

Policy name: Sick Leave Policy

Approved: 25th November 2016

Revision 1 approved 10th March 2017

Revision 2 approved

Revision 3 approved by Trinity Academic Council 13th May 2020

Revision 4 ref Department of Public Expenditure, Delivery and Reform Circular 12/2023

1. Context

- 1.1 Revised entitlements and arrangements have been introduced by the Department of Education and Skills and apply to all employees, irrespective of grade, with effect from the 4th September 2023. The Royal Irish Academy of Music, hereinafter referred to as RIAM or the Academy, expects that its employees follow this policy when they are ill and are absent from work as a result. This policy revokes details previously contained in Circular 05/2018.

2. Purpose

- 2.1 This policy ensures that proper procedure is followed when employees are ill. The Public Service Management (Recruitment and Appointments) (Amendment) Act 2013 provides that the Minister for Public Expenditure NDP Delivery and Reform can make regulations for a Public Service Sick Leave Scheme. These regulations are contained in SI 124 of 2014 and SI 384 of 2015.

3. Scope

- 3.1 This policy applies to all RIAM employees.

4. Roles and Responsibilities

4.1 Employee Responsibilities

- (i) Comply with the RIAM Policy and Department of Education Circular 12/2023. Failure to do so may result in withdrawal of payment and/or the matter being considered under other policies as appropriate e.g. Disciplinary.
- (ii) Take all responsible measures to manage their own health and wellbeing in order to provide regular and effective service.
- (iii) Cooperate fully with referrals to RIAM Occupational Health.
- (iv) Cooperate fully with all rehabilitative measures to facilitate return to work.

4.2 Employer Responsibilities

- (i) Implement this policy consistently.
- (ii) Proactively communicate with and manage their team to ensure good attendance.

- (iii) Monitor and address any concerns regarding attendance patterns as they arise.
- (iv) Support health and wellbeing initiatives in the workplace.
- (v) Liaise with HR as necessary.
- (vi) Ensure staff are aware of Employee Assistance Scheme.
- (vii) Maintain regular contact with the employee during longer absences – this is to support them both during their absence and in their return to work.

4.3 HR Responsibilities

- (i) Maintain an effective management policy to ensure good attendance throughout the organisation.
- (ii) Maintain contact with employees on sick leave.
- (iii) Make referrals to occupational health as appropriate.
- (iv) Provide appropriate policy support and guidance to line managers.

5. Sick Leave Procedure

- 5.1 Employees who are unable to attend for work due to personal illness or injury are required to notify their line manager/faculty head by telephone or other instant messaging service no later than 9.30am on the day of absence. In the event that the line manager is not contactable, they should contact another senior manager or HR. Leaving a message with another employee is not acceptable. They should advise their line manager approximately how long they expect to be out (e.g. several days, or several weeks etc.).
- 5.2 Supply a medical certificate to validate the sick leave in all cases of continuous sick leave of three days or more to with their line manager or HR as soon as possible, but not later than one week after the absence commences

Medical certificates must be from a practitioner registered with the Irish Medical council and must include the following details:

- name and address of doctor;
- name and address of patient;
- statement indicating, in general terms, the nature of the illness or injury; It is preferable that the medical practitioner provides the exact diagnosis so that in the event of OH (occupational health) referral, OH medical staff can then better decide whether a telephone or face-to-face appointment is necessary. However, an employee cannot be compelled to provide personal medical details.
- opinion of doctor that patient is unfit for work;

- expected duration of incapacity; In general, medical certificates should not cover periods of longer than one week, but may be accepted for longer periods at the discretion of HR
- dates of issue and doctor's signature and include the doctor's medical council registration number.

5.3 The line manager will record the certified absence and HR/Payroll office will note if the employee is required to obtain and forward a Form MC1 to the DSP (Department of Social Protection) and inform them of how to do this.

