



**Tithe an
Oireachtais**
**Houses of the
Oireachtas**

An Comhchoiste um Leanaí, Míchumas, Comhionannas agus Lánpháirtíocht

Tuarascáil maidir leis an nGrinnscrúdú
Réamhreachtach ar Scéim Ghinearálta an Bhille um
Shaoire agus Sochar Tuismitheora (Leasú) 2020

Feabhra 2021

**Joint Committee on Children,
Disability, Equality and Integration**
Report on pre-legislative scrutiny of the
General Scheme of the Parents' Leave
and Benefit (Amendment) Bill 2020

February 2021



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**JOINT COMMITTEE ON CHILDREN, DISABILITY, EQUALITY AND
INTEGRATION**

**Report on pre-legislative scrutiny of the General Scheme of the
Parents' Leave and Benefit (Amendment) Bill 2020**

February 2021

CDEI 33 002

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Cathaoirleach's Preface

As Cathaoirleach of the Joint Committee on Children, Disability, Equality and Integration, I welcome the opportunity for the Committee to engage in the pre-legislative Scrutiny process for this important Bill. I hope the work of the Committee will assist the Government in strengthening the provisions contained in the draft legislation.

The Government, in its Programme for Government and in last October's Budget, committed to increasing the period of Parent's Leave from two weeks to five weeks to be taken in the first two years (24 months), increasing from one year (12 months), from the time of a child's birth, or placement with parents in the case of adoption. The Bill under discussion seeks to achieve this commitment.

The Committee acknowledges that this is a step in the right direction, however it is of the view that the Minister needs to set out a road map for enhancing parental leave and childcare policies further, in line with EU directives and best practice. Family leave legislation needs to be enhanced to allow greater take-up of the parent's leave benefit and to assist parents to achieve an improved work-life balance.

On foot of its deliberations, the Committee has identified key issues and arrived at several recommendations. The Committee hopes these will assist and inform the Government in fine-tuning the proposed legislation.

A copy of the report has been sent to the Minister for Children, Disability, Equality, Integration and Youth.



Kathleen Funchion T.D.
Cathaoirleach

23rd February 2021

Background

General Scheme

Leave policies are intended to bolster and support gender equality. They are also important policy instruments for supporting child, maternal and paternal health and well-being, birth rates and various labour-market outcomes, such as increased women's participation in the labour market and reduced gender pay gaps.

In Ireland, there is a distinction between *parental leave* and *parent's leave*, although they both fall under the broader umbrella of 'parental leave' policies. Parental leave refers to unpaid leave to look after a child for up to 26 weeks until a child's 12th birthday, extended to 16 years of age in the case of a child with disabilities, and is provided for in Parental Leave Act 1998.

Parent's Leave is a period of two weeks paid parental leave, as opposed to the unpaid and longer variety noted above. The payment rate for Parent's Leave, 'Parent's Benefit', is €245 per week. This Benefit is paid by the Department of Social Protection subject to individuals holding the required social insurance (PRSI) contributions. Parent's Benefit may be 'topped up' by employers to bring the overall payment in line with the salary of the eligible parent. Parent's Leave and Parent's Benefit is currently provided for in legislation by the Parent's Leave and Benefit Act 2019. It is Parent's Leave and Benefit that the Bill under discussion in this paper addresses.

In March 2020 in accordance with European Union (Scrutiny) Act 2002 the Minister for Employment Affairs and Social Protection provided an update on Ireland's response to the [EU Directive on Work-life Balance for Parents and Carers \(European Council Directive 2019/1158\)](#). The report notes that while the Directive requires Member States to transpose the Directive into domestic law by August 2022, there is a two-year extension to August 2024, for Member States to implement some aspects of the paid parental leave period required under the Directive. Of relevance to this General Scheme, the report states that Parent's Leave and Benefit Act 2019 is "*a first step towards the phased implementation of the provisions of this Directive*".

The Government approved drafting of the Parent's Leave and Benefit (Amendment) Bill 2020 on 8 December 2020, a General Scheme of the Bill was also published on the same day. The Bill was subsequently referred to the Oireachtas Joint Committee on Children, Equality, Disability and Integration ('the Committee') on the 08th of January 2021, for the purpose of Pre-legislative scrutiny (PLS) in line with Dáil Standing Order 173.

The General Scheme follows on from some developments in enhancing parental leave arrangements in Ireland over recent years.

A copy of the draft general scheme can be found [here](#).

Need for legislation

At the heart of the General Scheme are proposals to amend the Principal Act with the effect of extending the entitlement of Parent's Leave and Benefit for each qualifying parent from two weeks to five weeks and to increase the period during which this can be taken from one year to two years from the date of birth/adoption. These changes are welcome and warranted and are a step in the right direction in terms of meeting the requirements of the EU Directive on Work-life Balance for Parents and Carers.

The need for this legislation goes well-beyond an obligation to meet the EU Directive. Countless studies have shown the link between increased parental leave and improved outcomes for parents and children. The time at home that such policies provide brings benefits for both parents and babies well-being and development. Furthermore, progressive parental leave policies increase birth-rates and play an important role in improving gender equality, female participation in the labour market and reduced gender pay gaps¹. Ireland's policies in this area compare poorly with most EU countries². The Covid-19 pandemic has further strengthened the case for progressing legislation of this nature as parents have faced huge challenges in balancing work with childcare.

Pre-legislative scrutiny by the Committee

On 8th January 2021, the Minister for Children, Disability, Equality, Integration and Youth referred the General Scheme of the Parent's Leave and Benefit (Amendment) Bill 2020, to the Committee to consider in terms of pre-legislative scrutiny ('PLS').

As part of its scrutiny of the Draft Heads of the General Scheme, the Committee identified, a number of relevant stakeholders and invited them to provide written submissions. The Committee also identified key issues that should be addressed by the Minister before the legislation progresses further.

Key issues identified by the Committee

Key issue 1: Duration of Parent's Leave

As noted above, the increase in duration is welcome, but at the time this legislation was originally debated, the then government signalled an intention to increase the duration of Parent's Leave and Benefit to nine weeks. Thus, sections 5(7) and 5(8) of the Act provide for the extension of both Parent's Leave and Parent's Benefit up to maximum of nine weeks. In this context and that of Directive (EU) 2019/1158 on work-life balance and the current significant gap between the end of paid leave and the beginning of formal childcare provision

¹ European Institute for Gender Equality (2019), Gender equality index 2019 – work/life balance, parental leave policies.

² Coen, L. (2016) "Mind the gap: parenting, leave and childcare in Europe" in Oireachtas Library and Research Service, Research Matters for the 32nd Dáil and 25th Seanad. Dublin: Oireachtas Library and Research Service.

relative to our EU counterparts, the Minister should outline how and when it is proposed to extend on the current proposals and meet the requirements of the Directive?

Key Issue 2: Rate of Payment

There is a strong case for reassessing the current rate of payment of Parent's Benefit, which currently stands at €245 per week. Crucially, there is a lack of take-up among men³. An increase in the payment would likely increase take-up of the Leave and therefore would better achieve the objectives of the forthcoming Bill and wider policy goals in respect of family leave. Currently, the rate and duration of payment is low compared with other EU Member States. In a recent spending review, DPER found that average weekly net earnings in the private sector for the first quarter of 2020 was €642 per week which is over 2.5 times the Parent's Benefit rate of payment⁴.

Furthermore, the Committee notes that Ireland does not provide a payment in respect of statutory parental leave, as most EU Member states do. Ireland is one of just seven countries that do not. Ireland is also an outlier in respect of the duration of time between parent's leave entitlements and early childhood education and care. A lack of gaps between the end of leave provision and the start of subsidised, high-quality education and care is linked to greater women's participation in the labour market⁵. Ireland has a gap of 17.6 months in this regard. Twelve Member States have no gap at all. While parental leave is not addressed in this Bill it is imperative that a payment for it is introduced in future legislation and that this gap is narrowed.

