



SEANAD ÉIREANN

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

**LEASUITHE TUARASCÁLA
REPORT AMENDMENTS**

SEANAD ÉIREANN

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

WORK LIFE BALANCE AND MISCELLANEOUS PROVISIONS BILL 2022 —REPORT

Leasuithe Amendments

**Government amendments are denoted by an asterisk*

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

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.

2. 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, Frances Black, Eileen Flynn.

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 grandchild of the employee.”.

—Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.

4. In page 11, to delete lines 15 to 43, and in page 12, to delete lines 1 to 10, and substitute the following:

“(5) The pay in respect of an employee’s domestic violence leave shall—

- (a) where applicable, be paid to the employee in advance of his or her taking the leave,
- (b) be at the normal weekly rate, or as the case may be, at a rate which is proportionate to the normal weekly rate, and

(c) in a case in which board or lodging or, as the case may be, both board and lodging constitute part of the employee’s remuneration, include compensation, calculated at the prescribed rate, for any such board or lodging as will not be received by the employee whilst on domestic violence leave.

(6) In this section, ‘normal weekly rate’ means the normal weekly rate of the pay of the employee concerned determined in accordance with regulations made by the Minister for the purposes of this section.”.

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

5. In page 11, line 15, to delete “a prescribed daily rate of pay” and substitute “his or her normal daily rate of pay”.

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

6. In page 11, to delete lines 19 to 43, and in page 12, to delete lines 1 to 10.

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

*7. In page 11, to delete lines 38 and 39.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

*8. In page 11, line 40, to delete “(b) the state” and substitute “(a) the state”.

*9. In page 11, line 42, to delete “(c) the potential” and substitute “(b) the potential”.

10. 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, Frances Black, Eileen Flynn.*

*11. In page 12, line 4, to delete “(d) annual” and substitute “(c) annual”.

12. In page 12, between lines 5 and 6, to insert the following:

“(da) the potential impact that the rate of domestic violence leave pay may have on persons experiencing certain forms of domestic violence, in particular persons experiencing coercive control or financial control;”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

*13. In page 12, to delete lines 6 to 8 and substitute the following:

“(d) expert opinion, including that of victim services organisations, research and national and international reports relating to the matters specified at paragraphs (a)# to (c)# that the Minister considers relevant;”.

[#This is the correct reference if amendment No. 7 is accepted.]

14. 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, Frances Black, Eileen Flynn.*

- *15. In page 12, line 9, to delete “(f) the views” and substitute “(e) the views”.
16. 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, Frances Black, Eileen Flynn.*
- *17. In page 12, line 10, to delete “(g) such” and substitute “(f) such”.
18. In page 12, between lines 10 and 11, to insert the following:
“(7A) The Minister shall, within 6 months of the passing of this Act, lay a report before both Houses of the Oireachtas outlining the potential for the rate of domestic violence leave pay to match the normal pay of an individual availing of this leave in order to protect the individual where they are experiencing coercive control or financial control.”
—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*
19. In page 12, line 13, to delete “in *loco parentis*” and substitute “providing parental care”.
—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*
20. In page 13, line 24, to delete “shall” and substitute “may”.
—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*
21. In page 13, line 24, after “shall” to insert “, subject to the approval of the employer and the employee,”.
—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*
22. In page 13, line 35, to delete “16 years” and substitute “17 years”.
—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*
23. In page 13, line 35, to delete “16 years” and substitute “21 years”.
—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*
24. In page 14, to delete lines 2 to 4 and substitute the following:
“(4) Subject to the approval of the employer and employee, an employee’s approved flexible working arrangement shall not commence before a time when the employee concerned has completed 6 months continuous employment with the employer concerned.”
—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*
25. In page 14, between lines 4 and 5, to insert the following:
“(4A) Subsection (4) shall not apply where an employer and employee agree to commence an employee’s approved flexible working arrangement

prior to the completion of 6 months continuous employment with the employer concerned.”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

26. In page 14, line 28, after “1995” to insert “or a care order or a voluntary care agreement”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

27. 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.

(5) 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.”.

—*Senators Sharon Keogan, Gerard P. Craughwell.*

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

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

29. In page 15, line 30, after “may” to insert “, where that employer has provided notice in writing of their rationale,”.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

30. In page 16, to delete line 42.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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

“(1A) An employer may also terminate an agreement under subsection (1) where the employer is satisfied that the flexible working arrangement would have, or is having, 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, however 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, Frances Black, Eileen Flynn.*

- *32. In page 19, line 15, to delete “13H. The Minister” and substitute “13H. (1) The Minister”.
- *33. In page 19, lines 21 to 23, to delete all words from and including “and” in line 21 down to and including line 23 and substitute the following:

“and may, as part of the review, consider whether the right to request a flexible working arrangement should be extended to all employees.

- (2) The Minister shall prepare a report in writing of the findings of the review conducted under subsection (1) and shall cause copies of the report to be laid before each House of the Oireachtas.”.

34. 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.”.

—*Senators Sharon Keogan, Gerard P. Craughwell.*

- *35. In page 23, lines 22 to 24, to delete all words from and including “parental” in line 22 down to and including line 24 and substitute “the leave or arrangement concerned.”.

- *36. In page 23, line 26, to delete “and” where it secondly occurs.

- *37. In page 23, to delete lines 27 to 31 and substitute the following:

“(ii) in paragraph (b), by the substitution of “8 years, and” for “8 years,”, and

(iii) by the insertion of the following paragraph after paragraph (b):

“(c) where the record is in respect of leave for medical care purposes, domestic violence leave or an approved flexible working arrangement, for a period of 3 years,”.

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

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

- *40. In page 23, line 33, to delete “paragraph (a), (b), (c) or (d)” and substitute “paragraph (a), (b) or (c)”.

- *41. In page 26, line 13, after “Expenditure” to insert “, National Development Plan Delivery”.

42. In page 28, to delete line 7.

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

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

“(2) An employer may also terminate an agreement under *subsection (1)* where the employer is satisfied that the flexible working arrangement would have, or is having, 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, however 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, Frances Black, Eileen Flynn.*

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

—*Senators Sharon Keogan, Gerard P. Craughwell.*

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

—*Senators Alice-Mary Higgins, Lynn Ruane, Frances Black, Eileen Flynn.*

*46. In page 36, line 33, after “Expenditure” to insert “, National Development Plan Delivery”.