



ST. PATRICK'S CENTRE (KILKENNY)  
KELLS ROAD KILKENNY

## Policy Document

**POLICY TITLE: Sick Leave Policy**

Prepared by: HR Manager	Approval Date: February 2017	Review Date: February 2018
Policy Number 30 – Other Policies	Approved By: Signed: <u>David Kieran</u> Operations Manager Signed: <u>[Signature]</u> Board Member	

### Mission Statement

To enable people to live a good life, in their own home, with supports and opportunities to become active, valued and inclusive members of their local communities.

To enable a supported self-directed living (SSDL) model of provision which is underpinned by our beliefs, values and vision.

Review Date: Revision No: _____	Amendments required: _____	New Revision Status: _____
Reviewed by:	Approved By: Signed: _____ Operations Manager	

**Policy Statement:** St. Patrick's Centre is committed to delivering an efficient and high quality service to the people we support. In order to achieve this objective, employees need to ensure that high standards of attendance are maintained. It is a requirement of St. Patrick's that employees are available for work. Management understands that, on occasion, employees may experience attendance problems due to sickness and these will be supported and reviewed. Absenteeism and sick leave will be monitored on an on-going basis and where abuses are identified they will be dealt with under the Disciplinary Policy.

**Scope:** This policy is relevant to all eligible employees of St. Patrick's Centre Kilkenny who have completed 6 months' continuous service and successfully passed their probation period.

## **Responsibilities:**

### **Responsibility of the Employee**

To read and understand this policy and abide by the process.

### **Responsibility of Line Manager**

Line Managers have responsibility for the effective implementation of this policy and to follow up directly with employees when they are not following the policy.

### **Responsibility of Human Resources**

HR will support management with the implementation of this policy by providing recommendations and providing advice. HR will be responsible to ensure all staff are made aware of the Policy.

## **Policy**

The purpose of this policy is to outline the procedure to be followed in absences due to sickness. A sick pay scheme is available to all employees with over six months' service who have satisfactorily completed their probationary period. It is paid at the discretion of the employer, and the organisation reserves the right to withhold all or part of the sick pay.

### **Definitions**

*Full net pay:* basic pay (Any payment for sick leave is based on basic salary, St. Patrick's only pay premiums on shifts that are actually worked.), less PAYE, PRSI and any other relevant deductions. It does not include overtime or any other bonus payment.

*Certified illness:* any sick leave for which an employee has a medical certificate from a qualified medical doctor.

*Uncertified illness:* any day of sick leave for which an employee has no medical certificate. This leave may not last longer than two consecutive working days.

### **Procedure for calling in sick**

When prevented from reporting for duty by illness, or for any other reason, employees are required to notify the Manager before they are due on duty or at the earliest possible opportunity in advance of start time, but no later than 1 hour before, on the first day of absence. Employees on night duty must give at least 4 hours' notice before the shift is due to start. Administration staff must contact their direct supervisor.

This contact must be made by the employee, by phone. Under no circumstances will texts messages be accepted or messages given to another member of staff to be passed on. Unless we receive a phone call it will not be recorded as sick leave and will be recorded as unauthorized absence.

Where the employee has not contacted St. Patrick's Centre within one hour of their start time, or where there is concern for the employee's welfare, St. Patrick's may contact the employee via phone call.

When an employee has been absent they must give their Manager adequate notice of their expected date of return to work no later than 2.00pm in order to avoid a replacement being planned for the next rostered day. Where an employee fails to do this and a replacement is arranged, if they report for duty they will be required to take they must give their Manager adequate notice of their expected date of return to work in order to avoid a replacement being planned for the return date. Where an employee fails to do this and a replacement is arranged, if they report for duty they will be required to take unpaid leave for this day. It is not acceptable to leave a message with a colleague regarding your return.

### **Qualification criteria**

In order to qualify for sick pay, an employee must meet the following conditions:

- have 6 months' continuous service;
- have satisfactorily completed the probationary period;
- contact his or her manager directly on the first day of illness (voice messages or text messages are not acceptable);
- have genuine cause for absence;
- meet with their manager/supervisor on return to work;
- submit a doctor's certificate to your manager when absent for more than two days and no later than by the 3<sup>rd</sup> day of absence;
- submit subsequent certificates where the absence continues beyond the period covered by the initial certificate, one day prior to the certificate expiry date. If the absence is prolonged beyond one calendar week, the employee must communicate with his or her manager at a minimum of once a week, to inform them of his or her medical status and likely return date.

### **Exclusions**

Benefit may be disallowed or suspended for one or more of the following reasons:

- failure to provide medical certificates;
- failure to provide medical certificates at the latest by the 3<sup>rd</sup> day of illness/absence
- failure to provide medical certificate within 3 days of a single absence, when self-certified days have expired
- disability arising from injury suffered as a result of failure to abide by company safety rules;
- a situation where the illness or injury originates from another paid employment.

