



LEAVE POLICIES

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ANNUAL LEAVE POLICY

Cork Centre for Independent Living recognises that employees need time off from work for rest and relaxation and to reconcile any other commitments. However, the taking of annual leave must be planned in advance, in order to allow the organisation sufficient time to arrange cover for the absence of employees. Before making any holiday commitments, employees **MUST** consult with their line managers (ALS Co-ordinator, CE Supervisor or Service Manager as appropriate) regarding the taking time off.

The Legislative Framework

The 'European working Time Directive' 2003 and 'The Organisation of Working Time Act' 1997 give workers the right to a minimum number of holidays each year, rest breaks, rest periods; restricts excessive night work; and provides for a right to work no more than 48 hours per week. As an employer we must ensure that we achieve compliance with the legislation. All employees working under a contract of employment are entitled to annual leave and annual leave entitlements will be calculated in accordance with 'European working Time Directive' 2003 and 'The Organisation of Working Time Act' 1997

Annual Leave Entitlements

All employees are entitled to four 'working weeks' of annual leave. The term "working week" means the number of days or hours an employee normally works in a given week.

No employee may exceed the maximum number of paid annual leave day's entitlement as laid down by the Health Service Executive (HSE) for the grade.

PA's annual leave entitlement is calculated at 8% of hours worked and any certified sickness¹ up to a maximum of 171.60 hours. All other staff members including DSP CE Participants have a number of allocated days managed as hours.

The Leave Year

The leave year runs from 1st January to the 31st December each year.

Managing Leave – Personal Assistants (PA's)

- All Leave requests must be made in writing in advance
- Staff may request paid leave before it is accrued and, if after review it is determined that the leave may reasonably be accrued by year end it may be authorised.
- Staff may not request unpaid leave whilst they have a positive leave balance. Any requests for unpaid leave must be made in the same way as paid leave within the same time frames.

¹ Certified sickness accrues leave from 1st August 2015

- All requests for paid leave will be managed before any requests for unpaid leave are considered.
- Cork CIL requires all staff to take accrued leave within the leave year. On occasion staff may have AL remaining at the end of the year that cannot be taken. In this case staff will carry this leave over as a positive balance to the next year. Leave requests will be offset against this accrual. If by week 26 this has not been used it will expire.
- If staff overtake paid leave e.g. where they had approved paid leave at the beginning of the year but then failed to accrue adequate hours to cover this, they will carry over a negative leave balance to the following leave year. Leave accrued in the new leave year will be offset against this minus balance first.
- Cork CIL reserves the right to instruct staff when leave is to be taken. This action is most likely to be considered where staff has significant accruals of leave remaining. If this action is being taken staff will be notified by e-mail at least 28 days prior to the leave dates.
- If a Service User is away and the appropriate notice is given staff will not be paid. However, staff may choose to request leave to coincide with this absence and an application must be submitted.
- If a Service User is away and inadequate notice is given staff must be available for work in order to be paid (see Cancellation Policy) However, a short notice request for annual leave from a PA may be considered. A Leave Request Form must be submitted and the PA must speak to their co-ordinator or the Cork CIL Administrator.

Annual leave requests

All Annual Leave requests must be made in advance and using the **authorised Leave Request Form** (download from website www.corkcil.ie or TMS electronic request system when live).

Leave Request Forms must be fully and accurately completed and sent to the following e-mail address **ONLY**: leave@corkcil.ie. An automated response acknowledging receipt of your request will be sent to you. This is not authorisation of the leave request.

Leave Notice Periods

The following notice must be given:

Table 1 - Leave Request Notice Period	Leave	Notice Period
	1–5 days	14 Days in advance
6+ days	28 Days in advance	

In very exceptional circumstances a shorter notice period may be considered. If this affects you, you must submit a Leave Request Form AND telephone 021 432 2651 to speak to the Administrator or Co-ordinator

Leave Approval

All annual leave is approved at management discretion. Every effort will be made to accommodate employees' requests, but this is not always possible especially if essential cover cannot be found. Therefore in certain instances leave may not be approved and the request will be denied.

NB: Staff MUST NOT assume that leave is authorised until they receive an e-mail stating this.

Pay for Annual Leave

Pay for annual leave will be based on the normal weekly rate of pay, including any regular allowances or shift premium that does not vary in relation to the work done.

Leaving the Organisation

If an employee leaves the organisation and has accrued annual leave that has not been taken, the organisation will pay the employee for this accrued leave. If an employee leaves the organisation and has taken more annual leave than he or she has accrued, the organisation will deduct the amount owing to it from the final wages payment.

