



# Enable Ireland

# MATERNITY LEAVE POLICY

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## 1.0 Legislation

Maternity Protection (Amendment) Act, 2004 Maternity Protection Act, 1994

The Maternity Protection (Amendment) Act, 2004, was brought into operation on 18.10.2004<sup>1</sup>. This policy covers all staff who are pregnant whilst in the employment of Enable Ireland.

Under this legislation relevant staff have the following basic rights:

- a right to maternity leave and additional maternity leave
- a right to health and safety leave
- a right to time off, without loss of pay, for ante-natal/post-natal care
- a right to be accommodated for breastfeeding
- a right to employment protection
- a right to leave for fathers in exceptional circumstances

## 2.0 Scope

This policy applies to all Enable Ireland staff who are pregnant or have recently given birth (within 14 weeks) or are breastfeeding (not more than 2 years from the date of birth) and who have informed Enable Ireland of their pregnancy. This policy also applies to staff members who may be taking up a portion of maternity leave due to a deceased mother.

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](#)<sup>1</sup> (2019:4),
- **Interagency Agreement**, together with any new policy or guideline documents arising from PDS.

## 3.0 Entitlement

- 26 consecutive weeks or 26 weeks leave part of which may be postponed (see postponement of maternity leave section below)
- Up to an additional maximum of 16 weeks leave may be taken immediately following the period of maternity leave

A minimum of 2 weeks leave must be taken before the baby is due and a minimum of 4 weeks leave after. The remaining 20 weeks leave may be taken before or after the birth as the staff member wishes.

### 3.1 Additional Maternity Leave (optional)

No Social Welfare Benefit or salary is payable during the chosen period of additional maternity leave. An application should be made for maternity leave credits for this period of Additional maternity leave.

### 3.2 Parent's Leave

Please refer to the Enable Ireland's Parent's Leave Policy for more information.

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

## **4.0 Sequence of Leave**

Step 1:

The first period of leave to be taken is Statutory Maternity Leave

Step 2:

Next is any additional unpaid maternity leave, if applicable.

Step 3

Next is Parents leave if being taken directly after Statutory Maternity leave/additional unpaid Maternity Leave if applicable.

Step 4:

Then, any Public Bank Holidays entitlements that have been accrued during the Maternity or Additional Maternity Leave periods must be taken.

Step 5:

Finally, any annual leave that a staff member wishes to take may be taken with the approval of their line manager or relevant National Services Forum (NSF) member in the normal manner.

Please note that a staff member may go directly from step 1 to step 4 then 5 if not availing of additional unpaid leave.

## **5.0 Antenatal/Postnatal Medical Care**

A staff member is entitled to such time off as is reasonable and necessary from normal working time, without loss of pay, to attend medical or related ante-natal care. The staff member must notify their line manager of the time and date of such appointments as soon as they knows them. Enable Ireland requests that where possible, the appointments are at the beginning or end of the working day. If the appointment finishes during the working day, the staff member must return to work.

A pregnant staff member is entitled to paid time off to attend one set of antenatal classes. An expectant father is entitled on a once off basis to attend the last two classes before the birth. The staff member must notify their line manager of the time and date of the antenatal classes as soon as the staff member knows them.

## **6.0 Notification Requirements**

Under the legislation staff must give:

- At least 4 weeks written notice of intention to take Maternity Leave must be given, in conjunction with a medical certificate confirming the pregnancy and specifying the expected date of confinement.
- At least 4 weeks written notice of intention to take additional maternity leave.
- 4 weeks written notice of intention to return to work.

Please refer to the following Appendices:

- Appendix 1: Request for Maternity Leave
- Appendix 2: Request for Additional Maternity Leave
- Appendix 3: Return to Work Intention Request

## 7.0 Rights during Leave

Absence from work on maternity leave is both continuous and reckonable.

Absence from work on additional unpaid maternity leave will count for all employment rights (except remuneration and superannuation benefits) associated with the employment.

Absence from work on maternity or additional maternity leave may not be treated as part of sick leave, annual leave or any other leave that the staff member may be entitled to.

The Act provides therefore for a maximum of 26 weeks maternity leave.