5.4 Illness benefit should be claimed from the DSP if the absence is longer than one week.

5.5 Any illness benefit received by the employee will be required to be signed over to RIAM. Bank details for payment submission are:

Royal Irish Academy of Music

AIB, IBAN: IE55 AIBK 9312 2538 8301 91

Claims can be made online via www.mygovind.ie

Or by contacting the Illness benefit Section of the DSP directly Address: Illness Benefit Section, Department of Social Protection, PO Box 1650, Dublin 1 Email: illnessbenefit@welfare.ie Phone number: (01) 704 3300 / (1890) 928400

5.6 Each line manager in the respective offices should record any self-certified absences on a spreadsheet which should be available to HR for review.

5.7 A self-certified absence is defined as fewer than three days.

5.8 On the employee's return to work the line manager will conduct a return-to-work interview. This interview allows the manager to discuss the health and welfare of the employee; provide support to employees; review the employee's attendance and lateness record and highlight any concerns about attendance levels.

5.9 Wherever possible, medical appointments should be arranged in the employee's own time. Alternatively, where there is minimum disruption to the working day, managers may agree with employees that the hours are made up at another time. Where this is not possible, employees should notify their manager of an appointment at the earliest opportunity, and may be required to provide documentation in evidence of the appointment.

5.10 It is the RIAM's aim to ensure that any employee with a disability or who requires ongoing medical attention will be supported. Employees are encouraged to talk to their manager or the HR department in this regard. All information will be kept strictly confidential.

6. Provision for Sick Leave Payments

6.1 Limits for Paid Sick Leave

Subject to compliance with section 5.2, employees may avail of a maximum of 183 days of paid sick leave in a rolling 4-year period, counting back from the day preceding the first day of their current absence.

Where the Employee has not exceeded this threshold, they may avail of the following, subject to the above overriding maximum:

- 92 days on full pay in a rolling 1-year period, counting back from the day preceding the first day of their current absence
- Where the full-pay threshold has been exhausted, 91 days on half pay in a rolling 1-year period

Where medical certification is not provided, Employees may avail of a maximum of 7 days' self-certified sick leave in a rolling 2-year period, counting back from the day preceding the first day of their absence. Self-certified absences shall not be longer than 2 consecutive days in any instance.

The privilege of self-certified sick leave may be modified or withdrawn in cases where absences are unduly frequent or the maximum of 7 days is regularly approached or taken year after year.

5.2 Critical Illness Protocol

In order to support employees who may be incapacitated as a result of critical illness or serious physical injury, extended sick leave may be granted on an exceptional basis. The terms under which this extended sick leave may be granted are collectively known as the Critical Illness Protocol (CIP).

- 5.2.1 Subject to compliance with section 5.2, employees who are approved for CIP may avail of a maximum of 365 days of paid sick leave in a rolling 4-year period, counting back from the day preceding the first day of their current absence. All periods of full pay, half pay and TRR (see appendix 1) should be included in this look-back.

Where the employee has not exceeded this threshold, they may avail of the following, subject to the above overriding maximum:

- 183 days on full pay in a rolling 1-year period, counting back from the day preceding the first day of their current absence.
- Where the full-pay threshold has been exhausted, 182 days on half pay in a rolling 1- year period.

- 5.3 The decision to award CIP is a management decision, which should be informed by the particular circumstances of the case. In all cases the employee must be referred to the RIAM Occupational Health Practitioner who will provide a medical assessment to assist management in their decision-making.

The employee should ordinarily be under the current or recent clinical care of a medical consultant, either as an inpatient or outpatient. This excludes attendance primarily for report preparation or medico-legal purposes. Relevant medical reports must be furnished within an appropriate timeframe, and the treating medical consultant's specialism must be appropriate to the critical illness for which the claim is being made. The RIAM OH Practitioner may accept a presumptive diagnosis from the treating doctor on a case-by-case basis.

