Changes to Legislation: as of 11 November 2026, this Act is up to date with all changes known to be in force.



Number 35 *of* 2019

PARENT'S LEAVE AND BENEFIT ACT 2019

REVISED

Updated to 1 August 2024

This Revised Act is an administrative consolidation of the *Parent's Leave and Benefit Act 2019*. It is prepared by the Law Reform Commission in accordance with its function under the *Law Reform Commission Act 1975* (3/1975) to keep the law under review and to undertake revision and consolidation of statute law.

All Acts up to and including the *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), enacted 23 July 2024, and all statutory instruments up to and including the *Criminal Law (Sexual Offences and Human Trafficking) Act 2024 (Commencement) Order 2024* (S.I. No. 391 of 2024), made 31 July 2024, were considered in the preparation of this Revised Act.

Disclaimer: While every care has been taken in the preparation of this Revised Act, the Law Reform Commission can assume no responsibility for and give no guarantees, undertakings or warranties concerning the accuracy, completeness or up to date nature of the information provided and does not accept any liability whatsoever arising from any errors or omissions. Please notify any errors, omissions and comments by email to revisedacts@lawreform.ie.

Number 35 *of* 2019

PARENT'S LEAVE AND BENEFIT ACT 2019

REVISED

Updated to 1 August 2024

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Number 35 *of* 2019

PARENT'S LEAVE AND BENEFIT ACT 2019

REVISED

Updated to 1 August 2024

An Act to entitle certain employees who are relevant parents in relation to a child to employment leave for the purposes of enabling them to provide, or assist in the provision of, care to the child; to entitle certain employees who are surviving parents in relation to a child to employment leave on the death of a relevant parent; to provide for the payment of parent's benefit to certain persons and, for that purpose, to amend the Social Welfare Consolidation Act 2005; for those purposes to provide for the consequential amendment of certain other enactments; and to provide for related matters.

[24*th October*, 2019]

Be it enacted by the Oireachtas as follows:

Annotations

Modifications (not altering text):

C1 Functions transferred and references construed (14.10.2020) by *Disability, Equality, Human Rights, Integration and Reception (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 436 of 2020), arts. 2, 3(1)(a), (3) and sch., in effect as per art. 1(2), subject to transitional provisions in arts. 4-8. Note name of Department and Title of Minister changed from Children and Youth Affairs to Children, Equality, Disability, Integration and Youth (15.10.2020) by *Children and Youth Affairs (Alteration of Name of Department and Title of Minister) Order 2020* (S.I. No. 437 of 2020).

2. (1) The administration and business in connection with the exercise, performance or execution of any functions transferred by Article 3 are transferred to the Department of Children and Youth Affairs.

(2) References to the Department of Justice and Equality contained in any Act or instrument made under such Act and relating to any administration and business transferred by paragraph (1) of this Article shall, on and after the commencement of this Order, be construed as references to the Department of Children and Youth Affairs.

3. (1) The functions vested in the Minister for Justice and Equality -

(a) by or under the enactments specified in Schedule 1, and

...

are transferred to the Minister for Children and Youth Affairs.

...

(3) References to the Minister for Justice and Equality contained in any Act or instrument made under such Act, and relating to any functions transferred by this Article shall, on and after the

commencement of this Order, be construed as references to the Minister for Children and Youth Affairs.

SCHEDULE 1

Article 3(1)(a)

Enactments, functions by or under which are transferred from the Minister for Justice and Equality to the Minister for Children and Youth Affairs

...

Parent's Leave and Benefit Act 2019 (No. 35 of 2019)

...

PART 1

Preliminary and General

Short title and commencement

1. (1) This Act may be cited as the Parent's Leave and Benefit Act 2019.

(2) This Act, other than *Part 5*, shall come into operation on such day or days as the Minister 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.

(3) *Part 5* shall come into operation on such day or days as the Minister for Employment Affairs and Social Protection may appoint by order or orders either generally or with reference to a particular purpose or provision and different days may be so appointed for different purposes or different provisions.

Annotations

Editorial Notes:

E1 Power pursuant to subs. (2) exercised (1.07.2022) by *Parent's Leave and Benefit Act 2019 (Section 29) (Commencement) Order 2022* (S.I. No. 362 of 2022).

2. The 1st day of July 2022 is appointed as the day on which section 29 of the Parent's Leave and Benefit Act 2019 (No. 35 of 2019) (except insofar as it already is in operation) shall come into operation.

E2 Power pursuant to subs. (2) exercised (1.07.2022) by *Parent's Leave and Benefit Act 2019 (Commencement) Order 2022* (S.I. No. 332 of 2022).

2. The 1st day of July 2022 is appointed as the day on which paragraph (b)(iii) of the definition of "relevant parent" in section 2(1) of the Parent's Leave and Benefit Act 2019 (No. 35 of 2019) shall come into operation.

E3 Power pursuant to subs. (2) exercised (1.11.2019) by *Parent's Leave and Benefit Act 2019 (Commencement) Order 2019* (S.I. No. 629 of 2019), art. 2.

2. The 1st day of November 2019 is appointed as the day on which the following provisions of the Parent's Leave and Benefit Act 2019 (No. 35 of 2019) come into operation:

(*a*) section 1;

(*b*) section 2, other than paragraph (b)(iii) of the definition of relevant parent in subsection (1) of that section;

(*c*) sections 3 and 4;

(*d*) Parts 2 to 4;

(*e*) Part 6, other than section 36(b).

E4 Power pursuant to subs. (2) exercised (1.11.2019) by *Parent's Leave and Benefit Act 2019 (Commencement of Certain Provisions of Part 5) Order 2019* (S.I. No. 553 of 2019), art. 2.

2. The 1st day of November 2019 is appointed as the day on which the following provisions of the Parent's Leave and Benefit Act 2019 (No. 35 of 2019) shall come into operation:

(*a*) sections 26 and 27;

(*b*) section 29 insofar as it relates to the insertion, in Part 2 of the Social Welfare Consolidation Act 2005 (No. 26 of 2005), of Chapter 11B, other than paragraph (b)(ii)(III) of the definition of "relevant parent" in section 61F(1) of that Chapter;

(*c*) sections 30 to 32.

Interpretation

2. (1) In this Act—

"Act of 1977" means the Unfair Dismissals Act 1977;

"Act of 1994" means the Maternity Protection Act 1994;

"Act of 1995" means the Adoptive Leave Act 1995;

"Act of 2005" means the Social Welfare Consolidation Act 2005;

"Act of 2010" means the Adoption Act 2010;

"Act of 2015" means the Workplace Relations Act 2015;

"Act of 2016" means the Paternity Leave and Benefit Act 2016;

"additional maternity leave" has the same meaning as it has in the Act of 1994;

"adjudication officer" means a person appointed under section 40 of the Act of 2015;

F1**[**...**]**

F1**[**...**]**

"birth certificate" means a document issued under section 13(4) of the Civil Registration Act 2004;

"certificate of placement" has the meaning assigned to it by section 13 of the Act of 1995;

"civil partner" shall be construed in accordance with section 3 of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"cohabitant" shall be construed in accordance with section 172(1) of the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

"contract of employment" means, subject to subsection (2) —

(a) a contract of service or apprenticeship, or

(b) any other contract whereby an individual agrees with another person, who is carrying on the business of an employment agency (within the meaning of the Protection of Employees (Temporary Agency Work) Act 2012), and is acting in the course of that business, to do or perform personally any work or service for another person (whether or not that other person is a party to the contract),

whether the contract is express or implied and, if express, whether it is oral or in writing;

"date of confinement" shall be construed in accordance with section 51(1)(b) of the Act of 2005;

"day of placement" means the day on which a child who is, or is to be, adopted is placed physically in the care of the F2**[**the relevant adopting parent**]** with a view to the adoption of the child or, in the case of an intercountry adoption effected outside the State where the child has not previously been placed in the care of the relevant adopting parent, the day on which the child has been so placed following the adoption;

"declaration of eligibility and suitability" has the same meaning as it has in the Act of 2010;

F1**[**...**]**

"employee", other than in *section 25*, means a person of any age, who has entered into or works under (or, where the employment has ceased, entered into or worked under) a contract of employment and includes a part-time employee and a fixed-term employee;

"employer", in relation to an employee—

(a) means the person with whom the employee has entered into or for whom the employee works under (or, where the employment has ceased, entered into or worked under) a contract of employment, subject to the qualification that the person who under a contract of employment referred to in *paragraph (b)* of the definition of contract of employment is liable to pay the remuneration of the individual concerned in respect of the work or service concerned shall be deemed to be the individual's employer, and

(b) includes, where appropriate, the successor of the employer or an associated employer of the employer;

"expected week of confinement" has the meaning assigned to it by section 47(1)(a) of the Act of 2005;

"fixed-term employee" has the same meaning as it has in the Protection of Employees (Fixed-Term Work) Act 2003;

"intercountry adoption effected outside the State" has the same meaning as it has in the Act of 2010;

"Labour Court" means the body established by section 10 of the Industrial Relations Act 1946;

"maternity leave" has the same meaning as it has in the Act of 1994;

"Minister" means the Minister for Justice and Equality;

