



Adoption Leave

Republic of Ireland

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Introduction

Our aim is to ensure that we retain the most loyal and high performing people within the industry, and our adoption leave policy aims to encourage our colleagues to return to work after their adoptive leave, and to ensure that they receive all the support they need during this time.

Adoption Leave is generally not available to people who have a baby through a surrogacy arrangement, as in order to qualify, the child must have been placed with the colleague through an adoption agency. With a surrogacy arrangement the adoption agency is only involved in arranging the adoption after the child's birth – they do not place the child with the parent. In these circumstances, the parent may have unpaid Parental Leave or take advantage of Tesco policies such as unpaid Compassionate Leave, or a Lifestyle or Career Break.

NB: Colleagues requesting a leave of absence because they have been appointed a legal guardian of a child do not qualify for adoption leave, unless they are actually adopting the child. Other leave options such as Parental Leave or a Lifestyle Break may be taken instead.

1. Entitlement to Leave

We understand that adopting parents have the same requirements for leave as non-adopting parents. We will provide Adoptive leave as set out in the Adoptive Leave Acts 1995 to 2005.

Adoptive leave is available to all female colleagues and sole male adopters to ease the arrival and settling in of a new baby/child.

Colleagues must still be employed at the point they start their adoption leave.

Only one period of leave will be granted per adoption, irrespective of the number of children adopted at that time.

Adoption Leave will only be given for the primary carer, for any child under the age of 18 years. The secondary carer may claim paternity leave.

2. Conditions of Leave

All adopting mothers and sole male adopters can take adoptive leave, for a minimum period of 24 consecutive weeks.

In addition to the minimum period of adoptive leave a colleague may avail of up to 16 consecutive week's additional adoptive leave following on immediately from the period of adoptive leave.

The colleague's absence from work on additional adoptive leave (as with all adoptive leave) will count for all employment rights associated with the employment, such as annual leave (except remuneration and superannuation benefits). Note: Colleagues should be treated as if they were at work.

Colleagues are entitled to public holiday entitlement for any public holiday that occurs during their adoptive leave (including additional adoptive leave).

In the case of a foreign adoption some or all of the 16 weeks additional leave may be taken before the date of the placement for the purposes of familiarisation with the child.

3. Pay Entitlements

Adoptive leave is unpaid by the Company but colleagues who take adoptive leave can apply for benefit from Social Welfare. Eligibility depends on the individual fulfilling certain PRSI conditions.

Adoptive Benefit is normally payable for a continuous period of 24 weeks. No social welfare is payable during a period of additional adoptive leave.

Claims should be made on the official claim form AB-1. For more details on this please refer to booklet SW11 published by the Department of Social, Community and Family Affairs.

4. Pre-Adoption Leave

Preparation classes and pre-adoption meetings with social workers/ HSE officials required during the pre-adoption process can be taken without loss of pay for adopting parents i.e. Mother and Father. The colleague must give 2 weeks' notice in writing of date and time. The colleague

should also produce an appointment card. If unforeseen, colleague must no later than one week after the appointment; give evidence of having attended it and reason why it was unforeseen.

5. Death of the adopting mother

Where the adopting mother dies, the adopting father is entitled to:

- 24 weeks adoptive leave where the mother dies before the placement of the child
- or, in a case where the adopting mother dies on or after the day of placement, the remainder of the adoptive leave that would have been due to her.

The period of adoptive leave will start within 7 days of the death of the adopting mother or on the day of the placement, whichever is the later.

In such cases, the adopting father is also entitled to take the additional adoptive leave of either 16 weeks or the remainder of the adopting mother's leave if she dies on or after the 24 weeks from the date of the placement.

6. Postponement of Adoptive Leave

The adopting mother or sole male adopter and employer may agree to terminate unpaid additional leave in the event of the mother's illness, thereby allowing her to transfer onto sick leave. If a colleague transfers onto sick leave during this time they will lose any outstanding additional adoptive leave.

If the adopted child is hospitalised the period of leave or additional leave may be split, provided that we, the employer have come to an agreement with the colleague.

7. Notification Process

Colleagues must notify their Line Manager of their intention to take adoptive leave in writing at least 4 weeks before the date of commencement or earlier if possible. At this stage the colleague should indicate if they intend to take the full 24 weeks entitlement and if they plan to avail of the additional optional 16 weeks.

Within 4 weeks of the placement they should provide the Store Manager or Line Manager with a photocopy of the child placement certificate for Company records.

In the case of foreign adoption the colleague must similarly notify their Line Manager of their intention to take adoptive leave and supply written details of the expected date of placement and must give her a copy of the "declaration of suitability" (issued post the Adoption Act 1990) before the commencement of adoptive leave or additional adoptive leave, whichever is earlier. Details of the placement must be furnished as soon as is reasonably practicable thereafter.

8. Return to Work

Four weeks before the date notified for return to work the colleague should confirm in writing if he or she still intends to return to work on this date or if he or she intends to avail of the additional leave or holidays etc.

Colleagues have the right to return to exactly the same job on no less favourable terms and conditions after adoptive leave, and the same, or if not reasonably practical to a similar job with no less favourable terms and conditions after additional adoptive leave.

As a result of the colleagues' new family should they wish to return to work in a different capacity e.g. part time, or decide that they would prefer different working arrangements they should discuss this with you and request their preferred arrangement.

We should always try to accommodate the colleague's request; if however there are sound reasons why this cannot be accommodated immediately, we should try to facilitate them into the future. (See Flexible Working Policy).

9. Other Considerations

While the Company will deal sensitively and sympathetically with any breach of the above policy, colleagues must understand that the responsibility for notification and procedure lies with them. The claiming of any relevant benefit also lies with them. Colleagues must comply with the rules as laid down by the Company, any abuse of the scheme or the terms and conditions could

result in automatic exclusion and/or Company disciplinary procedures.

Special consideration should be given to any member of colleagues whose adoption fails to be completed. The colleagues should be given the opportunity to return to work as soon as possible if they wish. If, however, they wish to remain on further leave this should be discussed with them sympathetically.

Special consideration should also be given to surrogate parents where there may be a miscarriage, still birth or some other reason why the adoption does not proceed.

In the sad event of a child dying or being returned to the adoption agency or the adopter being imprisoned, please contact the Support Office for guidance.

10. Benefits

Privilege card

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

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 he / she is entitled to. If these require a regular subscription

e.g. HSA / VHI he / she must ensure that he / she makes arrangements to continue payments directly with the provider.

Holidays

Holidays continue to accumulate while on Adoptive leave at the usual rate. Public holidays which fall during the period of Adoptive leave can be taken as paid days off and recorded as such on return from Adoptive 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. Any unpaid BIK will be repaid on return. Need cars must be returned to the company on the last day before the Adoptive leave starts. Cash allowance will continue to be paid for the duration of the leave.

Cotag's

Colleagues who hold a Cotag must return their Cotag on the first day of commencing Adoptive 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 Adoptive leave. Where the colleague is permitted to retain a company mobile phone, total cost of the calls made while on Adoptive leave must be paid in full by the colleague.

Related reading

Leave Request Form
Time-off Policy
Paternity Leave Policy
Lifestyle Break Policy
Flexible Working Policy
Career Break Policy

Policy information

Version No.	Date of change	Summary of change
1	February 2012	Updated Policy
2	May 2018	Policy refresh – changed layout.

Policy owner: 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.