

FAMILY RIGHTS

The forthcoming legislative changes outlined in the Bill significantly enhance protections for family rights, focusing primarily on parental, paternity, and bereavement leave.

Parental Leave

Under the existing legislation, statutory parental leave is granted after an employee has completed one year of service, entitling them to up to 18 weeks of unpaid leave for each child until they reach 18 years of age. The proposed Bill aims to eliminate the one-year service prerequisite, thereby establishing unpaid parental leave as an employment right effective from Day 1 of employment.

Paternity Leave:

The proposed reforms to paternity leave measures signify a significant shift in eligibility criteria and protection for employees. Under the current regulations, eligibility for paternity leave requires 26 weeks of continuous service, and individuals cannot take paternity leave following a period of shared parental leave. The forthcoming Bill seeks to ensure that statutory paternity leave is accessible from day one of employment, thereby broadening the scope of eligible employees.

Further, the Bill will aim to fix the interplay between paternity leave and shared parental leave. As it stands, employees forfeit their right to paternity leave and pay if they opt for shared parental leave. The proposed changes will allow employees to pursue paternity leave and pay despite previously taking shared parental leave.

Moreover, the Bill enhances protections for mothers against redundancy during maternity leave and for a designated period post-return. It prohibits dismissals of pregnant women during maternity leave and within the subsequent six-month return-to-work interval, except under strictly defined circumstances. This protection is expected to extend to other family leave configurations, including adoption leave, shared parental leave, neonatal leave, and bereavement-related paternity leave.

Bereavement Leave:

The forthcoming legislative amendments concerning bereavement leave introduce significant changes to the current framework. Under existing regulations, statutory parental bereavement leave provides eligible parents—specifically those who lose a child under the age of 18 or who experience a stillbirth after 24 weeks—with the right to two weeks of paid leave. This leave is classified as a day-one right; however, qualifying for statutory parental bereavement pay requires employees to have completed 26 weeks of service.

The new proposal aims to establish a universal entitlement for all employees to access at least one week of unpaid bereavement leave. In conjunction with this, the Bill will revise the terminology from "parental bereavement leave" to "bereavement leave," thereby broadening its scope. However, parents who suffer the loss of a child under 18 will continue to retain their entitlement to the two weeks of paid leave.

Furthermore, protections against detriment or dismissal due to the exercise of parental bereavement leave rights will be extended to employees taking the new, broader bereavement leave. However, regulations would need to be made by the government to specify the relationships which will entitle an employee to take bereavement leave. However, we can expect it to cover most close relationships, such as a spouse, civil partner, and similar familial connections.

What actions can employers take moving forward?

Employers must be cognisant of several implications arising from recent changes to parental leave policies. The elimination of service requirements for unpaid parental leave and paternity leave will expand eligibility, resulting in a significantly larger pool of employees entitled to these forms of leave.

Consequently, organisations will need to enhance their capacity to manage an increased frequency of such absences. It will be imperative for employers to revise their leave management policies to accommodate this broader eligibility.

Moreover, while many organisations presently extend paid bereavement leave, the introduction of new statutory regulations will necessitate a more structured approach to its administration, along with enhanced protections for employees utilising this leave.

Employers should proactively reassess their bereavement leave policies and consider potential enhancements to the provision of paid leave to align with the new legal framework.