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## Maternity Leave Policy

### 1. Purpose

To set out the College policy regarding Maternity Leave Regulations.

All employees<sup>2</sup> who are pregnant, who have recently given birth, or who are breastfeeding up to the 104th week after the date of confinement are covered by the Maternity Protection Acts 1994 and 2004.

This policy informs all employees covered by the Acts of their rights and entitlements while in the employment of the organisation.

### 2. Scope

All employees who qualify under the terms of the Maternity Protection of Employees Acts (1994 and 2004), the Unfair Dismissals Acts (1977 and 1993), the Protection of Employees (Part-time Work) Act 2001 and the Protection of Employees (Fixed-Term Work) Act 2003, will be granted Maternity Leave.

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<sup>1</sup> Subject to final noting by Board

<sup>2</sup> All the rights and protections outlined in this policy also apply to transgender men who are pregnant or have given birth. A [gender recognition certificate](#) is required, in accordance with the Gender Recognition Act 2015.



Temporary employees employed under a fixed-term/specific purpose contract of employment, are entitled to maternity leave for the period of the fixed term or specific purpose, as set out in their contract of employment.

### 3. Entitlements and conditions

<b>Paid Maternity Leave</b>	<p>Employees are entitled to 26 consecutive weeks maternity leave, of which at least two weeks must be taken before the expected date of the birth and at least four weeks taken after the date of the birth of your child.</p> <p>Legislation governing Maternity Leave does not confer any rights to payment during Maternity Leave.</p> <p>Maternity leave with pay<sup>3</sup> is available to all members of staff who have completed at least 26 weeks of continuous employment with no break in service prior to the commencement of the Maternity Leave.</p> <p>Continuous employment is broken upon the expiry of a fixed term/specific purpose contract and the non re-engagement of the staff member within 4 weeks.</p> <p>If there is a break in service for more than 4 consecutive weeks, then the entitlement to paid Maternity Leave will accrue after</p>
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<sup>3</sup> Please note that the 26 week continuous employment requirement applies to all new staff as and from 27/5/2015. For staff who were in employment on or before the 27/5/2015 the continuous employment rule comes into effect on the 28/11/2015.



	<p>the staff member has completed 26 weeks consecutive service from the start date of the most recent contract of employment.</p> <p>Employees returning from a period of approved unpaid leave or career break must complete a minimum of 26 weeks service prior to the expected birth date in order to qualify for paid maternity leave.</p>
<b>Employees with less than 26 weeks continuous service</b>	<p>Employees who are ineligible for paid Maternity Leave under these regulations are entitled to Maternity Leave arrangements in accordance with the terms of the legislation governing Maternity Leave.</p> <p>The periods of leave entitlement and the necessary notifications to the employer are those set out in the above paragraphs.</p>
<b>Additional Unpaid Maternity Leave</b>	<p>Employees are also entitled to take additional maternity leave of up to 16 weeks immediately after the end of the 26 weeks maternity leave.</p> <p>Legislation governing Maternity Leave requires that any period of unpaid leave must be discharged immediately following the period of paid Maternity Leave.</p>
	<p>Employees must give their Head of School/Discipline/Area at least four weeks' notice <b>in writing</b> of their intention to take maternity leave and also forward a medical certificate</p>



<b>Conditions of maternity leave entitlements</b>	confirming your pregnancy and specifying the expected date of the birth of your child.
	Employees must give their Head of School/Discipline/Area, in writing, at least four weeks' notice of their intention to return to work after paid maternity leave
	Employees must inform their Head of School/Discipline/Area, in writing, of their intention to take additional maternity leave not later than four weeks before the end of the 26-week paid maternity leave period
<b>State Maternity Benefit</b>	<p>Employees granted <b>paid</b> Maternity Leave must claim such State Maternity Benefit as they are entitled to receive. Payment of State Maternity Benefit will be made direct to staff who meet the qualifying conditions, and the amount of benefit receivable will be deducted from the monthly/ fortnightly salary payment at source.</p> <p>Eligible staff who are not entitled to State benefit will not as a result lose entitlement to full pay during Maternity Leave.</p> <p>Applications for State Maternity Benefit must be submitted at least six weeks before the date on which the Maternity Leave is to commence. Further details and application forms for Maternity Benefit are available direct from:</p> <p><b>Maternity Benefit Section</b> <b>Department of Social Protection,</b> <b>FREEPOST,</b> <b>McCarter's Road, Ardaran, Buncrana, Co. Donegal.</b> <b>Telephone: LoCall 1890 690 690.</b></p>



