



# **Sick Leave Policy**

## **Human Resources (eircom Limited)**

Before you read the below Policy, please ensure you review the [Personal Data Information Notice](#).

Document Owner: Director of Human Resources



## **1. Purpose**

eir places great emphasis on maximising the attendance of all staff at work and it is seen as a critical element of all roles. However, eir also recognises that employees will, from time to time, be unable to come to work due to sickness. The purpose of this policy is to outline the provisions and entitlements for incidences of absence due to sickness.

This policy relates to sickness absence from work only. Other policies are in place for dealing with time off from work for reasons other than sickness absence.

## **2. General**

This policy applies to all permanent employees of the eircom group. It does not apply to agency workers, consultants or contractors of the eir group.

## **3. Definitions**

*Full Pay:* Basic Pay, less PAYE, PRSI and any other relevant deductions. It does not include overtime, commission, allowances of any kind or any other bonus payment.

*Half Pay:* 50% of Basic Pay, less PAYE, PRSI and any other relevant deductions. It does not include overtime, commission or any other bonus payment.

*Pensionable rate of pay:* The equivalent payment of what an employee's pension would be on the date upon which they go on to it whilst on sick absence. Only applicable for those employees with the relevant pension arrangements (Defined Benefit).

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

*Self-certified sick absence:* granted in respect of an application, supported by a certifying note from the employee for absence to cover an absence due to illness or injury. –

## **4. Procedure for Notification and Recording of Sick Leave (role of employee and manager)**

### Responsibilities for Employees;

- Employees must notify their respective line manager of their absence at the earliest opportunity and no later than 60 minutes after their agreed start time by phone call (text messages or email will not be accepted).
- Employees must indicate the reason for their absence and anticipated return date.
- For sickness absences lasting less than 2 consecutive days, eir permits employees to self certify for the sickness absence. Self certification is limited to a maximum of 7 days in any rolling 12 month period. Please note that self certification is considered a privilege and eir reserves the right to require absent employees to provide medical certification regardless of the duration of the sickness absence.



- If you are absent from work for more than 2 consecutive days (including part days), you will be required to provide a certificate from a doctor setting out the reason for the absence and an anticipated return date. This certificate should be sent to the relevant Line Manager who should forward to HR to absence recording purposes.
- In the event of long term sickness absence, sick certificates must be provided on a weekly basis.
- eir reserves the right to require an absent employee to be examined by an Occupational Health Consultant or a company doctor. Employees must attend such examinations and refusal to attend may result in the withdrawal of sick pay. See OHC section below.
- Employees must keep in regular contact with their line manager. The form(s) of contact required should be agreed with an employee's line manager.
- If employees are not returning on the original date notified then further contact with the relevant line manager no later than the notified return and the supporting certificate should be forwarded immediately.

If employees do not follow the relevant procedures in relation to notification and certification of sickness absence, eir reserves the right to withhold sick pay that would normally be payable and may lead to disciplinary action after incidences of persistent non-engagement with the Company.

#### Responsibilities for Managers;

- Managers should implement company policy to support employees who are sick and unable to come to work
- Ensure to maintain regular contact with employees during any lengthy period of sickness absence as happens informally, currently.
- Consider requests for reasonable accommodations in conjunction with HR and advice from the Occupational Health Provider
- Managers should forward all certificates to HR People Services
- All absences must be recorded on the relevant time management system - see appendix 1
- Conduct return to work meetings with employees following each period of sickness absence in a timely and supportive manner

## **5. Sick Pay Entitlements**

Employees are expected to comply with the notification and recording procedures set out above irrespective of whether sick pay is payable for the relevant period of sickness absence.

Please note that only service while directly employed by eir is recognised as service for sick pay purposes.



### **5.1 Employees on probation**

Employees who are still within their probationary period (including any extension of such probation period) are not entitled to pay whilst on sick absence as per the Probation Policy.

### **5.2 Employees who have passed probation and have less than 1 years' continuous service post probation**

Employees who have successfully passed their probation but who have less than 1 years' continuous service post probation are not entitled to sick pay for the first 5 working days of any incidence of absence. **This clause does not apply to employees on a Fixed Term Contracts.**

### **5.3 Employees who have passed probation and have more than 1 year continuous service post probation**

- Sick pay may be payable to such employees
- Where sick pay is payable, it shall consist of:
  - full pay (see definition above) for up to six months in any 12 month rolling period; and
  - half-pay (see definition above) thereafter and can only be used consecutively.

The above sick pay rates are subject to a maximum of twelve months sick pay in any four year period. These limits will be applied to part-time employees on a pro-rata basis. When sick pay has been reduced or ceased as a result of the limits having been exceeded, full pay may not be available and applied during that absence

Self-certified sick and uncertified absence is included in calculating the overall sick absence limits and in calculating the limits whereby sick pay is reduced.

(eir may extend the above periods in exceptional circumstances and when supported by medical opinion regarding the prospects of a return to work in the near future. eir will review the position of employees before their entitlement to paid sick leave expires).

### **5.4 Social Welfare deductions**

Employees who are Class A PRSI are eligible to claim Illness benefit from the Dept of Employment Affairs & Social Protection, from their 7th consecutive day of absence. Thus any employee in this category (i.e. who is not on class D PRSI) must obtain from his or her medical doctor two medical certificates. These details are subject to on-going change arising from any Budgetary amendments.

