



CATHOLIC PRIMARY SCHOOLS MANAGEMENT ASSOCIATION
CUMANN BAINISTÍOCHTA NA MBUNSCOLJEANNA CAITLICEACHA

Brief Absences

**Clerical Officers and Caretakers (1978/1979
secretary and caretaker)**

and

Other Employees

Frequently asked Questions

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CLERICAL OFFICERS AND CARETAKERS (1978/1979 Secretary and Caretaker)

Note: this section **does not apply** to secretaries and caretakers employed and paid by BoM. Please refer to the section Other Employees at page 7 below for all staff other than teachers, SNAs and clerical officers and caretakers (1978/1979 Scheme).

Adoption

Q.1. Can an employee avail of time off work to attend pre-adoption classes and meetings?

A. Yes, an employee can avail of paid time off work to attend any pre-adoption classes and meetings which the employee is obliged to attend. Evidence of the appointment should be provided to the employer. Such evidence should be retained by the BoM for audit purposes. **(Adoptive Leave Act, 1995 & Adoptive Leave Act, 2005)**

Q.2. Should the employee give notice of such meeting to the employer?

A. Yes, the employee should give notice in writing of the dates and times of the class(es) concerned a minimum of two weeks in advance of the class(es). **(Adoptive Leave Act, 1995 & Adoptive Leave Act, 2005)**

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Ante-Natal Appointments/classes

Q.3. Can a pregnant employee avail of take time off work to attend ante-natal care appointments?

A. Yes, a pregnant employee can avail of paid time off work to avail of ante-natal care. Evidence of the appointment should be provided to the employer. The BoM should retain such evidence for audit purposes. **(Maternity Protection Act 1994 & Maternity Protection (Amendment) Act 2004)**

Q.4. Can a pregnant employee time off work to attend ante-natal classes?

A. Yes, a pregnant employee is entitled to paid time off work to attend one set of ante-natal classes other than the last 3 classes in such a set of ante-natal classes. (These three classes take place while the teacher is on maternity leave). Evidence of the appointment should be provided to the employer. The BoM should retain such evidence for audit purposes. **(Maternity Protection Act 1994 & Maternity Protection (Amendment) Act 2004)**

Q.5. Can an expectant father avail of time off work to attend ante-natal classes?

A. An expectant father can avail of, only once, paid time off work to attend the last 2 ante-natal classes in a set of the ante-natal appointments being attended by the expectant mother. Evidence of such appointments should be provided to the employer. Such evidence should be retained by the BoM for audit purposes.

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Bereavement Leave

Q.6. Can a secretary/caretaker employed under the 1978/1979 schemes avail of bereavement Leave?

A. Yes, a secretary/caretaker employed under the 1978/1979 schemes can avail of bereavement leave in the event of the bereavement of a family member.

Q.7. How many days bereavement leave can the secretary/caretaker employed under the 1978/1979 schemes avail of?

A. A secretary/caretaker employed under the 1978/1979 schemes can avail of **5 working days** in the case of a spouse* or child.

3 working days in the case of other immediate relatives.

*spouse should be read as spouse/civil partner

Q.8. Are there any other circumstances where a secretary/caretaker employed under the 1978/1979 schemes can avail of bereavement leave?

- A. Yes, in exceptional circumstances (e.g. where the secretary/caretaker has lived in the same house as the deceased or has taken charge of the funeral arrangements) a secretary/caretaker employed under the 1978/1979 schemes may be granted up to 3 working days special leave in the case of a more distant relative. The BoM will decide on the granting of this leave but should consult with DES prior to granting this leave.

In a case where a secretary/caretaker employed under the 1978/1979 scheme has to travel abroad to make funeral arrangements in respect of an immediate relative, special leave with pay in excess of the limits described above may be granted at the discretion of the BoM. The BoM should however consult with the DES in these circumstances.

Q.9. When must this leave be taken?

- A. This leave can only be taken at the time of the bereavement.

Q.10. Is bereavement leave paid leave?

- A. Yes, bereavement leave is paid leave.

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Family Illness or Injury including Force Majeure Leave

Q.11 Can a secretary/caretaker employed under the 1978/1979 schemes avail of Force Majeure Leave?

- A. Yes, a secretary/caretaker employed under the 1978/1979 schemes can avail of Force Majeure Leave for urgent family reasons owing to an injury or illness of an immediate family relative subject to a maximum of 3 days in any period of 12 months or 5 days in any period of 36 consecutive months.

Q.12. Is absence for part of a day counted as a full days Force Majeure leave?

- A. Yes, absence for part of a day is counted as one day for the purposes of force majeure leave.

Q.13. Should the secretary/caretaker employed under the 1978/1979 schemes complete any form following the taking of Force Majeure leave?