<b>Informing your Manager</b>	Employees are encouraged to inform their manager as soon as you are aware you are pregnant – this enables them to ensure that the environment is safe and supportive of all your pregnancy requirements during this time
<b>Ante-natal/post-natal medical care</b>	Employees are entitled to paid time off for ante-natal or post-natal care. Evidence of appointment or attendance at an ante or post-natal clinic may be required.
<b>Ante-natal classes</b>	<p>Pregnant employees are entitled to paid time off work to attend one set of ante-natal classes (other than the last three classes). This is a once-off entitlement. An expectant father is entitled, on a once-off basis, to paid time off to attend the last two classes before the birth.</p> <p>Written notification must be given to your manager/HR with the dates and times of each class at least two weeks before the first class.</p>
<b>Breastfeeding</b>	<p>Breastfeeding mothers are entitled to (for up to 104 weeks after giving birth), without loss of pay to either breastfeeding break/s where suitable facilities are provided, or a reduction of working hours.</p> <p>The one hour break may be split into shorter periods of time totalling one hour.</p>



	<p>Full details on taking breastfeeding breaks can be viewed at <a href="#">Breastfeeding Procedure</a></p>
<b>Right to return to work</b>	<p>Employees shall be entitled to return to work with the College in accordance with the terms of the Maternity Protection of Employees Acts, 1994 and 2004, Following a period of paid maternity leave or unpaid additional maternity leave</p> <p>It is College policy to permit the person to return to the same job they held immediately before Maternity Leave, if at all practicable.</p> <p>The right to return to work is conditional on the employee having carried out the requisite written notification procedures at all appropriate stages. In addition to the conditions specified above, the employee must confirm to the Head of School/Discipline/Area, in writing, their intention to return to work. This written confirmation must be given four weeks prior to the intended date of return.</p> <p>Fixed term/specific purpose contracts are not amended to take account of maternity absence.</p>



#### 4. Annual, Public Holidays and Health and Safety Leave

<b>Effects of Maternity Leave</b>	<p>Maternity Leave and Additional Maternity Leave are not considered part of any other absence, including sick leave or annual leave.</p> <p>The period of Maternity Leave is considered continuous with the period of employment preceding the Leave.</p>
<b>Annual leave benefit</b>	<p>Employees accrue annual leave while on Maternity Leave and may apply in writing to the School/Discipline/Area Head for permission to take annual leave entitlement due immediately prior to or following the period of Maternity Leave or Additional Maternity Leave.</p> <p>Legislation governing Maternity Leave requires that any period of unpaid leave must be discharged immediately following the period of paid Maternity Leave.</p>
<b>Public Holidays and Good Friday</b>	<p>While on maternity leave and additional maternity leave you will retain your full entitlement to public holiday and (Good Friday where applicable) which accrue during maternity leave.</p> <p>You will be notified of the number of public holidays for which you are entitled, and they will be discharged immediately after your full period of maternity leave.</p>
	<p>The University is obliged to assess any risk to an employee who is:</p>



<p><b>Health and safety risk and Health and Safety leave</b></p>	<ul style="list-style-type: none"><li>• pregnant;</li><li>• has recently given birth; or</li><li>• is breastfeeding.</li></ul> <p>Therefore, if you are pregnant, it is imperative that you inform your manager, so that the organisation can carry out a risk assessment as soon as possible.</p> <p>If a risk is identified and cannot be removed from the work process, then the organisation will take the following steps to ensure that you are no longer exposed to the risk:</p> <ol style="list-style-type: none"><li>a. temporarily adjust your working conditions or working hours, to the extent needed to avoid the relevant risk;</li><li>b. if step (a) is not feasible, then you will be transferred to other work, or, in the case of night-workers, to day-work;</li><li>c. if step (b) is not feasible, then you will be given health and safety leave.</li></ol> <p>The organisation will pay for the first 21 calendar days of health and safety leave, thereafter a social welfare benefit may apply.</p> <p>If you become aware that you are no longer vulnerable to the risk for which you have been granted health and safety leave, you are obliged to inform the organisation in writing of the fact, as early as reasonably practicable.</p>
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	Likewise, if a risk no longer exists, or if the organisation is in a position to offer suitable alternative work, the organisation will notify you in writing and the health and safety leave will expire seven days after receiving the notification to return to work.
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## 5. Variations on Period of Maternity Leave

