



Sickness & Attendance

In RMT's view, being ill or injured should not be a disciplinary issue at all. So long as you can prove through a certificate that you are genuinely ill, you should not be punished. It is normal for human beings to be ill sometimes – we are not robots!

However, LUL disagrees, and has an unfair and punitive disciplinary policy for absence through sickness.

This is not a comprehensive guide to LUL's policy – the company's own documents provide that – but a guide from your union to the rights that you have.

WHILE YOU ARE OFF SICK

- When you are sick, arrangements for contact should be agreed between you and your manager.
- Your manager should only contact you by the means that you have mutually agreed. S/he should not phone you on your emergency contact number without your explicit permission.
- You are entitled to self-certify your sickness for the first seven calendar days ie. to send in a self-certificate. After seven days, you need to send in a medical certificate.
- In some circumstances (eg. public holidays), management can require you to send in a medical certificate earlier than seven days. If you are asked to do this, consult your union rep, who can clarify whether

management's request is legitimate. Your manager must state the reasons, and the company must reimburse you any fee you had to pay for the certificate.

- You are entitled to be accompanied by a union rep to any meeting with management when you are off sick – whatever it is about and whatever it is called.
- Management may ask to visit you at home. You can refuse and ask for the meeting to be held elsewhere. Wherever the meeting is held, you are entitled to be accompanied by your union rep.
- You may travel abroad during pre-booked annual leave whilst off sick, as long as your doctor agrees and you get permission from your manager..

- Most people are entitled to Company Sick Pay for 39 weeks. It can be suspended in some rare cases but RMT believes it can only be permanently legally withdrawn by a decision of a disciplinary hearing.
- If a manager mentions medical redeployment or termination, contact your rep straightaway.

RETURNING TO WORK

- Management should hold a Return To Work interview with you before you carry out any safety-critical duties. If you are still not 100% fit, management should consider reasonable adjustments to your working conditions.
- If you have to go off sick again shortly afterwards for the same reason eg. the illness 'flares up' again, the two absences should be 'linked' and considered as one item of absence.

The most important thing of all?

Be Represented!

Contact your RMT rep and s/he will accompany, support and represent you through the whole process.

DISCIPLINARY ACTION

- If you fall short of LUL's harsh attendance standard (see company policy for details), your manager will review your attendance.
- Non-attendance at work for the following reasons should not be counted against you:
 - ♦ if a manager sends you home because you are unwell and you are back at work the next day
 - ♦ customer incidents/accidents resulting in trauma
 - ♦ accidents at work (make sure these are recorded)
 - ♦ assault on duty
 - ♦ assault while travelling to or from work in uniform
 - ♦ urgent medical treatment, including minor invasive surgery, requiring a visit to hospital, medical practitioner or dentist; waiting for hospital treatment; convalescence;
 - ♦ infectious diseases;
 - ♦ sickness in any way related to pregnancy
- If you have 'infringed' LUL's standards, but had no absences in the 52 weeks before the absence/s that 'infringed' the policy, there should be no action against you.
- Your manager has the option not to call you to a Local Disciplinary Interview (LDI) but instead to have an informal discussion with you. When deciding, s/he should take into account your efforts to minimise your non-attendance.
- If you are called to an LDI, you are entitled to union representation – tell your union rep as soon as possible. You and your rep are entitled to put your case at the LDI.
- Your manager should give you 7 days notice of the LDI and give you copies of all relevant paperwork 5 days in advance. You should be given two alternative dates so that both you and your union rep can make it. Give your union rep all the information as soon as possible. You are entitled to time for a discussion with your rep beforehand.
- If you do not have a current warning, the LDI may issue you with a warning for up to 26 weeks. If you already have a warning, the LDI may issue you with a warning for up to 52 weeks. If you already have this second warning, you can be referred to a Company Disciplinary Interview (CDI). You have the right to appeal against any of these decisions.
- Any warning must be dated from the last day of absence of the last spell of non-attendance.

LATENESS

- Lateness is considered separately to sickness and unauthorised absence.
- If you fall short of LUL's standards on lateness (see company policy for details), a

Your RMT Stations and Revenue Council representatives are:

Jon Abdullah
07810-153880

Janine Booth
07748-760261

Neil Cochrane
07739-869867

Brian Haughian
07834-117509

John Kelly
07740-065367

Malcolm Taylor
07748-933241

similar procedure is followed to that outlined above.

LONG TERM SICKNESS

- If you are expected to be off work through sickness for more than 28 days, management can ask you to meet with them. They must give you reasonable notice and you have the right to be accompanied by a union rep.
- If you need a managed rehabilitation or have an underlying medical condition that significantly affects on your attendance, management may contact LUOH for advice. They may also arrange a 'case conference'. You are entitled to be accompanied by a union rep to this and any other meetings related to it.
- The case conference should consider reasonable adjustments to your working conditions (such as moving work location or acquiring or modifying equipment); suitable alternative employment; and only as a last resort, termination of your employment on medical grounds.
- 'Medical termination' can only be considered where all other options have been fully exhausted. You have a right to appeal against medical termination. Your union rep will support and accompany you throughout the process.

Join 

Get an application form from your local RMT rep

Phone the union on 0800-376-3706

Join online at www.rmt.org.uk/join

www.rmtplatform.org.uk/sickness