



GRIFFITH COLLEGE

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1 INTRODUCTION

This policy is governed by the current maternity leave legislation and for more details please refer to the Maternity Protection Acts 1994 to 2022 (the “Acts”).

It is intended to provide staff with details on the entitlements to paid maternity leave and additional unpaid maternity leave, the protection of an employee’s rights whilst on maternity leave, the periods of notification for either period of leave, and returning to work when maternity leave has ended.

As an equal opportunities and inclusive employer, Griffith College complies with the Acts and this policy sets out the basis on which it makes provision for these entitlements to be made available, as required, to its employees.

Given the nature and extent of the Acts and the Regulations made under those and other related Acts, it is not practicable to provide in this policy for all rights, entitlements and employee obligations in all particular circumstances, including early and late births, termination of pregnancies and the illness or death of an employee, a child or other family members. If an employee has any queries relating to rights, entitlements and obligations that are not expressly provided for in this policy or that are not set out in full in this policy, please do not hesitate to contact the HR Department. In particular, if an employee believes that the date of birth of their child will be different to their due date, please contact HR and we can explain how the maternity leave will be affected.

2 PURPOSE

The aim of this policy is to outline the principal Maternity Leave entitlements for all eligible employees which are based on the Acts mentioned above.

3 SCOPE OF ENTITLEMENTS

- 3.1 All female, and in certain limited cases provided for in the Acts, male employees in Ireland, including casual and part-time workers, regardless of service are entitled to 26 weeks basic maternity leave and an additional 16 weeks’ unpaid maternity leave.
- 3.2 Staff members must take at least 2 weeks’ maternity leave before their baby is due, and at least 4 weeks after the baby is born.
- 3.3 In the case of staff employed under a fixed term or specified purpose contract, any entitlement to maternity leave or other maternity benefits, should it apply, lasts only for the duration of the contract of employment.



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- 3.4 The additional 16 weeks unpaid leave can be taken immediately after the 26 weeks basic maternity leave.
- 3.5 If an employee has a stillbirth or miscarriage any time after the 24th week of pregnancy, they will be entitled to full maternity leave. This means a basic period of 26 weeks and 16 weeks of additional maternity leave.
- 3.6 If an employee is breastfeeding they are entitled to a reduction in working hours of one hour per day or (where suitable facilities are available) a break of one hour per day to use the facilities provided in the workplace. The employee will be paid during this time. The one-hour break may be split into shorter periods of time totalling one hour. Part-time employees will be entitled to a pro rata benefit. The entitlement may be availed of for up to 104 weeks after the date of birth, provided the employee informs HR of their intention to do so when they are advising College of their intention to return to work after their maternity leave.

4 State Maternity Benefit & Enhanced Maternity Pay

- 4.1 During the 26 weeks period of basic maternity leave, employees who have the necessary PRSI contributions are entitled to Maternity Benefit from the Department of Social Protection. The process to apply for Maternity Benefit is outlined in section 5 below. The employee shall be responsible for applying for and obtaining the State Maternity Benefit and the College will assist the employee by completing the Form MB2 as described in Section 5 below.
- 4.2 Employees whose maternity leave commences, or is deemed by law to have commenced, on or after 1 September 2023 and who meet the qualifying conditions set out below may also qualify for the discretionary enhanced maternity leave payment provided for in this Section 4.2 and Sections 4.3 to 4.7 (inclusive) below. That payment is being made on a pilot/trial basis for the academic year 2023/24 only (i.e. such part of any basic maternity leave that falls between 1 September 2023 and 31 August 2024) and is strictly subject to Sections 4.3 to 4.7 (inclusive).
- 4.3 The College will make an additional discretionary enhanced maternity leave payment (**"Enhanced Maternity Pay"**) to qualifying employees who are entitled to basic maternity leave under the Maternity Protection Acts 1994 to 2022 on the following terms:
 - (a) The discretionary enhanced maternity leave payment is calculated on the basis of an employee's normal gross weekly pay. Accordingly, the amount of each employee's payment will be different. Normal gross weekly pay for the purposes of this section 4 is the average basic weekly salary of the employee (excluding any other payments or benefits) over the preceding 52 week period;



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- (b) The payment is based on the difference between (i) the qualifying employee's normal gross weekly pay preceding the Commencement Date and (ii) the amount of the State Maternity Benefit (whether not the employee applies for, qualifies for or receives any State Maternity Benefit payment whatsoever) (the **"Difference"**). If, for any reason, the Difference is a negative number the Difference shall be deemed to be zero;
- (c) The enhanced maternity leave payment is equal to sixty per cent (60%) of the Difference;
- (d) The payment will commence on the date on which the employee commences, or is deemed by law to have commenced, their basic maternity leave (the **"Commencement Date"**); and
- (e) The payment will end on the earlier of (i) the date that falls 26 weeks after the Commencement Date or (ii) the date on which the basic maternity leave ends or (iii) the expiry of the employee's fixed term contract or (iv) 31 August 2024.

