

## Maternity Leave

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## 1. **POLICY & SCOPE**

This policy is governed by various circular letters issued by the Department of Education and Skills and current maternity leave legislation. It is intended to provide staff with details on the entitlements to 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, and returning to work when maternity leave has ended.

## 2. **ELIGIBILITY AND ENTITLEMENTS**

The Maternity Protection Acts cover the entitlements for all staff who are pregnant, have recently given birth, or who are breastfeeding. This is inclusive of transgender males who have obtained a gender recognition certificate in accordance with the Gender Recognition Act 2015. All staff who commence maternity leave are entitled to 26 consecutive weeks paid\* maternity leave.

\* Note:

1. *Fixed-Term/Specified Purpose Wholetime/Pro-Rata contract staff with 26 weeks or more left to run in their contracts will be allowed paid maternity leave, less any Maternity Benefit payable \*\*.*
2. *Fixed-Term/Specified Purpose Wholetime/Pro-Rata contract staff with less than 26 weeks to run in their contracts from the date of commencement of maternity leave, receive paid maternity leave, less any Maternity Benefit payable \*\*, until their contract expires.*
3. *Fixed-Term/Specified Purpose Wholetime/Pro-Rata contract who have less than 26 weeks to run 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 to run from the date of commencement of maternity leave to the expiry date of the second contract.*
4. *Hourly-Paid staff are not entitled to paid maternity leave. This does not affect their statutory right to maternity or paternity leave. If you are paying PRSI contributions Class A, you should apply for Maternity Benefit directly to the Department of Employment Affairs & Social Protection (Form MB 1).*

\*\* Refer to Section 3 below

Staff on maternity leave are entitled to 16 weeks additional unpaid maternity leave commencing immediately after the maternity leave. Staff who on commencement of additional unpaid maternity leave have less than 16 weeks to run in their contract will be granted this leave until the expiry date of their contract. This will have been discussed and agreed in writing prior to the commencement of the leave.

The Maternity Protection Acts also include certain entitlements for staff who are the partner of a pregnant person. Where the pregnant person dies at any time before the end of the 24<sup>th</sup> week following their confinement, the pregnant person's partner is entitled to take the remainder of the maternity leave. The period of maternity leave shall commence within 7 days of the pregnant person's death and will be commensurate with the balance of the maternity leave that would have been due to the pregnant person. In this case, the partner is also entitled to take 16 weeks additional unpaid leave, commencing immediately after taking paid maternity leave. Staff who on commencement of additional unpaid maternity leave have less than 16 weeks to run in their contract will be granted this leave until the expiry date of their contract.

### 3. APPLICATION PROCEDURE AND 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.

Notification of your intention to take maternity leave, should be submitted in writing to Human Resources, through your line manager **at least 4 weeks before the date on which you intend to commence your maternity leave**. The notification should include a doctor's note confirming the pregnancy and stating the expected week of confinement as well as the date on which you intend commencing the leave.

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

#### **APPLICATION PROCEDURE AND GUIDELINES DURING COVID-19/WORKING FROM HOME PERIOD**

As you are aware Human Resource staff are working from home and unable to process MB1 or MB2 forms. While these temporary measures are in place, please note that forms must be completed and submitted directly to the Department of Employment Affairs & Social Protection. Notification of intention to take maternity leave must still be submitted by email to HR. The following information is required:

- Employee name
- Employee's PPS number
- Expected date of birth
- Start date of maternity leave
- End date of maternity leave

HR will confirm the above details with DEASP. Please contact HR if you have any queries.

#### Payment during Maternity 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 maternity benefit payment at least 6 weeks before maternity 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 for each week of maternity leave by the standard weekly rate of maternity benefit. 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 maternity benefits from the Department of Employment Affairs & Social Protection and therefore there is no adjustment to salary in respect of benefits due.

#### Returning to work following Maternity Leave

Notice of your intention to resume work should be submitted in writing to Human Resources, through your line manager **at least 4 weeks before** you are due to resume. This is an essential requirement, and also helps to facilitate finalising any deputy arrangements, which may be made to cover the absence.

