



Circular Title: Management of Sick Leave in the Civil Service

I am directed by the Minister for Public Expenditure, National Development Plan Delivery and Reform to say that the following will apply in relation to arrangements for sick leave with effect from 4 September 2023.

Circular Number: 12/2023

Purpose: The purpose of this circular is to set out the administrative arrangements for payments while absent on sick leave

Circular Applications: All civil servants

Relevant Law/Circulars:

- [Civil Service Regulation Acts 1956 – 2005](#)
- [Public Service Management \(Recruitment & Appointments\) Act 2004](#) [Public Service Management \(Recruitment & Appointments\) \(Amendment\) Act 2013](#)
- [Public Service Management \(Sick Leave\) Regulations 2014, SI 124 of 2014](#)
- [Public Service Management \(Sick Leave\) \(Amendment\) Regulations 2015, SI 384 of 2015](#)
- [Public Service Management \(Sick Leave\) \(Amendment\) Regulations 2023, SI 407 of 2023](#)
- [Organisation of Working Time Act 1997](#)
- [Payment of Wages Act 1991](#)
- [Circular on the Recovery of Salary, Allowances, and Expenses Overpayments made to Staff Members/ Former Staff Members/ Pensioners](#)

Status: This circular revokes Circular 05/2018. Previously revoked circulars remain revoked and are listed at Appendix 3. This circular does not affect the rights and obligations of civil servants under an Occupational Illness or Injury Scheme. The circulars dealing with Occupational Illness or Injury remain in place.

Effective Date: 04 September 2023

THIS CIRCULAR MUST BE READ IN CONJUNCTION WITH:

PUBLIC SERVICE MANAGEMENT (SICK LEAVE) REGULATIONS 2014 (S.I. 124/2014)

PUBLIC SERVICE MANAGEMENT (SICK LEAVE) (AMENDMENT) REGULATIONS 2015 (S.I. 384/2015)

and **PUBLIC SERVICE MANAGEMENT (SICK LEAVE) (AMENDMENT) REGULATIONS 2023 (S.I. 407/2023)**

Part 1: Purpose and Principles

1.1 Purpose

The purpose of this Circular is to set out the arrangements for sick leave in the Civil Service. The Public Service Management (Recruitment and Appointments) (Amendment) Act 2013 provides that the Minister for Public Expenditure NDP Delivery and Reform can make regulations for a Public Service Sick Leave Scheme. These regulations are contained in SI 124 of 2014 and SI 384 of 2015, hereafter referred to as 'The Regulations'. The Regulations set out the terms for the granting of paid sick leave. The main provisions are set out in Part 4 below.

1.2 Principles of the Policy

The Civil Service is committed to providing efficient and well-managed services to the public, and is also committed to supporting the health and wellbeing of its staff. In order to achieve this, it is necessary to strike a satisfactory balance between the business needs of the employer and civil servants' healthcare needs during periods of illness.

All civil servants have a responsibility to their employer, to their colleagues and to themselves to safeguard their health in order to be available for duty and provide regular and effective service. The Civil Service will support staff during times of illness through the provisions and resources set out in this circular.

Part 2: Roles and Responsibilities

2.1 Civil Servants' Responsibilities

- Comply with the contents of this circular. Failure to do so may result in the withdrawal of payment while absent and/or the matter being considered under other policies as appropriate, e.g. Discipline, Underperformance.
- Take all reasonable measures to manage their own health and wellbeing in order to provide regular and effective service.
- Cooperate fully with all referrals to the Chief Medical Officer (CMO).
- Cooperate fully with all rehabilitative measures to facilitate their return to work.
- Comply with all [relevant processes](#) as per [NSSO website](#).

2.2 Line Managers' Responsibilities

- Implement this circular consistently.
- Proactively communicate with and manage their team to ensure good attendance.
- Monitor and address any concerns regarding attendance patterns as they arise.
- Support health and wellbeing initiatives in the workplace.
- Liaise with their local HR Unit as appropriate.
- Ensure that staff are aware of support services e.g. Employee Assistance Service (EAS), Disability Liaison Officer (DLO).
- Ensure all the [relevant processes](#) are completed in a timely manner.
- Maintain regular contact with the civil servant during longer absences – this is to support them both during their absence and in their return to work.

2.3 HR Responsibilities

- Maintain an effective management policy to ensure good attendance throughout their organisation.
- Maintain contact with civil servants on sick leave.
- Make referrals to the Chief Medical Officer (CMO) as appropriate.
- Provide relevant reporting and analysis on sick leave to managers.

