

Human Resources

Statutory Leave Available for Parents

This policy document sets out statutory leave available for parents.

Effective Date of this Policy is: 01/07/2022

Policy Review Date is: 01/07/2024 {subject to changes in legislation}

Queries to: Employee Relations (Policy); Compensation & Benefits (Benefits); AAT

Replaces/Supersedes: V1.0

1. Introduction

- 1.1 An Post is committed, in so far as reasonably practicable, to providing a work-life balance for its employees and fulfilling its obligations under family leave legislation.
- 1.2 The company recognises that a work-life balance is an important aspect of a healthy work and home environment, and also helps to reduce stress and prevent fatigue.
- 1.3 The purpose of this document is to outline the procedures applicable to employees when they wish to avail of the statutory family leave types of Parental, Parents, Force Majeure and Paternity Leave.
- 1.4 Maternity, adoptive and carers leave are outlined separately.

2. Parental Leave

- 2.1. The Parental Leave Acts 1998 - 2019 entitles each parent to a period of 26 weeks' unpaid leave in respect of each child. The period of unpaid leave from work is expressly for the purpose of allowing them to take care of their young children. The leave must be taken before the child is 12 years of age, or 16 years of age in the case of children with disabilities or a long-term illness.
- 2.2. This leave can be taken as:
 - One continuous period of leave or;
 - In multiples of complete work-weeks up to twenty-six weeks in any leave year period or;
 - broken into working days (to a maximum of 130 working days in respect of each child) subject to the business requirements, and in agreement with the employee's line manager.
- 2.3. If an employee has already taken parental leave under the previous entitlement of 22 weeks, they can take the remainder of their entitlement to parental leave as detailed in 2.2 above.

There must be a gap of at least 10 weeks between the 2 periods of parental leave per child. However, this can be examined on a case-by-case basis subject to business requirements and in agreement with the employee's line manager

3. Eligibility

- 3.1. Subject to the conditions set out in Sections 4 and 5, all employees with at least one year's continuous service may avail of Parental Leave.

Statutory Leave Available for Parents

- 3.2. Employees with less than 12 months but more than 3 months' service may avail of reduced Parental Leave as set out in Sections 4.6 and 4.7.

4. Qualifying Conditions for Parental Leave

- 4.1. To be eligible to avail of Parental Leave the following certain criteria must be met:
- Be a relevant parent, defined as:
 - A parent
 - The adopting parent
 - A person acting in loco parentis (this means acting as a parent to the child)
 - Take the leave before your child's 12th birthday (16th birthday for a child with a disability)
 - Give at least six weeks' written notice of intention to take the leave (see section 6.1)
- 4.2. In the case of an adopted child, where the child is aged between 11 years and 12 years at the time of the adoption, the leave must be taken within two years of the adoption order.
- 4.3. The entitlement to avail of 26 weeks' Parental Leave applies to each, relevant parent in respect of each child where the above circumstances apply.
- 4.4. Disability (in relation to a child) is defined in the Parental Leave Acts 1998 - 2019 as follows: "an enduring physical, sensory, mental health or intellectual impairment of the child such that the level of care required for the child is substantially more than the level of care that is generally required for children of the same age who do not have any such impairment."
- 4.5. Long term illness (in relation to a child) is defined in the European Union (Parental Leave) Regulations 2013. regulations as follows: "a long-term illness, the effect of which is that the level of care required for the child is substantially more than the level of care that is generally required for children of the same age who do not have any such long-term illness."
- 4.6. A serving employee with 12 months' continuous service with the Company who becomes a relevant parent, is eligible to avail of 26 weeks in respect of that child.
- 4.7. An employee who, upon commencing employment with the Company, had untaken Parental Leave entitlement in respect of their children as per the circumstances set out at Section 4.1 becomes eligible to avail of Parental Leave on completion of 12 months' continuous service employment with the Company. This is limited by the extent to which the employee has previously availed of their entitlement to Parental Leave for each of any of the children concerned in a previous employment.

Statutory Leave Available for Parents

- 4.8. Where the age threshold in respect of a particular child (as set out at Section 4.1 above) would be reached before a new employee completes 12 months' continuous service, the employee may avail of pro-rata Parental Leave in respect of that child up to the date the child reaches the age threshold. The entitlement to take such leave is subject to the following general limitations:

First three months of employment	No entitlement
Each completed month of employment (after three months) before taking leave	1 week's leave

- 4.9. Part-time employees will have their parental leave reduced on a pro-rata basis. Part-time employee's entitlement remains at 26 working weeks but is based on the duration of their working week. For example, if you work 3 days per week then your entitlement would be 3 days by 26 weeks. If you work week on week off then your entitlement would be 50% of the Leave i.e., 13 full working weeks.

