



Innangard Paid Leave & Protections for Employees with Caregiver Responsibilities Report

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If you have any questions in relation to caregiver responsibilities, or any other employment law questions, **ASK INNANGARD:**
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An Overview of Paid Leave and Protections for Employees with Caregiver Responsibilities in Different Jurisdictions

<u>Australia</u>	
1. Maternity leave & pay	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Employee entitled to unpaid parental leave following birth of the child, provided she has responsibility for the care of the child. Employee must have 12 months' service with the employer and must comply with notice and evidence requirements.
<u>Duration</u>	<ul style="list-style-type: none"> Entitled to up to 12 months' unpaid parental leave. Right to request up to a further 12 months leave. Request can only be refused on reasonable business grounds. Employee and employer can agree to up to 10 'keeping in touch days' during period of parental leave. No compulsory period of leave.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Many employers, especially large companies and government agencies, provide some payment to employees on parental leave. Employees may take other leave entitlements, such as annual leave or long service leave, during a period of parental leave. Employees may be entitled to Parental Leave Pay from the Commonwealth Government. Currently \$672.60 per week for a maximum of 18 weeks. Parental Leave Pay applies to the birth mother, provided they: are the primary caregiver for the child; earn less than \$150,000 per annum; and have worked for the requisite number of weeks and hours during previous 13 months.
<u>Employment Protection and Remedies</u>	<p>Return to work guarantee</p> <ul style="list-style-type: none"> Employee is entitled to return to the employee's pre-parental leave position or, if that position no longer exists, an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position. Employer must consult with employee on parental leave if the employer makes a decision that will have a significant effect on the status, pay or location of the employee's pre-parental leave position. <p>Protection from discrimination</p> <ul style="list-style-type: none"> State and federal laws prohibit discrimination on the basis of an employee's sex, pregnancy or family responsibilities. The principal remedy for breach of anti-discrimination law is compensation. In some jurisdictions, namely New South Wales and Western Australia, compensation is capped at \$100,000. The <i>Fair Work Act 2009</i> (Cth) (FW Act) prohibits employers from taking any "adverse action" (a broad concept that includes dismissal and "less favourable" treatment) against an employee because she has taken, or proposed to take, parental leave or because of her sex, pregnancy or family responsibilities. Breach of the FW Act can result in a penalty of up to \$54,000 for corporations and \$10,800 for individuals, in addition to compensation (uncapped) and/or, in some cases, reinstatement.

	<p>Protection from non-genuine redundancy</p> <ul style="list-style-type: none"> • Employees whose employment is terminated due to redundancy may be eligible to bring an unfair dismissal claim before the Fair Work Commission (FWC). • Employer bears onus of establishing that redundancy was “genuine” (i.e. that the position was no longer required, that the employer complied with any relevant consultation obligations, and that it was not reasonable for the employee to be redeployed). • If the FWC finds that the dismissal was not a case of genuine redundancy, it may order reinstatement or compensation of up to 6 months’ pay.
<p>2. Time off for Antenatal Appointments Time off for expectant parents to attend antenatal appointments</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • No specific statutory entitlement to time off for antenatal appointments. • Employee may request to take annual leave or unpaid leave to attend appointments. • Employer who refuses to provide leave in these circumstances may risk breaching anti-discrimination laws.
<u>Duration</u>	N/A
<u>Pay/Benefits</u>	N/A
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • The principal remedy for breach of anti-discrimination laws is compensation. In some jurisdictions, namely New South Wales and Western Australia, compensation is capped at \$100,000.
<p>3. Adoption Leave and Pay Right for adoptive parents to take paid time off work on adoption of a child</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Employee entitled to unpaid parental leave following adoption of the child, provided the child is under 16 years of age and employee is responsible for the care of the child. • Employee must have 12 months’ service with the employer and must comply with notice and evidence requirements.
<u>Duration</u>	<ul style="list-style-type: none"> • Entitled to up to 12 months’ unpaid parental leave. • Right to request up to a further 12 months leave. Request can only be refused on reasonable business grounds. • Employee and employer can agree to up to 10 ‘keeping in touch days’ during period of parental leave.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Many employers, especially large companies and government agencies, provide some payment to employees on parental/adoption leave. • Employees may take other leave entitlements, such as annual leave or long service leave, during a period of parental leave. • Employee may be entitled to Parental Leave Pay if they are the <u>primary caregiver for the child</u>; earn less than \$150,000 per annum; and have worked for the requisite number of weeks and hours during previous 13 months.

	<ul style="list-style-type: none"> • Parental Leave Pay is paid by the Commonwealth Government and is currently \$672.60 per week for a maximum of 18 weeks. • If not the primary caregiver, the employee may be entitled to Dad and Partner Pay if they are on unpaid leave, earn less than \$150,000 per annum; and have worked for the requisite number of weeks and hours during previous 13 months. • Dad and Partner Pay is paid by the Commonwealth Government and is currently \$672.60 per week for a maximum of 2 weeks.
<u>Employment Protection and Remedies</u>	<p>Return to work guarantee</p> <ul style="list-style-type: none"> • Employee is entitled to return to the employee's pre-parental leave position or, if that position no longer exists, an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position. • Employer must consult with employee on parental leave if the employer makes a decision that will have a significant effect on the status, pay or location of the employee's pre-parental leave position. <p>Protection from discrimination</p> <ul style="list-style-type: none"> • State and federal laws prohibit discrimination on the basis of an employee's family responsibilities. • The principal remedy for breach of anti-discrimination law is compensation. In some jurisdictions, namely New South Wales and Western Australia, compensation is capped at \$100,000. • The <i>Fair Work Act 2009</i> (Cth) (FW Act) prohibits employers from taking any "adverse action" (a broad concept that includes dismissal and "less favourable" treatment) against an employee because the employee has taken, or proposed to take, parental leave or because of his or her family responsibilities. • Breach of the FW Act can result in a penalty of up to \$54,000 for corporations and \$10,800 for individuals, in addition to compensation (uncapped) and/or, in some cases, reinstatement. <p>Protection from non-genuine redundancy</p> <ul style="list-style-type: none"> • Employees whose employment is terminated due to redundancy may be eligible to bring an unfair dismissal claim before the Fair Work Commission (FWC). • Employer bears onus of establishing that redundancy was "genuine" (ie, that the position was no longer required, that the employer complied with any relevant consultation obligations, and that it was not reasonable for the employee to be redeployed). • If the FWC finds that the dismissal was not a case of genuine redundancy, it may order reinstatement or compensation of up to 6 months' pay.
<p>4. Time off for Adoption Appointments</p> <p>Right for joint and single adopters to take time off to attend adoption appointments</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • No specific statutory entitlement to time off for adoption appointments. • Employee may request to take annual leave or unpaid leave to attend appointments. • Refusal by employer to provide leave in these circumstances may amount to discrimination on the basis of family responsibilities.
<u>Duration</u>	N/A

<u>Pay/Benefits</u>	N/A
<u>Employment Protection and Remedies</u>	N/A
5. Paternity Leave and Pay Right for fathers to take paid leave from work after having a child	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Employee entitled to unpaid parental leave following the birth of a child of the employee's spouse or de facto partner, provided the employee is, or will be, responsible for the care of the child. Employee must have 12 months' service with the employer and must comply with notice and evidence requirements.
<u>Duration</u>	<ul style="list-style-type: none"> The duration depends on whether or not the employee will be taking parental leave at the same time as their partner. If the employee will not be taking leave at the same time as their partner, he is entitled to take up to 12 months of parental leave. If the employee's partner is not taking parental leave at all, he is entitled to request up to a further 12 months of parental leave. The employer can only refuse such a request on reasonable business grounds. If the employee is taking leave at the same time as their partner, the employee may take up to 8 weeks of "concurrent leave". Concurrent leave can be taken in separate periods, but, unless the employer agrees, each period must not be shorter than 2 weeks.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Many employers, especially large companies and government agencies, provide some payment to employees on parental/paternity leave. Employees may take other leave entitlements, such as annual leave or long service leave, during a period of parental leave. Employee may be entitled to Parental Leave Pay if they: are <u>primary caregiver for the child</u>; earn less than \$150,000 per annum; and have worked for the requisite number of weeks and hours during previous 13 months. Parental Leave Pay is paid by the Commonwealth Government and is currently \$672.60 per week for a maximum of 18 weeks. If not the primary caregiver, the employee may be entitled to Dad and Partner Pay if they are on unpaid leave, earn less than \$150,000 per annum; and have worked for the requisite number of weeks and hours during previous 13 months. Dad and Partner Pay is paid by the Commonwealth Government and is currently \$672.60 per week for a maximum of 2 weeks.
<u>Employment Protection and Remedies</u>	<p>Return to work guarantee</p> <ul style="list-style-type: none"> Employee is entitled to return to the employee's pre-parental leave position or, if that position no longer exists, an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position. Employer must consult with employee on parental leave if the employer makes a decision that will have a significant effect on the status, pay or location of the employee's pre-parental leave position. <p>Protection from discrimination</p> <ul style="list-style-type: none"> State and federal laws prohibit discrimination on the basis of an employee's sex or family responsibilities.

	<ul style="list-style-type: none"> The principal remedy for breach of anti-discrimination law is compensation. In some jurisdictions, namely New South Wales and Western Australia, compensation is capped at \$100,000. The <i>Fair Work Act 2009</i> (Cth) (FW Act) prohibits employers from taking any “adverse action” (a broad concept that includes dismissal and “less favourable” treatment) against an employee because the employee has taken, or proposed to take, parental leave or because of his family responsibilities. Breach of the FW Act can result in a penalty of up to \$54,000 for corporations and \$10,800 for individuals, in addition to compensation (uncapped) and/or, in some cases, reinstatement. <p>Protection from non-genuine redundancy</p> <ul style="list-style-type: none"> An employee whose employment is terminated due to redundancy may be eligible to bring an unfair dismissal claim before the Fair Work Commission (FWC). The employer bears onus of establishing that redundancy was “genuine” (ie, that the position was no longer required, that the employer complied with any relevant consultation obligations, and that it was not reasonable for the employee to be redeployed). If the FWC finds that the dismissal was not a case of genuine redundancy, it may order reinstatement or compensation of up to 6 months’ pay.
<p>6. Shared Parental Leave and Pay</p> <p>Right for parents to share their total leave and pay entitlement between them after having a child</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> The entitlement to unpaid parental leave applies to both members of the employee couple, provided each member of the couple has, or will have, responsibility for the care of the child. Employees must have 12 months’ service with the employer and must comply with notice and evidence requirements.
<u>Duration</u>	<p>Non-concurrent leave</p> <ul style="list-style-type: none"> One employee's leave must start on or before the birth/adoption. The other employee's leave must start immediately after the end of the first employee's period of leave. Essentially, the two employees can share up to 24 months of unpaid parental leave. Both are entitled to 12 months’ leave, with any further period taken by one employee reducing the amount of leave that can be taken by the other. <p>Concurrent leave</p> <ul style="list-style-type: none"> An employee couple may take up to 8 weeks of “concurrent leave”. May be taken in separate periods, but, unless the employer agrees, each period must not be shorter than 2 weeks.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> The employee couple can share the entitlement to 18 weeks of Parental Leave Pay, provided they both meet the eligibility requirements. In circumstances where one partner takes over from the other as primary carer of the child, the remainder of the Parental Leave Pay balance can be “transferred” to the other partner. If not the primary caregiver, the employee may be entitled to Dad and Partner Pay if they are on unpaid leave, earn less than \$150,000