- Provide appropriate policy support and guidance to line managers.

2.4 Role of National Shared Services Office (NSSO)

- Notify staff of updates to sick leave policy through e-mail alerts.
- Provide information to civil servants and managers about the transactional processes for sick leave.
- Administer the transactional elements of the sick leave process including:
 - Processing absence notifications, medical certificates, and Resumption of Work forms.
 - Monitoring sick leave thresholds, including pay-impact dates.
- Provide statistical reports to organisations under the NSSO remit.
- Provide 28-day absence reports to local HR so they can initiate CMO referral.
- Maintain appropriate records and data related to sick leave.

More detailed information regarding sick leave processes is available on the [NSSO website](#).

2.5 Role of the Chief Medical Officer (CMO)

The CMO's Office is part of the Department of Public Expenditure, NDP Delivery, and Reform. They provide occupational health advice on medical fitness for work/workplace rehabilitation of civil servants on sick leave. Advice is also provided on Ill-Health Retirement and Critical Illness Protocol applications, as well as workplace health issues, pre-placement medicals and Occupational Injury. Preventative health surveillance and immunisation programmes required by law are also provided.

The procedures around CMO referral are detailed in Part 7. Services provided by the CMO include guidance covering the following:

- Workplace rehabilitation of civil servants on sick leave.
- Assessment of medical fitness for work.
- Ill-Health Retirement assessments.
- Statutory health surveillance and immunisations.
- Workplace health promotion and health education.
- Advice in relation to Critical Illness Protocol (CIP) criteria.

2.6 Role of the Civil Service Employee Assistance Service (CSEAS)

The CSEAS augments and supports the work of local HR Units and line managers in promoting officers' wellness and organisational effectiveness. It operates as a regionalised shared service under central management within D/PENDPR.

The CSEAS provides a wide range of free and confidential¹ supports to civil servants, both staff and management, designed to assist officers in managing work and life difficulties which, if left unattended, could adversely affect work performance and/or attendance and quality of life.

In relation to the management of sick leave in the Civil Service, the CSEAS offers:

- Support and guidance to civil servants during and after periods of sick leave.
- Support to civil servants returning to work after a period of sick leave absence.
- Support to civil servants whose pattern of attendance (e.g. frequent absences) is a cause for concern and where welfare-related issues may be a contributing factor.
- Assistance to local HR Units in their strategies to minimise sick leave absences.

¹ Normal professional standards apply to confidentiality, which is between the service user and the CSEAS. Full details on the range of services available from the CSEAS and information on confidentiality and the exceptions to this are available on the CSEAS website www.cseas.per.gov.ie.

Part 3: Procedures for Sick Leave

3.1 Reporting an Absence

Where a civil servant is unable to attend work due to illness they must:

- Inform their line manager of the illness verbally as early as possible on the first day, normally within one hour of their usual starting time. If the line manager is unavailable, they may call either a more senior manager or their local HR unit instead.
- Advise their line manager how long (approximately) they expect to be out, e.g. several days, several weeks, etc.
- Supply a medical certificate to validate the sick leave in all cases of continuous sick leave of three days or more to either their HR Unit or NSSO as soon as possible, but not later than one week after the absence commences.²
- Maintain regular contact with their line manager during longer absences. This is so the manager may check in on the civil servant's wellbeing and keep informed of how long the absence is likely to last. The CMO advises that this is essential to workplace rehabilitation of civil servants.
- Complete a return-to-work meeting with their line manager and update any records as necessary after every absence.
- Where applicable, civil servants must comply with the procedures for claiming Illness Benefit and must confirm that they have mandated the Illness Benefit payment to their employing organisation. Failure to do so may result in an overpayment. Details of these procedures can be found on the NSSO website.

3.2 Civil Servants Who Appear Ill whilst Working

A civil servant who is unwell whilst working should not remain on duty – this applies both where they are visibly unwell and/or there is reason to believe that a risk is posed to others in terms of the spread of infection. Where the civil servant's wellbeing or the wellbeing of others becomes a concern, their line manager should intervene as appropriate. For those on the work premises, this could mean making arrangements for the civil servant to return home. In cases where the civil servant is working remotely, e.g. at home or off-site inspections, this could mean arranging appropriate medical attention. Local HR Units should provide support in such circumstances where required.

