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| POLICY: | Paternity Leave Policy |
| FIRST DRAFT: | v.1 ET 2018#01, 2018#09 |
| ADOPTED: | UR 2018#04 |
| AMENDMENTS: | |
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PATERNITY LEAVE POLICY

1.0 Policy Statement and Objectives

- 1.1 Mary Immaculate College is committed to the implementation of legislation and policy which promotes work life balance.
- 1.2 The purpose of this document is to detail the statutory entitlement of employees to paternity leave and to set out the arrangements for the administration of same.
- 1.3 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 and Procedure

- 2.1 This Policy and related procedures are applicable to employees of Mary Immaculate College.

3.0 Legislation/Other Related Policies

- 3.1 Governing legislation, regulations and codes of practice in relation to this document include:
 - Paternity Leave and Benefit Act, 2016
 - DES Circular Letter of 24th October 2016 – Paternity Leave Scheme For All Eligible Staff in Universities and Colleges of Education

4.0 Responsibilities

- 4.1 It is the responsibility of all employees to adhere to the regulations and procedures set out in this circular. Failure to abide with the regulations and procedures will be dealt with under the agreed disciplinary procedures and may lead to the cessation of salary.
- 4.2 It is the responsibility of the Human Resources Office to process applications for paternity leave and to keep records of paternity leave in accordance with the provisions of this policy.
- 4.3 It is the responsibility of the College's Executive Team to oversee the implementation of this Policy and Procedures.

5.0 Paternity Leave – General Information

- 5.1 Paternity leave is a period of two consecutive weeks paid leave available to a relevant parent on the birth/adoption of a child. A Relevant Parent is an employee (other than the mother of the child) who is the:
 - Father of the child;
 - Spouse /civil partner /cohabitant of the birth or adopting mother of the child;
 - Spouse/civil partner/ cohabitant of the sole male adopter of the child;

- Parent of the child, under section 5 of the Children and Family Relationships Act 2015, where the child is a donor-conceived child.

5.2 In general, only one person who is a relevant parent in relation to a child shall be entitled to paternity leave in respect of that child. A job sharing employee who is a relevant parent will be entitled to paternity leave on a pro-rata basis.

5.3 The entitlement to paternity leave is subject to the condition that it is used for the provision of care to the child or to provide support to the relevant adopting parent or mother of the child concerned, or both.

5.4 Only one period of paternity leave shall be granted in respect of each birth regardless of the number of children born. In the case of multiple births/adoptions the maximum period of 2 weeks still applies.

5.5 Paternity leave is also available in the event of a baby being stillborn after 24 weeks of pregnancy.

5.6 Paternity leave may commence at any time from the date of birth or date of placement of the child to 26 weeks thereafter, except in the event of hospitalisation of the child and postponement of the leave.

5.7 A relevant parent on paternity leave is deemed for all purposes to be in employment at that time including remuneration and superannuation. The absence is fully reckonable for all other purposes including seniority and progression on the incremental salary scale.

5.8 A relevant parent absent on paternity leave may not engage in any other type of paid employment.

5.9 A relevant parent may not avail of paternity leave where they are availing/have availed of adoptive leave, with the exception of where the leave may be transferred on the death of the other relevant parent.

6.0 Paternity Leave - Applications

6.1 Employees who wish to avail of paternity leave must provide written notification to the Human Resources Office of their intention to take paternity leave not less than 4 weeks before the commencement of leave and must provide the following:

(a) In the case of a birth:

- A copy of the medical certification as provided by the mother to her employer 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.

(b) In the case of an adoption:

- A declaration/official placement order in the case of an adoption
- A copy of the placement certificate where notification is given after the date of placement

(c) In the case of foreign adoption:

- The adopting employee 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 employee should provide written confirmation of placement to their employer.

6.2 Notification may be withdrawn in writing by the relevant parent concerned to the Human Resources Office not later than 4 weeks before the commencement of paternity leave.

6.3 Where the day of placement is postponed or the date of birth occurs after the date selected by a relevant parent in his/her notification given to the Human Resources Office, the relevant parent is entitled to select another date on which the paternity leave will commence.

6.4 Where the date of birth occurs in a week that is 4 weeks or more before the expected date of birth, the relevant parent shall inform the Human Resources Office immediately and will be deemed to have complied with the notification period. The formal written notification must be given within 7 days commencing on the day of birth.

6.5 On approval of the leave, the relevant parent shall notify the Human Resources Office when the date of birth/placement is reached. The relevant parent must complete the Application Form at Appendix A as soon as possible but no later than 7 days after commencement of the leave and forward it to the Human Resources Office with a copy of the birth certificate/official placement order for the child, if that has not already been provided.

6.6 Where the paternity leave has commenced and the relevant parent is employed under a fixed term/specified purpose contract and the contract is due to expire then the last day of the paternity leave shall be the day on which the contract expires.

7.0 Entitlement to Paternity Leave on the Death of the Relevant Parent

7.1 In the event of the death of the relevant parent entitled to the paternity leave within a period of 28 weeks after the birth or placement of the child and before availing of some or all of the paternity leave, then the leave shall transfer to the surviving parent.

7.2 In such circumstances and in the event that the surviving parent is an employee, he/she must notify the Human Resources Office in writing of the following, but not later than the day on which the transferred paternity leave begins

- of the death of the relevant parent;

- their intention to take the transferred paternity leave;
- the length of the leave they believe they are entitled to and;
- if requested by the College, provide a copy of the death certificate.

7.3 In the case of a surviving parent being entitled to maternity leave, a period of transferred paternity leave will commence immediately after the end of the maternity leave or in the case of adoptive leave, immediately after the end of the adoptive leave concerned.

