

Guidance Handbook for Civil Servants
Before, during and after
Maternity, Adoption and Paternity Leave

Introduction

Action 8.5 Civil Service Renewal – gender balance initiative

Improve gender balance at each level by reviewing supports and policies to ensure these are impactful and measurable.

In line with this action, the Civil Service Management Board (CSMB) is reviewing a number of actions to support gender balance at a more senior level, one of which is:

- Develop actions to support women on maternity leave to remain connected and to be supported on return to progress their career.

When reviewing this action, it was noted that DCU Business School had recently published the result of a research project examining the impact of maternity leave on potential disengagement from career progression. It found that organisations that view maternity leave as a brief interlude in a woman's career are the most successful in retaining high potential female employees post-maternity leave. Managerial attitudes to maternity leave play a key role in the retention of women post-maternity leave, with companies who view maternity leave as a major disruption struggling to retain high potential returning mothers.

Best practice identified include: organisations taking a longer term view of a woman's career; implementing line manager training to support the transition back to work; developing a role model system enabling women to share experiences; permitting phased return and employing flexible and agile practices for all, not just women.

Poor practices include: making assumptions (returning women, line managers and work colleagues) about intentions or motivations. This is compounded by poor communication; unconscious bias, or the perception that returning women will be less engaged in their work; curtailing opportunities for involvement in meaningful projects or promotions; and neglecting logistics such as IT and desks before return. For further information click on link to [DCU Best Practice](#) Research document

At the request of the CSMB, the Civil Service HR Policy Unit established a working group of HR Managers to put together this handbook for use in all Civil Service bodies to further this action. This document will be available on The Hive and will be updated on an ongoing basis to reflect best practice.

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1. Pregnancy at Work

1.1. LOOKING AFTER YOURSELF

It is important that you look after yourself in the workplace during your pregnancy. You should advise your line manager of any issues arising from your pregnancy that might impact on your work as soon as possible. It may be assistance to both you and your manager to have the advice of the Chief Medical Officer if issues are identified.

1.2. INFORMING YOUR MANAGER

You must inform your manager and your HR Unit in writing of the date you intend to commence maternity leave. You should do this by the end of the 8th week prior to your baby's due date.

1.3. APPLYING FOR MATERNITY LEAVE

Step 1. – Complete MB1 form which can be obtained from welfare.ie [Maternity Benefit Form Link](#). Ensure that the employee declaration in Part 3 on page 5 is signed to authorise payment to the employer and send the original form to NSSO HR Shared Services to have the employer's section on the form i.e. MB2 filled in and then they will forward it onto Maternity Benefit Section in the Department of Employment Affairs and Social Protection when completed.

Step 2 – Apply on NSSO HR Shared Service portal under Non Annual Leave for Maternity Leave. A certificate from your doctor must also be sent to the NSSO HR Shared Services in support of your application. This certificate must (a) confirm the pregnancy and (b) the expected due date. It can be sent via email to leavemanagement@peoplepoint.ie or by post to NSSO HR Shared Services, Building 5, Belfield Office Park, Beech Hill Road, Clonskeagh, Dublin 4. Ensure to quote your case ID or PPSN on all supporting documentation.

1.4. HEALTH AND SAFETY AT WORK

In the workplace there may be risks that may affect your health and safety and that of your unborn child. There are specific regulations that require employers to protect the health and safety of expectant mothers. Under the Safety, Health and Welfare at Work (General Application) Regulations 2007, Part 6, Chapter 2, a risk assessment/job assessment can be conducted at organisational level in relation to the impact of work on the person/unborn child.

1.5. YOUR RIGHTS AT WORK

The two main acts that give you rights during pregnancy and maternity are the Maternity Protection Acts and the Employment Equality Acts. During pregnancy you should receive:

- The same work duties and responsibilities, unless changes arise from unrelated restructuring of work activity or adjustments that are necessary for your health and safety
- Paid time off to attend antenatal appointments

- The same training and promotional opportunities as other staff
- Access to Public Service Sick Pay Scheme.
 - There are particular regulations for pregnancy related sick leave aimed at ensuring that women on such sick leave will not receive less than half pay. Circular 05/18 provides greater details.

1.6. ANTENATAL CARE

You have a statutory right to reasonable paid time off to attend appointments for ante-natal and post-natal care once accompanied by a certificate to confirm appointments. Your entitlement is for one set of ante-natal classes except for the last 3 classes of the set (a set usually comprises 7 classes). That means that you are entitled to 4 classes. As far as is reasonably possible, these appointments should be made at times that cause least disruption to your work schedule. Fathers/relevant parents are entitled to paid leave to attend the last two ante-natal classes, immediately prior to the birth. The same evidence of attendance will be required, as is currently required for mothers.

