



## FORCE MAJEURE LEAVE

Procedure No: 18

Revision: 5

Sheet of: 1 of 3

Date of Issue:

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### 1. Purpose

To define College policy on Force Majeure Leave and to define the implementation of this Leave under the Parental Leave Act 1998.

### 2. Scope

Force Majeure Leave is paid leave which is granted to Staff where **“for urgent family reasons, owing to an injury to or the illness of [an immediate relative – see below], the immediate presence of the employee at the place where the person is, whether at his or her home or elsewhere, is indispensable.”** (Parental Leave Act, 1998)

Force Majeure leave only relates to a situation which is not foreseeable or otherwise not generally predictable. Routine minor and predictable illnesses to children or other family members which invariably occur are not covered.

#### A. Eligibility

- (1) All Staff employed in College are entitled to apply for Force Majeure Leave under the Parental Leave Act 1998.
- (2) Those cases, which fall under the definition, as described above will be eligible for Force Majeure Leave.
- (3) “Immediate relative” includes parent, grandparent, brother, sister, spouse or a person with whom the Staff member is living as husband or wife, child / adoptive child, or a person to whom the Staff member is in loco parentis.

#### B. Entitlement

- (1) Force Majeure leave is paid leave and consists of one or more days.
- (2) Should a staff member be approved for Force Majeure Leave on the day a College holiday falls, both the Force Majeure Leave and the College Holiday will be deemed to have been discharged.
- (3) The maximum leave available is three days in any twelve consecutive months or five days in any period of thirty-six consecutive months.
- (4) If a Staff member is absent from work for part of a day for reasons of Force Majeure, this leave will be considered as one full day's leave.

### 3. Procedure

(3.1) Application for Force Majeure leave should be made by, and have the support of, the Head of School/Unit/Area.

(3.2) Application must be made to the Staff Office as soon as is reasonably practicable on the prescribed form available from the Staff Office.

(3.3) A written response shall be issued to the Head of School/Unit/Area.

#### **4. Relevant Legislation**

Parental Leave Act, 1998

**Application For Force Majeure Leave**  
(Under the Parental Leave Act 1998)

**Name of Employee:** ..... **Staff Number:**.....  
**Home Address:** ..... **Department:**.....  
..... **Dept Phone:** .....

**Name and Address of Injured / Member of the Employee's Immediate Family during Emergency**

**Family Leave:** .....  
.....

**Relationship of Immediate Family Member to Employee:**

.....

**Nature and Details of Injury / Illness of Immediate Family Member of Employee concerned:**

.....  
.....  
.....

**Date(s) of Emergency Family Leave:**

.....

I confirm that I have taken Force Majeure Leave on the above-mentioned date(s) because of urgent family reasons as a result of injury to / illness of the member of my immediate family stated above and per details stated given as a result of which my immediate presence at that member of my immediate family's address was indispensable.

**Declaration**

I declare that the information given by me above is true, accurate and complete in all respects and I both understand and accept that if that is not the case, whether knowingly on my part or otherwise, then, following due investigation by my employer, I may be denied Force Majeure Leave and / or liable to appropriate disciplinary action.

Signature of Employee: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of Head of: \_\_\_\_\_ Date: \_\_\_\_\_  
School/Unit/Area

Note: The members of an employee's immediate family covered under Section 13 (2) of the Act are a child (natural, adoptive or over which the employee is acting in loco parentis) spouse / partner, the brother / sister, or parent / grandparent of the employee.

**Application should be made by the Head of School/Unit/Area and returned to: Staff Relations, Staff Office, House 4, College,**

**Tel: 8961882 E-mail: [staff.relations@tcd.ie](mailto:staff.relations@tcd.ie)**