Outstanding leave

Cork CIL requires all staff to take accrued leave within the leave year. On occasion staff may have AL remaining at the end of the year that cannot be taken. In this case staff will carry this leave over as a positive balance to the next year. Leave requests will be offset against this accrual. If by week 26 this carried forward leave has not been used it will expire.

Assigning leave

A certain number of day's annual leave must be taken at company-designated closing periods.

This information will be provided to all affected employees as early as possible, but not later than 28 days before the proposed closure.

'PUBLIC HOLIDAY' LEAVE POLICY

The purpose of the policy is to provide information for employees in relation to public holiday (PH) benefits as provided for by the Organisation of Working Time Act 1997.

Entitlement

All full-time employees of the organisation are automatically entitled to public holiday (PH) benefits. Additionally, part-time/casual employees who have worked at least 40 hours in the five weeks ending on the day before the public holiday (PH) will be entitled to benefit.

There are **9 official Public Holidays (PH)** as follows:

Please Note: Good Friday and Christmas Eve are Not Public Holidays and do NOT accrue any entitlement.

- 1st January - New Year's Day
- 17th March - St. Patrick's Day
- Easter Monday
- first Monday in May
- first Monday in June
- first Monday in August
- Last Monday in October
- 25th December - Christmas Day
- 26th December - St. Stephen's Day

In respect of each public holiday, an employee's benefit is at the organisation's discretion as follows:

- a paid day off on the public holiday or
- a paid day off within a month or
- an extra day's annual leave or
- an extra day's pay.

Unless otherwise notified Cork CIL will manage Public Holidays each year as follows:

- Employees who are normally scheduled to work on the day that the public holiday falls and whose role involves essential personal care supports will be expected to work all or part of the shift.
- Employees who are normally scheduled to work on the day that the public holiday falls and whose role is mixed Personal Essential Supports and Social Inclusion will be required to work the essential part hours of their shift at the public holiday rate of pay and have the remainder of the shift as paid time off at basic rate.
- Employees who are normally scheduled to work on the day that the public holiday falls and whose role is Social Inclusion or whose work does not require to be covered by another PA will take public holiday as a paid day off as it falls.

- Employees who are **not** normally scheduled to work on the public holiday are entitled to one fifth of the 'normal' weekly rate of remuneration for the public holiday if they have worked a minimum of 40 hours in the previous 5 weeks. 'Normal' weekly rate is calculated by reference to the previous 13 weeks.
- Employees on maternity leave (paid and unpaid), adoptive leave and parental leave maintain their public holiday benefit for the duration of their absence.
- Employees on carer's leave accrue the benefit for the first 13 weeks of their absence.

Requesting a PH as a Day Off

If a PA who is expected to work wishes to take a PH off, they must request this using the Leave Request Form with the same notice period as outlined above in [Table 1 - Leave Request Notice Period](#). This is submitted in the same way as requests for Annual Leave.

Staff **MUST NOT** assume the PH leave is authorised until they are in receipt of a confirmation e-mail.

Payment for PH

- If a staff member works a PH they are paid double time for hours worked
- If a staff member has a paid day off in lieu of the PH they are paid at basic rate
- If a staff member works part of a PH they are paid double time for the hours worked and basic for the remainder of the hours
- If a staff member is not normally scheduled to work on the day that the PH falls they are compensated with 1/5th of their normal working week if they have worked a minimum of 40 hours in the previous 5 weeks. 'Normal' weekly rate is calculated by reference to the previous 13 weeks.
- If a staff member is not normally scheduled to work on the day that the PH falls they and they have not worked a minimum of 40 hours in the previous 5 weeks they are not eligible for any payment

COMPASSIONATE LEAVE POLICY

Compassionate leave is paid leave of absence granted to employees where time-off is required in the event of the bereavement of a close family member.

Entitlement and Conditions

Cork Centre for Independent Living will consider an employee's request for a period of compassionate leave. This will be granted at the discretion of management as follows:

RELATIVE	AUTHORISED DAYS MAY BE GRANTED
Spouse, Daughter, Son, Parent, Grandchild, Sister, Brother.	Up to 3 Days
Mother-in-Law, Father-in-Law, Grandparent, Uncle, Aunt, Son-in-Law, Daughter-in-Law	1 Day

In the event of the death of a spouse, daughter, son, parent, grandchild, sister or brother **up to three** days of paid compassionate leave **may** be granted.

In the event of the death of a mother-in-law, father-in-law, grandparent, uncle, aunt, son in-law, daughter in-law, **one day** of paid compassionate leave **may** be granted.

