

Paternity Leave

HR Policy Document Record	
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Notes	May: Amendment to Application Form

1. POLICY & SCOPE

This policy is governed by Circular Letter 0069/2016 issued by the Department of Education and Skills and current paternity leave legislation. It is intended to provide staff of Technological University Dublin (hereafter referred to as “TU Dublin” and/or “the University”) with details on the entitlements to paid* paternity leave, the protection of a staff member’s rights whilst on paternity leave, the periods of notification of paternity leave, and returning to work when paternity leave has ended.

** Note: Hourly-Paid staff are not eligible for paid paternity leave. This does not affect their statutory right to paternity leave. If you are paying PRSI contributions Class A, you should apply for paternity benefit directly to the Department of Employment Affairs and Social Protection.*

2. ELIGIBILITY AND ENTITLEMENTS

Paternity Leave is available to staff who are deemed to be the “relevant parent” of a child. Only one person who is a “relevant parent” in relation to a child can be entitled to paternity leave in respect of that child. There is no qualifying period for entitlement to paternity leave.

Under the Paternity Leave and Benefit Act 2016 a “relevant parent” is defined as:

- (a) in the case of a child who is, or is to be, adopted –
 - (i) where the child is, or is to be, adopted jointly by a married couple of the same sex, the spouse chosen by that couple to be the relevant parent for the purposes of this Act, or
 - (ii) in any other case, the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole male adopter of the child,

Or

- (b) in any other case;
 - (i) the father of the child,
 - (ii) the spouse, civil partner or cohabitant, as the case may be, of the mother of the child, or
 - (iii) a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act*

****Note. As of 1 August 2016, Section 2(1)(b)(iii) of the Paternity Leave and Benefit Act 2016 has not yet commenced***

Subject to eligibility and notification criteria being met, paternity leave will apply to births/ placements that take place on or after the 1 September 2016.

If you are a relevant parent, you may avail of a continuous period of two weeks paternity leave. This leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave.

Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of your child. The leave will commence on the date you select in your written notification. It should be noted that paternity leave cannot commence earlier than the date of birth or date of placement of your child and cannot commence later than 26 weeks after the date of birth or the date of placement of your child.

In the case of multiple births, or where two or more children are being adopted at the same time, only a single two week block of paternity leave applies.

Paternity leave must be used to assist in the provision of, care to the child or to provide support to the relevant adopting parent or mother of the child, as the case may be, or both.

3. PAYMENT DURING PATERNITY LEAVE

Continuation of salary during paternity leave is not a statutory entitlement and is contingent upon compliance with the agreed terms and conditions of this policy.

Any action which necessitates an adjustment to a relevant parent's pay should be notified to Human Resources, through your line manager immediately.

When commencing employment with TU Dublin, and if paying PRSI contributions Class A, you should have completed and returned a **Authorisation for Paternity Leave Form**. 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 paternity leave and are paying **PRSI contributions Class A, must also complete Form PB2, and enclose this with your correspondence to Human Resources**. This form is available from the [Department of Employment Affairs & Social Protection](#). Your application for Paternity Benefit is submitted to the Department of Employment Affairs & Social Protection on your behalf, and all Paternity Benefit payments are then made directly to the University. Claims for paternity benefit can also be made online at www.mywelfare.ie

The relevant parent must have a Public Services Card to apply for paternity benefit. If the relevant parent does not already have a Public Services Card, they can make an appointment to get one at www.mywelfare.ie. After completing the employee's section of the PB2 form, Human Resources will complete the employer's section.

If you are not eligible for paid paternity leave and are paying PRSI contributions Class A, you should apply for Paternity Benefit directly to the Department of Employment Affairs & Social Protection (Form PB 2).

Under Department of Employment Affairs & Social Protection regulations, PRSI contributors at the modified rate (Class D) have no entitlement to paternity benefit.

Paternity benefit payment is a taxable income.

