



**TITLE: MATERNITY AND ADOPTIVE LEAVE POLICY**

<b>Effective Date</b>	13 December 2017	<b>Version</b>	01
<b>Approved By</b>	Management Board	<b>Date Approved</b>	13 December 2017
		<b>Review Date</b>	13 December 2020 <i>or as required</i>
<b>Superseded or Obsolete Policy / Procedure(s)</b>		<b>Owner</b>	
		Human Resources	

**1. Purpose of Policy**

The *Maternity and Adoptive Leave Policy* has been developed to provide staff with details on the entitlements to paid Maternity/Adoptive Leave and additional unpaid maternity leave, the protection of a staff member's rights whilst on maternity leave, the periods of notification for either period of leave, and returning to work when leave has ended.

**2. Scope of Policy**

This leave covers all employees who are expectant mothers. It also covers female employees who have recently given birth, and those who may be breastfeeding. Arrangements for maternity leave will be in accordance with the provisions of the *Maternity Protection Acts*, 1994 and 2004. The Policy also covers the *Adoptive Leave Acts* 1995 and 2005.

This Policy informs all employees covered by the *Adoptive Leave Acts* 1995 and 2005 of their rights and entitlements while in this employment. In certain circumstances, male employees, besides sole male adopters, are also covered by this piece of legislation. All full-time and part-time employees are covered by this Policy.

The financial contribution to be made by the College for Maternity and Adoptive Leave is 50% of the difference between the gross weekly/monthly salary figure less any social welfare benefit, which is available to all employees who have completed at least twenty-six weeks of continuous employment prior to commencing the leave (with no break in service).

**3. Policy Statement**

All members of staff who qualify under the terms of the *Maternity Protection Acts* 1994 and 2004 and the *Unfair Dismissals Acts* 1977 – 1993 and the *Worker Protection (Regular Part-time Employees) Act* 1991 and the *Protection of Employees (Part-time Work) Act* 2001 will be granted maternity leave.

#### **4. Roles and Responsibilities**

The Human Resources Office holds responsibility for this policy and any subsequent practices and procedures thereafter. All Maternity / Adoptive Leave is processed by HR and retained within the HR Office on the staff personnel file.

#### **5. Associated Documentation**

- *Appendix 1: Maternity Leave: Practices and Procedures*
- *Appendix 1.1: Adoptive Leave: Practices and Procedures*
- *Appendix 1.2: Maternity/Adoptive Leave Form*
- *Appendix 1.3: Notification of intention to attend ante-natal classes Form*

#### **6. Referenced Policies**

Staff may wish to view additional family related policies such as:

- *Parental Leave Policy*
- *Force Majeure Policy*
- *Paternity Leave Policy*

#### **7. Monitoring and Review**

The Policy will be formally reviewed on an annual basis by the HR Office to reflect any legislative changes. Staff will be informed through regular email communication and through the staff portal regarding any updates to same.

## **Appendix 1: Maternity Leave Practices and Procedures**

### **1. Maternity leave**

This leave covers all employees who are expectant mothers. It also covers female employees who have recently given birth (i.e. within fourteen weeks of giving birth), and those who maybe breastfeeding within twenty-six weeks of giving birth. Arrangements for maternity leave will be in accordance with the provisions of the *Maternity Protection Acts* 1994 and 2004.

### **2. Leave entitlement**

All female employees (including contract employees with twenty-six-weeks or more to run in their contracts from the date of commencement of maternity leave), who commence maternity leave on or after 1 March 2007, are entitled to twenty-six consecutive weeks' maternity leave.

Employees with less than twenty-six weeks to run in their contracts, from the date of commencement of maternity leaves; will receive maternity leave until the expiry dates of their contracts.

### **3. Application guidelines and procedures**

Once the pregnancy is confirmed the employee is required to advise the College (i.e. the Line Manager and the HR Office) in writing as soon as possible, however it must be at least four weeks before the commencement of her maternity leave, please see the *Maternity/Adoptive Leave Form* (Appendix 1.2) for further information. This notice must be accompanied by a Doctor's Certificate stating the expected week of birth, and a note explaining whether the employee intends to return to work.