5. Additional Conditions for Parental Leave

- 5.1. Limit to entitlement in any consecutive period of 12 months:
- 5.1.1. Under the Parental Leave Acts, 1998 - 2019 the amount of parental leave that any employee can avail of in any period of 12 consecutive months is 26 weeks
 - 5.1.2. If you have previously taken some, or all of your previous entitlement of parental leave of up to 18 weeks per child, you can still take the extra parental leave, if your child is still eligible and has not reached the age threshold.
 - 5.1.3. Parents of twins or triplets can take more leave than the above.
 - 5.1.4. For ease of administration parental leave is applied in An Post on a leave year basis.
- 5.2. Transferring of Parental Leave between parents
- 5.2.1. It may occur that both the relevant parents are employed by the Company. Each parent has a separate entitlement to parental leave.
 - 5.2.2. However, where both parents work for An Post, one person may transfer up to 22 of the 26 weeks of their parental leave to the other parent, subject to approval by the Company.
- 5.3. Timing of a Parental Leave Period:
- 5.3.1. The time and manner in which Parental Leave may be taken is subject, in every instance, to the employee making an application to their local supervisor/ manager who will have regard to the employee needs, customer service and work requirements in deciding upon any application received. (See Section 6)
- 5.4. Duration of a Parental Leave Period

Statutory Leave Available for Parents

- 5.4.1. Parental Leave, will as a rule, only be approved for combined periods of not less than one work week at a time and otherwise in multiples of complete work weeks up to twenty-six weeks in any leave year period. Should an employee wish to avail of Parental Leave for a period shorter than one week, or for incomplete weeks, he / she is required to set out the reasons for wanting to do so.
- 5.4.2. The request and other options will be given due and reasonable consideration in consultation with the application / approval process set out at Section 6.
- 5.5. Taking Parental Leave immediately prior to or following a period of annual, Parents Leave, Carer's Leave Maternity or Paternity leave
 - 5.5.1. Subject to eligibility, and the application / approval process at Section 6, an employee may avail of a period of Parental Leave immediately prior to and / or immediately following the completion of a period of annual leave, parents leave, carer's leave maternity leave or adoptive leave.
- 5.6. Extension of the period in which Parental Leave relating to a child can be taken
 - 5.6.1. As indicated in Section 2.1 above Parental Leave, in general, must be taken before a child reaches 12 years of age (or 16 in the case of a child with a disability).
 - 5.6.2. However, in the case of an adopted child the cut-off date by which the leave must be taken can be extended to two years from the date of the adoption order where the child is aged between 11 and 12 years at the time of the adoption.
 - 5.6.3. The cut-off date can also be extended in cases where the leave is suspended due to illness (See Section 5.7) or is postponed by the Company (See Section 6.5)
- 5.7. Suspension of Parental Leave in the event of illness
 - 5.7.1. An employee who falls ill while on Parental Leave and as a result is unable to care for the child, may suspend the Parental Leave for the duration of the illness.
 - 5.7.2. Any employee in such circumstances must inform their HR Manager as soon as reasonably practicable and provide a sick certificate for the illness.
 - 5.7.3. For the duration of the illness, the leave will be treated as sick leave and the normal sick pay limits will apply.
 - 5.7.4. At the conclusion of the sick leave, Parental Leave will resume, and the confirmation document as provided for under Section 6.4 will be amended to reflect the period of sick leave.
- 5.8. Appropriate use of Parental Leave entitlement
 - 5.8.1. The sole purpose of Parental Leave, where granted, is to enable the employee take care of their young children.
 - 5.8.2. During a period of Parental Leave an employee is not permitted to engage in any form of gainful employment or other activity incompatible with the leave.
 - 5.8.3. The Company will terminate the leave if it determines it is not being used by an employee for the intended purpose. The employee has the right to appeal within seven days of any decision taken in this regard.

Statutory Leave Available for Parents

6. Application Process for Parental Leave

- 6.1. An employee wishing to take Parental Leave is required to submit a written application (see Appendix B) to their supervisor/manager at least 6 weeks before the proposed date of commencement of the leave. This may be waived if there are exceptional circumstances.
- 6.2. Parental Leave following Maternity Leave, Parents Leave, Annual Leave, Carers Leave and Paternity Leave:
 - 6.2.1. Where a requirement to take additional time off following paid and unpaid Maternity Leave to take care of a child arises, an employee must apply to take Parental Leave.
 - 6.2.2. As in all other cases the employee may only take Parental Leave in such circumstances where approval is given to do so.
 - 6.2.3. In such instances the normal period of 6 weeks advance written notice is required for an application will not apply but as much advance notice as is possible should be given by the employee.
- 6.3. Prioritising Applications
 - 6.3.1. Where several applications are received within a work area Parental Leave will be allocated according to the following criteria in order of precedence:
 - (i) The feasibility, from a work point of view, of accommodating each application
 - (ii) The degree of urgency or need in each case (where it can be gauged)
 - (iii) The order of application by reference to application date
 - (iv) Seniority of the applicants
- 6.4. Consideration of Applications
 - 6.4.1. The employee's supervisor / manager will communicate a decision to the employee within two weeks of the application having been received from them and no later than four weeks before the date the applicant proposes commencing leave.
 - 6.4.2. Where a supervisor / manager foresees difficulty in approving an application for Parental Leave they will discuss the matter with the employee concerned to see if an alternative, mutually acceptable, solution might be available before making a decision on the application.
- 6.5. Confirmation of Parental Leave where an application is granted
 - 6.5.1. Where a decision is made to grant Parental Leave a Confirmation Notice will be issued to the employee who will be required to sign and return the associated declaration to the relevant supervisor/manager.
 - 6.5.2. The confirmation document will set out the following:
 - (i) The date the leave is to commence
 - (ii) The duration of the leave
 - (iii) The manner in which the leave is to be taken

