



Feidhmeannacht na Seirbhíse Sláinte
Health Service Executive

Oifig an Stiúirthóra Náisiúnta, Acmhainní Daonna
Feidhmeannacht na Seirbhíse Sláinte
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To: Each Member of the Leadership Team
Each Assistant National Director HR
Each Hospital Group CEO
Each Hospital Group Director of HR
Each CHO Head of HR
Each Chief Officer CHO
Each CEO Section 38 Agencies
Each HR Manager Section 38 Agencies

From: Rosarii Mannion, National Director Human Resources

Date: 16th November, 2017

Subject: HR Circular 0013a/2017 replacing HR Circular 013/2017 re Injury at Work Allowance

Dear Colleagues,

I refer to the Department of Environment and Local Government Circular S.7/2001 Circular (copy attached) which sets out the provisions and formula governing the granting of the injury allowance. This formula provides that the calculation of the injury allowance should be adjusted in accordance with the employee's 'degree of impairment rating' (examples set out in **Appendix 1** of the Circular).

Following recent discussions between the HSE and health service unions under the auspices of the Workplace Relations Commission, I wish to advise that the following arrangements for the calculation of the injury allowance will apply with effect from **16 March 2017**:

The 'degree of impairment' rating in the formula for calculating the injury allowance (as set out in the 2001 Circular) will only apply to employees who, following a medical assessment by Occupational Health, are deemed to be permanently incapacitated as a result of the injury and a suitable alternative position is not available within the organisation to enable the person to continue in employment. In the case of employees who are deemed to be **temporarily incapacitated**, the calculation formula for the injury allowance will not provide for a degree of impairment rating and the full 5/6th allowance (subject to appropriate deductions) will be payable from the date of injury (subject to the employee meeting the eligibility criteria).

Employees who are eligible for the injury allowance should be notified at the outset that the period during which the injury allowance is paid will not be reckonable for superannuation purposes. An employee who

wishes to preserve their superannuation entitlements and requests payment under the normal sick pay scheme rather than the injury allowance should be facilitated in this regard. It should be noted that employees are not required to avail of their normal sick pay entitlements prior to invoking the injury allowance and the period during which the injury allowance is paid is not counted as part of the overall limits under the 2014 Public Service Sick Pay Scheme (which is a separate scheme).

The **Health Services People Strategy 2015-2018 (Priority 2: Staff Engagement)** contains provisions to promote Staff Health and Wellbeing and a positive Staff Working Environment. In line with the People Strategy, the HSE's Workplace Health and Wellbeing Unit are currently developing an Active Case Management Model to promote employee rehabilitation and facilitate employees to return to work following a workplace injury and further information will be issued on this.

In accordance with the Employment Equality Acts 1998 to 2015, managers are required to support the workplace rehabilitation of employees who are absent due to an injury/assault and seek advice from the Occupational Health Services on appropriate measures to facilitate the employee's early and safe return to work. The employee's absence should be proactively managed in accordance with the HSE Managing Attendance Policy and HSE Rehabilitation Policy (copies attached) or equivalent policies which operate in the Section 38 agencies.

The **HSE Long Term Absence Benefits Schemes Guidelines 2012**, which were agreed with the health service unions, contains the procedure for managing the implementation of the injury allowance scheme (see Section 5: pages 9 -11). Please note that the references within this national procedure to the application of the degree of impairment assessment rating should only be applied to the calculation of the injury allowance in respect of employees who are deemed to be permanently incapacitated and whose employment will cease as a result. Apart from this amendment, employees who are deemed to be temporarily incapacitated should continue to be managed in accordance with the procedure set out in the 2012 HSE Guidelines (or equivalent procedure for Section 38 agencies) which provides the granting of the injury allowance is subject to the following:

- Employees should be informed that the granting of the injury allowance is discretionary and subject to compliance with the HSE Managing Attendance Policy and HSE Rehabilitation Policy (or equivalent policy within the organisation).
- The employee should be informed of the requirement to undergo regular assessments with the Occupational Health Department.
- The Occupational Health services should be fully utilised to support the employee and assist managers to identify if reasonable accommodation can be provided to enable the employee to return to work as quickly and safely as possible.
- The manager should continue to monitor the employee's absence on a monthly basis during the period while they are in receipt of the injury allowance in conjunction with the HR/Employee Relations Department.
- If the employee no longer meets the criteria of the scheme then the employee should be notified by HR in advance and the allowance should cease to be paid.

Employees who are members of the Single Scheme 2012

Health service employees who are members of the Single Scheme 2012 do not currently have access to the injury allowance provisions. Arrangements are being made to implement an injury at work scheme for SPSPS employees in the health sector which will provide for equivalent benefits. In the meantime, where a SPSPS employee is injured at work and management has confirmed that the employee satisfies the eligibility criteria for payment of the injury allowance as set out in the pre-existing pension schemes, his or her case may be examined on an individual basis. In the event of such cases arising prior to the introduction of the new injury at work scheme for SPSPS health service employees, please contact Anna Killilea, HSE Corporate Employee Relations (anna.killilea@hse.ie) for further information.

Please ensure that this Circular is brought to the attention of all relevant managers in your area of responsibility.

Queries

Queries from individual employees must be addressed by local management or the relevant HR / Employee Relations Department.

Queries from HR Departments on the contents of this Circular may be referred to Anna Killilea, HSE Corporate Employee Relations, HR Directorate, 63-64 Adelaide Road, Dublin 2. Tel: 01 6626966, Email: anna.killilea@hse.ie.

Yours sincerely,



Rosarii Mannion
National Director of Human Resources