



# **Maternity Leave Policy**

## Introduction

Dublin City University (DCU) is committed to providing an equal, inclusive and diverse environment in which all members of the University community should expect to be able to thrive and be respected and valued for their unique perspectives and contributions. This policy specifies the arrangements in place at Dublin City University for the administration and monitoring of the University's Maternity Leave Policy.

## Purpose

The purpose of this policy is to provide clarity regarding Maternity Leave entitlements for employees of the University in accordance with 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.

## Scope

This policy applies to eligible employees of the University, both academic and support, including those employed in its research centres.

## Policy Statement

All employees who qualify under 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.

Employees who are employed on fixed term contracts whose 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.

### Leave Entitlements

- Employees are entitled to 26 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 16 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 at least 2 weeks' before the end of the week that the baby is due. The end of the week is normally considered

to be Saturday night. However, an employee can choose to start it earlier. The leave must 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.
- Annual leave and public holiday entitlements will continue to be accrued during Maternity Leave. Service will also continue to remain unbroken and increments will continue to apply.
- Annual leave may, on application and with approval from the Head of School/Unit, be taken immediately before or after maternity leave. Where unpaid maternity leave is being taken, this must follow immediately after paid maternity leave, and annual leave follows unpaid maternity leave.
- In the case of an employee who is on probation at the start of their Maternity Leave, their probationary period will be extended to cover the leave period.

## **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 26 weeks paid Maternity Leave has commenced.
- 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 the baby's actual birth date and the expected start date of the maternity leave and Maternity Benefit, which would have been 2 weeks before the end of the week when the baby was due.
- To bring forward the start date of a Maternity Benefit claim, the employee will need to give the Department of Social Protection (DSP) either a copy of the baby's birth certificate or a letter from the hospital confirming the baby's actual date of birth. The correspondence from the Department confirming the entitlement to the additional paid maternity leave must be forwarded to the HR Department (HR) in order to process the 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 26 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 14 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 employee 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.
- 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, they will continue to receive sick leave at half pay for the duration of the pregnancy-related illness. This is regardless of whether the employee 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.

## Ante and Postnatal Care

- An employee is entitled to attend all antenatal medical appointments without loss of pay. The employee must give two weeks written notice to HR & the Head of School/Unit before the appointment.
- An employee is also entitled to paid time off for the purpose of attending one set of antenatal 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 HR.
- 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 antenatal classes in a set before the birth.

## Pay arrangements and Maternity Benefit

### 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.
- A deduction, where appropriate, from salary equivalent to the maximum weekly rate of Maternity Benefit payable will be automatically applied at source by the University.
  - Maternity Benefit from the Department of Social Protection (DSP) should, therefore, be claimed by an employee who is availing of Maternity Leave from the University. Information on how to claim Maternity Benefit is available from <https://services.mywelfare.ie> and by viewing information under the heading *Parents, Children, Family*
  - If the amount of Maternity Benefit payable is less than the maximum, or if an employee is not entitled to any Maternity Benefit, they should notify HR immediately, by emailing [askhr.ie](mailto:askhr.ie), to ensure that any salary adjustments are correct. Changes to the automatic deduction can be made provided the employee furnishes a copy of the DSP's written notice to HR of the actual Benefit rate applicable, if any. Deductions, where appropriate, will be made during the period of Maternity leave. If the absences are recorded late any arrears due will have to be deducted from salary after the date of notification.
  - Maternity Benefit payment is a taxable income. The DSP will provide Revenue with the details of any Maternity Benefit payment and Revenue will collect the tax due. For more information on taxation of Maternity Benefit, please refer to <https://www.revenue.ie> and view the information under *Taxation of DSP payments*.

### Unpaid Leave

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

### Information specific to Maternity Leave in Research Funded areas

- Research funded employees will receive normal pay less the State Maternity Benefit. The top-up on the State Maternity Benefit to full pay will be covered by the Principal Investigator (PI)/Research Programme from the respective external research grant where allowable under the grants terms and conditions.
- In the event that this is an ineligible expense under the research grants terms and conditions and/or there are insufficient resources available to fund the maternity pay top-up, the PI will submit a proposal to the University seeking funding to cover the arrangement.
- Information submitting a proposal seeking funding to cover the arrangement is available from the Maternity Leave Toolkit on the HR website under the Manager tab.

### Breastfeeding

Breastfeeding mothers are entitled to breastfeeding breaks for up to 2 years after giving birth where suitable facilities are provided, or to a reduction of working hours. A Mothers'

Rest Room is available on both the Glasnevin and St. Patrick's campuses. Access to the room is available through the Health & Safety office.

### **Additional Supports**

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

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

- Employees 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 employee and their line manager.
- Employees 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 employee.

