

Health and Safety Briefing

Requesting Data on Sickness Absence

Introduction

Our members place themselves in harm's way whenever they contact others face-to-face in the course of their duties. This might be clients, tenants, members of the public, or other staff such as maintenance operatives. It might also be just in the course of their daily commute to work if they are required to work from an office.

Staff in this category are exposed to, or are exposing others to, an identifiable hazard as they are at risk of either contracting or passing on the virus.

As such, it is within the remit of Health and Safety representatives to request data on sickness levels amongst staff, distinguishing those whose work requires face-to-face contact against those whose work does not. It should also help both the employer and the union identify 'hot spots'.

This data should be aggregated and should not therefore be barred under data protection legislation.

Securing this information will allow the union to identify whether safety measure introduced by employers are sufficient to mitigate the risks, or whether further steps are required. The data will be essential to making an informed judgement. Reps are therefore legally entitled to receive this information.



By law, Health and Safety representatives are entitled to information pertinent to carrying out their duties.

Statutory Instruments, 1977 No. 500, 'Health And Safety' of the Safety Representatives and Safety Committees Regulations 1977 (7)(2) states that "An employer shall make available to safety representatives the information, within the employer's knowledge, necessary to enable them to fulfil their functions".

Other reps do not have the same legal entitlements but should nonetheless feel free to approach the employer for this information. Any reasonable employer would supply the information, and if they initially refuse, their refusal can be presented to the membership for a discussion on campaigning to make them comply.

Overleaf we provide a template letter for requesting the necessary data.



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TEMPLATE LETTER TO EMPLOYER REQUESTING SICKNESS ABSENCE DATA

Dear Executive

We write on behalf of our membership at [Employer] to request the following sickness absence statistics for all employees since 1st January 2020, by month, aggregated and separated into two groups:

1. Staff who are office based, and/or whose role requires them to engage face-to-face with others (clients, tenants, members of the public, and so-on).
2. Staff who are working from home.

This information is requested in accordance with Statutory Instrument 1977 No. 500, 'Health And Safety', of the Safety Representatives and Safety Committees Regulations 1977, (7)(2). The Instrument states that "*An employer shall make available to safety representatives the information, within the employer's knowledge, necessary to enable them to fulfil their functions*".

Please provide this information by [date].

Yours sincerely

Notes:

- a. If your employer is located across multiple sites, you may also wish to ask for the data to be provided site by site.
- b. If you want to request the data but are not a Safety Representative, just omit the first paragraph after the bullets.