	<p>per annum; and have worked for the requisite number of weeks and hours during previous 13 months.</p> <ul style="list-style-type: none"> Dad and Partner Pay is paid by the Commonwealth Government and is currently \$672.60 per week for a maximum of 2 weeks.
<u>Employment Protection and Remedies</u>	<p>Return to work guarantee</p> <ul style="list-style-type: none"> Employee is entitled to return to the employee's pre-parental leave position or, if that position no longer exists, an available position for which the employee is qualified and suited nearest in status and pay to the pre-parental leave position. Employer must consult with employee on parental leave if the employer makes a decision that will have a significant effect on the status, pay or location of the employee's pre-parental leave position. <p>Protection from discrimination</p> <ul style="list-style-type: none"> State and federal laws prohibit discrimination on the basis of an employee's sex, pregnancy or family responsibilities. The principal remedy for breach of anti-discrimination law is compensation. In some jurisdictions, namely New South Wales and Western Australia, compensation is capped at \$100,000. The <i>Fair Work Act 2009</i> (Cth) (FW Act) prohibits employers from taking any "adverse action" (a broad concept that includes dismissal and "less favourable" treatment) against an employee because the employee has taken, or proposed to take, parental leave or because of his or her sex, pregnancy or family responsibilities. Breach of the FW Act can result in a penalty of up to \$54,000 for corporations and \$10,800 for individuals, in addition to compensation (uncapped) and/or, in some cases, reinstatement. <p>Protection from non-genuine redundancy</p> <ul style="list-style-type: none"> An employee whose employment is terminated due to redundancy may be eligible to bring an unfair dismissal claim before the Fair Work Commission (FWC). The employer bears onus of establishing that redundancy was "genuine" (ie, that the position was no longer required, that the employer complied with any relevant consultation obligations, and that it was not reasonable for the employee to be redeployed). If the FWC finds that the dismissal was not a case of genuine redundancy, it may order reinstatement or compensation of up to 6 months' pay.
<p>7. Parental Leave</p> <p>Right of parents to take leave in order to care for a child (over and above any statutory maternity, paternity and adoption leave)</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> No specific statutory entitlement to take leave to care for a child, unless the child is affected by illness, injury or unexpected emergency (see section 9 below). Employees may request to take annual leave or unpaid leave. Refusal by employer to provide leave in these circumstances may amount to discrimination on the basis of family or carer responsibilities.
<u>Duration</u>	N/A
<u>Pay/Benefits</u>	N/A

<u>Employment Protection and Remedies</u>	N/A
8. Flexible Working Right for employees to request flexible working patterns in relation to their hours and place of work	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • An employee may request a change in their working arrangements if they require flexibility because they are the parent or have responsibility for the care of a child who is of school age or younger. • The employee must have 12 months of service with the employer. • Request must be in writing and set out details of the change sought and the reasons for the change. • Employer must grant or refuse request in writing within 21 days of request being made. Employer can only refuse request on reasonable business grounds.
<u>Duration</u>	<ul style="list-style-type: none"> • No specific limit on the duration of any flexible working arrangement.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Employer and employee may agree to vary the employee's pay/benefits to reflect the new working arrangement.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • State and federal laws prohibit discrimination on the basis of an employee's sex, pregnancy or family responsibilities. • The principal remedy for breach of anti-discrimination law is compensation. In some jurisdictions, namely New South Wales and Western Australia, compensation is capped at \$100,000. • The <i>Fair Work Act 2009</i> (Cth) (FW Act) prohibits employers from taking any "adverse action" (a broad concept that includes dismissal and "less favourable" treatment) against an employee because the employee has exercised their right to request flexible working arrangements or because of the employee's family responsibilities. • Breach of the FW Act can result in a penalty of up to \$54,000 for corporations and \$10,800 for individuals, in addition to compensation (uncapped) and/or, in some cases, reinstatement.
9. Time off for Dependants Right for employees to take reasonable unpaid leave in urgent situations concerning their dependants	
<u>Scope/Eligibility Requirements</u>	<p>Paid carer's leave</p> <ul style="list-style-type: none"> • Full time and part time employees accrue 2 weeks of paid personal/carer's leave per year of service with the employer. • Employees are entitled to take paid carer's leave to provide care or support to a member of the employee's household or "immediate family" who requires care or support because of an illness or injury or an unexpected emergency. • Immediate family includes: a spouse, de facto partner, child, parent, grandparent, grandchild or sibling of the employee; and a child, parent, grandparent, grandchild or sibling of a spouse or de facto partner of the employee. • The employee must comply with notice and evidence requirements. <p>Unpaid carer's leave</p>

	<ul style="list-style-type: none"> Employees are entitled to 2 days of unpaid carer's leave, subject to the same eligibility requirements as paid carer's leave.
<u>Duration</u>	<ul style="list-style-type: none"> No specific limit on the duration of paid carer's leave. Entitlement to unpaid carer's leave is limited to 2 days for each occasion.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Paid carer's leave is paid at the employee's base rate of pay for the employee's ordinary hours of work during the period of leave. Unpaid carer's leave is unpaid.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> State and federal laws prohibit discrimination on the basis of an employee's sex, pregnancy or family responsibilities. The principal remedy for breach of anti-discrimination law is compensation. In some jurisdictions, namely New South Wales and Western Australia, compensation is capped at \$100,000. The <i>Fair Work Act 2009</i> (Cth) (FW Act) prohibits employers from taking any "adverse action" (a broad concept that includes dismissal and "less favourable" treatment) against an employee because of the employee's family responsibilities or because the employee has exercised his or her right to take carer's leave. Breach of the FW Act can result in a penalty of up to \$54,000 for corporations and \$10,800 for individuals, in addition to compensation (uncapped) and/or, in some cases, reinstatement.

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An Overview of Paid Leave and Protections for Employees with Caregiver Responsibilities in Different Jurisdictions

France	
1. Maternity leave & pay	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers who carry and give birth to the child. • Employees, agency workers, other workers or self-employed women. • Must give notification of the expected date of childbirth to their employer and intended leave dates.
<u>Duration</u>	<p>Employees: Either 16 weeks, 26 weeks, 34 weeks, or 46 weeks. Maternity leave starts 6 weeks before the expected due date and lasts 10 weeks after childbirth. In any case, it lasts a minimum of 8 weeks in total and 6 weeks after childbirth. The legal duration is extended in some cases:</p> <ul style="list-style-type: none"> •the worker has already under her care more than 2 children: 26 weeks (8 before childbirth, 18 after). •the worker gives birth to twins: 34 weeks (12 before childbirth, 22 after). •the worker gives birth to triplets or more: 46 weeks (24 before, 22 after). <p>Self-employed workers: The maternity leave can be:</p> <ul style="list-style-type: none"> •44 days (14 days before childbirth), •59 days (14 days before childbirth) – optional, •74 days (14 days before childbirth) – optional, •104 days (14 days before childbirth) - in case of pathological disorder or multiple birth.
<u>Pay/Benefits</u>	<p>Employees:</p> <ul style="list-style-type: none"> • The employer does not pay for the leave, unless the applicable collective bargaining agreement provides otherwise. • If certain conditions are met, including taking full leave, the worker receives during the maternity leave, an allowance that is calculated on the last 3 months' salary before the leave, minus 21%. It may not exceed a certain threshold which is in 2016: 3,218 euros a month, 83,58 euros a day. <p>Self-employed workers: They are entitled to two types of payment from the Social Security:</p> <ul style="list-style-type: none"> • a "<u>maternity rest</u>" payment which is paid in two halves: on the 7th month of pregnancy and after childbirth. The full amount depends on the worker's remuneration. In 2016 it is set at:

	<ul style="list-style-type: none"> ○ above 3,698 euros a month: 3,170 euros. ○ under 3,698 euros a month: 1,585 euros. • <u>an allowance</u> during the leave. To benefit, the worker must take a minimum leave of 44 consecutive days, including 14 days before the due date. <p>They can take two additional 15 consecutive days leave and 30 days additional leave in cases of pathological disorder or multiple birth.</p> <p>The pay for this depends also on the worker's remuneration. In 2015:</p> <ul style="list-style-type: none"> • Above 3,698 euros a month: 52,10 euros a day • Under 3,698 euros a month: 26,05 euros a day
<p><u>Employment Protection and Remedies</u></p>	<p><u>Employees are entitled to:</u></p> <ul style="list-style-type: none"> • return to the same job, otherwise they are entitled to a suitable alternative job on not less favourable terms (if not reasonably practicable to return to same job). • a suitable alternative role if during the maternity leave the employee's role is redundant (otherwise dismissal is automatically unfair). <p><u>Employees are protected from:</u></p> <p>Automatically unfair dismissal.</p> <p>The employer cannot dismiss an employee from the beginning of her pregnancy until 10 weeks after returning from maternity leave unless:</p> <ul style="list-style-type: none"> • the dismissal finds its ground in a serious misconduct that is not linked with the pregnancy, • the employer proves that he could not maintain the worker for reasons that are not connected with the pregnancy (i.e. redundancy on economic grounds). <p>If the employer does not abide by these rules, the dismissal is void.</p> <p>In any case, the dismissal may not be notified/come into effect during the time of the maternity leave.</p> <p><u>All employees, workers and some self-employed are protected from:</u></p> <ul style="list-style-type: none"> • Pregnancy/maternity discrimination: unfavourable treatment during the protected period (beginning of pregnancy to end of maternity leave) because of pregnancy or related illness. • Protection against direct and indirect sex discrimination: less favourable treatment on grounds of sex including breast-feeding (outside of protected period) <p><u>Remedies:</u></p> <ul style="list-style-type: none"> • Automatic unfair dismissal: re-instatement/re-engagement and/or compensation for losses. • Criminal penalties: imprisonment of up to 3 years and a 45,000 euros fine.

