



**St. James's Hospital
Human Resource (HR) Directorate**

**Sick Leave Policy
SJH:HR012**

Owner: Deputy Director of Human Resources Ms M. Ryan	Approved by: Director of Human Resources Mr H. Duggan
Reviewed by: Director of Human Resources	Effective from: February 2015
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This policy replaces all existing sick leave policies from February 2023 onwards and is due for routine review in 2025. It will be reviewed during this time as necessary to reflect best practice, law and organisation, professional or academic change.

Distributed to: Department Heads

Posted SJH Intranet: <https://www.stjames.ie/intranet/ppgs/>

1.0 Policy Statement

St. James's Hospital is committed and acknowledges its responsibility to provide safe, effective, patient-centred treatment and care in an environment that is appropriate, secure and supportive for patients and staff. The Hospital recognises the important role that the Hospital's workforce plays in meeting and maintaining these standards and accordingly have in place a number of policies, scheme designed to promote and safeguard the health and wellbeing of employees.

The hospital acknowledges that there are occasions when employees as a consequence of genuine illness or injury, are unfit to carry out the work assigned to them. In these circumstances the Hospital endeavours to support employees by providing paid leave where the circumstances are in keeping with the standards and criteria described herein.

2.0 Aim

- 2.1 To describe the leave granted to employees in the event of sickness in accordance with approved schemes and up to approved limits.
- 2.2 To direct employees in the procedures they are required to undertake when
 - Notifying the Hospital of their Illness
 - Providing Medical Certification of their illness and subsequent inability to attend work

3.0 Scope

Policy applies to all employees subject to limitations outlined herein.

4.0 Standards

4.1 Responsibility & Accountability

4.1.1 Managers are required to ensure that:

- 4.1.1.1 All episodes of sick leave are recorded on the SAP HR system and CORE system, if appropriate
- 4.1.1.2 Sick leave is monitored to ensure adherence to this policy.

4.1.2 Employees are required to ensure that:

- 4.1.2.1 They comply with the terms and conditions of this policy. Failure to comply with this policy may lead to disciplinary action/non-payment of salary during the period in question.
- 4.1.2.2 They personally notify their supervisor whenever they are going to be absent from work. Only in exceptional circumstances (e.g. hospitalisation) will the employee be excused from the obligation to make personal contact. Text messaging or emails are **not** acceptable forms of notification.
- 4.1.2.3 Medical certificates comply with the conditions as set out in this policy

4.2 Self-Certified Sick Leave

- 4.2.1 The provision of pay in respect of self-certified sick days is limited to a maximum of 7 days in a rolling 24-month period. The rolling 24-month period is calculated by working backwards from the latest date of absence.
- 4.2.2 **Self-Certified sick leave in excess of 7 days in a rolling 24-month period will result in the non-payment of salary for the period involved**
- 4.2.3 Self-certified sick leave is taken into account for overall sick absence limits referred to in Section 4.5 (Payment during Sick Leave).
- 4.2.4 Self-certified sick leave cannot exceed two consecutive days' absence from rostered duty where no intervening rest days occur.
- 4.2.5 A medical certificate must be submitted in each of the following situations: -
 - 4.2.5.1 On the third day of absence from rostered duty. Medical certificate must be effective from the first day of absence

4.2.5.2 Where one or more rest days occur between the first and second day of absence from rostered duty.

4.2.6 Disciplinary action, in addition to non-payment of salary, may be taken against any member of staff who exceeds the self-certified sick leave limits (7 days) in a rolling 24 month period and who fails to furnish the necessary medical certificate for any such excess days taken

4.2.7 Unacceptable levels of absenteeism will be dealt with in accordance with the Hospital's Absence Management Policy.

4.2.8 Employees who leave work during the course of their shift on sick leave must be recorded as sick leave to the nearest half-day.

4.2.9 Please refer to Section 4.6 for Temporary Employees entitlements

4.3 Certified Sick Leave

4.3.1 A medical certificate must be submitted to the Hospital in respect of any absence of three days or more, or where an employee has exhausted entitlement to self-certified sick leave

4.3.2 Payment in respect of sick leave is subject to there being a reasonable expectation and intention on the part of the employee to resume duty following the period of illness.