Statutory Leave Available for Parents

- 6.5.3. Once the confirmation document is signed it cannot be amended without the consent of both parties.
- 6.6. Postponement / Refusal of an application for Parental Leave by the Company
 - 6.6.1. The Company can only refuse Parental Leave if it believes that it is being abused or if it believes that the employee doesn't have an entitlement to take the leave.
 - 6.6.2. In such circumstances the Company will advise the employee in writing that it intends to refuse the leave and will invite the employee to outline within a period of 7 days why the leave should be granted.
 - 6.6.3. The employee's response will be considered by the Company before a final decision is made.
 - 6.6.4. The decision will be communicated to the employee and, if the leave is still refused, the reasons for the refusal will be outlined.
 - 6.6.5. The employee will have the right of appeal within 7 days.
 - 6.6.6. While every effort will be made to facilitate requests for Parental Leave the Company is entitled to postpone the granting of Parental Leave for up to 6 months, if the granting of the leave would have a substantial adverse effect on the operation of the business.
 - 6.6.7. Any decision to postpone Parental Leave will only be taken prior to the signing of the confirmation document and with prior consultation with the employee.
 - 6.6.8. Once the confirmation document is signed the leave may only be postponed with the written agreement of both parties.
 - 6.6.9. A supervisor / manager may find it necessary to request a postponement of, or refuse, Parental Leave at a particular time for a number of reasons including:
 - (i) Adverse impact upon customers, service standards or local operations
 - (ii) The unavailability of appropriate cover during the applicant's absence
 - (iii) The number of employees in the work area, or the number, who are, or are due to be, on Parental Leave at the time
 - 6.6.10. Notice of any decision to refuse/postpone an application for Parental Leave will be given to the employee in writing no later than 4 weeks before the proposed date of commencement of the leave, specifying the grounds for refusal/postponement.
 - 6.6.11. All decisions will be discussed with the employee in advance of any written notification. Parental Leave may not be postponed by the Company for more than 6 months at any time.
 - 6.6.12. Generally, the Company can postpone Parental Leave once per child, the exception being in the case of seasonal variations in the volume of work where leave requests can be postponed twice and again only through consultation with the employee.
- 6.7. Revoking notice of intent to take Parental Leave
 - 6.7.1. An employee who wishes to revoke their notice of intention to take Parental Leave must do so in writing to their HR Manager at least four 4 weeks before the leave is due to commence. The notice of 4 weeks may be revoked on a case-by-case basis depending on circumstances involved.

Statutory Leave Available for Parents

6.8. Hospitalisation of child

- 6.8.1. If the employee's child is hospitalised and the employee wishes to postpone Parental Leave either before or after it starts the employee must put such a request in writing to their HR Manager. While the company is not obliged to grant these requests, they will be given due consideration.

7. Impact upon other terms and conditions of employment

- 7.1. Taking Parental Leave does not affect your employment rights and your position remains as if you were still in work. The exception is that the leave is unpaid and does not accrue pension contributions. See section 12 regarding PRSI contributions.
- 7.2. Employees have the right to return to the same position that they held prior to taking the leave or if this is not possible the employee must be offered a suitable alternative with terms no less favourable compared with those of the previously held job. The employee is also entitled to any improvements in pay or other conditions which occurred while on parental leave.
- 7.3. After taking parental leave, the employee is entitled to ask for more flexible working arrangements. This may include a change in work pattern or working hours for a set period.
- 7.4. The employer does not have to grant the request must give it serious consideration and respond to the employee in writing within 4 weeks of the application.
- 7.5. An employee who avails of parental leave is also protected from unfair dismissal.

8. Parental Leave as service or "time worked"

- 8.1. Parental Leave is reckonable as service for incremental and seniority purposes but is not reckonable for superannuation purposes.
- 8.2. Parental Leave is also deemed to be "time worked" for the purposes of calculating an employee's annual leave entitlement and does not affect an employee's entitlement to other statutory leave such as Maternity/Adoptive, or additional Maternity/Adoptive Leave.

9. Probation/Trial Period

- 9.1. Where, Parental Leave is approved for an employee serving a probationary or trial period, the probation or trial period will be suspended while they are on Parental Leave. The date for completion of the probation or trial period will be adjusted accordingly.

10. Leave Arrangements

10.1. Annual Leave

- 10.1.1. Employees continue to accrue annual leave while on Parental Leave. The taking of Parental Leave will not entitle an employee to defer annual leave or carry it forward to the following leave year.

10.2. Public Holidays

- 10.2.1. Where a Public Holiday falls on a day of Parental Leave (i.e., on a day on which an employee would otherwise have been rostered on) the employee may either have the day added to their Parental Leave entitlement or retain an additional day's leave to be taken at a later time.