- A. Yes, a secretary/caretaker employed under the 1978/1979 schemes availing of Force Majeure leave should complete the Form of Notice of Force Majeure Leave under the Parental Leave Act as soon as is reasonably practicable after taking such leave.

Q.14. When must this leave be taken?

- A. This leave can only be taken at the time of the illness/injury of the family member.

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Health and Safety Leave

Q.15. Can an expectant secretary/caretaker avail of Health and safety leave?

- A. An expectant secretary/caretaker may be placed on Health and Safety leave if following a Maternity related Health and Safety risk assessment a risk is identified and if (a) it is not possible to remove it (b) a temporary adjustment in the work environment of the teacher is not possible (c) moving the employee to suitable

alternative work which does not entail the risk is not available. **(Maternity Protection Act 1994)**

Q.16. Will the secretary/caretaker be paid while on Health and Safety leave?

A. The secretary/caretaker is entitled to be paid for 21 days by the BoM. Subsequently the employee may be entitled to receive Health & Safety benefit from the Department of Social Protection. **(Maternity Protection Act 1994)**

Q.17. What if any form(s) should be completed by the BoM and given to the employee if she is being placed on H&S leave?

A. The BoM should complete the "certificate of risk, non-feasibility of providing other work and grant of leave on health and safety grounds". A sample certificate of risk form can be sourced in the schedule to the — Maternity Protection (Health and Safety Leave Certification) Regulations, 1995 (S.I. No. 19/1995).

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Jury Duty

Q.18. Can a secretary/caretaker avail of leave if called for Jury service?

A. The Juries Act 1976 places a duty on employers to allow employees attend for Jury service. The employee is paid by the employer while on Jury service. **(Juries Act 1976)**

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Paternity Leave

Q.19. Can a male secretary/caretaker employed under the 1978/79 schemes avail of paternity leave?

A. Yes, a male secretary/caretaker employed under the 1978/79 schemes can avail of paternity leave subject to a maximum of 3 days. Paternity leave must be taken within four weeks of the birth.

Q.20. How many days paternity leave can be taken in the event of multiple births?

A. The maximum amount of paternity leave is three days, even in the event of multiple births.

Q.21. Is Paternity leave paid leave?

A. Yes, paternity leave is paid leave.

Q.22. Can a father take special leave when a child is being adopted?

A. Yes, a father can take special leave subject to a maximum of 3 days taken within four weeks of the placement of the child.

Q.23. How many days paternity leave can be taken in the event of multiple placements at the same time?

A. The maximum amount of paternity leave is three days even in the event of multiple placements.

Q.24. Must the three days paternity leave be taken together?

A. No, the three days paternity leave may be taken consecutively or individually as appropriate.

Q.25. Should notice be given by the secretary/caretaker of his intention to avail of paternity leave?

A. A secretary/caretaker should give four weeks' notice of their intention to avail of paternity leave.

Post Natal Care Appointments

Q.26. [Can a female employee avail of leave to attend post natal care appointments?](#)

- A. Yes, a female employee can avail of paid time off work to attend medical appointments related to post natal care within 14 weeks of the birth. Evidence of the appointment should be provided to the employer. Such evidence should be retained by the employer for audit purposes. **(Maternity Protection Act 1994)**

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Unpaid Leave

Q.27. [Can a secretary/caretaker employed under the 1978/1979 schemes avail of unpaid leave?](#)

- A. Yes a secretary/caretaker employed under the 1978/1979 schemes can avail of unpaid leave subject to the following limits

6 months to

- Cope with difficulties arising from the death or serious illness of an immediate relative

Or

- Care for an immediate family relative during sickness or old age(provided no suitable person other than the secretary/caretaker is available to provide the care)

2 months to

- Travel abroad to visit an immediate relative suffering from serious illness and unforeseen illness (provided the secretary/caretaker is the only person who can make the visit)

Or

- Deal with urgent domestic affairs other than those referred to above

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References:

Adoptive Leave Act 1995 & Adoptive Leave Act 2005

Maternity Protection Act 1994; Maternity Protection (Health and Safety Leave Certification) Regulations 1995 (SI No. 19 of 1995) & Maternity Protection (Amendment) Act 2004

Juries Act 1976

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OTHER EMPLOYEES

Note: This includes secretaries and caretakers employed and paid by the BoM. This section **does not apply** to teachers, SNAs or Clerical Officers and Caretakers employed under the 1978 and 1979 scheme.

Adoption

Q.1. Can an employee avail of time off to attend pre-adoption classes and meetings?