2. Time off for Antenatal Appointments

Time off for expectant parents to attend antenatal appointments

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Must be: <ul style="list-style-type: none"> ○ pregnant employee or agency worker; or ○ individual in a qualifying relationship with mother or child (can include civil partners/ husbands of mother who is not the child's father, unmarried cohabiting couple of same-sex and opposite sex relationship and parents undergoing assisted reproduction). • No length of service required. • According to government guidance, antenatal care is restricted to medical examinations. • The employee must inform their employer of the relevant dates and times of appointments and provide evidence of the appointments if requested. Employer entitled to refuse the request if it reasonable to do so.
<u>Duration</u>	<ul style="list-style-type: none"> • For <u>employees and agency workers</u>: there is no maximum limit specified. • For <u>individuals in a 'qualifying relationship' with the mother or child</u>: maximum of 3 appointments.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • For <u>employees and agency workers</u> time off is paid. • For <u>individuals in a 'qualifying relationship' with the mother or child</u> time off is also paid.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • If time is unreasonably refused, the worker can bring proceedings against its employer.

3. Adoption Leave and Pay

Right for adoptive parents to take paid time off work on adoption of a child

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to adoptive mothers and fathers. • Must be an employee. • Employee must notify their employer of the date the child is to be placed with them and intended leave dates.
<u>Duration</u>	<ul style="list-style-type: none"> • Adoption leave may be taken by either parent or both. If both take it, they have to distribute the leave days among them. It lasts: <ul style="list-style-type: none"> ○ 10 weeks from the day the child is to be placed with them (+ 11 days if both take it); ○ 18 weeks if the parents have already two children or more under their care (+ 11 days if both take it); ○ 22 weeks if more than one child is adopted (+18 days if both take it).

	<ul style="list-style-type: none"> ○ The adoption leave can start a week before the adopted child's arrival.
<p><u>Pay/Benefits</u></p>	<p>Employees:</p> <ul style="list-style-type: none"> • The employer does not pay for the leave, unless the applicable Collective Bargaining Agreement provides otherwise. • If certain conditions are met, one of which including actually taking full leave, the worker receives during the adoption leave, an allowance that is calculated on the last 3 months' salary before the leave, minus 21%. • It may not exceed a certain threshold which is in 2016: <ul style="list-style-type: none"> ○ 3,218 euros a month, ○ 83.58 euros a day. <p>If both parents take the adoption leave, they have to distribute among themselves the remuneration as described above.</p> <p>Self-employed workers:</p> <p>They are entitled to two types of indemnities from the Social Security:</p> <ul style="list-style-type: none"> • a "<u>maternity rest</u>" payment which is paid at the child's arrival date. The full amount depends on the worker's remuneration. In 2016 it was set as: <ul style="list-style-type: none"> ○ Above 3,698 euros a month: 3,170 euros. ○ Under 3,698 euros a month: 1,585 euros. • <u>an allowance</u> during the leave. To receive this, the worker must take a minimum leave of 44 consecutive days, including 14 days before the due date. • She can take two additional 15 consecutive day leaves plus 30 days in case of pathological disorder or multiple births. • The amount for this depends also on the worker's remuneration. In 2015 it was set as: <ul style="list-style-type: none"> ○ Above 3,698 euros a month: 52.10 euros a day. ○ Under 3,698 euros a month: 26.05 euros a day.
<p><u>Employment Protection and Remedies</u></p>	<p><u>Employees are entitled to:</u></p> <ul style="list-style-type: none"> • return to the same job, <u>otherwise</u> they will be entitled to return to a suitable alternative job on not less favourable terms (if it is not reasonably practicable to return to the same job). • a suitable alternative role if during the adoption leave the employee's role is redundant (otherwise dismissal is automatically unfair). <p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> • Automatically unfair dismissal <p>The employer cannot dismiss the parents from the child's arrival until 10 weeks after returning from adoption leave unless:</p> <ul style="list-style-type: none"> ○ the dismissal finds its ground in a serious misconduct that is not linked with the adoption, ○ the employer proves that he could not maintain the worker for reasons that are not connected with the adoption. <ul style="list-style-type: none"> • Detriment (at any time) for a reason connected to taking or attempting to take OAL or AAL.

4. Time off for Adoption Appointments

Right for joint and single adopters to take time off to attend adoption appointments

<u>Scope/Eligibility Requirements</u>	N/A
<u>Duration</u>	N/A
<u>Pay/Benefits</u>	N/A
<u>Employment Protection and Remedies</u>	N/A

5. Paternity Leave and Pay

Right for fathers to take paid leave from work after having a child

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to fathers. • (Also covers individuals in a 'qualifying relationship' with the mother or child). • Must be an employee. <p>The employer must be notified of the employee's leave dates one month before.</p>
<u>Duration</u>	<p>Paternal leave may be taken within 4 months of the child's birth or adoption. It lasts:</p> <ul style="list-style-type: none"> • 11 consecutive days; or • 18 consecutive days if more than one child is born or adopted. <p>In addition, the father may take a "birth leave" of 3 days in the days surrounding the child's birth.</p>
<u>Pay/Benefits</u>	<p>The employee is not paid for the leave, unless the applicable collective bargaining agreement provides otherwise.</p> <p>If certain conditions are met, one of which including actually taking full leave, the worker receives during the paternal leave, an allowance that is calculated on the last 3 months' salary before the leave minus 21%.</p> <p>It may not exceed a certain threshold which is in 2016:</p> <ul style="list-style-type: none"> • 3,218 euros a month, • 83.58 euros a day.
<u>Employment Protection and Remedies</u>	<p>Employees are entitled to:</p> <ul style="list-style-type: none"> • return to the same job <u>otherwise</u> they will be entitled to return to a suitable alternative job on not less favourable terms (if it is not reasonably practicable to return to the same job). <p><u>Employees are protected from:</u></p>

	<ul style="list-style-type: none"> • Automatically unfair dismissal where the reason or principal reason for dismissal is taking or seeking to take paternity leave. • Detriment (at any time) for a reason connected to taking or seeking to take paternity leave. <u>Remedies:</u> • Automatic unfair dismissal: re-instatement/re-engagement <u>and/or</u> compensation for losses. • Detriment: declaration <u>and</u> compensation.
6. Shared Parental Leave and Pay Right for parents to share their total leave and pay entitlement between them after having a child	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers and fathers (including adoptive). • Can only be taken by employees with a one-year seniority. • Both parties must notify their employer of their entitlement and intention to take leave, confirming the relevant dates. If the parental leave directly follows the maternity/adoption leave, the notification must be given one month before the expiration date. • Both parties must not practise any professional activity except childminder/nanny ones.
<u>Duration</u>	<ul style="list-style-type: none"> • It may consist in taking full leave or working part-time. • It lasts one year (each parent can take a separate period of up to 6 months) and is renewable twice so it can last three years maximum (24 months for the mother and 16 months for the individual in a 'qualifying relationship' with her). • It may be taken: <ul style="list-style-type: none"> ○ until the child reaches the age of 3, ○ if the child is adopted at an age under 3, until 3 years after adoption, ○ if the child is adopted at an age above 3, until 1 year after adoption. • If the employee wants to modify or renew its parental leave, he must notify it to his employer one month before the term.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • For parental leave, a public allowance can be received. It amounts to (until 31 March 2016): <ul style="list-style-type: none"> ○ 390.52 euros a month if the parent has completely stopped working, ○ 638.34 euros if the parent has completely stopped working and has at least 3 children, ○ 252.46 euros if the parent works 50% of the time, ○ 145.63 euros if the parent works 50-80% of the time. • The duration of the remuneration does not necessarily coincide with the duration of the leave.
<u>Employment Protection and Remedies</u>	<p>Employees are entitled to:</p> <ul style="list-style-type: none"> • return to the same job (if the shared parental leave taken does not exceed 26 weeks), <u>otherwise</u> they will be entitled to return to another suitable alternative job. • a suitable alternative role if during shared parental leave the employee's role is redundant (otherwise dismissal is automatically unfair).

	<ul style="list-style-type: none"> Benefit, at their own initiatives, from a professional training. <p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> Automatically unfair dismissal where reason or principal reason for dismissal is taking or seeking to take shared parental leave. Detriment (at any time) for a reason connected to taking or attempting to take shared parental leave. <p><u>Remedies:</u></p> <ul style="list-style-type: none"> Automatic unfair dismissal: re-instatement/re-engagement <u>and/or</u> compensation for losses. Detriment: declaration <u>and</u> compensation
7. Parental Leave Right of parents to take leave in order to care for a child (over and above any statutory maternity, paternity and adoption leave)	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Applies to mothers and fathers (including adoptive). Can only be taken by employees with a one-year seniority/ at least one year's service. Both parties must notify their employer of their entitlement and intention to take leave, confirming the relevant dates. If the parental leave directly follows the maternity/adoption leave, the notification must be given one month before the expiration date. Both parties must not practise any professional activity except childminder/nanny ones.
<u>Duration</u>	<ul style="list-style-type: none"> It may consist in taking full leave or working part-time. It lasts one year and is renewable twice (for the same amount of time or not) so it can last three years maximum. It may be taken: <ul style="list-style-type: none"> until the child reaches the age of 3, if the child is adopted at an age under 3, until 3 years after adoption, if the child is adopted at an age above 3, until 1 year after adoption. If the employee wants to modify or renew its parental leave, he must notify it to his employer one month before the term.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> For parental leave, a public allowance can be asked. However, in order to foster parents to share their total leave, they are entitled to a limited amount of benefits. <ul style="list-style-type: none"> Only 6 months paid for 1 year taken. Only 2 years paid for 3 years taken.
<u>Employment Protection and Remedies</u>	<p><u>Employees are entitled to:</u></p> <ul style="list-style-type: none"> return to the same job (if the shared parental leave taken does not exceed 26 weeks), <u>otherwise</u> they will be entitled to return to another suitable alternative job. a suitable alternative role if during shared parental leave the employee's role is redundant (otherwise dismissal is automatically unfair). Benefit, at their own initiatives, from a professional training.