### **Payment**

St. Patrick's will pay basic salary, less social welfare Illness Benefit, for a maximum of 13 weeks at full basic pay and 13 weeks at half-basic over a rolling 4-year term.

**Temporary Rehabilitation Remuneration:** - If you remain absent on sick leave and have exhausted 183 days paid sick leave in a rolling 4 year period you may be eligible for Temporary Rehabilitation Remuneration – TRR, for a further 548 days (18 months) subject to some rules!. It is a Pension Rate of Pay, the rate that you will be paid will be calculated based on your salary and length of service. You are paying into a pension contribution through your pay, minimum of 5 years' pensionable service & realistic prospect that you will be able to return to work

following your illness. An application form must be completed for same with a consultant's report. This is subject to regular reviews.

### **Critical Illness Protocol**

If you become critically ill or have a serious physical injury e.g. RTA, and have supporting medical evidence to say that you will be absent for an extended period of sick leave, you should consider applying for CIP or Critical Illness Protocol. Under this scheme, if eligible, you would be eligible for a maximum of 365 days benefit (in a four year rolling period) as opposed to 183 but there are rules applied.

To qualify, all absences must be notified in accordance with the stated procedures, and properly authenticated by the provision of a valid medical certificate.

Relief staff will be paid based on the average hours worked during the 3 month period prior to the leave.

### **Medical Certificates:**

An employee absent due to illness or injury for more than 2 days must submit a medical certificate covering the full period of absence, or for any single absence when self-certified days have expired.

The certificate must:

- be issued by a registered medical practitioner, bearing his/her address and signature;
- be dated on the first day of illness/absence, back dated medical certificates will not be accepted;
- state a probable date of return to work;
- certificates may state the reason for absence;
- must be legible – illegible certificates will not be accepted;
- fit to return to work certificates are required following 2 weeks or longer of absence.

Medical Certificates which do not conform to these requirements will not be accepted, will be returned to the employee and may result in withdrawal of the Sick Pay Scheme. Certificates from chiropractors, physiotherapist, dentists, etc. will not be accepted.

A social welfare Illness Benefit form should be completed, signed by your GP and then forwarded by you to the Department of Social and Family Affairs. The organisation retains the right to deduct the equivalent of the social welfare payment from the sick pay benefit.

### **Treatment**

Where there may be a health and safety implication or risk, an employee undergoing medical treatment for a condition, must inform the organisation of this treatment, especially if he or she is required to use prescription medication which might implement their ability to carry out some duties.

### **Return to work**

A certificate of fitness may be required before returning to work. This will normally be from the employee's own doctor but the organisation may require a certificate be obtained from the company doctor. The employee must complete a return to work form with their manager on the first day back in work.

### **Duration of Medical Certificates**

- A medical certificate must be produced at weekly intervals one day prior to the expiry date of the previous medical certificate until you are fit to resume duty, except where St. Patrick's Centre has, on an individual basis, agreed otherwise.
- St. Patrick's Centre reserves the right not to accept a medical certificate submitted and/or to refer the employee for assessment to a medical practitioner on behalf of St. Patrick's.
- An employee who is on sick leave for a period in excess of 2 consecutive weeks must, prior to resuming work, be certified by the same doctor/medical practise as fully fit to resume the full range of duties of his/her job.
- One day's notice of a proposed return to work is required following a week of sick leave and at least three days' notice required for longer periods. The day of resumption to work must be agreed with your

Manager/Assistant Director of Services before returning to work.

- Immediately upon resuming work following sick leave, the employee must report to his/her Department Manager

### **Uncertified Sick Leave**

- Where an employee is absent from work due to illness but does not attend a registered medical practitioner, such an absence will be classified as uncertified sick leave. Any instance of absence from work without a medical certificate whether it be a full day or partial day – will be counted as one self-certified day
- Uncertified sick leave may not exceed two consecutive days on any occasion including where it spans a weekend (in the case of employees who work Monday to Friday), rest day(s) or a public holiday.

*e.g. Employee who works Monday to Friday*

- if an employee is absent due to illness on Friday, off on Saturday and Sunday (rest days), and returns to work on Monday, this counts as one day of absence and Friday is classified as an uncertified sick leave day. If the employee remains absent due to illness on Monday, this counts as four days of sickness absence and a medical certificate is required for the period. In the case of an employee who is at work on Friday and absent due to illness on Monday, this counts as one day of absence and is classified as an uncertified sick day.

*e.g. Employee who works a 7 day roster*

- If an employee is absent on Tuesday due to illness, rostered off on Wednesday and Thursday, and returns to work on Friday, this counts as one day of absence and Tuesday is classified as an uncertified sick leave day. If the employee remains absent on Friday (next scheduled working day), this counts as four days of sickness absence and therefore a medical certificate is required for the period.
- Where an employee exceeds the 7 days/ uncertified leave in a rolling 24 month period, s/he is required to provide a medical certificate for all future absences, and this must be received within 3 days of the absence. If the employee fails to provide a medical certificate, the day(s) of sickness absence will be unpaid.