Employees must notify their Manager/Supervisor as soon as possible with their request, and no later than the first day of absence.

The above days must be taken consecutively. If this poses a personal problem for you please speak to your Co-ordinator

MATERNITY LEAVE POLICY

Maternity leave, and the entitlement to maternity leave, is provided for by the [Maternity Protection Act, 1994](#) and the [Maternity Protection \(Amendment\) Act, 2004](#).

Purpose of this document

This document sets out the Cork Centre for Independent Living's rules and procedures in relation to granting of maternity leave.

Scope of this policy

This policy covers all full-time, part-time and temporary female employees (regardless of how long you have been employed by Cork Centre for Independent Living of the hours worked per week) who are:

- Are pregnant
- Are within 14 weeks of having given birth
- Are breast-feeding within 26 weeks following the birth and
- Have informed Cork Centre for Independent Living of their condition

Fathers however, are only entitled to leave if the mother dies within 24 weeks of the birth.

Maternity Leave Entitlement

Basic Period of Maternity Leave

Cork Centre for Independent Living employees may take a maternity leave in line with Maternity Protection Amendment Act 2004, as follows:

- 26 weeks as maternity leave,
- 2 of these weeks **before** the end of the week of your baby's expected date of birth.
- You must take at least 4 of these weeks after your baby's birth.

Additional or Unpaid Maternity Leave

An additional period of 16 weeks leave may be taken immediately following the maternity leave period, during which no social welfare benefit is payable.

Premature Birth

If your baby is born 4 or more weeks early, you must inform Cork Centre for Independent Living within 14 days of the birth of your baby so as to fulfil your notice requirements.

Stillbirth and Miscarriages

In the sad event of a miscarriage or stillbirth you are entitled to full maternity leave at any time after the **24th week** of pregnancy. This means that a basic period of 26 weeks and also the 16 weeks additional maternity leave may be taken in the event of a stillbirth or miscarriage after the 24th week of pregnancy.

Employment Rights

An employee who is absent on maternity leave will be considered to be in employment and her employment rights, with the exception of remuneration, are preserved as if she were present at work. At the end of maternity leave you will be entitled to return to your **original job**, under terms and conditions no less favourable than those which would have applied if you had not been absent.

Notice of Intention to take Maternity Leave

NB: You are requested to inform Cork Centre for Independent Living as soon as you know you are pregnant, so that the organisation can ensure that the working environment is supportive of all pregnancy requirements during this period

Intention to take statutory maternity leave (26 weeks)

An employee must give a minimum of **4 weeks'** notice in writing to their Services Co-ordinator or the Services Manager of their intention to take maternity leave ([See Appendix 1 below: Maternity Leave Form 1 Cork CIL](#)). This will enable Cork Centre for Independent Living to arrange appropriate cover and to be able to fully make use of this leave.

A medical certificate confirming pregnancy and specifying the expected week of birth must also be provided

You may claim social welfare maternity benefit for the 26 week period of maternity leave, provided that you have the necessary PRSI contributions (decided by the Department of Social Protection).

Intention to take additional statutory unpaid maternity leave (16 weeks)

You must inform Cork Centre for Independent Living in writing, as above, ([See Appendix 2 below: Maternity Leave Form 2 Cork CIL](#)) of your intention to take the 16 weeks additional maternity leave, at least **4 weeks** before the end of your 26 weeks of maternity leave.

No Social Welfare payment is paid for the 16 weeks additional leave.

Return to Work

You must give Cork Centre for Independent Living, in writing, at least **4 weeks'** notice of your intention to return to work.

Postponement of maternity leave in the event of a child being hospitalised

After the 14th week of maternity leave, you may ask to postpone some of your maternity leave or your additional maternity leave if your child is in hospital. In this way you may return to work and then use the rest of your leave when your child comes out of the hospital. Although at present as your employer we are not obliged to facilitate you in this we will do what we can to support your request. The maximum amount of time for which you can postpone your leave is 6 months.

If you postpone some of your maternity leave and return to employment, you need to inform the Department of Social and Family Affairs, via the Maternity Benefit Section, of this choice. You must notify them in writing of the hospitalisation of your child and confirm you have returned to employment. Later, you will need a hospital or GP's letter confirming that your child has been discharged from hospital and that your maternity benefit should resume.

Ill while on maternity leave

If you become ill while on the 16 weeks **additional** maternity leave you may request to end the additional maternity leave period. Cork Centre for Independent Living is not obliged to agree to this but it will be considered. If Cork Centre for Independent Living does agree, you will not be entitled to the remaining part of the additional 16 weeks maternity leave but you **may** be entitled to **sick pay** from Cork Centre for Independent Living and/or **Disability Benefit** from the Department of Social and Family

Resignation Whilst on Maternity Leave

If you decide to resign whilst on maternity leave or additional maternity leave, the notice period for resignation will commence on your date of return to work.

