



POLICY:

Parental Leave Policy

FIRST DRAFT:

ADOPTED:

UR 2019#02

AMENDMENTS:

Draft Revision May 2019 ET 2019#07

REVIEW:

In accordance with legislative updates

PARENTAL LEAVE POLICY

1.0 Policy Statement

- 1.1 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.
- 1.2 This policy and its procedures will be operated in accordance with the Parental Leave Acts, 1998 to 2019, relevant circulars as issued by the Department of Education and Skills and relevant Government policy.

2.0 Scope of Policy

- 2.1 This Policy is applicable to all employees of Mary Immaculate College who are parents or adoptive parents or in loco parentis of eligible children

3.0 Legislation, Regulations and Related Policy

- 3.1 Governing legislation, regulation and policy in relation to this document includes:
 - Parental Leave Acts, 1998 to 2019;
 - European Union (Parental Leave) Regulations 2013;
 - Circular Letter No. COE 4-2003 and No. 0038/2013.

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 Human Resources Office is responsible for processing applications for parental leave.
- 4.3 All employees who wish to apply for Parental Leave must comply with the provisions of this Policy.

5.0 Parental Leave Overview

- 5.1 Parental leave is statutory unpaid leave, which may be taken by a parent in order to take care of an eligible child.
- 5.2 Each eligible employee is entitled to 18 weeks parental leave per eligible child whether they are the natural or adoptive parent or are in loco parentis. Job-sharers and part-time employees are entitled to parental leave on a pro- rata basis.
- 5.3 A staff member is entitled to 18 weeks Parental Leave in respect of each child up to the age of 13 years or the age of 16 years in the case of a child with a disability and/or long-term illness.
- 5.4 From 1st September 2019, the entitlement to Parental Leave will be increased to 22 weeks and from 1st September 2020, the entitlement to Parental Leave will be

increased to 26 weeks. All references in this Policy to 18 weeks should be read as 22 weeks from 1st September 2019 and as 26 weeks from 1st September 2020.

5.5 Entitlement to Parental Leave shall end:

- not later than the day on which the child concerned attains his/her 13th birthday or, in the case of an adopted child aged between 11 and 13 years not later than two years from the date of the adoption order
- in the case of a child with a disability and or long term illness not later than the day on which the child attains his/her 16th birthday.

5.6 An employee must have at least one year's continuous service with the College to be entitled to take 18 weeks parental leave. However, if an employee has more than three months but less than 1 year of service, and where the child is approaching the age threshold, the employee is entitled to one week's leave for every month of continuous employment completed with the College.

5.7 Parental leave may be transferred between two or more relevant parents who are each employed by the same employer. Each relevant parent will, subject to the consent of the employer concerned, be entitled to transfer 14 of the 18 weeks of parental leave to any other relevant parent in respect of the child.

5.8 Where an employee qualifies for parental leave in respect of more than one child, the employee may not take more than 18 weeks parental leave in any 12-month period, unless the employer agrees otherwise. However, this restriction does not apply in the case of children of a multiple birth (i.e., twins, triplets, etc.).

5.9 An employee must use his or her parental leave to take care of the child concerned. Any abuse of this can lead to the parental leave being terminated.

6.0 Manner in Which Leave May Be Taken

6.1 An employee may take parental leave as one of the following:

- A continuous block of 18 weeks;
- Two separate blocks of a minimum of 6 weeks each, with a minimum of 10 weeks between each block;
- On such basis as is compatible with the continuous efficient operation of his/her work area.

7.0 Applications for Parental Leave

7.1 An employee must normally give 8 weeks but no less than 6 weeks written notice of his/her intention to avail of parental leave. The College, may at its discretion, waive all or part of the notification period.

7.2 A letter of application should be submitted to the Deputy Director of Human Resources and copied by the applicant to his/her Head of Department/Line Manager. The letter of application must include the following details:

- A copy of the birth certificate of the child in respect of whom the parental leave is being requested;
- The date on which the employee intends to commence the leave;
- The duration of the leave;

- The manner in which the employee proposes to take the leave;
- The employee's signature.

