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**An Bille um Chomhroinnt Saoire agus Sochair Máithreachais, 2018**  
**Shared Maternity Leave and Benefit Bill 2018**

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*Mar a tionscnaíodh*

*As initiated*

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**AN BILLE UM CHOMHROINNT SAOIRE AGUS SOCHAIR MÁITHREACHAIS, 2018**  
**SHARED MATERNITY LEAVE AND BENEFIT BILL 2018**

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*Mar a tionscnaíodh*

*As initiated*

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ACTS REFERRED TO

Maternity Protection Act 1994 (No. 34)

Maternity Protection Acts 1994 and 2004

Paternity Leave and Benefit Act 2016 (No. 11)

Social Welfare Consolidation Act 2005 (No. 26)



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**AN BILLE UM CHOMHROINNT SAOIRE AGUS SOCHAIR MÁITHREACHAIS, 2018**  
**SHARED MATERNITY LEAVE AND BENEFIT BILL 2018**

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# Bill

*entitled*

An Act to amend the Maternity Protection Acts 1994 and 2004 and the Social Welfare Consolidation Act 2005 to make provision whereby parents can share their entitlement to maternity leave and to provide for related matters. 5

**Be it enacted by the Oireachtas as follows:**

## **Definitions**

1. In this Act, save where the context otherwise requires— 10

“Act of 1994” means the Maternity Protection Act 1994 (as amended by the Maternity Protection Act 2004);

“Act of 2005” means the Social Welfare Consolidation Act 2005;

“Act of 2016” means the Paternity Leave and Benefit Act 2016;

“date of confinement” has the same meaning as that assigned by section 51(1)(b) of the Social Welfare Consolidation Act 2005; 15

“Minister” means the Minister for Justice and Equality;

“relevant parent” has the same meaning as that assigned by section 2 of the Paternity Leave and Benefit Act 2016.

**Amendment of section 8 of Act of 1994** 20

2. (1) Section 8 of the Act of 1994 is amended by the insertion of the following new subsections—

“(1C) (a) Subject to this Part, a pregnant employee may, if she so wishes, share with an employee who is a relevant parent in relation to a child, that part of the pregnant employee’s ‘minimum period of maternity leave’ as set out in subsection (1) and shall be referred to in this Act as ‘shared leave’, 25

(b) section 31 of the Act of 2016 shall apply to ‘shared leave’ and shared leave shall be treated in the same manner as paternity leave for this purpose, 30

(c) any period of ‘shared leave’ shall be for the purposes of enabling a

relevant parent to provide or assist in the provision of care to the child or to provide support to the mother of the child or the relevant adopting parent as the case may be,

(d) a relevant parent's entitlement to paternity leave under section 6 of the Act of 2016 shall not be affected if said parent opts to accept a period of 'shared leave' under this section. 5

(1D) Entitlement to a period of shared leave shall be subject a to relevant parent—

(a) having, as soon as reasonably practicable but not later than four weeks before the commencement of a period of shared leave, notified in writing his or her employer (or caused his or her employer to be so notified) of his or her intention to take said leave, or 10

(b) having, at the time of the notification, given to a relevant parent's employer or produced for inspection by said employer, a medical or other appropriate certificate confirming the pregnancy of a pregnant employee specifying the expected week of confinement. 15

(1E) A notification under this section may be revoked by a further notification in writing by the employee concerned to a relevant parent's employer." 20

**Amendment of section 39(1) of Act of 2005**

3. Section 39(1) of the Act of 2005 (as amended by section 30 of the Act of 2016) is amended by the insertion of the following paragraph after paragraph (da):

“(daa) shared leave benefit,”.

**Amendment of section 61A of Act of 2005**

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4. Subsection (1) of section 61A of the Act of 2005 (as amended by section 31 of the Act of 2016) is amended by the insertion of the following—

“ ‘shared leave’ has the same meaning as it has in section 3(1) of the Maternity Shared Leave and Benefit Act 2018.”.

**Amendment of section 61B of Act of 2005**

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5. Section 61B of the Act of 2005 (as amended by section 31 of the Act of 2016) is amended by the substitution of the following for subsection (1):

“(1) Subject to this Act, a relevant parent shall be entitled to paternity benefit, and shared leave benefit pursuant to the Maternity Shared Leave and Benefit Act 2018 (if same applies), in respect of a period during which the relevant parent provides care in relation to a child where—” 35

### **Amendment of sections 61B, 61C, 61D and 61E of Act of 2005**

6. Sections 61B, 61C, 61D and 61E of the Act of 2005 (as amended by section 31 of the Act of 2016) are amended by the substitution of the following for “paternity benefit”—

“paternity benefit and shared leave benefit pursuant to the Maternity Shared Leave and Benefit Act 2018 (if same applies)”. 5

### **Regulations**

7. (1) The Minister may make regulations for the general purpose of this Act and may, by regulation, provide for any matter referred to in this Act as prescribed or to be prescribed.
- (2) Every regulation under this Act shall be laid before each House of the Oireachtas as soon as may be after it is made and, if a resolution annulling the regulation is passed by either such House within the next 21 days on which that House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under the regulation. 10
- (3) Regulations under this Act may contain such incidental, supplementary and consequential provisions as appear to the Minister to be necessary or expedient for the purposes of the regulations. 15

### **Short title and commencement**

8. (1) This Act may be cited as the Maternity Shared Leave and Benefit Act 2018.
- (2) This Act shall come into operation on such day or days as may be fixed by order or orders of the Minister. 20

An Bille um Chomhroinnt Saoire agus  
Sochair Máithreachais, 2018

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# BILLE

*(mar a tionscnaíodh)*

*dá ngairtear*

Acht do leasú na nAchtanna um Chosaint Mháithreachais, 1994 agus 2004 agus an Achta Comhdhlúite Leasa Shóisialaigh, 2005 chun socrú a dhéanamh trína bhféadfaidh tuismitheoirí a dteidlíocht chun saoire máithreachais a chomhroinnt agus do dhéanamh socrú i dtaobh nithe gaolmhara.

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*Na Teachtaí Lisa Nic Ambróis agus Fiona Ní  
Lochlainn a thug isteach,*

*12 Iúil, 2018*

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Shared Maternity Leave and Benefit Bill  
2018

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# BILL

*(as initiated)*

*entitled*

An Act to amend the Maternity Protection Acts 1994 and 2004 and the Social Welfare Consolidation Act 2005 to make provision whereby parents can share their entitlement to maternity leave and to provide for related matters.

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*Introduced by Deputies Lisa M. Chambers and  
Fiona O'Loughlin,*

*12th July, 2018*

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