Public holidays and annual leave during Maternity Leave

You are entitled to claim leave for any public holidays that occurred during your maternity leave or additional maternity leave. Time spent on maternity leave and on additional maternity leave is treated as if you were in employment, so this time can be used to build up your annual leave entitlement. Cork Centre for Independent Living will require you to take all leave accrued to date at the end of your maternity leave and prior to return to work

Time Off for Medical, Ante-Natal, Post- Natal Appointments

You are entitled to such time off as is necessary from your normal working time, without loss of pay, to attend medical or related ante-natal or post-natal appointments. (Time off to attend exercise and relaxation classes will not be paid).

An employee must inform Cork Centre for Independent Living of the appointment dates, and the duration of the appointments, at least 2 weeks before each appointment, and present the appointment card. Employees are requested where possible to arrange medical, ante-natal and post-natal appointments outside scheduled work hours. If this is not possible appointments should

be made at the beginning or end of the employee's shift. If the appointment finishes during the shift, the employee must return to work.

Time-off to attend ante-natal classes

You will be entitled to time off from work without loss of pay to attend one set of ante-natal classes (other than the last three classes).

If you are an expectant father you will be entitled on a once-off basis to time off from work without loss of pay to attend the last two ante-natal classes before the birth.

Father's Leave

There is no obligation on an employer to provide paternal leave. Cork Centre for Independent Living allows 3 days parental leave for the father.

In the sad event of the mother of an employee's child dying before the end of the 22nd week following the week of birth of a living child, the employee (who is the father) is entitled to certain leave entitlements, as follows:

1. Where the mother dies before the end of the 14th week following the week of the birth of the child, the father is entitled to:
 - A period of leave ending at that 14th week
 - And
 - Up to 8 consecutive weeks leave
2. Where the mother dies after the end of the 14th week but before the end of the 22nd week, father is entitled to:
 - A period of leave to the end of that 22nd week.
3. An employee taking leave as outlined above, must notify Cork Centre for Independent Living on the first day of leave of his intention to take this leave, and the duration. He must notify Cork CIL of his intention to take the additional 8 weeks' maternity leave 4 weeks before he is expected to return to work.

Entitlement to Maternity Benefit

Maternity Benefit is a payment for employed (and self-employed women) who satisfy certain PRSI contribution conditions on their own insurance record. Payment by the State during maternity leave is normally provided through a tax-free Social Welfare payment called **Maternity Benefit**.

In order to receive maternity benefit you must have paid **PRSI** over a certain time period. Your weekly rate of Maternity Benefit is calculated by dividing your reckonable income in the relevant tax year by 52. You may get 80% of this amount, subject to a minimum payment of €225.80 and a maximum payment of €270.00 a week. These rates are from 4th January 2010.

Note:

If you are eligible for Benefit but have no recorded earnings in the relevant tax year, you will receive payment at the minimum amount.

You can look at the required periods and rates on the Department of Social and Family Affairs website: www.welfare.ie.

Maternity Benefit is paid in advance directly into your bank account on a weekly basis.

To apply for this benefit and for further information contact the Maternity Benefit Section. You may also download and complete form **MB10** from www.welfare.ie

Note: You need to apply for this **at least six weeks** before you intend to go on maternity leave

Additional Maternity Pay

There is no obligation on an employer to pay staff during maternity leave.

Cork Centre for Independent Living will each year review its capacity 'top up' maternity benefit to the level of the employee's standard weekly wage for staff who have been working with CIL for a minimum of 2 years

The 'top-up' is the balance of the employee's basic weekly wage less Statutory Maternity Benefit for staff earning more than Maternity Benefit for a maximum of 26 weeks of maternity leave.

This will be subject to review and may be subject to change.

CORK CIL INFORMATION ABOUT MATERNITY LEAVE & MATERNITY BENEFIT

This is some information about maternity leave. It outlines what support you can expect from Cork Centre for Independent Living and your entitlements.

First Steps

As soon as your pregnancy is confirmed you must let Cork CIL know. This way we are aware of your condition and we can ensure that you are working safely. It will also allow us calculate any leave entitlement and to plan cover for your work schedule.

You should **apply in writing** to Cork CIL to take your maternity leave at least **6 weeks** before you intend to go on maternity leave.

You must also apply for Statutory Maternity Benefit at least **6 weeks** before you intend to go on maternity leave.

