

Business questions Expert advice

Depression blights business

I have a good team in my business but I am worried that one employee, who has been with me for a few years, has depression. I think he is having issues in his family life and seems withdrawn and tired. He has also had nine days off sick in the past four weeks. We are a small company and the business is suffering. I want to be supportive - he was, previously, a very good worker - but I need someone who is going to do the job properly. What can I do?

The next time the employee is away set up a return-to-work meeting. Express your concerns about his absences. The employee may open up and you can discuss the effect that the absence is having on the business and, between you, look at ways of reducing his levels of absence. This may include temporary flexible working, a period of annual leave being taken at short notice or even unpaid leave being considered.

You can reject any suggestions that the business demands will not allow, but in the long term such a conciliatory approach may be beneficial to the business. It may be sensible to instruct an occupational health physician to provide advice

on the situation and any proposals. However, the employee might not open up, or his high absence rate may continue, or you may not believe such an approach is worthwhile.

If so, you need to start a formal capability process. That will involve a meeting to look at his absence record, discuss the effect this is having on the business and set out attendance targets over the next few months. If his absence falls beneath those targets, then formal warnings and, ultimately, dismissal may be the only options available to you. Any dismissal will need to be justified on business needs and a fair procedure followed, which may well include a referral to an occupational health physician and considering the type of suggestions discussed in the conciliatory approach. Justin Govier is a partner and head of the employment team at IBB Solicitors, a law firm