



# Your Maternity Leave Rights Explained

Plain English Guide to the  
Maternity Protection Acts 1994–2004



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# Your Maternity Leave Rights Explained

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Maternity Protection Acts 1994–2004



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## Introduction

This guide sets out the main elements of the Maternity Protection Act 1994. Since then the Act was amended (changed) three times. They were amended by:

- Statutory Instrument no 29 of 2001,
- Statutory Instrument no 51 of 2006, and
- the Maternity Protection Act 2004.

The Acts are now known as The Maternity Protection Acts 1994–2004. Copies of the legislation are available from:

The Government Publications Office  
Molesworth Street  
Dublin 2

Tel: (01) 647 6879 or on [www.oireachtas.ie](http://www.oireachtas.ie)

They are also available on [www.equality.ie](http://www.equality.ie)

The Maternity Protection Act 1994 (MPA 1994) was introduced to give effect to Council Directive 92/85/EEC of 19 October 1992.

**This guide is intended for information purposes only.**

**It is not a legal document.**

You may need to get legal advice for an interpretation of the provisions.

## 1. What are my rights under the Maternity Protection Acts 1994–2004?

The Maternity Protection Acts give a pregnant employee the right to:

- 26 weeks' paid maternity leave (you may be entitled to a social protection payment or your employer might continue to pay you);
- 16 weeks' additional unpaid maternity leave;
- time off for antenatal and post-natal care (medical appointments);
- time off for antenatal classes (one set of classes other than the last three classes. See page 14);
- health and safety leave;
- father's leave if the mother dies;
- time off from work or reduced working hours to allow breastfeeding;
- protection of certain employment rights;
- the right to return to work after taking the leave;
- protection against dismissal;
- a mechanism for resolving disputes and appeals about entitlements under the Act;
- stop additional maternity leave with the employers agreement if the mother becomes sick;
- delay maternity leave if the baby has to be hospitalised.

Some additional entitlements are also provided for. They need the employer's agreement.

A father is entitled to the remainder of the maternity leave if the child's mother dies giving birth or while on maternity leave. In these circumstances and at the discretion of the employer, the father is also permitted to delay the leave if the baby has to be hospitalised or to end the leave if he himself becomes sick.

In the event of a mother's death while on maternity leave the father is entitled to leave. An employer cannot deny this entitlement. They cannot postpone the taking of this leave.

### Who is covered by the Act?

Anyone employed under a 'contract' of employment is covered by the Act. This includes:

- anyone employed under a contract of service;
- apprentices and employment agency workers;
- employees in a broad range of public and private sectors such as members of the Garda Síochána, civil servants, local authorities and Health Service Executive employees; and
- employees on probation, temporary employees and part-time employees.

Employees of the Defence Forces and the Garda Síochána are not covered by the Act for antenatal and post-natal classes nor are they covered by the Unfair Dismissals Act. Please refer to pages 14, 15, 40 and 41 of this guide for further details.

## If I need time off before my leave, can I get it?

### Antenatal or post-natal Care

As well as your 26 weeks' maternity leave, pregnant employees and employees who have recently given birth are entitled to paid time off from work to receive antenatal or post-natal care. If you are pregnant, or you have given birth in the last 14 weeks, or if you have a pregnancy-related appointment, you are entitled to time off with pay to attend appointments.

The law does not put a limit on the number of appointments you can attend. The legal entitlement is to time to attend, duration and time to return to work.

### Do I have to give notice of my appointments?

Yes. By law you must tell your employer if you have medical appointments during or after your pregnancy.

### How do I give notice and how much notice do I give?

You must notify your employer **in writing** of the date and time of your appointment as soon as you can, but the notice should be at least two weeks before the appointment.

Your employer can ask to see an appointment card or another appropriate document showing:

- the date and time of the appointment,
- confirmation of your pregnancy, and
- the due date of your baby.

However, you do not have to do this for your first appointment.

If you have to go for an unscheduled antenatal or post-natal visit and you can't give the notice needed, you should give your employer proof that you attended the appointment and the reason why you couldn't give notice. You should do this within a week of the date of the appointment.

## 2. What about time off for antenatal classes?

You are entitled to paid time off work, to attend a total of one set of antenatal classes (other than the last three classes). The last three classes would normally be after maternity leave had begun. The baby's father (if he is employed under a contract of employment) is also entitled to paid time off work to attend the last two antenatal classes before the birth.

