

## Sick pay

### Sick pay entitlement

If someone is off sick they might have a right to sick pay. Both physical and mental health issues can count as sickness.

### Check the contract

An employee's contract should say:

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

If an employee is eligible for [statutory sick pay \(SSP\)](#), their employer must pay that as a minimum.

It might be written in the contract that employees get more than statutory sick pay. This can be called 'company', 'contractual' or 'occupational' sick pay.

### Discretionary sick pay

Employers can have a company sick pay policy that is discretionary. This means the employer offers better pay for some sickness circumstances, but not for others.

If company sick pay is discretionary, the employer must say this in their employees' written statements or employment contracts.

Employers must make sure a discretionary policy:

- does not discriminate against employees because of a protected characteristic, for example if they are disabled
- treats part-time employees the same as equivalent full-time employees

Find out more about:

- [discrimination at work](#)
- [part-time workers' rights](#)

### If there's nothing in writing

If there's nothing in writing about sick pay, an employee can:

- ask their manager what the sick pay policy is
- speak to HR, if there is one
- talk to a trade union representative, if they are a member of a trade union

## If sickness is caused by work

The same sick pay rules apply if sickness is caused by someone's work. 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 organisation's sickness policy or the employment contract terms and conditions say otherwise. So it's a good idea to check.