



etbi
Education and Training
Boards Ireland
*Boird Oideachais agus
Oiliúna Éireann*

MATERNITY LEAVE

POLICY

*For all staff in
Education and
Training Boards
Ireland*

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Document Reference Number	HR010 Maternity Policy	
Implementation Date	27th July 2020	
Review Date	16/04/24	Next review date: 16/04/2026
DES Circular Letter/ Statutory Requirement	Entitlements set out in the Maternity Protection Acts, 1994 and 2004 DES Circular – CL0080/2015	
Date approved by ETBI Board	26 th January 2021	

I. PURPOSE

The objective of the policy is to communicate the statutory entitlement of employees taking Maternity leave and sets out the arrangements for the administration of the same.

The Maternity leave policy reflects the commitment of Education and Training Boards Ireland (ETBI) to the promotion of equality and will be fully compliant with the provisions of the Maternity Protection Acts 1994 and 2004.

2. STAFF MEMBERS COVERED BY THIS POLICY

This policy applies to full-time, part-time, casual and seconded staff who become pregnant while in employment regardless of how long they have worked for the company and who qualify for maternity leave.

The Work Life Balance and Miscellaneous Provisions Bill 2022 provides for the extension of maternity leave entitlements to transgender men.

An employee who is on a permanent/CID/ fixed term/fixed purpose contract of employment shall have full maternity leave entitlements during the term of the contract. The granting or taking of maternity leave entitlements should not affect a fixed term/fixed purpose appointment or the renewing of such an appointment

Maternity-related entitlements shall cease on the expiry of the contract unless that contract is followed directly by an approved 'back-to-back contract.

3. CONDITION OF TAKING MATERNITY LEAVE

All pregnant employees, who give birth to a live child, or who reach their 24th week of pregnancy, are entitled to 26 weeks of maternity leave and 16 weeks of additional unpaid maternity leave. The employee may also be entitled to Extended Maternity Leave for Premature Birth (where applicable).

Maternity leave will ordinarily begin on such day as the pregnant employee selects unless medically certified that the leave should commence on a particular date. However, the commencement date must not be later than 2 weeks before the end of the week of the baby's birth. For these purposes, Saturday is regarded as the end of the week.

If the birth occurs before the employee has commenced her maternity leave, then the maternity leave must commence immediately, and HR must be informed.

If the birth occurs after the expected date and there are less than four weeks of maternity leave remaining, then HR must be informed, and the maternity leave will be extended to ensure that four weeks of maternity leave are taken following the birth.

4. EXTENDED MATERNITY LEAVE & BENEFIT FOR PREMATURE BIRTH

The Maternity Protection Acts, as amended provide for extended Maternity Leave in the case of premature birth. This extended leave is in addition to the 26 weeks of paid statutory Maternity Leave.

Extended Maternity Leave for Premature Birth is the period between the actual date of birth of the premature baby and 2 weeks before the end of the week in which the baby was due.

The extended Maternity Leave for Premature Birth will commence at the end of the standard 26-week period of paid Statutory Maternity Leave.

The employee should contact the [Maternity Benefits Section](#) of the Department of Employment Affairs and Social Protection (DEASP) at the earliest opportunity but no later than the end of the 26th week of statutory Maternity Leave in order to make a claim for any additional Benefits due to the premature birth.

The DEASP will require the employee to provide a letter (or a birth certificate) from the hospital confirming the child's actual date of birth and the number of weeks gestation at which the child was born. Once the required information is supplied by the employee, the DEASP will assess the claim to determine if there is any additional entitlement to Maternity Benefit due to the premature birth. Where appropriate, DEASP will confirm in writing to the employee the additional Maternity Benefit to be paid.

The employee will be required to provide HR with a copy of the DEASP confirmation letter. Based on this information, HR will calculate any entitlement to extended Maternity Leave due to Premature Birth.

5. STILLBIRTH

If there is a stillbirth or miscarriage and the baby has a birth weight of at least 500 grams or at any time after the 24th week of pregnancy (i.e from the beginning of the 25th week) you are entitled to 26 weeks of maternity leave. You are also entitled to 26 weeks of Maternity Benefit, provided you satisfy the social insurance (PRSI) requirements.

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

6. STATUTORY ADDITIONAL UNPAID MATERNITY LEAVE

Commencing on the day **immediately** following completion of statutory maternity leave, the employee has the option to take a minimum of 16 consecutive weeks statutory additional unpaid maternity leave.

An employee who avails of statutory additional unpaid maternity leave may be entitled to receive PRSI credits. Please complete the application for Maternity Leave Credits which is available from the DEASP and request HR to complete and return the employer's section to the DEASP.

7. HOW THE MATERNITY LEAVE WILL BE TAKEN

Maternity leave entitlements

- Statutory 26 weeks paid maternity leave plus the addition of any public holidays and privilege days.
- Extended Statutory Maternity Leave for premature birth, where applicable (the number of weeks from the child's actual date of birth to the date when the Maternity Leave was expected to commence).
- Statutory additional unpaid leave of up to 16 weeks which must be taken immediately after the paid maternity leave.

