



EMPLOYMENT, PENSIONS AND EMPLOYEE BENEFITS

Work Life Balance and Miscellaneous Provisions Act 2023 – An Update

by **Aoife Bradley**

Work Life Balance and Miscellaneous Provisions Act 2023 – An Update

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The Work Life Balance and Miscellaneous Provisions Act 2023 affords new workplace rights for parents and caregivers. The new laws are wide-ranging and employers need to be aware of the impact that the provisions will have on their businesses.

As of July 2023, the following rights and entitlements came into effect:

- employees in Ireland are entitled to up to 5 days unpaid leave for medical care purposes,
- transgender men (who have given birth) can now access maternity and pregnancy related leave and entitlements, and
- there is an increase in the number of weeks (from 26 weeks to 104 weeks) during which mothers are entitled to take paid time off work for breastfeeding purposes.

These new rights and entitlements (further details of which are set out below) are subject to the employee satisfying the relevant statutory criteria.

Medical Care Leave

Employees are entitled to leave without pay from their employment, known as medical care leave, for the purposes of providing personal care or support to a (relevant) person needing significant care or support for a serious medical reason. An employee is now entitled to up to 5 days unpaid leave in any period of 12 consecutive months and the leave is not to be taken for a period of less than one day. An employee can apply for the leave to care or support their child (including an adopted child), spouse or civil partner, cohabitant, parent or grandparent, brother or sister, or a person who resides in the same household as the employee.

Maternity Leave Access

Existing maternity protection legislation has been amended to now ensure transgender men who have obtained a gender recognition certificate and subsequently given birth fall within its scope and can avail of the employment law protections surrounding maternity and pregnancy related leave and entitlements.

Breastfeeding Entitlements

Employees who are breastfeeding are entitled, without reduction of pay, to avail of either time off from work (up to one hour) for the purpose of breastfeeding in the workplace or a reduction in working hours (up to one hour) for the purpose of breastfeeding otherwise than in the workplace, for a period of 104 weeks (two years) post-birth as opposed to the previous period of 26 weeks (6 months).

This legislation also provides for a number of other significant rights and entitlements for employees which are expected to come into force before the end of this year including:

- the introduction of domestic violence leave,
- a right to request remote working, and
- a right to request flexible working arrangements for caring purposes), all of which are expected to come into force before the end of this year.

Domestic Violence Leave

The government recently announced that employees availing of domestic violence leave will be entitled to their full pay during the leave period. Domestic violence leave is a new type of leave providing for five days paid leave per year for an employee who is suffering, or has suffered, domestic violence. The aim of the leave is to enable the employee (or a 'relevant person' as defined in the Act) to seek medical attention, support services and advice, among other things. Domestic violence leave will be formally introduced in the Autumn alongside regulations setting out the rate of pay and guidance for employers. The decision to provide employees with fully paid domestic violence leave was reached following consultation with employers' representatives, trade unions and domestic violence support groups. There was a specific requirement added to the legislation to consult with domestic violence support groups to ensure that they would have an opportunity to give their views given they work closely with victims of domestic violence. The government have commissioned a range of policy supports for employers to ensure they are well placed to deal with a situation where an employee seeks domestic violence leave or when they become aware that an employee is a victim of domestic violence. Employers should consider implementing a suitable written policy (reflecting this new form of leave) once it comes into effect in Autumn 2023.

Employers should review and update their employee/HR policies to ensure that they are prepared for the newly introduced and impending statutory rights and entitlements are reflected.

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