



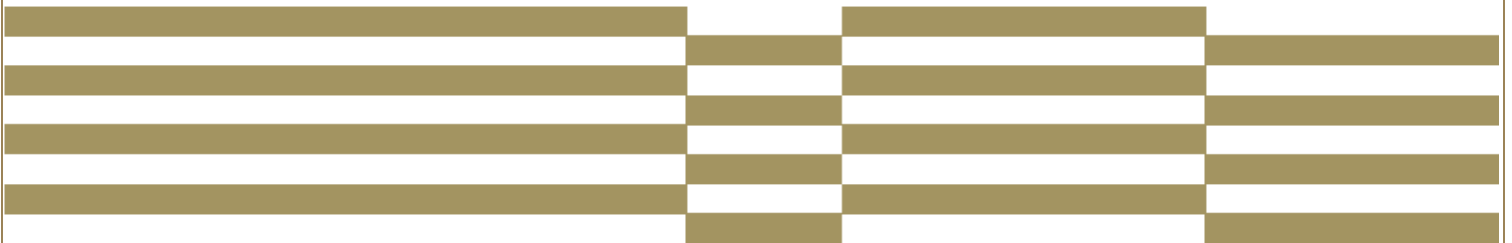
TUS

**Technological University of the Shannon:
Midlands Midwest**

Ollscoil Teicneolaíochta na Sionainne:
Lár Tíre Iarthar Láir

Maternity Leave Policy

Human Resources Department





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1.1 (June 2023)	Application method updated with the ESS procedure

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1.0 Introduction

The Maternity Leave Policy, operating for employees in the Technological University of the Shannon: Midlands Midwest (TU) is governed by various circular letters issued by the Department of Further and Higher Education, Research, Innovation and Science and current maternity leave legislation.

2.0 Objective

To provide employees with details on the entitlements to:

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

3.0 Eligibility & Entitlements

The Acts cover the entitlements for all employees who are pregnant, have recently given birth, or who are breastfeeding. All employees who commence maternity leave are entitled to 26 consecutive weeks, paid maternity leave. Employees, 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.

Part-Time Hourly-Paid employees are not entitled to paid maternity leave from the TU. This does not affect their statutory right to maternity leave.

Employees on maternity leave are entitled to 16 weeks additional unpaid maternity leave, commencing immediately after the paid maternity leave. Employees, 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.

The Acts also include certain entitlements for male employees. 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. Employees, 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.

4.0 Application Procedure & Guidelines

Maternity Leave

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.

The notification of employee'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 employee 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 the relevant HR Department, confirming the pregnancy and stating the expected week of confinement, as well as the date on which the employee intends commencing the leave.

Following receipt of the employee's notification of intention to take maternity leave, the employee will receive confirmation from the Human Resources Department of the exact dates of their maternity leave with the completed MB2 (Employers Certificate for Maternity Benefit). Employees should apply for Maternity Benefit directly to the Department of Social Protection (DSP). Please note the employer registration number for the TU is **3793434QH**.

If the employee is entitled to paid maternity leave, the Maternity Benefit payable from the DSP should be retained by the employee. The employee's salary will be paid, less the current rate of Maternity Benefit.

Notice of the employee's intention to resume work, should be submitted in writing to the relevant Human Resources Department, **at least 4 weeks before** the employee 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.

Additional Unpaid Maternity Leave

Where practicable, the employee 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 TU with regard to resourcing arrangements.

If this is not possible, the employee should give notice to the relevant Human Resources Department, 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.

5.0 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 the Human Resources Department 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, employees 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.

- ✓ The employee will be responsible for claiming maternity benefit from the DSP. The TU will automatically deduct the basic maternity benefit from the employee's gross pay in the fortnight/month that they commence maternity leave (depending on their pay frequency).
- ✓ If the employee is entitled to less than the standard payment for maternity benefit or the employee is not entitled to any maternity benefit, they should notify the relevant Human Resources Department (below) so that the correct deduction can be made to their salary.

