



POLICY:	Force Majeure Leave
FIRST DRAFT:	
ADOPTED:	Approved UR 2019#01
AMENDMENTS:	
REVIEW:	
LEGISLATION:	Parental Leave Act 1998

1.0 Policy Statement

- 1.1 It is the policy of Mary Immaculate College to comply with the provisions of all employment legislation. This policy document is based on and written in accordance with the terms of the Parental Leave Act 1998.
- 1.2 All policies, guidelines and protocols of Mary Immaculate College, will reflect the Colleges commitment to the promotion of equality and will be fully compliant with the provisions of prevailing equality legislation.

2.0 Scope of Policy

- 2.1 This Policy is applicable to all employees of Mary Immaculate College.

3.0 Legislation, Regulations and Related Policy

- 3.1 Governing legislation, regulation and policy in relation to this document includes:

- Parental Leave Act 1998

4.0 Responsibilities

- 4.1 *An tUachtarán* and the Executive Team are responsible for the development of this policy and for oversight of its implementation. Adoption of the policy is the responsibility of *An tÚdarás Rialaithe*.
- 4.2 The Director of Human Resources is responsible for the approval or refusal of applications for Force Majeure Leave.
- 4.3 The Human Resources Office is responsible for processing applications for Force Majeure Leave.
- 4.4 Heads of Departments and Line Managers are responsible for making themselves aware of the contents of this policy and for ensuring that staff members for whom they are responsible who wish to avail of Force Majeure Leave submit an application in a timely fashion. Heads of Department are also responsible for ensuring that alternative arrangements are made in respect of an employee's absence in the event that an application for Force Majeure Leave is refused and that those arrangements are properly recorded.
- 4.5 All employees who wish to apply for Force Majeure Leave must follow the application procedures set out in this document and provide all relevant information in support of any such application.

5.0 Force Majeure Leave

- 5.1 Force Majeure Leave is paid leave which an employee may avail of in circumstances where for urgent family reasons, owing to the injury or illness of an immediate family member, the immediate presence of an employee at the place where the person is, is indispensable. The injury or illness of the immediate family member must be unforeseen or generally unpredictable.

5.2 An employee is entitled to Force Majeure Leave of up to three days in any 12 consecutive months, or five days in any 36 consecutive months. An absence for part of a day is counted as a full day.

5.3 For the purposes of Force Majeure Leave an immediate family member is

- A child or adoptive child of the employee
- A spouse or partner
- A person to whom the employee is in loco parentis
- A brother or sister of the employee
- A parent or grandparent of the employee
- A person who resides with the employee in a relationship of domestic dependency

A person who resides with an employee is taken to be in a position of domestic dependency with the employee if, in the event of injury or illness, one reasonably relies on the other to make arrangements for the provision of care. The sexual orientation of the person concerned is immaterial.

5.4 While on Force Majeure Leave, an employee retains all employment rights. Force Majeure leave cannot be treated as any part of other leave to which an employee is entitled.

6.0 Applications for Force Majeure Leave

6.1 On the day that Force Majeure Leave is required the employee must notify their line manager or Head of Department of their intention to take force majeure leave and the reasons for it.

6.2 As soon as reasonably practicable after his/her return to work, the employee must notify the Director of Human Resources that s/he wishes to have his/her absence counted as Force Majeure Leave. This notification must be made by using the Force Majeure Leave Application Form.

6.3 The Director of Human Resources will decide on the merits of the Force Majeure Leave application. This decision will be notified in writing to the applicant. If the application for force majeure leave is not approved, then the employee will be required to take annual leave in respect of the days on which they were absent

6.4 The decision of the Director of Human Resources may be appealed through the grievance procedure.

6.5 Employees found to be abusing force majeure leave may be subject to the Colleges disciplinary procedure

6.6 In the event of any dispute or difference between an employee in relation to Force Majeure Leave, the issue may be referred by either party to the Workplace Relations Commission.

7.0 Records

7.1 The College must keep a record of Force Majeure Leave taken by employees,

specifying the period of employment of each employee and the dates and times of leave taken. These records must be retained for 8 years.