
Sickness and Leave Policy

Turas Training

Approval date:

Revision date: April 2019

1. Policy Statement

- 1.1. All requests for leave will be dealt with fairly and consistently in accordance with the policies outlined in this document.
- 1.2. Turas recognises that good management of leave ensures the health and wellbeing of the employee and the organisation.

2. Purpose

- 2.1. To provide clear guidance on policy related to holidays and public holidays, and any other forms of leave, including: sick leave, maternity leave, paternity leave, adoptive leave, parental leave, carer's leave, compassionate leave, force majeure leave, jury duty, TOIL (time off in lieu), unpaid leave, and other types of special leave.
- 2.2. To ensure that all employees have adequate time away from work for rest and respite.
- 2.3. To alleviate hardships that may be caused to the employee due to sickness.

3. Definitions

- 3.1. **Pro rata:** is used to describe a proportionate allocation. When applied to salary this means that the proportion of hours worked divided by the number of hours considered full time within the organisation will equal a percentage which can then be applied to holiday or pay, to work out the amount which matches a part time position.

4. Scope

- 4.1. This policy covers all employees (full time, part time and locum) within TURAS

5. Annual Leave

- 5.1. Turas full time staff are entitled to 26 annual leave days per annum. The annual leave year runs from January 1st to December 31st each year. These days are pro rata for employees who are part-time.
- 5.2. Annual Leave may not be carried into the following year .
- 5.3. Employees joining the organisation after the beginning of the leave year are granted pro rata leave in their first leave year. Employees who are leaving the organisation before the end of the leave year are entitled to take pro rata leave in that year calculated to the nearest full month worked in accordance with statutory holiday entitlement. TURAS reserves the right to reclaim salary for leave already taken in excess of that entitlement.
- 5.4. Staff members are required to give adequate notice and obtain consent from their line manager before making leave arrangements. The following notification must be given when planning vacation:
 - 5.4.1. Leave of one or two days – two weeks
 - 5.4.2. Leave 3 – 5 days – three weeks
 - 5.4.3. Leave 6 days + – six weeks
- 5.5. A 'Leave Request Form' must be completed in full and submitted to the Line Manager. Staff will receive notification within one week from date of receipt of the completed Leave Request Form as to whether annual leave is granted or not. A request for the main summer holiday should be submitted for authorisation as early as possible to avoid disappointment as it is usually only possible for one/two employees at a time to have annual leave. Management will normally try to accommodate individual preferences for holiday dates, but the needs of the organisation may have to take precedence.
- 5.6. Staff should note that TURAS may not always be in a position to facilitate requests for annual leave. This is due to the nature and demands of the business during particular time.

6. Public Holidays

- 6.1. Employees are entitled to leave for statutory public holidays in accordance with the Organisation of Working Time Act 1997 and any other day decreed as a National holiday. TURAS is usually closed during the nine public holidays as follows:
 - 6.1.1. New Years Day (January 1st)

- 6.1.2. St. Patrick's Day (March 17th)
 - 6.1.3. Easter Monday
 - 6.1.4. First Monday in May
 - 6.1.5. First Monday in June
 - 6.1.6. First Monday in August
 - 6.1.7. Last Monday in October
 - 6.1.8. Christmas Day
 - 6.1.9. St. Stephen's Day
 - 6.1.10. Turas also considers Good Friday as a discretionary public holiday.
- 6.2. Part-time employees qualify for public holiday entitlement provided they have worked at least 40 hours during the five weeks ending on the day before a public holiday.

