



## Maternity Leave Policy

### Version 3

Purpose:	To provide staff with details on the entitlements to paid maternity leave and additional unpaid maternity leave, the protection of a staff member's rights whilst on maternity leave, the periods of notification for either period of leave, and returning to work when leave has ended.
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Policy Owner:	Vice President for Finance, Resources & Diversity
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## 1. Introduction

All employees who qualify under the terms of the Maternity Protection of Employees Act to take 26 weeks maternity leave plus an additional 16 weeks unpaid leave.

## 2. Eligibility

Employees are entitled to twenty-six consecutive weeks leave with pay (less social welfare payment) and public holidays that fall within this period. In addition, employees have the option of availing of up to sixteen 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 24<sup>th</sup> week of pregnancy, however the leave must commence no later than 2 weeks before the expected birth date and end 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.

Hourly paid staff are not eligible to paid maternity leave.<sup>1</sup>

Since 3 July 2023, all the rights and protections outlined below also apply to transgender men who are pregnant or have given birth. You must have a [gender recognition certificate](#), in accordance with the Gender Recognition Act 2015. These new rights are set out in the [Work Life Balance and Miscellaneous Provisions Act 2023](#).

See also [Maternity Leave Check List](#).

## 3. Application Procedure

Notification of your intention to take maternity should be submitted in writing to the Human Resources Department, through your line manager at least four weeks before the intended leave. The application should include a medical certificate or Maternity Benefit (MB2) form completed by a doctor confirming pregnancy and stating the expected date of birth.

Your application for Maternity Benefit is submitted to the Department of Social Protection on your behalf, and all Maternity Benefit payments are then made directly to the Institute.

The Maternity form and further information are available on: [gov.ie - Maternity Benefit \(www.gov.ie\)](http://gov.ie - Maternity Benefit (www.gov.ie))

## 4. Leave Entitlements

### 4.1 Additional Unpaid Maternity Leave

Where practicable, you should give notice of your intention to take additional unpaid maternity leave when you are giving your original notice to take maternity leave, as this will greatly assist the Institute with regard to deputy arrangements. If this is not possible, you should give notice to Human Resources, in writing, of your intention to take additional unpaid maternity leave at least 4 weeks

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<sup>1</sup> This does not affect their statutory right to maternity or paternity leave. If you are paying PRSI contributions Class A, you should apply for Maternity Benefit directly to the Department of Employment Affairs & Social Protection

before the end date of your 26 weeks leave. It should be noted that additional unpaid maternity leave does not count as service for superannuation purposes.

#### 4.2 Postponing Maternity Leave

Maternity leave may be postponed after 14 weeks have been taken and not less than 4 of those weeks are after the week of birth, as can additional unpaid maternity leave, if the child needs to be hospitalised. The staff member can go back to work and postpone their maternity leave for up to 6 months. Any requests to postpone maternity leave must be made in writing, through Human Resources.

If the staff member postpones their maternity leave and return to work until the baby is discharged from hospital, then they may take their remaining leave in one block. It must start within 7 days of the baby being discharged from hospital. The Institute may request the hospital to confirm in writing that the baby has gone into hospital and then to confirm the date of discharge.

If the staff member has postponed their maternity leave and becomes ill after they have returned to work, prior to resuming the postponed leave, the employee will be considered to have started the resumed leave on the first day of the absence because of illness. Alternatively, the employee may choose to forfeit their right to resumed maternity leave, and have the leave treated as sick leave, by notifying Human Resources accordingly, as soon as possible.

#### 4.3 Terminating Additional Maternity Leave due to Illness

If you are ill during the last 4 weeks of additional unpaid maternity leave, you may terminate your leave, and may commence sick leave. This request must be made in writing, through your line manager/Head of School, to Human Resources.

The Institute may agree to terminate the additional unpaid maternity leave and if so, the additional unpaid maternity leave will terminate on a date agreed by you and the Institute. It must not be earlier than the date of the commencement of your sickness, and not later than the date on which the additional unpaid maternity leave would have ended. Human Resources will notify you in writing of the decision in relation to the request.

Where additional unpaid maternity leave is terminated due to illness, the sick leave will be treated in the same manner as any absence due to sickness. You will not be entitled in the future to the additional unpaid maternity leave, or part of it not taken by you.

#### 4.4 Public Holidays

In the case of eligible academic staff, the following will apply; any obligation in respect of public holidays while on maternity leave or additional unpaid maternity leave will be comprehended through days at Easter, Summer and Christmas when there are no lectures/teaching/assessments as per the Institute's Academic Calendar (i.e. outside of term time).

