



## **Paternity 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 Paternity Leave Policy.

## Purpose

The purpose of this policy is to provide clarity regarding paternity leave entitlements for employees of the University and its wholly owned campus companies (hereinafter collectively referred to as the 'University') to paid leave from work to take care of their child, in accordance with the Paternity Leave and Benefit Act 2016.

## Scope

This policy applies to all employees of the University, both academic and support, including those employed in its research centres and its wholly owned campus companies.

## Policy Statement

Paternity Leave is a period of two consecutive weeks paid leave available to a relevant parent on the birth/adoption of a child, where the date of birth/day of placement falls on or after 1st September 2016.

It is the policy of the University to introduce and fully implement the terms and provisions of the Paternity Leave and Benefit Act 2016.

The entitlement to paternity leave is subject to the condition that it is used for the provision of care to the child/children or to provide support to the relevant adopting parent or mother of the child/children concerned as the case may be, or both.

### Entitlement to Paternity Leave

- The commencement date of Paternity Leave must not be earlier than the date of birth / day of placement of the child and end no later than 26 weeks after that date.
- Only one period of paternity leave shall be granted in respect of each birth regardless of the number of children born. In the case of multiple births / adoptions the maximum period of 2 weeks still applies.

- In general, only one person who is a relevant parent in relation to a child/children shall be entitled to paternity leave in respect of that child.
- A job sharing or part-time employee who is a relevant parent will be entitled to paternity leave on a pro-rata basis.
- 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.
- Paternity leave is available in instances where a stillbirth (a birth after 24 weeks of pregnancy) occurs.

### **Entitlement on the Death of the Relevant Parent**

- 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/children and before availing of some or all of the paternity leave, then the leave shall transfer to the surviving parent.
- In the event that the surviving parent is an employee, they must notify the Human Resources Department 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 University, provide a copy of the death certificate.
- In the case of a surviving parent being entitled to maternity/adoptive leave, a period of transferred Paternity leave will commence immediately after the end of the maternity/adoptive leave.

### **Employee Right's during Paternity Leave**

- The employee's service will continue to remain unbroken, however, service accrued during Paternity Leave is not counted for Superannuation/Pension benefit purposes.
- Increments will continue to apply as normal.
- For the duration of the paternity leave, annual leave and public holiday entitlements will continue to be accrued and are to be taken at a time outside of the period of paternity leave.
- In the case of an employee who is on probation at the start of their paternity leave, their probationary period will be extended to cover the leave period.
- Where the paternity leave has commenced and the relevant parent is employed under a fixed term / specified purpose contract that is due to end, then the last day of the paternity leave shall be the day on which the contract ends.

- Paternity leave cannot be taken concurrently with any other form of leave. For example, if an employee falls ill and is unable to care for their child whilst on Paternity leave, the Paternity leave will be suspended for the duration of the illness and the employee will be deemed to be on sick leave.
- All employees are entitled to return to their own position at the end of the Paternity Leave.

### **Pay arrangements and Paternity Benefit**

- Full salary less Paternity State Benefit is paid by the University to the relevant parent during the period of Paternity Leave. Continuation of salary during Paternity Leave is not a statutory entitlement and is contingent upon compliance with the agreed terms and conditions of this policy.
- Paternity Leave Benefit from the Department of Social Protection (DSP) should be claimed by an employee who is availing of Paternity Leave from the University. Information on how to claim Paternity Benefit is available from <https://services.mywelfare.ie> and by viewing information under the heading *Parents, Children, Family*
- A deduction, where appropriate, from salary equivalent to the maximum weekly rate of Paternity Benefit payable to the relevant parent will be automatically applied at source by the University.
- If the amount of benefit payable to the relevant parent is less than the maximum, or if an employee is not entitled to any Paternity 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 relevant parent 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 Paternity leave. If the absences are recorded late any arrears due will have to be deducted from salary after the date of notification.
- Paternity Benefit payment is a taxable income.

### **Postponement of Paternity Leave through illness**

- In the event of illness of the relevant parent, immediately prior to the commencement of paternity leave, the paternity leave may be postponed.
- The relevant parent should inform HR and provide written notification of the postponement due to illness. The employee's absence will then be subject to the conditions as outlined under the University's Sickness and Absence Policy.
- Any postponed leave can be resumed on a date which is agreeable to the relevant parent and the University and should be taken no later than 7 days after the relevant parent has been certified fit to resume work. In this case, the Paternity Leave must still be taken within the 28 weeks of the date of birth or placement of the child/children.

