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Human
Resources

Maternity Leave, Adoptive Leave and related absences

Applicable to: All Employees

Policy Owner: HR Advisory, Human Resource 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: September 2016		Date of next Revision: September 2017
Revision Number	Revision Date	Summary of Changes
0.1		Policy created
0.2	February 2014	Policy updated
0.3	September 2016	Policy updated, Paternity information was placed in a separate policy

Approvals

This document requires the following approvals:

Title:	Human Resources Director
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Distribution

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

Name:
Senior Management Committee and Heads of Division
Unite Union
SIPTU Union

1. Introduction

Maternity/Adoptive Leave Entitlements¹ Under current legislation there is provision for both paid and unpaid Maternity/Adoptive Leave. Paid Maternity Leave is 26 weeks and unpaid Maternity Leave (optional) is for a further period of 16 weeks; paid Adoptive Leave is 24 weeks and unpaid Adoptive Leave (optional) is for a further period of 16 weeks.

2. Objective

The purpose of this policy note is to provide a guideline to staff on maternity/adoptive entitlements, as incorporated in current legislation. This is an information document only and staff should refer to legislation and relevant regulations as the basis for all entitlements.

3. Policy Details

3.1 Paid Maternity Leave

Staff must apply for **Paid Maternity Leave** by completing the appropriate form in advance and submitting this to HR Support, Human Resources Department (HRD). A medical certificate giving the “Expected Date of Delivery” must support the application. Staff should submit their application for maternity leave at least 4 weeks before the expected start date of maternity leave. Maternity leave should start at least 2 weeks before the Friday of the week that the baby is due. However, staff may choose to start their maternity leave earlier than the above date.

3.1.1. Early Births

Where a birth occurs more than 4 weeks prior to the expected date, and the staff member has not commenced maternity leave, the staff member is still entitled to take 26 weeks maternity leave from the date of the birth. The staff member should inform HR Support, HRD, when a birth occurs prior to the expected date.

¹ As outlined in the Maternity Protection (Amendment) Act 2004 (effective 18 October 2004) which amended and extended the Maternity Protection Act 1994, the Adoptive Leave Acts of 1995 and 2005 (effective 28 November 2005), and Statutory Instrument No. 51 of 2006 (effective 1 February 2006) – which amended the Maternity Protection Acts 1994 and 2004.

3.1.2. Late Births

Where a staff member has commenced maternity leave, and has less than 4 weeks maternity leave left when the baby is born, the maternity leave may be extended so that the staff member is still entitled to 4 weeks paid maternity leave after the birth. The staff member must notify HR Support, HRD, in writing, advising of the length of any extension to maternity leave.

3.2. Paid Adoptive Leave

An adopting mother or sole male adopter must apply for **Paid Adoptive Leave** by completing the appropriate form in advance and submitting this to HR Support, HRD, at least 4 weeks before the expected placement of the child. Adoptive leave should start from the date of placement of the child.

A ‘certificate of placement’ (from the relevant health board/adoption society) should be forwarded to HR Support, HRD, as soon as possible, but no later than 4 weeks after the day of placement. In the case of foreign adoptions, staff must forward a copy of the ‘declaration of suitability and eligibility’ (issued pursuant to the Adoption Act 1991) before the start of the adoptive leave. The declaration should indicate the expected date of placement.

3.3. Unpaid Maternity/Adoptive Leave

Staff may also apply for statutory **Unpaid Maternity/Adoptive Leave** at the time of applying for maternity/adoptive leave. However, individuals may wish to defer application until closer to the end of the period of paid maternity/adoptive leave, but not less than 7 weeks before the end of that period. The additional (unpaid) leave must be taken immediately after the paid Maternity/Adoptive Leave has ended. In the case of foreign adoption, however, staff may choose to take some or all of their additional (unpaid) adoptive leave immediately before the date of placement of the child.

Following approval of unpaid maternity/adoptive leave, staff **must** contact Payroll Section at least 7 weeks 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.

Confirmation of **return to work** should be made, in writing, at least 4 weeks before the intended date of return to work.

Entitlements in respect of annual leave, public holidays and increments accrue during the period of unpaid maternity/adoptive leave. Unpaid maternity/adoptive leave does not qualify as service for superannuation purposes.

