

Ireland¹

Mary Daly (University of Oxford) and **Dorota Szelewa** (University College Dublin)

April 2020

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (responsibility of the Department of Justice and Equality)

Length of leave (before and after birth)

- 42 weeks: at least 2 weeks must be taken before birth and 4 weeks after the baby is born.

Payment and funding

- A weekly maternity benefit rate of €245 is paid to qualifying persons for 26 weeks; the remaining 16 weeks is unpaid. Mothers who are already on certain social welfare payments are entitled to half-rate maternity benefit.
- Maternity benefit is funded from the Social Insurance Fund, which is financed by contributions from employers and employees. Pay Related Social Insurance (PRSI) rates vary across different types of employment. However, the majority of employees pay 4 per cent of earnings and employers pay 11.05 per cent.

¹ Please cite as: Daly, M. and Szelewa, D. (2020) 'Ireland country note,' in Kosłowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2020*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Flexibility in use

- Some, when regard to leave is taken before and for how long it should be taken after the birth.

Eligibility (e.g. related to employment or family circumstances)

- To be eligible for maternity benefit, an employee or self-employed woman must meet certain conditions relating to payment of Pay Related Social Insurance (PRSI): for example, to have been employed for 39 weeks, during which PRSI was paid in the 12-month period before the first day of Maternity leave.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- Fathers are entitled to Maternity leave if the mother dies within 40 weeks of the birth. In these circumstances, the father is entitled to a period of leave, the extent of which depends on the date of the mother's death. If the mother dies within 24 weeks of the birth, he has an optional right to the additional Maternity leave. If the mother's death is over 24 weeks after the birth, the father is entitled to leave until 40 weeks after the birth. The leave starts within seven days of the mother's death.
- In the case of a child who is hospitalised, the mother may postpone her Maternity leave, if she has taken 14 weeks (including at least four weeks since the baby was born) up to a period of six months, with the agreement of the employer.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Members of the Civil and Public and Services Union (CPSU) and other public sector workers are entitled to 26 weeks' Maternity leave at full payment.

b. Paternity leave (responsibility of the Department of Justice and Equality)

Length of leave

- 2 weeks (which must be taken consecutively)

Payment and funding

- A weekly paternity benefit payment of €245, funded from the Social Insurance Fund.

Flexibility in use

- Paternity leave may be taken at any time within the first 26 weeks following the birth or adoption of a child.

Eligibility (e.g. related to employment or family circumstances)

- The entitlement to Paternity leave extends to all employees (including casual workers), regardless of how long they have been working for the organisation or the number of hours worked per week.
- Paternity benefit is paid by the Department of Employment Affairs and Social Protection to people who have a certain number of paid PRSI contributions on their social insurance record. It is paid to an employee or self-employed person who is a relevant parent, defined as: the father of the child; the spouse, civil partner or co-habitant of the mother of the child; or the parent of a donor-conceived child. In the case of an adopted child, the relevant parent may include: the nominated parent in a married same-sex couple; the spouse, civil partner, or co-habitant of the adopting mother; or sole male adopter.

c. Parental leave (responsibility of the Department of Justice and Equality)

Length of leave

- 22 weeks per parent per child. Leave is an individual entitlement that cannot be transferred. The one exception is when parents are employed by the same employer, in which case they can transfer a maximum of 14 weeks of their Parental leave entitlement to the other parent, subject to the employer's agreement. Both parents can take this leave at the same time.

Payment and funding

- None.

Flexibility in use

- Leave may be taken up to the child's twelfth birthday, and up to their sixteenth birthday in the case of children with disabilities and serious illnesses.
- Leave may be taken in separate blocks of a minimum of six continuous weeks or on preferred terms, subject to employer's agreement.
- Parents can be on leave together, for part of the period or for the whole period.

Eligibility (e.g. related to employment or family circumstances)

- All employees who have completed one year's continuous employment with their current employer. If the child is very near the age threshold and an employee has been working for a current employer for more than three months but less than one year, parental leave can be used pro-rata.
- An extension of the *force majeure* provisions includes people in a relationship of domestic dependency, including same-sex partners.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- As leave is allocated per child, the leave period is doubled for parents of twins, and tripled for parents of triplets.
- Parents with a disabled child do not get additional Parental leave, but would be eligible for carer's leave and can take the leave until the child's sixteenth birthday.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Parental leave can be postponed for six months (to a date agreed upon by both the employer and employee) if the granting of the leave would have a substantial adverse effect on the operation of the business.
- An employee who falls ill while on Parental leave, and as a result is unable to care for the child, may suspend the Parental leave for the duration of the illness, following which period the Parental leave recommences.
- Statutory codes of practice specify the manner in which Parental leave and *force majeure* leave might be taken, and the manner in which an employer can terminate Parental leave.

d. Parent's leave (Department of Justice and Equality)

Length of leave

- Two weeks per parent for a child (or children, in case of multiple birth) born on or after 1 November 2019. Parent's leave is an individual and non-transferrable entitlement, except in specified circumstances such as the death of one of the parents.

