

Understanding Maternity Leave

Are NCHDs entitled to maternity leave?

NCHDs who commence their maternity leave while under NCHD contract are entitled to maternity leave. This is 26 consecutive weeks maternity leave, plus the 16 weeks additional unpaid maternity leave under legislation.

What if an NCHD contract ends during my maternity leave?

NCHDs who commence maternity leave while under contract are entitled to be paid for 26 weeks, even if this date is after the formal cessation of their contract. The employer an NCHD is with when they start maternity leave is responsible for paid maternity leave (26 weeks) and unpaid maternity leave (16 weeks).

When should maternity leave commence?

An NCHD must start their maternity leave at least 2 weeks' before the end of the week that their baby is due. The end of the week is normally considered to be Saturday night. However, an NCHD can choose to start it earlier (see below).

What should an NCHD do if their contract is due to end before their maternity leave starts?

All pregnant women are entitled to commence maternity leave at any stage during pregnancy, but they must start it a minimum of 2 weeks before their due date (see above). If an NCHD's contract is due to end more than 2 weeks before an individual's due date, and the NCHD does not have a further employment contract, it would be worthwhile starting maternity leave early, to access the full entitlements. Please contact IMO to discuss best approach in this regard.

When should an NCHD disclose their pregnancy?

An NCHD is required to advise their HR department of their intention to commence maternity leave in writing with a minimum of 4 weeks' notice. We recommend advising your employer in advance of this, to allow adequate time for documentation processing. The local HR department will provide relevant documentation and direct the NCHD to the MB1 Form to complete for social welfare.

Your employer is required to complete a Health and Safety assessment once you declare you are pregnant.

Is an NCHD considered in employment during maternity leave?

Yes, NCHDs are considered to be in employment during maternity leave. NCHDs continue to gain increments for salary progression and accrue annual leave and public holiday entitlements. NCHDs are also entitled to TSS funding during maternity leave.

Who does an NCHD request Parents Leave from?

An NCHD must request parents leave or any other leave types (in addition to the 26 weeks paid and 16 weeks unpaid) from their next employer. If an NCHD is part of a scheme, they should

engage with their scheme to determine who the next employer will be, in order to get applications submitted in decent time.

Are NCHDs entitled to attend antenatal classes?

Additionally, where an NCHD hopes to attend antenatal classes, this is part of your entitlement; which includes paid time off to attend the classes including travel time to and from your appointment. A notice is required of two weeks provided to your employer of the classes including the date and time of the appointment.

Are there any on-call restrictions when I am pregnant?

There are no specific on-call restrictions for pregnant employees. However, if an NCHD feels they cannot fulfil any working commitments because of their pregnancy, they should engage with the GP, Obstetrician and local Occupational Health. Please note, once you declare your pregnancy to your employer, they are required to complete a Health and Safety Risk Assessment.

How does an NCHD organise a return to work after maternity leave?

NCHDs must write to their employer and provide a minimum of 4 weeks notice of intention to return to work. If an NCHD is part of a scheme, they should advise the scheme of a prospective return to work date at the earliest opportunity.

What arrangements are in place for an NCHD who returns to work and is breastfeeding/or needs to express?

We recommend organising an appointment with Occupational Health on return to work.

Staff who are breastfeeding, after returning from maternity leave, are entitled to breastfeeding breaks at work for up to one hour per normal working day. Where an NCHD requires breastfeeding at work, an application four weeks ahead of returning to post will need to be made so HR and the supervisor can ensure to facilitate the arrangements. The HSE Breastfeeding policy outlines further information.

In any circumstance you require support in engaging with your employer regarding maternity leave feel free to contact the member advisory unit here at the IMO via email – nchds@imo.ie or telephone- 01 6767273.