7. Sick Leave

- 7.1. Conditions of sick leave are outlined in the contract of employment.
- 7.2. Employees who are unable to report for work must follow a two-step process. **Step 1** is to notify the admin office by text message on **089-428 5620** before 8.45am (morning check-in time) that you are unable to report for work. It is not necessary to provide any other information in the message. **Step 2** is to telephone your line-manager between 9.10am and 10.15am to state the general nature of the employee's absence. When possible, staff should provide some indication of when they are likely to return to work.
- 7.3. There is provision for (12) medically certified sick days in any one contract year. At the management's discretion there may be provision for an additional (2) days paid self-certified (previously uncertified) sick leave. A pro rata entitlement applies to part time employees.
- 7.4. All sick leave must be certified: medical certs in first instance or self-certs if this discretionary provision is approved.
- 7.5. If an illness continues beyond a total of two consecutive work days a dated and signed medical statement from a medical practitioner must be submitted to cover the period of absence. A medical certificate must be submitted on a weekly basis thereafter. The medical certificate must state the general nature of the employee's ailment, and the precise period for which the employee will be unfit for duty. Subsequent certificates must be submitted if the absence continues beyond the period covered by the initial medical certificate.
- 7.6. In the event that employees may exhaust their allotted paid sick leave, they should continue to submit a medical certificate, if applicable, to the manager. Staff should be aware of entitlements they may be eligible for under the Department of Social Welfare, for example, disability benefit.
- 7.7. Following absences of one day or two consecutive days, employees must check-in with their line-manager or nominee before resuming work duties. For absences of three or more consecutive days a Return to Work Interview with the employee's line-manager will be conducted before resuming work duties.
- 7.8. Line-management are expected to complete the appropriate documentation with the employee.
- 7.9. Staff suffering from a contagious illness must inform their line manager immediately and not return to work until the condition has fully cleared.
- 7.10. In the case of prolonged illness or contagious diseases, a dated and signed certificate should be produced from a medical professional stating that the individual is fit to return to work. The organisation reserves the right to have staff examined by an independent medical practitioner in cases of protracted periods of certified absence, or regular certified absence due to illness.
- 7.11. Sick Leave and Annual Leave:
 - 7.11.1. If, during annual leave, an employee falls sick and produces a medical certificate to that effect, the period of sickness will be recorded as sick leave, not annual leave.
 - 7.11.2. Staff do not accumulate annual leave entitlement while on sick leave.
 - 7.11.3. TURAS cannot require employees to take annual leave for a certified period of illness. However staff should be aware that illness during the leave year will reduce the total number of hours worked by the employee and can therefore affect their entitlement to annual leave.
 - 7.11.4. An employee who is on sick leave at the end of the leave year will not lose the right to annual leave which was accumulated before the start of the sick leave. This means that the

employee would be entitled either to carry over annual leave which has been earned but not taken because the worker was on sick leave.

- 7.12. Sick Leave and Public Holidays: A full time worker who is on sick leave during a public holiday has an entitlement to time off work for the public holiday(s), therefore this will not be counted as sick leave. Part-time workers would be entitled to time off work for the public holiday provided they worked for at least 40 hours in the previous five-week period. Employees lose their entitlement to public holidays if they have been on sick leave for more than 26 weeks in the case of ordinary illness and 56 weeks in the case of an occupational accident.
- 7.13. Where staff are absent due to illness for more than three days they should request an illness benefit form from their doctor. Where staff are being paid during this absence the illness benefit form should be filled out giving the Name, address and bank details of organisation so that this money can be paid directly to TURAS.
- 7.14. All sick leave absences are recorded and monitored by managers. TURAS reserves the right to discuss with employees unexplained or patterns of absenteeism. In situations where there is ongoing unexplained absences, or patterns of absenteeism, the organisation may investigate such absences which may lead to disciplinary action. Alternatively the organisation may change the procedures for reporting or following up on sick leave for individuals, where an issue has been identified.
- 7.15. Management will meet with staff if they have taken a lot of sick leave to inform them of the sick leave policy should they use up their allocated sick leave.
- 7.16. Sick pay is a discretionary benefit and management reserve the right to withhold it should they feel there is abuse of the policy.
- 7.17. Staff should inform their line manager if they are on medication that may affect their work capabilities.

8. Maternity Leave

- 8.1. The Maternity Protection Act 1994 and the Maternity Protection (Amendment) Act 2004 provide statutory minimum entitlements in relation to maternity at work including maternity leave. This applies to all female employees in Ireland (including casual workers), regardless of how long they have been working for the organisation or the number of hours worked per week.
- 8.2. Statutory maternity leave consists of 26 consecutive weeks leave where employees will receive statutory maternity/ social welfare benefit from the Department of Social and Family Affairs. The employee is entitled to avail of a further sixteen (16) weeks unpaid leave, which must be taken immediately after the Maternity Leave, plus additional unpaid leave for ante- and post-natal care.
- 8.3. Under the Maternity Protection (Amendment) Act 2004 at least two weeks have to be taken before the end of the week of the baby's expected birth and at least four weeks after.
- 8.4. An employee who is absent on maternity leave will be considered to be in employment and her employment rights, with the exception of remuneration, are preserved as if she were present at work.
- 8.5. Payment during maternity leave:
 - 8.5.1. Employees are not entitled to salary payments during maternity leave. However the employee may qualify for maternity benefit during the 26 weeks provided there are sufficient PRSI contributions.
- 8.6. Notification:
 - 8.6.1. For health and safety reasons TURAS encourages all employees to inform the line manager as soon as they know they are pregnant, so that it can ensure that the working environment is supportive of all pregnancy requirements.
 - 8.6.2. An employee who wishes to avail of her entitlement to maternity leave must notify the organisation in writing as soon as reasonably practicable, but no later than four weeks before the beginning of the leave, of her intention to take the leave. She must also provide a medical certificate confirming the pregnancy and confirming the expected date of birth. A woman who wishes to avail of her entitlement to additional maternity leave must notify in writing of her intention to take additional maternity leave. This must be done no later than four weeks before the day on which her additional maternity leave is due to commence.

