



Banc Ceannais na hÉireann
Central Bank of Ireland
Eurosystem



Human
Resources

Carer's Leave Policy

Applicable to: All Staff Members

Policy Owner: HR Support, Human Resources Division

Document History

Document Location

The most current version of this policy is available on the HR Site on Plaza. Paper copies are valid only on the day they are printed. Refer to the owner if you are in any doubt about the accuracy of this document.

Revision History

This document will be reviewed from time to time to take into account changes in legislation, organisational developments and experience of the policy in practice.

| Date of this Revision: October 2017 | | Date of next Revision: August 2018 |
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| Revision Number | Revision Date | Summary of Changes |
| 0.1 | April 2010 | Policy created |
| 0.2 | October 2017 | Policy Reviewed and updated |

Approvals

This document requires the following approvals:

| | |
|---------------|--------------------------|
| Title: | Human Resources Director |
|---------------|--------------------------|

Distribution

This document has been distributed to the approvers listed above, plus:

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|---|
| Name: |
| Senior Leadership Committee and Heads of Division |
| Unite Union |
| SIPTU Union |

1. Introduction

INFORMATION ON CARER'S LEAVE¹

The purpose of the Carer's Leave Act 2001 is to provide for an employee to avail of unpaid leave from his/her employment to enable him/her to personally provide full-time care and attention for a person who is in need of such care. In order for a staff member to be eligible for carer's leave, the Department of Employment Affairs and Social Protection (DEASP) must have deemed that the person being cared for to be a 'relevant person', i.e. somebody who needs continuous supervision and frequent assistance throughout the day with their normal personal needs (e.g. help to eat, drink, wash) or needs continuous supervision in order to avoid danger to themselves. The period of leave to which a staff member is entitled is subject to a maximum of 104 weeks and a minimum of 13 weeks. All staff, with a minimum of one year's continuous service within the Bank are eligible to apply for carer's leave and a relevant person may be a relative, a friend or a neighbour, provided they meet the relevant criteria outlined below.

Note: The purpose of this policy document is to provide a guideline to staff on carer's leave entitlements, as incorporated in current legislation and to outline the Central Bank's conditions in respect of this leave. Statutory entitlements will at all times be dictated by the current legislation, as amended.

¹ Covering Carer's Leave Act 2001, as amended.

2. Objective

All employees who have one year's continuous service are eligible to apply for carer's leave. The person you are proposing to care for (the relevant person) must be deemed to be in need of full-time care and attention by a Deciding Officer of the Department of Employment Affairs and Social Protection (DEASP). You must take the carer's leave for the purpose of personally providing full-time care and attention to the person in need of such care, and must actually do so for the duration of the leave. Carer's leave is unpaid, but an employee may be entitled to an allowance from the DEASP.

Conditions for taking carer's leave

The following conditions apply to taking carer's leave.

- One person only can be absent on carer's leave for a specific care recipient at any time. Carer's leave will not be granted to an employee if the care recipient is in receipt of full-time attention from someone else.
- An employee is only entitled to leave for one care recipient at a time. However, on one occasion only an employee may commence leave in respect of a second relevant person, while already on leave in respect of another relevant person, but only where the two relevant persons reside together.
- You must provide the HR Support manager with the decision of a Deciding Officer of the DEASP, stating that the person in respect of whom you propose to take carer's leave is a relevant person.
- You may engage in employment outside the home while on carer's leave for up to 15 hours per week, provided your income from employment is less than a weekly income limit set by the DEASP. Alternatively, you may attend an educational or training course or take up voluntary or community work for up to 15 hours per week. You can also engage in limited self-employment in your home; again this is subject to an upper income limit set out by the DEASP. If you do engage in employment or attend a course, **please ensure that you notify the HR Support manager with details.**
- You must notify the organisation of any change in circumstances that affects your entitlement to carer's leave as soon as is reasonably practicable.

Carer's leave is **unpaid** but the Carer's Leave Act ensures that those who propose to avail of carer's leave will have a position retained for them for the duration of the leave. However, for practical considerations, it may not be possible to allow a staff member to return to the same job immediately held prior to the leave. In this instance, the Central Bank will offer suitable alternative employment. Staff's terms and conditions, i.e. their employment rights, are protected during the leave period. During an absence on carer's leave, an employee shall be regarded as still working in the employment for all purposes relating to his or her employment and none of his or her rights or obligations relating to the employment shall be affected, except for the following:

- Carer's leave is unpaid. There is no right to remuneration or superannuation benefits for the duration of the leave.
- The right to annual leave is restricted to the first 13 weeks only of the carer's leave in respect of any one relevant person. Therefore, annual leave is only accrued for the first 13 weeks only.
- The right to public holiday benefit is likewise restricted to the first 13 weeks only of the carer's leave entitlement in respect of any one relevant person.

