



Parenting toolkit

02 | Connected knowledge | 2021

This toolkit provides guidance to employers on supporting employees who are becoming parents.

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Supporting employees who are becoming parents.

This toolkit is divided in to four sections.

- Section 1 – Planning
- Section 2 – The journey to parenthood
- Section 3 – Managing the return from maternity and adoptive leave
- Section 4 – Tools

Further supporting information can be found in the Employer hub on the Ibec website.

Disclaimer

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Introduction

How we work is changing. Globalisation, rapid digitalisation, changing family dynamics and new lifestyle preferences mean jobs and careers are being transformed. Balancing social and personal needs with the demands of work can be difficult. At the same time people are living longer and healthier lives. A rethink of how employers manage and support this new working environment is required.

To address the changing reality of family in Ireland, Ibec has developed this toolkit to support employers in proactively and positively managing and supporting the various workforce transitions from employee, to parent, to working parent. With the demand for skills set to increase enormously over the coming years, it is vital that organisations have in place the right approach and policies to attract and retain the talent they require.

This toolkit assists employers in the lead up to, during and following periods of family leave. Family leave includes maternity leave, adoptive leave, parental leave, paternity leave and parents leave. This toolkit will also cover other situations that can arise including fertility treatment, becoming a parent through surrogacy and pregnancy loss.

Becoming a parent can be a challenging time and employees will have diverse needs depending on their particular journey. For an expectant mother this can be a transitional time and she can be helped immensely through the support and assistance of her employer. Often there is concern from employers regarding what is and is not okay to talk about with an employee who is becoming a parent. When an employee is pregnant or becoming a parent, there are legal and HR considerations. This toolkit addresses these situations and provides guidance, especially for line managers, who play a crucial role in making this a positive experience for all parents.

While this is a best practice toolkit, it is built on the premise that employers are aware of the protection for employees under the various pieces of applicable employment Irish legislation.

- Employment Equality Acts 1998 to 2015 (particularly family status ground and the gender ground under which specific protection is provided for pregnant employees and in relation to maternity leave).
- Maternity Protection Acts 1994 to 2004.
- Adoptive Leave Acts 1995 and 2005 (and the Family Leave and Miscellaneous Provisions Act 2021).
- Parental Leave Acts 1998 – 2019.
- Paternity Leave and Benefit Act 2016.
- Parents Leave and Benefit Act 2019 (and the Family Leave and Miscellaneous Provisions Act 2021).
- Safety, Health and Welfare at Work (Pregnant Employees) Regulations 2000.

Women make up 45.2%¹ of the labour force in Ireland and are represented at all levels of organisations, although in smaller numbers in top management positions. With the average age of women giving birth in Ireland being 31.3 years², there is a good chance that many of the women at work over and under this age will be parents. Similarly, many male employees will also be working parents, although traditionally, children have tended to have less of an impact on the career of men than women. The increase in the level of participation of women in the workforce has led to more dual-career families than in any preceding generation.

¹ Women and Man in Ireland 2019, Central Statistics Office

² Vital Statistics Annual Report 2019, Central Statistics Office

Parents make significant and clear contributions to the economy and the labour market. However, globally research finds that labour force participation can reduce for women around pregnancy and maternity leave as many may not return following maternity leave. Reasons for this attrition may be attributable to difficulties juggling family and work commitments or problems reintegrating back into the workforce. Losing this talent from the workplace along with the investment that has been spent on recruitment, training and development does not make business sense, therefore having a strategy to successfully manage and support this relatively short period of absence in a woman's career is essential. Unlike illness or labour turnover, pregnancy gives an employer usually six or seven months to prepare for a short-term absence in their team. Correctly handled, this temporary situation can result in stronger commitment and loyalty to the organisation from the employee and a smooth transition from start to end in the workplace.

Research on gender and on women in the workplace raises various theories and suggestions as to the existence and causes of barriers to women's career progression at work which are beyond the scope of this toolkit. What is clear is that there can be extra difficulties placed in the path of women during times of pregnancy, maternity, adoptive or other family leave and on return from leave, which may penalise their earnings and career progression, unless employers are aware of how to handle these changing circumstances appropriately. Additionally, parenting is not the sole domain of mothers and families are not homogenous therefore consideration needs to be given to expectant fathers, partners and relevant parents and supports need to be provided.

This toolkit is not a legal guideline. Full details of legal entitlements are available in the [Ibec HR Management Guide](#), while others are outlined in the sample policies towards the end of this toolkit. This toolkit provides the tools, tips and advice that will help employers to develop good working practices for dealing with a range of issues including pregnancy, expectant parents, maternity and adoptive leave and post-maternity employment issues.

This toolkit can be read in conjunction with the Ibec Flexible and Remote Working toolkit which is available on the Ibec website [here](#).

Section 1: Planning

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Business planning for family leave

Business planning for maternity, adoptive and other types of family leave should be conducted as part of the normal corporate planning and budgeting process. This section will cover

- Structured business planning.
- Planning regarding remuneration.
- Planning to cover maternity and adoptive leave absences.

Structured business planning

Planning is needed to ensure that sufficient provisions are made to minimise the impact on the bottom line when team member(s) avail of family leave. When planning is neglected, it can lead to a reactive rather than a proactive response.

Because maternity leave and adoptive leave absences are generally longer in duration and will be taken in a continuous block, the organisation can undertake more planning for these leaves. However parental leave, paternity leave and parents leave can also be factored into the planning process. Organisations should be aware that an employee may be entitled to one or more of these leaves, depending on their circumstances. In some organisations, a decision may be made to provide non-statutory family leave to support employees who, because of their situation, are not entitled to a statutory leave.

The first step is to examine the demographics of the organisation's workforce:

1. Identifying the number of people currently out on maternity or adoptive leave and the organisation statistics and trends in recent years.
2. Identifying the number of people currently availing of parental, paternity and parents leave and the organisation statistics and trends in recent years.
3. Predicting the percentage that are likely to become pregnant or adopt or avail of other family leaves in the current year (and in the coming 3 – 5 years), without making assumptions that all individuals within an age range will have children.

Using this information, employers can estimate expected absences on family leave and plan accordingly. Employers should decide what arrangements to put in place to cover the work of an employee on long term leave. A replacement may be appointed through internal or external recruitment. Once this is built into the budget, it provides a budget allocation which aims to allow the transition to be handled professionally and without any negative issues associated with or resulting from organisational or departmental financial concerns.

Different costs will arise depending on whether replacements are sourced internally or externally. Sourcing a candidate may take longer where the individual has to serve notice to their current employer. A period for handover of duties to the replacement employee may also be useful to ensure a smooth transition. A fixed term/specific purpose contract should be used when appointing a replacement as the individual will remain in the post for the duration of the maternity/adoptive absence only.

It is particularly useful to engage in contingency planning, especially for key roles which cannot be left vacant for any extended period of time. This process would consider how the organisation could accommodate employees resigning or taking extended leave such as maternity or sick leave. In each case, the employer considers methods to fill the position temporarily over an extended period. This may involve training specific employees in new skills so that they can take on new roles or identifying a suitable employment agency.

Organisations should also consider the level of absence that may arise where employees take shorter periods of leave such as parents leave, paternity leave or blocks of parental leave. While these absences will be shorter in nature, it is important that arrangements are in place to reallocate work or change deliverables to ensure there is no negative impact on business operations. This is important so that employees who avail of these leaves are not under significant pressure on their return and that their colleagues are not under pressure to take on significant additional workload.

Organisations should also consider what other supports they can offer employees who are becoming parents. Section 2 of this toolkit outlines various options. The journey to parenthood can be more challenging for some and available data shows the level of occurrence in Ireland. The HSE³ estimates that around 1 in 6 heterosexual couples in Ireland may experience infertility. The Miscarriage Association of Ireland⁴ say that about 1 in 5 pregnancies ends in miscarriage. Surrogacy is also an increasingly common route to parenthood for some couples. Options to support employees through these experiences are also addressed in Section 2 of this toolkit.

It is essential that organisations are realistic about the number of individuals likely to be absent through maternity, adoptive or other family leaves and avoid cutting resourcing too tightly, particularly in organisations that provide specialised services or require specialised expertise from their employees as these absences will be more difficult to cover.

Planning regarding remuneration and benefits

Under Irish legislation, there is no obligation on an employer to continue an employee's remuneration for the duration of their maternity, adoptive, parental, paternity or parents leave. If an employee has the required PRSI contributions the employee will receive maternity benefit, adoptive benefit, or paternity benefit or parents benefit from the Department of Social Protection. Maternity benefit and adoptive benefit are not paid during additional maternity leave or additional adoptive leave.

Organisation policy decisions should be made in advance regarding remuneration and benefits and should include decisions around family leave to avoid one-off decisions setting a precedent in the organisation. Organisations may choose to go beyond the statutory requirements and make top-up payments (payment of the differential between the benefit received from the Department of Social Protection and basic salary) to employees on maternity, adoptive, paternity or parents leave.

- Ibec research undertaken in December 2020 showed that 63% of participating companies paid over and above social welfare benefit to employees on maternity leave and that 80% of these provide payment for the full 26 weeks maternity leave.
- Ibec research on top-up of parents benefit found that 19% of respondent companies paid over and above social welfare benefit to employees on parents leave.
- Ibec research on top-up of paternity benefit found that 52% of participating companies paid over and above social welfare benefit to employees on paternity leave.

These research reports capture the instance of payment of top-up payments to employees on these leaves across a range of sectors, industries and company sizes and can be found in the [Core Benefits](#) research section on the Ibec website. These reports also detail how the top-up payments are made, including the duration of payment. (Ibec Maternity Benefit Report 2020, Ibec Parents Leave Report 2020 and Ibec Paternity Benefit Report 2020)

³ <https://www2.hse.ie/conditions/child-health/fertility-problems-and-treatments/types-of-fertility-problems.html>

⁴ <https://miscarriage.ie/>

Organisations that make top-up payments to employees need to consider a number of factors:

1. Service criteria

It is reasonable for an organisation to have certain criteria in place before an employee is entitled to receive a maternity, adoptive, paternity leave or parents leave top-up payment, particularly in industries that traditionally have had high staff turnover. Service criteria can be a good way of protecting against a situation where an employee who has only been in employment for a few months, avails of paid maternity/adoptive leave, only to resign from the organisation following the leave. In such a case, the benefit or the return for the organisation from the investment it has made in this employee is negligible.

The duration of the service required can vary from six months upwards and it is at the discretion of the organisation to set out in its policy.

2. Level of top-up

In most cases organisations paying top-up will make a top-up payment to bring the employee's income, in addition to the social welfare payment, in line with their normal take home pay. However, it is at the discretion of the organisation whether it wishes to top-up to the level of full take home pay or simply a percentage of that rate. Organisations also need to consider whether premiums and allowances will be included in their calculation of take-home pay. Organisations will differ on how they treat these payments which are in addition to basic pay.

Where providing top-up payments, further consideration needs to be given to whether the employee will retain the social welfare monies and inform the organisation of the amount, or whether the employee will arrange for the benefit to be paid directly to the organisation while the organisation continues to pay the employee as normal. Typically, such a decision will be based on whatever is easier for the organisation to process and there are tax and PRSI implications involved.

3. Duration of top-up

The statutory maternity leave entitlement has increased a number of times in the past few years. However, not all organisations have increased the duration of the maternity top-up payments. The Ibec Maternity Benefit Report 2020 identified that 80% of companies that pay top-up to full pay do so for the full 26 weeks of maternity leave.

Similarly, adoptive leave entitlement has increased over the years. Organisations may pay a top-up to adoptive benefit received from the Department of Social Protection for some or all of the 24 weeks of adoptive leave. When considering the duration of top-up to pay during adoptive leave, employers should consider how this compares to the duration for which maternity top-up is paid in their organisation.

Paternity leave is a relatively new leave which was introduced in 2016. The leave entitlement is two weeks. The Ibec Paternity Benefit Report 2020 found that 84% of the companies that pay top-up do so for the full two weeks.

A varying approach to the duration of top-up to employees on parents leave is outlined in the Ibec Parents Leave Report 2020.

4. Timing

While the majority of employers make top-up payments during the period of the leave, other options are available to employers that perhaps want to protect against the possibility of the employee leaving employment immediately or soon

after the leave ends. The adjusted timing of the payments generally only occurs during longer leaves such as maternity or adoptive leave. It should be noted that this approach is not common, with just 2% of organisations indicating that they take this approach in the Ibec Maternity Benefit Report 2020.

As an example, an organisation may stagger the payment of maternity pay, so that part of the payment is made while the employee is absent, and part of the payment is made following the return to work. This means the employee will not lose out provided she adheres to the rules of the organisation's policy, and she will receive financial support when additional expenses such as childcare kick in.

There are various timing options available to employers including:

- Paying half the maternity top-up payment during the maternity leave and withholding the other half of the maternity payment. The employee will receive the second half of the payment when she returns to payroll. Employers may also decide to pay the second half of the payment 3/4/5/6 months later, following the employee's return to work.
- Paying no maternity payment during the maternity leave and the employee may receive half her maternity payment when she returns to payroll. The second half will then be paid a few months later.
- Not paying the employee during the maternity leave but providing them with a lump sum payment when they return to payroll. Again, employers may decide to provide this lump sum after a certain amount of time has passed since the employee returned e.g. 3/4/5/6 months.

In the above scenarios, the eligibility for maternity top-up payment would be made dependent upon the employee making a written commitment to return to work following maternity leave or additional maternity leave and completing at least 3/6 months (as the employer decides) paid service on her return. If this condition is not met, the employee would be required to repay the full amount of her maternity pay top-up to the company. If the employee feels she cannot make such a commitment at the stage of her departure, she may choose not to receive a top-up while on maternity leave. If she subsequently returns for a period of 3/6 months, she will then be eligible to receive her top-up, and this will be paid in a lump at the end of the 3/6 month period.

In devising a payment approach where the timing of maternity/adoptive top up is staggered and repayment options are included, it is important that the employer has a robust policy in place and written agreement with the employee for repayment where this applies. Advice from Ibec can be obtained on this.

Retention of benefits

A further decision is whether to allow employees on family leave, including maternity or additional maternity leave, to retain their additional benefits e.g. health insurance, company car or mobile phone. As there is no obligation to maintain remuneration while the employee is on any of the family leaves, it can be argued that the benefits which form part of an employee's remuneration package are similarly discontinued for the duration of the leave. Where an employer has decided to make top-up payments, it is likely although not compulsory that some or all of the employee's benefits will also be continued.

The only benefit that an employer must continue if they are making maternity top-up payments to an employee is pension contributions. Under the Pensions Acts 1990-2015, there is an obligation on employers who have elected to continue to pay remuneration during maternity leave to continue making pension contributions during this period also.

For all other benefits such as health insurance, company cars, mobile phones or laptops, the employer has the discretion to decide what will and will not be retained by the employee. In making these decisions, there are a number of points that an employer

should consider. Maternity top-up is referred to in the points below, however these considerations also apply for the retention of benefits during other forms of family leave. In all instances, the existing employment contracts and organisational policies that outline the benefit entitlement should be consulted in making these decisions.

