



## National Ambulance Service (NAS)

### Policy

#### Understanding Parental & Force Majeure Leave

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## **1.0 POLICY STATEMENT**

1.1 The Parental Leave Act 1998 and 2006 provides for an entitlement for parents to avail of unpaid leave from employment to enable them to take care of their young children. The Act(s) also provides for limited paid leave (Force Majeure leave) to enable staff members to deal with family emergencies resulting from injury or illness of a family member.

## **2.0 PURPOSE**

- 2.1 To provide guidance for all staff members in relation to Parental and Force Majeure leave entitlements.
- 2.2 To ensure appropriate management of such entitlements by all Line Supervisors/Managers.
- 2.3 To ensure HSE compliance with the salient provisions of the relevant legislation.

## **3.0 SCOPE**

3.1 This Policy applies to all National Ambulance Service Officers, Supervisors and Staff entitled to apply for Parental or Force Majeure Leave as outlined in the HSE Corporate Employee Relations guidelines.

## **4.0 LEGISLATION/OTHER RELATED POLICIES**

- A. HSE Terms and Conditions Manual
- B. Parental Leave Act 1998 and 2006
- C. Organisation of Working Time Act 1997
- D. HSE Employers Agency Guidelines

## **5.0 GLOSSARY OF TERMS AND DEFINITIONS**

5.1 Force Majeure - legal term which means that some important and critical event has occurred, as a result, releasing the person directly affected from his or her legal obligations in a particular matter that would otherwise have applied

## **6.0 ROLES AND RESPONSIBILITIES**

### **6.1 Line Supervisor/Manager Responsibility**

- 6.1.1 Ensure familiarity with the provisions of this policy
- 2.1.1 Ensure compliance with the protocol on the requesting/granting of Parental and/or Force Majeure leave
- 6.1.2 Maintain appropriate records of all relevant decisions

### **6.2 Staff Responsibility**

- 6.2.1 Ensure familiarity with the provisions of this policy.
- 6.2.2 Ensure compliance with the protocol on the requesting/granting of Parental and/or Force Majeure leave

## **7.0 GUIDELINE**

### **7.1 PARENTAL LEAVE ENTITLEMENTS**

- 7.1.1 The Parental Leave Act 1998 and 2006 entitles each parent to 14 weeks unpaid parental leave.
- 7.1.2 The leave must be taken before the child is 8 years of age, or 16 years of age in the case of children with disabilities.
- 7.1.3 Statutory entitlement to take the 14 weeks parental leave in separate blocks of a minimum of 6 continuous weeks, or more favourable terms with the agreement of the HSE.
- 7.1.4 The leave may be "broken up" with the agreement of the HSE.
- 7.1.5 Where a staff member qualifies for parental leave in respect of more than one child, the staff member may not take more than 14 weeks' parental leave in any 12 month period, unless the HSE agrees otherwise. However, this restriction does not apply in the case of children of a multiple birth (i.e. twins, triplets, etc.).

### **Minimum period of employment required**

- 7.1.6 The staff member must have at least one year's continuous service with the HSE before s/he is entitled to take parental leave.
- 7.1.7 However, where the child is approaching the age threshold and the staff member has more than three months' but less than one year's service with the HSE, s/he shall be entitled to pro rata parental leave. In such a case, the staff member will be entitled to one week's leave for every month of continuous employment completed with the HSE when the leave begins.

## Transfer of Parental Leave

- 7.1.8 Each parent has a separate entitlement to parental leave from his/her job.
- 7.1.9 This leave is non-transferable between the parents, except where both parents work for the same employer. However, this depends on the agreement of the HSE.

## 7.2 MANNER IN WHICH PARENTAL LEAVE MAY BE TAKEN

- 7.2.1 The leave may be taken as a continuous block of 14 weeks, in minimum blocks of 6 weeks or, by agreement between the HSE and the staff member, may be broken up over a period of time. The time may be broken down, for example, into individual days or weeks.
- 7.2.2 In any event, the staff member is not entitled to any more than 14 weeks' leave per child.

## Calculation of "Broken" Leave in hours

- 7.2.3 The period of 14 continuous weeks normally worked by the staff member represents the total number of hours' leave to which the staff member is entitled (irrespective of how the leave is spread).

