

Absence and Reintegration Protocol

Introduction

Open communication, respect for one another and clearly defined agreements form the conditions that will ensure a pleasant working environment and that is something that Esprit considers particularly important.

This applies even if an employee is unable to work for a time, in which case it is important that concerted action takes place between the employee in question and the organisation, with clearly defined mutual agreements and rules.

By issuing this protocol, we want to demonstrate that absence is something that is being taken seriously within our organisation. Absence does not come without obligations and is something that concerns us all.

For that reason, this protocol applies to all employees of Esprit.

The protocol directly reflects the Dutch Eligibility for Permanent Incapacity Benefit (Restrictions) Act [*Wet Verbetering Poortwachter*]; it provides a means of making it possible to discuss absenteeism, to reach well-defined agreements and, ultimately, to ensure that absenteeism is reduced.

The Eligibility for Permanent Incapacity Benefit (Restrictions) Act lays down the rights and obligations of the employee and the employer in relation to absenteeism. Certain activities must be carried out at fixed times during a period of absence, with the aim of enabling the employee to return to work. The employee is also obliged to cooperate in the creation of an Action Plan.

The employer continues to pay the salary for up to two years, specifically 100% in the first year, and 70% thereafter. In that sense, a "sickness" notification is a request to be permitted to make use of this right to continued payment of salary. That right lapses in the event of failure to comply with agreements or statutory rules.

In this protocol, we have chosen a rigid, unambiguous phraseology. For example, we will always refer to 'absence' instead of 'sickness absence'. That does not mean that our organisation pays no attention to a fellow human when he or she falls sick. Rather, the intention within our absence policy is to optimise the attention we devote to the health of our employees and also to reflect this in everyday practice. We do this by creating a pleasant working atmosphere, by providing a safe working environment and by recognising the signs that indicate that things are out of balance and initiating a discussion when that happens. And if absence from work still proves to be necessary, you will be given sufficient scope to work on your recovery.

Having symptoms of ill health does not mean from the outset that you are unable to work. It may be possible to carry out adapted duties, perhaps, so it is not necessarily a reason to report as sick. You will determine what is possible in consultation with your manager. In certain cases, in which you need time to care for a child or family member as a result of personal circumstances, *care leave* (provided for in the Collective Labour Agreement) is an appropriate solution. You must discuss with your manager which form of leave is indicated.

Upon your return to work, you will discuss with your manager whether or not you will be able to carry out your own duties or adapted activities. The central question will be, what are you still able to do? If necessary, the occupational doctor will be asked for a medical opinion on this matter.

Every employee is responsible for his or her own absence. We therefore expect that everyone concerned will make every effort to prevent absence or to keep it to a minimum. We also expect that they will discuss any factors in their work or personal situation that are detrimental to their health with their managers, and actively cooperate in order to resolve them.

Why absence deserves special attention:

- Absence can sometimes be an indication that there is a greater issue at play than health problems or an illness. If an employee does not enjoy or no longer enjoys working for Esprit and he or she sees no other escape than to report as "sick", it is important to ensure that the causes of his or her absence are examined seriously. Whether it concerns the work situation, a personal situation or the employee him/herself, these may all affect a person's work-life balance.
- Absence may cause workload pressure or annoyance among colleagues, certainly if it occurs often. It creates problems in day-to-day management and operations and it has a detrimental effect on the working atmosphere. It may result in yet further absence as a consequence.
- Absence is also related to conduct: how does someone handle their symptoms and dissatisfaction? What choice does someone make in order to resolve issues? Irrespective of whether the problems concern health, home life or work, it is important that we are able and are unafraid to discuss them with one another. That is possible by jointly creating a culture in which that comes naturally.
- Absence is also an important focus of attention at national level. The government has taken intervention measures to reduce the number of new claimants of benefits under the Dutch Work and Income (Capacity for Work) Act or WIA [*Wet werk en inkomen naar arbeidsvermogen*] (the successor to the Invalidity Insurance Act, see p.6 for further details) and to prevent long-term absence. One of these measures is the Dutch Eligibility for Permanent Incapacity Benefit (Restrictions) Act. In the case of absence, this Act requires a number of particular activities to be agreed periodically, such as drawing up a problem analysis, an action plan, an evaluation and so forth.