#### **Maternity Buddy Scheme**

All expectant employees have access to a buddy through pregnancy up to 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 employees 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:

- 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);
- The teaching-free period is for a maximum of one semester and must be taken in one block;
- 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;
- 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;
- Recording of take up of the No Teaching Period will be held locally.

### **Replacement of an Employee on Maternity Leave**

- There is no guarantee that the University will be able to replace, in every instance, employees that are on Maternity Leave.
- Any case for a temporary replacement will be treated on its own merits and in relation to relevant operational and resourcing considerations for the area.

### **Application Process**

- To apply for Maternity Leave from the University an employee will need a certificate from their doctor that confirms the baby's expected due date.
- This certificate (known as MB2 Form) must be sent to HR for completion together with a letter requesting Maternity Leave.
- HR will complete the form and return it to the employee together with a letter confirming the Maternity Leave arrangement and return to work date.
- The MB2 Form completed by HR will be needed by the employee when making a claim for Maternity Benefit.

## **Roles & Responsibilities**

### **The Employee**

- Read this policy and be aware of their entitlements as well as their obligations. Advice and clarification on the details of the policy is available by contacting HR directly and/or speaking to the Line Manager.
- Discuss the request for Maternity Leave with their Line Manager. Discussions will include how their workload will be managed over their period of leave.
- Apply in writing to HR at least four weeks before the intended leave. This can be done by dropping the application into the HR reception desk. The application will include a medical certificate or Maternity Benefit (MB2) form completed by a doctor confirming pregnancy and stating the expected date of birth.
- To avail of sixteen weeks' unpaid leave, the employee must notify the Head of School/Unit and HR (by email to askhr.ie) 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.
- Keep a record of the documentation and paperwork issued in relation to their leave request
- Submit a claim for State Maternity Benefit to the Department of Social Protection. This must be done at least 6 weeks before the commencement of the Maternity Leave. Information on how to claim Maternity Benefit is available from:  
<https://services.mywelfare.ie>



and by viewing information under the heading *Parents, Children, Family*.

- Notify HR ([askhr@dcu.ie](mailto:askhr@dcu.ie)) of the return-to-work date at least four weeks before actual return date.
- Engage with discussions with their Line Manager regarding their return from leave and to explore any support that may be appropriate. This should be done as soon as practicable but no later than 6 weeks from the date of return to work.
- Time off in lieu of KIT days worked should be applied for and approved locally through the CoreTime system.
- Notify their manager in writing of the date and time of the ante/postnatal appointments at least two weeks in advance.

### **The Line Manager**

- Read this policy and be aware of employees' entitlements including the additional supports of KIT/ ML Buddy System/Teaching Free Period in order to provide support to employees.
- Seek advice and support from HR on the details of this policy
- Ensure a discussion takes place with the employee in order to assist them to prepare for taking leave. Discussions will include how the employee's workload may change and will be managed during the leave period.
- Discuss the employee's request for leave with the HR Business Partner. Discussions will include how the employee's absence will be accommodated and the resource plans for covering the absence. 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.
- Principal Investigators and Line Managers with responsibility for employees funded under Research Programmes will need to pay particular attention to the Policy Toolkit available on the HR webpage.
- Approve KIT days worked through the CoreTime system.
- Request evidence of appointment or attendance at an ante or postnatal clinic in order to facilitate time off for the employee.
- Upon the employee's return from leave, ensure a discussion takes place with the employee in order to assist them with their return including exploring any support that may be appropriate.

### **Human Resources**

- Help ensure that employees are aware of the content of this policy.
- Respond promptly to requests from employees for Maternity Leave.
- Process all applications for Maternity Leave in a timely manner.
- Issue the employee with a Maternity Leave Letter confirming the approval of the leave arrangement.
- Ensure that all documents are sent to the employee with a copy retained by the University.



- Will update the employee's leave record and personal file.

## Sanctions

- If reasonable grounds for believing an employee is not using Maternity Leave for the required purpose e.g., they are working somewhere else whilst receiving payment from the University for Maternity Leave, the University may refuse payment of the leave and/or revoke the payment.
- The University may take appropriate action in the case of misuse of Maternity Leave. This may include formal disciplinary action.

## Contact

Any queries regarding this policy should be directed to:


E: ask.hr@dcu.ie

Tel: 01 700 5149

## Policy Review

This policy will be reviewed every 3 years or as soon as practicable after there has been a substantial change in any matter to which this policy refers.

## Version Control

<b>Policy Name</b>	Maternity Leave Policy		 Ollscoil Chathair Bhaile Átha Cliath Dublin City University
<b>Unit Owner</b>	Human Resources		
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<b>Approved by</b>	Human Resources	Human Resources	
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End.