



Parental Leave Policy

Policy owner: UCD HR

Approval date and body

UMT, 12 April 2022

1. Purpose

This policy provides leave to employees who are natural or adoptive parents to enable them to spend more time with their child and to take care of their child in accordance with the terms and conditions of the Parental leave Acts. Parental leave entitlements also extend to persons acting in loco parentis in respect of an eligible child.

The Policy was revised in 2013 to make available the increase in leave from 14 weeks to 18 weeks provided for in the Act from March 2013. The maximum age limit was been increased from 8 to 13 years which is not in the Act and therefore, is an additional family friendly benefit to UCD staff.

Parental Leave entitlement from 1 September 2020 is 26 weeks. The maximum age limit in respect of each child is below 13 years.

The Policy has also provision for limited paid leave (force majeure leave), to enable members of staff to deal with family emergencies.

2. Definitions

Parental Leave is unpaid leave from work available to natural/adoptive parents or those acting in loco parentis.

3. Scope

All employees with continuous service of one year who are natural/adoptive parents or those acting in loco parentis are entitled to parental leave. The child must be under 13 years of age except in certain circumstances. In the case of a child with a disability, the age limit is 16 years. This provision applies to a child in respect of whom a Domiciliary Care Allowance (DAC) is payable or would be payable if the child satisfied the means test for the DCA. Further details relating to the DCA are available from the HSE.

In the case of an adopted child, if the child is under 6 years of age at the time of the adoption, the leave must be taken before the child reaches 13 years of age. However, if the child is aged 11 up to 13 years at the time of the adoption, the leave must be taken within 2 years of the adoption order.

Employees who have less than one year's service are entitled to a pro-rata parental leave entitlement after three month's service in UCD, if the child is approaching the age threshold.

Part-time employees of UCD are entitled to unpaid parental leave on a pro-rata basis.

4. Principles

4.1 Leave Entitlements

4.1.1 **Unpaid Leave:** Employees with continuous service of one year who are a natural/adoptive parent or acting in loco parentis are entitled to up to 26 weeks unpaid leave for a child up to 13 years. Employees who have less than one year's service are entitled to a pro-rata parental leave entitlement after three month's service in UCD, if the child is approaching the age threshold which is one week's unpaid leave for each month of continuous employment.

Part-time employees of UCD are entitled to unpaid parental leave on a pro-rata basis. This is calculated on the average number of hours worked per week in the 14-week period prior to the commencement of the parental leave.

In the case of multiple births e.g. twins; the entitlement is up to 26 weeks for each child. The leave is non-transferable i.e. the mother cannot take the father's leave and vice versa. However, in a case where both parents are employed by the same employer, subject to the employer's agreement, parental leave can then be transferred from one parent to the other. A maximum of 14 weeks of the parental leave entitlement per child may be transferred.

If an employee falls ill while on parental leave and as a result is unable to care for the child, parental leave may be suspended for the duration of the illness following which period the parental leave recommences.

4.1.2 **Pattern of Parental Leave:** The leave may be taken in blocks of weeks or, in agreement with the Head of School/Unit and in consultation with UCD HR, it may be broken down into pre-planned time off in the form of half days/ full days off. 26 weeks unpaid parental leave is available per eligible child, and the maximum time off in any one year is 26 weeks without the specific consent of UCD (except in the case of multiple births).

The proposed period of leave must be agreed with the Head of School/Unit and approved by UCD HR. All public holidays that fall during the period of parental leave can be taken at the end of the parental leave or as time in lieu on dates to be discussed and agreed with the Head of School/Unit.

4.1.3 **Alterations or Postponement:** The University has the right to postpone commencement in cases where the leave could have an adverse effect on the University. Such a requirement will always be discussed with the employee before being put formally in writing. Notice of postponement will be given to the employee not later than 4 weeks before the proposed commencement of the parental leave concerned. The University may decide to postpone the parental leave for a period of up to 6 months if it is satisfied that granting the leave would have a substantial adverse effect on operations, if there are difficulties in finding a replacement or if a number of employees are already on parental leave.

4.1.4 **Returning to Work:** On return from a period of parental leave the employee will return to their normal post, in so far as this is practicable or to an alternative position under terms and conditions of employment that are no less favourable than the contract.

4.1.5 **Abuse of Leave:** If an employee is found to be abusing their entitlement to parental leave they will immediately have their parental leave entitlement terminated and may be subject

to the disciplinary process.