### Example 1

Wholetime Clerical Officer = 14 weeks x 34.75 per week = 486.5 hours

### Example 2

Part time EMC = 14 weeks x 27 hours per week = 378 hours

### Example 3

Wholetime EMT = 14 weeks x 39 hours per week = 546 hours

## 7.3 PROTECTION OF EMPLOYMENT RIGHTS

- 7.3.1 During an absence on parental leave, a staff member is regarded as being in the employment of the HSE and retains all of his or her employment rights (except the right to remuneration and superannuation benefits).

- 7.3.2 The absence, therefore, will count as reckonable service for the purposes of annual leave, increments, length of service, etc.
- 7.3.3 However, the HSE may require that a period of probation be suspended while the staff member is on parental leave.

#### Annual Leave and Public Holidays

- 7.3.4 Staff members retain an entitlement to any public holidays falling during a period of parental leave. Corresponding days in lieu of public holidays shall be added to the end of the period where these have not already been granted as additional annual leave.
- 7.3.5 Annual leave which accrues during an absence on parental leave shall be granted by the HSE in accordance with Section 20 of the Organisation of Working Time Act, 1997.

#### 7.4 NOTIFICATION OF PARENTAL LEAVE

- 7.4.1 A staff member must give written notice to the HSE of his or her intention to take parental leave, not later than six weeks before he/she proposes to commence the leave.
- 7.4.2 The notice must include the following details:

- A. the date on which the staff member intends to commence the leave
- B. the duration of the leave
- C. the manner in which the staff member proposes to take the leave
- D. the staff member's signature

- 7.4.3 However, the Act provides that the HSE may, at its discretion, waive all or part of the notification period.
- 7.4.4 The HSE may require the staff member to provide evidence of his or her entitlement to parental leave (e.g. the child's date of birth, the date of the adoption order or evidence of parentage).

#### 7.5 CONFIRMATION OF PARENTAL LEAVE

- 7.5.1 Once the staff member has given notice of his or her intention to take parental leave, the staff member and the HSE must prepare a 'confirmation document'.

7.5.2 This document must be prepared no later than four weeks before the leave is due to begin and must include the following details:

- A. the date on which the leave will commence
- B. the duration of the leave
- C. the manner in which the leave will be taken
- D. signatures of the Line Manager and the staff member

### Alterations to the Confirmation Document

7.5.3 Once a confirmation document has been signed by both the staff member and the Line Manager, it cannot be altered unless both parties agree.

### Revocation of Notice

7.5.4 The staff member may revoke his or her notice of intention to take parental leave at any time before the confirmation document is signed.

7.5.5 Such revocation must be made in writing to the Line Manager.

### 7.6 POSTPONEMENT OF PARENTAL LEAVE BY THE HSE

7.6.1 The HSE may decide to postpone the parental leave if it is satisfied that granting the leave would have a substantial adverse effect on the operation of services.

7.6.2 The postponement may be for a period not exceeding six months, to a date agreed on by both the HSE and the staff member.

### Notification of Postponement

7.6.3 The HSE must notify the staff member, in writing, of its intention to postpone the leave, no later than four weeks before the proposed date of commencement of the leave.

7.6.4 Such notice must specify the grounds for the postponement, and the HSE must consult the staff member before giving such notice.

## Limitations on Postponement of Leave

- 7.6.5 Generally, the HSE may postpone the leave only once in respect of any particular child. If, however, the reason for the postponement is due to the exigencies of the service, the leave may be postponed twice in respect of the same child.
- 7.6.6 Parental leave cannot be postponed by the HSE once a confirmation document has been signed by both parties.
- 7.6.7 If, solely as a result of postponement, the child concerned will reach the age threshold before the end of the leave, the staff member retains the entitlement to take the parental leave.

## 7.7 ABUSE OF PARENTAL LEAVE

- 7.7.1 A staff member must use his or her parental leave to take care of the child concerned.