4.4 Conditions on Leave

4.4.1 An employee may be required to present him/herself to an independent medical examination before payment is made under the rules directed herein or at any time during the continuance of payment. Failure to comply with such a request may result in non-payment of sick pay.

4.4.2 In the event that an absence of sick leave exceeds six continuous weeks, the Hospital may require a certificate of fitness before the employee is permitted to resume duties.

4.5 Payment During Sick Leave

4.5.1 Subject to compliance with the requirements directed in this policy, payment of salary may be made to permanent employees (See section 4.6 for Temporary employees entitlement) during sick leave in accordance with the following provisions: -

- A maximum of 92 calendar days sick leave on full pay in a twelve-month period
- Followed by a maximum of 91 calendar days sick leave on half pay
- Subject to a maximum of 183 calendar days paid sick leave in a rolling four-year period.

4.5.2 Subject to the sanction of management, employees with not less than 5 years pensionable service, who have exhausted their entitlement to sick pay, may be granted **Temporary Rehabilitation Remuneration (TRR)**.

TRR is payment at either half the full rate or at a rate estimated to be the rate of pension to which such employee would be entitled on retirement, whichever of such cases shall be the lesser for a further 548 days.

- 4.5.3** Employees with a critical illness or serious physical injury can seek additional support under the **Critical Illness Protocol (CIP) (See Appendix 1)**
Under CIP employees may have access to the following:
- A maximum of 183 calendar days on full pay in a twelve-month period
 - Followed by a maximum of 182 calendar days on half pay
 - Subject to a maximum of 365 calendar days paid sick leave in a rolling four-year period.
- 4.5.4** Employees who have exhausted 365 days extended paid sick leave under the CIP, may be considered for a maximum 12 months TRR in the first instance, and where there is a reasonable prospect of a return to work, a further period not exceeding 730 days may be granted (subject to 6 monthly reviews).
Refer to Appendix 1 for further details on the Critical Illness Protocol (CIP).
- 4.5.5** For the purpose of the provisions set out above (i.e. Provisions in Sections 4.5.1 to 4.5.4) every calendar day occurring within a continuous period of sick leave shall be reckoned as part of such period
- 4.5.6** If, in respect of a period of sick leave, an employee becomes entitled to payments under the Social Welfare Acts, such amounts will be deducted from the employee's salary and they will be obliged to make a claim for Illness Benefit to the Dept. of Social Protection.
- 4.5.7** The rate of pay during sick leave is the normal weekly rate less the single rate of the Department of Social Protection Illness Benefit, including Occupational Injuries Benefit. In the event that you qualify for Illness Benefit greater or lower than the deduction being made, you will be obliged to notify the hospital and the appropriate adjustment will be made.
- 4.5.8** Where an employee is in receipt of sick pay for an illness or incapacity as a result of an accident involving a Third Party, he/she is obliged to repay the full salary /PRSI contributions and any other expenses of the Hospital immediately on receipt of any damages paid to them in respect of the accident.
- 4.5.9** **Part-time Employees** have the same entitlements as their full time comparators, pro rata to their contractual hours
- 4.5.10** **Casual Employees** sick leave pay is based on 1/5th of the average weekly hours worked over the 13 weeks prior to first day of illness
- 4.5.11** **Section 9 of the Sick Leave Act 2022** provides as follows: (1) The obligations under this Act shall not apply to an employer who provides his or her employees a sick leave scheme where the terms of the scheme confer, over the course of a reference period set out in the

scheme, benefits that are, as a whole, more favourable to the employee than statutory sick leave. Therefore, the hospital meets its obligations under the legislation.

4.6 Temporary Employees

4.6.1 Temporary employees are entitled to the same sick pay as permanent employees on a pro-rata basis: e.g. where a permanent employee is entitled to three months' full pay and three months half pay in a four-year period, a temporary employee employed on a one year contract would be entitled to one quarter of this entitlement.

4.6.2 Rules relating to self-certified sick leave (4.3) are also on a pro-rata basis. As sick leave entitlement is based on units of days, an employee cannot avail of self-certified sick leave until a minimum of one days' entitlement has been accrued

4.7 Notification Procedures

4.7.1 Absences must be notified by the employee to the Head of Department as early as possible but not later than 2 hours after the due commencement time, on the first day of absence

4.7.2 In the case of Nursing and Attendant staff (Mon-Fri from 08.30 am- 16.00 pm.), absences must be notified by the employee to both the Nursing Administration Department and to their respective ward area

At all other times, the Site Nurse Manager must be notified (on Bleep 580 or ext. 2079).

