



TUS

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

Paternity Leave Policy

2026-2029

HUMAN RESOURCES

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1. Introduction

TUS Paternity Leave Policy is intended to provide staff of the Technological University of the Shannon (TUS) with details on the entitlements to paternity leave. This policy is governed by Circular Letter 0069/2016 and current paternity leave legislation.

Paternity Leave is available to staff members who are deemed to be the “relevant parent” of a child.

2. Purpose

To provide staff with details of entitlements on the following:

- paid paternity leave
- the protection of the staff member’s rights whilst on paternity leave
- the periods of notification for period of leave.

3. Definitions

Under the Paternity Leave and Benefit Act 2016 a “relevant parent” is defined as:

- 1) in the case of a child who is, or is to be, adopted –
 - a) where the child is, or is to be, adopted jointly by a married couple of the same sex, the spouse chosen by that couple to be the relevant parent for the purposes of this Act, or
 - b) in any other case, the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole male adopter of the child.
- 2) in any other case;
 - a) the father of the child, or
 - b) the spouse, civil partner or cohabitant, as the case may be, of the mother of the child, or
 - c) a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act.

4. Scope

Paternity Leave is available to staff who are deemed to be the “relevant parent” of a child. Only one person who is a “relevant parent” in relation to a child can be entitled to paternity leave in respect of that child. There is no qualifying period for entitlement to paternity leave.

Hourly paid part-time staff are not entitled to paid paternity leave. This does not affect their statutory right to paternity leave.

A relevant parent while absent on paternity leave, will be treated as if they had not been absent. At the end of the paternity leave, the staff member will be entitled to return to their original job under terms and conditions, no less favourable than those that would have applied if they had not been absent.

5. Roles and Responsibilities

5.1. Line Managers/Supervisors

- Authorise leave requests in a timely manner.
- 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 support 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.

6. Entitlements

Subject to eligibility and notification criteria being met, paternity leave will apply to births/placements that take place on or after the 1st September 2016. If the employee is a relevant parent, they may avail of a continuous period of two weeks paternity leave. This leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave.

Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child. The leave will commence on the date selected by the staff member in their application for paternity leave. It should be noted that paternity leave cannot

commence earlier than the date of birth or date of placement of the child and cannot commence later than 26 weeks after the date of birth or the date of placement of the child. In the case of multiple births, or where two or more children are being adopted at the same time, only a single two-week block of paternity leave applies.

Paternity leave must be used to assist in the provision of care to the child or to provide support to the relevant adopting parent or mother of the child, as the case may be, or both.

7. Payment During Paternity Leave

The staff member will be responsible for claiming paternity benefit from the Department of Social Protection (DSP). The University will automatically deduct the basic paternity benefit from the staff member's gross pay.

Staff who pay PRSI category A, E, H or P (PRSI category can be found on a payslip) should make a claim to the DSP for paternity benefit payment, 4 weeks before paternity leave is due to commence and the benefits payable are retained by the staff member. Guidelines for making the claim for benefit are available at Appendix 1.

Salary will be reduced by the standard weekly rate of paternity benefit for two weeks. The statement of payments received from the DSP should be submitted to Human Resources, in order that pay can be readjusted, where necessary.

If the staff member is entitled to less than the standard payment for paternity benefit, or the staff member is not entitled to any paternity benefit, they 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. Staff who pay category D PRSI, are not eligible for paternity benefits from the DSP, and therefore there is no adjustment to salary, in respect of benefits due.

8. Notification Procedure

Notification to take paternity leave should be submitted for approval via the Employee Request facility on the Employee Self Service System (ESS), ideally **4 weeks before the commencement date**. Following receipt of the application for paternity leave, the staff member will receive confirmation in writing from Human Resources, of the exact dates of their Paternity Leave. Notification may be withdrawn by the staff member to Human

Resources, through their line manager/supervisor not later than 4 weeks before the commencement of paternity leave.

Early confinement

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 University immediately and will be deemed to have complied with the notification period. The formal notification must be given within 7 days, commencing on the day of birth.

9. Postponement of Paternity Leave

9.1. Late birth/postponed adoption placement

Any requests to postpone paternity leave must be submitted, immediately to Human Resources, through the staff member's line manager/supervisor. This request will be approved by the University, where the date of birth occurs after the date selected by a relevant parent, in their Employee Request Application or where the date of placement is postponed, in the case of adoption. The relevant parent may re-apply via the Employee Request facility on the Employee Self Service system and select another date on which paternity leave will commence. The relevant parent must re-apply as soon as possible, but no later than 7 days after commencement of the paternity leave with a copy of the birth certificate/official placement orders for the child.

9.2. Illness of the relevant parent

In the event of the staff member becoming ill before a period of paternity leave has commenced, the period of leave may be postponed. Notification of a request to postpone the leave due to illness, must be submitted to Human Resources, through the staff member's line manager/supervisor, as soon as possible, after becoming ill, and must be accompanied by a doctor's certificate. This must be submitted, not later than the day on which the postponed leave begins. The absences shall be treated in the same manner, as an absence from work, due to illness.