3. Policy Details

3.1 Eligibility/Conditions

If you wish to take carer's leave, you must apply, using the Carer's Benefit claim form, (which can be found on www.welfare.ie) to the Minister for Social and Family Affairs for a decision by a Deciding Officer eight weeks before intending to begin carer's leave. This claim form should be completed by the employee, employer, the care recipient and the care recipient's GP.

A decision will be made by the Deciding Officer. If the leave is granted, a copy of the decision must be given to your manager/HR department before the leave can commence.

In addition to applying to the DEASP, you must give written notification to your manager/HR department of your intention to take carer's leave no later than six weeks before the date you intend to commence the carer's leave. You may use the carer's leave request form for this purpose. If this is not practicable, notice should be given as soon as reasonably possible.

Staff must notify HR Support, HRD if there are any changes in circumstances, which affect the carer's entitlement to leave, as soon as practicable.

The Central Bank and the staff member must prepare and sign a confirmation document no later than 2 weeks before the leave is due to begin. This confirmation document cannot be altered unless both parties agree.

Following approval of carer's leave, staff must contact Payroll Section well in advance to make arrangements for payment in respect of any salary deductions. Failure to do so will result in any deductions owing being taken at the next available pay date.

3.2 Manner in which Carer's Leave may be taken

Carer's leave may be taken as a block or in shorter periods adding up to 104 weeks, subject to a minimum number of 13 weeks and a maximum of 104 weeks.

If a carer's leave period granted is broken up, a staff member may not commence another period of leave until 6 weeks has elapsed since the termination of the previous period of carer's leave taken.

If the carer's leave for one person has terminated, a staff member cannot commence carer's leave to care for a different person until 6 months after the end of the previous period of leave. Exceptions to this can be discussed with HR Support, HRD.

The Central Bank is entitled to refuse to allow a period of carer's leave of less than 13 weeks duration. Where this occurs, the organisation will specify in writing to the staff

member the grounds for refusing this leave. If the Central Bank has reasonable grounds to believe that carer's leave was not taken in accordance with this policy, it may instigate an investigation. If, following such an investigation, an employee is found abusing this leave, he or she may be subject to disciplinary action, up to and including dismissal.

3.3 Termination of Carer's Leave

Carer's leave terminates in the following cases:

- On the date specified in the confirmation document signed by a senior HR representative and the staff member;
- When a staff member ceases to satisfy the conditions for the provision of full time care and attention to a relevant person as deemed by the DSFA;
- When the person being cared for ceases to satisfy the conditions for being a relevant person;
- On the date that the employer notifies the employee to return to work following a decision of a Deciding Officer or an Appeals Officer that the leave should end;
- If the Central Bank becomes aware that carer's leave is being abused², it is obliged to notify the Department of Social and Family Affairs and give grounds for that opinion. The matter will then be investigated by a Deciding Officer who will make a decision based on the evidence. The Deciding Officer shall then inform the Central Bank and the staff member concerned of the decision as soon as possible.

Note: Carer's leave will continue for up to 6 weeks after the death of the person being cared for, subject to the period of the carer's leave in the confirmation document not having expired.

3.4 Notice of returning to work

² Abuse may be considered to have occurred in the following circumstances: 1) the care recipient for whom the employee is on carer's leave is not, or is no longer, a relevant person; 2) the staff member who proposes to take, or who is on leave, will not, or is not, providing full-time care to the relevant person; 3) the staff member who

A staff member on carer's leave must give at least 4 week's notice in writing, to HR Support, HRD, of their intention to return to work. Staff are also encouraged to keep their local management informed regarding their intended return to work.

3.5 Employment protection during Carer's Leave

During a period of carer's leave, staff's employment rights, **other than** the right to remuneration, certain annual leave, certain public holidays, the accrual of superannuation service etc, will be unaffected during leave.

A staff member absent on carer's leave will be entitled to the normal public holiday and annual leave entitlements in respect of the **first 13 weeks of carer's leave**, for each and any relevant person.

3.6 Benefits/Allowances

While carer's leave is unpaid, a staff member may engage in employment, self employment or participate in training or education courses approved by the Department of Social and Family Affairs for a maximum of 15 hours per week while on carer's leave.. Staff should note that earnings cannot exceed a certain threshold where carer's benefit is being claimed by the carer.

