

Policy name: Maternity Leave Policy

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Revision 1 approved 10th March 2017

Revision 2 approved

Revision 3 approved by Trinity Academic Council 13th May 2020

1. Context

- 1.1 The entitlement to a basic period of maternity leave from employment extends to all female employees (including casual workers), regardless of how long they have been working for the organisation or the number of hours worked per week. The [Maternity Protection Acts 1994 and 2004](#) (the 'Acts') provide for statutory minimum entitlements in relation to maternity at work, including maternity leave.
- 1.2 The Royal Irish Academy of Music, hereinafter referred to as RIAM or the Academy, complies with these entitlements.

2. Purpose

- 2.1 As an equal opportunities employer, RIAM 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 female employees.

3. Scope

- 3.1 This policy covers all female employees who are either pregnant, or have given birth within the previous 14 weeks ('qualifying employees').
- 3.2 In the case of staff employed under a fixed term or specified purpose contract, any entitlement to maternity leave or other maternity benefits lasts only for the duration of the contract of employment.

4. Benefits

- 4.1 This policy clarifies the entitlements of RIAM's qualifying employees to maternity benefits as provided for by the Acts, and seeks to ensure that such employees of RIAM who are pregnant, or have recently given birth, feel of equal worth as other employees.

5. Policy

- 5.1 *Paid Maternity Leave*
 - 5.1.1 Qualifying employees are entitled to 26 consecutive weeks' maternity leave, at least two of which must be taken before the birth and at least four of which must be taken after the birth.
 - 5.1.2 The employee must give at least four weeks written notice of their intention to take maternity leave and also forward a medical certificate confirming the pregnancy and specifying the expected date of the birth of the child.

- 5.1.3 Maternity leave with pay is available to all qualifying employees who have completed continuous service of at least 12 months.
- 5.1.4 For qualifying employees on a fixed-term or specified purpose contract, any leave (or any other benefit) will last only for duration of the contract.
- 5.1.5 If the child is born earlier than two weeks before the due date and before maternity leave has commenced, then the 26 weeks' maternity leave will begin on the day of the birth. In the event of a premature birth the 26 weeks leave will be extended by an additional period of leave. This period of leave will commence at the end of the 26 weeks. The additional period to be added will be the number of weeks from the child's actual date of birth, up to two weeks before the expected date of confinement, which would have been the 37th week of the pregnancy.
- 5.1.6 Regardless of when the child is born, four weeks' maternity leave must be taken after the birth.
- 5.1.7 If the child is born so late that there are fewer than four weeks maternity leave remaining, then the employee is nonetheless entitled and obliged to take four weeks' maternity leave after the birth.
- 5.1.8 This extension of maternity leave is called Extended Maternity Leave and is governed by the same criteria as maternity leave.
- 5.1.9 If the employee wishes to take Extended Maternity Leave, she must notify the RIAM Secretary no later than four weeks before the end of the maternity leave.
- 5.1.10 Taking Extended Maternity Leave does not in any way affect the right also to take Additional Maternity Leave.
- 5.1.11 There is no entitlement to statutory maternity leave for a miscarriage occurring up to and including the 24th week of pregnancy. Any confinement occurring after the 24th week is covered.

5.2 Additional (Unpaid) Maternity Leave

- 5.2.1 Qualifying employees may take up to an additional 16 weeks leave immediately following the 26 weeks' maternity leave.
- 5.2.2 This additional maternity leave is in all cases unpaid, though pensionable. The RIAM Secretary should be contacted regarding deductions from salary.
- 5.2.3 The pension contributions due will be deducted on return to the RIAM payroll.
- 5.2.4 In order to be eligible for additional maternity leave, qualifying employees must notify the RIAM Secretary in writing at least four weeks before the end of maternity leave, indicating the dates of additional maternity leave being applied for.
- 5.2.5 Subject to agreement with line managers there are provisions that if employees become ill during additional maternity leave, such leave may be terminated.
- 5.2.6 An employee's absence from work on maternity leave and additional maternity leave will count for all employment rights associated with the employment.

5.2.7 Employees may revoke their decision to take additional maternity leave. However, they must notify the RIAM Secretary in writing at least four weeks before the maternity leave is due to end.

5.3 Postponement of Maternity Leave

5.3.1 The period of maternity leave/additional maternity leave may be postponed by the employee (subject to the agreement of the employer, which may be refused) in the event of the hospitalisation of the child. This provision does not apply if the child, though unwell, does not require hospitalisation. The employee should request the postponement of the leave in writing as soon as possible.

5.3.2 The maximum amount of time such leave may be postponed for is six months, and leave may only be postponed after 14 weeks' maternity leave has been taken, four of which must be taken after the birth.

- (i) If an employee postpones maternity leave and returns to work, then leave may be taken in one block, not later than seven days after the child has been discharged from hospital. RIAM will require a letter from the hospital confirming that the child has been hospitalised and, following the discharge, a letter confirming the date of discharge.
- (ii) In such circumstances, the employee must notify the Department of Social and Family Affairs of this. A letter from the GP/Hospital is required to confirm to the Department that the child has been discharged from hospital and the maternity benefit should then resume. The Personal Public Service (PPS) Number should be clearly identified on all documents the employee sends to the Department.
- (iii) If the employee has postponed maternity leave and becomes ill following a return to work (before resuming any postponed leave), she may be considered to have started the resumed leave on the first day of her absence because of illness. Alternatively, she may choose to forfeit her right to resumed leave and have such leave treated as sick leave.