1.7. POST NATAL LEAVE

The Acts provide for attendance at post-natal classes is covered only during the first fourteen weeks following the birth of your child. However, as most Civil Servants take the majority of their maternity leave post the birth of the baby it is unlikely to be relevant. But for the purpose of clarity, it should be noted that there is an entitlement, following the birth of a child, to take such time off from your work as is necessary to attend Post-Natal appointments without loss of pay.

1.8. STAFF ON TEMPORARY CONTRACTS

If your contract of employment is due to expire during your maternity leave you should talk to your line manager and HR Unit as soon as possible to discuss further. Employees on fixed term or temporary contracts are covered by the maternity protection legislation for the duration of their contract. However, should the fixed term contract expire/have an end date detailed on the contract, before the end of the maternity leave, the employee's contract of employment will come to an end and the employee will no longer be covered by the maternity protection legislation or be eligible for maternity pay.

An employee on a fixed term contract or temporary contract who commences maternity leave while still in employment will receive her normal salary for the portion of her maternity leave that overlaps with her time in employment.

If the employee qualifies for a maternity benefit payment, this payment should be authorised to the employer for the duration of the time that the employee is covered by the contract of employment.

Once the term of employment comes to an end, the employee will no longer receive a salary from her employer. However, the payment of the maternity benefit will be transferred to the woman for the remaining period of the paid maternity leave.

2. Taking Maternity Leave

2.1. MATERNITY LEAVE ENTITLEMENT

- Maternity leave consists of twenty six weeks of paid leave with an option to avail of sixteen weeks of unpaid maternity leave commencing immediately after paid maternity leave. You must apply for leave at least 8 weeks in advance of the start date of the leave and if possible earlier than this. For unpaid leave you must apply 4 weeks in advance of the end of the paid leave period. NSSO HR Shared Services will attach an application form for unpaid maternity leave with the letter issued to you to confirm the details of your paid maternity leave. You must return this to NSSO HR Shared Services 4 weeks in advance of the end of your paid leave. If you have not received the form you can also contact NSSO HR Shared Services by email and inform them and they will email you the form to complete and return. You must also inform your manager of your intention to extend your leave.
- Maternity leave must commence no later than two weeks from the end of the week of the due date. For these purposes, Saturday is regarded as the end of a week. *For Example: Due date of 17/05/2017, maternity leave must commence no later than 08/05/2017.*
- If the baby is born before the requested start date, the maternity leave will begin on the date the baby was born. In the event of this happening, please inform your line manager and NSSO HR Shared Services by email to leavemanagement@peoplepoint.ie
- Time in lieu for public holidays that occur during paid and unpaid maternity leave will be applied directly after the period of maternity leave. Work-sharing civil servants are entitled to leave in lieu (TOIL) or an additional payment in respect of a public holiday when they are not scheduled for duty in accordance with the terms of the Organisation of Working Time Act, 1997. A Letter to Personnel Officers issued in [2009](#) deals with this matter.
- A notification will issue from NSSO HR Shared Services advising that maternity leave has been granted and confirming the date that you are due to return to work.
- Leave will be applied in the following sequence:
 1. Paid Maternity Leave
 2. Unpaid Maternity Leave (Optional)
 3. Public holiday (accrued while on maternity leave)

Other types of 'leave' are outlined in the Appendix 1 at the end of this booklet.

2.2. Premature Births & Maternity Benefit

From 1st October 2017, the period for which maternity benefit is paid is being extended in cases where a baby is born prematurely. The extended period of benefit will be equivalent to the duration between the actual date of birth of the premature baby and the date when the maternity leave was expected to commence (i.e. ordinarily two weeks before the end of the week of the due date). This new measure, which takes effect for premature babies born on or after Sunday, 1st October 2017, will increase the duration of maternity leave and the associated maternity benefit to be paid in cases where a baby is born prematurely. [Circular 10/2019](#)

2.3. STILLBIRTH/ PRENATAL DEATH OF CHILD:

In the event of a stillbirth occurring after the 24th week of pregnancy, an employee is entitled to 26 weeks paid maternity leave.

Bereavement Leave of ten days may be granted to (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.

