

MIKE PITT, employment, company and commercial law specialist, of Oldham's Pearson Hinchliffe, warns of possible pitfalls to rewarding employees for simply turning up to work.

IF your local postman seems to have a spring in his step, it may be because he is on course for a place in the draw for postal workers who have not taken time off sick over the last six months.

Prizes in the Royal Mail's second such draw, to be held in August, include 34 new Ford Focus cars, as well as holiday vouchers and weekend breaks.

The Royal Mail found that sickness-absence levels from last August to January, the duration of the first scheme, averaged 5.7 per cent, compared with 6.4 per cent for the same period a year earlier. And days lost to unofficial strikes fell from 86,000 in 2003 – when employees' concern about the introduction of new working practices and a single daily delivery was at its peak – to 7,000 last year.

Are there lessons here for Oldham firms seeking to get to grip with high levels of employee absence? Providing incentives for people to turn up for work – which, let's face it, is something they are contractually committed to do anyway – is not as straightforward as it may at first appear.

First, some employees may feel that they are being penalised for taking time off sick. Dealing with absenteeism should never be about denying employees' right to stay away from work when they are genuinely too ill to attend. Secondly, employers risk discriminating on the grounds of disability, sex or even religion, if they give rewards for full attendance without making allowances for legitimate reasons why employees may need to take time off.

For reasons such as this, any attendance bonus scheme needs to be carefully written. It must take into account time that employees may need to take off work for reasons related to a disability. It must also take account of employees' statutory rights to time off because of, for example, maternity, adoption, parental and paternity leave, and time off for dependants. Factors such as jury service and time off for public duties must also be taken into consideration. And an employee given a sabbatical for religious reasons should not subsequently find that he or she fails to qualify for an attendance bonus.

Employers could face a tribunal claim if they implement and apply a policy that does not consider the circumstances of all employees.

I advise employers to treat non-attendance as a disciplinary issue, rather than face the risks of claims through rewarding staff for turning up for work. Equally, employers should deal with each case of absence independently, and be sure not to penalise those who have genuine reasons for not coming to work.

Properly drafted performance-related pay schemes can also help to reduce employee absenteeism.