

THE LABOUR COURT  
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CD/18/189

RECOMMENDATION NO. LCR21812

CCc-161734-17

INDUSTRIAL RELATIONS ACTS 1946 TO 2015  
SECTION 26(1), INDUSTRIAL RELATIONS ACT, 1990

PARTIES :

DEPARTMENT OF PUBLIC EXPENDITURE AND REFORM

- AND -

PUBLIC SECTOR TRADE UNIONS AND ASSOCIATIONS

DIVISION :

Chairman : Mr Foley  
Employer Member : Mr Marie  
Worker Member : Ms Tanham

SUBJECT:

1. Proposed changes to Public Service Sick Pay Scheme.

BACKGROUND:

2. This dispute could not be resolved at local level and was the subject of a Conciliation Conference under the auspices of the Workplace Relations Commission. As agreement was not reached, the dispute was referred to the Labour Court on the 24 July 2018 in accordance with Section 26(1) of the Industrial Relations Act, 1990 and under the terms of the Public Services Stability Agreement.

A Labour Court hearing took place on 28 September 2018.

**RECOMMENDATION :**

The Court has given very careful consideration to the written and oral submissions of the parties. The Court notes that the matters before the Court are referred in accordance with the terms of the parties' own agreement and consequently notes that the parties have committed, under the terms of that agreement, to accept the Court's Recommendation.

The Court notes also that the parties are agreed on a series of other recommendations contained in the Review of the operation of the Public Sector Sick Pay Scheme. The Court's own Recommendation below deals with the range of issues upon which the parties were unable to find agreement.

The Court's Recommendation is as follows:

- The waiting period for payment of Temporary Rehabilitation Remuneration (TRR) after full and half rates of sick pay have been exhausted should be three days.
- The rate of TRR should be 37.5%
- For the purposes of the 'look back' full account should be taken of periods of benefit under TRR.

The Court notes that certain public servants, should the circumstance arise, are currently afforded a rate of TRR greater than 37.5%. The Court recommends that those public servants should retain their current arrangements as regards rate of TRR for a period of five years from the date of implementation of this Recommendation.

In making this Recommendation the Court is conscious that the purpose of the Public Service Sick Pay Scheme is to make reasonable and sustainable provision for public servants during periods of illness. In that context it is not to be expected that the implementation of this Recommendation would lead, of itself, to any significant change in patterns of absence generally across the public service. The Court recommends in that context that the parties should jointly review the operation of the scheme by reference to its cost of operation and the rate of absence arising under the Public Service Sick Pay Scheme 18 months after implementation of this Recommendation.

The Court so recommends.

Signed on behalf of the Labour Court

Kevin Foley

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Chairman

LS  
6 November 2018

**NOTE**

Enquiries concerning this Recommendation should be in writing and addressed to Louise Shally, Court Secretary.