

Maynooth University  
Human Resources  
Office

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# Parental Leave Policy

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## Revision History

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## Relevant Information

Parental Leave Acts 1998-2019

Parent Leave and Benefits Act 2019-2021

European Union (Parental Leave) Regulations 2013

Maynooth University Maternity Leave Policy

Maynooth University Paternity Leave Policy

Work Life Balance and Miscellaneous Provisions Act 2023

## Glossary of Terms

<b>Parental Leave</b>	Parental leave is a finite period of unpaid leave granted to an employee employed under a contract of employment for the purpose of caring for their child (including an adopted child) or a child in respect of whom they act in <i>locus parentis</i> .
<b>In Loco Parentis</b>	Latin for 'in the place of a parent' and refers to the legal responsibility of an individual to take on the functions and responsibilities of a parent.

## **Section One**

### **1. Policy Statement**

Maynooth University is committed to helping and supporting employees to balance their work and personal responsibilities, including family commitments. This parental leave policy aims to assist employees to achieve that balance by providing 26 weeks unpaid leave (parental leave) to employees who are parents or in a position of *loco parentis* for the purpose of caring for a child.

### **2. Leave Entitlements**

#### **2.1. Eligibility for Parental Leave**

- 2.1.1. An employee must have at least one year of continuous service with the University before being entitled to take parental leave. However, where an employee has more than three months but less than one year of service, and where the child is approaching the age threshold, the employee will be entitled to one week of leave for every month of continuous employment completed with the University.
- 2.1.2. If an employee is found to be abusing this leave, they may be subject to disciplinary action in line with the University's disciplinary policy and procedures.

#### **2.2. Leave Entitlements**

- 2.2.1. Parents of children born or adopted on or after 3 June 1996 are entitled to parental leave, as are employees acting in loco parentis in respect of such children.
- 2.2.2. Effective from 1 September 2020, there is an entitlement of 26 weeks parental leave.
- 2.2.3. If an employee has already taken some, or all of their previous entitlement of parental leave per child, they can still take the extra parental leave, if their child is still eligible.
- 2.2.4. In the case of part-time employees, parental leave is applied on a pro-rata basis. In the case of a multiple birth (twins, triplets), the entitlement remains the same for each child.
- 2.2.5. While an employee has a maximum entitlement to 26 weeks of parental leave, they are not obliged to take their full entitlement.
- 2.2.6. Where an employee qualifies for parental leave in respect of more than one child, they may not take more than 26 weeks together in any 12 month period unless the University agrees otherwise. This restriction does not apply however, in the case of a multiple birth.
- 2.2.7. Each parent has a separate entitlement to parental leave from their employer. In the case where both parents are employed by the University, either parent is entitled to transfer 14 weeks to the other parent.
- 2.2.8. Where an employee is the relevant parent in more than one capacity in respect of a child, their entitlement to parental leave will not extend beyond one capacity.
- 2.2.9. Parental leave must be taken before the child reaches 16 years of age.

## **2.3. Working Arrangements in which Parental Leave may be taken:**

### **Block Parental Leave**

- 2.3.1. Parental leave may be taken either as one continuous block or two separate periods of a minimum of 6 weeks each. If the leave is taken in this way, there must be at least 10 weeks between each separate period.
- 2.3.2. For operational reasons, employees are encouraged to take parental leave in blocks wherever possible. However, the University (Head of Department and Human Resources) may, at their discretion, facilitate the taking of such leave in a 'fragmented' manner over a period of time.

### **Fragmented Parental Leave**

- 2.3.3. Where a request is made to take parental leave on a fragmented basis, the Head of Department or their nominee will discuss the request in detail with the employee for the purpose of determining the feasibility of facilitating such an arrangement, having regard to the principles outlined in the University's practice on Part-time/Reduced Working Hours. The recommendation will require University Executive approval if additional staff are required to facilitate the fragmented parental leave request.
- 2.3.4. Any request for a fragmented parental leave arrangement will be considered on its own merits and within the context of the employment concerned. In all instances, however, the University must be satisfied that organisational and operational requirements will not be adversely affected by facilitating the taking of parental leave in such a manner.
- 2.3.5. Where it is agreed to allow parental leave to be taken on a fragmented basis, the employee's leave entitlement will be calculated by reference to their working hours prior to the commencement of the leave.
- 2.3.6. Parental leave may be availed of immediately after maternity, adoptive or paternity leave provided that the employee has complied with the service and notification procedures of the University's Parental Leave Policy and the University has not postponed the leave.

## **2.4. Terms and Conditions of employment during Parental Leave**

- 2.4.1. The employee's continuity of employment is preserved in respect of statutory and contractual rights, except the right to pay and pension benefits.
- 2.4.2. Public holidays that fall during a period of parental leave will be added to the end of the period of leave. Annual leave will accrue in accordance with the Organisation of Working Time Act 1997. For the avoidance of doubt, only statutory annual leave accrues during periods of parental leave.
- 2.4.3. Where applicable, probationary periods will be suspended while an employee is on parental leave.
- 2.4.4. Employees have a right to return to their original post under terms and conditions no less favourable than those that would have been applied if they had not been absent on such leave.

- 2.4.5. The right to return to work does not extend to employees whose fixed-term or specified-purpose contracts of employment come to an end during such leave. In such cases, Human Resources, the Head of Department and the employee will have had a discussion prior to the employee taking their parental leave.

