

Maternity Leave

HR Policy Document Record	
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Notes	May: Amendments to 2, 8 10 and Authorisation Form

1. **POLICY & SCOPE**

This policy is governed by various circular letters issued by the Department of Education and Skills and current maternity leave legislation. It is intended to provide staff with details on the entitlements to paid maternity 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 maternity leave has ended.

2. **ELIGIBILITY AND ENTITLEMENTS**

The Maternity Protection Acts cover the entitlements for all staff who are pregnant, have recently given birth, or who are breastfeeding. All staff who commence maternity leave are entitled to 26 consecutive weeks paid* maternity leave.

* Note:

1. *Fixed-Term/Specified Purpose Wholetime/Pro-Rata contract staff with 26 weeks or more left to run in their contracts will be allowed paid maternity leave, less any Maternity Benefit payable **.*
2. *Fixed-Term/Specified Purpose Wholetime/Pro-Rata contract staff with less than 26 weeks to run in their contracts from the date of commencement of maternity leave, receive paid maternity leave, less any Maternity Benefit payable **, until their contract expires.*
3. *Fixed-Term/Specified Purpose Wholetime/Pro-Rata contract who have less than 26 weeks to run in their contracts, and who are subsequently re-employed directly thereafter, will be paid for the full 26 weeks of their maternity leave, less any Maternity Benefit payable ** subject to the second contract immediately following the first and there being a period of at least 26 weeks to run from the date of commencement of maternity leave to the expiry date of the second contract.*
4. *Hourly-Paid staff are not entitled to paid maternity leave. This does not affect their statutory right to maternity or paternity leave. If you are paying PRSI contributions Class A, you should apply for Maternity Benefit directly to the Department of Employment Affairs & Social Protection (Form MB 1).*

** Refer to Section 3 below

Staff on maternity leave are entitled to 16 weeks additional unpaid maternity leave commencing immediately after the maternity leave. Staff who on commencement of additional unpaid maternity leave have less than 16 weeks to run in their contract will be granted this leave until the expiry date of their contract. This will have been discussed and agreed in writing prior to the commencement of the leave.

The Maternity Protection Acts also include certain entitlements for male staff. Where the mother dies at any time before the end of the 24th week following their confinement, the mother's partner is entitled to take the remainder of the maternity leave. The period of maternity leave shall commence within 7 days of the mother's death and will be commensurate with the balance of the maternity leave that would have been due to the child's mother. In this case, a the partner is also entitled to take 16 weeks additional unpaid leave, commencing immediately after taking paid maternity leave. Staff who on commencement of additional unpaid maternity leave have less than 16 weeks to run in their contract will be granted this leave until the expiry date of their contract.

3. APPLICATION PROCEDURE AND GUIDELINES

Maternity Leave

A minimum period of maternity leave must be taken beginning not later than 2 weeks before the end of the expected week of confinement, and ending not earlier than **4 weeks after the expected** week of confinement.

Notification of your intention to take maternity leave, should be submitted in writing to Human Resources, through your line manager **at least 4 weeks before the date on which you intend to commence your maternity leave.** The notification should include a doctor's note confirming the pregnancy and stating the expected week of confinement as well as the date on which you intend commencing the leave.

Following receipt of your application for maternity leave, you will receive written confirmation from Human Resources of the exact dates of your maternity leave.

* * When commencing employment with the University, and if paying PRSI contributions Class A, you should have completed and returned a Form of Authorisation for Maternity Leave. If you did not complete this form, please do so immediately and return it to Human Resources. This form can be found at the end of the policy.

* * All staff who qualify for paid maternity leave and are paying **PRSI contributions Class A, must also complete Form MB 1 Maternity Benefit, and enclose this with your correspondence to Human Resources.** The application form and an Information Leaflet SW 11 are available from the [Department of Employment Affairs & Social Protection](#). Your application for Maternity Benefit is submitted to the Department of Employment Affairs & Social Protection on your behalf, and all Maternity Benefit payments are then made directly to the University.

If you are not eligible for paid maternity leave and are paying PRSI contributions Class A, you should apply for Maternity Benefit directly to the Department of Employment Affairs & Social Protection (Form MB 1).

