



SEANAD ÉIREANN

**AN BILLE UM CHOITHROMAÍOCHT OIBRE AGUS SAOIL
AGUS FORÁLACHA ILGHNÉITHEACHA, 2022
WORK LIFE BALANCE AND MISCELLANEOUS
PROVISIONS BILL 2022**

**LEASUITHE COISTE
COMMITTEE AMENDMENTS**

SEANAD ÉIREANN

AN BILLE UM CHOTHROMAÍOCHT OIBRE AGUS SAOIL AGUS FORÁLACHA ILGHNÉITHEACHA, 2022 —AN COISTE

WORK LIFE BALANCE AND MISCELLANEOUS PROVISIONS BILL 2022 —COMMITTEE STAGE

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

SECTION 3

1. In page 7, line 12, after “child,” to insert “foster parent,”.

—Senators Alice-Mary Higgins, Lynn Ruane.

SECTION 4

2. In page 8, line 8, to delete “26 weeks” and substitute “one week”.

—Senators Fintan Warfield, Niall Ó Donnghaile, Lynn Boylan, Paul Gavan.

SECTION 6

3. In page 9, between lines 11 and 12, to insert the following:

“(2A) Subsection (1) shall also apply to the following persons where a person is in need of significant care or support for a serious medical reason and no persons prescribed under subsection (2) have applied for medical leave for that case—

- (a) a niece or nephew of the employee,
- (b) an aunt or uncle of the employee, or
- (c) a grandchild of the employee.”.

—Senators Alice-Mary Higgins, Lynn Ruane.

4. In page 9, line 14, to delete “5 days” and substitute “10 days”.

—Senators Fintan Warfield, Niall Ó Donnghaile, Lynn Boylan, Paul Gavan.

5. In page 9, to delete lines 36 to 39, and in page 10, to delete lines 1 to 7.

—Senators Fintan Warfield, Niall Ó Donnghaile, Lynn Boylan, Paul Gavan.

SECTION 7

- *6. In page 11, line 1, to delete “Síochána.” and substitute “Síochána;”.

- *7. In page 11, between lines 1 and 2, to insert the following:

“(viii) seek or obtain any other relevant services.”.

[SECTION 7]

8. In page 11, to delete lines 38 and 39.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

9. In page 11, to delete lines 42 and 43, and in page 12, to delete lines 1 to 3.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

10. In page 12, line 6, after “opinion” to insert “, including that of service providers working in the area of domestic violence”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

11. In page 12, between lines 9 and 10, to insert the following:

“(fa) the views of service providers working in the area of domestic violence;”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

12. In page 12, line 13, to delete “in *loco parentis*” and substitute “providing parental care”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 8

13. In page 13, line 2, after “arrangements” to insert “including”.

—*Senator Emer Currie.*

14. In page 13, line 3, after “**arrangement**” to insert “**including**”.

—*Senator Emer Currie.*

15. In page 13, to delete lines 4 to 37, and in page 14, to delete lines 1 to 11 and substitute the following:

“**13B.** (1) Any employee may request a flexible working arrangement.”.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

16. In page 13, line 5, to delete all words from “who” down to and including “child” in line 7.

—*Senator Emer Currie.*

17. In page 13, line 24, to delete “shall” and substitute “may”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

18. In page 13, line 26, to delete “12 years” and substitute “16 years”.

—*Senator Sharon Keogan.*

19. In page 13, line 30, to delete “12 years” and substitute “16 years”.

—*Senator Sharon Keogan.*

20. In page 13, to delete line 35.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 8]

21. In page 13, line 35, to delete “16 years” and substitute “18 years”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Sharon Keogan.*

22. In page 14, to delete lines 2 to 4.

—*Senators Fintan Warfield, Niall Ó Donnghaile, Lynn Boylan, Paul Gavan, Emer Currie, Alice-Mary Higgins, Lynn Ruane.*

23. In page 14, to delete lines 2 to 11.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

24. In page 14, line 2, after “not” to insert “, subject to the approval of the employer and the employee,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

25. In page 14, line 6, to delete “26 weeks” and substitute “one week”.

—*Senators Fintan Warfield, Niall Ó Donnghaile, Lynn Boylan, Paul Gavan.*

26. In page 14, line 27, after “certificate” where it firstly occurs to insert “, care order, voluntary care agreement”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

- *27. In page 14, line 29, to delete “(1)(b):” and substitute “(1)(b)—”.

- *28. In page 14, line 37, to delete “is signed,” and substitute “is signed by the employer and the employee,”.

29. In page 15, line 10, to delete “reason.” and substitute the following:

“reason, and

(c) a legally binding statement, written and signed by a registered medical practitioner within the meaning of section 2 of the Medical Practitioners Act 2007, setting out in detail the medical reasons that the person for whom the care or support is to be provided requires such care or support.

(10) A medical practitioner who provides a medical certificate or statement pursuant to subsection (9)(c) may, in the event of such documents being used in the proceedings of the Workplace Relations Commission, be called upon to give evidence in relation to such.”.

—*Senator Sharon Keogan.*

30. In page 15, line 14, after “needs” to insert “, relevant to the functioning of his or her business,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

31. In page 15, line 14, after “needs” to insert “, relevant to the fulfilling of the employee’s duties,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 8]

*32. In page 15, to delete lines 22 and 23 and substitute the following:

“(II) the date of commencement and the duration of the flexible working arrangement.”.

33. In page 15, between lines 32 and 33, to insert the following:

“(2A) Where an extension under subsection (2) occurs, the employer shall notify the employee in writing of the reasonable grounds upon which such the extension is required.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

*34. In page 15, line 39, after “signed” to insert “by the employer and the employee”.

*35. In page 16, line 10, after “signed” to insert “by the employer and the employee”.