3.3 Certification

Medical certificates must, in all cases of continuous sick leave of three days or more, be provided to either the local HR Unit or NSSO as soon as possible, but not later than one week after the absence commences.³ If a period of sick leave extends from Friday to Monday inclusive, a medical certificate must be provided. The medical certificate must be signed and must state the medical practitioner's Medical Council registration number. Medical certificates must be from a doctor registered with either Irish Medical Council or the UK General Medical Council.

In general, medical certificates should not cover periods of longer than one week, but may be accepted for longer periods at the discretion of the HR Unit who may instruct NSSO accordingly. Certification may be provided for up to 7 days by a dental practitioner registered with the Irish or UK Dental Council.

It is preferable that the medical practitioner provides the exact diagnosis so that in the event of CMO referral, CMO medical staff can then better decide whether a telephone or face-to-face appointment is necessary. However, a civil servant cannot be compelled to provide personal medical details.

² In certain circumstances a civil servant may need to send their medical cert to their line manager. Where such circumstances arise, the manager must forward the cert to their local HR unit for further processing.

³ See footnote 2 above.

Where there is a difference of opinion between the CMO and the treating doctor, it is for local HR management to decide whether or not to grant support payments whilst on sick leave.

3.4 Rehabilitation

Officers should not return to work unless they are fit to do so. In the event that a civil servant wishes to return to work before the end date of their medical cert, a revised cert should be requested from their doctor and submitted in line with the usual guidelines. Where there is any doubt regarding a civil servant's fitness for duty, the CMO should be consulted by HR.

To support those returning to work after an extended absence, the following may be considered during the transitional period:

- i. A phased/gradual return to work over a short period of time.
- ii. Temporary alteration, restriction or limitation of certain tasks.
- iii. Re-orientation, re-training, mentoring, supervision.
- iv. Temporary reassignment to other duties.
- v. Temporary reassignment of workload.

Where appropriate, consideration should be given to longer-term reasonable accommodations.

There will be no financial loss to an employee in circumstances where the employee has fully engaged with the process around the management of sick leave and their own consultant has certified fitness to return to work, but the employee has not been able to return to work because there is delay in the employer referring the employee to the Occupational Health Service of the organisation, or a delay in being seen by this Occupational Health Service. Pay will be restored appropriately.

Part 4: Provisions for Sick Leave Payments

4.1 Limits for Paid Sick Leave

Subject to compliance with section 3.1, civil servants may avail of a maximum of 183 days of paid sick leave in a rolling 4-year period, counting back from the day preceding the first day of their current absence.

Where the civil servant has not exceeded this threshold, they may avail of the following, subject to the above overriding maximum:

- 92 days on full pay in a rolling 1-year period, counting back from the day preceding the first day of their current absence
- Where the full-pay threshold has been exhausted, 91 days on half pay in a rolling 1-year period

Where medical certification is not provided, civil servants may avail of a maximum of 7 days' self-certified sick leave in a rolling 2-year period, counting back from the day preceding the first day of their absence. Self-certified absences shall not be longer than 2 consecutive days in any instance.

The privilege of self-certified sick leave may be modified or withdrawn in cases where absences are unduly frequent or the maximum of 7 days is regularly approached or taken year after year.

4.2 Calculating Access to Payment during Sick Leave (the 'Look-Back')

For the purposes of determining access to payment during sick leave, all periods of full pay, half pay and TRR should be included in the look-back.

Where there is a break in service of 6 months or longer **and** all 3 below criteria are satisfied, the look-back should be extended accordingly. The break(s) in service must:

- i. Be unpaid
- ii. Not reckon for pensions
- iii. Not accrue annual leave

It is important to note that if a break in service meets all these criteria, the entire period will be included in the extension, not just that portion that is 6 months or longer.

Part 5: Temporary Rehabilitation Remuneration (TRR)

5.1 Purpose and Eligibility

TRR is a payment to support the rehabilitation of civil servants who are absent on extended sick leave and who have exceeded the threshold of 183 days in a rolling 4-year period. Management have the discretion to approve or refuse TRR on a case-by-case basis.

The conditions to be met before TRR can be paid are:

- i. The civil servant concerned must have accrued two years' service;⁴ **and**
- ii. There must be a reasonable prospect that the civil servant will return to work and deliver regular and effective service. Management should take on board the medical advice of the CMO when making such a determination.

If the CMO advises that a civil servant is medically incapable of regular and effective service, an application for Ill Health Retirement (IHR) should be made without delay. If this does not occur in a timely manner, management should review the ongoing payment of TRR.