Members of the Defence Forces and the Garda Síochána are not entitled to time off for antenatal classes.

### Are there rules about taking time off for antenatal classes?

Yes. There are some rules and regulations about taking time off for antenatal visits.

A pregnant employee or the baby's father must:

- notify their employer in writing of the dates and times of each class as soon as possible and at least two weeks before the date of the class;
- be able to produce, if asked, a document – for example, an appointment card – showing the dates and times of the class or classes they wish to attend.

If you or the baby's father can't do this through no fault of your own, you must give your employer proof that you attended the class and state the reason why you couldn't give notice. You must do this within a week after the date of the class.

### **What if there are antenatal classes in a set that I can't attend?**

If you can't attend one full set of classes (other than the last three) during a pregnancy due to circumstances beyond your control (including miscarriage, the premature birth of the baby or illness), you are entitled, during another pregnancy, to paid time off to attend the remaining classes.



### 3. Can I get Health and Safety leave during pregnancy?

If you are pregnant, have recently given birth or you are breastfeeding, you may be entitled to health and safety leave in certain situations.

#### What is Health and Safety leave?

Health and safety leave is where the employee is entitled to 21 days paid leave from their job. When the 21 days of health and safety leave ends the person may be entitled to health and safety benefit. See pages 17-18.

#### How is this assessed?

The Safety, Health and Welfare at Work (Pregnant Employees) regulations obliges an employer to assess any risk to the safety or health of:

- any pregnant employee,
- an employee who is breastfeeding, or
- an employee who has recently given birth.

This assessment should identify any workplace conditions or tasks that might put your own health or your baby's health and safety at risk.

Employers must do all they can to ensure your safety and health when you are pregnant or if you have recently given birth or if you're breastfeeding.

If it is not possible for your employer to do this, you must be provided with other work.

## What about night work?

If a doctor says that it is necessary for your safety or health, employers cannot make you do night work during pregnancy or for 14 weeks after the birth of your baby.

## In what situations will I get Health and Safety leave?

Health and safety leave is granted when the health and safety of either the mother or child is at risk, due to the job they're doing. In this situation you should get this leave if:

- it is not possible for your employer to move you to other work; or
- moving you to other work is unreasonable (for example, far from where you live).

In these circumstances, 'other work' means work that is suitable and appropriate for you to do.

## Will I get a Health and Safety leave certificate?

If you get health and safety leave, you are entitled to ask for a certificate outlining the reasons why you have been given this leave. This certificate must also state the date on which the leave began and how long the leave is expected to last.

## Will I be paid if I'm on Health and Safety leave?

If you are on health and safety leave, you must be paid your usual wage by your employer for the first 21 days of the leave.

This 21-day leave period need not be 21 days in a row – it can be broken into several, shorter periods.

If your health and safety leave is more than 21 days, you might be entitled to a social welfare payment if you have enough PRSI contributions.

For further information about the payment of Health and Safety Benefit, please contact the Department of Social Protection, Health and Safety Benefit Section. (Full contact details are given in Appendix C at the back of this guide).

## How long can Health and Safety leave last?

Health and safety leave can end in a number of ways:

- when maternity leave begins;
- if you stop breastfeeding;
- if you have not stopped breastfeeding, then 26 weeks after the birth of the child;
- if your employer takes steps to make your workplace risk free;
- if your employer is able to move you to suitable and appropriate employment;
- if you are employed under a fixed-term contract, at the end of the fixed term.

## What notices do I have to give to my employer?

If you stop breastfeeding or believe that you are no longer at risk, you must write as soon as possible to your employer to tell them that you believe it is safe for you to return to work.

## What notices must my employer give me?

When your employer gets your written notification about your wish to return to work and they have no reason to believe that you would be at risk, they must take all reasonable steps to make sure that you can return to the job you had before the leave.

The employer will then write to you to tell you that you can return to work in that job again.

Also, if your employer:

- takes whatever steps are necessary to make sure that you will no longer be exposed to risk,

or

- becomes able to move you to suitable and appropriate work,

they must write to you to say that you can return to work.

The health and safety leave ends:

- seven days after you are notified by your employer that you can return to work;

or

- if you return to work earlier than the seven days, then the health and safety leave will end on the first day back at work.