"parent's leave" has the meaning assigned to it by *section 5(1)*;

"part-time employee" has the same meaning as it has in Part 2 of the Protection of Employees (Part-Time Work) Act 2001;

"paternity leave" has the same meaning as it has in the Act of 2016;

F3**[**"qualifying adopter", in relation to a child who is, or is to be adopted, means the qualifying adopter, within the meaning of the Act of 1995 (as amended by the Family Leave and Miscellaneous Provisions Act 2021), of the child and includes, for the purposes of this Act, a person who would be a qualifying adopter but for the fact that he or she is not an employee;**]**

"registered medical practitioner" has the same meaning as it has in the Medical Practitioners Act 2007;

"relevant notification" has the meaning assigned to it by *section 6(1)*;

"relevant parent", in relation to a child, means a person who is—

F2**[**(a) in the case of a child who is, or is to be, adopted—

(i) the qualifying adopter of the child, and

(ii) the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child,**]**

and

(b) in any other case—

(i) a parent of the child,

(ii) the spouse, civil partner or cohabitant, as the case may be, of a parent of the child, or

(iii) a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act;

F1**[**...**]**

"successor" has the meaning assigned to it by *section 20(1)(a)*;

"surviving parent", in relation to a child where a relevant parent in relation to the child has died, means—

F2**[**(a) in the case of a child who is, or is to be, adopted—

(i) where the deceased relevant parent was the qualifying adopter of the child, the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child, or

(ii) where the deceased relevant parent was the spouse, civil partner or cohabitant, as the case may be, of the qualifying adopter of the child, the qualifying adopter concerned,

and**]**

(b) in any other case—

(i) where the deceased relevant parent of the child was a parent referred to in *paragraph (b)(i)* or *(b)(iii)*, as the case may be, of the definition of relevant parent, the other parent of the child or the spouse, civil partner or cohabitant, as the case may be, of the deceased relevant parent, and

(ii) where the deceased relevant parent of the child was the spouse, civil partner or cohabitant, as the case may be, of a parent referred to in *paragraph (b)(i)* or *(b)(iii)*, as the case may be, of the definition of relevant parent, the parent concerned;

"transferred parent's leave" has the meaning assigned to it by *section 16(1)*;

"transferred paternity leave" has the same meaning as it has in the Act of 2016.

(2) For the purposes of this Act—

(a) a person holding office under, or in the service of, the State (including a member of the Garda Síochána or the Defence Forces) or otherwise as a civil servant, within the meaning of the Civil Service Regulation Act 1956, shall be deemed to be an employee employed by the State or Government, as the case may be, under a contract of service, and

(b) an officer or servant of a local authority for the purposes of the Local Government Act 2001, a harbour authority or the Health Service Executive or a member of staff of an education and training board shall be deemed to be an employee employed by the authority, Executive or board, as the case may be, under a contract of service.

(3) For the purposes of this Act, one employer shall be taken to be associated with another employer—

(a) if one is a body corporate of which the other (whether directly or indirectly) has control, or

(b) if both are bodies corporate of which a third person (whether directly or indirectly) has control.

(4) A reference in this Act to a child who is, or is to be, adopted is a reference to a child who is, or is to be, the subject of—

(a) an adoption order within the meaning of the Act of 2010, or

(b) an intercountry adoption effected outside the State and recognised under that Act.

(5) In this Act, except where the context otherwise requires, a reference to a period of parent's leave includes a reference to—

(a) a continuous period, or

(b) periods each consisting of not less than one week.

(6) For the purposes of *Parts 3* and *4*, a reference to parent's leave includes a reference to transferred parent's leave.

Annotations

Amendments:

F1 Deleted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 25(a), S.I. No. 148 of 2021.

F2 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 25(c), (d), (e), S.I. No. 148 of 2021.

F3 Inserted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 25(b), S.I. No. 148 of 2021.

Voidance or modification of certain provisions in agreements

3. (1) A provision in any agreement shall be void in so far as it purports to exclude or limit the application of any provision of this Act or is inconsistent with any provision of this section.

(2) A provision in any agreement which is or becomes less favourable in relation to an employee than a similar or corresponding entitlement conferred on the employee by this Act shall be deemed to be so modified as to be not less favourable.

(3) Nothing in this Act shall be construed as prohibiting the inclusion in an agreement of a provision more favourable to an employee than any provision in *Part 2*.

(4) References in this section to an agreement are to any agreement, whether a contract of employment or not and whether made before or after the coming into operation of this section.

Expenses

4. The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Public Expenditure and Reform, be paid out of moneys provided by the Oireachtas.

PART 2

Parent's Leave

Entitlement to parent's leave

5. (1) Subject to this Part, an employee who is a relevant parent in relation to a child shall be entitled to leave from his or her employment for a period of F4**[**9 weeks**]**, to be known (and referred to in this Act) as "parent's leave", to enable him or her to provide, or assist in the provision of, care to the child.

(2) Other than where *section 14* applies, the period of leave referred to in *subsection (1)* may comprise—

(a) a continuous period, or

(b) periods each consisting of not less than one week.

(3) A person who is a relevant parent in more than one capacity in respect of a child shall not be entitled to parent's leave in more than one such capacity in respect of the child.

(4) Subject to *section 16*, where 2 or more relevant parents in relation to a child are entitled to parent's leave in respect of the child, none of the parents shall be entitled—

(a) to the parent's leave of any other parent in respect of the child, or

(b) to transfer any part of the period of his or her parent's leave to any other parent in respect of the child.

(5) Where the birth of a child is part of a multiple birth or a person adopts 2 or more children at the same time, a person who is a relevant parent in relation to the children concerned shall not, in respect of such children,

be entitled to a period of parent's leave that exceeds the period mentioned in *subsection (1)*.

(6) *Subsection (1)* applies—

(a) in the case of a child who is, or is to be, adopted where the day of placement in respect of the child falls on or after 1 November 2019, or

(b) in any other case, where the date of confinement in respect of the child falls on or after 1 November 2019.

(7) Subject to *subsections (8)* to *(10)*, the Minister may by order, made with the consent of the Minister for Employment Affairs and Social Protection and the consent of the Minister for Public Expenditure and Reform, amend *subsection (1)* and *section 16(1)* so as to extend the period mentioned in each of those subsections.

(8) An order under *subsection (7)* shall not extend the period mentioned in *subsection (1)* or *section 16(1)* beyond a total period of 9 weeks.

(9) Before making an order under *subsection (7)*, the Minister shall have regard to the likely effect of the order on—

(a) the facilitation of relevant parents who are employees to balance paid employment and their responsibilities to their children in a fair and equitable way,

(b) the promotion of the participation of mothers in the labour market,

(c) the opportunity for relevant parents to share the responsibility of providing, or assisting in the provision of, care to their children on an equal basis,

(d) employers, and

(e) the cost to the Exchequer.

(10) Where an order is proposed to be made under *subsection (7)*, a draft of the order shall be laid before each House of the Oireachtas, and the order shall not be made until a resolution approving the draft has been passed by each such House.

Annotations

Amendments:

F4 Substituted (1.08.2024) by *Parent's Leave and Benefit Act 2019 (Extension of Periods of Leave) Order 2024* (S.I. No. 300 of 2024), art. 3, in effect as per art. 1(2).

Editorial Notes:

E5 Power pursuant to subs. (7) exercised (1.08.2024) by *Parent's Leave and Benefit Act 2019 (Extension of Periods of Leave) Order 2022* (S.I. No. 300 of 2024), in effect as per art. 1(2).

E6 Previous affecting provision: power pursuant to subs. (7) exercised and subs. (1) amended (1.07.2022) by *Parent's Leave and Benefit Act 2019 (Extension of Periods of Leave) Order 2022* (S.I. No. 333 of 2022), art. 3, in effect as per art. 1(2); substituted (1.08.2024) as per F-note above.

E7 Previous affecting provision: subs. (1) amended (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 26, S.I. No. 148 of 2021; substituted (1.07.2022) as per E-note above.

Notification to employer

6. (1) Subject to this section and *section 11*, entitlement to parent's leave shall be subject to an employee who is a relevant parent in relation to a child having notified in writing and in accordance with *subsection (2)* or *(5)*, as the case may be, his or her employer (or caused his or her employer to be so notified) of his or her intention to take parent's leave (in this Act referred to as a "relevant notification").

