

Ireland Sickness Absence Policy

1. Overview

This policy sets out Adobe's current arrangements for sick pay and for reporting and managing sickness absence for its Ireland employees.

This policy does not form part of any employee's contract of employment and Adobe may amend it at any time.

2. Scope

This policy applies to all employees of Adobe Systems Software Ireland Limited ("Adobe").

3. Sickness Reporting Procedure

Employees who are unable to attend work due to illness or injury ("Absence"), should notify their immediate manager or, in their absence, a more senior manager. Notification should be made as soon as possible and, in any event, preferably by 9.30am on the day of their absence. This must be repeated every morning if the illness continues. If the illness is pre-planned and already approved by your manager (e.g. scheduled surgery), you do not need to contact your manager in the morning.

If an Absence lasts more than three calendar days, employees must obtain a doctor's certificate on the fourth calendar day to cover the entire period of Absence. This should be sent to the manager and submitted to the [Employee Resource Center \(ERC\)](#). Subsequently, a doctor's certificate must be sent at weekly intervals or more frequent intervals as deemed appropriate by the employee's doctor.

Where the Absence is three calendar days or less, employees may also be required to produce a doctor's certificate covering all or part of the Absence if requested by Adobe.

At any time, whether the employee is absent from work or not, Adobe may require the employee to undergo an independent medical examination by its Occupational Health advisors or by a medical practitioner nominated by Adobe. This will be paid for by Adobe. The employee will be asked to agree to any report produced following this consultation to be disclosed to Adobe. Such reports will be kept confidential. If an employee refuses to be examined by a doctor nominated by Adobe or for the report to be disclosed to Adobe, Adobe may require the employee to contribute to the cost of the missed appointment(s) and/or may withhold Company Sick Pay.

Employees who return to work whilst still certified as sick may be sent to their doctor to be signed as "fit for work" or be required to be examined by an Adobe-nominated doctor.

4. Sick Pay

Subject to the legislation in force, employees who are ill may be eligible for benefits, including Illness Benefit, from the Department of Social, Community and Family Affairs and all employees whose sickness absence lasts more than three days are required by Adobe to claim such benefits. Under the current legislation, such benefits are payable directly by the State to qualifying employees and are offset against any Company Sick Pay.

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Employees must apply for Illness Benefit within six weeks of becoming ill. Usually employees do not receive Illness Benefit for the first six days of sickness absence or any Sunday during their illness. The six waiting days are not applied if the employee is receiving certain other social welfare payments within three days of the start of their illness. Upon receipt of claim approval, employees must notify and forward payment confirmation to the [Employee Resource Center \(ERC\)](#). Failure to make a claim or notify Adobe of payment may result in a reduction in Company Sick Pay.

During the probationary period only, statutory sick leave is provided by Adobe. Once the probationary period has been successfully completed, employees will be eligible to receive Company Sick Pay.

Company Sick Pay, which comprises base salary only and is inclusive of any Illness Benefit to which employees may be entitled, is discretionary and Adobe may amend or withdraw the scheme at any time. The maximum Company Sick Pay an employee may receive is six months at full pay in any rolling period of 12 months (i.e. from the first date of sickness absence counting forward 12 months).

Adobe may withhold or remove Company Sick Pay at its discretion. This may include situations where the employee has failed to comply with the requirements of this policy, where the employee is subject to an ongoing disciplinary investigation or process, or is subject to a formal performance management process.

If an employee has exhausted the Company Sick Pay they may be eligible to receive in any 12 month period, the employee will not be eligible to be considered for Company Sick Pay again until they have returned to work on their full contractual hours for a total of five consecutive weeks.

Annual Incentive Plan payments made during any Absence are paid at Adobe's discretion. Company Sick Pay is not an accrued benefit and, if not used, will not be paid out.

5. Managing Sickness Absence

The following paragraphs set out the procedure Adobe may implement whenever it considers it appropriate to support employees and help manage their sickness absence. This may include, but is not limited to, employees who are either on long-term absence or where the level or frequency of short-term absence has given Adobe cause for concern.

The purpose of the procedure is primarily to investigate and understand the reasons for an employee's sickness absence, whether it is likely to continue or recur, and whether there are any measures that could improve an employee's health and/or attendance.

1. Sickness Absence Meetings

Ordinarily, the employee will be invited to a meeting to discuss their situation. Employees will be notified in writing of the time, date and place of any meeting. The invitation will set out the reason for the meeting, including if appropriate, any concerns about the employee's sickness absence.

The employee must take all reasonable steps to attend the meeting. Failure to do so without good reason may be treated as misconduct. If the employee is unable to attend the meeting, they must immediately inform their manager or the person who has arranged the meeting so that it can be re-scheduled.

Employees may bring a representative to the sickness absence meetings. The representative may be either a trade union representative or an Adobe colleague. If the employee or the representative cannot attend at the time specified, the employee should let Adobe know as soon as possible. Adobe will try, within reason, to agree on an alternative time. All representatives are bound by confidentiality and may make representations, ask questions and sum up the employee's position, but will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their representative at any time during the meeting.

Meetings will usually be conducted by line managers and/or a member of the Employee Experience team. A member of the Employee Experience team may also be present at the meeting as a notetaker to keep a record of the proceedings. Audio or video recording of the meeting is not permitted.

If an employee has a disability, Adobe will consider whether reasonable adjustments may need to be made to the sickness absence meetings procedure or to the employee's role or working arrangements.

The purpose of a sickness absence meeting may include:

- Discussing the reasons for absence.
- Where an employee is on long-term sickness absence, determining how long the absence is likely to last.

