

WR.20 AMOUNT AND DURATION OF PAYMENT OF INDUSTRY SICK PAY

Absence from Work due to Sickness or Injury

20.1 Relationship of Industry Sick Pay with Statutory Sick Pay

Under existing legislation there is an entitlement to statutory sick pay. Any payment due under this rule shall be increased by an amount equivalent to any statutory sick pay that may be payable in respect of the same day of incapacity for work under the Regulations made under that Act. These are referred to elsewhere in this Rule as "SSP Regulations".

20.2 Limit of Weekly Payment

The aggregate amount of SSP plus Industry Sick Pay shall not exceed a normal weeks pay

20.3 Qualifying Days

For the purpose of both this Rule and the SSP Regulations, the "qualifying days" that shall generally apply in the industry are Monday to Friday in each week. While the qualifying days referred to above shall generally be the same five days as those which form the normal week of guaranteed employment under this agreement, it is accepted that there might be certain exceptions, e.g. where the particular circumstances of the workplace require continuous six or seven day working. In these situations it is in order, where there is mutual agreement, for other days to be regarded as 'qualifying days' for the purpose of this Rule and SSP.

20.4 Amount and Duration of Payment

- (i) An operative who during employment with an employer is absent from work on account of sickness or injury shall, subject to satisfying all the conditions set out in this Rule be paid the appropriate proportion of a weekly amount specified by the Council for each qualifying day of incapacity for work. For this purpose, the appropriate proportion due for a day shall be the weekly rate divided by the number of qualifying days specified under Rule 20.3 above.
- (ii) During the first four continuous weeks of employment with a new employer the Operative shall be entitled to Statutory Sick Pay for absence which the employer is satisfied is due to genuine sickness or injury.
- (iii) After four continuous weeks of employment the Operative shall be entitled to a total of four weeks Industry sick pay in addition to SSP in respect of absence that starts after these four weeks.
- (iv) After fifteen continuous weeks of employment the Operative shall be entitled to a total of seven weeks Industry sick pay in addition to SSP (less any industry sick pay received) in respect of absence that starts after these fifteen weeks.

- (v) After twenty six continuous weeks of employment the Operative shall be entitled to a total of ten weeks Industry sick pay in addition to SSP (less any industry sick pay received) in respect of absence that starts after these twenty six weeks. This entitlement is based on a rolling 12 month period or single period of absence, whichever is the longer.

20.5 Notification of Incapacity for Work

An operative shall not be entitled to payment under this Rule unless, during the first qualifying day in the period of incapacity, his employer is notified that he is unable to work due to sickness or injury and when the incapacity for work started. Thereafter, the operative shall, at intervals not exceeding one week throughout the whole period of absence, keep the employer informed of his continuing incapacity for work. Where the employer is notified later than this rule requires, he may nevertheless make payment under the rule if satisfied that there was good cause for the delay.

20.6 Certification of Incapacity for Work

The whole period of absence from work shall be covered by a certificate or certificates of incapacity for work to the satisfaction of the employer. For the first seven consecutive days of sickness absence, including weekends and public holidays, a self certificate will normally suffice for this purpose. Any additional days of the same period of absence must be covered by a certificate or certificates given by a registered medical practitioner.

NOTE: For the purpose of this paragraph a self certificate means a signed statement made by the operative in a form that is approved by the employer, that he has been unable to work due to sickness/injury for the whole period specified in the statement.

20.7 Qualifying Conditions for Payment

An operative shall not be entitled to the payment prescribed in this rule unless the following conditions are satisfied:

20.7.1 That incapacity has been notified to the employer in accordance with Rule 20.5 above.

20.7.2 That the requirements of Rule 20.6 above to supply certificate(s) of incapacity for work have been complied with.

20.7.3 That the first three qualifying days (for which no payment shall be due) have elapsed in each period of absence.

20.7.4 That none of the qualifying days concerned is a day of annual or public holiday granted in accordance with the provisions of this Working Rule Agreement.

- 20.7.5 That the incapacity does not arise directly or indirectly from insurrection or war, attempted suicide or self-inflicted injury, the operative's own misconduct, any gainful occupation outside working hours or participation as a professional in sports or games.
- 20.7.6 That the limit of payment has not been reached.
- 20.8 The employer shall be responsible for keeping records of absence and payments made to operatives under this Rule.