Key issue 3: Commencement of Parent's Leave and retrospection

In the press releases and statement accompanying publication of the General Scheme, it was stated that the Scheme would not commence before April 2021, due to the need for ICT related changes to be made by the Department of Social Protection for proper operation of Parent's Benefit. It has been stated that, given this, it is intended that the provisions of the Bill, namely the payment of 'backdated' Parent's Benefit, if enacted may provide retrospectively for those who choose to take Parent's Leave before April 2021. There is a need to clarify how this will be treated in the Bill. How will it apply to the broad variety of potential beneficiaries and be accounted for in the Bill's provisions? Clarifying this mechanism now is one way in which the Government can help families who have been juggling the competing demands of working and parenting during the Covid-19 pandemic.

Key issue 4: Inclusion of parents who did not benefit from the Act when the upper limit of eligibility was set at one year

3 CSO (2020) Employment Analysis of Maternity and Paternity Benefit, 2016-2019, Dublin/Cork: CSO.

4 Newman, F. and Ryan, C. (2020) Focused Policy Assessment: Paid Parent's Leave Scheme, Spending Review 2020, Dublin: Pay Policy Unit, Department of Public Expenditure and Reform.

5 European Institute for Gender Equality (2019), Gender equality index 2019 – work/life balance, parental leave policies.

As currently set out, the General Scheme provides for the extension of eligibility for Parent's Leave and Benefit from one to two years. To optimise take-up of this entitlement, the Minister should ascertain how best to target those parents who may not have benefitted, for whatever reason, from the leave and associated benefit during their child's first year or first year of placement following adoption. This would have the result of increasing the benefit of the Act's provision to a broader number of parents and their children.

Key issue 5: Broader inclusion of the wide range of families in modern Ireland

The general scheme does not provide for surrogate parents. This group has been excluded from accessing a range of supports and protections for families to date. The Minister should look to expand protections and entitlements for this group where possible, including in relation to Parent's leave. Furthermore, specific provisions should be made for lone parents. The difficulties experienced by lone parents in accessing childcare services and returning to work as well as their disproportionately high exposure to poverty have been well documented by the ESRI⁶, and more recently the Period Poverty Sub-Committee of the National Strategy for Women and Girls 2017–2020⁷. Strikingly, 86 per cent of lone parents are women, so failure to make suitable provisions for this cohort of parents will adversely affect women and could worsen gender inequality. The Committee recommends that lone parents should be given access to double the amount of statutory Parent's Leave, i.e. 10 weeks. To avoid fraud and the exacerbation of leave patterns associated with traditional gender roles this provision could be linked to the Single Person Child Carer Credit (SPCCC) - a tax credit for people who are caring for children on their own. The composition of families in modern Ireland is evolving and legislation should be future proofed to ensure it benefits a wide range of parents and children.

Key issue 6: More flexible working arrangements

European Council Directive 2019/1158 provides for the right to request flexible working arrangements including, where possible, through the use of remote working arrangements, flexible working schedules, or a reduction in working hours, for the purposes of providing care. The Committee recommends that this be provided for in national legislation. This has become more urgent given the impact of Covid-19 on childcare and education and the competing demands this has put on parents striving for work-life balance.

⁶ <https://www.esri.ie/system/files/media/file-uploads/2015-07/BKMNEXT238.pdf>

⁷ <https://www.gov.ie/en/publication/264f4-period-poverty-in-ireland-discussion-paper-period-poverty-sub-committee-national-strategy-for-women-and-girls-20172020-february-2021/>

As previously stated, as part of its scrutiny of the Draft Heads of the General Scheme, the Committee sought written submissions from a selection of relevant individuals and groups.

The following stakeholders were invited to make written submissions as part of the scrutiny process:

- National Women's Council (NWC)
- One Family
- Professor Stephen Koeppen – UCD

Additional submissions were provided by the following individuals or groups:

- The National One Parent Family Alliance, whose member organisations include:
 - Bernardos
 - Children's Rights Alliance
 - FLAC (Free Legal Advice Centres)
 - Focus Ireland
 - National Women's Council
 - One Family
 - Society of St Vincent de Paul
 - SPARK (Single Parents Acting for the Rights of our Kids)
 - Treoir
- Senator Emer Currie - Fine Gael Seanad Spokesperson Employment Affairs and Work/Life Balance

Following consideration of these written submissions, the Committee arrived at certain conclusions and made recommendations, which can be found on page 10.

Stakeholder Views

Stakeholders consulted highlighted the extent to which Ireland falls drastically short of international standards in terms of family leave policy compared to other developed nations. Many pointed to the fact that no new primary legislation would be required to extend parental leave to nine weeks, rather, the 2019 Act empowers the relevant Ministers to do so already. All pointed to the obligations Ireland will face in this and other regards under EU Directive 2019/1158, and many implored the Minister to legislate for the provisions of that Directive in full now rather than meeting the minimum standards it requires in a piecemeal way.

Lone parents were highlighted as a particularly vulnerable group, who should be legislated for urgently. The consensus among stakeholders is that a lone parent should be given access to double the amount of statutory Parent's Leave. Many stakeholders referenced the Revenue-administered Single Person Child Carer Credit (SPCCC) as a potential solution to mitigate fraud in such a scheme. Evidence from the '*Growing Up in Ireland*' study showed lone parents are more likely to be back in work at six months post-birth out of financial necessity. The study also highlighted that these parents are more likely to have left work again by nine months post-birth than women in two-parent households due to childcare issues. These were perhaps the most widely referenced findings in the submissions received. Crucially this shows that lone parents are eager to work but that the correct family leave policies to enable this are just not there. The right policy solution here could have significant net benefits in terms of both child wellbeing and labour activation.

Stakeholders referenced progressive family leave policies currently in operation in a number of other countries, including Sweden, Iceland and Norway. One stakeholder goes further in his recommendations. He suggests a number of more flexible leave arrangements for Government to consider based on policies in other jurisdictions, including very flexible options for taking paid leave and extra entitlements in the case of multiple births. The creative ways in which these countries have addressed family leave policies are further detailed in the submissions. Key to these solutions are flexible arrangements in which the wellbeing of children and parents is paramount.

Conclusions and Recommendations

The Joint Committee:-

1. Requires the Minister to outline how and when it is proposed to extend on the current proposals to increase the period of Parents Leave to nine weeks and meet the requirements of Directive (EU) 2019/1158.
2. Recommends that the Minister re-assesses the current rate of payment of Parent's Benefit with the aim of increasing it, to better achieve the objectives of the forthcoming Bill and wider policy goals in respect of family leave.
3. Recommends that the Bill should make clear provisions for the arrangements for access to retrospective payments of Parent's Leave pre 1 April 2021.
4. Recommends that the Minister should consider how best to target those parents who may not have benefitted from the leave and associated benefit during their child's first year or first year of placement following adoption (children, in the case of multiple births).
5. Recommends that specific provisions should be made for the broad range of families in modern Ireland, including surrogate parents and lone parents. In the case on lone parents, access to double the amount of statutory Parent's Leave, i.e. 10 weeks, should be provided. The Revenue administered Single Person Child Carer Credit (SPCCC) should be examined as a potential mechanism to identify the parent who is the primary carer and to qualify them for access to double the amount of statutory Parent's Leave.
6. Recommends that priority should be given to legislating for the right to request flexible working arrangements in order to provide care, as outlined in European Council Directive 2019/1158, especially in the face of the challenges posed by Covid-19.
7. Calls on the Minister to introduce further legislation to allow for payment for Parental Leave.

Appendix 1 – Committee Membership

List of Members of the Joint Committee on Children, Disability, Equality and Integration

Deputies: Patrick Costello (GP)
Cathal Crowe (FF)
Alan Dillon (FG)
Jennifer Murnane O'Connor (FF)
Kathleen Funchion (SF) [Cathaoirleach]
John Paul Phelan (FG)
Sean Sherlock (LAB)
Mark Ward (SF)
Jennifer Whitmore (SD)

Senators: Mary Fitzpatrick (FF)
Sharon Keogan (IND)
Erin McGreehan (FF)
Lynn Ruane (IND)
Mary Seery Kearney (FG)

Notes:

1. Deputies nominated by the Dáil Committee of Selection and appointed by Order of the Dáil of 8 September 2020.
2. Senators nominated by the Seanad Committee of Selection and appointed by Order of the Seanad on 25 September 2020.
3. Deputy Kathleen Funchion appointed as Chair by the Report of the Committee of selection and appointment of chairs by Dáil resolution on 8 September 2020.
4. Deputy Patrick Costello was appointed as Vice-Chair on 3 November 2020.
5. Deputy Joe Flaherty discharged and Deputy Jennifer Murnane O'Connor appointed to serve in his stead by the seventh Report of the Dáil Committee of Selection as agreed by Dáil Éireann on 3 February 2021.