Staff who take additional unpaid maternity/adoptive leave are entitled to PRSI credits for that period – the relevant form² should be completed and submitted to HR Support, HRD for certification. The form will then be returned to the staff member who should forward it to the relevant Social Welfare Office.

3.4. Maternity and Adoptive Social Welfare Benefit Entitlements

As the Central Bank continues to pay staff's full salary/wages when on paid maternity/adoptive leave, all eligible staff (PRSI classes A and S) **are obliged** to claim Social Welfare Maternity Benefit when absent on maternity/adoptive leave, using the relevant form³.

As Maternity Benefit payments are taxable from 1 July 2013, Revenue will receive the Maternity Benefit details directly from the Department of Social Protection, reduce the employee's annual tax credits and rate band by the Maternity Benefit amount, and send a revised tax credit certificate to the Central Bank. Maternity Benefit payments are not subject to USC and/or PRSI.

In the case of maternity leave, this form must be completed at least 6 weeks before the week that the baby is due, and in the case of adoptive leave, at least 5 weeks before the staff member intends to start adoptive leave. For administration purposes, the staff member must nominate the Central Bank as payee. In this regard, staff should complete

² Application for Maternity Leave Credits (http://www.welfare.ie/forms/matl_credits.pdf) and Application for Adoptive Leave Credits (http://www.welfare.ie/forms/al_credits.pdf).

³ Maternity Benefit– form MB10 (<http://www.welfare.ie/forms/mb10.pdf>) / Adoptive Benefit– form AB1 (<http://www.welfare.ie/forms/ab1.pdf>) to be completed and forwarded to the relevant Social Welfare office. Details of Maternity Benefit entitlements can be found in DSFA publication SW11 (<http://www.welfare.ie/publications/sw11.html>) and details of Adoptive Benefit entitlements can be found in DSFA publication SW37 (<http://www.welfare.ie/publications/sw37.html>).

Part 2 of the maternity benefit form/Part 10 of the adoptive benefit form by signing the section authorising the Department of Social and Family Affairs to pay the maternity/adoptive benefit to the Central Bank while leaving the remainder of the form blank.

The completed maternity/adoptive social welfare forms should then be sent to HR Support, HRD who will forward it to the relevant Social Welfare Office. In the event that cheques are sent to staff, all cheques **must** be forwarded to HR Support, HRD, as soon as possible.

3.5. Maternity Clinic Appointments

Staff are entitled to reasonable time off to keep medical or related appointments for ante or postnatal care. This is subject to written notification of the appointments to the employer within 1 week of attendance at the appointment. Staff **must** supply documentary evidence of attendance at such appointments – i.e. a note per visit or an appointment card “stamped” as attended – to HR Support, HRD. Staff are expected to return to work after appointments. It is understood that there may be some cases where return to work will not be possible due to either the time/location of the appointment or the duration of the consultation. The organisation requests that, where possible, the appointments are at the beginning or the end of the working day.

For staff on flexitime, credit will be given on receipt of the documentary evidence to HR Support in the normal way.

Staff should notify local management of their absence when attending these appointments.

3.6. Ante-Natal Classes

Staff are entitled to paid time off from work for the purpose of attending one set of ante-natal classes for the first pregnancy. However, it is accepted that in some exceptional cases, the facility to re-attend a complete course for a second/subsequent pregnancy may be granted. These exceptions can be discussed with a member of the HR Support team, HRD.

Expectant fathers shall have a one-time entitlement to paid time off from work to attend the last 2 ante-natal classes immediately before the birth.

Time off for attendance at ante-natal classes is subject to supplying documentary evidence of attendance at the classes, as they arise, to HR Support, HRD.

Staff should notify local management of their absence when attending these appointments.

3.7. Pre-Adoption Classes and Meetings

Adoptive mothers/sole male adopters are entitled to time off work, without loss of pay, to attend any required pre-adoption classes or meetings, subject to written notification of classes, to HR Support, HRD, within 1 week of attendance. Staff must supply documentary evidence of attendance at such appointments and are expected to return to work after appointments. It is understood that there may be some cases where return to work will not be possible due to either the time/location of the appointment or the duration of the class/meeting. The organisation requests that, where possible, the appointments are at the beginning or the end of the working day.

For staff on flexitime, credit will be given on receipt of the documentary evidence to HR Support, HRD in the normal way.