Further details regarding paternity benefit are available from the Department of Employment Affairs & Social Protection:

Paternity Benefit Section
Department of Employment Affairs & Social Protection
McCarter's Road
Buncrana
Donegal
Ireland
Tel: (01) 471 5898/ 1890 690 690
<http://www.welfare.ie>

4. NOTIFICATION PROCEDURE

Notification to take paternity 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 the leave. The **Notification for Paternity Leave form** is available at the end of this policy.

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

Notification may be withdrawn in writing by you to Human Resources, through your line manager not later than **4 weeks before the commencement of paternity leave**.

Early confinement

Where the birth of your child occurs 4 or more weeks prematurely, you must notify Human Resources, through your line manager of your intention to commence paternity leave in writing, within **7 days of the birth**. In such circumstances, it will be deemed you have complied with the notification requirements of the Act.

5. POSTPONEMENT OF PATERNITY LEAVE

Late birth/postponed adoption placement

Any requests to postpone paternity leave must be made in writing immediately to Human Resources, through your line manager. This request will be approved by TU Dublin, where the date of birth occurs after the date selected by a relevant parent in their notification letter or where the date of placement is postponed in the case of adoption. The relevant parent may select another date on which paternity leave will commence.

The relevant parent must complete the Notification Form at the end of this policy as soon as possible but no later than **7 days after commencement of the paternity leave** and forward it to Human Resources, through your line manager with a copy of the birth certificate/official placement orders for the child.

Illness of the relevant parent

In the event of you becoming ill before a period of paternity leave has commenced, the period of leave may be postponed. Notification of a request to postpone the leave due to illness must be received by Human Resources, through your line manager as soon as possible after becoming ill and must be accompanied by a doctor's certificate. You must follow up in writing confirming the request to postpone the leave as soon as is reasonably practicable but not later than the day on which the postponed leave begins. The absences shall be treated in the same manner as an absence from duty due to illness.

Paternity leave may be postponed until such time as you are no longer ill. The period of postponed Leave must end not later than 28 weeks after the date of birth or day of placement. You must notify Human Resources, through your line manager when you intend to take the postponed paternity leave no later than the day you commence the leave.

It is important to note that if you fall ill during the period of postponement of Paternity Leave, and you request to commence sick leave from work, you will forfeit the remainder of the Paternity Leave. This leave cannot be taken at a later date following your period of sick leave. The normal procedures in relation to sick leave should then be followed, including the furnishing of a medical certificate where appropriate.

When the child is hospitalised

If your child is hospitalised, you may request in writing to postpone all or part of your paternity leave. This request is subject to approval of the University which will respond to the request for postponement as soon as practicably possible with a decision.

Where the University agrees to postpone the leave, the leave will be postponed with effect from a date agreed by you and your line manager. You will return to work on a date agreed between you and your line manager. The postponed leave, must be taken in a continuous block not later than **7 days after the discharge of your child from hospital** or such other date as may be agreed upon between you and your line manager. You must notify Human Resources, through your line manager when you intend to take the postponed paternity leave not later than the day you commence the leave.

6. STILLBIRTH

In the unfortunate case there is a stillbirth any time after the 24th week of pregnancy (i.e. from the beginning of the 25th week) and you are entitled to paternity leave, you are entitled to 2 weeks paternity benefit provided you satisfy the social insurance (PRSI) requirements.

To apply for paternity benefit following a stillbirth, you need to send a letter from the doctor with the paternity benefit application form, confirming the expected date of birth, the actual date of birth and the number of weeks of pregnancy.

7. GENERAL PROVISIONS

Transferred Paternity Leave

Where a relevant parent entitled to paternity leave in relation to a child dies, the staff member who is the surviving parent of the child will be entitled to the leave. This entitlement exists up to 28 weeks after the date of birth or day of placement of the child.

