

Maternity Leave

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Maternity Leave

1. Purpose

The purpose of this Policy is to inform all employees covered by the Maternity Protection Acts 1994 and 2004 of their rights, entitlements, and benefits while in the employment of the Law Society.

2. Scope

All full-time and part-time employees are covered by this Policy. In certain circumstances, as outlined further in this Policy, partners are also covered by this piece of legislation. All employees who are pregnant, who have recently given birth, or who are breastfeeding up to the 104th week after the date of confinement are covered by the Maternity Protection Acts 1994 and 2004.

3. Policy

3.1. Entitlements and conditions

Under our maternity leave Policy, employees have the following entitlements:

- Employees are entitled to 26 consecutive weeks maternity leave, of which at least two weeks must be taken before the expected date of the birth and at least four weeks taken after the date of the birth of their child.
- Employees must give the Law Society at least four weeks written notice prior to the date they intend to take maternity leave and forward a medical certificate confirming their pregnancy and specifying the expected date of the birth of their child. The Law Society encourages employees to inform their line manager as soon as employees are aware that they are pregnant – this enables the Law Society to ensure that the environment is safe and supportive of all their pregnancy requirements during this time.
- Employees must give the Law Society, in writing, at least four weeks' notice of their intention to return to work.
- Employees are also entitled to take additional maternity leave of up to 16 weeks immediately after the end of their maternity leave.
- Employees must inform the Law Society, in writing, of their intention to take additional maternity leave not later than four weeks before the end of the 26-week normal maternity leave period.
- If employees are breastfeeding and are within 104 weeks after the birth of their child, employees may be entitled to limited time off/breaks for breastfeeding purposes. This is outlined further in the [Breastfeeding](#) section.

The Policy also provides time off for employees in the event of the death of their partner, during, or shortly after, childbirth, when that partner is the birth person.

3.2. Ante-natal/post-natal medical care

Employees will be entitled to paid leave for medical appointments related to their pregnancy.

Eligible employee must give their line manager / Head of Department two weeks written notice of any appointment and must be able to produce a certificate for the medical appointment. The Law Society requests that, where possible, these appointments are scheduled at the beginning or at the end of the working day. If the appointment finishes before the end of the working day, employees should return to work.

3.3. Ante-natal classes

Pregnant employees are entitled to paid time off work to attend one set of ante-natal classes (other than the last three classes). This is a once-off entitlement. An expectant partner is entitled, on a once-off basis, to paid time off to attend the last two classes before the birth.

Written notification must be given to their line manager/HR with the dates and times of each class at least two weeks before the first class. Employees are required to provide their line manager at least 2 weeks' notice of the commencement of ante-natal classes

If an employee requires, due to urgent medical reasons, an unscheduled ante-natal or post-natal examination, the employee must explain to their line manager / Head of Department, no later than one week after the appointment, why the required notice was not given and is required to provide a medical certificate for the appointment.

3.4. Breastfeeding

If employees are breastfeeding, employees are entitled to a reduction in working hours of one hour per day or (where suitable facilities are available) a break of one hour per day to use the facilities provided in the workplace. The one-hour break may be split into shorter periods of time totalling one

hour. Part-time employees will be entitled to a pro rata benefit.

The entitlement may be availed of for up to 104 weeks after the date of confinement, provided employees inform their line manager of their intention when employees are advising the Law Society of their intention to return to work. Employees will be paid during this time.

3.5. Annual leave and public holiday benefit

While on maternity leave and additional maternity leave, employees will retain their full entitlement to annual leave and public holiday benefit. Employees will be notified of the number of public holidays for which employees are entitled to benefit and will agree with their line manager when these paid days will be taken.

Any request for annual leave must be made as per the Law Society's annual leave Policy. Such requests will be treated in the same way as an annual leave application from any other employee, taking account of business and resourcing issues.

3.6. Health and safety leave

The Law Society will assess any risk to an employee who is:

- pregnant.
- has recently given birth; or
- is breastfeeding.

