

## Checking sick pay

If someone is [off work](#) sick they might have a right to sick pay. Both physical and mental health issues can count as sickness.

### 1. Check your contract

Your contract should say:

- how much sick pay is paid
- how long sick pay can last
- any rules the employer has for using sick pay

An employer cannot pay less than Statutory Sick Pay (SSP). If an employer pays more than SSP it's known as 'company', 'contractual' or 'occupational' sick pay.

#### **If there's nothing in writing**

Statutory Sick Pay (SSP) is the minimum amount employers must pay. It's a good idea to check your workplace's policy to see if your workplace pays more than SSP.

### If sickness is caused by work

The same sick pay rules apply if sickness is caused by the workplace. For example, an employee is not entitled to extra sick pay if they get:

- an injury through an accident or negligence at work
- a mental health condition caused by stress at work

This is unless your workplace's sickness policy or the employment contract terms and conditions say otherwise. So it's a good idea to check.

By law, employers must pay Statutory Sick Pay (SSP) to employees who meet the [SSP eligibility conditions on GOV.UK](#). These conditions include:

- the employee is off sick for at least 4 days in a row (including non-working days)
- the employee earns on average at least £118 per week (before tax)

Agency workers, casual workers and zero-hours workers can get SSP as long as they meet the eligibility conditions.

## 2. How much SSP is

SSP is £94.25 per week and can be paid for up to 28 weeks. SSP must be paid from the fourth day of sickness.

## The first 3 days of sickness

The first 3 days of sickness do not have to be paid. Check your employment contract or workplace's policy to see if they are paid or unpaid.

## More about SSP

You can find:

- [information about SSP on GOV.UK](#)
- for employers, [SSP for different employment types on GOV.UK](#)
- for employees, [SSP entitlement on the Citizens Advice website](#)

Employees cannot get sick pay and holiday pay at the same time.

## 3. Taking holiday while off sick

An employee can take holiday (annual leave) while off sick. For example, if they:

- are not physically able to work, but physically able to take a holiday
- have a mental health condition that might be helped by a holiday
- are off sick long term and a holiday might help with their recovery

It's up to an employee to request holiday while off sick. An employer cannot force an employee to take holiday while off sick.

If the employer approves the employee's holiday request:

- sick leave can be paused while the employee takes holiday
- the employee should get holiday pay while they are on holiday

After the employee has taken the holiday, sick leave can continue if they're still not well enough to return to work.

## If an employee is sick on holiday

An employee must report their sickness to their employer if they want to take any holiday as sick leave.

In this case the employee can:

- get sick pay for the time they were sick (as long as they are [entitled to sick pay](#))

- )
- keep the time they were sick to use as holiday another time

## Building up holiday when off sick

Employees build up ('accrue') holiday as normal while they're off sick.

Workplaces can have different rules on how they pay for holiday and sick leave, so it's a good idea to check the employment contract or any written rules the employer has.

### Long-term sick leave

If someone has not been able to use their holiday because they've been on long-term sick leave, they can carry it over.

Employees on long-term sick leave can carry over 4 weeks' unused holiday, unless the employer allows more to be carried over. This holiday must be used within 18 months from the date it's carried over.

Find out more about [holiday entitlement](#).

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Employees will [build up paid holiday](#) if they're off sick, even if they're not getting sick pay.

If someone's sick pay runs out, they might be eligible for benefits from the government. There is advice for [getting money while off sick on the Citizens Advice website](#).

## 4. What happens to the job

Even if sick pay runs out, there's still an employment contract between the employer and the employee.

The employee should keep:

- reporting their sickness to the employer
- following the employer's rules for sickness

The employer should:

- [keep in touch](#) with the employee while they're off
- be clear about sick pay entitlement and when it's due to run out

If sickness is affecting an employee's ability to do their job, the employer might decide to [review the situation](#).

This can help the employer plan:

- how to cover the work while the employee is off

- any support or adjustments that might help the employee return to work
- the [employee's return](#), once they're well enough
- what happens to the job if the employee is not able to return

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