The employee must take at least two week's leave before the end of the expected week of confinement and no less than four weeks after the birth of the baby. Within these parameters, the employee can choose how to divide their maternity leave before and after the birth of the baby.

The College understands that in the case of a premature birth, the employee's twenty-six weeks of maternity leave will generally begin immediately from the date of confinement.

The employee may also take up to sixteen weeks in additional maternity leave immediately following the twenty-six-week period, if she so wishes. If an employee wishes to take additional maternity leave, she must notify her Line Manager and HR Office in writing of this intention, preferably when she gives written notification of her intention to take the first period of maternity leave or otherwise no later than four weeks before the end of the twenty-six-week period.

The employee is not entitled to remuneration or superannuation during this period, and there is no state benefit payable for this additional leave. The employee will be entitled to accrue annual leave and public holiday entitlements during this period.

#### **3a. A father's entitlement to leave on the death of the mother**

Where the mother dies during her maternity leave, a father is entitled to the remainder of the mother's leave or additional maternity leave. This is not paternity leave, as it is entirely dependent on the mother's death and there is no other independent right to leave.

If a mother, who has had a living child, dies at any time before the end of the twenty-fourth week following her week of confinement, the father of the child is entitled to take the remainder of the maternity leave from his employer for a period ending at the end of the twenty-fourth

week. The father would also be entitled to apply to take the additional maternity leave period if they wished.

If the mother dies after the expiry of the twenty-fourth week (i.e., during the additional maternity leave period) the father will be entitled to take the remainder of the additional maternity leave from his employer for a period ending at the end of the fortieth week.

This leave begins within seven days of the mother's death. This leave is conditional on the father:

- giving the employer written notification no later than the day he wishes to take the leave;
- if the employer so requests, a copy of the mother's death certificate and the child's birth certificate as soon as is reasonably practical.

The father will be entitled, up to the twenty-fourth week, to a social welfare maternity benefit calculated on the basis of his PRSI contributions and his reckonable earnings.

#### **4. Notification**

In order to receive full maternity, leave entitlement, it is a requirement of this policy that the employee provides a minimum of four week's written notice of her intention to take maternity leave, and again four weeks written notice of her intention to take additional maternity leave.

#### **5. Payment during maternity leave**

An employee who is on maternity leave is normally entitled to payment from the Department of Social Protection for a period of twenty-six weeks' maternity leave, depending on meeting certain PRSI eligibility criteria. Social Welfare benefits are not payable during the optional additional sixteen week's maternity leave. While the employee is not entitled to remuneration or superannuation during maternity leave, other conditions of employment including full holiday and public holiday entitlements are retained.

Should an employee have more than six-months continuous service (and have successfully passed their probation period) on commencement of maternity leave, Carlow College will make a top up payment as follows:

The amount payable by the College to augment the State maternity benefit paid will be 50% of the difference between the employee's normal gross weekly pay (salary only) and the amount of the State maternity benefit. This additional benefit will be payable to all female employees availing of maternity leave after 1 March 2006, subject to satisfying the College's minimum service criteria (where an employee has completed at least twenty-six weeks of continuous employment prior to commencing the leave (with no break in service) and the PRSI contribution conditions set down by the Department of Social Protection. Please note that the employee retains the State maternity benefit.

The current standard rate of state maternity benefit is €235.00 per week. However, should an employee be entitled to a higher figure than the standard amount, they must notify Payroll in order for them to adjust and correctly calculate maternity top up amounts.

Should the Government reduce the standard state maternity benefit, the College will review the top up amount.

**For e.g.**

If Maria's gross weekly pay is €500.00, you then deduct the weekly social welfare payment of €235.00 which equals €307.00, which you then divide by 2 which equals €132.50.

$$\begin{array}{r} 500.00 \text{ (Gross)} \\ - \quad 235.00 \text{ (Social Welfare payment) – based on current rate only and is subject to change} \\ \hline = \quad 265.00 \div 2 = \text{€}132.50 \end{array}$$

All staff who qualify for paid maternity leave and are paying PRSI contributions Class A, must also complete Form MB 10 Maternity Benefit, and enclose this with your correspondence to the HR Office. The application form and an Information Leaflet SW 11 are available from the Department of Social Protection website <http://www.welfare.ie>. The application for Maternity Benefit is submitted to the Department of Social Protection by the employee and all Maternity Benefit payments are then made directly to the employee.