	<p>Employees are protected from:</p> <ul style="list-style-type: none"> • Automatically unfair dismissal where reason or principal reason for dismissal is taking or seeking to take shared parental leave. • Detriment (at any time) for a reason connected to taking or attempting to take shared parental leave. <p>Remedies:</p> <ul style="list-style-type: none"> ○ Automatic unfair dismissal: re-instatement/re-engagement <u>and/or</u> compensation for losses. ○ Detriment: declaration <u>and</u> compensation.
<p>8. Flexible Working</p> <p>Right for employees to request flexible working patterns in relation to their hours and place of work</p>	
<p><u>Scope/Eligibility Requirements</u></p>	<p><u>Pregnant women:</u></p> <ul style="list-style-type: none"> • Any pregnant woman at her request or her employer's or on the basis of a medical prescription. <p><u>Other medical issues :</u></p> <ul style="list-style-type: none"> • Disabled workers, or workers that have experienced a work-related injury. • Also applies to individuals and family members taking care of the disabled person. • Pregnant employees.
<p><u>Duration</u></p>	<p><u>Pregnant women:</u></p> <ul style="list-style-type: none"> • The flexible working pattern's duration must not exceed the pregnancy period. In case of night shifts, the pregnant woman can benefit from it till one month after the end of the maternity leave. <p><u>Other medical issues :</u></p> <ul style="list-style-type: none"> • Requests can be flexible in order to meet the needs of a particular employee.
<p><u>Pay/Benefits</u></p>	<ul style="list-style-type: none"> • Pay/benefits may not change.
<p><u>Employment Protection and Remedies</u></p>	<ul style="list-style-type: none"> • Employee entitled to claim for procedural failings on the grounds that the employer: <ul style="list-style-type: none"> ○ Failed to deal with application in reasonable manner; ○ Failed to base their refusal on one of the prescribed reasons; ○ Based their decision on incorrect facts; ○ Failed to notify the employee within the decision period; or ○ Incorrectly treated the request as withdrawn. <p><u>Remedy</u></p> <p>Compensation and/or a reconsideration of the request.</p>

9. Time off for Dependants

Right for employees to take reasonable unpaid leave in urgent situations concerning their dependants

Scope/Eligibility Requirements

- **Leave for family issues/ reasons** applies to employees and self-employed workers:
 - who experience the death of a dependant.
- **Family Solidarity Leave** applies to employees and self-employed workers:
 - To deal with a dependant that has a life-threatening illness.
 - The employee must provide a medical certificate of the affiliate suffering from the illness. The MD must attest from the life-threatening illness.
 - Employee must inform their employer at least 15 days prior the start date of the leave.
- **Family Support Leave** applies to employees:
 - With at least **one year's service**.
 - To deal with a disabled dependent or a dependent suffering from an important loss of autonomy (a spouse, civil partner, child or parent, a person that lives in the same household as the employee or anyone that reasonably relies on the employee).
 - Employee must inform their employer at least 2 months prior the start date of the leave.
 - The employee must not practise any professional activity meanwhile.
 - The supported dependent must live in France.
- **Leave for Sick Children**
 - The employer must be provided with a medical certificate confirming the child's illness.

Duration

- **Leave for family issues:**
 - Two days for the death of a child or an individual in a 'qualifying relationship' with the employee.
 - One day for the death of the parents, parents-in-law or siblings of the employee.
- **Family Solidarity Leave:**
 - The leave lasts 3 months and is renewable once. It can also consist of a part-time job period/working at a part-time basis.
- **Family Support Leave:**
 - The leave lasts 3 months and is renewable as long as it does not exceed 1 year for the entire career. It can also consist of a part-time job period/working at a part-time basis.
- **Leave for Sick Children:**
 - "**Basic**" Sick Leave: **3 days/per year** for children up to 16. With 2 complementary days granted for children under 1 year or when the employee has 3 children up to 16.

	<ul style="list-style-type: none"> ○ <u>“Long term” Sick Leave</u>: If a child under 20 suffers from a serious illness or is a victim of a serious accident requiring sustained attention. The duration of the Long Term Sick Leave is up to 310 working days which must be taken over a 3 years period. The actual period within which the days can be taken depends on the treatment of the child.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Unpaid.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employees are protected from: <ul style="list-style-type: none"> ○ Automatically unfair dismissal where the reason or principal reason for dismissal is taking or seeking to take time off for dependants. ○ Detriment (at any time) for a reason connected to taking or seeking to take time off for dependants. ○ Employer unreasonably refusing time off. • <u>Remedies</u>: <ul style="list-style-type: none"> ○ Automatic unfair dismissal: re-instatement/re-engagement <u>and/or</u> compensation for losses. ○ Detriment: declaration <u>and</u> compensation. ○ Unreasonably refusing time off: declaration <u>and</u> compensation.

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An Overview of Paid Leave and Protections for Employees with Caregiver Responsibilities in Different Jurisdictions

<u>Germany</u>	
1. Maternity leave & pay	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers who carry and give birth to the child. • Employees (including agency workers), trainees with employment contract. Not available to self-employed persons. • Should give notification of the expected day of childbirth to their employer.
<u>Duration</u>	<ul style="list-style-type: none"> • Minimum of 14 weeks: 6 weeks before expected day of birth and 8 weeks after birth, in case of multiple birth 12 weeks after birth.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Maternity Protection Pay is borne by the employer and must be at least the same amount of a 13-week wages average or of the last 3 months before pregnancy. • Vacation entitlement won't be reduced because of maternity leave. • Work space has to be appropriate to protect health and life of mother and child. • Mothers who are breastfeeding are given unpaid time, if requested (at least half an hour twice a day or one hour once daily); applies also for adoptive mothers. • Woman can terminate employment during pregnancy or protection period without needing to meet the protection deadline. • Employment suspension: <ul style="list-style-type: none"> ○ in case health and life of mother or child is endangered (medical certificate needed); ○ during the last 6 weeks before delivery, employment is only possible if mother declares willingness to work; ○ in case of heavy physical work or work in which they are exposed to harmful effects of hazardous substances or rays, of dust, fumes, heat, cold, etc.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employer has to inform the competent regulatory authority about the pregnancy. • Protection against dismissal: from beginning of pregnancy until expiration of 4 months after childbirth (exceptions possible, strict conditions). • Return to equal job, no entitlement to get the exact same job. • In case of invalid termination: employee has to file a request to the labour court within 3 weeks. • Re-employment entitlement if the court declares the termination invalid. • Protection from discrimination: as far as the European discrimination right is largely harmonised, see UK table for further information.

2. Time off for Antenatal Appointments

Time off for expectant parents to attend antenatal appointments

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none">• See above.• Only for necessary medical examinations.• Employee needs to make sure not to take all appointments during working time.• Employee should inform Employer about appointments.
<u>Duration</u>	<ul style="list-style-type: none">• Only for length of appointment.
<u>Pay/Benefits</u>	<ul style="list-style-type: none">• No loss of earnings, time off is paid.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none">• If time is unreasonably refused: Right of retention.• Optional: court.

3. Adoption Leave and Pay

Right for adoptive parents to take paid time off work on adoption of a child

<u>Scope/Eligibility Requirements</u>	N/A
<u>Duration</u>	N/A
<u>Pay/Benefits</u>	N/A
<u>Employment Protection and Remedies</u>	N/A

4. Time off for Adoption Appointments

Right for joint and single adopters to take time off to attend adoption appointments

<u>Scope/Eligibility Requirements</u>	N/A
<u>Duration</u>	N/A
<u>Pay/Benefits</u>	N/A
<u>Employment</u>	N/A

<u>Protection and Remedies</u>	
5. Paternity Leave and Pay Right for fathers to take paid leave from work after having a child	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to fathers. • Person who lets the child of his wife/husband/life partner live in his home or household. • Person has to care personally for the child. • Must be an employee. • Employee is not allowed to work more than 30 hours per week ordinarily during paternity leave. • Employee needs to request the paternity leave in written form: <ul style="list-style-type: none"> ○ For period until end of 3rd year of child's life: request has to reach the employer not later than 7 weeks before paternity leave begins. ○ For period between 3rd birthday and end of 8th year of child's life: request has to reach employer not later than 13 weeks before paternity leave begins.
<u>Duration</u>	<ul style="list-style-type: none"> • Until child turns 4: 36 months. • Part of up to 24 months can be taken between the third birthday and the end of the 8th year of the child's life. • 36 months in case of adoption, beginning with the day of official adoption. Possible period ends with the end of the 8th year of child's life.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Payment: from day of birth until the end of 14th month of child's life (remaining time is unpaid). • Calculation: 67% of the income the employee got before the child's birth (maximum €1800 per month, Minimum amount issued to eligible applicants is €300 (even for unemployed parents)). <ul style="list-style-type: none"> ○ Bonus (10% additional) if the entitled person lives in a household together with 2 children, who haven't turned 3 years of age. ○ Bonus (10% additional) if the entitled person lives in a household together with 3 or more children, who haven't turned 6.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employees can return to the same job (if not taken by another person) or suitable alternative job. • Protection against dismissal: during the period of 8 or 14 weeks (depending on age of the child, see above) before paternity leave begins until the end of it. • Protection from discrimination. • In case of invalid termination: employee has to file a request to the labour court within 3 weeks. • Re-employment entitlement if the court declares the termination invalid.

6. Shared Parental Leave and Pay

Right for parents to share their total leave and pay entitlement between them after having a child

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers and fathers (including adoptive parents). • Both parties must notify their employer of their entitlement and intention to take leave, confirming the relevant dates (deadlines: see above). • Paternal Leave may be taken proportionally.
<u>Duration</u>	<ul style="list-style-type: none"> • If mother takes parental leave following the maternity protection: time of maternity protection counts as parental leave. • Until child turns 4: 36 months. • Part of up to 24 months can be taken between the third birthday and the end of the 8th year of the child's life. • 36 months in cases of adoption, beginning with the day of official adoption. Possible period ends with the end of the 8th year of child's life.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • 14 month maximum €1800 per month. • Maybe additional childcare, if parents don't make use of a day care centre/early childhood kindergarten (€150 per month). • Parents can divide the 14 months up, minimum period to take is 2 months. • 2 additional months, if both parents take the opportunity to care ("partner month").
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Return to same job if possible, but no entitlement (legally disputed). • Protection against dismissals: during the period of 8 or 14 weeks (depending on age of the child, see above) before paternity leave begins until the end of it. • Protection against discrimination. • In case of invalid termination: employee has to file a request to the labour court within 3 weeks. • Re-employment entitlement in case the court declares the termination invalid.

7. Parental Leave

Right of parents to take leave in order to care for a child (over and above any statutory maternity, paternity and adoption leave)

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers and fathers. • Must be an employee. • Child must be 8 years old or younger.
<u>Duration</u>	<ul style="list-style-type: none"> • 36 months unpaid leave.

