



Paternity Leave

Republic of Ireland

May 2018

Where to find things.

Introduction	3
1. Purpose/Scope	3
2. The Policy	3
3. Eligibility for State paternity leave and benefit	3
4. Social welfare (Paternity Benefit)	3
5. Conditions of leave	4
6. Additional Information	5
a. Early confinement	5
b. Postponement of paternity leave due to illness of the relevant parent	5
c. Postponement of paternity leave when the child is hospitalised	5
d. Transferred paternity leave	5
e. Stillbirths and miscarriages	5
f. Annual leave and public holidays	6
g. Employment protection	6
7. Misuse and abuse of paternity leave	6
Related reading	6
Policy information	6
Policy owner	6
Ownership and confidentiality	6

Introduction

Paternity leave is available to eligible colleagues to allow them time off from work around the birth or adoption of their child or the child of their spouse or partner.

Under the Paternity Leave and Benefits Act 2016; paternity leave is available to eligible colleagues to allow them to take up to 2 weeks paternity leave from work around the birth or adoption of their child or the child of their spouse or partner.

1. Purpose/Scope

All eligible colleagues are entitled to a period of paternity leave immediately from the date of joining the Company and have the right to return to work after paternity leave.

This is provided for under the terms of the Under the Paternity Leave and Benefits Act 2016.

2. The Policy

Colleagues who have completed 26 weeks' continuous service before the date of childbirth, or at the point where the child's adopter is notified of being matched with a child will receive:

- Week 1: Full basic pay for the hours the colleague is normally rostered to work less the value of State paternity benefit from the Department of Social Protection
- Week 2: State paternity benefit

Hours the colleague is normally rostered to work is calculated at an average of the last 13 weeks basic hours paid.

It is the colleague's responsibility to apply for the State paternity benefit.

Once the Department of Social Protection confirms the paternity benefit amount in writing, a copy of this letter must be submitted to the Store / People Manager.

Where colleagues basic earnings are less than the State paternity benefit value on the rostered week of paternity leave no additional Company benefit arises.

If colleagues apply for a period of paternity leave less than 1 week any additional Company benefit will be calculated on a pro rata basis.

3. Eligibility for State paternity leave and benefit

Paternity leave is available to colleagues who are deemed to be a "relevant parent" of a child. Only one person who is a "relevant parent" in relation to a child can be eligible to paternity leave in respect of that child.

Under the Paternity Leave and Benefit Act 2016 a "relevant parent" is defined as:

- a) in the case of a child who is, or is to be, adopted
 - where the child is, or is to be, adopted jointly by a married couple of the same sex, the spouse chosen by that couple to be the relevant parent for the purposes of this Act, or
 - in any other case, the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole male adopter of the child,

OR

- b) in any other case;
 - the father of the child,
 - the spouse, civil partner or cohabitant, as the case may be, of the mother of the child.

4. Social welfare (Paternity Benefit)

All relevant parents are eligible to apply for State paternity benefit immediately from the date of joining the Company.

Relevant parents who have the necessary PRSI contributions and hold a Public Services Card are entitled to receive paternity benefit from the Department of Social Protection.

If colleagues do not already have a Public Services Card, he/she can make an appointment to get one at www.mywelfare.ie.

Regardless of service colleagues must satisfy social insurance contribution conditions to get this payment. This is available for colleagues paying PRSI class A, E or H contributions. In addition colleagues must have:

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

Or

- At least 39 weeks PRSI paid since first starting work and at least 39 weeks PRSI paid or credited in the relevant tax year or in the tax year immediately following the relevant tax year. For example, if the colleague is going on paternity leave in 2016, the relevant tax year is 2014 and the year following that is 2015.

Or

- At least 26 weeks PRSI paid in the relevant tax year and at least 26 weeks PRSI paid in the tax year immediately before the relevant tax year. For example, if the colleague is going on paternity leave in 2016, the relevant tax year is 2014 and the year before that is 2013.

Colleagues must check their own PRSI contributions against social welfare rules as these can be subject to change from the State.

Where colleagues are already in receipt of one of the below payments the rate of paternity benefit may be reviewed by the Department of Social Protection:

- One-Parent Family Payment
- Widower's and Surviving Civil Partner's (Contributory) Pension
- Widower's and Surviving Civil Partner's (Non-Contributory) Pension
- Death Benefit by way of Widow's/Widower's/Surviving Civil Partner's or Dependent Parents' Pension (under the Occupational Injuries Scheme)

Colleagues are required to apply for the State paternity benefit 6 weeks before they intend to go on paternity leave. Claims should be made on the PB1 and PB2 form, which is available from the Department of Social Protection.

The Company will complete the employers section of the PB2 form when it has been completed by the colleague.

The current rate of State paternity benefit is currently set at €235 per week.

Once the Department of Social Protection confirms your paternity benefit amount in writing, a copy of this letter must be submitted to the Store / People Manager.

If colleagues apply for a period of paternity leave less than their statutory 2 week entitlement then the value of State benefit will be calculated on a pro rata basis. No further application will be granted for paternity leave as leave should be taken in a continuous block only.

