



## **Briefing Paper on the Work Life Balance and Miscellaneous Provisions Bill for Parents and Carers**

The Work Life Balance and Miscellaneous Provisions Bill is legislation which aims to transfer EU Directive on Work Life Balance for Parents and Carers into Irish law. The Bill is currently before the Dáil and it is intended that the Bill will be passed into law before end of 2022.

The Bill aims to increase the participation of women in the labour market and to encourage a more equal sharing of family related leave between men and women.

This briefing paper sets out what the legislation will mean for family carers in Ireland who balance their caring responsibilities with paid employment.

This Bill has two important provisions for family carers:

### **(i) Right to request flexible working arrangements for caring purposes**

- Employees who have a child up to the age of 12 (or 16 if the child has a disability or long-term illness) and employees who are family carers have the right to request flexible working for caring purposes for a particular period. This right is subject to a six months continuous service requirement. Flexible working refers to changing your work arrangements, work patterns or hours of work.
- An employee will be required to put in writing to their employers their request for flexible working no later than six weeks before they intend to commence the period of flexible working. In their request, they must specify the nature of the changes requested, the date of commencement and the duration of the caring period. The employer must consider these requests having regard to the business needs and the needs of the employee. The employer must respond to the request within four weeks (this may be extended to eight weeks with the employee's agreement) and either grant the request, postpone the request or refuse the request and inform the employee of the reasons. The employer must consult with the employee before any postponement.
- If the employer believes that granting the request would have an impact on the operation of its business, they may postpone the commencement of the arrangements for up to six months. Reasons why postponement may be necessary can include unavailability of a person to carry out the duties of the employee or the nature of particular duties.
- Where a request is granted, the employee and the employer must sign an agreement outlining the changes to working arrangements, patterns or hours and state the date of commencement and duration of the caring period.
- At the end of the flexible working arrangement, the employee is entitled to return to their original working arrangements, hours or patterns.
- You can request flexible working for the following people you are caring for:
  - A person of whom the employee is the relevant parent
  - The spouse/civil partner of the employee
  - The cohabitant of the employee
  - A parent or grandparent of the employee

November 2022

- A brother or sister of the employee
- A person, other than those specified above, who resides in the same household as the employee

AND

- The person you are caring for needs significant care or support for a serious medical reason.

**(ii) Leave for medical care purposes (5 days unpaid carers leave days per year)**

- Employees have the right to take up to five days unpaid carers' leave per year, where for any serious medical reasons, they need to provide personal care or support to a family member or person who lives in the same house. This leave cannot be taken in periods of less than one day i.e. only full days can be taken.
- There is no period of work qualification or prior notice of the leave required to avail of carers' leave. If a person is on probation, doing an apprenticeship or undergoing training for their employment and takes carers' leave, their employer may require that their probation, apprenticeship or training be suspended during the period of carers' leave.
- The employee must, as soon as is practically possible, confirm to their employer in writing that they have taken or intend to take this leave, the date of commencement, duration and a statement of facts entitling them to this leave.
- While on carers leave, none of their employment rights are affected and their leave cannot be treated as any other type of leave including sick leave, annual leave, adoptive leave, maternity leave and force majeure leave which they may be entitled to.
- The employer can request evidence of the employee's relationship to the person being cared for, the nature of the care or support and medical certification of the serious medical issue in respect of the person being cared for.
- When carers leave has finished, the employee is entitled to return to their original working arrangements, hours or patterns or all.
- You can take leave for medical care purposes for the following people you are caring for:
  - A person of whom the employee is the relevant parent
  - The spouse/civil partner of the employee
  - The cohabitant of the employee
  - A parent or grandparent of the employee
  - A brother or sister of the employee
  - A person, other than one specified in any of the above, who resides in the same household as the employee

AND

- The person you are caring for needs significant care or support for a serious medical reason.

The Bill also includes a provision to (i) extend the period of breastfeeding from 26 to 104 weeks during which mothers are entitled to take paid time off work or have reduced working hours for breastfeeding purposes, (ii) extend Maternity Leave entitlements to transgender men who have obtained a gender recognition certificate and subsequently become pregnant and (iii) paid leave for victims of domestic violence up to 5 days in any 12 consecutive months.