Staff should be aware that they may be eligible for carer's benefit. Application should be made to the Department of Social and Family Affairs by accessing the attached link. http://www.oasis.gov.ie/employment/holidays_and_leave/carers_leave_from_employment.html or www.welfare.ie.

3.7 PRSI Record

The Minister for Social and Family Affairs has introduced Regulations (SI 75/2003) to ensure that a staff member can have his/her social insurance benefits preserved for the duration of the carer's leave. Staff should contact the Department of Social and Family Affairs to ensure that appropriate credits are made.

proposes to take, or who is on leave, is engaging, or has engaged, in employment or self-employment other than that provided for .

3.8 Right of Appeal and Contacts

Carers have important legal rights under Irish law. In the event that a staff member wishes to raise a complaint regarding a breach of rights as a carer, he/she should:

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- Any dispute in relation to this policy entitlements under this policy may be directed in the first instance to the HR Support Manager, HRD. Staff may appeal any dispute in relation to this policy to the Head of HR
- Alternatively, staff may contact a Rights Commissioner of the Labour Relations Commissions, (01 6136700) Email: labrc@iol.ie. The complaint must be made in writing, usually within 6 months of the circumstances of the alleged breach of rights.

If a dispute arises in relation to whether the person being looked after is a relevant person or whether a staff member is providing full time care and attention, the issue must be judged by a deciding officer of the DSFA. Any decision can be appealed under the Social Welfare (Consolidation) Act 1993.

For more information on Carer's Benefit:

- Carer's Benefit Section
Social Welfare Services Office
Tel:(043) 334 0000
Locall:1890 92 77 70
Homepage: <http://www.welfare.ie>

If you need further information on any of these issues, or on any other related issues not covered in this document, please contact a member of HR Support, HRD.

Appendix

Notice to Central Bank of Intention to Take Carer's Leave

This form must be completed by the employee concerned not later than six weeks before the commencement of the leave, under Section 9(1) of the Act. The employee must give the Bank a copy of the decision of the deciding officer of the Department of Employment Affairs and Social Protection, that the care recipient is a relevant person for the purposes of Section 82A(1) (inserted by the Act of 2000) of Chapter 11A of Part II of the Social Welfare (Consolidation) Act, 1993, as soon as he/she receives it. The applicant is not entitled to carer's leave until he/she has done so, under Section 6(2)(2) of the Act.

Name : _____

Address : _____

Date of Employment: ____/____/____ (Day/Month/Year)

Department: _____

Staff Number: _____

PPS Number: _____(Figures) _____(Letters)

Proposed Date of Commencement of Carer's Leave: ____/____/____ (D/M/Y)

Proposed Duration of Carer's Leave: _____ weeks

Manner in which leave is to be taken: _____

(Please provide a brief description) _____

Proposed Date of Return to Work: ____/____/____ (Day/Month/Year)

Name of care recipient: _____

I wish to confirm that I have made an application to the Department of Employment Affairs and Social Protection for decision of a deciding officer that the person, in respect of whom I propose to take Carer's Leave, is a relevant person (i.e. in need of full-time care and attention) for the purposes of the Social Welfare (Consolidation) Act, 1993.

An employee is entitled to a maximum of 104 weeks unpaid carer's leave for any one relevant person. Carer's leave is granted solely for the purpose of providing full-time care and attention to a relevant person requiring such care. This leave may be terminated if it is not used for this purpose. Any employee abusing this leave may be subject to serious disciplinary action up to and including dismissal.

I declare that the information given above is accurate and complete.

Signature of Employee: _____ Date: _____

Confirmation of Carer's Leave

To be completed by the Central Bank and the employee, pursuant to Section 10(1) of the Act, not later than two weeks before the commencement of the carer's leave concerned.

The employee must give the Bank a copy of the decision of the deciding officer of the Department of Employment Affairs and Social Protection, that the care recipient is a relevant person for the purposes of Section 82A(1) (inserted by the Act of 2000) of Chapter 11A of Part II of the Social Welfare (Consolidation) Act, 1993, as soon as he/she receives it. The applicant is not entitled to carer's leave until he/she has done so, under Section 6(2)(2) of the Act.

Name : _____

Address : _____

PPS Number: _____(Figures) _____(Letters)

Approved Date of Commencement of Carer's Leave: ____/____/____

(Day/Month/Year)

Duration of Carer's Leave: _____ weeks

Manner in which leave is to be taken: _____

(Please provide a brief description)

Signature of Employer: _____

Date: _____

Signature of Employee: _____

Date: _____