

Long-term illness and employment

Long-term sickness

Employees who are off work sick for more than 4 weeks may be considered long-term sick. A long-term sick employee is still entitled to annual leave.

Long-term sick employees can ask their employer or GP to refer them to Fit for Work for:

- health and work advice
- a fitness for work assessment

Employees can agree to a return to work plan. This may include a timetable for returning to work, if appropriate.

Employers can accept the return to work plan as proof of sickness in the same way as a GP fit note - the employee doesn't need to keep returning to their GP for a fit note.

Linked periods of sickness

If you have regular periods of sickness, they may count as 'linked'. To be linked, the periods must:

- last 4 or more days each
- be 8 weeks or less apart

You're no longer eligible for SSP if you have a continuous series of linked periods that lasts more than 3 years.

I'm not – or no longer – eligible for SSP. What do I do?

You may be able to apply for Employment and Support Allowance (ESA) if you're not eligible for SSP or your SSP has ended or is coming to an end. You do this using form SSP1, which your employer will give you.

How do I claim my SSP?

To claim Statutory Sick Pay (SSP), tell your employer in writing (if they request it) and by their deadline (or within 7 days if they don't have one).

Returning to work

Employers should make changes to an employee's working conditions if they become disabled because of their sickness. These changes are known as 'reasonable adjustments' and guidance on what these can be is found here at <https://www.gov.uk/reasonable-adjustments-for-disabled-workers>.

Dismissing a long-term sick employee

As a last resort, employers can dismiss an employee who is long-term sick, but before they can do this employers must:

- consider if an employee can return to work - eg working flexibly or part-time, doing different or less stressful work (with training if necessary)
- consult with employees about when they could return to work and if their health will improve

You can take your case to an employment tribunal if you think you've been unfairly dismissed. Your adviser may be able to help you look into how to do this, or find details for an employment advice service that can help.