

AA022 Maternity Leave Policy



Maternity Leave Policy

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1. **Purpose:**

The purpose of this policy is to explain employee's entitlements under the Maternity Protection Act 1994, as amended, and to outline the application procedure in operation at Brídhaven.

2. **Scope**

This policy covers all female employees, whether part-time, fixed term or permanent, who are pregnant or have recently given birth. The policy also covers male employees in respect of leave in the unfortunate event of the death of the mother during, or shortly after, childbirth. In the case of temporary staff employed under a fixed-term contract of employment, any entitlement to leave or other benefits does not continue beyond the expiry of their temporary contract of employment.

3. **Responsibility**

Bridhaven encourages all employees to inform their manager as soon as they know they are pregnant, this means that we can comply with all necessary Health and Safety procedures and the terms of this policy. Employees are expected to comply with the notification time-lines as outlined in this policy.

4. **Policy**

a) **Statutory Leave**

A pregnant employee is entitled to 26 consecutive weeks' statutory maternity leave, at least 2 weeks of which must be taken before the end of the week in which the baby is expected and a minimum of 4 weeks' leave after that week. The remaining 20 weeks may be taken before or after this period in whatever manner the employee desires so long as these weeks run consecutively with the core period.

b) **Additional Leave**

An employee who has taken maternity leave is entitled to a maximum of 16 weeks' additional unpaid leave. This additional leave must commence immediately following the end of the maternity leave. An employee will be entitled to take additional maternity leave even if she has requested extended maternity leave in circumstances of a late birth (see section below).

c) **Early Birth**

In the event of a premature birth where the baby is born four or more weeks prior to the expected date of delivery, the employee's 26 weeks maternity leave will begin on whichever date is earlier:

- i. The first day of the employee's maternity leave which had been originally notified to Brídhaven, OR the date of confinement.
- ii. The employee must notify her manager or HR in writing of her intention to take maternity leave and the date of birth, within fourteen days of the birth.

d) **Extended Maternity Leave for Late Birth**

If the baby is born later than the expected week of delivery, and as a result the employee has less than 4 weeks' maternity leave remaining after the week in which her baby was born, then she may extend her maternity leave to ensure she has a minimum of 4 weeks off following the week of the birth.—This extension will only be given if the employee does not have the 4 weeks required leave remaining from her original statutory leave entitlement. The employee must, as soon as practicable after the birth, notify Brídhaven, in writing, of the proposed extension and specify the duration of the extension.

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e) **Hospitalisation of Child**

A mother has the option of splitting or suspending, the period of maternity leave or additional maternity leave in the unfortunate event of the hospitalisation of the child. Maternity leave may only be postponed if the employee has taken at least 14 weeks maternity leave, 4 of which would have to be taken after the end of the week of delivery.

f) **Still Birth/Miscarriage**

There is no entitlement to statutory maternity leave for a miscarriage or still birth occurring up to and including the 24th week of pregnancy. If an employee has a stillbirth or miscarriage occurring after the 24th week of pregnancy the employee will be entitled to full maternity leave.

g) **Employees on Fixed Term Contracts**

A woman employed on a fixed term or specified purpose contract also has an entitlement to maternity leave. However, if the fixed term or specified purpose comes to an end while the employee is still on maternity leave, then the maternity leave will be deemed to end on the date on the expiry date of the contract of employment.

5. Entitlement of Fathers to Take Maternity Leave in the Event of the Death of a Mother

In the unfortunate event of a mother's death within 40 weeks of the birth of the child, an employed father may be entitled to leave for a period after the mother's death. The period of leave must commence within seven days of the death of the mother. Details of the conditions applicable to this leave may be obtained from your manager.

6. Notification Procedure:

a) **Notification of Intention to Take Maternity Leave**

An employee intending to take maternity leave must give written notification of her intention to take leave, as soon as is reasonably practicable but, in any event, no later than 4 weeks before the leave begins. This notification should be accompanied by a medical certificate confirming the pregnancy and indicating the expected week of delivery.

b) **Notification of Intention to Take Additional Maternity Leave**

An employee who wishes to avail of her entitlement to additional maternity leave must notify her manager, in writing either:

- i. At the same time as notice is given of her intention to take maternity leave: **OR**
- ii. No later than 4 weeks before the expiration of the 26 weeks' statutory maternity leave.