## 4. What are my maternity and other entitlements?

You are entitled to:

- 26 weeks of paid maternity leave in a row; and
- 16 weeks additional unpaid maternity leave in a row beginning immediately after the end of the maternity leave.

If your baby needs to be hospitalised then the 26 and 16 weeks' leave can be taken at a later time but only if the employer agrees.

You can begin and end your maternity leave on any day you choose but you must:

- take at least two weeks leave before the end of the week that the baby is due; and
- take four weeks' leave after the baby is born.

### Do I have to give notice about my maternity leave?

If you wish to take maternity leave, you must write to your employer to tell them. You should do this as soon as possible but at least four weeks before the beginning of your maternity leave.

You should also give your employer a medical certificate confirming your pregnancy and stating the week that your baby is due.

If your circumstances change, you can withdraw your application for maternity leave by writing to your employer to tell them you want to withdraw the application.

If you wish to avail of your entitlement to additional maternity leave, you must again write to your employer to tell them that you intend to take additional maternity leave. You must do this as soon as possible but certainly four weeks before the day on which the additional maternity leave is due to begin.

You can write to your employer to say you want additional maternity leave at the same time as you ask for maternity leave. You must do this as soon as possible, but at least four weeks before the date which would have been your expected return date, if you had not applied to take additional maternity leave.

### **What if my baby is early?**

You are entitled to at least 26 weeks' leave beginning on whichever of the following is earlier:

- the first day of maternity leave; or
- the date that you give birth; or
- a specified date (for certified medical reasons such as a caesarean section).

### **Do I still have to give notice if the baby is early?**

If you give birth four weeks before the expected due date, you must let your employer know within 14 days of giving birth.

## What if my baby is overdue?

If you have less than four weeks maternity leave left when your baby is born, then you are entitled to have your maternity leave extended for up to four consecutive weeks.

If you have your maternity leave extended because of a late birth, you are still entitled to take additional maternity leave.

## What notice do I give if the baby is overdue?

If you have less than four weeks of maternity leave left when your baby is born, to get your entitlement to an extension of up to four weeks maternity leave, you must write to your employer (or have someone do it for you) to tell them of:

- the proposed leave extension; and
- your plan to take extended leave and how long you intend to take.

## What happens if my baby doesn't survive?

In the event of a stillbirth occurring after 24 weeks of pregnancy, you are still entitled to 26 weeks' maternity leave.

## 5. Can I cancel additional maternity leave if I get sick?

If you are sick and you wish to end your unpaid additional maternity leave, you may ask your employer to end this leave at any time during the last four weeks of maternity leave (where the employer has been notified of your intention to take additional maternity leave) or during the additional maternity leave.

Please note, though, that there is no actual entitlement to end additional maternity leave if you become sick.

However, if your employer agrees, the additional maternity leave will end on a date agreed between you.

If your additional maternity leave is ended by your own request, the following rules apply:

- any absence from work (after the additional maternity leave is over) is treated in the same way as any absence from work due to sickness; and
- the additional leave is lost and you are not entitled to it at any later date.

## Do I have to give notice to end additional leave?

If you are sick and you wish to end your additional maternity leave, you must ask your employer in writing to do so. If necessary, you can get someone to do this for you.

Your employer must write to you to tell you if they will end your additional maternity leave.

## **6. Can I postpone my maternity leave if my baby is in hospital?**

If you want to postpone (put off or delay) part of your maternity leave because your baby is in hospital, you need the agreement of your employer. There is no actual entitlement to postpone leave.

A parent can ask their employer to postpone all or part of their maternity leave or father's leave if they are on:

- maternity leave for more than 14 weeks with at least four of those weeks being after the baby's birth;
- additional maternity leave;
- father's leave; or
- additional father's leave.

If your employer agrees to postpone the leave, you will return to work on a date agreed between you. You will be entitled to take the postponed leave in one go, beginning not later than seven days after your child has left hospital.

If you postpone maternity leave (or father's leave) and then you take sick leave, this leave is seen as postponed maternity leave unless you write to your employer stating that you don't wish to begin the postponed leave.

Once your employer has been notified, your leave from work due to sickness is treated in the same way as any other sick leave from work, but you lose the postponed leave.

Leave can be postponed for up to six months.