4.2 Procedures for applying for Parental Leave

- 4.2.1 Completed applications must be approved by the appropriate Head of School/Unit and submitted to UCD HR, a minimum of 6 weeks prior to the proposed date of commencement. Application must specify the start date, duration and pattern of the parental leave and should be accompanied by a copy of the child's birth certificate/certificate of placement or other relevant documentation in relation to employees acting in loco parentis.
- 4.2.2 All applications for Parental leave are subject to the approval of the University. It is prudent to discuss and agree proposed dates and the pattern of leave with your Head of School/Unit prior to formal application as UCD HR will contact them to confirm suitability of the proposal in line with operational requirements.
- 4.2.3 Once approval has been secured for the application, UCD HR will produce a 'confirmation email' regarding the approved leave with the Parental Leave agreement attached prior to the date of commencement. Copies of the signed Confirmation Document will be held by the employee and UCD HR. All University documents must be held by UCD HR on the individual's HR record.
- 4.2.4 Employees must confirm their intention to return to work, in writing, at least 4 weeks before their expected return date by emailing hrhelpdesk@ucd.ie (cc'ing their Head of School).

4.3 Employment Rights

- 4.3.1 An employee on parental leave is regarded for all purposes relating to their employment (other than the right to remuneration or superannuation benefit or any obligation to pay contributions in or in respect of the employment) as still at work and none of their other employment rights are affected.
- 4.3.2 Absence from employment while on parental leave shall not be treated as part of any other leave from employment to which the employee concerned is entitled.
- 4.3.3 UCD reserves the right to extend periods of training, apprenticeship or probation to take account of absence due to parental leave.

4.4 Records:

UCD HR will maintain records of parental leave taken by employees showing the period of employment and the dates and times upon which the employee was on parental leave. These records will be maintained for 12 years, as required by ministerial order. All notices and confirmation documentation will be maintained for a period of 1 year. It is also important that all members of staff availing of this leave should keep their own records.

4.5 Force Majeure Leave

- 4.5.1 An employee shall be entitled to leave with pay for urgent family reasons, for example, an injury or illness of a child, spouse/partner, brother or sister, parent or grandparent, where the immediate presence of the employee at the place where the person is, whether at his or her home or elsewhere, is indispensable. Force Majeure leave only relates to a situation which is not foreseeable or otherwise not generally predictable. Routine minor and predictable illnesses to children or other family members which invariably occur are not covered.
- 4.5.2 The University should be notified in writing as soon as is reasonably practicable, detailing the dates on which the leave was taken and the facts entitling the employee to force majeure leave. This leave shall not exceed 3 days in any period of 12 consecutive months or 5 days in any period of 36 consecutive months.

- 4.5.3 You will be required to produce, not later than 4 weeks after the date of leave, a doctor's certificate detailing the nature, length or expected length, of illness/injury by the person concerned. A copy of the certificate must also be forwarded to UCD HR via hrhelpdesk@ucd.ie.

5. Roles and responsibilities

The Manager should

- a) read this policy and make themselves aware of their obligations;
- b) ensure a discussion takes place with the employee in preparation for the leave;
- c) Discuss workload with the employee taking into consideration the reduction in their working hours.
- d) sign any necessary documentation; and
- e) promote an environment of equality, diversity and inclusion which supports family-friendly initiatives.

The Employee should

- a) read this policy and make themselves aware of their obligations;
- b) provide reasonable notice to their manager in order to ensure they are supported;
- c) make themselves available, where possible, and engage fully with management in planning for the period of absence
- d) complete the relevant documentation within the timelines as set out in Policy.

Human Resources should

- a) upon request provide advice to employees and their head of school/unit or nominee regarding the employee's entitlements and applications for Parental Leave;
- b) process all applications for Parental Leave in a timely fashion and in an atmosphere of mutual trust and respect; and
- c) act with discretion when required and with due regard for the circumstances.

6. Related documents

- Parental Leave Application Form
- Force Majeure Leave Application Form
- Parental Leave Acts 1998 and 2006
- Parental Leave (Amendment) Act 2019
- European Union (Parental Leave) Regulations, 2013
- Agreement: Third Level Sector

7. Version history

Version	Date	Description	Author
2.0	March 2009	Policy Versioning implemented	UCD HR
3.0	March 2013	Extension of Leave from 14 to 18 weeks	UCD HR
4.0	December 2013	Policy amended to raise age limit from 8 to 13 years	UCD HR
5.0	June 2020	Policy moved to new template	S Raleigh

All policies and policy related documents and forms are subject to amendment. Please refer to the UCD Governance Document Library website for the official, most recent version.

6.0	November 2021	Extension of Leave to 26 weeks. Inserted roles and responsibilities. Inserted helpdesk email. Updated formatting.	P.Fitzgerald
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