If an employee is not eligible for paid maternity leave and are paying PRSI contributions Class A, you should apply for Maternity Benefit directly to the Department of Social Protection (Form MB 10).

Payment will be made only for the period of State paid maternity benefit. No top up payment will be made during any additional period of unpaid maternity leave.

All payments will be subject to the usual tax and social insurance deductions (where appropriate).

## **6. Returning to work**

An employee must notify her Line Manager and the HR Office in writing of her intention to return to work and the intended date of return, not later than four weeks before her intended return. This notification requirement is essential and should be brought to the employee's attention by the Line Manager and/or HR.

When maternity leave ends, an employee will be entitled to return to her usual job in so far as it is reasonably practicable. However, if this is not possible, the employee will be offered suitable alternative work, with terms and conditions not substantially less favourable than those that applied to her previous role.

## **7. Variations on periods of maternity leave**

### **a) Late confinement**

Where the date of confinement occurs so late in the maternity leave that less than the statutory four weeks of post-natal Maternity Leave remain, then the leave will be extended to the statutory period of four weeks.

### **b) Early confinement**

Where the date of confinement occurs before Maternity Leave has commenced then the date of the confinement will be considered the first day of Maternity Leave and the Maternity Leave regulations will be satisfied if the Line Manager and HR Office is informed, in writing, up to fourteen days following the date of confinement.

### **c) Postponing maternity leave**

Maternity leave may be postponed (after fourteen weeks have been taken and not less than four of those weeks are after the end of the week of confinement), as can additional unpaid maternity leave, where the child needs to be hospitalised. Any requests to postpone maternity leave must be made in writing, through the Line Manager, to the Human Resources Office.

The College may agree to postpone the leave and if so, the employee will return to work on a date agreed by her and the College that is not later than the date on which the leave concerned is due to end. The leave will be postponed with effect from the date agreed, and must be taken in one continuous period commencing not later than seven days after the discharge of the child from hospital.

If the employee has postponed her maternity leave and becomes ill after she has returned to work, prior to resuming her postponed leave, she will be considered to have started her resumed leave on the first day of her absence because of illness. Alternatively, she may choose to forfeit her right to resumed leave, and have her leave treated as sick leave, by notifying the Human Resources Office accordingly, as soon as possible.

### **d) Terminating additional maternity leave due to sickness**

If you are ill during the last four weeks of additional unpaid maternity leave, you may terminate your leave, and may commence sick leave. This request must be made in writing, through your Line Manager to the Human Resources Office. The College may agree to terminate the additional leave and if so, the additional leave will terminate on a date agreed by you and the College. It must not be earlier than the date of the commencement of your sickness, and not later than the date on which the additional leave would have ended.

The Human Resources Office will notify you in writing of the decision in relation to the request. Where additional unpaid maternity leave is terminated due to illness, the sick leave will be treated in the same manner as any absence due to sickness. You will not be entitled in the future to the additional leave, or part of it not taken by you.

### **e) Ante natal medical appointments**

An employee will receive paid time off for any antenatal medical appointments before the birth and postnatal medical appointments for the first fourteen weeks following the birth once accompanied by a certificate to confirm appointments. Where possible, these appointments should be made with minimum disruption to the work environment and at least two weeks' notice should be provided in advance of the first class. Evidence of appointment at the clinic should be submitted to the HR Office using the *Notification of Intention to Attend Ante-Natal Classes Form* (Appendix 1.3) through your Line Manager.

Paid time off work is also available, as a once-off right, to fathers to attend the last two ante-natal classes immediately prior to the birth. Evidence of appointment at the clinic should be submitted to the HR Office, through your Line Manager, not later than two weeks in advance.

### **f) Breastfeeding mothers**

There is entitlement without loss of pay, for breastfeeding mothers for up to twenty-six weeks following the birth. There is also an entitlement to a breastfeeding break of one hour each working day, which may be taken as follows:

- One 60-minute break or

- Two 30 minute breaks each or
- Three 20 minute breaks each

Employees should notify the HR Office, if they intend taking paid breastfeeding breaks. Arrangements will be made at the discretion of the Line Manager concerned.

