


Policy

Title: Leave Policy

Document No.	Version	Status	Effective Date
POL-12	02	Approved	05/10/2020

Document Approvals

	Print Name	Signature	Date
Approver	Fran Crowell		05/10/2020

1.0 Objective

The purpose of this leave policy is to provide guidance for staff with regards to leave within Remember Us

2.0 Scope

The scope of the document applies to all Staff of Remember Us.

3.0 Responsibilities

It is the responsibility of Remember Us to have a policy in place to provide guidance for staff with regards to leave within Remember Us.

It is the responsibility of Remember Us staff and to ensure they have read and understand the policy herein.

4.0 Policy

4.1 Annual Leave

Annual leave will be as per The Organisation of Working Time Act 1997. Holidays must be taken in the leave year in which they are due. At the discretion of the Board of Directors, an employee may be allowed to carry over days into the following leave year.

Under The Organisation of Working Time Act, annual leave is currently earned in one of the following ways:

- a) 117 hours per month = one and two-third working days per month;
- b) 1,365 hours during a leave year = four working weeks leave; or (where neither of the above applies)
- c) 8% of hours worked subject to a maximum of four working weeks.

4.2 Public Holidays

Employees are entitled to nine public holidays per year. These days are as follows:

- 1) New Years Day
- 2) St Patrick's Day
- 3) Easter Monday
- 4) May Bank Holiday
- 5) June Bank Holiday

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- 6) August Bank Holiday
- 7) October Bank Holiday
- 8) Christmas Day
- 9) St. Stephen's Day

Part-time employees qualify for public holiday entitlement provided they have worked at least 40 hours during the five weeks ending on the day before a public holiday. Employees who work or are normally rostered to work on the public holiday are entitled to a day's pay for the public holiday.

Employees who are not normally rostered to work on the public holiday are entitled to one fifth of their normal weekly rate of remuneration for the public holiday.

In respect of a public holiday the employee is entitled to whichever of the following The Company determines:

- a) a paid day off on the day in question; or
- b) a paid day off within a month of that day; or
- c) an extra day's annual leave; or
- d) an extra day's pay.

For example, if one of the public holidays listed falls on a day that is not usually worked by employees, such as Saturday or Sunday, the employer may decide on which of options (b) to (d) to apply, depending on the circumstances.

4.3 Maternity Leave

Arrangements for maternity leave will be in accordance with the provisions of the Maternity Protection Acts 1994 & 2004.

- A pregnant employee is entitled to 26 weeks maternity leave around the time of birth of the child and an additional unpaid leave period up to a maximum of 16 weeks, following consultation with a member of the management team.
- It is important that, of the 26 weeks, at least 2 weeks should be taken before the end of the week in which the baby is due, and 4 weeks after that date. The remaining 20 weeks may be taken before or after the birth.
- The employee must give The Company at least 4 weeks' notice in writing of their intention to take maternity leave combined with a medical certificate confirming the expected week of the birth of the baby. If the employee wishes to take additional maternity leave, this must be confirmed in writing 4 weeks before the end of the maternity leave period.
- When returning to work, the employee should give 4 weeks' notice of their intended return to work date.
- The employee is entitled to paid time off for medical or related ante-natal and postnatal care. Please give a member of the management

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team 2 weeks' notice of such appointments. Medical evidence of these appointments may be requested.

- During maternity leave, the employee rights, such as annual leave, are preserved and continue to accrue as if they were not absent from work.
- While on maternity leave an employee will normally be entitled to maternity pay from the Department of Social Protection for the 26 weeks maternity leave, depending on meeting certain PRSI eligibility criteria. The employee should apply at least 6 weeks before they intend to commence maternity leave.
- Social welfare benefits are not payable during the optional additional 16 weeks maternity leave.
- An employee who is pregnant, has recently given birth or who is breastfeeding, will not be placed in any job that is a risk to her Health & Safety or that of her child. If such a risk exists The Company will remove the risk, re-assign the employee or place her on Health & Safety leave.

There are two Breastfeeding Arrangements in place.

