

Policy name: Parental Leave Policy (incorporating Force Majeure)

Approved: 25th November 2016

Revision 1 approved 10th March 2017

Revision 2 approved

Revision 3 approved by Trinity Academic Council 13th May 2020

1. Context

- 1.1 Parental Leave is unpaid leave from work taken by parents to look after their young children. This policy provides leave to employees, who are natural or adoptive parents, to enable them to spend more time with their child and to take care of their child in accordance with the terms and conditions of the Parental Leave Acts 1998 and 2006. Parental leave entitlements also extend to persons acting *in loco parentis* in respect of an eligible child.

2. Purpose

- 2.1 The purpose of this policy is to provide details about the entitlements of employees of the Royal Irish Academy of Music, hereinafter referred to as RIAM or the Academy, to parental leave.
- 2.2 There is also a provision under this policy for a limited paid leave (force majeure leave), to enable employees to deal with family emergencies.

3. Scope

- 3.1 All employees of RIAM with continuous service of at least one year who are natural or adoptive parents are entitled to parental leave. The child must be under eight years of age, except in certain circumstances (see below).
- 3.2 In the case of a child with a disability or a long-term illness, the age limit is 16 years. This provision applies to a child in respect of whom a Domiciliary Care Allowance (DCA) is payable, or would be payable if the child satisfied the means test for DCA. [Note: Further details relating to the DCA are available from the Health Boards.]
- 3.3 In the case of an adopted child, if the child is under six years of age at the time of the adoption, the leave must be taken before the child reaches eight years of age. However, if the child is aged between six and eight years at the time of adoption, the leave must be taken within two years of the adoption order.
- 3.4 RIAM employees who have less than one year's continuous service are entitled to one week's parental leave for every month of continuous employment completed in RIAM if the child is approaching the age thresholds set out above.
- 3.5 Part-time employees of RIAM are entitled to unpaid parental leave on a pro-rata basis.

4. Principles

- 4.1 As an equal opportunities employer, RIAM complies with all relevant legislation.

5. Policy

- 5.1 Parental Leave Entitlements

5.1.1 Unpaid Leave

- (i) All employees of RIAM with continuous service of at least one year who are natural or adoptive parents or acting *in loco parentis*, are entitled to up to 18-weeks unpaid leave.
- (ii) Employees who have less than one year's continuous service are entitled to pro-rata parental leave after three month's continuous service in RIAM, if the child is approaching the age threshold, which is one week's unpaid leave for each month of continuous employment.
- (iii) Part-time employees of RIAM are entitled to unpaid parental leave on a pro-rata basis. This is normally calculated on the average number of hours worked per week in the 14 week period prior to the commencement of the parental leave.
- (iv) Where an employee qualifies for parental leave in respect of more than one child, the employee may not take more than eighteen weeks' parental leave in any twelve-month period, unless RIAM agrees otherwise. However, this restriction does not apply in the case of children of a multiple birth.
- (v) Both parents have an equal and separate entitlement to parental leave, which is not normally transferable between them. However if both parents are RIAM employees, with RIAM's agreement, one parent may transfer 14 of the 18 weeks of his/her parental leave entitlement to the other.
- (vi) If an employee falls ill while on parental leave and as a result is unable to care for the child, the parental leave may be suspended for the duration of the illness, following which period the parental leave recommences.

5.1.2 Pattern of Parental Leave

- (i) The leave must be taken in multiples of weeks or, by agreement with the RIAM Secretary, it may be broken down into pre-planned time off.
- (ii) 18 weeks' unpaid parental leave is available per eligible child, and the maximum time off in any one year period is 18 weeks without the specific consent of RIAM (except in the case of multiple births).
- (iii) The proposed period of leave must be agreed with the RIAM Secretary.
- (iv) All public holidays that fall during a period of parental leave will not count towards the period of leave agreed in any particular case and will be added to the end of such period.

5.1.3 Alterations or Postponement

- (i) RIAM has the right to postpone commencement in cases where the leave has been judged as having an adverse effect on the work of the Academy. In particular, RIAM may decide to postpone the parental leave for a period of up to 6 months if it is satisfied that granting the leave would have a substantial adverse effect on operations, or if there are difficulties in providing any necessary cover for the employee, or if a number of other employees are already on parental leave.

- (ii) Such a judgement will always be discussed with the employee before being put formally in writing.
- (iii) Notice of such postponement will be given to the employee not later than four weeks before the proposed commencement of the parental leave concerned and must specify the grounds for the postponement.

5.1.4 Returning to Work

- (i) On return from a period of parental leave the employee will return to his/her normal post, in so far as this is practicable, or failing this, to an alternative position under terms and conditions of employment that are no less favourable than before.
- (ii) If an employee is found to be abusing his/her entitlement to parental leave he/she will immediately be given notice that the parental leave entitlement is to be terminated and may be subject to RIAM's disciplinary process. Such notice shall contain a statement in summary form of the grounds for terminating the leave and shall specify the date of return.

5.1.5 Employee Rights

- (i) An employee on parental leave is regarded for all purposes relating to his or her employment (other than the right to remuneration or superannuation benefit or any obligation to pay contributions in or in respect of the employment) as still at work and none of his or her other employment rights is affected.
- (ii) Absence from employment while on parental leave shall not be treated as part of any other leave from employment to which the employee concerned is entitled.
- (iii) Where relevant, RIAM reserves the right to extend an employee's probationary period to take account of absence on parental leave.

5.1.6 Records

- (i) RIAM will maintain records of parental leave taken by its employees showing the period of employment and the dates and times for which the employee was on parental leave.
- (ii) These records will be maintained for eight years, as required by ministerial order.
- (iii) All notices and confirmation documentation will be maintained for a period of one year.
- (iv) All employees taking parental leave are strongly advised to keep their own records.

5.2 Force Majeure Leave

- 5.2.1 An employee shall be entitled to leave with pay for urgent family reasons, for example, a sudden injury to or illness of a family member which includes a child (natural or adopted), a person to whom he or she is in loco parentis, a spouse/partner, a brother / sister, parent / grandparent, a domestic dependent

- 5.2.2 RIAM should be notified in writing as soon as it reasonably practicable, detailing the dates on which the leave was taken and the facts entitling the employee to force majeure leave. This leave shall not exceed three days in any period of 12 consecutive months or five days in any period of 36 consecutive months.
- 5.2.3 In cases of illness/injury, an employee will be required to produce, not later than four weeks after the date(s) of leave, a doctor's certificate detailing the person concerned and the nature, length of the illness/injury suffered. A copy of the certificate must also be forwarded to the RIAM Secretary. Failure to do so may result in the employee becoming subject to RIAM's disciplinary procedures.

6. Responsibility

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

7. Legislation and Regulation

- 7.1 [Parental Leave Act 1998](#) and [Parental Leave \(Amendment\) Act 2006](#).
- 7.2 [European Union \(Parental Leave\) Regulations 2013](#).

8. Related Documents

- 8.1 [Citizen Information](#).

9. Document Control

Approved by Board of Studies 25th November 2016.
Revision 1 approved by Board of Studies 10th March 2017.
Revision 2 approved.
Revision 3 approved by Trinity Academic Council 13th May 2020.
Next review: Academic year 2020/21.