



TUS

Ollscoil Teicneolaíochta na Sionainne:
Lár Tíre, An tIarlthar Láir
Technological University of the Shannon:
Midlands Midwest

Maternity Leave Policy

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HUMAN RESOURCES

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1. Introduction

This policy is intended to provide staff of the Technological University of the Shannon (TUS) with details on their entitlements to maternity leave.

TUS Maternity Leave Policy is governed by current maternity leave legislation and relevant circular letters.

2. Purpose

To provide staff with details of entitlements on the following:

- paid maternity leave and additional unpaid maternity leave
- the protection of a staff member's rights whilst on maternity leave
- the periods of notification for either period of leave
- returning to work when leave has ended.

3. Scope

This policy covers the entitlements for staff who are pregnant, have recently given birth, or who are breastfeeding.

Hourly paid part-time staff have no entitlement to paid maternity leave from the University. This does not affect their statutory right to maternity benefit payment from Department of Social Protection (DSP), or their statutory right to maternity leave. If such a staff member is paying PRSI contributions Class A, they should apply for Maternity Benefit directly to the DSP.

4. Roles and Responsibilities

4.1. Line Managers/Supervisors

- Ensure a discussion takes place with staff member in preparation for the leave.
- Ensure fair and consistent application of leave policies
- Promote an environment of equality, diversity and inclusion which supports work-life initiatives.

4.2. Staff

- Read and understand this policy and make themselves aware of their obligations.
- Apply for leave within defined timelines.

- Provide required documentation
- Provide reasonable notice to the line manager/supervisor to take leave for a plan to be put in place to avoid/minimise any disruption to service.

5. Entitlements

- 5.1.** Staff who commence maternity leave are entitled to 26 consecutive weeks, paid maternity leave. Staff who on commencement of maternity leave have less than 26 weeks remaining on their contract, will be granted paid maternity leave until the expiry date of their contract.
- 5.2.** Staff on maternity leave are entitled to 16 weeks additional unpaid maternity leave, commencing immediately after the paid maternity leave. Staff, who on commencement of additional unpaid maternity leave, that have less than 16 weeks remaining in their contract, will be granted this leave until the expiry date of their contract. Additional unpaid maternity leave may only be taken immediately following the end of paid maternity leave, including any statutory extensions for prematurity or serious illness, taken as a continuous block from the date of confinement.
- 5.3. Transfer of Leave:** Where the mother dies at any time before the end of the 24th week, following her confinement, the father of the child is entitled to take the remainder of the maternity leave. The period of maternity leave shall commence within 7 days of the mother's death and will be commensurate with the balance of the maternity leave that would have been due to the child's mother. In this case, a father is also entitled to take 16 weeks additional unpaid leave, commencing immediately after taking paid maternity leave. Fathers, who on commencement of additional unpaid maternity leave, have less than 16 weeks remaining in their contract, will be granted this leave until the expiry date of their contract.
- 5.4. Prematernity & Extended Paid Maternity Leave:** Where a premature birth occurs the staff member shall be entitled to an additional period of paid maternity leave equivalent to the period between:
- a) the actual date of birth of the child, and
 - b) the expected date of confinement, as certified by a registered medical practitioner.

This additional period of leave shall be taken immediately following the end of the 26 weeks ordinary maternity leave.

The staff member must notify Human Resources as soon as reasonably practicable following the premature birth and provide medical certification confirming:

- the actual date of birth of the child, and
- the expected week of confinement.

The additional maternity leave will be treated as part of statutory maternity leave for all purposes.

5.5 Leave in the Event of Loss: Where a staff member experiences a stillbirth (defined as a baby born with no signs of life after 23 completed weeks of pregnancy or with a birth weight of at least 400 grammes), the staff member is entitled to the same maternity leave and related entitlements (including Maternity Benefit where eligible) as would apply in the case of the birth of a living child, including:

- Ordinary maternity leave (26 weeks);
- Additional maternity leave (16 weeks unpaid) if requested;
- Public holidays and annual leave entitlements in accordance with the Organisation of Working Time Act; and
- Any relevant maternity benefit payment (subject to social insurance eligibility).