1. Retention of benefits based on employee's position

An organisation can make a distinction between management level and staff level for deciding whether the employee will retain a benefit during family leave. This will occur in organisations where the benefits afforded to management and staff are different on a day-to-day basis. This is acceptable so long as there are no distinctions made between employees because of their part-time or fixed-term employment status. It is important that careful consideration is given to any decision to treat staff differently based on seniority as employee relations implications may arise based on perceptions of unfair treatment.

2. Retention of benefits based on employee's role

An employee might not be able to retain a certain benefit for the period of her maternity leave due to the requirements of the role. Often, benefits such as laptops may contain tools or data that will be needed by the person backfilling the role in order for them to do the job. Similarly, if the employee needs a car to carry out the duties of a role (for example, in a sales position), it may not be economical for the organisation to provide another car to the person covering the absence. Consequently, the employee on maternity leave may not be permitted to retain the company car.

3. Retention of benefits based on purpose of the benefit

The purpose of the benefit will be a key point to consider for many employers. This needs to be approached with the test of 'reasonableness' in mind. For example, if an employee has a company car that is used for the job but is also for personal use, it may be deemed unreasonable to take away an employee's sole mode of transport during maternity leave. This is especially true if the benefit is simply a perk of the job and not actually related to the performance of the role.

A further consideration with all benefits is whether maternity leave and additional maternity leave will be treated differently. Often, it can be easier to allow an employee who has retained a benefit for 26 weeks (maternity leave) to continue retaining that benefit for another 16 weeks (additional maternity leave) rather than removing the benefit.

If some employees have a company car and others have a car allowance, the organisational position should be consistent regarding the retention of these benefits. If a different approach is taken to the provision of these benefits during maternity leave or other family leaves, employee relations issues may arise amongst staff.

Managing cover during the employee's absence

There are a number of approaches that can be taken to provide cover for employees taking maternity, adoptive or other forms of family leave. It is useful to encourage employees to advise the organisation of their intention to take these leaves at their earliest convenience, as this gives longer time to plan. This is especially true where the absence will be longer in duration (e.g. maternity leave, adoptive leave).

Note also that the employer has to adhere to specific health and safety requirements for pregnant employees. In certain industries or certain job roles, strict policies may apply requiring immediate notification of pregnancy due to health and safety issues. Corporate culture plays an important part in when employees feel comfortable to notify their employer. Employers should strive to have an organisational culture where employees feel comfortable and secure in the knowledge that sharing news of their pregnancy or intention to become a parent will not lead to negative repercussions.

Organisations have a range of options for organising maternity or adoption cover. A detailed analysis of the job role should be undertaken, if necessary, as this will indicate the competencies and deliverables needed and help in the identification of feasible options for cover. This enables the employee and employer to develop a handover plan and a re-induction plan.

How cover is provided can depend on things such as:

- The nature of the business.
- The employee's job.
- The length of the leave.
- Team member's responsibilities, skills and abilities and their capacity to absorb work.
- The demands of the workplace.
- The size and resources of the organisation.

Common options for maternity/adoptive cover are replacement with an internal employee, sharing of responsibilities throughout the remaining team or replacement with a fixed-term, temporary or agency worker.

The use of an internal employee may involve a secondment from another part of the organisation, which helps in building knowledge across the organisation. At a senior level, the appointment of an existing colleague into the role can allow a less senior member of the team to gain valuable experience. This may particularly suit a high potential employee who will gain practical learning and development, exposure to managerial duties and increased accountability.

The sharing of tasks and responsibilities throughout a team is another option. If the organisation has a policy on part-time work, breaking a role down like this can be particularly useful exercise to have completed if the absent employee wants to return on a part-time basis. This may be an opportunity for another member or a few members of the team to take on major parts of their colleague's role for their own learning and development.

Internal recruitment or redistribution of tasks can have a positive effect on a business. It may present development opportunities to more junior employees or broaden the skill base of other employees. However, failure to backfill a position and possibly overworking colleagues can cause resentment and dissatisfaction across the team if they are already working to full capacity, so care needs to be taken.

Taking on agency staff can be a flexible option. Employers can take on an individual on a short-term basis, adjusting to the needs of the business at any given time, and depending on the contract it may be straightforward to end the arrangement if the permanent staff member decides to end their maternity leave early. If necessary, a temporary worker can be employed to take on some of the team's work that is less specialised, if the absent employee's role has been shared amongst them.

Where a longer-term absence on family leave is planned, a handover plan should be worked out that includes when and who will take on each part of the role. This will also enable the person(s) picking up the role to prepare and to have a suitable amount of time for shadowing if required.

Planning needs to occur from the beginning, so individuals know how the leave period will be managed, what is required by employer and employee and within reason, the expected timeframe. However, no one-size-fits-all solution exists and so the approach needs to be tailored to the organisation and the specific situation in a cohesive and consistent manner.

Checklist for planning for family leaves within an organisation

- Estimate the numbers of employees that will avail of maternity and adoptive leaves in the coming 1 to 5 years.
- Estimate the numbers of employees that will avail of parental leave, paternity leave and parents leaves in the coming 1 to 5 years.
- Assess options for covering the absence of employees on long-term family leaves (maternity and adoptive leaves) and on shorter term family leaves (parental leave, paternity leave and parents leaves). Ensure that options are available to the business to manage absences of employees in all types of roles and at all levels of the business who may avail of these leaves.
- Assess the current level of top-up payments and ongoing benefits paid to employees who avail of family leaves in the organisation. Based on the expected demand for these leaves and the company strategy on investment in employee benefits, identify if there is a need to adapt/introduce top-up payments. (Comparison with other companies in the sector may assist this decision.)
- Assess what supports the business can offer to employees who are undertaking fertility treatment, becoming a parent through surrogacy or who have experienced pregnancy loss.
- Review company policies in line with the decisions taken to ensure that they are consistent with the company approach on facilitating family leave, providing benefits, supporting employees and arranging cover for absences.

Section 2: The journey to parenthood

2

The journey to parenthood

The purpose of this section is to outline the structures, training and processes that can be put in place to ensure that the organisation is prepared, that line managers are equipped, and that supports are in place to assist in making an employee's journey to parenthood (including pregnancy), family leave and return to work a positive experience.

While this section focuses on pregnancy and maternity leave, similar guidance applies for adoptive leave. The training and supports can be applicable for all employees who are becoming parents or in the early years of parenthood.

An organisational culture where employees and managers are comfortable to discuss all the aspects of becoming a parent will contribute greatly to ensuring that the organisation is viewed as family friendly. While parental leave, paternity leave and parents leave are shorter in duration, a culture where taking these leaves is supported, will demonstrate a key commitment to the needs of working parents.

This section covers

- Line manager role and training
- Preparing policies and procedures
- Communications relating to maternity
- Fathers and same sex partners in maternity leave
- Managing performance for expectant and new parents
- Buddy system
- Adoptive leave
- Crisis pregnancy
- Fertility Treatment
- Surrogacy
- Miscarriage

Line manager role and training

The line manager is key to successfully managing the pregnancy and maternity leave period of an employee and making the process a positive one. Through their actions and understanding, the line manager can ensure that the employee is supported throughout their pregnancy, goes on maternity leave feeling valued and supported, has clarity regarding what they need to do and how the organisation will assist them, and without major concerns about their job, their career or their return to work.

The line manager also is a key contact for employees availing of other types of family leave and who are facing challenges relating to becoming or being a parent. It is important that line managers have an understanding of all the family leaves so that they can respond to queries, manage requests for absence and undertake workforce planning.

Awareness and understanding

The entitlement to statutory family leaves is only a part of the picture for supporting employees. Employers and managers can take many positive steps to support employees in these situations, and this will contribute towards increased levels of loyalty. Managers should not only understand the company policy and entitlements but be able to respond appropriately and sensitively to employees on these topics.

Oftentimes, managers are unclear about what they should say to their pregnant employees and concerned about saying the wrong thing or inadvertently acting in a discriminatory manner. With the best of intentions, a manager can either handle the employee with kid gloves or give them little attention through lack of knowledge on how to deal with pregnancy at work. Sometimes managers may see only a pregnant woman rather than a competent professional and try to protect her during the pregnancy or remove her from what they deem stressful projects or engagements.

While intentions are good, this can make the employee feel like they are being penalised for being pregnant. It is important to equip managers with the tools to professionally and with confidence, engage with pregnant employees, plan for employees' maternity leave, to ensure the role is covered and that a proper handover is carried out. Managers should also be equipped to deal with any performance issues during the pregnancy and to reintegrate the employee successfully following her leave.

Managers should also be equipped to discuss other scenarios that arise including fertility treatment, surrogacy and pregnancy loss. Each of these is addressed later in this section. Increased awareness throughout an organisation can be achieved through the inclusion of these topics in company briefings or in wellbeing communications. Staff information sessions can be arranged on these topics to promote understanding and provide guidance on having appropriate conversations. Where staff members are comfortable to share their own experiences at such a briefing, especially senior leaders, this can be very impactful.

Dedicated training for managers to ensure their comfort and understanding of all experiences related to becoming a parent is important. Where managers can have supportive conversations, this will ensure that the employee feels secure and confident in their decision to share their personal information.

It is important that where an employee makes a decision to share personal information in the workplace, that they are supported throughout and feel reassured having done so. In some instances, employees may not be comfortable sharing with their line manager and providing alternative points of contact for the employee can be useful (e.g. a member of HR team).

Where an employee comes forward to share personal information relating to becoming a parent, the following tips can be useful to remember.

- Managers should provide as much clarity as possible on the supports the organisation can offer the employee. In some situations, this may involve hearing from the employee regarding their needs and taking the matter away for consideration.
- Clarity on how the employee's personal information will be handled. If the information is to be shared with another colleague (e.g. HR), ensure that the employee knows why and for what purpose.
- Agree with the employee on what, if any information, is to be shared with colleagues. Where information is to be shared with team members, it can be useful, in sensitive situations, to agree the form of wording with the employee in advance.
- It is important to stay in touch with the employee. Through discussion, agreement can be reached on how and when the employee will update on their ongoing needs.
- Reacting in an appropriate manner and showing openness to understanding the employee's journey is important. Within a work context, an organisation will only need to know certain information on how the employee's experience will impact on their work. In sensitive situations, it can be useful to follow the employee's lead in the language used and to ensure to ask only pertinent questions. It is important to stick with the conversation, especially where it is difficult and to ensure the employee feels heard.

- Managers and/or colleagues with whom an employee shares their personal experience should make no assumptions on how the employee is feeling. It is important that managers/colleagues do not change how they interact with the employee after they become aware of any personal information relating to that person's experience of becoming a parent.
- Other available supports should be suggested to the employee including the EAP service where available. Where the EAP service includes counselling sessions, these can be of benefit to an employee who is experiencing challenges.

To assist line managers, training can be developed to equip them with an understanding of the following areas.

1. Organisational policy on maternity leave (employee's legal entitlements and organisational policy).
2. Employee entitlements regarding ante natal classes, medical visits etc when pregnant.
3. Organisational policies on adoptive leave, parental leave, paternity leave and parents leave (and any other policies related to becoming a parent).
4. Managing handovers.
5. Arranging cover.
6. Flexible working arrangements.
7. Any other supports in place (e.g. a buddy system)
8. Having supportive conversations.

This training can include management of other situations that arise (fertility treatment, becoming a parent through surrogacy and pregnancy loss).

A checklist is available in Section 4 of this toolkit that provides useful points for managers to refer to during the various stages of pregnancy, maternity leave and return from maternity leave with their employees, to ensure the process runs as smoothly as possible. The checklist distils much of the information covered in detail throughout this guide.

Preparing policies and procedures

It is good practice to put in place organisational policies and procedures on maternity leave, adoption leave, parental leave, paternity leave, parents leave and flexible working. These will assist employees and managers to understand the key entitlements and will support discussion and planning. Each policy should outline the legal rights and entitlements available to the employee, including any additional company specific provisions.

It is particularly important for organisations to have in place a maternity leave policy which clearly outlines an employee's statutory and contractual obligations, rights and entitlements (see sample policy in section 4). Policies may also be developed to cover other areas relating to becoming a parent which outline available employee supports.

Maternity leave policy

The Maternity Protection Acts, 1994 and 2004 provide a number of basic rights to females in employment in respect of maternity leave and maternity related issues which include.

- Maternity leave of 26 weeks during which the employee is entitled to claim maternity benefit from the Department of Social Protection.

- Additional maternity leave of up to 16 weeks.
- Maternity leave can be taken by employed fathers or other parents in the event of the death of the mother (remaining portions of mother's leave).
- Health and safety leave, the duration of which can vary and the first 21 days of which the employee is entitled to be paid by her employer.
- Natal care absence which is paid time-off as necessary to attend medical or related ante-natal and post-natal appointments, as well as one set of ante-natal classes.

While the employee is absent from employment for any of these reasons, it is required that the employee is deemed to be in the employment of the employer for the duration and should be treated as though he/she had not been absent. An employer cannot dismiss an employee on maternity leave, natal care absence or natal care classes.

Employees returning from maternity leave may request reduced hours working for a fixed or permanent duration. While there is no legal entitlement to facilitate this, the Code of Practice on Access to Part-Time working recommends that employers have in place a policy to facilitate effective access to and performance of part-time work. Any request from an employee returning from maternity leave should be processed in line with this policy.

Employees who have been on maternity leave have a legal right to return to work in the same job, under the same contract of employment or under terms or conditions no less favourable than those that would have been applicable if there had been no absence from work. Employers should ensure that every element of the employment relationship is carefully treated in a maternity situation to ensure that no unlawful treatment occurs, whether deliberate or inadvertent, that could undermine the future relationship.

Employers should be cognisant of the Employment Equality legislation. This legislation prohibits unfavourable treatment of employees on the grounds of gender and family status. As pregnancy is a female only condition, any unfavourable treatment relating to pregnancy/maternity may constitute gender discrimination. The equality legislation also provides that employers may provide benefits to women in relation to pregnancy, maternity or adoption, thus recognising that additional benefits may be made available to employees in this situation above the standard employment benefits in that employment.

Under the Safety, Health and Welfare at Work (Pregnant Employees) Regulations 2000, an employer has a duty of care in respect of the health and safety of any employee who is pregnant, breastfeeding, or has recently given birth. This duty involves assessing the workplace for hazards which may pose a risk to the employee or her pregnancy. If such a hazard is identified which cannot be removed, the Maternity Protection legislation provides that the employee may be placed on health and safety leave. The company policy on maternity leave should include these legal rights as well as the required notice periods and any company specific benefits.