11. Averaging of Pay

- 11.1. An employee who applies for and is granted a minimum of 6 weeks Parental Leave, to be taken in one block during the calendar year may also apply to have their pay averaged over the course of the calendar year, subject to the following requirements:
 - 11.1.1. The employee's application for Parental Leave must be approved no later than the first week in December preceding the year in which the Parental Leave is being applied for.
 - 11.1.2. The employee in as far as is reasonably practical, that they will not need any other type of unpaid special leave, during the year in question or wish to change their working arrangements in any way that would result in an adjustment to their salary.
- 11.2. In the event of any overpayments being identified at the end of the year the employee must repay the amount.
- 11.3. Arrangements to recoup any overpayment will be discussed with the employee in advance of making deductions from the employee's salary.

12. PRSI Contribution

- 12.1. Employees are entitled to credited PRSI contributions while taking parental leave. The Company will inform the Records Update section of the Department of Social Protection (DSP) setting out the weeks the employee has not worked, so that the employee can get credited PRSI contributions for this time.

To apply for them the employee can contact:

PRSI Records, Department of Social Protection; McCarter's Road, Buncrana, Co. Donegal.

13. Parents Leave

- 13.1. Parents Leave is a statutory entitlement, set out in the Parent's Leave and Benefit Act 2019, for relevant parents in the two years after their child's birth or in the case of adoption within two years of the placement of the child with the family.
- 13.2. Parents Leave provides for 5 weeks leave in addition to the 26 weeks' parental leave to Parents of children born between November 2019 and July 2020.
- 13.2.1. Parent's Leave will increase from 5 weeks to 7 weeks for parents of children born or adopted from 01st July 2022.
 - 13.2.2. The additional two weeks of Parents leave will also apply to Parents of children who are under the age of 2 in July 2022, or adoptive children who have been placed with their Parents for less than two years in July 2022
 - 13.2.3. Employees must complete the extra leave on or before their child's second birthday or within 2 years of the adoption placement
 - 13.2.4. Parents of children born between November 2019 and July 2020 will not be eligible for the additional 2 weeks.
- 13.3. Parent's Leave will be unpaid, however Parent's Benefit (from the Department of Social Protection) may be payable for this Leave.
- 13.4. Parents leave is available to both parents. Parents Leave can be taken as one continuous period of two weeks or as two separate weeks.
- 13.5. There are no service criteria for Parents Leave however employees must fulfil the criteria as set out at Section 14 below.

14. Qualifying Conditions for Parents Leave

- 14.1. To be eligible to avail of Parents Leave you must meet certain criteria as follows:
- Be a relevant parent defined as:
 - A parent of the child
 - A spouse, civil partner, or cohabitant of the parent of the child
 - A parent or a donor-conceived child as provided for under Section 5 of the Children and Family Relationship Act 2015
 - The Adopting Parent or parents of a child
 - The spouse or civil partner of the adopting parent of the child (if the parents have not adopted the child together)
 - Take the leave within 104 weeks of the birth of the child or in the case of adoption, from the date of the placement of the child with the family
 - Give at least six weeks' written notice of intention to take the leave

Statutory Leave Available for Parents

- 14.2. Part-time employees will have their Parents Leave reduced on a pro-rata basis. Part-time employee's entitlement remains at 7 working weeks but is based on the duration of your working week. For example, if you work 3 days per week then your entitlement would be 3 days by 7 weeks. If you work week on week off, then your entitlement would be 50% of the Leave i.e. 3.5 weeks.

15. Application Process for Parents Leave

- 15.1. An employee wishing to take Parents Leave is required to submit a written application (see the Standard Application Form at Appendix B) to their supervisor / manager at least 6 weeks before the proposed date of commencement of the leave.
- 15.2. This application should include the expected duration of the leave and whether the employee wishes to take Parents Leave in one continuous period of 7 weeks leave or blocks of one week.
- 15.3. Where a requirement to take additional time off following paid and unpaid Maternity Leave, Parental Leave or Term Time to take care of a child arises, an employee must apply to take Parents Leave.
- 15.4. In such instances the normal period of 6 weeks' advance notice required for an application will not apply but as much advance notice as is possible should be given by the employee.
- 15.5. Consideration of Applications for Parents Leave
- 15.5.1. The employee's supervisor/manager will communicate a decision to the employee within two weeks of the application having been received from them and no later than four weeks before the date the applicant proposes commencing leave.
- 15.5.2. Where a supervisor/manager foresees difficulty in approving an application for Parents Leave they will discuss the matter with the employee concerned to see if an alternative, mutually acceptable, solution might be available before making a decision on the application.
- 15.6. Confirmation of Parents Leave where an application is granted
- 15.6.1. Where a decision is made to grant Parents Leave a confirmation will be issued to the employee who will be required to sign and return the associated declaration to the relevant supervisor / manager. The confirmation document will set out:
- (i) The date the leave is to commence
 - (ii) The duration of the leave
- 15.6.2. Once the confirmation document is signed it cannot be amended without the consent of both parties.

