



Irish Nurses and Midwives Organisation
Working Together

Annual Leave Entitlements

(Nurses/Midwives Working in the Private Sector)

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

1. Introduction

This leaflet sets out guidelines on annual leave entitlements, based on the provisions of the Organisation of Working Time Act, 1997. It is not a legal interpretation of the Act.

2. Legal Minimum Holiday Entitlements

The Organisation of Working Time Act, 1997 provides statutory minimum entitlements for all employees to holidays and public holidays (except members of An Garda Síochána and Defence Forces).

All employees, regardless of status or service, qualify for paid holidays. In the case of agency workers, the party who pays the wages is the employer and is responsible for providing the holidays/public holiday entitlement.

Depending on time worked, holiday entitlements should be calculated by one of the following methods.

If you work at least 1,365 hours in a leave year you are entitled to:

- **4 working weeks** (unless it is a leave year in which you change employment) If you work less than 1,365 hours in a year you are entitled to:
- **one third of a working week** for each calendar month in which you work at least 117 hours; or
- **8% of the hours you work in a leave year** (subject to a maximum of four working weeks).

3. 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.

4. Who decides when Annual Leave should be taken

Under the Organisation of Working Time Act the time at which annual leave is taken is decided by your employer having regard to work requirements and the opportunities for rest and recreation available to you. However, your employer also has to take into account your need to reconcile work and family responsibilities.

The employer must consult with the employee or his/her trade union at least one month before the holidays are due to commence.

5. Entitlement to an unbroken 2 week's holiday

After having worked for 8 months in a leave year, you are entitled to an unbroken period of 2 weeks annual leave. This period may include one or more public holidays.

6. Payment in lieu of Annual Leave

Under the Act, payment in lieu of the minimum statutory holiday entitlement is prohibited unless the employment relationship is terminated. If you leave your job you are entitled to payment for any untaken annual leave.

7. When must payment be made for holidays

You should be paid for annual leave in advance of taking leave.

8. What if the employee does not take holidays within the leave year

The holidays must be given to the employee within the leave year or, with the employee's consent, within 6 months of the following leave year. It is the responsibility of the employer to ensure that the employee takes his/her full statutory leave allocation within the appropriate period. Employees may, with the consent of the employer, carry over holidays in excess of statutory minimum leave to a following leave year.

9. What if an employee is sick while on Holiday

If you fall sick while on annual leave and you produce a medical certificate, the period of sickness should be recorded as sick leave and not as annual leave.

10. What Annual Leave can be accrued during Sick Leave

Changes to the Organisation of Working Time Act, 1997 mean that with effect from 1 August 2015:

- employees are entitled to accrue statutory annual leave while on periods of certified sick (i.e. during both paid and unpaid periods of sick leave);
- employees who cannot, due to illness, take annual leave during the leave year in which it accrued or during the normal carryover period of 6 months, will be able to carryover such leave for a period of 15 months after the end of the leave year in question; and
- employees who leave their employment within 15 months after the end of the leave year in which they accrued statutory annual leave while on sick leave and which was untaken, are entitled to payment in lieu of this leave.

11. What is the entitlement to Annual Leave while on Maternity Leave

If you are on maternity leave or additional maternity leave you will continue to accrue annual leave.

12. Further Information

Further information is available from the INMO Information Office. Tel. 01-6640610/19; email. catherine.hopkins@inmo.ie; catherine.oconnor@inmo.ie

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This leaflet is not a legal interpretation of the Organisation of Working Time Act, 1997. It aims to set out guidelines on annual leave entitlements based on the provisions of the Act (errors and omissions excepted).

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