



Feidhmeannacht na Seirbhíse Sláinte  
Health Service Executive

Corporate Employee Relations Services

HR DIRECTORATE  
Health Service Executive  
63-64 Adelaide Road  
Dublin 2

Telephone (01) 6626966  
Fax (01) 6626977

04 March 2014

**To: Each Member of the Leadership Team, HSE;  
Each Regional Director of Performance & Integration  
Each Assistant National Director, Human Resources  
Each Employee Relations Manager  
Each CEO & HR Manager directly funded Voluntary Hospital/Agency  
Each CEO & HR Manager Intellectual Disability Sector**

**Re: New Public Service Sick Leave Scheme  
Revised Critical Illness Protocol**

Dear Colleagues

The enclosed booklet contains a set of communication materials that have been designed to support the introduction of the new **Public Service Sick Leave Scheme** in the health sector. It contains the following documents:

- **Document 1: Update for HR/Employee Relations Departments**

This document provides an update for HR/Employee Relations Departments on the implementation of the Public Service Sick Leave Scheme. Please note that this document is not a Circular; this will follow later. It provides an update on the current situation with regard to the legislation giving effect to the new Scheme and the Critical Illness Protocol and confirms the commencement date of 31 March 2014. It also outlines some of the key provisions of the Scheme, the transitional arrangements that will apply and decisions around calculating sick leave. Finally, it seeks your assistance with a process for managing the queries that will arise on foot

of the detail set out in this pack and includes a request to bring the content of the document to the attention of any bodies under your aegis.

- **Document 2: Information Note for Staff**

This is a less detailed document setting out the key points of interest for staff. You are required to circulate this document to all staff in your organisation as soon as possible in advance of the commencement date of 31<sup>st</sup> March.

- **Document 3: Guidance Note on the Scheme**

This document sets out a number of guidance notes on specific aspects of the new Scheme. It was drafted at the request of the Public Service Unions to clarify some of the issues that arose during negotiations on the new Scheme.

- **Document 4: Scenarios**

This document sets out some examples of how the new sick leave arrangements will work for both the Sick Leave and Critical Illness provisions.

- **Document 5: Critical Illness Protocol**

This document sets out the criteria under which people can access the additional support available under the Critical Illness Protocol (CIP). The CIP was referred to the Labour Court by the Public Service Unions in December 2013. The Court was asked to give a binding recommendation on how the CIP was to be applied in three instances:

- a. Pregnancy related illness, including assisted pregnancy related illness;
- b. Disability related illness; and
- c. Mental illness.

The CIP has been changed to take account of the binding recommendations of the Labour Court as follows:

- (i) Pregnancy related illness that requires a stay of two or more consecutive days of in-patient hospital/clinical care may qualify for extended sick pay under the CIP.
- (ii) When using the provision in the CIP for management to apply discretion in granting extended sick pay – where an individual does not meet the

strict medical criteria – management should consider a number of factors including whether it has not been possible to make an accommodation to facilitate the return to work of a person with a disability-related illness or condition.

(iii) In respect of mental illness, the Court was of the view that the CIP addressed supports for mental illness and did not need to be amended.

Please note that the new scheme does not affect the following existing schemes in the health service:

- Serious physical assault at work scheme
- Injury at Work Scheme
- Sick pay provisions governing MRSA
- Payment to staff affected by Blood borne diseases.

In the meantime, if you have any queries on any aspect of this Communications Pack or the new Public Service Sick Leave Scheme please email [info.t@hse.ie](mailto:info.t@hse.ie).

Queries from individual members of staff should be directed to local HR Departments.

Yours Sincerely



Norah Mason

Assistant National Director of Human Resources  
Employee Relations Advisory & Assurance Services