### **Additional Unpaid Maternity Leave**

Where practicable, you should give notice of your intention to take additional unpaid maternity leave when you are giving your original notice to take maternity leave, as this will greatly assist the University with regard to deputy arrangements.

If this is not possible, you should give notice to Human Resources, in writing, through your line manager of your intention to take additional unpaid maternity leave **at least 4 weeks before the end date of your 26 weeks leave.**

It should be noted that additional unpaid maternity leave does not count as service for superannuation purposes.

## **4. PREMATURE BIRTHS**

As of 1<sup>st</sup> October 2017, the Department of Employment Affairs & 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 1<sup>st</sup> 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 staff member should notify both Human Resources and the Department of Employment Affairs & Social Protection as soon as possible following the premature birth of their baby.

## **5. POSTPONING MATERNITY LEAVE DUE TO HOSPITALISATION OF 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 the line manager 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 then 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 they returned 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 resume maternity leave, and have the leave treated as sick leave, by notifying Human Resources accordingly, as soon as possible.

To postpone payment of Maternity Benefit the staff member will need to apply in writing to the Maternity Benefit Section in the Department of Social Protection. When their baby is discharged from hospital they must notify the Maternity Benefit Section in writing and payment of their remaining 12 weeks Maternity Benefit will continue within seven days.

## **6. POSTPONING MATERNITY LEAVE DUE TO A SERIOUS HEALTH CONDITION**

A staff member on maternity leave, or due to go on maternity leave, who has a serious mental\* or physical health condition which requires necessary medical intervention for an ongoing period of time, may postpone\*\* the commencement of all or part of their maternity leave for a continuous period of no less

than five weeks and no longer than 52 weeks after the initial postponement is due to commence. A medical certificate signed by a relevant medical practitioner which specifies the dates for the postponement is required. A staff member who has postponed their maternity leave once may also make a second notification of their intention to further postpone the commencement of all or part of the remaining maternity leave that they have not yet taken, for a continuous period of no less than five weeks and no longer than 52 weeks after the first postponement commences.

The postponement of maternity leave in one or two applications cannot exceed 52 weeks in total. Two weeks' notice must be given to Human Resources if staff members wish to postpone their maternity leave under the above conditions.

The notification of postponement must:

- Be in writing
- Specify the date on which the postponement will begin and end
- Be accompanied by a medical certificate, signed by a relevant medical practitioner which specifies the dates for the postponement. Staff members seeking to postpone their maternity leave should notify their manager prior to the application being submitted to HR.

The manager must ensure to record and maintain the leave as sick leave. To postpone payment of Maternity Benefit the staff member will need to apply in writing to the Maternity Benefit Section in the Department of Social Protection.

\* 'Necessary medical intervention' in relation to mental health means inpatient hospital treatment.

\*\* Employees who are eligible to postpone their maternity leave due to the hospitalisation of their child and are also eligible to postpone their maternity leave in connection with a serious health condition, will not be entitled to postpone maternity leave under both sections of the Maternity Protection Acts as amended.

## **7. TERMINATING ADDITIONAL MATERNITY LEAVE DUE TO SICKNESS**

If you are ill during the last 4 weeks of additional unpaid maternity leave, you may terminate your leave and may commence sick leave. This request must be made in writing, through your line manager 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 a date agreed by you and the University. It must not be earlier than the date of the commencement of your sickness, and not later than the date on which the additional unpaid maternity leave would have ended.

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

## **8. STILLBIRTHS, MISCARRIAGES AND NEONATAL DEATH**

In the event of a stillbirth, miscarriage or neonatal death occurring after the 24th week of pregnancy, a staff member is entitled to the full 26 weeks paid maternity leave.

## **9. PUBLIC HOLIDAYS**

In the case of eligible academic staff 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 and support staff 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.