Annual Leave and Public Holidays

While on paternity leave a relevant parent will continue to accrue annual leave and public holidays as if they had not been absent from work. These annual leave entitlements are to be taken at a time outside of the period of paternity leave.

Abuse of Paternity Leave

A relevant parent on paternity leave may not engage in any other type of paid employment. Where the University has reasonable grounds for believing that a staff member who is on paternity leave is not using the leave for the purpose for which it is intended, it may, by notice in writing given to the staff member, terminate the leave and the notice will contain a statement in summary form of the grounds for terminating the leave and will specify the day by which the staff member must return to work.

Before terminating the paternity leave, the University will:

- notify the staff member in writing that the matter is under consideration, and invite the staff member to make representations within 7 days;
- consider any representations from the staff member before making a final decision;
- notify the staff member in writing of the decision summarising the grounds.

Employment Protection

A relevant parent while absent on paternity leave will be treated as if they had not been absent. At the end of the paternity leave, they will be entitled to return to their original job under terms and conditions no less favourable than those that would have applied if they had not been absent.

Correspondence Address

Human Resources will address all necessary correspondence to the relevant parent at the address last notified by them and no fault shall lie with TU Dublin in the event that the staff member does not receive such correspondence.

Compliance

Failure to abide with the regulations and procedures set out above may be dealt with under the TU Dublin Disciplinary Procedures and may lead to the deduction/cessation of salary for the relevant parent.

8. 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

AUTHORISATION PATERNITY LEAVE FORM

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 paternity 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 and 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 and 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 and 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 and Social Protection to pay any social insurance benefits due to me in respect of any future absences from duty on paternity 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 and Social Protection by Human Resources, TU Dublin. 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 and 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.

NOTIFICATION FOR PATERNITY LEAVE FORM

Notification of intention to take Paternity Leave should be submitted in writing to Human Resources, through your Head of Function/School at least 4 weeks before the date on which you intend to commence your Paternity Leave

To be completed by the Relevant Parent

Name (in print): _____

Staff No: _____

Function/School: _____

Home/Mobile Contact No: _____

Personal Email Address whilst on Paternity Leave: _____

Address for correspondence whilst on Paternity Leave if different from current address:

Complete whichever of the following applies:

Expected due date of the child: _____/_____/_____

Date of birth of the child: _____/_____/_____

Date of placement of the child: _____/_____/_____

Please attached the following documents:

1. In the case of a birth:

- a copy of the medical certificate or other appropriate certificate from a registered medical practitioner confirming the pregnancy and specifying the expected date of birth of the child concerned or
- a copy of the birth certificate where notification is given after the birth

2. In the case of an adoption:

- a declaration/official placement order
- a copy of the placement certificate where notification is given after the date of placement
- in the case of foreign adoption, the adopting parent must obtain a *Declaration of Suitability and Eligibility* from the Adoption Authority of Ireland, in advance of the date of placement. As soon as possible after the date of placement, the adopting parent should provide written confirmation of the placement

3. PB2 form (Employer Certificate for Paternity Benefit from the Department of Employment Affairs & Social Protection)

I wish to take paternity leave as follows: From: _____/_____/_____ To: _____/_____/_____

Signature of Relevant Parent: _____ **Date:** _____

To be completed by relevant line manager (i.e. Head of School/Department/Function as appropriate)

I certify that I have approved the above leave in accordance with the Paternity Leave policy. The following required documentation is enclosed:

- (1) Completed Notification for Paternity Leave form and Certificate confirming expected due date of child OR date of birth of the child OR date of placement of the child
- (2) PB2 form (Employer Certificate for Paternity Benefit from the Department of Social Protection)

Signature of relevant line manager: _____ **Date:** _____

To be completed by HR

I have verified the documentation received from relevant line management

Signature of Head of HR or nominee / HR Manager: _____ **Date:** _____

Please note that this leave may be terminated if it is not used for this purpose as outlined in the Paternity Leave policy. Any staff member found to abusing this leave may be subject to disciplinary action.