Introductory remarks:

There are different measures developed enabling men and women to reconcile their occupational and family obligations. New flexible ways of organizing work and time, which are better suited to the changing needs of society may take into account the needs of both undertakings and workers. This is also important to promote equal opportunities and equal treatment between men and women. Flexibility and diversity of child-care services is part of a strategy to meet the different preferences, needs and circumstances of children and their parents.

The three main field of this questionnaire are

a. maternity leave for women –related to maternity and birth
b. parental leave (distinct from maternity leave) for men and women related to the upbringing of infants and
c. time off from work on grounds of other urgent family reasons

A Maternity leave

1. When shall pregnant employees inform their employer of their condition?
Four weeks written notice before maternity leave is due to commence.

2. Are pregnant employees and employees who have recently given birth entitled to a continuous period of maternity leave? How long is this leave and when is it allocated before?

Yes. 22 weeks (with an entitlement to maternity benefit payable by the State plus an optional and additional twelve weeks without any such payment). Two weeks must be taken before the expected birth, and four weeks must be taken after birth. The remaining sixteen weeks can be taken before or after the birth.

3. Do they maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before?

Maintenance of pay is either at the discretion of the employer, or as regulated by collective agreement. Statutory allowances are paid at a standard rate governed by the Social Welfare Code and by the Finance Acts. Eligibility for statutory benefit is determined by the payment of social welfare insurance, and is subject to contribution.

Statutory allowances are payable on a scale subject to both maximum and minimum payments.

4. What rights are acquired by the worker on the date on which maternity leave starts until the end?

The main right acquired is the entitlement to enjoy the other rights of employment, while absent from the place of employment on maternity leave. Additional rights include the right to attend anti-natal classes, or in relation to breastfeeding, and to payment of wages in respect of such absences.

5. Is there continuity of the entitlements to social security, in particular regarding health care?

Yes, either because the employer agrees to pay the employers contribution to social security, or otherwise the employee gets credit from the Department of Social and Family Affairs in relation to her pay-related social insurance.

6. Do workers at the end of maternity leave have the right to return to the same job or, if that is not possible, to an equivalent or similar job?

Yes.

7. Are employees protected against dismissal?
Yes, on the grounds of maternity.

8. Do exist special provisions to meet the operational and organizational requirements of small undertakings?
Not to my knowledge.

9. Are employees entitled to time off in order to attend ante-natal examinations, if such examinations have to take place during working hours?
See reply to question number 4.

10. What are the most common cases at courts related to this?
Information not available at the time of writing.

B – Parental leave

Note: Parental leave entitles parents (both father and mother) to fourteen weeks leave from work to spend time with their children. Each parent is entitled to fourteen weeks leave for each child. Leave must be taken before the child reaches five years of age, with exceptional extensions to eight years age (e.g. the adoption of an older child).

1. What are the conditions of access and rules for applying for parental leave?
Describe Your system (full-time or part-time basis, time-credit system....).
Parental leave is normally taken over a single period of time, but can be taken on a diffuse basis, with the agreement of the employer.

2. Is the entitlement to parental leave subject to a period of work qualification and/or a length of service qualification and which period?
Generally, an employee must have at least one year’s (or more) service, with the employer, before he/she is entitled to parental leave, with pro rata provisions for older children of recently employed workers.

3. Which notice periods do exist for the worker when exercising the right to parental leave, specifying the beginning and the end of the period of leave?
Six weeks notice with commencement, duration and manner required.
4. Is an employer allowed to postpone the granting of parental leave for reasons related to the operation of the undertaking (e.g. where a replacement cannot be found within the notice period)?
Yes, to a maximum length of postponement of six months.

5. Do employees maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before?
There is no legal entitlement to the payment of salary or allowance.

6. What rights are acquired by the employees on the date on which parental leave starts until the end of parental leave?
The main right acquired is the entitlement to enjoy the other rights of employment, while absent from the place of employment, on parental leave.

7. Is there a continuity of the entitlements to social security, in particular regarding health care?
Yes, either because the employer agrees to pay the employer’s contribution to social security, or otherwise the employee gets credit from the Department of Social and Family Affairs in relation to his/her pay-related social insurance.

8. Do employees at the end of parental leave have the right to return to the same job or, if that is not possible, to an equivalent or similar job?
Yes.

9. Are employees protected against dismissal on the grounds of an application for, or the taking of, parental leave?
Yes.

10. Do exist special provisions to meet the operational and organizational requirements of small undertakings?
Not to my knowledge.

11. Does your system also grant access to parental leave for adoption cases and are there specific rules for applying parental leave to the special circumstances of adoption?
There is a separate and statutory category of adoptive leave of twenty-four weeks.
12. What are the most common cases at courts related to this?
Information not available at the time of writing.

C. **Time off from work on grounds of urgent family reasons**

1. Are employed parents with responsibility for the care and upbringing of children entitled to time off from work on grounds of urgent family reasons in cases (sickness or other reasons related to family members making the immediate presence of the worker indispensable)?
Yes.

2. What are the conditions of access for applying for this kind of time off?
This leave can be taken for urgent reasons relating to the injury or illness of certain family members which are listed below:

- A child or adopted child of the employee.
- The spouse of the employee or person with whom the employee is living as husband or wife.
- A person to whom the employee is *in loco parentis*.
- A brother or sister of the employee.
- A parent or grandparent of the employee.
- Persons in a relationship of domestic dependency (including same sex partners).

However, it is limited to circumstances where the immediate presence of the employee at the place where the ill or injured person is situated is indispensable.

3. Is this time off limited to a certain amount of time per year or per case?
Maximum leave entitlement is five days over a thirty six month period, or three days over a twelve month period.
4. Do employees maintain their pay or are they entitled to allowances. How high are these allowances related to the pay before?
An employer is obliged to pay full salary.

5. Is there a continuity of the entitlements to social security, in particular regarding health care?
Yes.

6. Are these employees protected against dismissal?
Yes.

7. Do there exist special provisions to meet the operational and organizational requirements of small undertakings?
No.

8. What are the most common cases at courts related to this?
Information not available at the time of writing.

Signed: ______________________
Judge James Paul McDonnell
1st July 2008