### What notice must I give to postpone leave?

If you want to postpone part of your leave because your child has been hospitalised, you must write to your employer with this request. If necessary, you can get someone to give this notice for you.

If asked for by your employer, you must give:

- a letter or other appropriate document from the hospital confirming that your child is in hospital; and
- a second letter or other appropriate document from the hospital or the child's doctor confirming the date that your child will leave hospital.

Your employer must let you know in writing of their decision as soon as possible.

You must notify your employer when you wish to resume the leave. You should do this as soon as possible but no later than the date you wish the leave to begin again.

An employer may give up their right to receive a notification.

## 7. What kind of leave are fathers entitled to?

Fathers are only entitled to father's leave if the baby's mother dies within 40 weeks of the birth. Otherwise they are not entitled to father's leave or any other type of leave.

If the mother's death occurs within 24 weeks following the birth, then a father who is employed under a contract of employment is entitled to the remainder of the maternity leave (paid leave) and the additional (unpaid leave) maternity leave.

All or part of the additional 16 weeks can be postponed in the event of his baby being hospitalised.

If the mother's death occurs after 24 weeks following the birth, then the father is entitled to leave up to the end of the 40th week.

The leave will start within seven days of the mother's death.

A father might be entitled to a social welfare benefit from the Department of Social Protection. Full contact details are given in Appendix C at the back of this guide.

### What notice of leave does a father have to give?

If the baby's mother dies and the father wants to avail of his entitlement to leave, he must let his employer know of the mother's death before or on the day on which leave begins. He must state his

intention to take leave before or on the first day of leave and say how much leave he considers he's entitled to. If necessary, he can get someone else to do this for him.

If asked by his employer, the father must also supply a copy of the mother's death certificate and the baby's birth certificate.

If a father wishes to take up his entitlement to further leave (where the mother has died within 24 weeks of the birth) he must write to his employer (or have his employer notified) saying that he intends to take further leave. He can do this either at the same time as the original application for leave is made; or at least four weeks before the date when he was expected to return to work.

The father can change the date on which he returns to work.

Leave can be ended if the father becomes sick. This can only be done if your employer agrees.

For further information on this or on other family leave entitlements for fathers, contact the Equality Authority on LoCall 1890 245 545 or check [www.equality.ie](http://www.equality.ie)

Information on parental and adoptive leave for fathers is available from the Equality Authority or from [www.equality.ie](http://www.equality.ie)

## 8. Will I get time off if I'm breastfeeding?

If you are breastfeeding your baby, you are entitled to either:

- paid time off to feed your baby in your workplace; or
- reduced working hours – without loss of pay – to feed your baby outside the workplace.

Your employer decides which option is most suitable.

The definition of 'breastfeeding' under the Act includes expressing breast milk to feed your baby immediately or storing the milk to feed your baby at a later time.

Your employer does not have to provide facilities for breastfeeding in the workplace if it would cost more than nominal cost.

If you are breastfeeding at your place of work, you are entitled to take one hour off work each day as a breastfeeding break. You will not lose pay for this hour.

You can take this break in a number of ways:

- one 60-minute break;
- two 30-minute breaks;
- three 20-minute breaks; or
- as agreed by yourself and your employer.

If you are breastfeeding away from your workplace, you are entitled to have your working hours reduced by up to one hour each day. Again, you will not lose pay for this hour.

This reduction in hours can be applied in several ways:

- one 60-minute period;
- two periods of 30 minutes;
- three periods of 20 minutes; or
- as agreed by yourself and your employer.

### **Do I need to tell my employer I'm breastfeeding?**

If you are breastfeeding and you want to avail of time off or reduced working hours, you must tell your employer in writing as soon as you can but before the latest date for informing your employer of your intention to return to work. You must also, if your employer asks you, supply proof of the date of birth of your baby.

## 9. Will my job be safe when I'm out on maternity leave?

If you are on maternity leave or maternity-related leave, being away from work will not affect your employee rights. You should be treated as if you are still there.

This applies to all the following types of leave:

- maternity leave;
- additional maternity leave;
- father's leave (in the event of mother's death);
- additional father's leave;
- health and safety leave;
- time off for antenatal or post-natal care;
- time off or reduced hours for breastfeeding;
- time off for antenatal classes.

Your absence from work while you're on any type of leave (listed above) should not be treated as part of any other leave including sick leave or annual leave.

