

## Civil Service Conciliation and Arbitration Scheme

### General Council Report 1487

(Meeting/s of 27 June 2007, 26 September 2007)

Seeking to allow members to take force majeure leave in periods of ½ day if required.

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#### **Claim: Seeking to allow members to take Force Majeure leave in periods of ½ day if required**

1. The Staff Side gave background information on the claim and stated that *Force majeure* leave is an entitlement of all workers under the Parental Leave Act 1998, Section 13. Their claim was that more benefit would be derived from the provisions which allow up to 3 days Force Majeure leave in any period of 12 consecutive months or 5 days in any period of 36 consecutive months, if members could take the leave in half day periods. For example in circumstances where a parent is called to the child's school it may be possible to deal with the issue within a period of hours thus requiring the parent to absent themselves from the workplace for no more than half a day. It would also facilitate the organisation as staff would return to work after the emergency rather than taking a full day.

2. The *force majeure* provision of the Act is implemented in the civil service by Circular 22/98: Parental Leave, Annex 1, para. 2(a).

"When part of a working day is taken by an employee as force majeure, the whole day is counted as a day of force majeure. Section 13 of the Act says: "A day on which an employee is absent from work on force majeure leave ...for part only of the period during which he or she is required to work ... shall be deemed, ...to be one day of force majeure leave." *Following this provision, Circular 22/98 says that "an absence for part of a day is counted as one day for the purposes of force majeure leave" (para. 2(a).*

3. The Official Side stated that the arrangements regarding force majeure leave in the Circular follow the intention of the legal provisions in the Parental Leave Act. The Act provides that force majeure leave is given for urgent family reasons, where the immediate presence of the employee is required, and where that presence is indispensable and provides that a day's leave should be provided in such circumstances. *Force majeure* leave is designed to provide for events that are genuinely urgent and immediate and where the employee's presence is indispensable and unavoidable. The provision for force majeure leave should not be seen as a leave entitlement but as a measure designed to support an employee in managing an urgent family situation. The current arrangements are suitable to the circumstances and in line with the legislation.

4. In these circumstances the Official side did not agree to the claim that a force majeure half-day leave should be provided for. The Official side consider that it is not appropriate to depart from the provisions of the Parental Leave Act and will continue to regard absence from work for part of a day "to be one day of *force majeure* leave."

5. The staff side asked that a report recording disagreement be prepared.

6. This report recording disagreement was adopted on 26 September 2007.

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Aengus O Riain  
Official Side Secretary

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Joan Byrne  
Staff Side Secretary

Agreed Report, recording disagreement

This report was adopted on 26 September 2007