To support management's decision, the OH practitioner should confirm whether the employee is medically unfit to return to their current duties, or (where practicable) to modified duties in the same pay grade. The nature of their medical condition should have at least one of the following characteristics:

- i. Acute life-threatening physical illness

- ii. Chronic progressive illness, with well-established potential to reduce life expectancy
- iii. Major physical trauma ordinarily requiring corrective acute operative surgical treatment
- iv. In-patient or day-hospital care of ten consecutive days or greater⁵

Where an employee does not meet these criteria, management may still decide to award CIP in exceptional circumstances. In exercising this discretion, management should consider the OH practitioners report along with any relevant personal or HR information from the employee concerned. They must demonstrate the reasons for the decision to award taking into account:

- The circumstances in the particular case;
- The illness, injury or condition of the Employee

6. Rehabilitation

- 6.1 Employees should not return to work unless they are fit to do so. In the event that an employee wishes to return to work before the end date of their medical cert, a revised cert should be requested from their doctor and submitted in line with the usual guidelines. Where there is any doubt regarding an Employee's fitness for duty, the RIAM Occupational Health Service should be consulted by HR.

To support those returning to work after an extended absence, the following may be considered during the transitional period:

- i. A phased/gradual return to work over a short period of time.
- ii. Temporary alteration, restriction or limitation of certain tasks.
- iii. Re-orientation, re-training, mentoring, supervision.
- iv. Temporary reassignment to other duties.
- v. Temporary reassignment of workload.

Where appropriate, consideration should be given to longer-term reasonable accommodations.

There will be no financial loss to an employee in circumstances where the employee has fully engaged with the process around the management of sick leave and their own consultant has certified fitness to return to work, but the employee has not been able to return to work because there is delay in the employer referring the employee to the Occupational Health Service of the organisation, or a delay in being seen by this Occupational Health Service. Pay will be restored appropriately.

7. Miscellaneous Provisions

7.1 General Provisions

A reference in this circular to a day of sick leave may include a Saturday or Sunday, or a day on which the place of employment is closed, where relevant. Where an absence includes both a Friday and a Monday (thereby traversing a weekend), that Saturday and Sunday will be

counted in an Employee's sick leave record. Unpaid sick leave and TRR absences are non-pensionable service and will not reckon towards pensions.

7.2 Exceeding Sick Leave Limits

Where an employee exceeds the limits as laid out in this policy, they should be notified that their pay will be reduced accordingly. If an overpayment arises as a result of sick leave, the overpayment will be recouped in accordance with the overpayments circular.

7.3 Sick Leave and Annual Leave

It is not permitted to take annual leave in place of sick leave. However, an employee may be given access to sick leave if they fall ill whilst on annual leave. Appropriate medical certification must be provided. Self-certified sick leave may not be granted during a period of annual leave. An employee may not opt to be paid for this annual leave rather than have it restored.

If an employee wishes to suspend a period of annual leave to take certified sick leave the usual rules apply, particularly those around timely notification to their line manager.

7.4 Sick Leave and Other Leave Types

An employee may not have access to two different types of leave at the same time. Where an Employee is availing of statutory leave, in general they will have no access to sick leave. However depending on the nature of the statutory leave it may be possible to postpone or suspend the statutory leave (e.g. parental leave). Where an Employee is availing of special leave (e.g. career break) there is no access to sick leave.

7.5 Sick Leave and Work-Sharing, fixed term and part time employees

The sick leave provisions for an employee participating in the work-sharing scheme will be adjusted pro rata to their agreed attendance pattern and are subject to the normal provisions governing the granting of sick leave. The sick leave provisions for an employee working on a part-time basis will be adjusted pro-rata to their agreed attendance pattern and are subject to the normal provisions governing the granting of sick leave.

An employee's entitlement to sick leave shall cease on the expiry of the contract and that contract not having been renewed.

