

MEDICAL information is considered sensitive personal data under the Data Protection Acts 1988 and 2003. Employers need to be mindful of obligations under the Acts, especially relating to sensitive personal data. Usually this will require the consent of the individual. However an employer is obliged to ensure a safe workplace and, therefore, they may have a legitimate reason to request details of the employee's illness where the period of absence is continuing and if they have reasonable cause for concern in relation to the employee's presence at work. Employers must be mindful of their obligations to positively support employees with disabilities, especially in circumstances where the definition of disability has been accepted by the Equality Tribunal to be very broad i.e. depression, stress, anxiety, epilepsy and anorexia.

An employer can instruct a company doctor to assess the employee and to report back to the Company. An employment contract may contain a provision whereby the employer has a right to refer an employee for medical examination and to receive a medical report and full details of the medical condition. If such a contractual provision is absent, the employer has to rely on the company doctor to advise the medical fitness to work but also on how long the employee will likely be out of work.

Where the employee does not wish to disclose details of the illness, the company doctor can be asked to advise the employer about the nature of the condition and whether the employee requires any additional support to be able to return to work.

Dismissal on the grounds of ill-health can only be effected following medical confirmation that the employee is not medically capable of returning to work.

There is no defined period of absence by which a dismissal will or will not be considered reasonable. The longer the absence the easier for the employer to show the difficulty the business is experiencing in terms of providing services. However the employer must have an up-to-date medical opinion before taking any decision to dismiss.

scheme with 11,881 people taking help anyone on welfare to improve

the allowance is paid on a reducing scale over a two year period company over the two years of the scheme.

HISTORY

A greenway to the past



Colin Boocock's photo of the morning passenger train to Limerick at Newcastle West more than 50 years ago is one of the many fine photos in "Rails through North Kerry". The railway worker on the right is Tim Whelan, an uncle of Newcastle West publican, Pat Whelan.

by **Bernie English**
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ANYONE who has walked the Great Southern Trail may well have wondered about those who have travelled along the railway lines on which the trail is based.

For many, it is difficult to imagine that what is now a prime tourism and recreational facility was once a vital piece of infrastructure that played a vital role in the commercial life of the South Munster region.

On New Year's day in 1867, the railway line from Ballingrane to

Newcastle West opened for business.

The Great Southern Trail Greenway now passes by the Station houses at Rathkeale, Ardagh and Newcastle West.

About 100 people who joined in the Annual Christmas Greenway

event on December 27 walked, cycled or jogged the route.

And now the past is being brought back to life in a new book, "Rails through North Kerry" available at local bookshops and from Ann Lyons, Abbeyfeale with evocative pictures of days of yore.

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