

## **Paternity Leave Policy**

### **Purpose**

The purpose of this policy is to demonstrate the Organisation's compliance with the Paternity Leave and Benefit Act 2016 and associated regulations as issued, whilst also protecting the rights of Employees under this legislation.

### **Scope**

This policy applies to all Employees who are relevant parents to a child (other than the mother):

- The father of the child;
- The relevant adopting parent ;
- The spouse, civil partner or cohabitant of the mother of the child;
- A parent of a child where the child is a donor conceived child.

### **Policy**

A relevant parent is entitled to avail of 2 weeks paternity leave from employment, to enable him or her to provide or assist in the provision of care to the child or to provide support to the relevant adopting parent or mother of the child. The period of leave comprises a single period of 2 continuous weeks. Only one person who is a relevant parent in relation to a child is entitled to paternity leave in respect of that child. Where a child is part of a multiple birth, or a person adopts 2 or more children at the same time, the relevant parent is only entitled to one period of paternity leave.

Paternity leave is applicable where the date of confinement in respect of the child falls on or after the 1<sup>st</sup> September 2016, or where a child is or is to be adopted and the date of placement in respect of the child falls on or after the 1<sup>st</sup> September 2016.

### ***PLEASE NOTE THIS SECTION MAY CHANGE DEPENDING ON YOUR PAY POLICY FOR PATERNITY LEAVE***

*Paternity leave is unpaid leave. No payment is made in respect of absence by an Employee during paternity leave. However, an Employee may be entitled to claim paternity benefit from the Department of Social Protection, subject to qualification criteria. In order to claim this benefit, an Employer is required to submit a form (Form PB2) to certify that an Employee is entitled to paternity leave for the dates provided. This form is available from the Department of Social Protection. The relevant parent must have a Public Services Card to apply for Paternity Benefit.*

### **Notification Procedure**

Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child

Entitlement to paternity leave shall be subject to an Employee, who is a relevant parent, notifying his or her Employer in writing of his or her intention to take paternity leave:

- As soon as reasonably practicable but not later than 4 weeks before the expected week of confinement of the expectant mother concerned;
- In the case of a child who is/ is to be adopted, as soon as reasonably practicable but not later

than 4 weeks before the expected day of placement.

At the time of notification, or as soon as reasonably practicable, an Employee must provide the Employer with a medical certificate confirming the pregnancy of the expectant mother concerned and specifying the expected week of confinement. An Employee who has not given a notification to his or her Employer in line with the requirements set out above, or who revoked such notification, may notify the Employer of his or her intention to take paternity leave not later than 4 weeks before the commencement of such leave.

### **Commencement & Postponement of Leave**

#### **Commencement**

The period of paternity leave shall commence on such a day as the relevant parent selects in his or her notification to the Employer of their intention to take paternity leave, being not earlier than the date of confinement or day of placement, and not later than 26 weeks after such date or day.

Where the Employee intends to take paternity leave, the Employee must notify the Employer of the length of leave that the Employee intends to take.

#### *Early Confinement*

Where the date of confinement occurs in a week that is 4 weeks or more before the expected date of confinement, the relevant parent will be deemed to have complied with the requirements in terms of notification to the Organisation if the notification required is given in the period of 7 days commencing on the date of confinement.

#### *Postponement*

Where, as the case may be, the day of placement is postponed or the date of confinement occurs after the date selected by a relevant parent in his or her notification, the relevant parent shall be entitled to select another date on which the paternity leave shall commence.

#### *Sickness during Paternity Leave*

Where a relevant parent who has complied with the notification procedures becomes sick prior to the commencement of his or her paternity leave and wishes to postpone the paternity leave, he or she may, by notice in writing given to his or her employer as soon as reasonably practicable after becoming sick and accompanied by the relevant evidence in respect of the sickness, postpone the taking of the leave to such time as the relevant parent is no longer sick.

### **Abuse of Leave**

Where an Employer has a reasonable belief that an Employee who is on paternity leave is not using the leave for the purpose outlined, the Employer may, by provision of notice in writing to the Employee, terminate the leave. The notice shall summarise the grounds for terminating the leave, and the day by which the Employee must return to work.

### **Employee Rights**

During a period of paternity leave, an Employee shall be deemed to have been in the employment of the Employer, and be treated as if he or she had not been absent from work. Availing of paternity

leave shall not affect any right related to the employment, other than the right to remuneration during the absence. Where an Employee is on probation, undergoing training, or employed under a contract of apprenticeship, the Employer may require that the probation, training or apprenticeship shall stand suspended during the period of leave.

### **Return to Work**

Employees are entitled to return to work to the same job and under the same terms and conditions of employment following paternity leave. Where this is not reasonably practicable, the Organisation will provide suitable alternative employment that is no less favourable in terms and conditions.