



Managing Maternity and Paternity

*A
comprehensive
guide for
Managers to
Maternity and
Paternity at
University
College Cork*



This handbook has been developed to provide a comprehensive source of information for managers supporting colleagues who may be taking maternity or paternity leave.

As a major employer the University recognises the importance of supporting and retaining female staff who take maternity leave, and also the impact that taking time out of the workplace to raise a family can have on the careers of some women. We also appreciate the importance of supporting parents in balancing work and family life. With this in mind, UCC has developed this guidance handbook of relevant policies and information that managers supporting staff in such circumstances should have to hand. As well as this comprehensive guide, on how best to comply with the relevant policies and how to support the initiatives designed to provide a positive environment for staff availing of family leave.

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1. Planning for Maternity Leave

This section of the Handbook covers issues that you as a manager need to be aware of and it highlights various actions that you will need to take. There are certain key legal rights and responsibilities that an employer and an employee have towards each other which apply as soon as the employer knows that the employee is pregnant. It is in the interest of all parties that the employee is able to notify their line manager well in advance and early dialogue enables both parties to start planning for the maternity leave period.

1.1. HEALTH AND SAFETY

In the workplace there may be risks that may affect new and expectant mother's health and safety and that of their unborn child. There are specific regulations that require the University as an employer to protect the health and safety of new and expectant mothers.

Under Safety, Health and Welfare at Work Act 2005 Pregnant Employees Regulations, a risk assessment/job assessment must be conducted at departmental/school level in relation to the impact of work on the person/unborn child and retained on school/departmental records. Upon confirmation of pregnancy, HR will issue the employee with a copy of UCC's Pregnancy Job Risk Assessment Form. This must be completed in conjunction with your member of staff and submitted to the Health and Safety Office.

The Health and Safety Office will submit the completed form to the University Occupational Health Physician who will advise if any modifications are required to the work activities during pregnancy or whilst nursing a new born child. The staff member may also be entitled to Health & Safety Leave if they are exposed to certain risks in the workplace during pregnancy or while breastfeeding. During this leave the staff member may be entitled to Health & Safety Benefit which is a weekly payment for women who are granted Health & Safety Leave under the Maternity Protection Act, 1994. For more information please consult the Maternity Leave Policy and your departmental/school safety advisor.

1.2. LEGAL RIGHTS AT WORK

Pregnancy is not an illness and an employee does not suddenly become less capable of doing her job. The two main acts that protect women during pregnancy and maternity are the Maternity Protection Acts, 1994 and 2002 and the Employment Equality Acts 1998 and 2004. During Pregnancy the employee should receive:

1. The same work duties and responsibilities, unless changes arise from unrelated restructuring of work activity or adjustments that are necessary for her health and safety
2. Paid time off to attend antenatal appointments
3. The same training and promotional opportunities as other staff
4. The health and safety risk assessment
5. Access to the usual contractual sick pay arrangements for any pregnancy related absence

1.3. ANTENATAL CARE

All pregnant employees, irrespective of service, have a statutory right to reasonable paid time off to attend appointments for ante-natal and post-natal care once accompanied by a certificate to confirm appointments. As far as is reasonably possible, these appointments should be made at times that cause least disruption to the employees work schedule.

Parents are entitled to paid leave to attend two ante-natal classes, immediately prior to the birth. The same evidence of attendance will be required, as is currently required for mothers.

1.4. FORMAL NOTIFICATION OF PREGNANCY

The employee must inform both you as their manager, and Human Resources in writing before the end of the 15th week before the baby's due date, of the date they intend to commence maternity leave. The employee will apply to the Department of Human Resources for maternity

leave using an Application for Maternity Leave Form ML1. A certificate from their doctor must be attached to the leave form. The certificate must confirm the pregnancy and specify the expected week of birth. If the employee gives birth before the maternity leave commences, they must inform you as soon as is practicable and maternity leave will then automatically start on the date after the baby's birth date.

