



*Institiúid Teicneolaíochta
Bhaile Átha Luain*
Athlone Institute
of Technology

MATERNITY LEAVE POLICY

All Staff



DOCUMENT CONTROL VERSION & REVISION HISTORY

Version Number	Revision Date	Approved by EMT	Revision Date
Version I	September 2018 (created)	30/10/2018	01 November 2020

1. INTRODUCTION

The Maternity Leave Policy and Guidelines, operating for staff in the Institute is governed by various circular letters issued by the Department of Education and Skills and current maternity leave legislation.

2. OBJECTIVE

To provide staff with details on the entitlements to paid maternity leave and additional unpaid maternity leave, the protection of a staff member's rights whilst on maternity leave, the periods of notification for either period of leave, and returning to work when leave has ended.

3. ELIGIBILITY AND ENTITLEMENTS

The Acts cover the entitlements for all staff who are pregnant, have recently given birth, or who are breastfeeding. All staff who commence maternity leave are entitled to 26 consecutive weeks paid* maternity leave. Staff who on commencement of maternity leave have less than 26 weeks to run in their contract will be granted paid maternity leave until the expiry date of their contract.

Part-Time Hourly-Paid staff are not entitled to paid maternity leave. This does not affect their statutory right to maternity leave.

Staff on maternity leave are entitled to 16 weeks additional unpaid maternity leave commencing immediately after the maternity leave. Staff who on commencement of additional unpaid maternity leave have less than 16 weeks to run in their contract will be granted this leave until the expiry date of their contract. This will have been discussed and agreed in writing prior to the commencement of the leave.

The Acts also include certain entitlements for male staff. Where the mother dies at any time before the end of the 24th week following her confinement, the father of the child is entitled to take the remainder of the maternity leave. The period of maternity leave shall commence within 7 days of the mother's death and will be commensurate with the balance of the maternity leave that would have been due to the child's mother. In this case, a father is also entitled to take 16 weeks additional unpaid leave, commencing immediately after taking paid maternity leave. Staff who on commencement of additional unpaid maternity leave have less than 16 weeks to run in their contract will be granted this leave until the expiry date of their contract.

4. APPLICATION PROCEDURE AND GUIDELINES

Maternity Leave

A minimum period of maternity leave must be taken beginning not later than 2 weeks before the end of the expected week of confinement, and ending not earlier than **4 weeks after the expected** week of confinement.

Notification of your intention to take maternity leave, should be submitted to the Human Resources Department, through your Line Manager **at least 4 weeks before the date on which you intend to commence your maternity leave.** The notification should include a doctor's note confirming the pregnancy and stating the expected week of confinement as well as the date on which you intend commencing the leave.

Following receipt of your application for maternity leave, you will receive written confirmation from Human Resources of the exact dates of your maternity leave and the completed form MB2, Employers Certificate for Maternity Benefit. You should apply for Maternity Benefit directly to the Department of Social Protection.

If you are entitled to paid Maternity Leave, all Maternity Benefit should be paid directly to you. Your salary will be paid, less the current Maternity Benefit.

Notice of your intention to resume work should be submitted in writing to the Human Resources Department, through your Line Manager **at least 4 weeks before** you are due to resume. This is an essential requirement, and also helps to facilitate finalising any deputy arrangements, which may be made to cover the absence.

Additional Unpaid Maternity Leave

Where practicable, you should give notice of your intention to take additional unpaid maternity leave when you are giving your original notice to take maternity leave, as this will greatly assist the Institute with regard to deputy arrangements.

If this is not possible, you should give notice to the Human Resources Department, in writing, through your Line Manager of your intention to take additional unpaid maternity leave **at least 4 weeks before the end date of your 26 weeks leave.**

It should be noted that additional unpaid maternity leave does not count as service for superannuation purposes.

5. PAYMENT DURING MATERNITY LEAVE

Continuation of salary during maternity leave is not a statutory entitlement and is contingent upon compliance with the agreed terms and conditions of this scheme.

Any action which necessitates an adjustment to a relevant parent's pay should be notified to the Human Resources Department immediately.

Under the DSP regulations, PRSI contributors at the modified rate (Class D) have no entitlement to maternity benefit. Therefore no deduction is applied to their salary and they remain on their ordinary rate of pay.

During maternity leave, relevant parents who have the necessary PRSI contributions are entitled to maternity benefit from the Department of Social Protection. Claims should be made on the relevant form, which is available from the Department of Social Protection.

The equivalent paternity benefit receivable from the Department of Social Protection will be deducted from your gross pay. AIT's method of payment to you while claiming paternity benefit will be as follows:

- You will be responsible to claim maternity benefit from the Department of Social Protection. The Institute will automatically deduct the basic maternity benefit from your gross pay in the week/ month that you commence maternity leave (depending on your pay frequency).
- If you are entitled to less than the standard payment for maternity benefit or you are not entitled to any maternity benefit, you should notify the Human Resources Department [at hr@ait.ie](mailto:hr@ait.ie) so that the correct deduction can be made to your salary.
- You must forward a copy of the correspondence and/or the remittance advice note you have received from the Department of Social Protection. Deductions, where appropriate, will be made during the period of Maternity Leave.
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6. POSTPONING MATERNITY LEAVE

Maternity leave may be postponed (after 14 weeks have been taken and not less than 4 of those weeks are after the end of the week of confinement), as can additional unpaid maternity leave, if the child

needs to be hospitalised. Any requests to postpone maternity leave must be made in writing, through the Line Manager/Head of Department, to the Human Resources Department. The Institute may agree to postpone the leave and if so, the staff member will return to work on a date agreed by her and the Institute that is not later than the date on which the leave concerned is due to end. The maternity leave will be postponed with effect from the date agreed by the staff member and the Institute, and must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital.

