

Paternity Leave Newsflash

The Paternity Leave and Benefit Act 2016 (the Act) will come into effect on 1 September 2016. What this means is that the "relevant parent" of children born/adopted on or after this date is entitled to take 2 weeks paternity leave from his or her employment and to receive an accompanying social welfare benefit.

The leave must be taken as 1 continuous block and within 26 weeks of the birth/adoption of the child. Employees must give at least 4 weeks' notice in writing of their intention to avail of the leave. There is provision for shorter notice should it be necessary, for example, if the birth is earlier than expected. The Act also allows for the postponement of leave in certain circumstances, such as the hospitalisation of the child or sickness of the relevant parent.

Records of paternity leave must be retained by the employer for a period of 8 years after the relevant leave is taken.

A key definition in the Act is "relevant parent"; it includes the father of the child and the spouse, civil partner or cohabitant of the mother or adopting parent. The leave is therefore not confined to male employees. It can be taken by one parent only.

The Act has been well received as an important step in legislating for parents' rights. While employers are not obliged to pay employees during the period of paternity leave, this is something for employers to consider, particularly where they pay employees on maternity leave.

Employers should update their existing leave policies to reflect the introduction of this new leave entitlement. [Click here](#) for a basic guideline paternity leave policy that can be used in conjunction with any existing maternity leave and adoptive leave policies.

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