(2) Notification under *subsection (1)* shall—

(a) in the case of an adoption where the relevant parent is a person referred to in *paragraph (a)(i)* of the definition of relevant parent in *section 2(1)*—

(i) be given not later than 6 weeks before the intended commencement of the parent's leave,

(ii) indicate the expected date of commencement and duration of the parent's leave, and

(iii) where the employer is not the same employer from whose employment the relevant parent has taken adoptive leave under section 6(1) of the Act of 1995, include—

(I) where the adoption is not an intercountry adoption effected or to be effected outside the State, a copy of the certificate of placement that he or she supplied to his or her employer under section 7(1)(c) of the Act of 1995, or

(II) where the adoption is an intercountry adoption effected or to be effected outside the State, a copy of an applicable declaration of eligibility and suitability and particulars in writing of the placement that he or she supplied to his or her employer under section 7(2)(c) of the Act of 1995,

F5**[**(b) in the case of an adoption, other than an intercountry adoption effected or to be effected outside the State, where the relevant parent is a person referred to in *paragraph (a)(ii)* of the definition of relevant parent in *section 2(1)*—

(i) be given not later than 6 weeks before the intended commencement of the parent's leave,

(ii) indicate the expected date of commencement and duration of the parent's leave, and

(iii) subject to *subsection (3)*, include a copy of the certificate of placement that the qualifying adopter concerned supplied to his or her employer under section 7(1)(c) of the Act of 1995,**]**

F5**[**(c) in the case of an intercountry adoption effected or to be effected outside the State, where the relevant parent is a person referred to in *paragraph (a)(ii)* of the definition of relevant parent in *section 2(1)*—

(i) be given not later than 6 weeks before the intended commencement of the parent's leave,

(ii) indicate the expected date of commencement and duration of the parent's leave, and

(iii) subject to *subsection (3)*, include a copy of an applicable declaration of eligibility and suitability that the qualifying adopter concerned

supplied to his or her employer under section 7(2)(c) of the Act of 1995 and particulars in writing of the placement,**]**

(d) where the relevant parent is entitled to maternity leave—

(i) be given not later than 6 weeks before the intended commencement of the parent's leave,

(ii) indicate the expected date of commencement and duration of the parent's leave, and

(iii) where the employer is not the same employer from whose employment the relevant parent has taken maternity leave, include a copy of the medical, or other appropriate, certificate confirming the pregnancy and specifying the expected week of confinement that she gave to, or produced for the inspection of, her employer under section 9 of the Act of 1994 or a copy of the birth certificate issued to the child concerned, as the case may be,

and

(e) in any other case—

(i) be given not later than 6 weeks before the intended commencement of the parent's leave,

(ii) indicate the expected date of commencement and duration of the parent's leave, and

(iii) subject to *subsection (4)* include a copy of the medical, or other appropriate, certificate confirming the pregnancy of the expectant mother concerned and specifying the expected week of confinement of the expectant mother concerned that she has given to, or produced for the inspection of, her employer under section 9 of the Act of 1994 or a copy of the birth certificate issued to the child concerned, as the case may be.

(3) Where F5**[***paragraph (b)* or *(c)***]** of *subsection (2)* applies and the F5**[**the qualifying adopter concerned**]** concerned is not an employee, the relevant parent shall supply his or her employer with a copy of an applicable declaration of eligibility and suitability and, as soon as reasonably practicable after the day of placement, particulars in writing of the placement.

(4) Where *subsection (2)(e)* applies and the expectant mother concerned is not an employee, the relevant parent shall supply his or her employer with a statement signed by a registered medical practitioner confirming the pregnancy and expected week of confinement of the expectant mother concerned or a copy of the birth certificate issued to the child concerned.

(5) An employee who has not given a notification to his or her employer in accordance with *subsection (2)* or who having given such notification has revoked it under *subsection (7)* may notify the employer concerned (or cause the employer concerned to be so notified) of his or her intention to take parent's leave not later than 6 weeks before the intended commencement of such leave and the notification under this subsection shall indicate the expected date of commencement and duration of the parent's leave.

(6) A relevant parent who has given a notification to his or her employer in accordance with *subsection (5)* shall at the time of the notification or as soon as reasonably practicable afterwards cause the employer concerned to be provided with—

(a) in the case of an adoption, other than an intercountry adoption effected or to be effected outside the State or an adoption to which *subsection (3)* applies, a copy of the certificate referred to in F5**[***subsection (2)(b)(iii)***]**,

(b) in the case of an intercountry adoption effected or to be effected outside the State other than an adoption to which *subsection (3)* applies, the particulars referred to in F5**[***subsection (2)(c)(iii)***]**,

(c) in the case of an adoption to which *subsection (3)* applies, the particulars referred to in that subsection, or

(d) in any other case, a copy of the birth certificate issued to the child concerned.

(7) A notification under this section may be revoked by a further notification in writing by the employee concerned to his or her employer.

(8) Where an employee intends to take parent's leave in accordance with *section 5(2)(b)*, then the notification required to be given under *subsection (2)* or *(5)*, as the case may be, (in this subsection referred to as "the requirement") by the employee shall, for the purposes of this Act, be treated as—

(a) one such notification if the employee complies with the requirement by giving one notification specifying the periods of parent's leave proposed to be taken, or

(b) such number of notifications equivalent to the number of periods of parent's leave proposed to be taken if the employee complies with the requirement by giving such number of notifications each specifying one of the periods of parent's leave proposed to be taken,

and the other provisions of this Act shall be construed accordingly.

Annotations

Amendments:

F5 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 27(a)-(c), S.I. No. 148 of 2021.

Allocation of parent's leave

7. (1) A period of parent's leave shall, subject to *sections 11* to *14*, commence on such day as a relevant parent selects in his or her relevant notification, being not earlier than such day as is specified in *section 8(1)*, *8(2)*, *9(1)*, *9(2)*, *10(1)*, *10(2)*, *10(3)*, *10(4)* or *10(5)*, as the case may be, and shall, subject to *subsection (3)* end—

(a) in the case of a child who is, or is to be, adopted, subject to *subsection (4)*, not later than the expiration of the period of F6**[**2 years**]** beginning on the day of placement, or

(b) in any other case, subject to *subsection (5)*, not later than the day on which a child in respect of whom parent's leave is to be taken attains the age of F6**[**2 years**]**.

(2) Where a relevant parent is employed under a contract of employment for a fixed-term and that term expires before the day which, apart from this subsection, would be the last day of his or her parent's leave, then—

(a) notwithstanding any other provision in this Part, the last day of his or her parent's leave shall be the day on which the term expires, and

(b) nothing in this Part shall affect the termination of the relevant parent's contract of employment on that day.

(3) Where an employee who is a relevant parent in relation to a child is prevented from taking all or any of his or her parent's leave within the period referred to in *subsection (1)(a)* or by the day referred to in *subsection (1)(b)* by virtue of—

(a) the requirement to give notification not later than 6 weeks before the intended commencement of the parent's leave concerned, in accordance with *subsection (2)* or *(5)*, as the case may be, of *section 6*,

(b) the postponement of the commencement of parent's leave under *section 13*, or

(c) the postponement of parent's leave, or part of it, under *section 14*,

reference to the period in *subsection (1)(a)* and reference to the day in *subsection (1)(b)* shall be construed as if each were extended—

(i) where *paragraph (a)* applies, by a period of 6 weeks, or

(ii) where *paragraph (b)* or *(c)* applies, by such period equivalent to the period of postponement referred to in the paragraph concerned.

(4) Where a child is adopted and the day of placement in respect of the child falls on or after 1 November 2019 and before the coming into operation of this section, the reference in *subsection (1)(a)* to not later than the expiration of the period of 1 year beginning on the day of placement shall be construed as a reference to not later than the expiration of the period of 1 year beginning on the date on which this section comes into operation.

(5) Where the date of confinement in respect of a child falls on or after 1 November 2019 and before the coming into operation of this section, the reference in *subsection (1)(b)* to not later than the day on which a child in respect of whom parent's leave is to be taken attains the age of 1 year shall be construed as a reference to not later than the expiration of the period of 1 year beginning on the date on which this section comes into operation.

Annotations

Amendments:

F6 Substituted (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 28, S.I. No. 148 of 2021.

Commencement of parent's leave where relevant parent entitled to maternity leave

8. (1) Subject to this section, where a relevant parent is entitled to parent's leave, maternity leave and additional maternity leave, the day immediately following—

(a) other than where *paragraph (b)* applies, the end of the period of maternity leave concerned, or

(b) where the relevant parent is taking a period of additional maternity leave, the end of the period of additional maternity leave concerned,

is specified for the purposes of *section 7(1)*.

(2) Where a relevant parent referred to in *subsection (1)* becomes entitled to transferred paternity leave and—

(a) the relevant parent is, other than where *paragraph (b)(i)* applies, taking transferred paternity leave, the day immediately following the end of the period of transferred paternity leave concerned, or

(b) where the relevant parent—

(i) is taking transferred paternity leave and additional maternity leave, or

(ii) is taking additional maternity leave and is not taking transferred paternity leave,

the day immediately following the end of the period of additional maternity leave concerned,

is specified for the purposes of *section 7(1)*.

(3) Where maternity leave or additional maternity leave, as the case may be, is postponed under section 14B of the Act of 1994, a reference in this section to maternity leave or additional maternity leave shall be construed as a reference to resumed leave taken in accordance with that section.

(4) Where transferred paternity leave is postponed under section 11 or 12 of the Act of 2016, a reference in this section to transferred paternity leave shall be construed as a reference to postponed leave taken in accordance with either such section.

Commencement of parent's leave where relevant parent entitled to adoptive leave under section 6(1) of Act of 1995

9. (1) Subject to this section, where a relevant parent is entitled to parent's leave, adoptive leave under section 6(1) of the Act of 1995 and additional adoptive leave under section 8(1) of that Act, the day immediately following—

(a) other than where *paragraph (b)* applies, the end of the period of adoptive leave concerned, or

(b) where the relevant parent is taking a period of additional adoptive leave, the end of the period of the additional adoptive leave concerned,

is specified for the purposes of *section 7(1)*.