### **Partial Days**

If an employee comes to work and leaves during the day due to illness, the same process as above applies. A medical certificate must be provided if the uncertified 7 days have been used up. Hours of sick leave will be accounted for hour by hour, however for the calculation of days taken, partial days will be counted as full days.

### **Annual Leave**

- If you are sick on any day of annual leave and a medical certificate is furnished to the organisation for every day of illness, you may retain that leave day and take it at a later date, to be agreed as per normal annual leave notification procedures. Late notification after the illness or on return from holidays will disqualify an employee from transferring to sick leave. The manager must be advised of the illness at the time of the illness.
- Where an employee is absent on sick leave and scheduled for annual leave s/he must:
  - return to work before proceeding to annual leave *or*
  - submit a certificate from the certifying doctor that s/he is fit to resume duty.
- Where a day off falls between two sick days, this is counted as three sick days and requires certification.
- Uncertified sick leave cannot be taken immediately before or following annual leave.

### **Occupation Health Referral**

St Patricks reserves the right to refer an employee to Occupational Health during their employment. Where an employee is off sick for longer than 3 weeks, 100 hours or sooner if required, St. Patricks Centre may refer him/her to Occupation Health to identify a possible return to work date and any adjustments which are required in the work place.

Where an employee confirms that s/he is certified fit by his/her certifying doctor, and the illness has been prolonged or a pattern of certified absence, St. Patrick's Centre may refer him/her to Occupational Health before being allowed to return to work.

It is the duty of the employees to attend occupation health referral appointments arranged by St. Patricks. The consultation fee will be borne by St. Patricks. However, if an employee fails to attend without giving adequate notice to St. Patricks, the employee will be responsible for the cost of the appointment.

#### **Infectious disease**

Where the employee is suffering from any infectious disease s/he must immediately notify his/her manager and take appropriate precautions against the spread of infection. The manager will consult with Infection Control and Occupational Health.

#### **Payment During Absence Following an Accident Involving A Third Party**

Where sick leave with pay is granted by reason of illness or incapacity caused by the wrongful act of a third party, you are obliged to repay the full amount of salary paid to you and employer's PRSI contributions and any other expenses of the Service immediately upon recovery of any damages in respect of the event giving rise to the illness or incapacity.

#### **Social Welfare Benefit**

All employees must claim social welfare benefit from the sixth day of absence. Sick pay will be paid at the full rate of pay, as per this policy, less social welfare benefit. To claim social welfare benefit you should get a Social Welfare medical certificate which includes a claim form from your Medical Practitioner. Complete form fully and ensure that the Declaration is signed and forward to Social Welfare Office.

#### **Appointments**

Wherever possible, medical appointments should be arranged in your own time. Alternatively, and with minimum disruption to the working day, your manager may agree with you that the hours are made up at another time.

Where this is not possible, you should notify your manager of an appointment at the earliest opportunity. The manager may request to be given the medical certificate confirming the appointment. Time off to attend appointment must be taken in your own time or by applying for annual leave/TOIL as per normal application procedures.

#### **Elective Procedures**

The term elective procedure includes optional surgeries performed for cosmetic and aesthetic reasons and optional surgeries performed for medical reasons such as IVF treatment or laser eye surgery.

- Sick pay is not payable for elective or cosmetic surgery in the event you are attending elective procedure you must do so in your own time or apply for annual leave/TOIL to cover the procedure, and recovery time.
- Exclusions include attending medical professionals for X-rays, scans, scopes, chemo therapies.

#### **Injured at work**

If an employee becomes injured at work they must follow the below. In the event they are not yet eligible for company sick pay, they may be eligible to receive sick pay under the following circumstance

- A medical certificate is provided
- All incident report forms are completed fully and on time
- They attend the company referred occupational health doctor
- Any sick leave used will be deducted from their future benefit once they become eligible for sick pay as per this policy
- Only basic pay will be issued (Any payment for sick leave is based on basic salary, St. Patrick's only pay premiums on shifts that are actually worked.)

Any expenses incurred for a work related injury will be reimbursed, within reason, by the company once valid receipts are received and an incident report form is submitted which has been signed by the manager. Expense reimbursement form must be filled out and this will be paid by bank transfer (separate to payroll)

#### **Management of Sick Leave**

Managers are responsible for monitoring the level and frequency of absenteeism within their departments and addressing short term absence patterns with the support of HR. Where an employee's attendance record gives cause for concern, a meeting will be held with the employee.

#### **Pregnancy related sick leave**

This policy applies to pregnancy related sick leave.

#### **Abuse of this policy**

Employees found to be abusing their benefit under this policy will be subject to the organisation's disciplinary process and may suffer loss of benefit under this scheme.

#### **Review**

The organisation reviews its sick pay scheme regularly and reserves the right to change the terms and conditions of this scheme at any time. Any changes will be communicated to employees.