

1. Introduction

This leaflet sets out guidelines on sick leave entitlements, based on the provisions of the Sick Leave Act 2022. The entitlement to sick pay came into effect on 1st January 2023. This leaflet is not a legal interpretation of the Act.

2. Statutory Paid Sick Leave

The Sick Leave Act 2022 provides that employees have a right to paid sick leave as follows:

- 5 days in 2024.

The sick pay entitlement is set to increase to:

- 7 days in 2025
- 10 days in 2026

Statutory sick leave days may be consecutive days or non-consecutive days.

3. Rate of Pay

The statutory sick leave is paid by the employer at a rate of 70% of the average hourly rate of pay (including

any regular bonus or allowance the amount of which does not vary in relation to the work done by the employee but excluding any overtime or commission),

If an employee's pay changes from week-to-week, their sick pay is the average of their pay over the 13 weeks immediately before they commenced sick leave.

Sick pay is capped at a maximum of €110 a day.

4. Eligibility

Under the Act, an employee is required to present a medical certificate for the statutory sick leave day.

Employees have an entitlement to statutory paid sick leave where they have been in continuous employment for a minimum of 13 weeks.

Employees on probation may avail of the leave, however their employer may require that the probation be suspended during the period of statutory sick leave and be completed by the employee at the end of that period.

The Act does not prevent an employee having more favourable terms in their contract regarding paid sick leave.

5. Absent for more than 3 consecutive days

Employees absent from work for more than 3 consecutive days may apply for Illness Benefit from the Department of Social Protection where eligible.

6. Employer exemption from paying sick pay

Employers who experience severe financial difficulties may apply to the Labour Court for an exemption to pay statutory sick leave for a period of between 3 to 12 months.

7. Protection of employment rights

Employees retain their employment rights while on statutory sick leave and should not be penalised by their employer for availing of this leave.

Absence from employment while on statutory sick leave shall not be treated as part of any other leave from employment (including annual leave, maternity leave, additional maternity leave, paternity leave, adoptive leave, and parents leave).

8. What if an employee is sick while on Holiday

If an employee falls sick while on annual leave and they produce a medical certificate, the period of sickness should be recorded as sick leave and not as annual leave.

9. Further Information

Further information is available from the INMO Information Office. Contact: Tel. 01-6640610/19; Email catherine.hopkins@inmo.ie or catherine.oconnor@inmo.ie

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This leaflet is not a legal interpretation of the Organisation of Working Time Act, 1997. It aims to set out guidelines on public holiday entitlements based on the provisions of the Act and arrangements which apply in the Public Health Service (errors and omissions excepted).

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Irish Nurses and Midwives Organisation
Working Together

Sick Leave Entitlements (Nurses/Midwives Working in the Private Sector)

The largest Professional Union
for Nurses and Midwives in Ireland
representing over 45,000 members