5.2 Rate and Conditions of Payment

The rate of TRR is 37.5% of the remuneration that would otherwise accrue to the civil servant were they not on sick leave.

A waiting period of 3 days shall apply to each instance of absence to which TRR applies before payment can be made. This 3-day wait restarts with each new absence and is not cumulative. Saturdays, Sundays and days on which the place of employment is closed are included in the 3-day wait, as are days on which the civil servant was due to be present.

The 3-day wait does not apply in the following instances:

- Where the civil servant transitions from full pay or half pay to TRR during an ongoing absence, or
- Where the absence occurs under the provisions of the Critical Illness Protocol (CIP).

The limit for payment of TRR is 547 days in a rolling 4-year period, counting back from the day preceding the first day of the civil servant's current absence.

5.3 Interaction of TRR with Illness Benefit

The flat rate of 37.5% is **inclusive** of any Illness Benefit (IB) that may be payable to a civil servant. Where a civil servant is eligible for IB, they **must** apply to the Department of Social Protection with the appropriate documentation, and they **must** mandate any IB payment back to their employer. Failure to do so may result in an overpayment.

Part 6: Critical Illness Protocol

6.1 Purpose and Eligibility

In order to support civil servants who may be incapacitated as a result of critical illness or serious physical injury, extended sick leave may be granted on an exceptional basis. The terms

⁴ For those with more than one period of employment in the Public Service, the service requirement can be satisfied by aggregating these multiple employment periods, as long as there is no break in service of 26 weeks or more.

under which this extended sick leave may be granted are collectively known as the Critical Illness Protocol (CIP).

6.2 Conditions of Payment

Subject to compliance with section 3.1, civil servants who are approved for CIP may avail of a maximum of 365 days of paid sick leave in a rolling 4-year period, counting back from the day preceding the first day of their current absence. All periods of full pay, half pay and TRR should be included in this look-back.

Where the civil servant has not exceeded this threshold, they may avail of the following, subject to the above overriding maximum:

- 183 days on full pay in a rolling 1-year period, counting back from the day preceding the first day of their current absence.
- Where the full-pay threshold has been exhausted, 182 days on half pay in a rolling 1-year period.

6.3 Extensions to TRR under CIP

Where a civil servant who is approved for CIP exhausts their access to full pay and half pay, they may be approved for an initial period of TRR not exceeding 1 year. Upon approaching the end of this period, local management shall refer the civil servant to the CMO to determine, from a medical perspective, whether there is any reasonable prospect of the civil servant returning to work within a foreseeable timeframe. Where a reasonable prospect of return to work is confirmed by the CMO, the payment of TRR may be continued, subject to review at intervals of 6 month for a further period not exceeding 2 years. The management and medical criteria set out in Part 5 must continue to be met.

6.4 Criteria for Award of CIP

The decision to award CIP is a management decision, which should be informed by the particular circumstances of the case. In all cases the civil servant must be referred to the CMO who will provide a medical assessment to assist management in their decision-making.

The civil servant should ordinarily be under the current or recent clinical care of a medical consultant, either as an inpatient or outpatient. This excludes attendance primarily for report preparation or medico-legal purposes. Relevant medical reports must be furnished within an appropriate timeframe, and the treating medical consultant's specialism must be appropriate to the critical illness for which the claim is being made. The CMO may accept a presumptive diagnosis from the treating doctor on a case-by-case basis.

To support management's decision, the CMO should confirm whether the civil servant is medically unfit to return to their current duties, or (where practicable) to modified duties in the same pay grade. The nature of their medical condition should have at least one of the following characteristics:

- i. Acute life-threatening physical illness
- ii. Chronic progressive illness, with well-established potential to reduce life expectancy
- iii. Major physical trauma ordinarily requiring corrective acute operative surgical treatment
- iv. In-patient or day-hospital care of ten consecutive days or greater⁵

Where a civil servant does not meet these criteria, management may still decide to award CIP in exceptional circumstances. In exercising this discretion, management should consider the CMO's

⁵ In the case of pregnancy-related or assisted-pregnancy-related illness, the requirement for hospitalisation of ten consecutive days will be reduced to two or more consecutive days of inpatient hospital/clinic care.

report along with any relevant personal or HR information from the Civil Servant concerned. They must demonstrate the reasons for the decision to award taking into account:

- The circumstances in the particular case;
- The illness, injury or condition of the Civil Servant

6.5 Appeals

Where a civil servant disputes a decision not to award CIP, they may appeal such decision by requesting a review. All appeals must be directed through their local HR unit. The HR unit will liaise with the CMO who will arrange a case-file review by a third party medical referee. The external medical referee will then advise the CMO of the outcome appeal.