Only by working together can we devote the level of attention to these points that they deserve and make Esprit a healthy environment in which to work.

Percy Henry
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Executive Board of
Esprit Scholen

What to do in the event of absence

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Reporting absence

If you believe it is necessary to be absent, discuss this with your manager. You should do this by telephone, before 9:00 am. If your manager is not available, you should do this with his or her deputy. After that, you should still contact your manager as soon as possible.

Most managers can (also) be reached on a 06-number. Make a note of this number in your diary or elsewhere.

When reporting as absent, explain to your manager why you wish to be absent, stating:

- the nature and severity of your symptom;
- how this symptom restricts you in your work, but also what you may still be able to do
- or that you believe there is a relationship between your absence and your work
- the role that your manager (or the organisation) can play in order to prevent or limit your absence
- which matters need to be taken over by someone else, or whether a deputy needs to be arranged
- when you think you will return to work
- at which address you can be contacted (care address)
- how you can be reached by telephone.

(You are not obliged to provide medical information to the manager. You are required to provide this to the occupational doctor, however).

Reporting a recovery

When you are (partially) recovered, you must inform your manager of this as soon as possible.

Agreements with your manager

All agreements relating to absence and your work are to be made with your manager, and only with your manager (therefore *not* with the occupational doctor, see below).

You must discuss with your manager what you will do in order to minimise your absence. You will discuss any bottlenecks that exist at work or at home that are contributing factors in your absence and you must work together with your manager to find a solution to those impediments. Your manager will discuss with you the option of carrying out any substitute work or (temporarily) adapting your working hours.

When reporting as sick, you also make agreements with your manager regarding how you can be contacted (by telephone) and a possible return to work.

It may be necessary for you to make an agreement with your manager regarding a visit to the occupational doctor.

You will also discuss with your manager how you will return to work after a period of absence, also if you partially resume your duties. The recommendation from the occupational doctor may serve as a guide for this, but the manager may choose whether or not to use it.

Occupational doctor

The occupational doctor is the medical adviser to the organisation and is therefore fully informed of Esprit's viewpoint with regard to absence. If you are called upon by the occupational doctor to ask you to attend the surgery, please comply with this request. The instruction for this request will have originated from your manager.

The occupational doctor will assess the extent to which there are medical reasons for your absence and whether the causes of your symptoms have implications for your absence. The occupational doctor will use his/her assessment as a basis for making a recommendation, which he/she will share with both you and your manager.

If you are unable to attend the surgery, you must personally inform the absence records department and your manager as soon as possible, and in any case before the scheduled appointment. You will also arrange a new appointment yourself.

If you prevent the occupational doctor from assessing your incapacity for work by failing to attend the surgery, you may be charged the fees for the consultation, costs €135,-.

Even if you have since recovered and you are still called upon to attend the surgery, you must contact the absence records department and your manager yourself to cancel this appointment as soon as possible (before the scheduled appointment). If not, you could be charged for the consultation fees in this case too.

If your manager states that you are expected to attend the surgery, you must comply with this (even if you have recovered).

It is possible to also make an appointment with the occupational doctor yourself, for example in order to prevent absence.

For the sake of clarity: *the occupational doctor only works in advisory capacity and is therefore not the party with whom you make agreements concerning resuming work, adapting your duties or working hours.* Agreements concerning these matters must always be made with your manager.

The occupational doctor's recommendation is not binding, but is considered important.

Absence interview

In certain cases, your manager may invite you to an absence interview. The intention behind this is to gain clarity regarding the background reasons for your absence and to examine the possibilities for preventing or reducing absence.

When will your manager wish to hold an absence interview with you, for example?