1.5. MATERNITY LEAVE ENTITLEMENT

Under the maternity legislation all women are entitled to 42 weeks maternity leave. Payment of maternity leave may be sourced both from the Department of Social Welfare and/or the University. The 42 week entitlement is divided into 26 weeks paid and an additional 16 weeks unpaid. Entitlements to paid leave and unpaid leave are outlined in the Universities Maternity Leave Policy.

1.6. MATERNITY PAY

If the staff member pays Class D PRSI they may be granted full pay from the University whilst on maternity leave. If a staff member pays Class A1 PRSI, you must fill in the MB1 form and MB2 form is completed by the Dept of Human Resources. Both forms need to be returned directly to:-

Maternity Benefit Section,
Social Welfare Services,
McCarter's Road,
Buncrana, Co. Donegal.

The standard amount of €250.00 will be deducted from salary for 26 weeks. The maternity benefit payment will be sent directly to the staff member's bank account. For further information please consult the Maternity Leave Policy.

1.7. STAFF ON FIXED TERM CONTRACTS

If the employee's contract of employment is due to expire during her maternity leave you should consider whether or not it is possible at this stage to extend her fixed term contract. If it is possible to do so, the contract should be extended accordingly at the earliest opportunity. If circumstances are as such that an extension of contract is not possible, or if this is not yet known, the individual's entitlement to maternity benefits will depend on where the dates of maternity leave fall in relation to her fixed term contract end date. For specific advice relating to these cases please contact your HR Business Manager.

1.8. EXTERNALLY FUNDED STAFF

Different funding bodies have different policies regarding maternity leave. Some provide additional funds to cover the cost of maternity leave and others do not. Depending on various factors such as the nature of the project, the stage it is at, the post holder's role in the project, and the funding body's own policy, options may include obtaining the funding body's permission to extend the project end date, and the post holder's contract accordingly. Additional funding may or may not be provided to cover this but if the funding body will not provide additional funds the University will meet the costs of the employee's maternity leave if they qualify for same. As the line manager you must explore all cover options as outlined in section 1.9 below.

Given the potential complexities of the different arrangements that might apply, you should contact the funding body directly to investigate further and also discuss with the employee concerned at the earliest stage possible. You should also discuss this with the HR Research Officer or your HR Manager who will be able to provide advice regarding options for cover arrangements. It is important that any revision to the existing budget or end date of the research grant is clearly established so that internal systems may be updated. It is therefore necessary to inform Research Accounts of any arrangements that you may have agreed with the funding body.

1.9. PLANNING COVER ARRANGEMENTS

When assessing and planning cover arrangements, as the manager, you will need to review the employees role and the timing of the maternity leave and evaluate if it is necessary to put arrangements in place to cover the work in her absence. There are various options available to you which should be considered within the parameters of operational needs and these options should be discussed with your HR Business Manager.

- **Review and reorganisation of activities among existing staff**

As a manager you may find it possible to reorganise activities among existing staff. This can be a good way of providing existing staff with useful career development opportunities and for them to experience work at a higher level. However it is important to ensure that access to such opportunities is made available to all appropriate staff within the team and that an overview of activity is undertaken to ensure reasonable workloads.

- **Temporary replacement at a different level for the duration of the maternity leave**

If, due to the nature of the role and current operational need, it is decided that only some aspects of the role need to be covered, it may be necessary to draw up a new job description. If the differences are significant enough then the post may be filled at a lower grade. The normal recruitment processes would apply.

- **Short-term temporary staff for key periods**

Following your assessment you may decide that cover is only needed for certain short time key periods, therefore temporary replacement may be organised just to cover key periods during the maternity leave even on an ad hoc basis.

- **Part-time Assistant Lecturers**

It may be appropriate to cover academic teaching by engaging an individual or individuals on a part-time assistant lecturer contract. For more information see the HR Website.

- **Temporary ‘like for like’ replacement for the duration of the maternity leave.**

If there is a need to cover the whole role for the entire period of absence Form PF3 will need to be completed which identifies the rationale for the arrangements being proposed and the costs involved. This proposal will require approval from the Head of College/Central Unit. The fixed term appointment will be for the duration of the maternity leave only and may be replaced through the normal recruitment processes.

