



Enable Ireland

PATERNITY LEAVE POLICY

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Table of Contents

1.0 Introduction	3
2.0 Purpose	3
3.0 Scope	3
4.0 Eligibility to take Paternity Leave	3
5.0 Entitlements and Conditions	4
6.0 Applying for Paternity Leave	4
7.0 Early Confinement	4
8.0 Postponement of Paternity Leave	4
9.0 Payment During Paternity Leave	5
10.0 Transferred Paternity Leave	6
11.0 Annual Leave and Public Holidays	6
12.0 Abuse of Paternity Leave	6
13.0 Employment Protection	6
 APPENDIX 1	 7

1.0 Introduction

The Paternity Leave and Benefit Act 2016 commenced on 1 August 2016. The Act enables a “relevant parent” to take two weeks paternity leave which must commence within the first 26 weeks of the birth/adoption of a child. Subject to eligibility and notification criteria being met, paternity leave applies to births/placements that take place on or after the 1 September 2016. During paternity leave, staff who have the necessary PRSI contributions and hold a Public Services Card are entitled to paternity benefit from the Department of Social Protection.

2.0 Purpose

Paternity leave is available to eligible staff to allow them time off from work around the birth or adoption of their child or the child of their spouse or partner.

3.0 Scope

This policy covers all part-time and full-time staff of Enable Ireland provided that they meet the conditions outlined below.

With reference to the application of the HR process in relation to staff employed by other agencies through the PDS framework, this policy is applied in accordance with the:

- **National Policy on the Lead Agency Model**¹ (2019:4),
- **Interagency Agreement**, together with,
- Any new policy or guideline documents (e.g. SOP) arising from PDS.

4.0 Eligibility to take Paternity Leave

Paternity leave is available to staff who are deemed to be the “relevant parent” of a child. Only one person who is a “relevant parent” in relation to a child can be entitled to paternity leave in respect of that child. There is no qualifying period for entitlement to paternity leave.

Under the Paternity Leave and Benefit Act 2016 a “relevant parent” is defined as:

- (a) in the case of a child who is, or is to be, adopted –
 - (i) where the child is, or is to be, adopted jointly by a married couple of the same sex, the spouse chosen by that couple to be the relevant parent for the purposes of this Act, or
 - (ii) in any other case, the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole male adopter of the child,
- Or
- (b) in any other case;
 - (i) the father of the child,
 - (ii) the spouse, civil partner or cohabitant, as the case may be, of the mother of the child, or
 - (iii) a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act*

****Note. As of 1 August 2016, Section 2(1) (b)(iii) of the Paternity Leave and Benefit Act 2016 has not yet commenced.***

¹ <https://www.hse.ie/eng/services/list/4/disability/progressing-disability/pds-programme/documents/national-policy-on-the-lead-agency-model.pdf>

5.0 Entitlements and Conditions

The following conditions apply to taking paternity leave:

- Subject to eligibility and notification criteria being met, paternity leave applies to births/placements that take place on or after the 1 September 2016.
- A staff member who is a relevant parent may avail of a continuous period of two weeks paternity leave. The leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave.
- Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child. The leave will commence on the date the relevant parent selects in their written notification. It should be noted that paternity leave cannot commence earlier than the date of birth or date of placement of the child and cannot commence later than 26 weeks after date of birth or the date of placement of the child.
- In the case of multiple births, or where two or more children are being adopted at the same time, only a single two week block of paternity leave applies.
- Paternity leave must be used to assist in the provision of care to the child or to provide support to the relevant adopting parent or mother of the child, as the case may be, or both.

6.0 Applying for Paternity Leave

The staff member must give written notice to their line manager on the application form attached, at least 4 weeks before their intention to take the leave. A medical certificate confirming the date of expected date of birth/certificate confirming the expected day of placement must accompany this notice. The request must specify the commencement date of the period of leave.

7.0 Early Confinement

Where the birth of the child occurs 4 or more weeks prematurely, the staff member must notify their line manager, of their intention to commence paternity leave in writing, within 7 days of the birth. In such circumstances, the staff member will be deemed to have complied with the notification requirements of the Act.

8.0 Postponement of Paternity Leave

8.1 Postponement of Paternity Leave due to Late Birth/Postponed Adoption Placement

A staff member who is a relevant parent may postpone a period of paternity leave where the date of birth occurs after the date selected by a relevant parent in their notification to the organisation or where the date of placement is postponed in the case of adoption. The relevant parent may select another date on which paternity leave will commence.

8.2 Postponement of Paternity Leave due to Illness of the Relevant Parent

In the event that a staff member becomes ill before a period of paternity leave has commenced, the period of leave may be postponed. Notification of a request to postpone the leave due to illness must be received by the organisation as soon as possible after becoming ill and must be accompanied by a medical certificate. The staff member must follow up in writing confirming the request to postpone the leave as soon as is reasonably practicable but not later than the day on which the postponed leave begins. The leave may be postponed until such time as the relevant parent is no longer sick. The period of postponed leave must end not later than 28 weeks after the date of birth or day of placement. The staff member must notify the organisation when they intend to take the postponed paternity leave not later than the day the staff member commences the leave.

