**Sample Statutory** **Sick Leave Policy**

*This policy should be read in conjunction with [insert organisations name] Absence Policy*

[*insert organisation name*] does not have a private sick leave scheme therefore any part- or full-time employee who satisfies the eligibility criteria (as set out below) will be entitled from xx/xx/xxxx to a statutory payment (Paid Sick Leave) for up to x sick days per year.

This entitlement to Paid Sick Leave will be triggered on the first day of the employee’s absence due to illness on a day on which he or she would ordinarily have worked but is incapable of doing so due to illness or injury.

Employees are entitled to take this leave in a single block of consecutive days or separate days.

The rate of payment for each day of Paid Sick Leave will be calculated as set out below.

**Eligibility Criteria**

To qualify for Paid Sick Leave an employee must;

* have 13 weeks continuous service
* submit a certificate signed by a registered medical practitioner stating that the employee named in the certificate is unable to work. This certificate must be in either English or Irish
* have ordinarily worked that sick leave day but is incapable of doing so due to the certified illness or injury
* Be within their entitlement of X days Paid Sick Leave within a calendar year. The first day in a year that an employee is incapable of working due to illness or injury shall be the employee’s first statutory sick leave day, and any subsequent statutory sick leave days shall be construed accordingly

**Medical Certificate**

[*insert organisation name*] requests the following details in the medical certificate which will be held in the strictest confidence and subject to our data protection and retention policies.

* name and address of the doctor and medical council number
* name and address of the employee
* the opinion of the doctor that the patient is incapacitated due to illness/accident
* the expected duration of incapacity
* the date of issue, and
* the doctor's signature

For the avoidance of doubt, there is no entitlement to statutory sick leave for uncertified illness.
The school is not obliged to pay statutory sick pay where an employee does not provide a medical certificate.

**Rate of Payment**

The rate of daily payment for each day of Paid Sick Leave is 70% of normal gross wages up to a maximum of €110 per day and calculated in accordance with S.I. No.607 of 2022 which is based on the type of employment contract that is in place.

* ***Salaried/Fixed set of hours contracts***

Where an employee has a fixed wage, salary, allowance or bonus for each week, month or any other fixed period, or a fixed hourly or other time rate for a set number of hours (or other period of time) per week, month or any other fixed period; the gross amount payable shall be the lesser of €110 or 70% of the sum paid to the employee in respect of the normal daily hours last worked by him or her before the statutory sick leave day.

* **Variable hours contracts**

Where an employee’s pay is calculated by reference to a fixed hourly or other time rate for a variable number of hours (or other period of time) per week, month or any other fixed period: the gross amount payable shall be the lesser of €110 or 70% of the sum that would have been payable to the employee had he or she worked the statutory sick leave day; before the statutory sick leave day commences, multiplied by the number of hours that he or she was due to work on the statutory sick leave day.

* **Where the employee is neither employed on a fixed or variable hours**

Where an employee’s pay is not calculated by reference to any of the matters referred to above the gross amount payable in respect of statutory sick leave shall be the lesser of €110 or the sum that is equal to 70% of the average hourly rate of pay of the employee, calculated over –

* the period of 13 weeks ending immediately before the statutory sick leave day commences, or
* if no time was worked by the employee during that period, the period of 13 weeks ending on the day on which time was last worked by the employee before the statutory sick leave day commences, multiplied by the number of hours that he or she was due to work on the statutory sick leave day.

In all cases the calculation of 70% of the average hourly rate of pay includes any regular bonus or allowance which does not vary in relation to the work done by the employee but excludes any overtime or commission.

**Records**

*[insert organisation name]* is legally obliged to keep proper records for each employee. The records must be maintained for four years and include information in relation to each employee who availed of Paid Sick Leave. The information that must be included in the records are the employee’s period of employment, the dates of Paid Sick Leave in respect of each employee and the rate of payment made in respect of this leave in relation to each employee.

**State Illness Benefit**

For employee information purposes any employee who is in receipt of this statutory Paid Sick Leave from their employer will not be entitled to State Illness Benefit on the same day.

Currently, there is no payment of State Illness Benefit for the first 3 days of illness. These are known as ‘waiting days’ (Sunday is not counted as a waiting day.) There are no waiting days if you were getting certain other social welfare payments within 3 days of the start of your illness.

To qualify for Illness Benefit, you must:

• Be aged under sixty-six years of age

• Be medically certified as unfit for work by a medical doctor (GP).

• Have enough social insurance (PRSI) contributions.

• Apply within 6 weeks of becoming ill.

**Sickness and 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 HR department must be advised of the illness at the time of the illness.

**Review**

[*insert organisation name*] will review this policy on a regular basis line with relevant legislative and regulatory developments and reserves the right to make any changes as required from time to time. Any changes will be communicated to employees.

Employees with any queries in relation to this policy should direct their enquiries to *[insert name*].