The final decision on any appeal lies with the employer, having considered the medical referee's review and the full circumstances of the case. Where the civil servant disputes the management decision, they may appeal this through the Revised Procedure for Dealing with Grievance Problems.

Should there be a delay⁶ in the employer referring a civil servant to the Occupational Health Service of the organisation, or a delay⁷ in being seen by this Occupational Health Service, there will be no financial loss to the civil servant if they are later awarded the exceptional extended paid sick leave. Where, in these circumstances, a civil servant moves on to half pay and it is later found that access to exceptional extended paid sick leave should have been granted, pay will be restored appropriately

6.6 Protective Year

Where a civil servant returns to work following an absence on CIP, they may avail of remaining CIP leave for subsequent non-critical illnesses that occur within one year of their resumption of duty. This is subject to the maximum thresholds under CIP.

Part 7: Referrals to the Office of the Chief Medical Officer (CMO)

7.1 Engagement with the Process

Where it is decided that a civil servant should be referred to the CMO, they are required to engage with the CMO unless medically unfit to do so. Failure to attend appointments without satisfactory explanation may result in the case being treated as a disciplinary matter. Payment for periods of sick leave is dependent on engaging with the CMO's Office when a referral is made. Civil servants must also supply the CMO with any requested medical documentation as promptly as possible.

Where a civil servant has an appointment to attend the CMO but returns to work in the meantime, management should inform the CMO. However, very occasionally at the discretion of management or the CMO, an appointment may still be required.

7.2 Referrals to the CMO for Long-Term Sick Absences

All civil servants must be referred to the CMO where an absence lasts **28 days or longer**. The purpose of this is to assist with workplace rehabilitation and is not a disciplinary measure. Absences attributed to work (e.g. work-related stress or workplace injury) must be referred

⁶ Where the delay is of a duration in excess of the period of time currently allowed for a referral to an Occupational Physician.

⁷ Where the delay is of a duration in excess of the normal waiting time to be seen by an Occupational Physician.

after 14 days. Management have the right to refer such absences immediately, if considered appropriate. In such cases, the CMO will require full background information.

Where an absence directly follows a period of long-term leave (e.g. maternity leave, career break) the civil servant should be referred immediately to the CMO. In these cases the CMO may decide to make an appointment to see the civil servant, seek a medical report, or advise no intervention is necessary at that point. This decision is based on the background workplace information on the Case Referral Form.

In all instances referrals should be initiated by the local HR unit using the CMO Referral Form. Where the CMO advises that a civil servant is medically fit for work and that civil servant does not resume duty, they should not be re-referred to the CMO for advice on medical fitness unless they have developed a new medical condition or a significant change in their existing medical condition.

7.3 Referrals to the CMO for Short-Term Sick Absences

Where a civil servant has a pattern of short-term absence that has been identified as a matter of concern, they may be referred to the CMO as part of the overall management process. Specifically, the CMO may assist management by clarifying whether the treatment of any chronic medical condition has been optimised, and assess whether any practicable work modification may help reduce absence.

Line managers and local HR units must be able to demonstrate proactive management measures in advance of making a referral, including holding at least one sick leave review meeting⁸ with the civil servant and supplying the CMO with the outcome of same.

7.4 Referral Procedures

All referrals to the CMO's Office must be made using a CMO Office Case Referral Form. It is essential that the civil servant's details are up to date. Their current phone number and address must be verified prior to any referral or re-referral. CMO referrals can only be made by local HR. There is no self-referral process by individual civil servants.

The civil servant must be advised in advance of the CMO referral and ordinarily be provided with a copy of the CMO Referral Form. Please note that the CMO Referral Form is accessible under data access legislation.

All relevant background workplace information must be provided, particularly where an absence is being attributed to workplace issues. In the case of re-referrals, background workplace information will need to be updated. As referrals without workplace information are of limited value, referrals cannot be accepted without this.

Applications for the Critical Illness Protocol (CIP) and Ill-Health Retirement (IHR) ordinarily should be made by the civil servant to their local HR section. If the applicant is deemed eligible by HR to apply for CIP or IHR, the case is then referred to the CMO's Office. The same procedures apply to appeals.