A. Yes, an employee can avail of paid time off work to attend any pre-adoption classes and meetings which the employee is obliged to attend. Evidence of the appointment should be provided to the employer. Such evidence should be retained by the BoM for audit purposes. **(Adoptive Leave Act, 1995 & Adoptive Leave Act, 2005)**

Q.2. Should an employee give notice of such classes/meeting to the employer?

A. Yes, an employee should give notice in writing of the dates and times of the classes/meetings concerned a minimum of two weeks in advance of the classes/meetings. **(Adoptive Leave Act, 1995 & Adoptive Leave Act, 2005)**

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Ante-Natal Appointments/classes

Q.3. Can a pregnant employee avail of time off work to attend Ante-Natal care appointments?

A. Yes, a pregnant employee is entitled to paid time off work to avail of ante-natal care. Evidence of the appointment should be provided to the employer. Such evidence should be retained by the BoM for audit purposes. **(Maternity Protection Act 1994 & Maternity Protection (Amendment) Act 2004)**

Q.5. Can a pregnant employee avail of time off work to attend ante-natal classes?

A. Yes, a pregnant employee can avail of paid time off work to attend one set of ante-natal classes other than the last 3 classes in such a set of classes. (These three classes take place while the teacher is on maternity leave). Evidence of the appointment should be provided to the employer. Such evidence should be retained by the BoM for audit purposes. **(Maternity Protection Act 1994 & Maternity Protection (Amendment) Act 2004)**

Q.6. Can an expectant father avail of paid time off work to attend ante-natal classes?

A. Yes, an expectant father can avail of, only once, paid time off work to attend the last 2 ante-natal classes in a set of such classes attended by the expectant mother. Evidence of such appointments should be provided to the employer. Such evidence should be retained by the BoM for audit purposes.

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Force Majeure Leave

Q.7. Can an employee avail of Force Majeure Leave?

A. An employee can avail of Force Majeure leave where, for urgent family reasons, owing to an injury to or the illness of a family member, the immediate presence of the employee at the place where the person is, is indispensable. A family member is a child/adoptive child or a person to whom the employee is in loco parentis, spouse* or partner, brother/sister, parent or grandparent. Force Majeure Leave is a maximum of 3 days in any period of 12 consecutive months or 5 days in any period of 36 consecutive months. Force Majeure is paid leave. **(Parental Leave Act 1998 & Parental Leave (Amendment) Act 2006)**

*spouse should be read as spouse/civil partner

Health and Safety Leave

Q.8. [Can an expectant mother avail of Health and Safety leave?](#)

- A. An expectant mother may be placed on Health and Safety leave if following a maternity related Health and Safety risk assessment a risk is identified and if (a) it is not possible to remove it (b) a temporary adjustment in the work environment of the teacher is not possible (c) moving the employee to suitable alternative work which does not entail the risk is not available. **(Maternity Protection Act 1994)**

Q.9. [Will the employee be paid while she is on Health and Safety leave?](#)

- A. Yes, the employee is entitled to be paid for 21 days by the BoM. Subsequently the employee may be entitled to receive H&S benefit from the Department of Social Protection. **(Maternity Protection Act 1994)**

Q.10. [What if any form\(s\) should be completed by the BoM and given to the employee if she is being placed on H&S leave?](#)

- A. The BoM should complete the “certificate of risk, non-feasibility of providing other work and grant of leave on health and safety grounds”. A sample certificate of risk form can be sourced in the schedule to the — Maternity Protection (Health and Safety Leave Certification) Regulations, 1995 (S.I. No. 19/1995).

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Jury Duty

Q.11. [Can an employee avail of leave if called to attend for jury service?](#)

- A. The Juries Act 1976 places a duty on employers to allow employees attend for Jury service. The employee is on paid leave while on jury service. **(Juries Act 1976)**

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Paternity Leave

Q.12. [Can a father avail of paternity leave?](#)

- A. There is no legal entitlement to paternity leave in Ireland. It is provided only at the employer’s discretion.

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Post-Natal Care Appointments

Q.13. [Can an employee avail of time off work to attend Post-Natal care appointments?](#)

- A. Yes, an employee can avail of paid time off work to attend medical appointments related to post-natal care within 14 weeks of the birth. Evidence of the appointment should be provided to the employer. Such evidence should be retained by the BoM. **(Maternity Protection Act 1994 & Maternity Protection (Amendment) Act 2004)**

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References:

Parental Leave Act 1998 & Parental Leave (Amendment) Act 2006

Adoptive Leave Act, 1995 & Adoptive Leave Act, 2005

Maternity Protection Act 1994 & Maternity Protection (Health and Safety Leave Certification) Regulations 1995 (SI No. 19 of 1995) & Maternity Protection (Amendment) Act 2004

Juries Act 1976