Paternity Leave

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.

<table>
<thead>
<tr>
<th>Date of this Revision: Feb 2017</th>
<th>Date of next Revision: March 2018</th>
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<td><strong>Revision Number</strong></td>
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<td>0.3</td>
<td>Jan 2017</td>
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<td>0.4</td>
<td>Feb 2017</td>
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**Approvals**

This document requires the following approvals:

| Title: | Liz Joyce - Human Resources Director |
| Title: | Operations Committee |

**Distribution**

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

| Name: | Derval McDonagh – Head of Human Resources |
| Name: | Operations Committee |
1. Introduction

This policy outlines the organisation's policy on granting Paternity Leave.

2. Objective

The purpose of this policy note is to provide a guideline to staff on paternity entitlements, as incorporated in current legislation. This is an information document only and statutory entitlements will at all times be dictated by the current legislation as amended.

3. Policy Details

3.1 Entitlement to Paternity Leave

Paternity leave is available to staff that are deemed to be the “relevant parent” of a child. Only one person who is a “relevant parent” in relation to the child is entitled to paternity leave in respect of that child. Staff are entitled to a single period of 2 weeks paid paternity leave where the birth date of the child or placement of the child falls on or after the 1st September 2016. Paternity leave must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave.

Only one parent is entitled to paternity leave in respect of the child. In the event of multiple births or a person adopts two or more children at the same time, the relevant parent is only entitled to one instance of paternity leave.

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1 Under the Paternity Leave and Benefit Act 2016 a “relevant parent” is defined as:
   (a) in the case of a child who is, or is to be, adopted –
      (i) where the child is, or is to be, adopted jointly by a married couple of the same sex, the spouse chosen by that couple to be the relevant parent for the purposes of this Act, or
      (ii) in any other case, the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole male adopter of the child,
   or
   (b) in any other case;
      (i) the father of the child,
      (ii) the spouse, civil partner or cohabitant, as the case may be, of the mother of the child, or
      (iii) a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act*
3.2 Notification to the Employer

Staff must notify their Line Manager 4 weeks in advance of their intention to take Paternity Leave.

Staff must apply for **Paid Paternity Leave** retrospectively by completing and submitting the Paternity Leave application form found here on Plaza, along with the Paternity Benefit form (PB 1 & 2) which should be obtained separately from the Social Welfare website, [https://www.welfare.ie/en/pdf/PB1.pdf](https://www.welfare.ie/en/pdf/PB1.pdf).

All forms must be completed and returned **AFTER** the Paternity Leave has been taken, to ensure the correct leave dates are detailed within the PB 1 & 2 forms.

Staff may choose to input annual leave / flexi leave prior to going on paternity leave and this annual leave / flexi leave will retrospectively be changed to Paternity Leave by HR Support on receipt of the above application forms.

The original forms must be sent to HR Support, Human Resources Department (HRD) with a copy of the birth certificate or ‘expectant due date’ confirmation letter (should the birth certificate not be available at the time) in support of your application.

In the case of adoption, 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 paternity leave. The declaration should indicate the expected date of placement.

HR Support will process your application and update HR Central accordingly.
4. Paternity and Social Welfare Benefit Entitlements

As the Central Bank continues to pay staff’s full, basic salary/wages when on paid paternity leave, all eligible staff (PRSI classes A, E, H and S) are obliged to claim Social Welfare Paternity Benefit when absent on paternity leave, using the relevant form.

As Paternity Benefit payments are taxable from 1 September 2016, Revenue will receive the Paternity Benefit details directly from the Department of Social Protection, reduce the staff member’s annual tax credits and rate band by the Paternity Benefit amount, and send a revised tax credit certificate to the Central Bank. Paternity Benefit payments are not subject to USC and/or PRSI.

For administration purposes, the staff member must sign the Paternity Benefit application form authorising that Paternity Benefit payments will be made directly to the Central Bank of Ireland.

HR Support will then send the completed paternity social welfare forms 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.

5. Allocation of Paternity Leave

Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child. The leave will commence on the date the relevant parent selects in his/her written notification. It should be noted that paternity leave cannot commence earlier than the date of birth or date of placement of the child and cannot commence later than 26 weeks after date of birth or the date of placement of the child.

A staff member who is a relevant parent may avail of a continuous period of two weeks’ paternity leave. The leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave.

Where a fixed term contract is due to expire during the paternity leave period, the protection under the Act and entitlement to paternity leave will also expire on that date.
6. **Commencement of Paternity Leave (Early Birth Date)**

In the event of an earlier than expected date of birth, staff members must agree a revised date they wish to commence paternity leave on with their line Manager. The staff member should inform HR Support, HRD, within 7 days after the birth date occurs.

7. **Postponement of Paternity Leave**

Where the expected day of placement is postponed, or the birth date occurs after the date selected by the staff member to commence paternity leave, the staff member will be entitled to select an alternative commencement date. The staff member must notify HR Support, HRD, in writing, advising of this date.

7.1 **In the Event of Illness of Relevant Parent**

In the event where a staff member becomes ill prior to the commencement of paternity leave and wishes to postpone the leave, the staff member may do so by notifying their manager and HR Support as soon as reasonably possible accompanied with the relevant medical certificates. Where a staff member has postponed leave due to sickness, this absence will be treated in the same manner as other absences from work. The staff member may postpone taking paternity leave until they return to work and must notify their manager and HR Support no later than the day on which the postponed leave begins. The period of postponed leave shall commence no later than 7 days after the staff member is no longer sick or on another date as may be agreed between the staff member and their Manager. A period of postponed leave shall not end any later than 28 weeks after the birth date or day of placement.

7.2 **In the Event of Hospitalisation of Child**

In the event that a child is hospitalised, staff may request to postpone all, or part of, their paternity leave as appropriate. If the Bank agrees to this request, the staff member shall continue to work, or return to work on an agreed date, but no later than the date which the leave concerned is due to end.

The period of postponed leave should be taken in one continuous block commencing no later than 7 days after the child has been discharged from hospital, or, on another
date which may be agreed between the staff member and their manager. Staff can postpone the paternity leave up to a maximum of 6 months from when this situation applies.

Where a staff member postpones their leave due to the hospitalisation of a child and during this time the staff member is absent from work due to illness, the staff member will be deemed to have commenced paternity leave unless they have notified their manager and HR Support, HRD, that they do not wish to commence such leave.

8. Annual leave and Public holidays
While on paternity leave, staff retain the right to accrue annual leave and public holidays.

9. Right of Appeal and Contacts
For any disputes and appeals relating to rights under the Paternity Leave and Benefit Act 2016 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 of HR.

- Alternatively, staff are entitled to refer a dispute to the Work Place Relations Commission
  Tel: (01) 6136700
  Website: www.workplacerelations.ie

10. Associated Policies, Procedures, Supporting Documents
Paternity Benefit Form
Paternity Leave Application Form
Appendix 1

For queries on your paternity benefit:
   Paternity Leave and Paternity Benefit Act
   Department of Social and Family Affairs
   LoCall: 1890 690 690 or (074) 9164404

For queries on your rights relating to Paternity 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.

Appendix 2

Death of Relevant Parent

Where a staff member entitled to paternity leave dies before the expiry of the 28th week following the birth date of the baby or placement, the employed surviving parent of the child will be entitled to 2 weeks’ paternity leave or the remaining paternity leave which was not taken. The surviving parent can take the remaining paternity leave immediately after the end of the maternity leave or where it applies immediately after the end of the adoptive leave. Outside of maternity and adoptive leave, the remaining paternity leave must be taken within 7 days of the death of the relevant parent.