



# Maternity Leave

Republic of Ireland

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## Introduction

We are committed to supporting our colleagues during pregnancy and maternity leave. We will adopt a sensitive approach to colleagues who experience any difficulties before, during or after their maternity leave.

Values: Look after our people so they can look after our customers

### 1. Purpose/Scope

All female colleagues are entitled to a period of maternity leave immediately from the date of joining the company and the right to return to work after maternity leave.

This is regardless of whether the colleague is temporary or permanent, the length of service or how many hours she works.

This is provided for under the terms of the Maternity Protection Act, 1994/2004.

### 2. The Policy

All female colleagues are entitled to 26 weeks maternity leave.

A colleague who has taken maternity leave is also entitled to a further optional additional unpaid maternity leave of 16 weeks at the end of the period of maternity leave.

When a colleague returns from maternity leave she is entitled to return to her previous position with no less favorable terms and conditions.

A colleague must start her maternity leave not later than 2 weeks before the expected birth date and the leave must not end earlier than 4 weeks after the birth.

Any colleague who becomes pregnant must adhere to the process set out below.

### 3. During pregnancy

As soon as is reasonable practicable (no later than 8 weeks before the expected birth date), a colleague should make their Line Manager / People Manager aware that she is pregnant. This is necessary in order to carry out a Health & Safety assessment of her working environment. This information should be treated as strictly confidential.

In the office, the Manager must then inform the Office People Manager who will meet with the colleague to discuss and confirm their entitlements and payment. The colleague will be required to complete a Notification of Maternity Leave request form.

In Retail and Distribution, the colleague must inform and discuss arrangements for Maternity Leave with the People Manager.

### 4. Ante-natal Care

The colleague is entitled to paid time off for antenatal care (including travelling time). This includes normal hospital visits concerning the health of the mother and child i.e. examinations and tests. It would not include relaxation, breathing or exercise classes prior to the birth of the child.

Colleagues must give at least 2 weeks' notice in writing of date and time so that the needs of the business can be met. If possible appointments may be arranged outside working hours or at the start or end of a shift. Colleagues

are also requested to produce appointment cards (except for the first appointment). If unforeseen care is necessary, the colleague must no later than one week after the appointment, give evidence of having attended it and reason why it was unforeseen.

We should advise a colleague who requests leave to attend additional classes, e.g. relaxation, breathing or exercise classes that as far as possible she should try to attend these outside her normal working hours. If this is not possible then we should try to facilitate the colleague by granting unpaid leave subject to the needs of the business and where reasonable notice has been given.

## **5. Ante- natal Classes**

Colleagues who wish to avail of one set of antenatal classes without loss of pay (except for last 3 classes) for expectant first time mothers must give notice of dates, times of classes in advance including location, distance from Store/Office/Distribution Centre, travel time as soon as practicable but no later than 2 weeks before the date of the class. The colleague must give evidence of proof of appointment. These rights do not refer to any subsequent children, however in the event that a mother did not attend classes for circumstances beyond her control (i.e. miscarriage, premature birth) during the first pregnancy she may be entitled to carry over that right to the next pregnancy, we would look at each case on an individual basis.

Expectant fathers have a once off right to paid time off to attend two antenatal classes immediately prior to the birth, colleagues must notify you (Manager) of their intention to take this as soon as practicable but no later than two weeks before the date of the class.

## **6. Starting Maternity leave**

The colleague must give notice in writing of her expected date of maternity leave at least 4 weeks before the commencement date, which is 6 weeks before the expected delivery date. She should also include the expected return to work date. This notification should be on the Notification of Maternity Leave form.

## **7. During Maternity Leave**

Four weeks before the colleague is due to return to work as previously notified she should confirm in writing to her Line Manager that she intends to return to work on this date or if she intends to extend her leave (e.g. by taking the optional 16 weeks at her own expense, holidays or public holidays owed). This is mandatory for all colleagues taking maternity leave.

A colleague can generally choose when she wants to return to work within the leave period provided that she has completed a minimum of 4 weeks leave after the birth and that she is sufficiently fit and well. If the colleague intends to return to work before the return date originally stated she must give us at least 4 weeks notice of her intention to return.

During maternity leave the colleague claims and in some cases retains any Social Welfare maternity benefit to which she is entitled.

During maternity leave the colleague is entitled to accrue leave for any public holidays that occur (including additional maternity leave).