- Option 1 allows an employee, who is breastfeeding, to reduce her hours by 1 hour per day for the purposes of breastfeeding other than in the workplace.
- Option 2 allows an employee, who is breastfeeding, to work breaks equivalent to 1 hour per day for the purposes of breastfeeding in the workplace.

The Company reserves the right to refuse payment for time-off to employees where there is an abuse of this procedure, and any such abuses will be dealt with under the Disciplinary Procedure.

4.4 Paternity Leave

With effect from 1 September 2016, new parents (other than the mother of the child) are entitled to paternity leave from employment or self-employment following birth or adoption of a child. The Paternity Leave and Benefit Act 2016 provides for statutory paternity leave of 2 weeks. The provisions apply to births and adoptions on or after 1 September 2016. You can start paternity leave at any time within the first 6 months following the birth or adoption placement.

You must notify the company in writing that you intend to take paternity leave and provide your intended dates no later than 4 weeks before your leave. You will be required to provide a certificate from your spouse or partner's doctor confirming when your baby is due, or confirmation of the baby's actual date of birth if you apply for leave after the birth has occurred.

Your entitlement to pay and superannuation during paternity leave depends on the terms of your contract of employment. Employers are not obliged to

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pay employees who are on paternity leave. You may qualify for Paternity Benefit from the Department of Employment Affairs and Social Protection if you have sufficient PRSI contributions. However an employee's contract could provide for additional rights to payment by the employer during the leave period, so that, for example, the employee could receive full pay less the amount of Paternity Benefit payable.

4.5 Parental Leave

On 8 March 2013 the European Union (Parental Leave) Regulations 2013 increased the amount of parental leave available to each parent per child from 14 weeks to 18 weeks. (Those who have taken or are taking 14 weeks' parental leave are also entitled to this extra 4 weeks.)

The Regulations extended the age limit for a child with a long-term illness to 16 years.

Leave can be taken in respect of a child no later than the child's 8th birthday. If a child was adopted between the age of 6 and 8, leave in respect of that child may be taken up to 2 years after the date of the adoption order. In the case of a child with a disability or a long-term illness leave may be taken up to 16 years of age. In addition, an extension may also be allowed where illness or other incapacity prevented the employee taking the leave within the normal period.

All employees who have completed one year's continuous service on the date the parental leave is due to commence are entitled to 18 weeks' unpaid parental leave. The 18 weeks per child may be taken in one continuous period or in 2 separate blocks of a minimum of 6 weeks. There must be a gap of at least 10 weeks between the 2 periods of parental leave per child.

An employee must give written notice to The Company of their intention to take parental leave, not later than 6 weeks before the commencement of the leave. Employees may be required to provide evidence of his or her entitlement to parental leave. Once notification of the intention to take parental leave has been made, a confirmation document must be prepared which must include:

- The date on which the leave will commence
- The duration of the leave
- The manner in which the leave will be taken
- The signatures of employer and employee

The Board of Directors may decide to postpone the parental leave, for up to 6 months, if satisfied that granting the leave would have a substantial adverse effect on the operation of the business.

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During parental leave, your rights such as annual leave and public holiday entitlement, are preserved and continue to accrue as if you were not absent from work.

Parental leave may be terminated if there are reasonable grounds to believe that it is being used for a purpose other than taking care of the child concerned.

4.6 Force Majeure Leave

Employees may avail of force majeure leave with pay for unplanned, extreme, and urgent family reasons, where an immediate family member suffers an illness or injury and the employee's immediate presence with the injured party is absolutely indispensable.

Force majeure leave is limited to a maximum of 3 days in a consecutive 12-month period and a maximum of 5 days in a 36 month period. Absence for part of a day is counted as one day of force majeure leave. Family members are defined as:

- Child/Adoptive Child
- Spouse or Partner (only where partner is living with employee)
- A person to whom the employee is in loco parentis
- Brother/Sister
- Parent/Grandparent

Force majeure leave will only apply in cases where the employee's personal presence is indispensable. If an alternative person (other family member, friend, babysitter) can be found to deal with the situation then this will not apply.

