



## 30% Club Maternity & Adoptive Leave Policies

### Introduction

There are a number of standard policies that align to both legislative requirements and good D&I practice. A comprehensive maternity and adoptive leave policy is one such example. In this toolkit item we have included some guidelines to help you get started, together with 3 sample policies donated by 30% Club members. We've also included some bonus ideas that might add value to your policy.

### Getting started – the basics

#### Top 5 things to include in Maternity & Adoptive Leave policies

1. Legal entitlements
2. Paid and unpaid leave timeframes
3. Doctor appointments, antenatal class and post-natal support
4. Annual leave and public holiday entitlements
5. Early births, deaths and other considerations during leave

### Tone of Voice

How your employee feels when they read a policy is very important in their perception of the company that they work for. Having a positive tone is very important in any policy, but it can sometimes be harder to achieve when a policy is based on legislation and where factual accuracy is very important. Some points to keep in mind

- Keep the language friendly, straightforward and to the point
- Be as clear as possible on the legislative requirements and provide links to external sources if that is helpful
- Be as inclusive as possible – for example removing any reference to the gender of the parent when not referring to the Mother
- Maternity leave, as distinct from maternity related illness, is a natural part of life and is a family absence not a period of illness – make sure that the wording allows for this and that it celebrates the absence accordingly





This document has been prepared as a suggested aid for any organisation on their Diversity journey. It has been developed by 30% Club members as a suggestion rather than as formal advice. We hope you will find it useful on your journey

- Typically, maternity leave policies focus on the absence period – whether it is paid or unpaid, and the legislation that relates to that period. However, look at the tone of your policy in a more holistic way and include some information on while pregnant, going on leave and returning from leave – including the supports you have available
- Consider the inclusion of useful checklists – for the employee going on leave and for the people leader in successfully managing the start / return processes



**Added Value – going beyond the basics**

A strong maternity policy can be a really important aspect in attracting and retaining talent. Companies that think about the process as part of a career journey rather than as an exit from a career, even one that it is temporary, can create a much stronger relationship with their employees and ensure better work experiences. Often creative additions to maternity/adoptive/family leave policies can help breakdown barriers to career progression, or stop barriers emerging such as gender pay gap anomalies etc.

Here are some ways that you might think about enhancing your policy and ‘Minding the Career Gap’ . We’ve broken the ideas into four key headings that we regularly see in focus group discussions with women on their return from leave, and which our member organisations have put in place to help.

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|---|--|--|
|    | <p><b>Continuing to grow my Career</b></p> | <ul style="list-style-type: none"> <li>• Facilitating Career conversations with my People Leader pre and post absences</li> <li>• Developing a ‘keep in touch plan’ for promotions/new opportunities and having the facility to apply and be considered from leave</li> <li>• Access to all e-Learning capabilities from home on a demand basis</li> <li>• Invitation to Strategy Days as part of keep in touch, at voluntary discretion to attend</li> <li>• Having access to Parental Leave on return to work on reduced hours rather than restricting to a block release, depending on business need</li> </ul> |
|  | <p><b>Keeping in Touch</b></p>             | <ul style="list-style-type: none"> <li>• Agreeing a contact plan prior to exit – what I’d like to know about, be contacted on, be left alone</li> <li>• Keeping IT access for mails, contacts, social updates</li> <li>• Invitations to social and team events</li> </ul>  |



|   |  |  |
|---|--|--|
|   |  | <ul style="list-style-type: none"> <li>• Direct contact for key policy changes that impact me e.g. pay, pensions, career – sent by email or by post</li> <li>• Payslips and important correspondence sent to my home address</li> <li>• Possibly having access to paid ‘Keep in Touch Day’s for Training, Catching Up, regulatory accreditation - that I can access as part of my unpaid maternity leave, to get ready for my return</li> </ul>  |
|  | <b>Keeping Parity with my peer group</b> | <ul style="list-style-type: none"> <li>• Being included in the salary review process while I’m on leave, so that I retain pay parity with my colleagues</li> <li>• Having my absence counted as service period for promotion/career progression, if that is part of the career structure process</li> <li>• Capacity to top up pension contributions for unpaid absences</li> <li>• Paid time off for antenatal classes and appointments – for mums and dads</li> <li>• Two weeks top-up on paid paternity leave for the second parent – male or female</li> <li>• Turning Force Majeure into an Emergency Family Leave with broader definitions to allow for more standard emergencies</li> </ul> |
|  | <b>Getting help when I need it</b>       | <ul style="list-style-type: none"> <li>• Streamlined and simple policy</li> <li>• Contact number in payroll / HR for maternity related queries</li> <li>• Maternity Checklist for People Leaders</li> <li>• Maternity Booklet for employees, including practical hints and tips</li> <li>• IT support to make sure I’m up and running on day 1 back to work</li> </ul>   |