- Where an employee is absent on several occasions, determining the likelihood of further absences.
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Considering what, if any, measures might improve the employee's health and/or attendance.
- Agreeing on actions that will be taken and a timescale for review and/or a further meeting under the sickness absence procedure.
- Agreeing on a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps already taken, include a formal warning regarding the employee's absence from work.
- In cases of long-term absence, Adobe may seek to agree on a return-to-work programme, possibly on a phased basis.
- In cases of short-term intermittent absence, Adobe may set a target for improved attendance within a certain timescale.
- Adobe may also consider it appropriate in certain circumstances to issue the employee with a formal warning regarding their absence from work.

2. Further Sickness Absence Meetings

Depending on circumstances, a further sickness absence meeting or meetings may be necessary. Arrangements for further meetings will follow the procedure set out above.

The purpose of further meeting(s) may include:

- Discussing the reasons for and impact of an ongoing absence(s).
- Where an employee is on long-term sickness absence, discussing how long their absence is likely to last.
- Where an employee has been absent on several occasions, discussing the likelihood of further absences.
- If it has not been obtained, considering whether medical advice is required. If it has been obtained, considering the advice that has been given and whether further advice is required.
- Considering the employee's ability to return to/remain in their job in view both of their capabilities and Adobe's business needs and any adjustments that can reasonably be made to their job to enable them to do so.
- Considering possible redeployment opportunities and whether any adjustments can reasonably be made to assist in redeploying an employee.
- Where an employee is able to return from long-term sickness absence, whether to their job or a redeployed job, agreeing on a return-to-work programme.
- If it is considered that an employee is unlikely to be able to return to work from a long-term absence, whether there are any benefits for which they should be considered.
- Agreeing on a way forward, action that will be taken and a timescale for review and/or a further meeting(s). This may, depending on steps already taken, include issuing a formal warning that the employee is at risk of dismissal if this is considered to be a potential outcome.

3. Final Sickness Absence Meeting

Where an employee has been warned that they are at risk of dismissal, and the situation has not changed significantly, Adobe may hold a further meeting to consider the possible termination of the employee's employment if this is considered appropriate in the circumstances by Adobe.

Before Adobe makes a decision, it will consider any matters the employee wishes to raise and whether there have been any changes since the last meeting.

Adobe reserves the right to dismiss employees with an unacceptable persistent level of Absence, irrespective of whether or not the maximum amount of Company Sick Pay has been exhausted. Dismissal will normally be with notice or payment in lieu of notice. If Company Sick Pay has been exhausted or becomes exhausted during the notice period, this will be reflected in the salary or payment in lieu paid.

4. Appeals

Employees may appeal against any decision to issue a warning or to terminate their employment. If an employee wishes to appeal, they should set out their appeal in writing, stating their grounds of appeal, within five working days of the date on which the decision was sent or given to the employee.

If an employee is appealing against a decision to dismiss them, Adobe will hold an appeal meeting. The employee will be provided with written details of any new information that may come to light before the appeal meeting and will be given a reasonable opportunity to consider this new information before the appeal meeting.

Employees may bring a representative to this meeting. The representative may be either a trade union representative or an Adobe colleague. If the employee or the representative cannot attend at the time specified, the employee should let Adobe know as soon as possible. Adobe will try, within reason, to agree to an alternative time. All representatives are bound by confidentiality and may make representations, ask questions and sum up the employee's position, but they will not be allowed to answer questions on the employee's behalf. The employee may confer privately with their representative at any time during the meeting.

The appeal will normally be heard by either a manager within the business or by a member of the Employee Experience team who was not previously involved in the sickness process applied to the employee.

Depending on the circumstances, an appeal meeting may be a complete rehearing of the matter or a review of the original decision.

Adobe will confirm the final decision in writing. There is no further right of appeal.

The date that any dismissal takes effect will not be delayed pending the outcome of an appeal. However, if the appeal is successful, the decision to dismiss will be revoked with no loss of continuity or pay.

5. Long Term Continuous Absence

For continuous Absence of longer than 26 weeks, employees may be eligible to receive certain benefits under the Income Protection Scheme ("the IP Scheme"), subject to such a scheme being approved and in force. Under the IP Scheme, benefits are at all times subject to the applicable scheme rules, including those of any insurance provider or Adobe. Such rules may include the requirement of the employee to provide continual medical evidence of inability to work and employees are expected to cooperate fully and promptly with any requests to do so. The insurer may also exclude benefits in respect of certain illnesses. Adobe reserves the right to withdraw or vary the terms of the IP Scheme, and the choice of insurance provider, at its sole discretion.

Other Adobe insurance benefits, including medical expenses insurance, will cease on the earlier of 30 days after the conclusion of the Income Protection application process or after 12 months of absence, whichever is sooner.

After 26 weeks of continuous absence, employees will be required to return all company property to Adobe if they have not already done so.

6. Responsibility and Related Documents

POLICY OWNER	<ul style="list-style-type: none"> Update the requirements and procedures in this policy as necessary Implement this policy and communicate it to relevant Adobe personnel
	<ul style="list-style-type: none"> Assist and guide Adobe personnel in complying with this policy
ADOBE PERSONNEL	<ul style="list-style-type: none"> Understand and follow the requirements and procedures in this policy
MANAGERS	<ul style="list-style-type: none"> Ensure that direct reports and business partners follow the requirements and procedures in this policy

7. Document History

VERSION	ISSUE DATE	CHANGES	APPROVAL
1.0	27 May 2020	Ireland Sickness Absence Policy	
1.1	22 June 2020	Policy template - Update	