Payment and funding

- A weekly Parent's benefit of €245, funded from the Social Insurance Fund, paid by the Department of Employment Affairs and Social Protection.

Flexibility in use

- Parent's leave may be taken at any time within the first 52 weeks following the birth or adoption of a child.
- Parents must take Maternity leave before Parent's leave or transferred Paternity leave (where applicable) before Parent's leave.
- Leave may be taken as a continuous period of two weeks or in two periods of not less than one week.
- Parents can be on leave together, for part of the period (one week) or for the whole period.

Eligibility (e.g. related to employment or family circumstances)

- The 'relevant parent' entitled to the leave includes an employed or self-employed: parent of the child, a spouse, civil partner or cohabitant of the parent of the child, a parent of a donor-conceived child, the adopting parent or parents of a child, the spouse, civil partner or spouse of the adopting parent of the child, as well as each member of a married couple of the same sex, a couple that are civil partners of each other, or a cohabiting couple of the same sex.
- A person who has satisfied the PRSI conditionality for maternity/paternity/adoptive benefit will be deemed to have satisfied the conditionality for Parent's benefit.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents

- In the case of multiple births or the adoption of more than one child at the same time, a parent is only entitled to one period of Parent's leave.

- Where one of the parents entitled to leave dies within the period of 52 weeks following the birth or adoption of a child, the employed surviving parent of the child is entitled to a period of transferred parental leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- The leave can be postponed by the employee in case the employee becomes ill after notifying their employer of their intention to take the leave or in event of hospitalisation of the child.
- The leave can be also postponed by the employee if the date of placement of a child for adoption is postponed or where the child's birth occurs after the date selected by the employee as that on which parent's leave will begin. In these circumstances the parent will be entitled to select another date, but must comply with the sequence of the leave (i.e. only after taking Maternity leave or transferred Paternity leave, where applicable).
- The leave can be postponed by the employer if taking the leave by the employee would result in substantial adverse effect on the operation of their business, profession or occupation. Reasons for postponement can include: the seasonal variations in the volume of work, the unavailability of another person to carry out the duties of the employee during the leave period, staffing levels over the period of the requested leave.

e. Childcare leave or career breaks

No statutory entitlement.

f. Other employment-related measures

Adoption leave and pay

- 40 weeks of leave for adopting mothers or sole male adopters of children under eight years of age, with 24 weeks being paid and 16 weeks being unpaid. Payment and eligibility are the same as for Maternity leave. If the child is under three years of age at the time of adoption, unpaid Parental leave can be taken before the child reaches five years of age. However, if the child is aged between three and eight years at the time of adoption, the leave must be taken within two years of the adoption order.
- Adoptive leave and/or additional adoptive leave may be split in the event of the hospitalisation of the adopted child, subject to the agreement of the employer.

- New adoptive parents (other than the mother of the child) can get two weeks' statutory Paternity leave from employment or self-employment following the birth or adoption of a child.
- Parent's leave and Parent's benefit is also available for adoptive parents of children adopted after the 1st November 2019.

Time off for the care of dependants

- Three days of paid leave per worker within any 12 consecutive months, up to a limit of five days within any 36 consecutive months (treated as *force majeure*).
- Employees with 12 months' continuous service can take a minimum of at least 13 weeks' leave, up to a maximum of 104 weeks, of unpaid carer's leave to provide full-time care for a dependant (a child or adult in need of full-time care), either in one continuous period or as several blocks of time. Employees may work up to ten hours per week while on this carer's leave, subject to certain income limits. An employee on carer's leave may be entitled to a means-tested carer's benefit.

Flexible working

- Breastfeeding mothers are entitled to adjust their working hours or, if breastfeeding facilities are provided at work, to take breastfeeding breaks up until the child is six months old.
- On return from Parental leave, an employee may request a change in their working hours or pattern. Employers must consider such a request, but are not required to grant it.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Ireland is currently 20 months, but most of this is unpaid; leave paid at a standard flat-rate lasts for only six and a half months, to be gradually extended to nine months. Children are entitled to start ECEC from three years of age. However, there remains a substantial gap between the end of leave and an ECEC entitlement, and there is no well-paid leave. Levels of attendance at formal services for children under three years of age are about the average both for the countries included in this review and OECD countries; however, they are well above the average for children over three years of age (mainly because of an early start in school). For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3.Changes in policy since April 2019 (including proposals currently under discussion)

Two major reforms of Parental leave schemes took place in 2019.

First, the Parental Leave (Amendment) Act 2019² was adopted in May 2019. The reform extended unpaid Parental leave from 18 to 22 weeks, to be further extended to 26 weeks from September 2020. In addition, the Act changed the qualifying age of the child from eight to twelve years of age.