### And finally .....

A great policy needs two things to be really effective

1. A good process to make it happen – so check your processes for barriers, opportunities to streamline, and reduce any red tape
2. A great experience – make sure your policy delivers what it promises, and that needs great communications, transparency and people leader support



## SAMPLE POLICIES

**PLEASE NOTE** – THESE POLICIES WERE DONATED AT A POINT IN TIME, AND CHANGES CAN OFTEN OCCUR IN LEGISLATION WHICH MAY IMPACT ON THE CONTENT. ALWAYS ENSURE THAT YOU ARE REFLECTING THE MOST UP TO DATE LEGISLATION WHEN DEVISING YOUR OWN POLICIES

### Maternity Leave Policy – Sample 1

#### Introduction

All employees who are pregnant whilst in the employment of the Company will have their employment protected in line with the Maternity Protection Acts 1994 – 2006. All rules & regulations as detailed in these Acts will apply. Your statutory and contractual rights will be preserved while on maternity leave. Maternity leave will be treated as continuous employment and holidays will continue to accrue during the period. Entitlement to public holidays will remain and they will be added on to the end of the period of leave. You will be re-instated in the same or an equivalent job on your return to work.

#### Maternity Leave

- The Company is delighted to offer a generous maternity leave policy to all employees in the Company. The policy incorporates the provisions of the Acts consistent with Irish Legislation to provide time off for female employees, who are pregnant, have recently given birth or who are breastfeeding.
- The policy also provides additional information on areas such as: Ante and post natal care, Additional maternity leave and illness, Postponement of leave in the event of hospitalisation of the child, Health and safety leave, Early births and a Father's right to leave where a mother dies.
- In general, an employee who is absent on maternity leave will be treated as if she has not been absent. At the end of maternity leave an employee will be entitled to return to work (which may be suitable alternative work) under terms and conditions no less favourable than those, which would have applied if she had not been absent. The Company encourages all employees to inform their line manager as soon as they know they are pregnant; this means that the Company can ensure that the environment is supportive of all pregnancy requirements during this time.



- Any female employee expecting a baby is entitled to a continuous period of 26 weeks maternity leave around the time of birth of the child to commence not later than two weeks before the end of the expected week of confinement and to end not earlier than four weeks after the end of the expected week of confinement. The employee may also take an additional 16 weeks maternity leave after the 26 weeks, if she so wishes. [is confinement understood widely?]
- The employee should notify the Company in writing of their intention to take the additional maternity leave at least 4 weeks in advance of the expected date of return had they not taken the additional leave.
- During the maternity leave and additional maternity leave, the employee is deemed to have been in employment of the Company and any rights or obligations (other than remuneration including superannuation benefits) shall not be affected.

#### **Maternity Leave Procedure**

The employee must as soon as reasonably practicable but not later than eight weeks before the commencement of the maternity leave give written notice of intention to take maternity leave using the maternity leave confirmation document together with a medical certificate confirming pregnancy which specifies the expected week of the birth.

The employee must notify the Company in writing at least four weeks before the date on which she expects to return to work of her intention to return to work.

#### **Additional Maternity Leave**

An employee is also entitled to take additional maternity leave of up to 16 weeks. The employee must notify the Company in writing of her intention to take the 16 weeks additional maternity leave not later than four weeks before the date which would have been her expected date of return to work if she had not taken the additional leave.

#### **Cessation of Maternity or Additional Maternity Leave**

When maternity leave ends, an employee will be entitled to return to her usual job so far as it is reasonably practicable. However, if this is not possible, the employee will be offered suitable alternative work with terms and conditions not less favourable than those she had in her original job.

Please note that it is a statutory requirement that the employee provides the Company with a written notification of their intention to return to work at least four weeks in advance of their anticipated return to work.



### Additional Maternity Leave and Illness

Subject to the Company's approval an employee can terminate additional maternity leave in the event of her becoming ill. Once terminated the additional maternity leave cannot be resumed.

When this kind of request is granted, the employee forfeits their right to the remaining additional leave. In such circumstances, the sick leave will be treated in the same manner as any other absence on sick leave, and normal sick leave reporting arrangements will apply. The decision to offer this termination of additional maternity leave lies entirely at the discretion of the Company.

### Postponement of Leave in the Event of the Hospitalisation of the Child

If the child in connection with whose birth the employee has taken maternity leave falls ill and is hospitalised, and the employee has availed of at least 14 weeks maternity leave with not less than 4 of those weeks being after the week of the birth, then she may apply to have the remaining maternity leave, and up to 16 weeks additional maternity leave, postponed until the child is released from hospital. The decision to offer this postponement lies entirely at the discretion of the Company.

