



**AN BILLE UM CHOSAINN MHÁITHREACHAIS
(COMHALTAÍ DE THITHE AN OIREACHTAIS), 2013
MATERNITY PROTECTION (MEMBERS OF THE HOUSES
OF THE OIREACHTAS) BILL 2013**

*Mar a tionscnaíodh
As initiated*

ARRANGEMENT OF SECTIONS

Section

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(COMHALTAÍ DE THITHE AN OIREACHTAIS), 2013
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BILL

entitled

AN ACT TO PROVIDE MATERNITY LEAVE FOR FEMALE
MEMBERS OF THE HOUSES OF THE OIREACHTAS
AND TO PROVIDE FOR RELATED MATTERS.

10 BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

1.—In this Act—

Interpretation.

“maternity leave” has the meaning assigned to it by *section 3*;

“additional maternity leave” has the meaning assigned to it by
section 5.

15 “Member of the Houses of the Oireachtas” means any female
person—

(a) elected to and currently a member of Dáil Éireann, and
shall include the Cathaoirleach of Dáil Éireann, or

20 (b) elected or appointed to and currently a member of
Seanad Éireann.

2.—(1) The Minister may make orders in respect of the provisions
of this Act. Ministerial orders.

25 (2) Any power under this Act to make an order includes the
power to amend or revoke an order made in the exercise of that
power.

(3) Where an order is proposed to be made under this Act, a draft
of the order shall be laid before both Houses of the Oireachtas, and
the order shall not be made until the resolution approving the draft
has been passed by each such House.

30 (4) Every regulation made under this Act shall be laid before each
House of the Oireachtas as soon as practicable after it is made and,
if a resolution annulling the regulation is passed by either such House
within the next 21 days on which the House has sat after the regu-
lation is laid before it, the regulation shall be annulled accordingly,

but without prejudice to the validity of anything previously done under the regulation.

Maternity leave.

3.—(1) A pregnant member of the Houses of the Oireachtas shall be entitled to leave, to be known and referred to in this Act as “maternity leave”, from the House of the Oireachtas of which she is a member for a period of not less than— 5

(a) 18 consecutive weeks, or

(b) 18 weeks part of which is postponed in accordance with *section 6*,

as may be appropriate. 10

(2) The Minister may by order, made with the consent of the Minister for Social Protection and the Minister for Public Expenditure and Reform, amend *subsection (1)* so as to extend the period mentioned in that subsection.

Maternity leave procedures.

4.—(1) Entitlement to the minimum period of maternity leave shall be subject to a pregnant member of the Houses of the Oireachtas— 15

(a) having, as soon as reasonably practicable but not later than 4 weeks before the commencement of maternity leave, notified in writing the Cathaoirleach of whichever House of the Oireachtas of which she is a member of her intention to take maternity leave, and 20

(b) having, at the time of the notification, given to the Cathaoirleach of the House of the Oireachtas of which she is a member a medical or other appropriate certificate confirming the pregnancy and specifying the expected date upon which the maternity leave is due to commence. 25

(2) A notification under this section may be revoked by a further notification in writing by the Member of the Oireachtas concerned to the Cathaoirleach of the House of the Oireachtas of which she is a member. 30

(3) Any period of time when the Houses of the Oireachtas are not sitting due to vacation shall be assessed in calculating the minimum period of maternity leave.

Additional maternity leave.

5.—(1) A member of the Houses of the Oireachtas who has taken maternity leave shall, if she so wishes, be entitled in accordance with this section to further leave, to be known and referred to in this Act as “additional maternity leave”, for a maximum period of— 35

(a) 8 consecutive weeks commencing immediately after the end of her maternity leave, or 40

(b) 8 weeks, all or part of which is postponed in accordance with *section 6*,

as may be appropriate.

(2) The Minister may by order, made with the consent of the Minister for Social Protection and the Minister for Public Expenditure and Reform, amend *subsection (1)* so as to extend the period mentioned in that subsection.

5 **6.**—A member of the Houses of the Oireachtas who is on maternity leave or is entitled to, or is on, additional maternity leave, may, if the child in connection with whose birth she is on, or is entitled to, that leave is hospitalised, request in writing the Cathaoirleach of the House of the Oireachtas of which she is a member to
10 postpone—

Postponement of
maternity leave.

(a) part of the maternity leave,

(b) part of the maternity leave and the additional maternity leave, or

(c) the additional maternity leave or part of it,

15 as may be appropriate, in accordance with this section, and the Cathaoirleach of the House of the Oireachtas of which she is a member shall answer that request within 14 days of receiving the request, provided any medical documentation he or she seeks is provided by the requesting member.

20 **7.**—A member of the Oireachtas who is on maternity leave or additional maternity leave shall be entitled to continue to receive full pay as a member of the Oireachtas, although no expenses claims in respect of her work as a member of the Oireachtas shall be paid unless lawfully accrued during her maternity leave or additional
25 maternity leave.

Payment and
expenses of
Oireachtas member
on maternity leave.

8.—(1) This Act may be cited as the Maternity Protection (Members of the Houses of the Oireachtas) Act 2013.

Short title and
commencement.

(2) This Act shall come into operation on such day as may be fixed by order by the Minister for Justice, Equality and Defence.