In the case of eligible non-academic staff, the following will apply; where public holidays fall during the maternity leave or the additional unpaid maternity leave, these days will be added to the end of the leave period.

#### 4.5 Annual Leave

In the case of non-academic staff, where closure days fall during the maternity leave period (including additional unpaid maternity leave) these days will be deducted from the staff member's annual leave entitlement in the normal way.

#### 4.6 Sick Leave

Paid sick leave, following maternity leave, may only be allowed where there is an expectation that the staff member intends to return to their position when fit to do so. Such periods of sick leave will be treated in the same manner as any absence from work due to sick leave.

#### 4.7 Ante Natal Classes

For the purpose of receiving ante-natal or post-natal care or both, an employee shall be entitled to time off from their work, without loss of pay, in accordance with regulations made under this section by the Minister. Expectant mothers are entitled to attend one set of ante-natal classes without loss of pay (except the last 3 classes in such a set) for all pregnancies. Evidence of appointment at the clinic should be submitted to Human Resources, through the line manager/Head of School, not later than 2 weeks in advance. Paid time off work is also available as a once-off right, to fathers to attend the last 2 ante-natal classes immediately prior to the birth. Evidence of appointment at the clinic should be submitted to Human Resources, not later than 2 weeks in advance.

#### 4.8 Academic unpaid leave of absence

At the end of an academic member of staff's maternity leave, in addition to the option of a maximum of 16 weeks additional unpaid maternity leave, the employee may choose to take leave of absence, without pay, up to the end of the academic year (31 August), subject to the approval of the Line Manager.

Any such request should be made in writing to Human Resources, through the Line Manager/Head of School.

### 5. Returning to work from Maternity Leave

Notice of the date of return to work should be given in writing to the Human Resources Department at least four weeks before the date of return.

Section 22, 26 and 27 of the Maternity Protection Act refer to:

- Protection of Employment Rights whilst taking leave under the Act;
- Right to return to the position held prior to taking leave under the Act and on the same Terms and Conditions; and
- Where it is not reasonably practicable for the employee to return to the position previously held, the Institute must find an alternative suitable position on terms and conditions not substantially less favourable than those which applied prior to taking leave under the Acts.

### 6. Additional Supports

#### 6.1 Nursing Rooms

Employees are entitled to nursing breaks without loss of pay for 1 hour per day, which may be taken as follows:

- One 60-minute break
- Two 30-minute breaks
- Three 20-minute breaks

Staff members should notify Human Resources, if they intend taking paid breastfeeding breaks. Arrangements will be made at the discretion of the Line Manager/Head of School concerned. Private nursing rooms are located in the Whitaker Building S100 and the PJ Carroll's Building P1175.

## 6.2 Employee Assistance Programme

The Employee Assistance Programme ("EAP") operated on behalf of DkIT by Spectrum Life which is fully operational and equipped to deal with any queries you may have or emotional support and guidance you may need. It is a self-referral service and you can contact EAP on:

- Freephone 1800 814 243.
- Text 'Hi' to 087 369 0010 to avail of EAP support on WhatsApp
- Text 'Hi' to 087 145 2056 to avail of EAP support on SMS

A copy of the EAP Employee guide can be found at <https://www.dkit.ie/for-staff/>

## 6.3 Maternity Buddy Scheme

The Maternity Buddy Scheme supports staff who are preparing for, taking or returning from maternity, paternity or adoption leave by providing access to a 'buddy'. A buddy has first-hand experience of becoming a parent and can share their personal experience of the transition to the dual role of parent and employee. All expectant parents may have access to a buddy (subject to availability) through pregnancy, maternity/paternity leave and until six months after their/their partner's return from leave.

The scheme allows for informal exchange of information, support and advice on matters relating to maternity/paternity and adoption leave. The buddy can provide support and advice during the return-to-work phase providing the returner with the opportunity to benefit from the experience of another member of staff who has been through the process themselves.

The scheme is employee led – it's up to the expectant parent and their buddy to decide on the schedule of meetings or whether they would prefer a more informal arrangement. Examples of topics that might be discussed include:

- The lines of communication with your manager before during and after maternity leave
- Challenges during the pregnancy – providing a listening ear and sharing experiences
- Specific challenges for expectant/new fathers
- Managing the competing demands of being a working parent
- Childcare

## 6.4 Parents Support Hub

DkIT's aim is to create a holistic, flexible working environment that supports staff/students and their families, promotes wellbeing, maintains good working/learning practices and provides a productive

balance between work/study and life outside work/study. Further information can we found on the Parents Support Hub on the Institute's website.