In certain circumstances, the Irish Research Council may provide a top-up to the state benefit or cover the full amount of a Fellow's salary for up to 26 weeks. The Fellow should liaise through their line manager. Human Resources will provide support if required.

Notice of your intention to resume work should be submitted in writing to Human Resources, through your line manager **at least 4 weeks before** you are due to resume. This is an essential requirement, and also helps to facilitate finalising any deputy arrangements, which may be made to cover the absence.

Additional Unpaid Maternity Leave

Where practicable, you should give notice of your intention to take additional unpaid maternity leave when you are giving your original notice to take maternity leave, as this will greatly assist the University with regard to deputy arrangements.

If this is not possible, you should give notice to Human Resources, in writing, through your line manager of your intention to take additional unpaid maternity leave **at least 4 weeks before the end date of your 26 weeks leave.**

It should be noted that additional unpaid maternity leave does not count as service for superannuation purposes.

4. PREMATURE BIRTHS

As of 1st October 2017, the Department of Employment Affairs & Social Protection have announced that the period for which maternity benefit is paid will be extended where a baby is born prematurely.

In the case of premature babies born on or after 1st October 2017, the extended period of maternity leave will be equivalent to the duration between the actual date of birth of the premature baby and the date when the maternity leave was expected to commence (i.e. ordinarily two weeks before the expected date of birth). The extended period will commence immediately following the end of the 26 weeks ordinary maternity leave.

The staff member should notify both Human Resources and the Department of Employment Affairs & Social Protection as soon as possible following the premature birth of their baby.

5. POSTPONING MATERNITY LEAVE

Maternity leave may be postponed (after 14 weeks have been taken and not less than 4 of those weeks are after the end of the week of confinement), as can additional unpaid maternity leave, if the child needs to be hospitalised. Any requests to postpone maternity leave must be made in writing, through the line manager to Human Resources. The University may agree to postpone the leave and if so, the staff member will return to work on a date agreed by the mother and the University that is not later than the date on which the leave concerned is due to end. The maternity leave will be postponed with effect from the date agreed by the staff member and the University, and must then be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital.

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

6. TERMINATING ADDITIONAL MATERNITY LEAVE DUE TO SICKNESS

If you are ill during the last 4 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 Human Resources. The University may agree to terminate the additional unpaid maternity leave and if so, the additional unpaid maternity leave will terminate on a date agreed by you and the University. It must not be earlier than the date of the commencement of your sickness, and not later than the date on which the additional unpaid maternity leave would have ended.

Human Resources 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 unpaid maternity leave, or part of it not taken by you.

7. PUBLIC HOLIDAYS

In the case of eligible academic staff any obligation in respect of public holidays while on maternity leave or additional unpaid maternity leave will be comprehended through days at Easter, Summer and Christmas when there are no lectures/teaching/assessments as per the University's Academic Calendar (i.e. outside of term time).

In the case of eligible professional, management and support staff where public holidays fall during the maternity leave or the additional unpaid maternity leave, these days will be added to the end of the leave period.

8. ANNUAL LEAVE

In the case of professional, management and support staff, annual leave will continue to be accrued while on maternity leave (including additional unpaid maternity leave). Where closure days fall during the maternity leave period (including additional unpaid maternity leave) these days will be deducted from the staff member's annual leave entitlement in the normal way.

In the case of academic staff, leave in lieu of statutory annual leave and public holidays occurring while on maternity leave (including additional unpaid maternity leave) will be comprehended through days at Easter, Summer and Christmas when there are no lectures/teaching/assessments.

9. SICK LEAVE

Paid sick leave, following maternity leave, may only be allowed where there is an expectation that the staff member intends to return to their position when fit to do so. Such periods of sick leave will be treated in the same manner as any absence from work due to sick leave.

10. ANTE-NATAL CLASSES

Expectant mothers are entitled to attend one set of ante-natal classes without loss of pay (except the last 3 classes in such a set) for all pregnancies. Evidence of appointment at the clinic should be submitted to Human Resources, through the line manager/Head of School, not later than 2 weeks in advance.

Paid time off work is also available, as a once-off right, to the mother's partner to attend the last 2 ante-natal classes immediately prior to the birth. Evidence of appointment at the clinic should be submitted to Human Resources, through the line manager/Head of School, not later than 2 weeks in advance.

