

Guide to Parental Leave

The firm of Richard Grogan & Associates provides advice to employers and employees on Parental Leave entitlements.

An employee who is a natural or adoptive parent of a child is entitled to leave from his or her employment for a period of 14 weeks to enable him or her to take care of a child. There are some conditions which must be complied with.

1. The employee must have been in employment for over 1 year with their employer.
2. The right to parental leave ends on the day on which the child reaches the age of 5. In certain circumstances it can be extended particularly in the case of a child who is adopted.
3. The child must have been born on or after the 3rd June 1996.

What must an employee do?

The employee must give not later than 6 weeks before they wish to commence the leave notice in writing to his or her employer.

The notice must specify the date of the commencement of the leave and the duration required.

It should be signed and dated by the employee.

It is possible to split parental leave into shorter periods. These must consist of periods of not less than 6 weeks.

With the agreement of the employer the employee may be able to take periods of leave which comprises one or more days at a time or one or more hours at a time. There may be a combination of these.

An employer who receives a notice from an employee seeking parental leave may seek to have the parental leave postponed. There has to be substantial reasons for this. The employer may seek to have the parental leave postponed to such time not later than six months after the commencement specified in the relevant notice given by the employee.

What happens if the employer simply refuses parental leave?

Where an employer refuses to give an employee parental leave within the time periods specified in the legislation the employee may bring a claim to a Rights Commissioner. The amount of the compensation awarded shall not exceed 20 weeks remuneration.

Is the employee entitled to be paid during the period of parental leave?

The simple answer to this is NO.

What Should Employers Do?

As an employer you should check the employee has the required service with you and a proper notice has been given.

As an employer you may postpone the Parental Leave but only for substantial reasons. Before considering postponing parental leave legal advice should be obtained. Remember, as an employer, if you are in breach of the Act your employee may bring a claim against you and receive up to 20 weeks wages. If the employee is only paid €400pw this could be up to €8000.

The firm of Richard Grogan & Associates would be pleased to advise you on Parental Leave Entitlements. We can be contact at 01 6177856 or on info@grogansolicitors.ie.

This Guide is intended as a Guide only. Before acting or refraining from anything contained in the Guide appropriate legal advice should always be obtained.