



Number 11 of 2019

Parental Leave (Amendment) Act 2019



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PARENTAL LEAVE (AMENDMENT) ACT 2019

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[No. 11.]

Parental Leave (Amendment) Act 2019.

[2019.]

ACTS REFERRED TO

Parental Leave (Amendment) Act 2006 (No. 13)

Parental Leave Act 1998 (No. 30)



Number 11 of 2019

PARENTAL LEAVE (AMENDMENT) ACT 2019

An Act to amend and extend the Parental Leave Act 1998.

[22nd May, 2019]

Be it enacted by the Oireachtas as follows:

Interpretation

1. In this Act, “Principal Act” means the Parental Leave Act 1998.

Amendment of section 2 of Principal Act

2. Section 2(1) of the Principal Act is amended by inserting the following definitions:

“ ‘specified Act’ means the *Parental Leave (Amendment) Act 2019*;

‘specified day’ means the day on which the specified Act comes into operation;”.

Amendment of section 6 of Principal Act

3. Section 6 of the Principal Act is amended—

- (a) by inserting the following subsection after subsection (1):

“(1A) The reference in subsection (1) to a period of 18 working weeks shall be construed—

- (a) in the period from 1 September 2019 to 31 August 2020, as a reference to a period of 22 working weeks, and

- (b) on and from 1 September 2020, as a reference to a period of 26 working weeks.”,

- (b) in subsection (2)(a) by substituting “attains the age of 12 years” for “attains the age of 8 years”,

- (c) in subsection (2)(b)(ii) by substituting “attained the age of 10 years but not 12 years” for “attained the age of 6 years but not 8 years”, and

- (d) by inserting the following subsection after subsection (8):

“(8A) Where, before the specified day, a person who is a relevant parent in respect of a child has not taken 18 weeks parental leave in respect of the child (and irrespective of whether the person was prevented from taking all or any of the parental leave by the operation of subsection (2) as in force before the specified day) then on and from the specified day this Act, as amended by the specified Act, shall apply to so much of the 18 weeks of parental leave as was not taken before the specified day in respect of that child.”.

Amendment of section 7 of Principal Act

4. Section 7 of the Principal Act is amended—

- (a) in subsection (1)(a), by substituting “equal to the period referred to in section 6(1)” for “of 18 weeks”,
- (b) in subsection (1)(aa)(ii), by substituting “the number of weeks referred to in section 6(1) in total,” for “18 weeks in total, or”,
- (c) in subsection (1)(b)(iii), by substituting “subparagraphs (i) and (ii), or” for “subparagraphs (i) and (ii).”,
- (d) in subsection (1), by inserting the following paragraph after paragraph (b):
 - “(ba) where an employee has taken leave pursuant to paragraph (a), (aa) or (b), periods each consisting of not less than 1 week.”,
- (e) in subsection (2)(a), by substituting—
 - (i) “equal to the period referred to in section 6(1)” for “of 18 weeks” in each place where it occurs, and
 - (ii) “the relevant number times” for “18 times”,
- (f) in subsection (2)(b), by substituting “, (aa) or (ba) of subsection (1)” for “or (aa)”,
- (g) in subsection (3), by inserting “subsections (3A) and (3B)” for “subsection (3A)”,
- (h) by inserting the following subsection after subsection (3A):
 - “(3B) Subsection (3) shall not apply to—
 - (a) any period of parental leave proposed to be taken by an employee—
 - (i) in respect of a child who has attained the age of 11 years before or on the specified day, and
 - (ii) before the 1st anniversary of that day,if the operation of section 6(2)(a) would prevent the employee from taking all or any part of that parental leave after that day, or
 - (b) any period of parental leave proposed to be taken by an employee—

- (i) in respect of a child who has attained the age of 15 years before or on the specified day, and
 - (ii) before the 1st anniversary of that day,
- if the operation of section 6(2)(c) would prevent the employee from taking all or any part of that parental leave after that day.”,

and

- (i) by inserting the following subsection after subsection (4):

“(5) In this section, ‘relevant number’ means the number equivalent to the number of weeks referred to in section 6(1).”.

Amendment of section 8 of Principal Act

- 5. Section 8 of the Principal Act is amended by inserting the following subsection after subsection (7):

“(8) Where an employee proposes to take parental leave in respect of a child pursuant to section 7(1)(ba), then the notice under subsection (1) required to be given by the employee shall, for the purposes of this Act, be treated as—

- (a) one such notice if the employee complies with that requirement by giving one notice specifying a continuous period of parental leave proposed to be taken,
- (b) one such notice if the employee complies with that requirement by giving one notice specifying the periods of parental leave proposed to be taken, or
- (c) such number of notices equivalent to the number of periods of parental leave proposed to be taken if the employee complies with that requirement by giving such number of notices each specifying one of the periods of parental leave proposed to be taken,

and the other provisions of this Act (including section 11) shall be construed accordingly.”.

Amendment of section 11 of Principal Act

- 6. Section 11 of the Principal Act is amended by inserting the following subsection after subsection (6A):

“(6B) Where a notice under section 8(1) by an employee to his or her employer falls within section 8(8)(b), then, subject to any agreement between the employee and the employer, any postponement under this section of the commencement of parental leave must apply to each period of proposed parental leave the subject of the notice.”.

Amendment of section 27 of Principal Act

7. Section 27 of the Principal Act is amended—

(a) by substituting the following subsection for subsection (2):

“(2) A record under this section shall be retained by the employer concerned—

(a) where the record is in respect of parental leave, for a period of 12 years, and

(b) where the record is in respect of *force majeure* leave, for a period of 8 years,

in such form as the Minister may specify.”,

and

(b) in subsection (4), by inserting “paragraph (a) or (b) of subsection” after “subsection (1) or”.

Short title, collective citation and commencement

8. (1) This Act may be cited as the Parental Leave (Amendment) Act 2019.

(2) The Principal Act, the Parental Leave (Amendment) Act 2006 and this Act may be cited together as the Parental Leave Acts 1998 to 2019.

(3) This Act shall come into operation on such day or days as the Minister for Justice and Equality may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions.