are unable to return to work for any reason, including that it has made you ill, take legal advice as soon as possible.

“From the minute I made the first phone call I realised that I was being listened to and taken seriously.”

“I felt like I was the only client and therefore the top priority. At a time when I felt totally devastated, didlaw kept me sane and calm.”

don't:

- don't resign before taking legal advice. Constructive dismissal is a difficult claim. Take advice immediately.
- don't go to a meeting if you are unwell. You may not be up to it. Ask your employer to reschedule it until you are better and get your consultant or GP to write a letter explaining why.
- don't let your employer coerce you into returning to work before you are well enough. This could set back your progress/recovery.
- don't accept a return on your employer's terms only. Check the [Equality and Human Rights Commission website](#) to see what your employer should be doing for you. This way you can ensure the right protections are put in place.
- don't accept terms to leave your employment without seeking legal advice. If you are offered a Settlement Agreement your employer should meet the costs of you consulting a solicitor so take advice before agreeing anything.
- don't worry about your future employer knowing about your time off sick. They are not entitled, by law, to ask you any health-related questions during the interview process.

“Everything was explained in simple, easy to understand terms. You put in a lot of effort in such a small time span.”

on worrying:

Why worry about your work situation when you have a wealth of free information at your fingertips? The legal protections for the long-term sick are significant, you just need to understand what they are and how they can help you. If you take steps to find out where you stand it will alleviate a great deal of worry and allow you to focus on the most important thing, your health.

See overleaf for the contact details for ACAS, the Equality and Human Rights Commission and the Employment Tribunals websites and telephone helplines.

You can also of course contact us for a no obligation initial chat.

Take steps today.

“Your moral support throughout the difficult times I’ve been through has been more than I would have hoped for. It is true, you’re not just another law firm!”

if you're going through hell keep going.

useful resources:

didlaw

Our website has a wealth of useful information for you. In addition you can also read feedback from past clients about our exceptional service.

www.didlaw.com

ACAS

Useful general advice on employment rights, grievances and disciplinarys

Free helpline on 08457 47 47 47

Monday-Friday, 8am-8pm and Saturday, 9am-1pm

www.acas.org.uk

Equality and Human Rights Commission

Excellent guidance on disability discrimination in employment and reasonable adjustments

www.equalityhumanrights.com

Employment Tribunals guidance

Straightforward guidance on how and when to submit a claim.

www.justice.gov.uk

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DISABILITY ILLNESS DISCRIMINATION

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