

Paternity Leave

HR Policy Document Record	
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1. POLICY & SCOPE

This policy is governed by Circular Letter 0069/2016 issued by the Department of Education and Skills and current paternity leave legislation. It is intended to provide staff of Technological University Dublin (hereafter referred to as “TU Dublin” and/or “the University”) with details on the entitlements to paid* paternity leave, the protection of a staff member’s rights whilst on paternity leave, the periods of notification of paternity leave, and returning to work when paternity leave has ended.

** Note: Hourly-Paid staff are not eligible for paid paternity leave. This does not affect their statutory right to paternity leave. If you are paying PRSI contributions Class A, you should apply for paternity benefit directly to the Department of Employment Affairs and Social Protection.*

2. ELIGIBILITY AND ENTITLEMENTS

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.

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

- (a) in the case of a child who is, or is to be, adopted –
 - (i) 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
 - (ii) 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,

Or

- (b) in any other case;
 - (i) the father of the child,
 - (ii) the spouse, civil partner or cohabitant, as the case may be, of the mother of the child, or
 - (iii) 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*

****Note. As of 1 August 2016, Section 2(1)(b)(iii) of the Paternity Leave and Benefit Act 2016 has not yet commenced***

Subject to eligibility and notification criteria being met, paternity leave will apply to births/ placements that take place on or after the 1 September 2016.

If you are a relevant parent, you 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 your child. The leave will commence on the date you select in your written notification. It should be noted that paternity leave cannot commence earlier than the date of birth or date of placement of your child and cannot commence later than 26 weeks after the date of birth or the date of placement of your 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.

3 PAYMENT DURING PATERNITY LEAVE

Staff who pay PRSI category A, E, H or P [PRSI category can be found on a payslip] should make a claim to the Department of Employment Affairs & Social Protection (DEASP) for paternity benefit payment 6 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 due in the following month will be reduced by the standard weekly rate of paternity benefit for two weeks. A statement of payments received from the DEASP should be submitted to Human Resources so that pay can be readjusted where necessary.

Staff who pay category D PRSI are not eligible for paternity benefits from the Department of Employment Affairs & Social Protection and therefore there is no adjustment to salary in respect of benefits due.

4. NOTIFICATION PROCEDURE

Notification to take paternity leave should be submitted in writing to Human Resources, through your line manager at least **6 weeks before the date** on which you intend to commence the leave. The **Notification for Paternity Leave form** is available at the end of this policy.

Following receipt of your application for paternity leave, you will receive written confirmation from Human Resources of the exact dates of your Paternity Leave.

Notification may be withdrawn in writing by you to Human Resources, through your line manager not later than **6 weeks before the commencement of paternity leave**.

Early confinement

Where the birth of your child occurs 4 or more weeks prematurely, you must notify Human Resources, through your line manager of your intention to commence paternity leave in writing, within **7 days of the birth**. In such circumstances, it will be deemed you have complied with the notification requirements of the Act.

5. POSTPONEMENT OF PATERNITY LEAVE

Late birth/postponed adoption placement

Any requests to postpone paternity leave must be made in writing immediately to Human Resources, through your line manager. This request will be approved by TU Dublin, where the date of birth occurs after the date selected by a relevant parent in their notification letter or where the date of placement is postponed in the case of adoption. The relevant parent may select another date on which paternity leave will commence.

The relevant parent must complete the Notification Form at the end of this policy as soon as possible but no later than **7 days after commencement of the paternity leave** and forward it to Human Resources, through your line manager with a copy of the birth certificate/official placement orders for the child.

Illness of the relevant parent

In the event of you 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 received by Human Resources, through your line manager as soon as possible after becoming ill and must be accompanied by a doctor's certificate. You must follow up in writing confirming the request to postpone the leave as soon as is reasonably practicable but not later than the day on which the postponed leave begins. The absences shall be treated in the same manner as an absence from duty due to illness.

Paternity leave may be postponed until such time as you are no longer ill. The period of postponed Leave must end not later than 28 weeks after the date of birth or day of placement. You must notify Human Resources, through your line manager when you intend to take the postponed paternity leave no later than the day you commence the leave.

It is important to note that if you fall ill during the period of postponement of Paternity Leave, and you request to commence sick leave from work, you will forfeit the remainder of the Paternity Leave. This leave cannot be taken at a later date following your 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.

When the child is hospitalised

If your child is hospitalised, you may request in writing to postpone all or part of your 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 you and your line manager. You will return to work on a date agreed between you and your line manager. The postponed leave, must be taken in a continuous block not later than **7 days after the discharge of your child from hospital** or such other date as may be agreed upon between you and your line manager. You must notify Human Resources, through your line manager when you intend to take the postponed paternity leave not later than the day you commence the leave.

6. PARENT'S LEAVE

Parent's Leave was introduced on 1st November 2019 and is provided for under the Family Leave and Miscellaneous Provisions Act 2021. Parent's Leave increased from 5 to 7 weeks for children born or adopted after 1st July 2022. Parents can claim the additional 2 weeks' parent's leave if their child is under the age of 2 on 1st July 2022 or the adopted child has been placed with the family less than 2 years on 1st July 2022. This allows each parent either five or seven weeks leave for children born or adopted on or after 1st November 2019 and must be taken during the first two years of a child's life. TU Dublin will not pay salary for the period of Parent's Leave and accordingly, salary will be adjusted in the month after the leave is taken. Parent's Benefit is payable by the Department of Employment Affairs & Social Protection if sufficient pay social insurance (PRSI) contributions have been paid. The quickest way to apply for Parent's Benefit is online at www.mywelfare.ie. When making an application for Parent's Benefit the employer's registration number may be required. TU Dublin's employer's registration number is 3575435CH.

