



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Employee Relations Advisory & Assurance Services

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To: National Director of Human Resources, HSE
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Each Employee Relations Manager, HSE Areas
Each Human Resources Manager, DATHs and Voluntary Hospitals
Each Employee Relations Manager, DATHs and Voluntary Hospitals
Each Human Resource Manager, Intellectual Disability Sector
Each Human Resource Manager, Specialist Agencies

Cc: Ms Sheila Treacy, Head of IR/HR – Health, Technology and Finance, IBEC

18th December 2014

Dear Colleagues

**Re: Transitional Arrangement: Serious illnesses prior to introduction of new
Public Service Sick Leave Scheme**

1. The following transitional arrangement is being implemented to address the situation of health service employees who may have had a very serious illness in the 12 months prior to the introduction of the Critical Illness Protocol (CIP) on 31 March 2014. Specifically it applies to cases where an employee may have had a very serious illness which commenced on or after 31 March 2013 and prior to 31 March 2014. Employers should ensure that the decision to approve applications for this transitional arrangement is made at an appropriate level of senior management within the organisation.

Granting Critical Illness Provisions

2. The CIP did not exist prior to 31 March 2014; therefore, any illness/injury that occurred prior to 31 March 2014 cannot be classified as a critical illness for the purpose of access to extended paid sick leave. CIP may only be granted for absences that occur after 31 March 2014.

Transitional arrangements

3. To avoid a situation where employees who were seriously ill in the 12 months prior to the introduction of the new scheme and exhausted paid sick leave, and as a result have no further access to paid sick leave, management may exercise discretion to grant extended sick pay in accordance with the CIP for current absences for a transitional period – i.e. up to 30 March 2015.

4. Management can, if they consider it appropriate, award extended sick pay in accordance with the CIP on the basis that an employee had a very serious illness that commenced on or after 31 March 2013.

5. There is no requirement for the current absence, which commenced on or after 31 March 2014, to relate to the serious illness.

6. For a case to qualify for these transitional arrangements the employee must have been referred to the Occupational Health Department and medical evidence must be available which determines that the employee was medically unfit for work at that time. Under no circumstances should the Occupational Health Department be requested to give retrospective medical fitness advice on cases. Management should use their own discretion on the basis of information that is available to them when making decisions to apply this transitional arrangement.

7. It is expected that this transitional arrangement will only be used in exceptional circumstances and the ability to exercise this managerial discretion in relation to illnesses prior to introduction of the new sick leave scheme will cease on 30 March 2015.

8. In cases where management discretion is exercised, access to paid sick leave will still be subject to the maximum limits of the CIP provided for in the Public Service Sick Leave Scheme.

Reporting

9. The Review of the Sick Leave Regulations are due to take place when the sick leave scheme has been operational for one year. In order to accurately review the new scheme, it is important that data on this transitional arrangement is analysed.

10. In this context, if extended sick pay is awarded under this transitional arrangement, the following information must be recorded in respect of each case:

- Start date for illness/injury
- Nature of pre 31 March 2014 illness (i.e. serious illness)
- Nature of current illness

Yours sincerely

Norah Mason
Assistant National Director
Employee Relations Advisory & Assurance Services

1 IN EVERY 2 SMOKERS WILL DIE OF A SMOKING RELATED DISEASE. CAN YOU LIVE WITH THAT?

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