

Sick Leave Act 2022 Sample Policy

**Members can add this policy to their current sick leave policy however they need to revise their current policy to ensure there are no contradictions.*

**Remember The Act will not apply to employers who provide more favourable sick leave schemes to their employees.*

What is the Sick Leave Act 2022?

The Sick Leave Act 2022 commenced on the 1st January 2023, which provides statutory sick pay to all eligible employees.

The Act provides for Statutory Sick Pay (SSP) for an employee, subject to certain conditions, in respect of a day which they would ordinarily work but are incapable of doing so due to illness or injury, of up to three statutory sick leave days a year.

Duration of Statutory Sick Pay

The entitlement is expected to increase up to 10 days by Year 4, however this is subject to change as the Minister sees fit. Currently the intention is:

- Year 1 – 3 days sick leave
- Year 2 – 5 days sick leave
- Year 3 – 7 days sick leave
- Year 4 – 10 days sick leave

The leave can be taken on consecutive days or non-consecutive days.

Eligibility for Statutory Sick Pay

An employee's sick leave is based on the calendar year which is from the 1st January to 31st December each year. To be eligible for statutory sick pay, employees must:

1. Produce a Medical Certificate

Produce a valid medical certificate from a registered practitioner. *As per our policy above, employees who are absent for 3 days or more must produce a medical certificate, however in order to receive statutory sick pay from the first day, the medical certificate ought to be produced within 14 days of the absence.*

Medical certificates must be sent to the HR Department via post / emailed to XXXXXXXXXXXX.

2. Length of Service

Employees wishing to avail of the Statutory Sick Pay must have at least 13 weeks length of service, commencement dates will be stipulated in the employees contract of employment.

Rate of Pay

Eligible employees will be entitled to pay at 70% of regular earnings up to €110 per day. Payment for Statutory Sick Pay will be recorded as such on the employees payslip. **Once the entitlement for Statutory Sick Pay ends, the employee may qualify for illness benefit from the State or from the CWPS if they are registered within the scheme.**

Probation / Training / Apprenticeship

Where an employee is on probation, undergoing training, or is employed under a contract of apprenticeship and takes statutory sick pay leave, then the probation, training or apprenticeship is suspended during the period of statutory sick leave.