Appendix 2 - Orders of Reference

Scope and Context of Activities of Committees (derived from Standing Orders – DSO 94 (2), SSO 70)

- a) The Joint Committee may only consider such matters, engage in such activities, exercise such powers and discharge such functions as are specifically authorised under its orders of reference and under Standing Orders;
- b) Such matters, activities, powers and functions shall be relevant to, and shall arise only in the context of, the preparation of a report to the Dáil/and or Seanad;
- c) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Committee of Public Accounts pursuant to Standing Order 218 and/or the Comptroller and Auditor General (Amendment) Act 1993;
- d) The Joint Committee shall not consider any matter which is being considered, or of which notice has been given of a proposal to consider, by the Joint Committee on Public Petitions in the exercise of its functions under Standing Order 125 (1); and
- e) The Joint Committee shall refrain from inquiring into in public session or publishing confidential information regarding any matter if so requested, for stated reasons given in writing, by—
 - (i) a member of the Government or a Minister of State, or
 - (ii) the principal office-holder of a body under the aegis of a Department or which is partly or wholly funded by the State or established or appointed by a member of the Government or by the Oireachtas:

Provided that the Chairman may appeal any such request made to the Ceann Comhairle, whose decision shall be final.

- (3) It shall be an instruction to all Select Committees to which Bills are referred that they shall ensure that not more than two Select Committees shall meet to consider a Bill on any given day, unless the Dáil, after due notice given by the Chairman of the Select Committee, waives this instruction on motion made by the Taoiseach pursuant to Standing Order 28. The Chairman of Select Committees shall have responsibility for compliance with this instruction.

Functions of Departmental Committees (derived from Standing Orders – DSO 95 (1) and SSO 70A)

(1) The Select Committee shall consider and report to the Dáil on—

- (a) such aspects of the expenditure, administration and policy of a Government Department or Departments and associated public bodies as the Committee may select, and
- (b) European Union matters within the remit of the relevant Department or Departments.

(2) The Select Committee may be joined with a Select Committee appointed by Seanad Éireann for the purposes of the functions set out in this Standing Order, other than at paragraph (3), and to report thereon to both Houses of the Oireachtas.

(3) Without prejudice to the generality of paragraph (1), the Select Committee shall consider, in respect of the relevant Department or Departments, such—

- (a) Bills,
- (b) proposals contained in any motion, including any motion within the meaning of Standing Order 220,
- (c) Estimates for Public Services, and
- (d) other matters

as shall be referred to the Select Committee by the Dáil, and

- (e) Annual Output Statements including performance, efficiency and effectiveness in the use of public moneys, and
- (f) such Value for Money and Policy Reviews as the Select Committee may select.

(4) Without prejudice to the generality of paragraph (1), the Joint Committee may consider the following matters in respect of the relevant Department or Departments and associated public bodies:

- (a) matters of policy and governance for which the Minister is officially responsible,
- (b) public affairs administered by the Department,
- (c) policy issues arising from Value for Money and Policy Reviews conducted or commissioned by the Department,
- (d) Government policy and governance in respect of bodies under the aegis of the Department,
- (e) policy and governance issues concerning bodies which are partly or wholly funded by the State or which are established or appointed by a member of the Government or the Oireachtas,

- (f) the general scheme or draft heads of any Bill
- (g) scrutiny of private members' Bills in accordance with Standing Order 178, or detailed scrutiny of private members' Bills in accordance with Standing Order 161
- (h) any post-enactment report laid before either House or both Houses by a member of the Government or Minister of State on any Bill enacted by the Houses of the Oireachtas,
- (i) statutory instruments, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009,
- (j) strategy statements laid before either or both Houses of the Oireachtas pursuant to the Public Service Management Act 1997,
- (k) annual reports or annual reports and accounts, required by law, and laid before either or both Houses of the Oireachtas, of the Department or bodies referred to in subparagraphs (d) and (e) and the overall performance and operational results, statements of strategy and corporate plans of such bodies, and
- (l) such other matters as may be referred to it by the Dáil from time to time.

(5) Without prejudice to the generality of paragraph (1), the Joint Committee shall consider, in respect of the relevant Department or Departments—

- (a) EU draft legislative acts standing referred to the Select Committee under Standing Order 133, including the compliance of such acts with the principle of subsidiarity,
- (b) other proposals for EU legislation and related policy issues, including programmes and guidelines prepared by the European Commission as a basis of possible legislative action,
- (c) non-legislative documents published by any EU institution in relation to EU policy matters, and
- (d) matters listed for consideration on the agenda for meetings of the relevant EU Council of Ministers and the outcome of such meetings.

(6) Where the Select Committee has been joined with a Select Committee appointed by Seanad Éireann, the Chairman of the Dáil Select Committee shall also be the Chairman of the Joint Committee.

(7) The following may attend meetings of the Select or Joint Committee, for the purposes of the functions set out in paragraph (5) and may take part in proceedings without having a right to vote or to move motions and amendments:

- (a) members of the European Parliament elected from constituencies in Ireland, including Northern Ireland,

- (b) members of the Irish delegation to the Parliamentary Assembly of the Council of Europe, and
- (c) at the invitation of the Committee, other members of the European Parliament.

(8) The Joint Committee may, in respect of any Ombudsman charged with oversight of public services within the policy remit of the relevant Department or Departments, consider—

- (a) such motions relating to the appointment of an Ombudsman as may be referred to the Committee, and
- (b) such Ombudsman reports laid before either or both Houses of the Oireachtas as the Committee may select: Provided that the provisions of Standing Order 130 apply where the Select Committee has not considered the Ombudsman report, or a portion or portions thereof, within two months (excluding Christmas, Easter or summer recess periods) of the report being laid before either or both Houses of the Oireachtas.

(3) Powers of Committees (derived from Standing Orders – DSO 96, 133 and 135 and SSO 71, 116 and 118)

The Joint Committee has: -

(1) power to take oral and written evidence and to print and publish from time to time minutes of such evidence taken in public before the Select Committee together with such related documents as the Select Committee thinks fit;

(2) power to invite and accept oral presentations and written submissions from interested persons or bodies;

(3) power to send for persons, papers and records (see also SO 99);

(4) power to appoint sub-Committees and to refer to such sub-Committees any matter comprehended by its orders of reference and to delegate any of its powers to such sub-Committees, including power to report directly to the Dáil;

(5) power to draft recommendations for legislative change and for new legislation;

(6) power to examine any statutory instrument, including those laid or laid in draft before either House or both Houses and those made under the European Communities Acts 1972 to 2009, and to recommend, where it considers that such action is warranted, whether the instrument should be annulled or amended;

(7) for the purposes of paragraph (6), power to require any Government Department or instrument-making authority concerned to submit a Memorandum to the Select Committee explaining any statutory instrument under consideration or to attend a meeting of the Select Committee for the purpose of explaining any such statutory instrument: Provided that such Department or authority may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil;

(8) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss policy for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such policy;

(9) power to require that a member of the Government or Minister of State shall attend before the Select Committee to discuss proposed primary or secondary legislation (prior to such legislation being published) for which he or she is officially responsible: Provided that a member of the Government or Minister of State may decline to attend for stated reasons given in writing to the Select Committee, which may report thereon to the Dáil: and provided further that a member of the Government or Minister of State may request to attend a meeting of the Select Committee to enable him or her to discuss such proposed legislation;

(10) power to require that a member of the Government or Minister of State shall attend before the Select Committee and provide, in private session if so requested by the member of the Government or Minister of State, oral briefings in advance of meetings of the relevant EU Council of Ministers to enable the Select Committee to make known its views: Provided that the Committee may also require such attendance following such meetings;

(11) power to require that the Chairman designate of a body or agency under the aegis of a Department shall, prior to his or her appointment, attend before the Select Committee to discuss his or her strategic priorities for the role;

(12) power to require that a member of the Government or Minister of State who is officially responsible for the implementation of an Act shall attend before a Select Committee in relation to the consideration of a report under Standing Order 197;

(13) subject to any constraints otherwise prescribed by law, power to require that principal office-holders in bodies in the State which are partly or wholly funded by the State or which are established or appointed by members of the Government or by the Oireachtas shall attend meetings of the Committee, as appropriate, to discuss issues for which they are officially responsible: Provided that such an office-holder may decline to attend for stated reasons given in writing to the Committee, which may report thereon to the Dáil;

(14) power to engage, subject to the consent of the Houses of the Oireachtas Commission, the services of persons with specialist or technical knowledge, to assist it or any of its sub-Committees in considering particular matters; and

(9) power to undertake travel, subject to—

- (a) such recommendations as may be made by the Working Group of Committee Chairmen under DSO 120(4)(a) and SSO 107(4)(a); and
- (b) the consent of the Houses of the Oireachtas Commission, and normal accounting procedures.

