



# **Maternity Leave Policy**



## Purpose

The purpose of this policy is to ensure that DCU employees are supported before, during and after their maternity leave.

## Scope

All employees who qualify under the terms of the Maternity Protection of Employees Act 1981 and 1994 as amended in 2001 and the Maternity Protection (Amendment) Act 2004, the Unfair Dismissals Acts 1977 - 1993 and the Worker Protection (Regular Part-time Employees) Act 1991 and the Protection of Employees (Part-time Work) Act 2001 will be granted maternity leave.

If an employee's contract is due to expire during a period of Maternity leave, their leave and their maternity related pay from the University will end in line with the date of their temporary contract of employment.

## Policy Statement

### Leave Entitlements

Employees are entitled to twenty-six consecutive weeks of statutory paid leave, and public holidays that fall within this period. In addition, employees have the option of availing of up to sixteen weeks' unpaid leave immediately following the initial period of paid leave.

An employee can begin and end their maternity leave on any day they select, after the 24th week of pregnancy, but the leave must commence not later than 2 weeks before the expected birth date and end not earlier than 4 weeks after the birth.

Maternity leave and additional maternity leave are not considered as part of any other absence including sick leave or annual leave.

### Maternity Leave Payment

**Paid Leave:** Employees entitled to Maternity Leave will normally receive full (pro-rata) pay from the University, less State Maternity Benefit, for the duration of the paid period of leave.

**Unpaid Leave:** The additional 16 weeks Maternity Leave is unpaid and can only be taken immediately following Paid Maternity Leave.



## **Additional Supports**

The following supports, exclusively provided by the University, are available to staff during and after their maternity leave.

### ***Keep in Touch (KIT) Days***

Staff on maternity leave have the option of availing of up to three Keep in Touch (KIT) days during the period of their maternity leave without affecting maternity pay.

The days can be used for any activity which would ordinarily be classed as work under their contract of employment. KIT days are optional and the activities to be undertaken should be agreed in advance between the staff member and their line manager.

Staff will be entitled to apply for paid time off in lieu (on their return from maternity leave) for any KIT days worked.

The administration of KIT days will be managed locally between the manager and staff member.

### ***Maternity Buddy Scheme***

All expectant parents have access to a buddy through pregnancy, maternity leave and until six months after their return to work. Please see below policy section 'Related Documentation' for full details of the scheme.

### ***Teaching Free Period on return from Maternity Leave***

Academic staff with teaching commitments may apply for a research exclusive period following their maternity leave. This is available for one semester and must be availed of within the first 12 months of returning to their post.

The conditions of the Teaching Free period are as follows:

- a) The employee must be returning to their academic role following a period of maternity leave (either the initial paid period up to 26 weeks, or the unpaid period of 16 weeks);
- b) The teaching-free period is for a maximum of one semester and must be taken in one block;
- c) The employee will need to discuss and confirm the uptake of this option with the Head of School at least 6 weeks before their return to work date. The discussion should include agreement on specific goals to be achieved in relation to the teaching free period;
- d) It is recommended that the Head of School and employee meet twice during the no teaching period to discuss progress regarding the successful reintegration of the employee into the workplace; &



- e) Recording of take up of the No Teaching Period will be held locally.

## Roles & Responsibilities

### The Employee

- a) The Employee must familiarise themselves with the conditions and entitlements available under the Maternity Leave Policy. Advice and clarification on the details of the policy is available by contacting the HR Department directly and/or speaking to the Line Manager.
- b) The Employee shall notify their Head of School/Unit of their intention to take Maternity Leave as early as possible but not later than 4 weeks before the commencement of the leave.
- c) A Maternity leave application must be made in writing by the employee to the Human Resources Department at least four weeks before the intended leave. This application will include a medical certificate or Maternity Benefit (MB2) form completed by a doctor confirming pregnancy and stating the expected date of birth.
- d) Notice of the date of return to work should be given in writing to the Human Resources Department at least four weeks before the date of return.
- e) In order to avail of sixteen weeks' unpaid leave, the employee must notify the Head of School/Unit and the HR Department at least four weeks before the paid maternity leave is due to end. The unpaid additional maternity leave must be taken immediately following normal paid maternity leave.
- f) The Employee must submit a claim for State Maternity Benefit to the Department of Social and Family Affairs. This must be done at least 6 weeks before the commencement of the Maternity Leave.
- g) The Employee should discuss with their Manager the additional supports available to them as outlined within this policy as soon as practicable but no later than 6 weeks from the date of return to work.
- h) Note - Time off in lieu of KIT days worked should be applied for and approved locally through the CoreTime system.
- i) Ante-natal or post-natal care - the employee must notify their Manager in writing of the date and time of the ante/post-natal appointments at least two weeks in advance.

