

# Rehabilitation

**Joanne Holborn**  
**Partner**  
**Employment Law and Training**

**@BainesWilsonLLP**  
**@JoanneHolborn**

# Rehabilitation

- Stress, anxiety and depression
- Spotting the signs and preventing absence?
- Proactive management or harassment?
- Attendance and rehabilitation policy?
- Early intervention
- Regular contact
- Identify the factors that have caused the employee to be absent

# Rehabilitation

- Maintaining social contact with work and colleagues
- What to tell colleagues?
- Home visits
- Training for line managers
  - Support for line managers?
- Employee Assistance programme?
- Any other assistance?

# Rehabilitation

- Appropriate medical advice
  - Treating doctor?
  - Occupational health?
  - Fit for Work?
- Access to Work?
- Phased return to work?
- Keep an open mind

# The duty to make reasonable adjustments

Where an employer's provision, criterion or practice, premises or failure to provide an auxiliary aid puts a disabled person at a substantial disadvantage in comparison with those who are not disabled, the employer must take such steps as it is reasonable to have to take to avoid the disadvantage.

# Reasonable adjustments

- Ask the individual
- Temporary
- Permanent
- Provision, criterion or practice
- Physical features
- Auxiliary aids
- Own job
- Existing vacancy?

# Reasonable adjustments

- Allowing more frequent breaks
- Time off for appointments
- Re-assigning tasks to other workers
- Providing an enclosed office
- Allowing phone calls for support
- Home working
- Additional training

# Reasonable adjustments

- Cost of sick pay v funding treatment
- Extending sick pay?
  - O'Hanlon v Commissioners of HM Revenue & Customs 2006
  - Royal Bank of Scotland v Ashton
- Protecting pay?
  - G4S Cash Solutions (UK) Ltd v Powell 2015

# Progressive conditions

- Dementia
- On going support
- Advice
- Keep adjustments under review
- No one size fits all – conditions affect different people in different ways
- When no further adjustments can be made
- PHI or ill health early retirement?

# Rehabilitation – the law

- Health & Safety at Work etc. Act 1974
- Management of Health & Safety at Work Regulations 1991
- Equality Act 2010
- Equality Act 2010 – Code of Practice on Employment
- ‘Tribunals and courts must take into account any part of the Code that appears to them relevant to any questions arising in proceedings.’

# Rehabilitation – top tips

- Review your absence management systems/policy – do employees know what to expect?
- Good communication
- Ask the employee what adjustments they require
- Train line managers
- Do not make assumptions
- Check for external sources of funding

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**If you require any further  
information, my contact  
details are:**

**Joanne Holborn**

**01524 548494**

**01228 552600**

**[j.holborn@baineswilson.co.uk](mailto:j.holborn@baineswilson.co.uk)**





**Thank you for listening**

**Any  
questions?**