



# Paternity Leave Policy

## All Staff



Institiúid Teicneolaíochta  
Bhaile Átha Luain  
Athlone Institute  
of Technology

## 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 Paternity Leave policy and guidelines, operating for staff in the Institute is governed by Circular Letter 0069/2016 issued by the Department of Education and Skills and current paternity leave legislation.

## **2. OBJECTIVE**

To provide part-time and full-time staff with details on the entitlements to paid paternity leave, the protection of a staff member's rights whilst on paternity leave, the periods of notification of leave, and returning to work when leave has ended. A relevant parent who works part-time will be entitled to paternity leave on a pro-rata basis.

***\* Part-Time Hourly-Paid staff are not entitled to paid paternity leave. This does not affect their statutory right to paternity leave. Refer to Section 6.3***

## **3. ELIGIBILITY AND ENTITLEMENTS**

### **3.1 Who is eligible?**

Under the Act, a "relevant parent" for the purposes of paternity leave entitlement includes:

- The father of the child
- The spouse, civil partner or cohabitant of the mother of the child
- The parent of a donor-conceived child

**In the case of an adopted child, the relevant parent includes:**

- The nominated parent in the case of a married same-sex couple or
- The spouse, civil partner or cohabitant of the adopting mother or sole male adopter

The entitlement to 2 weeks' paternity leave from employment extends to all employees, regardless of how long you have been working for the organisation or the number of hours worked per week. If more than one child is born or adopted at the same time, for example, twins, you are only entitled to a single period of 2 weeks' paternity leave.

3.2 Subject to eligibility and notification criteria being met, paternity leave will apply to births/placements that take place on or after the 1 September 2016.

3.3 If you are a relevant parent, you may avail of a continuous period of two weeks paternity leave. This leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave. In general, only one person who is a relevant parent in relation to a child shall be entitled to paternity leave in respect of that child.

3.4 Paternity Leave is available for stillbirths after 24 weeks of pregnancy.

- 3.5 Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of your child. The leave will commence on the date you select in your written notification. It should be noted that paternity leave cannot commence earlier than the date of birth or date of placement of your child and cannot commence later than 26 weeks after the date of birth or the date of placement of your child.
- 3.6 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.
- 3.7 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.
- 3.8 A relevant parent on paternity leave is deemed for all purposes to be in employment at that time including remuneration and superannuation. The absence therefore is fully reckonable for all other purposes including seniority, access to the redeployment panel, and progression on the incremental salary scale.
- 3.9 A relevant parent absent on paternity leave may not engage in any other type of paid employment.
- 3.10 A relevant parent may not avail of paternity leave where they are availing/have availed of adoptive leave, with the exception of where the leave may be transferred on the death of the other relevant parent.

#### **4. APPLICATION PROCEDURE**

##### **4.1 Notification**

Notification of your intention to take paternity leave should be submitted by completing the attached form in writing to, The Human Resources Department, through your Head of Function/Department at least **4 weeks before the date** on which you intend to commence your paternity leave. Employees must also apply via Employee Self Service (ESS) for paternity leave.

The following details must be provided to the Institute for verification:

*In the case of a birth -*

A copy of the medical certificate or other appropriate certificate from a registered medical practitioner confirming the pregnancy and specifying the expected date of birth of the child concerned

or

A copy of the birth certificate where notification is given after the birth.

*In the case of an adoption:*

A copy of the declaration/official placement order.

A copy of the placement certificate where notification is given after the date of placement.

In the case of foreign adoption, the adopting parent must obtain a *Declaration of Suitability and Eligibility* from the Adoption Authority of Ireland, in advance of the date of placement. As soon as possible after the date of placement, the adopting parent should provide written confirmation of the placement to Human Resources, through your Head of Function /Dean of Faculty.

Notification may be withdrawn in writing by you to The Human Resources Department, through your Head of Function/Faculty not later than **4 weeks before the commencement of such leave.**

#### **4.2 Early confinement**

Where the birth of your child occurs 4 or more weeks prematurely, you must notify, Human Resources, through your Head of Function /Dean of Faculty of your intention to commence paternity leave in writing, within **7 days of the birth.** In such circumstances, it will be deemed you have complied with the notification requirements of the Act.

#### **4.3 Postponement of paternity leave due to late birth/postponed adoption placement**

Any requests to postpone paternity leave must be made in writing immediately to the Human Resources Department, through your Head of Function/Dean of Faculty. This request will be approved by the Institute, where the date of birth occurs after the date selected by a relevant parent in their notification letter or where the date of placement is postponed in the case of adoption. The relevant parent may select another date on which paternity leave will commence.

The relevant parent must complete the Notification Form at the end of this policy as soon as possible but no later than **7 days after commencement of the leave** and forward it to Human Resources, through your Head of Function/Dean of Faculty with a copy of the birth certificate/official placement orders for the child.

#### **4.4 Postponement of paternity leave due to illness of the relevant parent**

In the event of you becoming ill before a period of paternity leave has commenced, the period of leave may be postponed. Notification of a request to postpone the leave due to illness must be received by Human Resources, through your Head of Function/Dean of Faculty as soon as possible after becoming ill and must be accompanied by a medical certificate. You 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.

The leave may be postponed until such time as you are no longer ill. The period of postponed leave must end not later than 28 weeks after the date of birth or day of placement. You must notify Human Resources, through your Head of Function/Dean of Faculty when you intend to take the postponed paternity leave not later than the day you commence the leave.

