

● **When can I take early retirement on illhealth grounds?**

Ultimately, this is the pension fund's trustees' decision. However, your employer can only recommend retirement on ill health grounds if no reasonable adjustments or redeployment are possible. If you have private health insurance, you may want to explore making a claim.

● **Further details**

**Disability Rights Commission (DRC) Helpline**

Free advice if you feel you have been treated unfairly.

Open 08:00 to 20:00, Monday to Friday  
See back page of this leaflet for details.

See also on the DRC website ([www.drc-gb.org/knowyourrights/employment.asp](http://www.drc-gb.org/knowyourrights/employment.asp))  
'Employment, health and disability – Getting in, staying in and getting on'.

**The Office of the Pensions Advisory Service (OPAS)**

Help with pension problems.  
11 Belgrave Road, London SW1V 1RB  
Telephone: 0845 601 2923  
Fax: 020 7233 8016  
Email: [enquiries@opas.org.uk](mailto:enquiries@opas.org.uk)  
Website: [www.opas.org.uk](http://www.opas.org.uk)

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| <p>If you require this publication in an alternative format and/or language please contact the Helpline to discuss your needs. It is also available on the DRC website: <a href="http://www.drc-gb.org">www.drc-gb.org</a></p> <p>The DRC Language Line service offers an interpretation facility providing information in community languages and is available on the DRC Helpline telephone number 08457 622 633. You can email the DRC Helpline from our website: <a href="http://www.drc-gb.org">www.drc-gb.org</a></p> |   |             |               |             |               |     |               |         |  |        |   |
| <p><b>Other leaflets currently available</b></p> <ul style="list-style-type: none"> <li>Who has rights under the Disability Discrimination Act 1995 (DDA)?</li> <li>What are reasonable adjustments?</li> <li>Health and safety</li> <li>Discipline and dismissal</li> <li>Pensions</li> <li>Redundancy</li> <li>Getting into work – my rights</li> </ul>   |   |             |               |             |               |     |               |         |  |        |   |
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# Sick leave, sick pay and medical appointments



**A series of leaflets providing practical advice and information on getting and keeping employment**



**If you have a disability or a long-term health condition, your sickness absence may have nothing to do with your disability. You may have caught flu, chicken pox or a cold. However, if your sickness absence is related to a disability, your employer has a duty under the Disability Discrimination Act (DDA) 1995 to make reasonable adjustments.**

## ● What reasonable adjustments can I expect?

Adjustments relating to absences can take a number of forms:

- **Predictable short-term absences:** time off every week for treatment or counselling for example. Your employer should accommodate this if it cannot be done outside working hours.
- **Unpredictable short-term absences:** if these happen often and for a variety of reasons, you yourself may not be aware that this may, for instance, be the onset of depression or another condition. Your employer should pick up on this. They may suggest you work flexible hours or lighten or change your workload for a while.
- **Predictable long-term absence:** you may be recovering after an operation, in which case your employer should have discussed reasonable adjustments prior to your absence. These may include maintaining contact, a phased re-introduction to work, or any other adjustments you need to do your job well on your return.
- **Unpredictable long-term absence:** if you have been absent for six weeks continuously or your regular absences have accumulated to over 20 days, your employer will want to discuss with you what adjustments would help you to work effectively.

## ● Can my sickness absences be held against me in any way?

Your employer's records should record separately disability and non-disability-related absences, especially as it may be necessary to discount all or some disability-related absences for the following purposes:

- disciplinary procedures

- performance appraisals, especially when linked to bonuses, ongoing professional development and pay rises
- references
- selection criteria for promotion
- selection criteria for redundancy.

## ● Can I discuss rehabilitation back into work while on sick pay?

If you are off work and receiving sick pay, you are certified as unfit for work. This means that if you begin a period of phased rehabilitation while on sick pay, your entitlement to benefits may be affected.

## ● What if I have exhausted my entitlement to sick pay?

If you have exhausted your sick pay, your employer still has a duty to consider reasonable adjustments. These could include:

- a discretionary extension of sick pay
- allowing you to take unpaid 'disability leave'
- allowing you to take the additional time off as part of annual leave.

If you have permanent health insurance, depending on the terms of the policy, this may cover continued payment of sick pay.

## ● Can my employer end my contract due to sickness absence?

If you are unable to return to work, and no reasonable adjustments or redeployment are possible (including to a more senior role), it may be lawful for your employer to end your contract.