	<ul style="list-style-type: none"> • Option to split up between the parents. • Part of up to 24 months can be taken between the third birthday and the end of the 8th year of the child's life.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Leave is unpaid.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Return to same job if possible but no entitlement (legally disputed). • Protection against dismissals: during the period of 8 or 14 weeks (depending on age of the child, see above) before paternity leave begins until the end of it. • Protection against discrimination. • In case of invalid termination: employee has to file a request to the labour court within 3 weeks. • Re-employment entitlement if the court declares the termination invalid.
8. Flexible Working Right for employees to request flexible working patterns in relation to their hours and place of work	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Any employee must be employed for at least 6 months. • Notification 3 months before its onset. • Special entitlement for parents. • Employee is not entitled to demand on home office; in the best case: consensual agreement.
<u>Duration</u>	<ul style="list-style-type: none"> • Individual.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Pay/benefits may change as agreed between the employer and employee. • Employer has to take care, that also part-time working employees can be part of training activities.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employer has to inform the employee about his decision 1 month before the desired reduction is supposed to begin. • In case the employer doesn't agree on the reduction, he has to inform the employee in written form. • If he doesn't inform the employee, the reduction is considered as accepted. • Employer is only allowed to reject the request if operational reasons oppose it.
9. Time off for Dependants Right for employees to take reasonable unpaid leave in urgent situations concerning their dependants	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to employees, trainees, self-employed who can be compared to employees. • Close relatives/dependants in need of care. • Dependants are: grandparents, parents, parents-in-law, stepparents, spouse, civil partner, partners in consensual union, siblings, brother-in-law, sister-in-law, children, adoptive children, foster children (own or those of spouse or partner in consensual union), daughters-in-law, sons-in-law.

	<ul style="list-style-type: none"> • Family care time: <ul style="list-style-type: none"> ○ Must give notification of expected duration and extent, 8 weeks before beginning of family care period. • Longer absence: <ul style="list-style-type: none"> ○ Must give notification of expected duration and extent, 10 days before beginning of care period; ○ Medical certificate needed. • Short time absence: <ul style="list-style-type: none"> ○ Should give notification of expected duration as soon as possible; ○ Medical certificate, if employer asks for one.
<u>Duration</u>	<ul style="list-style-type: none"> • Short time absence: (up to) 10 days. • Longer absence: 6 months. • Family care time: 24 months maximum (combination of family care and long-time care) but employee has to keep on working for at least 15 hours per week.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • In case of short time absence: 90% of the last net earnings and employee stays social protected. • Longer absence: unpaid or proportional payment in case of partial exemption, half of the lost earnings is balanced by a credit lent by the Federal Family office. • Family care time: proportional payment, half of the lost earnings is balanced by a credit lent by the Federal Family office.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Protection against dismissals: from announcement, at earliest 12 weeks before beginning the care time until end of care time. • In case of invalid termination: employee has to file a request for the labour court within 3 weeks. • Re-employment entitlement in case the court declares the termination invalid.

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An Overview of Paid Leave and Protections for Employees with Caregiver Responsibilities in Different Jurisdictions

<u>Ireland</u>	
1. Maternity leave & pay	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers who carry and give birth to the child (including surrogate mothers but not mothers whose biological child was born by a surrogate). • Maternity leave is available to anyone employed under a contract of service including apprentices, agency workers and temporary workers, but not independent contractors. • Must give notification of the expected week of childbirth at least four weeks before leave.
<u>Duration</u>	<ul style="list-style-type: none"> • 42 weeks irrespective of length of service, made up of: <ul style="list-style-type: none"> ○ 26 weeks of ordinary maternity leave (OML), of which the employee is required to take the last 2 weeks before the end of the week that the baby is due <u>and</u> the first 4 weeks following childbirth. ○ 16 weeks of additional maternity leave (AML).
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits and T&Cs of employment continue except remuneration. • Both employees and the self-employed are entitled to 26 weeks' Maternity Benefit (MB) from the Department of Social Protection at a standard rate of €230 per week, which is taxable. Employees are obliged to apply for MB 6 weeks in advance, the self-employed 12 weeks in advance. • At all times, payment is subject to the individual having paid a minimum amount of social insurance (PRSI) contributions, broadly speaking 26 weeks' contribution on the part of employees, 52 weeks' on the part of the self-employed. MB may be enhanced by payments for further dependents, depending on the circumstances of the individual's spouse, civil partner or cohabitant. • Individuals who do not qualify for MB may be entitled to other social welfare benefits, depending on the circumstances, including half-rate MB.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employees are entitled to return to the same job or, where that is not reasonably practicable, they are entitled to a suitable alternative job on not less favourable terms, in accordance with the Maternity Protection Acts 1996 and 2006 (MPA). • Pursuant to the MPA, any purported termination or notice of termination of employment during maternity leave is void, regardless of the reason. • The dismissal of an employee is deemed unfair if it results wholly or mainly from the employee exercising her right to take maternity leave or time off for ante-natal classes or a reduction in hours for breast-feeding. • Dismissal – or any less favourable treatment - for those reasons would also constitute direct discrimination contrary to the gender and family status grounds, contrary to the Employment Equality Acts 1998-2015 (EEA). <p><u>Remedies</u></p> <ul style="list-style-type: none"> • Employees who are not permitted to return to their role (or to a suitable alternative role) may issue proceedings under the MPA.

	<p>Compensation is capped at 20 weeks' remuneration.</p> <ul style="list-style-type: none"> • Employees who have been dismissed for reasons connected with their pregnancy etc. can also issue proceedings under the Unfair Dismissals Acts 1977-2015. Compensation is capped at 2 years' gross remuneration, limited to actual loss. They may also seek reinstatement or reengagement. • Employees can also issue proceedings for any of the above under the EEA, where compensation is capped at 2 years' gross remuneration, <u>not</u> limited to actual loss. In cases of dismissal, employees may also seek reinstatement or reengagement. • The EEA preclude dismissed employees from recovering under both the UDA and EEA so the employee must elect between the two.
<p>2. Time off for Antenatal Appointments Time off for expectant parents to attend antenatal appointments</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Pregnant employees are entitled to paid time off work for ante-natal care, i.e. for medical or related appointments. Subject to some exceptions, the entitlement is subject to notification to the employer not later than 2 weeks before the date of the first class and production, if requested, of an appointment card or equivalent. • Pregnant employees may also take paid time off work to attend one set of antenatal classes (but not the last 3 of the series of classes as these would normally occur after maternity leave has started). The entitlement covers one set of classes over all pregnancies, albeit that some may be carried over depending on the circumstances. The entitlement is subject to notification to the employer not later than 2 weeks before the date of the first class and production, if requested, of written confirmation of the class(es). • Expectant fathers have a one-off right to paid time off work to attend the 2 antenatal classes immediately prior to the birth. • Employees must notify their employer in writing at least 2 weeks before classes commence, outlining the dates and times of the classes. Employers can request written evidence of the classes (dates and times). • No length of service required.
<u>Duration</u>	<ul style="list-style-type: none"> • No maximum limit is imposed on antenatal care appointments. • Expectant mothers may take paid time off work to attend up to 5 antenatal classes, out of a set of 8 (the final 3 taking place during OML). • Expectant fathers may take paid time off work to attend the last 2 classes.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Time off is paid.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • If the above entitlements are not honoured, affected individuals may issue proceedings under the MPA. Potential compensation is up to 20 weeks' remuneration. • Depending on the circumstances, a remedy might be sought under the EEA on discrimination grounds, where potential compensation is up to 2 years' gross remuneration.

3. Adoption Leave and Pay

Right for adoptive parents to take paid time off work on adoption of a child

<p><u>Scope/Eligibility Requirements</u></p>	<ul style="list-style-type: none"> • Only the adoptive mother is entitled to avail of adoptive leave from employment, except in the case where a male is the sole adopter. • An adoptive father is also entitled to certain leave in circumstances where the adoptive mother has died before or during the period of leave. • The minimum advance notification is 4 weeks before the expected placement of the child.
<p><u>Duration</u></p>	<ul style="list-style-type: none"> • An adoptive mother or a sole male adopter is entitled to: <ul style="list-style-type: none"> ○ a minimum of 24 consecutive weeks of adoptive leave from work, beginning on the day of placement of the child (OAL); ○ up to 16 weeks of additional adoptive leave (AAL).
<p><u>Pay/Benefits</u></p>	<ul style="list-style-type: none"> • All benefits and T&Cs of employment continue except in relation to remuneration. • Subject to adequate PRSI contributions, it is possible to receive Adoptive Benefit (AB) for the initial 24 week period of adoptive leave from the Department of Social Protection. AB is available to both employees and the self-employed. A standard weekly rate of €230 applies. • Non-qualifying adoptive mothers (and sole adoptive fathers) may still qualify for half-rate AB where in receipt of other social welfare benefits. • Paternity Benefit (PB), also at a standard weekly rate of €230, is available to adoptive fathers (who are adopting with an adoptive mothers).
<p><u>Employment Protection and Remedies</u></p>	<ul style="list-style-type: none"> • An adoptive mother (or sole adoptive father) has the same rights to return to work as with maternity leave, and must also give 4 weeks' notice of the intention to return. • She/he is entitled to return to the same job or, where not reasonably practicable, to a suitable and appropriate alternative on less favourable terms and conditions. • any purported termination or notice of termination of employment during adoptive leave is void, regardless of the reason. • The dismissal of an employee is deemed unfair if it results wholly or mainly from the employee exercising her/his right to take adoptive leave. • Dismissal – or any less favourable treatment - for those reasons could, depending on the circumstances, also constitute direct discrimination contrary to the family status and potentially gender grounds, contrary to the Employment Equality Acts 1998-2015 (EEA). <p><u>Remedies</u></p> <ul style="list-style-type: none"> • Employees who are not permitted to return to their role (or to a suitable alternative role) may issue proceedings under the Adoptive Leave Act 1995 (ALA). Compensation is capped at 20 weeks' remuneration. • Employees who have been dismissed for reasons connected with taking adoptive leave etc can also issue proceedings under the Unfair

	<p>Dismissals Acts 1977-2015. Compensation is capped at 2 years' gross remuneration, limited to actual loss. They may also seek reinstatement or reengagement.</p> <ul style="list-style-type: none"> • Employees may also consider issuing proceedings for any of the above under the EEA, where compensation is capped at 2 years' gross remuneration, <u>not</u> limited to actual loss. In cases of dismissal, employees may also seek reinstatement or reengagement. • The EEA preclude dismissed employees from recovering under both the UDA and EEA so the employee must elect between the two. •
<p>4. Time off for Adoption Appointments</p> <p>Right for joint and single adopters to take time off to attend adoption appointments</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • The adoptive mother (or sole adoptive father) are entitled to paid time off to attend pre-adoption classes and meetings which she/he is obliged to attend. • The entitlement is subject to notification no later than 2 weeks before the date of the first class/meeting and production on request of documentary evidence of same. • Adoptive fathers (who are adopting with an adoptive mother) have no specific entitlement.
<u>Duration</u>	<ul style="list-style-type: none"> • The employee is entitled to attend as many as she/he is obliged to attend for the purpose of the adoption.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Time off is paid.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • If the above entitlements are not honoured, affected individuals may issue proceedings under the ALA. Potential compensation is up to 20 weeks' remuneration. • Depending on the circumstances, a remedy might be sought under the EEA on discrimination grounds, where potential compensation is up to 2 years' gross remuneration
<p>5. Paternity Leave and Pay</p> <p>Right for fathers to take paid leave from work after having a child</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to fathers as from 1 January 2016 and applies equally to employees and the self-employed. • Also applies to a mother's spouse, civil partner or co-habitant, or the parent of a donor-conceived child. • Also applies to the spouse, civil partner or cohabitant of an adopting mother or a sole male adopter, or the nominated parent in the case of a married same-sex couple. • There is no service requirement. • Can be taken at any time within the first 6 months following the birth or adoption placement. • The employer must be notified of the employee's leave dates no later than 4 weeks in advance.
<u>Duration</u>	<ul style="list-style-type: none"> • Employees are entitled to two weeks' continuous leave to be taken at any time in the 26 weeks following the birth or adoption.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits and terms of conditions of employment continue except in relation to remuneration.

