



Irish Nurses and Midwives Organisation
Working Together

Sick Leave Entitlements

**The largest Professional Union
for Nurses and Midwives in Ireland
representing over 50,000 members**

1. Introduction

This leaflet sets out the main provisions of the Public Service Sick Leave Scheme as provided for under the Public Service Management (Sick Leave) Regulations 2014 as amended by the 2015 and 2023 Public Service Management (Sick Leave) (Amendment) Regulations.

2. Self Certified Sick Leave

A maximum of 7 days' uncertified paid sick leave may be granted in a rolling 2-year period.

3. Application of Sick Leave Scheme

The Public Service Sick Leave Scheme was introduced on 31st March 2014 and applies to all civil and public service employees. The scheme provides for paid sick leave, extended paid sick leave as a result of critical illness or serious physical injury and temporary rehabilitation remuneration.

4. Standard Sick Leave Entitlement

The scheme provides for:

- 92 days (3 months) on full pay in a rolling 12-month period, followed by:
- 91 days (3 months) on half pay,
- Subject to an overall maximum limit of 183 days paid sick leave in a rolling four-year period (see point 9 for further details).

5. Critical Illness - Extended Entitlement

When a nurse/midwife 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:

- An extension of the 3 months full pay standard sick leave to 6 months full pay
- An extension of the 3 months half pay standard sick leave to 6 months half pay

- Subject to a maximum of 365 days paid sick leave in the previous rolling four-year period and 183 days in a rolling 12-month period.

6. Criteria for Award of Extended Sick Leave

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

6.1.1 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.

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

6.1.3 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.

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

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

- (a) Acute life threatening physical illness
- (b) Chronic progressive illness, with well-established potential to reduce life expectancy
- (c) Major physical trauma ordinarily requiring corrective acute operative surgical treatment

- (d) In-patient or day hospital care of ten consecutive days or greater. In the case of pregnancy-related or assisted pregnancy-related illness, the requirement for hospitalisation of ten consecutive days will be reduced to two or more consecutive days of in-patient hospital / clinic care.

There is a right of appeal of the medical decision and/or management decision.

7. Pregnancy Related Illness

What Paid Sick leave have I access to when I am Pregnant?

Under ordinary sick leave rules you may have access to:

- Paid sick leave of 183 days in a rolling 4 year period.
- With 92 days at full pay and 91 days at half pay in a one year period.

You may also have access to Critical Illness Protocol (CIP) when pregnant which is:

- Paid sick leave of 365 days in a rolling 4 year period.
- With 183 days at full pay and 182 days at half pay in a one year period.

What Extra Protections do I have while on Pregnancy-Related Sick Leave (PRSL)?

- When you are on certified PRSL you will never receive less than half pay. This is because you go on “extended” PRSL at half pay if you have exhausted access to paid sick leave at both full pay and half pay.
- This “extended” period of certified PRSL at half pay is not counted on your sick leave record.
- The requirement, under CIP, for PRSL is 2 or more consecutive days for hospitalisation.

What if I have used up all Ordinary Sick Leave/CIP thresholds while I was pregnant?

- After maternity leave if you have gone over normal paid sick leave/CIP thresholds you will have access, at half pay, to the equivalent number of days taken on PRSL subject to the four-year sick leave threshold.

- This does not include the “extended” period of certified PRSL at half pay as this is not counted on your sick leave record.
- Once Maternity Leave has ended any further sick leave will not be recorded as PRSL.

8. Temporary Rehabilitation Remuneration

Temporary rehabilitation remuneration (TRR) may be granted where a nurse/midwife remains unfit for work and has exhausted sick pay entitlements. There must be a realistic prospect of return to work and the employee must have at least 2 years’ service at the date of application. Time spent in receipt of TRR is not reckonable for pension purposes.

Following exhaustion of standard sick leave (183 days) TRR may be paid for a further 547 days (18 months).

Following exhaustion of critical illness extended sick leave (365 days) TRR may be paid for a further 365 days. Management may continue to pay TRR for a further period of 730 days (24 months) subject to O.H.P. certification of a reasonable prospect of return to work.

The rate of TRR is 37.5% as of 4 September 2023 (transitional arrangement and top up model to apply where appropriate).

A wait period of 3 calendar days at nil pay will apply.

9. Calculation of Sick Leave – 4-year period

To calculate the level of paid sick leave that may be awarded a “dual look back” over the employee’s sick leave record is undertaken.

First “look back”: when a nurse/midwife commences a period of sick leave his/her sick leave record is reviewed over the previous 4 years to determine if sick pay may be paid. Where the total number of sick absences is 183 days or more there is no entitlement to either full or half pay but there may be entitlement to TRR.

Second “look back”: where the total number of sick absences is less than 183 days there may be an entitlement to either full or half pay. The sick leave record over the previous 12 months is reviewed to see if the nurse/midwife had less than 92 days sick leave with full pay during that period. If she/he had less than 92 days, then full pay may be payable until a limit of 92 days is reached following which pay may be at half pay or TRR whichever is appropriate.

In the case of Critical Illness, the overall limit is 365 days in a rolling 4-year period and 183 days in a rolling 12-month period.

From 4 September 2023, the “look back” period is to be extended for breaks in service over 6 months that fulfil all of the following criteria: unpaid; does not accrue annual leave; does not reckon towards pension.

All periods of full pay, half pay, and TRR are included in the “look back”. Absences at nil pay are to be excluded from the “look back”.

10. Sick Leave and Probation/Training

With effect from 4 September 2023, sick leave provisions for permanent and fixed-term employees on probation or training will be adjusted pro rata for the period of their probation or training (max. 12 months).

11. Occupational Injury and Illness Schemes

The Sick Leave Scheme does not affect an employee’s right to access existing occupational injury or illness schemes. Nurses/midwives continue to have access to the Injury at Work Scheme, the Serious Physical Assault at Work Scheme and applicable special sick leave schemes.

12. Further Information

This leaflet is not a legal interpretation of the regulations (errors and omissions excepted).

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