



## Bulletin Board

With INMO director of industrial relations Phil Ní Sheaghda



### Query from member

I am a PHN based in the greater Dublin area and seeking a transfer out of this area. I qualified in 2012 and so was not eligible for the panel that is currently in place. I am aware of the recent proceedings and proposals from the LRC and that the INMO is looking at a way of including all PHNs fairly under the proposed national transfer panel. Can you please clarify if there are any plans to facilitate our class to obtain transfers before the new national transfer panel is put in place next April?

### Reply

The panel that is currently in place is the national recruitment panel (NRP). We now have an agreement that negotiations will commence on a national transfer panel (NTP). All PHNs

currently working will be allowed to access the NTP once it is established. The rules of assimilation into the NTP will be negotiated over the coming months. The current proposal is that the existing NRP will expire at the end of March 2015 and will be replaced by the NTP. The numbers remaining on the NRP should be greatly reduced by March 2015.

Remaining NRP PHNs and PHN students qualifying this year and not offered a PHN contract, are the only group of PHNs that have been confirmed as having priority on the yet to be agreed NTP. Your class and previous graduating PHN classes were offered employment in your areas of clinical placement. This year's graduates are only being offered employment in Dublin, even if their clinical placement was elsewhere. Therefore, this small group will be prioritised on the future NTP. The remaining groups and how assimilation into the NTP occurs is yet to be negotiated. The INMO will research the rules that are currently in place for existing non-nursing transfer panels and ensure we achieve the fairest transfer system possible for all PHNs/members.

### Query from member

I have recently been very ill requiring hospital admission for four days. I am on sick leave and am unable to return to work as yet. I have been seen by occupational health, which believes that I fulfil the criteria under the critical illness protocol and should have the extended sick leave on paid sick leave at full rate of pay for six months, however it has been denied to me by HSE management. Is this because I was not in hospital for two weeks and what should I do next?

### Reply

As your letter does not give details of your illness, I am replying based on the facts that you presented, including confirmation that an occupational health doctor has determined that you fulfil the criteria as set out in the critical illness protocol. This protocol confirms that where an individual becomes incapacitated as a result of a critical illness, serious injury or a serious medical condition and has supporting medical evidence for an extended period of sick leave, the individual may on an exceptional basis be granted paid sick leave for the extended period of six months full pay and six months half pay.

There are a number of criteria that the occupational health services take into consideration and they have to be satisfied that the nature of the medical condition presented to them has at least one of the following characteristics:

- Acute life threatening physical illness
- Chronic progressive illness with well-established potential to reduce life expectancy

- Major physical trauma ordinarily requiring corrective acute operative surgical treatment
- Inpatient hospital care of two consecutive weeks or greater.

The criteria for the awarding of critical illness extended paid sick leave does not solely depend on a two-week hospital admission. What the criteria requires is that the employee: *"Should ordinarily be under the current or recent care of a consultant even as an inpatient or outpatient."*

While the decision to award is a management decision, they must consider primarily the occupational medical advice and making a decision that contravenes the medical advice, as in your situation, could potentially be viewed as incorrect. The INMO, on behalf of its members, will challenge any such decisions and is currently in the process of pursuing claims for members who have been denied critical illness cover despite occupational health stating that they were entitled to it.

In respect of the next steps, the HSE notified the trade unions in July 2014 that its (the HSE) HR team has decided that HSE employee relations managers would act as decision makers under the critical illness protocol and that any appeals would be referred to the assistant national directors of human resources, whose decisions would be final. We do not agree with this position as it is not in accordance with the national agreement on changes to sick leave. As with any grievance, employees have the right to pursue a claim/grievance via the normal procedure, which is set out in employees' contracts of employment and allows for the referral to a rights commissioner if necessary. The health service trade unions were due to meet the HSE at the time of going to press in respect of this issue.

In the meantime the INMO will represent you in respect of this issue and will make contact with you in order to commence your appeal.