Text messaging or emails are not acceptable forms of notification.

4.8 Medical Certificates

4.8.1 Medical certificates must be submitted to the hospital no later than 3rd day of continuous absence and at weekly intervals thereafter

4.8.2 Where relevant, fully state-insured employees (i.e. PRSI Class A contributor) must also submit a completed Department of Social Protection Illness Benefit claim form (available from a doctor's surgery) to the Department of Social Protection

4.8.3 Medical certificates for intervals in excess of a week (but not exceeding one month) may be accepted in respect of serious illnesses

4.8.4 Medical Certificates must:-

- be given by a registered medical practitioner
- be dated by and bear the name and address of such practitioner
- show the expected date of resumption of duty

4.8.5 Medical Certificates – SJH Emergency Department

4.8.5.1 An employee who becomes ill on duty and attends the Emergency Department is furnished with medical certification (if appropriate)

4.8.5.2 Employees are advised to see his/her own general practitioner for any further certification, if necessary unless in the event of a condition such as fractures etc where the employee will receive on-going treatment from the Emergency Department medical staff.

4.9 Return to Work

4.9.1 All employees are required to ensure that reasonable notice of their ability to resume duty following illness is given to the appropriate Head of the Department.

4.9.2 Non Officers must also notify the Head of Department/Supervisor no later than 4.00 p.m. on the day prior to resuming duty following absences due to illness.

4.9.3 Where a Non Officer reports for duty following an absence on sick leave and has not notified their supervisor by 4.00 p.m. on the previous day of their intention to resume duty, they **must not** be permitted to resume duty if a replacement has been engaged.

4.9.4 On return to work all employees must attend a return to work meeting and where applicable, submit a self-certification form to their manager. This form must be retained by the manager for audit purposes

4.9.5 Payment of sick pay will not be made in respect of self-certified sick leave unless a self-certification form is completed and submitted.

4.10 Annual Leave

4.10.1 An employee who has accrued an entitlement to annual leave prior to going on sick leave is entitled to avail of any outstanding leave subsequent to his/her return to work at a date to be agreed between the relevant line manager and the employee, i.e. annual leave earned should not be forfeited by reason of absence on sick leave.

4.10.2 An employee who submits a medical certificate for a period of illness falling during their annual leave will not forfeit the leave which is covered by the medical certificate. It is important to note that where such cases arise, the employee is required to adhere to the terms of the sick leave policy. Failure to comply with this procedure may result in non payment of salary for the period of sick absence.

4.10.3 Unless exceptional circumstances exist, payment of salary will **not** be made in respect of a period of **illness immediately following a period of annual leave or other authorised** absence or in respect of a period of illness during which an employee is absent from his/her normal address (other than for the purpose of entering a hospital or care Facility)

4.11 Application and Monitoring Process for Temporary Rehabilitation Pay (TRR) and Critical Illness Provisions (CIP)

- 4.11.1** An employee must submit the relevant completed TRR or CIP Application form, endorsed by his/her Line Manager and accompanied by a medical report from his/her Consultant/Medical Practitioner, covering the period concerned to the HR Directorate.
- 4.11.2** Subject to the recommendation of the Occupational Health Department and Management, a decision on payment will be conveyed in writing to the applicant and where applicable, payment will be calculated and processed.
- 4.11.3** TRR/CIP will, in general be approved for a period of up to six months, or until the employee is in a position to resume duty, whichever is the earlier.
- 4.11.4** Applications to extend the payment of TRR/CIP will be considered in line with overall limits as outlined in Section 4.5 'Payment during Sick Leave' and are subject to the same process as above.

4.12 Increments

Employees, whose entitlement to sick leave pay has expired for a period in excess of 28 days, will have their increment date deferred by the relevant corresponding period.

4.13 Extensions to Sick Pay Schemes

In general, there is no provision for granting extensions to sick leave for employees over and above the provisions outlined.