The employee should request this postponement in writing directly to their manager as soon as possible, with a letter confirming the hospitalisation of the child. The Company will respond to requests as soon as is reasonably practicable.

Where the postponement is granted, the employee will return to work on an agreed date. The maximum period of postponement of leave is six months from the date of postponement. The employee must provide a letter or appropriate document from the hospital or the child's GP confirming the date that the child was discharged from hospital, before resuming leave. Resumed leave must commence within seven days of the child's discharge from hospital.

Employee absence due to sickness during period of postponement: If the employee should fall ill during a period of postponement, and subsequently are absent from work, she will be deemed to have resumed maternity leave from the first day of absence. If the employee prefers to avail of sick leave, she must write to her manager and confirm this. Please note that if an employee opts to transfer to sick leave, she forfeits her right to any remaining maternity leave entitlements.

### Health and Safety Leave

An employee, who is pregnant, has recently given birth or who is breastfeeding, will not be placed in any job that is a risk to her health and safety or that of her child. If such a risk does exist then the Company will either remove the risk, or re-assign the employee to other suitable employment or, if neither of these is possible, place the employee on health and safety leave, which will be paid for the first 21 days. Thereafter the employee will receive benefit from the Department of Social Protection.



### Early Births

A pregnant employee is entitled to a minimum period of 26 weeks leave beginning on whichever is earlier – the first day of maternity leave or the date of confinement or specified date (for certified medical reasons). Where the date of confinement occurs four weeks or more before the expected week of confinement, the employee will be deemed to have complied with the written notification requirement if the notification is given within 14 days of the date of confinement and the period of 26 weeks is deemed to commence on the date of confinement.

### Father's right to Leave

Where a mother who has had a living child dies at any time during her maternity leave or additional leave, the father of the child, who is a the Company employee, is entitled to leave: if the mother dies within 24 weeks of confinement, the period of leave expires at the end of that twenty-fourth week (however an additional 16 weeks can be taken) or if the mother dies between the twenty fourth and fortieth week after confinement, the period of leave expires at the end of the fortieth week. This leave will begin within seven days of the mother's death. This leave is conditional on the father:

- Giving his employer written notification no later than the day he wishes to commence the leave: and
- If the employer so requests a copy of the mother's death certificate and the child's birth certificate as soon as is reasonably practicable.

### Ante Natal and Post Natal Care

- An employee is entitled to paid leave for antenatal and postnatal care. An employee will receive paid time off for any antenatal medical appointments before the birth and postnatal medical appointments following the birth.
- An employee must give the Company two week's written notice of any appointment and must be able to produce a certificate/record that the visit took place. The Company requests that where possible, the appointments are at the beginning or at the end of the working day. If the appointment finishes during the working day, the employee is expected to return to work.
- An expectant mother is entitled to paid time off to attend one set of antenatal classes during her employment with the Company, except for the last three classes in a set. This entitlement does not apply in respect of the last three antenatal classes in a set, for which unpaid leave or annual leave may be provided if they occur during normal working hours. However, these classes normally occur during the period of maternity leave.
- An expectant father is entitled to paid time off to attend the last two antenatal classes in a set of classes which the expectant mother is attending. This is a once off entitlement for fathers in relation to one birth only.



- The employee must give the Company two weeks' notice in writing, of the times and location of the classes. This written notification should be accompanied by an appointment card from the relevant body running the classes. These requirements may be waived in special circumstances where the failure to provide notification is not due to an employee's neglect. In such circumstances the employee must provide evidence of attendance at the antenatal class, and also provide a detailed explanation as to why he or she failed to adhere to this notification procedure
- The Company reserves the right to refuse payment for time-off to employees where there is an abuse of this procedure, and any such abuses will be dealt with under the disciplinary procedure.
- If an employee needs urgent medical attention, she must give where practicable written notice of the appointment, within 1 week of the appointment taking place.
- If a pregnant employee is unable to attend one full set of classes (other than the last 3) during a pregnancy due to circumstances beyond her control, including miscarriage, the premature birth of the baby concerned or the illness of the employee, she is entitled during a subsequent pregnancy to such time off from her work without loss of pay, as is necessary for her to attend the class.

#### **Payment during Maternity Leave**

For the purpose of this section, Maternity Pay is defined as normal remuneration less Social Welfare Maternity Benefit plus Car Allowance (where relevant) and the payment of Healthcare Benefit (where relevant).

Under the terms of the maternity protection legislation employers are not obliged to continue salary payments during the maternity leave period. The Company, however, will pay Maternity Pay for the first 18 weeks of Maternity Leave.

Employees are entitled to apply for "Maternity Benefit" from the Department of Social and Family Affairs which, when added to the amount they receive from the Company, will ensure that they receive full pay. Employees should claim "Maternity Benefit" at least 6 weeks before the commencement of Maternity Leave.