4.4 In order to qualify for Enhanced Maternity Pay the employee must satisfy the following conditions:

- (a) the employee must apply for Enhanced Maternity Pay by completing the Enhanced Maternity Pay Request Form that is set out below. Please note that is a separate form to the Maternity Leave Application Form; and
- (b) the employee must have two years continuous service with the College immediately following the date of completion of their probationary period that is provided for in their contract of employment.

4.5 Enhanced Maternity Pay is entirely discretionary and shall not constitute a contractual right or benefit. The College reserves the right at its sole discretion and at any time to (i) alter, vary, reduce or withdraw Enhanced Maternity Pay (ii) vary the basis on which Enhanced Maternity Payment is calculated and paid and (iii) cap the annual cost to the College of providing Enhanced Maternity Pay to all qualifying employees.

4.6 Without prejudice to the terms set out above, some worked examples of how Enhanced Maternity Pay will be calculated are set out at the end of this policy.

4.7 Any Enhanced Maternity Pay and State Maternity Benefits received are subject to tax, PRSI, USC and other similar deductions and/or tax credits may be adjusted accordingly.

5 Application for Maternity Leave & Maternity Benefit



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Written notice of employee's intention to avail of maternity leave should be submitted to the Human Resources Department, at least four weeks before the start date of both their maternity leave and their additional maternity leave.

The employee must provide the Human Resources Department with:

1. A medical certificate confirming the pregnancy and the expected birth date of the child, as soon as is reasonably practicable and,
2. where they are entitled to the State Maternity Benefit, a copy of the MB2 form which is available to download [here](#)

The Payroll Department will complete the MB2 form: Employer Certificate for Maternity Benefit and return this to the employee. The employee should include the completed MB2 form when they apply for Maternity Benefit.

To apply for Maternity Benefit the employee must complete the MB1 form and submit to social welfare at least six weeks before the start date of maternity. The quickest way to apply for Maternity Benefit is through [MyWelfare](#).ie. Employees must have a verified [MyGovID](#) to use this service. For more information on Maternity Benefit visit <https://www.gov.ie/en/service/apply-for-maternity-benefit/>.

6 Statutory Rights

All employment rights are protected while on maternity leave, other than the right to remuneration.

Public holidays, annual leave, or sick leave are not considered to be part of maternity leave. All public holidays that fall during the period of maternity leave will be added to the end of the leave.

During absence on maternity leave or additional maternity leave, the period of employment before the absence will be regarded as continuous with the period of employment after the absence.

Subject to Section 10.3 below, employees will return to their normal job on completion of their period of maternity leave. Periods of training or probation will be extended to account for the number of weeks absent due to maternity leave.

7 Postponing Maternity Leave

Maternity leave and additional maternity leave may be postponed in cases where the child is hospitalised. The leave may only be postponed after having taken 14 weeks' maternity leave. Leave may be postponed up to a maximum of six months.

If the employee returns to work while maternity leave is postponed, the remainder of the leave must be taken in one block, no later than 7 days after the child has been discharged from hospital.



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A doctor's letter confirming the child's hospitalisation must accompany the application to postpone maternity leave. A letter must also be submitted following the child's release from hospital, confirming the date of discharge. In exceptional circumstances, the College has the right to refuse applications to postpone maternity leave.

8 Antenatal / Postnatal Care

Once the pregnancy is confirmed the employee is entitled to take reasonable paid time off for medical visits connected with the pregnancy, both before and after the birth. The employee is entitled to take as much time as is necessary to attend each visit, including the time required for travel to and from the appointment and the time taken for the appointment itself.

Medical appointments should be scheduled in conjunction with business requirements where possible. The employee must provide the College with a medical certificate confirming the pregnancy and give two weeks' notice of the time and date of the appointment. Appointment cards should be submitted to the Human Resources Department. Time off for medical visits after the birth is permitted up to 14 weeks following the birth.

A pregnant employee and a parent expecting a child through surrogacy or adoption is entitled to paid time off work to attend one set of antenatal classes (other than the last three classes). The employee must notify the College in writing of the dates and times of the classes, or the date and time of each class, to which the time off will relate as soon as practicable and in any event not later than 2 weeks before the date of the first class, or the class concerned, as the case may be together with an appropriate document indicating the dates and times of the classes.

9 Health and safety leave

The College is obliged to assess any risk to an employee who is:

- pregnant;
- a parent expecting a child through surrogacy or adoption
- has recently given birth; or
- is breastfeeding.

Therefore, for employees who are pregnant or a parent expecting a child through surrogacy or adoption, it is imperative that they inform their manager, so that the College is able to carry out a risk assessment as soon as possible.