Maternity Benefit

Maternity Benefit is a statutory payment made to women on who are maternity leave from work and covered by social insurance (PRSI).

You should apply for the statutory maternity benefit payment 6 weeks before you intend to go on maternity leave.

The amount of money paid to you each week will depend on your earnings. Maternity Benefit is paid directly into your bank or building society account on a weekly basis by the Department of Social Protection (DSP).

Maternity Leave benefit is taxable and Revenue taxes this benefit via the Tax Credit Certificate by reducing the employees Standard Rate Cut-Off Point (SRCOP) and Tax credits once they receive this information from the DSP.

Cork Centre for Independent Living will continue to pay you any difference between Maternity Benefit and your standard weekly rate of pay. This 'top up' payment is subject tax and PRSI.

You may be entitled to a tax and PRSI refund. When your Maternity Benefit has finished, you can write to the Maternity Benefit Section or contact the Maternity Benefit Section online to request an MB21 Statement. You should then forward this to your tax office to get a tax refund. To get a PRSI refund please complete the Refund of PRSI Contributions Application Form and send it to the PRSI Refunds Section at the DSP

Length of time Maternity Benefit is paid

- Maternity Benefit is paid for **26 weeks**.
- At least **2 weeks** and not more than **16 weeks** leave must be taken before the end of the week in which your baby is due.

- You can take a further **16 weeks** unpaid maternity leave.
- This period is not covered by Maternity Benefit but you will be entitled to a credited social insurance contribution for each week of unpaid leave you take (up to the maximum of 16).
- Please apply in writing at least **4 weeks** before the end of your paid maternity leave

Requirements for Cork Centre Independent Living

Complete the attached form OR apply in writing being sure to include all relevant information:

- Name
- Employer No
- PPS No
- Address
- Estimated date of delivery (EDD)
- Date you plan to commence your maternity leave
- Enclose a certificate from your GP

For Statutory Maternity Benefit Apply to:

Maternity Benefit Section
Department of Social Protection
McCarter's Road
Ardarvan
Buncrana
Donegal
Ireland

Tel: (01) 471 5898

Locall: 1890 690 690

Homepage: <http://www.welfare.ie>

APPENDIX 1 - Maternity Leave Form 1 Cork CIL

APPLICATION FORM - PAID MATERNITY LEAVE

Name: _____ PPS No: _____

Address: _____

_____ Employer No: _____

Telephone: _____

Mobile: _____

E-mail: _____

Estimated date of Delivery: (EDD): / /

Planned first date of Maternity Leave: / /

(This must be at least 2 weeks before EDD and no more than 16 weeks before EDD)

Late Date of Maternity Leave: / /

(26 weeks later)

Please enclose a medical certificate confirming pregnancy and specifying the expected week of birth

Signed: _____

Date: ____/____/____

Please inform us as soon as possible in writing of any changes to this request.

Have you applied for your Statutory Maternity Benefit?

APPENDIX 2 - Maternity Leave Form 2 Cork CIL

APPLICATION FORM - ADDITIONAL UNPAID MATERNITY LEAVE 16 weeks

Name: _____ PPS No: _____

Address: _____

Employer No: _____

Telephone: _____

Mobile: _____

E-mail: _____

Date of Delivery: / /

First date of Maternity Leave: / /

Last Date of Maternity Leave: / /

(26 weeks later)

Additional Maternity leave start date: / /

(This leave must follow maternity leave)

Last Date of Additional Maternity Leave: / /

(Maximum 16 weeks later)

Any weeks of additional maternity leave not taken at this time CANNOT be deferred

Signed: _____

Date: ____/____/____

Please inform us as soon as possible in writing of any changes to this request.

Have you applied for Parental Leave?

HEALTH & SAFETY LEAVE

If a health and safety risk for an employee is identified by Cork Centre for Independent Living, the following options will be considered:

- Adjust the employee's working hours to avoid the risk, or
- Transfer the employee to other work , or
- Give the employee health and safety leave

An employee working night shifts may be transferred to day shifts, on production of a doctor's certificate stating that she should not undertake night shifts, due to the risks. An employee transferred to day shifts for this reason will not retain her night premium. An employee on health and safety leave will remain on leave until:

- She becomes entitled to maternity leave
OR
- 18 weeks from the date of the birth – or 26 weeks from the date of the birth for breast-feeding mothers who are at risk
OR
- The risk no longer exists or the employee is no longer vulnerable to the risk
OR
- Suitable alternative work becomes available

An employee on health and safety leave will be paid for the first 21 calendar days of this leave. (Health & Safety Benefit - Form Mat 3)

A Cork Centre for Independent Co-ordinator / Manager or delegate will complete the relevant certificate to enable the employee to claim social welfare benefit after the first 21 days. The pay for the first 21 days will be equal to 3 times the employee's basic weekly pay, and will not include additional amounts for night premium, Sunday premium etc. The 'basic week' is the last week (ending on the same day as used to calculate the employee's pay) before the first day of health and safety leave.