2.4. MATERNITY PAY

As set out in paragraph 7 of Circular 31/2006, a civil servant on maternity leave is entitled to full pay, except where she has been appointed for a fixed term of less than 26 weeks. In the case of a person who is entitled to Maternity Benefit from the Department of Employment Affairs & Social Protection, such a person is entitled to normal payment by her Department on the basis that she signs a mandate authorising the Department of Employment Affairs & Social Protection to pay any benefit due to her under the social insurance system directly to the employing Department/Office.

For further information please click on the following links

[Maternity Leave](#)

[Maternity Benefit](#)

[Revenue](#)

2.5. PENSION

While on maternity leave you will continue to be a member of the relevant pension scheme. During paid maternity leave your service continues to be reckonable. **Additional unpaid maternity leave is not reckonable for superannuation.**

For further information click on the following links to [Civil Service Pensions Superannuation Circular 04/2006](#)

Check with your HR Unit for further details.

2.6. ENTITLEMENT

Maternity leave is reckonable for annual leave, seniority and public holidays.

You will accrue annual leave during paid and unpaid maternity leave. You will also be entitled to public holidays that fall during the period of paid maternity leave and these will be added to the end of

the period of maternity leave. If you are availing of additional unpaid maternity leave you will be entitled to annual leave and public holidays which fall within the period of unpaid maternity leave. There is also the option of other types of leave which are available to staff.

Maternity leave is also reckonable as service for eligibility to compete in competitions.

2.7. CONTACT DURING MATERNITY LEAVE

It is advisable that you maintain reasonable contact with your line manager while you are on maternity leave, so that you can be kept informed of any changes and developments at work and to facilitate any discussions around your plans for returning. Before you go on maternity leave you should talk to your manager and HR Unit about what contact might be appropriate and how you would prefer to be contacted.

If you normally have access to portable devices which enable you to remain in contact with your organisation while off site, you may wish to retain these during your maternity leave for the purpose of staying in contact while on maternity leave. Check with your HR Unit if this is possible.

In all cases you must ensure that you provide/update your contact details to your manager/ NSSO HR Shared Services prior to commencing your maternity leave.

2.8. ADOPTIVE LEAVE

If you are adopting a child and have been identified as the primary carer you may be entitled to take up to 24 paid and 16 unpaid week's adoption leave. You must inform your Line Manager in writing of the pending adoptive leave as soon as is practicable, but no later than four weeks before the commencement of adoptive leave. For practical reasons, it is desirable that employees provide as much notice as possible so that appropriate arrangements can be made regarding workload distribution or replacement. You must apply through NSSO HR Shared Services. A certificate of placement must be submitted to NSSO HR Shared Services as soon as is reasonably practicable, but no later than four weeks after the placement. For further information click on the following link to [Adoptive Leave / Employee / Managers Leave](#)

Adoptive leave is reckonable for annual leave, seniority and public holidays.

Adoptive leave is also reckonable as service for eligibility to compete in competitions.

2.9. PMDS

Please ensure that PMDS is up-to-date before maternity leave commences.

3. Returning to Work

3.1. RETURN DATE

It is important to plan ahead for the return to work. The Department will assume that you are going to return to work on the anticipated return date that you provide prior to the commencement of your maternity leave. If you wish to extend/amend this date of return, you must give at least four weeks'

notice to your manager before the expected return to work date. Your manager may also contact you at least four weeks before the expected return to work date.

Under [Section 26 of the Maternity Protection Act 1994](#) you are entitled to return to work to the same job with the same contract of employment. However, [Section 27 of the Act](#) states that, if it is not reasonably practicable for your employer to allow you to return to your job, then they must provide you with suitable alternative work.

Where there is a situation that a civil servant returning from maternity leave is not returning to the position she was in prior to starting maternity leave, this should be communicated in advance to the person by her manager or HR. There may be situations where there are business reasons for this, or changes taking place within the organisation e.g. re-structuring.

3.2. BREASTFEEDING

Breastfeeding mothers are entitled to paid breaks from work (one hour per day), or reduced daily working time (one hour per day) to facilitate breastfeeding or lactation (See [Circular 31/06 Implementation of the Regulations of the Maternity Protection \(Amendment\) Act 2004](#)). At present, breastfeeding or lactation breaks may continue until the child is two years of age. This hour can be broken into two 30 minute breaks or three 20 minute breaks if desired. Time off from work or a reduction in working hours should be calculated on a *pro rata* basis for worksharers. You should make arrangements to avail of this with your Line Manager. For further information click on the following link to [Breastfeeding / Employee / Managers](#)

3.3. SUPPORT SYSTEM

A number of Departments have put in place a support system/“buddy system” for mothers returning to the workplace after maternity leave. This is an optional support provided by employees who are parents themselves and have experience of juggling the dual aspects of parenting and work. It is envisaged that best practice in this area can be shared by local HR Units via The Hive.

