



Unpaid Parental Leave FAQs

What is unpaid Parental Leave?

The Parental Leave Acts 1998 -2019 allow parents to take Parental Leave from employment in respect of certain children. A person acting in loco parentis with for an eligible child is also eligible to take this leave.

Is Parental Leave changing?

Yes, the Parental Leave (Amendment) Act 2019 was enacted on 22 May 2019 and it allows for a number of changes to the Parental Leave system in 2019 and 2020.

Will these changes affect the duration of Parental Leave?

Yes, the current entitlement of 18 weeks is being increased to 22 weeks from 1 September 2019. The entitlement will increase to 26 weeks from 1 September 2020.

Are there changes to the age of children for whom parents can take Parental Leave?

Yes, parents will be able to take Parental Leave for child up to 12 years of age.

I have already taken my Parental Leave entitlement, how will these changes affect me?

If you have already taken some or all of the current entitlement, you will still get the extra eight weeks of Parental Leave if your child is still under the qualifying age.

I never fully used my Parental Leave entitlement, can I take the balance now?

Yes, any parent who did not use the full entitlement to Leave under the 1998 Act can claim any unused leave.

Can I take Parental Leave in any pattern that I want?

The 1998 Act allows employees to take Parental Leave in either a continuous period of 18 weeks or in two separate periods of not less than 6 weeks and not exceeding 18 weeks in total. Additionally, the new 2019 Act allows for leave to be taken in blocks of one week at a time. However, this has to be with the agreement of your employer.

Can I take Parental Leave in days or hours?

The 1998 Act allows employees to take Parental Leave in days or hours. However you must have your employer's agreement to take leave in formats of less than 6 weeks.

Can my employer force me to take all my Parental Leave in one block?

No, an employer cannot require an employee to take Parental Leave in a single large block of more than 6 weeks.

Can I share my unpaid Parental Leave with my partner?

No, the 1998 Act does not provide for the transfer of unpaid Parental Leave between parents except where both parents are employed by the same employer. In that specific situation one parent may transfer up to 14 weeks of Parental Leave to the other, **only if his / her employer consents**.

What is the amount of maximum entitlement to unpaid Parental Leave available to a parent who works on a week-on and week-off basis?

The 1998 Act provides that where a parent works on a pro-rata basis, the amount of Parental Leave available to the employee shall be equivalent to the number of hours worked by that employee in the 18 weeks before she or he intends to start the Parental Leave. In this case, the employee would currently be entitled to a maximum of nine weeks of Parental Leave which will increase to 11 weeks from 1 September 2019 and 13 weeks from 1 September 2020.

My child has a disability, must I take the leave by the time he is 12?

In the case of a child with a disability or a long-term illness, Parental Leave may be taken up to the child's 16th birthday. In addition an extension may also be allowed where illness or other incapacity has prevented the employee taking the leave within the normal period.

I have two children, is there a limit to the amount of Parental Leave that I can take in a year?

If an employee has more than one child, Parental Leave is limited to 18 weeks in a 12-month period. However this can be increased **if the employer consents**. Parents of twins or triplets can take more than 18 weeks of Parental Leave in a year.

Are both parents entitled to Parental Leave?

Both parents have an equal separate entitlement to Parental Leave.

What happens if I become ill while on Parental Leave?

If a parent becomes ill while on Parental Leave and is unable to care for the child, the leave can be suspended for the duration of the illness. An employee must give written notice and relevant evidence of the illness to the employer and the Parental Leave resumes after the illness. During the illness the parent is treated as an employee who is sick.

Will I get paid while on Parental Leave?

No, you are not entitled to pay from your employer while you are on Parental Leave.

Is my job safe while I am on Parental Leave?

Taking Parental Leave does not affect your employment rights and your position remains as if no Parental Leave had been taken. This means that time spent on Parental Leave can be used to accumulate annual leave entitlement and you are entitled to any public holidays that occur while you are on Parental Leave.