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SAMPLE PARENTAL LEAVE POLICY

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The policy is in line with the Parental Leave Acts 1998 to 2006, with the principal elements set out below. It covers employees of [*insert name of employer solicitor/firm*] (the "Employer") provided that they meet the conditions outlined below.

Purpose

The purpose of parental leave is to provide temporary unpaid leave to employees who are natural parents, adoptive parents or acting in loco parentis to the child to take care of their child before they reach 8 years of age.

Entitlements and conditions

- Employees who are natural parents, adoptive parents or acting in loco parentis to a child are entitled to 18 working weeks' unpaid leave to enable care of their child.
- An employee must have one year's continuous service with the Employer before he/she is entitled to parental leave. However, an employee with less than 1 year's continuous service may be entitled to a pro rata parental leave entitlement after 3 months' service, if the child is about to go beyond the specified age limit. The parental leave entitlement is one weeks' unpaid leave for each month of continuous employment.
- The leave must be taken before the child reaches eight years of age, except in certain circumstances in the case of an adopted or disabled child.

- In the case of an adopted child, who is under six years of age at the time of adoption, the leave must be taken before the child reaches eight years of age. If the child is aged between six and eight years at the time of adoption, the leave must be taken within two years of the adoption order.

In the case of a child with a disability or long-term illness, leave may be taken up to the child reaching 16 years. In addition, where illness or other incapacity prevents the employee taking care of the child, the employee's parental leave may be suspended/postponed until he/she is no longer sick provided that he/she produces satisfactory evidence of sickness.

- 14 weeks' unpaid parental leave is available per eligible child. However, where a parent has more than one eligible child, they may not take more than 14 weeks' parental leave in any 12-month period, except in the case where the children concerned are children of a multiple birth.
- Each parent has a separate entitlement to parental leave from his/her job, but the leave may not be transferred between the parents, i.e. the mother cannot take the father's leave and vice versa. Where both parents work for the Employer, and with their respective managers'/supervising partners' agreement, up to 14 weeks of parental leave may be transferred from one parent to another...
- The leave may be taken in a block of 18 weeks, or two separate blocks of not less than six weeks with a minimum of 10 weeks between each block, or by **agreement** with the Employer broken down into pre-planned time off.
- Periods of training or probation will be suspended while an employee is on parental leave and will be completed on their return.

Requests for parental leave

Requests for parental leave must be given to the Employer [*specify appropriate Manager/Head of Department and/or Human Resources*], a minimum of 6 weeks prior to the proposed date of commencement. The request must specify the start date, duration and manner in which it is proposed the parental leave will be taken. A copy birth certificate or adoption order for the child must be attached.

Employer's decision re parental leave

The Employer may decide to postpone the parental leave for up to 6 months, if satisfied that granting the leave would have a substantial adverse effect on the operation of the business, if there are difficulties with finding a replacement or if a number of employees are already availing of parental leave. The Employer must discuss the postponement with the employee and must provide an explanation in writing no later than four weeks before the proposed date of commencement of the parental leave, specifying the grounds for the postponement.

The Employer must produce a Confirmation Document, confirming details of parental leave, for the employee to sign at least 4 weeks prior to the date of commencement. The confirmation document will specify the date of commencement of the leave, its duration and the manner in which it will be taken

Both the employee and the Employer will hold signed copies of all Confirmation Documents. [All Employer copies must be [passed to Human Resources and] held on the individual's Personnel File.]

Protection of employment rights

All employment, statutory and contractual rights are protected while on parental leave, with the exception of remuneration and superannuation benefits.

Employees will continue to accrue both annual leave and public holiday entitlements during parental leave.

An employee will return to his/her normal or usual job on completion of the period of parental leave.

Illness during Parental Leave

- An employee who falls ill while on parental leave and as a result is unable to care for the child may suspend the parental leave for the duration of the illness following which period, parental leave recommences. An employee seeking to postpone or suspend a period of parental leave must notify the Employer in writing, as soon as is reasonably practicable after becoming sick, and include with the notice the relevant evidence in respect of the sickness

Abuse of Parental Leave

- An employee must use his/her parental leave to take care of the child concerned. The Employer may terminate the leave if it has reasonable grounds to believe that the leave is being used for a purpose other than taking care of the child concerned. If following an investigation the employee is found to have been abusing this leave he/she may be subject to disciplinary action.
- Before terminating the parental leave the Employer must notify the employee in writing of its intention to do so and invite the employee to make representations on the matter within seven days. The Employer must then consider the employee's submission before deciding whether to terminate the leave.
- If the Employer decides to terminate the leave the employee must be notified in writing of such termination specifying the grounds and the date of termination. The date of termination of leave must be no less than seven days after the notification of termination is given. In a case where the leave is terminated and the employee returns to work, the period between the date of the employee's returning to work and the date on which the leave would have ended if the employee had completed the leave does not count as parental leave.

Refusal to grant Parental Leave

- The Employer may by notice in writing refuse to grant parental leave if it has reasonable grounds to believe the employee is not entitled. The notice shall contain a statement in summary form of the grounds for refusing to grant the parental leave concerned.
- Before refusing the parental leave the Employer must notify the employee in writing of its intention to do so and invite the employee to make

representations on the matter within seven days. The Employer must then consider the employee's submission before deciding whether to refuse the leave.