8.0 Postponement of Paternity Leave through Illness

8.1 In the event of illness of the relevant parent immediately prior to the commencement of his/her paternity leave; the paternity leave may be postponed.

8.2 The relevant parent must immediately inform the Human Resources Office and must provide written notification of the postponement of the leave due to illness and include appropriate medical certification. Such absences shall be treated in the same manner as an absence from duty due to illness.

8.3 It should be noted that such postponed leave can be resumed on a date which is agreeable to the relevant parent and the College, to be taken not later than 7 days after the relevant parent has been certified fit to resume, and provided that the postponed leave is taken within the time limit of 28 weeks after the date of birth or placement of the child.

9.0 Postponement of Paternity Leave on the Hospitalisation of the Child

9.1 In the event of the hospitalisation of the child a request may be made to the Human Resources Office for a postponement of the paternity leave. Postponement of the leave will require the absent relevant parent to resume duties during the period of postponement.

9.2 An application for postponement must be made in writing to the Human Resources Office, accompanied by certification from the hospital in which the child is hospitalised. The Human Resources Office must notify the relevant parent in writing as soon as possible of its decision. If the leave is postponed the College and the relevant parent must agree the date of return to work.

9.3 The relevant parent must provide the Human Resources Office with a letter or other appropriate document from the hospital or the child's doctor confirming the child's discharge date.

9.4 The postponed leave shall be taken as a continuous period beginning not later than 7 days after the child is discharged from hospital or such other date as may be agreed between the relevant parent and the College.

9.5 If, during the postponement of the paternity leave during the hospitalisation of the child, the relevant parent becomes ill having returned to work and before he/she has taken the postponed leave, he/she will be considered to have started the postponed leave on the first day of absence due to illness unless the relevant parent notifies the employer that he/she does not wish to begin the postponed leave. If this happens

he/she will forfeit the postponed leave and the absence will be treated as sick leave. The normal procedures in relation to sick leave should then be followed, including the furnishing of a medical certificate where appropriate.

10.0 Termination of Paternity Leave

10.1 Paternity leave may be terminated by the College if there are reasonable grounds to believe that the leave is being used for a purpose other than the care of the child or to provide support to the relevant adopting parent or mother of the child.

10.2 Before terminating the leave the College is obliged to

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

The final decision notification should inform the relevant parent of his/her obligation to return to work on a specified date.

11.0 Statutory Annual Leave/Public Holiday Entitlement

11.1 Any entitlements in respect of public holidays occurring while on paternity leave will be addressed by additional annual leave. These annual leave entitlements are to be taken at a time outside of the period of paternity leave.

12.0 Pay Arrangements and Paternity Benefit

12.1 Continuation of salary during paternity leave is not a statutory entitlement and is contingent upon compliance with the agreed terms and conditions of this scheme. Any action which necessitates an adjustment to a relevant parent's pay should be notified to the Human Resources Office immediately.

12.2 Under the Department of Social Protection (DSP) regulations, PRSI contributors at the modified rate (Class D) have no entitlement to Paternity Benefit. Therefore no deduction is applied to their salary and they remain on their ordinary rate of pay.

12.3 Under the DSP regulations any Paternity Benefit payable by the DSP to PRSI contributors at the full rate (Class A), will issue directly to the relevant parent in question. A deduction from salary equivalent to the maximum weekly rate of Paternity Benefit payable to the relevant parent will be applied by the Employer.

12.4 If the amount of benefit payable to the relevant parent is less than the maximum, or if an employee is not entitled to any Paternity Benefit, they should notify their payroll section immediately to ensure that the salary adjustments are correct. Changes to the automatic deduction can be made provided the relevant parent furnishes a copy of the DSP's written notice of the actual Benefit rate applicable, if any, to the relevant payroll. Deductions, where appropriate, will be made during the period of Paternity leave. If the absences are recorded late any arrears due will have to be deducted from salary after the date of notification.

12.5 Paternity Benefit payment is a taxable income.

13.0 Correspondence Address

13.1 The Human Resources Office will address all necessary correspondence to the employee at the address last notified by the employee and no fault shall lie with the College in the event that the employee does not receive such correspondence.

14.0 Compliance

14.1 All documentation relating to paternity leave must be retained by the employer with the relevant personnel records for 8 years. These records may be selected for inspection by nominated Department officials.

Appendix A

Application Form for Paternity Leave on the birth/placement of a child

This application must be fully completed and retained by the Human Resources Office for record and audit purposes. It should be completed within 7 days of commencement of the Paternity Leave.

If the applicant pays Class A PRSI contributions the relevant form should be submitted to the Department of Social Protection.

To be completed by the Relevant Parent:

Name: _____

Contact Telephone No: _____

PPSN: _____

Date of Birth of the child: _____ // _____

or

Date of Placement of the child: _____ // _____

I wish to commence my paternity leave on _____ / _____ / _____

I wish to apply for the above leave in accordance with the scheme as set out in Circular Letter *Paternity Leave Scheme for all eligible staff in Universities and Colleges of Education*.

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

Approval and Verification by Employer

I certify that I have approved the above leave in accordance with the scheme as set out in Circular Letter *Paternity Leave Scheme for all eligible staff in Universities and Colleges of Education* and I have retained on file the following documents for audit purposes:

- 1) Written notification of intention to take Paternity Leave and relevant certification:
- 2) Application for Paternity Leave:
- 3) Certificate showing date of birth/placement of the child:

Signature: Date: _____

(On behalf of Employer)