

Circular Title: Maternity leave to cover premature births in the Civil Service

File Reference: DPE202 - 005 - 2017

I am directed by the Minister for Public Expenditure and Reform to say that the arrangements for maternity leave in the Civil Service are being amended in line with the changes to the Maternity Protection Acts introduced by the Social Welfare Act 2017 to cater for premature births.

Circular Number:	10/2019
Circular Applications:	To all civil servants
Relevant Law/Circulars:	Maternity Protection Acts Circular 35/1995 Circular 09/2001 Circular 31/2006
Effective From:	1 October, 2017
Responsibility for Implementation:	HR Units/Heads of Departments

Louise McGirr
Civil Service HR Policy Unit

17 April, 2019

1. This Circular is issued pursuant to Section 17 of the Civil Service Regulation Act 1956 (as amended).

Purpose

2. The purpose of this Circular is to update civil servants on the revised maternity leave provisions in the case of premature births. The changes to the Maternity Protection Acts were made in the Social Welfare Act 2017.

The arrangements applying to civil servants in relation to maternity leave are set out in the following Circulars and, in general, are as specified in the Maternity Protection Acts, as amended.

- [Circular 35 of 1995 Maternity Leave](#)
- [Circular 09 of 2001 Extension of Maternity and Adoptive Leave](#)
- [Circular 31 of 2006 Implementation of the Regulations of the Maternity Protection \(Amendment\) Act 2004](#)

From 1st October 2017, the period of maternity leave for which maternity benefit is paid is being extended in cases where a baby is born prematurely.

Extended Period of Leave

3. The period of leave will be extended by the length of time between the actual date of birth of the premature baby and two weeks before the end of the week in which the baby was due. This new measure, which takes effect for premature babies born on or after Sunday, 1st October, 2017 will increase the duration of maternity leave and the associated maternity benefit.

Under the new arrangements, in addition to the current 26 weeks of paid maternity leave, a civil servant will be entitled to an additional period of paid maternity leave.

The additional period will:

- (a) commence at the end of the standard 26 week period of paid maternity leave, and
- (b) be the number of days from the baby's actual date of birth up to two weeks before the end of the week in which the baby was due (at which point the current entitlement to 26 weeks leave and benefit would normally begin).

How to claim for the extended period of maternity benefit and maternity leave

4. Civil servants should make a claim for the standard 26 weeks of maternity leave in the first instance.

To make a claim for any additional period due to a premature birth, civil servants will need to contact the Maternity Benefits Section of the Department of Employment Affairs and Social

Protection (DEASP) before the end of the first 26 weeks of Maternity Benefit to inform that section of the premature birth.

Civil servants should follow whatever procedures are in place in DEASP in order to receive confirmation of the amended maternity leave dates and details of any additional maternity benefit payment to be paid by DEASP.

In order to claim full payment for the additional period of maternity leave, civil servants must provide this confirmation letter from DEASP to their employing organisation's HR Unit/NSSO HR Shared Services.

Contact details for Department of Employment Affairs and Social Protection

Maternity Benefit Section
Department of Employment Affairs and Social Protection
McCarter's Road
Buncrana
Donegal
Ireland
F93 CH79

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