#### **10. ANNUAL LEAVE**

In the case of professional, management and support staff, annual leave will continue to be accrued while on maternity leave (including additional unpaid maternity leave). Where closure days fall during the maternity leave period (including additional unpaid maternity leave) these days will be deducted from the staff member's annual leave entitlement in the normal way.

In the case of academic staff, leave in lieu of statutory annual leave and public holidays occurring while on maternity leave (including additional unpaid maternity leave) will be comprehended through days at Easter, Summer and Christmas when there are no lectures/teaching/assessments.

#### **11. SICK LEAVE**

If you are sick while on maternity leave, you cannot postpone your maternity leave and take it after your sick leave ends. Maternity leave must be taken in one continuous block.

Your leave from work due to sickness is treated in the same manner as any other sick leave from work. You are not entitled to take the rest of your maternity leave after your sick leave ends.

If you become ill while you are on additional maternity leave, you may ask your employer if you can end the additional maternity leave. If they agree, they will treat you as being on sick leave. You may then qualify for Illness Benefit.

#### **12. HEALTH AND SAFETY LEAVE**

The University is obliged to assess any risk to an employee who is:

- pregnant;
- has recently given birth; or
- is breastfeeding.

Therefore, if you are pregnant, it is imperative that you inform your manager, so that the University can carry out a risk assessment as soon as possible. If a risk is identified and cannot be removed from the work process, then the University will take the following steps to ensure that you are no longer exposed to the risk:

- a. temporarily adjust your working conditions or working hours, to the extent needed to avoid the relevant risk;
- b. if step (a) is not feasible, then you will be transferred to other work, or, in the case of nightworkers, transferred to day-work; c. if step (b) is not feasible, then you will be given health and safety leave.

The University will pay for the first 21 calendar days of health and safety leave, thereafter a social welfare benefit may apply.

If you become aware that you are no longer vulnerable to the risk for which you have been granted health and safety leave, you are obliged to inform the University writing of the fact, as early as reasonably practicable.

Likewise, if a risk no longer exists, or if the University is in a position to offer suitable alternative work, the University will notify you in writing and the health and safety leave will expire seven days after receiving the notification to return to work.

### **13. 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 allows each parent to take 9 weeks leave for children born or adopted after 1<sup>st</sup> August 2022 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 Page 5 of 9 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](http://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](mailto: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.

### **14. ANTE-NATAL CLASSES**

Expectant staff members are entitled to attend one set of ante-natal classes without loss of pay (except the last 3 classes in such a set) for all pregnancies. Evidence of appointments at the clinic should be submitted to Human Resources, through the line manager/Head of School, not later than 2 weeks in advance.

Paid time off work is also available, as a once-off right, to the mother's partner to attend the last 2 antenatal classes immediately prior to birth. Evidence of appointments at the clinic should be submitted to Human Resources, through the line manager/Head of School, not later than 2 weeks in advance.

### **15. BREASTFEEDING STAFF**

Breastfeeding staff are entitled to 60 minutes time off or a reduction in work hours in an eight-hour working day without loss of pay for up to 2 years (104 weeks) after birth. The legislation allows breastfeeding time to be increased or decreased pro-rata depending on the breastfeeding staff member's working hours. Where the University has breastfeeding facilities (these may vary from campus to campus) breastfeeding breaks of one hour off from work each working day, may be taken as follows:

- One 60-minute break or
- Two 30-minute breaks each or
- Three 20-minute breaks each

Part-time workers are also entitled to breastfeeding breaks, calculated on a pro-rata basis.

If a staff member intends taking breastfeeding breaks or reduced working hours for the purpose of breastfeeding, they must notify Human Resources at least 4 weeks before the date they intend to return to work following maternity leave. The University may require the staff member to supply the child's birth certificate (or some other document confirming the child's date of birth).

