



**An Bille um Eagrú Ama Oibre (Saoire Foréigin Baile),
2019**
**Organisation of Working Time (Domestic Violence
Leave) Bill 2019**

Meabhrán Mínitheach
Explanatory Memorandum



**AN BILLE UM EAGRÚ AMA OIBRE (SAOIRE FORÉIGIN
BAILE), 2019
ORGANISATION OF WORKING TIME (DOMESTIC
VIOLENCE LEAVE) BILL 2019**

EXPLANATORY MEMORANDUM

Purpose of the Bill

The purpose of the Bill is to amend the Organisation of Working Time Act 1997 to create a statutory entitlement to paid leave for employees as a consequence of domestic violence.

Section 1 provides for the definition of the Organisation of Working Time Act 1997 used in this Bill.

Section 2 inserts a new definition of ‘domestic violence leave’ into the Principal Act.

Section 3 adds the provision of the domestic violence leave to the types of paid leave not included in the reference period applied when calculating weekly working hours for the purpose of the application of the 48 weekly working hours cap provided for under this section of the Principal Act.

Section 4 includes ‘domestic violence leave’ in the definitions for ‘nightly working hours’ provided for under this section of the Principal Act.

Section 5 provides definitions for ‘coercive control’, a ‘dependent person’, ‘domestic violence’ and a ‘relevant person’ to whom this legislation applies to. This section also sets out the basis on which an employee is entitled to domestic violence leave; the manner in which the leave is taken and notification given to the employer; the pay entitlement of the employee; the employees employment rights protections when taking this leave; the limited circumstances in which the employer may terminate or refuse domestic violence leave to an employee and the role of the Workplace Relations Commission in adjudicating in a dispute between an employee and employer in relation to the entitlements of the employee under this section of the Bill.

Section 6 amends the 1967 Act to include the provision of the domestic violence leave entitlement.

Section 7 amends the 1977 Act to include the domestic violence leave entitlement.

Section 8 amends the 2015 Act to include the domestic violence leave entitlement.

Section 9 provides for the short title of the Bill, its construction and citations, and commencement provisions.

*Mary Lou McDonald, TD, Maurice Quinlivan, TD
Nollaig, 2019.*