Please note that Maternity Benefit is taxable. Entitlement to Maternity Pay is subject to a number of conditions, which are outlined below.

#### **Reimbursement Rules**

In certain instances, Maternity Pay is repayable to the Company by the employee. The following rules which form part of your contract of employment apply:

- If an employee returns to work following maternity leave and remains in the employment of the Company for 6 months or more, then the Maternity Pay received is unaffected.
- If an employee returns to work for less than 6 months following a period of maternity leave or if an employee does not return to work following a period of maternity leave, Maternity Pay is repayable in full to the Company. In each of the above instances, the 'end of





maternity leave' refers to the last day of the 26 week maternity leave period or, if additional maternity leave has been taken, the last day of additional maternity leave.

All repayments to the Company should be made within 14 days from the cessation of the employee's maternity leave period or the employee giving notice of her intention not to return to work, whichever is applicable.

In addition to any other rights it may have, the Company shall have the right to set-off any monies due by employees hereunder against any sum payable by it to the employee, whether by way of wages or otherwise, and employees hereby irrevocably agree and consent to any such set-off or deduction.

Interest on any monies owed by employees to the Company hereunder shall accrue at the annual compound rate of EURIBOR plus 10% from the date upon which the debt becomes due to the date on which it is repaid in full and any such interest shall itself become a debt capable of recovery by the Company in accordance with the provisions hereof.



## Maternity/ Adoptive Leave Policy – Sample 2

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| <b>Introduction</b>  |
| We are committed to promoting choice and flexibility to help employees balance their work and home lives. This policy supports new mothers/ new parents, prior, during and after leave.  |
| <b>Scope</b>   |
| All those working for the organisation that are expectant mothers or adopting parents.   |
| <b>Policy Statement</b>  |
| The organisation provides this leave to support expectant parents in the maternity and adoptive process. We also provide additional financial support to qualifying employees to receive topped up maternity/adoptive pay for a period of this leave.  |
| <b>Standards</b>   |
| <ul style="list-style-type: none"><li>● You can choose when your maternity/adoptive leave will commence and finish, as long as it is in line with any standards set out in the maternity legislation. We would ask that you advise us of the dates at least four weeks prior to commencing and returning.</li><li>● Where you have antenatal medical appointments that can only happen during working hours, e.g. antenatal care, we will provide paid time off. This applies for mothers and accompanying fathers.</li><li>● We will also provide paid time off for Mothers to attend postnatal medical appointments during the first 14 weeks following the birth, if you have returned to the workplace.</li><li>● We will provide paid time off for any expectant parent to attend one complete set of antenatal classes.</li><li>● Where your baby is born earlier than the due date, then your maternity leave dates will be adjusted to commence on the day that you gave birth. You will need to contact HR as soon as possible in order to update your records.</li><li>● In certain situations your normal working practise and/or your normal working environment may no longer be suitable or safe for you during your pregnancy. Should this arise, the organisation will make every effort to remove the risk but if this is not possible then we will move you to a more suitable role and/or working environment for the period of pregnancy. If for some reason the organisation cannot accommodate a move or the proposed move is not suitable, then we will place you on paid health and safety leave until your maternity leave commences.<ul style="list-style-type: none"><li>○ In Rol the max amount of maternity leave available (paid and unpaid) is 42 weeks (40 weeks for adoptive leave). In the UK the max amount of maternity/ adoptive leave available is 52 weeks.</li></ul></li></ul> |



- Provided you have at least 3 months service the organisation will top-up your pay to full-pay for a portion of this leave.

In RoI we will top up for the first 18wks of Maternity leave and the first 16wks of Adoptive leave (minus any social welfare payments).

In UK we will top up for the first 14wks of Maternity/Adoptive leave

- Annual Leave will continue to accrue at your normal rate while you are on maternity/adoptive leave. If you decide not to return to work after maternity/adoptive leave then any accrued holidays will be paid in your final payslip.
- The Organisation's employer pension contributions continue throughout maternity/adoptive leave. Your personal employee contributions will be deducted only when you are in receipt of pay from the organisation. On return you have the option to make an Additional Voluntary Contribution should you wish to cover any lost employee contributions.
- Public/bank Holidays will be paid as they fall and will be calculated as if you were still at work for the period of this leave.
- In the event of a stillbirth at 24 weeks of pregnancy or more, you will still be entitled to take maternity leave and all entitlements the same.
- Probation periods will be suspended for the duration of this leave.
- If you are employed under a fixed term contract which expires during the maternity/adoptive leave, then your entitlements under this policy will end on the expiry of that contract.
- You have the option of using voluntary keep in touch days to attend strategy sessions, team days, complete training or catch up on training while you are on leave. This leave will be paid and is claimable as either half or full days.
  - In RoI you can avail of up to 3 Keep in Touch (KIT) days during the 16 week unpaid period of your Maternity Leave.
  - In the UK you can avail of up to 10 Keep in Touch (KIT) days at any time during your Maternity Leave.
- On returning from either maternity/adoptive leave you will have the right to return to the same work on the same terms and conditions. If for any reason your position is no longer available then a suitable vacancy will be offered matching those terms and conditions.
- On/ before returning to work you can apply for flexible reduced hours for a period from 1 to 36 months. All applications will be subject to approval and will be considered based on business capacity.
- The organisation may not terminate or suspend your employment if you are absent due to being on this type of leave. Nor can we give notice of termination where the notice period will expire before you are due to return to work. Likewise any period of suspension from employment will not run during this period of leave. Notice or suspension periods will resume on your return to work.