An employee can request the termination of additional maternity Leave, on written request and strictly upon agreement of Brídhaven, in circumstances of illness of the employee. The effect of the termination of the additional maternity leave is that absence from work owing to sickness after the termination will be treated in the same way as any other absence owing to illness. The employee loses the right to any leave not taken by then.

c) **Notification of Intention of Father to Take Leave in the Event of the Death of the Mother**

In cases where a father is entitled to leave upon the death of the mother, written notification of the fathers' intention to take leave must be given no later than the day on which the leave commences, and should include how long the leave will last. The employee may be requested to supply a copy of the death certificate made in respect of the mother and of the birth certificate in respect of the child.

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7. ***Effect of Maternity Leave on Benefits***

Throughout the period of maternity leave, an employee will be deemed to be in employment and employment rights, with the exception of remuneration and superannuation, are preserved as if the employee were present at work.

8. ***Continuity of Service*** – Maternity leave is counted as reckonable service.

9. ***Holidays***

While on maternity leave, employees will continue to accrue holidays at the normal rate. The employee will also continue to accrue statutory public holidays during the maternity leave and additional maternity leave. Statutory public holidays which fall during this period may be added onto, or taken on the completion of the leave period subject to the discretion of Brídhaven and business requirements.

10. ***Employment Restrictions***

An employee may not carry out any other employment during maternity or additional maternity leave.

11. ***Probationary Period***

Periods of probation or training may be extended by the period of maternity leave, additional maternity leave or fathers leave.

12. ***Ante-Natal, Doctor and Post-Natal Visits***

- a) An employee requiring time off for ante-natal, doctor or post-natal visits must give written notification to her manager/HR of her intention to avail of this time off, at least 2 weeks in advance of such an appointment. If an employee is unable to give notice of an appointment because it is for urgent medical reasons, then the employee must give proof of their attendance.
- b) Prospective fathers have a once off right to time off to attend the last two ante-natal classes of a set with their pregnant partner. An employee must give written notification to his manager/HR of his intention to avail of this time off, at least 2 weeks in advance of the appointment together with proof of the appointment e.g his partner's appointment card

13. ***Breastfeeding Breaks***

Breastfeeding mothers of a child under the age of 26 weeks are entitled to take a maximum of 1hour per day, as a breastfeeding break. Employees that are eligible for such breaks should discuss appropriate arrangements with their manager.

14. ***Returning to Work:***

- a) Following maternity leave or additional maternity leave, an employee must provide written notification to her manager/HR of her intention to return to work at least 4 weeks before her maternity leave, or additional maternity leave, is due to end. This notification must include her return to work date.
- b) Following maternity leave, additional maternity leave or fathers leave, an employee will be entitled to return to the position held immediately prior to the leave or their usual position, in so far as is reasonably practicable. However, if this is not possible, the employee will be offered suitable alternative work.

15. ***Health and Safety Leave***

Health and safety leave may be provided to women who are pregnant, have recently given birth or are breast-feeding in certain circumstances. Where a risk is established to a woman who fits into one of these categories, following a risk assessment carried out by the employer, the employer may:

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- a) Put measures in place to remove the risk;
- b) Where this is not possible, the employer may offer the employee suitable alternative work;
- c) Where no suitable work is available, the employee may be granted health and safety leave.

An employee who is granted health and safety leave will be paid basic pay for a period of three weeks. A woman whose health and safety leave extends beyond 3 weeks (21 days) may be entitled to social welfare benefit, subject to her PRSI contributions. (For further details, the Department of Social Protection, Health and Safety Benefit Section, should be contacted). However, there is no obligation on the part of the employer to pay for health and safety leave for more than 3 weeks during any pregnancy.

Annual Leave will continue to be accrued while absent from work and sickness is certified by a GP.

16. Maternity Pay and Benefits

- a) Brídhaven does not pay for maternity leave or additional maternity leave.
- b) Employees should apply to the Department of Social Protection no later than 8 weeks before they are due to commence their maternity leave to ensure their application for benefit is processed on time.
- c) If you fail to claim within 6 months of the birth of your child, this will result in loss of benefit. The onus is on the employee to ensure they claim Social Welfare Maternity Benefit. This is not the responsibility of Brídhaven.
- d) The additional 16 weeks leave period is unpaid by both Brídhaven and the Department of Social Protection.
- e) Employees are advised to contact the Department of Social Protection directly regarding Social Welfare Benefits to which they may be entitled.

Brídhaven reserves the right to review, amend or replace this procedure. It will be reviewed on an ongoing basis in line with business needs and legislative amendments and any changes will be advised to employees.

17. Document Revision Record:

Revision No.	Reviewed by:	Date:	Changes: Yes/No	Reason for Review