Your employer cannot say that you must take a day's holiday to attend an antenatal appointment.

You can't count maternity leave or antenatal visits as part of your sick record.

## What are my pay entitlements when I'm on leave?

Your employer does not have to pay you when you're on maternity leave.

However, your employer must pay you:

- when you are receiving antenatal or post-natal care;
- when you are attending antenatal classes;
- when you are taking time off or working reduced hours for breastfeeding;
- during the first 21 days of health and safety leave.

## Will my pension benefits and contributions be affected?

You don't have to make pension contributions if you are on:

- additional maternity leave;
- father's leave (if mother dies within 24 weeks after the birth);
- additional father's leave.

## Will my social welfare contributions be affected?

They may be. Your contributions to the social welfare funds stop if you are not paid while you are on leave. This is the case as long as the Acts allow that you do not have to be paid by the employer.

This provision does not apply to:

- antenatal and post-natal care,
- antenatal classes,

- time off or working reduced hours for breastfeeding, and
- the first 21 days of health and safety leave.

Contact the Department of Social Protection for more information on maternity benefit (payments and social protection contributions). Their website is [www.welfare.ie](http://www.welfare.ie).

### **What happens if I'm on probation, in training or on an apprenticeship when I take maternity leave?**

All periods of probation, training and apprenticeship are suspended when you're on maternity leave. This means you will have to complete them when you return to work.

### **Do I lose annual leave?**

No. Your annual leave continues to build up as normal while you're on both the standard maternity leave and the additional unpaid maternity leave.

### **Do I lose public holidays?**

No. If you are on maternity leave and additional unpaid maternity leave you are entitled to be credited for any public holiday that occurs during your leave.

You must be given either an extra day's pay or a set paid day off within a month, or an extra day's annual leave for every public holiday that occurred during your leave. This also applies if your employer continues to give you full pay during your leave.

## 10. Can I return to my old job after my leave?

If you have been on maternity leave, additional maternity leave, father's leave, additional father's leave or health and safety leave, you are entitled to:

- return to work with the same employer or the new owner (if there was a change of owner);
- the same job under the same contract as you had before; and
- terms and conditions that are as good as those you had before and that include any improvements that you would have enjoyed if you hadn't been absent.

### Do I have rights regarding the position I return to?

If you were not doing your normal or usual job before the leave, you are entitled to return either to the job that you were doing before the leave or your usual job.

### Could I be asked to do a different job?

If it's not possible or practical for your employer (or your employer's successor) to allow you to return to your old job, you should be offered a suitable alternative under a new contract.

A 'suitable alternative' is work which:

- is appropriate for you to do in the circumstances; and
- carries terms and conditions that are as good as your original contract; and

- includes any improvement to the terms and conditions that you would have enjoyed if you hadn't been away.

If there is an interruption or stoppage of work at your workplace and it is unreasonable to expect you to return to work on the specified date, you may return to work instead when work begins again, or as soon as reasonably practical.

### How do I give notice that I intend to come back to work?

You must write to your employer (or the new owner) four weeks before the date you intend to return or ideally earlier, to tell them that you intend to return to work. You should give the date of your intended return. If necessary, you can get someone else to do this for you.

Those who postpone leave will have to follow special notification arrangements. For more information on these arrangements call the Equality Authority on LoCall 1890 245 545. Full contact details are given in Appendix B at the back of this guide.

## 11. Am I protected against suspension and dismissal when I'm on leave?

You are protected against suspension or dismissal when:

- you are on maternity leave or additional maternity leave;
- you are on father's leave or additional father's leave;
- you are on health and safety leave;
- you have to attend antenatal classes;
- you are having antenatal or post-natal care; and
- when you are breastfeeding.

### Do I have rights regarding unfair dismissal and suspension?

If you are dismissed, your dismissal is unfair if it is as a result of:

- your pregnancy,
- your attendance at antenatal classes,
- giving birth,
- breastfeeding,
- any pregnancy-related matters;
- you exercising or trying to exercise rights provided in the Maternity Protection Acts 1994–2004.

For more information on how to resolve a dispute see Appendix A.

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## What can I do if I feel I'm being dismissed or being discriminated against because of my pregnancy?

You can bring a claim under the Employment Equality Acts 1998–2011 for discriminatory dismissal on the grounds of gender or in relation to pregnancy or maternity leave to the Workplace Relations (which covers The Rights Commission and the Equality Tribunal) or to the Circuit Court.