- 8.6.3. If the baby is born more than four weeks before the due date, the employee will have fulfilled the notice requirements if she gives written notice within 14 days of the birth.
- 8.6.4. Section 11 of the Maternity Protection Act 1994 provides that if the employee is certified by their doctor as needing to start maternity leave for medical reasons, their maternity leave will start on the earlier date as specified on the medical certificate. In this case they are considered to have complied with the notice requirements.
- 8.7. Antenatal and Postnatal Care:
 - 8.7.1. Pregnant employees and employees who have recently given birth are entitled to time off from work, without loss of pay for the purposes of receiving antenatal and postnatal care. However the employee must inform the organisation in writing of the time and date of the appointment no later than two weeks before the date of the appointment, and present an appointment card upon request. Where possible the appointments should be made at the beginning or end of the employee's shift.
 - 8.7.2. In addition, a pregnant employee is entitled to time off from her work, without loss of pay to attend one set of antenatal classes. An expectant father (if he is employed under a contract of employment) is entitled to time off from work, without loss of pay to attend the last two antenatal classes in a set before the birth.
- 8.8. Public Holidays and Annual Leave
 - 8.8.1. As time spent on maternity leave is treated as protected leave, the employee is entitled to accumulate holidays and any public holidays that may have occurred during maternity leave.
- 8.9. Stillbirths and Miscarriages
 - 8.9.1. If the employee has a stillbirth or miscarriage any time after the 24th week of pregnancy, they are entitled to full maternity leave.
 - 8.9.2. To apply for maternity benefit following a stillbirth, the employee still needs to send a letter from their doctor with the Maternity Benefit application form, confirming the expected date of birth, the actual date of birth and the number of weeks of pregnancy.
- 8.10. Fathers Entitlement to Maternity Leave: fathers are only entitled to maternity leave if the mother dies within 24 weeks of the birth. In these circumstances, the father may be entitled to a period of leave, the extent of which depends on the actual date of the mother's death. Where a father qualifies for leave under these circumstances, he also has an optional right to the additional maternity leave.
- 8.11. Returning to Work
 - 8.11.1. Staff are required to provide at least four weeks written notice of their intention to return to work following leave. This notice should confirm the intended return to work date. Where possible the employee will return to the position held immediately prior to the commencement of leave (provided this was their normal position), however where this is not feasible, the employee may return to work in suitable alternative employment that is no less favourable in terms and conditions, any changes would be agreed by employee and employer.
 - 8.11.2. Staff must inform the organisation in writing of their intention to take the additional 16 week's maternity leave, at least four weeks before the end of her 26 weeks of maternity leave. This additional 16 weeks must commence directly after the 26 weeks maternity leave. If an employee decides to resign whilst on maternity leave or additional maternity leave, the notice of resignation will take effect from her due date of return to work.
 - 8.11.3. If the employee decides not to return to work after their period of maternity leave, they are required to give their employer notice in the usual manner.
- 8.12. Breastfeeding Mothers: Under the Maternity Protection (Protection of Mothers who are Breastfeeding) Regulations: 2004, the employee is entitled to breastfeeding breaks up to 26 weeks after the date of the confinement. The employee must inform the employer of her intention to avail of these breaks. The duration of breaks should be agreed between the employee and her manager. A private room needs to be provided for the breastfeeding mother for these breaks.
- 8.13. Postponing Maternity Leave: Section 7 of the Maternity Protection (Amendment) Act 2004 provides for postponement of maternity leave in strict circumstances, that is, if the employee's baby is hospitalised. This right to postpone leave applies whether the employee is on maternity leave, or on

additional unpaid maternity leave. TURAS has the right to refuse an application to postpone maternity leave.

