



# **DÁIL ÉIREANN**

---

## **AN BILLE UM SHAOIRE AGUS SOCHAR TUISMITHEORA, 2019**

### **PARENT'S LEAVE AND BENEFIT BILL 2019**

#### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

---

[It is proposed to take Committee and Report stages of this Bill today. Accordingly, this list of amendments is circulated in advance of the conclusion of the Second Stage. 15-10-19]



# DÁIL ÉIREANN

---

## AN BILLE UM SHAOIRE AGUS SOCHAR TUISMITHEORA, 2019 —AN COISTE

### PARENT'S LEAVE AND BENEFIT BILL 2019 —COMMITTEE

---

#### *Leasuithe Amendments*

---

#### SECTION 5

1. In page 10, line 29, to delete “1 November 2019” and substitute “1 January 2019”.

—Martin Kenny, John Brady.

2. In page 10, line 31, to delete “1 November 2019” and substitute “1 January 2019”.

—Martin Kenny, John Brady.

#### SECTION 7

3. In page 15, line 17, to delete “1 November 2019” and substitute “1 January 2019”.

—Martin Kenny, John Brady.

4. In page 15, line 22, to delete “1 November 2019” and substitute “1 January 2019”.

—Martin Kenny, John Brady.

#### SECTION 18

5. In page 22, line 14, after “remuneration” to insert the following:

“or superannuation benefits or any obligation to pay contributions in or in respect of the employment”.

—Robert Troy.

#### SECTION 21

6. In page 24, between lines 3 and 4, to insert the following:

“**21.** (1) Where an employee is entitled to work pursuant to *section 20* but it is not reasonably practicable for the employer to permit the employee to return to work in accordance with that section, the employee shall be entitled to be offered by his or her employer suitable alternative employment under a new contract of employment.

(2) Work under a new contract of employment constitutes suitable alternative work for the purposes of this Act if—

(a) it is of a kind that is suitable in relation to the employee concerned and appropriate for the employee to do in the circumstances,

[SECTION 21]

- (b) the terms or conditions of the contract—
  - (i) relating to the place where the work under it is required to be done, the capacity in which the employee concerned is to be employed and any other terms or conditions of employment are not less favourable to the employee than those of his or her contract of employment immediately before the start of the period of absence from work while on parental leave, and
  - (ii) incorporate any improvement to the terms or conditions of employment to which the employee would have been entitled if he or she had not been so absent from work during that period,and
- (c) the continuity of service is preserved.”.

—Robert Troy.

SECTION 28

7. In page 27, to delete lines 6 to 9 and substitute the following:

“28. Section 58 of the Act of 2005 is amended—

- (a) in subsection (1), in paragraph (b)(iii) in the definition of “adopting parent” by the deletion of “sole”, and
- (b) in subsection (2), by the substitution of “Subject to this Act and section 6A of the Adoptive Leave Act 1995, an adopting parent shall be entitled to adoptive benefit” for “Subject to this Act, an adopting parent shall be entitled to adoptive benefit”.”.

—Jim O’Callaghan.

SECTION 29

8. In page 32, line 27, to delete “1 November 2019” and substitute “1 January 2019”.

—Martin Kenny, John Brady.

9. In page 32, line 30, to delete “1 November 2019” and substitute “1 January 2019”.

—Martin Kenny, John Brady.

10. In page 32, line 32, to delete “1 November 2019” and substitute “1 January 2019”.

—Martin Kenny, John Brady.

11. In page 32, lines 37 and 38, to delete “1 November 2019” and substitute “1 January 2019”.

—Martin Kenny, John Brady.

SECTION 36

12. In page 36, between lines 29 and 30, to insert the following:

“(a) in section 2(1), by the substitution of the following for the definition of “employed qualifying adopter”:

[SECTION 36]

“ ‘employed qualifying adopter’ means an employee who is a qualifying adopter in whose care a child (being a child in respect of whom neither the qualifying adopter, nor the husband or wife, nor the civil partner or cohabitant of that qualifying adopter, is the natural mother) has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption;”.

—Jim O’Callaghan.

13. In page 36, between lines 32 and 33, to insert the following:

“(b) in section 2(1A)(a)—

(i) by the substitution of the following for subparagraph (i):

“(i) a reference to ‘adopting father’ shall be construed as including the husband or wife of the qualifying adopter, the civil partner or cohabitant of the qualifying adopter where the husband or wife, civil partner or cohabitant, as the case may be, is an employee in whose care a child has been placed or is to be placed with a view to the making of an adoption order, or to the effecting of a foreign adoption or following any such adoption, where the qualifying adopter has died,”

and

(ii) in subparagraph (ii) by the insertion of “nor the husband or wife,” after “neither the qualifying adopter,”

and

(c) in section 2(1A)(b), by the insertion of the following after subparagraph (ii):

“(iii) where the couple are a married couple, the husband or wife chosen by that couple to be the qualifying adopter.”.

—Jim O’Callaghan.

SECTION 38

14. In page 37, between lines 28 and 29, to insert the following:

**“Amendment of section 11 of Parental Leave Act 1998**

38. Section 11 of the Parental Leave Act 1998 is amended—

(a) by the substitution of the following for subsection (1):

“(1) Subject to this section, where an employee has given a notice under section 8(1) to his or her employer and the employer is satisfied that the taking of parental leave at the time specified in the notice would have a substantial adverse effect on the operation of his or her business, profession or occupation by reason of seasonal variations in the volume of the work concerned, the unavailability of a person to

carry out the duties of the employee in the employment, the nature of those duties, the number of employees in the employment or the number thereof whose periods, or parts of whose periods, of maternity leave within the meaning of section 8 of the Maternity Protection Acts 1994 to 2004, paternity leave within the meaning of section 6 of the Paternity Leave and Benefit Act 2016, annual leave within the meaning of section 19 of the Organisation of Working Time Act 1997 or any other relevant matters, the employer may, by notice in writing given to the employee not later than 4 weeks before the intended commencement of the leave, postpone the commencement of the leave to such time not later than 6 months after the date of commencement specified in the relevant notice under section 8(1) as may be agreed upon by the employer and the employee.”,

and

(b) by the substitution of the following for subsection (4):

“(4) The commencement of parental leave in respect of a particular notice given pursuant to section 8(1) may not be postponed more than once under this section unless—

(a) a ground for the postponement is seasonal variation in the volume of the work concerned, and

(b) where that is a ground for the postponement, such commencement in respect of a particular notice given pursuant to section 8(1) may not be postponed more than twice.”.”

—Robert Troy.

#### NEW SECTION

15. In page 38, after line 20, to insert the following:

#### **“Extension of Adoptive Leave to same sex male married adopters**

39. (1) Paragraph (a) of subsection (1A) of section 2 of the Act of 1995 (as amended by the Children and Family Relationships Act 2015) is amended—

(a) in subparagraph (i) by the insertion of “spouse,” after “including”, and

(b) in subparagraph (ii) by the insertion of “spouse,” after “nor the”.

(2) Paragraph (b) of subsection (1A) of section 2 of the Act of 1995 (as amended by the Children and Family Relationships Act 2015) is amended—

(a) by the insertion of “or spouses” after “civil partners”, and

(b) by the insertion of the following after subparagraph (ii):

“or,

(iii) where the couple are a married couple of the same sex, the spouse chosen by that couple to be that qualifying adopter.”.”

—Martin Kenny, John Brady.