For further information see the Equality Authority information booklet on Employment Equality Acts 1998–2011, visit [www.equality.ie](http://www.equality.ie) or [www.workplacereactions.ie](http://www.workplacereactions.ie).

## Can my employer decide the terms of my maternity rights and entitlements?

Your contract or agreement with your employer might have terms which are more beneficial to you than those required by the Act. However, your employer is not allowed to offer terms that are less favourable than those set out in the Act.

## Appendix A - Disputes and Appeals

Either you, as the employee, or your employer can refer a dispute about rights or entitlements under the Maternity Protection Acts to the [www.workplacerelations.ie](http://www.workplacerelations.ie). Tel: 1890 80 80 90.

However, there are exceptions (times when this does not apply):

- Disputes which relate to dismissal must be referred under the Unfair Dismissals Acts 1977–2007 (see above).
- Disputes which relate to safety and risk in the workplace should be brought to the Health and Safety Authority.
- Disputes which involve employees in the Defence Forces under the Defence Act.

### Hearings of Disputes

There are certain regulations around the procedures to follow for the hearing of disputes by a Rights Commissioner and the hearing of appeals by the Employment Appeals Tribunal.

The regulations also set out the requirements for:

- notices of dispute and appeal, notifications of decisions and determinations,
- the fixing of hearings,
- procedures at hearings, and
- the awarding of costs and expenses.

The employer or employee must initiate disputes by giving notice to the Rights Commissioner:

- in writing;
- within six months from the date on which the employer is informed of the circumstances of the dispute (for example, that the employee is pregnant or that the baby's mother has died);

or

- within such a period of time as the Rights Commissioner considers reasonable (but not more than 12 months) and is satisfied that exceptional circumstances prevented notice being given within the six-month timeframe.

The notice must contain the following details:

- the name and address of the party referring the dispute;
- the name and address of the other party to the dispute; and
- details or arguments which the party referring the dispute will present at the hearing.

You can get the Single Complaint Form from The Labour Relations Commission, Tom Johnson House, Haddington Road, Dublin 4, Tel: (01) 613 6700.

If you are outside the (01) area you can LoCall: 1890 220 227. For further information on preventing and resolving workplace disputes and disagreements please refer to the Labour Relations Commission website [www.lrc.ie](http://www.lrc.ie).

The Rights Commissioner (or the Employment Appeals Tribunal on appeal) can:

- give directions to settle the dispute;
- order leave for a specified period;
- order compensation that is fair in the circumstances up to but no more than 20 weeks' pay.

The Rights Commissioner's decision can be appealed by either party. They can make an appeal by writing to the Employment Appeals Tribunal within four weeks of receiving the decision from the Rights Commissioner.

The appeal must have the following details:

- the name and address of the party referring the dispute;
- the name and address of the other party to the dispute; and
- details or arguments which the party referring the dispute will present at the hearing.

The hearing of an appeal by the Tribunal can be in public but, if it is appropriate, the Tribunal can decide to keep the proceedings private.

You can get an appeal form from the Secretary of the Employment Appeals Tribunal, 65A Adelaide Road, Dublin 2, Tel. (01) 631 2121.

Either party may appeal to the High Court on a point of law. The Tribunal may refer a question of law to the High Court.

## Enforcement

‘Enforcement’ means issuing an order that the terms of the settlement are carried out.

A decision of the Rights Commissioner or the Employment Appeals Tribunal may be enforced through the Circuit Court.

## Dismissals

Under the Unfair Dismissals Act, it is unfair to dismiss an employee:

- on the grounds of the employee’s pregnancy;
- for attendance at antenatal classes;
- giving birth;
- breastfeeding; or
- any connected matters.

It is also unfair to dismiss an employee for availing of or stating that they intend to avail of entitlements granted under the Maternity Protection Act 1994 and the Maternity Protection (Amendment) Act 2004.

Disputes relating to dismissal must be referred under the Unfair Dismissals Act 1977–2007 (UDA 1977 as amended).

A claim under the Employment Equality Acts 1998–2011 in relation to discriminatory dismissal on grounds of gender or in relation to pregnancy or maternity leave may also be referred to the Equality Tribunal or to the Circuit Court.