## **Section Two**

### **3. Application**

#### **3.1. Applying for Parental Leave**

- 3.1.1. An employee wishing to avail of parental leave must give written notice of their intention to take parental leave no later than six weeks before the proposed commencement of the leave to their Head of Department or their nominee.
- 3.1.2. Such notice is provided by the employee completing the University's [Parental Leave Application Form](#) which can be found on the Human Resources website.
- 3.1.3. The application must include the following details:
- The date on which the employee intends to commence parental leave;
  - The duration of the leave;
  - The manner in which the employee wishes to take the leave (i.e., in a block or on a fragmented basis);
  - The date of return to work.
- 3.1.4. The Head of Department, in conjunction with Human Resources, at their discretion, may waive all or part of the notification.
- 3.1.5. The employee may be asked to provide evidence of their entitlement to parental leave (e.g. the child's date of birth, the date of adoption).

#### **3.2. Confirmation of Parental Leave**

- 3.2.1. The employee will complete the parental leave application form and submit it to their department. The Head of Department, or their nominee, will process the application and forward to Human Resources for final approval. If there is a need to replace the employee on parental leave the University will have to approve the application further.
- 3.2.2. When approved, the Human Resources office will issue a letter of confirmation to the staff member not later than four weeks before the leave is due to commence, confirming the details of the leave, including the duration and manner in which the leave will be taken. This letter must be signed by a Human Resources representative on behalf of the University and the staff member.
- 3.2.3. An employee may withdraw their notice of intention to take parental leave in writing at any time before the date on which the letter of confirmation is signed by both parties.
- 3.2.4. The employee should provide the withdrawal notice in writing by email to [humanresources@mu.ie](mailto:humanresources@mu.ie)
- 3.2.5. However, once the letter of confirmation has been signed by the employee, their parental leave arrangements cannot be altered without the approval of the Head of Department and Human Resources.

### **3.3. Postponement of Parental Leave**

- 3.3.1. While the University will endeavour to facilitate parental leave requests in so far as reasonably practicable, it may need to postpone the requested parental leave for up to six months in accordance with the Acts if the taking of such leave would have a substantial adverse effect on operations. This will be discussed with the employee at the time with their Head of Department or nominee with a view to reaching a suitable timeframe locally prior to making the application online.
- 3.3.2. If a revised date cannot be agreed mutually between the employee and their Head of Department the Human Resources office will issue a letter to the employee detailing the reason for the postponement no later than four weeks before the proposed date of commencement of the leave.
- 3.3.3. The reasons why parental leave may be postponed include:
- Seasonal variations in workload;
  - The inability to rearrange work among existing employees and/or the inability to recruit additional staff in a timely manner;
  - The number of employees on leave, including parental leave;
  - An unduly detrimental effect on service delivery.
- 3.3.4. In instances where parental leave is postponed by the employer, leave cannot be postponed more than once, unless the grounds for the postponement is due to seasonal variation in workload. Where this is the grounds for postponement, leave in respect of a particular child may not be postponed more than twice.
- 3.3.5. If, as a result of a postponement, the child concerned will reach the age threshold before the end of the leave, the employee retains the entitlement to take the parental leave.

### **3.4. Suspension of Parental Leave**

- 3.4.1. If an employee becomes sick and is unable to care for the child either prior to the commencement of or during the parental leave period, their leave may be suspended until such time as they recover. In such instances, a medical certificate from the staff member's medical practitioner is required stating that the employee is, by reason of sickness specified in the certificate, unable to care for the child.
- 3.4.2. An employee who wishes to suspend their parental leave should contact the Human Resources office directly for further advice and guidance.
- 3.4.3. If an employee is found to be abusing this leave, they may be subject to disciplinary action in line with the University's disciplinary policy and procedures.

### **3.5. Return to work or Resignation from Parental Leave**

- 3.5.1. If an employee wishes to return to work early from their parental leave, they must notify the Human Resources office accordingly in writing not later than four weeks before their expected return to work date.
- 3.5.2. If an employee does not wish to return to work after their parental leave, they must provide the appropriate notice of resignation (as stipulated in their contract of employment) in writing to their Head of Department and Human Resources.

### **3.6. Request for a change in working hours or patterns on return from parental leave**

- 3.6.1. An employee may request a change to their working hours and/or patterns of work for a set period following their return to work from parental leave. The employee should make this request according to the provisions of the University's practice on Part-time/Reduced Working Hours.



#### **4. Unpaid leave for medical care**

##### **4.1. Unpaid leave for medical care was introduced on 3 July 2023.**

- 4.1.1. Leave for medical care purposes gives employees 5 days unpaid leave if they need to take time off work to deal with serious medical care for a child or other relevant person like a family member. The leave is available to both parents and carers.
- 4.1.2. Employees have a right to 5 days leave for medical care in any 12 consecutive months. It can be taken as single days or multiple days but cannot be taken in periods of less than one day.
- 4.1.3. Employees can apply for the leave to care or support their child (including adopted child), spouse or civil partner, cohabitant, parent or grandparent, brother or sister, or housemate (any other person to those listed who lives in the same house as the employee)
- 4.1.4. The sick person must need significant care or support for a *serious medical reason*. The University can request relevant evidence of the medical need for the leave e.g. a medical certificate signed by a doctor.
- 4.1.5. To apply for this leave, you must complete the relevant application form which can be found on the HR website as soon as reasonably practicable. The completed and approved application form must be emailed to [humanresources@mu.ie](mailto:humanresources@mu.ie)
- 4.1.6. Further information on unpaid leave for medical care can be found in the [Work Life Balance and Miscellaneous Provisions Act 2023](#).

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