Time spent on maternity leave (including additional maternity leave) is treated as though the colleague has been in continuous employment, and this time will be used to accrue annual leave entitlement.

N.B. The onus for claiming maternity benefit lies with the colleague.

## **8. After Maternity Leave**

A colleague is entitled to paid time off for postnatal care if necessary. Again the colleague should give as much notice as possible so that the needs of the business can be met. The colleague will also need to give evidence of this.

If the colleague's previous position has been made redundant, the colleague will be offered a suitable and equivalent alternative position where a vacancy exists.

As a result of the new family status act a colleague may wish to return to work in a different capacity e.g. part time or decide that she would prefer different working arrangements. She should discuss this with the Line Manager and request the preferred arrangement in writing.

Wherever possible we should try to accommodate the request. If however there are sound reasons why this cannot be accommodated immediately, we should reply to the colleague in writing and try to facilitate the change in the future (see Flexible Working Policy).

## **9. Breastfeeding Mothers**

Mothers who have given birth within previous 6 months are entitled to breastfeeding time off / breaks without loss of pay. Notification of intent to breastfeed must be given as soon as practicable or included as part of normal notification, but no less than 4 weeks before return date.

If a colleague wishes to avail of this, they should contact their Manager in order to discuss how to facilitate this request. These options may include one of the following:

1. Breastfeed in the workplace or express breast milk where facilities are provided or
2. Have their working hours reduced without loss of pay to facilitate breastfeeding where facilities are not made available, or
3. Take one hour with pay off work each day as a breastfeeding break. This time may be taken as one 60 minute break, two 30 minute breaks, or three 20 minute breaks, or alternatives by agreement (Note: this one hour break is pro-rated for individuals who work under full time hours).

## **10. Births prior to the intended start date of Maternity Leave**

In the special case of an unexpected early arrival, the colleague is entitled to the full maternity leave entitlement beginning on the date of the birth, or the first day of maternity leave (if she is already on leave) whichever is the earlier. She is required to notify her Manager in writing within 14 days of the confinement of the changed circumstances.

Birth of a live child before the 25th week of pregnancy

A colleague who gives birth to a live child, even if the child later dies at any point will be entitled to maternity leave and additional unpaid leave in the usual way.

## **11. Overdue babies**

If the colleague's baby is born late this does not affect her entitlement to maternity leave.

If the baby is born later than expected and the colleague has less than 4 weeks maternity leave remaining, she is entitled to extend the maternity leave to ensure there is a full 4 week period following the birth before she returns to work.

## **12. Still birth**

If a still birth occurs after the 25th week of pregnancy, the colleague will be entitled to maternity leave as if the pregnancy had progressed to a happier conclusion.

## **13. Miscarriage**

A woman who suffers a miscarriage earlier than the 25th week of pregnancy will not qualify for maternity leave. In these distressing circumstances we will give as much help and support as possible. (Please refer to other special leave policies) Therefore, any confinement occurring after the 24th week, even if it does not result in a live birth, is covered by the act.

## **14. Postponement of maternity leave**

In the event that the child is hospitalised, a mother has the option of splitting or postponing the period of maternity leave/additional leave. This is subject to the colleague's agreement only.

In the event of the mother becoming ill, the employer and the mother have the right to terminate unpaid additional maternity leave. This is subject to the employer's agreement only.

## **15. Death of a mother**

In the event that a mother dies during maternity leave or the additional 16 weeks leave, the father is entitled to the remainder of the mother's maternity leave and/or additional maternity leave.

The leave should start within 7 days of the mother's death. The father should provide written notification of his intention to take the leave.

A father can also opt to take the additional 16 weeks maternity leave by giving us four weeks' notice in writing.

Social Welfare benefits may be payable depending on the PRSI contributions.

## 16. Leavers

If a colleague decides not to return either during or at the end of her maternity leave and we confirm that this is her genuine wish and she understands the implications of giving up her rights, she will be treated as a normal leaver from the date she notified us (in writing) of her decision.

We should inform any colleague who decides not to return to work of any options she may have to take leave from the company e.g. career break or parental leave. (See Career Break, Parental Leave policy)

## 17. Sickness absence during pregnancy

A colleague who is absent from work due to illness will normally be able to take sick leave until she starts maternity leave on the date notified to us.

## 18. Sickness absence after maternity leave

If a colleague is sick and does not return to work at the end of her maternity leave, the normal sick pay arrangements for the Store/Office/Distribution Centre will apply.

