



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

PATERNITY LEAVE

POLICY

*For all staff in
Education and
Training Boards
Ireland*

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1. PURPOSE

Education and Training Boards Ireland (ETBI) is dedicated to the implementation of legislation and policy which promotes family life. The objective of the policy is to communicate the statutory entitlement of employees to paternity leave and sets out the arrangements for the administration of same.

The Paternity 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 establishing equality legislation.

2. RESPONSIBILITIES

It is the responsibility of all employees to adhere to the regulations and procedures set out in the paternity leave policy. 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.

It is the responsibility of the Human Resources Office to process applications for paternity leave and to keep records of paternity leave in accordance with the provisions of the policy.

3. WHO CAN TAKE PATERNITY LEAVE

Paternity leave is a period of two consecutive weeks paid leave available to a relevant parent on the birth/adoption of a child. A Relevant Parent is an employee (other than the mother of the child) who is the:

- Father of the child.
- A spouse, civil partner, cohabitant of the birth or adopting mother of the child.

- A parent of a donor-conceived child as provided for under section 5 of the Children and Family Relationships Act 2015.
- The spouse, civil partner, or cohabitant of the sole male adopter of the child.

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. A job-sharing employee who is a relevant parent will be entitled to paternity leave on a pro-rata basis.

4. ENTITLEMENTS & CONDITIONS

The following conditions apply to taking paternity leave.

- 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.
- An employee who is a relevant parent may avail of a continuous period of two weeks paternity leave. The leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave.
- Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child. The leave will commence on the date the relevant parent selects in his/her written notification. It should be noted that paternity leave cannot commence earlier than the date of birth or date of placement of the child and cannot commence later than 26 weeks after date of birth or the date of placement of the child.
- 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.
- 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.
- Paternity leave is also available in the event of a baby being stillborn after 24 weeks of pregnancy.

5. HOW THE PATERNITY LEAVE WILL BE TAKEN

Paternity leave may commence at any time from the date of birth or date of placement of the child to 26 weeks thereafter, except in the event of hospitalisation of the child and postponement of the leave.

A relevant parent absent on paternity leave may not engage in any other type of paid employment. 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.

6. PATERNITY LEAVE APPLICATIONS

Employees who wish to avail of paternity leave must provide written notification to the Human Resources Office of their intention to take paternity leave not less than 6 weeks before the commencement of leave and must provide the following:

- a. **In the case of a birth:**
 - A copy of the medical certification as provided by the mother to her employer or other appropriate certificates 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.

- b. **In the case of an adoption:**
 - A declaration/official placement order in the case of an adoption.

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

c. In the case of foreign adoption:

The adopting employee 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 employee should provide written confirmation of placement to their employer.

Notification may be withdrawn in writing by the relevant parent concerned to the Human Resources Office not later than 4 weeks before the commencement of paternity leave.

Where the day of placement is postponed or the date of birth occurs after the date selected by a relevant parent in his/her notification given to the Human Resources Office, the relevant parent is entitled to select another date on which the paternity leave will commence.

Where the date of birth occurs in a week that is six weeks or more before the expected date of birth, the relevant parent shall inform the Human Resources Office immediately and will be deemed to have complied with the notification period. The formal written notification must be given within seven days commencing the day of birth.

On approval of the leave, the relevant parent shall notify the Human Resources Office when the date of birth/placement is reached. The relevant parent must forward a copy of the birth certificate/official placement order for the child to the HR Office.

Where the paternity leave has commenced and the relevant parent is employed under a fixed term/specified purpose contract, and the contract is due to expire, then the last day of the paternity leave shall be the day on which the contract expires.

7. ENTITLEMENT TO PATERNITY LEAVE ON THE DEATH OF THE RELEVANT PERSON

In the event of the death of the relevant parent entitled to the paternity leave within a period of 28 weeks after the birth or placement of the child and before availing of some or all of the paternity leave, then the leave shall transfer to the surviving parent.

In such circumstances and in the event that the surviving parent is an employee, he/she must notify the Human Resources Office in writing of the following, but not later than the day on which the transferred paternity leave begins

- of the death of the relevant parent;
- their intention to take the transferred paternity leave;
- the length of the leave they believe they are entitled to and;
- if requested by the ETBI, provide a copy of the death certificate.

In the case of a surviving parent being entitled to maternity leave, a period of transferred paternity leave will commence immediately after the end of the maternity leave or in the case of adoptive leave, immediately after the end of the adoptive leave concerned.

8. POSTPONEMENT OF PATERNITY LEAVE THROUGH ILLNESS

In the event of illness of the relevant parent immediately prior to the commencement of his/her paternity leave; the paternity leave may be postponed.

The relevant parent must immediately inform the Human Resources is obliged to:

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

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

9. STATUTORY ANNUAL LEAVE/PUBLIC HOLIDAY ENTITLEMENT

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.

10. PAY ARRANGMENTS AND PATERNITY BENEFIT

During paternity leave, relevant parents who have the necessary PRSI contributions are entitled to paternity benefits from the Department of Employment Affairs and Social Protection (DEASP).

Claims should be made on a PB2 form, which are available from the Department of Employment and Social Protection or the HR Office.

Paternity leave payments will be made directly to you by the DEASP. A deduction from salary equivalent to the maximum weekly rate of Paternity Benefit and the balance of salary paid by ETBI.

11. COMPLIANCE

All documentation relating to paternity leave must be retained by the employer with the relevant personnel records for 8 years.

12. STAFF SECONDED TO ETBI AVAILABLE OF PATERNITY LEAVE

The Paternity Leave regulations, procedures applicable to the employee's substantive grade will be applied by the substantive employer.

13. 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.