One certificate for the Company - This is a note on the Doctor's headed notepaper which states the nature of the illness and the absence dates. This certificate is sent via your line manager to HR People Services @hrpeopleservices@eir.ie.



One certificate for the Department of Social Welfare – This is a special Social Welfare form which the doctor fills out in order for the individual to make a claim to the Department of Social Welfare for a refund of the monies deducted by the Company.

Please note that sick pay is paid less all statutory deductions including illness benefit regardless of whether an employee applies for Illness Benefit or not. Where employees have not accrued enough stamps, the necessary documentation from Social Welfare needs to be provided to Payroll in order for the Company to reimburse. This does not apply to staff on class d social welfare contributions.

## **6. Accidents on Duty**

When sick absence results from an accident on duty, which was not due to the negligence of the employee, the period of absence will not normally be combined with other periods of absence due to ordinary illness for the purpose of calculating the sick pay limits whereby sick pay is reduced.

## **7. Occupational Health Provider (OHC)**

The Company uses the services of an Occupational Health Provider (OHC). The Company may deem it necessary that an employee attend an appointment with a medical practitioner nominated by the OHC. Referrals are usually initiated by either the relevant HRBP or an appropriate manager.

Employees must attend these appointments and employees must make themselves available during their normal working hours. In addition, where the OHC deems it necessary, the OHC may request a report from an employee's GP at any time regardless of the duration of an absence. The primary aim of such reports are to facilitate a better understanding of an employee's medical issues to allow for complete assessment and recommendations for relevant supports.

## **8. Returning to Work**

Managers should conduct a Return to Work meeting with employees after each sick absence. Such meetings are normally held following a period of long term sick leave but should also be held following a short period of leave where the manager feels it is appropriate. This meeting can be formal or informal in nature. The returning employee should notify their manager if any reasonable alterations are required following the absence.

It is important that all 'return to work' conversations should be supportive in nature with the objective being to ensure that the return to work of staff can be managed in a mutually beneficial manner. The manager should enquire sensitively and tactfully as to the employee's health and well-being and be satisfied as far as possible that the employee can resume work. If an employee is absent for more than 5 consecutive weeks a fitness to resume cert is required, depending on the nature of the injury/illness.



## **Phased Return to Work**

After a prolonged period of absence a phased return to work may be required. In these cases and where the OHC has recommended a phased return, paid sick leave may be used. In the circumstances where paid sick leave has been exhausted annual leave must be taken. No phased return to work may last longer than 6 weeks. In exceptional cases, an extended period may be permitted if business needs can accommodate and in agreement with the OHC.

## **9. Public Holiday entitlement**

Employees may be entitled to a day off in lieu, when certain criteria are met, should their period of sick absence encompass a Public Holiday. Employees may apply using the Special Leave Form: Other reasons. The following criteria apply;

- A medical certificate must be provided for the day
- An alternative day will be permitted within 4 weeks of the employee's return to work date
- The timing may be subject to business needs

Employees are not entitled to a day in lieu in the following circumstances;

- Where an employee has had an absence for more than 26 consecutive weeks due to illness or an accident
- An absence in excess of 52 weeks by reason of an occupational injury
- An absence by reason of strike
- An absence of over 13 weeks by reason not referred to above and authorised by the Company, including temporary lay off

## **10. Status during sick leave**

Sick absence at full pay and half pay is recognised for service related purposes. Sick absence at pension rate of pay and nil pay is not recognised for any service related purposes, eg. superannuation.

## **11. Retirement on the grounds of ill health (RGIH)**

In extremely rare cases and in consultation with the affected employee, their medical adviser and the OHC it may be necessary for an employee to retire on the grounds of ill health if he/she is unlikely to be fit for work again following an illness.

Employees will be fully informed of their Pension entitlements, as per their specific Superannuation scheme. RGIH may also be initiated by the employee themselves by applying in writing to the



relevant HRBP for the area and with supporting medical evidence. A medical assessment by the OHC will likely to be required before a final decision is taken

## **12. Medical appointments**

Where possible employees are asked to arrange medical appointments outside of business hours. 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 medical confirmation of attendance at the appointment.

## **Unpaid Sick Absence**

Absent employees who remain on sickness absence where they have been found medically fit to return to work by the OHC or another nominated company doctor and fail to do so will not be eligible for paid sick leave. In such circumstances, the employee may be considered on unauthorised absence and may be subject to disciplinary action pursuant to the Disciplinary Procedure and AWOL policy. No employees are entitled to any commission payments for the period of a sick absence.

## **13. Confidentiality**

All matters relating to an employee's sick absence should be dealt with sensitively and in the strictest confidence by everyone concerned. Where the employee does not wish to disclose the nature of the illness to the line manager, he/she may send the sick note/ medical certificate, in a sealed envelope via the line manager to HR People Services, Leitrim House, Stephen Street Upper, Dublin 8. The envelope should be clearly endorsed with the contents (i.e. sick note and/or medical certificate) and state the employee's name, staff number, start and end dates of the absence.

## **14. Compliance**

All employees must adhere to the steps outlined in this policy. Failure to do so may result in the matter being considered under the Disciplinary Process with possible sanctions up to and including dismissal.

\*For Health and Safety reasons an employee may not be present on any eir site while on a certified/uncertified sick absence. Exception can be made if visiting an Occupational Health provider on an eir site.