Other leave entitlements employees can take after maternity leave

- Annual leave may be taken immediately after maternity leave.
- Parental leave of up to 26 weeks' unpaid leave may be taken before the child reaches twelve years of age.
- Parent's leave of 7 weeks maybe be taken before the child's first birthday

8. PROCEDURE

Management should be notified of your intention to take maternity leave, of your last working day and of your intended return to work date. You should submit the medical certificate confirming your pregnancy and expected due date to management. You should further submit a completed ETBI Maternity Leave Authorisation Form and Maternity Benefit Form MB-2 from the Department of Employment Affairs and Social Protection (DEASP).

If you wish to take unpaid or annual leave immediately after your maternity leave, you must apply in writing to management at least four weeks before your expected return date.

If you wish to take parental leave immediately after your maternity leave, you must apply in writing to management at least six weeks before the intended start of the parental leave.

You should notify management of any additional leave you wish to take or any change to your expected return date.

9. SALARY/PAY WHEN ON MATERNITY LEAVE

You are required to:

- apply to the Department of Employment Affairs and Social Protection (DEASP) for Maternity Benefit using the Maternity Benefit Form MB-2 (available from the department website at www.welfare.ie) at least six weeks before you intend to go on leave, and you should indicate on the form that the maternity benefit payment is paid directly to you. The Employer Certificate for Maternity Benefit section of the form must be completed by your employer after your 24th week of pregnancy.

- You will be paid your salary by Education and Training Boards Ireland (ETBI) for the duration of your paid maternity leave and ETBI will deduct the maximum weekly rate of benefit payment from your salary and the employee will claim the Maternity Benefit payable by DEASP.

10. OTHER RULES FOR MATERNITY LEAVE

- You are treated as being in employment while you are on Maternity Leave and are entitled to return to your job after Maternity Leave.
- Annual leave – you can build up annual leave while you are on Maternity Leave.
- Public holidays – you are entitled to any public holidays that occur during your Maternity Leave.
- PRSI contributions – you receive PRSI contributions while you are on Maternity Leave.

11. TIME OFF FOR ANTI-NATAL CARE APPOINTMENTS, POSTNATAL, ATTENDANCE AT ANTI NATAL CLASSES.

Pregnant employees are entitled to time off work, without loss of pay to:

- Attend medical appointments related to ante-natal care
- Attend one set of ante-natal classes in a working career, and the last 3 classes in a set for subsequent pregnancies, and
- Attend medical appointments related to post-natal care within 14 weeks of the birth.

If a pregnant employee misses particular ante-natal classes in a set, then it is permitted that during subsequent pregnancy, or pregnancies, she may attend classes equivalent to those missed.

Two weeks' notice should be given for each absence referred to in this section and appropriate certification provided.

12. BREASTFEEDING MOTHERS

Breastfeeding mothers are entitled to 60 minutes time off or a reduction in work hours in an seven hour working day without loss of pay for up to 104 weeks after birth. The legislation allows breastfeeding time to be increased or decreased pro-rata depending on the breastfeeding mother's working hours. Breastfeeding breaks of one hour off from work each working day, 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. If a staff member intends taking breastfeeding breaks or reduced working hours for the purpose of breastfeeding, they must notify Human Resources at least 4 weeks before the date they intend to return to work following maternity leave. ETBI may require the staff member to supply the child's birth certificate (or some other document confirming the child's date of birth).

13. HEALTH AND SAFETY OF PREGNANT EMPLOYEES

The Safety, Health and Welfare at Work Act 2005 and the Safety, Health and Welfare at Work (General Application) Regulations 2007 (S.I. No. 299 of 207) place an obligation on the

employer, as soon as it is notified by the employee that she is pregnant, to assess any specific risk in the workplace to that employee and to ensure that the pregnant employee is not exposed to any agents, processes or working conditions that will damage either the safety or health of the pregnant employee and/or that of the developing child.

The employee should be informed of the results of the risk assessment and the measures to be taken. The detailed arrangement regarding the respective responsibilities of ETBI and the employee in relation to health and safety leave is contained in Sections 17-20 of The Maternity Protection Act 1994.

Where a risk has been identified, and it is not possible to remove it, protective and preventive measures should be taken to safeguard the health of any employee to whom the provision applies, such as:

- a) A temporary adjustment in the working environment of the employee concerned so that exposure to the risk is avoided, or
- b) In the event that such adjustment is not possible, by moving the employee to suitable alternative work which does not entail the risk, or
- c) In the event that such alternative work is not available and having consulted with and received certification from the IOHS, by granting the employee health and safety leave. The employee is entitled to receive, on request, a certificate stating the reasons why she has been granted leave.
- d) The certificate must also state the start date and expected end date of the leave. Maternity-Related Health & Safety Leave can be granted in respect of more than one period, provided the conditions outlined in 8.1 and 8.2 above are fulfilled for each such period concerned.