	<ul style="list-style-type: none"> • Paternity Benefit is paid by the Department of Social Protection at a flat rate of €230 per week.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employees have the same rights to return to work as with maternity leave, and must also give 4 weeks' notice of the intention to return. • They are entitled to return to the same job or, where not reasonably practicable, to a suitable and appropriate alternative on less favourable terms and conditions. • any purported termination or notice of termination of employment during paternity leave is void, regardless of the reason. • The dismissal of an employee is deemed unfair if it results wholly or mainly from the employee exercising her/his right to take adoptive leave. • Dismissal – or any less favourable treatment - for those reasons could, depending on the circumstances, also constitute direct discrimination contrary to the family status grounds, contrary to the Employment Equality Acts 1998-2015 (EEA). <p><u>Remedies</u></p> <ul style="list-style-type: none"> • Employees who are not permitted to return to their role (or to a suitable alternative role) may issue proceedings under the Paternity Leave and Benefit Act 2016 (PLBA). Compensation is capped at 2 weeks' remuneration. • Employees who have been dismissed for reasons connected with taking Paternity Leave etc can also issue proceedings under the Unfair Dismissals Acts 1977-2015. Compensation is capped at 2 years' gross remuneration, limited to actual loss. They may also seek reinstatement or reengagement. • Employees may also consider issuing proceedings for any of the above under the EEA, where compensation is capped at 2 years' gross remuneration, <u>not</u> limited to actual loss. In cases of dismissal, employees may also seek reinstatement or reengagement. • The EEA preclude dismissed employees from recovering under both the UDA and EEA so the employee must elect between the two.
6. Shared Parental Leave and Pay Right for parents to share their total leave and pay entitlement between them after having a child	
<u>Scope/Eligibility Requirements</u>	<u>See Parental Leave below</u> <ul style="list-style-type: none"> • Where both parents work for the same employer, one can transfer 14 weeks of his/her Parental Leave entitlement to the other, subject to the employer's agreement.
<u>Duration</u>	
<u>Pay/Benefits</u>	
<u>Employment Protection and Remedies</u>	
7. Parental Leave Right of parents to take leave in order to care for a child (over and above any statutory maternity, paternity and adoption leave)	
<u>Scope/Eligibility</u>	<ul style="list-style-type: none"> • Applies to mothers and fathers (including adoptive).

<u>Requirements</u>	<ul style="list-style-type: none"> • Also covers individuals acting in loco parentis with respect to an eligible child. • Leave must be taken before the child's 8th birthday. If a child was adopted between the age of 6 and 8, leave in respect of that child may be taken up to 2 years after the date of the adoption order. In the case of a child with a disability or a long-term illness leave may be taken up to 16 years of age. • Must have been employed by the employer for over one year, although leave may be pro-rated below this. • Notification of intention to take leave must be given at least 6 weeks in advance, with confirmation from the employer to be furnished within 4 weeks. • Leave may be postponed by the employer for a period of no longer than 6 months.
<u>Duration</u>	<ul style="list-style-type: none"> • A total of 18 weeks per child, per parent, ordinarily to be taken in one or two blocks but can be restructured in agreement with the employer. • Where both parents work for the same employer, one can transfer 14 weeks of his/her leave entitlement to the other, subject to the employer's agreement.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits and T&Cs of employment continue except remuneration. • No benefit is payable by the State.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employees have the same rights to return to work as with maternity leave, and must also give 4 weeks' notice of the intention to return. • They are entitled to return to the same job or, where not reasonably practicable, to a suitable and appropriate alternative on less favourable terms and conditions. • Probation or training may be suspended during Parental Leave. • Employees are protected from penalisation for exercising or proposing to exercise his/her entitlement to Parental Leave. • The dismissal of an employee is deemed unfair if it results wholly or mainly from the employee exercising her/his right to take Parental Leave. • Penalisation/dismissal for those reasons could, depending on the circumstances, also constitute direct discrimination contrary to the family status grounds, contrary to the Employment Equality Acts 1998-2015 (EEA). <p><u>Remedies</u></p> <ul style="list-style-type: none"> • Employees may seek redress under the Parental Leave Act 1998-2006. Compensation is capped at 20 weeks' remuneration. • Employees who have been dismissed for reasons connected with taking Parental Leave etc can also issue proceedings under the Unfair Dismissals Acts 1977-2015. Compensation is capped at 2 years' gross remuneration, limited to actual loss. They may also seek reinstatement or reengagement. • Employees may also consider issuing proceedings for any of the above under the EEA, where compensation is capped at 2 years' gross remuneration, <u>not</u> limited to actual loss. In cases of dismissal, employees may also seek reinstatement or reengagement. • The EEA preclude dismissed employees from recovering under both the UDA and EEA so the employee must elect between the two.

8. Flexible Working

Right for employees to request flexible working patterns in relation to their hours and place of work

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • No statutory entitlement. • The Workplace Relations Commission’s Code of Practice on Access to Part-Time Work encourages employers to treat requests to reduce hours from full-time to part-time “seriously”. • May be requested on return to work from Parental Leave, for a set period of time following return, but may be refused. • Notification at least 6 weeks in advance of the intended date of commencement, with a response to be furnished by the employer within 4 weeks.
<u>Duration</u>	<ul style="list-style-type: none"> • The legislation sets no particular duration.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Pay/benefits may change as agreed between the employer and employee.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Disputes may be referred pursuant to the Parental Leave Act as above.

9. Time off for Dependants

Right for employees to take reasonable unpaid leave in urgent situations concerning their dependants

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to employees: <ul style="list-style-type: none"> ○ For urgent family reasons owing to an injury to or the illness of a dependant where the immediate presence of the employee is indispensable to deal with an emergency situation; ○ Where a dependant is a child, spouse or cohabitant, person to whom the employee is in loco parentis, a parent or grandparent, a sibling; or someone otherwise in a relationship of domestic dependency. • No length of service is required. • Notice to be given as soon as reasonably practicable, and within four weeks a medical certificate to be supplied containing particulars of the dependant’s injury or illness.
<u>Duration</u>	<ul style="list-style-type: none"> • The maximum amount of leave is 3 days in any 12-month period or 5 days in a 36-month period
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Paid • All other rights continue.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employees are protected from penalisation for availing of or proposing to avail of <i>Force Majeure</i> Leave, including dismissal and/or other unfair treatment or an unfavourable change to conditions of employment. • Remedies are as set out under “Parental Leave” above.

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An Overview of Paid Leave and Protections for Employees with Caregiver Responsibilities in Different Jurisdictions

<u>Italy</u>	
1. Maternity leave & pay	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Mothers who carry and give birth to the child. • Employees, agency workers and “dirigenti”.
<u>Duration</u>	<ul style="list-style-type: none"> • Standard maternity leave: from 2 months before birth and 3 months after. • Flexible maternity leave: from 1 month before birth and 4 months after. • Early commencement of maternity leave before the seventh month of pregnancy : <ul style="list-style-type: none"> ○ In the case of serious complications of pregnancy or pre-existing diseases that are judged likely to be aggravated by the state of pregnancy, so it is necessary that the woman to rest; ○ When the working or environmental conditions are detrimental to the health of women and children ; ○ When the worker performs heavy tasks (for example, lift weights or stay a long time in feet) and cannot be shifted by industry or job. • Optional maternal leave: after the mandatory leave, the woman can take 6 more optional months in the first 12 years of the child’s life.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • The mandatory maternity leave is paid by INPS (social security authority) at 80% of normal earnings. • In addition, collective labour agreements usually require the employer to make up the difference in remuneration so that the employee receives her normal earnings. • Optional parental leave allowance is equal to 30% of normal earnings. • In cases of early commencement of maternity leave all the period is fully paid. • Self-employed workers (e.g. agency worker) are eligible for a maternity allowance paid by INPS (5 months – 2 + 3 or 1 + 4). The amount of the allowance is equal to 80% of the earnings declared in the last year.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • A woman cannot be dismissed in her first year of marriage (starting from reading of the banns) and from the beginning of pregnancy until one year after the child’s birth (the protected period); otherwise the dismissal would be unfair and the Judge will order the reinstatement of worker. • From the start of pregnancy until the start of her maternity leave she may only be dismissed for a serious fault which makes it impossible for the employment relationship to continue even temporarily. • Employees are protected from detriment, at any time, for any reason connected to pregnancy. • When coming back to work at the end of maternity leave, the employer must give the employee the same position, task and duties that were carried out before.

2. Time off for Antenatal Appointments

Time off for expectant parents to attend antenatal appointments

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none">• Time off for antenatal appointments is given to pregnant employees.• No length of service is required.• Pregnant employees must inform their employer of the relevant dates and times of appointments and provide a copy of the medical certificate after the medical appointment.• Time off is not provided for birthing class.
<u>Duration</u>	<ul style="list-style-type: none">• Pregnant employees have the right to attend prenatal examinations, clinical tests or specialist medical examinations, during the course of working hours, without maximum limit.
<u>Pay/Benefits</u>	<ul style="list-style-type: none">• Time off to attend prenatal examinations is paid (100%) by INPS.
<u>Employment Protection and Remedies</u>	N/A

3. Adoption Leave and Pay

Right for adoptive parents to take paid time off work on adoption of a child

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none">• Applies to adoptive mothers and fathers.• Applies to employees or self-employed workers.• Workers, regardless of length of service, are entitled to adoption leave both when adopting children from within Italy and when adopting children from overseas.• The adoption leave may only be taken by one of the adoptive parents.
<u>Duration</u>	<ul style="list-style-type: none">• An employee who has a national adoption is entitled to paid adoption leave during the five months following the actual placement of the child with them.• An employee adopting from overseas is entitled to start the five months' paid adoption leave prior to the arrival of the child in Italy in order to comply with the foreign adoption procedure or for the required period of residence abroad.• Any remainder of the five months' leave may be taken immediately following the arrival of the child in Italy.• The employee who adopts a child is entitled to optional maternal leave and daily leave (until the first year of child's life), in the same way as natural mother.• In cases of child custody the employee is entitled to paid custody leave during the three months following the arrival of the child.