Therefore, if employees are pregnant, it is imperative that employees inform their line manager, so that the Law Society can carry out a risk assessment as soon as possible. If a risk is identified and cannot be removed from the work process, then the Law Society will take the following steps to ensure that employees are no longer exposed to the risk:

- A. temporarily adjust their working conditions or working hours, to the extent needed to avoid the relevant risk.
- B. if step (a) is not feasible, then employees will be transferred to other work, or, in the case of night-workers, to day-work.
- C. if step (b) is not feasible, then employees will be given health and safety leave.

The Law Society will pay for the first 21 calendar days of health and safety leave, thereafter a social welfare benefit may apply.

If employees become aware that employees are no longer vulnerable to the risk for which employees have been granted health and safety leave, employees are obliged to inform the Law Society in writing of the fact, as early as reasonably practicable. Likewise, if a risk no longer exists, or if the Law Society can offer suitable alternative work, the Law Society will notify employees in writing and the health and safety leave will expire seven days after receiving the notification to return to work.

3.7. Postponement of maternity leave

Maternity leave and/or additional maternity leave may be postponed in the event of the hospitalisation of their child, subject to the agreement of the Law Society. To request this postponement, employees must already have taken at least 14 weeks maternity leave, with not less than four of those weeks being after the date of confinement.

Maternity and/or additional Maternity leave may also be postponed in the event of certified illness of the employee availing of Maternity leave for a period of between 5 and 52 weeks. No other category of leave will be sacrificed during this time. Employees are entitled to be part of the sick pay scheme during this time.

Employees should request the postponement of the leave in writing as soon as possible. This request should also include a letter of confirmation from the hospital.

3.8. Premature Birth

In the event of a premature birth the 26 weeks leave will be extended by an additional period of leave. This period of leave will commence at the end of the 26 weeks. The additional period to be added will be the number of weeks from the baby's actual date of birth, up to two weeks before the expected date of confinement, which would have been the 37th week of the pregnancy.

3.9. Stillbirths & Miscarriages

If the employee has a stillbirth or miscarriage any time after the 24th week of pregnancy, the employee is entitled to full maternity leave. This means a basic period of 26 weeks and also 16 weeks additional maternity leave.

To apply for Maternity Benefit following a stillbirth, employees should send a letter from their doctor with the Maternity Benefit application form, confirming the expected date of birth, the actual date of birth and the number of weeks of pregnancy.

3.10. Payment during leave

During maternity leave and additional maternity leave, employees will be deemed to be in employment and their employment rights, except for remuneration, are preserved as if employees were present at work.

During maternity leave, employees who have the necessary PRSI contributions are entitled to maternity benefit from the Department of Employment Affairs and Social Protection. It is recommended that employees apply at least six weeks before the start date of their maternity leave. Claims should be made on MB1 forms, which can be completed or requested online at www.welfare.ie. The Law Society will complete the MB2 form (not earlier than 16 weeks before their baby is due). During the 16-week period of additional maternity leave, no payment is made by the Department of Employment Affairs and Social Protection.

Subject to the employee having completed 12 months' service on the date maternity leave commences, the Law Society will make up the shortfall between the Social Welfare maternity benefit and the employee's salary for the first 26 weeks of maternity leave. The Law Society will not pay the employee during any period of additional maternity leave.

3.11. Employment Protection

An employee who is absent on maternity leave will be treated as if they had not been absent. When maternity leave ends, an employee will be entitled to return to their original job, or a suitable equivalent role, under terms and conditions no less favourable than those that would have applied if they had not been absent. However, employees must give at least 4 weeks' written notice of the return-to-work date.

4. Review

This Policy will be reviewed from time to time and may be subject to change. For information on potential reviews please contact the [Human Resources Department](#).

Version History

Date	Amendment	By	Version no.	Review Due
29/05/2025	Service requirement for paid leave reduced from 24 months to 12 months	HR Administrator	V1.0	10/10/2027