

POLICY NO.59 – Parental Leave Policy

REV: 02 DATE: 22.08.2020

Statement of Intent:

It is our intention to facilitate request for parental leave from staff, where possible to recognise the require work / life balance.

Entitlement to Parental Leave

To qualify for parental leave, the employee must be the natural or adopted parent of the child for whom the leave is taken or acting in loco parentis.

From 1 September 2019, unpaid parental leave must be taken before the child reaches 12 years of age, except in certain circumstances. (Up to 31 August 2019, this age limit was eight years of age). If the child has a disability, the leave must be taken before the child reaches 16 years of age or ceases to have a disability, whichever occurs first.

In the case of an adopted child, if the child is aged between 10 years and 12 years at the time of the adoption order, the leave must be taken within two years of the adoption order.

Generally, the employee must have at least one year's continuous service with the employer to be entitled to take parental leave. However, where the child is nearing 12 (or 16 if the child has a disability) and the employee has more than three months', but less than one year's, service with the employer, the employee will be entitled to pro rata parental leave.

This means that the employee will be entitled to one week's leave for every month of continuous employment completed with the employer. Each parent has a separate entitlement to parental leave. Where both parents are employed by the same employer, either parent is entitled, subject to the consent of the employer concerned, to transfer a certain number of weeks of their parental leave to the other. An employee who is on parental leave will still be regarded as working by the employer and, apart from the employee's right to remuneration and superannuation benefits, all other employment rights are preserved.

With the extension of parental leave to 26 weeks, parents with qualifying children who have already taken parental leave may earn an entitlement to additional leave.

Procedure for applying

An employee must give written notice that he or she would like to take parental leave, not later than six weeks before the employee plans to take the leave. The notice must include the following details:

- the date on which the employee intends to begin the leave
- the length of time that the employee plans to be on parental leave
- the manner in which the employee proposes to take the leave
- the employee's signature.

The Acts provide that an employer may, at his or her discretion, waive all or part of the notification period. The employer may require the employee to give proof that he or she is entitled to parental leave (eg the child's date of birth, the date of the adoption order or evidence of parentage) and if relevant, the disability of the child.

Postponement of parental leave

The employer may decide to postpone the parental leave if satisfied that granting the leave would have a substantial adverse effect on the operation of the business. The postponement may be for a period not exceeding six months, to a date agreed by both parties.

Confirmation of parental leave

Once the employee has notified her or his employer that she or he wants to take parental leave, the employee and the employer must prepare a 'confirmation document'. This document must be prepared no later than four weeks before the leave is due to begin. The document must include the following details:

- the date on which the leave will begin
- the length of time that the employee will be on parental leave
- the manner in which the leave will be taken
- signatures of the employer and the employee.

Once a confirmation document has been signed by both the employee and the employer, it cannot be altered unless both parties agree.

It should be noted that parental leave is unpaid leave notwithstanding any holiday entitlements and other such parameters that may apply. Parental leave does not affect rights related to the employee's employment other than the right to remuneration and superannuation.

How parental leave will be taken

The company where possible and understanding the benefit of such leave to families, will where possible make bespoke arrangements for individual staff members.

However the company is also committed to providing an equal and fair system for all staff. This may mean that bespoke arrangements may be curtailed or ceased to a standardised system if bespoke arrangements cannot be offered to all staff making parental leave requests.

This may manifest itself in parental leave being arranged in blocks of weeks and rotating these weeks amongst the staff attempting to avail of parental leave.

Since our industry is tightly regulated in relation to ratio's, parental leave can only be granted when there is sufficient ongoing cover to facilitate same.

The company reserves the right to rescind any and all parental leave to be able to meet our ratio legal obligations.

Should bespoke arrangements not be possible below outlines how this leave may be taken:

The 26 weeks of parental leave can be taken in one continuous block of leave or in blocks of not less than six weeks with a gap of at least 10 weeks between each block. Any other combination such as individual weeks, days or hours requires the agreement of the company.

However, the employee is not entitled to any more than 26 weeks' leave per child. Where an employee qualifies for parental leave for more than one child, the employee may not take more than 26 weeks of parental leave in any 12 month period, unless the employer agrees otherwise.

However, parents of twins or triplets, or where the child is about to reach the age limit, may take more than 26 weeks of parental leave in a year. Both parents have an equal and separate entitlement to parental leave.

Employees who work for the same employer may, with the employer's consent, transfer up to 14 weeks of their parental leave entitlement to the other parent Use our CIPD Ireland overview of parenting leave entitlements from 1 September 2020 showing the types of leave, whether paid or unpaid, who's eligible and the duration.

In general the company will not offer parental leave in blocks less than a half day. Parental leave will not be permitted to be taken by the hour unless extreme circumstances prevail and necessitate an arrangement of this kind and not with standing the parameters outlined above to allowing parental to be granted in the first place.

Returning to work

An employee is entitled to return to work at the end of a period of parental leave to the job held immediately prior to the leave under the same contract, terms and conditions of employment.

If the business has changed ownership during the employee's absence on the leave, he or she is entitled to work under a contract of employment identical to the contract that existed with the original employer. An employee is entitled to work under terms or conditions not less favourable and including any improvements to the terms or conditions of employment, to which the employee would have been entitled, if not absent from work.