Statutory Leave Available for Parents

- 15.7. Postponement/Refusal of an application for Parent's Leave by the Company
- 15.7.1. The Company can refuse Parents Leave if it believes that it is being abused or if it believes that the employee doesn't have an entitlement to take the leave.
 - 15.7.2. In such circumstances the Company will advise the employee in writing that it intends to refuse the leave and will invite the employee to outline within a period of 7 days why the leave should be granted.
 - 15.7.3. Such a response will be considered by the Company before a final decision is made and such decision will be communicated to the employee and if the leave is refused the reasons for the refusal will be outlined.
 - 15.7.4. The employee has the right to appeal within seven days. While every effort will be made to facilitate requests for Parents Leave the Company is entitled to postpone the granting of Parents Leave for up to 12 weeks. Leave could be postponed for the following reasons:
 - (i) Seasonal variations in the volume of work
 - (ii) No replacement to carry out the employee's work
 - (iii) The nature of the employee's duties
 - (iv) The number of other employees also taking parent's leave
 - (v) Any other relevant matters
 - 15.7.5. In the event of a decision to postpone Parent's Leave a new date must be agreed between the employee and the Manager / supervisor.
 - 15.7.6. Notice of any decision to postpone an application for Parents Leave will be given to the employee in writing no later than 4 weeks before the proposed date of commencement of the leave, specifying the grounds for postponement. And cannot be postponed more than once.
- 15.8. Hospitalisation of child
- 15.8.1. If the employee's child is hospitalised and the employee wishes to postpone Parent's Leave either before or after it starts the employee must put such a request in writing to his HR Manager. While the company is not obliged to grant these requests, they will consider them favourably.
- 15.9. Transfer of Parent's Leave between parents
- 15.9.1. There is no facility to allow for the transfer of Parent's Leave between parents.

16. Impact upon other terms and conditions of employment

- 16.1. Taking Parent's Leave does not affect your employment rights and your position remains as if no Parent's Leave had been taken.
- 16.2. The exception is that the leave is unpaid (although you may qualify for Parent's Benefit as detailed below) and also does not accrue pension contributions.

17. Parent's Leave as service or "time worked"

Statutory Leave Available for Parents

- 17.1. Parent's Leave is reckonable as service for incremental and seniority purposes but is not reckonable for superannuation purposes.
- 17.2. Parent's Leave is also deemed to be "time worked" for the purposes of calculating an employee's annual leave entitlement and does not affect an employee's entitlement to other statutory leave such as Parental, Maternity/Adoptive, or additional Maternity/Adoptive Leave.

18. Leave Arrangements

18.1. Annual leave

- 18.1.1. Employees continue to accrue annual leave while on Parent's Leave.
- 18.1.2. The taking of Parent's Leave will not entitle an employee to defer annual leave or carry it forward to the following leave year.

18.2. Public Holidays

- 18.2.1. Where a Public Holiday falls on a day of Parent's Leave (i.e., on a day on which an employee would otherwise have been rostered on) the day is deemed to be a Public Holiday day-off with pay and the employee can either have an additional day added to their Parent's Leave entitlement or retain an additional day's leave to be taken at a later time.

19. Payment for Parent's Leave

- 19.1. Parent's Leave will be unpaid, however Parent's Benefit (Department of Social Protection) may be payable for this Leave providing enough PRSI contributions have been made.
- 19.2. Employees paying PRSI may qualify for Parents Benefit, depending on their Social Welfare contributions.
- 19.3. Relevant Parents should apply for this at least four weeks before the leave is taken. Enquiries regarding Social Welfare Benefit should be directed to the Department of Social Protection Parent's Benefit Section.

Tel: 01 4715898 or Locall: 1890 690 690.

Website: www.welfare.ie

20. Force Majeure Leave

20.1. Force Majeure Leave is a period of paid leave which can be availed of where there is a sudden and unforeseen occurrence of injury or illness affecting certain members of an employee's family, and which is of such a nature as to constitute an emergency, making the employee's presence with that family member indispensable.

21. Eligibility

21.1. Any employee can avail of Force Majeure Leave where, on a day they are scheduled to be in attendance, they cannot attend work because their presence with a family member is indispensable in circumstances set out at Section 24 below.

21.2. A casual employee (one whose services are engaged as and when required, and has worked for less than 13 weeks with the Company) may only avail of Force Majeure Leave on days on which, but for the leave, they would have been due, under contract, to attend work.

22. Qualifying Conditions for Force Majeure Leave

22.1. No specific service requirements are necessary for an employee to avail of Force Majeure Leave.

22.2. The employee's annual leave does not have to be exhausted to avail of Force Majeure Leave as this is a separate entitlement.

23. Additional Conditions for Force Majeure Leave

23.1. Family Members and Force Majeure Leave

23.1.1. The family members in respect of whom an employee may avail of Force Majeure Leave, in the event of them being injured or becoming ill in emergency circumstances, are:

- A child (natural or adoptive)
- A person for whom the employee is in loco parentis
- Spouse/Partner
- Brother/Sister
- Parent/Grandparent
- Domestic Dependent (including same sex partners)

Statutory Leave Available for Parents

- Mother/Father-in-law

23.2. Limits to entitlements

- 23.2.1. An employee may not exceed three days Force Majeure leave in any period of 12 consecutive months or 5 days in any period of 36 consecutive months.
- 23.2.2. An absence for part of a day on Force Majeure leave reckons as one day for the purpose of these limits.