There may be circumstances, e.g. after a prolonged absence, where the civil servant must be assessed by the CMO prior to their return to work.

7.5 CMO Appointments and Reports

To avoid unnecessary expense, civil servants should only be asked to submit a medical report, as distinct from a medical cert, if the CMO has first requested one. Medical reports must be from the civil servant's current treating medical doctor. Reports from doctors they are attending for report preparation or medico-legal purposes are not acceptable. Reports must be submitted in a timely manner, ordinarily within 2 weeks of the request.

⁸ See Appendix 2

7.6 Difference of Opinion between CMO and Treating Doctor

Where there is a difference of opinion between the CMO's advice and a treating doctor's advice regarding medical fitness for work, it is for management to decide whether or not to grant support payments whilst on sick leave. Production of a medical cert does not imply an entitlement to paid or unpaid sick leave.

7.7 Workplace Health and Work Issue Referrals

Where absence and work performance issues arise that may be attributable to health issues, CMO referral for advice may be appropriate. The CMO's Office has no role in issues relating to the location of work. It is for management to determine the appropriate location of a civil servant's work, or what the limits of reasonable accommodations they can offer are, based on their business needs.

7.8 Occupational Injury and Disease Referrals

The provisions for Occupational Injury or Disease are set out in the relevant circulars. The role of the CMO is to determine only whether a certified sickness absence is linked to an occupational injury incident. It is for local management to determine whether an occupational injury incident has occurred in the first instance. Full and comprehensive background workplace information is essential on these referrals.

Part 8: Miscellaneous Provisions

8.1 General Provisions

A reference in this circular to a day of sick leave may include a Saturday or Sunday, or a day on which the place of employment is closed, where relevant. Where an absence includes both a Friday and a Monday (thereby traversing a weekend), that Saturday and Sunday will be counted in a civil servant's sick leave record. Unpaid sick leave and TRR absences are non-pensionable service and will not reckon towards pensions.

8.2 Exceeding Sick Leave Limits

Where a civil servant exceeds the limits as laid out in Parts 4, 5 and 6 of this circular, they should be notified that their pay will be reduced accordingly. If an overpayment arises as a result of sick leave, the overpayment will be recouped in accordance with the overpayments circular.

8.3 Sick Leave and Annual Leave

It is not permitted to take annual leave in place of sick leave. However, a civil servant may be given access to sick leave if they fall ill whilst on annual leave. Appropriate medical certification must be provided. Self-certified sick leave may not be granted during a period of annual leave. A civil servant may not opt to be paid for this annual leave rather than have it restored.

If a civil servant wishes to suspend a period of annual leave to take certified sick leave the usual rules apply, particularly those around timely notification to their line manager.

8.4 Sick Leave and Other Leave Types

A civil servant may not have access to two different types of leave at the same time. Where a civil servant is availing of statutory leave, other than as per 8.3 above, in general they will have no access to sick leave. However depending on the nature of the statutory leave it may be possible to postpone or suspend the statutory leave (e.g. parental leave). Where a civil servant is availing of special leave (e.g. career break) there is no access to sick leave.

8.5 Sick Leave and Work-Sharing

The sick leave provisions for a civil servant participating in the work-sharing scheme will be adjusted pro rata to their agreed attendance pattern and are subject to the normal provisions governing the granting of sick leave.

8.6 Absences from Work Resulting in a Personal Injury Claim

Where a civil servant is absent on sick leave due to an illness or injury which results in a personal injury claim against a third party, payment of sick pay is conditional upon the staff member:

- including in their personal injury claim the amount of any sick pay paid or payable in respect of the absence, and
- reimbursing to the organisation the amount of the sick pay paid or payable in the event of a successful claim.

8.7 Sick Leave and the Organisation of Working Time Act 1997

In accordance with Section 21 of the *Organisation of Working Time Act 1997*, a civil servant who is absent from work on certified sick leave immediately before and including a public holiday is entitled to benefit from that public holiday. Civil servants who are on certified sick leave immediately before and including a public holiday should be awarded a day in lieu.

There are some relevant exceptions to this provision:

- Civil servants who are absent due to an occupational injury for a period greater than 52 consecutive weeks are only entitled to an additional annual leave day for each public holiday arising in the first 52 consecutive weeks.
- Civil servants who are absent due to illness or injury (other than an occupational injury) for a period greater than 26 consecutive weeks are only entitled to an additional annual leave day for each public holiday arising in the first 26 consecutive weeks.