## 19. Contact during Maternity Leave

Contact should be maintained with those on maternity leave so that they feel supported, are kept up-to-date with Tesco news and feel encouraged to return to work.

Colleagues should take a pro-active approach to define the type of contact they would like from us while they are away from work.

Encourage colleagues to set up a 'buddy' whereby they ask a colleague to keep in touch with them whilst they are on maternity leave. Before they begin their maternity leave they should establish:

- how frequently they want contact from work e.g. once a month

- whether they want to be kept informed about social events at work etc
- whether they want to be invited to Town Meetings (if appropriate)

## 20. Post Natal Depression

If a colleague is unable to return to work due to post-natal depression she should inform her manager and normal sick pay arrangements should be applied. If the colleague does not inform her manager or submit medical certificates, unauthorised absence proceedings should be applied with care. If the colleague is unable to return to work for some time, we should follow the long-term absence procedure closely. At all times we must treat colleagues suffering from postnatal depression in a reasonable manner to encourage and support them back into the workplace.

## 21. Social Welfare Maternity Benefit

All colleagues on maternity leave are entitled to Social Welfare Maternity Benefit subject to satisfying one of the following PRSI contribution criteria:

- At least 39 weeks PRSI paid in the 12-month period before the first day of the maternity leave

Or

- At least 39 weeks PRSI paid since first starting work

And

- At least 39 weeks PRSI or credited in the relevant tax year

Or

- At least 26 weeks PRSI paid in the relevant Tax Year

And

- At least 26 weeks PRSI paid in the Tax Year prior to the relevant Tax Year

PRSI paid at classes A, E and H counts.

The weekly rate of benefit is calculated by dividing gross income in the relevant tax year by the number of weeks actually worked in that year. 70% of this amount is payable subject to a minimum of €135.60 and a maximum of €232.40 per week.

Maternity benefit must be claimed at least 6 weeks before maternity leave is expected to start.

For more details on this please refer to booklet SW11 published by the Department of Social, Community and Family Affairs.

## **22. Benefits**

### **Privilege card**

The card is retained by the colleague during her maternity leave. If the card expires during the period of maternity leave it is reissued to the colleague's home address from the People department.

### **SAYE**

A colleague can continue to save into the SAYE by submitting a cheque or postal order every 4 weeks to the branch cash office or to the payroll department in Head Office for the amount to be saved every 4-week period. If the colleague does not continue to pay, the maturity date for the scheme will be extended by the period, which is not paid up to a maximum of 6, missed payments in total.

### **Pension/AVC**

Pension and AVC deductions will not be made if the colleague is not being paid. The amount unpaid will be deducted over the remainder of the pension year or their pensionable service will be reduced accordingly.

### **Voluntary benefits**

The colleague retains the right to any voluntary benefits she is entitled to. If these require a regular subscription e.g.

VHI she must ensure that she makes arrangements to continue payments.

### **Holidays**

Holidays continue to accumulate while on maternity leave at the usual rate. Public holidays which fall during the period of maternity leave can be taken as paid days off and recorded as such on return from maternity leave.

### **Company Car**

Colleagues retain the right to a company car (status and market car, not a need car) and petrol card. As per the normal process the Company car is liable for BIK however should the colleague decide not to return to work the car and petrol card must be returned immediately. Need cars must be returned to the company on the last day before the maternity leave starts.

### **Cotag's**

Colleagues who hold a cotag must return their Cotag on the first day of commencing maternity leave to the People Team.

### **Mobile Phones and Laptops**

Where a colleague is provided with a company mobile phone or laptop this is for business use only and therefore they should not be used for personal use while on maternity leave. Where the colleague is permitted to retain a company mobile phone, total cost of the calls made while on maternity leave must be paid in full by the colleague.

## **Related reading**

Maternity - Standard Forms  
Maternity Leave – Health and Safety  
Risk Assessment  
Compassionate Leave  
Paternity Leave  
Adoption Leave



Foster Care Leave  
Fertility Support  
Lifestyle Break  
Parental Leave  
Flexible Working  
Career Break policy

### Policy information

Version No.	Date of change	Summary of change
1	September 2013	New Policy
2	May 2018	Policy refresh – changed layout.

**Policy owner:** [personneldirect.roi@uk.tesco.com](mailto:personneldirect.roi@uk.tesco.com)

### Ownership and confidentiality

This document shouldn't be shared with anyone externally without permission from your Director. This policy and any associated documentation remains the property of Tesco and should be returned if requested.