36. In page 17, line 10, after “occupation” to insert “that are reasonable and demonstratable”.

—*Senator Emer Currie.*

37. In page 17, between lines 18 and 19, to insert the following:

“(1A) Where a termination of a flexible working agreement occurs due to circumstances described in subsection (1)(a), the termination shall only be valid for the period in which such seasonal variations occur and upon the conclusion of that period the flexible working agreement shall resume.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

*38. In page 18, line 3, after “signed” to insert “by the employer and the employee”.

*39. In page 18, line 7, to delete “commencement” and substitute “approval”.

*40. In page 18, to delete lines 11 to 17 and substitute the following:

“(3) An employer who receives a request referred to in subsection (1) shall—

(a) consider that request, having regard to his or her needs and the employee’s needs, and

(b) as soon as reasonably practicable but not later than 4 weeks after receipt of the request, by notice in writing, respond to the employee to inform him or her—

(i) that the request has been approved, or

(ii) that the request has been refused and of the reasons for the refusal.”.

[SECTION 8]

*41. In page 18, line 25, to delete “commencement” and substitute “approval”.

*42. In page 19, line 21, after “2019/1158” to insert “of 20 June 2019”.

43. In page 19, between lines 23 and 24, to insert the following:

“(2) The Minister shall, within 3 months of the establishment of this Act, establish an online consultancy portal, maintained and managed by the Department for Enterprise, Trade and Employment, through which employers and employees can submit testimonials of how the provisions of this Part have impacted their business and/or employment, to be used by the Minister to assist in his or her review of the operation of this Part.”.

—*Senator Sharon Keogan.*

SECTION 13

*44. In page 22, line 16, to delete “section 13F” and substitute “section 13F(3)”.

*45. In page 22, line 33, to delete “(3)” and substitute “(3)(b)”.

46. In page 22, lines 40 and 41, to delete “ shall not assess the merits of” and substitute “may where appropriate consider and take into account the reasonableness of”.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

*47. In page 22, to delete lines 42 and 43 and substitute the following:

“(a) the decision of the employer reached following his or her consideration under section 13C(1)(a) of the employee’s request,”.

SECTION 15

48. In page 23, line 29, after “years” to insert “or when the employment ceases”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

49. In page 23, line 31, after “years” to insert “or when the employment ceases”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 16

*50. In page 24, line 9, to delete “21(1)(a)” and substitute “21(1)(b)(i)”.

SECTION 20

51. In page 26, to delete lines 18 to 20.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall, Emer Currie.*

52. In page 26, line 18, after “not” to insert “, subject to the approval of the employer and the employee,”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 21

53. In page 27, line 15, after “needs” to insert “, relevant to the functioning of his or her business”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

[SECTION 21]

*54. In page 27, to delete lines 26 and 27 and substitute the following:

“(ii) provide a notice in writing informing the employee that the request has been refused and of the reasons for the refusal, or”.

SECTION 22

55. In page 28, to delete lines 8 and 9.

—*Senator Emer Currie.*

56. In page 28, line 12, after “occupation” to insert “that are reasonable and demonstratable”.

—*Senator Emer Currie.*

57. In page 28, line 13, after “her” to insert “business”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

58. In page 28, between lines 19 and 20, to insert the following:

“(2) Where a termination of a remote working agreement occurs due to circumstances described in *subsection (1)(a)*, the termination shall only be valid for the period in which such seasonal variations occur and upon the conclusion of that period the flexible working agreement shall resume.”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

*59. In page 28, line 21, to delete “employee concern” and substitute “employee concerned”.

*60. In page 28, line 34, to delete “each”.

SECTION 24

*61. In page 29, line 10, after “signed” to insert “by the employer and the employee”.

*62. In page 29, to delete lines 20 to 23 and substitute the following:

“(b) as soon as reasonably practicable but not later than 4 weeks after receipt of the request, by notice in writing, respond to the employee to inform him or her—

(i) that the request has been approved, or

(ii) that the request has been refused and of the reasons for the refusal.”.

SECTION 27

63. In page 32, line 5, to delete “shall not assess the merits of” and substitute “may where appropriate consider and take into account the reasonableness of”.

—*Senators Marie Sherlock, Annie Hoey, Rebecca Moynihan, Mark Wall.*

*64. In page 32, line 15, to insert “alternative” after “the” where it thirdly occurs.

SECTION 29

65. In page 32, after line 39, to insert the following:

“(2) The Minister shall, within 3 months of the establishment of this Act, establish an online consultancy portal, maintained and managed by the Department for Enterprise, Trade and Employment, through which employers and employees can submit testimonials of how the provisions of this Part have impacted their business and/or

[SECTION 29]

employment, to be used by the Minister to assist in his or her review of the operation of this Part.”.

—*Senator Sharon Keogan.*

SECTION 31

*66. In page 33, line 9, to delete “Minster” and substitute “Minister”.

*67. In page 33, line 29, to delete “Minster” and substitute “Minister”.

SECTION 34

68. In page 34, line 31, after “her” to insert “or their”.

—*Senators Alice-Mary Higgins, Lynn Ruane.*

SECTION 40

*69. In page 36, to delete line 38.

*70. In page 37, lines 1 and 2, to delete “Maternity Protection Act 1994” and substitute “Act of 1994”.

*71. In page 37, lines 3 and 4, to delete “Maternity Protection Act 1994” and substitute “Act of 1994”.

*72. In page 37, line 31, to delete “*Section 28*” and substitute “*Section 27*”.

*73. In page 37, line 36, to delete “*Section 28*” and substitute “*Section 27*”.

TITLE

74. In page 5, line 11, after “arrangements” to insert the following:

“including but not limited to options such as core working hours, compressed hours, reduced hours or flexi hours”.

—*Senator Emer Currie.*