



TUS

**Technological University of the Shannon:
Midlands Midwest**

Ollscoil Teicneolaíochta na Sionainne:
Lár Tíre Iarthar Láir

Paternity Leave Policy

Human Resources Department





Document Control Record

TUS Paternity Leave Policy	
Document Title	TUS Paternity Leave Policy
Document Entrust	TUS Human Resources Department
Document Status	Approved
Revision No	1.0
Pages	11
Approval Body	Human Resources Department
Date of Approval	01/12/2022
Next Revision	2025

Revision History	
Revision No	Comments/Summary of Changes
1.0	AIT/LIT policies reviewed with differences identified and agreed for a TUS Policy. All Unions consulted and changes agreed.
1.1 (June 2023)	Application method updated with the ESS procedure

Table of Contents

1.0 Policy and Scope	4
2.0 Eligibility and Entitlements	4
3.0 Payment During Paternity Leave	5
4.0 Notification Procedure.....	6
4.1 Early confinement.....	6
5.0 Postponement of Paternity Leave.....	6
5.1 Late birth/postponed adoption placement	6
5.2 Illness of the relevant parent	7
5.3 When the child is hospitalised	7
6.0 Stillbirth	8
7.0 General Provisions	8
7.1 Transferred Paternity Leave	8
7.2 Annual Leave and Public Holidays	8
7.3 Misuse of Paternity Leave.....	8
7.4 Employment Protection	9
7.5 Correspondence.....	9
7.6 Compliance.....	9

1.0 Policy and Scope

This policy is governed by Circular Letter 0069/2016 issued by the Department of Education and Skills and current paternity leave legislation. It is intended to provide employees of the Technological University of the Shannon: Midlands Midwest (TU) with details on the entitlements to paid paternity leave, the protection of an employee's rights whilst on paternity leave, the periods of notification of paternity leave, and returning to work when paternity leave has ended. Hourly paid part-time employees are not entitled to paid paternity leave. This does not affect their statutory right to paternity leave.

2.0 Eligibility and Entitlements

Paternity Leave is available to employees 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.

Subject to eligibility and notification criteria being met, paternity leave will apply to births/ placements that take place on or after the 1st September 2016. If the employee is a relevant

parent, they may avail of a continuous period of two weeks paternity leave. This 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 selected by the employee in their application for paternity leave. 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 the 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.

3.0 Payment During Paternity Leave

The employee will be responsible for claiming paternity benefit from the Department of Social Protection (DSP). The TU will automatically deduct the basic paternity benefit from the employee's gross pay.

Employees who pay PRSI category A, E, H or P (PRSI category can be found on a payslip) should make a claim to the DSP for paternity benefit payment, 4 weeks before paternity leave is due to commence and the benefits payable are retained by the employee. Guidelines for making the claim for benefit are available at Appendix 1.

Salary will be reduced by the standard weekly rate of paternity benefit for two weeks. The statement of payments received from the DSP should be submitted to the Human Resources Department, in order that pay can be readjusted, where necessary.

If the employee is entitled to less than the standard payment for paternity benefit, or the employee is not entitled to any paternity benefit, they should notify the Human Resources Department so that the correct deduction can be made to their salary. The employee must forward a copy of the correspondence and/or the remittance advice note, they have received from the DSP.

Employees who pay category D PRSI, are not eligible for paternity benefits from the DSP, and therefore there is no adjustment to salary, in respect of benefits due.

4.0 Notification Procedure

Notification to take paternity leave should be submitted for approval via the Employee Request facility on the Employee Self Service System (ESS), **ideally 4 weeks before the commencement date.**

Following receipt of the application for paternity leave, the employee will receive confirmation in writing from the Human Resources Department, of the exact dates of their Paternity Leave.

Notification may be withdrawn by the employee to the Human Resources Department, through their line manager/supervisor not later than **4 weeks before the commencement of paternity leave.**

4.1 Early confinement

Where the date of birth occurs in a week that is 4 weeks or more, before the expected date of birth, the relevant parent shall inform TU immediately, and will be deemed to have complied with the notification period. The formal notification must be given within 7 days, commencing on the day of birth.

5.0 Postponement of Paternity Leave

5.1 Late birth/postponed adoption placement

Any requests to postpone paternity leave must be submitted, immediately to the relevant Human Resources Department, through the employee's line manager/supervisor. This request will be approved by the TU, where the date of birth occurs after the date selected by a relevant parent, in their Employee Request Application or where the date of placement is postponed, in the case of adoption. The relevant parent may re-apply via the Employee Request facility on the Employee Self Service system and select another date on which paternity leave will commence.

The relevant parent must re-apply as soon as possible, but no later than **7 days after commencement of the paternity leave** with a copy of the birth certificate/official placement orders for the child.

5.2 Illness of the relevant parent

In the event of the employee becoming 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 submitted to the Human Resources Department, through the employee's line manager/supervisor, as soon as possible, after becoming ill, and must be accompanied by a doctor's certificate. This must be submitted, not later than the day on which the postponed leave begins. The absences shall be treated in the same manner, as an absence from work, due to illness.

Paternity leave may be postponed until such time as the employee is no longer ill. The period of postponed leave, must end not later than 28 weeks after the date of birth, or day of placement. The employee must re-apply via the Employee Request facility on the Employee Self Service system when the employee intends to take the postponed paternity leave, no later than the day the employee commences the leave.

It is important to note that if the employee falls ill during the period of postponement of paternity leave, and requests to commence sick leave from work, the employee will forfeit the remainder of the paternity leave. This leave cannot be taken at a later date, following the employee's period of sick leave. The normal procedures in relation to sick leave, should then be followed, including the furnishing of a medical certificate, where appropriate.

5.3 When the child is hospitalised

If the employee's child is hospitalised, the employee must notify the Human Resources Department, through their line manager/supervisor, to postpone all or part of their paternity leave. This request is subject to approval of the TU, which will respond to the request for postponement, as soon as practicably possible, with a decision.

Where the TU agrees to postpone the leave, the leave will be postponed with effect from a date agreed by the employee and their manager/supervisor. The employee will return to work, on a date agreed, between the employee and their line manager/supervisor. The postponed leave 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 employee and their line manager/supervisor. The employee must re-apply via the Employee Request facility on the Employee Self Service system, when they intend to take the postponed paternity leave, not later than the day they commence the leave.

6.0 Stillbirth

In the unfortunate case where there is a stillbirth any time after the 24th week of pregnancy (i.e., from the beginning of the 25th week), and the employee is entitled to paternity leave, they are entitled to 2 weeks paternity benefit, provided they satisfy the social insurance (PRSI) requirements.

To apply for paternity benefit following a stillbirth, the employee should submit a letter from the doctor, together with the paternity benefit application form, confirming the expected date of birth, the actual date of birth, and the number of weeks of pregnancy, to the Human Resources Department. The employee should contact the Human Resources Department who will guide the employee through this process.

7.0 General Provisions

7.1 Transferred Paternity Leave

Where a relevant parent entitled to paternity leave, in relation to the unfortunate event where a child dies, the employee 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.

7.2 Annual Leave and Public Holidays

While on paternity leave, a relevant parent will continue to accrue annual leave and public holidays, as if they had not been absent from work. These annual leave entitlements are to be taken at a time outside of the period of paternity leave.

7.3 Misuse of Paternity Leave

A relevant parent on paternity leave, may not engage in any other type of paid employment. Where the TU has reasonable grounds, for believing that an employee who is on paternity leave, is not using the leave for the purpose for which it is intended, the TU may, give notice in writing to the employee, to terminate the leave. This notice will contain a summary statement, of the grounds for terminating the leave, and will specify the day by which the employee must return to work.

Before terminating the paternity leave, the TU will:

- notify the employee in writing that the matter is under consideration, and invite the employee to make representations within 7 days

- consider any representations from the employee before making a final decision
- notify the employee in writing of the decision, summarising the grounds.

7.4 Employment Protection

A relevant parent while absent on paternity leave, will be treated as if they had not been absent. At the end of the paternity leave, the employee 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.

7.5 Correspondence

Human Resources Department will address all necessary correspondence to the relevant parent via their TU email address.

7.6 Compliance

Failure to abide with the regulations and procedures set out above may be dealt with under the TU Disciplinary Procedures and may lead to the deduction/cessation of salary for the relevant parent.

Queries

For enquiries on this policy please contact the relevant HR Department:

TUS Midlands: hr.midlands@tus.ie

TUS Midwest: hr.midwest@tus.ie

APPENDIX 1

GUIDELINES FOR STAFF COVERED BY PRSI CATEGORY A, E, H or P TO APPLY FOR PATERNITY BENEFIT

Paternity Benefit

This is a payment for employed and self-employed people who are on paternity leave from work and covered by social insurance or PRSI classes A, E, H or P. It is paid for two weeks and is available for any child born or adopted on or after 1 September 2016. You can start paternity leave at any time within the first 6 months following the birth or adoption placement. Applications for the Paternity Benefit payment should be made 6 weeks before the date you intend to start your paternity leave. If you are unsure of your PRSI category, you can find it on a payslip.

Failure to apply for Paternity Benefit within six months of the birth of the child may result in loss of benefit.

If you are already on certain social welfare payments then you may get half-rate Paternity Benefit.

In the case of adoption

Please provide a certificate of placement in relation to the child.

In the case of an intercountry adoption that took place outside the State, please forward a declaration of eligibility and suitability in relation to the child and particulars in writing of the day of placement or expected day of placement.

How to apply

1. In order to apply you must have a Public Services Card. Details on how to apply for the PSC can be found at www.mywelfare.ie.
2. Please notify TU via the Employee Request facility on the Employee Self Service system no later than 6 weeks before your leave commences.
3. In order for you to claim paternity benefit payment, please submit your *Employer Certificate for Paternity Benefit* (PB2 form) to DEASP. You can download or request this form at www.welfare.ie

Please also submit proof of the expected date of confinement of your spouse or partner when you make your application for paternity leave. In the case of an adoption certification of the date of placement of the child [declaration/official placement order / copy of the placement certificate] is required.

4. In addition to the Employer Certificate for Paternity Benefit you will also need to complete an Application Form for Paternity Benefit – form PB1. The application is available on the Department of Employment Affairs and Social Protection Website www.welfare.ie. You can apply for the benefit online at www.mywelfare.ie and upload your supporting documentation there.

How the payment is made

Paternity Benefit is paid directly into your bank or post office account. Please refer to section 3 of the above policy for details of how your salary is administered while on this leave.

For further information visit www.welfare.ie or contact:

Paternity Benefit Section

Department of Employment Affairs and Social
Protection McCarter's Road
Buncrana
Donegal
Ireland F93 CH79
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Locall: 1890 90690