

Reference No: E109/294/73; **Date:** 26/06/81

Circular Letter 4/1981:- Maternity Leave

A Chara

Circular 27/81 (copy attached) sets out the revised arrangements for maternity leave applicable to civil servants. The purpose of this Circular Letter is to update the additional information given in DPS Circular Letter 3/76 which is hereby revoked. References below are to paragraph 2 of Circular 27/81.

- (b) (i) Departments should ensure that the pay of a woman on maternity leave is reduced by the amount of the maternity allowance (if any) payable to her under the Social Welfare Acts while she is on maternity leave.
- (ii) When maternity leave is preceded or followed by sick leave the normal arrangements for the coordination of sick pay and sickness benefits (if any) payable under the Social Welfare Acts should be applied. (See Circular 25/78 Appendix B).
- (c) A woman civil servant who is fully insured under the Social Welfare Acts and fulfils the relevant contribution conditions (as set out in the leaflet listed at (ii) below) should be told of her entitlement to maternity allowance under those Acts and encouraged to apply for the allowance. She should also be told that if she claims maternity allowance from the Department of Social Welfare, her pay under the civil service arrangements will be reduced by any amount which she receives from the Department. It is possible that in some cases the amount which she would receive from that Department would be greater than her pay from the civil service - in which event, of course, no payment would be made to her under the civil service scheme.

Details of the maternity benefits provided under the Social Welfare Acts and of those entitled to them are set out in the following leaflets, copies of which are attached. Further copies may be had from the Departments concerned.

- (i) Maternity Protection of Employees Act, leaflet (Department of Labour) 1981, explanatory
- (ii) New Maternity Benefits for Women on Statutory Maternity Leave (Department of Social Welfare)
- (iii) Maternity Allowance Scheme, Information leaflet and claim form (Department of Social Welfare)

(g) (i) Sick leave during pregnancy may be allowed on the normal basis where the officer is certified unfit for work due to a complication of pregnancy such as toxæmia or to some illness unconnected with pregnancy.

(ii) it is in the interests of the staff that, on the first occasion on which an officer submits a medical certificate during pregnancy, the fact that she is pregnant be noted on the certificate. Staff should be encouraged to see that such noting is made.

(iii) Some officers may during pregnancy have difficulty in attending due to morning sickness. This difficulty can be met under the existing uncertified sick leave arrangements whereby the period allowable can be taken in half-days) and by a flexible approach to occasional late attendances arising from such sickness.

(h) (i) If the birth is premature but the mother is already on maternity leave for entitlement to 14 weeks maternity leave and the expected date of her return to work remain unchanged.

(ii) If the birth is at least 4 weeks premature but the mother is not yet on maternity leave she should be allowed 14 weeks maternity leave from the date of her confinement.

(iii) In general, if the birth is later than the expected week of confinement, no extension of maternity leave should be given and the expected date of return to work remains unchanged. However, if the late birth means that less than 4 weeks of the 14 weeks maternity leave remain to be taken after the confinement, maternity leave may be extended by an appropriate amount up to a maximum of 4 additional weeks.

(j) (i) If the Head of the Department has reason for believing that the officer may not return to duty at the end of her sick leave, he should put the question specifically to her before deciding whether or not to allow sick leave after maternity leave.

(ii) Beyond what is allowable under sub-paragraph 2 (j), special leave is not available to married women under present arrangements for the purpose of caring for their children. Where, however, a child is ill the provisions of paragraphs 14.2 and 15.2 of Circular Letter 2/76 may be applied.

(iii) Where a significant amount of sick leave is taken immediately before and/or after maternity leave, the Chief Medical Officer should be asked whether a certificate of fitness should be required before the officer is allowed return to work.

As already indicated by telephone, women who began maternity leave prior to 6 April 1981 and were still on paid maternity leave on 5 June may have their existing entitlement to 12 weeks paid maternity leave extended to 14 weeks.

Mise le meas
K Murphy

Note: Material issued by the Department of Labour or the Department of Social Welfare ((C) above refers) is not included in this Code but may be obtained from the Departments concerned.