Adoptive leave policy

The applicable legislation is the Adoptive Leave Acts 1995 and 2005 and the Family Leave and Miscellaneous Provisions Act 2021. The legislation was amended in 2021 so that it now applies to qualifying adopters. The qualifying adopter is the individual chosen by the couple to be the qualifying adopter for the purposes of the legislation or an individual who is a qualifying adopter on their own. The legal entitlements are

- Adoptive leave of 24 weeks during which the employee, is entitled to claim adoptive benefit from the Department of Social Protection.
- Additional adoptive leave of up to 16 weeks.
- Leave taken by the surviving parent in the event of the death of the qualifying adopter (remaining portions of adoptive leave).

- Time off to attend certain pre-adoption classes and meetings.

Similar to maternity leave, there is a legal entitlement to return to work for employees who have been on adoptive leave in the same job, under the same contract of employment or under terms or conditions not less favourable than those that would have been applicable if there had been no absence from work. The company policy on adoptive leave should include these legal rights as well as the required notice periods and any company specific benefits.

Parental leave policy

The legislation on parental leave grants unpaid leave from work to employees to take care of their child. There are certain qualifying criteria to be met by the employee. Age thresholds apply to the age of the child concerned. Since 1 September 2020, the employee is entitled to take up to 26 weeks parental leave per child.

Parental leave may be taken either as a continuous block of 26 weeks or in two separate periods of a minimum of six weeks each. Employees who have already availed of some of their parental leave entitlement prior to 1 September 2019 may take their remaining leave in blocks of no less than one week. Subject to the employer's approval, employees may avail of their parental leave entitlement in smaller blocks. The organisational policy should detail legal entitlements and any organisation specific provisions regarding how the leave can be taken.

An employee is entitled to force majeure leave with pay where for urgent family reasons, owing to the injury/illness of certain family members the employee's immediate presence, at the place where the family member is located, is indispensable. Family members are defined in the legislation. An employee may not be absent on force majeure leave for more than three days in any 12 consecutive months, or five days in any 36 consecutive months. There is no service requirement for an employee to take force majeure leave.

Paternity leave policy

The legislation 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. Eligibility and notification criteria need to be met by the employee. There is no service requirement. During paternity leave, employees who have the necessary PRSI contributions and hold a Public Services Card are entitled to paternity benefit from the Department of Social Protection.

Parents Leave Policy

The Parents Leave and Benefit Act 2019 and the Family Leave and Miscellaneous Provisions Act 2021 provide for 5 weeks parents leave and social welfare benefit for each parent. This legislation applies to children born or adopted from 1 November 2019 and enables a "relevant parent" to the leave which must be taken within 104 weeks of the birth/adoption of a child. There is no service requirement for the employee. A company policy on parents leave should include the legal definitions of "relevant parent", the eligibility and notification criteria and any company specific entitlement to payment.

Communications relating to maternity

First communication of the pregnancy

When an employee first notifies her employer that she is pregnant, her line manager should respond positively by offering congratulations and outlining pertinent information. The manager can query how the employee is feeling, ask if she has any concerns/queries and how/when she wishes to communicate the news to other stakeholders. Having open and ongoing communication is important to the successful management of the pregnancy and maternity leave period.

Once the business is notified of the pregnancy, it should be recorded. This may be undertaken by HR. HR and/or the line manager should ensure the employee is aware of the relevant policies and procedures. During these discussions, the arrangements for taking time off work to attend medical or ante-natal appointments should be covered.

The legislation provides that an employee must give notice of her intention to avail of maternity leave as soon as reasonably practicable but not later than four weeks before the intended date of commencement of the leave. The company should have policies and communications in place that encourage employees to notify their pregnancy earlier than the minimum four weeks. At this stage it is important to ensure that any necessary health and safety risk assessments are carried out. For further advice on health and safety risk assessment, please refer to the Ibec member only website.

Cultural diversity and pregnancy

Communication about pregnancy at work can be affected by cultural practices. Some non-Irish nationals/minority ethnic women might not disclose that they are pregnant until late in the pregnancy. In certain cultures, discussion of pregnancy is considered embarrassing or of a private nature while some minority ethnic women are not comfortable discussing their pregnancy with a male. A female manager could be made available to discuss pregnancy-related arrangements in these circumstances.

Ongoing catchups throughout the pregnancy

It is best practice to schedule regular catchups with the employee throughout the pregnancy. This is essential to, from the beginning, encourage open and constructive communication and set the tone for any discussions that may arise during the period, as well as to provide regular opportunities to identify any health and safety issues that may arise.

Employees who feel supported throughout their pregnancy and maternity leave are likely to be more engaged with their work and to return to work positively. These discussions can be incorporated in to existing one-to-one meetings that take place between the employee and her manager.

Initial discussions may focus on the timelines in the employee's pregnancy (i.e. their due date and when they hope to go on leave), and their entitlements during pregnancy (e.g., it is useful for an employee to know the amount of time she can take off to attend antenatal appointments and ante-natal classes). The employee should be provided with copies of any policies relevant to maternity leave, flexible working arrangements etc. The checklist for Line Managers and the checklist for Expectant and New Mothers available in Section 4 can be a useful tool to structure the conversation.

These discussions can be used to discuss options regarding the length of the maternity leave, the return to work and, where company policy provides, options for flexible working arrangements. While the employee does not have to make any decisions at this stage, it can be helpful to explore these areas.

Vigilance is required by employers to ensure that pregnant employees are well supported and know where to go if they have a difficulty. For example, pregnant employees can be accidentally omitted from key decisions or meetings through individuals making arrangements in the "best interests" of the pregnant employee or perceiving that the employee will be on leave without checking. This can frustrate and upset the pregnant employee and could be seen as discriminatory treatment.

At all times, the pregnant employee should be consulted before decisions that concern their responsibilities are made on their behalf (e.g. regarding attendance at a conference, travel arrangements or even a project that will not come to fruition until after they are on leave). Similarly, attention on the employee solely regarding her pregnancy rather than her

work can be uncomfortable for the employee. If these situations are not dealt with appropriately, the cumulative outcome could lead to stress or health issues.

Informing others

The timing and manner of informing other colleagues at work is important. This should be discussed with the pregnant employee as to when and how she wishes to share her news with her colleagues as she may wish to keep it confidential for a certain period. This may be a particular issue for individuals who have had pregnancy loss in the past.

Depending on the culture of the organisation the announcement of a pregnancy can result in questions among other employees as to their levels of work and the implications or opportunities that an employees' maternity leave may offer. It is important that the manager sets the tone by welcoming this news as a positive event. The manager should also ensure that both the pregnant employee and her colleagues know that pertinent issues like cover etc. will be planned for in good time.

Communicating with the employee while on maternity leave

Before the employee goes out on maternity leave, it is important to discuss the level of communication that she would like while on leave. Ultimately, the employee is still a member of the team, so it is advisable for the organisation to keep her informed of organisational changes, key changes in policies and vacancies/promotional opportunities.

Employers must also adhere to the Employment Equality legislation which provides that the employer cannot refuse or deliberately omit to provide a protected employee access to opportunities for promotion in circumstances in which another eligible and qualified person is provided such access. Access to promotion should be offered in the same way to employees who are protected under equality legislation as it is to those who are not. The Equality legislation also applies to terms and conditions of employment including redundancies. To that end, employers should take care to ensure that when an employee is absent on maternity leave (or another family leave) that their absence does not prevent them having the same opportunity as other staff to apply for promotion or other opportunities that arise.

The employee can agree in advance how they wish to be informed of such information (i.e. telephone, email, letter). The employer and employee can come to an arrangement regarding how they will stay in touch during the leave period and the frequency and nature of such contact. Some employees will welcome regular contact while others may wish to have minimal contact. Typical methods include a call each month, a monthly email to her personal email address, meeting socially or bringing the baby into work to meet her team etc.

The employee is required to give written notification 4 weeks in advance regarding:

- Her intention to take maternity leave (in conjunction with a medical certificate).
- Her intention to take additional maternity leave (this can be given at the same time that notice to take maternity leave is given).
- Her intention to return to work.

These are the legal minimum notice periods and employees can be encouraged to give longer notice in each situation through company policies and effective communications in relation to maternity leave.

The final day of the employee's work prior to maternity leave should be positively marked if possible. This will reinforce the employee's feelings of belonging and being valued by their team. If appropriate a small informal gathering could be held to acknowledge her leaving, her contribution and the temporary nature of her absence.

During maternity leave the employee should first be contacted to congratulate them on the birth of their child. After that it is the responsibility of the organisation to make contact as agreed and scheduled with the employee throughout the maternity leave. Should the line manager move out of their role, part of their handover to their successor must include this responsibility along with the performance record of the employee. It is important to make contact or meet with the employee prior to her return to discuss her role.

Fathers and same sex partners in maternity leave

Expectant fathers and partners are sometimes overlooked as so many of the arrangements involve the pregnant employee and her leave. As family models evolve (e.g. single parents, same-sex parenting, elderly parents requiring care/support, emphasis on gender balance), the demand for reconciling work and family life for employees outside of maternity is likely to increase for employers.

Expectant fathers and partners should be encouraged to inform their manager in advance of the due date or date of placement. This expectation should be contained within the relevant company policies and communicated effectively to staff over time. Again, congratulations should be offered, and they should be informed about pertinent policies including parental leave, paternity leave, parents leave and flexible working (where available).

It may be the case that an employee who is to become a parent is not entitled to leave under employment legislation or may be entitled to minimal leave due to their particular circumstances. Employers will need to consider how best to manage these situations on a case-by-case basis or through the introduction of a company policy offering specific leaves for these situations.

Managing performance for expectant and new parents

Performance management is the process of creating a work environment in which employees are enabled to perform to the best of their abilities. Employees who are pregnant or returning from maternity leave should, as much as possible, be treated in the same manner as any other staff member. Managing performance includes catchup meetings, goal setting, performance evaluation, training and development.

The organisation will need to adapt the management of performance where the employee's performance is affected by pregnancy related illness and absence from the workplace due to antenatal classes, medical appointments or leave. In all situations, the employer must ensure that its handling of the employee's performance is managed as fairly as possible.

As at any stage in the employment relationship, there can be occasions when an individual's performance is called into question. An employer who has a consistent and proactive approach to performance issues across the whole staff body is less likely to face difficulties in managing performance concerns during pregnancy.

In line with normal practice, it is acceptable to address any performance issues as they arise, during pregnancy. There should not be an assumption that poor performance issues are pregnancy related. Should any practical problems arise, which might be affecting the employee's ability to do her job effectively, these should be addressed to assist her in performing optimally.

While a thorough risk assessment for a pregnant worker should assist the employer to identify what practical supports the employee needs to assist her to do her job as effectively as possible, as the pregnancy progresses circumstances may change, and the performance management process may highlight a further need.

It is essential that the employer does not subject an employee to disadvantage or dismiss her for any reason relating to her pregnancy. As a general rule, when taking disciplinary action in relation to an employee, the employer must not take into account or consider absence due to pregnancy-related illness or properly authorised antenatal care. Employers should take care in making any decisions that could be considered to negatively impact the pregnant employee or recently returned new mother because of the legal protections afforded by employment legislation. Advice is available from the Ibec Employer Relations department.

Most organisations undertake performance appraisals or reviews at a particular time each year. However, it is best practice to carry out a performance appraisal or review prior to the employee going on maternity leave where possible, as otherwise the review may be based on recall or a generalised average. It may be more practical to delay setting annual objectives when the employee is due to commence her maternity leave in the immediate future. All decisions of this nature should be discussed up front with the employee so that she understands the company approach.

The employee is entitled to return to their normal job following maternity leave, under the same terms and conditions of employment that incorporate any improvement to the terms or conditions of employment that the employee would have received had they not been absent.

Upon return from maternity leave, an open conversation should be had with the employee to discuss the expectations and commitments required of them in their role and whether they have changed their understanding of these or their aspirations and what that might mean for all concerned. The employer should presume that the woman is returning to employment fully committed to continue their career and plan accordingly. If there is a problem that is not as a result of the normal settling-in period of a few weeks, the employer should address it immediately.

The principles outlined above are important also for managing the performance of employees who take other forms of family leave. While many of these leaves will be shorter in duration, it is important that the employee's choice to utilise these leaves is viewed in the most positive manner and that periods of absence do not result in negative perception of performance.

Buddy System for maternity

A useful resource that may be offered by an organisation is the provision of a colleague as support for a pregnant employee or returning new mother. A buddy system also be of value to other relevant parents.

The purpose of the buddy is to provide support, based on their experiences as a working parent. Ideal candidates for this system are working parents, typically mothers who have been back at work for some time and who are interested in sharing their experiences in a positive and practical way with their colleagues. It is important that these buddies are familiar with the company policies and the key contact personnel to refer the expectant or new mother to in case of a particular query. This familiarisation and introduction to the programme is usually operated by HR or the person championing the programme.

Typical topics for discussion between the buddy and the expectant/new mother can include:

- Coping with morning sickness/tiredness.
- How to tell your team / colleagues.
- Where to get the best maternity wear for work.
- Tips for travelling when you are pregnant.

- Childcare solutions.
- Mother and child groups.
- Settling back into the work routine.
- Sleeping habits.
- Breastfeeding upon return to work.

Sometimes the buddy will just provide a friendly “ear” for the pregnant employee or returning mother. Most women find it helpful to discuss their experiences and the issues they face with someone who has been through a similar experience and can reassure or offer suggestions to them.

Where the buddy programme operates prior to birth, the pregnant employee can request a buddy and one is allocated from a list of staff members who have volunteered to be a buddy. Employers should consider the role and seniority of both employees before arranging a buddy to ensure that the relationship works well. The buddy’s role is to meet with the expectant mother during their pregnancy and offer them practical advice and tips from their own experiences.

Where the buddy programme operates following return-to-work, organisations can organise a workshop to bring the returning mothers and the buddies together to meet, share information and to build a network of support from other returning mothers and the range of buddies in attendance. This can help them overcome isolation or feelings of being overwhelmed that can accompany some women’s return from maternity leave. Typically, the workshop covers common ground such as:

- Addressing common concerns and issues they may face upon returning to work.
- Addressing the changes in their role which is now a dual role of parent and employee.
- Assisting with an action plan for re-integration.
- Gaining and providing mutual support to others who may benefit from their tips or guidance.

Similarly, they provide an opportunity for a support network to form. The buddy is not responsible for advising the employee on policy or any aspect of their obligations or entitlements and this will be covered by their line manager and/or HR. See Section 4 for a Buddy system briefing sheet.

Adoptive leave

The management of adoptive leave is equally important to the management of maternity leave. The same care, support and sensitivity should be offered to an employee who informs their manager about an adoption. The difference is that the adoption process can be drawn out and fraught with uncertainty. Employers should be supportive of their employees and try to understand and accommodate their adoption related needs where possible. This promotes good communication, and the employee is more likely to keep the employer well informed of their need for adoptive leave in plenty of time.

Employees should advise their employer of the date of when they will receive their child as soon as possible when known, enabling preparation to occur for their absence. The legislation requires a minimum of 4 weeks’ notice and employees should be encouraged to give longer notice where possible to their employer.

