



# Parental Leave

## **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, in accordance with law.
- 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.
  - DPENDPDR Letter, dated 12<sup>th</sup> September 2023

## **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 26 weeks parental leave in respect of each child up to the age of 16 years 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 An employee must have at least one year's continuous service with the College to be entitled to take 26 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.
- 5.4 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 26 weeks of parental leave to any other relevant parent in respect of the child.

- 5.5 Where an employee qualifies for parental leave in respect of more than one child, the employee may not take more than 26 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.).
- 5.6 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 26 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 their work area.

## **7.0 Applications for Parental Leave**

- 7.1 An employee must normally give no less than 6 weeks written notice of their 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 Human Resources Office and copied by the applicant to their 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, a Human Resources Office staff member 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 Human Resources Office 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 their notice of intention to take parental leave no later than four weeks before the parental leave is due to begin, provided that the College agrees. The revocation notice must be made in writing to the Human Resources Office.

## **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 Human Resources Office.

## **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 Human Resources Office 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 Human Resources Office 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 8 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.

Revision	Document History	Reviewed By ET	Approved By UR
0			UR2019#02
1	Review	ET2024#02	UR2024#02
2	Amendment	ET2024#03	UR2024#05
3			