In January 2016 the University Management team approved the following policy regarding the cover for maternity leave where it is deemed necessary to replace the staff member on a part-time or whole-time basis.

1. **Academic staff** to be replaced on an hourly rate payment basis.
2. For **administrative/support staff full backfill cover** to be reinstated as an option as follows:
 - 2016 - Sept. 2017: increase from 50% cover (currently available) to 75% cover.
 - From Sept. 2017: increase from 75% to 100% cover
3. For **researcher staff full backfill cover** (where not already provided by funder) to be introduced as follows:
 - No change in 2016.
 - From Sept 2017: pilot in SEFS only.
 - From Sept. 2018, review pilot, strategy in place for roll-out across all Colleges.

1.10. SICKNESS ABSENCES DURING PREGNANCY

Arrangements for taking sick leave and an employee's entitlement to sick pay continues as normal during pregnancy. Once an employee's maternity leave begins any entitlement to sick leave will cease as it is not possible to qualify for sick pay while on maternity leave.

1.11. MISCARRIAGE AND STILLBIRTHS

If the baby is stillborn during the first 24 weeks of pregnancy (legally defined as miscarriage), the employee will not be eligible to receive maternity benefits. In these circumstances any absence would be treated as sickness absence. If the pregnancy ends in stillbirth after 24 weeks of pregnancy, the employee will be entitled to receive maternity benefits in exactly the same way as had the baby been born alive.

If the baby is born at any stage of the pregnancy and later dies the employee will remain entitled to receive her maternity benefits. Managers should contact their HR Business Manager who will be able to provide specific advice and support on a case-by-case basis.

Managers and staff may also wish to note that the University provides a free and confidential Employee Assistance Programme. For more information please see the HR Website. <https://www.ucc.ie/en/hr/>

1.12. ADOPTIVE LEAVE

If an employee is adopting a child and has been identified as the primary carer they may be entitled to take up to 40 weeks adoption leave. The employee must inform you as their Line Manager in writing of the pending adoptive leave as soon as is practicable, but no later than fifteen weeks' before the commencement of adoptive leave. For practical reasons, it is desirable that employees provide as much notice as possible so that appropriate arrangements can be made, vis-à-vis, workload distribution or replacement. The employee applies to the Department of Human Resources for adoptive leave using an Application for Adoption Leave Form AL1. A certificate of placement must be submitted to the Department of Human Resources as soon as is reasonably practicable, but no later than four weeks after the placement. For further information please consult the university's Adoptive Leave Policy.

2. Managing Maternity Leave Absence

2.1. PENSION

While on maternity leave employees will continue to be a member of the relevant pension scheme. During the paid maternity leave their service will be reckonable. If they avail of the additional unpaid maternity leave this will not be reckonable for superannuation. Therefore this absence will not count as service.

2.2. HOLIDAY ENTITLEMENT

Employees will accrue annual leave during paid and unpaid maternity leave. They will also be entitled to public holidays that fall during the 26 week period of paid maternity leave and these will be added to the end of the period of maternity leave. If the staff member is availing of additional unpaid maternity leave they will be entitled to annual leave and payment of public holidays which fall within the period of unpaid maternity leave.

2.3. CONTACT DURING MATERNITY LEAVE

Before the employee starts her maternity leave it is recommended that you meet with her to discuss and agree arrangements for maintaining reasonable contact during the maternity leave period. Communication during the maternity leave period is encouraged since this makes it easier for both parties when the time comes for the employee to return.

2.4. KEEPING IN TOUCH DAYS

While on Maternity Leave employees are entitled by agreement with you as their Head of School/Department/Unit to work for a maximum 3 Keep in Touch Days (KIT) for which they would be paid. The type of

work undertaken is a matter for agreement between both parties – the days may be used for any activity which would ordinarily be classed as work under the contract of employment.

2.5. PROMOTION AND PROGRESSION PROCEDURES FOR ACADEMIC STAFF

The University's Promotion and Progression Policies for academic staff provide specific guidance on how to deal with periods of maternity leave. Assessment of individual cases must be based on the assumption that during the paid maternity leave period the employee would have continued to produce work at the quality and rate that they had been producing immediately prior to taking paid maternity leave. Any additional unpaid maternity leave will be disregarded when considering output and quality of work.