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

- ✓ The employee must forward a copy of the correspondence and/or the remittance advice note they have received from the DSP to the Human Resources Department. Deductions, where appropriate, will be made during the period of maternity leave.

6.0 Postponing Maternity Leave

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 the line manager/supervisor, to the relevant Human Resources Department. The TU may agree to postpone the leave and if so, the employee will return to work on a date agreed by the employee and the TU, 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 employee and the TU, and must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital.

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

7.0 Terminating additional Unpaid Maternity Leave due to sickness

If the employee is ill during the additional unpaid maternity leave, the employee may terminate their additional unpaid leave, and may commence sick leave. In such instances, the relevant Human Resources Department should be notified. The TU may agree to terminate the additional unpaid maternity leave and if so, the additional unpaid maternity leave will terminate on a date agreed by the employee and the TU. It must not be earlier than the date of the commencement of the employee's sickness, and not later than the date on which the additional unpaid maternity leave would have ended.

Human Resources Department will notify the employee 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 employee will not be entitled in the future to the additional unpaid maternity leave, or part of it not taken by the employee.

8.0 General Provisions

8.1 Public Holidays

In the case of eligible academic employees, the following will apply as outlined in CL 0022/2013:

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 TU's Academic Calendar (i.e. outside of term time).

In the case of eligible professional, management & support employees the following will apply:

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.

8.2 Annual Leave

In the case of eligible academic employees, the following will apply as outlined in CL 0022/2013:

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 TU's Academic Calendar (i.e. outside of term time).

In the case of eligible professional, management & support employees

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.

8.3 Sick Leave

Paid sick leave, following maternity leave, may only be allowed where there is an expectation that the employee 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. Subject to agreement with the TU, an employee may terminate the additional (unpaid) maternity leave in the event of illness. In such instances, the employee should contact the Human Resources Department.

8.4 Ante-Natal 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 the Human Resources Department, not later than 2 weeks in advance.

8.5 Premature Births

As of 1st October 2017, the Department of Social Protection have announced that the period for which maternity benefit is paid, will be extended where a baby is born prematurely.

In the case of premature babies born on or after 1st October 2017, the extended period of maternity leave will be equivalent to the duration between the actual date of birth of the premature baby and the date when the maternity leave was expected to commence (i.e. ordinarily two weeks before the expected date of birth). The extended period will commence immediately following the end of the 26 weeks ordinary maternity leave.

The employee should notify both, the Human Resources Department and the Department of Social Protection, as soon as possible following the premature birth of their baby.

9. Breastfeeding Mothers

There is entitlement without loss of pay, for breastfeeding mothers who have given birth within the previous 6 months. This entitlement may include, to either time off work each day in order to breastfeed, or where the TU has provided breastfeeding facilities, 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 workers 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. an employee working half days may take a total of 30 minutes break. Employees should notify the relevant Human Resources Department, if they intend taking paid breastfeeding breaks. Arrangements will be made at the discretion of the line manager/supervisor concerned.

10. Fixed Term/Specified Purpose, Whole Time/Pro-Rata contract employees

Fixed-term/specified purpose, whole-time/pro-rata contract employees 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 employees 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 employees 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.

11. Hourly Paid Part Time Employees

- ✓ Hourly paid part time employees have no entitlement to paid maternity leave from the TU. This does not affect their statutory right to maternity benefit payment from DSP, or their statutory right to maternity leave.
- ✓ If you are paying PRSI contributions Class A, you should apply for Maternity Benefit directly to the DSP.

Queries

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

TUS Midlands: hr.midlands@tus.ie

TUS Midwest: hr.midwest@tus.ie

Maternity Related Supports

The TU recognises the importance of supporting employees who are pregnant, have recently given birth, or are breastfeeding. Further information from the following, can be obtained from the Human Resources Department or the TU HR webpage:

- ✓ Maternity Protection Acts 1994 and 2004
- ✓ Maternity and Adoptive Leave – Amendments for Academic Staff in Institutes of Technology - Circular Letter No. 0022/2013
- ✓ Employee Assistance Service
- ✓ Useful Websites – www.equality.ie and www.welfare.ie