24. Circumstances appropriate to Force Majeure Leave

- 24.1. Force Majeure leave is only granted when the immediate presence of an employee is indispensable, at the place where the injured/ill family member is located.
- 24.2. The employee does not necessarily need to reside with the individual to avail of Force Majeure leave. The injury or onset of, or course taken by, the illness must by definition have been unforeseeable or otherwise generally unpredictable.
- 24.3. In addition, the injury or illness must be so significant that it requires the immediate and indispensable presence of the employee concerned.
- 24.4. Routine minor injuries or episodes of illness, or ongoing states of serious illness, are not generally covered by Force Majeure Leave. Neither is the magnitude nor the severity of an illness itself sufficient to warrant Force Majeure Leave. It is the sudden and unforeseen nature of the illness or change of condition that dictates the right of an employee to avail of Force Majeure Leave.
- 24.5. In making a decision on an application for Force Majeure Leave the viewpoint of the employee will be taken into account
- 24.6. It is therefore incumbent upon all employees to ensure that they put in place appropriate arrangements to take care of contingencies involving routine or predictable illnesses among family, members, childminders etc. These kinds of occurrences will not be a sufficient basis to qualify for Force Majeure Leave.
- 24.7. Employees are also expected to make arrangements (including seeking annual leave, or unpaid leave if necessary) to cater for the needs of family members who may have serious ongoing illness.

25. Recording of Force Majeure Leave

- 25.1. Force Majeure Leave cannot be recorded retrospectively. This means that if you have commenced a period of annual leave or sick leave you cannot substitute this for Force Majeure Leave.

Statutory Leave Available for Parents

26. Overtime and Force Majeure Leave

- 26.1. When Force Majeure Leave is taken an employee may not attend for overtime (or on any other basis) until he/she has returned from the leave on normal scheduled duties.
- 26.2. Where only an absence for part of a day is involved, overtime may not be paid or credited unless the overtime is actually worked on the day.
- 26.3. Where an employee is due to attend on an extra attendance basis (either on a rostered - off day or a rostered - on day) but does not attend on grounds of Force Majeure Leave he/she will not receive any overtime pay in respect of the day. In such circumstances the employee will not be recorded as having taken Force Majeure Leave.

27. Abuse of Force Majeure Leave

- 27.1. During a period of Force Majeure Leave an employee may not engage in any form of gainful employment or other activity incompatible with the intended purpose of the leave.
- 27.2. Abuse of Force Majeure Leave is a disciplinary offence, for which an offending employee is liable to disciplinary action, up to and including dismissal, for unauthorised absence.

28. Provision of evidence where Force Majeure Leave is availed of

- 28.1. In the normal course of events an employee will not be required to furnish documentary evidence in support of the fact that they have availed of Force Majeure Leave.
- 28.2. However, the Company may seek appropriate independent evidence from an employee where there is reason to suspect that Force Majeure Leave has been not taken as per the criteria in Section 24 above.
- 28.3. Examples of the type of documentary evidence which might be sought include evidence to confirm the existence of an immediate family member (e.g. Birth Certificate), a medical certificate from a doctor or a certificate from the Hospital concerned.

Statutory Leave Available for Parents

29. Employee grievances related to Force Majeure Leave

29.1. Should an employee have any grievance relating to, or arising out of, entitlement to Force Majeure Leave (e.g. a refusal by the Company to deem a period of absence as Force Majeure Leave) which cannot be resolved immediately by the local supervisor/manager the employee may pursue the matter through the Company Grievance procedures.

30. Force Majeure Leave and Leave for Domestic Reasons

30.1. The Force Majeure Leave provisions overlap certain aspects of Company provisions in relation to Special Leave for Domestic Reasons. Employees should be aware that there is no additional entitlement to Special Leave with pay arising from Force Majeure Leave. The maximum entitlement to Special Leave with pay remains at 5 days in any given year.

30.2. Where leave is granted under the arrangements relating to Special Leave for Domestic Reason prior to any Force Majeure Leave being granted, it will count as Force Majeure Leave subject to the conditions and limits of that leave.

30.3. Employees who are precluded from availing of Special Leave for Domestic Reasons (viz. the requirement to have exhausted their annual leave allowance before becoming eligible for special leave), may be granted Force Majeure Leave, subject to the conditions and limits of that leave.

30.4. Concurrent with the entitlement to Force Majeure Leave, existing arrangements in relation to Special Leave for Domestic Reasons will continue to apply.

30.5. Subject to an overall limit of 5 days in 1 year and 15 days in 3 years (only in circumstances where the employee's annual leave allowance has been exhausted). In certain circumstances a combination of both types of leave may be granted but the overall limit set out in this paragraph will be applied.

30.6. Furthermore, in certain circumstances an employee may combine leave under Force Majeure and Special Leave for Domestic Reasons in respect of the same illness or injury to an a relative. However, the leave allowable may not exceed the overall limits set out in the preceding paragraph.

31. Notification Process

31.1. By definition Force Majeure Leave, which may only be availed of in emergency circumstances related to the sudden or unexpected illness/injury of a family member, cannot be applied for in advance.