(2) Where a relevant parent referred to in *subsection (1)* becomes entitled to transferred paternity leave and—

(a) the relevant parent is, other than where *paragraph (b)(i)* applies, taking transferred paternity leave, the day immediately following the end of the period of transferred paternity leave concerned, or

(b) where the relevant parent—

(i) is taking transferred paternity leave and additional adoptive leave under section 8(1) of the Act of 1995, or

(ii) is taking additional adoptive leave referred to in *subparagraph (i)* and is not taking transferred paternity leave,

the day immediately following the end of the period of additional adoptive leave concerned,

is specified for the purposes of *section 7(1)*.

(3) Where adoptive leave under section 6(1) of the Act of 1995 or additional adoptive leave under section 8(1) of that Act, as the case may be, is postponed under section 11C of the Act of 1995, a reference in this section to adoptive leave or additional adoptive leave shall be construed as a reference to postponed leave taken in accordance with that section.

(4) Where transferred paternity leave is postponed under section 11 or 12 of the Act of 2016, a reference in this section to transferred paternity leave shall be construed as a reference to postponed leave taken in accordance with either such section.

Commencement of parent's leave for a relevant parent entitled to paternity leave

10. (1) Subject to this section, where a relevant parent is entitled to parent's leave and paternity leave—

(a) the date of confinement or day of placement, as the case may be, or

(b) the day immediately following the end of the period of paternity leave concerned,

is specified for the purposes of *section 7(1)*.

(2) Where a relevant parent is entitled to parent's leave and paternity leave and becomes entitled to leave under sections 16(1) and (4) of the Act of 1994, the day immediately following—

(a) where the relevant parent is taking a period of leave under section 16(4) of the Act of 1994, the end of the period of leave concerned,

(b) where the relevant parent is not taking leave referred to in *paragraph (a)*, the end of such period of paternity leave as the relevant parent may take in accordance with section 13(1) of the Act of 2016, or

(c) in any other case, the end of the period of leave under section 16(1) of the Act of 1994,

is specified for the purposes of *section 7(1)*.

(3) Where a relevant parent has taken paternity leave, is entitled to parent's leave and becomes entitled to leave under sections 16(1) and (4) of the Act of 1994, the day immediately following—

(a) other than where *paragraph (b)* applies, the end of the period of leave under section 16(1) of the Act of 1994, or

(b) where the relevant parent is taking a period of leave under section 16(4) of the Act of 1994, the end of the period of leave concerned,

is specified for the purposes of *section 7(1)*.

(4) Where a relevant parent is entitled to parent's leave and paternity leave and becomes entitled to adoptive leave under section 9(1) of the Act of 1995 and additional adoptive leave under section 10 of that Act, the day immediately following—

(a) where the relevant parent is taking a period of additional adoptive leave under section 10 of the Act of 1995, the end of the period of leave concerned,

(b) where the relevant parent is not taking leave referred to in *paragraph (a)*, the end of such period of paternity leave as the relevant parent may take in accordance with section 14(1) of the Act of 2016, or

(c) in any other case, the end of the period of adoptive leave under section 9(1) of the Act of 1995,

is specified for the purposes of *section 7(1).*

(5) Where a relevant parent has taken paternity leave, is entitled to parent's leave and becomes entitled to adoptive leave under section 9(1) of the Act of 1995 and additional adoptive leave under section 10 of that Act, the day immediately following—

(a) other than where *paragraph (b)* applies, the end of the period of adoptive leave under section 9(1) of the Act of 1995, or

(b) where the relevant parent is taking a period of additional leave under section 10 of the Act of 1995, the end of the period of leave concerned,

is specified for the purposes of *section 7(1)*.

(6) Where paternity leave is postponed under section 10, 11 or 12 of the Act of 2016, a reference in this section to paternity leave shall be construed as a reference to the postponed leave taken in accordance with either such section.

(7) Where leave under section 16(1) of the Act of 1994 is postponed under section 16B of that Act, a reference in this section to such leave shall be construed as a reference to resumed leave taken in accordance with that section 16B.

(8) Where adoptive leave under section 9(1)(a) of the Act of 1995 is postponed under section 11C of that Act, a reference in this section to such leave shall be construed as a reference to postponed leave taken in accordance with that section 11C.

Commencement of parent's leave (early confinement)

11. Where the date of confinement occurs in a week that is 4 weeks or more before the expected date of confinement, the relevant parent in relation to the child concerned shall, where the circumstances so require, be deemed to have complied with *section 6* if the relevant notification is given in the period of 7 days commencing on the date of confinement.

Commencement of parent's leave (change in day of placement or date of confinement)

12. Where, as the case may be, the day of placement is postponed or the date of confinement occurs after the date selected by a relevant parent in his or her relevant notification, the relevant parent shall be entitled to select another date on which the parent's leave shall commence so long as the date selected is in accordance with the commencement provided for in *section 7(1)*.

Postponement of parent's leave by employer

13. (1) Subject to this section, where an employee has given notification of his or her intention to take parent's leave and his or her employer is satisfied that the taking of the parent's leave at the time specified in the notification would have a substantial adverse effect on the operation of his or her business, profession or occupation by reason of—

(a) seasonal variations in the volume of work concerned,

(b) the unavailability of a person to carry out the duties of the employee in the employment during the period of the leave,

(c) the nature of the duties referred to in *paragraph (b)*,

(d) the number of employees in the employment or the number thereof whose periods, or parts of whose periods, of parent's leave will fall within the period specified in the said notification, or

(e) any other relevant matters,

the employer may, by notice in writing given to the employee not later than 4 weeks before the intended commencement of the leave, postpone the commencement of the leave to such time, not later than 12 weeks after the date of commencement specified in the relevant notification, as may be agreed upon by the employer and the employee.

(2) Before giving a notice under *subsection (1)* to an employee, an employer shall consult with the employee in relation to the proposed postponement of parent's leave.

(3) A notice under *subsection (1)* shall contain a statement in summary form of the grounds for the postponement of the commencement of the parent's leave concerned.

(4) The commencement of a period of parent's leave may not be postponed more than once under this section.

(5) An employer shall retain a copy of a notice under *subsection (1)* given by him or her to an employee of his or hers and the employer shall retain the notice.

Postponement of parent's leave in event of hospitalisation of child

14. (1) Subject to *subsection (2)*, a relevant parent who is entitled to, or is on, parent's leave may, if the child in connection with whose birth or adoption he or she is entitled to, or is on, the leave concerned (in this section referred to as "the child") is hospitalised, request in writing (or cause a written request to be submitted to) his or her employer to postpone the leave or part of it as may be appropriate.

(2) An employer who receives a request under *subsection (1)* may agree to postpone the leave concerned and, if the employer does so—

(a) the relevant parent concerned shall continue to work or, as the case may be, shall return to work on a date agreed by him or her and the employer that is not later than the date on which the leave concerned is due to end in accordance with the relevant notification given by the relevant parent to the employer,

(b) the leave concerned shall be postponed with effect from the date agreed under *paragraph (a)*,

(c) the relevant parent concerned shall, subject to *subsections (4)* and *(5)*, be entitled to the leave concerned or part of it, as the case may be, not taken by him or her by reason of the postponement (in this section referred to as "postponed leave"), and

(d) the postponed leave is to be taken not later than 7 days after the discharge of the child from hospital or such other date as may be agreed between the relevant parent and the employer.

(3) An employer who receives a request under *subsection (1)* shall notify the relevant parent concerned in writing of the employer's decision in relation to the request as soon as reasonably practicable following the receipt of such request.

(4) Where, following the postponement of leave under this section, an employee returns to work in accordance with *subsection (2)(a)* and during the period of the postponement he or she is absent from work due to sickness, the employee shall be deemed to have commenced postponed leave on the first day of such absence unless he or she notifies his or her employer in writing (or causes his or her employer to be so notified) as soon as reasonably practicable that he or she does not wish to commence such leave and, following such notification—

(a) the absence from work of the employee due to sickness shall be treated in the same manner as any absence from work of the employee due to sickness, and

(b) the employee shall not be entitled to the postponed leave.

(5) Entitlement to postponed leave shall, subject to *subsection (6)*, be subject to a relevant parent having notified his or her employer in writing (or caused his or her employer to be so notified) as soon as reasonably practicable but not later than the day on which the leave begins of his or her intention to commence such leave and the duration of such leave.

(6) An employer may waive the right to receive a notification in accordance with *subsection (5)*.

(7) A notification under *subsection (5)* may be revoked by a further notification in writing given by or on behalf of the relevant parent concerned to his or her employer within the period specified in that subsection for the giving of the notification concerned.

Entitlement to parent's leave on death of child

15. (1) Where a child in relation to whom a relevant parent is entitled to, or is on, parent's leave (in this section referred to as the "relevant child"), dies on or before the expiration of the period of the entitlement concerned, the death shall not affect the entitlement of the relevant parent to such leave.

(2) A reference in *subsection (1)* to a relevant parent entitled to parent's leave includes a reference to a relevant parent who would be so entitled but for the fact that he or she had not given a relevant notification to his or her employer at the time of the death of the relevant child.