5.4 Terms and Conditions of Employment while on Maternity Leave

5.4.1 Payment while on Maternity Leave

- (i) Maternity benefit is paid for 26 weeks at full pay.
- (ii) All such employees who are paying class A1 Pay Related Social Insurance contributions must claim Social Welfare Maternity Benefit and refund RIAM with the full amount.

5.4.2 Annual Leave/Public Holidays

- (i) While on maternity leave, extended leave and additional maternity leave, employees accrue annual leave.
- (ii) Once it has been agreed with the RIAM Secretary any such annual leave may be added on to the end of the period of maternity leave.

- (iii) During maternity leave, additional and extended leave, employees retain their entitlement to Public Holidays. The employee will be notified of the number of public holidays for which they are entitled to benefit, and will agree with their manager when these paid days will be taken.
- (iv) Absence while on maternity leave shall not be treated as part of any other leave from employment to which the employee concerned is entitled.

5.4.3 Employment during Maternity Leave, Additional Leave and Extended Maternity Leave.

- (i) Permanent employees during any of the above periods remain in the employment of RIAM.
- (ii) In the case of employees on employees on fixed term or specified-purpose contracts, their employment with RIAM will last only for the duration of their contract of employment.

5.4.4 Extension of Probation

- (i) RIAM reserves the right to extend probation to take account of absence due to Maternity Leave.

5.4.5 Returning to Work after Maternity Leave

- (i) Under the provisions of the Acts, a qualifying employee has the right to return to work in the same or similar job as she left, under the same employment contract.
- (ii) 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.
- (iii) RIAM may offer alternative employment to a qualifying employee, but only if it is not reasonably practicable for RIAM to allow her to return to work in the same job, under the same or similar contract of employment. In this case, RIAM may offer her suitable alternative employment under a new contract.
- (iv) The terms and conditions of this suitable alternative employment, in relation to the place of employment, the capacity in which she will be employed and the monetary and other terms of employment, must not be less favourable than those which previously applied.
- (v) The employee must give, in writing, at least four weeks' notice of their intention to return to work;

5.5 Other Relevant Information

- 5.5.1 Although there is no legal requirement, under the terms of the Health, Safety & Welfare at Work (General Application) Regulations 2007, a qualifying employee is encouraged to notify her employer when she becomes aware that she is pregnant. This enables RIAM to ensure that the environment is safe and supportive of employee's pregnancy requirements during this time;

5.5.2 Time of for ante-natal and post-natal (up to 14 weeks after the birth) medical appointments will be given to qualifying employees, as necessary. However, the RIAM Secretary must be given at least two weeks' written notice of the date and time of such medical appointments and, if requested, produce an appointment card or other certification. In all such cases, employees are in receipt of their full pay during time off for ante-natal or post-natal checks. RIAM requests that, where possible, the appointments are at the beginning or at the end of the working day. If the appointment finishes before the end of the working day, you must return to work.

Pregnant employees are entitled to paid time off work to attend one set of ante-natal classes (other than the last three classes). This is a once-off entitlement. An expectant father is entitled, on a once-off basis, to paid time off to attend the last two classes before the birth.

Written notification must be given to the RIAM Secretary with the dates and times of each class at least two weeks before the first class.

5.5.3 If an employee has a stillbirth or miscarriage any time after the 24th week of pregnancy, she will be entitled to full maternity leave. This means a basic period of 26 weeks and 16 weeks of additional maternity leave. If she has satisfied the Pay Related Social Insurance requirements, maternity benefit is payable for the 26 weeks of the basic maternity leave.

5.5.4 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 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 26 weeks after the date of confinement, provided the employee informs their manager of their intention when they are advising RIAM of their intention to return to work. The employee will be paid during this time.

5.5.5 Health and safety leave

RIAM is obliged to assess any risk to an employee who is:

- pregnant;
- has recently given birth; or
- is breastfeeding.

Therefore, for employees who are pregnant, it is imperative that they inform their manager, so that RIAM 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:

- (i) a temporary adjustment to working conditions or working hours, to the extent needed to mitigate the relevant risk;
- (ii) if step (a) is not feasible, a transfer to other work, or, in the case of night-workers, to day work;

(iii) if step (b) is not feasible, health and safety leave will be granted.

RIAM 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 RIAM in writing of the fact, as early as reasonably practicable. Likewise, if a risk no longer exists, or if RIAM 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.

6. Responsibility

6.1 The RIAM Secretary is responsible for overseeing this policy and its operational procedures.

7. Legislation and Regulation

7.1 [Maternity Protection Act 1994](#) and [Maternity Protection \(Amendment\) Act 2004](#).

7.2 [Health, Safety & Welfare at Work \(General Application\) Regulations 2007](#).

7.3 [Qualifications and Quality Assurance \(Education and Training\) Act 2012](#).

7.4 [Standards and Guidelines for Quality Assurance in the European Higher Education Area \(2005\)](#).

7.5 [Code of Practice for Provision of Education and Training to International Learners \(2015\)](#).

7.6 [National Framework of Qualifications \(NFQ\)](#).

8. Related Documents

8.1 Parental Leave Policy.

8.2 Paternity Leave Policy.

8.3 Adoptive Leave Policy.

9. Document Control

Approved by Board of Studies 25th November 2016.

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Next review: Academic year 2020/21.