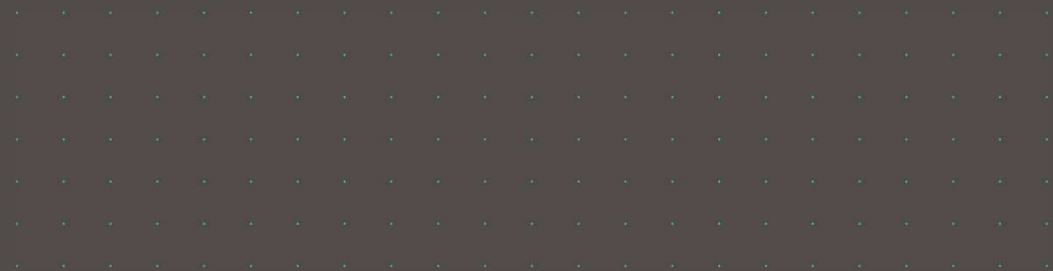


A&L Goodbody

Mental Health Absences: When is “enough enough”?

Michael Doyle, Partner, A&L Goodbody LLP

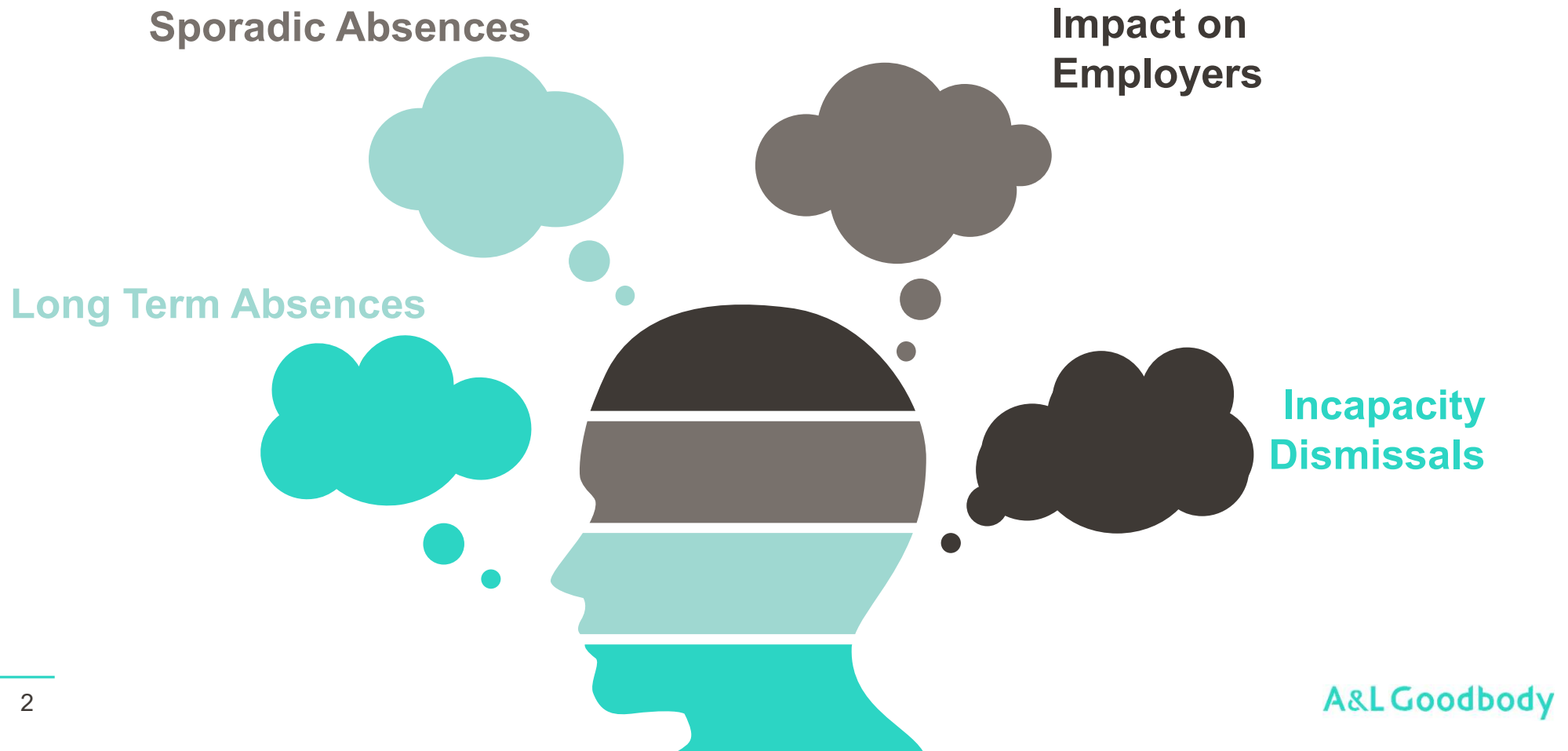
White Paper HR Conference – 15 October 2026



