



Rialtas na hÉireann  
Government of Ireland

# Amendments to the Public Service Sick Leave Scheme

## Frequently Asked Questions

**A guide to the revised Regulations**  
September 2023

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## General

### 1. Where are the details of the Public Service Sick Leave Scheme set out?

The details of the Public Service Sick Leave Scheme are set out in:

- *The Public Service Management (Sick Leave) Regulations 2014* as amended by the *Public Service Management (Sick Leave) (Amendment) Regulations 2015* and by the *Public Service Management (Sick Leave) (Amendment) Regulations 2023*.
- *12/2023 Management of Sick Leave in the Civil Service*

The Regulations set out the terms under which paid sick leave may be granted, and the Circular sets out the administrative provisions for sick leave. The Circular must always be read in conjunction with the Regulations.

### 2. When did the amendments to the Sick Leave Scheme come into effect?

A series of amendments to the Scheme came into effect on 4 September 2023. Any public servant who goes out sick on or after this date will be subject to the provisions of the revised Sick Leave Scheme.

### 3. What if someone has been absent on continuous sick leave since before 4 September 2023?

If a person is absent on sick leave on a continuous basis since before 4 September 2023 they will continue to have access to the previous sick leave provisions for that absence (i.e. the provisions which were in place at the time they went out on sick leave). Once the individual returns to work, the next period of sick leave will be subject to the new arrangements.

### 4. How should breaks in service during the 4-year look-back be handled when calculating a civil servant's access to paid sick leave?

Any type of leave that is 6 months or longer **and** fulfils **all** of the following criteria will extend the look-back period for the purposes of sick leave limits:

- i. unpaid;
- ii. does not reckon towards pensions; and
- iii. does not accrue annual leave.

## **5. What types of absence should be included in the look-back for ordinary and/or Critical Illness Protocol (CIP) sick pay?**

All periods of full pay, half pay and TRR should be included in the look-back when calculating an individual's access to paid sick leave (i.e. full pay or half pay) under the maximum limits (183 or 365 days as appropriate). Periods of nil pay should be excluded from the look-back.

## **6. What types of absence should be included in the look-back for TRR?**

Only periods of TRR should be included in the look-back when calculating an individual's access to TRR under the maximum limits (547 days for ordinary illness; extensions may be granted under CIP as appropriate).

## **7. What is changing in the Protective Year?**

The Protective Year is an additional support to individuals returning to work after a period of critical illness. Under the original regulation introduced in 2014, the Protective Year commenced on the same day that the critical illness commenced. However, practice has since been updated so that the Protective Year commences on the day of an individual's **return to work** after their period of critical illness, making fully available the intended benefit of this provision.

An amendment to the Regulations aligns the legislation more closely with policy and practice. In practical terms this means **no change** in the operation of the Protective Year.

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## Temporary Rehabilitation Remuneration

### **8. How is Temporary Rehabilitation Remuneration (TRR) changing?**

TRR is no longer conditional on membership of a Public Service pension scheme, or based on ill-health retirement accrual, which is rooted in pension contributions. Instead, public servants who satisfy the eligibility criteria will receive a flat rate of 37.5% of their remuneration. It is important to note that only the *rate* of TRR is changing, not the components of remuneration to which it is applied.

For those public servants who qualify for Illness Benefit, the flat rate will be **inclusive** of Illness Benefit. Normal procedures regarding application to the Department of Social Protection still apply.

### **9. Will all public servants receive the same rate of TRR?**

No, as a transitional measure, anyone whose rate of TRR would otherwise be higher than 37.5% will continue to receive the higher rate for a period of 5 years from the date of implementation. This arrangement will conclude on Sunday 3 September 2028. In general, this will only apply where an individual has approximately 23 years or more of accrued service, though this may differ depending on individual circumstances, e.g. membership of fast-accrual pension schemes, breaks in service, etc. Individuals who are eligible for the higher rate should apply to their HR unit.

### **10. If the rate of TRR is lower than the rate of IB, will the staff member be paid the difference up the rate of IB?**

Where the rate of TRR is calculated to be less than the rate of Illness Benefit, individuals should contact their local HR unit and request a release of the mandated illness benefit, which will have been mandated by the individual to their employer, to bring it to the illness benefit rate due. It is considered that this will be a very rare occurrence affecting only a very small cohort of individual. A CO in their 3rd year of employment in the Civil Service, on a 50% workshare pattern and who has obviously exhausted access to full and half pay sick leave i.e. absent for at least 6 months in their first three years of employment would be an illustrative example of this rare scenario.

### **11. Will all public servants be able to access TRR?**

Yes, all public servants who satisfy the eligibility criteria may avail of TRR where relevant, subject to the usual approval by local management. In order to be eligible, individuals must:

- i. have accrued 2 calendar years' service in the Public Service; and
- ii. have a reasonable prospect of returning to work to deliver regular and effective service.

Public servants (both permanent and fixed-term) with previous employment in the Public Service may have their periods of service aggregated towards this 2-year requirement, as long as there is no break in service of 26 weeks or more.

### **12. Is TRR payment immediate?**

No, TRR payment will not be immediate for absences where access to full pay and half pay has already been exhausted at the outset. For each new relevant absence on TRR, a 3-day wait (of calendar days) will apply before payment can be made. So, for example, if an individual commences a relevant period of sick leave on Monday, there will be no payment for the Monday, Tuesday or Wednesday; payment will commence from the Thursday only. The 3-day wait is not cumulative across multiple absences, i.e. a 3-day wait applies to each new period of relevant absence.

There are two exceptions to this rule:

- i. where an individual transitions from either full pay or half pay to TRR during the course of one continuous absence; or
- ii. the individual is availing of the Critical Illness Protocol.

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## Pregnancy-Related Sick Leave

### **13. Will there be any changes to Pregnancy-Related Sick Leave (PRSL)?**

No, there are no changes to the current PRSL provisions. The PRSL provisions were updated in 2015, and they provide that a public servant who has exhausted their access to paid sick leave due to PRSL in the previous 4 years may have access to additional non-PRSL at the half rate of pay. The number of additional days allowed:

- will be the equivalent number of days taken on PRSL in the 4 years; and
- must not exceed normal sick leave limits (e.g. 183 days) for non-PRSL (when counted with other non-PRSL in the previous 4 years).

This extended PRSL at the half rate of pay will not count towards sick leave limits.