

5th April 2022

Tánaiste Leo Varadkar, TD
Minister for Enterprise, Trade and Employment
Department of Enterprise, Trade and Employment
Kildare Street
Dublin 2

Dear Tánaiste

I am writing in relation to the qualifying period under subsection 5(5) of the Sick Leave Bill ahead of you presenting it before the Oireachtas on Thursday for debate.

Firstly, on behalf of the Irish Congress of Trade Unions I want to acknowledge the collaborative approach taken by you and your officials on the design of this new workers' right to sick pay.

At pre-legislative scrutiny of the heads we set out our key outstanding concerns (bit.ly/3xiyo0z). It is disappointing to find that these have gone largely unheeded in the final draft of the Bill.

Notwithstanding our firm belief that the out-of-pocket expense for a medical certificate will be a barrier for workers exercising their entitlement, the 13 weeks unbroken service with an employer required before an entitlement commences will leave hundreds of thousands of mostly women and foreign-born essential workers employed in low-pay jobs, who routinely have their service broken by their employer, without coverage for 3 months each year.

One example to illustrate this point are early years professionals working in ECCE (pre-school) services on 38-week contracts forced to sign-on social welfare during the summer. This is also the case for term-time workers in education and seasonal workers in tourism and horticulture.

We believe this is an oversight and is open to abuse. ICTU is urging you to amend the Bill by deleting 'continuous' from the service qualification under subsection 5(5) or alternatively, include-

'in the case of successive fixed-term contracts with the same employer, the sum of those contracts shall be taken into account for the purpose of calculating the qualifying period.'

This simple fix will go a long way to improve the effectiveness of this landmark legislation.

Yours sincerely



Patricia King

General Secretary: **Patricia King**
31-32 Parnell Square, Dublin 1, Ireland
Email: congress@ictu.ie Web: www.ictu.ie

Tel: +353 1 889 7777 Fax: +353 1 887 2012
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