8.8 Pregnancy-Related Provisions

Special protections apply to civil servants who experience illness due to pregnancy.

Where a civil servant is absent due to pregnancy-related illness and is within the ordinary sick leave thresholds, payment will be made under ordinary sick leave arrangements. If, however, they have already exhausted access to full and half pay, they will continue to receive half pay for the duration of that absence. The intention here is that civil servants should not receive less than half pay whilst absent with a pregnancy-related illness. These specific extended periods at half pay will not count towards sick leave thresholds.

Where a civil servant subsequently goes absent with a non-pregnancy related illness, and has already exhausted access to full pay and half pay, they may be credited back any days taken as pregnancy-related illness in the last four years at half pay. This is subject to the overall sick leave limits.

8.9 Sick Leave and Probation

The sick leave provisions for a civil servant on probation will be adjusted pro rata for the period of their probation and are subject to the normal provisions governing the granting of sick leave.



Colin Menton

Deputy Secretary General

4 September 2023

Appendix 1: Reasonable Accommodations

Where a civil servant attributes frequent or prolonged absence to a medical condition, consideration must be given as to whether that civil servant may have a disability as defined under Employment Equality legislation. HR Managers must consider their obligations under the Employment Equality Acts 1998 to 2015 to provide reasonable accommodation, to ensure that civil servants with a disability can participate in and advance at work.

Examples of reasonable accommodation may include but are not limited to:

- Making adjustments to premises and/or working space where reasonably practicable.
- Allocating minor or subsidiary duties to another civil servant.
- Altering working hours/reduction in hours.
- Changing the location of the work.
- Providing remote working.
- Offering additional or extended training for the post.
- Acquiring relevant equipment or modifying existing equipment.

Appendix 2: Sick Leave Review

Sick leave review meetings should be held in every case where a civil servant's absence rate or pattern is of concern, whether the absences are certified or self-certified. As early intervention can be key in addressing absence-related issues and resetting expectations, line managers and/or local HR units should be proactive in this space.

Line managers should regularly review their team members' absence records in order to identify situations where a review meeting is warranted. The following trigger-points may guide considerations:

- Frequent absence on a particular day of the week, e.g. Mondays or Fridays.
- Frequent absence before or after annual leave/public holidays.
- Increased frequency of absence when no annual leave entitlement remains.
- Long-term absence without regular engagement between the civil servant and management.
- Pattern of unpaid, unauthorised absences.

Personal circumstances will differ between civil servants, so line managers should exercise discretion in deciding when to intervene. They should ensure that they are sufficiently informed of the particulars of the case when deciding whether or not to instigate a review meeting.

Review meetings should be confidential and carried out in a positive and supportive manner. In general, the discussion should cover:

- Advising the civil servant of the issue, using supporting evidence.
- Discussing any problem (work-related or otherwise) that may have caused or contributed to the absences.
- Ensuring that the civil servant is aware of the relevant responsibilities and provisions under this circular and the Public Service Sick Leave Regulations.
- Ensuring that the civil servant is aware of the consequences of continued high absence.
- Identifying practical steps that might be taken to reduce absence levels in the future.
- Drawing the civil servant's attention to the services provided by the Civil Service Employee Assistance Service (CSEAS) and the Disability Liaison Officer.

Managers and/or local HR staff, as relevant, should maintain appropriate documentation of any sick leave review meetings. Where it is determined that there may be an underlying medical condition that is contributing to high absence, the civil servant may be referred to the CMO for further assessment and exploration of potential supports. **Referrals to the CMO should only be made where it can be demonstrated that at least one review meeting has been held by local management.**

Appendix 3: Revocation of Circulars

Circular 05/2018 *Arrangements for Paid Sick Leave* is revoked by this circular. The following circulars remain revoked:

Circular 12/2015	Arrangements for Paid Sick Leave
Circular 06/2014	Arrangements for Paid Sick Leave
Circular 16/2012	Self-Certified Paid Sick Leave Arrangements
Circular 9/2010	Management of Sick Leave
Circular 15/2009	Sick Leave: Pregnancy-Related Sick Leave
Circular 9/2004	Sick Leave and the Organisation of Working Time Act 1997
Circular 33/1995	Sick Leave Arrangements for Unestablished and Temporary Staff
Conf. Circular 3/91	Clearance of Candidates for Promotion or Establishment: Sick Absences and Health Considerations
Conf. Circular 4/91	Sick Leave during or after Pregnancy
Circular 12/1988	Civil Service Policy on AIDS
Circular 7/1978	Sick Leave
Circular 25/1978	Sick Leave (insofar as it relates to sick leave only)
Circular 23/1977	Fees for Certain Medical Examinations
Circular 43/1974	Sick Pay at Pension Rate
Circular 5/1971	Confirmation of Acting Appointments
Conf. Circular 6/64	Sick Absences of Officers on Probation
Circular 9/1957	Civil Service Regulation Act, 1956, Appointment of Medical Referees for Purposes of Section 9
Circular 6/1957	Superannuation Act, 1956

