



Oifig an Stiúirthóra Náisiúnta, Acmhainní Daonna

Feidhmeannacht na Seirbhísí Sláinte
Ospidéal Dr. Steevens'
Baile Átha Cliath 8

Office of the National Director of Human Resources

Health Service Executive
Dr. Steevens' Hospital
Dublin 8

Tel: 01 6352319 Email: nationalhr@hse.ie

**To: Each Member of the Directorate and Leadership Team
Each Assistant National Director HR
Each Hospital Group CEO
Each Hospital Group Director of HR
Each Chief Officer CHO
Each CHO HR Manager
Each CEO Section 38 Agencies
Each HR Manager Section 38 Agencies
Each Employee Relations Manager
Each Group Director of Nursing & Midwifery
Each Group Director of Midwifery**

14th May, 2019

Re: HSE HR Circular 013/2019 re Implementation of Amendments to the Maternity Protection Acts re Premature Births

Dear Colleagues,

Please find attached Department of Health Circular 7/2019 in relation to the implementation of amendments to the Maternity Protection Acts in respect of premature births. This Circular also sets out the remuneration arrangements which apply to health service employees while on additional maternity leave due to a premature birth.

The Social Welfare Act 2017 (the "2017 Act") extends the maternity leave entitlement and related State maternity benefit in cases where a baby is born prematurely. Section 16 of the 2017 Act amends the Maternity Protection Act 1994 to provide for a further period of maternity leave for mothers of babies born prematurely on or after 1 October 2017.

The further period of maternity leave is equal to the 'premature birth period' defined by Section 15(2) of the 2017 Act, commencing on the actual date of birth and expiring on the date when the maternity leave was expected to commence (i.e. ordinarily two weeks before the expected date of birth). Provision is also made for the extended payment of Maternity Benefit for the length of the premature birth period. The maternity pay scheme for public health service employees, as provided for under Department of Health Circular 8/1998, applies to this premature birth period.

These additional entitlements apply after the end of the standard 26 week period of maternity leave and are effective from 1 October 2017.

Please ensure that the contents of this Circular are brought to the attention of all managers, payroll staff and employees in your area of responsibility.

Queries

Managers may refer any queries that they may have in relation to this Circular to their local HR / Employee Relations Department.

Queries from HR / Employee Relations Departments on this Circular may be referred to Anna Killilea, HSE Corporate Employee Relations, HR Directorate, 63 / 64 Adelaide Road, Dublin 2. Tel: 01-6626966, E-mail: anna.killilea@hse.ie

Please note also that the National HR Help Desk is also available to take queries on 1850 444 925 or email: ask.hr@hse.ie

Yours sincerely,



Rosarii Mannion
National Director of Human Resources



Circular 7/2019

2nd May 2019

To: 1) National Director of Human Resources, HSE
2) Non-Commercial State Agencies (NCSA) CEOs

Implementation of Amendments to the Maternity Protection Acts re Premature Births

Dear Sir/ Madam

I am directed by the Minister for Health to advise of new arrangements for maternity leave in the public health sector due to amendments to the Maternity Protection Acts introduced by the Social Welfare Act 2017 to provide for premature births.

The purpose of this Circular is to inform public health sector employers and employees of the revised maternity leave provisions in the case of premature births. The Maternity Protection Acts were amended by the Social Welfare Act 2017.

From 1st October 2017, the period of maternity leave for which maternity benefit is paid is being extended in cases where a baby is born prematurely.

Extended Period of Leave

The period of leave will be extended by the length of time between the actual date of birth of the premature baby and two weeks before the end of the week in which the baby was due. 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.

Under the new arrangements, in addition to the current 26 weeks of paid maternity leave, employees will be entitled to an additional period of paid maternity leave.

The additional period will:

- commence at the end of the standard 26 week period of paid maternity leave, and
- be the number of days from the baby's actual date of birth up to two weeks before the end of the week in which the baby was due (at which point the current entitlement to 26 weeks leave and benefit would normally begin).

How to claim for the extended period of maternity benefit and maternity leave

Employees should make a claim for the standard 26 weeks of maternity leave in the first instance.

To make a claim for any additional period due to a premature birth, employees will need to contact the Maternity Benefits Section of the Department of Employment Affairs and Social Protection (DEASP) before the end of the first 26 weeks of Maternity Benefit to inform that section of the premature birth.

Bloc 1, Plaza Míseach, 50 - 58 Sráid Bhagóid Íochtarach, Baile Átha Cliath 2, D02 XW14
Block 1, Miesian Plaza, 50 - 58 Lower Baggot Street, Dublin 2, D02 XW14
T +353 1 635 4000 | info@health.gov.ie
www.health.gov.ie

Contact details for Department of Employment Affairs and Social Protection

Maternity Benefit Section, Department of Employment Affairs and Social Protection
McCarter's Road, Buncrana, Co Donegal
Tel: (01) 471 5898 Locall: 1890 690 690 Email: MaternityBen@welfare.ie.

Employees should follow whatever procedures are in place in DEASP in order to receive a *letter of confirmation* of the amended maternity leave dates and details of any additional maternity benefit payment to be paid by DEASP.

Remuneration while on additional maternity leave due to a premature birth

In order to claim full remuneration for the additional period of maternity leave, employees must provide this *letter of confirmation* from DEASP to their employer.

The procedure for granting remuneration by the employer where the employee has an entitlement to maternity benefit in respect of the premature birth period, shall be the same as the procedure applied by the employer for granting remuneration during the standard 26 weeks' maternity leave.

Where an employee does not meet the eligibility requirements for claiming maternity benefit from the DEASP, she may receive full remuneration from her employer during the standard 26 weeks of maternity leave and any additional period due to a premature birth. This provision does not apply, however, to any employee who satisfies the eligibility criteria for maternity benefit but fails to comply with any of the conditions laid down by the DEASP for payment of maternity benefit to which she would otherwise be entitled.

In order to allow an employer to determine an employee's statutory entitlement to additional maternity leave due to a premature birth and to make appropriate arrangements, all employees must provide their employer with relevant documentation such as a copy of the letter from the hospital confirming the actual date of birth and the number of weeks' gestation at which their baby was born.

Remuneration while on maternity leave shall be granted in accordance with Department of Health Circular 8/1998 and will be subject to the existing rules.

Queries

All employee queries should be directed to the relevant employer. Requests for clarification from payroll and hr managers should be directed to National_hr_unit@health.gov.ie

Circulation

The contents of this circular should be brought to the attention of all HR managers, payroll staff, and all employees of the HSE, Section 38 agencies and the NCSAs.

Yours sincerely


Sorcha Murray
Principal Officer