Entitlement of employed surviving parent to leave on death of relevant parent

16. (1) Where a relevant parent who was an employee entitled to parent's leave in relation to a child dies on or before the expiration of the period of the entitlement concerned, an employee who is a surviving parent of

the child shall be entitled to leave (in this section referred to as "transferred parent's leave") from his or her employment, to enable him or her to provide, or assist in the provision of, care to the child for a period of F7**[**9 weeks**]** or, if applicable, such shorter period of parent's leave that remained to be taken by the relevant parent under this Part at the time of his or her death.

(2) A period of transferred parent's leave may comprise—

(a) a continuous period, or

(b) periods each consisting of not less than one week.

(3) Subject to *subsection (4)*, a surviving parent who—

(a) is entitled under this Act to parent's leave and has not taken such leave, and

(b) becomes entitled to transferred parent's leave,

may take transferred parent's leave after the end of the period of parent's leave concerned.

(4) Entitlement to transferred parent's leave shall be subject to the surviving parent concerned—

(a) notifying his or her employer in writing (or causing his or her employer to be so notified) not later than 6 weeks before the intended commencement of the transferred parent's leave of—

(i) the death of the relevant parent,

(ii) his or her intention to take transferred parent's leave, and

(iii) the length of leave to which he or she believes he or she is so entitled under this Act,

and

(b) if requested by his or her employer, causing his or her employer to be supplied, as soon as reasonably practicable, with a copy of the death certificate made in respect of the relevant parent.

(5) A notification under *subsection (4)* may be revoked by a further notification in writing given by or on behalf of the surviving parent concerned to his or her employer within the period specified in that subsection for the giving of the notification concerned.

(6) A reference in *subsection (1)* to a relevant parent entitled to parent's leave includes a reference to a relevant parent who would be so entitled but for the fact that he or she did not give a relevant notification to his or her employer.

(7) *Sections 7* and *13* to *15* shall apply to a surviving parent who is entitled to, or is on, transferred parent's leave as they apply to a relevant parent who is entitled to, or is on, parent's leave and a reference in those sections to a relevant notification shall be construed as a reference to a notification by a surviving parent under *subsection (4)(a)* .

(8) Where a surviving parent takes parent's leave in accordance with *subsection (2)(b)*, a reference in *subsection (3)* to parent's leave shall be construed as a reference to the last period of such leave.

Annotations

Amendments:

F7 Substituted (1.08.2024) by *Parent's Leave and Benefit Act 2019 (Extension of Periods of Leave) Order 2022* (S.I. No. 300 of 2024), art. 4, in effect as per art. 1(2).

Editorial Notes:

E8 Previous affecting provision: subs. (1) amended (1.07.2022) by *Parent's Leave and Benefit Act 2019 (Extension of Periods of Leave) Order 2022* (S.I. No. 333 of 2022), art. 4, in effect as per art. 1(2); substituted (1.08.2024) as per F-note above.

E9 Previous affecting provision: subs. (1) amended (1.04.2021) by *Family Leave and Miscellaneous Provisions Act 2021* (4/2021), s. 29, S.I. No. 148 of 2021; substituted (1.07.2022) as per E-note above.

PART 3

Employment Protection

Interpretation (*Part 3*)

17. Where parent's leave or part of such leave is postponed in accordance with *section 13* or *14*, the time (if any) on parent's leave before such postponement and the time on parent's leave after such postponement shall be treated for the purposes of this Part as separate periods of leave.

Preservation or suspension of rights while on parent's leave

18. (1) During a period of absence from work by an employee while on parent's leave, the employee shall be deemed to have been in the employment of the employer and, accordingly, while so absent the employee shall, subject to *subsection (4)*, be treated as if he or she had not been so absent; and such absence shall not affect any right related to the employee's employment (other than the employee's right to remuneration during such absence), whether conferred by statute, contract or otherwise.

(2) A period of absence from work while on parent's leave shall not be treated as part of any other leave (including sick leave, annual leave, maternity leave, additional maternity leave, leave under section 16(1) and (4) of the Act of 1994, adoptive leave within the meaning of the Act of 1995, additional adoptive leave within the meaning of the Act of 1995, paternity leave and transferred paternity leave) to which the employee concerned is entitled.

(3) Where an employee who is—

(a) on probation in his or her employment,

(b) undergoing training in relation to that employment, or

(c) employed under a contract of apprenticeship,

takes parent's leave, and his or her employer considers that the employee's absence from his or her employment while on such leave would not be consistent with the continuance of the probation, training or apprenticeship, the employer may require that the probation, training or apprenticeship

shall stand suspended during the period of leave concerned and be completed by the employee at the end of that period.

(4) An employee shall be deemed not to be an employed contributor for the purposes of the Act of 2005 for any contribution week within the meaning of that Act in a period of absence from work on parent's leave if the employee does not receive any reckonable earnings within the meaning of that Act in respect of that week.

Protection of employees from penalisation

19. (1) An employer shall not penalise, or threaten penalisation of, an employee for proposing to exercise or having exercised his or her entitlement to parent's leave.

(2) For the purposes of this section, penalisation of an employee includes—

(a) dismissal, or the threat of dismissal, of the employee,

(b) unfair treatment of the employee, including selection for redundancy, and

(c) an unfavourable change in the terms or conditions of employment of the employee.

(3) If a penalisation of an employee, in contravention of *subsection (1)*, constitutes a dismissal of the employee, as referred to in *subsection (2)(a)*, the employee may institute proceedings under the Act of 1977 in respect of that dismissal.

General right to return to work on expiration of parent's leave

20. (1) An employee who is absent from work while on parent's leave shall be entitled to return to work—

(a) with the employer with whom the employee was working immediately before the commencement of the period of absence, or where during the employee's absence from work there was a change of ownership of the undertaking in which the employee was employed immediately before the absence, with the owner (in this Act referred to as the "successor") of the undertaking at the expiration of the period of absence,

(b) in the job which the employee held immediately before the commencement of that period,

(c) under the contract of employment under which the employee was employed immediately before the commencement of that period or, where a change of ownership such as is referred to in *paragraph (a)* has occurred, under a contract of employment with the successor which is identical to the contract under which the employee was employed immediately before the commencement of that period, and (in either case) under terms or conditions—

(i) not less favourable than those that would have been applicable to the employee, and

(ii) that incorporate any improvement to the terms or conditions of employment to which the employee would have been entitled,

if he or she had not been so absent from work,

and

(d) on the date specified in *subsection (3)*.

(2) For the purposes of *subsection (1)(b)*, where the job held by an employee immediately before the commencement of the period of absence concerned was not the employee's normal or usual job, the employee shall be entitled to return to work, either in his or her normal or usual job or in the job so held as soon as practicable without contravention by the employee or the employer of any provision of a statute or instrument made under statute.

(3) Without prejudice to an employee who returns to work under *section 14(2)(a)*, the first working day following the expiration of a period of parent's leave to which a relevant notification relates, is specified for the purposes of *subsection (1)(d)*.

(4) In this section "job", in relation to an employee, means the nature of the work which he or she is employed to do in accordance with his or her contract of employment and the capacity and place in which he or she is so employed.

Postponement of return to work

21. Where, because of an interruption or cessation of work at an employee's place of employment, existing on the date specified in *section 20(3)* or existing at the time of the expiration of a period of parent's leave taken by an employee, it is unreasonable to expect the employee to return to work on such expiration, the employee may return to work instead when work resumes at the place of employment after the interruption or cessation, or as soon as reasonably practicable after such resumption.

Provisions applying where employee not permitted to return to work

22. (1) This section applies to an employee who is entitled under this Part to return to work but is not permitted to do so by the relevant employer, within the meaning of *section 23(2)*, and, in this section, in relation to such an employee, "the expected date of return" means the date specified in *section 20(3)*.

(2) For the purposes of the Redundancy Payments Acts 1967 to 2014, an employee to whom this section applies who is also an employee to whom those Acts apply shall be deemed to have been dismissed by reason of redundancy, the date of dismissal being deemed to be the expected date of return.

(3) For the purposes of the Minimum Notice and Terms of Employment Act 1973, the contract of employment of an employee to whom this section applies who is also an employee to whom that Act applies shall be deemed to have been terminated on the expected date of return.

(4) For the purposes of the Act of 1977—

(a) an employee to whom this section applies who is also an employee to whom that Act applies shall be deemed to have been dismissed on the expected date of return, and

(b) the dismissal shall be deemed to be an unfair dismissal unless, having regard to all the circumstances, there were substantial grounds justifying the dismissal.

PART 4

Resolution of Disputes

Disputes regarding entitlements under Act

23. (1) This Part does not apply—

(a) to a dispute relating to the dismissal of an employee, or

(b) to a person who is employed as a member of the Defence Forces.

(2) In this Part, "relevant employer", in relation to an employee, means the employee's employer.

(3) In *subsection (1)*, "dismissal" has the same meaning as it has in the Act of 1977 except that, in applying that definition for the purposes of that subsection, the expressions "employee", "employer" and "contract of employment", where used in that definition, shall be given the meanings they have in this Act.