5. Conditions of leave

Company paternity benefit is available to colleagues who meet the criteria of a 'relevant parent' as defined in the Paternity Leave and Benefits Act 2016.

Colleagues must still be employed by Tesco up until the end date of the 1st week of paternity leave in order to receive the Company paternity benefit.

A colleague who is defined as a 'relevant parent' may avail of a continuous period of up to two weeks paternity leave. The leave entitlement must be taken as a continuous block of leave and cannot be fragmented into smaller periods of leave.

Colleagues are required to give the Company notice of their intention to take paternity leave in or before the 15th week before the expected week of childbirth. All Colleagues must notify the Company of their intention to take paternity leave on the notification form available Our Tesco.

Paternity leave cannot commence earlier than the expected date of birth or date of placement of the child and cannot commence later than 26 weeks after date of birth or the date of placement of the child.

Paternity leave can begin at the time of the birth/adoption or within 26 weeks of the birth/placement of the child. The leave will commence on the date the colleague selects in his/her written notification and must be confirmed in writing by the Department of Social Protection.

In the case of multiple births, or where two or more children are being adopted at the same time, only a single two week block of paternity leave applies. A colleague who is the 'relevant parent' in relation to the children concerned shall only be entitled to one period of paternity leave.

Colleagues who have not completed 26 weeks' continuous service before the date of childbirth, or at the point where the child's adopter is notified of being matched with a child will receive State paternity benefit only.

The Paternity Leave and Benefits Act 2016 confirms that paternity leave must be used to assist in the provision of, care to the child or to provide support to the relevant adopting parent or mother of the child, as the case may be, or both.

6. Additional Information

a. Early confinement

Where the birth of the child occurs 4 or more weeks prematurely, colleagues must notify the Company of their intention to commence paternity leave in writing, within 7 days of the birth. In such circumstances, the colleague will be deemed to have complied with the notification requirements of the Act in order to apply for the State paternity benefit.

Postponement of paternity leave due to late birth/postponed adoption placement

A colleague who is a relevant parent may postpone a period of paternity leave where the date of birth occurs after the date selected in the notification form provided to the Company or where the date of placement is postponed in the case of adoption. The relevant parent may select another date on which paternity leave will commence on the relevant application forms.

b. Postponement of paternity leave due to illness of the relevant parent

In the event that a colleague becomes ill before a period of paternity leave has commenced, the period of leave may be postponed. Notification of a request to postpone the leave due to illness must be received to the Company as soon as possible after becoming ill and must be accompanied by a medical certificate. The colleague must follow up in writing confirming the request to postpone the

leave as soon as is reasonably practicable but not later than the day on which the postponed leave begins.

The leave may be postponed until such time as the relevant parent is no longer sick. The period of postponed leave must commence no later than 7 days after the relevant parent is no longer sick or another date as agreed between the relevant parent and the Company, but must end not later than 28 weeks after the date of birth or day of placement. The colleague must notify the Company when they intend to take the postponed paternity leave not later than the day the colleague commences the leave.

Once paternity leave has commenced this can no longer be postponed.

c. Postponement of paternity leave when the child is hospitalised

If the child is hospitalised, colleagues may request in writing to postpone all or part of their paternity leave. Postponement of paternity leave in such circumstances is subject to approval by the Company. The Company will respond to the request for postponement as soon as practicably possible with a decision on the matter.

Where the Company agrees to postpone the leave, the leave will be postponed with effect from a date agreed by both parties. The colleague will return to work on a date agreed by the Company and colleague. The postponed leave, which must be taken in a continuous block not later than 7 days after the discharge of the child from hospital or such other date as may be agreed upon between the colleague and the Company.

Colleagues must notify the Company when they intend to take the postponed paternity leave not later than the day the colleague commences the leave.

d. Transferred paternity leave

Where a relevant parent entitled to paternity leave in relation to a child dies, a colleague who is the surviving parent of the child will be entitled to the leave. This entitlement exists up to 28 weeks after the date of birth or day of placement of the child.

e. Stillbirths and miscarriages

In the sad event of a stillbirth or miscarriage any time after the 24th week of pregnancy colleagues will be entitled to paternity leave and the State paternity benefit providing the Social insurance criteria is met. To apply for State paternity benefit following a stillbirth, the colleague will need to send a letter from their doctor with the paternity benefit application form, confirming the expected date of birth, the actual date of birth and the number of weeks of pregnancy.

f. Annual leave and public holidays

While on paternity leave colleagues retain the right to accrue annual leave and public holidays as if the colleague had been in work.

g. Employment protection

paternity leave, the colleague will be entitled to return to their original job under terms and conditions no less favourable than those that would have applied if they had been in work.

7. Misuse and abuse of paternity leave

Colleagues found, following investigation, to be abusing their entitlement to paternity leave will immediately have the Company paternity benefit withdrawn and will be subject to the Company disciplinary procedure.

We aim to reward service with the Company. The Tesco Colleague Privilegecard is a benefit for all colleagues with one year's continuous service.