4.7 Carer's Leave

Carer's Leave will be granted in accordance with the terms and provisions of the Carer's Leave Act 2001. The person you are proposing to care for must be deemed to be in need of full-time care and attention by a deciding officer of the Department of Employment Affairs and Social Protection. The decision by the Department is reached on the basis of information provided by the family doctor (GP) of the person whom you will be caring for.

The person you propose to care for must be so disabled as to require:

- Continuous supervision and frequent assistance throughout the day in connection with their normal personal needs for example, help to eat, drink, wash or dress, or
- Continuous supervision in order to avoid danger to themselves

Employees will be considered eligible to apply for Carer's Leave if:

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- 1) They have completed 12 months continuous employment with The Company
- 2) The employee has provided The Company with a decision from a deciding officer from the Department of Social Protection

The Department of Social Protection will be responsible for ascertaining the validity of applications to avail of Carer's Leave.

You may apply to take carer's leave in one continuous period of 104 weeks or for a number of periods not exceeding a total of 104 weeks. If you do not take carer's leave in one continuous period, there must be a gap of at least 6 weeks between the periods of carer's leave.

You must give the company at least 6 week's written notice of your intention to take carer's leave

This notice must include:

- The proposal to take Carer's Leave
- The date when leave will commence
- The manner in which it is intended to take the leave
- Confirmation that an application has been made to the Department of Social Protection that the person to be cared for is a "Relevant Person".

An employee who is on Carer's Leave must give notice in writing to The Company, of his/her intention to return to work not less than 4 weeks before the date when he/she intends to do so. An employee while on Carer's Leave will be regarded as still being in employment and none of their rights relating to employment will be affected. Any employee on Carer's leave will be unpaid by The Company but will continue to accrue annual leave and public holiday entitlement for up to 13 weeks.

4.8 Adoptive Leave

The Company is committed to providing employees with the necessary support and leave to adoptive employees. Unpaid adoptive leave of 24 weeks is available to adoptive mothers and sole male adopters. The Department of Social Protection provides the payment of an adoptive leave benefit for employees taking statutory adoptive leave.

In addition to the minimum period of adoptive leave, an employee may elect to take up to 16 weeks additional adoptive leave. During this period there is no entitlement to social welfare adoptive leave benefit.

An adopting mother or sole male adopter must notify The Company in writing of their intention to take adoptive leave no later than 4 weeks of the expected date of placement, if you feel you can offer the date sooner, please do so. If you wish to take the additional adoptive leave of 16 weeks, you must inform The Company no later than 4 weeks before your expected return to work date.

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During adoptive leave, your rights such as annual leave are preserved and continue to accrue as if you were not absent from work.

4.9 Jury Duty

In circumstances where an employee serves on a jury, The Company will grant paid leave in accordance with the Juries Act, 1976 as amended by Section 54 and Section 64 of the Civil Law (Miscellaneous Provisions) Act 2008. Employees are required to attend work before and after each court session and submit written evidence to The Company of involvement in Jury duty.

Employees are excusable from jury service if they can show that they have attended to serve on a jury within the last three years, or if they can show to the Registrar's satisfaction that there is good reason why they should be excused.

The Company, with the employee's agreement, may apply for the employee to be exempt from jury service if releasing the employee may cause The Company difficulties. Employees are required to contact a member of the management team if they are not selected for a jury on any day to ascertain whether or not they should return to work.

4.10 Compassionate Leave

Compassionate leave days are at the discretion of The Company. In all cases of personal tragedy, please inform a member of the management team who will help arrange your absence from work.

5.0 References

- The Organisation of Working Time Act 1997
- Maternity Protection Acts 1994 & 2004
- The Paternity Leave and Benefit Act 2016
- The European Union (Parental Leave) Regulations 2013
- The Carer's Leave Act 2001
- The Juries Act, 1976 as amended by Section 54 and Section 64 of the Civil Law (Miscellaneous Provisions) Act 2008

6.0 Revisions

Version Number	Description of Revision
01	First issuance of Policy for Leave
02	Review and update of format