



# Parental Leave

The Parental Leave Act is effective from 3rd December, 1998. The purpose of the Act is to entitle a working parent to unpaid leave for a period of up to 18 weeks to enable him/her to take care of his/her child. The leave entitlement is 18 weeks per parent per child and it is an unpaid leave.

The leave may be taken as a block or with agreement, broken into weeks/days/half-day units. Please note that for calculation purposes, it is not possible to take parental leave in units of hours.

## **Notice to Take Leave**

The form (available at: <http://www4.dcu.ie/hr/hrforms.shtml>) must be completed and returned to the HR Department, along with the necessary birth certificate/adoption order, no later than six weeks before the proposed commencement of leave. Six weeks' notice is also required for an extension/renewal of an existing or previous parental leave arrangement.

## **Child Criteria**

In order to avail of Parental leave, the child must be born after 3rd June, 1996 and up to 13 years of age at the time of the leave. The total entitlement is 18 weeks for each child.

In the case of an adopted child, where an adopted child is three or more years but less than eight years at the time of the 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.

In the case of a child with a disability, employees may take parental leave in respect of such child up to the age of 16. This provision applies to a child in respect of whom a Domiciliary Care Allowance (DCA) is payable or would be payable if the child satisfied the means test for further information.

## **Parent Criteria**

This leave is open to natural and adoptive parents. Each parent has their own parental leave entitlements and it cannot be transferred between parents. The leave can be taken by both parents at the same time.



## **Part-Time Staff**

The leave will be allocated pro rata for part-time workers based on previous 18 weeks. If a parent has more than one eligible child, the maximum is 18 weeks parental leave in any one year. The period per year may be longer with multiple births or with employer agreement.

## **Conditions**

All employees must have one year's continuous service to avail of the leave. The 18 weeks does not include holidays, public holidays, periods of maternity leave or sick leave. Public holidays are taken immediately following parental leave. Parental leave may not be taken when the staff member is availing of any other leave arrangements such as term-time or reduced hours arrangements. The University will request Birth Certificates in the case of applications for Parental Leave.

## **Protection of Rights**

The employees' rights are protected while availing of Parental Leave i.e., Holidays accrue etc. This is not considered as a break in service. Only remuneration and superannuation benefits are affected by the period of unpaid leave. All employees are entitled to return to their own position at the end of the Parental Leave. The probationary/training period will be extended to cover the leave period.

Parents with less than one year's service have a pro rata entitlement after 3 month's service if the child is about to go beyond age limits. The entitlement is one week's leave for each month of continuous employment. For example: After working three months, the parent is entitled to up to three weeks unpaid Parental Leave if the child is about to reach his/her 8th birthday.

## **Postponement**

If there will be an adverse effect on the business, the university can postpone Parental Leave for up to six months. This must be discussed with the employee and the university at the time and the university must provide the reason in writing. In the case of postponement, the age limits are extended.



## **Postponement Defined Reasons**

Seasonal variations. Unavailability of person to perform duties. Nature of duties. Number of employees. Number of employees on Parental Leave. Other relevant matters. Seasonal Variations is the only grounds for postponing more than once.

## **Process**

The employee requests the parental leave 6 weeks in advance of start date and this must include the duration, mechanism (how the leave will be taken. Approval from your line Manager must be sought in advance.

The university will produce a *Confirmation Document* for the employee to sign 4 weeks prior to leave. This will confirm the start date, duration and mechanism (how the leave will be taken). All documents must be sent to the employee with a copy kept by both the university and employee.

In the event that the agreed parental leave days are changed, Human Resources must be notified in writing immediately as this can affect the payment of salaries to the staff member.

## **Abuse**

If reasonable grounds for believing a parent is not using the leave for the purpose of taking care of a child e.g. they are working somewhere else, the university may refuse leave and/or terminate the leave. The employee not entitled to return to paid work. The university will give notice in writing and the employee will have 7 days to appeal.

## **Replacement of Staff on Parental Leave**

Please note that due to the current policy constraints that apply to public bodies there is no guarantee that the University will be able to replace staff that go on parental leave in every instance. The relevant Head of Unit should contact Human Resources to discuss temporary replacement of staff who are about to go on parental leave. Each case will be treated on its own merits with a view to facilitating where possible the replacement of staff on maternity leave and if financial considerations allow.

Human Resources

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