

AA021 Parental Leave Policy



Parental Leave Policy

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1. Definition	Page 2-2
2. Leave Period	Page 2-2
3. Service Requirements	Page 2-2
4. Application Procedure	Page 2-3
5. Deferral of Leave	Page 3-3
6. Termination of Leave	Page 3-3
7. Refusal to Grant Leave	Page 3-3
8. Returning to Work	Page 3-3
9. Emergency Family (<i>Force Majeure</i>) Leave	Page 4-4
10. Documentation	Page 4-4
11. Document Revision Record	Page 4-4

AA021 Parental Leave Policy

1. Definition

It is the policy of Brídhaven to provide, whenever it is reasonably practicable, unpaid Parental Leave to employees who are natural or adoptive parents, or who are acting in loco parentis, to a child under eight years of age, or sixteen years in the case of a child with a disability, to a maximum period of eighteen weeks, to enable him/her take care of his/her child.

Parental Leave is an individual entitlement and may not be transferred between parents except in accordance with the Parental Leave Act as amended.

2. Leave period:

- a. Parental Leave can be for a continuous period of eighteen weeks or in two separate blocks of a minimum of 9 weeks. Any lesser periods of leave can only be taken with the agreement of management and the employee. Employees wishing to take periods of Parental Leave outside of the above mentioned arrangement, must discuss with their immediate manager how the leave will be taken, bearing in mind the needs of the business and the employee's opportunity to avail of leave. Parental Leave will end no later than the day on which the child attains the age of eight years.
- b. In the case of an adopted child, where a child is under three years at the time of adoption, the leave must be taken before the child reaches eight years of age. However, if the child is between six and eight years at the time of the adoption, the Parental Leave must be taken within two years of the date of the adoption order.
- c. An employee who is entitled to Parental Leave with regard to more than one child (except multiple births) may only be afforded eighteen weeks leave in a twelve month period unless otherwise agreed with management.
- d. An employee who falls ill during the period of Parental Leave, is certified as such by a recognised medical practitioner, and is unable to take care of the child is entitled to have their period of Parental Leave suspended until such time as they are certified fit. Parental Leave will resume on the date the employee is certified fit.
- e. During an absence on Parental Leave, an employee retains all employment rights ***except the right to remuneration or an obligation to pay contributions to or in respect of the employment.***

Employees are advised to contact the Department Social Protection directly regarding Social Welfare Benefits to which they may be entitled.

- f. Periods of probation, training or Traineeship will be suspended during Parental Leave.
- g. Any public holidays which fall during the period of Parental Leave are added to the end of the period of Parental Leave. While on Parental Leave, an employee is regarded for employment rights purposes as still working. Therefore, an employee continues to accrue annual leave while on Parental Leave.

3. Service requirements:

An employee must have completed at least one year's continuous service with Brídhaven before he/she is eligible to apply for Parental Leave. However, where the child is approaching the age threshold and the employee has more than three months' but less than one year's service, he/she is entitled to one week's leave for every month of continuous employment completed with Brídhaven when the leave commences.

4. Application procedure:

- a) An employee wishing to avail of Parental Leave must give written notice, no later than six weeks before the proposed commencement of the

AA021 Parental Leave Policy

- b) leave. The request should be submitted to the employee's immediate manager who will forward the application to HR with a recommendation. Once arrangements for Parental Leave have been agreed between the employee and management, "written confirmation", signed by both parties, will be issued at least four weeks before such leave commences.
- c) An employee may revoke, in writing, his/her notice of intention to take Parental Leave at any time before the 'written confirmation' has been signed. However, once this document has been signed by both parties, it cannot be altered/changed unless both parties agree.
- d) Once the period of Parental Leave has commenced, an employee is not entitled to return to work during the agreed period of Parental Leave, except in the most exceptional of circumstances and by agreement with management. If after the date of a 'written confirmation' management and the employee agree to postpone the leave to some other time or curtail, or vary the leave in some agreed manner, then the leave not used in such a situation can be taken at some other time agreed between the parties.

5. Deferral of Leave:

If, in the view of management, the taking of Parental Leave by a particular employee would have an adverse effect on the operation of the business, such leave may be postponed for a period of up to six months. If, solely as a result of this postponement, the child reaches the age threshold before the end of the leave the employee retains the entitlement to take the Parental Leave.

6. Termination of Leave:

- a) Parental Leave is granted solely for the purpose of taking care of young children. In the event that the leave is not so used, it may be terminated and the employee will be advised accordingly in writing. The employee may also be subject to Brídhaven's Disciplinary Procedure.
- b) In a case where the leave is terminated and the employee returns to work, the period between the date of the employee's return to work and date on which the leave would have ended if the employee had completed the leave, does not count as Parental Leave.
- c) In a case where the leave is terminated and it is not possible for the employee to return to work, the employee shall not receive remuneration prior to the end of the Parental Leave period specified in the 'written confirmation'. This period shall not be regarded as Parental Leave.

7. Refusal to grant leave:

An employer may refuse to grant Parental Leave if there is reasonable grounds to believe that the employee is not entitled to such leave, for example, if the employee has been granted the maximum Parental Leave for the same child in a previous employment. In an instance where leave is being refused, the employee will be advised in writing and given an opportunity to make representations on the matter.

8. Returning to Work:

- a) Following the date of the end of the Parental Leave specified in the written confirmation, or the termination of the leave, an employee will be entitled to return to the position held immediately prior to the leave, or to their normal work if this is different, in so far as is reasonably practicable. However, if it is not reasonably practicable to allow an employee to do so, the employee will be offered suitable alternative work.
- b) when you return to work after taking parental leave, you are entitled to ask for a change in your work pattern or working hours for a set period. Your employer must consider your request but is not obliged to grant it.

AA021 Parental Leave Policy

9. Emergency Family (*Force Majeure*) Leave:

An employee is entitled to *emergency family* leave where for urgent family reasons, owing to an injury to or the illness of a person specified below, the employee's immediate presence is indispensable at the place where the person is:

- a child or adoptive child of the employee;
- the spouse of the employee, or a person with whom the employee is living as husband or wife;
- a person to whom the employee is in loco parentis;
- a brother or sister of the employee;
- a parent or grandparent of the employee;
- persons' in a relationship of domestic dependency , including same-sex partners.

Emergency family leave is granted only to deal with urgent situations which arise rarely and without notice. ***It is not possible to prebook it.*** An absence which is foreseen does not come within the definition of the type of situation for which an employee is entitled to claim *emergency family* leave.

Emergency family leave may consist of a maximum of three days in any period of twelve consecutive months, or five days in any period of thirty six consecutive months. Part days absent on *emergency family* leave are regarded as one day for the purposes of calculating the number of days taken under this arrangement.

In order to be entitled to payment while absent on *emergency family* leave, employees must complete the 'Notice of *Emergency family* Leave' form ***on resumption of duty, but not later than 1 week after the date of the leave.*** Employees are requested to advise their **manager** verbally of their leave as soon as it commences.

An employee while on *emergency family* leave is regarded for all purposes relating to his/her employment, as still working in the employment and none of his/her rights relating to the employment shall be affected by the leave.

10. Documentation:

Application forms in respect of Parental Leave, and notification in respect of emergency family leave, may be obtained from your Manager or HR.

11. Document Revision Record:

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