Meetings should be held to discuss the employee’s entitlements with regards to the adoption (e.g. it is useful for an employee to know the amount of time they can take off to attend preparation and pre-adoption classes or meetings with social workers, as well as adoptive leave).

Similarly, such meetings can be used to discuss options regarding the length of adoptive leave they would like to take, the employee's return to work and if part of company policy, whether flexible working arrangements are of interest. While the employee does not have to make any decisions at this stage it can be helpful to explore the areas and get a sense of their thinking on the topics. The employee should be provided with copies of any policies relevant to adoptive leave, flexible working arrangements etc.

Foreign adoptions may require a period of time (often 2-3 months) in the child's country of residence prior to the adoption. This is facilitated by the taking of the employee's additional adoptive leave which is unpaid and available for a duration of 16 weeks in advance of the adoption or main adoptive leave. Occasionally, an adoption can fall through for a particular reason, in which case the employee may not go on to avail of the main adoptive leave. Most employers have dealt with this favourably by treating the leave as an unpaid authorised leave of absence (which does not accrue annual leave or public holidays) to accommodate the employee. While the legislation applies to qualifying adopters, employers may consider offering unpaid leave to partners/spouses to attend at the various appointment mentioned above.

Crisis pregnancy

While typically pregnancy is a happy and welcome event, for some, depending on personal, relationship or financial circumstances, it may not always be a positive situation. In this situation, individuals can be quite distressed as they try to understand what their options are. This reaction to the situation may impact their performance or wellbeing and may require a response from their manager.

Essential to dealing with the situation is to listen and offer as much non-judgemental support and understanding as possible. The confidentiality and sensitivity of the situation must be respected. Individuals can be referred to any of a number of crisis pregnancy bodies for expert advice and assistance, or to the Employee Assistance Programme (EAP) if the organisation has one.

Fertility treatment

A staff member who is experiencing difficulties in becoming a parent may undertake fertility treatment. There are a multitude of individual and workplace impacts of fertility treatment. It is important to remember that both partners in the relationship will be affected and they both may be concerned about informing their employer. Emotional, social and psychological distress can be felt and there is a financial burden to carry.

Like other medical conditions, infertility drains employees emotionally, physically, and mentally. For the employee undergoing fertility treatment, there may be medication, surgery and/or assisted conception. The employee may experience physical side effects from medication, and she may need time to recovery from procedures.

Having fertility treatment is time consuming and time sensitive with multiple appointments at often distant clinics. There is a need for flexibility because unavoidable last-minute adjustments to appointments are often required. Women and men having fertility treatment therefore experience considerable conflict between the demands of work and the time and emotional demands of treatment.

The type and duration of treatment will vary from couple to couple and will generally involve absence for the female. Women typically require around six to eight flexible days, this can include appointments for a variety of tests, possibly egg collection and transfer, multiple ultrasound scans and consultations and some of these treatments may render her unfit for work (e.g. egg retrieval and implantation).

Men need to attend for tests too and partners may also wish to attend medical appointments with the mother, particularly those more invasive procedures. Sensitivity and

understanding around the delicacy of this situation is needed from employers. It is advisable that employers consider what facilitations they can offer to couples going through this process. This may include paid time off for medical appointments, unpaid or paid leave for the mother and ensuring that any sick pay entitlements are available to the mother when certified absence occurs.

While leave for fertility treatments is not a legal entitlement, it is understandably a critical and emotive part of an employee's life and employers should be as supportive as possible. Careful consideration needs to be given to how best to handle the confidentiality of the situation alongside the running of the business. As the medical appointments and absences will be difficult to predict far in advance, employers should be as accommodating as possible and explore all available options to facilitate the employee during this time. Options include flexible working hours, time off or allowing the employee to adjust start or finish time to accommodate appointments. Remote working or an adjusted workload can also be put in place temporarily (e.g. flexibility to dial in remotely to meetings).

It is helpful to have a workplace culture where sharing on this topic is encouraged and welcomed. Employees affected by these experiences can have concerns about sharing such sensitive information with their employer and may have concerns around others' reactions and the implications for their career.

Having a policy in place that covers fertility treatment in the workplace will demonstrate the organisation's commitment to supporting employees. Organisations may introduce a written policy that outline the specific workplace supports that are available. A sample policy on fertility treatment is included in the section 4 of this toolkit.

The Children and Family Relationships Act was introduced in 2015. Parts 2 and 3 of this legislation commenced on 4 May 2020 and introduced provisions relating to regulation of donor assisted human reproduction (DAHR) procedures carried out within the state. In general, the provisions which apply to opposite sex couples, female same sex couples and single woman clarify the legal position and legal parentage of children born as a result of such procedures. The Act provides that the parents of a child born as a result of DAHR procedure are the mother and the spouse, civil partner or cohabitant, as the case may be, of the child (subject to certain conditions, including that each party consents and makes prescribed declarations).

The following outlines how the various statutory family leaves may apply where a child is born from a DAHR procedure.

- **Maternity Leave** - In a DAHR arrangement, the female who gives birth to a child intends to care for that child from birth. The birth mother will be recognised as the child's legal mother and the rule will also apply in a case where the birth mother has no biological connection with the child. The birth mother will come within the definition of "pregnant employee" and will be entitled to avail of maternity leave.
- **Paternity Leave** - The legislation entitles a "relevant parent", other than the mother of the child to two continuous weeks of leave. In an DAHR arrangement the second intending adult will likely come within the following definition: "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."
- **Parents Leave** - The legislation entitles a "relevant parent" to five weeks of leave. The birth mother will be entitled to avail of the leave as she is a "parent of the child". The second intending adult will likely come within the following definition and therefore be entitled to avail of parents leave: "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".
- **Parental Leave** - The legislation entitles a "relevant parent" who is a natural, adoptive or acting in "loco parentis" to avail of 26 weeks in respect of a child. The birth mother

will be entitled to avail of the leave as the natural parent. The second intending adult, at a minimum, would be deemed to be acting in loco parentis and would also be entitled to avail of the leave.

Surrogacy

Surrogacy refers to a situation where another woman carries the child for the pregnancy and gives birth on behalf of the parents involved. There is currently no Irish legislation to cover the legal issues which may arise in surrogacy. This essentially leaves couples and single adults going through a surrogacy process in a legal limbo. Employees who become parents through surrogacy will seek support from their employers.

In a surrogacy situation there will be multiple appointments for both parents, potential trips abroad and a need for extended leave after the child is born.

There is no entitlement to maternity leave in a surrogacy pregnancy (save for the female who carries the child). For the couple who will be parents of the child, the following options may be applicable.

- **Maternity Leave** - Under Irish law the female who gives birth to the child will be the legal mother of the child. This means that the surrogate mother and the child will have a life-long legal relationship, even if the ovum belonged to the commissioning adults or a donor. The only entitlement to maternity leave, as per the Maternity Protection Acts 1994 and 2004, will be for the surrogate mother.
- **Adoptive Leave** - If the commissioning adults decide to adopt the child born as a result of a surrogacy arrangement and the child is placed in their care, the standard provisions of Adoptive Leave Acts 1995 and 2005 will apply. The Adoptive leave Acts were amended in 2021 by the Family Leave and Miscellaneous Provisions Act allowing the adoptive couple to now choose which of them will avail of the leave. To note, only one parent will be able to avail of the leave as a “qualifying adopter” and the other parent may avail of paternity leave.
- **Paternity Leave** - If the commissioning adults adopt the child, then the adult that does not avail of adoptive leave will be able to avail of paternity leave. If the commissioning adults don't adopt the child, the question of entitlement to paternity leave becomes more complex. The commissioning mother would not be classed as the legal parent of the child. The legal father of the child is presumed to be the husband of the birth mother (surrogate), if married. There are ways, however, for the commissioning parent, if there is a genetic link to the child to be recognised as a father, for example through a guardianship order or DNA evidence. These are complex scenarios covered under family law. From an employment law perspective, however, an employer would not be privy to such details. Due to the varying, complex situations that may arise, it may be necessary to seek guidance from the Department of Social Protection as to whether the benefit will be apply.
- **Parents leave** - The Parents Leave and Benefit Act 2019 Act entitles a “relevant parent” to 5 weeks of leave. If the commissioning adults decide to adopt the child, both would be eligible to avail of parent's leave. If the commissioning adults don't adopt the child, the question whether there is an entitlement to the leave becomes more complex. These are complex scenarios covered under family law. From an employment law perspective an employer would not be privy to such details. Due to the varying, complex situations that may arise, it may be necessary to seek guidance from the Department of Social protection as to whether the benefit will be apply.
- **Parental leave** - The Parental Leave Acts 1998 to 2019 entitles a relevant parent who is a natural, adoptive or acting in “loco parentis” to avail of 26 weeks in respect of a

child. Both commissioning adults would, at a minimum, be deemed to be acting in loco parentis of the child and would have an entitlement to the leave.

Miscarriage

Pregnancy loss affects both partners, with the mother experiencing physical symptoms as well as the psychological effects. A pregnancy loss is a bereavement and one that is often invisible. Employees will have different ways of coping and different preferences for how the matter is handled in the workplace and what supports are desired.

Along with the grief and loss of a baby there can be feelings of isolation and despair felt by both parents. As miscarriage can occur at various stages in a pregnancy, flexibility may be needed in the organisation's handling of the matter. If the miscarriage occurs after the 24th week the employee is entitled to their statutory maternity leave. Regardless, a great deal of sensitivity will be required.

Different employees will react differently to the situation, and this requires the employer to be supportive and understanding. The employee may need professional support and when the company has an Employee Assistance Programme they can be referred. Different options used by employers to support their employee through this difficult time include, offering authorised leave of absence, or offering a period of compassionate leave and deciding the duration on a case-by-case basis at the employer's discretion. The employer could offer flexible working hours, remote working or adjust the workload on a temporary basis (e.g. flexibility to dial in remotely to meetings or offering an opt out of meetings for a period).

The employee may be certified as unfit to work by their medical practitioner following a miscarriage and this can be managed in the usual manner. Support may also be required by employees regarding if and how they inform their colleagues. Similarly, performance may need to be reviewed as individual employees may struggle and this needs to be carefully managed. There are specific bodies who deal with miscarriage who can offer advice and guidance for the employee as well as the employer e.g. The Miscarriage Association of Ireland; The Little Lifetime Foundation and First Light.

When an employee has experienced pregnancy loss, either as the mother to be or a partner, the sharing of this information will be very sensitive with additional considerations as follows for the line manager or colleagues with whom the employee shares their news.

- It is important to acknowledge what has happened and say that you are sorry for their loss.
- As individual preferences will vary on how the event is handled from a work perspective, it is important to involve the employee in any decision taken in this regard.
- Where an employee has come forward to share the news of their loss, it is important to consider the setting for the conversation or the communication channel to be used. Confidentiality and discreteness will be important. The employee may have a preference for how they communicate with the organisation during this time, however a richer communication channel will enable a more supportive discussion than reliance on written communications only.
- It can be helpful to follow the employee's lead during the conversation. The conversation should not be rushed. Simple open questions can work best with an employee who is grieving.

When an employee is returning to work after a bereavement, including after a pregnancy loss, the following are important for line manager/colleagues.

- To be available to address any questions in advance and post the employee's return so that the employee is clear on any business developments, what they can expect on their return and what others may know about their absence.
- To ensure not to avoid the person or fail to acknowledge their pain. A simple acknowledgement of the loss can be appreciated. Grieving is not a linear process, and it can be helpful for those in the company of a bereaved employee to remember that there will be good days and bad days.

Checklist for implementing supports for employees on the journey to parenthood

- Provide training to managers to ensure that they are aware of the legal entitlements and company supports for employees who are becoming parents and for new parents (checklist at section 4).
- Provide training to managers on managing the communications with employees who are pregnant, becoming parents, availing of family leave or returning from family leave.
- Consider whether managers need training on responding to sensitive situation including crisis pregnancy, fertility treatment, surrogacy and pregnancy loss.
- Evaluate the existing performance management systems to ensure that performance management of employees who are pregnant, becoming parents, availing of family leave or returning from family leave is managed fairly. Training may be needed to equip people managers.
- Put policies in place to outline legal entitlements available to employees who are becoming parents and to new parents. Policies should detail company supports including entitlement to top-up payments. (These policies will include the five statutory family leaves and other policies such as wellbeing, flexible working, remote working, fertility treatment and sick pay policy)
- Identify any steps needed to ensure that the company culture supports employees sharing personal information on their journey to parenthood.
- Explored options for to provide additional supports to employees (this may include a Buddy system).

Section 3: Managing the return from maternity and adoptive leave

3

Managing the return from maternity and adoptive leave

Returning from maternity and adoptive leave can be a difficult time for parents. A new mother returning to the workplace can experience a loss in confidence, a feeling of isolation as well as uncertainty regarding any changes that may have occurred in her absence. However, careful planning and support from the employer can assist in smoothing this transition back into the workplace yielding a swift return to productivity and higher levels of engagement.

This section will focus on

- Returning to the workplace
- Buddy system
- Breastfeeding

Returning to the workplace

As important as the manner in which an employee goes on maternity/adoptive leave is the way in which he/she returns. An employee's right to return to work is conditional on compliance with the appropriate notification procedures in the Maternity Protection Acts 1994 and 2004 and the Adoptive Leave Act 1995 and 2005. The employee must provide the employer with written notification at least four weeks in advance of his/her intention to return to work.

Four to six weeks in advance of their return, a short meeting should be held between the manager and employee to discuss their return, their role and responsibilities and to ensure that he/she is aware of any major organisational changes prior to returning. Steps should be taken to ensure that the workstation is ready for their return, as well as their computer or tools as appropriate along with any login information or security passes. The employee's team should also be advised of his/her return so that they can be available to welcome them back.

Often times a returning employee can feel significant anxiety and concerns about coping with new responsibilities combined with the possible stress of leaving their child. An employer may manage a smooth return to work by enabling a phased return, which can involve returning mid-week, which eases the employee back into work and includes a period of handover from the maternity cover.

On the employee's first day back, it is useful to hold a short return to work induction. Beginning with a personal welcome from the line manager, this induction is an opportunity to formally update him/her on changes which have occurred in their absence, provide an update on business developments and to review current role and responsibilities. In addition, this meeting will allow the employee to discuss any concerns they may have, identify any training needs and to ask any questions they have. On day one, the employee should also have an opportunity to meet with everyone on the team as appropriate and re-establish social contacts.

Some employees wait until they are about to return or have returned to request flexible working arrangements. These arrangements are not legally required to be offered (following maternity or adoptive leave) but depending on company policy towards such arrangements, it is ideal to have discussed these options with the employee prior to their maternity/adoptive leave and to encourage the employee to request in a timely fashion where possible. Where an organisational policy on flexible working exists, the policy should stipulate minimum periods of notice for making a request. An informal review should take place with the manager after two weeks to ensure there are no difficulties in the employee's reengagement and a formal review can be put in place after two months. Further guidance on flexible working can be found in the Ibec Flexible and Remote Working Toolkit.