## 8.0 Health & Safety

### 8.1 Health and Safety Regulations

Enable Ireland is obliged to assess any risk to a staff member who is:

- Pregnant
- Has recently given birth
- Is breastfeeding (up to the child's second birthday)

Therefore, if you are pregnant, it is imperative that you inform your line manager, so that Enable Ireland can carry out a risk assessment as soon as it is made aware of pregnant staff. See **Form HS13 Health Assessment and Risk Assessment for Expectant Staff** on the [Forms Page](#) of Inform. If a risk is identified and cannot be removed from the work process, then the following steps must be taken to ensure that a staff member is no longer exposed to the risk:

- Remove the risk
- Temporarily adjust the staff member's working conditions or hours
- Transfer the staff member to suitable alternative work
- Grant Health and Safety Leave

### 8.2 Health and Safety Leave

Enable Ireland staff will be entitled to be paid during the first 21 calendar days of Health and Safety Leave. For the remainder of this leave, the staff member must apply to receive a Health and Safety Benefit from Social Welfare (see Dept. of Social Protection, Health and Safety Benefit, HSB I Form). **Failure to make the Health & Safety Benefit claim will result in a loss of salary for the specified period.**

### 8.3 Night Worker

If a staff member is pregnant and a quarter of their working hours are night work, they may be exempted from doing night work, if a doctor certifies it may affect their health and safety and that of their baby. If there is no suitable alternative work they may be given Health and Safety Leave. This also applies for up to 14 weeks after the birth of their child.

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<sup>2</sup> <https://enableireland.sharepoint.com/policies/Pages/Forms.aspx>

## **9.0 Annual Leave and Bank Holidays**

For the purposes of annual leave calculations, periods of Maternity Leave, Parents leave, Additional Maternity Leave and Health & Safety Leave will count as reckonable service.

Public Bank Holiday entitlements can only be retained for periods of Maternity Leave and Additional Maternity Leave taken. There is no entitlement to Public Bank Holidays while on Health & Safety Leave.

## **10.0 Postponement of Statutory and Additional Maternity Leave**

In the event of the hospitalisation of the child a staff member can avail of the option to postpone the period of Statutory or Additional Maternity Leave, subject to the agreement of the line manager. Statutory Maternity Leave can only be postponed where at least 14 weeks of this leave have already been taken, 4 of which would have been taken after the birth of the child. The maximum period of postponement is six months.

## **11.0 Termination of Additional Maternity Leave**

Where a staff member has become ill, the staff member may make a request in writing to the relevant member of the NSF to have the remaining Additional Maternity Leave terminated. Where they is entitled to access the Enable Ireland Sick Pay Scheme, normal salary payments will be made. Staff forfeit the right to take any outstanding Additional Maternity Leave once it has been terminated.

## **12.0 Return to Work**

A staff member must inform their line manager, in writing, at least 4-four weeks before the date in which he/they are is to return to work after the maternity leave or additional leave. Return to work is dependent on the 4 week notice which is mandatory. If a staff member fails to give the four weeks written notification of their return to work, Enable Ireland will review their status of employment.

## **13.0 Breastfeeding**

If you are breastfeeding you are entitled to a reduction in working hours of one hour per day or (where suitable facilities are available) a break of one hour per day to use the facilities provided in the workplace. The one-hour break may be split into shorter periods of time totalling one hour. Part-time staff will be entitled to a pro rata benefit. In line with the amendments from the Work Life Balance and Miscellaneous Provisions Act 2023 to the Maternity Protections Acts 1994, breastfeeding staff can avail of this statutory entitlement for up to 104 weeks after the date of confinement, provided you inform your manager of your intention when you are advising the organisation of your intention to return to work.

Breaks which are without loss of pay may be taken in the form of one 60 minute break, two 30 minute breaks or three 20 minute breaks. Breaks are per working day, and cannot be accumulated.

If no breastfeeding facilities exist, the staff member may reduce their working day by 1 hour without loss of pay, in accordance with service need and that reduction may comprise of: One period of 60 minutes, or two periods of 30 minutes each, or three periods of 20 minutes or in such other manner as agreed between them and their employer. This allocation is per normal working day (may be given on a pro rata basis to staff working shorter or longer shifts) and cannot be accumulated.

Agreement of times taken for the above must be made taking into account the service needs/requirements in order to avoid any disruption to services.

Designated space, where possible for the purposes of breast milk expression, should be a clean, private room with power points, lockable door, comfortable high back chair, a table and access to fluids. Hand washing facilities should be available in the room or nearby.