Statutory Leave Available for Parents

- 31.2. Where, however an employee avails of Force Majeure Leave he/she is required to notify their immediate supervisor/manager of the circumstances of their absence from work by telephone as soon as possible.
- 31.3. Employees who have availed of Force Majeure Leave are required to complete the form at Appendix B immediately upon returning to work and submit it to their immediate supervisor/manager.

32. Refusal to grant Force Majeure Leave

- 32.1. The Company will refuse Force Majeure Leave if there are grounds to believe that the employee is not entitled to the leave.
- 32.2. This may include examples where the company believe that the leave is being used for purposes other than looking after the sick family member, the employee's entitlement has been exhausted or that the leave does not meet the requirements under the Act.
- 32.3. In such circumstances the employee concerned may appeal any decision to refuse Force Majeure Leave using the Grievance Procedures.

33. Effect of other terms and Conditions of Employment

- 33.1. Periods of Force Majeure Leave are reckonable as service for incremental, superannuation and other relevant purposes, including probation and seniority.
- 33.2. They are also deemed to be "time worked" for the purpose of calculating an employee's annual leave entitlement and do not affect an employee's entitlement to other statutory leave such as Parental Leave, Maternity/Adoptive Leave or additional Maternity/Adoptive Leave.
- 33.3. Public Holidays
 - 33.3.1. Where an employee is due to attend on a Public Holiday falling on a rostered- on day but does not attend on grounds of Force Majeure leave he/she will be entitled to receive Public Holiday benefit in the form of a day-off with a normal day's pay on the day (i.e., there is no additional pay entitlement).
 - 33.3.2. The non-attendance of the employee in such circumstances will be recorded as Force Majeure Leave.

34. Paternity Leave

34.1. Paternity leave (i.e. up to 2 weeks Special Leave with pay) is available to eligible employees to allow them time off from work following the birth or adoption of their child or the child of their spouse or partner.

35. Eligibility to take Paternity Leave

35.1. Paternity leave is available to employees who are deemed to be the “relevant parent” of a child. Only one person who is a “relevant parent” in relation to a child can be entitled to Paternity Leave in respect of that child.

35.2. Under the Paternity Leave and Benefit Act 2016 a “relevant parent” is defined as a person (other than the mother of the child) who is:

(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

- (i) 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.

36. Terms and conditions

36.1. The following conditions apply to taking Paternity Leave:

Statutory Leave Available for Parents

- 36.1.1. Subject to eligibility and notification criteria being met, Paternity Leave under the terms set out in this Policy will apply to births/placements that take place on or after the 1st of September 2016.
- 36.1.2. Paternity Leave will be treated as Special Leave with Pay, subject to the conditions set out at 41.2 below. It does not affect any employment rights and the employee is entitled to return to work following Paternity Leave.
- 36.1.3. An employee 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 broken up into smaller periods of leave.
- 36.1.4. Paternity Leave can begin at the time of the birth/adoption or within 26 weeks of the birth or placement of the child. The leave will commence on the date the relevant parent selects in their written notification. It should be noted that Paternity Leave cannot commence earlier than the expected 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.
- 36.1.5. In the case of multiple births, or where two or more children are being adopted at the same time, only a single two-week block of Paternity Leave applies.
- 36.1.6. Paternity Leave must be used to assist in the provision of care to the child or to provide support to the relevant adopting parent or mother of the child, as the case may be, or both.

37. How to apply for Paternity Leave

- 37.1. Employees should apply to their line manager in writing, using the Application Form at the Appendix B to this Policy, at least 4 weeks before they intend to take the leave.
- 37.2. A medical certificate confirming the expected date of birth, or a certificate confirming the expected day of placement, must be provided as soon as practicable but not later than four weeks after the date of birth or placement.
- 37.3. The application must specify the commencement date of the period of Paternity Leave.

38. Early confinement

- 38.1. Where the birth of the child occurs prematurely, by 4 or more weeks, the employee must notify their Line Manager of their intention to commence Paternity Leave in writing, within 7 days of the birth.

39. Postponement of Paternity Leave due to illness of the relevant parent

- 39.1. In the event that an employee becomes ill before a period of Paternity Leave has commenced, the period of leave may be postponed.

Statutory Leave Available for Parents

- 39.2. The employee should notify their Line Manager of the request to postpone Paternity Leave due to illness as soon as possible after becoming ill and also provide a medical certificate.
- 39.3. The employee must follow up in writing confirming the request to postpone the leave as soon as is reasonably practicable but not later than the day on which the postponed leave begins.
- 39.4. The leave may be postponed until such time as the relevant parent is no longer sick.
- 39.5. The period of postponed Paternity Leave must commence not later than 7 days after the relevant parent is no longer sick or another date to be agreed between the employee and their manager but must end not later than 28 weeks after the date of birth or day of placement.
- 39.6. The employee must notify their manager in advance as to when they intend to take the postponed Paternity Leave.

