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*Number 13 of 2006*

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**PARENTAL LEAVE (AMENDMENT) ACT 2006**

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ARRANGEMENT OF SECTIONS

Section

1. Interpretation.
  2. Entitlement to parental leave.
  3. Amendment of section 6 of Principal Act.
  4. Amendment of section 7 of Principal Act.
  5. Amendment of section 8 of Principal Act.
  6. Amendment of section 10 of Principal Act.
  7. Amendment of section 11 of Principal Act.
  8. Amendment of section 13 of Principal Act.
  9. Amendment of section 15 of Principal Act.
  10. Amendment of section 16 of Principal Act.
  11. Protection of employees from penalisation.
  12. Codes of practice.
  13. Short title and collective citation.
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[No. 13.] *Parental Leave (Amendment) Act* [2006.]  
2006.

ACTS REFERRED TO

Adoptive Leave Act 1995	1995, No. 2
Employment Equality Act 1998	1998, No. 21
Medical Practitioners Act 1978	1978, No. 4
Parental Leave Act 1998	1998, No. 30
Redundancy Payments Acts 1967 to 2003	
Unfair Dismissals Acts 1977 to 2005	



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**PARENTAL LEAVE (AMENDMENT) ACT 2006**

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AN ACT TO AMEND AND EXTEND THE PARENTAL  
LEAVE ACT 1998.

[18th May, 2006]

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:

**1.—(1)** In this Act—

Interpretation.

“Minister” means the Minister for Justice, Equality and Law Reform;

“Principal Act” means the Parental Leave Act 1998.

(2) A reference in this Act to any enactment shall be construed as a reference to that enactment as amended, adapted or extended by or under any other enactment including this Act.

**2.—**The Principal Act is amended by substituting the following for section 6:

Entitlement to  
parental leave.

“Entitlement  
to parental  
leave.

6.—(1) Subject to this Act, an employee who is a relevant parent in respect of a child shall be entitled to leave from his or her employment, to be known and referred to in this Act as ‘parental leave’, for a period of 14 working weeks to enable him or her to take care of the child.

(2) Subject to sections 10(4) and 11(6), a period of parental leave shall end—

(a) subject to paragraphs (b) and (c), not later than the day on which the child concerned attains the age of 8 years,

(b) subject to paragraph (c), in the case of a child who—

(i) is the subject of an adoption order, and

- (ii) has, on or before the date of the making of that order, attained the age of 6 years but not 8 years,

not later than the expiration of the period of 2 years beginning on that date, or

- (c) if the child concerned has a disability, not later than the day on which the child—

- (i) attains the age of 16 years, or

- (ii) ceases to have that disability or any other disability,

whichever first occurs.

(3) A period of parental leave shall not commence before a time when the employee concerned has completed one year's continuous employment with the employer from whose employment the leave is taken.

(4) Subject to this Act, an employee shall be entitled to parental leave in respect of each child of which he or she is a relevant parent.

(5) A person who is a relevant parent in more than one capacity in respect of a child shall not be entitled to parental leave in more than one such capacity in respect of the child.

(6) Where 2 or more relevant parents in respect of a child are entitled to parental leave in respect of the child, none of the parents shall be entitled to—

- (a) the parental leave of any other parent in respect of the child, or

- (b) transfer any part of the period of his or her parental leave to any other parent in respect of the child.

(7) Notwithstanding subsection (3), where an employee—

- (a) will not have completed one year's continuous employment with his or her employer on the latest day for commencing a period of parental leave having regard to subsection (2), but

- (b) has completed 3 months of such employment on the latest day for commencing a period of such leave provided for by this subsection,

the employee shall, subject to this Act, be entitled to parental leave for a period of one week for each month of continuous employment that he or she

has completed with the employer at the time of the commencement of the leave.

(8) Where, before the relevant day, a person who is a relevant parent in respect of a child—

(a) has taken 14 weeks parental leave in respect of the child (and irrespective of whether the leave consisted of a continuous period or a number of periods), or

(b) has not taken 14 weeks parental leave in respect of the child (and irrespective of whether the person was prevented from taking all or any of the parental leave by the operation of subsection (3) of this section as in force before the relevant day),

then, on and after the relevant day—

(c) if paragraph (a) is applicable, nothing in this Act as amended by the relevant Act shall entitle the person to any further period of parental leave in respect of that child, and

(d) if paragraph (b) is applicable, this Act as amended by the relevant Act shall apply to so much of the 14 weeks of parental leave referred to in that paragraph as was not taken before the relevant day in respect of that child.

(9) In this section—

‘adopting parent’ means an adopting father, adopting mother or sole male adopter within the meaning of the definitions of ‘adopting father’, ‘adopting mother’ and ‘sole male adopter’ respectively in section 2 of the Adoptive Leave Act 1995 but as if, in each of those definitions, the words ‘or is to be placed’ were omitted;

‘adoptive parent’, in relation to a child, means a person in whose favour an adoption order in respect of the child has been made and is in force;

‘disability’, in relation to a child, means an enduring physical, sensory, mental health or intellectual impairment of the child such that the level of care required for the child is substantially more than the level of care that is generally required for children of the same age who do not have any such impairment;

‘relevant Act’ means the *Parental Leave (Amendment) Act 2006*;

‘relevant day’ means the day on which *section 2* of the relevant Act comes into operation;