

**HR & Member Services**

**Parent’s Leave**

**Key Points:**

* Parent’s leave has been recognised as Statutory Leave Entitlement from **1st November 2019.**
* Parent’s leave entitles a “relevant parent” to five weeks leave to be taken within the first two years after the child’s birth, or in the case of adoption, within two year of the placement of the child with the family.
* A “relevant parent” is taken to mean a parent of the child, the spouse, civil partner or cohabitant of the parent of the child, a parent of a donor-conceived child as provided for under [section 5 of the Children and Family Relationships Act 2015](http://www.irishstatutebook.ie/eli/2015/act/9/section/5/enacted/en/html),the adopting parent or parents of the child, the spouse, civil partner or spouse of the adopting parent of the child (if the parents have not adopted jointly) or each member of a married couple of the same sex, a couple that are civil partners of each other, or a cohabiting couple of the same sex
* There is no obligation on employers to pay for Parent’s Leave. A “Parent’s Benefit” payment may be claimed from the Department of Social Protection if the employee has sufficient PRSI contributions.

**Entitlement:**

A relevant parent to a child is entitled to take 5 weeks leave from his/her employment. A relevant parent is entitled to take this leave regardless of their length of employment with the company, or regardless of their employment status (i.e. full-time/part-time; fixed-term/permanent).

Where multiple births occur, or 2 or more children are adopted at the same time, the relevant parent will be entitled to one period of parent’s leave only (i.e. 5 weeks Parent’s Leave).

In general, the leave can be taken in a 5-week consecutive block or in periods of not less than one week.

**Notification:**

Employees who intend to avail of Parent’s Leave should give notice in writing, as soon as is reasonably practicable, but not less than 6 weeks before the intended commencement date. The employee’s intention to return to work should also be advised within this notice.

Parent’s Leave cannot commence before the date of birth, or, in the case of adoption, before the date of placement. The employee must use the leave within two years of the birth or placement.

**Payment:**

There is no obligation on an employer to pay an employee during a period of Parent’s leave. Employees may qualify for [Parent’s Benefit](http://www.citizensinformation.ie/en/social_welfare/social_welfare_payments/social_welfare_payments_to_families_and_children/maternity_benefit.html) which is a Department of Social Protection payment if they have sufficient PRSI contributions. However, an employee’s contract could provide for additional rights to payment during the leave period.

In the event of a multiple birth or more than one child being adopted at any one time, only one parent’s benefit may be claimed.

**Public holidays and annual leave:**

Apart from pay and superannuation, time spent on parent’s leave is treated as though the employee has been in employment, and this time can be used to accumulate [annual leave](http://www.citizensinformation.ie/en/employment/employment_rights_and_conditions/leave_and_holidays/annual_leave_public_holidays.html) and [public holiday](http://www.citizensinformation.ie/en/employment/employment_rights_and_conditions/leave_and_holidays/public_holidays_in_ireland.html) entitlement.

**Postponement of Parent’s Leave:**

Parent’s leave may be postponed in the event of the child being hospitalised.

In the event of a hospitalisation of the child, the employee may request in writing to postpone the leave, or a part of the leave. If the employer agrees to postpone the leave, the employee will be expected to return to work on a date agreed, or to continue working. The employer must notify the employee of their decision in relation to the requested postponement in writing as soon as is reasonably practicable.

An employer can postpone parent’s leave for up to 12 weeks. An employer can only postpone a request for parent’s leave for the following reasons:

* Seasonal variations in the volume of work
* No replacement to carry out your work
* The nature of your duties
* The number of other employees also taking parent’s leave
* Any other relevant matters

**Employee Rights:**

During the period of parent’s leave the employee shall be deemed to have been in employment, and as such, no rights related to the employee’s employment should be affected. They will be entitled to return to the same job as they held prior to commencing their parent’s leave, or should that not be reasonably practicable, to a job holding terms and conditions no less favourable.

Any termination of employment, suspension of employment, or notice of termination of employment issued while the employee is absent from work on parent’s leave will automatically be considered void.

The employee is protected against penalisation, or the threat of penalisation relating solely to their intention to take, or having exercised, their entitlement to parent’s leave.

**Maintaining Records:**

Parent’s Leave records should be retained by the employer for a period of 8 years after the leave is taken.

**Disputes:**

Any disputes that arise relating to Parent’s leave that cannot be solved internally should be referred to the Workplace Relations Commission in the first instance. A decision of the Workplace Relations Commission can be appealed to the Labour Court.