3.4. PARENTAL LEAVE

Description

Any employee who is a parent is entitled to Parental Leave for each child born or adopted. Parental Leave provides unpaid time off work to care for a child or make arrangements for the child's welfare.

While Parental leave is unpaid, a civil servant on parental leave is deemed for all purposes (other than the right to remuneration and superannuation benefits) to be in employment. The absence will therefore count as service and will reckon for increment purposes and for qualifying service for annual leave and promotion.

Parental leave must be applied for 6 weeks in advance of the start date of the leave.

- If you intend to take Parental Leave, you must ensure to submit a copy of the relevant dependents birth certificate to NSSO HR Shared Services to ensure prompt approval of leave.
- Leave can be granted until the child is 13 years old.
- Leave can be granted for a child with a disability or long term illness up to 16 years.
- If you have an entitlement to Parental Leave as a full time officer, you get the pro rata amount as a work-sharer.
- If an adopted child is over 11 years old but less than 13 years old at the time of adoption, the leave must be taken within two years of the date of the adoption order.
- Only 14 of the 18 weeks can be transferred between qualifying parents where both parents are employed in the Civil Service, subject to employer's agreement. Four weeks are non-transferrable.
- A parent returning to work from continuous parental leave may request a change in work pattern for a set period of time. The employer is obliged to consider and respond to such requests, taking into account both the employer's and worker's needs. There is no obligation on the employer to grant the change in work pattern.
- If parental leave spans a weekend i.e. an employee takes parental leave on a Friday and Monday this will be a loss of two pension days provided this is not a block of leave.

Cancelling Parental Leave

- In certain circumstances, Parental Leave can be cancelled if a manager raises a case on the Employee's behalf e.g. if the Parental Leave dates clash with certified sick leave or if, in your manager's opinion, the cancellation is due to business needs. For further information click on the following link to [Parental Leave](#)

3.5 PATERNITY LEAVE

New parents (other than the partner who has availed of Maternity Leave/Adoption Leave) are entitled to two consecutive weeks' paternity leave from employment or self-employment following birth or adoption of a child. You can start paternity leave at any time within the first 26 weeks following the birth or adoption placement.

Payment during paternity leave

In the Civil Service, this will be paid leave. In the case of a person who is entitled to Paternity Benefit from the Department of Employment Affairs & Social Protection, the issue of payment should be treated in a similar manner to Maternity Leave i.e. such a person on Paternity Leave is entitled to normal payment by his/her Department on the basis that he/she signs a mandate authorising the Department of Employment Affairs & Social Protection to pay any benefit due to him/her under the social insurance system directly to the employing Department/Office.

Claimants for Paternity Leave will, in the case of a birth of a child, have to provide a copy of the medical certificate from a registered medical practitioner which shows the expected date of confinement. The birth certificate can be provided where the child is born before the expected date of confinement.

In the case of an adoption, claimants will have to provide the certificate of placement and in the case of an inter country adoption claimants will need to supply the declaration of eligibility and suitability followed by the certificate of placement as soon as it becomes available.

At least four weeks' notice must be given by a civil servant of his/her intention to take Paternity Leave.

For further information click on the following link to [Paternity Leave](#)

3.6 OTHER TYPES OF LEAVE

There are other types of leave which may be available to you on your return if needed. These are subject to business needs/management approval depending on the type of leave.

For further information click on the following link to [Leave](#). **See Appendix 1 at the end of this booklet which outlines Leave types.**

3.7 CIRCULAR 23/07: Post-Entry Education – Refund of Fees and Study Leave

A civil servant may be undertaking a course of study under the Refund of Fees Scheme while on Maternity/Paternity/Adoptive Leave. If the exams are scheduled for a date when the civil servant is out of the office on such leave, the civil servant should plan to avail of any study leave allowed for under this Circular PRIOR to going on Maternity/Paternity/Adoptive Leave. This matter should be discussed with the relevant line manager and HR Unit if necessary. Retrospective study leave will not be granted on return from Maternity/Paternity/Adoptive Leave. The Circular will be updated to reflect this amendment in due course.