<b>Postponing Maternity leave due to a Serious Health Condition</b>	<p>An employee on maternity leave, or due to go on maternity leave who has a serious mental<sup>4</sup> or physical health condition which requires <b>necessary medical intervention</b> for an ongoing period of time, may postpone<sup>5</sup> the commencement of all or part of their maternity leave for a continuous period of no less than five weeks and no longer than 52 weeks after the postponement is due to commence. A medical certificate, signed by a relevant medical practitioner which specifies the dates for the postponement is required.</p> <p>An employee who has postponed their maternity leave once may also make a second notification of their intention to further postpone the commencement of all or part of the remaining maternity leave that they have not yet taken, for a continuous period of no less than five weeks and no longer than 52 weeks after the first postponement commences.</p>
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<sup>4</sup> 'Necessary medical intervention' in relation to mental health means **inpatient** hospital treatment.

<sup>5</sup> Employees who are eligible to postpone their maternity leave due to the hospitalisation of their child and are also eligible to postpone their maternity leave in connection with a serious health condition **will not be entitled** to postpone maternity leave under both sections of the Maternity Protection Acts as amended.



	<p>The postponement of maternity leave in one or two applications cannot exceed 52 weeks in total.</p> <p>Two weeks' notice must be given to Human Resources if employees wish to postpone their maternity leave under the above conditions. The notification of postponement must:</p> <ul style="list-style-type: none"><li>• Be in writing</li><li>• Specify the date on which the postponement will begin and end</li><li>• Be accompanied by a medical certificate, signed by a relevant medical practitioner which specifies the dates for the postponement.</li></ul> <p>Employees seeking to postpone their maternity leave should notify their manager prior to the application being submitted to HR.</p> <p>A form <a href="#">maternity-leave-postponement-application-due-to-illness.docx</a> is available on the HR website which managers <b>must</b> complete and return to HR on behalf of their employee, along with a copy of the medical certificate, to fulfil the above requirement.</p> <p>This form must be sent to HR <b>with two weeks' notice</b>.</p> <p>The manager must ensure to record and maintain the leave as sick leave. Please refer to the University's <a href="#">Sick Leave policy</a> for further information on this.</p>
	<p>Where the birth of the baby occurs before Maternity Leave has commenced then the date of birth will be considered the first</p>



### Early Birth

day of twenty six weeks Maternity Leave and the Maternity Leave regulations will be satisfied if the Head of School/Discipline/Area and Human Resources are informed up to fourteen days following the birth date.

Since 1 October 2017, State Maternity Benefit is payable for an extra period **after** the end of the paid 26 weeks in the case of a premature birth. Maternity leave is also extended for this extra period and is unpaid by the University.

This extension corresponds to the time period between your baby's *actual* birth date and the expected start date of your maternity leave and Maternity Benefit, which would have been two weeks before the end of the week when your baby was due.

To bring forward the start date of your Maternity Benefit claim, you will need to give the Department of Employment Affairs and Social Protection either a copy of your baby's birth certificate or a letter from the hospital confirming the baby's actual date of birth (which must be on or after 1 October 2017).

The Department will need further information in order to determine any entitlement to extra Maternity Benefit due to the premature nature of your baby's birth. You will need to send the Department a letter from the hospital confirming the actual date of birth **and the number of weeks' gestation at which your baby was born**, before the end of the first 26 weeks of Maternity Benefit. This information is required in order to



	<p>ensure that you get your full entitlement. If you wish, you can provide all this information in your initial letter to the Department of Employment Affairs and Social Protection.</p> <p>The correspondence from the Department confirming your entitlement to the additional paid maternity leave must be forwarded to HR in order to process your additional paid State maternity leave.</p> <p>Where the date of birth occurs earlier than expected, but after the Maternity Leave has commenced, then there will be no change in the period of leave.</p>
<b>Late Birth</b>	<p>Where the birth of the baby 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.</p>
<b>Hospitalisation of Child</b>	<p>Subject to the Colleges agreement, if your baby is in hospital and you have been getting Maternity Benefit for at least 14 weeks (including at least 4 weeks since your baby was born) you may postpone payment of your remaining 12 weeks of benefit for up to 6 months.</p> <p>To postpone payment of your Maternity Benefit you need to apply in writing to the Maternity Benefit Section in the Department of Social Protection.</p>