A sample certificate of risk form is supplied in the schedule to the Maternity Protection (Health and Safety Leave Certification) Regulations 1995 (SI No. 19 of 1995).

Health and Safety leave will cease when:

- a) The employee concerned commences maternity leave, or
- b) The employee is no longer an employee to whom Part III of the Maternity Protection Act, 1994 applies (i.e. she notifies the employer that she is not pregnant, has not given birth within the last fourteen weeks or is not within 26 weeks of the birth and breastfeeding, as defined in the Act); or c)
- c) Risk ceases.

Specific questions on health and safety issues should be addressed to the Health and Safety Authority (HAS), www.hsa.ie, which can provide advice, assistance and encouragement aimed at the prevention of work related accidents and the promotion of occupational safety, health and wellbeing.

An employee who makes PRSI contributions at the modified rate (Class D) and has no entitlement to Health and Safety benefits from DEASP, will be entitled to full pay while on health and safety leave. An employee who makes PRSI contributions at the full rate (Class A) and who is entitled to Health and Safety Benefit from the DEASP will be paid a full salary by ETBI for the first 21 days and thereafter will be paid a full salary less any benefit paid by the DEASP.

14. POSTPONEMENT OF LEAVE ENTITLEMENTS IN THE EVENT OF HOSPITALISATION OF A CHILD

In the event of the hospitalisation of the child, a request may be made to ETBI for postponement of:

- a) Statutory Maternity leave
- b) Statutory additional unpaid maternity leave

Maternity leave can only be postponed after at least 14 weeks of the leave has expired, 4 weeks of which must have been taken after the week of the child's birth. Postponement of the leave will require the absent employee to resume duties during the period of postponement.

An application for postponement must be made in writing to HR, accompanied by a certification from the hospital in which the child is hospitalised. HR will notify the employee in writing as soon as possible of its decision. If the leave is postponed, HR and the employee must agree the date of return to work.

HR and the DEASP must be notified immediately if the employee is to return to work to facilitate pay adjustment and cease any benefit from the DEASP and the finalisation of payment to the replacement employee.

The postponed maternity leave must be taken in one continuous period commencing not later than 7 days after the discharge of the child from hospital. The maximum period for postponement of the leave is 6 months.

The employee must provide HR with a letter or other appropriate documentation from the hospital, or the child's doctor, confirming the child's discharge date.

If the employee becomes ill having returned to work and before she has taken the postponed leave, she will be considered to have started the postponed leave on the first day of absence due to illness unless the employee notifies HR that she does not wish to begin the postponed leave. If this happens, she will forfeit the postponed leave, and the absence will be treated as sick leave. The normal procedures in relation to sick leave should then be followed, including the furnishing of a medical certificate/s where appropriate.

15. TERMINATION OF STATUTORY ADDITIONAL UNPAID MATERNITY IN THE EVENT OF SICKNESS OF THE MOTHER

If an employee has made an application for statutory additional unpaid maternity leave and subsequently becomes ill, she is entitled to cancel the application in writing, not later than 4 weeks before such leave is due to commence. If the 4-week deadline has passed the entitlement to cancel the leave has been lost. However, a formal request can still be made to cancel such leave in favour of a certified sick leave absence.

Approval of such a request to terminate the leave is at the discretion of ETBI. If approved, ETBI and the employee will agree on the date for any such termination of the leave.

The date agreed cannot be earlier than the first day of certified illness and not later than when the terminated leave would otherwise have ended. The normal procedures in relation to sick leave will apply. The employee will not be entitled subsequently to take the additional unpaid maternity leave or any part of it not taken at the time of commencement of sick leave.

To facilitate necessary pay adjustment (if appropriate), HR must be notified immediately, in writing, that the employee is now on sick leave.

16. EMPLOYMENT DURING MATERNITY LEAVE

Employees are not permitted to engage in any paid employment during the course of their maternity leave. Under the DEASP regulations Maternity Benefit may be terminated in the event that paid employment is taken up while on maternity leave. Any salary payment from ETBI may have to be reviewed in the event of termination of Maternity Benefit arising from non-compliance with the terms of the DEASP scheme.

17. RESUMPTION OF DUTIES

HR will provide the absent employee with a written statement of their absence and the expected date of resumption of duties. Four (4) weeks before the employee is due to return to work, written notice should be given by the employee to HR confirming the intention to resume duties from that date.

18. COMPLIANCE

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

All documentation relating to maternity leave arrangements will be retained by ETBI on the relevant personnel file.

19. STAFF SECONDED TO ETBI AVAILING OF MATERNITY LEAVE

The Maternity Leave regulations, procedures / Circular Letter applicable to the employee's substantive grade will be applied by the substantive employer.

20. VARIATION

The policy may be amended at any time following consultation between management and staff.

21. REVIEW OF POLICY

There will be a review of this policy following two full years after its introduction or earlier if deemed necessary by ETBI management.