## Termination of Parental Leave

- 7.7.2 The Line Manager may terminate the leave if s/he has reasonable grounds to believe that it is being used for a purpose other than taking care of the child concerned.
- 7.7.3 However, before terminating the leave, the Line Manager must notify the staff member, in writing, of his or her intention to do so, and invite the staff member to make representations on the matter within 7 days.
- 7.7.4 The Line Manager is obliged to consider the staff member's submission before deciding whether to terminate the leave.
- 7.7.5 If the Line Manager decides to terminate the leave, the staff member must be notified, in writing, of such termination. Such notice must specify the grounds and the date of the termination. The date of termination must be no less than 7 days after the date this notice is given.
- 7.7.6 Alternatively, the Line Manager may permit the staff member to complete the period of parental leave before returning to work.
- 7.7.7 In a case where the leave is terminated, the staff member shall return to work. Any period between the date of the staff member's return to work and the date on which the leave would have ended if the staff member had completed the leave, does not count as parental leave.



## Refusal to Grant Parental Leave

- 7.7.8 The Line Manager may refuse, in writing, to grant parental leave if s/he has reasonable grounds to believe that the staff member is not entitled to such leave.
- 7.7.9 Before refusing to grant the leave, however, the Line Manager must notify the staff member, in writing, of his or her intention to do so, and invite the staff member to make representations on the matter within 7 days.
- 7.7.10 The Line Manager is obliged to consider the staff member's submission before deciding whether to refuse the leave. The reasons for such refusal must be specified.

## 7.8 FORCE MAJEURE LEAVE ENTITLEMENTS

- 7.8.1 A staff member is entitled to leave with pay from his or her employment for urgent family reasons, owing to the injury or illness of any of the persons listed below:
- A. a child or adoptive child of the staff member
  - B. the spouse of the staff member, or a person with whom the staff member is living as husband or wife
  - C. a person to whom the staff member is in loco parentis
  - D. a brother or sister of the staff member
  - E. a parent or grandparent of the staff member
  - F. persons in a relationship of domestic dependency, including same-sex partners
- 7.8.2 Entitlement to force majeure leave is limited to circumstances where the immediate presence of the staff member, at the place where the ill or injured person is situated, is indispensable.
- 7.8.3 During an absence on force majeure leave, a staff member is regarded as being in the employment of the HSE, and retains all of his or her employment rights.
- 7.8.4 Force majeure leave is paid leave. It cannot be treated as part of any other leave to which the staff member may be entitled.
- 7.8.5 The staff member must specify in writing, the need to take the leave as soon as possible after return to work.
- 7.8.6 This notification must contain a statement of the facts, which the staff member believes, entitles them to the leave.

## Maximum Entitlement

- 7.8.7 Force Majeure Leave must not exceed three working days in any period of 12 consecutive months or five working days in any period of 36 consecutive months.
- 7.8.8 Any part of a day's force majeure leave counts as a full daysleave.

## 7.9 ELIGIBILITY/NOTIFICATION OF FORCE MAJEURE LEAVE

### Eligibility

- 7.9.1 Before any application, the staff member should subject their eligibility to a 'reasonable subjective test'. This test indicates three levels of criteria to assess whether a staff member's situation entitles him/her to a period of *Force Majeure* leave.
- 7.9.2 The staff member should consider if the situation is *urgent*, the situation is *immediate* and the individual staff member's presence is *indispensable*.
- 7.9.3 If the staff member's situation meets the above criteria he/she would be entitled to *Force Majeure* leave, and in such a situation would probably not be in a position to provide advance notice to their Line Manager.
- 7.9.4 In the event that a staff member has prior knowledge of a doctor/hospital appointment or the requirement of their presence, they would be in a position to provide notice, and so would not be entitled to *Force Majeure* leave if the test criteria are strictly applied.

### Notification

- 7.9.5 The staff member must notify the Force Majeure to Ambulance Control in the first instance.
- 7.9.6 The relevant Line Supervisor/Manager will grant leave in the first instance.
- 7.9.7 Paid Force Majeure Leave will be subject to submission of the written notification (see Appendix II).
- 7.9.8 As soon as reasonably practicable after his or her return to work after an absence on force majeure leave, the staff member must confirm to his or her Line Supervisor/Manager that he or she has taken the leave. The notice must specify the information required in the Form – Notice of Force Majeure Leave (see Appendix II).

- 7.9.9 Staff must complete Form – Notice of Force Majeure Leave, which is available from a Leading EMT/EMC Team Leader/Ambulance Officer/Clerical Admin Team. Where Form – Notice of Force Majeure Leave is not submitted, annual leave will be deducted until such time as the Form is submitted with their paysheet.
- 7.9.10 Force Majeure must also be recorded on the individual's Absence Leave Application Form.