An employee who is unfairly dismissed may seek redress from:

- a Rights Commissioner
- the Employment Appeals Tribunal; or
- the Circuit Court.

Where a claim is brought before the Rights Commissioner or the Employment Appeals Tribunal, the employee must give notice in writing to the Rights Commissioner or the Tribunal:

- within six months from the date of the dismissal;

or

- within such period as the Rights Commissioner or the Tribunal considers reasonable in the circumstances (but not more than 12 months) if the Rights Commissioner or the Tribunal is satisfied that exceptional circumstances prevented the notice being given within the six-month timeframe.

Either party to the claim may object to the proceedings being heard by the Rights Commissioner. If that is the case, it will be heard by the Tribunal.

You can get forms for the Rights Commissioner from the Workplace Relations Customer Service, Department of Jobs, Enterprise and Innovation, O'Brien Road, Carlow, Tel: Lo-Call 1890 80 80 90.

Website address: [www.workplacerelements.ie](http://www.workplacerelements.ie). Email address: [info@workplacerelements.ie](mailto:info@workplacerelements.ie)

You can get a form for the Employment Appeals Tribunal (EAT) from the Workplace Relations Customer Service, Department of Jobs, Enterprise and Innovation, O'Brien Road, Carlow, Tel: Lo-Call 1890 80 80 90. Website address: [www.workplacerelements.ie](http://www.workplacerelements.ie). Email address: [info@workplacerelements.ie](mailto:info@workplacerelements.ie)

The Rights Commissioner, the Employment Appeals Tribunal or the Circuit Court can order different forms of redress. They are as follows:

- Reinstatement – the employee is awarded their old position as if they had never been dismissed;
- Re-engagement – the employee is awarded their old position or a suitable alternative position on terms and conditions that are reasonable;
- Compensation – for financial loss caused by the dismissal. The amount of compensation will be suitable to the circumstances but won't be more than 104 weeks' pay. Where there is no financial loss, compensation may be awarded but won't be more than four weeks' pay.

## Appeals

Either party may appeal the decision of the Rights Commissioner to the Employment Appeals Tribunal by giving notice in writing within six weeks of receiving the Rights Commissioner's decision.

Notices given under the Unfair Dismissal Act should contain:

- the name and addresses of the person bringing the claim or appeal;
- the name of the other party in the dispute;
- the date employment started;
- the date of dismissal; and
- the amount of weekly pay.

Either party may appeal the decision of the Tribunal to the Circuit Court within six weeks from the date they receive the decision of the Employment Appeals Tribunal.

## Appendix B – The Equality Authority

### Information and Support

The Equality Authority provides information only to the public on the Maternity Protection Acts. It has published a series of support materials including guides to the Equality Acts and training DVDs.

The Public Information Centre of the Equality Authority which is based in Roscrea, Co Tipperary provides information in various formats:

- online information at [www.equality.ie](http://www.equality.ie);
- an automated telephone voice message service (LoCall 1890 245 545) which; also refers callers directly to a Communications Officer who can provide more detailed information;
- guides to the law in different languages and formats.

### Equality Information

Further information, publications and training DVDs on different aspects of the law are available from:

**The Equality Authority**  
Public Information Centre  
Birchgrove House  
Roscrea  
Co Tipperary  
Ireland

**Contact:**  
LoCall: 1890 245 545  
Phone: +353 (0505) 24126  
Fax: +353 (0505) 22388  
Website: [www.equality.ie](http://www.equality.ie)  
Email: [info@equality.ie](mailto:info@equality.ie)

**The Equality Authority**

(Dublin Office)  
2 Clonmel Street  
Dublin 2  
Ireland

**Contact:**

LoCall: 1890 245 545  
Phone: +353 (01) 417 3336  
Fax: +353 (01) 417 3331  
Website: [www.equality.ie](http://www.equality.ie)  
Email: [info@equality.ie](mailto:info@equality.ie)

**Times**

Monday to Thursday 9.15am–5.30pm

Friday 9.15am–5.15pm

**Other guides available in this series**

- Guide to the Adoptive Leave Acts 1995–2005
- Guide to the Parental Leave Acts 1998–2006
- Guide to the Employment Equality Acts 1998–2011
- Guide to the Equal Status Acts 2000–2011

