



# Parental Leave & Force Majeure Leave

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## **1. INTRODUCTION**

1.1 The Parental Leave and Force Majeure Leave Policy and Guidelines, operating for staff in the Institute is governed by various circular letters issued by the Department of Education and Skills and current parental leave legislation.

1.2 The Parental Leave Acts 1998 to 2006 has two main provisions:

1.2.1. to entitle an employee who is either a relevant parent or in a position of loco parentis of a child to 18 weeks unpaid leave (parental leave) to enable him or her to take care of the child, and;

1.2.2. to entitle an employee to a number of paid days leave (force majeure) to deal with family emergencies resulting from injury or illness of a family member or of an individual who is in a position of domestic dependency.

## **2. OBJECTIVE**

2.1 To provide staff with details on entitlements to unpaid parental leave and force majeure leave to enable them to take care of their young children and to advise on the protection of the staff member's rights whilst on parental leave.

## **3. ELIGIBILITY AND ENTITLEMENTS**

3.1 A parent is entitled to take a total of **18 working weeks** per eligible child.

3.2 The maximum age of a child in respect of whom staff may take parental leave in the Institute is 13 years. In the case of an adopted child, where the child is 11 years or more but less than 13, the parental leave must be taken within two years of the adoption order.

3.3 In the case of a child with a disability, the maximum age of the child in respect of whom staff may take parental leave is 16 years. This provision applies to a child in respect of whom a Domiciliary Care Allowance (DCA) is payable, or would be payable if the child satisfied the means test for the DCA. Further details relating to the DCA are available from Health Boards.

3.4 All staff must have completed one year's continuous service with the Institute before the commencement of parental leave. Where the child is approaching 13 years old and the staff member has more than 3 month's but less than one year's continuous service, there is a provision for pro-rata parental leave.

3.5 Where a parent has an entitlement for parental leave in respect of more than one child, the leave period cannot exceed 18 weeks in any 12 month period unless by agreement with the Institute. In the event of a multiple birth, this restriction does not apply.

## **4. APPLICATION PROCEDURE AND GUIDELINES**

4.1 A minimum of 6 weeks advance notice of an intention to take parental leave is required from the staff member so that alternative arrangements for the carrying out of their duties can be made.

4.2 Once arrangements are agreed between the staff member and their line manager, the **Notification of Intention to take Parental Leave** form must be completed by the staff member and signed by their line manager. A copy of the child's birth certificate / adoption order must be provided. The document must then be sent to Resourcing & Benefits, Human Resources, for approval. The **Notification of Intention to take Parental Leave** form can be found at the end of the policy.

- 4.3 **The Notification of Intention to take Parental Leave** form must be completed at least 6 weeks prior to the commencement of the period of parental leave.
- 4.4 Both the staff member and their line manager can agree to postpone or curtail parental leave after it has been confirmed.
- 4.5 If management is satisfied that the absence of the staff member during the period in question would have an adverse effect on the overall work of their department/function, the commencement of the parental leave can be postponed for a period not exceeding 6 months. In such cases, staff will be consulted and the Institute will supply a “statement in summary form” of the reason for postponement.
- 4.6 It is a condition of parental leave that it is used for the care of the child concerned. If an abuse of the leave is discovered, the leave can be terminated and the staff member notified accordingly.

## **5. GENERAL PROVISIONS**

### **5.1 PATTERN OF PARENTAL LEAVE**

- 5.1.1 Under the terms of the Parental Leave Act, entitlement to parental leave is on a block basis. Parental Leave may be taken as a continuous block of 18 weeks, or two blocks of six or more weeks with a minimum of 10 weeks between each block.

It is the preferred position of the Institute that managers approve parental leave on a block release basis only. This should be the normal arrangement.

In exceptional cases and with prior approval of the line manager and Human Resources, the following patterns may be granted:

Professional, Management & Support Staff:	Minimum half day per week*
Academic:	Minimum half day per week*
Hourly Paid:	Will be considered on a case by case basis

*\* Under no circumstances will non-block parental leave be granted based on hours i.e. pattern must be half day and/or full day*

### **5.2 ANNUAL LEAVE**

- 5.2.1 Annual Leave entitlement is accrued as normal during the period of parental leave.

### **5.3 PUBLIC HOLIDAYS**

- 5.3.1 Where any public holiday to which a staff member is entitled falls during a period of parental leave of the staff member and on a day when (but for the parental leave and the public holiday) the employee would be working in the Institute, a half day/day (as appropriate) shall be added to the period of parental leave that the staff member is entitled to take.

### **5.4 REPLACEMENT OF STAFF ON PARENTAL LEAVE**

- 5.4.1 Managers have “approval in principle” to replace professional, management and support staff during the period of leave **only in circumstances where the parental leave is granted as a block release of up to 18 weeks.**

- 5.4.2 Managers have “approval in principle” to replace academic staff who are granted non-block parental leave with Hourly-Paid Part-time Assistant Lecturers in circumstances where the replacement is cost-neutral.
- 5.4.2 The request to fill the vacancy arising from block or non-block release should be submitted to the HR Approval Group for approval. The purpose of this approval is to ensure the Institute maintains control over the Employment Control Framework staffing targets, particularly in circumstances where the replacement will be on the payroll at 31<sup>st</sup> December in any given year.
- 5.4.3 The approved backfill will be noted at HRC.

## **6. PROTECTION OF EMPLOYEE RIGHTS**

- 6.1 Staff members are entitled to return to the same job, under the same conditions as before the leave commenced. Where, for operational reasons, this is not practicable, a suitable alternative will be provided.
- 6.2 Employment rights, except the right to remuneration and superannuation benefits, are unaffected during a period of parental leave.
- 6.3 To ensure preservation of social insurance records, staff members should contact the Department of Employment Affairs & Social Protection to ensure that appropriate credits are made.