Some organisations run returning-to-work briefings with groups of new mothers/parents to help alleviate some of their concerns around returning. (e.g. fitting their workload with their family commitments, if people will treat them differently and what effect, if any, flexible working might have on their career prospects.) See template in Section 4.

By addressing the common concerns and issues that can arise for returning mothers/parents, it enables them to be dealt with and assists the employee as they realise that they have support and do not need to struggle alone. The function of such briefings also allows a network of individuals in similar circumstances to meet each other and enable them to provide informal support to each other on a day-to-day basis when they go back to their jobs.

On return to work, anecdotal feedback suggests that team members can find it dissatisfying that their counterparts with children may have to leave on time or early to collect children from a crèche. However, the need to work excessive hours above and beyond the core working times should be the exception rather than the rule regardless of circumstances and so the company culture may need to be examined to see whether there is a general problem of how people are working or the level of work.

During peak times (e.g. month end), there may be a pattern that everyone needs to show a high level of commitment up to and including working longer hours to achieve deliverables – this may mean leaving early to pick up children and then returning to work to achieve the necessary goals of the team. Like maternity leave, there is usually time for planning for such peak occasions and therefore this should be manageable. Organisations should also refer to the Code of practice on the Right to Disconnect for further guidance. This is available on the website of the Workplace Relations Commission [here](#).

Buddy system

As aforementioned, a buddy can be a hugely useful resource for a parent returning from maternity/adoptive leave (especially a first-time parent). The returning parent can draw on the experiences of a fellow employee who has been back at work for a longer period of time and can share their learning.

The ability to set up such initiatives depends on the size and scale of the organisation and the numbers who have availed of such leave. As appropriate, the buddy system could be extended to other relevant parents. See Section 4 for a Buddy system briefing sheet.

Breastfeeding

A breastfeeding mother is entitled (under the Maternity Protection Acts 1994 and 2004) to either breastfeeding breaks in the workplace, where suitable facilities are provided, or to a reduction in her working hours of one hour per day, without loss of pay for up to 26 weeks following the birth. Breaks may be taken in the form of one 60-minute break, two 30-minute breaks, three 20-minute breaks per day, or as agreed between employer and employee.

It is important that an employer decides what their policy on breastfeeding is and states this clearly. The employee can then be advised, in advance of their return from leave, which option is available to them. As the duration of maternity leave in Ireland is now 26 weeks with an optional additional 16 weeks, the instances of mothers returning to work within the first 6 months and therefore having a legal entitlement to breastfeeding breaks is low.

When providing facilities, the employer should make available a clean, warm, well-ventilated, lockable room (not a toilet area). This may be used for other purposes, for example the first-aid room, as long as it gives mothers enough space, comfort and privacy to breastfeed or express their milk. A fridge should also be provided. If the mother is to breastfeed the child on site, any health and safety and/or insurance cover implications should be ascertained and attended to before the arrangement begins. Sample wording on breastfeeding is included in the sample maternity leave policy in section 4.



Checklist for managing the return from maternity and adoptive leave

- Provide training to managers to ensure that they are equipped to manage the employee's return from maternity/adoptive leave.
- Consider the introduction of a buddy system for returning mothers and/or new parents in the workplace.
- Decide the organisational policy on employee's entitlement to breastfeeding breaks.

Section 4: Tools

4

Tools

This section contains resources for organisations who are implementing supports for employees who are becoming parents or new parents. These tools can be customised to the particular organisation and its policies and procedures.

For queries regarding the implementation of or amendments to organisational policies and any other queries regarding the following tools, please refer to the Employer hub on the Ibec website or contact the Employer Relations Division.

- Sample maternity leave policy
- Sample adoptive leave policy
- Sample paternity leave policy
- Sample parental leave policy
- Sample parents leave policy
- Sample fertility treatment policy
- Sample buddy system briefing note
- Checklist for line managers
- Checklist for expectant and new mothers
- Checklist for expectant fathers, new fathers and other parents
- New Parents workshop
- Returning to work workshop
- Sample workshop for line managers
- Other resources

Sample maternity leave policy

Maternity leave is a legal entitlement covered by the Maternity Protection Acts 1994 and 2004. There are a number of key entitlements that are available to employees under this legislation. In addition, there are further benefits which employers may offer such as top-up payments (which may be subject to certain conditions), and these can be added to the sample policy.

Further sample documents are available in the [HR management guide](#) on the Ibec website which are Notification of intention to take maternity leave, Revocation of notification to take maternity leave, Notification of intention to attend ante natal classes, Notification of intention to return to work and Notification of intention to take natal care leave.

Sample maternity leave policy

All female employees who are pregnant, who have recently given birth, or who are breastfeeding up to the 26th week after the date of confinement, are covered by the Maternity Protection Acts 1994 and 2004. In certain circumstances, male employees are also covered by this piece of legislation.

This policy informs all employees covered by the Acts of their rights and entitlements while in the employment of the organisation. All full-time and part-time employees are covered by this policy.

Entitlements and conditions

Under our maternity leave policy, you have the following entitlements:

- you are entitled to 26 consecutive weeks maternity leave, of which at least two weeks must be taken before the expected date of the birth and at least four weeks taken after the date of the birth of your child.
- you must give the organisation at least four weeks written notice of your intention to take maternity leave and also forward a medical certificate confirming your pregnancy and specifying the expected date of the birth of your child. The organisation encourages you to inform your manager as soon as you are aware you are pregnant – this enables the organisation to ensure that the environment is safe and supportive of all your pregnancy requirements during this time.
- you must give the organisation, in writing, at least four weeks' notice of your intention to return to work.
- you are also entitled to take additional maternity leave of up to 16 weeks immediately after the end of your maternity leave.
- you must inform the organisation, in writing, of your intention to take additional maternity leave not later than four weeks before the end of the 26-week normal maternity leave period.
- if you are breastfeeding and are within 26 weeks after the birth of your child, you may be entitled to limited time off/breaks for breastfeeding purposes.

Ante-natal/post-natal medical care

You are entitled to paid time off for medical appointments related to the pregnancy. Written notification must be given to your manager/HR with the date and time of the appointments at least two weeks in advance. You must be able to produce a certificate/record that the visit took place. The organisation 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.

Ante-natal classes

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 your manager/HR with the dates and times of each class at least two weeks before the first class.

Breastfeeding

If you are breastfeeding, you 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 you inform your manager of your intention when you are advising the organisation of your intention to return to work. You will be paid during this time.

Annual leave and public holiday benefit

While on maternity leave and additional maternity leave you will retain your full entitlement to annual leave and public holiday benefit. You will be notified of the number of public holidays for which you are entitled to benefit and will agree with your manager when these paid days will be taken. Any request for annual leave must be made as per the organisation's annual leave policy. Such requests will be treated in the same way as an annual leave application from any other employee, taking account of business and resourcing issues.

Health and safety leave

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

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

Therefore, if you are pregnant, it is imperative that you inform your manager, so that the organisation can carry out a risk assessment as soon as possible. If a risk is identified and cannot be removed from the work process, then the organisation will take the following steps to ensure that you are no longer exposed to the risk:

- a) temporarily adjust your working conditions or working hours, to the extent needed to avoid the relevant risk;
- b) if step (a) is not feasible, then you will be transferred to other work, or, in the case of night-workers, to day-work;
- c) if step (b) is not feasible, then you will be given health and safety leave.

The organisation will pay for the first 21 calendar days of health and safety leave, thereafter a social welfare benefit may apply.

If you become aware that you are no longer vulnerable to the risk for which you have been granted health and safety leave, you are obliged to inform the organisation in writing of the fact, as early as reasonably practicable. Likewise, if a risk no longer exists, or if the organisation is in a position to offer suitable alternative work, the organisation will notify you in writing and the health and safety leave will expire seven days after receiving the notification to return to work.

Additional maternity leave and sickness

You may request to terminate unpaid additional maternity leave in the event of a medically certified illness, thereby allowing you to transfer to the organisation's sick leave scheme. This is subject to approval by the organisation. Requests for termination of the additional maternity leave and acceptance of this by the organisation must be in writing.

Please note that if you choose to transfer to the sick leave scheme, then the remainder of the additional maternity leave cannot be taken at a later date following the period of sick leave.

Postponement of maternity leave

Maternity leave and/or additional maternity leave may be postponed in the event of the hospitalisation of your child, subject to the agreement of the organisation. In order to request this postponement, you must already have taken at least 14 weeks maternity leave, with not less than four of those weeks being after the date of confinement.

You should request the postponement of the leave in writing as soon as possible. This request should also include a letter of confirmation from the hospital.

Premature Birth

In the event of a premature birth the 26 weeks maternity 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 between from the baby'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.

Miscarriage

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.

Payment during leave

During maternity leave and additional maternity 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 maternity leave, employees who have the necessary PRSI contributions are entitled to maternity benefit from the Department of Social Protection. It is recommended that you apply at least six weeks before the start date of your maternity leave. Claims should be made on MB1 forms, which can be completed or requested online at www.welfare.ie. The organisation will complete the MB2 form (not earlier than 16 weeks before your baby is due).

During the 16-week period of additional maternity leave, no payment is made by the Department of Employment Affairs and Social Protection.
(Amend with details of any top-up and conditions applying to same, if given by the employer).

Employment protection

An employee who is absent on maternity leave will be treated as if she had not been absent. At the end of your maternity leave, you will be entitled to return to your original job under terms and conditions no less favourable than those that would have applied if you had not been absent. However, you must give at least four weeks written notice of the return-to-work date.

Sample adoptive leave policy

Adoptive leave is a legal entitlement covered by the Adoptive leave Acts 1995 and 2005 and the Family Leave and Miscellaneous Provisions Act 2021. There are a number of key entitlements that are available to employees under this legislation. In addition, there are further benefits which employers may offer such as top-up payments and these can be added to this sample policy.

Further sample documents are available in the [HR management guide](#) on the Ibec website which are Notification of intention to take adoptive leave, Revocation of notification to take maternity leave and Notification of intention to additional adoptive leave.

Sample adoptive leave policy

This policy informs all employees covered by the Adoptive Leave Acts 1995 and 2005 and the Family Leave and Miscellaneous Provisions Act 2021 of their rights and entitlements while in this employment.

This policy covers employees who are qualifying adopters while in the employment of the organisation. All full-time and part-time employees are covered by this policy.

Entitlements

Under our adoptive leave policy, you have the following entitlements:

- you are entitled to 24 consecutive weeks adoptive leave, commencing from the date of placement of your child.
- you must give the organisation at least four weeks written notice of your intention to take adoptive leave and also forward to the organisation any documentation confirming the adoption of your child and specifying the expected week of adoption.
- you must give the organisation at least four weeks written notice of your intention to return to work.
- you are also entitled to take additional adoptive leave of up to 16 weeks, commencing immediately after the end of the adoptive leave.
- you must inform the organisation in writing of your intention to take the 16 weeks additional leave not later than four weeks before the end of the 24-week adoptive leave period.
- in the case of a foreign adoption, all or part of the additional adoptive leave (16 weeks) can be taken before the placement of your child; if you wish to avail of this option, you must inform the organisation in writing four weeks before the leave is due to begin.

Time off to attend preparation classes

Employees (both parents) are entitled to time off during working hours without loss of pay to attend preparation meetings and pre-adoption classes with social workers/Health Service Executive officials, which are held within the State, and are required as part of the pre-adoption process.

You must give written notification to your manager/HR department of the dates and times of the classes, or class, at least two weeks before the first class.

Annual leave and public holiday benefit

While on adoptive leave and additional adoptive leave, you will retain your full entitlement to annual leave and public holiday benefit. You will be notified of the number of public holidays for which you are entitled to benefit, and you will agree with your manager when these paid days will be taken.

Any request for annual leave must be made as per the organisation's annual leave policy. Such requests will be treated in the same way as an annual leave application from any other employee, taking account of business and resourcing issues.

Additional adoptive leave and sickness

You may request to terminate unpaid additional adoptive leave in the event of medically certified illness, thereby allowing you to transfer to the sick leave scheme. This is subject to approval by the organisation. Requests for termination of the additional adoptive leave and acceptance of this by the organisation must be in writing.

Please note that if you choose to transfer to the sick leave scheme, then the remainder of the additional adoptive leave cannot be taken at a later date following the period of sick leave.

Postponement of adoptive leave

Adoptive leave and/or additional adoptive leave may be postponed in the event of the hospitalisation of your child, subject to the agreement of the organisation.

You should request the postponement of the leave in writing as soon as possible. This request should also include a letter of confirmation from the hospital.

Payment during leave

During adoptive leave and additional adoptive 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 adoptive leave, employees who have the necessary PRSI contributions are entitled to Adoptive Benefit from the Department of Social Protection. It is recommended that you apply at least six weeks before the start date of your adoptive leave. Claims should be made on AB1 forms, which are available from the hospital, your doctor or social welfare offices.

During the 16-week period of additional adoptive leave, no payment is made by the Department of Social Protection

(Amend with details of any top-up payments offered by the organisation and the conditions that need to be met to qualify for same.)

Employment protection

An employee on adoptive leave will be treated as if he or she were not absent from work. At the end of adoptive leave, you will be entitled to return to your original job under terms and conditions no less favourable than those which would have applied if you had not been absent. However, you must give at least four weeks written notice of your return-to-work date.

Adoptive leave notifications

Employees who are entitled to avail of leave under the Adoptive Leave Acts 1995 and 2005 and Family Leave and Miscellaneous Provisions Act 2021 must comply with certain notification procedures in order to be eligible for protection under the Acts. They are required to provide written notification of their intention to take adoptive leave and additional adoptive leave; to attend pre-adoption classes and preparation meetings; and of their intention to return to work. All protection and entitlements under the Acts are subject to satisfactory written notification.

Sample paternity leave policy

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. During paternity leave, employees who have the necessary PRSI contributions and hold a Public Services Card are entitled to paternity benefit from the Department of Social Protection.

Human resource policies regarding paternity leave should be detailed, outlining who is entitled to this type of leave and what the employee’s responsibilities are, particularly in relation to notification procedures. Companies who choose to top-up state paternity payments should also include details in the policy of any payment being provided by the company, during the period of paternity leave. This is a generic policy and should be tailored to meet the individual needs of each organisation. Further sample documents are available in the [HR management guide](#) on the Ibec website which are Notification of intention to take paternity leave.

Sample paternity leave policy

Purpose

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

Scope

This policy covers all part-time and full-time employees of this organisation provided that they meet the conditions outlined below.

Eligibility to take paternity leave

Paternity leave is available to employees 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 the spouse, civil partner or cohabitant, as the case may be, of the qualifying 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.

Entitlements and conditions

The following conditions apply to taking paternity leave.

- Subject to eligibility and notification criteria being met, paternity leave will apply to births/ placements that take place on or after the 1 September 2016.
- An employee 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

You must notify the organisation in writing at least 4 weeks before you intend 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.