7.3 On receipt of an application for parental leave, the Deputy Director of Human Resources shall discuss the application with the relevant Head of Department/Line Manager, and in the event of the application being made by a member of Academic Staff, with the relevant Dean.

7.4 If there is agreement from the relevant Head of Department/Line Manager (and Dean of Faculty where appropriate), that the parental leave application is in order and that the leave may be taken in the requested manner, the Deputy Director of Human Resources will notify the employee of the decision to approve the parental leave.

7.5 The notification must be sent to the applicant no later than four weeks before the parental leave is requested to begin.

7.6 If parental leave is approved, the written notice must include:

- The date on which the leave will commence;
- The duration of the leave;
- The manner in which the leave will be taken.

8.0 Revocation of Notice

8.1 An employee may revoke his/her notice of intention to take parental leave no later than four weeks before the parental leave is due to begin, provided that the College is in agreement. The revocation notice must be made in writing to the Deputy Director of Human Resources.

9.0 Suspension of Parental Leave Due to Ill Health

9.1 An employee who becomes ill while on parental leave and as a result is unable to care for the child, may seek to suspend the parental leave for the duration of the illness, following which period the parental leave recommences. A request for the suspension of parental leave must be made in writing to the Deputy Director of Human Resources.

10.0 Postponement of Parental Leave by the Employer

10.1 The commencement of parental leave may be postponed by the College for a period, not exceeding 6 months, from the requested start date.

10.2 Generally, parental leave may only be postponed once, and only if the College is satisfied that granting the leave would have a *substantial adverse effect on the operation of the business*. Notice of postponement must be given no later than 4 weeks prior to leave and must state grounds for postponement.

11.0 Termination of Parental Leave

11.1 The College may terminate the parental leave if it has reasonable grounds to believe that it is being used for a purpose other than taking care of the child concerned. Before doing so, the Deputy Director of Human Resources must notify the employee,

in writing, of the College's intention to terminate the leave, and invite the employee to make written representations on the matter within 7 days. In all cases where the leave is terminated, the employee must return to work immediately.

12.0 Refusal to Grant Parental Leave

12.1 The College may refuse to grant parental leave, if it has reasonable grounds to believe that the employee is not entitled to such leave. Before refusing outright, the Deputy Director of Human Resources must notify the employee in writing so that the employee may make representations on the matter within 7 days.

13.0 Protection of Employment Rights

13.1 An employee on parental leave retains all employment rights (except the right to remuneration and superannuation benefits) while on parental leave. Absence due to parental leave will count as reckonable service for the purposes of annual leave, increments, etc.

13.2 The employee retains an entitlement to any Public Holiday that fall during the period of parental leave. The corresponding number of days *in lieu* of Public Holidays must be added to the end of the period of leave.

13.3 An employee's period of probation may be suspended while on parental leave.

13.4 Parental leave cannot be treated as part of any other leave to which the employee is entitled.

14.0 Return to Work

14.1 Employees have a right to return to work following a period of parental leave in the same job, and under the same contract of employment or under terms and conditions no less favourable, than would have applied if there had been no absence from work.

14.2 In some circumstances, suitable alternative work under a new contract may be offered.

14.3 An employee who is returning to work from parental leave may request a change in their working hours or pattern of work for a set period of time. Any such request must be considered by the College; however, there is no obligation to grant same or to provide a reason why a request has been refused.

14.4 Requests for a change in working hours or pattern must be made no later than six weeks before the proposed commencement of the revised working arrangements.

15.0 Appeals

15.1 Any dispute with regard to parental leave must be dealt with in accordance with the grievance procedure in the first instance.

16.0 Records

16.1 The College must keep a record of parental leave taken by employees, specifying the

period of employment of each employee and the dates of leave taken. These records must be retained for 13 years.

17.0 Audit and Review

17.1 This policy will be reviewed on a five yearly basis or if any legislative changes are enacted in the interim. The Director of Human Resources will initiate the review.