Designated space for the purposes of breast milk expression may be multipurpose, provided that alternative space is readily available if that space is in use, e.g. office, consultation room, treatment room, meeting room or staff room spaces. The location may be the place a staff member normally works, if there is adequate privacy, cleanliness, and it is comfortable for the staff member. Toilet facilities are not appropriate for staff to breastfeed or to express their breast milk.

A secure breast pump storage area and a fridge (where possible) may also be provided. Breast milk can also be stored within a cooler bag with ice packs or in a shared staff refrigerator within the staff member's work area if that is more convenient. Name and details must be clearly marked on all items.

#### **14.0 Salary Adjustment**

Salary adjustment means that, conditional on clauses outlined below, Enable Ireland will pay the difference between the amount of Maternity 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 Maternity Benefit must be made by each staff member. In a situation where a staff member may be entitled to none or part Maternity 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) Each staff member who has a **minimum of one year's service** at the start date of maternity leave is entitled to benefit from a full salary adjustment for 26 weeks duration.
- (b) When a staff member has worked **less than one year on the start date of maternity leave**, a reduced salary adjustment applies.

In this case, the staff member will avail of a **pro rata** salary adjustment, the amount of which will be determined by the date on which one year's service is reached **during** maternity leave. On that date, a salary adjustment will apply which will **equal the pro rata of the 26 weeks full entitlement**.

For example:

1. If you start work on the **1<sup>st</sup> January 2023**, your one year service will be the **1st January 2024**.
2. If you start your 26-week maternity leave on the **11<sup>th</sup> September 2023**, you will be entitled to a salary adjustment for **10 weeks (i.e. pro rata of the 26 weeks full entitlement)**.

To facilitate staff in this category, a payroll adjustment may be arranged to facilitate equalisation of payment across the maternity leave period.

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

### **15.0 Notification Procedures**

Staff must send all notifications to an identified line manager or relevant member of the NSF. The identified line manager must inform the Human Resources Department who, in turn, will notify the Payroll Administrator.

### **16.0 Revoking a Notification**

A staff member may revoke a notification of their intention to take maternity leave by a further written notification.

This could happen where a staff member miscarried before the 24th week and no longer requires leave. Alternatively, they may change their mind about the starting date of leave; in this case, a second notification must be made by the staff member which also gives at least 2 weeks' notice of the beginning of Maternity Leave.

### **17.0 Arising Circumstances**

#### **17.1 Premature Births**

For premature births on or since 1 October 2017, maternity leave is extended for an extra period **after** the end of the 26 weeks entitlement. Maternity Benefit is also payable for this extra period. It corresponds to the time period between your baby's *actual* birth date and the expected start date of your maternity leave.

To bring forward the start date of your Maternity Benefit claim, you will need to give the Department of Employment Affairs and Social Protection either a copy of your baby's birth certificate or a letter from the hospital confirming the baby's actual date of birth (which must be on or after 1 October 2017).

The Department will need further information in order to determine any entitlement to extra Maternity Benefit due to the premature nature of your baby's birth. You will need to send the Department a letter from the hospital confirming the actual date of birth **and the number of weeks' gestation at which your baby was born**, before the end of the first 26 weeks of Maternity Benefit. This information is required in order to ensure that you get your full entitlement. If you wish, you can provide all this information in your initial letter to the Department.

## 17.2 Late confinement

Should the birth take place later than expected and the staff member has less than 4 weeks leave after confinement, the minimum period will be extended by up to but not more than four weeks, to ensure that they have four weeks' leave after the birth.

This provision would come into operation where a staff member arranged to take a substantial proportion of their Maternity Leave before the birth and the confinement was later than expected. A staff member is required to notify their line manager in writing as soon as practical for an extension of maternity leave and to confirm the actual duration.

## 17.3 Miscarriage

There is no entitlement to statutory maternity leave for a miscarriage occurring up to, and including the 24th week of pregnancy.

A staff member has an entitlement to avail of their full maternity leave after the 24th week of pregnancy.

## 17.4 Father's Right to Leave

This is not paternity leave. It is entirely dependent on the mother's death and there is no other independent right to leave.

Male staff are entitled to the remainder of the mothers' maternity leave and/or additional maternity leave, where the mother dies during such leave.