Early confinement

Where the birth of the child occurs 4 or more weeks prematurely, you the employee must notify the [insert company in writing name] if it is your , of their intention to commence paternity leave earlier. This must be done in writing, within 7 days of the birth. In such circumstances, you the employee will be deemed to have complied with the notification requirements of the Act.

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

You may postpone a period of paternity leave where the date of birth occurs after the date selected by you in your notification to the company or where the date of placement is postponed in the case of adoption. You 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 you become 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 organisation as soon as possible after you become ill and must be accompanied by a medical certificate.

You 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 you commence the postponed leave begins.

The leave may be postponed until such time as you are no longer sick. However, the period of postponed leave must end not later than 28 weeks after the date of birth or day of placement of adopted child. You must notify the company when you intend to take the postponed paternity leave not later than the day that you commence the leave.

Postponement of paternity leave when the child is hospitalised

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

Where the company agrees to postpone the leave, the leave will be postponed with effect from a date agreed by both parties. You will return to work on a date agreed by both the company and you.

The postponed leave, which must be taken in a continuous block not later than 7 days after the discharge of your child from hospital or such other date as may be agreed upon between you and the company. You must notify the company of when you intend to take the postponed paternity leave not later than the day you commence the leave.

If you have postponed paternity leave, it is important to note that if you fall ill during the period of postponement, any absence from work due to this illness will be categorised as postponed paternity leave. If you wish for these days to be regarded as sick leave from the first day of your absence, you can request this in writing. In doing so, your absence will be managed in line with the company absence policy from the first day of absence and you will have forfeited any remaining days of paternity leave.

Payment during leave

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

The relevant parent must have a Public Services Card to apply for Paternity Benefit. If you do not already have a Public Services Card, you can make an appointment to get one at www.mywelfare.ie. The organisation will complete the employer's section of the form when it has been completed by you.

(Amend with details of any top-up payments given by the employer and any qualifying conditions).

Transferred paternity leave

Where the relevant parent entitled to paternity leave in relation to a child dies, an employee 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, you retain the right to accrue annual leave and public holidays as if you had not been absent from work.

Abuse of paternity leave

Where the organisation has reasonable grounds for believing that an employee who is on paternity leave is not using the leave for the purpose for which it is intended, the organisation may, by notice in writing given to the employee, 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 employee must return to work. If, following an investigation, an employee is found to have abused this leave, he or she may be subject to disciplinary action, up to and including dismissal.

Employment protection

An employee who is absent on paternity leave will be treated as if the employee had not been absent. At the end of the paternity leave, the employee 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.

Sample parental leave policy

This is a generic policy and should be tailored to meet the individual needs of each organisation. Further sample documents are available in the [HR management guide](#) on the Ibec website which are Notification of intention to take parental leave, Confirmation of Parental leave, Postponement of Parental leave and Notice to employer of force majeure leave.

Sample parental leave policy

This policy informs all employees covered by the Parental Leave Acts 1998 to 2006 of their rights and entitlements while in this employment.

This policy covers all part-time and full-time employees in the organisation, provided that they meet the conditions outlined below. This policy applied to all parents (natural, adoptive or acting in loco parentis) and provides parents with a temporary unpaid break from work to take care of young children under 12/18 years.

Entitlements

From 1st September 2020, under our parental leave policy you have the following entitlements.

- You are entitled to 26 weeks unpaid parental leave to enable you to take care of the child concerned (The entitlement was 22 weeks per child before 1 September 2020)
- The leave must be taken before the child reaches 12 years of age. In the case of a child with a disability the leave must be taken before the child reaches 16 years of age.
- Leave is to be taken in accordance with the section in this policy entitled 'Taking of Parental Leave'.
- In the case of an adopted child, who is under 10 years at the time of adoption, the leave must be taken before the child reaches 12 years of age. If the child is aged between 10 and 12 years, at the time of adoption, the leave must be taken within two years of the adoption order.
- Each parent has a separate entitlement to parental leave from his or her job. Up to 14 of their 26 weeks of parental leave may be transferred between parents working in the same company with the agreement of the employer.
- Where a parent has more than one child, no more than 26 weeks' parental leave may be taken in any 12-month period, except in the case of multiple births.
- You must have one year's continuous service with the organisation before you are entitled to take parental leave. However, if you have more than three months service, and where your child is approaching the age threshold, you will be entitled to one week's parental leave for every month of continuous employment completed with the organisation.

- Any period of probation, training or apprenticeship will be suspended while you are on parental leave and will be completed on your return.
- Full-time and part-time staff (pro rata) can avail of the entitlement once they fulfil the above criteria.
- Right to request a change to working hours or working patterns on return from parental leave.

Applying for parental leave

You must fill out and submit a notification document not later than six weeks before the commencement of the leave to get management approval. The request must specify the commencement date, duration, and mechanism for taking parental leave.

If you wish to revoke your notice of intention to take parental leave, you must do so in writing to the organisation at least four weeks before the leave is due to commence. You can only revoke your notice to parental leave prior to signing the confirmation document. After both parties have signed the confirmation document, alterations to the document can only be made by agreement between both parties.

Parental leave is unpaid and pension and other benefits are pro-rated based on agreed working hours. Annual leave continues to accrue as normal based on your fulltime working arrangements. It is your responsibility to keep a record of any parental leave (both block or reduced hours) already taken for submitting with your application. Where a public holiday occurs within the period of leave being taken, you will receive the benefit of an unpaid day off at the end of the parental leave.

Taking of parental leave

Employees who have not previously availed of parental leave in relation to the child concerned may take the parental leave as a continuous block of 26 weeks, or two blocks of six or more weeks with a minimum of 10 weeks between each block.

Employees who previously availed of 18 weeks leave before the Parental Leave (Amendment) Act 2019 on 19 July 2019 and whose child is under 12 years of age are entitled to a further 8 weeks' leave which can be taken in blocks comprising of no less than one week.

Employees who had not exhausted their entitlement to parental leave in respect of a child who has reached 8 years will have until the child reaches 12 years to avail of the remainder of their untaken leave along with the additional 4 weeks. This leave may be taken in blocks comprising of no less than one week.

OPTIONAL CLAUSE

It is the policy of the organisation to allow for the parental leave to be broken up, into _____ weeks/days/hours,* over _____ period of time. This entitlement will be at management's discretion.

**NOTE: The organisation must decide how the leave can be broken up in accordance with what suits the business needs. If fragmenting the leave is part of company policy, the manner in which it is fragmented should be given due consideration.*

Sickness while on parental leave

In the event that you become ill while on parental leave, and are unable to take care of the child, you are required to inform the organisation. The period of parental leave will be suspended, and the sick leave procedure will be applied, which will require you to submit medical certificates. On completion of the certified leave, you may resume your parental leave. A "fitness for work" certificate may be required.

Request to a change in working hours or patterns

You may request a change to the working hours or pattern of work for a set period following your return to work from parental leave. You must as soon as is reasonably practicable, but not later than 6 weeks before the proposed commencement of the set period, give a written request, which you have signed and which specifies the nature of the changes requested and the duration of the set period. Your manager/HR will not later than four weeks from receipt of request inform you if your request has been granted or refused.

Employment rights protection

All your employment rights are protected while you are on parental leave. You will return to your normal job on completion of the period of parental leave.

Abuse of Parental leave

Parental leave is granted solely for the purpose of taking care of the child concerned. This leave may be terminated if it is not used for this purpose, and you may be subject to serious disciplinary action, up to and including dismissal.

Force Majeure Leave

Force majeure leave is short-term paid leave that employees can avail of to enable them to deal with family emergencies, resulting from the sudden injury or illness of a family member, once certain conditions have been met.

Entitlement

An employee is entitled to paid leave owing to the urgent illness or injury of:

- a child (natural or adopted);
- a spouse/partner;
- a person to whom he or she is in loco parentis;
- a brother/sister;
- a parent/grandparent;
- a domestic dependant.

This entitlement applies only when the immediate presence of an employee is indispensable, at the place where the ill/injured person is located.

Your entitlement to force majeure leave is limited to three days in any 12 consecutive months or five days in any 36 consecutive months. There is no service requirement for an employee to avail of force majeure leave.

Applying for the leave

Due to the nature of force majeure leave, prior notice cannot be given. However, you are required to inform the organisation as soon as possible on the first day of absence. On return to work, you will need to discuss the reasons for taking the leave.

You must also complete the enclosed force majeure notice document on return to work (see sample below). Your manager will conduct a review of the application and will confirm whether or not the leave will be treated as force majeure leave.

Medical appointments for which your presence is necessary and for which you have prior knowledge will not be deemed eligible for force majeure leave.

Sample parents leave policy

This is a generic policy and should be tailored to meet the individual needs of each organisation. While not required by law, companies who choose to top-up parents leave benefit received from the state, should also include details in the policy of any payment being provided by the company, during the period of parent's leave. Further sample documents are available in the [HR management guide](#) on the Ibec website which are [Notification of intention to take parents leave](#) and [Postponement of Parents leave](#).

Sample parents leave policy

Purpose

Parent's leave is available to eligible members of staff to allow them time off from work within the first two years of the birth or adoption of their child or the child of their spouse or partner. Parents leave entitlement is 5 weeks. The state-paid parent's leave standard benefit is €245 per week, (at the same rate as maternity, adoptive and paternity benefit) provided that you have made sufficient PRSI contributions.

Scope

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

Eligibility to take parent's leave

Parent's leave is available to employees who are deemed to be the 'relevant parent' of a child. There is no minimum service required to qualify for parent's leave. Parent's leave is non-transferrable between relevant parents.

Under the Act, a 'relevant parent' includes:

- a parent of the child.
- the spouse, civil partner or cohabitant of a parent of the child.
- a parent of the child where the child is a donor-conceived child.
- the qualifying adopter of the child.
- the spouse, civil partner or cohabitant of the qualifying adaptor of the child.
- each individual in the couple where the child is, or is to be, adopted jointly by a married couple of the same sex or a couple that are civil partners of each other, or a cohabiting couple of the same sex.

In certain circumstances, this may give rise to an entitlement to parent's leave on the part of up to four individuals in respect of a single child.

Entitlements and conditions

The following conditions apply to taking parent's leave.

Subject to eligibility and notification criteria being met, an employee who is a

- relevant parent may avail of parent's leave in periods of not less than one week at a time.
- The leave will commence on the date the relevant parent selects in his/her written notification.
- In the case of multiple births, or where two or more children are being adopted at the same time, only a single two-week entitlement of parent's leave applies.

Notice required when applying for parent's leave

You must notify the company in writing at least 6 weeks before you intend to start the leave. Where your partner availed of maternity or adoptive leave from another company, you will be required to include a copy of the medical, or other appropriate, certificate confirming the pregnancy and specifying the expected week of confinement / birth or date of placement of the child.

Applying for parent's benefit

You can apply for Parent's Benefit online at www.mywelfare.ie. You will need the child's PPS number to complete the application.

Postponement of parent's leave by the organisation

In certain limited circumstances the company may need to exercise its right to postpone the commencement date of the parents leave for up to 12 weeks. Postponement may arise where the company is satisfied that the taking of the parent's leave at the time specified in the notification would have a substantial adverse effect on the operation of the business, profession or occupation by reason of

- d) seasonal variations in the volume of work concerned,
- e) the unavailability of a person to carry out your duties during the period of the leave,
- f) the nature of your duties
- g) the number of other colleagues availing of parent's leave during the period

If this postponement results in the child reaching 1 year before the leave has been drawn down, the 52 weeks cap will be extended by up to 12 weeks.

Early confinement

Where the birth of the child occurs 4 or more weeks prematurely, you will be deemed to have complied with your notice requirements if new notice is given in the period of 7 days commencing on the date of confinement.

Postponement of parent's leave due to late birth/postponed adoption placement

You may postpone your period of parent's leave where the date of birth occurs after the date selected in your notification to the company or where the date of placement is postponed in the case of adoption. You may select another date on which parent's leave will commence.

Postponement of parent's leave when the child is hospitalised

If the child is hospitalised, you may request in writing to postpone all or part of your parent's leave. The postponed leave is to be taken not later than 7 days after the discharge of the child from hospital or such other date as may be agreed between the company and you.

Sample fertility treatment policy

[To be adapted to organisation]

This is a generic policy and should be tailored to meet the individual needs of each organisation. The supports that can be offered will differ from organisation to organisation and will be based on what can be accommodated operationally. The existing organisational sick pay scheme where applicable will be referred to in this policy.

Sample fertility policy

The organisation is mindful that for anyone undergoing fertility treatment, that this can be a physically and emotionally demanding time where help and support can make the difference.

We encourage an employee in this situation to talk to their manager if they wish, as if the manager knows what is happening, we may be in a position to help. Any conversations will be treated with the utmost confidentiality and discretion.

This policy covers all part-time and full-time employees in the organisation.

Undergoing treatment

Fertility treatment can be a stressful period of time while also physically challenging and requiring some flexibility. Where feasible the organisation would consider a number of options to support you while you undergo treatment. They include:

- Up to [insert number] additional unpaid leave days either as a block or at critical stages of the treatment process in a 12-month period.
- Up to [insert number] additional unpaid annual leave days either as a block or to reduce a working week.
- Working from home during key treatment dates where feasible for your role and the team demands.
- Having a flexible start and end time or working hours to facilitate time off for time critical treatments.

If additional time off is required (for a further cycle) then alternative leave arrangements should be agreed where appropriate with your line manager to include annual leave or unpaid leave.

If you are the partner/intended parent of someone having fertility treatment, it is likely you will want to be there for the more critical appointments to support them during this time. Talk to your manager about any time off or flexibility you may need.

Attending medical appointments

Under the sick leave policy, the organisation provides for:

Time off to attend clinical appointments for both partners, where the medical appointment cannot be scheduled outside working hours. We would ask that you work

with your manager to ensure that your time off is supported and planned for, giving as much notice as possible.

- Time off to attend clinical appointments for both partners, where the medical appointment cannot be scheduled outside working hours. At least 48 hours' notice is required to facilitate this so that adequate cover can be provided for your role. Appointments are expected to last no more than a half day.
- Where medical procedures are required or where an employee is experiencing any ill effects from fertility treatments, the sick leave policy applies once medically certified.
- For example, certain fertility treatments require egg retrieval and embryo implantation. In these situations, typically a full day's leave is required due to the nature of these treatments and the requirement for sedation. If this is the case, then this is treated as sick leave as per the sick leave policy once medically certified.

Treatment outcomes

Where the treatment is successful the employee will be covered by the Maternity Leave policy.

Sadly, treatment is not always successful, and the organisation has supports in place for the employee at this difficult time. They include:

- Compassionate leave to allow for *[insert number]* days (*paid/unpaid*) leave within a 12-month period subject to a max X paid days in a 36-month period.
- Emergency family leave for partners who may be needed for support during this time. It allows for *[insert number]* days (*paid/unpaid*) leave within a 12-month period subject to a max *[insert number]* paid days in a 36-month period.
- Certified sick leave – where the employee's doctor recommends a short period of certified sick leave, this is covered under our sick leave policy.
- Employee assistance programme – the organisation provides an EAP programme delivered by *[X provider]* and offers a free and confidential service for all employees. This includes a free and confidential counselling service which can be of support to employees during this time.

