Policy Title:	Maternity Leave
Description:	To set out the Marino Institute of Education's policy regarding Maternity Leave Regulations.
Author (Position):	Human Resources
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Approved By:	MIE Governing Body
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Maternity Leave Policy

1. Context

Marino Institute of Education (MIE) wishes to ensure that it maintains the highest possible standards in all its activities. This policy document aims to set out in easy-to-follow terms how to apply for Maternity Leave and to provide guidelines on timelines.

2. Purpose

To set out the MIE policy regarding Maternity Leave Regulations.

3. Benefits

All staff will have a clear understanding of the process and timeframes involved in requesting Maternity Leave.

4. Principles

4.1. All members of staff who qualify under the terms of the Maternity Protection of Employees Acts ([1994](#) and [2004](#)), the Unfair Dismissals Acts ([1977](#) and [1993](#)), the [Protection of Employees (Part-time Work) Act 2001](#) and the [Protection of Employees (Fixed-Term Work) Act 2003](#), will be granted Maternity Leave.

4.2. Temporary staff employed under a fixed-term/specific purpose contract of employment, are entitled to maternity leave for the period of the fixed term or specific purpose, as set out in their contract of employment.

5. Definitions

Legislation governing Maternity Leave does not confer any rights to payment during Maternity Leave. However, the Governing Body[1] of MIE has approved regulations, which deal with the question of payment during maternity leave. These are laid out under [section 6](#).

6. Policy

6.1. Subject to the conditions set out at (i) - (iv) below, full-time and part-time staff may be granted 26 consecutive weeks pro rata Maternity Leave with pay.

  i. The Maternity Leave must commence not later than two weeks before the expected birth date and end not earlier than four weeks after the birth.

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[1] See [Code of Governance](#) and [Matters Reserved for the Governing Body of MIE](#)

ii. The staff member must notify her Head of Department and the Human Resources (HR) Department, in writing, as soon as reasonably practicable, but not later than four weeks before the commencement of Maternity Leave, of her intention to take Maternity Leave. Additionally, not later than the time of the above notification, she is obliged to supply a medical certificate confirming the pregnancy and specifying the expected birth date.

iii. Staff granted Maternity Leave must claim such State Maternity Benefit as they are entitled to receive. Payment of State Maternity Benefit will be made direct to staff who meet the qualifying conditions, and the amount of benefit receivable will be deducted from the monthly/weekly salary payment at source. Eligible staff who are not entitled to State benefit will not as a result lose entitlement to full pay during Maternity Leave. Applications for State Maternity Benefit must be submitted at least six weeks before the date on which the Maternity Leave is to commence (see also paragraph 6.10 below).

iv. Maternity leave with pay is available to all members of staff who have completed at least 26 weeks of continuous employment with no break in service. Continuous employment is broken upon the expiry of a fixed term/specific purpose contract and the non-re-engagement of the staff member within four weeks. If there is a break in service for more than four consecutive weeks then the entitlement to paid Maternity Leave will accrue after the staff member has completed 26 weeks consecutive service from the start date of her most recent contract of employment. Continuous employment is not broken by the following: sickness or injury[2], maternity leave, additional maternity leave, adoptive leave[3], parental leave[4], carer's leave[5] or annual leave[6].

v. Staff members returning from a period of approved unpaid leave or career break must complete a minimum of 26 weeks service prior to the expected birth date in order to qualify for paid maternity leave. The application form for Maternity Benefit (Form MB1) can be accessed at www.gov.ie (follow the link to Social Welfare) or directly at: https://www.gov.ie/en/service/apply-for-maternity-benefit/

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[2] See Illness Policy
[3] See Adoptive Leave
[4] See Parental Leave Policy
[5] See Carer's Leave Policy
[6] See Annual Leave Policy

6.2. Additional Unpaid Maternity Leave

A member of staff may, if she chooses, take up to 16 consecutive weeks additional Maternity Leave (unpaid) immediately after her maternity leave provided that her Head of Department and Human Resources (HR) are notified of this intention, in writing, not later than four weeks before the date on which the Maternity Leave is due to terminate. On returning to work, after a period of unpaid maternity leave, the staff member should ensure that she has the Application for Maternity Leave Credits form signed and stamped by Human Resources (HR) which will enable the Department of Social Protection to maintain her PRSI records up to date. This form may be accessed at: https://www.gov.ie/en/service/apply-for-maternity-benefit/

6.3. Absences from work due to Additional Maternity Leave (unpaid) will count for employment rights, such as seniority and annual leave[6]. Should the staff member change her mind, and no longer wish to take additional Maternity Leave, she may revoke in writing her notice of taking the leave not later than four weeks before the end of her Maternity Leave.