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What do we mean by when is “enough enough”?



Mind health is making headlines

Mind health continues to be a key issue in society, and extensively covered by the media and social media influencers. This report explores the data, offers analysis on people's experiences and provides insights into the future of mental health.



48%

of Irish population with a mental health condition



48%

Irish employees cite workload as mental health challenge

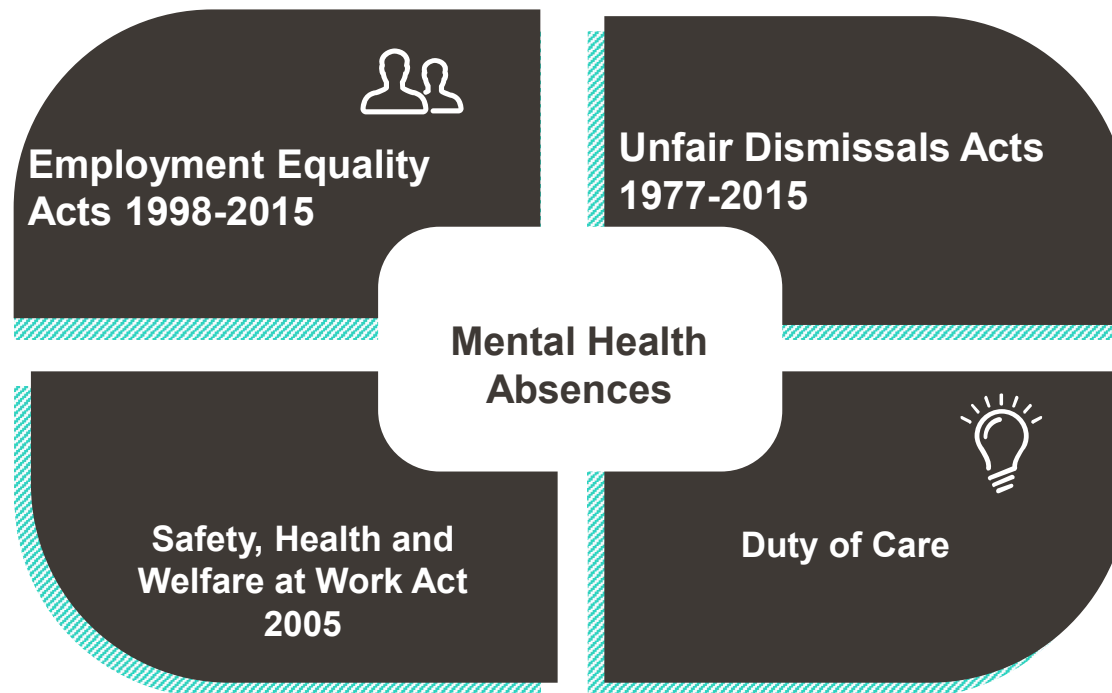


78%

Irish employees report work-related stress



The Legal Framework



Mental Health as a Disability

- 1 Depression
- 2 Clinical Anxiety
- 3 PTSD
- 4 Bipolar Disorder
- ? Work-Related Stress v Stress?

