

# Parental Leave

## General Points

- As of 1<sup>st</sup> September 2019, both parents have an equal separate entitlement to parental leave of 22 weeks for each child up to the age of 12.
- Employees are not entitled to pay while on parental leave or to any social welfare payment equivalent to Maternity Benefit or Adoptive Benefit.
- The age limit for a child with a disability or long-term illness to 16 years.
- Where an employee has more than one child, parental leave is limited to 22 weeks in a 12-month period. This can be longer if the employer agrees.
- Parents of twins or triplets can take more than 22 weeks of parental leave in a year.
- The 22 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.

## Information

The Parental Leave Act 1998, as amended by the Parental Leave (Amendment) Act 2019, allows parents in Ireland to take parental leave from employment in respect of certain children. A person acting in loco parentis with respect to an eligible child is also eligible.

## Amount of Parental Leave

The Parental Leave act 1998 (Amended 2019) entitles an employee to unpaid leave in respect of any child up to the age of 12 years old. If the child was adopted between the age of ten and twelve, leave in respect of this child can be taken for up to two years from the date of the adoption order. In the case of a child with a disability or long-term illness, leave may be taken up to 16 years of age. A person acting in loco parentis with respect to an eligible child is also covered under this leave.

Where the full leave entitlement has been utilised under the previous legislation Parents may claim the balance of weeks for children between the ages of 8 to 12 years old, or 16 years old in the event of a child with a disability or long-term illness.

Both parents have an equal separate entitlement to parental leave. Unless both work for the same employer, they can only claim their own parental leave entitlement – up to 14 weeks can be transferred where the employer is the same.

## Age of Child

Since 1<sup>st</sup> September 2019, leave can be taken in respect of a child up to 12 years of age. If a child was adopted between the age of 10 and 12, 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.

## Illness of Parent

If the parent becomes ill while on parental leave and is unable to care for the child, the leave can be suspended for the duration of the illness. In order to suspend the parental leave, the employee must

give written notice and relevant evidence of the illness to the employer as soon as is reasonably practicable. The parental leave resumes after the illness.

*During the illness the parent is treated as an employee who is sick.*

### **Employment Rights While on Parental Leave**

Employees are not entitled to pay while on parental leave or to any social welfare payment equivalent to Maternity Benefit or Adoptive Benefit.

Taking parental leave does not affect other employment rights. Apart from the loss of pay and pension contributions, their position remains as if no parental leave had been taken and annual leave accumulates. The legislation only provides for the minimum entitlement.

### **Social Insurance Contributions**

The Minister for Social Protection has introduced Regulations to ensure preservation of social insurance (PRSI) records for employees who take parental leave. The employer must write to the Records Update Section of Department of Social Protection (DSP), detailing the weeks not worked, so that PRSI contributions are credited for this time (see 'Where to apply' below).

### **Rules**

Generally, employees must have been working for their employer for a year before being entitled to parental leave.

However, if the child is very near the age threshold and the employee has been working for more than three months but less than one year, they are entitled to pro-rata parental leave. This is one week's leave for every month of employment completed.

If an employee changes job and has used part of their parental leave allowance they can use the remainder after one year's employment with their new employer provided the child is still under the qualifying age.

Apart from a refusal on the grounds of non-entitlement, an employer may also postpone the leave for up to 6 months. This must be done before the confirmation document is signed. After that, the leave cannot be postponed without further written agreement. Grounds for such a postponement include lack of cover or the fact that other employees are already on parental leave. Normally only one postponement is allowed, but it may be postponed twice if the reason is seasonal variations in the volume of work.

Parental leave is to be used only to take care of the child concerned. If the parental leave is taken and used for another purpose the employer is entitled to cancel the leave.

Employers must keep records of all parental leave taken by their employees. These records must include the period of employment of each employee and the dates and times of the leave taken. Employers must keep these records for 12 years.

Employees are entitled to return to their job after parental leave unless it is not reasonably practicable for the employer to allow them to return to their old job. If this is the case employees must be offered a suitable alternative on terms no less favourable compared with the previous job including any improvement in pay or other conditions which occurred while on parental leave. The legislation protects parents who take parental leave from unfair dismissal.

Since 8 March 2013, employees returning to work after taking parental leave, are entitled to ask for a change in work pattern or working hours for a set period. The employer must consider the request but is not obliged to grant it.

### **‘New Parent’ Leave**

As of 1<sup>st</sup> November 2019, parents are entitled to two weeks additional leave in the 52 weeks following the birth / adoption of a new child. Payment is issued by the Department of Social Protection