#### **g) Leave entitlement during maternity leave**

Annual Leave continues to accrue during ordinary maternity leave and additional unpaid maternity leave, and it may be taken on agreement with your Line Manager either before or after maternity leave. However, if you are availing of unpaid maternity leave, annual leave follows that. Annual leave must be applied for in the normal way through your Line Manager.

#### **h) Public and bank holidays during maternity leave**

Public and Bank holidays continue to accrue during ordinary maternity leave.

#### **i) Health & Safety Leave**

Upon notification of pregnancy, the College will carry out a health and safety risk assessment. If there are particular risks to an employee's pregnancy, these will be either removed or the employee moved away from them. Under Section 18 of the *Maternity Protection Act 1994* if neither of these options is possible, the employee may be given health and safety leave from work, which may continue up the beginning of maternity leave.

An employee will be paid for the first twenty-one days of health and safety leave, thereafter she may be entitled to receive benefit directly from social welfare. If health and safety leave commences during an employee's pregnancy, it ends once the risk is removed or the employee begins maternity leave.

### **8. General maternity leave information**

- i. Where a staff member is on probation, the probation will be suspended for the period of maternity leave and additional maternity leave.
- ii. Maternity leave and additional maternity leave are not considered as part of any other absence including sick leave or annual leave.
- iii. The period of maternity leave is considered continuous with the period of employment preceding it.
- iv. Public holidays occurring during maternity leave will be offered as an extra day's leave.
- v. **Temporary staff on Maternity Leave:** If the contract of employment ends whilst a staff member is on maternity leave, the maternity leave also ends. State Maternity Benefit, however, usually continues for the remainder of the maternity leave.
- vi. **Retention of Maternity Leave Records**

All Maternity Leave records and forms will be retained on personnel files for a period of three years (in accordance with the *Organisation of Working Time Act 1997*) by the HR Office or as long as the notes are deemed relevant.

All such leave records are subject to release under the *Freedom of Information Act 2014/Data Protection Acts 1988 and 2003* (changing to GDPR in May 2018). The Human Resources Office has an open access policy in relation to viewing personnel files.

## **Appendix 1.1 Adoptive Leave: Practices and Procedures**

Arrangements for adoptive leave will be in accordance with the *Adoptive Leave Acts* 1994 and 2005.

The purpose of Carlow College's *Maternity and Adoptive Leave Policy* is to provide time off to employees who have adopted a child so as to allow time for familiarisation and bonding. The policy provides leave to adopting mothers, sole male adopters and, in certain circumstances, adopting fathers if the adopting mother has died. The College will operate the following policy concerning adoptive leave.

### **1. Leave entitlement**

Adopting mothers, and sole male adopters are entitled to twenty-four weeks' adoptive leave from the date of placement and an optional additional sixteen weeks' unpaid leave at the end of the twenty-four-week period.

An adopting mother or sole male adopter must notify his/her Line Manager, in writing, of his/her intention to take adoptive leave no later than four-weeks before the expected date of placement. An employee will also provide his/her Line Manager with the expected date of placement. In the case of an Irish adoption, the employee must, no later than four weeks after the date of placement, produce a certificate of placement to his/her Line Manager. In the case of a foreign adoption, a declaration of eligibility and suitability must be produced as soon as is reasonably practicable.

If an adopting mother or sole male adopter wishes to take the additional unpaid adoptive leave of sixteen weeks, he/she must inform his/her Line Manager of this intention at the same time notification is given for adoptive leave, or no later than four-weeks before he/she is expected to return to work at the end of adoptive leave. In foreign adoption cases, an adopting mother or sole male adopter may take some of the additional leave before the placement of the child. If the employee wishes to do so, he/she must notify his/her Line Manager in writing four weeks before the leave is due to begin. A declaration of suitability and eligibility must also be supplied.

In the unfortunate event of an adopting mother's death, the adopting father/mother will be entitled to leave. This leave will be twenty-four weeks, if the mother/father dies before the day of placement. If the mother dies on or after the day of placement, the leave will be twenty-four weeks less the period that the mother was alive after the date of placement. An employee should notify his/her employer as soon as is reasonably practicable, but leave would start immediately if the mother / adopting parent dies after the day of placement. In the case of an Irish adoption, the certificate of placement must be given to the Line Manager not later than four weeks after the date of placement or four-weeks after the leave has commenced. In foreign adoption cases, the Line Manager will be supplied with the declaration of suitability and eligibility not later than four weeks after the leave begins.