If a staff member who has had a living child die at any time before the end of the 14th week following the week of their confinement, the father of the child is entitled to leave from their employer for a period ending either:

- (a) at the end of the 10th week, if the mother dies at any time up to 10 weeks
- (b) at the end of the 14th week, if they die at any time after the expiry of the 10th week

This leave will begin within seven days of the mother's death. This leave is conditional on the father:

- Giving their employer written notification no later than the day he wishes to take the leave *and* if the employer so requests a copy of the mother's death certificate and the child's birth certificate as soon as is reasonably practical.

- If the father is entitled to leave in excess of four weeks ((a)-above), this leave is continuous and reckonable and all statutory rights are protected.

- The father is also entitled to an additional 4-four weeks leave if he so wishes, subject to giving their employer four weeks written notification of their intention to take the additional leave.

- If, however, the father is only entitled to a shorter leave period, ((b) above), this leave is continuous, but non-reckonable similar to additional maternity leave.

- The father will be entitled to a social welfare "maternity" benefit calculated on the basis of their PRSI contributions and their reckonable earnings.

## 18.0 Applying For Maternity Benefit

Staff who have the required PRSI contributions are entitled to maternity benefit from the Department of Social Protection during the 26 week period of Statutory Maternity Leave. There is no social welfare payment for the period of Additional Maternity Leave however a submission of Maternity Leave Credits should be made for this period.

Application for Maternity Benefit must be made at least 6-six weeks before the start of the maternity leave. Maternity Benefit Claim Form MB 1 is available from the address below or online:

### Maternity Benefit Section

Department of Social Protection,  
McCarters Road,  
Buncrana,  
Donegal,  
Ireland

**Webpage:** [www.welfare.ie](http://www.welfare.ie)

**Tel:** (01) 471 5898

**Locall:** 1890 690 690

### 18.1 Maternity Benefit Award Letter

The Department of Social Protection will send you an award letter detailing the weekly amount due to you during your Statutory Maternity Leave.

You are required to send a copy of this letter to the Enable Ireland Payroll Department.

**Failure to forward this form to Payroll will result in the maximum amount being deducted.**

## 19.0 Resolution of Disputes

If you have a dispute with your employer about maternity leave or if you have been dismissed due to a matter connected with your pregnancy or for claiming your rights under maternity leave legislation, you may make a complaint within 6 months of the dispute or complaint occurring to the workplace relations commission. You must use the online complaint form available on [workplacerelations.ie](http://workplacerelations.ie). The time limit may be extended for up to a further 6 months, but only where there is a reasonable cause which prevented the complaint being brought within the normal time limit.



## Appendix 1 Request for Maternity Leave

### Important Notes for Appendix 1

- 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 26 weeks Maternity Leave commencing on *[insert date]* and ending on *[insert date]*.

I also confirm that I have submitted a Maternity Leave Benefit Claim Form to the Department of Social Protection.

In line with Enable Ireland's Maternity Leave Policy, **I understand I am required to return to work for a three month period following full maternity 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 maternity leave.**

Yours sincerely,

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**Staff Member Signature**

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**Staff Member Print Name**

**Staff Number:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Date of Commencement of Employment:** \_\_\_\_\_



## Appendix 2

### Request for Additional Maternity Leave

#### Important Notes for Appendix 2

- Additional Unpaid Maternity Leave must be taken immediately after Statutory Maternity Leave. Any outstanding Public Bank Holidays or pre agreed Annual Leave must be taken after Additional Unpaid Maternity Leave
- This form is in duplicate. You must complete both copies and return one to your line manager and the other to the Human Resources Department
- The postal address for HR is as follows: Human Resources Department, Enable Ireland, 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 [*insert number of weeks*] weeks Additional Unpaid Maternity Leave in accordance with legislative rights, commencing on [*insert date*] and ending on [*insert date*].

Yours sincerely,

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**Staff Member Signature**

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**Staff Member Print Name**

**Staff Number:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Date:** \_\_\_\_\_



## Appendix 3 Return to Work Intention Request

### Important Notes for Appendix 3

- This form must be completed at least four weeks in advance of expected return to work date
- This form is in duplicate. You must complete both copies and return one to your line manager and the other to the Human Resources Department
- The postal address for HR is as follows: Human Resources Department, Enable Ireland, 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 return to work on *[insert dd/mm/yy]*.

Yours sincerely,

\_\_\_\_\_  
**Staff Member Signature**

\_\_\_\_\_  
**Staff Member Print Name**

**Staff Number:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Date:** \_\_\_\_\_