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NEWS REPORT

Country: Ireland
Title: Paternity Leave
Date: 8 September 2016
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Update of news report nr: 33-IE-GE-2016-Family leave and social welfare
Context
Issue at stake: Paternity leave
Ground of discrimination: Sex
Source: Legislation
Field: Pregnancy and maternity; paternity leave.
Applicable law: Paternity Leave and Benefit Act 2016

Content

Law development: The Paternity Leave and Benefit Bill 2016 was passed by *Dáil Éireann* (lower house) and *Seanad Éireann* (upper house) in the Irish Parliament. The Paternity Leave and Benefit Act 2016 will commence on 1 September 2016.

The legislation provides for paternity leave of two weeks and for state benefit for the said two weeks. The legislation was drafted using the term the 'relevant parent'. The relevant parent is the father of the child, the spouse, civil partner or cohabitant of the mother of the child or a parent of a child where the child is a donor-conceived child; then in the case of an adopted child where the child is to be adopted jointly by a married couple then the spouse chosen by that couple to be the relevant parent for the purposes of paternity leave or in any other case the spouse or civil partner or cohabitant (as the case may be) of the adopting mother or sole male adopter of the child.

This legislation is applicable to employees and the self-employed provided they have the relevant social insurance contributions. Only one parent can take such leave. There are also special provisions where the natural father can take paternity leave and the subsequent adoptive father can take such leave (if applicable). The leave which comprises two continuous weeks can be taken at any stage of the mother's 26 week maternity leave; or at any stage of the mother's 24 week adoptive leave commencing on the placement of the child. This means that a couple can choose to avail at the leave at the time of the birth or at the end of the period of paid maternity leave; thus, if they choose they can have 28 weeks continuous paid maternity / paternity leave. A mother must take two weeks maternity leave prior to the date of confinement.

There are specific detailed rules for notification of the taking of paternity leave but there is provision for the relaxation of these rules where the date of confinement occurs more than four weeks before the expected date of confinement. There are provisions for the late confinement, delay in taking paternity leave in the event of the illness of a parent, the hospitalisation of the child, and the transfer of any balance leave on the death of a

parent to the other parent (i.e. at the end of the mother's maternity leave); and there is a similar provision on the death of the other parent. There are mirror provisions in the case of adoptive leave.

There are also provisions for the protection of the father or the relevant parent in respect of their employment and an entitlement to their job post paternity leave or to suitable alternative employment. There is also provisions protecting the relevant parent from penalisation for the taking of leave.

Parents on paternity leave shall be entitled to the greater of EUR 230 gross per week or the amount of illness benefit (including any increases in that benefit). The commencement date for such leave is 1 September 2016.

Internet link source:

<http://www.oireachtas.ie/viewdoc.asp?DocID=33534&CatID=87>, accessed 26 August 2016.