Staff should notify local management of their absence when attending these appointments.

3.8. Hospitalisation of Child

Staff may postpone part of the maternity/adoptive leave, or additional unpaid maternity /adoptive leave in the event of hospitalisation of a child, and return to work, subject to the organisation's agreement. Upon receipt of this agreement, staff must return to work at the date agreed.

Maternity Leave may only be postponed after 14 weeks of the leave has been taken, 4 weeks of which must be after the end of the week of the birth. The maximum period of postponement of leave is 6 months. Adoptive Leave can be postponed in whole or in part as required.

Applications to postpone maternity/adoptive leave or additional maternity/adoptive leave **must** be made in writing to HR Support, HRD. Staff **must** provide written evidence of hospitalisation and also discharge from hospital of the child. Further details on postponement of entitlements can be obtained, upon request, from HR Support, HRD

3.9. Adoptive Leave - Termination of placement of a child

Where a placement of a child is for less than 14 weeks duration, staff should notify HR Support, HRD in writing within 7 days of the termination of the placement. Staff should return to work as soon as possible, giving 1 week's notice of their intention to return to work. In the case of foreign adoption, where the staff member takes unpaid adoptive leave before the date of placement, they should contact HR Support, HRD upon their return to work.

3.10. Illness of Mother

Staff may terminate the unpaid maternity/adoptive leave in the event of illness, subject to HR Support's agreement. Staff will be entitled to benefit from payment of sick pay or disability benefit (if applicable). They will **not** be entitled to take the balance of unpaid maternity/adoptive leave not taken at the date of termination, i.e. staff will be forfeiting the remaining additional unpaid leave. Applications to terminate additional maternity/adoptive leave **must** be made in writing to HR Support, HRD.

3.11. Breastfeeding Breaks

Where the birth has occurred not more than 26 weeks earlier and the staff member is breastfeeding, the staff member is entitled to take one hour from her work each working day as a breastfeeding break without loss of pay. This break may be taking in the form of:

- one break of 60 minutes;

- two breaks of 30 minutes each;
- three breaks of 20 minutes each; or
- such other manner as to number and duration of breaks as may be agreed between the individual and local management/HR.

Staff can utilise the sick bay facilities on their premises for this purpose.

Staff **must** notify HR Support, HRD if they propose to take breastfeeding breaks at least 4 weeks in advance, and also when they cease to breastfeed.

3.12. Risk Assessment

Staff should be aware that, in order to comply with the Safety, Health and Welfare and Work legislation, their supervisor/manager are required to carry out a risk assessment of the health and safety of pregnant, or breastfeeding females, where an activity at the place of work could cause exposure to hazardous working conditions. Information on Health and Safety aspects relating to expectant mothers can be obtained from the Environmental Health and Safety Officers in Facilities Management and the Currency Centre.

3.13. Parental Leave

Unpaid Parental Leave is also available to staff. A specific policy setting out the conditions attached to this leave is available on the Intranet or on request from HR Support, HRD.

3.14. Right of Appeal and Contacts

For any disputes and appeals relating to rights under the Maternity Protection Acts 1994 & 2004, or Adoptive Leave Acts 1995 & 2005, the complaint must be made in writing, usually within 6 months of the circumstances of the dispute. Staff may contact the following for more information and guidance:

- In the first instance, staff are encouraged to approach HR Support, HRD regarding any dispute or appeal that concerns them. They are also free to appeal any dispute to the Head/Deputy Head of HR.

- Alternatively, staff are entitled to refer a dispute to a Rights Commissioner of the Labour Relations Commission.

Tel: (01) 6136700

Website: www.lrc.ie

Email: labrc@iol.ie

For queries on your maternity/adoptive benefit:

Maternity Benefit Section or Adoptive Benefit Section

Department of Social and Family Affairs

LoCall: 1890 690 690 or (074) 9164404

For queries on your rights relating to Maternity or Adoptive Leave:

The Equality Authority

Tel: LoCall 1890 245 545 or (01) 4173333

Website: www.equality.ie

or

Employment Rights Information Unit

Tel: LoCall 1890 220 222 or (01) 6313131

Website: www.entemp.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 the HR Support team, HRD.

4. Associated Policies, Procedures, Supporting Documents

Parental Leave Policy