9. Paternity Leave

- 9.1. Since September 2016 employees are entitled to two weeks' paternity leave following the birth of their child and in cases of adoption.
- 9.2. You are not entitled to salary payments during paternity leave. However you may qualify for paternity benefit during the 26 weeks provided you have sufficient PRSI contributions.

10. Adoptive Leave

- 10.1. In accordance with the Adoptive Leave Act 2005 (amended by order of the 2006 national budget), adoptive leave will consist of twenty four (24) weeks unpaid / paid leave, plus up to sixteen (16) weeks additional unpaid leave, conditions will be applied as stated in maternity leave (section 8). This applies to all adopting mothers under a contract of employment; all sole male adopters under a contract of employment; all adopting fathers under a contract of employment, where the adopting mother has died before or during the period of adoptive leave or additional adoptive leave who are entitled to Adoptive Leave.
- 10.2. All employment rights (except remuneration and superannuation benefits) associated with the employment, such as annual leave and seniority, are protected during adoptive leave and additional adoptive leave.
- 10.3. Notification:
 - 10.3.1. The employee must give at least one month's written notice of the intention to take adoptive leave before the expected placement of the child.
 - 10.3.2. The employee must notify their line manager in writing, of their intention to take additional unpaid adoptive leave not later than 4 weeks before the date that they would have expected to return to work.

11. Parental Leave

- 11.1. Parental Leave shall be granted in accordance with the provisions of the Parental Leave Act 1998 and the Parental Leave (Amendment) Act 2006. Parental leave is provided for the sole purpose of childcare and must not be used for a purpose other than taking care of a child.
- 11.2. An employee must have completed one year's continuous service with TURAS. If an employee has more than three month's service but less than 12 and where the child is approaching the age threshold, the employee will be entitled to one week for every month of continuous service with the organisation.
- 11.3. Parental Leave is unpaid.
- 11.4. Employees who are natural or adoptive parents or loco parentis of a child who is younger than eight years of age are entitled to 14 weeks leave per child. If a child has a disability the age limit is 16 years. Where an employee has more than one child, parental leave is limited to 14 weeks in a 12-month period. The 14 weeks per child may be taken in one continuous period or in separate blocks of a minimum of six weeks and it must be agreed with the manager. Taking parental leave does not affect the employee's employment rights and time spent on parental leave can be used to accumulate annual leave entitlement.
- 11.5. For adoptive children, if the child is under three years at the time of the adoption, the leave must be taken before the child reaches five years of age. However, if the child is aged between three and eight years at the time of adoption, the leave must be taken within two years of the adoption order.
- 11.6. If an employee is permanent and part-time they will be entitled to parental leave on a pro rata basis. This is calculated on the average number of hours worked per week in the 14 weeks period prior to the commencement of the parental leave.
- 11.7. If the employee is taking parental leave, they must inform the manager in writing at least six weeks before the leave is due to start. A birth certificate of the child should be attached. In cases where the leave could have an adverse effect on the work of the organisation, TURAS has the right to postpone the commencement date for up to six months. As a result of a postponement, if the child

concerned reaches the age threshold before the end of the leave, the employee retains the entitlement to take the parental leave.

- 11.8. If an employee falls ill while on parental leave and as a result is unable to care for the child, the employee may request to suspend the parental leave for the duration of the illness following which the parental leave would then continue.

12. Carer's Leave

- 12.1. Any employee with at least 12 months' continuous service is entitled to Carer's Leave if they propose to provide care for a person deemed to be in need of full-time care and attention by the Department of Social and Family Affairs.
- 12.2. Carer's Leave enables an employee to personally provide full time care and attention for one person for a minimum statutory period of 13 weeks up to a maximum of 104 weeks according to the Carer's Leave Act 2001.
- 12.3. Before an employee can commence Carer's Leave s/he must provide the employer with a copy of the decision of a deciding officer (or appeals officer) of the Department of Social and Family Affairs that the relevant person has been medically certified as being in need of full time care and attention.
- 12.4. During an absence on carer's leave, an employee shall be regarded as still working in the employment and none of his or her rights or obligations related to employment should be affected with the following exceptions:
 - 12.4.1. There is no right to remuneration or superannuated benefits
 - 12.4.2. The right to annual leave is restricted to the period of the first 13 weeks only of the carer's leave entitlement
 - 12.4.3. The right to public holidays is also restricted to the period of the first 13 weeks only of the carer's leave entitlement

13. Compassionate Leave

- 13.1. An employee may be allowed a maximum of 3 consecutive days with pay on the death of a spouse/partner, son or daughter, mother, father, sister or brother.
- 13.2. All paid bereavement leave is at the discretion of management and may be increased should the manager believe that circumstances warrant it.