Sample buddy system briefing document

This document should be tailored to organisational requirements and to reflect the available supports. The buddy system may be extended to all new parents and not just connected to maternity.

Buddy briefing document

The aim of the buddy system is to provide informal support for expectant mothers or mothers returning to the workplace after maternity leave. Where appropriate this may also be useful for other relevant parents. A buddy is an optional support which is provided by employees who are parents themselves and have experienced juggling the dual aspects of pregnancy and work or parenting and work. Every buddy receives a briefing session from HR to outline what their role involves and does not involve and to answer any questions a prospective buddy may have.

The role of the buddy is to meet with the expectant/new mother a number of times during their pregnancy and when they return to work and to offer practical advice on helping the expectant mother cope with their pregnancy and what it is like to be a working mother.

The process is very informal and can begin with a scheduled coffee break every week but equally can involve email and telephone calls on an ad-hoc basis. Typical areas that are discussed or shared include:

- Coping with morning sickness/tiredness
- Where to get the best maternity wear for work
- Tips for travelling while pregnant
- Childcare options and solutions
- Sleeping habits
- Balancing childcare demands and work
- Concerns around the effect of flexible working on your career

On other occasions the buddy will be there just to listen. Different women experience different pregnancies and issues on return to work and for some it can be a more enjoyable experience than for other. Most women find it helpful to discuss their issues with someone else who has been through a similar experience, particularly when it is their first child.

As a Buddy, it is useful for you to have an overview of the company maternity policy, but for your information only, **you are not responsible for advising the employee of the policy.**

Company maternity policy overview

Employees are entitled to

- Maternity leave of 26 weeks (during which the employee is entitled to claim maternity benefit from the Department of Social Protection) and the option to avail of additional maternity leave of up to 16 weeks.

- Accrue annual leave and public holidays occurring during maternity and additional maternity leave.
- Paid time off for medical, ante-natal and post-natal care appointments.
- Return to normal job or a similar position with same pay and grade.
- *[Insert additional company details on top-up payments and conditions to qualify for top-up payments etc.]*

Miscarriage

- An employee who has a miscarriage after the 24th week of her pregnancy is entitled to receive statutory maternity leave
- *[Insert details of any company specific supports that are available to employees who experience a miscarriage]*

Adoptive leave policy – overview

Employees are entitled to

- Statutory entitlement to 24 consecutive weeks adoptive leave (during which the employee, is entitled to claim adoptive benefit from the Department of Social Protection), plus the option to avail of 16 weeks additional adoptive leave.
- Accrue annual leave and public holidays occurring during adoptive and additional adoptive leave.
- Time off to attend certain pre-adoption classes and meetings.
- Return to their normal job or a similar position with same pay and grade.
- *[Insert additional company details on top-up payments and conditions to qualify for top-up payments etc.]*

Parental leave policy - overview

- Statutory entitlement for working parents of 26 weeks unpaid leave per child prior to the child's 12th birthday (16 years for a child with a disability).
- Leave is generally taken in blocks of 26 weeks but can be fragmented into smaller blocks depending on circumstances (minimum 6 weeks for employees who have not availed of any of the parental leave entitlement previously).
- *[If the organisation permits the leave to be broken up into individual days, weeks or hours, include this fact here.]*
- Accrue annual leave and public holidays occurring during parental leave.

Also detailed are three areas of particular consideration for expectant or new mothers, which buddies may be able to draw their attention to. This will help reinforce the company supports while also encouraging them with your insights and tips from your experiences.

Considerations for employees whilst pregnant at work

1. During pregnancy employees are entitled to paid time off for ante-natal appointments and ante-natal classes appointments.
2. Employees should agree a communication plan with their managers to stay in touch during the pregnancy (including how the employee will notify of her ante-natal appointments/attendance at ante-natal classes).
3. Employees should have a pre-maternity leave performance review before going on leave.
4. Employee should discuss with their manager how their workload will be managed during their leave and agree a timetable for any handover.
5. If the employee's role involves travel, they will need to check with airlines about travel restrictions during the latter stages of pregnancy. Whilst it will vary, most airlines will not allow women to travel after 32 weeks (earlier for long haul).
6. Remind employee to discuss with their manager how/if they would like to keep in touch during their leave. It's good to keep in touch whilst on leave to be aware of any changes in the organisation or to their team role, and to be aware of any new positions that might arise that may be of interest. This may involve providing a personal email address so that key information on development opportunities and open roles can be shared.

Considerations for employees whilst on maternity leave

1. Where employees have medical insurance, they need to register the new born on their healthcare plan.
2. Decide whether or not they are going to take unpaid leave and advise their manager accordingly at least 4 weeks before the paid leave ends.
3. Advise the employee to confirm their return date with their manager and discuss their role at least 4 weeks before they return to work.
4. Encourage the employee toward the end of their maternity leave to think about a return-to-work plan. They may consider requesting a phased return or use up annual leave when returning so as to start on shorter working weeks. .
5. Where flexible working arrangements are provided for in company policy, the employee may also wish to consider a flexible working arrangement; they should check out the flexible working policy and discuss it with their manager.

Considerations for employees on the return to work

1. Contact with employee by the buddy when they return to work can be especially valuable in the early days of their return.
2. As a working parent, employees are eligible to request parental leave or parents leave. Employees should check the company policy for more details.
3. Reassure employee that if they are having concerns (about their confidence, guilt, abilities etc) that these are common concerns shared by many new parents.

4. Encourage employee to take time to settle back into the work routine and not to expect it all to be perfect immediately. Remind employee to speak to their manager on their return, to clarify their goals and objectives for the first few months, and to have regular inputs with their manager to ensure they are on track.
5. If an employee has returned on flexible working arrangements, remind them to review it regularly with their manager to make sure it is working for them and the business.

Thank you for volunteering to provide this important support which will assist our organisation in encouraging and supporting our talented women to combine their work and family lives during what can be a new and sometimes stressful time. If at any time during your experience as a buddy, you have any concerns or require advice please do not hesitate to contact HR.

Checklist for line managers

This checklist can serve as a guide for line managers to ensure that key steps and timelines are adhered to throughout the management of the employee's pregnancy, maternity leave and return to work. It can be expanded further to outline the company policies and procedures including communications and employee entitlements.

Checklist for line managers

Pregnant employees

- 1) The employee is entitled to time off for antenatal care. An employee's right to attend ante-natal classes is subject to the employee giving you notice in writing of the dates and times of the classes, or class, at least two weeks before the first class, or classes concerned. If requested the employee must produce appropriate documentation indicating the dates and times of the classes. It can be helpful to agree with the employee at the outset how she will let you know of these appointments.
- 2) You should complete a health and safety risk assessment for this employee, and review as necessary.
- 3) Ask your employee to confirm their due date and discuss their proposed maternity leave start date. Employees must give 4 weeks written notice of intention to take maternity leave (in conjunction with a medical certificate).
- 4) Identify how the workload will be managed in the employee's absence and allow time for shadowing or handover where applicable. If the position is being backfilled ensure enough time has been allowed for recruitment.
- 5) Ensure the annual performance review has been carried out if the employee is going to be absent during the review period.
- 6) Raise the topic of return-to-work arrangements and remind the employee of the need for notifying the employer of their date of return.
- 7) Discuss what sort of contact the employee would like to have with you while she is on maternity leave. Plan a number of calls (2/3) during her leave to keep her up to date with what is happening in the organisation and to discuss her role when she returns. The organisation will need to keep her informed of developmental opportunities and role openings during her absence. *[Insert appropriate guidance for line manager on how this will be managed. One option is to ask the employee for her personal email address so that this information can be shared with her during her absence.]*

Employees on maternity leave

- 1) All employees who have given birth are entitled to maternity leave (26 consecutive weeks) and additional maternity leave (16 weeks).
- 2) The employee must take at least 2 weeks maternity leave before the date of confinement and at least 4 weeks after the birth.

- 3) To be entitled to take additional maternity leave, an employee must inform her employer in writing of her intention, four weeks before the commencement of additional maternity leave, of her intention to take such leave.

Following the birth

- 1) Send congratulations to your employee on the birth of her baby.
- 2) Ensure the agreed communication is carried out as scheduled.
- 3) In addition to the 4 weeks written notice of intention to take additional maternity leave, the employee must also give 4 weeks written notice of intention to return to work.
- 4) Prior to her return (4-6 weeks in advance) meet/call her to discuss her role upon return.

Returning from maternity leave

- 1) Ensure her workstation and other arrangements are in place, ready for her return and that her team know she is returning.
- 2) It is a good idea to hold a “mini-induction” on the employee’s first day back to update her on changes which have occurred while she was away. This is also an opportunity to discuss with her any queries or concerns she has. Identify any supports that the employee may need to assist her as she adjusts to being back in work.

Working parents are entitled to request parental leave (26 weeks per child prior to the child’s 12th birthday) and parents leave (5 weeks to be taken in the first two years following birth of child or placement of an adopted child)

Checklist for expectant mothers and new mothers

This checklist can be made available to expectant and new mothers to assist them in their planning. The checklist should be adapted to include organisation specific supports.

Checklist for expectant and new mothers

This checklist serves as a useful checklist for you to refer to as required. It outlines the company policies, key actions to be carried out during pregnancy, maternity/adoptive leave and upon returning to work. It also offers some useful tips and information and a summary of relevant policies (please refer to entire policies for terms and conditions).

Organisational policies

Maternity leave policy – overview

- Statutory entitlement to 26 weeks maternity leave plus the option to avail of 16 weeks additional maternity leave.
- Accrue annual leave and public holidays occurring during maternity and additional maternity leave.
- Paid time off for medical, ante-natal and post-natal care appointments – please give your manager 2 weeks' notice in advance.
- Return to normal job or a similar position with same pay and grade.
- *[Insert additional company details on top-up payments and conditions to qualify for top-up payments etc.]*

Adoptive leave policy – overview

- Statutory entitlement to 24 consecutive weeks adoptive leave plus the option to avail of 16 weeks additional adoptive leave,
- Accrue annual leave and public holidays occurring during adoptive and additional adoptive leave,
- Return to their normal job or a similar position with same pay and grade.
- *[Insert additional company details on top-up payments and conditions to qualify for top-up payments etc.]*

Miscarriage

- An employee who has a miscarriage after the 24th week of her pregnancy is entitled to receive statutory maternity leave
- *[Insert details of any company specific supports that are available to employees who experience a miscarriage]*

Parental leave - overview

- Statutory entitlement for working parents of 26 weeks unpaid leave per child prior to the child's 12th birthday (16 years for a child with a disability).
- Leave is generally taken in blocks of 26 weeks but can be fragmented into smaller blocks depending on circumstances (minimum 6 weeks) and can be broken up into individual days, weeks or hours. Please refer to policy.

- *[If the organisation permits the leave to be broken up into individual weeks beyond that afforded by legislation, or into days or hours, include this fact here.]*
- Accrue annual leave and public holidays occurring during parental leave.

Parents leave - overview

- Up to 5 weeks leave to be taken within the first two years of the birth or placement of your child.
- *[Insert additional company details on top-up payments and conditions to qualify for top-up payments etc.]*

Pregnancy checklist

During your pregnancy

- Inform your manager and HR dept as soon as you know you are pregnant as this means the company can ensure that the environment is supportive of all pregnancy requirements.
- A risk assessment will be carried out to assess the specific risks to you and your pregnancy and to action to ensure you are not exposed to anything damaging to your health or that of your unborn child.
- Discuss with your manager when and how you would like to inform your team.
- You are entitled to time off for ante-natal appointments and ante-natal classes. Please inform your manager at least 2 weeks in advance.
- Illness during pregnancy – standard sick leave absence policy applies as normal during pregnancy.
- Childcare options – identify your options available – crèche, child minders / nanny / family carers etc – depending on the type of childcare you choose, you may need to book in advance- example most crèches need to be booked quite a number of months in advance to secure a place.
- Enquire about a buddy if you feel you would like some extra support – (particularly helpful for first time mums)

Preparing for maternity leave/adoptive leave

Payment during maternity leave

- At least 15 weeks before your due date discuss with your manager an approximate date for your maternity leave to begin (confirm via email to HR)
- To qualify for maternity benefit from the Department of Social Protection, a *MB2: Employer Certificate for Maternity Benefit* must be completed and submitted to the Maternity Benefit Section at least 6 weeks before the date of commencement of maternity leave. This form is available from your GP or from the Social Welfare website www.welfare.ie
- The standard rate of maternity benefit is €245 per week. State maternity benefit is taxable however Universal Social Charge (USC) and PRSI are not payable. The Department of Social Protection (DSP) will pay maternity benefit without any

deduction of tax. However, the DSP will notify Revenue of the amount of maternity benefit and Revenue will, where possible, adjust the employee's tax credits accordingly. For more specific advice in this area please contact your local social welfare office or contact maternityben@welfare.ie or phone (01) 471 5898

- *<For organisations 'topping' up the State maternity benefit>On receipt of confirmation of the value of the social welfare payment from DSP, you must copy the documentation to the HR department, prior to going on maternity leave.*
- *[If the company is paying maternity leave add additional comments regarding how it will be paid, the need for confirmation from the doctor or Department of Social Protection etc. In addition, add notes of how targeted variable incentive pay will be calculated etc.]*

Payment during Adoptive Leave

- At least 15 weeks before the expected date of placement of your child discuss with your manager an approximate date for your adoptive leave to begin (confirm via email to HR)
- To qualify for adoptive benefit from the department of Social Protection, an AB1 form must be completed and submitted to the Adoptive Benefit Section at least 6 weeks before the date of commencement of adoptive leave. This form is available from the Social Welfare website www.welfare.ie or from the local Intreo Centre or Social Welfare Branch Office or by contacting the DSP Adoptive Benefit Section at the numbers below.
- The standard rate of adoptive benefit is €245 per week. State adoptive benefit is taxable however Universal Social Charge (USC) and PRSI are not payable. The Department of Social Protection (DSP) will pay adoptive benefit without any deduction of tax. However, the DSP will notify Revenue of the amount of maternity benefit and Revenue will, where possible, adjust the employee's tax credits accordingly. For more specific advice in this area please contact your local social welfare office or contact AdoptiveBenefit@welfare.ie or phone number: 1890 690 690 or (01) 471 5898
- *<For organisations 'topping' up the State adoptive benefit>On receipt of confirmation of the value of the social welfare payment from DSP, you must copy the documentation to the HR department, prior to going on adoptive leave.*
- *[If the company is paying adoptive leave add additional comments regarding how it will be paid, the need for confirmation from Department of Social Protection etc. In addition, add notes of how targeted variable incentive pay will be calculated etc.]*

Communication during your leave

- Staying in touch- Plan a number of calls with your manager (2/3) during your leave to keep in touch with what is happening in the organisation and to discuss your role when you return
- Discuss your annual review with your manager if you are going to be absent during the review period.

