

Illness/Injury Leave

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1. Purpose

The purpose of the Illness/Injury Leave policy is to inform employees of their responsibilities in instances where they are absent from work because of illness or injury.

2. Scope

The scope of this policy is to all employees of the Law Society. The sick pay aspect of the policy applies to the relevant employees based on length of service.

3. Policy

3.1. Notification of Absence

If an employee will be absent without prior notice as a result of illness/injury they must personally call their Line Manager within an hour of their expected start time. In a Line Manager's absence, employees are required to call their Head of Department, and in their absence, the Human Resources Department. Voicemail, email or text message to any of these parties will not suffice as contact.

The below points must be made clear:

- The reason why Employee is absent.
- Review of work commitments, particularly those made to external parties, so that alternative arrangements can be made.
- Establish when the Employee expects to return to work.
- Provide an emergency contact number.

Failure to notify the Law Society in accordance with this policy may result in a disciplinary procedure being applied.

3.2. Unauthorised absence

If you are absent from work without Manager authorisation, except in cases of illness, injury, or other acceptable form of unplanned leave as covered by this policy, disciplinary action may be taken in line with the Law Society's disciplinary procedure. Payment for unauthorised absence will not be made.

3.3. Medical Certificates

Employees are required to submit a doctor's certificate to their Line Manager (or HR in instances where their Line Manager is unavailable) following two consecutive days of absence i.e. on the third day of absence. Subsequent certificates must be submitted where the absence continues beyond the period covered by the initial certificate. If the absence extends beyond one week, employees must communicate with their manager at least once a week to inform them of their medical status and expected return date. Follow up certificates should be submitted on a weekly basis. In instances where more than one medical certificate is required, there should be no break in cover between certificates.

The Law Society requires the following details in the medical certificate which will be held in the strictest confidence and subject to our data protection and retention policies.

- Name and address of the doctor and medical council number.
- Name and address of the employee.
- The opinion of the doctor that the patient is incapacitated due to illness/accident.
- The expected duration of incapacity.
- The date of issue, and
- The doctor's signature.

The Law Society is unable to accept medical certificates that do not meet the above requirements.

For absences longer than one-month, medical certificates must be submitted on a monthly basis.

For the avoidance of doubt, there is no entitlement to statutory sick leave/sick pay scheme for uncertified illness.

Hospital medical certificates relating to consultations or hospital appointments are accepted in place of certificates issued by a GP, so long as they cover the appropriate period of sickness and include the required information.

It is important that the employee submit the medical certificate(s) on their return or at a regular interval as agreed with their Line Manager as they are used to determine eligibility for Sick Pay. These payments will not be made where there has been a break in medical certificates, or where the certificate is not received.

3.4. Long-term Illness/Injury Leave

The Law Society will treat all employees who are on Illness/Injury leave for a prolonged period of time with sensitivity and care. Each case will be dealt with individually whilst following Law Society policy and will be guided by medical advice at all times.

In the case of prolonged absence due to illness/sickness or injury the Law Society can require you to visit the Law Society's selected doctor/occupational health provider and/or ask for a medical report from your doctor to advise as to your fitness for work. The results of any such examination will, of course, be confidential.

You are required to maintain regular contact with your Line Manager for the duration of your illness. During a period of long-term absence, the Law Society requests that you attend regular welfare support meetings (depending on the length of absence). The goal of these meetings is to ascertain what supports the Law Society can provide during an employee's period of long term illness/Injury leave and support towards their recovery. If the employee is capable of returning to work but not to the same job, the Law Society will assess the situation with a view to finding suitable alternative employment (if any). If unable to fulfil the requirements of the role, or any suitable alternative role, an outcome of these meetings could be dismissal due to incapacity with notice.

3.5. Reasonable Accommodation

Reasonable Accommodation is any action that helps to alleviate a substantial disadvantage due to a disability and/or a significant ongoing illness. This can be defined as some modification to tasks or the structure of a job or the workplace at nominal cost which allows a qualified employee with a disability to fully do their job and enjoy equal employment opportunities. Reasonable Accommodation can vary from rearranging office furniture, to providing Assistive Technology or providing for changes to working hours.