## **8.0 RECORDS**

- 8.1 The HSE must keep a record of parental leave and force majeure leave taken by staff members, specifying the period of employment of each staff member and the dates and times of the leave taken. Such records must be retained for 8 years.
- 8.2 Copies of all notices and documents required under the Act must be retained by the staff member and the HSE for one year.

## **9.0 IMPLEMENTATION PLAN**

- 9.1 This Policy will be circulated electronically to all Officers, all Supervisors and Staff
- 9.2 This Policy will be placed in hardcopy in each Division's Policy Manual in each Ambulance Station and Ambulance Control Centre for ease of retrieval and reference
- 9.3 Each CAO will ensure that the Officer responsible for updating Policy Manuals will return the Confirmation Form to NAS Headquarters to confirm document circulation to all staff.

## **10.0 REVISION AND AUDIT**

- 10.1 Appropriate monitoring of parental and force majeure leave should be undertaken at both a local (e.g. station) and strategic (i.e. Divisional) level in the Service to identify circumstances that would suggest unusual trends in the taking of force majeure leave and to ensure service delivery is not adversely affected.
- 10.2 Reconciliation of location records with Divisional Headquarters records should be reviewed on a monthly basis by a designated Officer.
- 10.3 The Human Resources Dept. has responsibility for the provision of information necessary to ensure the maintenance, regular review and updating of this policy.
- 10.4 Revisions, amendments or alterations to the policy, can only be

implemented after consideration and approval by the Assistant National Director, following considerations of legislative or corporate changes.

- 10.5 Operational Management Teams will review compliance with this policy at regular intervals.
- 10.6 It is the responsibility of Line Managers/Line Supervisors responsible for the management of rosters to report difficulties with such leave or issues around compliance
- 10.7 This policy will be reviewed informally on an ongoing basis and formally when necessary following changes in procedures and/or legislation.

**Revision History:**

(This captures any changes that are made to a SOP when it has been revised. This may be placed at the back or close to the front of the document according to local preference.)

No	Revision No	Date	Section Amended	Approved by

**11.0 REFERENCES**

- None applicable

**12.0 APPENDICES**

- Appendix I – Policy Acknowledgement Form
- Appendix II - Form – Notice of Force Majeure Leave



**Document Control No. 1 (to be attached to Master Copy)**

**NAS**

**Reviewer:** The purpose of this statement is to ensure that a Policy, Procedure, Protocol or Guideline (PPPG) proposed for implementation in the HSE is circulated to a peer reviewer (internal or external), in advance of approval of the PPPG. You are asked to sign this form to confirm to the committee developing this Policy or Procedure or Protocol or Guideline that you have reviewed and agreed the content and recommend the approval of the following Policy, Procedure, Protocol or Guideline:

**Title of Policy, Procedure, Protocol or Guideline:**

**NAS**

I acknowledge the following:

- I have been provided with a copy of the Policy, Procedure, Protocol or Guideline described above.
- I have read Policy, Procedure, Protocol or Guideline document.
- I agree with the Policy, Procedure, Protocol or Guideline and recommend its approval by the committee developing the PPPG.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature (Block Capitals)

\_\_\_\_\_  
Date

**Please return this completed form to:**

**Name:** Niamh Murphy  
**Contact Details:** Corporate Office  
National Ambulance Service  
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**Document Control No. 2 (to be attached to Master Copy)**

**Key Stakeholders Review of Policy, Procedure, Protocol or  
Guidance Reviewer Statement**

**Reviewer:** The purpose of this statement is to ensure that a Policy, Procedure, Protocol or Guideline (PPPG) proposed for implementation in the HSE is circulated to Managers of Employees who have a stake in the PPPG, in advance of approval of the PPPG. You are asked to sign this form to confirm to the committee developing this Policy or Procedure or Protocol or Guideline that you have seen and agree to the following Policy, Procedure, Protocol or Guideline:

**Title of Policy, Procedure, Protocol or Guideline:**

**NAS**

I acknowledge the following:

- I have been provided with a copy of the Policy, Procedure, Protocol or Guideline described above.
- I have read Policy, Procedure, Protocol or Guideline document.
- I agree with the Policy, Procedure, Protocol or Guideline and recommend its approval by the committee developing the PPPG.

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature (Block Capitals)

\_\_\_\_\_  
Date

**Please return this completed form to:**

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