- Discuss with your manager how your workload will be managed during your leave and agree a timetable for any handover

Prepare for your maternity leave and return to work before you leave if possible. Get all your work files in order and have a system in place for those taking over in your absence.

What to do during maternity/adoptive leave

- Contact the company to inform them of the birth/adoption of your baby.
- Contact your health insurance company to add your child to your health insurance policy.
- Conduct stay in touch calls as planned. Please also use these calls to discuss any issues/queries you may have regarding your return to work or your interest in flexible working arrangements.
- Decide if you are going to take unpaid leave and notify your manager in writing no later than 4 weeks before the end of paid maternity leave/adoptive leave
- Discuss your role with your manager at least 4 weeks before you return to work. If you are returning to a different role, ensure you have received an outline of your new role in advance and arrange a call with your new manager before you return to work
- If you availed of maternity leave and wish to breastfeed your baby after you return to work, please contact HR/manager 4 weeks before you return, and they will work with you to support you as far as possible until the baby is 6 months old.
- *[Depending on company policy, flexible working arrangements may be offered by the organisation and should be outlined.]*

Returning to Work

- Ensure you have informed your manager/HR of your return date to work at least 4 weeks before your return.
- Enquire about flexible working arrangements where applicable.
- Test out your childcare facilities. (e.g. Leave your child in crèche/minder a few times, so you are not returning to work and leaving your child for the first time on the same day.)
- You may want to consider returning mid-week to keep your first week short or perhaps take some holidays to break up the first few weeks.
- Use your return-to-work induction to ask any questions you may have about your role and responsibilities, changes in the business etc.
- Request a schedule of meetings/travel for the first 2 weeks so you can liaise with your childcare if necessary.
- Contact your manager/HR if you have any queries/issues.
- Enquire about a buddy if you feel you would like some extra support – (particularly helpful for first time mothers)

If you decide not to return to work

- Inform your manager of your resignation – The notice period you will be required to give is as stated in your contract of employment.
- Confirm your resignation in writing to your manager and HR.
- Return all organisation property including laptops, security ID's etc.
- Please contact HR if you have any further questions.

Useful information

When choosing childcare or child minders what steps need to be considered?

- Consider your child's individual needs. List your needs in terms of your working times, days, flexibility etc.
- Enquire about what subsidies or schemes may be available to you - <https://www.ncs.gov.ie/en/>
- Talk to other parents - they may know of good crèches, child minders, nannies, au pairs in your locality.
- Make a list of the crèches, child minders, nannies you wish to contact.
- Arrange visits during hours of operation in the case of the crèches and child minders.
- Prepare questions before your visit.
- When you visit ask questions and observe the environment and interactions of the staff and children.
- Always check out references before you engage someone to mind your child.
- Tusla, the Child and Family Agency has a useful list of tips on choosing a pre-school <https://www.tusla.ie/services/preschool-services/tips-for-parents/> as well as a site to access the Child and Family Agency Inspection Reports on Childcare Services - <https://www.tusla.ie/services/preschool-services/creche-inspection-reports/>

What questions should I ask potential crèche/childcare providers?

- What is the ratio between staff and children?
- Are the staff qualified? (Ask to see certificates or diplomas) The Department of Children, Equality, Disability, Integration and Youth has published a list of recognised qualifications for DCEDIY programmes.
- How experienced are the staff?
- Supervision, routine and discipline.
- Discuss the degree to which the children are supervised.
- What is the nursery /crèches general policy on areas such as routine?

- Do the children have set times for eating, sleeping, playing and individual needs?
- Do they provide food for the children/what do you need to provide?

Ask about the Early Childhood Care and Education Scheme offered,

Resources

Mums-to-be websites

www.rollercoaster.ie

www.eumom.ie

Local childcare facilities

www.childcare.ie – the national childcare directory

Checklist for expectant fathers, new fathers and other parents

Sometimes forgotten in the mix is the expectant father or other parent. It is important to congratulate them and to make them aware of the various policies that may apply to him/her and any benefits that may be available upon the birth of his/her child.

Checklist for expectant fathers, new fathers, and other parents

New parents workshop

We would encourage you to attend a new parents' workshop which is offered by the organisation to look at your role and the challenges of being a working parent. This workshop will also outline practical supports and information of use to you as a new parent. It also gives you the opportunity to meet others in the same situation and build up a network of support.

Parental leave – overview

The Parental Leave legislation allows employees, who meet the qualifying criteria, to take up to 26 weeks unpaid leave to take care of their child.

You must have one year's continuous service prior to requesting parental leave. However, if you have completed more than three months service, and where your child is approaching the age threshold, you will be entitled to one week's parental leave for every month of continuous employment completed with the organisation. If you wish to take parental leave, you must give a minimum of six weeks' notice in writing of your intention to do so.

In summary (see parental leave policy for further details):

- Statutory entitlement for working parents of 26 weeks unpaid leave per child prior to the child's 12th birthday (16 years for a child with a disability).
- Leave is generally taken in blocks of 26 weeks but can be fragmented into smaller blocks depending on circumstances (minimum 6 weeks for employees who have not availed of any of the parental leave entitlement previously). Please refer to policy.
- *[If the organisation policy permits the leave to be broken up into individual weeks beyond that afforded by legislation, or into days or hours, include this fact here.]*
- Accrue annual leave and public holidays occurring during parental leave.

Paternity leave – overview

Paternity leave of 2 continuous weeks can be availed of at the time of the birth/adoption or within 26 weeks of the birth/placement of the child. You are entitled to claim paternity benefit from the Department of Social Welfare for these 2 weeks. For further detail, refer to the company policy.

[If the company offers longer paternity leave than this, please include here along with any entitlement to top up payments where applicable]

Parents Leave – overview

Parent's leave is available to eligible members of staff to allow them time off from work within the first two years of the birth or adoption of their child or the child of their spouse or partner. There is no minimum service requirement. Parents leave entitlement is 5 weeks. You are entitled to claim parents leave benefit from the Department of Social Welfare. For further detail, refer to the company policy.

Flexible working arrangements

Depending on company policy, flexible working arrangements may be offered by the organisation and should be outlined.

Returning to work workshop

The following can be used as a template for running a workshop for new parents returning from maternity leave. The content can be expanded to include all new parents

The objective of this workshop

- ✓ Discuss common concerns experienced by new mothers returning to work after maternity or adoptive leave
- ✓ Managing your multiple roles at work
- ✓ Develop an action plan for re-integration into work
- ✓ Provide practical tips and information about support and resources available to you

Introductions

- Name and role.
- Age of baby and when you came back to work.
- What has been enjoyable about returning to work.
- What has been challenging about returning to work.

Possible concerns of new mothers

- Loss of confidence
- Am I able to still do my job?
- Everything has changed /everyone has moved on since I went on leave, how will I cope?
- Guilt.
- Will my child be ok now that I am a working mother?
- Overwhelmed.
- How can I fit my workload with my new schedule?
- Will my career get back on track?
- Will being a mother affect my promotion prospects? Training prospects?
- Will people view me differently because I work flexibly?

Addressing concerns

- Ask for support - Talk to your peers/buddy/manager/HR.
- Get tips from other working mothers regarding their return to work and how they dealt with their concerns.
- Most women experience some if not all of the concerns mentioned earlier
- Give yourself time to re-adjust.
- Be organised, get tips from others, take time to read up or do training on skills such as time management training, managing energy levels.
- Structure.
- Clarify your goals for the first 30-90 days.
- "Check in" regularly with your manager.

Managing your roles

- Set work and personal goals to achieve balance.
- Agree work goals with you manager.
- Appropriate workload for your work week.
- Consider the personal goals you wish to achieve.
- Make the goals SMART (specific, measurable, achievable, relevant and time-bound).
- Review the goals at regular intervals.
- If necessary, make adjustments to enable the achievement of these goals.

Reintegration plan

- Familiarise yourself with any changes as quickly as possible.
- Meet any new colleagues/team members /management.
- Organise your childcare and contingency plan for possible 'emergencies'.
- Enquire about flexible working arrangements if interested.
- Make decisions about essential and non-essential work activities.
- Consider any training and development needs you may have.
- Ask for help when you need it.

New parent's workshop

The following can be used as a template for running a workshop for new parents.

The objective of this workshop

- ✓ Explore the challenges of being a working parent
- ✓ Understand the policies and support available to you
- ✓ Learn from other new parents
- ✓ Gain a network of colleagues for support

Purpose of today's session

- There are more dual-career couples in the workforce than ever before
- Organisations often solely focus on the mothers when providing policies and support
- Fathers and relevant partners are critical to the success of dual-career couples and parenting
- Today's fathers and relevant partners want to be involved fully in the raising of their children
- This can cause some men difficulties when they try to juggle their career with their family commitments

Key Policy and procedures

- Paternity leave entitlements/policy
- Parents leave entitlements/policy
- Parental leave entitlements/policy
- Notifying your manager and HR department
- Employee Assistance Programme
- Flexible working options (*if applicable in organisation*)
 - Part time working
 - Flexible hours
 - Remote working

Typical concerns

- Overwhelmed
- How will we cope financially?
- Will my partner/child be ok?
- Feeling left out.

- Am I ready to be a parent?
- How will our relationship change?
- How will I juggle my responsibilities as a parent with my hectic work schedule?

How to deal with these concerns

- Talk to your peers/buddy/manager/HR
- Talk to your partner
- Get tips from other working parents regarding their experiences and how they dealt with their concerns
- Most parents experience some if not all of these
- Give yourself time to re-adjust
- Ask if you need help

Managing your dual roles

- Set work and personal goals to achieve balance
- Agree work goals with your manager/team
- Consider the personal goals you wish to achieve and agree with your partner
- Listen and search for a win/win outcome
- Be realistic about what can be achieved within available resources – time, support, finances
- Review the goals at regular intervals
- If necessary, make adjustments to enable the achievement of these goals

Top tips

- Add your new baby to your health and insurance policy.
- Look after your partner as well as your child.
- Have a plan for your work and your home life.
- Expect to be sleep deprived – its temporary.
- Share the “pick-ups” and “drop-offs” from childcare.
- Have a back-up plan in case of emergencies.
- If necessary, read about or take training on areas such as time management, wellbeing, boundary management for ideas on how to achieve better balance.

Sample workshop for managers

This sample workshop can be used to equip managers with information and skills to positively and proactively manage parenting related absence and queries. Advice and guidance from earlier in the toolkit can be used to provide more detail in this outline. It should be tailored to the organisation,

Sample workshop for managers

The objective of this briefing

- Understand the importance of managing parenting related needs and absence in the workplace.
- Provide practical ideas regarding support of your employee before, during and after their maternity/adoptive leave and other family leaves.
- Understand the challenges faced by new parents in the workplace.
- Understand the challenges faced by employers during maternity/adoptive leave and return to work.
- Understand your obligations under the legislation applying to statutory family leaves and Employment Equality legislation.
- Provide information on company policies about supports to assist you provide a positive, professional experience for all concerned.

The business case

- Contribution of female talent
- Risk of losing talent
- Financial risk to the organisation
- Women who successfully return to work with appropriate support have been found to be more effective, work “smarter” and have greater levels of loyalty and commitment to the organisation.

Supporting employees while pregnant

- Congratulations!
- How is she feeling? Any concerns? Are HR aware?
- How does she want to communicate the news to colleagues, clients, senior management (as appropriate)?
- Speak to HR.
- Ensure you understand the company policies and procedures around pregnancy, maternity leave, return to work, equality.
- If necessary, discuss methods of covering her absence.
- Ensure any necessary Health and Safety Risk assessments have been completed.
- Check in periodically throughout pregnancy.
- Does she need any support? Is her workload manageable?

General areas

- Treat illness during pregnancy as normal as per the sick leave policy
- Take into consideration some employees may suffer from maternity related sickness and may need extra consideration
- Ask your employee to give you their due date about 4 months before they are due and discuss their proposed maternity leave start date.
- Absence management - Is absence pregnancy related or other?
- Performance management - Is reduced performance pregnancy related or other?

Company policies

Maternity leave

- Statutory entitlement to 26 weeks maternity leave plus the option to avail of 16 weeks additional maternity leave
- *Up to x weeks paid leave for employees subject to the following conditions [insert]*
- Accrue annual leave and public holidays occurring during maternity and additional maternity leave
- Paid time off for medical, ante-natal and post-natal care appointments.
- Return to normal job or suitable alternative work with same pay and grade.
- Minimum of 4 weeks' notice in writing required

Adoptive leave

- Statutory entitlement to 24 consecutive weeks adoptive leave plus the option to avail of 16 weeks additional adoptive leave
- *Up to x weeks paid leave for employees subject to the following conditions [insert]*
- Accrue annual leave and public holidays occurring during adoptive and additional adoptive leave
- Return to their normal job or suitable alternative work with same pay and grade.
- Minimum of 4 weeks' notice in writing

Parental leave

- Statutory entitlement for working parents of 26 weeks unpaid leave per child prior to the child's 12th birthday (16 years for a child with a disability).
- Employees who have not previously availed of parental leave in relation to the child concerned may take the parental leave as a continuous block of 26 weeks, or two blocks of six or more weeks with a minimum of 10 weeks between each block.
- Employees who previously availed of 18 weeks leave before the Parental Leave

(Amendment) Act 2019 on 19 July 2019 and whose child is under 12 years of age are entitled to a further 8 weeks' leave which can be taken in blocks comprising of no less than one week.

- Employees who had not exhausted their entitlement to parental leave in respect of a child who has reached 8 years will have until the child reaches 12 years to avail of the remainder of their untaken leave along with the additional 4 weeks. This leave may be taken in blocks comprising of no less than one week.
- *[Insert company specific provisions]*
- Minimum notice of 6 weeks required to organisation

Paternity Leave

- An employee 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
- Entitlement to paternity benefit from the department of social protection. *Up to x weeks paid leave for employees subject to the following conditions [insert].*
- Notice of 4 weeks is required.

Parents leave

- Up to 5 weeks leave to be taken within the first two years of the birth or adoption of their child or the child of their spouse or partner.
- Notice of 6 weeks is required
- Entitlement to claim parents leave benefit from the Department of Social Welfare.
- Up to x weeks paid leave for employees subject to the following conditions *[insert]*

Difficult situations

Potential situations

- Miscarriage - An employee who has a miscarriage after the 24th week of her pregnancy is entitled to receive statutory maternity leave
 - *[Insert any company specific supports]*
- Crisis Pregnancy
- Postnatal depression
- Fertility treatment
 - *[Insert any company specific supports]*

Responding appropriately

- Sensitivity and support
- Discretion
- What flexibilities can be offered?

Other resources

For employers who wish to find out more information on case law in this area or greater detail surrounding the legislation in this area, the following resources may be consulted.

- Workplace Relations Commission - <https://www.workplacerelations.ie/>
 - Guidance on statutory leave entitlements
- Irish Human Rights and Equality Commission - <http://www.ihrec.ie/>



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Other toolkits

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