(15) In accordance with Articles 6 of Protocol No. 2 to the Treaty on European Union and the Treaty on the Functioning of the European Union (*Protocol on the Application of the Principles of Subsidiarity and Proportionality*) as applied by sections 7(3) of the European Union Act 2009, the Committee has the power to-

- (a) consider whether any act of an institution of the European Union infringes the principle of subsidiarity (DSO 135; SSO 118); and
- (b) form a reasoned opinion that a draft legislative act (within the meaning of Article 3 of the said Protocol) does not comply with the principle of subsidiarity (DSO 133 and SSO 116).

Appendix 3 – Written Submissions

Submission No. 1 – National Women’s Council

February 2021

Submission to the Oireachtas Joint Committee on Children, Disability, Equality and Integration on the General Scheme of the Parent’s Leave and Benefit (Amendment) Bill



Introduction

Founded in 1973, the National Women's Council (NWC) is the leading national women's membership organisation. We represent and derive our mandate from our membership, which includes over 190 groups and organisations from a diversity of backgrounds, sectors and locations across Ireland. We also have a growing number of individual members who support the campaign for women's equality in Ireland. Our mission is to lead and to be a catalyst for change in the achievement of equality for women. Our vision is of an Ireland and of a world where women can achieve their full potential and there is full equality for women.

Paid parental leave is an important support to help parents balance work and family life while remaining connected to the labour market. Available to both parents, it offers the chance of a better sharing of care responsibilities between women and men and more opportunity for fathers to take on caring roles.

In September 2019, an EU Directive on Work Life Balance was introduced requiring all EU countries to provide a right to flexible work for parents and carers as well as nine weeks of paid parental leave, per parent, by 2022. Before this time, Ireland offered unpaid parental leave only. Uptake of unpaid leave was relatively low, given that it forces families to survive on one income or in the case of lone parents, no income at all. Uptake by men was especially low.

In November 2019, government introduced paid parental leave for the first time. The new scheme, called 'Parent's Leave', is paid at the same rate as Maternity and Paternity Benefit and offers two weeks paid leave to each parent, to be taken in the first year a child is born or adopted.

Head Three: Entitlement to parental leave and criteria governing its taking

In response to a group of women who formed the Extend Maternity Campaign, collecting almost 30,000 signatures in July 2020, government committed to extending Parent's Leave by an additional three weeks. Though a disappointing response in the context of the challenges faced by working parents during the pandemic and preexisting obligations under First Five and the EU Directive on Work Life Balance, it must be implemented urgently.

When government announced the planned increase to Parent's Leave in July 2020, it was expected to be in place in November 2020, following the Budget¹. In October's Budget, government committed to increasing Parent's Leave to five weeks for each parent of all children born or adopted on or after 1 Nov 2019a and to extending the period in which Parent's Leave can be taken up until a child turns two or, in the case of an adoption, two years after the adoption placement date of the child. However, the changes did not take effect following the Budget and still remain outstanding. Government has been too slow to take action on this issue and women cannot afford to wait any longer.

There is an urgent need to amend the legislation to give effect to the increased leave. The pandemic has been an extraordinarily challenging time for parents. In many cases, women gave birth without a partner or loved one present, and faced into motherhood without family or professional support. The closure of schools and early years and school age childcare services during this most recent period of Level 5 restrictions has compounded these challenges. We know that women are losing their jobs due to a lack of childcare. As well as the impact on women's economic independence, this will have severely regressive and wide-ranging negative effects on women's equality. A number of women have provided testimony on the impact of the delay on their lives:

¹ <https://www.irishtimes.com/news/social-affairs/coronavirus-parents-of-new-babies-to-get-three-extra-weeks-leave-1.4303618>

*"I am a first-time parent of a 9 month old. I've been on unpaid leave for almost four months now. I'm quite frustrated and upset that it was implied last July that "pandemic parents" would receive an extra 3 weeks parents leave and this still hasn't come into effect. Having our baby alone in hospital for five days was emotionally stressful. Now we have financial stresses too. An extra 3 weeks leave brought in immediately would be a huge benefit to our family". **Elaine, Co. Cork, 9 month old***

Susie, Dublin, mother to a 11 month old baby described her situation as "Eleven months of Loneliness". "Five weeks early he arrived into our lives. Shocked, frightened, but infinitely grateful, we stumbled back into a world we did not recognise...Eleven months later and we're back where we started. A vague promise of support for just three extra weeks. Broken, postponed – we remain infinitely disheartened."

*"The 3 weeks, when announced, was so welcome as it meant I could extend my return to work date. Having a new baby and 4 year old with no family support or childcare was so difficult as my partner had to continue to work outside the home. I also had Pre paid childcare for March which I lost when they were closed without notice, the provider had to use our fees to pay staff. I've now returned to work and paid to secure places for my two children. Due to the delay these 3 weeks are now of no use to me. I cannot take the 3 weeks whenever they finally become available as I will also have to continue to pay 450 per week in Creche fees. Having this described as a support or benefit to people who had a baby during the pandemic is extremely upsetting as it will not be the case for me and many others who had babies during 2020. The time taken for this change where there is legislation and processes for the existing 2 weeks leave is baffling." **Emma, Dublin, new baby & 4 year old***

*"I used all my paid and unpaid maternity leave, holiday leave, Parent's Leave and Parental Leave...we cannot afford anymore unpaid leave. I am an essential worker but my crèche doesn't have space for my 3 children...At work I'm expected to hit the ground running...All while teaching, caring, cooking, cleaning and trying to ensure my children don't feel they are less important than my work and my meetings. The extra 3 weeks would allow me to have some breathing room so I can focus on my children's care. My husband could then take his 3 weeks and I could focus on my work. That would get us a nearer to the schools/creches reopening. Right now, we are struggling to get by, I can't see how we can continue like this and for it not to have a profound negative effect on my family." **Paula, Dublin, mother to a one, four and six year old***

*"It takes a village to raise a child. Many people have had to raise children without this support network as services aren't available during the pandemic and family visits are restricted. As parents we get up every day and do what we have to do - but that doesn't mean it is easy and there are parents out there who are really struggling. Why do we have to wait for these additional 3 weeks? They were needed yesterday." **Emma, Dublin, baby age 9 months***

NWC's Every Week Counts campaign

On 22nd January, NWC wrote to the Minister for Children, Equality, Disability, Integration and Youth Roderic O'Gorman, calling on him to amend the Parent's Leave and Benefits Act 2019 to give effect to these changes as a matter of urgency. In response to NWC's 'Every Week Counts' campaign, members of the public sent emails to elected representatives in every constituency in Ireland within days. A small measure of the desire to see this legislation in place.

Section 5 of the Parents Leave and Benefits Act 2019 explicitly empowers the Minister to extend the leave from 2 weeks but no more than 9, with the consent of the Minister of Social Protection and the Minister for Public Expenditure and Reform. According to the 2019 Act, this only requires a draft of the Order to be laid before both Houses for a resolution.

Recommendation

- Amend the Parent's Leave and Benefit Act without further delay to give effect to the planned increase from 2 weeks to 5 weeks per parent

Head Four: Non-transferability of parental leave

Parent's Leave and Benefit currently operates on the basis that it is **not** transferrable between parents in order to support a more equal sharing of care between mothers and fathers, and ultimately, gender equality.

However, the scheme is based on the assumption of a two-parent family as the norm and so lone parents do not have the same level of support under the scheme as two parent families. A lone parent can currently only access two weeks of Parent's Leave whereas a two-parent family can access four. This means, that despite the additional barriers and higher risk of poverty experienced by lone parents, there is less state support for the children of women parenting alone than those living in two-parent families.