Second, Parent's Leave and Benefit Act 2019³ (adopted in October 2019) introduced two weeks of paid Parent's leave as a new and separate scheme (for details see section 1d). It was estimated that up to 60,000 parents could benefit from the scheme. The longer-term plan is that the paid Parent's leave would increase incrementally to nine weeks.⁴ Employers will have the option of topping up the basic payment, should they wish (as is currently the case with maternity and paternity benefit).

Policy response to the Covid-19 pandemic up to end June 2020

No information.

4. Uptake of leave

a. Maternity leave

According to the social protection statistics for 2018 (the latest year for which statistics are available), there were some 22,708 recipients of maternity benefit in 2014, and 21,182 for 2018.⁵ The figures are considered to be generally static from year to year, although there has been a fall from 23,947 in 2011. In terms of costs, expenditure on the benefit was of €265 million in 2018.⁶

² Parental Leave (Amendment) Act 2019, Number 11 of 2019, available at <http://www.irishstatutebook.ie/eli/2019/act/11/enacted/en/html>

³ Parent's Leave and Benefit Act 2019, Number 35 of 2019, available at <http://www.irishstatutebook.ie/eli/2019/act/35/enacted/en/pdf>

⁴ <https://data.oireachtas.ie/ie/oireachtas/bill/2019/75/eng/memo/b7519smemo.pdf>

⁵ Department of Employment Affairs and Social Protection (2019) *Statistical Information on Social Welfare Services, Annual Report 2018*. Dublin: Department of Employment Affairs and Social Protection.

⁶ Ibid.

According to a national study, 'Pregnancy at Work,' conducted 2007-2009,⁷ two-thirds of the 23,000 mothers surveyed were in employment. The sample was selected by the Department of Employment Affairs and Social Protection from its database of recipients of the universal child benefit. Of these, 92 per cent of mothers took paid Maternity leave, while 41 per cent took unpaid Maternity leave, mostly in addition to paid leave. Taking combined paid and unpaid leave was related to the mother's ability to afford a period of unpaid leave. Women who were self-employed, who worked in temporary/casual jobs, or part-time employment during pregnancy were less likely to take paid Maternity leave.

Nearly half (48 per cent) of employed women received a top-up payment from their employer, in addition to state maternity benefit. Receipt of such payments was higher among women who were already more financially secure. Nearly one-third (32 per cent) of the women surveyed who were in employment experienced problems around Maternity leave, the most common involving the timing or duration of leave, i.e. being pressurised into leaving work earlier or returning to work sooner than desired. The report concluded that the preferred option – among mothers who can afford it – would be for a longer period of Maternity leave than the six months of statutory paid leave.

b. Paternity leave

In the first six months of the new Paternity leave scheme, between September 2016 and February 2017, there were 8,558 paternity benefit applications awarded.⁸ The reasons for the relatively low initial uptake (compared to Maternity leave awards) were reported in the media as a combination of the newness of the scheme and an absence of 'wage top-ups' to the (then) €235 paternity benefit for many fathers.⁹ On the latest available evidence (2017), there were some 27,200 claims for paternity benefit in that year.¹⁰ Hence, uptake increased rapidly. Köppe (2019) estimates the uptake rate as between 40 and 60 per cent, and calculates

⁷ Russell, H., Watson, D. and Banks, J. (2011) *Pregnancy at Work: A National Survey*. Dublin: HSE Crisis Pregnancy Programme and the Equality Authority.

⁸ Data supplied directly by the Department of Employment Affairs and Social Protection Statistics Unit.

⁹ <http://www.irishtimes.com/business/personal-finance/why-aren-t-more-fathers-taking-paternity-leave-1.2953763>;
<http://www.irishexaminer.com/ireland/fathers-slow-to-avail-of-paternity-leave-437425.html>

¹⁰ Department of Employment Affairs and Social Protection 2019, op cit.

that the statutory benefit is equivalent to an average income replacement rate of 53 per cent.¹¹

c. Parental leave

Based on the findings of the 'Pregnancy at Work' study (referred to in section 4.a.), only 18 per cent of women returning to work after childbirth in 2007-2009 had requested to take any Parental leave. However, the authors noted that since leave can be taken at any point until the child reaches eight years of age, more women may avail of this entitlement at a later stage. Almost one-fifth (19 per cent) of women who had applied for Parental leave had had their request refused, or leave was granted not in the form originally requested. The study showed that uptake of (unpaid) Parental leave is linked to women's ability to afford it. Women with an unemployed partner were four times less likely to request Parental leave than women with a working partner, indicating the constraint on choice associated with the household's financial position, which is likely to characterise many households during a period of recession. Women with higher earnings were more likely to have requested Parental leave. No information was given in the report on fathers' uptake of Parental leave.

d. Other employment-related measures

There is no recent information on uptake, with the latest data being from a survey in 2001.

¹¹ Köppe, S. (2019) *Ireland's Paternity Benefit: Belated Social Investment*, Working Papers 2019/05, Geary Institute, UCD, Dublin: Geary Institute.