

# What to Do When Employees on Leave Vanish Without a Trace: Glenn Commandments



The employee who disappears into thin air is a conundrum that many HR directors have dealt with, especially if they've been in the business for a long time. It typically begins when the employee takes leave or some other approved absence. You expect them back, but they don't show up on their scheduled return date. You try calling, texting, and emailing them but they don't reply. Nobody in the company has heard from them in weeks.

So, what do you do? After waiting in vain for them to reemerge, you eventually give up and close their file. Of course, that's the moment they step through the door and demand their job back. We figured you quit, you tell them. I did no such thing they reply. And then they sue you.

Maybe they have a valid claim for wrongful dismissal; then again, maybe you had reasonable grounds to believe they resigned. It will be up to the judge or arbitrator to sort this out. The point is not to allow things to come to this. Rather than just sit back and wait for AWOL employees to get back in touch with you, take active measures to smoke them out.

## **The Importance of a Written Leave Policy**

The starting point is to recognize that you actually do have leverage over an AWOL employee, even if the original absence was authorized. "Although they may be allowed to miss work, the excused employee still must follow the terms of the leave policy," explains a Toronto HR lawyer.

Of course, you need to actually have such a policy. And it should expressly state that employees on leave or excused absence have a duty to cooperate with the company's efforts to administer the policy. Cooperate means maintaining contact with a supervisor or other company official. After all, you need to know how the employee is faring and when to expect a return.

Take it one step further by spelling out that maintaining contact means actually speaking to the supervisor or contact. This is important, the Toronto lawyer says, because many employees simply leave voice mail messages after working hours and claim compliance. Last but not least, the policy should state that failure to cooperate and maintain contact is an offence subject to discipline.

# How to Smoke Out AWOL Employees

Having a written policy like this will likely make employees less inclined to disappear without a trace. It also establishes the legal basis for decisive action against employees who violate the policy by not communicating or returning your calls while they're absent.

The first decisive action to take is to leave a voice mail message or send a written note outlining the situation and giving the employee a last chance to get in touch before the discipline process begins. It's a simple and maybe even obvious strategy, but it's also incredibly effective, HR experts tell us.

How is sending this kind of note or voice message going to make any difference if the employee has been ignoring all of your previous communications?

**Answer:** This isn't just another note or message from the supervisor. It comes from you, the HR director. That makes it hard to ignore. The content of the message also underlines its seriousness. It tells the employee that not getting in touch with the supervisor by a specific deadline may result in discipline.

## What to Say in Your Communication

Of course, what you say is just as important as how you say it. "Try to keep the tone non-confrontational," the Toronto lawyer advises. "The purpose of this communication is to reach a diplomatic solution." Moreover, since you don't know whether the employee has a good explanation for losing contact, you don't want to sound like you're leveling an accusation. While each situation is different, experts suggest that the communication will most likely be effective if it:

- Cites the part of the policy that requires the employee to maintain contact with the supervisor during the absence.
- Documents your previous attempts to contact the employee.
- Expresses concern for the employee's wellbeing along with the hope that the failure to stay in contact isn't the result of serious adversity.
- Gives the employee a deadline to respond.
- Says that failure to respond by the deadline may result in discipline.

Finally, document your previous efforts to contact the employee along with a copy of the written communication or memo summarizing the verbal voicemail message and keep it in the employee's HR file.