If any employee is not on a fixed regular pattern of employment hours, her weekly rate will be calculated over an average of the previous 26 weeks.

Breastfeeding

A breastfeeding mother is entitled, at the option of her employer, to either breastfeeding breaks in the workplace where suitable facilities are provided or a reduction of working hours, without loss of pay.

Breaks may be taken in the form of one 60 minute break, two 30 minute breaks, three 20 minute breaks, or as agreed between employer and employee.

INFORMATION ABOUT HEALTH & SAFETY BENEFIT

Health and Safety Benefit is a weekly payment for employed women who are pregnant or breast-feeding, and who are granted health and safety leave by their employer.

You are granted health and safety leave from employment if as your employer we cannot remove a risk to your health while you are pregnant, or breastfeeding, or assign you alternative "risk-free" duties.

The right to [health and safety leave](#) from employment is set out under [Section 18 of the Maternity Protection Act 1994](#). To qualify for Health and Safety Benefit, you must meet certain criteria and social insurance (PRSI) contribution conditions. Your employer pays the first 21 days of your health and safety leave, and the Department of Social Protection pays the remainder.

To get Health and Safety Benefit you must:

- Be a pregnant employee in Ireland who is exposed to certain risks in the workplace **or**
- Be a night worker (that is, you must spend at least 3 hours or 25% of your work between 11pm and 6am) **or**
- Have given birth in the last 16 weeks and be involved in night work **or**
- Be breastfeeding (up to 26 weeks after the birth) and exposed to certain risks in the workplace.

You must also meet the following PRSI conditions:

- Have at least 13 weeks social insurance (PRSI) paid in the 12 months immediately before the date your baby is due **or**
- Have 52 weeks paid since you first started work **and** 39 weeks PRSI paid or credited in the relevant tax year (a minimum of 13 of the contributions in the relevant tax year or certain other periods must be paid contributions) **or**
- Have 26 weeks PRSI paid in the relevant tax year and 26 weeks PRSI paid in the tax year prior to the relevant tax year. (The *relevant tax year* is the second last complete tax year before you claim Health and Safety Benefit.)

Health and Safety Benefit lasts until:

- The day you become entitled for Maternity Benefit, if you are pregnant
- 16 weeks from the date on which you gave birth, if you are an employee who has recently given birth and do night work
- 26 weeks from the date on which you gave birth, if you are breastfeeding

You stop getting Health and Safety Benefit if your health and safety leave ends because:

- You are no longer at risk in the workplace **or**
- Your employer has removed the risk or given you other work **or**

- You are employed on a fixed-term contract and that contract expires.

Health and Safety Benefit rates are graduated according to your average weekly earnings in the relevant tax year.

How to Apply

- If you have not already done so you must apply in writing to Cork CIL for maternity leave. Please ask us for the information you need.
- Apply in writing to Cork CIL for Health & Safety Leave
- Following a safety assessment and if the risk cannot be removed Cork CIL will issue you with a statement stating on what grounds the Health & Safety Leave is being granted.
- As your employer Cork CIL will pay you the first 21 days (3weeks) at your normal basic rate.
- After 21 days Cork CIL will pay you your basic rate less the Health & Safety Benefit

Health and Safety Benefit application

To get Health and Safety Benefit this benefit you must fill in a

[Health and Safety Benefit application form](#)

- You must complete parts 1, 2, 3, 5, 6 and 7.
- Your employer must fill in, sign and stamp part 4.
- Your GP must fill in, sign and stamp part 8.
- Send your application to:

Health and Safety Benefit Section
McCarter's Road
Ardarvan
Buncrana
Donegal
Ireland

Tel: (01) 471 5898
Locall: 1890 690 690
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PARENTAL LEAVE

Scope

This policy covers all part time and full time employees of Cork Centre for Independent Living provided that they meet the conditions outlined below. This policy provides parents with a temporary **unpaid break** from work to take care of young children.