Decision under section 41 or 44 of Act of 2015

24. (1) A decision of an adjudication officer under section 41 of the Act of 2015 in relation to a dispute between an employee and the relevant employer relating to any entitlement of the employee under *Part 2* or *3* (or any matter arising out of or related to such entitlement) may include such directions to the parties to the dispute as the adjudication officer considers necessary or expedient for the resolution of the dispute or matter and such other redress as the adjudication officer considers appropriate having regard to all of the circumstances and the provisions of this Act, and accordingly may specify—

(a) the grant to the employee of parent's leave of such length to be taken at such time or times and in such manner as may be so specified,

(b) an award of compensation (in favour of the employee to be paid by the relevant employer) of such amount, not exceeding such number of weeks of remuneration equivalent to the number of weeks referred to in *section 5(1)* in respect of the employee's employment as the adjudication officer considers just and equitable having regard to all of the circumstances, or

(c) both such grant and such award.

(2) Without prejudice to the generality of *subsection (1)*, a decision of an adjudication officer under section 41 of the Act of 2015 in relation to a dispute referred to in *subsection (1)* may contain a direction that the commencement of parent's leave be postponed for a specified period (whether or not being the period specified in the relevant notice under *section 13(1)*), provided that the adjudication officer—

(a) is satisfied that the taking of such leave at the time specified in the relevant notification concerned would have a substantial adverse effect by reason of any of the matters specified in *paragraph (a)*, *(b)*, *(c)*, *(d)*, or *(e)* of *section 13(1)*, and

(b) considers that it is reasonable to give such a direction in the circumstances.

(3) A decision of the Labour Court under section 44 of the Act of 2015, on appeal from a decision of an adjudication officer to which this section applies, shall affirm, vary or set aside the decision.

(4) In this section, "remuneration" includes allowances in the nature of pay and benefits in lieu of or in addition to pay.

Burden of proof

25. (1) In this section—

"discrimination" means—

(a) a failure, which gives rise to a dispute, to comply with a provision of *Part 2* or *3*, or

(b) an unfair dismissal, within the meaning of the Act of 1977, of an employee resulting wholly or mainly from the exercise or proposed exercise by the employee of the entitlement under this Act to parent's leave;

"employee", in relation to proceedings under the Act of 1977, has the same meaning as it has in section 1 of that Act;

"indirect discrimination" shall be construed in accordance with section 22 of the Employment Equality Act 1998 insofar as that section relates to discrimination on the family status ground within the meaning of that Act;

"proceedings" means—

(a) any proceedings under Part 4 of the Act of 2015 in relation to a dispute between an employee and the relevant employer relating to any entitlement of the employee under *Part 2* or *3* before—

(i) an adjudication officer dealing with a dispute under section 41 of the Act of 2015, or

(ii) the Labour Court,

or

(b) any proceedings under the Act of 1977 before an adjudication officer or the Labour Court in which a claim is made by an employee for redress under that Act for unfair dismissal on the grounds that the dismissal resulted wholly or mainly from the exercise or proposed exercise by the employee of the entitlement under this Act to parent's leave,

and includes any subsequent proceedings, including proceedings on appeal, arising from the claim.

(2) Where in any proceedings facts are established by an employee from which it may be presumed that there has been discrimination or indirect discrimination in relation to him or her, it shall be for the respondent to prove the contrary.

(3) This section is without prejudice to section 6(6) of the Act of 1977 or any other enactment or rule of law in relation to the burden of proof in proceedings which may be more favourable to such an employee.

(4) In this section, "enactment" has the same meaning as it has in the Interpretation Act 2005.

PART 5

Parent's Benefit

Amendment of section 21 of Act of 2005

26. Section 21(1) of the Act of 2005 is amended, in paragraph (e), by the substitution of "paternity benefit, parent's benefit" for "paternity benefit".

Amendment of section 39 of Act of 2005

27. Section 39(1) of the Act of 2005 is amended by the insertion of the following paragraph after paragraph (da) (inserted by section 30 of the Act of 2016):

"(db) parent's benefit,".

Amendment of section 58 of Act of 2005

28. Section 58 of the Act of 2005 is amended, in subsection (2), by the substitution of "Subject to this Act and section 6A of the Adoptive Leave Act 1995, an adopting parent shall be entitled to adoptive benefit" for "Subject to this Act, an adopting parent shall be entitled to adoptive benefit".

Parent's benefit

29. Part 2 of the Act of 2005 is amended by the insertion of the following Chapter after Chapter 11A (inserted by section 31 of the Act of 2016):

"Chapter 11B

Parent's Benefit

Interpretation

61F.(1) In this Chapter—

'Act of 1995' means the Adoptive Leave Act 1995;

'Act of 2010' means the Adoption Act 2010;

'Act of 2019' means the *Parent's Leave and Benefit Act 2019*;

'adopting mother' has the same meaning as it has in the Act of 1995;

'certificate of placement' has the meaning assigned to it by section 13 of the Act of 1995;

'day of placement' has the same meaning as it has in the *Act of 2019*;

'declaration of eligibility and suitability' has the same meaning as it has in the Act of 2010;

'parent's leave' has the meaning assigned to it by *section 5(1)* of the *Act of 2019*;

'relevant day' means the first day for which parent's benefit is claimed;

'relevant parent', in relation to a child—

(a) in the case of an employed contributor, has the same meaning as it has in *section 2(1)* of the *Act of 2019*, and

(b) in the case of a person in insurable self-employment, means a person who is—

(i) in the case of a child who is, or is to be, adopted—

(I) the adopting mother or sole male adopter of the child,

(II) the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole male adopter of the child, or

(III) where the child is, or is to be adopted jointly by—

(A) a married couple of the same sex,

(B) a couple that are civil partners of each other, or

(C) a cohabiting couple of the same sex,

each of the couple referred to in subclause (A), (B) or (C),

and

(ii) in any other case—

(I) a parent of the child,

(II) the spouse, civil partner or cohabitant, as the case may be, of a parent of the child, or

(III) a parent of the child under section 5 of the Children and Family Relationships Act 2015 where the child is a donor-conceived child within the meaning of Part 2 of that Act;

'sole male adopter' has the same meaning as it has in the Act of 1995 and includes, for the purpose of this Act, a person who would be a sole male adopter but for the fact that he is not an employee within the meaning of that Act;

'surviving parent', in relation to a child whose relevant parent has died, means—

(a) in the case of a child who is, or is to be, adopted—

(i) where the deceased relevant parent was the adopting mother or sole male adopter of the child, the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole male adopter of the child,

(ii) where the deceased relevant parent was the spouse, civil partner or cohabitant, as the case may be, of the adopting mother or sole male adopter of the child, the adopting mother or sole male adopter concerned, or

(iii) in any other case, where the deceased relevant parent was a member of a couple referred to in subclause (A), (B) or (C) of paragraph (b)(i)(III) of the definition of relevant parent, the other member of the couple,

and

(b) in any other case—

(i) where the deceased relevant parent of the child was a parent referred to in paragraph (b)(ii)(I) or (b)(ii)(III), as the case may be, of the definition of relevant parent, the other parent

of the child or the spouse, civil partner or cohabitant, as the case may be, of the deceased relevant parent, and

(ii) where the deceased relevant parent of the child was the spouse, civil partner or cohabitant, as the case may be, of a parent referred to in paragraph (b)(ii)(I) or (b)(ii)(III), as the case may be, of the definition of relevant parent, the parent concerned;

'transferred parent's leave' has the same meaning as it has in the *Act of 2019*.

(2) For the purpose of this Chapter, a reference to a child who is adopted is a reference to a child who is the subject of—

(a) an adoption order within the meaning of the Act of 2010, or

(b) an intercountry adoption effected outside the State and recognised under that Act.

Entitlement to and duration of benefit

61G.(1) Subject to this Act, a relevant parent shall be entitled to parent's benefit in respect of a period during which the relevant parent provides care and assistance in relation to a child, ending not later than 52 weeks after the birth of the child or the day of placement of the child, where—

(a) the relevant parent—

(i) is an employed contributor and it is certified by his or her employer that the parent is entitled to parent's leave under *Part 2* of the *Act of 2019*, or

(ii) is in insurable self-employment,

and

(b) subject to subsection (2), the relevant parent satisfies the contribution conditions in section 61H.

(2) Regulations may provide for entitling to parent's benefit, subject to the conditions and in the circumstances that may be prescribed, the class or classes of persons who would be entitled to that benefit but for the fact that the contribution conditions in section 61H are not satisfied.

(3) Parent's benefit shall be payable under this Chapter to a relevant parent in relation to a child for the purpose of enabling the relevant parent to provide, or assist in the provision of, care to the child.

(4) A person who is a relevant parent in more than one capacity in respect of a child shall not be entitled to parent's benefit in more than one such capacity in respect of the child.

(5) Subject to subsections (6) and (10)(c), only one parent's benefit shall be payable to a relevant parent in relation to a child and where—

(a) the birth of the child is part of a multiple birth of 2 or more children, or

(b) a person adopts 2 or more children at the same time,

only one parent's benefit shall be payable to a relevant parent in relation to the children concerned.