The administration of the scheme also fails to take into account the intersection between gender and parenting alone. With 86 per cent of lone parents being women and lone parents more likely to experience poverty and to have difficulties affording the childcare necessary to allow them to work, providing a lesser level of paid leave to lone parents further entrenches the inequalities they experience. Evidence indicates that lone parents are more likely to return to work within six months of the birth of their child out of financial necessity. However, by nine months lone parents were less likely to be in work than women in two parent households due to childcare issues².

In response to concerns raised by NWC and others about the unequal level of support afforded to lone parents since the scheme's introduction, the Department of Social Protection (DSP) has noted that a number of issues would have to be considered to provide for an increased provision for an individual parenting alone. Key among these issues is a "decision as to whether the entitlement to Parent's Leave of the absent parent would be removed or qualified in some way or whether it would remain unchanged and the parent who is caring would receive an additional leave entitlement"³.

Leaving the entitlement of both parents in place but providing an additional entitlement to the parent that is caring would help to support lone parents as well as helping to ensure that Ireland meets its commitments to provide an individual right to two months paid and non-transferable leave under the EU Directive. The Revenue administered Single Person Child Carer Credit (SPCCC) provides a mechanism to identify the parent who is the primary carer.

Support for lone parents has been addressed in various ways in other jurisdictions. For example, in Iceland, three months of leave is available to both mothers and fathers and either parent can use an additional three months. Lone parents can use the full nine months⁴.

In Norway, paternity leave is more flexible in a number of ways and can be used by someone else who will assist the mother (i.e. grandparents) if the parents do not live together⁵.

The National Women's Council has consistently advocated for lone parents to be able to access the same level of leave as two parent families. It is the view of NWC that, rather than undermining gender equality,

² McGinnity, F. et al (2013). Mothers' Return to Work and Childcare Choices for Infants in Ireland. ESRI/GUI. <https://www.esri.ie/system/files/media/file-uploads/2015-07/BKMNEXT238.pdf>

³ DEASP (2019). Written responses to questions. DEASP and CV Pillar bilateral meeting, November 2019

⁴ https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/2019/Iceland_2019_0824.pdf

⁵ https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINAL.Norway2018.pdf

this would be a positive step in terms of the interaction between gender and lone parenthood. Along with eight other national organisations, NWC is part of the National One Parent Family Alliance⁶ who also call for an additional entitlement to Parent's Leave for the parent that is caring in a one parent family or for the leave to be transferable between parents in the case of one parent families.

Recommendation

- Amend the Parent's Leave and Benefit Act to provide an additional entitlement to the parent that is caring in a one parent family

Head Thirty One: Parental Benefit

The amount of Parent's Benefit payable must also be examined and brought more into line with what is paid in other European countries if taking family leave is to be a realistic option for all parents. This is especially so for lone parents since they are dependent on one income. The value of paid leave in Ireland, across Maternity, Paternity and Parent's leave schemes, is far behind our EU peers. Germany for example, provides paid leave at the equivalent of 73% of the average wage; Ireland compares unfavourably at 27% of the average wage⁷. A recent review by the Department of Public Expenditure and Reform found that uptake of Parent's Leave in Ireland is low among fathers and one of the reasons suggested for this is the low rate of payment⁸.

Recommendation

- Increase the rate of Parent's Benefit to €295 per week to bring more in line with EU norms⁹

Conclusion

The additional 3 weeks leave must be implemented immediately to support parents during the pandemic. Provisions in the Parents Leave and Benefits Act 2019 explicitly empower the Minister to extend the leave with the consent of the Minister of Social Protection and the Minister for Public Expenditure and Reform. Amendments are required to ensure that lone parents and their children are equally supported under the Parent's Leave scheme.

Payments for Parent's Benefit as well as Maternity and Paternity Benefit should be increased in order to bring Ireland more in line with EU norms and to ensure that taking family leave is a realistic option for all families.

Further increases to paid parental leave are required in order for Ireland to meet its commitments under the EU Work Life Balance Directive to deliver nine weeks of paid leave per parent. Budget 2022 is the last opportunity to include measures to bring us in line with the requirements of the Directive which is due to be transposed by June 2022. The Directive is now a minimum standard; Government is free to be more ambitious in its implementation by ensuring that paid Parent's Leave is just one part of a coherent family leave strategy to provide paid leave to parents of children of all ages in recognition that parental responsibilities and caring roles extend well beyond the first years of life.

⁶ NOPFA was established in 2020 and comprises nine national organisations who are concerned about issues that cause poverty in one-parent families - Barnardos, Children's Rights Alliance, FLAC, Focus Ireland, National Women's Council, One Family, Society of St. Vincent de Paul, SPARK, and Treoir

⁷ OECD (2018). Family database. Parental leavesystems.https://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf

⁸ DPER (2010). <https://igees.gov.ie/wp-content/uploads/2020/11/Focused-Policy-Assessment-Paid-Parent-Leave-Scheme.pdf>

⁹ In NWC's Budget 2021 submission, we called for Parent's Leave to be increased to 12 weeks per parent at an increased rate of €295 per week with an estimated cost of €190m. Calculation based on data from DEASP: <https://www.kildarestreet.com/wrans/?id=2020-05-13a.3384&s=paternity+leave+AND+cost#g3386.r>

Submission No.2 – One Family

Submission to the Joint Committee on Children, Disability, Equality and Integration in relation to the General Scheme of the Parent's Leave and Benefit (Amendment) Bill | February 2021



Introduction:

One Family welcomes the opportunity to make a submission to the Joint Committee on Children, Disability, Equality and Integration in relation to the General Scheme of the Parent's Leave and Benefit (Amendment) Bill.

We are Ireland's national organisation for people parenting alone, sharing parenting and separating. We provide a range of specialist family support services which can be reviewed at www.onefamily.ie.

We have been concerned at the lack of fairness in this legislation for lone parents and their children for the past few years and have been advocating directly with relevant departments and Ministers.

Head Three: 'Entitlement to parental leave and criteria governing its taking'

In November 2019, Government introduced paid parental leave for the first time. The new scheme, called 'Parent's Leave', is paid at the same rate as Maternity and Paternity Benefit and offers two weeks paid leave to each parent, to be taken in the first year a child is born or adopted.

In line with an EU Directive on Work Life Balance which requires all member states to provide two months of paid parental leave for each parent by 2022; Government committed to increasing Parent's Leave in the last Budget to five weeks for each parent of children born or adopted on or after 1 November 2019. The Government also committed to extending the period in which Parent's Leave can be taken up. The period is to be extended until a child turns two or, in the case of an adoption, two years after the adoption placement date of the child. This measure also builds on the commitment made in *First 5: A Government Strategy for Babies, Young Children and their Families 2019 -2028* that 'Parents will be assisted to balance working and caring to contribute to optimum child development and to best suit their family circumstances'¹.

¹ Government of Ireland, *First 5: A Government Strategy for Babies, Young Children and their Families 2019 -2028*.

However, the changes did not take effect following the Budget in October and still remain outstanding. They are now urgently required to support parents during this pandemic and every week makes a difference.

Recommendation

- Amend the Parent's Leave and Benefit Act without further delay to give effect to the planned increase from 2 weeks to 5 weeks per parent.

Head Four: ‘Non-transferability of parental leave’

Parent's Leave and Benefit currently operates on the basis that it is **not** transferrable between parents so as to support a more equal sharing of care between mothers and fathers, and ultimately, gender equality.

However, the scheme is based on the assumption of a two-parent family as the norm and so lone parents and their children do not have the same level of support under the scheme as two-parent families. A lone parent can currently only access two weeks of Parent's Leave to nurture their child whereas a two-parent family can access four. This means there is less state support for the young children of people parenting alone than those living in two-parent families which is contraindicated by extensive research on the additional barriers faced by one-parent families.

The ESRI looked at mothers return to work using *Growing Up in Ireland* (GUI) data and found lone parents were more likely to return to work after the birth of their child before 6 months. Most of these parents cited financial reasons as they were more likely to be in low paid work. However, by nine months lone parents were less likely to be in work than women in two-parent households due to childcare issues.² Given the recognition of the importance of a child's first year of life and the Government's stated aim in First 5 to create a system that will allow children to be cared for at home during this first year through the introduction of 'more generous parental leave entitlements'³ it is important to ensure that all babies have access to their parents at this critical time and not just those in two-parent families.