Entitlements & conditions

- Parents are entitled to 14 weeks unpaid parental leave to enable them to take care of the child concerned.
- The leave must be taken before the child reaches eight years of age.
- In the case of an adopted child, who is under six years at the time of the adoption, the leave must be taken before the child reaches eight years of age. If the child is aged between six and eight years, at the time of the adoption, the leave must be taken within two years of the adoption order.
- Each parent has a separate entitlement to parental leave from his or her job, which may be transferred between parents working in the same company with the agreement of the employer.
- Where a parent has more than one child, they may not take more than 14 weeks' parental leave in any 12-month period, except in the case of multiple births.
- An employee must have one year's continuous service with the employer before he/she is entitled to take parental leave. However, if an employee has more than three months' service, and where the child is approaching the age threshold, he/she will be entitled to one week's parental leave for every month of continuous employment completed with the company.
- Any period of probation, training or apprenticeship will be suspended while an employee is on parental leave, and will be completed on the employee's return.
- Full time and part time staff (pro rata), can avail of the entitlement once they fulfil the above criteria.

Applying for parental leave

Employees must fill out and submit a notification document (Form PAR 1), not later than **six weeks** before the commencement of the leave. The request must specify the commencement date, duration and mechanism for taking parental leave.

If you wish to revoke your notice of intention to take parental leave, you must do so in writing to the company, at least **four weeks** before the leave is due to commence.

The employee can only revoke their notice to parental leave prior to signing the confirmation document. After both parties have signed the document, alterations to this document can only be made by agreement between both parties.

Taking of Parental Leave

Parental leave may be taken as a continuous block of 14 weeks, or two blocks of six or more weeks with a minimum of 10 weeks between each block.

Sickness while on parental leave

In the event that you become ill while on parental leave, and are unable to take care of the child, you are required to make contact with the organisation. The period of parental leave will be suspended and the sick leave procedure will be applied, which will require medical certificates from the employee. On completion of the certified leave, the employee may resume their parental leave. A “fitness for work” certificate will be required.

Employment rights protection

All employment rights are protected while on parental leave. Employees will return to their normal job on completion of the period of parental leave

Abuse of leave

Parental leave is granted solely for the purpose of taking care of the child concerned. This leave may be terminated if it not used for this purpose, and an employee may be subject to serious disciplinary action, up to and including dismissal.

Application Form

The application for Parental Leave can be requested from your line manager. It should be submitted to Cork CIL for final approval and implementation, not later than 6 weeks before the proposed commencement date, in accordance with section 8 (1) of the Act.

Please note, any Public holidays, which fall during the period of Parental Leave, will be added on to the end of the period.

The pattern of Leave must be discussed and agreed in advance with the Cork CIL Coordinator/Manager and must be in accordance with the policy of Cork CIL.

The Birth Certificate of the child and, where applicable, evidence of the date of the adoption order of the child, must accompany the application.

Confirmation Document

A confirmation document will then need to be signed by both the applicant and Cork CIL Manager/Coordinator.

This document must be prepared and submitted to Cork CIL not later than 4 weeks before the commencement of Parental Leave.

A copy of this document should be retained by the applicant for Parental Leave. Once signed, no amendment can be made to this document without the agreement of both parties.

Further Information

Further information can be got from The Equality Authority Guide to Parental Leave Acts 1998-2006 or on line at www.equalityauthority.ie

JURY SERVICE LEAVE POLICY

Scope

This policy informs all employees covered by the Juries Act 1976 of their rights and entitlements while in this employment. All full-time, part-time, and temporary employees are covered by this policy. www.citizensinformation.ie/en/justice/courtroom/jury_service.html

Entitlements

Under our jury service leave, you have the following entitlements and obligations.

- You are entitled to paid time off to attend for jury service, where you have officially been summoned to do so.
- You must provide written notification to the organisation of your need to avail of jury service leave. This notification should be given as soon as possible after you have received the jury service summons. Such notification should be accompanied by court documentation evidencing the times and dates that you will be required to attend court.
- Where you are only required to attend court for part of a working day, you must return to work immediately after you have been released from court. For each day you attend for jury service, you must provide the organisation with a certificate of attendance from the County Registrar evidencing the dates and times of your jury service.

Annual leave and public holiday benefit

While on jury service leave, you will retain your full entitlement to annual leave and public holiday benefit. Evidence as above must be provided to Cork CIL

Excusal from jury service

Where you feel your work commitments make it impractical for you to carry out jury service, you may apply to the County Registrar to be excused. If you need to provide evidence from the organisation that it is necessary for you to be excused from jury service, please contact the Manager or CE Supervisor as appropriate who will provide you with a letter detailing your current work commitments.

Employment protection

An employee who is on jury service leave will be treated as if he or she had not been absent from work. At the end of jury service leave, you will be entitled to return to your original job under terms and conditions no less favourable than those which would have applied if you had not been absent.

