



ST. PATRICK'S CENTRE (KILKENNY)  
Unit 11/12,  
Danville Business Park,  
Ring Road,  
Kilkenny.

## Policy Document

POLICY TITLE:

### MATERNITY LEAVE

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Approval By


Signed:   
CEO (Interim)

Signed:   
Board Member

### ***Mission Statement***

To enable people to live a good life, in their own home, with supports and opportunities to become active, valued and inclusive members of their local communities.

To enable a supported self-directed living (SSDL) model of provision which is underpinned by our beliefs, values and vision

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Author: Adrienne Hayes	Approved By: Signed:  CEO (Interim)	

## Table of Contents

1.0 Policy Statement: .....	3
2.0 Scope:.....	3
3.0 Responsibilities .....	3
3.1 Responsibility of the Employee:.....	3
3.2 Responsibility of Line Manager: .....	3
3.3 Responsibility of Human Resources:.....	3
4.0 Policy.....	3
4.1 Eligibility .....	3
4.2 How to Apply.....	4
4.3 Time off for medical appointments .....	5
4.4 Risk Assessment .....	5
4.5 Postponement.....	6
4.6 Breastfeeding .....	7

## **1.0 Policy Statement:**

**1.1** This policy informs all employees covered by the Acts of their rights and entitlements while in the employment of the organisation. Maternity Leave is in accordance with the Maternity Protection Act, 1994 and 2004.

## **2.0 Scope:**

**2.1** All female employees who are pregnant, who have recently given birth, or who are breastfeeding up to the 26th week after the date of confinement are covered by the Maternity Protection Acts 1994 and 2004. All full-time, part-time and fixed term employees are covered by this policy.

## **3.0 Responsibilities**

### **3.1 Responsibility of the Employee:**

To abide by this policy.

### **3.2 Responsibility of Line Manager:**

Line Managers have responsibility for the effective implementation of this Policy.

### **3.3 Responsibility of Human Resources:**

HR will support management with the implementation of this policy by providing recommendations and providing advice. HR will be responsible to ensure all staff are made of the Policy.

## **4.0 Policy**

### **4.1 Eligibility**

All employees who qualify under the terms of the Maternity Protection Act, 1994 and 2004 will be granted Maternity Leave. All fixed term employees have maternity rights under the 1994 and 2004 Act. Where a contract is due to expire during a maternity or health and safety leave period, protection under the Act also expires on that date i.e. the leave and any entitlement to benefits expire on the same day.

To be eligible for the paid maternity leave scheme, the employee must have completed 6 months continuous service and successfully completed probationary period. The paid maternity leave scheme is full pay for 26 weeks, minus social welfare payments.

Employees covered by the Maternity Protection Act, 1994 and 2004 are entitled to the following kinds of protective leave:

- Maternity Leave (26 weeks)

- Additional Maternity Leave (16 weeks)
- Paid Natal Care Leave
- Section 16 Leave for Bereaved Fathers
- Health and Safety Leave
- Right to return to work following leave

Employees should commence leave at least 2 weeks prior to the expected birth date and take at least another 4 weeks after. The remaining weeks are entirely at the discretion of the employee. An additional period of 16 weeks extra leave may be taken immediately following the maternity leave period. This is referred to as additional maternity leave. No social welfare benefit is payable during this period.

Where the date of birth occurs so late in the maternity leave that less than the statutory 4 weeks remain, the leave shall be extended to the maximum of 4 weeks. Where the date of birth falls before the commencement of maternity leave, the birth date will be considered the first day of maternity leave. Where this occurs, you must notify the Departmental Manager in writing within 14 days.

Automatic entitlement to maternity leave arises after the 24<sup>th</sup> week of pregnancy. In the unfortunate event where there is a miscarriage or still birth before the 24<sup>th</sup> week of pregnancy there is no entitlement to maternity leave.

If you are employed on a fixed-term or specified-purpose contract, any leave (or any other benefit) will end when your contract ends.