Long Term Absences

A Production Coordinator v A Pharmaceutical Company

- 28-month absence due to mental health
- Extensive welfare meetings, OH involvement and return-to-work options explored
 - No realistic return date identified
 - Employer's approach held reasonable

A Customer Service Assistant v A Super Market

- Long term sick leave due to chronic anxiety and depression
- Employee maintained regular contact through welfare meetings and medical reports were obtained
- Held that the employee reasonably engaged over the extended period

Sporadic Absences

Dublin City Council v Stephen Maguire

- 46 intermittent absence days in one year
- Extensive warnings and supports provided.
- Employer had reached the 'point of no return'
- Dismissal upheld

Georgina Lynch v St James's Hospital

*"In the case of an employee who has a pattern of numerous absences for a variety of causes, the reason for the absence becomes irrelevant. The problem is the **intermittent nature of the absence, the unreliability and uncertainty that this generates** and the effect that an example of poor attendance from a long-serving employee has on others."*

Additional Considerations



**Reasonable
Accommodations**



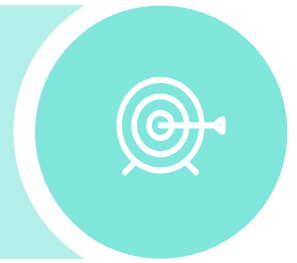
Proportionality



**Conflicting
Medical
Evidence**

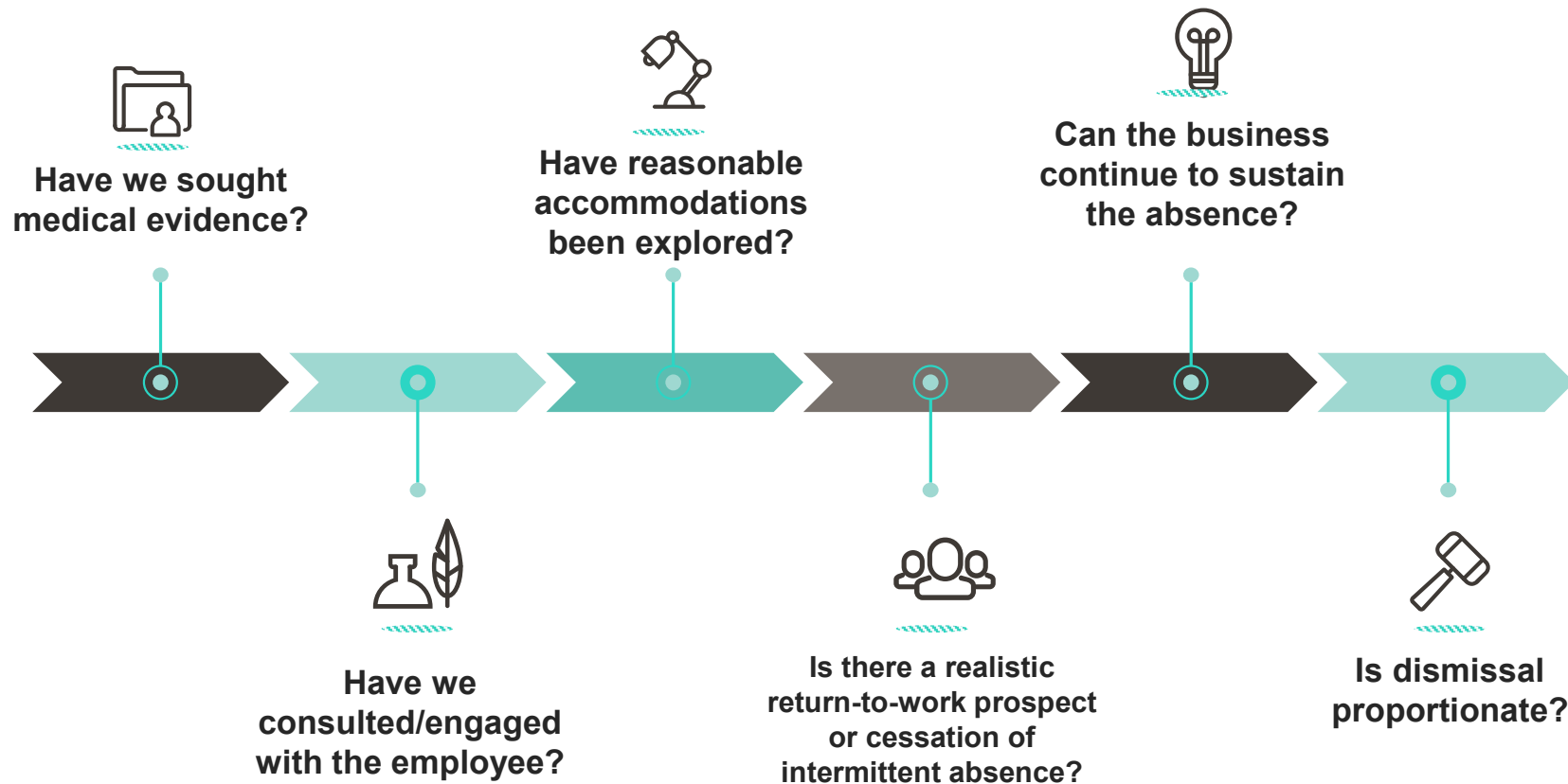


Business Impact

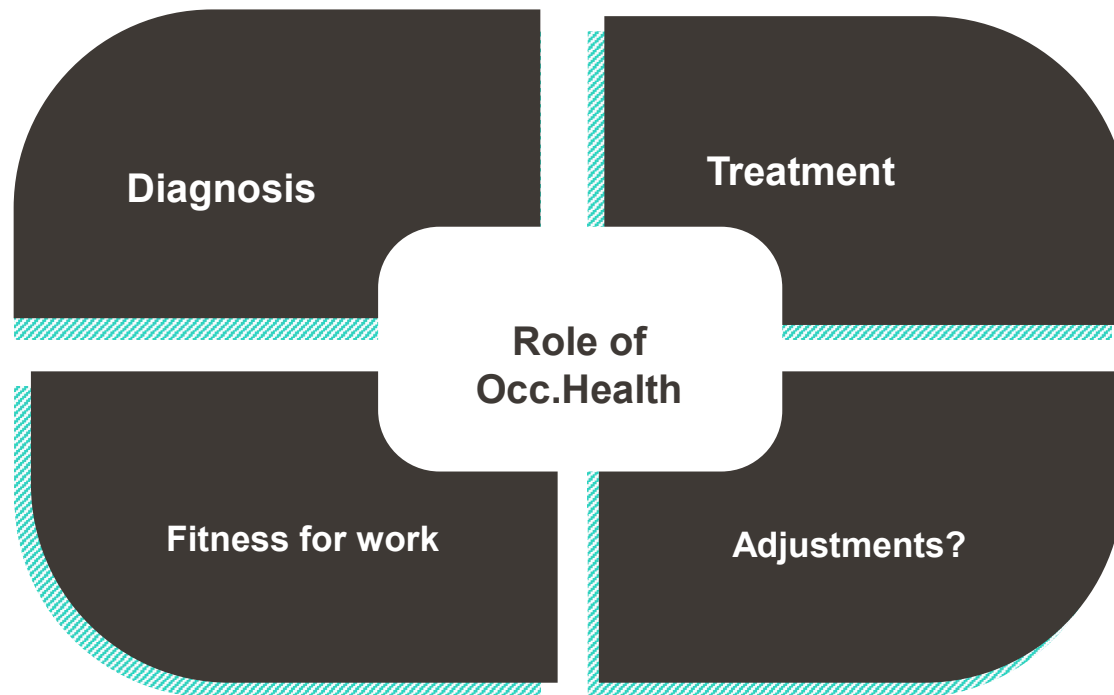


Social Policy Objectives

Practical Decision Process



Comprehensive medical advice – crucial!



Key Takeaways



When is “enough enough”?

01

Reliable Medical Evidence Gathered

02

Reasonable Accommodation Exhausted

03

Consultation has Occurred

04

Continued Absence Causes
Genuine Operational Difficulty



Questions?

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