

# Q&A

## Bulletin Board

With INMO director of industrial relations Phil Ní Sheaghda



### Query from member

I am not sure if my employer has calculated my premium pay for annual leave correctly. Can you please advise in respect of the formula that should be used for this purpose?

other words, if the employee was not on annual leave, it is assumed that they would be earning premium pay and they are compensated on an annual basis for this loss. Until recently, two different formulas were used; set out in example A and B below, but now there is an agreed formula which should be used as set out in example C.

#### Example A

Total premiums earned, divided by 365, which equates to the number of days in a year, multiplied by the annual leave for the grade, plus nine days in lieu of days off during holidays, eg. if you take the premium earned as €1,000, divided by 365 and multiply by 33, the premium pay for annual leave due would be €90.

#### Example B

A second formula that was used was total premiums earned, divided by actual working days 260, multiplied by actual annual leave days, eg. €1,000 premiums earned, divided by 260, multiplied by 24, gives you €92.30.

#### Example C

The health service unions and health service employers have sought to introduce a single formula and the unions did not object to the formula that was put forward by the HSE in their Rule Book. This formula is: total premiums earned, divided by the number of contracted hours worked by the employee in a year, multiplied by the number of annual leave days in hours that the employee is entitled to, eg. €1,000 as the premiums earned, divided by 2028, which is  $52 \times 39 \times 187$ . The resulting premium pay is €92.

Therefore, regardless of which formula is used, the amount due for payment should be the same. In the past incorrect amounts were calculated as the formulas were mixed up. You need to confirm which formula is being applied, and what pay period the premiums earned are based on, with your payroll department. If you are due to retire, you should make sure this payment is calculated prior to your retirement.

### Reply

Premium pay for annual leave is covered by Health Circular S100/412, which allows for the total premiums earned, ie. the average of premium earnings in respect of weekend, public holiday and night duty commitment, to be calculated for the 12-month period prior to the leave year in question and paid for periods of annual leave. In

### Query from member

I have sought information in respect of Sick Leave during pregnancy and I am confused about the provisions. Can you please advise as to what entitlement to sick leave pregnant employees have?

For a pregnancy-related illness to be considered a critical illness, the critical illness criteria would have to be met. If pregnancy-related illness requires hospitalisation for two days or more, it would automatically be considered a critical illness.

The significant aspect of pregnancy-related illness is; if half pay has been extended and the employee returns to work and is unfit for work at another stage, the period of time during which the employee was in receipt of half pay, under normal sick leave rules for her pregnancy-related illnesses, would not be counted in respect of her entitlement to half pay for an illness unrelated to pregnancy.

Therefore, for example, if an employee had two months of sick leave on half pay for a pregnancy-related illness, this will not affect her sick pay limits. I hope this clarifies the matter for you but if you have any further questions, do not hesitate to contact the INMO representative in your region, or indeed, our information office.

### Reply

Where an individual employee is absent due to a pregnancy-related illness (before maternity leave) and has exhausted the normal limits of pay for sick leave, whether that is full pay or half pay, she will continue to receive sick leave at half pay for the duration of her pregnancy-related illness until her maternity leave commences.