Section 16 of the Employment Equality Acts 1998-2015 requires an employer to do what is reasonable to accommodate the needs of a person who has a disability by providing special treatment or facilities. However, an employer is not required to retain an individual in a position if that individual is not fully competent and available to undertake the duties attached to that position.

What is 'reasonable' for the Law Society will vary according to a range of factors and will depend on the circumstances of the individual case.

Each request for Reasonable Accommodation will be assessed on a case by case basis and in line with occupational health advice.

3.6. Law Society Scheduled Medical Appointments

An employee who has been absent from work due to injury or serious illness may be required to produce a Certificate of Fitness to return to work. The Law Society reserve the right to require the employee to attend its own occupational health review as necessary. Working while there is a current medical certificate stating the employee is unfit to work is not advised.

3.7. Failure to Attend Law Society Scheduled Medical Appointments

Failure to attend an occupational health appointment organised by the Law Society without valid reason or notification is a breach of this policy. In such circumstances, the disciplinary procedure may be applied.

3.8. Employee Medical Appointments

Where considered appropriate, the Law Society at its discretion permits employees to take time off for personal medical appointments. The Law Society may request medical certificates for these instances. This leave is paid at the discretion of the Law Society. The Law Society requests that, where possible, the appointments are at the beginning or at the end of the working day. If the appointment finishes before the end of the working day, employees must return to work.

3.9. Return to work

Upon returning to work from unplanned absence, employees are required to attend a Return-to-Work meeting with their manager. This will be organised by the manager, to ensure that employees have the support and resources to return to work safely.

3.10. Documenting Sick Leave

Documenting sick leave is the responsibility of the employee in BambooHR. In the event the employee is unable to enter the leave for any reason, it is the responsibility of their Line Manager to input the dates of leave on their behalf. Sick leave must be categorised as certified or uncertified (with or without a medical certificate). For full instructions on entering leave, please see here.

3.11. Permanent Health Insurance

Pension scheme members shall be entitled to participate at the Law Society's expense in the Law Society's disability benefit scheme, which is provided to employees of the Law Society, details of which are available from the Law Society's Human Resources department. Eligibility for and participation in the scheme are subject to the rules of the scheme and the Law Society reserves the right to amend or vary the scheme at any time.

4. Sick Pay Scheme

4.1. Social Welfare Illness Benefit

Employees who are absent from work for 3 days are more regardless of length of service must apply for SWIB.

Employees by using the link below or get the relevant forms from their doctor's office. **Please note this must be submitted within 7 days of the first day of sick leave.**

<https://services.mywelfare.ie/en/topics/health-disability-illness/illness-benefit/>

When applying, please request that the payment goes into the Law Society account only, the details are as follows.

The Law Society of Ireland

IBAN:

IE40 BOFI 9000 1738 2376 52

BIC:

BOFIE2D

Please note the Law Society's tax id number is **0048129W**.

4.2. (i) Payment where the employee is still in their probationary period:

- The Law Society may at its absolute discretion pay sick pay to an employee, who has 13 weeks of service, during absence by reason of illness/ injury that occurs during the employee's probationary period up to a maximum aggregate of 2 days. The probationary period includes any extension to the initial probationary period.

4.3. (ii) Payment where the employee has passed their probationary period:

4.4. Probation is passed and there is less than five years' service:

- The Law Society may at its absolute discretion pay sick pay to an employee, who has between less than five years' service, during absence by reason of illness/injury up to a maximum aggregate of three months and up to a maximum aggregate of a further one month at a rate of 50% of the employee's normal basic rate excluding overtime, in any 12 month period.

4.5. Probation is passed and there is five to 10 years' service:

- The Law Society may at its absolute discretion, pay sick pay to an employee, who has between five and ten years' service, during absence by reason of illness /injury up to a maximum aggregate of four months and up to a maximum aggregate of a further one month at a rate of 50% of the employee's normal basic rate excluding overtime, in any 12 month period.

4.6. Probation is passed and there is more than ten years' service:

- The Law Society may at its absolute discretion, pay sick pay to an employee with ten years' service, during absence by reason of illness/injury up to a maximum aggregate of five months and up to a maximum aggregate of a further one month at a rate of 50% of the employee's normal basic rate excluding overtime, in any 12 month period.

5. Review

This Policy will be reviewed when appropriate in respect of updated legislation or good practice. For information on potential reviews please contact the [Human Resources Department](#)