### Guidelines

- We recognise that you may want to keep information relating to pregnancy and adoptive confidential, but we would encourage you to advise your people leader as early as possible so that we can provide the appropriate levels of support & planning.



- When arranging time off for ante-natal/post-natal appointments with your People Leader, you should provide them with an appointment card wherever possible and ideally give them at least 2 weeks' notice.
- If going on leave mid-year, always make sure that you have completed your Performance Review in full before you go, particularly where PR ratings feed into the salary review. When returning from leave always start with an Aspire conversation to ensure you are clear on the objectives assigned to you, and remember to set up a new form for that performance year.
- If you are in receipt of a non-pensionable allowance, this will continue for the period of paid maternity leave.
- If you are interested in being considered for new roles during your leave, please remind your People Leader to advise you of any vacancies as they occur.
- If there are any major changes to terms and conditions of your employment during your leave, we will make every effort to advise you via your local people leader.

### Maternity/ Adoptive Leave Policy – Sample 3

#### Introduction

This document sets out the Company policy in respect of:

- Maternity Leave i.e. leave provided for employees during pregnancy or after the birth of a child;
- Adoptive Leave i.e. leave provided for employees at the time of the adoption of a child; and

Maternity Leave is granted in accordance with the Maternity Protection Acts 1994 – 2004 (referred to in this policy as “the Maternity Leave Acts”).

Adoptive Leave is granted in accordance with the Adoptive Leave Acts 1995 – 2005 (referred to in this policy as “the Adoptive Leave Acts”). The Maternity Leave Acts, the Adoptive Leave Acts and the Paternity Leave Act are collectively referred to in this policy as the "Acts".

The Company reserves the right to review, revise, amend, or replace the contents of this policy and to introduce new policies and procedures from time to time to reflect the changing needs of the Agency. In cases where policies and procedures may be out of line with relevant legislation, the relevant legislation always takes precedence.

#### Purpose and Objectives - Protected Status



During any period of leave or time off under the Acts an employee remains in the employment of the Company and will be treated as if they were not absent (with the exception of remuneration). Employees absent on Maternity, Adoptive or Paternity Leave will also benefit, where relevant, from improvements in terms and conditions of employment implemented during their absence e.g. salary reviews.

In summary, the Acts provide an employee with rights to:

- a) protection against any unfair or unfavourable treatment or dismissal on grounds of exercising any of their rights under the Acts;
- b) return to work in the same job and with the same contract of employment as they held prior to taking leave or a suitable alternative role which will be on terms that are not less favourable than those of the previous job.

In addition, the Unfair Dismissals Acts 1977 - 2007 provide that in the case of a dismissal of an employee for exercise of their rights under the Acts, such matters will fall within the scope of the Unfair Dismissal Acts 1977-2007 even where the employee does not have one year continuous service with the Company as normally required.

#### Scope

An employee of the Company is defined as anyone who has a contract of employment with the Company (including without limitation a fixed term or specified purpose contract) regardless of the entity or Business Unit within which they are assigned to work, and regardless of the hours they work.

#### **In respect of Maternity Leave this policy applies to:**

- i. all pregnant Company employees who have informed the Company of their pregnancy in accordance with the notification procedures in this policy;
- ii. all Company employees who have recently given birth, and are on protective leave following the birth, having given notice in accordance with this policy;
- iii. all Company employees who are breastfeeding for a period up to 26 weeks after the birth;
- iv. an Company employed father who is on protective leave following the death of a mother during Maternity Leave or Additional Maternity Leave.

#### **In respect of Adoptive Leave this policy applies to:**

- i. any female Company employee who is adopting a child;
- ii. a male Company employee who is a sole male adopter;
- iii. an Company employed father who is on protective leave following the death of a mother during Adoptive leave or Additional Adoptive Leave.



**Probationary Period**

If an employee takes Maternity or Adoptive Leave during a probation period or a training period, they will have their probation or training period suspended for the duration of the Maternity or Adoptive leave and will re-commence on their return to work. This is not applicable to Paternity Leave.