This entitlement applies whether or not the stillbirth occurs before or after the notified commencement of maternity leave.

Where a pregnancy loss occurs before 24 completed weeks of pregnancy (miscarriage), statutory maternity leave does not apply. In such circumstances, absence from work will be managed in accordance with the University's Sick Leave Policy and related procedures. The University recognises the sensitive nature of such circumstances and will treat all matters with dignity and compassion.

5.6 Postponement of Leave in the Event of Serious Illness of the Mother

Where a staff member is suffering from a serious illness which poses a risk to her life or health, and a registered medical practitioner certifies that ongoing medical treatment is required, the staff member may request to postpone the commencement

of maternity leave or to suspend maternity leave already commenced. Such a request must be made in writing and supported by appropriate medical certification.

Maternity leave may be postponed for a period as certified by a medical practitioner and must be resumed within 52 weeks from the date of notification of the postponement, save in extenuating circumstances. A second postponement may be requested, for a period of 52 weeks from the date of commencement of the first postponement.

The staff member may avail of sick leave during the period of postponement, subject to the University's Sick Leave Policy.

5.7 Ante Natal and Post-Natal Care and Classes: Expectant mothers are entitled to attend one set of ante-natal classes for all pregnancies, without loss of pay. Paid time off work is also available, as a once-off right, to a father/other parent to attend the last 2 ante natal classes, immediately prior to the birth. Evidence of appointment at the clinic should be submitted to Human Resources, not later than 2 weeks in advance. Staff members are entitled to paid time off to attend necessary medical ante-natal and post-natal appointments and for ante-natal and post-natal care, in line with legislative requirements, subject to appropriate notice and certification where required.

5.8 Postponing Maternity Leave in the event of hospitalisation of a child

Maternity leave may be postponed (after 14 weeks have been taken and not less than 4 of those weeks are after the end of the week of confinement), as can additional unpaid maternity leave, if the child needs to be hospitalised. Any requests to postpone maternity leave must be made in writing, through line manager/supervisor to Human Resources. The University may agree to postpone the leave and if so, the staff member will return to work on a date agreed by the staff member and the University, that is not later than the date on which the leave concerned is due to end. The maternity leave will be postponed with effect from the date agreed by the staff member and the University and must be taken in one continuous period, commencing not later than 7 days after the discharge of the child from hospital.

If the staff member has postponed their maternity leave and becomes ill after their return to work, prior to resuming the postponed leave, they will be considered to have started the resumed leave on the first day of the absence because of illness. Alternatively, the staff member may choose to forfeit their right to resumed maternity leave, and have the leave treated as sick leave, by notifying Human Resources accordingly, as soon as possible.

5.9 Terminating Additional Unpaid Maternity Leave due to Sickness

If the staff member falls ill during the additional unpaid maternity leave, they may terminate their additional unpaid leave and may commence sick leave. This request must be made in writing to Human Resources. The University may agree to terminate the additional unpaid maternity leave and if so, the additional unpaid maternity leave will terminate on the agreed date by the staff member and the University. It must not be earlier than the date of the commencement of the staff member's sickness, and not later than the date on which the additional unpaid maternity leave would have ended.

Human Resources will notify the staff member in writing of the decision in relation to the request. Where additional unpaid maternity leave is terminated due to illness, the sick leave will be treated in the same manner as any absence due to sickness. The staff member will not be entitled in the future to the additional unpaid maternity leave, or any unpaid maternity leave not taken.

6. Application Procedure & Guidelines

- 6.1.** A minimum period of maternity leave must be taken, beginning not later than 2 weeks before the end of the expected week of confinement and ending not earlier than 4 weeks after the expected week of confinement.
- 6.2.** The notification of the staff member's intention to take maternity leave should be submitted via the Employee Request facility on the Employee Self Service system (ESS) at least 4 weeks before the date on which the staff member intends to commence their maternity leave. This notification should include a doctor's note which can be attached to the Employee Request or sent by email to Human Resources, confirming the pregnancy and stating the expected week of confinement, as well as the date on which the staff member intends commencing the leave.

