

[PARENT'S LEAVE AND BENEFIT (AMENDMENT) BILL 2020]

General Scheme

24 November 2020

December 2020 *This document has no legal effect. It contains proposals for the extension of Parent's Leave and Benefit. Draft legislation will be prepared on the basis of these proposals, for presentation to the Oireachtas and enactment.

CONTENTS

Head 1	Interpretation
Head 2	Amendment of section 5 of Act of 2019 (Duration of Parent's Leave)
Head 3	Amendment of section 7 of Act of 2019 (Period in which Parent's Leave may taken)
Head 4	Amendment of section 16 of Act of 2019 (Entitlement of employed surviving parent to leave on death of relevant parent)
Head 5	Amendment to section 61G of the Act of 2019 (Entitlement to and duration of Parent's Benefit)
Head 6	Short title and commencement

Long Title

[An Act to amend the Parent's Leave and Benefit Act 2019 to make provision for an additional period of Parent's Leave & Benefit; to extend the period in which Parent's Leave can be availed of; and to provide for related matters.]

Be it enacted by the Oireachtas as follows:

HEAD 1 Interpretation

In this Act–

“Act of 2019” means the Parent’s Leave and Benefit Act 2019;

“Minister” means the Minister for Children, Equality, Disability, Integration and Youth

Explanatory Note:

This is a standard provision.

Further definitions may be identified during the drafting process.

**HEAD 2 Amendment of Section 5 of the Parent’s Leave and Benefit Act 2019 -
Duration of Parent’s Leave**

Provide that –

Section 5 is amended –

- (a) in subsection (1) by the substitution of “2 weeks” for “5 weeks”.

Explanatory note:

The proposed amendment to section 5(1) set out in draft Head 2(a) is intended to extend the entitlement of Parent’s Leave and Benefit for each qualifying parent from 2 weeks to 5 weeks.

**HEAD 3 Amendment of Section 7 of the Parent’s Leave and Benefit Act 2019 -
Period in which Parent’s Leave may be taken**

Provide that –

Section 7 is amended –

- (a) in subsection (1)(a) by the substitution of “1 year” for “2 years”.
- (b) in subsection (1)(b) by the substitution of “1 year” for “2 years.”
- (c) by the substitution of the following subsection for subsection (4):

“(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 2 years beginning on the day of placement shall be construed as a reference to not later than the expiration of the period of 2 years beginning on the date on which this section comes into operation.”

- (d) by the substitution of the following subsection for subsection (5):

“(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 2 years shall be construed as a reference to not later than the expiration of the period of 2 years beginning on the date on which this section comes into operation.”

Explanatory note

The proposed amendment to section 7(1)(a) set out in draft Head 3(a) is intended to extend the period in which a period of Parent’s Leave should end, in the case of a child who is or is to be adopted, to not later than the expiration of the period of 2 years beginning on the day of placement.

The proposed amendment to section 7(1)(b) set out in draft Head 3(b) is intended to extend the period in which a period of Parent's Leave can be taken, in any other case, other than a child who is or is to be adopted, to not later than the child in respect of whom the Parent's Leave is to be taken, reaches the age of 2 years.

The proposed amendment to section 7(4) set out in draft Head 3(c) is intended to extend the time period in which the leave can be taken, in the case of a child who is adopted on or after 1 November 2019 to two years from the date of the commencement of this section, if it is later than the date of placement. This is to ensure the full period of the leave is available in such cases.

The proposed amendment to section 7(5) set out in draft Head 3(d) is intended to extend the time period in which the leave can be taken, in cases other than adoption where the date of confinement is on or after 1 November 2019 to two years from the date of the commencement of this section, if it is later than the date of confinement. This is to ensure the full period of leave is available in such cases.

HEAD 4 Amendment of section 16 of Act of 2019 - Entitlement of employed surviving parent to leave on death of relevant parent

Provide that –

Section 16 is amended –

- (a) in subsection (1) by the substitution of “2 weeks” for “5 weeks”.

Explanatory note

The proposed amendment to section 16(1) set out in draft Head 4(a) is intended to extend the entitlement of Parent’s Leave and Benefit from 2 weeks to 5 weeks, for an employee who is a surviving parent, where the employee entitled to parent’s leave in relation to a child dies on or before the expiration of the period of the entitlement concerned.

**HEAD 5 Amendment of Section 61G of the Parent’s Leave and Benefit Act 2019 -
Entitlement to and duration of Parent’s Benefit**

Provide that –

Section 61G is amended –

- (a) in subsection (1) by the substitution of “52 weeks” for “104 weeks”.
- (b) In subsection (10)(b)(i) by the substitution of “2 weeks” for “5 weeks”.
- (c) in subsection (10)(b)(i)(II) by the substitution of “52 weeks” for “104 weeks”.
- (d) in subsection (10)(b)(ii) by the substitution of “2 weeks” for “5 weeks”.
- (e) in subsection (10)(b)(ii)(II) by the substitution of “52 weeks” for “104 weeks”.
- (f) in subsection (10)(c) by the substitution of “2 weeks” for “5 weeks”.
- (g) in subsection (11)(b)(ii) by the substitution of “fifty-second week” for “one hundred and fourth week”.

Explanatory note

The purpose of this Head is to provide for an amendment to the Social Welfare Consolidation Act 2005 (as amended) covering periods relating to entitlement to Parent’s Benefit and the duration of the payment.

Head 6 Short title and commencement

Provide that –

- (1) This Act may be cited as the Parent’s Leave and Benefit (Amendment) Act.
- (2) This Act 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 and different provisions.

Explanatory Note:

This is a standard statutory provision.