**Fixed Term Contracts (including Specified Purpose Contracts)**

Employees on a fixed-term contract are entitled to Maternity, Adoptive and Paternity Leave. However, where an employee on a fixed-term contract takes Maternity, Adoptive or Paternity Leave and such fixed term contract ends during the period of leave, then the employee's contract of employment automatically terminates on that date. This does not affect entitlement to Maternity, Adoptive or Paternity Benefit paid by the Department of Social Protection.

**Policy – Protective Leave: MATERNITY LEAVE****Informing the Company of pregnancy**

The Company requests employees to inform their Line Manager and the HR Department (on a confidential basis if they wish) of their pregnancy as early as reasonably practicable (see section 6.6 (ii) for formal notification procedure) so that the Company can ensure compliance with requirements under the Maternity Leave Acts and plan for necessary staffing replacements.

**Maternity Leave – Duration – 26 weeks**

Subject to compliance with notification procedures set out in section 6.6(ii), an employee is entitled to a continuous period of 26 weeks Maternity Leave. The employee may take the leave as they wish within the following limits; Maternity Leave must commence at least 2 weeks before the end of the expected week of birth, and at least 4 weeks must be taken after that date.

**Additional Maternity Leave – Duration – 16 weeks**

In addition to Maternity Leave, an employee may take a further period of up to 16 weeks of Additional Maternity Leave immediately following a period of Maternity Leave.

**Ante-natal and Post-natal Medical Visits**

An employee may take reasonable paid time off during normal working hours for ante-natal and post-natal medical visits related to the pregnancy.

**Ante Natal Classes**

A pregnant employee is entitled to paid time off during normal work hours to attend one set of ante-natal classes over all her pregnancies, (not one set for every pregnancy) excluding the last three classes subject to notification of the dates and times at least 2 weeks prior to date of first class and to provision of satisfactory documentation to the Company in accordance with this policy. An expectant father is entitled to paid time off on a once-off basis to attend the last two ante-natal classes before the birth subject to notification of the dates and times at least 2 weeks prior to date of first of such classes and to provision of satisfactory documentation to the Company in accordance with this policy.

### **Early Birth / Miscarriage**

Should the birth of the baby take place early, an employee is entitled to Maternity Leave beginning on the date of the birth. In the event of a miscarriage or stillbirth occurring after the 24th week of pregnancy, an employee is entitled to Maternity Leave and Additional Maternity Leave as outlined in the Maternity Leave Acts. The Acts do not provide an entitlement to Maternity Leave if a miscarriage occurs earlier than the 24th week of pregnancy. In such circumstances, please contact the HR Department.

### **Health and Safety Leave / Risk Assessment**

The Acts provide for additional Health and Safety Leave if a particular risk or hazard exists that is relevant to a pregnant or breastfeeding employee or to an employee who has recently given birth, and the risk cannot be removed or the employee moved away from it. The Company does not foresee circumstances where this might apply as Health and Safety assessments have already reviewed such risks. If at any time the employee is concerned about their health and safety at work, they should speak to their Line Manager or the HR Department immediately.

### **Father's Right to Leave (Section 16 Leave)**

In the event of the death of the mother of a new born child within 40 weeks of the birth of the child, then a father who is employed by the Company will become entitled to either Maternity Leave, and or Additional Maternity Leave; the duration of such leave depends on the actual date of the mother's death. The period of leave shall commence within 7 days of the mother's death. The father must notify the Company in writing no later than the day on which his leave begins, and of the length of the leave to which he believes he is so entitled. Please contact the HR Department for further information in relation to the Maternity Leave entitlements of fathers.

### **Adjustment to hours for breastfeeding breaks – first 26 weeks after the birth**

The Acts provide that employees who are breastfeeding are entitled either to a reduction of working hours for the purposes of breastfeeding other than in the workplace or alternatively to breastfeeding breaks where facilities are provided by the Company. Facilities will be provided by the Company when notified 4 weeks in advance of return to work. (Please contact the HR Department for further information on this provision.)

## **Policy – Protective Leave: ADOPTIVE LEAVE**

### **Adoptive Leave – Duration – 24 weeks**



Subject to compliance with notification procedures an employee is entitled to a continuous period of 24 weeks Adoptive Leave beginning on the date of the placement of the child. Only one period of leave will be available at any one time irrespective of whether one or more children are placed for adoption as part of the same arrangement.

**Additional Adoptive Leave – Duration – 16 weeks**

An employee may take a further period of up to 16 weeks Additional Adoptive Leave immediately following a period of Adoptive Leave. In the case of a foreign adoption, some or all of the 16 weeks Additional Adoptive Leave may be taken before the date of placement.

