

Employment

Increase in Parental Leave Entitlements

Increase in Parental Leave Entitlements

Published: Wed 15 May 2013

On 8th March 2013, the EU (Parental Leave) Regulations 2013 were signed by Minister Shatter. These increase employees' entitlements to parental leave and are effective immediately from 8th March 2013. The Regulations contain the following important changes:

- 1. An increase in parental leave** Parental leave previously stood at 14 weeks unpaid leave. The Regulations increase parental leave from 14 to 18 weeks, remaining on an unpaid basis. Parental leave can still be taken as one continuous block, in two blocks of at least six weeks (with not less than ten weeks between them), or apportioned in any other manner with the agreement of the employer.
- 2. Non transferability of leave** Previously, an employee was entitled to transfer all of their parental leave to the other parent of the child, provided that both worked for the same employer and that the employer consented to it. In order to encourage equal participation in the workforce under the new Regulations four weeks of parental leave entitlement is now non-transferable.
- 3. Right of parents to request a change in working hours** Under the Regulations, parents have a right to request a change in their working hours or pattern on their return to work following parental leave. Such a request must be given in writing to the employer not later than six weeks before the proposed commencement of change. Notice to the employer must also specify the nature of the changes requested, the date of commencement and the duration for which the changes are requested. While an employer must consider such a request, they do have discretion in whether such a request is granted to the employee. An employer must however inform the employee in writing of the outcome of their request within 4 weeks of receipt of the request. Any agreement to change between the employer and employee must be set out in an agreement signed by both parties.
- 4. Increased age of limitation in the case of a child with long term illness** The Regulations allow the parent of a child with long term illness to avail of parental leave up until the child reaches 16 years or the date that the child ceases to have a long-term illness, whichever first occurs. The Regulations define long term illness as "a long-term illness, the effect of which is that the level of care required for the child is substantially more than the level of care that is generally required for children of the same age who do not have a long term illness".

Employers should review their policies to ensure that employees' parental leave entitlements are accurately reflected.

For further information on this topic or generally please contact Triona Sugrue, Associate, Employment & Employee Benefits Group tsugrue@efc.ie

This note is intended merely to highlight issues and not to be comprehensive, nor to provide legal advice. It is given wholly without any liability or responsibility on the part of Eugene F. Collins Solicitors and does not replace the necessity to obtain legal advice.