² <https://www.esri.ie/system/files/media/file-uploads/2015-07/BKMNEXT238.pdf>

³ Government of Ireland, *First 5: A Government Strategy for Babies, Young Children and their Families 2019 -2028*.

Potential Solutions

In response to concerns raised by our organisations about the unequal level of support afforded to lone parents since the scheme's introduction, the Department of Social Protection has noted that a number of issues would have to be considered to provide for an increased provision for an individual parenting alone.

Key among these issues is a “decision as to whether the entitlement to parent’s leave of the absent parent would be removed or qualified in some way or whether it would remain unchanged and the parent who is caring would receive an additional leave entitlement⁴”.

Leaving the entitlement of both parents in place but providing an additional entitlement to the parent that is caring would help to support lone parents as well as helping to ensure that Ireland meets its commitments to provide an individual right to two months paid and non-transferable leave.

The Revenue-administered Single Person Child Carer Credit (SPCCC) provides a potential mechanism to identify the parent who is the primary carer or parenting alone thus addressing the Department’s concerns regarding the possibility of fraud by two-parent families.

Models from other countries

Other countries have been able to resolve this conundrum of gender equality and one-parent families. Some examples we have found include:

- In Iceland, generally mothers get three months of leave, fathers get three months, and either parent can use an additional three months. Lone parents can use the full nine months.⁵
- In Norway, Paternity leave is more flexible in a number of ways and can be used by someone else who will assist the mother (i.e. grandparents) if the parents do not live together.⁶

⁴ DEASP (2019). Written responses to questions. DEASP and CV Pillar bilateral meeting, November 2019

⁵ https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/2019/Iceland_2019_0824.pdf

⁶ https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINAL.Norway2018.pdf

Recommendation:

- Amend the Parent's Leave and Benefit Act to ensure lone parents have the same level of support as two parent families by providing an additional entitlement to the parent that is caring in a one-parent family or by permitting transferability between parents or to another appropriate carer in the case of a one-parent family.

Head Thirty One: 'Parental Benefit'

The amount of Parent's Benefit payable must also be examined and brought more into line with what is paid in other European countries if taking family leave is to be a realistic option for all parents. This is especially so for lone parents since they are dependent on one income.

The value of paid leave in Ireland, across Maternity, Paternity and Parent's leave schemes, is far behind our EU peers. Germany for example, provides paid leave at the equivalent of 73% of the average wage; Ireland compares unfavourably at 27% of the average wage.⁷

A recent review by the Department of Public Expenditure and Reform found that uptake of Parent's Leave in Ireland is low among fathers and one of the reasons suggested for this is the low rate of payment.⁸

Recommendation

- Increase the rate of Parent's Benefit to bring more in line with EU norms and ensure it is a realistic option for one-parent families.

Ends

⁷ OECD (2018). Family database. Parental leave systems. https://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf

⁸ DPER (2010). <https://igees.gov.ie/wp-content/uploads/2020/11/Focused-Policy-Assessment-Paid-Parent-Leave-Scheme.pdf>

Submission No.3 - Professor Stephan Koppe

UCD School of Social Policy, Social Work and Social Justice



Hanna Sheehy-Skeffington Building
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Dr Stephan Köppe
Assistant Professor in Social Policy
MPP Programme Director

RE: Request for written submission on the General Scheme of the Parents' Leave and Benefit (Amendment) Bill
REF JCCDEI-I-82-21
Dr. Stephan Köppe

Introduction

My general expertise covers comparative social policy, which means I have a very comprehensive understanding of different social protection schemes in advanced economies and the effects these transfers have on society. More specifically, I have extensive country expertise on Ireland, the UK, Germany and Sweden, which I will draw on when highlighting certain issues with the proposed amendment to the Parents' Leave and Benefit legislation. I have published an in-depth analysis of the Irish paternity benefit, which was introduced in 2016, and the effects on take-up (Köppe, 2019). Moreover, I work closely with my colleague Dr. Dorota Szelewa (Assistant Professor of Social Justice, UCD), who is an expert on gender equality, leave policies and childcare schemes. Dr. Szelewa is also a co-author for the Irish chapter of the International Review of Leave Policies and Research (Daly and Szelewa, 2020) and commented on an earlier draft of this submission. All presented analyses and conclusions are my own and based on the state-of-the-art research on the topic.

Analysis

The analysis focusses on the changes under Head 2, 3 and 5. I will highlight key shortcomings in each section and recommend increasing the duration to 16 weeks (Head 2), increasing the claim period to 4 years in the medium-term (3), and enabling more flexibility to claim benefits (5). Moreover, I discuss the two outstanding issues of acknowledging multiple births and increasing the benefit level.

Head 2: extension of Parents' Leave and Benefit from 2 to 5 weeks

Overall, the extension of paid Parents' Leave and Benefit is a positive development, considering that Ireland has one of the shortest durations for paid parental leave in Europe (Koslowski et al., 2020; Moss et al., 2019). Yet, articles 20(1) and 20(2) of the most recent EU directive on work-life balance requires to implement paid parental leave (i.e. Parents' Leave and Benefit) for the duration of non-transferable 2 months and in total 4 months for each by 2 August 2024 (Directive (EU) 2019/1158, 2019). Two years earlier, by 2 August 2022, intermediate goals for both periods of minimum duration have to be achieved, which are two weeks less than the 2024 target. Since Parents' Leave and Benefit is paid in weeks the following minimum benefit periods have to be implemented in Ireland:

- 7 weeks non-transferable by 2 August 2022
- 9 weeks non-transferable by 2 August 2024 (8.6 weeks equals 2 months)
- 16 weeks in total for each parent by 2 August 2022
- 18 weeks in total for each parent by 2 August 2024 (17.3 weeks equals 4 months)

This means next year around the same time, the Oireachtas will have to extend the Parents' Leave and Benefit duration to 16 weeks for each parent and earmark 7 weeks as non-transferable. The extra expense for the exchequer is around €173.56 million per annum in addition to the €78.8 million per annum for the 5 week duration after full maturation of the scheme (see <https://data.oireachtas.ie/ie/oireachtas/bill/2019/75/eng/memo/b7519smemo.pdf>). The actual extra cost will be lower initially, because male take-up tends to increase gradually (Duvander et al., 2005). In conclusion, the Oireachtas should legislate to comply with the EU directive already this year, instead of postponing the required reform by a year.

Besides these general requirements to comply with the EU directive on work-life balance a few technical issues should be noted.

First, the EU directive refers to paid parental leave, which is in the Irish context equivalent to Parents' Leave and Benefit. The Irish parental leave, which had been recently extended to 26 weeks, would not fall under the EU Directive 2019/1158 because it is unpaid. The committee could consider to simplify the legislation and terminology in the future and merge the two schemes.

Second, an extension of Parents' Leave and Benefit up to 9 weeks can be decided by ministerial decree and would not require primary legislation (article 5(7) of the 2019 bill). This would meet the non-transferable requirement in the EU directive. Also, current maternity benefit levels and duration would cover the 18 months required for mothers as paid maternity and parental leave can be added up to comply with the directive (see article 20(7) of Directive (EU) 2019/1158, 2019).

In effect, the rights for fathers have to be extended to meet the 18 weeks of total paid leave per parent in 2024. If the Parents' Leave and Benefit is extended to 18 weeks per parent, as suggested above, and the current maternity benefit duration is maintained, this would bring the total combined paid leave for a family to 60 weeks post-delivery¹. In comparison, 14 EU countries provide longer paid parental leave than 60 weeks, excluding paid maternity benefit (Koslowski et al., 2020). Ireland would catch-up with the majority of EU countries regarding the total paid leave duration, although leave can be shared more equally between parents in most of these countries.

Head 3: Increase claim period to 2 years

Ireland follows standard practice in many EU countries by extending the period to make a claim to 2 years. Although most countries offer more than one year to claim paid parental leave, there is considerable variation. All Scandinavian countries offer a minimum of 2 years, while Sweden offers 4 years and Denmark 9 years. Claim periods often end when universal primary school starts (e.g. France). Article 5(1) of the EU work-life balance directive recommends up to 8 years as a reference point and further refers to this 8-year threshold when discussing flexible work arrangements. Yet, the directive does not mandate a minimum claim period, it only states that the claim period "shall be determined with a view to ensuring that each parent is able to exercise their right to parental leave effectively and on an equal basis" (article 5(1), Directive (EU) 2019/1158, 2019).