- in the case of frequent absence: if you are absent 3 or more times in 12 months (an average worker in the Netherlands is absent 1.3 times per year)
- in the case of noticeable absence: a recurring pattern is noticeable in your absences
- in the event of any doubts regarding your absence
- in the case of long-term absence
- if there are suspicions that your absence is work-related

Sometimes, an absence interview may serve as a preventative measure:

- if your manager begins to suspect there is a risk of (long-term) absence
- if your manager is concerned about your health
- upon return following (long-term) absence.

Action Plan

During your absence, you will make agreements together with your manager in relation to returning to work (on a full or part-time basis). If you have seen the occupational doctor in the meantime, you may make use of his/her recommendation. If you are at risk of being absent for a long period, the occupational doctor will draw up a problem analysis after six (6) weeks. This is a statutory requirement. You will then draw up an Action Plan for your return to work in consultation with your manager (and the HR adviser, if necessary) on the basis of the problem analysis. This is prescribed by the *Dutch Eligibility for Permanent Incapacity Benefit (Restrictions) Act*. See annex for schematic representation.

You will do everything necessary to promote your recovery and make your reintegration into work possible. You are responsible for making your own active contribution towards a rapid recovery. If necessary, you will receive treatment; you must not do anything that hinders your recovery.

If you are offered suitable work during your reintegration, you are required to accept it. You will be offered such work within Esprit in the first instance, or with a different employer if that is not possible.

If necessary, you will take part in assessments, training courses and retraining programs. These may be arranged in consultation with you in order to support you in your reintegration. We may seek collaboration with an external reintegration company in order to provide these.

The Action Plan is not a one-off exercise, but must remain up to date, so if your situation changes, you should add the most recent information. If your situation changes, the Action Plan will be adapted, during which you will be able to provide your viewpoint regarding the reintegration process and the actions of the employer and the occupational doctor. You must also state what actions you have taken in order to reintegrate. You will, of course, participate in implementing and evaluating the Action Plan.

Difference of opinion

In the event of a difference of opinion regarding the extent of your (in)capacity for work or regarding the planned reintegration activities, either you or your employer may request a second opinion from the Dutch Employee Insurance Agency (UWV), known as an expert opinion. This opinion of the UWV is not binding, however. The fees for this must be paid by the party that requested the opinion (€50).

If you believe that your GP holds a different view regarding your capacity for work, it is advisable to ensure that he/she discusses this with the occupational doctor. You must provide express permission for the sharing of personal and medical information. You must comply with reasonable instructions and directions from your employer.

Conflict in the workplace

In the event of (the risk of) a conflict in the workplace, you do not need to be absent. It concerns a problem that requires an effective solution that seeks to address the causes of the conflict. You yourself are jointly responsible for seeking solutions, possibly with the support of a third party, such as the next level of management or the HR adviser, for example.

Work and Income (Capacity for Work) Act

The Work and Income (Capacity for Work) Act (also known as WIA) replaces the previous Invalidation Insurance Act.

In principle, the WIA becomes effective after 24 months, counted from the first day of absence. The WIA provides three types of benefit:

- IVA: Fully *and* permanently unfit (80%-100% incapacity for work)
- WGA: Partially unfit (35-80% incapacity for work)
- No benefit (less than 35% incapacity for work)

The WIA may have significant implications for your income. An assessment under the WIA establishes your earning capacity, namely how much you are still able to earn with your incapacity. The more of your earning capacity you use, the more favourable it will be for your income.

You must make any application for benefits under the WIA yourself. The HR adviser is able to help you with this.

Return to work

When you have recovered fully, you return to work. You will do this in close consultation with your manager and you do not need to obtain permission from your GP or from the occupational doctor to do so.

You must therefore report your recovery to your line manager, before the date on which you resume your work. The recovery date that you state does not need to be the next working day; it could also be a later date. When you report your recovery, state on which day you will return to work.

Illness during a period of leave

If you become ill during a period of leave in the Netherlands, contact the occupational doctor directly and report the absence to your manager and the absence records department. Consult a doctor locally. Ask the doctor to draw up a medical certificate stating the nature of your incapacity for work. This medical certificate must be clearly legible. The medical certificate states how long you are (or have been) unfit for work. A copy of the reimbursement from your insurance company may serve as additional evidence.