#### **4.2 How to Apply**

Application for maternity leave must be made on the maternity leave form and submitted to the HR Department as early as possible but not less than four weeks prior to the intended leave. The application should include a medical certificate confirming pregnancy and stating the expected date to birth.

An employee may claim social welfare maternity benefit for the duration of her maternity leave provided she has the necessary PRSI contributions. It should be noted that it is the responsibility of the employee to obtain a maternity benefit form from the Department of Social and Family Affairs. It is recommended that you apply at least six weeks before the start date of your maternity leave. Claims should be made on MB10 forms, which are available from your hospital, doctor or social welfare office. The organisation will complete the relevant part of the form once it has been appropriately completed by you and by your doctor (not earlier than 16 weeks before your baby is due).

Application for additional maternity leave must be made in writing and submitted to the Team Leader/Manager at least four weeks before the commencement of the leave period. If you so wish, you may notify the Team Leader/Manager of your intention to take additional maternity leave at the same time as notifying them of your intention to take maternity leave.

If you wish to take any annual leave, this must be taken after the unpaid additional leave.

#### **4.3 Time off for medical appointments**

In accordance with Section 15 of the Maternity Protection Act, 1994 and 2004, employees have a general entitlement to time off during normal working time, as is necessary to keep a medical or related ante-natal or post-natal appointments without loss of pay. Time off to attend is only applicable if the ante or post-natal appointments fall within your scheduled/rostered working day. Time off for post-natal appointments only applies in the six weeks following the birth.

In addition, you may take time off work, without loss of pay, to attend one set of ante-natal classes. Time off to attend is only applicable if the ante-natal classes fall within your scheduled/rostered working day. The right to attend only one set of antenatal classes covers all pregnancies while in employment.

The Act also provides a right, in the case of fathers to time off to attend on a once-off basis, the last two ante-natal classes before the birth. Time off to attend is only applicable if the ante-natal classes fall within your scheduled/rostered working day.

In order to avail of ante and post-natal care leave you must give at least two weeks written notice to the Team Leader/Manager, and on each occasion, except in the case of the first appointment, produce an appointment card if requested to do so. In the case of attending ante-natal classes, you must give at least two weeks written notice to the Team Leader/Manager prior to the appointment. With the exception of the first appointment, you must produce an appointment card.

In accordance with Section 16 of the Maternity Protection Act, 1994 and 2004, a father is entitled to leave from his employment upon the death of a mother who had given birth to a living child. The father is entitled to the remainder of the maternity leave and additional leave, in accordance with the Maternity Protection Act. The period of leave shall commence within 7 days of the mother's death.

The father shall provide written notification of his intention to take leave to his manager no later than the day he wishes to take the leave.

#### **4.4 Risk Assessment**

St Patrick's Centre, Kilkenny is required to carry out a risk assessment, specifying risks associated with pregnant employees, employees who have recently given birth and employees who are breastfeeding within 26 weeks of having given birth.

If a risk is identified and cannot be removed from the work process, then St. Patricks Centre will either temporarily adjust the working conditions to avoid relevant risk, or arrange a transfer to other work. If neither of the above is technically or objectively feasible then the employee will be given health and safety leave. You are entitled to be

paid by St. Patrick's Centre for rostered days during the first 21 calendar days of health and safety leave. The rate of pay is current salary, minus payment entitlements from Department of Social Protection. For the remainder of the leave, you may receive Health & Safety Benefit from the Department of Social Protection. During health and safety leave the employee has no entitlement to public holidays which fall during the period of the health and safety leave.

Where the risk assessment identifies some aspect of the employee's work environment that puts them at risk they will be met with by their manager. If the risk cannot be removed from the work process or the employee cannot be transferred to another section, the employee should be granted health and safety leave. Health and safety leave lasts up to:

- The first day on which the employee becomes entitled to maternity leave, or
- The date on which a fixed term contract expires, or
- Seven days following receipt of written notification from the employee's manager that the risk no longer exists, or
- The day suitable alternative work becomes available, or
- Earlier if the employee returns to work earlier.