References / Bibliography / Information Sources:

1. Public Service (Sick Leave) Regulations 2014
2. Sick Pay Entitlements and Pregnancy Related Illness (HSE Circular 25/2008)
3. Statutory Sick Leave Act 2022

Further information on this policy and procedure is available from the Human Resources Directorate on extension 2559, email; humanresources@stjames.ie or via the Directorate website at www.stjames.ie

Appendix 1: Critical Illness Protocol (CIP)

(extract from the HSE Public Service Sick Leave Scheme, Communication Pack)

1. INTRODUCTION

1.1 It is recognised that public service bodies, as employers, need to continue to provide support for their employees who may be incapacitated as a result of critical illness or serious physical injury. Therefore, when an individual becomes incapacitated as a result of critical illness or serious physical injury, and has supporting medical evidence for an extended period of sick leave, the individual may, on an exceptional basis, be granted paid sick leave extended as follows:

- A maximum of 183 calendar days on full pay in the previous rolling one-year period
- Followed by a maximum of 182 calendar days on half pay in the previous rolling one-year period
- Subject to a maximum of 365 calendar days paid sick leave in the previous rolling four-year period.

1.2 The granting of exceptional extended paid sick leave is a decision of management having considered the occupational medical advice.

1.3 These arrangements will exclude individuals whose illness relates to an occupational injury/illness and who have access to an occupational injury/illness scheme.

2. CRITERIA FOR AWARD OF EXTENDED PAID SICK LEAVE

2.1 In determining whether an individual may be granted access to exceptional extended paid sick leave the following criteria apply:

2.1.1 The employee should ordinarily be under the current or recent clinical care of a consultant either as an inpatient or outpatient. This excludes employees attending primarily for report preparation or medico legal purposes.

2.1.2 The case must be referred by the employer to its Occupational Health Service for medical advice.

2.1.3 The responsibility lies with the employee to furnish any treating doctor's medical reports requested within an appropriate time-frame to avail of the exceptional extended paid sick leave. A treating consultant's specialism must be appropriate to the critical illness for which the employee is making a claim.

2.1.4 The Occupational Physician, from the employer's Occupational Health Service, will advise whether, in their opinion, the following criteria are met:

- The employee is medically unfit to return to his or her current duties or (where practicable) modified duties in the same pay grade
- The nature of this medical condition has **at least one** of the following characteristics:
 - Acute life threatening physical illness

- Chronic progressive illness, with well-established potential to reduce life expectancy
- Major physical trauma ordinarily requiring corrective acute operative surgical treatment
- In-patient hospital care of two consecutive weeks or greater².

2.1.5 The Occupational Physician will consider the information provided by the treating doctor, and may confer with them with consent if they feel this would be helpful. It is not an absolute requirement that a definitive final diagnosis has been made. The Occupational Physician may accept a presumptive diagnosis on a case by case basis.

¹In circumstances where there is no medical intervention.

²In the case of pregnancy-related or assisted pregnancy-related illness, the requirement for hospitalisation of two consecutive weeks will be reduced to two or more consecutive days of in-patient hospital / clinic care.

3. DECISION TO AWARD

3.1 The decision on whether to award extended paid sick leave is a management decision having consulted with the relevant line manager. Whilst management must primarily consider the Occupational Medical advice, management should consider all the circumstances of the case.

3.2 Thus, although an employee may not meet the medical criteria outlined above, management may still make a decision to award in exceptional circumstances.

3.3 In exercising this discretion management must demonstrate the reasons why they are awarding an extended period of paid sick leave although the individual does not meet the requirements set out at 2.1.4(ii) above. In this regard management should in particular consider the following:-

- the individual's sick leave record;
- the potential impact of an early return on the workplace efficiency and effectiveness;
- it has not been possible to make an accommodation to facilitate the return to work of a person with a disability-related illness or condition.³

Management should also confer with the Occupational Physician in such cases.

³Management are required in the case of an employee with a disability-related illness take all reasonable steps in terms of making an accommodation to facilitate the employee's return to work consistent with, for example, specialist occupational health advice and service requirements.

4. APPEAL OF THE MEDICAL DECISION

4.1 The advice of the Occupational Physician may be appealed to an appropriate Specialist Occupational Physician in another location/employment. This appeal will ordinarily be a file only review.

4.2 In The individual may arrange to meet with the Specialist Occupational Physician on the basis of an appropriate cost sharing arrangement.