**Before the adoption**

An employee is entitled to reasonable paid time off work to attend preparation classes or pre-adoption meetings with adoption officials which the employee must attend during the adoption process. See section 6.7(ii) below.

**ILLNESS OF A PARENT DURING ADDITIONAL MATERNITY/ADOPTIVE LEAVE**

If an employee becomes ill and unable to care for their child while on Additional Maternity/Adoptive Leave they should contact the HR Department to discuss their possible entitlements to termination of the relevant leave.

**POSTPONING MATERNITY /ADOPTIVE LEAVE DUE TO HOSPITALISATION OF CHILD**

During any part of Maternity or Adoptive Leave (or Additional Maternity or Additional Adoptive Leave), where the baby is hospitalised and at least 14 weeks Maternity/Adoptive Leave has been taken, an employee may request the Company to postpone leave for a period up to a maximum of six months. It is at the Company’s discretion whether or not to agree to this request. If the request is granted, the employee may take the leave in one block not later than 7 days after the child has been discharged from hospital. If postponement occurs during the first 26/24 weeks and the employee is in receipt of Maternity/Adoptive Benefit, they must immediately inform the Department of Social Protection of this change.

**Notifications**

Protective rights provided for an employee under the Acts are subject to an employee observing the required notification procedures. In addition the Company asks that, if possible, notifications in relation to Additional Maternity Leave and/or Additional Adoptive Leave should be given at the time of starting protective leave in order to help with resource planning. Notifications of intention to take Maternity/Adoptive/Paternity Leave or to make changes to leave already requested should be made via the HR system or where this is not possible, by email.

**MATERNITY LEAVE - Notification to the Company when taking leave or time off**





- i. Pre and post-natal medical appointments: If taking time off pursuant to the Maternity Leave Acts and this policy for a pre-natal appointment, following the first such pre-natal appointment, the employee must advise the Line Manager in writing of the date and time of all appointments at least two weeks' before the appointment. In addition the employee must provide an appointment card, upon request, to confirm the dates and times. The Company requests that where possible, appointments are scheduled at the beginning or at the end of a working day.
- ii. Maternity Leave Notice: The employee must provide a minimum of four weeks' notice via the HR system of their intention to take Maternity Leave. This notification will be sent to the Line Manager and the HR Department for approval. If an employee gives birth more than 4 weeks before the due date, and before the HR system notification has been completed, they will fulfil the notice requirements if they provide written notice by email to the HR Department within 14 days after the birth. If an employee is certified by their doctor as needing to start Maternity Leave early for medical reasons, the Maternity Leave will start on the earlier date as specified on the medical certificate. In this case an employee is considered to have complied with the notice requirements.
- iii. Additional Maternity Leave Notice: The employee must give written notice to the HR Department of intention to take Additional Maternity Leave at least four weeks before the end of the 26 week Maternity Leave period. This notice may be given (a) via the HR system at the time notice of Maternity Leave is given or at any time prior to commencing Maternity Leave or (b) if not given prior to commencement of Maternity Leave, by email at any time up to four weeks before the end of the 26 week Maternity Leave period. The Company ask that this notification, if possible, be given at the time of giving notice at (ii) above in order to help with resource planning.
- iv. Ante-natal classes: Where classes take place during the working day, the employee must notify the Line Manager in writing at least 2 weeks before classes are due to commence outlining dates and times of the absence. Documentary evidence of the classes may be requested by the Company.

**ADOPTIVE LEAVE - Notification to the Company when taking Leave or time off**

- i. Adoptive Leave Notice: The employee must provide a minimum of four weeks' notice via the HR system of their intention to take Adoptive Leave. This notification will be sent to the Line Manager and the HR Department for approval.
- ii. Evidence of Placement – When the adoption is an Irish adoption, the employee must give a certificate of placement to their Line Manager and copy to the HR Department as soon as reasonably practicable, but not later than 4 weeks after the day of placement. When the adoption is a foreign adoption, the employee must give a copy of the declaration of eligibility and suitability



before beginning Adoptive Leave or Additional Adoptive Leave (whichever is the earlier) and give details of the placement as soon as is reasonably practicable.

- iii. Pre-Adoption classes or appointments: The employee must provide their Line Manager with written notification of dates and times of classes not later than 2 weeks before the dates of the classes concerned.
- iv. Additional Adoptive Leave Notice: The employee must give written notice via the HR system or, if that is not possible, by email to the HR Department of intention to take Additional Adoptive Leave not later than four weeks before the end of the 24 week Adoptive Leave period or in the case of a foreign adoption, if the employee intends to take such additional Adoptive Leave prior to the day of placement, not later than 4 weeks before the date on which she intends to take such leave. The Company ask that this notification, if possible, be given at the time of giving notice at (i) above in order to help with resource planning.

