



# RCSI

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## Force Majeure Leave

### Purpose

Under the Parental Leave Act 1998 and 2019, RCSI will grant short-term paid leave to cover staff in times of an emergency due to illness or accident to an immediate family member and where the presence of the staff member is required.

The purpose of this policy is to ensure compliance with legislation, and to outline RCSI's policy in relation to Force Majeure Leave

### Scope

Staff members are entitled to Force Majeure Leave within prescribed limits, if the relevant qualifying criteria are fulfilled, as defined below. Force Majeure Leave is leave with pay. Approval of Force Majeure Leave is strictly subject in every instance to two essential criteria being fulfilled – the Force Majeure criterion and the Family member criterion.

#### 1. Force Majeure Criterion

Force Majeure means urgent family reasons where, owing to an injury to or the illness of an immediate relative, the employee's immediate presence in the same place is indispensable.

#### 2. Immediate Relative Criterion

The person in respect of whom an employee may avail of Force Majeure in the event of their being injured or ill are immediate relatives. An immediate relative is defined as;

- A spouse or person with whom a staff member is in a relationship with of domestic dependency, including same-sex partners.
- Child/ Adoptive Child/ Step Child
- Father or Step-Father
- Mother or Step-Mother
- Brother, Sister, Step Brother, Step Sister

- Father of Spouse/Partner
- Mother of Spouse/Partner
- Grandfather, Grandmother
- Person to whom the employee has a duty of care (acting in loco parentis)

## **Policy Statement**

Force Majeure Leave relates only to the sudden and unexpected injury or illness of an immediate family. The injury or onset of, or course taken by, the illness must by definition have been unforeseeable or otherwise generally unpredictable. In addition, the injury or illness must be so significant that it requires the immediate and indispensable presence of the employee concerned i.e. routine minor injuries or episodes of illness or ongoing states of serious illness will not generally be covered by Force Majeure Leave. Neither is the magnitude nor severity of an illness itself sufficient to warrant Force Majeure Leave. It is the sudden and unforeseen nature or change of the condition that will dictate the right to avail of Force Majeure Leave.

### Leave Entitlement

Maximum of 3 days in any 12 consecutive months

Maximum of 5 days in any 36 consecutive months

Absence for part of a day is counted as one day

## **Procedure**

- You must notify your Head of Department/ nominee of your intention to take Force Majeure leave within two hours of your normal starting time.
- You must complete attached declaration form as soon as reasonably practicable after the leave is taken and send directly to the Human Resources Department.
- Failure to complete a declaration form will result in the leave being treated by RCSI as an absence without permission.
- All documentation relating to force majeure leave is treated confidentially and such documentation is stored on the employee's personnel file

## **Getting Further Help**

The Human Resources department is available to support any member of staff in understanding or implementing the content of this policy and procedure.

## **Policy Review**

The Human Resources Department will ensure that this policy will be monitored and kept under review.