

Implementation Aid No. 36

Illness-Related Discussions:

Section 1: “Welcome-Back Discussion” (discussion after returning to work)

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An employee was absent on Tuesday and Wednesday owing to illness. On Thursday, he returns to work.

How does the employee feel if no one discusses his absence with him? Was the absence noticed at all and was it important?

Show that you notice if one of your employees is missing.

After he returns, conduct a **“welcome-back” discussion**.

The “welcome-back discussion” has nothing to do with an inability to work, but rather with the return to the workplace. You will also welcome back your employees after they return from holiday.

1. Goal of the “welcome-back” discussion

Appreciation!

You have **noticed** that an employee was absent and are pleased that he is once again there.

You ask about any possible health restrictions and inform the employee of any news in the workplace. Fulfil your **duty of care obligation**: Verify that the employee is actually once again able to work. Check whether he is still taking his medications and thus he, for example, may not operate any machines and equipment.

Core Statements:

“Nice that you are back here again.”

“We missed you.”

Wrong:

“Yikes, so you are back again?”

“We hadn’t even noticed that you were gone.”

Successful “Welcome-Back” Discussions:

1. Goal: Appreciation, not just after illness
2. Who and when?
3. Without a works agreement and documentation
4. Never make diagnoses
5. Never doubt the employee’s inability to work certificate from the physician

2. Who and when?

The “**welcome-back**” discussion is conducted by the **direct supervisor** on the first working day after the employee returns to work. As a rule, these discussions can be conducted directly in the workplace. They rarely last longer than a few minutes. The supervisory is interested in his employees—as is generally the case otherwise as well.

3. Do not formalise and document

What would result if superiors would have to speak with their employees only owing to works agreements? Forced discussions would not be taken seriously by either party. Better: Embrace a **respectful approach in dealing with your employees**. Explain the purpose of the “welcome-back” discussions and allow the implementing party degrees of freedom in their implementation.

And above all: **Spare yourself the documentation of “welcome-back” discussions**. The employee will consider any type of documentation to be the beginning of an escalation process. He will be sceptical of respectful intentions if you place a mandatory printed form on the table. The important criterion is the employee’s perception, not the supervisor’s perception.

4. Are you allowed to ask about the diagnosis? And what will you do with the answer?

You may ask about the diagnosis, but the employee does not have to tell you the diagnosis. We recommend that you do not ask about the diagnosis. Why? If the employee wants to tell you about it, he will without having to be asked to. However, the question about the diagnosis may be immediately interpreted by the employee as **casting doubt** on his inability to work.

If you are informed about the diagnosis, confidentiality is an absolute must. Never document the diagnosis. Even if the employee voluntarily reports on the diagnosis, this nevertheless constitutes no consent to collect these data.

Excursus on Data Protection:

In general, the processing of health data is not permitted because it is not required in accordance with § 28 Para. 1 BDSG [German Data Protection Act]. Moreover, health data in accordance with § 3 Para. 9 BDSG are so-called sensitive data—that is to say, the affected parties’ data are particularly worthy of protection. In accordance with § 28 Para. 6 BDSG and § 4a Para. 3 BDSG, before saving such data, the explicit consent of the affected parties must be obtained. The mere mentioning of the data may not be considered to be consent in accordance with § 4a Para. 3 BDSG.

5. Never doubt the inability to work certificate

Never suggest to the employee that you doubt his inability to work. With this discussion, in the worst case, you would destroy the last iota of trust. If you believe that the absences can be influenced by the employee, conduct separate absence¹ or even company integration management discussions².

We will show exactly how this works in Implementation Aid 38: The Work Absence Discussion (www.umsetzungshilfe.de/38).

Nothing good occurs unless someone does it! (Erich Kästner)

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- Conduct discussions successfully?
- Reduce illness-related absences?
- Prevent workplace accidents?

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¹ UH38: Work Absence Discussions www.umsetzungshilfe.de/38

² UH25: Company Integration Management as an Opportunity for Employees and Supervisors www.umsetzungshilfe.de/25