- 6.3.** Following receipt of the staff member's notification of intention to take maternity leave, the staff member will receive confirmation from Human Resources of the exact dates of their maternity leave with the completed MB2 (Employers Certificate for Maternity Benefit). Staff member should apply for Maternity Benefit directly to the Department of Social Protection (DSP). Please note the employer registration number for the TU is 3793434QH.
- 6.4.** If the staff member is entitled to paid maternity leave, the Maternity Benefit payable from the DSP should be retained by the staff member. The staff member's salary will be paid, less the current rate of Maternity Benefit.
- 6.5.** Notice of the staff member's intention to resume work, should be submitted in writing to Human Resources, at least 4 weeks before the staff member is due to resume work. This is an essential requirement and also helps to facilitate finalising any replacements which may be made to cover the absence.

7. Additional Unpaid Maternity Leave

- 7.1.** Where practicable, the staff member should give notice of their intention to take additional unpaid maternity leave when they are giving their original notice to take maternity leave, as this will greatly assist the University with regard to resourcing arrangements.
- 7.2.** If this is not possible, the staff member should give notice to Human Resources, via the Employee Request facility through ESS, of their intention to take additional unpaid maternity leave at least 4 weeks before the end date of their 26 weeks maternity leave. It should be noted that additional unpaid maternity leave does not count as service for superannuation purposes.

8. Payment During Maternity Leave

Continuation of salary during maternity 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 Human Resources immediately.

Under the DSP regulations, PRSI contributors at the modified rate (Class D) have no entitlement to maternity benefit. Therefore, no deduction is applied to their salary, and they remain on their contractual rate of pay.

During maternity leave, staff who have the necessary PRSI contributions are entitled to maternity benefit from the DSP. Claims should be made on the relevant form, which is available from the DSP website.

The equivalent maternity leave benefit receivable from the DSP will be deducted from the staff member's gross pay. The University's method of payment to the staff member while claiming maternity benefit, will be as follows:

- It is the staff member's responsibility to claim maternity benefit from the DSP. The University will automatically deduct the basic maternity benefit from the staff member's gross pay every fortnight/month when they commence maternity leave (depending on their pay frequency).
- If the staff member is entitled to less than the standard payment for maternity benefit or the staff member is not entitled to any maternity benefit, the staff member should notify Human Resources so that the correct deduction can be made to their salary.
- The staff member must forward a copy of the correspondence and/or the remittance advice note, they have received from the DSP to Human Resources. Deductions, where appropriate, will be made during the period of maternity leave.

9. General Provisions

9.1. Public Holidays

In the case of eligible academic staff members, any obligation in respect of public holidays while on maternity leave or additional unpaid maternity leave, will be comprehended through days at Easter, Summer and Christmas, when there are no Lectures/Teaching/Assessments as per the University's Academic Calendar (i.e. outside of term time).

In the case of eligible professional, management & support staff members, where public holidays fall during the maternity leave or the additional unpaid maternity leave, these days will be added to the end of the leave period.

9.2. Annual Leave

In the case of eligible academic staff members, any obligation in respect of annual leave, while on maternity leave will be comprehended through days at Easter, Summer and

Christmas when there are no Lectures/Teaching/Assessments as per the University's Academic Calendar (i.e. outside of term time).

Notwithstanding the above, academic staff will receive their full statutory annual leave entitlement in accordance with the Organisation of Working Time Act 1997. Where, due to maternity leave, an academic staff member has not availed of their statutory minimum annual leave entitlement (currently 20 days per leave year) and/or public holiday entitlements, any outstanding statutory leave will be added to the end of the maternity leave period.

In the case of eligible professional, management & support staff members where TU closure days fall during the maternity leave period (including additional unpaid maternity leave) these days will not be deducted from the employee's annual leave entitlement and will be treated as maternity/additional unpaid maternity leave.