If the staff member has postponed her maternity leave and becomes ill after she has returned to work, prior to resuming the postponed leave, she will be considered to have started the resumed leave on the first day of the absence because of illness. Alternatively, she may choose to forfeit her right to resumed maternity leave, and have the leave treated as sick leave, by notifying Human Resources accordingly, as soon as possible.

7. TERMINATING ADDITIONAL UNPAID MATERNITY LEAVE DUE TO SICKNESS

If you are ill during the additional unpaid maternity leave, you may terminate your additional unpaid leave, and may commence sick leave. This request must be made in writing, through your Line Manager to the Human Resources Department. The Institute may agree to terminate the additional unpaid maternity leave and if so, the additional unpaid maternity leave will terminate on a date agreed by you and the Institute. It must not be earlier than the date of the commencement of the employee's sickness, and not later than the date on which the additional unpaid maternity leave would have ended.

Human Resources will notify you in writing of the decision in relation to the request. Where additional unpaid maternity leave is terminated due to illness, the sick leave will be treated in the same manner as any absence due to sickness. You will not be entitled in the future to the additional unpaid maternity leave, or part of it not taken by you.

8. GENERAL PROVISIONS

8.1 PUBLIC HOLIDAYS

In the case of eligible academic staff, the following will apply as outlined in CL 0022/2013:

Any obligation in respect of public holidays while on maternity leave or additional unpaid maternity leave will be comprehended through days at Easter, Summer and Christmas when there are no Lectures/teaching/assessments as per the Institute's Academic Calendar (i.e. outside of term time).

In the case of eligible non-academic staff the following will apply:

Where public holidays fall during the maternity leave or the additional unpaid maternity leave, these days will be added to the end of the leave period.

8.2 ANNUAL LEAVE

In the case of non-academic staff:

Where Institute closure days fall during the maternity leave period (including additional unpaid maternity leave) these days will be not deducted from the staff member's annual leave entitlement and will be treated as maternity/additional unpaid maternity leave.

In the case of eligible academic staff, the following will apply as outlined in CL 0022/2013:

Any obligation in respect of annual leave while on maternity leave or additional unpaid adoptive leave will be comprehended through days at Easter, Summer and Christmas when there are no lectures/teaching/assessments as per the Institute's Academic Calendar (i.e. outside of term time).

8.3 SICK LEAVE

Paid sick leave, following maternity leave, may only be allowed where there is an expectation that the staff member intends to return to their position when fit to do so. Such periods of sick leave will be treated in the same manner as any absence from work due to sick leave.

8.4 ANTE-NATAL CLASSES

Expectant mothers are entitled to attend one set of ante-natal classes without loss of pay (except the last 3 classes in such a set) for all pregnancies. Evidence of appointment at the clinic should be submitted to the Human Resources Department, through the Line Manager/Head of Department, not later than 2 weeks in advance of the appointment.

Paid time off work is also available, as a once-off right, to fathers to attend the last 2 ante natal classes immediately prior to the birth. Evidence of appointment at the clinic should be submitted to the Human Resources Department, through the Line Manager/, not later than 2 weeks in advance.

9. BREASTFEEDING MOTHERS

There is entitlement without loss of pay, for breastfeeding mothers who have given birth within the previous 6 months, to either time off work each day in order to breastfeed, or where the Institute has

provided breastfeeding facilities, breastfeeding breaks of one hour off from work each working day, which may be taken as follows:

- One 60 minute break or;
- Two 30 minute breaks each or;
- Three 20 minute breaks each.

Part-time workers are also entitled to breastfeeding breaks, calculated on a pro-rata basis. Staff members should notify the Human Resources Department, if they intend taking paid breastfeeding breaks. Arrangements will be made at the discretion of the Line Manager/Head of Department concerned.

10. FIXED TERM/SPECIFIED PURPOSE WHOLETIME/PRO-RATA CONTRACT STAFF

Fixed-Term/Specified Purpose Wholetime/Pro-Rata contract staff with 26 weeks or more left to run in their contracts will be allowed paid maternity leave, less any Maternity Benefit payable.

Fixed-Term/Specified Purpose Wholetime/Pro-Rata contract staff with less than 26 weeks to run in their contracts from the date of commencement of maternity leave, receive paid maternity leave, less any Maternity Benefit payable, until their contract expires.

Fixed-Term/Specified Purpose Wholetime/Pro-Rata contract who have less than 26 weeks to run in their contracts, and who are subsequently re-employed directly thereafter, will be paid for the full 26 weeks of their maternity leave, less any Maternity Benefit payable subject to the second contract immediately following the first and there being a period of at least 26 weeks to run from the date of commencement of maternity leave to the expiry date of the second contract.

11. HOURLY-PAID STAFF

- Hourly-Paid staff are not eligible for paid maternity leave.
- This does not affect their statutory right to maternity leave.
- If you are paying PRSI contributions Class A, you should apply for Maternity Benefit directly to the Department of Social Protection.

12. QUERIES ON THIS POLICY

Contact: Human Resources

E-Mail: hr@ait

RELATED DOCUMENTS

Maternity Protection Acts 1994 and 2004

Maternity and Adoptive Leave – Amendments for Academic Staff in Institutes of Technology - Circular Letter
No. 0022/2013