### **Postponement of Paternity Leave on hospitalisation of child**

- In the event of the hospitalisation of the child/children a request may be made to HR for a postponement of the Paternity Leave.
- Postponement of the leave will require the absent relevant parent to resume duties during the period of postponement.
- An application for postponement must be made in writing to HR, accompanied by certification from the hospital in which the child is hospitalised.
- If the leave is postponed by the University, the employee will receive written notification of postponement, and the relevant parent must agree on the date of return to work.
- The relevant parent must provide the HR with a letter or other appropriate document from the hospital or the child's doctor confirming the child/children's discharge date.
- The postponed leave shall be taken as a continuous period beginning not later than 7 days after the child/children is/are discharged from hospital or such other date as may be agreed between the relevant parent and HR.
- If, during the postponement of the paternity leave during the hospitalisation of the child/children, the relevant parent becomes ill having returned to work and before they have taken the postponed leave, they will be considered to have started the postponed leave on the first day of absence due to illness unless the relevant parent notifies HR that they do not wish to begin the postponed leave. If this happens, they will forfeit the postponed leave and the absence will be treated as sick leave.

### **Application Process**

- A relevant parent must provide written notification to the University's Human Resources Department (HR) of their intention to take paternity leave not less than 4 weeks before the commencement of such leave and provide for the University's inspection the following:

#### **In the case of a birth:**

- a copy of the medical certification as provided by the mother or other appropriate certificate 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.

#### **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;
  - 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 by contacting HR (by emailing askhr.ie) no later than 4 weeks before the commencement of such leave.
  - Where the day of placement is postponed or the date of birth occurs after the date notified to the University, the relevant parent shall be entitled to select another date on which the paternity leave shall commence.
  - The relevant parent must complete the Paternity Leave Application Form available on the HR website and return it to askhr.ie as soon as possible but no later than 7 days after commencement of the leave and provide it to HR with a copy of the birth certificate / official placement order for the child.
  - On approval of the leave, the relevant parent shall notify HR when the date of birth / placement is reached.
  - Where the date of birth occurs in a week that is 4 weeks or more before the expected date of birth, the relevant parent shall inform HR immediately and will be deemed to have complied with the notification period. The formal written notification must be given within 7 days of the child's birth date.

## Roles & Responsibilities

### The Employee

- Read this policy and be aware of their entitlements as well as their obligations
- Notify their line manager of their intention to take paternity leave in advance of submitting a completed Paternity Leave Form.
- Where appropriate, discuss arrangements for covering their workload during their period of leave with their line manager.
- Provide written notification to HR of their intention to take paternity leave not less than 4 weeks before the commencement of such leave by email to askhr.ie
- Ensure that the Paternity Leave Form is signed by their Line Manager before submitting to HR

- Apply for Paternity Benefit from the DSP. Information on how to claim Paternity Benefit is available from <https://services.mywelfare.ie> and by viewing information under the heading *Parents, Children, Family*.
- Keep a record of the documentation and paperwork issued in relation to their leave request.
- Engage with discussions with their Line Manager regarding their return from leave and to explore any supports that may be appropriate.

### **The Line Manager**

- Read this policy and be aware of employees' entitlements.
- Ensure a discussion takes place with the employee in order to assist them to prepare for taking leave. Discussions will include how their workload may change and will be managed over their period of leave.
- 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 supports that may be appropriate.

### **Human Resources (HR)**

- Help ensure that employees are aware of the content of this policy.
- Respond promptly to requests from employees for Paternity Leave.
- Process all applications for Paternity Leave in a timely manner.
- Will have final approval of Paternity Leave having regard to all information relating to the leave request.
- Issue the employee with a Paternity 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.
- Carry out equality monitoring of leave applications and uptake.

### **Sanctions**

- If reasonable grounds for believing an employee is not using Paternity Leave for the purpose of taking care of a child are found, e.g. they are working somewhere else, the University may refuse the leave and/or revoke the leave.
- The University may take appropriate action in the case of misuse of Paternity Leave. This may include formal disciplinary action.

## Definitions

### Relevant Parent

The term “relevant parent” refers to an employee (other than the mother) who is the:

- Father of the child/children.
- Spouse/civil partner/cohabitant of the mother of the child/children.
- Spouse/civil partner/cohabitant of the qualifying adopter of the child/children.
- parent of the child/children under section 5 of the Children and Family relationships Act 2015, where the child/children is/are donor-conceived child/children.

### Surviving Parent

This is the adopting parent of the child/children, or the mother of the child/children in relation to a child/children whose relevant parent has died.

### Paternity Benefit

This is the payment made by the DSP to those on paternity leave and who meet the qualifying criteria for the benefit.

## Contact

Any queries regarding this policy should be directed to:


E: [ask.hr@dcu.ie](mailto: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>	Paternity Leave Policy		 Ollscoil Chathair Bhaile Átha Cliath Dublin City University
<b>Unit Owner</b>	Human Resources Department		
<b>Version Reference</b>	Original Policy V2.0	Reviewed Policy V2.1	
<b>Approved by</b>	Executive	Dir. of Human Resources	
<b>Effective Date</b>	16 <sup>th</sup> May 2017	14 <sup>th</sup> August 2024	

End.