1. Introduction
This leaflet sets out guidelines on the entitlements of part-time nurses/midwives who are employed in the public health service. It is based on the provisions of the Protection of Employees (Part-Time Work) Act, 2001 and the Agreement on Flexible Working in the Health Service. It is not a legal interpretation of the Act or Agreement.

2. What are my rights under the Act
The Protection of Employees (Part-Time Work) Act, 2001 provides that an employer cannot treat a part-time employee less favourably than a comparable full-time employee in respect of her/his conditions of employment including, pay, holidays, sick pay, pensions, access to jobs, promotion, training, etc.

However, the Act does allow for an employer to treat a part-time employee less favourably than a full-time employee if the reason for the different treatment is for the purpose of achieving a legitimate objective of the employer, and is not based solely on the part-time status of the employee.

3. Who is Covered by the Act
Any part-time employee working under a contract of employment or employed through an agency is covered by the Act. It should be noted, however, that a part-time agency worker can only compare herself/himself to a full-time agency worker. Similarly, a part-time employee can only compare herself/himself to a full-time employee.

A part-time employee is an employee who works less than the normal full-time hours for the grade.

4. When can a part-time employee be compared to a full-time employee?
A part-time employee can be compared to a full-time employee in the following circumstances:
- Where both the part-time employee and the full-time employee are employed by the same or associated employer, or
- Where both are employed in the same industry or sector of employment; and
- Where the part-time employee performs work which is equal or greater in value to the work performed by the ‘comparable’ full-time employee.

5. Am I entitled to the same pay and conditions as my full-time colleagues?
Yes, you are entitled to exactly the same pay and conditions of employment, but on a pro-rata basis, i.e. pay and entitlements such as annual leave, sick leave etc., are based on the number of hours worked.

6. What Holidays am I entitled to?
Please refer to sections 2, 3 & 4 of the INMO’s explanatory leaflet on Annual Leave Entitlements.

Your holiday entitlement is calculated on a pro rata basis to the full-time nurse/midwife, taking into consideration service and grade. For nurses/midwives working in the public health service, the following two methods of calculation may be used:

Method 1 - Percentage of Hours Worked
- Where the annual leave entitlement of the full-time nurse/midwife is 24 days: 9.2% of hours worked
- Where the annual leave entitlement of the full-time nurse/midwife is 25 days: 9.6%
- Where the annual leave entitlement of the full-time nurse/midwife is 26 days: 9.96%
- Where the annual leave entitlement of the full-time nurse/midwife is 27 days: 10.4%
- Where the annual leave entitlement of the full-time nurse/midwife is 28 days: 10.7%

Formula: Number of hours worked per week multiplied by the number of weeks in the year (52.18), this will give you the number of hours worked in the year. Then multiply the number of hours worked in the year by the percentage of hours worked entitlement above.

Example: A staff nurse/midwife who has worked a total of 700 hours in a year with 5-10 years service is entitled to 67.2 hours annual leave, i.e. 700 x 9.6% = 67.2. This method is particularly appropriate for nurses/midwives who work irregular hours.
Method 2 - Annual Leave Formula

Formula: Number of annual leave days for full time grade divided by 37.5 and multiplied by the number of hours worked each week.

Example: A staff nurse/midwife working 25 hours each week with more than 10 years service is entitled to 18 days, i.e. \( \frac{27 \times 37.5}{25} = 18 \) (7.5 hour days)

If you do not work 7.5 hour days you should convert your annual leave into hours (see section 6 of INMO Annual Leave Leaflet). You can then either:

- Deduct annual leave days of varying lengths from the total number of annual leave hours.

  Example: If your annual leave amounts to 72 hours and you are due to take two days’ annual leave, one of which is a 12-hour shift and the other an 8-hour shift, simply deduct 20 hours from 72 hours. You will then be left with a total of 50 hours annual leave.

- Divide the total annual leave hours by the number of hours you work each day to get the total number of annual leave days to which you are entitled.

  Example: If your annual leave amounts to 72 hours and you work 6-hour days, the number of 6-hour annual leave days to which you are entitled is calculated as follows: \( 72 \div 6 = 12 \) (6-hour days).

7. What is included when calculating Annual Leave Entitlements

All hours worked including, time spent on maternity leave, parental leave, force majeure leave, adoptive leave, the first 13 weeks of carer's leave, and annual leave and public holidays taken during the calculation period qualifies for paid holiday time.

Job-sharing, and part-time nurses/midwives should keep a record of all hours worked to ensure that they are granted the correct annual leave allowance.

8. As a Part-timer what Public Holidays am I entitled to?

First of all, in order to qualify for public holiday entitlement you must have worked at least 40 hours in the five weeks ending on the day before the public holiday. (Please refer to sections 2, 3, 4 and 5 of the INMO's, Public Holiday Entitlements Leaflet).

9. How do I calculate my Public Holiday Entitlement?

Divide your weekly hours by 5. For example, if you work 24 hours each week you are entitled to 4.8 hours for each of the 9 public holidays. In addition, if you are employed in the public health service and you are required to work on a public holiday you will receive double time for all hours worked on the public holiday.

10. I don't normally work on a public holiday, am I entitled to pay for the day?

Yes. Even though you may never be rostered to work on a public holiday you will be entitled to one-fifth of your normal weekly pay (one-tenth of fortnightly pay in the case of jobsharers).

11. Am I entitled to Sick Pay?

All part-time nurses/midwives have the same pro-rata entitlements as their full-time colleagues, but there is no statutory obligation for employers to provide sick pay schemes. However, the following sick pay scheme applies in the public health service:

Full-time/Part-time

During a continuous period of 4 years:

- 6 months full pay - 6 months half pay

12. What about Superannuation?

With effect from 1st February 2002, it is compulsory for all nurses/midwives employed in the public health service (including temporary and part-time) who are employed under a potentially renewable contract of employment, to join the superannuation scheme. Nurses/midwives on fixed-term contracts are also required to join the scheme.

Nurses/midwives who had in excess of one year's service on 1st February 2001 were given the option of joining the scheme.

13. Is all my previous service reckonable?

Yes, all previous relevant service of 7.5 hours per week or over is reckonable for superannuation purposes. Any nurse/midwife who works over and above their contracted hours up to 37.5 hours is entitled to have this time recorded for superannuation purposes. (Circular 23/2005 Part D).

The contributions you will have to pay in respect of such service are calculated on your current rate of pay. You may pay this amount in a single lump sum payment, or pay extra contributions in addition to your standard contributions.

14. What is the Rate of Contribution?

The rate of contribution is 5% of gross salary and pensionable allowances, with an additional contribution of 1.5% of gross salary in respect of the Spouses' and Children's Scheme.

15. Further Information

Should you have any queries in relation to your entitlements as a part-time nurse/midwife, please contact the Information Office.

This leaflet is not a legal interpretation of the Protection of Employees (Part-Time Work) Act, 2001 and the Agreement on Flexible Working in the Health Service. It aims to provide guidelines on part-time nurses entitlements based on the provisions of the Act and arrangements which apply in the Public Health Service (errors and omissions accepted).

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