8.3 Postponement of Paternity Leave when the Child is Hospitalised

If the child is hospitalised, the staff member may request in writing to postpone all or part of their paternity leave. Postponement of paternity leave in such circumstances is subject to approval by Enable Ireland. Enable Ireland will respond to the request for postponement as soon as practicably possible with a decision on the matter.

Where Enable Ireland agrees to postpone the leave, the leave will be postponed with effect from a date agreed by both parties. The staff member will return to work on a date agreed by both parties. The postponed leave, which must be taken in a continuous block not later than 7 days after the discharge of the child from hospital or such other date as may be agreed upon between the staff member and Enable Ireland. The staff member must notify their line manager when they intend to take the postponed paternity leave not later than the day the staff member commences the leave.

It is important to note that if the staff member falls ill during the period of postponement of paternity leave, and requests to be viewed as being on sick leave from work, the staff member will forfeit the remainder of the paternity leave which cannot be taken at a later date following the period of sick leave.

9.0 Payment During Paternity Leave

During paternity leave, relevant parents who have the necessary PRSI contributions are entitled to paternity benefit from the Department of Social Protection. Claims should be made on a PB2 form, which are available from the Department of Social Protection or at www.welfare.ie. The relevant parent must have a Public Services Card to apply for Paternity Benefit. If the relevant parent does not already have a Public Services Card, they can make an appointment to get one at www.mywelfare.ie. Enable Ireland will complete the employers section of the form when it has been completed by the staff member.

9.1 Salary Adjustment

Salary adjustment means that Enable Ireland, conditional on the clauses below, will pay the difference between the amount of Paternity Benefit paid by the Department of Social Protection (DSP) and a staff member's salary (if higher than the amount being received from the DSP).

An application for Paternity Benefit must be made by each staff member.

In a situation where a staff member may be entitled to none or part Paternity Benefit only, as determined by the DSP, the salary adjustment calculation is reviewed on a case by case basis.

Application of the salary adjustment is as follows:

- (a) Permanent staff members qualify for full pay during adoptive leave of 24 weeks.
- (b) Temporary staff members qualify for full pay during adoptive leave pro rata to the duration of the contract of employment.

In order to ensure a staff member's retention of salary adjustment received through paternity leave, they are required to return to work for a minimum three month period following full paternity leave entitlements and any unpaid leave. If they leave the organisation within the three month return period, the staff member will be required to refund, to Enable Ireland, the amount of salary adjustment paid while on paternity leave.

10.0 Transferred Paternity Leave

Where a relevant parent entitled to paternity leave in relation to a child dies, a staff member who is the surviving parent of the child will be entitled to the leave. This entitlement exists up to 28 weeks after the date of birth or day of placement of the child.

11.0 Annual Leave and Public Holidays

While on paternity leave, the staff member retains the right to accrue annual leave and public holidays as if the staff member had not been absent from work.

12.0 Abuse of Paternity Leave

A staff member must use their paternity leave to take care of the child concerned. The employer may terminate the leave if they have reasonable grounds to believe that it is not being used for this purpose. If following an investigation a staff member is found abusing this leave, they may be subject to disciplinary action under the *Enable Ireland's Disciplinary Policy & Procedure*.

13.0 Employment Protection

A staff member who is absent on paternity leave will be treated as if the staff member had not been absent. At the end of the paternity leave, the staff member will be entitled to return to their original job under terms and conditions no less favourable than those that would have applied if they had not been absent.



APPENDIX 1
REQUEST FOR PATERNITY LEAVE

Notes:

- The staff member **must complete two copies** and return one to the relevant line manager and the other to the Human Resources Department.
- The postal address for HR is as follows: Human Resources Department, Unit 32F Rosemount Park Drive, Rosemount Business Park, Ballycoolin Rd, Dublin 11.

Dear *[Insert Line Manager's Full Name/Name Human Resources Personnel]*

I hereby notify Enable Ireland of my intention to take 2 weeks Paternity Leave commencing on _____ (date) and ending on _____ (date).

I also confirm that I have submitted a Paternity Leave Benefit Claim form with the Department of Social Protection.

In line with Enable Ireland's Paternity Leave Policy, I understand I am required to return to work for a three month period following full paternity leave entitlements and any unpaid leave. Failure to do so will result in me refunding Enable Ireland the amount of salary adjustment paid while on paternity leave.

Yours sincerely,

Staff Member Signature

Staff Member Print Name

Staff Number: _____

Location: _____

Date: _____

Date of Commencement of Employment: _____