



*Institiúid Teicneolaíochta
Bhaile Átha Luain*
Athlone Institute
of Technology

PARENTAL LEAVE POLICY

DOCUMENT CONTROL VERSION & REVISION HISTORY

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Version I	October 2013 (created)	October 2013	

PARENTAL LEAVE POLICY

General

The Parental Leave Act, 1998 became effective on 3 December, 1998 and has been amended by subsequent acts, the latest being the Parental leave (Amendment) Act 2019.

Under the terms of the Act, an employee who is the natural or adoptive parent of a child shall be entitled to parental leave for a period of twenty two working weeks. The purpose of the leave is to enable a parent to take care of his/her child.

Entitlement to Parental Leave

The entitlement to parental leave shall apply only to parents in respect of a child born on or after 3 June, 1996 or adopted on or after that date. Persons acting in loco parentis in respect of an eligible child are also entitled to avail of parental leave entitlements, subject to appropriate documentary evidence being presented to the HR Dept.

The leave must be taken before the child attains the age of thirteen years, subject to the following modification in the case of an adopted child: where an adopted child is three or more years but less than thirteen years at the time of adoption, the parental leave must be taken within two years of the date of the adoption order. In the case of an adopted child under three at the time of the adoption, the parental leave must be taken before the child is eight years.

Where a member of staff has a child with a disability the parental leave must be taken prior to the child's 16th birthday.

Both parents have a separate entitlement to parental leave from his/her job. If both parents are employees of AIT then it is possible to transfer parental leave entitlements (first fourteen weeks only), from one parent to another, subject to the agreement of AIT management, the additional eight weeks added under the European Union (Parental Leave) regulations 2013 are non-transferable.

Eligibility for Parental Leave

An employee must have completed one year's continuous service.

However, in circumstances where, on the latest day for commencing a period of parental leave, the employee has more than three months, but less than one year's continuous service, the employee shall be entitled to parental leave at the rate of one week for each month of continuous service which the employee has completed at the time of commencement of the leave.

Period of Parental Leave available

Parental leave shall consist of 26 weeks unpaid leave for each child born on or after 3 June, 1996. Where an employee is entitled to parental leave in respect of more than one child and the children concerned are not children of a multiple birth, the period of parental leave taken by him or her in any period of 12 months shall not, without the consent of the Head of the Department/Function concerned, exceed 26 weeks. In the case of multiple births, this restriction does not apply.

An employee may take the parental leave as follows:

- (a) One continuous period of 26 weeks, or
- (b) Separate blocks of a minimum of 6 continuous weeks, or
- (c) Subject to the Institute's agreement, a combination of lesser periods of leave, not to exceed the overall period of 26 weeks, may be taken.

While an employee has an entitlement as defined under (a) (b) and (c) above, he/she is not obliged to take the full entitlement.

In the case of eligible academic staff, any obligation in respect of public holidays or statutory annual leave occurring while on Parental Leave will be comprehended through days at Easter , Summer and Christmas when there are no lectures/teaching/assessments as per Institutes' Academic Calendars (i.e. outside of term time) as per Circular Letter No. 0038/2013

Notification required to avail of Parental Leave

The granting of parental leave is conditional on an employee notifying the HR Dept through their Head of Department/Function as soon as is reasonably practicable, but not later than **6 weeks** prior to the proposed commencement date of parental leave.

This notification must be by way of the official AIT Parental Leave application form and must be accompanied by the original birth certificate/adoption order.

Academic staff should complete and submit the application form 6 weeks before the commencement of each academic year.

The notice must specify the date the employee intends to commence parental leave, the duration of the leave and the manner in which the employee proposes to take the leave. A signed copy of the application form will be returned to the employee as confirmation of acceptance of the arrangement.

While staff will be facilitated as far as possible, the Institute may postpone parental leave if such leave would have a substantial adverse effect on the operation of the Department/Function concerned, in accordance with section 11 of the Act. This must be notified in writing not later than 4 weeks before the intended date of commencement of the leave.

The postponement may be to an agreed date, not later than 6 months from the date on which the employee had intended that the parental leave was to start. A second postponement, in respect of a particular child, is not permitted unless the ground for postponement is seasonal variation in the volume of work concerned. Parental leave will not be lost if, solely as a result of postponement, the child reaches the age threshold laid down in the Act.

If an employee does not take the parental leave for which he/she applied for, they must notify the HR department no later than 5 days afterwards. Cancellation of parental leave must be signed off by the HoD/Manager.

Maintenance of Employment Rights during parental leave

An employee is not entitled to payment whilst absent on parental leave.

In the case of an employee who is on probation at the start of parental leave, the period of probation will stand suspended during the absence on parental leave and will be completed by the employee on his/her return to work.

Except as outlined in paragraph 2 under “*Maintenance of Employment Rights*”, above, an employee on parental leave is deemed for all purposes (other than the right to remuneration and superannuation benefits) to be in employment. The absence will, therefore, count as service and will reckon for incremental purposes and for qualifying service for annual leave and promotion.

Absence on parental leave cannot be treated as part of any other form of leave, including sick leave, annual leave, adoptive leave, maternity leave, and force majeure leave to which the employee is entitled.

If the parent becomes ill while on parental leave and is unable to care for the child the leave can be suspended for the duration of the illness. In order to suspend the parental leave the employee must give written notice and relevant evidence of the illness to the employer as soon as is reasonably practicable. The parental leave resumes after the illness. During the illness the parent is treated as an employee who is sick.

Social Welfare arrangements

Staff on parental leave, who are covered by social insurance, will be entitled to credited PRSI contributions from the Department of Social Protection. This will preserve their record for social insurance purposes.

Staff should contact the Department of Social, Protection directly to ensure that the appropriate credits are made.

Resolution of disputes

Any dispute in relation to entitlements under the Policy may be referred by an employee to their Head of Department/Function, in the first instance, who may in turn refer the matter to the HR Dept for advice.

In addition, the Act provides for referral of a dispute by either party in relation to entitlements under the Act to a Rights Commissioner. Reference must be not later than 6 months after the occurrence of the dispute. Where appropriate and where requested by the employee concerned, the grievance procedure may also be used for the resolution of such disputes.

Abuse

Parental leave is granted to enable working parents, both men and women, to take care of their young children. If the Institute has reasonable grounds for believing that an employee is not using the leave for this purpose, the leave may be terminated following the expiry of 7 days' notice and the employee concerned may be required to return to work. However, before any notice of termination can be given, the employee must be invited to make representations on the matter within a period of 7 days.

Refusal

An application for parental leave may be refused where the Institute has reasonable grounds for believing that the employee does not have a legitimate entitlement under the terms of the Act.