Considering the still very short paid leave duration, 2 years are reasonable. In the medium-term the claim period should be extended to a **minimum of 4 years**, which would cover the entire pre-primary phase. This would enable parents to plan their leave around key child transition stages and takes into account more fragile childcare arrangements in this pivotal development stage.

Head 5: Entitlement to and duration of Parents' Benefit

The proposed changes only adopt the language to the increased benefit period. However, the proposal does not address the issue of limited flexibility. Currently, entitlements can only be

¹ 26 weeks of maternity benefit, minus 2 weeks to be taken prior birth.

claimed in periods of weeks. Modern family life is much more fluid and cannot easily be boxed in weekly periods. Moreover, dual earner households want to combine part-time work with leave. Other countries offer more flexibility when claiming leave benefits (Moss et al., 2019).

First, 17 EU countries offer a part-time option in their parental leave schemes (Koslowski et al., 2020). Such a part-time option can take different forms, but it would allow parents a gentler return to work after taking full-time leave for an extended period. Section 23 of the EU directive on work-life balance explicitly encourages more flexible arrangements. The committee should explore how a part-time option could be integrated into the Parents' Leave and Benefit.

Second, Swedish parents can claim their leave benefit by days, which provides families with a very flexible tool to achieve a better work-life balance (Duvander et al., 2005). On these days children are not entitled to go to creche, which is heavily subsidised, to ensure parents spend the time with their children. When benefits can be claimed as days, it facilitates more balanced respite, better parent-child relationships and better reintegration of women in the labour market.

In sum, the committee should consider how to integrate more flexible options in the existing policy, in particular to combine part-time work with Parents' Benefit. These flexible options are not intended to replace paid leave for unforeseen circumstances (e.g. force majeure, carer's leave).

Increasing the flexibility of the Parents' Leave and Benefit scheme is cost neutral regarding the total benefit payments, although it would require new administrative processes, which incurs some additional transition costs in the implementation stage.

Outstanding issues: Multiple births and low benefit level.

There are two main outstanding issues in the current Parents' Leave and Benefit policy that are not addressed in the amendment: multiple births are not acknowledged and the statutory replacement rate is too low to encourage higher uptake by fathers.

First, multiple births are currently not acknowledged. 17 European countries offer some kind of acknowledgement for multiple births (Koslowski et al., 2020). These can range from extending the paid leave by a specified number of weeks or days (e.g. Sweden) or allocating leave per child (e.g. Germany, UK), the latter effectively doubles the leave period in the case of twins. The Swedish pro-rata model increases the leave entitlement for the first additional child by 90 days at the full replacement rate (77.6 %) and by 90 days at a flat rate. Subsequent siblings of multiple births increase eligibility to 180 days at the full rate. Out of the 240 days for a single birth per parent (48 weeks), this translates in about 50 % acknowledgment for multiple births, although not all at the full replacement rate.

Following these examples, Ireland should acknowledge multiple births in the leave entitlements. A minimum of two weeks should be introduced, which would reflect the current period of paternity benefit. In the long-term a 50 % pro-rata model is recommended to ease the immediate pressure to work for families with multiple births in the first weeks after giving childbirth. In the current proposal it would mean to increase the entitlement of each parent to 2 weeks (40%). After the full implementation of the EU work-life balance directive, 9 weeks of total leave for each parent are recommended for multiple births (50% of single birth) and 5 weeks are non-transferable (55% of equivalent leave).

Second, a key shortcoming of both, paternity benefit and parents' leave and benefit, is the relative low net replacement rate (Daly and Szelewa, 2020; Köppe, 2019). In 2015, the equivalent maternity benefit replaced 53 % of average wages. For fathers, who usually earn higher wages, the statutory rate is not attractive and they rely heavily on occupational top-ups (Köppe, 2019). International studies have repeatedly shown that a high net replacement rate is essential to increase up-take among fathers (Duvander et al., 2005; Hosking et al., 2010; Koslowski and Kadar-Satat, 2019;

Smith and Williams, 2007), which is also highlighted in the work-life balance directive (Directive (EU) 2019/1158, 2019). Unless the net replacement rate is increased, at least for a certain period (e.g. 4 weeks at full salary), take-up among fathers will remain at a low average level and highly segregated by occupation.

Recommendations

The key recommendations are summarised as follows:

1. Extend paid leave to 16 weeks per parent

Since the EU directive requires to implement the change anyway in less than one and a half year, Ireland should move ahead and avoid being a laggard in implementing the work-life balance directive. The budgetary implications would be minimal, but would demonstrate a cultural shift to encourage more fathers to take leave. Since mothers already have access to longer periods of leave through maternity leave, it would be a strong signal for more gender equality

2. Increase Flexibility

When and how paid leave can be taken is still relative rigid. The committee should explore to:

a) introduce a part-time option

b) take leave by days

Modern families and workplaces are not structured in weeks or full-time work. A part-time option promotes a better work-life balance and gentler return to work by gradually increasing working hours. Allowing to take leave as days would provide parents with a time bank that can be used flexibly.

3. Acknowledge Multiple Births

Multiple births should be acknowledged. I am proposing to introduce a minimum paid leave of **2 weeks for each additional child**. Multiple births are extremely stressful in the first couple of weeks and the additional leave would support families in this period.

4. Increase Benefit Level

Increase the statutory benefit level to **full salary for 4 weeks** to increase up-take among fathers.

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Submission No.4 – National One Parent Family Alliance

National One Parent Family Alliance



Submission to the Oireachtas Joint Committee on Children, Disability, Equality and Integration on the General Scheme of the Parent's Leave and Benefit (Amendment) Bill

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February 2021

Submission on the General Scheme of the Parent's Leave and Benefit (Amendment) Bill

Submission to: Joint Oireachtas Committee on Children, Disability, Equality and Integration

17th February 2021

Members of the National One Parent Family Alliance:

Barnardos

Children's Rights Alliance

FLAC (Free Legal Advice Centres)

Focus Ireland

National Women's Council

One Family

Society of St Vincent de Paul

SPARK (Single Parents Acting for the Rights of our Kids)

Treoir

About the National One Parent Family Alliance

The National One Parent Family Alliance (NOPFA) was established in 2020 and comprises nine national organisations who are concerned about issues that cause poverty in one-parent families - Barnardos, Children's Rights Alliance, FLAC, Focus Ireland, National Women's Council, One Family, Society of St. Vincent de Paul, SPARK, and Treoir.

NOPFA welcomes the opportunity to contribute the Oireachtas Joint Committee on Children, Disability, Equality and Integration's discussion on Parent's Leave and Benefit. NOPFA members One Family and the National Women's Council are also contributing submissions.

Head Three: Entitlement to parental leave and criteria governing its taking

In November 2019, government introduced paid parental leave for the first time. The new scheme, called 'Parent's Leave', is paid at the same rate as Maternity and

Paternity Benefit and offers two weeks paid leave to each parent, to be taken in the first year a child is born or adopted.

In line with an EU Directive on Work Life Balance which requires all member states to provide two months of paid parental leave for each parent by 2022, Government committed to increasing Parent's Leave in the last Budget, to five weeks for each parent of all children born or adopted on or after 1 November 2019. The Government also committed to extending the period in which Parent's Leave can be taken up until a child turns two or, in the case of an adoption, two years after the adoption placement date of the child. This measure also builds on the commitment made in *First 5: A Government Strategy for Babies, Young Children and their Families 2019 -2028* that 'Parents will be assisted to balance working and caring to contribute to optimum child development and to best suit their family circumstances'.¹ However, the changes did not take effect following the Budget in October and still remain outstanding.

Recommendation

- Amend the Parent's Leave and Benefit Act without further delay to give effect to the planned increase from 2 weeks to 5 weeks per parent

Head Four: Non-transferability of parental leave

Parent's Leave and Benefit currently operates on the basis that it is **not** transferable between parents in order to support a more equal sharing of care between mothers and fathers, and ultimately, gender equality.