Paternity leave may be postponed until such time as the staff member is no longer ill. The period of postponed leave must end not later than 28 weeks after the date of birth, or day of placement. The staff member must re-apply via the Employee Request facility on the Employee Self Service system when the staff member intends to take the postponed paternity leave, no later than the day the staff member commences the leave.

It is important to note that if the staff member falls ill during the period of postponement of paternity leave, and requests to commence sick leave from work, the staff member will forfeit the remainder of the paternity leave. This leave cannot be taken at a later date, following the staff member's period of sick leave. The normal procedures in relation to sick leave, should then be followed, including the furnishing of a medical certificate, where appropriate.

9.3. When the child is hospitalised

If the staff member's child is hospitalised, the staff member must notify Human Resources, through their line manager/supervisor, to postpone all or part of their paternity leave. This request is subject to approval of the University, which will respond to the request for postponement, as soon as practicably possible, with a decision.

Where the University agrees to postpone the leave, the leave will be postponed with effect from a date agreed by the staff member and their manager/supervisor. The staff member will return to work, on a date agreed, between the staff member and their line manager/supervisor. The postponed leave must be taken in a continuous block, not later than 7 days after the discharge of the child from hospital, or such other date, as may be agreed upon, between the staff member and their line manager/supervisor. The staff member must re-apply via the Employee Request facility on the Employee Self Service system, when they intend to take the postponed paternity leave, not later than the day they commence the leave.

10. Stillbirth

In the unfortunate case where there is 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) and the staff member is entitled to paternity leave, they are entitled to 2 weeks paternity benefit, provided they satisfy the social insurance (PRSI) requirements.

To apply for paternity benefit following a stillbirth, the staff member should submit a letter from the doctor, together with the paternity benefit application form, confirming the expected date of birth, the actual date of birth, and the number of weeks of pregnancy, to Human Resources. The staff member should contact Human Resources who will guide the staff member through this process.

11. Transferred Paternity Leave

Where a relevant parent entitled to paternity leave, in relation to the unfortunate event where a child dies, the staff member who is the surviving parent of the child, will be entitled to the leave. This entitlement exists up to 28 weeks after the date of birth or day of placement of the child.

12. Annual Leave and Public Holidays

While on paternity leave, a relevant parent will continue to accrue annual leave and public holidays, as if they had not been absent from work. These annual leave entitlements are to be taken at a time outside of the period of paternity leave.

13. Misuse of Paternity Leave

A relevant parent on paternity leave, may not engage in any other type of paid employment. Where the University has reasonable grounds, for believing that a staff member who is on paternity leave, is not using the leave for the purpose for which it is intended, the University may, give notice in writing to the staff member, to terminate the leave. This notice will contain a summary statement, of the grounds for terminating the leave, and will specify the day by which the staff member must return to work. Before terminating the paternity leave, the University will:

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

14. 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.

15. Queries

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

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

Appendix 1 Guidelines for Staff Covered by PRSI Category A, E, H or P to apply for Paternity Benefit

Paternity Benefit

This is a payment for employed and self-employed people who are on paternity leave from work and covered by social insurance or PRSI classes A, E, H or P. It is paid for two weeks and is available for any child born or adopted on or after 1 September 2016. You can start paternity leave at any time within the first 6 months following the birth or adoption placement. Applications for the Paternity Benefit payment should be made 6 weeks before the date you intend to start your paternity leave. If you are unsure of your PRSI category, you can find it on a payslip.

Failure to apply for Paternity Benefit within six months of the birth of the child may result in loss of benefit.

If you are already on certain social welfare payments, then you may get half-rate Paternity Benefit.

In the case of adoption

Please provide a certificate of placement in relation to the child.

In the case of an intercountry adoption that took place outside the State, please forward a declaration of eligibility and suitability in relation to the child and particulars in writing of the day of placement or expected day of placement.

How to apply

- 1) In order to apply you must have a Public Services Card. Details on how to apply for the PSC can be found at www.mywelfare.ie.
- 2) Please notify TUS via the Employee Request facility on the Employee Self Service system no later than 6 weeks before your leave commences.
- 3) In order for you to claim paternity benefit payment, please submit your *Employer Certificate for Paternity Benefit* (PB2 form) to DEASP. You can download or request this form at www.welfare.ie

Please also submit proof of the expected date of confinement of your spouse or partner when you make your application for paternity leave. In the case of an adoption

certification of the date of placement of the child [declaration/official placement order / copy of the placement certificate] is required.

- 4) In addition to the Employer Certificate for Paternity Benefit you will also need to complete an Application Form for Paternity Benefit – form PB1. The application is available on the Department of Employment Affairs and Social Protection Website www.welfare.ie. You can apply for the benefit online at www.mywelfare.ie and upload your supporting documentation there.

How the payment is made

Paternity Benefit is paid directly into your bank or post office account. Please refer to section 7 of the above policy for details of how your salary is administered while on this leave.

For further information visit www.welfare.ie or contact:

Paternity Benefit Section

Department of Employment Affairs and Social Protection

McCarter's Road

Buncrana

Donegal

Ireland

F93 CH79

Tel:(01) 471 5898

Locall: 1890 90690