

1. Introduction

This leaflet sets out guidelines on annual leave entitlements, based on the provisions of the Organisation of Working Time Act, 1997 and arrangements which apply in the public health service. It is not a legal interpretation of the Act.

2. Legal Minimum Holiday Entitlements

The Organisation of Working Time Act, 1997 provides statutory minimum entitlements for all employees to holidays and public holidays (except members of An Garda Síochána and Defence Forces). All employees, regardless of status or service, qualify for paid holidays. In the case of agency workers, the party who pays the wages is the employer and is responsible for providing the holidays/public holiday entitlement.

From April 1 1999, depending on time worked, holiday entitlements should be calculated by one of the following methods.

If you work at least 1,365 hours in a leave year you are entitled to:

- **4 working weeks** (unless it is a leave year in which you change employment)

If you work less than 1,365 hours in a year you are entitled to the more favourable of:

- **one third of a working week** for each calendar month in which you work at least 117 hours; or
- **8% of the hours you work in a leave year** (subject to a maximum of four working weeks).

3. Annual Leave Entitlements for Nurses/Midwives Employed in the Public Health Service

Nurses/Midwives employed in the public health services are in receipt of the following annual leave entitlements which are in excess of the statutory minimum entitlements outlined above.

Enhanced/Staff Nurses/Midwives

Service	Full-time	Job-Sharing
0 to 5 years	24 days	12 days
5 to 10 years	25 days	12.5 days
More than 10	27 days	13.5 days

All Other Grades

Service	Full-time	Job-sharing
0 to 5 years	25 days	12.5 days
5 to 10 years	26 days	13 days
More than 10	28 days	14 days

Pro-rata arrangements are agreed for part-time nurses /midwives as follows:

24 days annual leave:	9.2 hours per 100 worked
25 days annual leave:	9.6 hours per 100 worked
26 days annual leave:	9.96 hours per 100 worked
27 days annual leave:	10.4 hours per 100 worked
28 days annual leave:	10.7 hours per 100 worked

Nurses/Midwives employed in the public health service who work a '5 over 7' roster receive additional annual leave in lieu of their liability to work on public holidays, i.e. 10 days in the case of full-time nurses/midwives and 5 days in the case of job-sharing nurses/midwives.

4. Service Requirements

The following service may be reckoned for annual leave purposes:

- Cumulative service in the publicly funded health services in Ireland.
- Previous service in the following private hospitals:-
 - Bon Secours, Mater, St Vincent's, Mount Carmel, Blackrock, St. John of God, St. Patrick's - all in Dublin,
 - Bon Secours, Cork and Tralee,
 - Galvia, Galway, Aut Even, Kilkenny

- Relevant nursing/midwifery experience abroad, subject to production of satisfactory documentary evidence.

5. What is included when calculating Annual Leave Entitlements?

All hours worked including, time spent on maternity leave, parental leave, force majeure leave, adoptive leave, the first 13 weeks of carer's leave, and annual leave and public holidays taken during the calculation period qualifies for paid holiday time.

With effect from the 14th April 2010, part-time employees who work additional hours in excess of their contracted hours will be entitled to accrue annual leave in respect of the additional hours worked up to a maximum of the annual leave entitlement for the whole-time equivalent (WTE) grade.

Job-sharing, and part-time nurses/midwives should keep a record of all hours worked to ensure that they are granted the correct annual leave allowance.

6. Converting Annual Leave into Hours

If you work varying weekly hours or you work shifts of varying lengths you should convert your annual leave entitlement into hours. This is done by multiplying the number of annual leave days by 7.5 hours, e.g. 24 annual leave days x 7.5 hours = 180 hours. Each time you take annual leave, the number of hours you would normally have been rostered to work on the day(s) taken should be aggregated to determine the amount of annual leave taken.

7. Who decides when Annual Leave should be taken?

Under the Organisation of Working Time Act the time at which annual leave is taken is decided by your employer having regard to work requirements and the opportunities for rest and recreation available to you. However, your employer also has to take into account your need to reconcile work and family responsibilities.

8. Entitlement to an unbroken 2 week's holiday

After having worked for 8 months in a leave year, you are entitled to an unbroken period of 2 weeks annual leave. This period may include one or more public holidays.

9. Payment in lieu of Annual Leave

Under the Act, payment in lieu of the minimum statutory holiday entitlement is prohibited unless the employment relationship is terminated. If you leave your job you are entitled to payment for any untaken annual leave.

10. When must payment be made

You should be paid for annual leave in advance of taking leave.

11. What if you are sick while on Holiday

If you fall sick while on annual leave and you produce a medical certificate, the period of sickness should be recorded as sick leave and not as annual leave.

12. Accrual of Annual Leave while on Sick Leave

HSE HR Circular 08/2012 provides that health service employees are entitled to accrue annual leave during periods of paid sick leave and where they are unable to take such leave in the current leave year, they are entitled to carry forward this leave into a new leave year over a three year cycle.

Changes to the Organisation of Working Time Act, 1997 mean that with effect from 1 August 2015:

- employees are entitled to accrue statutory annual leave while on periods of certified sick (i.e. during both paid and unpaid periods of sick leave);
- employees who cannot, due to illness, take annual leave during the leave year in which it accrued or during the normal carryover period of 6 months, will be able to carryover such

leave for a period of 15 months after the end of the leave year in question; and

- employees who leave their employment within 15 months after the end of the leave year in which they accrued statutory annual leave while on sick leave and which was untaken, are entitled to payment in lieu of this leave.

The arrangements currently for health service employees are as follows: employees accumulate annual leave during all periods of certified sick leave. The annual leave accrued is based on the statutory entitlement of 4 working weeks in a leave year. In addition to the existing arrangements set out in HSE HR Circular 08/2012, the statutory annual entitlement applies to periods of unpaid sick leave and periods during which the employee is in receipt of Temporary Rehabilitation Remuneration and the injury grant.

13. Accrual of Annual Leave while on Maternity Leave

If you are on maternity leave or additional maternity leave you will continue to accrue annual leave.

14. Further Information

Should you have any queries in relation to your annual leave entitlements, contact the Information Office.

This leaflet is not a legal interpretation of the Organisation of Working Time Act, 1997. It aims to set out guidelines on annual leave 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

Annual Leave Entitlements

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