



MATERNITY LEAVE POLICY

Scope

This policy applies to all employees of Cork ETB and refers to the agreed guidelines for Teachers and Special Needs Assistants availing of Maternity Leave under the terms of CLs 0009/13 and 0017/2013.

Purpose

This policy has been developed to provide a framework within which the provisions of the relevant legislation and the Circular Letters can be applied and to assist staff in understanding how Maternity Leave will be managed within the organisation.

Maternity Leave Entitlements

Maternity leave is granted in accordance with the Maternity Protection Acts 1994 and 2004 and CL 0009/2013 (Teachers Circular) & 17/2013 (SNA Circular).

All pregnant staff, who give birth to a live child, or who reach their 24th week of pregnancy, are entitled to **26 weeks Maternity Leave** and **16 weeks additional unpaid maternity leave**.

Maternity leave will ordinarily begin on a date not later than 2 weeks before the end of the week of the baby's expected birth and 4 weeks must be taken after the end of the week of the baby's birth. For this purpose Saturday is regarded as the end of the week.

If the birth occurs in a week before an employee has commenced her maternity leave then the maternity leave must commence immediately (on the date of the baby's birth) and the employer must be informed.

If the birth occurs after the expected date and there are less than 4 weeks of maternity leave remaining, then the employer must be informed and the maternity leave will be extended to ensure that 4 weeks maternity leave are taken following the birth.

An employee's entitlement to maternity leave, whether paid or unpaid, shall cease on the expiry of a contract, that contract not having been renewed.

Statutory Additional Unpaid Leave

An employee has the option of taking a maximum of 16 consecutive weeks' statutory additional unpaid maternity leave which must commence on the day immediately following completion of maternity leave.

When all associated leave types have been fully utilised, as appropriate to each individual, then the next working day becomes the date of resumption of duty.

Teachers may also apply for non-statutory additional unpaid leave to the end of the school year upon completion of maternity and statutory unpaid leave. Further details are available in CL 0009/2013.

Statutory Annual Leave and Public Holiday Entitlement

Teachers and SNAs

In general full-time teachers/SNAs are entitled to 20 days annual leave. Such employees who work less than full hours are entitled to annual leave on a pro-rata basis.

For teachers and Special Needs Assistants, any entitlements in respect of public holidays occurring while on maternity leave will be addressed by additional annual leave, which is to be taken on existing school closure days that occur in the leave year in question i.e. both before and after the maternity leave period. Further details regarding this procedure are available in the relevant circular letters.

When availing of statutory maternity leave and there are not enough school closure days in the leave year to absorb all annual leave entitlements, it is permitted to take the necessary days immediately before the maternity leave in the same leave year. Alternatively, teachers and special needs assistants will be permitted to carry the balance forward to the following leave year but must then take these days during school closures.

Non-Academic Staff

For non-academic staff, annual leave is as per the employee's contract and leave is accrued during maternity leave in the normal way and may be taken on return from maternity leave. Public holidays that occur during a period of maternity leave and/or statutory additional unpaid leave will accrue as day(s) in lieu and will be added to the end of the period of leave.

Annual Leave on return from Maternity Leave (Non-Academic Staff only)

Staff intending to avail of annual leave directly after maternity leave should apply for this prior to commencing maternity leave. It is acknowledged that dates of leave may change in the course of maternity leave, and flexibility around dates will be provided. However, in the interests of work planning and cover, a broad indication of the intended dates for annual leave is required.

Application Procedures

Application for maternity leave both paid and unpaid should be made by the employee to the employer at least 6 weeks in advance of the commencement of the leave on the prescribed application form.

The applicant is also responsible for completion of the MB10 Form, where applicable, and should submit same to the HR department for completion of the employer's section in good time to be completed before forwarding to the DSP at least 6 weeks prior to the start date of the maternity leave.

Pay Arrangements and Maternity Benefit

Continuation of salary during maternity leave is not a statutory entitlement and is contingent upon contract type and compliance with the agreed terms and conditions of this scheme.

Under the DSP regulations, PRSI contributors at the modified rate (Class D) have no entitlement to Maternity Benefit. Therefore, no deduction is applied to their salary and they remain on their ordinary rate of pay.

Under DSP regulations any Maternity Benefit payable by the DSP to PRSI contributors at the full rate (Class A) will issue directly to the employee. A deduction is applied to their salary by the Payroll Department equivalent to the maximum weekly rate of maternity benefit for the duration of the 26 week statutory maternity leave period.

If the amount of benefit payable is less than the maximum allowed or if a person is not entitled to any Maternity Benefit, it is her responsibility to notify the payroll section immediately to ensure that the salary adjustments are correct.

Time Off for ante-natal care appointments , post-natal care appointments and attendance at ante-natal classes

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

- (a) Attend medical appointments related to ante-natal care;
- (b) Attend one set of ante-natal classes in a working career, other than the last 3 classes in such a set; and
- (c) Attend medical appointments related to post-natal care within 14 weeks of birth.

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

An expectant father is entitled to paid time off work to attend the last two ante-natal classes in a set attended by the pregnant mother.

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

Discounting of Pregnancy-Related Sick Leave for Pay Purposes

The discounting of pregnancy related sick leave for pay purposes is governed by the regulations set out in CLs 59/2014, 60/2014 and 63/2014 (relating to certified sick leave) which supersede the provisions of the Maternity Leave CLs 0009/13 and 0017/2013. Further details are available in the Managing Attendance & Sick Leave Policy.

Status During Leave

An employee on any of the leave types referred to in this circular, with the exception of non-statutory additional unpaid maternity leave is deemed to have been in employment at that time. Paid absences are fully reckonable for all purposes including seniority, determination of panel rights etc. Statutory additional unpaid maternity leave is reckonable for all purposes, with the exception of remuneration and superannuation. Absence on non-statutory additional unpaid maternity leave to the end of the school year (teachers only) is not reckonable for any purpose including accrual of annual leave.

Employment during Maternity Leave

Employees are not permitted to engage in any paid employment during the course of their maternity leave.

Other provisions

Other provisions and entitlements under the Maternity Leave scheme are set out in CLs 0009/13 and 0017/2013; please refer to them for the following:

- Health and Safety of Pregnant, Post-Natal and Breastfeeding Employees.
- Father's leave in the event of the death of the mother while on maternity leave.
- Postponement of leave entitlements in the event of the hospitalisation of the child.
- Termination of statutory additional unpaid maternity/father's leave in the event of sickness of the mother/father.
- Provision for Breastfeeding.

Compliance

Failure to abide by the regulations and procedures will be dealt with under the agreed disciplinary procedures and may lead to cessation of salary.

Review

This policy will be subject to review in accordance with organisational needs and/or where it is necessary to do so due to changes in DES regulations, legislation or other such situations.

Signed: _____



Mr. T. Owens

Chief Executive Officer

Date: _____