7.6 Absences from Work Resulting in a Personal Injury Claim

Where an Employee is absent on sick leave due to an illness or injury which results in a personal injury claim against a third party, payment of sick pay is conditional upon the staff member:

- including in their personal injury claim the amount of any sick pay paid or payable in respect of the absence, and
- reimbursing to the organisation the amount of the sick pay paid or payable in the event of a successful claim.

7.7 Sick Leave and the Organisation of Working Time Act 1997

In accordance with Section 21 of the *Organisation of Working Time Act 1997*, an Employee who is absent from work on certified sick leave immediately before and including a public holiday is entitled to benefit from that public holiday. Employees who are on certified sick leave immediately before and including a public holiday should be awarded a day in lieu.

There are some relevant exceptions to this provision:

- Employees who are absent due to an occupational injury for a period greater than 52 consecutive weeks are only entitled to an additional annual leave day for each public holiday arising in the first 52 consecutive weeks.
- Employees who are absent due to illness or injury (other than an occupational injury) for a period greater than 26 consecutive weeks are only entitled to an additional annual leave day for each public holiday arising in the first 26 consecutive weeks.

7.8 Pregnancy-Related Provisions

Special protections apply to Employees who experience illness due to pregnancy.

Where an Employee is absent due to pregnancy-related illness and is within the ordinary sick leave thresholds, payment will be made under ordinary sick leave arrangements. If, however, they have already exhausted access to full and half pay, they will continue to receive half pay for the duration of that absence. The intention here is that Employees should not receive less than half pay whilst absent with a pregnancy-related illness. These specific extended periods at half pay will not count towards sick leave thresholds.

Where an Employee subsequently goes absent with a non-pregnancy related illness, and has already exhausted access to full pay and half pay, they may be credited back any days taken as pregnancy-related illness in the last four years at half pay. This is subject to the overall sick leave limits.

7.9 Sick Leave and Probation

The sick leave provisions for an Employee on probation will be adjusted pro rata for the period of their probation and are subject to the normal provisions governing the granting of sick leave. The probation period will be paused for the period of sick leave absence, and will resume on the employees return to work.

7.10 Annual Leave

From 1st August 2015, arising from the Amendment of the Organisation of Working Time Act 1997, the following applies: If an employee is absent from work on certified sick leave, annual leave will accrue based on the statutory **annual leave entitlement of 20 days** per annum (pro rata for part time staff). The annual leave accrued while on certified sick leave must be discharged within 15 months after the end of the leave year in question. Staff members who are unable to take their annual leave at the appropriate time due to certified illness and who terminate their employment/reach the end of a contract/retire within 15 months of the end of the year in which annual leave is accrued may be entitled to a payment in lieu of this leave.

7.11 Sick Leave and engaging in other activities

The granting of sick leave to an employee who is ill is intended to provide an adequate opportunity for that employee to recover from the illness and its effects so that they may make

an early return to duty without a likelihood of a relapse into illness. Therefore, it would be contrary to the express purpose of this policy to engage in any activity, (e.g. travel abroad, gainful employment or self-employment), which in the opinion of an Occupational Health Physician (OHP) could be regarded as impeding that employee's progress to recovery. This may result in withdrawal of payment and/or the matter being considered under other policies as appropriate e.g. Disciplinary

8. Responsibility

8.1 The Company Secretary is responsible for overseeing this policy and its operational procedures.

9. Legislation and Regulation

[DPER Circular 12/2023](#)

[Department of Education and Skills Ref Circular 0062/2015.](#)

[Qualifications and Quality Assurance \(Education and Training\) Act 2012.](#)

[Standards and Guidelines for Quality Assurance in the European Higher Education Area \(2005\).](#)

[Code of Practice for Provision of Education and Training to International Learners \(2015\).](#)

[Civil Service Regulation Acts 1956 – 2005](#)

[-Public Service Management \(Recruitment & Appointments\) Act 2004 Public Service Management \(Recruitment & Appointments\)\(Amendment\) Act 2013](#)

[-Public Service Management \(Sick Leave\) Regulations 2014, SI 124 of 2014](#)

