

Diocese of Elphin – HR Policy Handbook

Document Name: Paternity Leave Policy
Document No: 6.1.12 (original)
Effective Date: 15th February 2019
Written By: Frank Mitchell, HR Advisor
Approved By: +Kevin Doran, Bishop of Elphin



Operating under the patronage of Our Lady of the Immaculate Conception, the Diocese of Elphin aims to provide staff members with a safe, caring and supportive Christian environment in which to carry out their work. Work objectives are to be advanced with due regard to the needs and dignity of each staff member and with due regard for the individuals and communities the diocese serves.

This document outlines the Diocesan policy on Paternity Leave. It is applicable to parishes, offices, agencies and any entity operating under the governance of the Diocese of Elphin (hereafter referred to as "the employer"). Line Managers (Bishop, Priests, Deacons, Religious, Lay Personnel who supervise staff members) are responsible for communicating this policy and having it signed off by their staff member(s).

Introduction

The Paternity Leave and Benefit Act 2016 commenced on 1 August 2016. The Act enables a "relevant parent" to take two weeks paternity leave which must commence within the first 26 weeks of the birth/adoption of a child.

Purpose

Paternity leave is available to eligible members of staff to allow them time off from work around the birth or adoption of their child or the child of their spouse or partner.

Scope

This policy covers all part-time and full-time staff members provided that they meet the conditions outlined below.

Eligibility to take paternity leave

Paternity leave is available to staff members who are deemed to be the "relevant parent" of a child. Only one person who is a "relevant parent" in relation to a child can be entitled to paternity leave in respect of that child. There is no qualifying period for entitlement to paternity leave.

Under the Paternity Leave and Benefit Act 2016 a "relevant parent" is defined as:

- (a) in the case of a child who is, or is to be, adopted –
- i where the child is, or is to be, adopted jointly by a married couple of the same sex, the spouse chosen by that couple to be the relevant parent for the purposes of this Act, or
 - ii in any other case, the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole male adopter of the child,

or

- (b) in any other case;
- i the father of the child,
 - ii the spouse, civil partner or cohabitant, as the case may be, of the mother of the child, or
 - iii a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act.

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Entitlements and conditions

The following conditions apply to taking paternity leave.

- A staff member who is a relevant parent may avail of a continuous period of two weeks paternity leave. The leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave.
- Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child. The leave will commence on the date the relevant parent selects in his/her written notification. It should be noted that paternity leave cannot commence earlier than the date of birth or date of placement of the child and cannot commence later than 26 weeks after date of birth or the date of placement of the child.
- In the case of multiple births, or where two or more children are being adopted at the same time, only a single two week block of paternity leave applies.
- Paternity leave must be used to assist in the provision of, care to the child or to provide support to the relevant adopting parent or mother of the child, as the case may be, or both.

Applying for paternity leave

Notice in writing must be provided at least 4 weeks before the staff member intends to take the leave. A medical certificate confirming the date of expected date of birth/certificate confirming the expected day of placement must accompany this notice. The request must specify the commencement date of the period of leave. (See appendix 1)

Early confinement

Where the birth of the child occurs 4 or more weeks prematurely, the staff member must notify their manager, of their intention to commence paternity leave in writing, within 7 days of the birth. In such circumstances, the staff member will be deemed to have complied with the notification requirements of the Act.

Postponement of paternity leave due to late birth/postponed adoption placement

A staff member who is a relevant parent may postpone a period of paternity leave where the date of birth occurs after the date selected by a relevant parent in their notification to "the employer" or where the date of placement is postponed in the case of adoption. The relevant parent may select another date on which paternity leave will commence.

Postponement of paternity leave due to illness of the relevant parent

In the event that a staff member becomes ill before a period of paternity leave has commenced, the period of leave may be postponed. Notification of a request to postpone the leave due to illness must be received by "the employer" as soon as possible after becoming ill and must be accompanied by a medical certificate. The staff member must follow up in writing confirming the request to postpone the leave as soon as is reasonably practicable but not later than the day on which the postponed leave begins. The leave may be postponed until such time as the relevant parent is no longer sick. The period of postponed leave must not be later than 28 weeks after the date of birth or day of placement. The staff member must notify "the employer" when they intend to take the postponed paternity leave not later than the day the staff member commences the leave.