<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Adoption leave, as with maternal leave, is paid by INPS (social security authority) at 80% of normal earnings. In addition, Collective Labour Agreements usually require the employer to make up the difference in remuneration so that the worker receives her normal earnings.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> Italian law provides the adoption mother all the same protection given to the natural mother, including remedies against unfair dismissal or the right to conserve her role and position.
4. Time off for Adoption Appointments Right for joint and single adopters to take time off to attend adoption appointments	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Applies to adoptive mothers and fathers. Must notify their employer of the relevant dates and times of appointments and provide evidence of the appointments if requested (only for international adoption).
<u>Duration</u>	<ul style="list-style-type: none"> The time off is guaranteed for the period spent in the foreign country, in order to complete all the procedures for the adoption/custody.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> This kind of leave is guaranteed but not paid, unless otherwise stated in the collective agreement. The parents can use part of the adoption leave to complete the procedure for adoption.
<u>Employment Protection and Remedies</u>	N/A
5. Paternity Leave and Pay Right for fathers to take paid leave from work after having a child	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Applies to fathers. Must be an employee. No length of service is required.
<u>Duration</u>	<ul style="list-style-type: none"> Father is entitled to 2 days of obligatory paid leave within 5 months of the birth (i.e. Job Act). Working fathers are entitled to paternity allowance where they are taking the place of the mother since when she is unable to take care of the child due to: <ul style="list-style-type: none"> death or serious illness of the mother; abandonment by the mother; or sole custody of the child is with the father.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> The 2 days of obligatory leave is paid at 100% by INPS.

<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> The employee cannot be dismissed because of any reason connected to fatherhood.
6. Shared Parental Leave and Pay Right for parents to share their total leave and pay entitlement between them after having a child	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Applies to mothers and fathers (including adoptive).
<u>Duration</u>	<ul style="list-style-type: none"> Optional parental leave is 6 months for the mother (after the compulsory maternity leave) and 7 months for the father. In the first 12 years of the child's life the parents have the right to be absent from work, even at the same time as the other parent, for a total period of a maximum of 11 months. This is possible even if he/she is an adoptive parent or guardian. The father can take leave even during the mother's obligatory leave of absence. The employee who wants to ask for daily leave has to ask to the employer 5 days before.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Optional parental leave allowance is equal to <u>30% of pay in the first 3 years of the child's life.</u> Optional parental leave <u>after the first 3 years of the child's life is not paid.</u>
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> When coming back to work at the end of maternity leave, the employer must give the employee the same position, task and duties that were carried out before.
7. Parental Leave Right of parents to take leave in order to care for a child (over and above any statutory maternity, paternity and adoption leave)	
<u>Scope/Eligibility Requirements</u>	See above.
<u>Duration</u>	
<u>Pay/Benefits</u>	
<u>Employment Protection and Remedies</u>	

8. Flexible Working

Right for employees to request flexible working patterns in relation to their hours and place of work

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • There is the opportunity of “Telework”, but actually it is not often used. • The Government is working on a law about “smart working” and “work-life balance”, in order to find some new modalities for mother workers, in particular using new technologies from their home. • Employee can ask for a part-time contract instead of full time
<u>Duration</u>	<ul style="list-style-type: none"> • As an alternative to maternity leave those who have a full time contract of employment can choose to turn it into a part-time contract, with time up to a minimum of 50% time still worked. This part-time employment will not be extended beyond the time given for parental leave (10 months in total for both parents, with a maximum duration of six months for each of them).
<u>Pay/Benefits</u>	
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Last year the Government provided a significant sum in order to give vouchers to mothers who would like to come back to work instead of using optional parental leave. • The vouchers (a maximum of 600 euros per month for a period of six months) can be used to pay babysitters or kindergarten service.
<h2 style="margin: 0;">9. Time off for Dependants</h2> <p style="margin: 0;">Right for employees to take reasonable unpaid leave in urgent situations concerning their dependants</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to employees (both mother and father).
<u>Duration</u>	<ul style="list-style-type: none"> • Both parents have the right to take time off work for periods of <u>illness of children</u> under the age of 3 years (without limits). • Each parent, alternatively, has the right to take time off work in cases of <u>diseases of every child aged between three and eight years</u>, which is limited to 5 working days per year. • The daily rest (also permits for nursing, are also due in the case of adoptions and to credit lines). The mother (or the father, in some particular cases) is entitled to 2 rest periods per day, an hour each, even added together. The mother is entitled to only 1 hour a day if her daily working time is less than six hours. • In the case of hospitalisation of the new-born in a public or private facility, the mother has the right to request the suspension of the maternity leave until the date of the child's discharge.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Time off due to the illness of children or hospitalisation of the new born is paid by INPS.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Dismissal due to taking time off for dependents is automatically unfair. Remedies for unfair dismissal are re-instatement, re-engagement.

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An Overview of Paid Leave and Protections for Employees with Caregiver Responsibilities in Different Jurisdictions

<u>Netherlands</u>	
1. Maternity leave & pay	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers who carry and give birth to the child (including surrogate mothers). • Employees, including: agency workers and self-employed. • Must give notification to their employer of the pregnancy at least 3 weeks before the intended pregnancy leave and must give notification to their employer of the childbirth no later than the second day following the date of childbirth.
<u>Duration</u>	<ul style="list-style-type: none"> • At least 16 weeks irrespective of length of service, made up of: <ul style="list-style-type: none"> ○ 6 weeks of “pregnancy leave” (it is compulsory for all employees to take the last 4 weeks before the due date as pregnancy leave). ○ 10 weeks of “maternity leave” (this leave starts the day after childbirth and runs for at least 10 weeks. If the 6 weeks of pregnancy leave have not been taken fully, this time is added to the maternity leave).
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • During the maternity leave (pregnancy and maternity leave) the employee receives maternity pay, which is in principle 100% of her pay including certain benefits (holiday allowance and 13th month). However, the maternity pay is maximised to the “maximum dag loon” (in English: “maximum daily wage”) of EUR 203. Most employers pay the (possible) difference between the maximised maternity pay and the salary themselves, but they are not obliged to do so. The UWV (Employee Insurance Agency) pays the maternity leave. In most cases the employer receives the maternity pay from the UWV and the employer will pay the employee. In some cases (for instance when the employment contract ends during the maternity leave) the UWV will pay the employee directly.
<u>Employment Protection and Remedies</u>	<p><u>Employees are entitled to:</u></p> <ul style="list-style-type: none"> ○ return to the same job, or ○ a suitable alternative role if during maternity leave the employee’s role is redundant. <p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> ○ During pregnancy there is a so called prohibition of notice. This means that an employer can not dismiss an employee during pregnancy including a period of 6 weeks once the employee has returned to work after childbirth and maternity leave. ○ Pregnancy/maternity discrimination: unfavourable treatment during protected period (beginning of pregnancy to end of maternity leave) because of pregnancy or related illness. ○ Direct pregnancy/maternity discrimination: less favourable treatment on grounds of pregnancy/maternity (outside of

	<p>the protected period).</p> <p>NB: indirect pregnancy/ maternity discrimination does not exist.</p> <ul style="list-style-type: none"> ○ Protection against direct and indirect sex discrimination: less favourable treatment on grounds of sex including breast-feeding (outside of protected period). <p><u>Remedies:</u></p> <ul style="list-style-type: none"> ○ A dismissal whilst the prohibition notice was in force is void. The employee has 2 months after the dismissal to claim to the court. If the judge rules that the dismissal is null and void, the employment contract never ended. ○ An employee can also choose to accept the dismissal and claim for an additional reasonable payment instead of claiming the dismissal is void. ○ In a case of discrimination an employee can file a complaint because of unequal treatment at the “College voor de Rechten van de Mens” (Tribunal for human rights). A ruling from the Tribunal is not legally binding, but in practice in most cases it is followed upon. Also the employee can turn to the court to claim for damages. The employee does not have to file a complaint at the Tribunal first. If there is a ruling from the Tribunal the judge is obliged to take it into account with regard to his verdict.
<p>2. Time off for Antenatal Appointments</p> <p>Time off for expectant parents to attend antenatal appointments</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> ○ Must be a pregnant employee or agency worker, there is no length of service required. <p>The employee must inform their employer of the relevant dates and times of appointments and provide evidence of the appointments if requested. Employer is entitled to refuse the request if it is reasonable to do so.</p>
<u>Duration</u>	<ul style="list-style-type: none"> • There is no maximum limit specified by legislation.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Time off is paid by the employer.
<u>Employment Protection and Remedies</u>	N/A
<p>3. Adoption Leave and Pay</p> <p>Right for adoptive parents to take paid time off work on adoption of a child</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to adoptive and foster mothers and fathers who are employees. • Must notify their employer of the date the child is to be placed with them, if possible at least three weeks in advance.
<u>Duration</u>	<ul style="list-style-type: none"> • 4 weeks; the maximum of 4 weeks of adoption/foster leave has to be taken within a scope of 26 weeks. The first day of

	adoptive/foster leave can be taken 4 weeks before the first day of the actual adoption or the placing of the foster child.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> During the adoption/foster leave the employee receives adoption/foster pay, which is 100% of his/her pay including certain benefits (holiday allowance and 13th month). The adoption/foster pay is maximised to the maximum daily wage (EUR 203). Most employers pay the (possible) difference between the maximised adoption/foster pay and the salary themselves, but they are not obliged to do so. In most cases the employer receives adoption/foster pay from the UWV and will pay the employee, in some cases the UWV will pay the employee directly.
<u>Employment Protection and Remedies</u>	<p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> Dismissal on any grounds connected to the adoption or foster leave. Detriment (at any time) for a reason connected to taking or seeking to take adoptive/foster leave.
4. Time off for Adoption Appointments Right for joint and single adopters to take time off to attend adoption appointments	
<u>Scope/Eligibility Requirements</u>	N/A
<u>Duration</u>	N/A
<u>Pay/Benefits</u>	N/A
<u>Employment Protection and Remedies</u>	N/A
5. Paternity Leave and Pay Right for fathers to take paid leave from work after having a child	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Applies to the spouse, registered partner, unmarried cohabitant or the person who has recognized the child of the woman who has given birth. This is generally the father, but can also be the lesbian co-mother. Must be an employee. The employer must be notified of dates on which the employee wants to take paternity leave right after childbirth. The paternity leave can be taken within 4 weeks after childbirth (if the child was born at home) or within 4 weeks after the child has come home from hospital. If the employee also wants to take parental leave after the paternity leave, he or she has to inform the employer at least 2 months before the expected birth date. This leave will be seen as part of the parental leave (see below under Parental Leave).
<u>Duration</u>	<ul style="list-style-type: none"> 2 days of paternity leave and another 3 days of parental leave.