FORCE MAJEURE LEAVE (summary)

An employee is entitled to leave with pay from his or her employment for urgent family reasons, owing to the injury or illness of any of the persons listed below.

- A child or adoptive child of the employee;
- The spouse of the employee, or a person with whom the employee is living as husband or wife;
- A person to whom the employee is in loco parentis;
- A brother or sister of the employee;
- A parent or grandparent of the employee;
- Persons in a relationship of domestic dependency, including same-sex partners.
- Entitlement to force majeure leave is limited to circumstances where the immediate presence of the employee, at the place where the ill or injured person is situated, is indispensable.
- During an absence on force majeure leave an employee is regarded as being in the employment of the employer, and retains all of his or her employment rights.
- Force majeure leave is paid leave. It cannot be treated as part of any other leave (e.g. sick leave, adoptive leave, maternity leave, annual leave or parental leave) to which the employee is entitled.

Notification of Force Majeure Leave

- As soon as reasonably practicable after his or her return to work after an absence on force majeure leave, an employee must confirm to Cork CIL Line Manager that he or she has taken the leave. The notice must specify the information contained in the Form at Appendix B of the Parental Leave Information Booklet, which can be downloaded at the bottom of this webpage.

Maximum Entitlement

- An employee may not be absent on force majeure leave for more than 3 days in any 12 consecutive months, or 5 days in any 36 consecutive months. Absence for part of a day is counted as one day of force majeure leave.

FORCE MAJEURE LEAVE
Parental Leave Act, 1998

Notice to Employer of Force Majeure Leave (Emergency Family Leave)

This form must be completed and returned to the Manager by all employees who avail of Force Majeure Leave as soon as reasonably practical after taking such leave.

- (1) Entitlement to Force Majeure Leave arises where for urgent family reasons, due to an injury or the illness of a member of an employee's immediate family as defined in Section 13 (2) of the Parental Leave Act, 1998 that employees immediate presence is indispensable in the place where that member of their immediate family is at the time.
- (2) (Natural, adoptive or over which the employee is acting in loco parentis) spouse / partner including same sex partners, brother / sister / parent / grandparent of the employee.
- (3) Force Majeure Leave cannot exceed three working days in any twelve consecutive months or five working days in any thirty six consecutive months.
- (4) Any dispute concerning Force Majeure Leave between employer and employee may be referred by either party to a Rights Commissioner in the first instance.

APPENDIX 3 - Force Majeure Request Form – Cork CIL

APPLICATION FORM - FORCE MAJEURE LEAVE

Name of Employee: _____

Address of Employee: _____

PRSI Number: _____

Ill/Injured Family Member _____

Name: _____

Address _____

Relationship to Employee: _____

Nature and Details of Injury / Illness: _____

Date(s) of Force Majeure Leave From: _____ to: _____

I confirm that I have taken Force Majeure Leave on the above-mentioned date(s) and because of above urgent family reasons.

- DECLARATION -

I declare that the information given by me above is true, accurate and complete in all respects and I both understand and accept that if that is not the case, whether knowingly on my part or otherwise, following due investigation by my employer, I may be denied Force Majeure Leave and / or liable to appropriate disciplinary action.

Signature of Employee: _____ Date: /...../.....

(Note: Force Majeure Leave of less than one day is counted as a full day's leave)

GLOSSARY

- Public Holiday** This is a Statutory leave holiday of which there are 19 and are not to be confused with Bank Holidays or Church Holidays.
- Bank Holiday** This is exactly as it says and is not part of any statutory entitlement leave. The banks frequently close on days / dates throughout the year that do not align with Public Holidays e.g. Good Friday.
- Church Holiday** Like Bank Holidays, there are church holidays with do not align with the public holiday statutory entitlement.
- Employee** This is a person who has entered into, or works under, a contract of employment for an employer
- Employer**..... This means a person with whom the employee has entered into a contract, or for whom the employee works under a contract of employment and is liable under the contract of employment to pay the rates of the employee in respect of the work or service carried out.
- Full Time Employee** This is an employee who is not a Part-time employee. This is sometimes referred to as a Whole Time Equivalent (WTE).
- Whole Time Equivalent (WTE)** WTE refers to the full time hours for the grade. A WTE for a PA grade is 39 hours p.w. If a member of staff works 19.5 hours p.w. they are a 0.50 wte.
- Part Time Employee** A Part-time employee means an employee whose normal hours of work are less than the normal hours of work of a comparable full time employee.
- Working Week** The number of days that an employee usually works in a week. If the number of days each week varies a working week may be calculated with reference to the previous 13 weeks