## Appendix C – Contacts and Addresses

### **Equality Tribunal**

3 Clonmel Street

Dublin 2

Phone: (01) 477 4100

Fax: (01) 477 4141

LoCall: 1890 344 424

Website: [www.equalitytribunal.ie](http://www.equalitytribunal.ie)

Email: [info@equalitytribunal.ie](mailto:info@equalitytribunal.ie)

### **The Health and Safety Authority**

The Metropolitan Building

James Joyce Street

Dublin 1

Phone: (01) 614 7000

Fax: (01) 614 7125

LoCall: 1890 289 389

Website: [www.hsa.ie](http://www.hsa.ie)

Email: [wcu@hsa.ie](mailto:wcu@hsa.ie)

### **Department of Social Protection**

Maternity Benefit Section and

Records Update Section

McCarter's Road

Ardarvan

Buncrana

Co. Donegal

LoCall: 1890 690 690

E-mail: [maternityben@welfare.ie](mailto:maternityben@welfare.ie)

Phone: +353 (0) 74 936 4600

(from Northern Ireland  
or overseas)

### **Workplace Relations**

#### **Customer Service**

Department of Jobs, Enterprise  
and Innovation

O'Brien Road,

Carlow

Lo-Call: 1890 80 80 90

Fax: +353 59 91 78909

Website:

[www.workplacerelations.ie](http://www.workplacerelations.ie)

Callers from outside Ireland:

+353 59 91 78990

## Appendix D – Frequently Asked Questions

### How long do I have to be employed before I can take maternity leave?

There is no minimum length of service required. Every pregnant employee is entitled to maternity leave.

### Am I entitled to be paid while out on maternity leave?

Normally you will be entitled to a Maternity Benefit payment from the Department of Social Protection but you will need to confirm this with the Maternity Benefit Section, LoCall 1890 690 690.

Under the Maternity Protection Acts, your employer does not have to pay you while you are on maternity leave or the additional maternity leave. Some employers choose to pay their employees while on maternity leave but this is at the employer's discretion. You should check this with the human resources department in your workplace.

### How late into the pregnancy can I work?

You must begin your maternity leave at least two weeks before the end of the week that the baby is due.

## Am I entitled to attend medical related appointments?

Yes. You are entitled to as much time as is necessary without loss of pay to attend your doctor or other medical-related appointment. However, you must give two weeks' written notice to the employer before the appointment. If it is an unscheduled visit, you should provide your employer with evidence that you kept the appointment. You should do this at least one week after the appointment.

## Are antenatal classes covered?

Yes. You are entitled to take paid time off to attend antenatal classes (except the last three in a set). You must give your employer two weeks' written notice.

## Is my annual leave affected if I take maternity leave?

No. Annual leave is not affected by maternity leave. It continues to build up as normal while you are on the standard 26 weeks' maternity leave and the additional 16 weeks' maternity leave.

## Am I entitled to benefit from any public holidays that occur while I am on maternity leave?

Yes. Employees on both the standard 26 weeks' maternity leave and the 16 weeks' additional unpaid maternity leave are entitled to benefit from public holidays.

**The Equality Authority**

Public Information Centre  
Birchgrove House  
Roscrea  
Co Tipperary  
Ireland

**Contact:**

LoCall: 1890 245 545  
Phone: +353 (0505) 24126  
Fax: +353 (0505) 22388  
Website: [www.equality.ie](http://www.equality.ie)  
Email: [info@equality.ie](mailto:info@equality.ie)

**The Equality Authority**

Dublin Office  
2 Clonmel Street  
Dublin 2  
Ireland

**Contact:**

LoCall: 1890 245 545  
Phone: +353 (01) 417 3336  
Fax: +353 (01) 417 3331  
Website: [www.equality.ie](http://www.equality.ie)  
Email: [info@equality.ie](mailto:info@equality.ie)



## **The Equality Authority**

### **Tipperary Office**

Public Information Centre  
Birchgrove House  
Roscrea  
Co Tipperary  
Ireland

LoCall: 1890 245 545

Phone: +353 (0505) 24126

Fax: +353 (0505) 22388

Email: [info@equality.ie](mailto:info@equality.ie)

Website: [www.equality.ie](http://www.equality.ie)

### **Dublin Office**

2 Clonmel Street  
Dublin 2  
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Email: [info@equality.ie](mailto:info@equality.ie)

Website: [www.equality.ie](http://www.equality.ie)