However, the scheme is based on the assumption of a two-parent family as the norm and so lone parents do not have the same level of support under the scheme as two parent families. A lone parent can currently only access two weeks of Parent's Leave whereas a two parent family can access four. This means there is less state support for the young children of people parenting alone than those living in two-parent families which is contraindicated by extensive research on the additional barriers faced by one-parent families.

The administration of the scheme also fails to take into account the highly gendered nature of parenting alone. With 86 per cent of lone parents being women and lone parents more likely to experience poverty and to have difficulties affording the childcare necessary to allow them to work, providing a lesser level of paid leave to lone parents further entrenches the inequalities they experience.

The ESRI looked at mothers return to work using GUI data and found lone parents were more likely to return to work after the birth of their child before 6 months. Most citing financial reasons because they were more likely to be in low paid work.

¹ Government of Ireland, [*First 5: A Government Strategy for Babies, Young Children and their Families 2019 -2028*](#).

However, by nine months lone parents were less likely to be in work than women in two parent households due to childcare issues.² Given the recognition of the importance of a child's first year of life and the Government's stated aim in First 5 to create a system that will allow children to be cared for at home during this first year through the introduction of 'more generous parental leave entitlements',³ it is important to ensure that all babies have access to their parents at this critical time and not just those in two-parent families.

Potential solutions

In response to concerns raised by our organisations about the unequal level of support afforded to lone parents since the scheme's introduction, DSP has noted that a number of issues would have to be considered to provide for an increased provision for an individual parenting alone.

Key among these issues is a "decision as to whether the entitlement to parent's leave of the absent parent would be removed or qualified in some way or whether it would remain unchanged and the parent who is caring would receive an additional leave entitlement".⁴

Leaving the entitlement of both parents in place but providing an additional entitlement to the parent that is caring would help to support lone parents as well as helping to ensure that Ireland meets its commitments to provide an individual right to two months paid and non-transferable leave.

The Revenue-administered Single Person Child Carer Credit (SPCCC) provides a potential mechanism to identify the parent who is the primary carer or parenting alone thus addressing the Department's concerns regarding the possibility of fraud by two-parent families.

Our organisations have separately and collectively advocated for lone parents to be able to access the same level of leave as two parent families. As a key stakeholder on the Strategy Committee for the National Strategy for Women and Girls, it is our member, the National Women's Council's, view that rather than undermining gender equality, this would be a positive step in terms of the interaction between gender and lone parenthood.

Models from other countries

Other countries have been able to resolve this conundrum of gender equality and one-parent families. Some examples we have found include:

² <https://www.esri.ie/system/files/media/file-uploads/2015-07/BKMNEXT238.pdf>

³ Government of Ireland, *First 5: A Government Strategy for Babies, Young Children and their Families 2019 -2028*.

⁴ DEASP (2019). Written responses to questions. DEASP and CV Pillar bilateral meeting, November 2019

- In Iceland, generally mothers get three months of leave, fathers get three months, and either parent can use an additional three months. Lone parents can use the full nine months.⁵
- In Norway, Paternity leave is more flexible in a number of ways and can be used by someone else who will assist the mother (i.e. grandparents) if the parents do not live together.⁶

Recommendation:

- Amend the Parent's Leave and Benefit Act to ensure lone parents have the same level of support as two parent families by providing an additional entitlement to the parent that is caring in a one parent family or by permitting transferability between parents or to another appropriate carer in the case of a one-parent family.

Head Thirty One: Parental Benefit

The amount of Parent's Benefit payable must also be examined and brought more into line with what is paid in other European countries if taking family leave is to be a realistic option for all parents. This is especially so for lone parents since they are dependent on one income.

The value of paid leave in Ireland, across Maternity, Paternity and Parent's leave schemes, is far behind our EU peers. Germany for example, provides paid leave at the equivalent of 73% of the average wage; Ireland compares unfavourably at 27% of the average wage.⁷

A recent review by the Department of Public Expenditure and Reform found that uptake of Parent's Leave in Ireland is low among fathers and one of the reasons suggested for this is the low rate of payment.⁸

Recommendation

- Increase the rate of Parent's Benefit to bring more in line with EU norms and ensure it is a realistic option for one parent families.

⁵

https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/2019/Iceland_2019_0824.pdf

⁶

https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/country_notes/2018/FINAL.Norway2018.pdf

⁷ OECD (2018). Family database. Parental leave systems.

https://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf

⁸ DPER (2010). <https://igees.gov.ie/wp-content/uploads/2020/11/Focused-Policy-Assessment-Paid-Parent-Leave-Scheme.pdf>

Submission No.5 – Senator Emer Currie, Fine Gael Seanad Spokesperson Employment Affairs and Work/Life Balance

Correspondence to the Chair from Emer Currie, Fine Gael Seanad Spokesperson Employment Affairs and Work/Life Balance:

Senator Dear Deputy Funchion,

I write to you in your capacity as Chair of the Joint Committee on Children, Disability, Equality and Integration.

I understand from Minister for Social Protection Heather Humphreys, who came before the Seanad on 1 February, that Parents Leave and Benefit (Amendment) Bill 2020 is currently before the Committee for pre-legislative scrutiny.

As part of a debate in the Seanad with the Minister, I put forward a suggestion about the Bill which I would like the Committee to consider.

In the circumstances of a lone parent, I would ask that the relevant parent would be entitled to the full allocation of leave available to two parents.

The Bill is to provide employment leave for the purpose of enabling parents to provide or assist in the provision of care to a child. It references reasons for extending the period of leave on the basis of facilitating parents who are employees to balance paid employment and their responsibilities to their children in a fair and equitable way; to promote participation of mothers in the workforce and to enable relevant parents to share the responsibility of providing or assisting in the provision of care on an equal basis.

For lone parents there isn't the option of sharing responsibility in the provision of care, but there is the option for the state to treat all families and children in a fair and equitable way.

Here is some data on lone parents from the recently published report of the Period Poverty Sub-Committee:

- According to 2019 figures, lone parents are five times more likely to experience deprivation than two parent families; a rate that is the second highest in Europe.
- Eighty-six percent of lone parents are women.
- 2018 Labour Force Survey figures indicate that 63% of lone parents are in paid employment, as opposed to 75.7% of parents in two parent families.
- Earlier figures from the 2016 National Census indicate that 47.8% of lone parents were at work, as opposed to 70.2% of the heads of two parent families.
- In 2016, 59% of lone parents reported that they could not access childcare services due to cost, while in 2018, 76% of lone parents in Ireland were unable to meet unexpected expenses.

- The consistent poverty rate for households with one adult and one or more children was 17.1% in 2019, as opposed to 5.5% for the population as a whole.

And from the ESRI:

- Lone parents are more likely to return to work after the birth of their child before 6 months. Most citing financial reasons because they were more likely to be in low paid work.
- However, by nine months lone parents were less likely to be in work than women in two parent households due to childcare issues.

Working lone parents are literally doing it all and yet, are much more vulnerable to hardship and poverty. All families, whether headed by one or two parents should have the same opportunities in trying to balance roles, responsibilities and the demands of the first two precious years of a child's life. This is an opportunity for the state to show that all families are recognised and valued in the same way.

With equality and social justice top of mind, I would ask you to consider two options - that the leave allocation of the other parent would be transferable to a lone parent, or, that an additional allocation of Parent's Leave be made, so that one way or the other lone parents get access to the same level of leave as two parent families.

I understand there may be challenges.

Under Irish legislation it is not permitted to transfer Parent's Leave between qualifying parents, except in circumstances where one qualifying parent has passed away. However, lone parents may not have been contemplated when these provisions were enacted because the other parent from an actuarial view of it, is usually alive.

Also, my understanding of the EU Work-Life Balance Directive is that 9 weeks parental leave are paid and non-transferable.

However, I hope by considering both options you will find a workable solution. I understand from the Department of Social Protection, based on the most recent census data, 1 in 5 Irish families parent alone with approximately 50% of those parents in employment and therefore likely to have an entitlement to Parents Benefit. This would equate to a potential for almost 4,000 lone parent applicants at an additional cost of approximately €4.8m per annum for an additional 5 weeks.

I would also encourage the Committee to engage with the National Women's Council of Ireland and the One Family Organisation on the Bill.

Kind regards,

Emer

Fine Gael Seanad Spokesperson Employment Affairs and Work/Life Balance

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