Appendix 4: Definitions

Current or recent Clinical Care:

This means that the employee has received medical investigations and treatment ordinarily under the direct care / supervision of a hospital consultant. They may be either a hospital inpatient or outpatient. It excludes referrals that in the opinion of the Occupational Physician are primarily for report preparation purposes/medico-legal purposes.

Hospital Consultant:

This is a medical doctor who is on the relevant specialist register, and holds a HSE / Voluntary Hospital / NHS hospital consultant appointment or has admission rights to a recognised private hospital.

Occupational Physician:

This is a medical doctor registered with the Irish Medical Council who has a postgraduate qualification in Occupational Medicine / Occupational Health, or who is on a specialist training scheme in Occupational Medicine.

Specialist Occupational Physician:

This is a medical doctor registered with the Irish Medical Council in the specialist division of Occupational Medicine.

Limitation of Life Expectancy:

This refers to the condition and not the individual person. It must be well established in the peer reviewed medical literature that the medical condition results in a reduction of life expectancy

Appendix 5: Useful Links

Contact Details for Relevant Organisations

- [Chief Medical Officer for the Civil Service](https://cmo.gov.ie/)
https://cmo.gov.ie/
- [Civil Service Employee Assistance Service](https://www.cseas.per.gov.ie/)
https://www.cseas.per.gov.ie/

Relevant Legislation

- [Freedom of Information Act 2014](https://www.irishstatutebook.ie/eli/2014/act/30/enacted/en/print.h)
https://www.irishstatutebook.ie/eli/2014/act/30/enacted/en/print.h
- [Employment Equality Act 1998](https://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/html)
https://www.irishstatutebook.ie/eli/1998/act/21/enacted/en/html
- [Organisation of Working Time Act 1997](https://www.irishstatutebook.ie/eli/1997/act/20/enacted/en/html)
https://www.irishstatutebook.ie/eli/1997/act/20/enacted/en/html

Associated Circulars

- [Ill-Health Retirement from the Civil Service](https://www.gov.ie/pdf/?file=https%3A//assets.gov.ie/16356/7c276b6299f945cda8d77f3747a7687b.pdf&page=null)
https://www.gov.ie/pdf/?file=https%3A//assets.gov.ie/16356/7c276b6299f945cda8d77f3747a7687b.pdf&page=null
- [Recovery of Salary, Allowances, and Expenses Overpayments made to Staff Members/ Former Staff Members/ Pensioners/ Work-sharing](https://www.gov.ie/pdf/?file=https%3A//assets.gov.ie/15999/7c3d6cae73244694bf112cf91bcddd4b.pdf&page=null)
https://www.gov.ie/pdf/?file=https%3A//assets.gov.ie/15999/7c3d6cae73244694bf112cf91bcddd4b.pdf&page=null
- [Revised Procedure for Dealing with Grievance Problems](https://www.gov.ie/pdf/?file=https%3A//assets.gov.ie/16834/583bece4c1bd453f93b648015e380b7f.pdf&page=null)
https://www.gov.ie/pdf/?file=https%3A//assets.gov.ie/16834/583bece4c1bd453f93b648015e380b7f.pdf&page=null
- [Amendment to the Civil Service Worksharing Scheme](https://www.gov.ie/pdf/?file=https%3A//assets.gov.ie/15948/d30a9c183a5c465687275617c9031e50.pdf&page=null)
https://www.gov.ie/pdf/?file=https%3A//assets.gov.ie/15948/d30a9c183a5c465687275617c9031e50.pdf&page=null
- [Disciplinary Code](https://hr.per.gov.ie/en/corporate-pages/career/performance/disciplinary-code/)
https://hr.per.gov.ie/en/corporate-pages/career/performance/disciplinary-code/
- [Underperformance Policy](https://circulars.gov.ie/pdf/circular/per/2016/24.pdf)
https://circulars.gov.ie/pdf/circular/per/2016/24.pdf