4.3 The final decision on any appeal lies with the employer, having considered the medical advice.

4.4 Should there be a delay⁴ in the employer referring an employee to the Occupational Health Service of the organisation, or a delays in being seen by this Occupational Health Service, there will be no

financial loss to the employee if they are later awarded the exceptional extended paid sick leave. Where, in these circumstances, an employee moves on to half pay and it is later found that access to exceptional extended paid sick leave should have been granted, pay will be restored appropriately.

⁴ Where the delay is of a duration in excess of the period of time currently allowed for a referral to an Occupational Physician.

⁵ Where the delay is of a duration in excess of the normal waiting time to be seen by an Occupational Physician.

5. APPEAL OF THE MANAGEMENT DECISION

5.1 The management decision may be appealed in accordance with the Grievance Procedure. The timeframes under the Grievance Procedure will be strictly adhered to.

5.2 Should there be a delay⁶ in the employer referring an employee to the Occupational Health Service of the organisation, or a delay⁷ in being seen by this Occupational Health Service, there will be no financial loss to the employee if they are later awarded the exceptional extended paid sick leave. Where, in these circumstances, an employee moves on to half pay and it is later found that access to exceptional extended paid sick leave should have been granted, pay will be restored appropriately.

⁶ Where the delay is of a duration in excess of the period of time currently allowed for a referral to an Occupational Physician.

⁷ Where the delay is of a duration in excess of the normal waiting time to be seen by an Occupational Physician.

6. RETURN TO WORK

6.1 There will be no financial loss to an employee in circumstances where the employee has fully engaged with the process around the management of sick leave and their own consultant has certified fitness to return to work, but the employee has not been able to return to work because there is a delay in the employer referring the employee to the Occupational Health Service of the organisation, or a delay in being seen by this Occupational Health Service. Pay will be restored appropriately.

7. TEMPORARY REHABILITATION PAY

7.1 In advance of the termination of the payment of Temporary Rehabilitation Pay (TRP), following payment of paid sick leave and TRP for a period not exceeding two years, local management shall secure expert specialist occupational health advice on whether there is any reasonable prospect of the employee returning to work within a foreseeable timeframe. Where a reasonable prospect of return to work is confirmed by the Occupational Health Specialist the payment of TRP may be continued subject to review at six-monthly intervals for a further period not exceeding two years.

8. REVIEW OF THE OPERATION OF THE PROTOCOL

8.1 There will be a review of the operation of this protocol following 1 full year after its introduction.

DEFINITIONS

- **Current or recent Clinical Care:** This means that the employee has received medical investigations and treatment ordinarily under the direct care / supervision of a hospital consultant. They may be either a hospital inpatient or outpatient. It excludes referrals that in the opinion of the Occupational Physician are primarily for report preparation purposes/medico-legal purposes.

- **Hospital Consultant:** This is a medical doctor who is on the relevant specialist register, and holds a HSE / Voluntary Hospital / NHS hospital consultant appointment or has admission rights to a recognised private hospital.
- **Occupational Physician:** This is a medical doctor registered with the Irish Medical Council who has a postgraduate qualification in Occupational Medicine / Occupational Health, or who is on a specialist training scheme in Occupational Medicine.
- **Specialist Occupational Physician:** This is a medical doctor registered with the Irish Medical Council in the specialist division of Occupational Medicine.
- **Limitation of Life Expectancy:** This refers to the condition and not the individual person. It must be well established in the peer reviewed medical literature that the medical condition results in a reduction of life expectancy.

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Document Status i.e. New, Revision, replaced etc	Version Number	Revision Date	Description of Changes
New	1	Feb 2015	New Policy to reflect Public Service Sick Leave Scheme (Replaces previous SJH Sick Leave for Officers Policy and Sick Leave for Non-Officers Policy).
Revision	2	February 2023	<ul style="list-style-type: none"> ▪ New document number assigned to reflect revised SJH PPPG Register ▪ Inclusion of new Sick Leave Act, 2022 (4.5.11) ▪ Update Site Nurse Manager extension to 2079 (4.7.2) ▪ Remove 'State the Nature of the Illness' (4.8.4) ▪ Remove 'for 24 hours' (4.8.5.1) ▪ Update References/Bibliography to include Statutory Sick Leave Act 2022