## **7. FORCE MAJUERE LEAVE**

- 7.1 The Parental Leave Acts 1998 - 2006 provide for Emergency Family (otherwise known as Force Majeure) leave which entitles an employee to take limited paid leave when their immediate presence is required due to the unforeseen injury or illness of certain close relatives.
- 7.2 **A member of staff is entitled to limited leave with pay for urgent family reasons, owing to the illness or injury of a close family member where the immediate presence of the staff member, at the place where the ill or injured person is situated, is indispensable.**
- 7.3 Emergency family leave only relates to a situation which is not foreseeable or otherwise not generally predictable. Routine minor and predictable illnesses to children, or other family members which invariably occur are not covered.
- 7.4 A close relative is defined as one of the following; children or adopted children; spouses or partners/civil partners; siblings; parents; grandparents; a person to whom the employee is in “loco parentis” or “persons of such other (if any) class or classes as may be prescribed”.
- 7.5 Emergency family leave can be taken to a maximum of 3 days leave in any 12 month period or 5 days in any 36 month period. Absence for part of a day is counted as 1 day’s emergency family leave.
- 7.6 Due to the very nature of emergency family leave, prior notice of such leave cannot be given. On immediate return to work, staff wishing to avail of this leave must complete the Emergency Family (Force Majeure) Application Form which can be found at the end of this policy.
- 7.7 This Application Form must be submitted to Resourcing & Benefits, Human Resources Department for approval. The Institute may seek evidence from the staff member to justify or support an application for emergency family (force majeure) leave.

**8. QUERIES ON THIS POLICY**

Contact: Resourcing – Leave & Benefits, Human Resources

E-Mail: [hr@dit.ie](mailto:hr@dit.ie)

**RELATED DOCUMENTS**

Parental Leave Act 1998; European Union (Parental Leave) Regulations 2013.

Changes to Parental Leave Entitlements – C/L 0038/2013



## NOTIFICATION OF INTENTION TO TAKE PARENTAL LEAVE

- **Please refer to the Parental Leave & Force Majeure Policy HRP044 before completing this form.**
- **The application for Parental Leave should be approved by your Head of Department, and then submitted to: Resourcing & Benefits, Human Resources, Dublin Institute of Technology, 5<sup>th</sup> Floor, Park House Grangegorman, 191 North Circular Road, Dublin 7, D07 EWW4 for final approval and implementation, not later than 6 weeks before the proposed commencement date, in accordance with section 8 (1) of the Act.**

Under the Parental Leave Act 1998, I hereby give notice of my intention to take Parental Leave for the purpose of taking care of my child. **A copy of my child's birth certificate / adoption order is attached.**

**Name:** \_\_\_\_\_ **Staff No:** \_\_\_\_\_

**Department:** \_\_\_\_\_ **Ext. No:** \_\_\_\_\_

**Name of Child:** \_\_\_\_\_ **Date of Birth:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Commencement Date of Employment:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Periods of Parental Leave already taken in respect of this child/another child:**

**(with D.I.T.)** \_\_\_\_\_

**(with another employer)** \_\_\_\_\_

**Pattern of Leave:** \_\_\_\_\_

(Please note that pattern of Leave must be **discussed** and **agreed** in advance with your **Head of Department** and must be in accordance with the policy of the Institute)

**Proposed Date of Commencement of Parental Leave:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**Proposed Duration of Parental Leave:** \_\_\_\_\_

**Proposed Manner in which to be taken:** \_\_\_\_\_  
 (please provide a brief description)

**Cessation date of Parental Leave:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

*I declare that the information given above is accurate and complete.*

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Staff member

**Approved:** \_\_\_\_\_ **Date:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Head of Department

**Approved:** \_\_\_\_\_ **Date:** \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_  
 Human Resources

**Please note that this leave may be terminated if it is not used for this purpose. Any employee abusing this leave may be subject to serious disciplinary action up to and including dismissal**



## EMERGENCY FAMILY (FORCE MAJEURE) LEAVE – APPLICATION FORM

- *Please refer to the Parental Leave & Force Majeure Policy HRP044 before completing this form.*
- *The original application form must be submitted to Resourcing & Benefits, Human Resources, Dublin Institute of Technology, 5<sup>th</sup> Floor, Park House Grangegorman, 191 North Circular Road, Dublin 7, D07 EWW4, for approval.*

Name of Employee: \_\_\_\_\_

Staff No: \_\_\_\_\_

Department: \_\_\_\_\_

Name and Address of Injured/Ill Member of the Employee's Immediate Family during Emergency Family Leave: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Relationship of Immediate Family Member of Employee, to Employee: \_\_\_\_\_

Nature and details of Injury/Illness of Immediate Family Member of Employee concerned: \_\_\_\_\_

Date(s) of Emergency Family Leave: \_\_\_\_\_  
\_\_\_\_\_

I confirm that I have taken Emergency Family Leave on the above-mentioned date(s) because of urgent family reasons as a result of the injury/illness of the member of my immediate family stated above and per details stated given as a result of which my immediate presence at that member of my immediate family's address was indispensable.

### DECLARATION

I declare that the information given by me above is true, accurate and complete in all respects and I both understand and accept that if that is not the case, whether knowingly on my part or otherwise, then, following due investigation by my employer, I may be denied Emergency Family Leave and/or liable to appropriate disciplinary action.

Date: \_\_\_\_\_

Signature of Employee: \_\_\_\_\_

Signature of Head of Department: \_\_\_\_\_