#### **4.5 Postponement**

Subject to an employee's Managers' agreement, a mother has the option of splitting, or postponing, the period of maternity leave/additional maternity leave in the event of the hospitalisation of the child. Maternity leave may only be postponed if the employee has taken at least 14 weeks maternity leave, four of which have to be taken after the end of the week of confinement.

The decision to postpone the maternity leave or additional maternity leave is subject to the agreement of the Manager. If the Manager does not agree to postpone the leave, then the employee concerned must return to work on the date agreed between both parties. The remaining leave is postponed and the employee will be entitled to take "resumed leave" not later than seven days after the discharge of the child from hospital. The remaining leave must be taken in one block.

The maximum period of postponement is six months. St. Patricks Centre may require an employee to provide a letter from the hospital in which the child is hospitalised, confirming the hospitalisation. St. Patricks Centre may also require a letter, or other appropriate documentation, from the hospital or the child's GP confirming that the child has been discharged from the hospital in order to allow the employee to commence their postponed maternity leave/additional maternity leave.

If an employee who postpones her maternity leave becomes ill after returning to work and before taking "resumed leave" she may be considered to have started her resumed leave on the first day of absence because of her illness. Alternatively, she may choose to forfeit her right to resumed leave and have her leave treated in the normal manner as sick leave.

Subject to the Manager's agreement, a mother has the right to terminate unpaid additional maternity leave in the event of her becoming ill. Request of termination by the employee and acceptance of the termination by the Manager must be in writing.

#### **4.6 Breastfeeding**

A breastfeeding mother is entitled to breastfeeding breaks at the option of the Manager, without loss of pay and for up to six months after giving birth, either:

- A break of one hour per day where suitable facilities are provided in the workplace, or
- A reduction in working hours
- The one-hour break may be taken in the form of one of the following:
  - One break of 60 minutes
  - Two breaks of 30 minutes each
  - Three breaks of 20 minutes each

In such other manner as to number and duration of breaks as may be agreed by her and St. Patricks Centre.

A part-time employee will receive a pro-rata entitlement to time off, or a reduction in working hours.

A breastfeeding employee, who intends to exercise her right to breastfeeding breaks or reduced working hours for the purposes of breastfeeding, must indicate her intention to do so as soon as possible and in any case not later than the date on which she indicates her intention to return to work following maternity leave (normally 4 weeks). The employee may be required to provide the birth certificate of the child concerned or another document establishing the date of birth of the child. Where no facilities are provided, the employee is entitled to a reduction in working hours of one hour per day. All such breaks or time off are paid.

Under St. Patricks Centre maternity leave policy all employees will be covered by employment protection while on such leave. During any period of maternity leave or time off, an employee remains in the employment of the employer. Specifically, protective leave refers to the following:

- Maternity Leave
- Additional Maternity Leave
- Leave for Bereaved Fathers
- Maternity Health & Safety Leave

During protective leave an employee's continuity of employment in respect of any right (whether statutory, contractual or otherwise) with the exception of remuneration are preserved as if he/she were present at work. These absences count as reckonable service and must not be counted against any other leave such as annual leave or sick leave. Employees retain an entitlement to public holidays and annual leave occurring during maternity leave, additional maternity leave and father's leave.

*Right to Return to Work* - There is a general right to return to work for employees who have been on protective leave with the same employer, in the same job, under the same contract of employment.

If it is not reasonably practicable for St. Patricks Centre to allow the employee to return to work in the same job under the same or a similar contract of employment, St. Patricks may offer suitable alternative employment under a new contract. The terms and conditions of this suitable alternative employment, in relation to the place of employment, the capacity in which the employee would be employed and the monetary and other terms of employment, cannot be substantially less favourable than those which previously applied.

*Procedure for Notification of Return to Work* - The employee's right to return to work is subject to them providing written notification of their intention to return to work. Notice of the date of return to work should be given in writing to the Team Leader/Manager at least four weeks in advance of the return to work date.