[-Public Service Management \(Sick Leave\) \(Amendment\) Regulations 2015, SI 384 of 2015](#)

[-Public Service Management \(Sick Leave\) \(Amendment\) Regulations 2023, SI 407 of 2023](#)

[-Organisation of Working Time Act 1997](#)

[-Payment of Wages Act 1991](#)

[-Circular on the Recovery of Salary, Allowances, and Expenses Overpayments made to Staff Members/ Former Staff Members/Pensioners al Framework of Qualifications \(NFQ\).](#)

10. Document Control

Approved by Board of Studies 25th November 2016.

Revision 1 approved by Board of Studies 10th March 2017.

Revision 2 approved.

Revision 3 approved by Trinity Academic Council 13th May 2020.

Next review: Academic year 2026/2027.

Appendix 1

Temporary Rehabilitation Remuneration (TRR)

Purpose and Eligibility

TRR is a payment to support the rehabilitation of Employees who are absent on extended sick leave and who have exceeded the threshold of 183 days in a rolling 4-year period. Management have the discretion to approve or refuse TRR on a case-by-case basis.

The conditions to be met before TRR can be paid are:

- i. The Employee concerned must have accrued two years' service **and**
- ii. There must be a reasonable prospect that the Employee will return to work and deliver regular and effective service. Management should take on board the medical advice of the CMO when making such a determination.

If the CMO advises that a Employee is medically incapable of regular and effective service, an application for Ill Health Retirement (IHR) should be made without delay. If this does not occur in a timely manner, management should review the ongoing payment of TRR.

Rate and Conditions of Payment

The rate of TRR is 37.5% of the remuneration that would otherwise accrue to the Employee were they not on sick leave.

A waiting period of 3 days shall apply to each instance of absence to which TRR applies before payment can be made. This 3-day wait restarts with each new absence and is not cumulative. Saturdays, Sundays and days on which the place of employment is closed are included in the 3- day wait, as are days on which the Employee was due to be present.

The 3-day wait does not apply in the following instances:

- Where the Employee transitions from full pay or half pay to TRR during an ongoing absence, or
- Where the absence occurs under the provisions of the Critical Illness Protocol (CIP).

The limit for payment of TRR is 547 days in a rolling 4-year period, counting back from the day preceding the first day of the Employee's current absence.

Interaction of TRR with Illness Benefit

The flat rate of 37.5% is **inclusive** of any Illness Benefit (IB) that may be payable to an Employee. Where a Employee is eligible for IB, they **must** apply to the Department of Social Protection with the appropriate documentation, and they **must** mandate any IB payment back to their employer. Failure to do so may result in an overpayment.

Extensions to TRR under CIP

Where a Employee who is approved for CIP exhausts their access to full pay and half pay, they may be approved for an initial period of TRR not exceeding 1 year. Upon approaching the end of this period, local management shall refer the Employee to the CMO to determine, from a medical perspective, whether there is any reasonable prospect of the Employee returning to work within a foreseeable timeframe. Where a reasonable prospect of return to work is confirmed by the CMO, the payment of TRR may be continued, subject to review at intervals of 6 month for a further period not exceeding 2 years. The management and medical criteria set out in Part 5 must continue to be met.

Appendix 2

Reasonable Accommodations

Where an employee attributes frequent or prolonged absence to a medical condition, consideration must be given as to whether that employee may have a disability as defined under Employment Equality legislation. HR must consider their obligations under the Employment Equality Acts 1998 to 2015 to provide reasonable accommodation, to ensure that employees with a disability can participate in and advance at work.

Examples of reasonable accommodation may include but are not limited to:

- Making adjustments to premises and/or working space where reasonably practicable.
- Allocating minor or subsidiary duties to another employee
- Altering working hours/reduction in hours.
- Changing the location of the work.
- Providing remote working.
- Offering additional or extended training for the post.
- Acquiring relevant equipment or modifying existing equipment.