## Appendix 1- Maternity Leave | Employee Checklist

For many, pregnancy is both an exciting and a nervous time and you may have many questions relating to your maternity entitlements. All of the information you need in relation to your upcoming maternity leave is set out in the **DkIT Maternity Leave Policy**, which you should review in detail. The checklist below highlights the key actions you will need to take but should be read in conjunction with the Maternity Leave Policy.

### Before Maternity Leave

- Familiarise yourself with your maternity entitlements through the DkIT Maternity Leave Policy. For advice or further information on any aspect of the policy you can contact HR [hr@dkit.ie](mailto:hr@dkit.ie)
- You will also have access to our Employee Assistance Programme.
- Decide if you would like to make contact with a **Maternity Buddy** To access the list of DkIT maternity buddies please contact HR or the EDI Office.
- Advise your Line Manager of your intention to avail of maternity leave as soon as you are ready to do so, but not later than 4 weeks before the commencement of your leave.
- Give advance notice to your manager of pre-natal appointments.
- Ensure that all necessary documentation is completed and submitted to HR and the Department of Employment Affairs and Social Protection after 24 weeks of pregnancy but at least 6 weeks before you plan to commence your maternity leave.
- It is recommended that you discuss the following with your manager prior to commencing maternity leave:
  - The level of communication that you would like to maintain with your manager during your maternity leave, if any
  - Arrangements for appropriate handover of duties prior to departure.

### During Maternity Leave

- In order to avail of sixteen weeks' unpaid leave you must notify your Head of School/Department/Functional Manager and the HR Department at least four weeks before your paid maternity leave is due to end. The unpaid additional maternity leave must be taken immediately following normal paid maternity leave.
- Give notice of the date of your return to work to HR/Line Manager at least four weeks before the date of return.
- Support will be available through our Employee Assistance Programme.
- Keep in touch with your **Maternity Buddy** throughout your maternity leave if you wish. A buddy can be particularly helpful as you approach your return-to-work date when you are likely to be making childcare plans and preparing to balance career and family commitments. This can prove to be a demanding transition and you are encouraged to use all the supports available to you. <https://www.dkit.ie/about-dkit/equality-diversity-and-inclusion/parents-support-hub.html>

### After Maternity Leave

- Maintain contact with your **Maternity Buddy** if required.



- Your Manager will organise a return-to-work re-induction meeting to discuss any new developments, current priorities, work handover and any upcoming work that you should be aware of, along with any supports you may need.
- As this can be a busy time remember that the Employee Assistance Programme will be available throughout pregnancy as a support to you and your family.



## Appendix 2 - Maternity Leave | Manager Checklist

As a manager you should be familiar with the DkIT Maternity Leave Policy & Maternity Protection Act. The guidance and advice below is in addition to, and should be read in conjunction with, Maternity Policy.

### When a member of your team tells you they are pregnant, you should:

- Congratulate them! (if appropriate).
- Make the employee aware of the rights under the Maternity Protection Act.
- Bring the **DkIT Maternity Leave Policy** and checklist to their attention.
- Discuss the timing of sharing the news with the rest of the team.
- Encourage them to complete the Preliminary Risk Assessment report and implement any recommendations in conjunction with the Health and Safety Department.
- Facilitate time off for the employee to attend pre-natal appointments, in line with the Maternity Leave Policy.
- Discuss handover of work and plans for covering the maternity leave (if appropriate).
- Agree contact arrangements for the period of leave e.g. Do you want to remain on the staff mailing lists?
- Discuss and agree an individualised approach to PhD student supervision (if appropriate) and interim responsibility if necessary.

### When a member of your team is on/returning from maternity leave, you should:

- Implement the agreed contact arrangements. It is good practice to maintain “reasonable contact” with your staff member whilst they are on leave. It is equally good practice to keep employees aware of changes going on in the workplace and invite them to social events. Even if your staff member requests no contact during their maternity leave, you have a duty to keep them informed in relation to any major changes in the working environment, e.g. restructures etc
- Ensure that you receive appropriate notice of their intention to take 16 weeks unpaid leave.
- Schedule a return-to-work meeting with the employee at a time that suits them (either before or, as soon as possible, after their return from maternity leave). Discussions at this meeting should include the following:
  - Information about new policies and procedures or any that have changed
  - Introductions to new members of the team
  - Workload and priorities
  - Any special arrangements that may be required e.g. access to breastfeeding facilities contact the EDI Office.
  - Sources of support (**e.g. Returning to Work Session, EAP, Maternity Buddy Scheme**) and an assurance that you will support them in any way that you can as they navigate this potentially demanding phase of their career