If the job held by the employee before commencing parental leave was not his or her normal or usual job, the employee shall be entitled to return to that job, or to his or her normal or usual job, as soon as practicable.

If it is not reasonably practicable for an employer, or successor, to allow an employee to return to the job held immediately prior to the leave, the employer, or successor, must offer the employee suitable alternative employment under a new contract of employment. The terms of the alternative employment (eg the place of work or the capacity in which the employee is employed) must not be less favourable to the employee than the terms of his or her original job.

Under the [EU \(Parental Leave\) Regulations \(2013\)](#) employees returning to work have the right to request changes to their working hours or patterns for a set period on their return. An employer must consider this request but does not have to grant it.

Protection of Rights

An employee on parental leave retains all his or her employment rights (except the right to remuneration and superannuation benefits). The absence counts as reckonable service for the purposes of annual leave, increments, etc. However, an employer may require that a period of probation, training or apprenticeship be suspended while the employee is on parental leave and be completed by the employee on his or her return to work.

Employees benefit from any public holidays that occur during their parental leave. These may be

Abuse of parental leave

An employee must use his or her parental leave to take care of the child concerned. The employer may end the leave if there are reasonable grounds to believe that it is being used for a purpose other than taking care of the child concerned.

However, before ending the leave, the employer must notify the employee, in writing, of his or her intention to do so, and invite the employee to give an explanation within seven days. The employer is obliged to consider the employee's explanation before deciding whether to end the leave.

The employer may refuse, in writing, to grant parental leave if there are reasonable grounds to believe that the employee is not entitled to such leave. Before refusing to grant the leave, however, the employer must notify the employee, in writing, and invite the employee to reply within seven days. The employer is obliged to consider the employee's reply before deciding whether to refuse the leave. The reasons for such refusal must be given.

Records

An employer must keep a record of parental leave and *force majeure* leave taken by employees, specifying the period of employment of each employee and the dates and times of the leave taken. Up to 31 August 2019, employers had to retain records of parental leave for eight years, and from 1 September 2019, they must retain such records for 12 years.

Additional leave

Each parent of a child born or adopted on or after 1 November 2019 will be entitled to two weeks paid parent's leave that must be taken within 52 weeks of the birth of the child, or in the case of adoption, the date of placement of the child. The leave must be taken in periods of not less than one week in duration. A mother must take the leave after maternity leave and a father may take the leave before or after paternity leave. The Department of Employment Affairs and Social Protection will make an accompanying Parent's Benefit payment of €245 per week

Parenting leave entitlements from 1 September 2020

Who is entitled	Nature of leave	Type of leave	Eligibility	Duration per child from September 2020	Notification
Mother	Paid leave (by State)	Maternity leave	At birth of child	26 weeks consecutively	4 weeks notice. Include medical certificate
		Parent's leave	Child under 1 year	2 weeks. Must be taken after paid maternity leave	6 weeks notice. Employer may postpone. To be confirmed 4 weeks in advance
	Unpaid leave	Unpaid maternity leave	To follow paid maternity leave or parent's leave	Max 16 weeks, consecutively	4 weeks notice
		Unpaid parental leave	Child up to 12 years (16 with a disability). Normally parent to have 12 months service	Max 26 weeks. In 6 week blocks or weekly, daily, hourly with employer agreement	6 weeks notice. Employer may postpone or restrict options. To be confirmed 4 weeks in advance
		Unpaid parental leave	Child up to 12 years (16 with a disability). Normally parent to have 12 months service	Max 26 weeks. In 6 week blocks or weekly, daily, hourly with employer agreement	6 weeks notice. Employer may postpone or restrict options. To be confirmed 4 weeks in advance
Father	Paid leave (by State)	Paternity leave	Within 26 weeks of the birth of the child	2 weeks consecutively	4 weeks notice
		Parent's leave	Child under 1 year.	2 weeks. May be taken before or after paternity leave	6 weeks notice. Employer may postpone. To be confirmed 4 weeks in advance
	Unpaid leave	Unpaid parental leave	Child up to 12 years (16 with a disability). Normally parent to have 12 months service	Max 26 weeks. In 6 week blocks or weekly, daily, hourly with employer agreement	6 weeks notice. Employer may postpone or restrict options. To be confirmed 4 weeks in advance
		Unpaid parental leave	Child up to 12 years (16 with a disability). Normally parent to have 12 months service	Max 26 weeks. In 6 week blocks or weekly, daily, hourly with employer agreement	6 weeks notice. Employer may postpone or restrict options. To be confirmed 4 weeks in advance

Notes:

Adoptive leave has similar entitlements to maternity leave, but relates to the date of placement, not birth, up to 8 years. Some leaves make allowances for illness and breastfeeding. Though there is no legal requirement, some employers, especially large organisations, pay a salary top-up during paid maternity and paternity leave. Extending consecutive periods of leave out of work does not increase flexibility and risks a negative career and pay impact.

Paid leave: Refers to the relevant social welfare payment, subject to PRSI conditions.