(6) Subsection (5) shall not operate to prevent parent's benefit being paid to a relevant parent referred to in paragraph (b)(i) of the definition of relevant parent in section 61F(1), in relation to a child by reason only that parent's benefit has already been paid in relation to that child to a person other than the relevant parent concerned prior to the adoption of the child.

(7) Subject to this Chapter, parent's benefit, for the period specified in subsection (10)(b)(i) or (ii), may be paid in respect of—

(a) a continuous period of parent's leave, or

(b) periods of parent's leave each consisting of not less than 1 week.

(8) Where the parent's leave is taken in accordance withsubsection (7)(b), the employer must certify that the relevant parent is entitled to each period of leave under *Part 2* of the *Act of 2019*.

(9) Subject to section 61H(2), the relevant parent must, at the time of application, satisfy the conditions for receipt of parent's benefit, as set out in section 61H(1).

(10) Subject to this Chapter, parent's benefit shall be payable—

(a) in the case of an employed contributor—

(i) for the period of parent's leave to which the relevant parent is entitled under *Part 2* of the *Act of 2019*, or

(ii) for the period of transferred parent's leave to which a surviving parent is entitled under *Part 2* of the *Act of 2019*,

(b) in the case of a person in insurable self-employment, being—

(i) a relevant parent referred to in paragraph (b)(i) of the definition of relevant parent in section 61F(1), for a continuous period of 2 consecutive weeks or periods consisting of not less than one week—

(I) beginning on or after the day of placement of the child, and

(II)ending not later than 52 weeks after the day of placement of the child,

or

(ii) a relevant parent referred to in paragraph (b)(ii) of the definition of relevant parent, for a continuous period of 2 consecutive weeks or periods consisting of not less than one week—

(I) beginning on or after the date of birth of the child, and

(II) ending not later than 52 weeks after the date of birth of the child,

or

(c) in the case of a surviving parent entitled to parent's benefit under subsection (11)(b)(ii) being the relevant parent of the

child, for 2 weeks taken as a continuous period or periods consisting of not less than one week, less any period for which parent's benefit has already been paid in relation to the child but where the surviving parent dies, the benefit shall not be payable for any subsequent day.

(11) (a) Subject to paragraph (b), parent's benefit shall not be transferable between relevant parents.

(b) The surviving parent of a child shall be entitled to benefit under this Chapter as if he or she were the relevant parent and the provisions of this Chapter (other than section 61H) shall apply in the case of the surviving parent where—

(i) in the case of a surviving parent who is an employed contributor, it is certified by the employer of the surviving parent that he or she is entitled to transferred parent's leave under *Part 2* of the *Act of 2019*, or

(ii) in any other case, the relevant parent entitled to parent's benefit in relation to the child dies before the expiry of the fifty-second week following the date of birth or the day of placement.

(12) In the event of the hospitalisation of the child in relation to whom the relevant parent is entitled to parent's benefit, the payment of the parent's benefit in accordance with this Chapter may be postponed and regulations may provide for the period of such postponement.

(13) Where provision is made under subsection (12) for the postponement of the payment of parent's benefit, the payment may be payable after the period specified in subsection (10)(b)(i) or (ii) but shall not be postponed to a day later than 7 days immediately after the day on which the child is discharged from hospital.

(14) Where a child in relation to whom a relevant parent is entitled to parent's benefit dies on or before the expiration of the period of the entitlement concerned, the death of that child shall not affect the entitlement of the relevant parent to parent's benefit.

(15) Where a person referred to in paragraph (b) of the definition of relevant parent is effected by seasonal variations in the volume of work in his or her business, profession or occupation, and the relevant parent cannot receive the parent's benefit within the period referred to in subsection (10)(b)(i) or (ii), the reference to the period in subsection (10)(b)(i) or (ii) shall be construed as if it were extended by a period of 12 weeks.

(16) Where—

(a) a relevant parent referred to in paragraph (a) of the definition of relevant parent has his or her leave postponed in accordance with *section 7(3)(a)* of the *Act of 2019*,

(b) a relevant parent referred to in paragraph (a) of the definition of relevant parent has his or her leave postponed in accordance with *section 13* of the *Act of 2019*, or

(c) a relevant parent referred to in paragraph (b) of the definition of relevant parent cannot receive his or her parent's benefit by virtue of the application of subsection (15),

the payment of parent's benefit in accordance with this Chapter may be postponed and regulations may provide for the period of such postponement.

(17) For the purposes of this section, a Sunday shall not in any week be treated as a day of entitlement to parent's benefit and, accordingly, the amount payable by way of that benefit for any other day of a week shall be one-sixth of the appropriate weekly rate, subject to the total amount being paid at any time by virtue of this subsection being rounded up to the nearest 10 cent where it is a multiple of 5 cent but not also a multiple of 10 cent, and being rounded to the nearest 10 cent where it is not a multiple of 5 cent or 10 cent.

(18) Regulations may provide for requiring an employer or any other person to furnish any information that may be required for the purposes of determining a claim for parent's benefit.

(19) Subject to subsections (20) and (21), this section applies—

(a) in the case of a child who is, or is to be, adopted, where the day of placement in respect of the child falls on or after 1 November 2019, or

(b) in any other case, where the date of birth of the child falls on or after 1 November 2019.

(20) Where a child is adopted and the day of placement in respect of the child falls on or after 1 November 2019 and before the coming into operation of this section, the reference in subsections (1) and (10)(b)(i)(II) to not later than 52 weeks after the day of placement shall be construed as a reference to not later than 52 weeks after the date on which this section comes into operation.

(21) Where the date of birth in respect of a child falls on or after 1 November 2019 and before the coming into operation of this section, the reference in subsections (1) and (10)(b)(ii)(II) to not later than 52 weeks after the birth of the child shall be construed as a reference to not later than 52 weeks after the date on which this section comes into operation.

Conditions for receipt

61H. (1) The contribution conditions for parent's benefit are—

(a) in the case of an employed contributor—

(i) (I) that the claimant has qualifying contributions in respect of not less than 39 contribution weeks in the period beginning with their entry into insurance and ending immediately before the relevant day, and

(II) (A) that the claimant has qualifying contributions or credited contributions in respect of not less than 39 contribution weeks in the second last complete contribution year before the beginning of the benefit year in which the relevant day occurs or in a subsequent complete contribution year before the relevant day,

or

(B) that the claimant has qualifying contributions in respect of not less than 26 contribution weeks in each

of the second last and third last complete contribution years before the beginning of the benefit year in which the relevant day occurs,

or

(ii) that the claimant has qualifying contributions in respect of not less than 39 contribution weeks in the 12 months immediately before the relevant day, or having been in insurable self-employment, satisfies the contribution conditions in paragraph (b),

and

(b) in the case of a person in insurable self-employment—

(i) that the claimant has qualifying contributions in respect of not less than 52 contribution weeks in the second last complete contribution year or in the third last complete contribution year before the beginning of the benefit year in which the relevant day occurs, or in a subsequent complete contribution year before the relevant day, or

(ii) where the claimant was previously an employed contributor, that they satisfy the contribution conditions in paragraph (a)(i) or that they have employment contributions in respect of not less than 39 contribution weeks in the 12 months immediately before the relevant day.

(2) A person who has qualified for maternity benefit, paternity benefit or adoptive benefit in respect of a child shall, in respect of that child, be deemed to have satisfied the requirements of subsection (1).

Rate of benefit

61I. Subject to this Act, the weekly rate of parent's benefit shall be an amount equal to the greater of—

(a) the amount of illness benefit, including any increases of that benefit, which the person would otherwise receive if he or she was entitled to that benefit, or

(b) €245.

Disqualification

61J. Regulations may provide for disqualifying a relevant parent or a surviving parent from receiving parent's benefit where, during the period for which the benefit is payable, the relevant parent or surviving parent engages in any form of insurable employment, insurable (occupational injuries) employment, insurable self-employment, any employment referred to in paragraph 1, 2, 3 or 6 of Part 2 of Schedule 1 or any self-employment referred to in paragraph 1 or 5 of Part 3 of Schedule 1.".

Amendment of section 238B of Act of 2005

30. Section 238B(3) of the Act of 2005 is amended, in paragraph (a)(i), by the substitution of "Chapter 11A of Part 2, parent's benefit payable in accordance with Chapter 11B of Part 2" for "Chapter 11A of Part 2".

Amendment of section 241 of Act of 2005

31. Section 241(2) of the Act of 2005 is amended, in paragraph (c), by the substitution of "paternity benefit, parent's benefit" for "paternity benefit".

Amendment of section 248 of Act of 2005

32. Section 248(2) of the Act of 2005 is amended by the insertion of the following paragraph after paragraph (eb) (inserted by section 13(1) of the Social Welfare, Pensions and Civil Registration Act 2018):

"(ec) where a person is in receipt of parent's benefit and the child in respect of whom that person is providing or assisting with his or her care dies, payment of the parent's benefit shall continue to be made,".