2.6 Extension Of Maternity Leave & Benefits In The Event Of Premature Births

From 1st October 2017, the period for which maternity benefit is paid is being extended in cases where a baby is born prematurely. The extended period of benefit will be equivalent to the duration between the actual date of birth of the premature baby and the date when the maternity leave was expected to commence (i.e. ordinarily two weeks before the expected date of birth). This new measure, which takes effect for premature babies born on or after Sunday, 1st October, will increase the duration of maternity leave and the associated maternity benefit to be paid in cases where a baby is born prematurely.

3. Returning to Work

3.1. RETURN NOTIFICATION ARRANGEMENTS

Where the employee provides an expected return date at the point at which they go on maternity leave, it will be assumed that they are returning on that date. The employee will be automatically reinstated on the payroll at that point unless notification of a new return date is received. If the employee wants to change their return to work date, they must give at least four weeks' notice in writing of their new intended date of return.

3.2. SUPPORTING TRANSITION TO THE WORKPLACE

It can be difficult returning to work after a lengthy period out of the workplace. Managers are encouraged to hold a one-to-one meeting with the employee as soon as is practicable although preferably on their first day back in the office. It is also advisable to ensure that careful consideration is given to workload i.e. teaching loads, new tasks, meetings etc during the first few weeks back at work so the individual does not feel overloaded on their initial return.

3.3. BREASTFEEDING

The provision for women to breastfeed at work was brought into effect on the 18th October, 2004 through SI 654 of 2004 Maternity Protection (Protection of Mothers who are Breastfeeding) Regulations 2004. If your member of staff is breastfeeding their child they are entitled, without loss of pay, to a reduction in their working hours of one hour each day, until the child is 6 months old (26 weeks). The break, or reduction in hours, should be taken in a manner agreed between you as the line manager and the employee. The University has made available facilities on campus for breastfeeding. Please contact the Welfare Officer for further details.

4. Supports for Parents at work

4.1 MATERNITY CONNECTIONS

Maternity connections is an informal initiative set up by the Equality and Welfare teams in HR that enables members of staff to directly contact volunteer members of staff with experience of pregnancy at work, maternity leave and life as a working parent for support and advice. The scheme is open to all members of staff. For more information on this scheme please see the HR Website.

4.2 MATERNITY COACHING SERVICE

The university is offering a Maternity Coaching Service which provides coaching for women before, during and after maternity leave. The coaching is delivered through one hour sessions, providing employees with the opportunity to discuss work/life balance, set professional and personal goals and identify the priority changes that may arise following the birth of their child.

4.3 PARKING

Pregnant women in the 28th week of pregnancy can apply for a parking permit to avail of car-pooling reserved spaces. To request a permit, please contact the Capital Projects Office, Buildings & Estates, at Ph: (021) 4902504. You will need to provide a copy of a doctor's medical certificate confirming the week of pregnancy. Any other accommodation for pregnant staff in relation to parking will be addressed and you can contact Buildings & Estates directly to discuss this further.

4.4 MENTORING

Mentoring is a powerful personal development and empowerment tool. It is a partnership between two people normally working in a similar field but not within the same Unit. It is a mutually beneficial learning exchange of perspectives and informal knowledge. Mentoring relationships are goal-oriented and based upon mutual trust and respect.

Mentoring is an effective way of helping people to:

- reflect on their current roles and identify areas for personal and professional development, to enable them deliver to their potential in their role,
- progress in their careers,
- assimilate into their surroundings and new position (for new staff) or new role (for existing staff) ,
- achieve a greater work life balance.

4.5 UNIVERSITY CRÈCHE

Crèche Cois Laoi provides the highest quality childcare for the children of staff and students of UCC. It is a safe, loving and accepting environment, within which, each child is supported in developing their full potential at their own pace, and where self-respect and respect for others is consistently promoted. Crèche Cois Laoi is a center of excellence providing focused, integrated services.. The caring staff encourage children to express themselves freely and spontaneously, and promote enthusiasm for learning. Children, parents and staff regard the facility as an extension of the home. The service is equal for all and positive interactions are encouraged between all parties.

4.6 RETURNERS SCHEME FOR ACADEMIC STAFF

The University has introduced a returners scheme to support academic staff across all colleges in re-establishing their academic and independent research careers on return from maternity or adoptive leave.

Commencing in September 2017, the scheme is available to facilitate academic staff returning from maternity/adoptive leave. The University covers the cost of a grant of up to €5,000 to enable staff to get their academic and research career back on track.

<https://www.ucc.ie/en/hr/policies/family/returners/>

Independent of this scheme Heads of Schools/Units should engage with returning staff members to discuss how best they can be supported during the initial return to work period. It is within the remit of each school to agree local level arrangements.

4.7 WORK AND FAMILY INITIATIVES

There are multiple support services available on campus to assist with positive wellbeing. They are offered to staff to help meet their personal and professional goals and for additional assistance during life's planned and unplanned challenges. UCC is committed to enhancing staff welfare and positive wellbeing in the University and a wellbeing plan has been prepared to underline that commitment. The activities identified will benefit staff by improving the quality of the workplace experience. The plan will also help to improve staff engagement thus enabling schools and departments to flourish and achieve their full potential. For further information please visit the HR website.

4.8 FLEXIBLE WORKING

Flexible working and Flexi-time are terms used to describe a wide range of working styles that differ from the traditional nine-to-five full-time job. UCC accommodates a range of such schemes including, but not limited to EA/SEA flexible working scheme, Job Sharing, change of working hours, part-time working or working term time only.

Flexible working is not an automatic right and requests can be refused if there is a clear business reason for doing so. If a flexi leave arrangement is being requested by your staff member you need to have a conversation together to explore possible options that may be available. You may also discuss this with your HR Business Manager.

4.9 CARER'S LEAVE

Carer's Leave is unpaid leave from work to allow staff to provide full-time care and attention to a care recipient who needs continual supervision and frequent assistance throughout the day in connection with normal bodily functions or, need continual supervision in order to avoid danger to themselves. Carer's Leave is unpaid leave up to a maximum of 104 weeks per qualifying relevant person. The minimum statutory entitlement that may be taken in one period is 13 weeks. For more information see the Carer's Leave Policy.

4.10 PARENTAL LEAVE

Parental Leave is a statutory right designed to enable staff that have at least one year's continuous service to spend more time with their children while keeping their employment open.

Under the Parental Leave Policy employees can apply for unpaid leave of up to 22 weeks per qualifying child (since 1st September 2019) which can be taken in one continuous period **or** in 2 separate blocks of a minimum of 6 weeks. Leave can be taken in respect of a child up to 13 years of age (from 1st January 2015). Parental Leave will not be regarded as a break in service as the staff member will still remain employed during this time. For more information see the Parental Leave Policy.

4.11 PATERNITY LEAVE

With effect from the 1st September 2016, university staff are entitled to revised Paternity Leave Entitlements of a period of two consecutive weeks paid leave to a relevant parent on the birth/adoption of a child, where the

date of birth/date of placement of the child falls on or after 1st September 2016. For more information see the Paternity Leave Policy.

4.12 PARENT'S LEAVE

Parent's Leave & Benefit Act 2019 came into operation from 1st November 2019. This Act provides employees who are relevant parents are entitled to leave to assist in the provision of care to the child within 12 months of the birth or adoption placement date of the child. This leave is referred to as "Parent's Leave" and applies to births or adoptions which occur on or after **1st November 2019**. The entitlement is 2 weeks which can be taken consecutively or in separate blocks of 1 week each. From April 2021, the entitlement increases from 2 weeks to 5 weeks which can be taken consecutively or in separate blocks up to the maximum of 5 weeks. This leave can be availed of up to the child's 2nd birthday. The Act provides for the payment of parent's benefit from Dept of Employment Affairs and Social Protection to eligible employees who satisfy the PRSI contribution conditions. For further details, please refer to www.welfare.ie/en/pages/parents-benefit.aspx.