

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 parent's 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 Budget.<sup>1</sup> 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

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

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:

*"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 22<sup>nd</sup> 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 issues.<sup>2</sup>

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".<sup>3</sup>

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 months.<sup>4</sup> 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.<sup>5</sup>

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,

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<sup>2</sup> 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>

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

<sup>4</sup> [https://www.leavenetwork.org/fileadmin/user\\_upload/k\\_leavenetwork/annual\\_reviews/2019/iceland\\_2019\\_0824.pdf](https://www.leavenetwork.org/fileadmin/user_upload/k_leavenetwork/annual_reviews/2019/iceland_2019_0824.pdf)

<sup>5</sup> [https://www.leavenetwork.org/fileadmin/user\\_upload/k\\_leavenetwork/country\\_notes/2018/FINAL.Norway2018.pdf](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 Alliance<sup>6</sup> 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 wage.<sup>7</sup>

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.<sup>8</sup>

#### Recommendation

- Increase the rate of Parent's Benefit to €295 per week to bring more in line with EU norms<sup>9</sup>

## 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

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<sup>6</sup> 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

<sup>7</sup> OECD (2018). Family database. Parental leave systems.

[https://www.oecd.org/els/soc/PF2\\_1\\_Parental\\_leave\\_systems.pdf](https://www.oecd.org/els/soc/PF2_1_Parental_leave_systems.pdf)

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

<sup>9</sup> 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>

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.