### **2. Protection of rights**

An employee will maintain all of his/her employee rights while on leave including entitlements to public and annual holidays. Subject to the same qualifying criteria for augmenting maternity benefit, employees who have a minimum of six-months service with the College at the date of commencement of adoptive leave may be entitled to 50% of the difference between the employee's normal gross weekly pay (salary only) and the amount of the State adoptive benefit less the amount received in State adoptive benefit. However, the College will not pay

employees during additional adoptive leave. Please see 'Payment during maternity leave' above for further information.

### **3. Returning to work**

An adopting parent must provide his/her employee with written notification of his/her intention to return to work no later than four weeks before the intended date of return.

When adoptive leave ends, an employee will be entitled to return to his/her usual job so far as it is reasonably practicable. However, if this is not possible, the employee will be offered suitable alternative work.

### **4. Payment during adoptive leave**

An employee on adoptive leave will be entitled to payment from the Department of Social Protection for up to twenty-four weeks. Payment will be available if the employee has paid the relevant PRSI contributions, and provides a certificate of placement in the case of Irish adoptions, or a declaration of eligibility and suitability in the case of foreign adoptions.

### **5. Pre-adoption classes**

Employees are entitled to time off from work, without loss of pay, to attend any pre-adoption classes and preparation meetings which they are obliged to attend.

Evidence must be sent, through the Line Manager, to the HR Office, of the pre-adoption classes and meetings to be attended. At least two weeks' notice must be given to attend classes or meetings.

### **6. Postponing adoptive leave**

Adoptive leave may be postponed, as can additional unpaid adoptive leave, if the adopted child is in hospital. Any requests to postpone adoptive leave must be made in writing to the HR Office. The College may agree to postpone the leave and if so, the staff member will return to work on a date agreed by him/her and the College that is not later than the date on which the leave concerned is due to end. The leave will be postponed with effect from the date agreed by the staff member and the College, and must be taken in one continuous period commencing not later than seven days after the discharge of the child from hospital.

If the employee has postponed adoptive leave and becomes ill after return to work, prior to resuming postponed leave, he/she will be considered to have started their resumed leave on the first day of absence because of illness. Alternatively, he/she may choose to forfeit the right to resumed leave and have the leave treated as sick leave, by notifying the HR Office accordingly, as soon as possible.

### **7. Terminating additional adoptive leave due to sickness**

If an employee is ill, you may terminate your additional unpaid adoptive leave, and may commence sick leave. This request must be made in writing, through your Line Manager to the HR Office. The College may agree to terminate the additional leave and if so, the additional leave will terminate on a date agreed by you and Carlow College. It must not be earlier than the date of the commencement of your sickness, and not later than the date on which the additional leave would have ended.

The HR Office will notify you in writing of the decision in relation to the request. Where additional unpaid adoptive leave is terminated due to illness, the sick leave will be treated in the same manner as any absence due to sickness. You will not be entitled in the future to the additional leave or the part of it not taken, for that adoption.

## **8. Terminating adoptive leave**

Where the placement of a child with an adopting parent terminates before the expiration of the period of leave, the adopting parent should notify the HR Office in writing not later than seven days after that date.

## **9. Adoptive leave notifications**

Employees who are entitled to avail of leave under the *Adoptive Leave Acts* 1995 and 2005 must comply with certain notification procedures in order to be eligible for protection under the Acts. They are required to provide written notification of their intention to take adoptive leave and additional adoptive leave; to attend pre-adoption classes and preparation meetings; and of their intention to return to work. All protection and entitlements under the Acts are subject to satisfactory written notification.

## **10. Retention of Adoptive Leave Records**

All Adoptive Leave records and forms will be retained on personnel files for a period of three years (in accordance with the *Organisation of Working Time Act* 1997) by the HR Office or as long as the notes are deemed relevant.

All such leave records are subject to release under the *Freedom of Information Act* 2014/*Data Protection Acts* 1988 and 2003 (changing to GDPR in May 2018). The Human Resources Office has an open access policy in relation to viewing personnel files.