40. Postponement of Paternity Leave when the child is hospitalised

- 40.1. If the child is hospitalised, the employee may apply in writing to their line manager to postpone all or part of their Paternity Leave.
- 40.2. Postponement of Paternity Leave in such circumstances is subject to management approval. In the event that such a request is refused, the employee will be notified in writing and may appeal the decision to his or her HR Manager.
- 40.3. If approved, the leave will be postponed with effect from a date agreed by both parties. The employee will return to work on a date agreed by the Company and employee.
- 40.4. The postponed leave must be taken in a continuous block not later than 7 days after the discharge of the child from hospital or such other date as may be agreed upon between the employee and line management. The employee must notify the Company in advance of when they intend to take the postponed Paternity Leave.
- 40.5. Under the provisions of Section 12 of the Act, if the employee is absent from work due to sickness during the period of postponement of Paternity Leave while the child is hospitalised, he or she will be deemed to have commenced the postponed leave on the first day of any such absence unless the employee notifies An Post that he or she does not want to commence Paternity Leave. In the latter instance the absence will be treated as Sick Leave and the employee will forfeit the remainder of the Paternity Leave.

Statutory Leave Available for Parents

41. Paternity Benefit

41.1. During Paternity Leave, relevant parents who have the necessary PRSI contributions are entitled to Paternity Benefit from the Department of Social Protection. Claims should be made on a PB2 form, which is available from the Department of Social Protection. The relevant parent must have a Public Services Card to apply for Paternity Benefit.

If the relevant parent does not already have a Public Services Card, they can make an appointment to get one at www.mywelfare.ie.

The employee's HR Manager will complete the employer's section of the form when it has been completed by the employee.

For more information on Paternity Benefit, contact the Department of Social Protection's Paternity Benefit Section at the following address:

Paternity Benefit Section
Department of Social Protection
McCarter's Road
Buncrana
Co. Donegal

Or

Your Local Intreo Centre, Social Welfare Office or Citizen Information Centre.

Or

Local: 1890 66 22 44

Website: <https://services.mywelfare.ie/>

41.2. The employee's pay during Paternity Leave will be reduced by the amount of any Paternity Benefit payable to the employee whether or not such benefit is received.

42. Transferred Paternity Leave

42.1. Where a relevant parent entitled to Paternity Leave in relation to a child dies, an employee who is the surviving parent of the child will be entitled to the leave.

42.2. This entitlement exists up to 28 weeks after the date of birth or day of placement of the child. In the case of a surviving parent taking Maternity Leave or Adoptive Leave, the transferred Paternity Leave will commence immediately after the end of the Maternity or Adoptive Leave.

43. Annual leave and public holidays

43.1. While on Paternity Leave employees retain the right to accrue annual leave and public holidays as if the employee had not been absent from work.

44. Abuse of Paternity Leave

44.1. If the Company has reasonable grounds for believing that an employee who is on Paternity Leave is not using the leave for the purpose for which it is intended (see 4 (f) above), the leave may be terminated by notice in writing given to the employee, stating the grounds for terminating the leave and specifying the day by which the employee must return to work.

44.2. If, following an investigation, an employee is found to have abused this leave, he or she may be subject to disciplinary action.

44.3. If the Company has reasonable grounds for believing that the employee is not entitled to Paternity Leave, it may, by notice in writing, refuse to grant the leave to the employee.

44.4. An employee may appeal any decision to terminate or refuse Paternity Leave in writing within 7 days of receipt of notification from the Company.

Appendix A - Summary table of Family Leave.

Leave Type?	Who gets it?	How long?	Is it paid?
Paternity leave	New parents of children under 6 months of age (but not the mother of the child)	2 weeks	Pay is unaffected unless employee is paying Class A PRSI. They will have their salary reduced by the amount of any Paternity Benefit received from the Department of Social Protection.
Parental leave	Parents and guardians of children under 12	Maximum of 26 weeks	No, it's unpaid
Parent's leave	Parents of children under 2 years of age	Maximum of 7 weeks (from 1 July 2022)	Parent's Leave is unpaid, however Parent's Benefit (from the Department Social Protection) may be payable.



Family Leave Application Form

Section 1 – Personal Details

Employee Number

--	--	--	--	--	--	--

Surname

--

First Name

--

Grade

--

Office

--

Leave period -

Start Date:		End Date:		No. Of Days:	
--------------------	--	------------------	--	---------------------	--

Section 2 – Paid Leave

Tick Relevant Box

Adoptive Leave Maternity Leave Paternity Leave

Force Majeure Special Leave

Section 3 – Unpaid Leave

Tick Relevant Box

Parental Leave Additional Adoptive Leave Additional Maternity Leave

Parents Leave

* Supporting documentation may be required subject to leave type and circumstances.

Statutory Leave Available for Parents

Section 3 - Reason for Leave Request

Section 4 - Information of Child (If applicable)

Full Name of Child		Date of Adoption (enter A after date)	Parental Status (e.g. Mother/Father, Step Parent, Adoptive Parent)
Surname	First Names	Date of Birth (enter B after date)	

Section 5 - Signature

Signature of Applicant: _____

Approved by: _____

Grade: _____

Section 6 – Attendance Administration Team Use Only

Leave application approved:	YES	NO
-----------------------------	-----	----

Leave application changed:	YES	NO
----------------------------	-----	----

Reason not approved/changed: _____