If a risk is identified and cannot be removed from the work process, then the following steps will be taken to ensure that they are no longer exposed to the risk:



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1. a temporary adjustment to working conditions or working hours, to the extent needed to mitigate the relevant risk;
2. if step 1 is not feasible, a transfer to other work, or, in the case of night-workers, to day work;
3. if step 2 is not feasible reasonable or suitable, health and safety leave will be granted.

The College will pay for the first 21 calendar days of health and safety leave, thereafter a social welfare benefit may apply. Employees who become aware that they are no longer vulnerable to the risk for which they have been granted health and safety leave are obliged to inform the College in writing of the fact, as early as reasonably practicable.

Likewise, if a risk no longer exists, or if the College is in a position to offer suitable alternative work, it will notify the employee in writing, and the health and safety leave will expire seven days after receiving the notification to return to work.

10 How to apply for Additional Maternity Leave

An employee must provide the Human Resources Department with written notice of their intention to avail of an additional 16 week's unpaid leave maternity leave at least four weeks before the date they are due to return to work.

When the State paid Maternity Benefit ends, if the employee takes additional unpaid leave they will get a social insurance (PRSI) credit for each week of unpaid leave they take. To claim Maternity Benefit Credit, click [here](#)

11 Returning from Maternity Leave

- 11.1 Under the provisions of the Acts and subject to 11.3 below, a qualifying employee has the right to return to work in the same or similar job as they left, under the same employment contract.
- 11.2 This right does not extend to those qualifying employees whose fixed term or specified-purpose contracts expire during any of the periods of maternity leave, additional and extended leave.
- 11.3 The College may offer alternative employment to a qualifying employee, but only if it is not reasonably practicable for the College to allow them to return to work in the same job, under the same or similar contract of employment. In this case, the College may offer the employee suitable alternative employment under a new contract.



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- 11.4 The terms and conditions of this suitable alternative employment, in relation to the place of employment, the capacity in which they will be employed and the monetary and other terms of employment, will not be less favourable than those which previously applied.
- 11.5 An employee must submit written notice to the Human Resources Department of their intention to return to work at least four weeks beforehand. Should an employee decide not to return to work after their period of maternity leave, the normal notice period is required.

12 A parent expecting a child through adoption and surrogacy

While this Maternity Leave Policy relates to maternity leave, Griffith College will ensure that parents are also supported before, during and after an adoption (“Adoptive Leave”) and a surrogacy arrangement (“Surrogacy Leave”).

The College is currently updating its Adoptive Leave policy.

While there is no existing legal framework for Surrogacy Leave, the College intends to create a Surrogacy Leave Policy for parents of children born through surrogacy arrangements, using the Maternity Leave Policy and the Adoptive Leave Policy as it’s reference. The updated Policy will provide for enhanced payment arrangement similar to the [net] enhanced maternity payment referred to above. It will also reflect the maternity leave supports that are referred to above that either apply to adoptions and surrogacy arrangements or that are reasonably required to support employees through those arrangements.



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Maternity Leave Application Form

An employee must submit this document at least 4 weeks prior to the date of commencement of Maternity Leave.

Maternity Leave Benefit should be applied for through Department of Employment Affairs and Social Protection (DEASP) at least 4 weeks before the leave is due to start.

Applications can be made online at <https://services.mywelfare.ie/en/topics/parents-children-family/maternity-benefit/>. If unable to apply online, simply email maternityben@welfare.ie.

Please include with the application form a copy of a medical certificate confirming pregnancy and the expected birth date of the child.

Name of Employee: _____

Contact Number _____

Department: _____

Line Manager: _____

Expected date of birth or adoption of child: _____

Proposed dates of Maternity Leave: _____

Signed: _____

Date: _____

Line Manager Signed: _____

Date: _____

HR signed: _____

Date: _____



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Additional Discretionary Enhanced Maternity Leave Pay Request Form

A qualifying employee must submit this document at least 4 weeks prior to the date of commencement of Maternity Leave.

Name of Employee: _____

Contact Number _____

Department: _____

Line Manager: _____

Expected date of birth: _____

Proposed dates of Maternity Leave: _____

Years of Service:

Normal Working Hours per Week:

Date of Termination of Contract (if applicable):

Normal Rate of Weekly/Monthly Pay:



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Worked Examples of Additional Discretionary Enhanced Maternity Leave Payment

Pilot period - 2023 - 2024 academic year

Gross annual pay over a 52 week period	€40,000	€45,000	€50,000
Weeks	52	52	52
Weekly pay - take total annual pay and divide by 52	€769	€865	€962
Government - weekly maternity payment (as at Sept 2023)	€262	€262	€262
Shortfall (this is the difference in weekly gross pay and State Maternity pay)	€507	€603	€700
01-Sep-23	60%	60%	60%
Amount College will pay the employee p.w. for 26 weeks	€304	€362	€420