If you are unable to apply online, the Parent's Benefit application form can be requested from the Parent's Benefit Section by calling 1890690690 or by email at parentsben@welfare.ie. Parent's Leave can be taken in a seven week block or in blocks of one week. It is not transferable between Parents.

Parent's Leave should be applied for in writing to Human Resources at least 6 weeks in advance of the intended commencement of the leave and must indicate the expected date of commencement and duration of the leave. Line Managers should also be given a copy of the written request for the leave.

Please note during the COVID-19/Working from home period, communication must be submitted to HR by email as staff are working from home and unable to process posted applications.

7. STILLBIRTH

In the unfortunate case there is a stillbirth any time after the 24th week of pregnancy (i.e. from the beginning of the 25th week) and you are entitled to paternity leave, you are entitled to 2 weeks paternity benefit provided you satisfy the social insurance (PRSI) requirements.

To apply for paternity benefit following a stillbirth, you need to send a letter from the doctor with the paternity benefit application form, confirming the expected date of birth, the actual date of birth and the number of weeks of pregnancy.

8. GENERAL PROVISIONS

Transferred Paternity Leave

Where a relevant parent entitled to paternity leave in relation to 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.

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.

Abuse 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, it may, by notice in writing given to the staff member, terminate the leave and the notice will contain a statement in summary form 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.

Employment Protection

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, they 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.

Correspondence Address

Human Resources will address all necessary correspondence to the relevant parent at the address last notified by them and no fault shall lie with TU Dublin in the event that the staff member does not receive such correspondence.

Compliance

Failure to abide with the regulations and procedures set out above may be dealt with under the TU Dublin Disciplinary Procedures and may lead to the deduction/cessation of salary for the relevant parent.

9. QUERIES

Contact: Leave and Benefit Team

E-Mail: Leaveandbenefits@tudublin.ie

NOTIFICATION FOR PATERNITY LEAVE FORM

During the COVID-19/Working from home period, please submit this form by email as HR staff are not in the office and therefore unable to process post. If you are unable to complete the form below, please submit the information by email.

Notification of intention to take Paternity Leave should be submitted in writing to Human Resources, through your Head of Function/School at least 6 weeks before the date on which you intend to commence your Paternity Leave

To be completed by the Relevant Parent

Name (in print): _____

Staff No: _____

Function/School: _____

Home/Mobile Contact No: _____

Personal Email Address whilst on Paternity Leave: _____

Address for correspondence whilst on Paternity Leave if different from current address:

Complete whichever of the following applies:

Expected due date of the child: _____/_____/_____

Date of birth of the child: _____/_____/_____

Date of placement of the child: _____/_____/_____

Please attached the following documents:

1. In the case of a birth:

- a copy of the medical certificate 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

2. In the case of an adoption:

- a declaration/official placement order
- a copy of the placement certificate where notification is given after the date of placement
- in the case of foreign adoption, the adopting parent 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 parent should provide written confirmation of the placement

3. PB2 form (Employer Certificate for Paternity Benefit from the Department of Employment Affairs & Social Protection)

I wish to take paternity leave as follows: From: _____/_____/_____ To: _____/_____/_____

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

To be completed by relevant line manager (i.e. Head of School/Department/Function as appropriate)

I certify that I have approved the above leave in accordance with the Paternity Leave policy. The following required documentation is enclosed:

- (1) Completed Notification for Paternity Leave form and Certificate confirming expected due date of child OR date of birth of the child OR date of placement of the child
- (2) PB2 form (Employer Certificate for Paternity Benefit from the Department of Social Protection)

Signature of relevant line manager: _____ *Date:* _____

To be completed by HR

I have verified the documentation received from relevant line management

Signature of Head of HR or nominee / HR Manager: _____ *Date:* _____

Please note that this leave may be terminated if it is not used for this purpose as outlined in the Paternity Leave policy. Any staff member found to abusing this leave may be subject to disciplinary action.

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 during COVID-19/Working from home period

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 Technology University Dublin (the 'University') by email that you intend to take paternity leave and of your intended dates no later than 6 weeks before your leave commences. Please email the information requested on the application form above.
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 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. You must notify Technology University Dublin (the 'University') that you intend to take paternity leave and of your intended dates no later than 6 weeks before your leave commences.
3. In order for you to claim paternity benefit payment, you will need to have an *Employer Certificate for Paternity Benefit* (PB2 form) completed by Human Resources. You can download or request this form

at www.welfare.ie and forward it to Human Resources for completion, together with your application for paternity leave. Please also submit proof of the expected date of confinement of your spouse or partner when you make your application for paternity leave, as this is required to facilitate Human Resources in completing the PB2. In other words, you will be required to provide a certificate from your spouse or partner's doctor confirming when your baby is due, or confirmation of the actual date of birth if you apply for leave after the birth has occurred. 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 3 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

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