## **The Line Manager**

- a) The Line Manager must familiarise themselves with the conditions and entitlements available under the Maternity Leave Policy including the additional supports of *KIT/ ML Buddy System/Teaching Free Period* in order to provide support to employees.
- b) Principal Investigators and Line Managers with responsibility for employees funded under Research Programmes will need to pay particular attention to the Policy's Addendum: Research Funded areas and Maternity Leave costs & cover.
- c) Advice and clarification on the details of the policy and associated documents is available by contacting the HR Department directly.
- d) The Line Manager will discuss the employee's application for leave with the HR Department in order to plan for appropriate cover for the period of leave.
- e) 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.
- f) Approval for KIT days worked should be processed through the CoreTime system.
- g) As a member of staff is entitled to paid time off for ante-natal or post-natal care, the Line Manager shall request evidence of appointment or attendance at an ante or post-natal clinic in order to facilitate time off for the employee.

## **Variations on Period of Maternity Leave**

### **Early Birth**

Where the birth occurs earlier than expected and before the date the Maternity Leave was due to commence, the birth date will be considered the date on which the twenty-six weeks paid Maternity Leave has commenced.

Since 1 October 2017, State Maternity Benefit is payable for an extra period after the end of the paid 26 weeks in the case of a premature birth. Maternity leave is also extended for this extra period. This extension corresponds to the time period between your baby's actual birth date and the expected start date of your maternity leave and Maternity Benefit, which would have been 2 weeks before the end of the week when your baby was due.

To bring forward the start date of your Maternity Benefit claim, you will need to give the Department of Employment Affairs and Social Protection either a copy of your baby's birth certificate or a letter from the hospital confirming the baby's actual date of birth. The



correspondence from the Department confirming your entitlement to the additional paid maternity leave must be forwarded to the HR Department in order to process your additional paid State maternity leave.

Where the date of birth occurs earlier than expected, but after the Maternity Leave has commenced, then there will be no change in the period of leave.

### **Late Birth**

Where the date of birth occurs so late in the maternity leave that less than the statutory 4 weeks remain, the leave shall be extended to the maximum of 4 weeks.

### **Stillbirths, Miscarriages and neonatal Death**

In the event of a stillbirth, miscarriage or neonatal death occurring after the 24th week of pregnancy, an employee is entitled to the full twenty-six weeks paid maternity leave.

### **Postponing or Splitting Maternity Leave**

Subject to agreement with the University a mother has the option of splitting, or postponing the period of Maternity Leave/Unpaid Maternity Leave in the event of hospitalisation of the child. Maternity leave may only be postponed if the employee has taken at least fourteen weeks' maternity leave, 4 of which would have been taken after the end of the week of confinement.

### **Sick leave & Maternity Leave**

Where a pregnant employee is experiencing ill-health necessitating substantial sick leave (certified and uncertified), the University may decide to obtain an independent medical opinion, and where appropriate, to require the staff member to commence maternity leave on a specified date. Sick leave following maternity leave, irrespective of whether it relates to the confinement, may be allowed within the normal entitlement where this leave is certified.

However, in line with normal sick leave regulations, sick leave will only be allowed where the University is fully satisfied with the intention of the employee to return to employment. Subject to agreement with the Human Resources Department, an employee has the right to terminate unpaid additional maternity leave in the event of becoming ill.

If an employee is medically unfit for work due to a pregnancy related illness and has exhausted access to paid sick leave, she will continue to receive sick leave at half pay for the duration of her pregnancy-related illness. This is regardless of whether she has reached the maximum limit for half pay due to prior sick leave. This period of extended half pay will not count towards future access to sick leave. Please refer to the University's Sick Pay Policy for more information on sick pay and a pregnancy related illness.



