

Statutory sick pay: What do employers need to know?

[eversheds-sutherland.com/global/en/what/articles/index.page](https://www.eversheds-sutherland.com/global/en/what/articles/index.page)

09-08-2022

Ireland

Employment law - HR E-Brief

The Sick Leave Act 2022 (the “**Act**”) which provides for a statutory sick pay scheme for employees was signed into law by the President on the 20 July 2022. A commencement order is awaited which will bring the Act into force and this is expected in the autumn.

What entitlements will employees have?

Employees will be entitled to three days paid sick leave per year. This will increase to five days in 2024, seven days in 2025 and 10 days in 2026. The sick leave days do not have to be consecutive.

Statutory sick pay will be paid by the employer at a rate of 70% of the employee’s salary, subject to a maximum amount of €110 per day.

In order to qualify for the payment, an employee must have been working for their employer for at least 13 weeks. Employees must also provide their employer with a medical certificate signed by a registered medical practitioner stating that they are unfit to work.

Employer exemptions

An employer can apply to the Labour Court for an exemption from paying statutory sick pay due to financial difficulties. The exemption cannot exceed one year and cannot be less than three months.

Complaints to the Workplace Relations Commission

Where an employee believes that their employer has failed to comply with the provisions of the Act, the employee can make a complaint to the Workplace Relations Commission (the “**WRC**”). The WRC may award up to four weeks’ remuneration.

Key takeaways for employers

1. Employers should review their sickness and absence policies to ensure compliance with the new legislation.
2. Employers must ensure that they have a system in place for keeping proper records of the statutory sick leave taken by each employee, to include the period of employment of each employee who availed of statutory sick leave, the dates and times of the statutory sick leave and the rate of sick leave payment. Such records must be retained for a period of four years. An employer who fails to keep records shall be guilty of an offence and liable on conviction to a fine of €2,500.
3. The statutory sick leave obligations will not apply to an employer who provides their employees with a sick leave scheme where the terms of the scheme give benefits that as a whole are more favourable to the employee than statutory sick leave. However, employers should ensure that they provide eligible employees with statutory sick leave if their more favourable sick leave scheme only applies to employees who, for example, have passed their probationary period or have been employed for a set period of time.

For more information, please contact:

Emma Quinn , Solicitor - EmmaQuinn@eversheds-sutherland.ie

Conor Fynes, Solicitor - ConorFynes@eversheds-sutherland.ie

- [Joanne Hyde](#)
- Partner



- [+353 1 6644 252](tel:+35316644252)
- [+353 1 6644 252](tel:+35316644252)



- [Julie Galbraith](#)
- Partner
- [+353 1 6644398](tel:+35316644398)
- [+353 1 6644398](tel:+35316644398)
- [Connect with Julie Galbraith on LinkedIn](#)
- [Niamh Diskin](#)
- Associate
- [+353 1 6441449](tel:+35316441449)
- [+353 1 6441449](tel:+35316441449)
- [Connect with Niamh Diskin on LinkedIn](#)

This information is for guidance purposes only and should not be regarded as a substitute for taking legal advice. Please refer to the full [terms and conditions](#) on our website.

This information is for guidance purposes only and should not be regarded as a substitute for taking legal advice. Please refer to the full [terms and conditions](#) on our website.