6.4. Variations on Period of Maternity Leave

   i. Late birth: Where the birth of the baby occurs so late in the Maternity Leave that less than the statutory four weeks of post-natal Maternity Leave remain, then the leave will be extended to the statutory period of four weeks.

   ii. Early birth: Where the birth of the baby occurs before Maternity Leave has commenced then the date of birth will be considered the first day of 26 weeks Maternity Leave and the Maternity Leave regulations will be satisfied if the relevant Head of Department and Human Resources (HR) are informed up to 14 days following the birth date.

   iii. Where the date of birth occurs earlier than expected, but after the Maternity Leave has commenced, then there will be no change in the period of leave.

6.5. Hospitalisation of Child

Subject to MIE agreement, if your baby is in hospital and you have been getting Maternity Benefit for at least fourteen weeks (including at least four weeks since your baby was born) you may postpone payment of your remaining 12 weeks of benefit for up to six months. To postpone payment of your Maternity Benefit you need to apply in writing to the Maternity Benefit Section in the Department of Employment Affairs and Social Protection. When your

baby is discharged from hospital you must notify the Maternity Benefit Section in writing and payment of your remaining 12 weeks Maternity Benefit will continue within seven days.

6.6. Additional Maternity Leave and Illness

Subject to agreement by MIE, a staff member has the right to terminate unpaid additional Maternity Leave in the event of her becoming ill[7]. The request and acceptance must be made in writing.

6.7. Stillbirths, Miscarriages and Neonatal Death:

If you have a stillbirth, miscarriage or neonatal death (where a baby lives for only a few hours or days after birth) any time after the 24th week of pregnancy, a staff member is entitled to full Maternity Leave. The staff member should send the Department of Employment Affairs and Social Protection a letter from her Doctor with a Maternity Benefit Form, confirming the expected due date, the actual birth date and the number of weeks gestation.

6.8. Annual Leave

A staff member may apply in writing to her Head of Department for permission to take annual leave[8] entitlement due immediately prior to or following the period of Maternity Leave or Additional Maternity Leave. Legislation governing Maternity Leave requires that any period of unpaid leave must be discharged immediately following the period of paid Maternity Leave.

6.9. Right to Return to Work

i. Following paid Maternity Leave or additional unpaid Maternity Leave, the staff member shall be entitled to return to work with MIE in accordance with the terms of the Maternity Protection of Employees Acts, 1994 and 2004. It is MIE policy to permit the person to return to the same job as she held immediately before Maternity Leave, if at all practicable.

ii. The right to return to work is conditional on the staff member having carried out the requisite written notification procedures at all appropriate stages. In addition to the conditions specified above, she must confirm to Human Resources (HR), in writing, her intention to return to work. This written confirmation must be given four weeks prior to the intended date of return.

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[7] See Illness Policy
[8] See Annual Leave Policy

iii. Fixed term/specific purpose contracts are not amended to take account of maternity absence.

6.10. Effects of Maternity Leave

i. Where a staff member is on probation, the period of probation will stand suspended for the duration of the Maternity Leave and any period of Additional Maternity Leave.

ii. Maternity Leave and Additional Maternity Leave are not considered part of any other absence, including sick leave[9] or annual leave[8].

iii. The period of Maternity Leave is considered continuous with the period of employment preceding the Leave.

iv. Public holidays occurring during Maternity Leave will be offered as extra days' leave.

6.11. Pre-Natal and Post-Natal Care

i. A member of staff is entitled to paid time off for ante-natal or post-natal care. Evidence of appointment or attendance at an ante or post-natal clinic may be required.

ii. Expectant mothers are entitled to attend one complete set of ante-natal classes (other than the last three classes) without loss of pay. Prospective fathers have a once-off right to attend the last two ante-natal classes before the birth. This is subject to the staff member giving at least two weeks' notice before the first class or class concerned and appropriate documentation giving the dates and times of the classes.

6.12. Arrangements Applying to Staff Ineligible for Payment by MIE under these Regulations

i. MIE staff who are ineligible for paid Maternity Leave under these regulations are entitled to Maternity Leave arrangements in accordance with the terms of the legislation governing Maternity Leave.

ii. The periods of leave entitlement and the necessary notifications to the employer will be those set out in the above paragraphs.

iii. During Maternity Leave employees who satisfy the contribution conditions will be entitled to payments under the Maternity Benefit Scheme, administered by the

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[9] See Illness Policy

Department of Employment Affair and Social Protection. Further details and application forms for Maternity Benefit are available direct from:

Maternity Benefit Section,
Department of Employment Affairs and Social Protection,
McCarter's Road,
Buncrana,
F93 CH79 .
Telephone: (01) 4715898
Email: maternityben@welfare.ie

6. Responsibility

The responsibility for the maintenance of this policy rests with Human Resources (HR).

7. Related Documents

7.1. Contract of Employment

7.2. Annual Leave Policy

7.3. Carer's Leave Policy

7.4. Force Majeure Leave

7.5. Parental Leave Policy

7.6. Paternity Leave

7.7. Illness Policy

7.8. Adoptive Leave