

**Reference No:** E109/66/97 & E103/146/94;     **Date:** 08/02/2001

**Circular 09/2001:- Extension of Maternity and Adoptive Leave**

1. I am directed by the Minister for Finance to refer to the Maternity Protection Act 1994 (Extension of Periods of Leave) Order 2001 and Adoptive Leave Act, 1995 (Extension of Periods of Leave) Order 2001. These Orders extend the period of leave and additional leave under the respective acts. The date of the commencement of the Orders is **8 February, 2001**.
2. This Circular should be read in conjunction with Circular 35/95: Maternity Leave or Circular 2/97: Adoptive Leave, as appropriate.

**Maternity Leave.**

3. The period of Maternity Leave has been increased from 14 consecutive weeks to 18 consecutive weeks. The new arrangements apply to employees commencing maternity leave on or after **8 March, 2001**.
4. Apart from a compulsory period of four weeks to be taken before and after the expected date of confinement, the taking of maternity leave is at the discretion of the woman concerned. The maximum permissible period of maternity leave before the expected date of confinement is 14 weeks; likewise, the maximum permissible period of maternity leave after the expected date of confinement is 14 weeks. This applies in all cases other than where the date of confinement (i) occurs four weeks or more before the expected date of confinement and the woman has not commenced her maternity leave or (ii) occurs in a week after the expected date of confinement and less than four weeks maternity leave are remaining. These cases are provided for in paragraphs 3(d) and 3(e) of Circular 35/95.

**Additional Maternity Leave**

5. The period of Additional Maternity Leave has been increased from 4 consecutive weeks to 8 consecutive weeks. The new arrangements apply to employees commencing additional maternity leave on or after **8 March, 2001**.

**Leave for fathers on the death of the mother after the birth of a child**

6. The amended provisions entitle the father of the child to leave of up to 22 weeks, if the mother of the child dies within 22 weeks of her confinement. Details of the conditions governing such leave are available from Personnel Section.

**Adoptive Leave**

7. The period of Adoptive Leave has been increased from 10 consecutive weeks to 14 consecutive weeks. The new arrangements apply to adopting mothers and sole male adopters commencing adoptive leave on or after **8 March, 2001**.

**Additional Adoptive Leave**

8. The period of Additional Adoptive Leave has been increased from 4 consecutive weeks to 8 consecutive weeks. The new arrangements apply to adopting mothers and sole male adopters commencing additional Adoptive leave on or after **8 March, 2001**.

**Adoptive leave for fathers on the death of the adopting mother**

9. The amended provisions entitle an adopting father (who is not a sole male adopter as defined in the Act) to leave of up to 22 weeks. Details of the conditions governing such leave are available from Personnel Section.

**Confidentiality**

10. Departments are asked to ensure that all matters relating to maternity and adoptive leave are treated in strict confidence and that, as far as possible, routine aspects of these matters are handled by only one officer.

**Queries**

11. Queries in relation to this Circular should be addressed to the Personnel Section of your Department.
12. Personnel Officers should read this Circular in conjunction with the following circulars:
  - Circular 35/95: Maternity Leave,
  - Confidential Circular 11/95: Maternity Leave - Information for Personnel Officers;
  
  - Circular 2/97: Adoptive Leave and
  - Circular 1/97: Adoptive Leave - Information for Personnel Officers.

**J McGovern**

Assistant Secretary