#### Maternity/Adoptive/Paternity Leave Pay

An employee will be paid salary through payroll in the normal way for the 26 weeks of Maternity Leave, 24 weeks of Adoptive Leave, or 2 weeks of Paternity Leave provided that they;

- i. have twelve month's continuous service with the Company prior to the expected date of commencement of leave;
- ii. sign the mandate at Appendix 1 accepting this policy and agreeing:
  - a. to claim all Maternity/Adoptive/Paternity benefits which are due to them and which are payable directly to them, from the Department of Social Protection;
  - b. to mandate payment of the benefit directly to the Company; and
  - c. in the event that the employee resigns from employment with the Company at any time during or at the end of Maternity/Adoptive/Paternity Leave or Additional Maternity/Adoptive Leave, or within 12 months of returning to work following any such leave, to refund to the Company the difference in money between the full gross remuneration paid to the employee during the Maternity/Adoptive/Paternity Leave (less any statutory and agreed deductions) and the Department of Social Protection Maternity/Adoptive/Paternity benefit.

An employee who has less than 12 month's continuous service with the Company prior to the expected date of commencement of Maternity/Adoptive/Paternity Leave will not receive any salary payments. No salary payment is made during Additional Maternity/Adoptive Leave (additional 16 weeks) for any employee.

#### Entitlement to Annual Leave and Public Holidays



During Maternity/Adoptive/Paternity Leave, Additional Maternity/Adoptive Leave, time off for ante or pre-natal care visits, or pre adoptive meetings, annual leave and public holidays accrue as normal. Unless the Line Manager consents otherwise, any such leave/public holiday entitlements accumulated should be taken before a return to work.

#### **Pension Arrangements**

During any period of Maternity/Adoptive/Paternity Leave and any period of Additional Maternity/Adoptive Leave (in each case whether paid or unpaid) pensionable service and pension benefits accrue as normal.

#### **All other benefits**

- Car Benefit or Health Insurance Contributions: Where an employee has the use of a company car, or is entitled to have health insurance contributions paid on their behalf, these benefits will remain in place during any period of Maternity / Adoptive or Paternity Leave (including Additional Leave).
- Car allowances: Where a car allowance is payable, this will be paid during Maternity/Adoptive/Paternity Leave, but will be suspended for the duration of Additional Maternity/Adoptive Leave.
- Mobile Phones: Where a mobile phone is provided to an employee this may remain in the possession of the employee, however employees should be mindful of the Company policy in relation to personal use. The Company reserves the right to make salary adjustments in line with this policy depending on the content of such mobile phone bills
- Any other deductions from salary: For the duration of Additional Maternity/Adoptive/Leave:
- Health Insurance group scheme subscriptions: Where an employee is paying via payroll deduction for health insurance they will be advised that the Company will pay these amounts on their behalf during a period of unpaid Maternity/Adoptive/Paternity Leave (including Additional Leave) and will deduct such payments in full from any holiday pay, salary, or any other such remuneration due to the employee on their return to work.
- All other deductions: For the duration of the Additional Maternity/Adoptive Leave, where an employee is paying via payroll for other items such as additional voluntary contributions, travel tickets, bike to work scheme, etc., they will be advised to suspend, cancel or make arrangements to have these paid via an alternative method.
- Remote Access: Access to the Company's e mail system via remote access devices will be suspended for the duration of the protective leave, unless otherwise approved by a Senior Executive.

#### **Keeping in Contact**

In the case of Maternity/Adoptive Leave, the Line Manager should discuss the extent to which an employee wishes to be kept up to date during leave. Typically, job vacancies, newsletters, or Company announcements may be circulated by email.

#### **Return to work**



In the case of Maternity/Adoptive Leave an employee is entitled to return to work as set out in section 3.1 b. above. The Line Manager should contact the employee in advance of their return to work and at least 4 weeks before their return to work date to discuss plans to support them for their return to work.

#### Not returning to Work

An employee, who decides not to return to work after a period of leave, is required to give notice of termination of employment as set out in their contract of employment. In such a case there may be a liability to repay salary under Section 6.9.8 above if this was paid during a period of leave.

#### BREACH OF POLICY

Breach of this policy may be dealt with in accordance with the Company Disciplinary Procedures and disciplinary action up to and including dismissal may be taken. In particular the Company reserves the right to refuse Maternity/Adoptive/Paternity Leave pay to employees where there is an abuse or breach of this policy. Employees should note that failure to comply with this policy, in particular sections 'MATERNITY LEAVE - Notification to the Company when taking leave or time off', or "ADOPTIVE LEAVE - Notification to the Company when taking Leave or time off" (notification to the Company when taking leave or time off) could impact the employee's entitlement to leave or time off and protected status under the Acts.