9.3. Sick Leave

Paid sick leave, following maternity leave, may only be allowed, where there is an expectation, that the staff member intends to return to their position, when fit to do so. Such periods of sick leave will be treated in the same manner as any absence from work, due to sick leave. As per TUS Sick Leave Policy, where an employee is medically unfit to work due to a pregnancy related illness they will not receive less than half pay for the duration of their pregnancy related illness leave prior to going on maternity leave. Where the half pay sick leave balance is already exhausted, it will be extended to ensure this. If a staff member become ill after maternity leave, and have used up their sick leave because of a pregnancy-related illness, the staff member may be able to have that pregnancy-related sick leave restored at half pay. This is subject to the normal sick leave limits.

9.4 Pregnancy Health & Safety Provisions

In accordance with the Safety, Health and Welfare at Work legislation, the University is committed to ensuring the health and safety of pregnant staff members, staff members who have recently given birth, and staff members who are breastfeeding.

Upon notification of pregnancy, the University will ensure that an appropriate risk assessment is carried out where required. Where a risk is identified, the University will take

all reasonably practicable steps to remove or reduce that risk, including adjusting working conditions or duties where necessary.

Pregnant staff members are entitled to access suitable facilities to enable them to rest, including the ability to lie down where necessary, in appropriate conditions.

This provision operates in conjunction with the University's Safety Statement and related health and safety policies. Where safety requirements cannot be met due to pregnancy the staff member shall be entitled to avail of statutory paid leave entitlements of 21 days paid leave, and unlimited unpaid leave. The University will pay normal remuneration for the first 21 days, after which Health and Safety Benefit may be payable subject to DSP eligibility. Should arrangements be put in place rendering the staff member's duties compliant with safety requirements, the staff member will then return to work.

10. Breastfeeding Mothers

Breastfeeding mothers, who have given birth within the previous 2 years, are entitled (without loss of pay) to either time off work each day in order to breastfeed or to breastfeeding breaks of one hour off from work each working day, which may be taken as follows:

- One 60-minute break or;
- Two 30-minute breaks or;
- Three 20-minute breaks.

Part-time staff are also entitled to breastfeeding breaks, calculated on a pro-rata basis. This allocation is per normal working day basis, to staff working shorter shifts i.e. a staff member working half days may take a total of 30 minutes break. Staff should notify Human Resources, if they intend taking paid breastfeeding breaks. Arrangements will be made at the discretion of the line manager/supervisor concerned. The University will provide safe private facilities in this regard.

11. Fixed Term/Specified Purpose, Whole Time/Pro-Rata contract staff

Fixed-term/specified purpose, whole-time/pro-rata contract staff with 26 weeks or more remaining in their contracts will be allowed paid maternity leave, less any Maternity Benefit payable.

Fixed-term/specified purpose, whole-time/pro-rata contract staff with less than 26 weeks remaining in their contracts from the date of commencement of maternity leave, will receive paid maternity leave, less any Maternity Benefit payable, until their contract expires.

Fixed-term/specified purpose, whole-time/pro-rata contract staff who have less than 26 weeks remaining in their contracts, and who are subsequently re-employed directly thereafter, will be paid for the full 26 weeks of their maternity leave, less any Maternity Benefit payable subject to the second contract immediately following the first, and there being a period of at least 26 weeks remaining from the date of commencement of maternity leave to the expiry date of the second contract

12. Other Relevant Forms of Leave

On completion of maternity leave as set out in this policy, other forms of Family Leave may be available to the staff member or their partner, including paid Parents Leave and unpaid Parental Leave. Staff should review other TUS Family Leave policies for detailed provisions concerning these leaves.

13. Monitoring Review

This Policy will be updated as required to reflect changes in applicable laws or in relevant circular letters.

The policy will be reviewed every 4 years to reflect national policy and guidelines, and national / international benchmarks of best practice.

14. Queries

For enquiries on this policy please contact the relevant HR Office:

TUS Midlands: hr.midlands@tus.ie TUS Midwest: hr.midwest@tus.ie