14. Force Majeure Leave

- 14.1. Force majeure leave, in the context of the Parental Leave Act 1998 and the Parental Leave (Amendment) Act 2006 refers to a sudden injury or illness affecting a member of the employee's immediate family, making the employee's presence to assist that family member indispensable. It is usually applied for after the incident has occurred.

The person's included in the immediate family are outlined below:

 - 14.1.1. a child or adoptive child of the employee;
 - 14.1.2. the spouse of the employee, or a person with whom the employee is living as husband, wife or partner, including same-sex partners;
 - 14.1.3. persons in a relationship of domestic dependency;
 - 14.1.4. a person to whom the employee is in loco parentis;
 - 14.1.5. a brother or sister of the employee;
 - 14.1.6. a parent or grandparent of the employee;
- 14.2. In these circumstances, employees are entitled to immediate paid leave up to 3 days in any 12 month period, but no more than 5 days in any three years.
- 14.3. A staff member who requires force majeure leave must submit an application detailing the circumstances of the leave to their manager as soon as is reasonably practicable.

15. Adverse Weather Conditions

- 15.1. In the event of adverse weather conditions such as snow or flooding, the following procedures shall apply:

- 15.1.1. If a staff member is unable to attend work due to adverse weather conditions they may be paid for these hours at the discretion of the manager. Staff will be asked to account for why they were unable to attend and this will be verified by management prior to approval of payment for these days. Staff should be made aware that there is no automatic entitlement to paid absent days due to adverse weather conditions.
- 15.1.2. All procedures which apply to other forms of unplanned leave must be adhered to. Staff must inform their manager by telephone that they will be unable to attend work at least one hour prior to the beginning of their scheduled shift.
- 15.1.3. Staff should inform their manager if they believe they may be unable to attend the following day or days so as to afford TURAS the opportunity to source cover.
- 15.1.4. In the event that adverse weather conditions result in the closure of the service, this is beyond the control of the employee and they will be paid in full for the scheduled hours of work. This applies to all staff including relief staff.
- 15.1.5. When deciding whether or not to open the service due to adverse weather conditions the manager should take into account: staff safety, the needs of service users, the likelihood of enough staff arriving for work in order to run the service,
- 15.1.6. If the service is closed due to adverse weather conditions the manager must contact all staff scheduled to work to inform them that the service will not open. This shall be done at the manager's earliest convenience and at least one hour prior to the commencement of their scheduled shift.

16. Jury Service

- 16.1. Employees are entitled to take time off work for jury service. An employee will be granted paid leave to attend for jury service, but must return to work if not called. Appropriate paperwork and evidence of attendance must be supplied on request.

17. TOIL (Time off in Lieu)

- 17.1. In instances where employees are required to work additional hours, they will be entitled to time off in lieu based on *time-for-time* for work carried out from Monday to Friday, and *time-and-a-half* for work conducted on Saturday and Sunday.
- 17.2. Before building up TOIL staffs are required to obtain the consent of their manager. Approval for the taking of TOIL should be agreed with the manager ideally one week prior to its being taken. TOIL must be properly documented and a record given to a manager.
- 17.3. TOIL should be taken within one month or forfeited. In exceptional circumstances this may be extended with the agreement of a manager.

18. Unpaid Leave

- 18.1. After a minimum of two years employment with TURAS staff may apply in writing for unpaid leave up to a maximum of five weeks in any two calendar year cycle. This must be approved by the manager and the board of management.

19. Special Leave

- 19.1. TURAS will consider other requests for leave such as study and exam leave, trade union duties, marriage leave, on a case by case basis. Requests should be made in writing to the manager.

Notes on Using the Salesforce CRM (ECASS System) and Forms

If you have an individual licence or login code for the ECASS (Salesforce) system, please the forms provided in the event of absence or special leave request. The forms can be found on the **HR Forms Tab**. Be sure to Share the Form with your line-manager and allow read-write access. This measure is taken to ensure only your and your line-manager can view this confidential information.