



An Bille um Chosaint Máithreachais (Leasú), 2024
Maternity Protection (Amendment) Bill 2024

Mar a tionscnaíodh

As initiated



AN BILLE UM CHOSAINT MÁITHREACHAIS (LEASÚ), 2024
MATERNITY PROTECTION (AMENDMENT) BILL 2024

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Maternity Protection Acts 1994 and 2004

Sick Leave Act 2022 (No. 24)



AN BILLE UM CHOSAINT MÁITHREACHAIS (LEASÚ), 2024
MATERNITY PROTECTION (AMENDMENT) BILL 2024

Bill

entitled

An Act to amend and extend the Maternity Protection Act 1994 and to provide for postponement of maternity leave where a mother has been diagnosed with cancer or other serious illness during pregnancy, and to provide for related matters. 5

Be it enacted by the Oireachtas as follows:

Definitions

1. In this Act— 10

“cancer” means a disease caused by an uncontrolled division of abnormal cells in a person’s body and which has been diagnosed as such by a consultant oncologist registered with the Medical Council in Ireland;

“Minister” means the Minister for Enterprise, Trade and Employment;

“other serious illness” means a health condition, other than cancer, that carries a high risk of mortality and requires repeated hospitalisation, and that has been diagnosed as such by a medical consultant registered with the Medical Council in Ireland; 15

“Principal Act” means the Maternity Protection Act 1994.

Insertion of section 14C into Principal Act

2. The Principal Act is amended by the insertion of the following section after section 14B: 20

“Postponement of maternity leave or additional maternity leave in event of mother’s diagnosis during pregnancy with cancer or other serious illness

14C. (1) An employee who is on maternity leave or is entitled to, or is on, additional maternity leave may, if she is diagnosed with cancer or other serious illness during the pregnancy carrying the child in connection with whose birth she is on, or is entitled to, that leave, request in writing (or cause a written request to be submitted) to her employer to postpone— 25

(a) part of the maternity leave,

(b) part of the maternity leave and the additional maternity leave, or 30

(c) the additional maternity leave or part of it, as may be appropriate,

in accordance with this section.

- (2) Notwithstanding the fact that an employee who is on maternity leave has not, in accordance with section 14(4), notified her employer in writing (or caused her employer to be so notified) of her intention to take additional maternity leave, she shall be deemed, for the purposes of making a request under paragraph (b) or (c) of subsection (1), to have complied with section 14(4). 5
- (3) An employer who receives a request under subsection (1) may agree to postpone the leave concerned and, if the employer does so—
- (a) the employee concerned shall return to work on a date agreed by her and the employer that is not later than the date on which the leave concerned is due to end in accordance with the notification given, or deemed under subsection (2) to have been given, by the employee to the employer under section 9 or 14, as the case may be, 10 15
 - (b) the leave concerned shall be postponed with effect from the date agreed under paragraph (a), and
 - (c) the employee concerned shall be entitled to—
 - (i) the part of the maternity leave,
 - (ii) the part of the maternity leave and the additional maternity leave, or 20
 - (iii) the additional maternity leave or the part of it, as the case may be, not taken by her by reason of the postponement (in this section referred to as ‘resumed leave’) in accordance with regulations made under this section by the Minister to be taken in one continuous period commencing not later than 14 days after the date on which she has been certified by her consultant oncologist or medical consultant as being fit to return to work. 25
- (4) An employer who receives a request under subsection (1) shall notify the employee concerned in writing of the employer’s decision in relation to the request as soon as reasonably practicable following the receipt of it. 30
- (5) Without prejudice to the generality of subsection (3), regulations under this section may make provision in relation to either or both of the following matters: 35
- (a) the maximum period of postponement of leave under this section, and
 - (b) the evidence to be furnished by an employee to her employer of the cancer or other serious illness with which she has been diagnosed, and the serious medical treatment that the employee is undergoing. 40
- (6) Entitlement to resumed leave shall, subject to subsection (8), be subject to an employee having notified her employer in writing (or

caused her employer to be so notified) as soon as reasonably practicable but not later than the day on which the leave begins of her intention to commence such leave.

- (7) A notification under subsection (6) may be revoked by a further notification in writing given by or on behalf of the employee concerned to her employer within the period specified in that subsection for the giving of the notification concerned. 5
- (8) An employer may, at the discretion of the employer, waive the right to receive a notification in accordance with subsection (6).
- (9) Nothing in this section shall interfere with any entitlement of an employee to claim sick leave under the Sick Leave Act 2022 during the postponed period of maternity leave provided for by this section. 10
- (10) Where an employee's leave is postponed under this section—
 - (a) subject to paragraph (b), the employee shall comply with subsection (1A), in lieu of subsection (1), of section 28, and 15
 - (b) the employee shall not, in relation to returning to work under subsection (3)(a), be required to comply with section 28.”.

Short title, citation and commencement

- 3. (1) This Act may be cited as the Maternity Protection (Amendment) Act 2024.
- (2) The Maternity Protection Acts 1994 and 2004 and this Act may be cited together as the Maternity Protection Acts 1994 to 2024. 20
- (3) This Act shall come into operation on such day or days as the Minister may appoint by order or orders either generally or with reference to any particular purpose or provision and different days may be so appointed for different purposes or different provisions. 25

An Bille um Chosaint Máithreachais
(Leasú), 2024

BILLE

(mar a tionscnaíodh)

dá ngairtear

Acht do leasú agus do leathnú an Achta um Chosaint Mháithreachais, 1994 agus do dhéanamh socrú maidir le saoire mháithreachais a iarchur i gcás gur fáthmheasadh go bhfuil ailse nó breoiteacht thromaí eile ar mháthair le linn toirchis, agus do dhéanamh socrú i dtaobh nithe gaolmhara.

An Teachta Séamus Ó Ceallacháin a thug isteach,
20 Márta, 2024

Maternity Protection (Amendment) Bill 2024

BILL

(as initiated)

entitled

An Act to amend and extend the Maternity Protection Act 1994 and to provide for postponement of maternity leave where a mother has been diagnosed with cancer or other serious illness during pregnancy, and to provide for related matters.

Introduced by Deputy Jim O'Callaghan,
20th March, 2024

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
BÓTHAR BHAILE UÍ BHEOLÁIN, CILL MHAIGHNEANN,
BAILE ÁTHA CLIATH 8, D08 XAO6.
Teil: 046 942 3100
r-phost: publications@opw.ie
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