



## **Ireland: Surrogacy Leave Policy**

Workday aims to provide a supportive environment for all parents and this policy seeks to expressly extend leave entitlements to parents who have a baby by surrogacy. Workday recognises that not all surrogacy processes involve an adoption and therefore this policy seeks to capture all parents of a baby born by surrogacy where that parent is not otherwise entitled to maternity leave, paternity leave or adoptive leave.

In addition to Surrogacy Leave, you may also be entitled to paid parent's leave and unpaid parental leave. Please see our Parent's Leave policy and Parental Leave policy for further details.

### **Entitlement to Surrogacy Leave**

You may be entitled to up to 40 weeks' Surrogacy Leave which consists of:

- a. "ordinary" surrogacy leave of 24 consecutive weeks ("Ordinary Surrogacy Leave"); and
- b. "additional" adoptive leave of a further 16 consecutive weeks immediately following the end of Ordinary Surrogacy Leave ("Additional Surrogacy Leave").

Additional Surrogacy Leave must be taken immediately after the Ordinary Surrogacy Leave.

Surrogacy leave or Adoptive Leave (whichever is applicable) is available to only one parent in respect of each child born by surrogacy. If both parents are eligible for adoptive leave or surrogacy leave, the couple must choose which person is to avail of the leave (either adoptive or surrogacy whichever is applicable.).

In respect of joint parents of a baby born by surrogacy, we must be satisfied that you are the only member of the couple seeking Surrogacy or Adoptive leave.

Surrogacy Leave is not currently legislated for in Ireland. Eligibility for Surrogacy Leave shall ultimately be determined at Workday's sole discretion based on the facts available on a case-by-case basis.

### **Notification**

We encourage you to inform us as soon as you know that you are having a baby by surrogacy; this means that we can ensure that the environment is supportive of you and of all your requirements during this time.

You must give us at least four (4) weeks' written notice of the expected date in which you will take the baby into your care (the "Placement Date") and that you intend to apply for Ordinary Surrogacy Leave. You should provide any relevant supporting documentation as soon as reasonably practicable, but not later than four (4) weeks after the Placement Date.

At the time you notify us of your intention to take Ordinary Surrogacy Leave, you may also specify whether you intend to take Additional Surrogacy Leave. In any event, you must inform us in writing of your intention to take Additional Surrogacy Leave not later than four (4) weeks before the end of Ordinary Surrogacy Leave.

You must also notify your Manager and People and Purpose of your intention to return to work no later than four (4) weeks before the intended date of return.

### **Company Surrogacy Pay**

We want to support parents of a child by surrogacy in caring for their child. Workday will pay an employee who is not eligible for Adoptive Leave Benefit the amount of their contractual base salary (calculated from Placement Date) during Ordinary Surrogacy Leave (i.e. up to 24 weeks). If you are eligible for Adoptive Leave Benefit, then Workday will pay an employee the difference between the Adoptive Leave Benefit and the amount of their contractual base salary during Ordinary Surrogacy Leave.

Additional Surrogacy Leave is unpaid. During Additional Surrogacy Leave, the employee will not receive any Adoptive Benefit from the State (if eligible) nor any payment of their contractual base salary from Workday.

### **Protection of Employment Rights**

Our policy is to treat an employee absent on Ordinary Surrogacy Leave or Additional Surrogacy Leave as if she/he had not been absent. At the end of a Surrogacy Leave period, subject to the notification requirements outlined above, you will be entitled to return to your usual job as far as is reasonably practicable, on terms and conditions no less favourable than those which would have applied had you not been absent. If this is not reasonably practicable for Workday, you will be offered a suitable and appropriate alternative, on no less favourable terms and conditions.

During Ordinary Surrogacy Leave and Additional Surrogacy Leave you will be deemed to have been in continuous employment and your employment rights will be preserved as though you were present at work. Your contractual rights (excluding remuneration) are protected. In particular:

- a. benefits in kind such as life insurance, health insurance and use of a company vehicle if applicable will continue;
- b. annual leave entitlements under your contract continues to accrue. You are also entitled to leave for any public holidays that occur during Ordinary Surrogacy Leave and Additional Surrogacy Leave; and
- c. pension benefits continue if you are a member during Ordinary Surrogacy Leave only (see "Pensions" section of this policy).

## **Pensions**

Where you are eligible to receive Company Surrogacy Pay (see "Company Surrogacy Pay" section of this policy), we shall continue to make any employer contributions during Ordinary Surrogacy Leave that we usually make into the pension scheme, based on what your earnings would have been if you had not been on Surrogacy Leave provided that you continue to make contributions based on the Company Surrogacy Pay you are receiving. If you wish to increase your contributions then please contact People and Purpose.

During the unpaid period of Additional Surrogacy Leave, we will not make any payments into a pension scheme. You do not have to make contributions but you may do so if you wish, or you may make up for your missed employee contributions at a later date.

## **Surrogacy Classes and Meetings**

We want to support employees going through the surrogacy process. Regardless of length of service or status (full or part time), employees are entitled to paid leave for any pre-Placement Date surrogacy classes and meetings, which they are obliged to attend. To help us to manage workloads we ask that you try to give as much written notice as possible of your appointments, at a minimum no less than two (2) weeks' notice, and you may be requested to produce an appointment card. Workday requests that, where possible, the appointments are at the beginning or at the end of the working day.

## **Keeping in Touch**

We aim to stay in touch with employees during Surrogacy Leave. You are welcome to contact your manager or People and Purpose at any time. Keeping in touch should be mutual and by agreement. If you feel that your contact is too little or too much, you should let your manager know.

Shortly before you are due to return to work, your people leader may invite you to have a discussion (whether in person or by telephone) about the arrangements for your return. This discussion will only take place if you are happy for it to do so. This may cover:

- a. updating you on any changes that have occurred during your absence;
- b. any training needs you might have; and
- c. any changes to working arrangements.

## **Returning Late**

If you wish to return later than your notified date of return to work, you should either:

- a. request unpaid parental leave (see Parental Leave Policy), giving us as much notice as possible but not less than 6 weeks; or
- b. request paid annual leave in accordance with your contract, which may be approved at our discretion.

If you are unable to return to work due to sickness or injury, this will be treated as sickness absence and our Sick Leave Policy will apply. In any other case, late return will be treated as unauthorised absence.

## **Deciding Not to Return**

If you do not intend to return to work, or are unsure, it is helpful if you discuss this with us as early as possible. If you decide not to return you should give notice of resignation in accordance with your contract of employment. The company will be able to accept the resignation once your Surrogacy Leave is finished.

## **Entitlement of Employee in Couple to Surrogacy Leave on Death of Spouse/Partner on Adoptive or Surrogacy Leave**

An employee may be entitled to Adoptive Leave or Surrogacy Leave if his/her spouse/partner who is on Adoptive Leave or Surrogacy Leave dies. Eligibility in these circumstances will be determined at Workday's sole discretion. For further information, an employee should contact his/her manager and People and Purpose.

## **Policy**

This policy does not form part of any employee's contract of employment and Workday reserves the right to vary or amend this policy as may be necessary from time to time.

This policy does not apply to agency workers, contractors or the self-employed.