### **Annual Leave & Maternity Leave**

Annual leave may, on application and with approval from the Head of School/Unit, be taken immediately before or after maternity leave. Please note that where unpaid maternity leave is availed of, this must follow immediately after paid maternity leave, and annual leave follows unpaid maternity leave.

Annual leave is not affected by maternity leave. Annual leave continues to accrue as normal while an employee is on both the twenty-six weeks paid maternity leave and the sixteen weeks' additional unpaid maternity leave.

### **Ante and Postnatal Care**

An employee is entitled to attend all ante-natal medical appointments without loss of pay. The employee must give two weeks written notice to HR Department & Head of School/Unit before the appointment.

An employee is also entitled to paid time off for the purpose of attending one set of ante-natal classes other than the last three classes in such a set and/or postnatal care. Evidence of appointment or attendance at the clinic should be sent to the Human Resources Department.

A partner of the expectant parent, if also employed by the University, is entitled to time off from work, without loss of pay, to attend the last two ante-natal classes in a set before the birth.

### **Breastfeeding**

Breastfeeding mothers must be accommodated by employers (for up to 2 years after giving birth), without loss of pay, to either breastfeeding breaks where suitable facilities are provided, or to a reduction of working hours. A Mothers' Rest Room is available on campus. Access to the room is available through the Health & Safety office.

## **Policy Addendum: Research Funded areas and Maternity Leave costs & cover**

Given the nature of externally funded research posts in DCU, the Policy Addendum provides information to Principal Investigators/Line Managers on the conditions that specifically apply when Research Staff avail of maternity leave from the University.

Further details on maternity leave for researchers can be found at [this link](#).

## Related Documentation

|    |  |
|----|--|
| 1) | <a href="#">State Maternity Benefit forms</a>      |
| 2) | <a href="#">DCU Mother's Rest Room - Procedure</a> |
| 3) | <a href="#">Maternity Buddy Scheme details</a>     |

## Frequently Asked Questions (FAQs)

| Ref: | Question   | Answer  |
|------|--|---|
| 1    | What do I do if I want to take annual leave before I return to work following maternity leave? | You should liaise directly with your line Manager for permission in writing to take annual leave immediately following maternity leave. The agreed arrangement should be forwarded to the HR Department.<br><br>Note: Entitlement to annual leave accrues during maternity leave. |
| 2    | Will my employment service continue during my maternity leave?                                 | The period of maternity leave is considered continuous with the period of employment preceding it. However, pension service does not accrue during unpaid maternity leave.  |
| 3    | Is my increment date effected by my maternity leave?   | Maternity leave does not affect a staff member's incremental date.  |
| 4    | I'm a new employee on probation. What happens to my probation when I take maternity leave?     | The probation will be suspended for the period of paid maternity leave and the unpaid additional maternity leave.   |
| 5    | What happens to Bank Holidays that fall within   | Public holidays occurring during maternity leave will be offered as an extra day's leave.   |

| Ref: | Question  | Answer  |
|------|---|---|
|      | the period of maternity leave?  |   |
| 6    | I'm on a temporary contract which ends during my maternity leave. Am I still entitled to pay for the maternity leave? | If the contract of employment ends whilst an employee is on maternity leave, the maternity leave also ends. However, State Maternity Benefit usually continues for the remainder of the twenty-six weeks of maternity leave.  |
| 7    | When I commence maternity leave, is my cover under Income Continuance Plan (ICP) maintained?                          | While on unpaid maternity leave your membership of the DCU Group Income Continuance Plan will continue as normal. No contributions will be required during the period of your unpaid maternity leave and full cover will be maintained for a period of 18 weeks, subject to a maximum of 26 weeks if other leave such as parental leave has been taken within a 12-month period. If the unpaid leave will exceed the 26 week limit you should contact Cornmarket on (01) 4084000 in advance of the leave to discuss your options. |

## Contact

For any queries in relation to this policy please contact the Human Resources Department.

## Version Control

|                   |                        |  |
|-------------------|------------------------|--|
| Document Name     | Maternity Leave Policy |  <p>DCU<br/>Ollscoil Chathair<br/>Bhaile Átha Cliath<br/>Dublin City University</p> |
| Version Reference | V2.0                   |  |
| Owner             | Human Resources        |  |
| Approved by       | HR Director            |  |
| Date              | April 6th 2020         |  |

End.