TIME OFF FOR MEDICAL APPOINTMENTS AND HEALTH SCREENING

Introduction

In the modern workplace, UNISON has a significant role to play in ensuring that employers positively encourage staff to take an active role in their health and wellbeing. Taking that role seriously means both raising awareness among staff of health conditions and providing paid time off to attend medical appointments and health screenings. Such policies benefit the whole workforce but tend to have a particularly beneficial impact for female employees given the range of issues that can affect women in the workplace. Regular check-ups for HRT treatment / family planning issue, fertility treatment, cervical or mammogram cancer screening, are just some of the examples of when women would require time off under such a policy. Similarly, the shaping of time off policies is liable to have a particularly strong impact on disabled workers.

Awareness of the particular concerns and issues that these groups face should inform the development and use of time off, sickness absence and health and safety policies, as without those considerations all staff may not be treated fairly and equally. This factsheet sets out the key features of the best time off policies adopted by employers, the advantages to employers of taking a best practice approach, the key rights that shape policy and the organising implications for branches.

Convincing the employer best practice makes better sense

The target in bargaining over time off arrangements for attending medical and dental appointments is to match the best practice employers who allow time off work with pay during normal working hours.

For employees, there are clear health benefits to such a policy:

- As noted in the introduction, the policy has a particularly benefit for women, disabled employees and staff managing long-term health conditions such as diabetes, high blood pressure or depression that requires regular medical checks or counselling support;
- However, it can also benefit all employees wishing to be screened for cancers (such as prostate cancer in men), access physiotherapy for back pain or obtain medically-recommended follow-up and rehabilitation appointments.
For the employer, there is also a financial case for adopting such a policy as it assists employees in avoiding sickness absence, particularly through preventative treatment and diagnostic tests.

The costs to the employer of failing to adopt an enlightened approach to time off are significant ...

Recent estimates suggest that workforce sickness absence costs employers around £700 per employee every year. However, report author Rachel Suff also notes that the real cost for employers is even greater than that, as most employers do not take account of other relevant factors such as overtime costs, reduced performance and time taken to manage the absence process.

And those costs apply to dental appointments as much as for more high profile medical conditions ...

British Dental Health Foundation chief executive Dr Nigel Carter has said: “Significant numbers of people are forced to miss work each year unnecessarily due to avoidable poor oral health... And poor oral health is increasingly being linked to other more serious medical conditions such as diabetes, strokes and heart problems, which cause even greater difficulties for absenteeism.”

Employers who only allow unpaid time off for medical and dental appointments, require employees to take annual leave or flexi-time, work later to make up the time or simply encourage employees to always make appointments at times when they are not normally working are imposing a clear disincentive to attend key checks and screenings. This short-sighted approach increases the likelihood of long-term sickness absence when manageable conditions are neglected for too long, creating a cost to the employer far greater than that of allowing time off for appointments.

One of the other key issues in best practice approaches to time off, is that they ensure that all types of medical screening, on-going treatment and check-up appointments are not recorded as sick leave. Such an approach is based on an acknowledgement that the employees are not sick but are making a positive step to keeping well.

Failing to adopt this approach may be potentially discriminatory as employees could suffer a detriment through triggering levels set in the sickness absence policy for action by the employer. Only emergency medical or dental appointments requiring urgent, unforeseen attention are likely to fall within the remit of sickness absence.

For anyone who decides to undergo medical or surgical procedures for gender reassignment, branches should seek to negotiate adequate paid time off, distinct from other sick leave. Gender reassignment treatment should not be regarded as elective or cosmetic. Time off should ideally be recorded separately from sickness absence and not used for absence management or monitoring purposes by the employer.

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1 Absence rates and costs: 2014, XpertHR survey
Utilising legal entitlements

There is no legal requirement placed on an employer to grant paid time off to attend medical appointments.

However, there are important aspects of other equality related legislation that can be utilised in making the case to an employer:

- Paid time off during normal working hours can be seen as a reasonable adjustment to prevent disadvantage to disabled employees under the 2010 Equality Act;
- A pregnant employee (including a woman undergoing fertility treatment from the point of the implantation of fertilised ova) is legally entitled to take time off work with pay during normal working hours to attend ante-natal appointments;
- The woman’s partner too has a right to time off on up to two occasions to attend ante-natal appointments for a maximum of 6.5 hours each, but there is no legal requirement for employer to grant paid time-off.
- People who decide to undergo medical or surgical procedures for gender reassignment will need some time off work. It is unlawful to treat trans people less favourably for being absent from work for gender reassignment than they would be treated if they were ill or injured.

Model clause

When making the case for to an employer for paid time off during normal working hours for attending medical and dental appointments you may find it useful to present this model statement for inclusion in the organisation’s time off policies.

**Medical or Dental Appointments**

Line managers should grant paid leave of absence for the required period of time for medical or dental appointments including GP and hospital appointments, tests, check-ups, health screenings, rehabilitation and on-going treatment of long-term health conditions.

Staff will be expected to endeavour to arrange their appointments for outside of normal working hours so as to minimise time off work but it is accepted that such appointments are not always available.

Disabled staff members should refer to the Disability Leave policy for further information on time off for disability-related sickness absence and for when a disabled employee needs to be away from work to attend medical appointments or become familiar with reasonable adjustments, or when adjusting to a new or worsened disability or medical condition.

Pregnant staff members should refer to the Maternity Leave and Pay policies for further information on leave entitlement including time off for antenatal and postnatal appointments.
Using your campaign to organise

Campaigning should always be used to make new contacts, identify and recruit potential activists and recruit members. If we do not maintain and improve our membership and organisation, employers will find it easier to avoid negotiating with us.

Not being given time off for medical appointments particularly affects women and disabled workers. UNISON campaigns on this issue offer an opportunity to identify leaders and recruit within these groups and improve communication within the membership.

In order to identify potential leaders, you need to give people a chance to contribute to discussions. If you hold a group meeting, try to leave time to go and speak directly with people who show a particular interest.

Rather than holding meetings, you may prefer to go around and talk to small groups of staff or individuals, where this is practical.

All UNISON activists and staff should be focused on recruitment, but please do not forget to take time to talk to existing members and try to identify potential reps.

It is important to communicate with staff affected regularly during the campaign, through bulletins or newsletters, as well as through conversations wherever possible. Some initial mapping will help to ensure you reach the right people with your communications.

If people are not aware of UNISON actions they will not credit us with any success. We need to make sure we take the credit for the wins that we negotiate.

For more detail on UNISON organising, check out UNISON’s new online Organising Space. Any activist registered on MyUNISON can log in here: https://organisingspace.unison.org.uk

Further information

UNISON factsheets / guidance on related issues can be found by clicking on the links below:

- Women’s health – a workplace issue
- Women’s mental health – not to be ignored
- Gender, safety and health – a guide for UNISON safety reps
  This guide is available from the UNISON online catalogue, stock number 1982
- Making us Better – sickness absence guidance
  This guide includes a model sickness absence agreement and is available from the UNISON online catalogue, stock number 2594
- Disability leave factsheet
- Model agreement on disability leave
- UNISON guidance on Disability Leave and Disability Related Issues

If you have any further queries about any of the issues raised in this factsheet, please contact the UNISON Bargaining Support Group at bsg@unison.co.uk