Such absences shall be treated in the same manner as an absence from duty due to illness.

#### **4.5 Postponement of paternity leave when the child is hospitalised**

If your child is hospitalised, you may request in writing to postpone all or part of your paternity leave. Postponement of paternity leave in such circumstances is subject to approval by the Institute. The Institute will respond to the request for postponement as soon as practicably possible with a decision on the matter.

Where the Institute agrees to postpone the leave, the leave will be postponed with effect from a date agreed by you and your Head of Function/Dean of Faculty. You will return to work on a date agreed between you and your Head of Function/Dean of Faculty. The postponed leave, must be taken in a continuous block not later than **7 days after the discharge of your child from hospital** or such other date as may be agreed upon between you and your Head of Function/Dean of Faculty. You must notify Human Resources, through your Head of Function/Dean of Faculty when you intend to take the postponed paternity leave not later than the day you commence the leave.

It is important to note that if you fall ill during the period of postponement of Paternity Leave, and you request to commence sick leave from work, you will forfeit the remainder of the Paternity Leave. This leave cannot be taken at a later date following your period of sick leave. The normal procedures in relation to sick leave should then be followed, including the furnishing of a medical certificate where appropriate.

#### **4.6 Stillbirths**

In the unfortunate case there is a stillbirth any time after the 24th week of pregnancy (i.e. from the beginning of the 25th week) and you are entitled to paternity leave, you are entitled to 2 weeks paternity benefit provided you satisfy the social insurance (PRSI) requirements.

To apply for paternity benefit following a stillbirth, you need to send a letter from the doctor with the paternity benefit application form, confirming the expected date of birth, the actual date of birth and the number of weeks of pregnancy.

### **5. PAYMENT DURING PATERNITY LEAVE**

- 5.1 Continuation of salary during paternity leave is not a statutory entitlement and is contingent upon compliance with the agreed terms and conditions of this scheme.
- 5.2 Any action which necessitates an adjustment to a relevant parent's pay should be notified to Human Resources, through your Head of Function/Dean of Faculty immediately.
- 5.3 Under the DSP regulations, PRSI contributors at the modified rate (Class D) have no entitlement to paternity benefit. Therefore no deduction is applied to their salary and they remain on their ordinary rate of pay.
- 5.4 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 are available from the Department of Social Protection. Claims for paternity benefit can also be made online at [www.mywelfare.ie](http://www.mywelfare.ie)
- 5.5 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, he/she can make an appointment to get one at [www.mywelfare.ie](http://www.mywelfare.ie). After completing the employee's section of the PB2 form, AIT will complete the employer's section.
- 5.6 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 paternity benefit from the Department of Social Protection. The Institute will automatically deduct the basic paternity benefit from your gross pay in the week/month following you taking paternity leave (depending on your pay frequency).

If you are entitled to less than the standard payment for paternity benefit or you are not entitled to any paternity benefit, you should notify Human Resources [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 Paternity Leave. If the absences are recorded late any arrears due will be deducted from your salary after the date of notification.

Further details regarding paternity benefit are available from <http://www.welfare.ie>

## **6. GENERAL PROVISIONS**

### **6.1 Transferred paternity leave**

Where a relevant parent entitled to paternity leave in relation to a child dies, the staff member who is the surviving parent of the child will be entitled to the leave. This entitlement exists up to 28 weeks after the date of birth or day of placement of the child.

### **6.2 Annual leave and public holidays**

While on paternity leave a relevant parent will retain the right to accrue annual leave and public holidays as if they had not been absent from work. Any entitlements in respect of public holidays occurring while on paternity leave will be addressed by additional annual leave. These annual leave entitlements are to be taken at a time outside of the period of paternity leave.

### **6.3 Part-Time Hourly-Paid staff**

Hourly-Paid staff are not eligible for paid paternity leave.

This does not affect their statutory right to paternity leave.

If you are paying PRSI contributions Class A, you should apply for paternity benefit directly to the Department of Social Protection.

### **6.4 Termination of Paternity Leave**

Paternity leave may be terminated by the employer if there are reasonable grounds to believe that the leave is being used for a purpose other than the care of the child or to provide support to the relevant adopting parent or mother of the child. If, following an investigation, a staff member is found to have abused this leave, he or she may be subject to disciplinary action.

Before terminating the paternity leave, the Institute will:

- notify the staff member in writing that the matter is under consideration, and invite the staff member to make representations within 7 days.
- consider any representations from the staff member before making a final decision.
- notify the staff member in writing of the decision summarising the grounds.

The final decision notification should inform the staff member of his/her obligation to return to work on a specified date.

## **6.5 Correspondence address**

Human Resources will address all necessary correspondence to the relevant parent at the address last notified by them and no fault shall lie with AIT in the event that the staff member does not receive such correspondence.

## **6.6 Compliance**

All employees/employers must adhere to the regulations and procedures set out in this circular. Failure to abide with the regulations and procedures will be dealt with under the agreed disciplinary procedures and may lead to the cessation of salary in the case of employees.

All documentation relating to paternity leave must be retained by the employer with the relevant personnel records for 8 years. These records may be selected for inspection by nominated Department officials.

## **7. QUERIES**

E-Mail: [hr@ait.ie](mailto:hr@ait.ie)

