



STATUTORY INSTRUMENTS.

S.I. No. of 2013

EUROPEAN UNION (PARENTAL LEAVE) REGULATIONS 2013

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I, ALAN SHATTER, Minister for Justice and Equality, in exercise of the powers conferred on me by section 3 of the European Communities Act 1972 (No. 27 of 1972) and for the purpose of giving effect to Council Directive No. 2010/18/EU of 8 March 2010¹, hereby make the following regulations:

Citation and Commencement

1. (1) These Regulations may be cited as the European Union (Parental Leave) Regulations 2013.

(2) These Regulations come into operation on 8 March 2013.

Interpretation

2. In these Regulations—

“Act of 2006” means the Parental Leave (Amendment) Act 2006 (No. 13 of 2006);

“Principal Act” means the Parental Leave Act 1998 (No. 30 of 1998).

Amendment of section 2 of Principal Act

3. Section 2 of the Principal Act is amended—

(a) in subsection (1)—

(i) in the definition of “employee”, by deleting “a contract of employment,” and substituting “a contract of employment and includes a part-time employee and a fixed-term employee,”, and

(ii) by inserting the following definitions:

“ ‘part-time employee’ has the meaning assigned to it by section 7(1) of the Protection of Employees (Part-Time Work) Act 2001;

‘fixed-term employee’ has the meaning assigned to it by section 2(1) of the Protection of Employees (Fixed-Term Work) Act 2003;”

and

(b) by substituting the following subsection for subsection (4):

¹OJ No. L 68, 18.3.2010, p.13

“(4) A word or expression used in this Act and also in Council Directive 2010/18/EU¹ of 8 March 2010 shall have the same meaning in this Act as in that Directive.”

Amendment of section 6 of Principal Act

4. Section 6 (as amended by section 2 of the Act of 2006) of the Principal Act is amended—

(a) in subsection (1), by substituting “18 working weeks” for “14 working weeks”,

(b) in subsection (2)(c)—

(i) by inserting “or a long-term illness” after “if the child concerned has a disability”, and

(ii) by substituting the following subparagraph for subparagraph (ii):

“(ii) ceases to have that disability or long-term illness or any other disability or long-term illness,”

(c) by substituting the following subsection for subsection (6A) (inserted by section 72 of the Civil Law (Miscellaneous Provisions) Act 2008 (No. 14 of 2008)):

“(6A) Notwithstanding subsection (6), where 2 or more relevant parents in respect of a child are entitled to parental leave in respect of the child and the parents are each employed by the same employer, then each relevant parent shall, subject to the consent of the employer concerned, be entitled to transfer part, not exceeding 14 working weeks, of the period of his or her parental leave to any other relevant parent in respect of the child.”, and

(d) in subsection (9), by inserting the following definitions:

“ ‘continuous employment’ includes employment completed by an employee under two or more continuous fixed-term contracts with the same employer;

‘continuous fixed-term contract’ has the same meaning as it has in section 9(2) of the Protection of Employees (Fixed-Term Work) Act 2003;

‘long-term illness’, in relation to a child, means a long-term illness, the effect of which is that the level of care required for the child is substantially more than the level of care that is generally required for children of the same age who do not have any such long term illness;”.

¹OJ No. L 68, 18.3.2010, p.13

Amendment of section 7 of Principal Act

5. Section 7 (as amended by section 4 of the Act of 2006) of the Principal Act is amended—

(a) in subsection (1), by substituting “18 weeks” for “14 weeks” in each place where it occurs,

and

(b) in subsection (2)(a)—

(i) by substituting “18 weeks” for “14 weeks” in each place where it occurs, and

(ii) in subparagraph (ii), by substituting “18 times” for “14 times”.

Insertion of new section 15A into Principal Act

6. The Principal Act is amended by inserting the following section after section 15:

“Right to request changes when returning from parental leave.

15A. (1) An employee who exercises or proposes to exercise an entitlement under section 15 may request, in accordance with subsection (2), changes to his or her working hours or patterns, or both, to apply for a set period of time following his or her return to work.

(2) An employee who proposes to request changes referred to in subsection (1) shall, as soon as reasonably practicable but not later than 6 weeks before the proposed commencement of the set period concerned, give to his or her employer a request in writing signed by the employee, which shall specify the nature of the changes requested and the date of commencement and duration of the set period requested.

(3) An employer who receives a request made in accordance with subsection (2) shall consider that request, having regard to his or her needs and the employee's needs and, as soon as reasonably practicable but not later than 4 weeks after such receipt, shall—

(a) inform the employee in writing that the request has been refused, or

(b) comply with subsection (4).

(4) An employer complies with this subsection where he or she and the employee concerned prepare and sign an agreement setting out—

- (a) the changes to the employee's working hours or patterns, or both, as the case may be, and
- (b) the date of the commencement and duration of the set period,

as may be agreed between them.

(5) An employer shall retain the agreement referred to in subsection (4) and shall give a copy of it to the employee concerned who shall retain it.

(6) Before the date on which an agreement referred to in subsection (4) is signed, the employee may, by notice in writing signed by him or her and given to the employer, revoke a request under subsection (2) given by him or her.”

Amendment of section 16A of Principal Act

7. Section 16A (inserted by section 11 of the Act of 2006) of the Principal Act is amended in subsection (1), by inserting “or to make a request under section 15A(2)” after “force majeure leave”.

GIVEN under my Official Seal,

8 March 2013.



Minister for Justice and Equality.

EXPLANATORY NOTE

(This note is not part of the Instrument and does not purport to be a legal interpretation)

These Regulations transpose EU Council Directive No. 2010/18/EU of 8 March 2010, which implements a revised Framework Agreement on parental leave concluded by the European Social Partners. The Regulations extending parental leave from 14 weeks to 18 weeks. The Regulations also allow parents returning from back to work from parental leave to request a change in their working hours or pattern. Employers must consider such a request, but are not required to grant it.

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