11. BREASTFEEDING MOTHERS

Breastfeeding mothers are entitled to 60 minutes time off or a reduction in work hours in an eight hour working day without loss of pay for up to 26 weeks after birth. The legislation allows breastfeeding time to be increased or decreased pro-rata depending on the breastfeeding mother's working hours. Where the University has breastfeeding facilities (these may vary from campus to campus) breastfeeding breaks of one hour off from work each working day, may be taken as follows:

- One 60 minute break or
- Two 30 minute breaks each or
- Three 20 minute breaks each

Part-time workers are also entitled to breastfeeding breaks, calculated on a pro-rata basis.

If a staff member intends taking breastfeeding breaks or reduced working hours for the purpose of breastfeeding, they must notify Human Resources at least 4 weeks before the date they intend to return to work following maternity leave. The University may require the staff member to supply the child's birth certificate (or some other document confirming the child's date of birth).

After 26 weeks after birth, there is currently no legal entitlement to breastfeeding breaks or reduced working hours for the purpose of breastfeeding. Such arrangements will be considered at the discretion of local management in consultation with Human Resources on a case by case basis.

12. ACADEMIC STAFF

Leave in lieu

The provision for a lecturer to avail of up to 30 days leave in lieu with pay for vacation days that overlapped with maternity leave was removed by the Department of Education & Skills with effect from 1st May 2013.

Unpaid leave of absence

At the end of a lecturer's maternity leave, in addition to the option of a maximum of 16 weeks additional unpaid maternity leave, they may choose to take leave of absence, without pay, up to the end of the academic year (31st August), subject to the approval of the line manager. Any such request should be made in writing to Human Resources, through the line manager.

13. QUERIES

TU Dublin – Blanchardstown Campus

E-Mail: hr.blanchardstown@tudublin.ie

Contact: Human Resources Manager

Tel: 01 885 1018

TU Dublin – City Campus

E-Mail: hr.grangegorman@tudublin.ie

Contact: Leave & Benefits Manager

Tel: 01 220 5226

TU DUBLIN – Tallaght Campus

E-Mail: hr.tallaght@tudublin.ie

Contact: Human Resources Manager

Tel: 01 404 2120

FORMS OF AUTHORISATION (MATERNITY LEAVE)

TO BE COMPLETED BY AN APPOINTEE COVERED BY CLASS A SOCIAL INSURANCE

I have read and understand the conditions and procedures involved in the operation of the maternity leave scheme applicable to appointees covered by Class A Social Insurance. I am aware that depending on my PRSI contribution record, I may be entitled to payment from the Department of Employment Affairs & Social Protection in respect of absences under this scheme. I acknowledge that payment from my employing authority during absences during this scheme will be subject to the following conditions:

- (a) that I will authorise the Department of Employment Affairs & Social Protection to pay any benefit due to me in respect of such absences under the social insurance system directly to my employing authority;
- (b) that I will make the necessary claims for social insurance benefit to the Department of Employment Affairs & Social Protection within the required time limits and will, to the best of my ability, comply with whatever requirements are laid down by the Department as a condition of claiming benefit.

I also acknowledge that any payment made to me by my employing authority in respect of such absences may be recovered from me in the event that I fail to comply with the foregoing conditions.

Signed: _____ **Date:** _____

I hereby authorise the Department of Employment Affairs & Social Protection to pay any social insurance benefits due to me in respect of any future absences from duty on maternity leave directly to **Human Resources, TU Dublin - Grangegorman Campus, TU Dublin - Blanchardstown Campus or TU Dublin - Tallaght Campus (as appropriate)** or to such other authority in which I may be serving in the future.

Name: _____ **(Please print)**

Home Address: _____

Signature: _____

PPS No: _____

Staff No: _____

This form should be completed, on initial appointment, by individuals who will be paying Class A PRSI. It will be forwarded to the Department of Employment Affairs & Social Protection by the University. A copy of the form will be retained on the individuals leave file. In the event of the individual being transferred subsequently to another authority, a copy of the form will be given to the new authority, which should advise the Department of Employment Affairs & Social Protection of the new address to which payments should be sent.

This mandate does not cover payment of disability benefit or payments in respect of the cost of certain medical expenses under the Occupational Injuries Scheme.