	<p>When your baby is discharged from hospital you must notify the Maternity Benefit Section in writing and payment of your remaining 12 weeks Maternity Benefit will continue within seven days.</p>
<b>Additional Maternity Leave and Illness</b>	<p>Subject to agreement by the College, employees may request to terminate unpaid additional maternity leave in the event of a medically certified illness, thereby allowing them to transfer to the sick leave scheme</p> <p>The request and acceptance must be made in writing.</p> <p>Please note that if you choose to transfer to the sick leave scheme, then the remainder of the additional maternity leave is forfeited and cannot be taken at a later date following the period of sick leave.</p>
<b>Stillbirths, Miscarriages and Neonatal Death</b>	<p>If you have a stillbirth, miscarriage or neonatal death (where a baby lives for only a few hours or days after birth) any time <b>after</b> the 23<sup>rd</sup> week of pregnancy ( or weighs not less than 400 grams), a staff member is entitled to full Maternity Leave.</p> <p>The staff member should send the Department of Social and Family Affairs a letter from their Doctor with a Maternity Benefit Form, confirming the expected due date, the actual birth date and the number of weeks gestation</p>

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**END POLICY**



## PROCESS

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<b>Complete the Application Form</b>	<p>Notification of taking Maternity Leave must be <b>in writing</b>, verbally informing your manager does not cover this legislative requirement.</p> <p>Please complete the College’s Maternity Leave application form (located at the end of this policy document) and return it to <a href="mailto:hr@tcd.ie">hr@tcd.ie</a> along with a signed doctor’s cert when signed by all concerned at a <b>minimum of four weeks</b> prior to the expected due date.</p> <p>This is to ensure that we have all the information required to complete the MB2 form that you will need to submit along with your online application.</p>
<b>Complete the MB2 Form</b>	<p>Once you receive the completed MB2 form from HR, please log on to <a href="https://www.gov.ie/en/service/apply-for-maternity-benefit/#apply">https://www.gov.ie/en/service/apply-for-maternity-benefit/#apply</a> to access your online Maternity Benefit Form (MB1 Form).</p> <p><b><i>When completing this MB1 Form, in “Part 3 - Your Payment Details” please ensure that you choose the option for payments to be made to “You” and NOT to the “Employer”. Also please provide details of your Financial Institution as mandatory to ensure receipt of payments directly to your Bank account”.</i></b></p>

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## END PROCESS



**MATERNITY LEAVE APPLICATION FORM**

**Section 1 – To be completed in full by the employee**

**EMPLOYEE DETAILS:**

<b>Name:</b>	<b>ID Number:</b>
<b>Department:</b>	<b>PPSN:</b>
<b>Home Address:</b>	<b>Work email:</b>
	<b>Personal email:</b>
<b>Mobile no:</b>	<b>Full time:</b> <input type="checkbox"/>
	<b>Part time:</b> <input type="checkbox"/>
<b>If part-time, please state pattern of working week:</b>	

**MATERNITY LEAVE REQUEST DETAILS:**

**Date Baby is Due** \_\_\_\_\_  
(attach signed doctor’s cert to this form – MB3 form is not to be used)

**\*Proposed start date** \_\_\_\_\_

\*Example of start date for Maternity leave: if baby is due on Wednesday, 6 November 2019, the latest date the employee should commence maternity leave is Monday, 28 October 2019.

If you are not an EU resident, please advise below if you will be residing outside of Ireland for any period of your maternity leave

**Date From** \_\_\_\_\_ **Date to** \_\_\_\_\_ **Number of Weeks outside of Ireland** \_\_\_\_\_



**EMPLOYEE SIGNATURE – I declare that the information given above is accurate and complete**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**Section 2: To be Completed by Head of School/ Area**

**AUTHORISED SIGNATORY**

**Signed:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Print Name:** \_\_\_\_\_

**NOTE: Please ensure to enclose correct signed doctor's certificate**

Incomplete applications will **NOT** be processed and will be returned to the applicant.

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**END APPLICATION FORM**