If you fall ill during a holiday in another country, the same regulations apply as in the Netherlands, with the addition that the medical certificate must be clearly legible and preferably drawn up in Dutch, English, French or German.

If you have received medication, take the packaging with you for the occupational doctor. If, upon arriving home, you are still not fit for work, contact your line manager immediately.

If you have recovered during your holiday, you must also report that to your manager immediately.

Leave during a period of absence

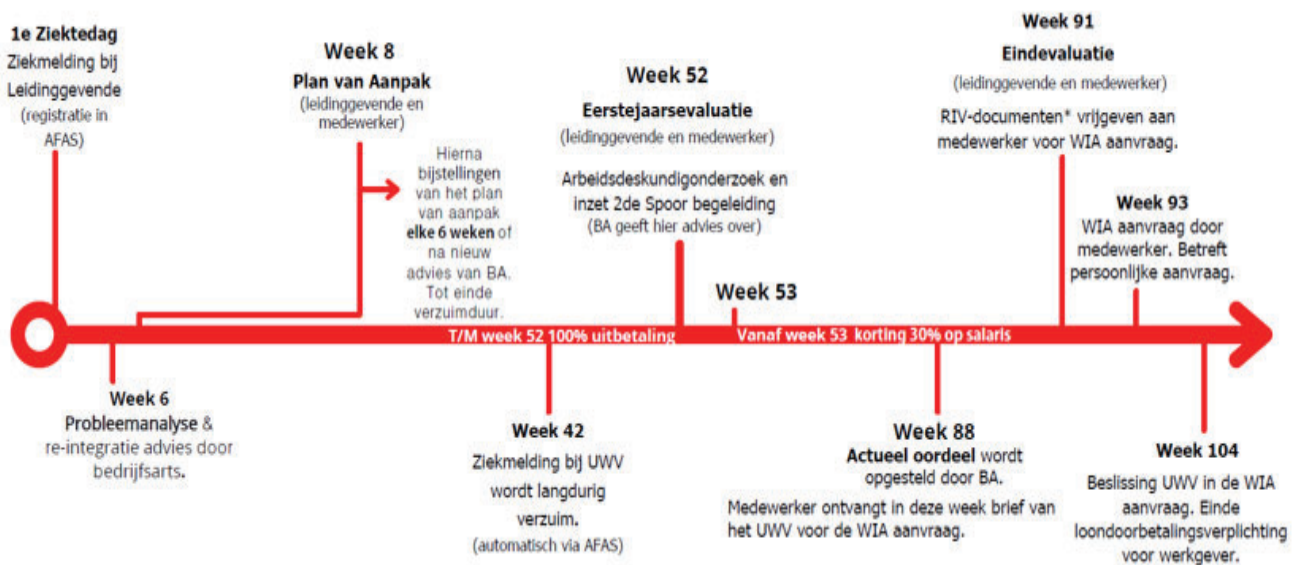
If you wish to take leave during a period of absence, you must request a recommendation from the occupational doctor beforehand. The occupational doctor will issue a recommendation regarding any medical impediments that may affect the planned leave. Your manager will determine (partly on the basis of the aforementioned recommendation) whether the leave may be taken. All employees have leave during school holidays. Leave for a holiday during school holidays still applies during a period of absence as well.

Sanctions

Esprit assumes that agreements that have been made in proper consultation will be fulfilled. This is the case both for employees and the organisation. If you fail to fulfil agreements as an employee, the employer may impose sanctions, in which case, these will be in line with legislation and/or the Collective Labour Agreement. Sanctions may consist of disciplinary measures or a decision to (temporarily) suspend wages, for example.

Annex:

Schematic representation Dutch Eligibility for Permanent Incapacity Benefit (Restrictions) Act.



* RIV documenten zijn de probleemanalyse, plan van aanpak en eventuele bijstellingen, (eerstejaars)evaluatie, actueel oordeel bedrijfsarts, eindevaluatie.

Addresses & telephone numbers

Occupational health & safety service:

De Nieuwe Arts (DNA)
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