4. Useful links and Phone numbers:

- [People Point](#) / NSSO HR Shared Services
- [Leave Management](#)
- Email contact@peoplepoint.ie PeoplePoint Number 076 1071000
- [Welfare.ie](#) – provides access to information and relevant customer forms
- [Maternity Benefit](#) Section –DEASP Buncrana Telephone: (01) 471 5898
Lo-Call: 1890 690 690 maternityben@welfare.ie
- <https://www.welfare.ie/en/pdf/mb1.pdf> - Maternity Benefit Form
- [Department of Employment Affairs & Social Protection Top sites](#) – provides contact information for all DEASP Intreo and Branch Offices
- [Public Appointments Service](#) Phone Lo-Call: 1890-449999Tel: +353-1-8587400 Email: info@publicjobs.ie
- [Civil Service Employee Assistance Service](http://www.cseas.per.gov.ie/) <http://www.cseas.per.gov.ie/>
- [Revenue](#) provides detail on taxation of Department of Employment Affairs & Social Protection Payments

- Your line manager's contact number and work email address.

5. Maternity Leave Checklist sheet

Before Maternity Leave	
Inform Manager	
Complete and submit MB1 form (keep photocopies)	
Apply to NSSO HR Shared Services for Maternity Leave.	
Provide your contact details to your manager & establish level of contact to be maintained.	
Ensure that your contact details on PeoplePoint are correct	
Ensure that PMDS is up-to-date before maternity leave commences	
During maternity leave	
Maintain the agreed contact with your manager.	
Notify NSSO HR Shared Services and manager of any amendments to return date.	
Confirm your actual return date with your manager	
Notify your manager and NSSO HR Shared Services of any changes to your contact details	

Appendix 1 – Summary of [Leave](#).

Type of Leave	Length of Service	Amount of Leave - All leave is subject to Approval
Annual Leave	None	Varies according to grade and length of service. Pro-rata for work sharer
Maternity Leave	None	26 weeks paid
Additional Maternity Leave	None	16 weeks unpaid
Premature Births & Maternity Benefit	None	From 1st October 2017, the period for which maternity benefit is paid is being extended in cases where a baby is born prematurely.
Adoptive Leave	None	24 weeks paid.
Additional Adoptive Leave	None	16 weeks unpaid.
Paternity Leave	None	2 weeks paid.
Bereavement Leave	None	Varies according to the relationship between a civil servant and the person who has died.
Force Majeure Leave	None	3 days in any period of 12 months or 5 days in any period of 36 months. Entitlement to force majeure leave is limited to circumstances where the immediate presence of the officer is indispensable, at the place where the ill or injured person is situated.
Marriage Leave	None	The difference between 27 days and the officers annual leave entitlement to a maximum of 5 days paid leave. If annual leave exceeds 27 days then officer has no entitlement. Also up to 5 days unpaid leave immediately before or after marriage.
Study/Exam Leave	None	If you are undertaking a course under the Refund of Fees Scheme, ensure to arrange to apply for the relevant study leave PRIOR to the commencement of Maternity/Paternity/Adoptive Leave.
Parental Leave	1 years' continuous service.	90 working days unpaid for fulltime staff – pro rata for worksharers. At least 6 weeks' notice must be given of intention to take the leave. NB: An entitlement can also arise at 3 months service in cases where the child will reach the age of 13 before 1 year of service is reached. In these cases, the entitlement is 1 week off for every month of continuous service.
Domestic Leave	None	Unpaid leave for (a) up to 6 months to (i) cope with difficulties arising from the death or serious illness of an immediate relative, including after the birth of a child with a serious illness, or, in exceptional circumstances, in respect of a more distant relative or (ii) care for an immediate

		<p>relative during sickness or old age (provided no suitable person other than the officer is available to provide the care);</p> <p>(b) for up to 2 months to deal with other urgent domestic affairs.</p>
Career Break	<p>Must have completed initial probationary period and have completed 2 years continuous service.</p>	<p>Minimum of 6 months / maximum of 5 years unpaid.</p> <p>3 Career Breaks allowed during Civil Service career.</p>
Carers Leave	<p>12 Months continuous service.</p>	<p>Minimum of 13 weeks, maximum of 104 weeks unpaid per person being cared for. At least 6 weeks' notice must be given of intention to take this leave.</p>
Shorter Working Year	<p>Must have completed initial probationary period.</p>	<p>Under the terms of the scheme, special leave may be available as one continuous period of 2, 4, 6, 8, 10 or 13 weeks. The period of leave shall be unpaid special leave. Civil Service organisations may operate the Scheme in a manner best suited to meet its business needs.</p>