PART 6

Miscellaneous

Amendment of Schedule 3 to Redundancy Payments Act 1967

33. Schedule 3 to the Redundancy Payments Act 1967 is amended—

(a) in paragraph 5, by the insertion of the following subparagraph after subparagraph (e) (inserted by section 32(a) of the Act of 2016):

"(f) any period during which an employee was absent from work while on parent's leave or transferred parent's leave under the *Parent's Leave and Benefit Act 2019*,",

and

(b) in paragraph 8A—

(i) by the insertion of the following subparagraph after subparagraph (ba)(inserted by section 32(b)(i) of the Act of 2016):

"(bb) a period during which, in accordance with the *Parent's Leave and Benefit Act 2019*, an employee was absent from work while on parent's leave or transferred parent's leave within the meaning of that Act,",

and

(ii) in subparagraph (c), by the substitution of "(b), (ba) or (bb)" for "(b) or (ba)".

Amendment of section 6 of Act of 1977

34. Section 6 of the Act of 1977 is amended—

(a) in subsection (2), by the insertion of the following paragraph after paragraph (i) (inserted by section 33(a)(ii) of the Act of 2016):

"(j) the exercise or proposed exercise by the employee of the right under the *Parent's Leave and Benefit Act 2019* to parent's leave or transferred parent's leave within the meaning of that Act.",

and

(b) in subsection (2A), by the substitution of "(h), (i) or (j)" for "(h) or (i)".

Amendment of Act of 1994

35. The Act of 1994 is amended—

(a) in section 2(1), by the insertion of the following definition:

" 'parent's leave' has the same meaning as it has in the *Parent's Leave and Benefit Act 2019*;",

and

(b) in section 16—

(i) in subsection (1), by the substitution of "subsections (10) and (10A)" for "subsection (10)",

(ii) in subsection (1A), by the substitution of "subsections (10) and (10A)" for "subsection (10)",

(iii) in subsection (3), by the substitution of "subsections (10) and (10A)" for "subsection (10)", and

(iv) by the insertion of the following subsection after subsection (10) (inserted by section 34(d)(vi) of the Act of 2016):

"(10A) Where, on the date on which a person becomes entitled under subsection (1) to leave under that subsection or, as the case may be, under subsection (1A) to leave under that subsection, the person is on parent's leave, this section and sections 16A and 16B shall apply to the person subject to the following modifications and any other necessary modifications:

(a) where the person is entitled to subsection (1)(a) leave, the leave shall commence immediately after the end of the parent's leave and, subject to section 16B, end at the end of the twenty-fourth week following the end of the parent's leave;

(b) where the person is entitled to subsection (1A) leave, the leave shall commence immediately after the end of the parent's leave and, subject to section 16B, end at the end of the twenty-fourth week following the end of the parent's leave;

(c) where the person is entitled to subsection (1)(b) leave, the leave shall commence immediately after the end of the parent's leave and, subject to sections 16A and 16B, end at the end of the fortieth week following the end of the parent's leave;

(d) a reference in this section and sections 16A and 16B to—

(i) subsection (1)(a) leave shall be deemed to include a reference to a period of leave to which paragraph (a) applies,

(ii) subsection (1A) leave shall be deemed to include a reference to a period of leave to which paragraph (b) applies, and

(iii) subsection (1)(b) leave shall be deemed to include a reference to a period of leave to which paragraph (c) applies.".

Amendment of Act of 1995

36. The Act of 1995 is amended—

(a) in section 2(1), by the insertion of the following definition:

" 'parent's leave' has the same meaning as it has in the *Parent's Leave and Benefit Act 2019*;",

(b) by the insertion of the following section after section 6:

"Restrictions on entitlement to adoptive leave

6A. (1) Where a child is, or is to be, adopted by an employee who is the step parent of the child, the employee shall not be entitled to adoptive leave in respect of the child if his or her spouse, civil partner or cohabitant, as the case may be, has, prior to the adoption of the child, taken—

(a) adoptive leave in respect of that child, or

(b) maternity leave (within the meaning of the Maternity Protection Act 1994) in respect of that child.

(2) In this section—

'Act of 2010' means the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010;

'civil partner' shall be construed in accordance with section 3 of the Act of 2010;

'cohabitant' shall be construed in accordance with section 172(1) of the Act of 2010;

'step parent' has the same meaning as it has in the Adoption Act 2010.",

and

(c) in section 9(3) —

(i) in paragraph (b), by the substitution of "day of placement," for "day of placement, or",

(ii) in paragraph (c), by the substitution of "the paternity leave, or" for "the paternity leave.", and

(iii) by the insertion of the following paragraph after paragraph (c) :

"(d) where, on the date of the death of the adopting mother, the adopting father is on parent's leave, immediately after the end of the parent's leave.".

Amendment of section 126 of Taxes Consolidation Act 1997

37. Section 126 of the Taxes Consolidation Act 1997 is amended, in subsection (2A)(a) —

(a) in subparagraph (iii), by the substitution of "benefit," for "benefit, and",

(b) in subparagraph (iv), by the substitution of "benefit, and" for "benefit.", and

(c) by the insertion of the following subparagraph after subparagraph (iv) (inserted by section 36(c) of the Act of 2016):

"(v) parent's benefit.".

Amendment of Act of 2015

38. The Act of 2015 is amended—

(a) in section 41(7) —

(i) in paragraph (e), by the substitution of "the dispute," for "the dispute, and",

(ii) in paragraph (f)(iii), by the substitution of "has died, and" for "has died.", and

(iii) by the insertion of the following paragraph after paragraph (f) (inserted by section 37(a)(iii) of the Act of 2016):

"(g) in the case of a dispute relating to the entitlement of an employee under the *Parent's Leave and Benefit Act 2019*, it has been referred to the Director General after the expiration of the period of 6 months beginning on the day immediately following the date of the occurrence of the dispute.",

(b) in Part 1 of Schedule 1, by the insertion of the following paragraph after paragraph 21 (inserted by section 37(b) of the Act of 2016):

"22. *Parent's Leave and Benefit Act 2019* ",

(c) in Part 3 of Schedule 5, by the insertion of the following paragraph after paragraph 6 (inserted by section 37(c) of the Act of 2016):

"7. *Parts 2* and *3* of the *Parent's Leave and Benefit Act 2019* ",

and

(d) in Schedule 6—

(i) in Part 1 (Acts of the Oireachtas), by the insertion of the following paragraph after paragraph 36 (inserted by section 37(d)(i) of the Act of 2016):

"37. *Sections 24(1)* and *(2)* of the *Parent's Leave and Benefit Act 2019* ",

and

(ii) in Part 2 (Acts of the Oireachtas), by the insertion of the following paragraph after paragraph 36 (inserted by section 37(d)(ii) of the Act of 2016):

"37. *Section 24(3)* of the *Parent's Leave and Benefit Act 2019* ".

Number 35 *of* 2019

PARENT'S LEAVE AND BENEFIT ACT 2019

REVISED

Updated to 1 August 2024

About this Revised Act

This Revised Act presents the text of the Act as it has been amended since enactment, and preserves the format in which it was passed.

Related legislation

This Act is not collectively cited with any other Act.

Annotations

This Revised Act is annotated and includes textual and non-textual amendments, statutory instruments made pursuant to the Act and previous affecting provisions.

An explanation of how to read annotations is available at www.lawreform.ie/annotations.

Material not updated in this revision

Where other legislation is amended by this Act, those amendments may have been superseded by other amendments in other legislation, or the amended legislation may have been repealed or revoked. This information is not represented in this revision but will be reflected in a revision of the amended legislation if one is available.

Where legislation or a fragment of legislation is referred to in annotations, changes to this legislation or fragment may not be reflected in this revision but will be reflected in a revision of the legislation referred to if one is available.

A list of legislative changes to any Act, and to statutory instruments from 1972, may be found linked from the page of the Act or statutory instrument at www.irishstatutebook.ie.

Acts which affect or previously affected this revision

• *Family Leave and Miscellaneous Provisions Act 2021* (4/2021)

All Acts up to and including *Courts, Civil Law, Criminal Law and Superannuation (Miscellaneous Provisions) Act 2024* (30/2024), enacted 23 July 2024, were considered in the preparation of this revision.

Statutory instruments which affect or previously affected this revision

- *Parent's Leave and Benefit Act 2019 (Extension of Periods of Leave) Order 2024* (S.I. No. 300 of 2024)
- *Parent's Leave and Benefit Act 2019 (Section 29) (Commencement) Order 2022* (S.I. No. 362 of 2022)
- *Parent's Leave and Benefit Act 2019 (Extension of Periods of Leave) Order 2022* (S.I. No. 333 of 2022)
- *Parent's Leave and Benefit Act 2019 (Commencement) Order 2022* (S.I. No. 332 of 2022)
- *Disability, Equality, Human Rights, Integration and Reception (Transfer of Departmental Administration and Ministerial Functions) Order 2020* (S.I. No. 436 of 2021)
- *Parent's Leave and Benefit Act 2019 (Commencement) Order 2019* (S.I. No. 629 of 2019)
- *Parent's Leave and Benefit Act 2019 (Commencement of Certain Provisions of Part 5) Order 2019* (S.I. No. 553 of 2019)

All statutory instruments up to and including *Criminal Law (Sexual Offences and Human Trafficking) Act 2024 (Commencement) Order 2024* (S.I. No. 391 of 2024), made 31 July 2024, were considered in the preparation of this revision.