Please see breast feeding FAQ; <https://www.tudublin.ie/media/website/for-staff/human-resources/4.-Breastfeeding-FAQ-22.05.24.pdf>

## **16. ACADEMIC STAFF**

### **Leave in lieu**

The provision for a lecturer to avail of up to 30 days leave in lieu with pay for vacation days that overlapped with maternity leave was removed by the Department of Education & Skills with effect from 1<sup>st</sup> May 2013.

### **Unpaid leave of absence**

At the end of a lecturer's maternity leave, in addition to the option of a maximum of 16 weeks additional unpaid maternity leave, they may choose to take leave of absence, without pay, up to the end of the academic year (31<sup>st</sup> August), subject to the approval of the line manager. Any such request should be made in writing to Human Resources, through the line manager.

## **17. QUERIES**

Contact: Leave and Benefits Team

E-Mail: [Leaveandbenefits@tudublin.ie](mailto:Leaveandbenefits@tudublin.ie)



## GUIDELINES FOR STAFF ON PRSI CATEGORY A, E, H or P TO APPLY FOR MATERNITY BENEFIT

### Maternity Benefit

Maternity benefit is a payment made to staff who are on maternity leave from work and covered by social insurance or PRSI classes A, E, H or P. Maternity Benefit is paid for 26 weeks (156 days). The payment is based on a 6-day week which covers Monday to Saturday. For payment, please apply directly to the Department of Employment Affairs and Social Protection at least 6 weeks before you intend to go on maternity leave (12 weeks if you are self-employed). If you are already on certain social welfare payments, then you may get half-rate Maternity Benefit. Failure to apply for Maternity Benefit within six months of the birth of the child may result in loss of benefit. If you are unsure of your PRSI category, you can find it on a payslip.

### How to apply during COVID-19/Working from home period

If you wish to make an application during the COVID-19/Working from home period, please inform your line manager and HR by email of your intention to take maternity leave and submit the following information:

- Employee name
- Employee's PPS number
- Expected date of birth
- Start date of maternity leave
- End date of maternity leave

Please complete the MB1 & MB2 forms and submit directly to the DEASP. The postal address is: Maternity Benefit Section, Department of Employment Affairs and Social Protection, McCarter's Road, Buncrana, Co. Donegal F93 CH79.

### How to apply

You must notify Human Resources that you intend to take maternity leave at least 4 weeks before your leave. In order for you to claim maternity benefit payment, the University must complete a form to certify that you are entitled to maternity leave. This is form *MB2: Employer Certificate for Maternity Benefit* and you should furnish this to the University when you make your application for leave. To facilitate completion of this certificate you must provide the University with a certificate from your doctor confirming when your baby is due.

In addition to the *Employer Certificate for Maternity Benefit* you will also need to complete an *Application Form for Maternity Benefit – form MB1*. The application is available on the Department of Employment Affairs and Social Protection Website [www.welfare.ie](http://www.welfare.ie).

### Online application

You can also apply for Maternity Benefit online at [mywelfare.ie](http://mywelfare.ie). Complete the online application and upload

supporting documentation (form [MB2](#)). To apply online you must have a [Public Services Card](#) (linked to your mobile phone number) and a verified [MyGovID](#) account. To find out if your mobile phone number is linked to your PSC, contact your local [Intreo Centre or Social Welfare Branch Office](#). If you do not already have a Public Services Card, you can make an appointment to get one at [mywelfare.ie](#). You will first need to register with the site. To do this you need a mobile phone number and an email address. When you have made your appointment, print the notification and bring it to your appointment along with the required documents (listed in the notification).

### **Postal application**

Staff must post the completed MB1 form together with the completed Employer Certificate for Maternity Benefit (MB2) to Maternity Benefit Section, Department of Employment Affairs and Social Protection, McCarter's Road, Buncrana, Co. Donegal F93 CH79.

### **How the payment is made**

Maternity Benefit is paid directly into your bank /or post office account. Payment is made each week in advance. Please refer to section 3 of this policy for details of how your salary is administered while on this leave.

For further information visit [www.welfare.ie](http://www.welfare.ie) or call: Tel: (01) 471 5898 Locall: 1890 690 690