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Postponement of paternity leave when the child is hospitalised

If the child is hospitalised, the staff member may request in writing to postpone all or part of their paternity leave. Postponement of paternity leave in such circumstances is subject to approval by "the employer". "The employer" will respond to the request for postponement as soon as practicably possible with a decision on the matter.

Where "the employer" agrees to postpone the leave, the leave will be postponed with effect from a date agreed by both parties. The staff member will return to work on a date agreed by "the employer" and staff member. The postponed leave, which must be taken in a continuous block not later than 7 days after the discharge of the child from hospital or such other date as may be agreed upon between the staff member and "the employer". The staff member must notify "the employer" when they intend to take the postponed paternity leave not later than the day the staff member commences the leave.

It is important to note that if the staff member falls ill during the period of postponement of paternity leave, and requests to be viewed as being on sick leave from work, the staff member will forfeit the remainder of the paternity leave which cannot be taken at a later date following the period of sick leave.

Payment during leave

During paternity leave you will be deemed to be in employment and your employment rights, with the exception of remuneration, are preserved as if you were present at work.

During paternity leave, relevant parents who have the necessary PRSI contributions are entitled to paternity benefit from the Department of Employment Affairs and Social Protection. Claims should be made on a PB2 form, which are available from the Department of Employment Affairs and Social Protection.

The relevant parent must have a Public Services Card to apply for Paternity Benefit. If the relevant parent does not already have a Public Services Card, he/she can make an appointment to get one at www.mywelfare.ie. "The employer" will complete the employers section of the form when it has been completed by the staff member.

Transferred paternity leave

Where a relevant parent entitled to paternity leave in relation to a child dies, a staff member who is the surviving parent of the child will be entitled to the leave. This entitlement exists up to 28 weeks after the date of birth or day of placement of the child.

Annual leave and public holidays

While on paternity leave staff members retain the right to accrue annual leave and public holidays as if the staff member had not been absent from work.

Abuse of paternity leave

Where "the employer" has reasonable grounds for believing that a staff member who is on paternity leave is not using the leave for the purpose for which it is intended, "the employer" may, by notice in writing given to the staff member, terminate the leave and the notice will contain a statement in summary form of the grounds for terminating the leave and will specify the day by which the staff member must return to work. If, following an investigation, a staff member is found to have abused this leave, he or she may be subject to disciplinary action, up to and including dismissal.

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Employment protection

A staff member who is absent on paternity leave will be treated as if the staff member had not been absent. At the end of the paternity leave, the staff member will be entitled to return to their original job under terms and conditions no less favourable than those that would have applied if they had not been absent.

For further information please contact:

HR Advisor
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Appendix 6.1.12(a) – two pages

Notice to employer of intention to take paternity leave

Personal Details	
Name of staff member:	
Work Location:	
PPS Number:	

Paternity Leave Details	
Name of child: (if name not known, write 'baby, surname')	
Date of birth/placement of the child: (if applying in advance of the birth/placement, please include the expected date of birth/day of placement)	Day ____ Month ____ Year ____
<p>I declare that I am a relevant parent.</p> <hr/>	
<p>The staff member should also provide the following applicable documentation:</p> <ul style="list-style-type: none"> • medical certificate confirming the expected date of birth, or • a copy of a birth certificate, or • a copy of the declaration of suitability, or • a copy of the certificate of placement. 	

Paternity Leave Dates	
Commencement date:	Day ____ Month ____ Year ____
Return to work date:	Day ____ Month ____ Year ____

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Guidance note for staff members:

- Paternity leave is available to staff members who are deemed to be the “relevant parent” of a child. See definition of “relevant parent” below.
- A staff member who is a “relevant parent” of a child may avail of a continuous period of two weeks paternity leave. Paternity leave cannot commence earlier than the date of birth or date of placement of the child and cannot commence later than 26 weeks after the date of birth or the date of placement of the child.
- The leave entitlement must be taken as a block of two weeks and cannot be fragmented into smaller periods of leave.
- This form must be completed by the staff member concerned not later than four weeks before the expected commencement of the leave.
- A medical certificate confirming the expected date of birth/certificate confirming the expected day of placement must accompany this notice.
- During paternity leave, staff members who have the necessary PRSI contributions and are in receipt of a Public Services Card are entitled to paternity benefit from the Department of Employment Affairs and Social Protection.
- Please see policy above for further information.