## **11. Queries**

Any queries in relation to this policy should be directed to your Line Manager in the first instance. For further information, / queries in relation to the above, you can contact the HR Office on:

- [hr@carlowcollege.ie](mailto:hr@carlowcollege.ie)
- T: 059 91 53 293

## Appendix 1.2 Maternity/Adoptive Leave Form

This form must be completed (in block capitals) by the employee and then returned to HR

### Section 1: Maternity Leave Dates / Personal Details

Employee Name:

Mobile Number:

Email Address (for payslips):

Home address:

**Paid Maternity Dates (26 weeks)**

**Unpaid Maternity Dates (16 weeks)**

**Provisional Return Date**

(please enter this date when all sections are completed below).

### Section 2: Public & Bank Holiday Days

**\*Tick the dates appropriate to your maternity leave\***

1	25 <sup>th</sup> December 2017
2	26 <sup>th</sup> December 2017
3	1 <sup>st</sup> January 2018
4	17 <sup>th</sup> March 2018
5	2 <sup>nd</sup> April 2018
6	7 <sup>th</sup> May 2018
7	4 <sup>th</sup> June 2018
8	6 <sup>th</sup> August 2018
9	29 <sup>th</sup> October 2018
10	25 <sup>th</sup> December 2018
11	26 <sup>th</sup> December 2018
<b>Days in total</b>	

### Section 3: Holidays / College Days / Bank holiday dates

**\*Please enter the total amount of days and start/finish date for each section.**

**Holiday**

(? days)

Start Date: .....

Finish Date: .....

**College Day Total**

(? days)

**Bank Holiday Dates 2017 Total**

(?days)

**Holiday/ College Day Total 2018**

(if applicable) (? days)

Start Date: .....

Finish Date: .....

**TOIL:**

(if applicable) (? days)

Start Date: .....

Finish Date: .....

**Days in total ?****Section 4: Months where you wish to receive holiday pay**

Month:	No. of days:
<b>Days in Total</b>	

**Section 5: Permission of Email**

Do we have your permission to use your personal email to contact you while you are on maternity leave for e.g. to notify you of upcoming roles / maternity related questions and contact / College news updates etc.?

Yes  No

**Section 6: Other i.e. Payroll and HR**

Do you want to continue paying your pension contribution?	<b>Yes</b>	<b>No</b>
Do you want to continue paying your VHI contribution?	<b>Yes</b>	<b>No</b>
Do you have a Bike to Work payment?	<b>Yes</b>	<b>No</b>
Do you have a tax saver ticket payment?	<b>Yes</b>	<b>No</b>
Do you have an educational assistance payment?	<b>Yes</b>	<b>No</b>

**Section 7: Signatures**

<b>Employee Signature:</b>	<b>Manager Signature:</b>
<b>Date</b>	<b>Date:</b>

**To be completed by HR**

Current daily rate of pay for annual leave/public holidays/College days:	
HR Signature:	Date:
Comments	

**Appendix 1.3: Notification of intention to attend ante-natal classes**

Notification of intention to attend ante-natal classes	
<b>Employee Name:</b>	<b>Manager:</b>
<b>Department:</b>	
<b>This notice should be given at least two weeks in advance of the first class. The employee is not entitled to paid time off for the last three classes.</b>	

**This is notification of my intention to take time off to attend an ante-natal class on:**

Date:	Time:	HR /Line Manager notified?	Yes <input type="checkbox"/> No <input type="checkbox"/>
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**Future classes will be on:**

Date:	Time:	HR /Line Manager notified?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date:	Time:	HR /Line Manager notified?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date:	Time:	HR /Line Manager notified?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date:	Time:	HR /Line Manager notified?	Yes <input type="checkbox"/> No <input type="checkbox"/>
Date:	Time:	HR /Line Manager notified?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Signatures
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<b>Employee Name (Print):</b>	<b>Date:</b>
<b>Employee Signature:</b>	

**You must provide the appropriate documentation indicating the dates and times of the classes**

Human Resources
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<b>HR Name (Print):</b>	
<b>HR Signature:</b>	<b>Date:</b>
<b>Payroll Notified</b> Yes    No	<b>Leave Administration Notified</b> Yes    No