	<ul style="list-style-type: none"> • Right to attend the birth of the child. • There is currently a legislative proposal pending to extend the 2 days of paternity leave to 5 days.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • The 2 days of paternity leave are paid, the 3 days of parental leave are unpaid (unless otherwise agreed upon for instance in a collective agreement).
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • The employee cannot be dismissed on any grounds related to paternity or parental leave. • Detriment (at any time) for a reason connected to taking or seeking to take paternity or parental leave.
6. Shared Parental Leave and Pay Right for parents to share their total leave and pay entitlement between them after having a child	
<u>Scope/Eligibility Requirements</u>	N/A
<u>Duration</u>	N/A
<u>Pay/Benefits</u>	N/A
<u>Employment Protection and Remedies</u>	N/A
7. Parental Leave Right of parents to take leave in order to care for a child (over and above any statutory maternity, paternity and adoption leave)	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers and fathers individually (including adoptive, foster, and step-parents with parental responsibility) who are employees. • Child concerned must be under the age of 8. • Employees are required to give their employer notice of the leave they intend to take two months in advance.
<u>Duration</u>	<ul style="list-style-type: none"> • A maximum of 26 times the amount of working hours per week unpaid leave for each child separately. • The starting point is that the leave is taken during a contiguous period of 12 months for half of the working hours per week. However, an employee can request the employer to: <ul style="list-style-type: none"> ○ spread the leave over a period longer than 12 months, or; ○ split the leave in 6 or less periods of at least 1 month, or; ○ take leave for more hours per week than half of the working hours a week.

	<ul style="list-style-type: none"> The employer can deny such a request if there are substantial and compelling business or organisational reasons. However, the employer cannot postpone the taking of parental leave itself.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Parental leave is unpaid, but collective agreements might include the payment of (a part of) the salary.
<u>Employment Protection and Remedies</u>	<p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> Dismissal because the employee has applied for or takes parental leave. Although, the employee can be dismissed during the parental leave (for other reasons). Detriment (at any time) for a reason connected to taking or seeking to take parental leave.
<p>8. Flexible Working</p> <p>Right for employees to request flexible working patterns in relation to their hours and place of work</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Any employee with at least 26 weeks of service can request adjustment of working time (decrease or increase), working hours or working place for different periods of time. The employee must comply with a formal notification procedure two months in advance The employer is required to deal with the request in a reasonable manner. A request for adjustment of working time or working hours can only be refused by the employer as regards the number of hours and the beginning or the adjustment due to serious business reasons. The law lists examples of such reasons. The employee has a right to request an adjustment of the working place. The requested adjustment of the working hours during the week can only be refused if the wishes of the employee have reasonably to give way for the interest of the employer. An employer with less than 10 employees is exempt from the Act on Flexible Working. That employer has to formulate guidelines with regard to the right of employees to adjust their working hours.
<u>Duration</u>	<ul style="list-style-type: none"> Requests can be flexible in order to meet the needs of a particular employee (e.g. temporary care obligations or illness). Only 1 request can be made per 12 month period.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Pay/benefits may change as agreed between the employer and employee.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> If the employer has not decided upon the request at least one month before the date the employee wants the change to start, the request is automatically approved. The employee cannot be dismissed because of the fact that the employee requested a change in working hours or place, in or outside of court.

9. Time off for Dependants

Right for employees to take reasonable unpaid leave in urgent situations concerning their dependants

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none">• Applies to employees <u>without a length of service required.</u>• There are three types of time off:<ul style="list-style-type: none">○ Urgent leave is paid leave for a short, and reasonable, time when the employee cannot work because of special personal circumstances, for instance childbirth by a spouse, the death of a family member or housemate, emergency visits to the hospital for themselves or a dependant;○ Short-term care leave is a paid leave (70%; and at least the applicable minimum wage) for the necessary care of a dependant due to illness; or○ Long-term care leave is an unpaid leave for the necessary care of a dependant who has a life-threatening illness or requires care due to illness.• <u>Dependants</u> are: spouse (or registered partner or unmarried cohabitant), child, child of a spouse or partner, foster child, first and second degree relatives, a person who lives in the same household as the employee (but who is not an employee of the person) or anyone in a social relationship with the employee who reasonably relies on his/her care (e.g. friends).• The employee must inform the employer of the reason for their absence and when they expect to return, as soon as possible.
<u>Duration</u>	<ul style="list-style-type: none">• Urgent leave: reasonable time off as necessary to deal with an immediate situation and not to provide substantive care on an ongoing basis.• Short-term care leave: in every period of 12 months, a maximum of 2 times the working hours per week.• Long-term care leave: in every period of 12 months, a maximum of 6 times the working hours per week.
<u>Pay/Benefits</u>	<ul style="list-style-type: none">• Urgent leave: 100% pay.• Short-term care leave: 70% pay, maximised to the maximum daily wage.• Long-term care leave: unpaid.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none">• The employee cannot be dismissed on any grounds connected to the urgent, short-term care or long-term care leave.• Detriment (at any time) for a reason connected to taking or seeking to take a urgent, short-term care or long-term care leave.

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An Overview of Paid Leave and Protections for Employees with Caregiver Responsibilities in Different Jurisdictions

<u>Portugal</u>	
1. Maternity leave & pay	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers who carry and give birth to the child. • Applies to Employees and Independent Workers. • Must give notification of the pregnancy, in writing, accompanied by the medical certificate of pregnancy. • There are three types of parental leave after childbirth: the initial parental leave and the complementary parental leave, applicable to the mother and the father of the child (<u>see shared parental leave</u>) and the exclusive maternity leave. • Mothers are also entitled to a paid absence for breastfeeding, during the breastfeeding period (maximum 1 hour/2 times per day).
<u>Duration</u>	<p><u>Exclusive maternity leave:</u></p> <ul style="list-style-type: none"> • It is <u>mandatory</u> that the mother takes, at least, 6 weeks of parental leave after childbirth. • The mother can choose to take up to 30 days of the initial parental leave before childbirth. • The Employee that wishes to take part of the leave before childbirth must inform the Employer at least 10 days in advance, providing a medical statement indicating the expected date of childbirth, or if the 10 days' deadline is impossible to meet due to a medical emergency duly certified, the Employer must be informed as soon as possible. <p><u>On this matter, please also see Shared Parental Leave below.</u></p>
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits of employment continue except remuneration. • The mandatory maternity leave is paid by Social Security Authority at 100% of normal earnings.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employees cannot be dismissed on any grounds connected to motherhood. • The dismissal of a pregnant employee, breastfeeding employee or any employee enjoying parental leave, is subject to a previous evaluation from the Authority for the Equality at Work ("CITE"). The Employer must forward the Employee's internal file to "CITE", alongside with the reasons for the dismissal. • The dismissal of any employee in the conditions stated in the previous paragraph is presumed to be unfair, which means that the burden to prove the fairness of the dismissal is on the Employer. • If the report issued by "CITE" translates to an opinion against the dismissal, the Employer cannot proceed with it until a Court recognises legitimate cause for dismissal and issues a sentence in that regard. • If the Court deems the dismissal to be unfair, the Employee is entitled to choose between: <ul style="list-style-type: none"> ○ Re-instatement/Re-engagement; ○ Compensation for losses set by the Court that can never amount to less than 6 months' salary plus compensation for length of service.

	<ul style="list-style-type: none"> If the Employer fails to comply with the obligation to send the Employee's file to "CITE" and wait for its report on the dismissal, or if the Employer, facing a report contrary to the dismissal, dismisses the Employee anyway, a severe administrative sanction can be applied. The sanction can go from EUR 612,00 (if the employer is a small business and the breach was negligent) up to EUR 9,690,00 (if the employer is a big company and the breach was made deliberately).
2. Time off for Antenatal Appointments Time off for expectant parents to attend antenatal appointments	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Time off for antenatal care is given to: <ul style="list-style-type: none"> pregnant employee; or the father of the child. No length of service is required. Antenatal care is not restricted to medical examinations and can include birthing classes. Whenever possible, the employee must schedule the antenatal medical examinations and birthing classes for periods outside the working schedule. If the antenatal medical examinations and birthing classes take place within working hours, the employer can request evidence of the said appointments.
<u>Duration</u>	<ul style="list-style-type: none"> For pregnant employees: there is no maximum limit: the right to attend prenatal examinations (and birthing classes) is granted for the time and number of times needed. For the father of the child: maximum of 3 appointments.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Time off spent on prenatal care (medical examinations and birthing classes) is paid and does not affect the loss of any benefits (e.g. regarding length of service or promotions by merit).
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> If the Employer fails to comply with any of the obligations comprised in the Employees' right to attend antenatal appointments, a severe administrative sanction can be applied. The sanction can go from EUR 612.00 (if the employer is a small business and the breach was negligent) up to EUR 9,690.00 (if the employer is a large company and the breach was made deliberately).
3. Adoption Leave and Pay Right for adoptive parents to take paid time off work on adoption of a child	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Applies to adoptive mothers and fathers. Applies to employees or self-employed workers. Workers, regardless of length of service, are entitled to adoption leave when adopting children under 15 years old. The adoption leave may be shared between the adoptive parents in the conditions established for natural parents (see shared initial parental leave). In the event of multiple adoptions, the Employee is entitled to an extra 30 days for each additional child adopted.

	<ul style="list-style-type: none"> • There is no right to enjoy the adoption leave if the adopted child is the daughter/son of the Employee's spouse or person living with her/him in a civil partnership. • If the Employee dies or is temporarily or permanently unable to take care of the child, her/his spouse is entitled to enjoy the adoption leave for the remaining time or, at least, for a minimum of 14 days. • The adoption leave begins with the judicial or administrative placement of the child with the adoptive parents.
<u>Duration</u>	<ul style="list-style-type: none"> • The law makes no distinction between the initial parental leave and the adoption leave: 120 or 150 days, enjoyable in the same conditions as the initial parental leave (see shared initial parental leave).
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits of employment continue except in relation to remuneration. • Adoption leave is paid by the Social Security Authority in the same conditions established for the shared parental leave: at 100% of normal earnings if the Employee chooses a 120 days leave or at 80% of normal earnings if the Employee chooses a 150 days leave.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employees cannot be dismissed on any grounds connected to the adoption. • The dismissal of an employee enjoying parental leave is subject to a previous evaluation from the Authority for the Equality at Work ("CITE"). The Employer must forward the Employee's internal file to "CITE", alongside with the reasons for the dismissal. • The dismissal of any employee enjoying parental leave is presumed to be unfair, which means that the burden to prove the fairness of the dismissal is on the Employer. • If the report issued by "CITE" translates to an opinion against the dismissal, the Employer cannot proceed with it until a Court recognises legitimate cause for dismissal and issues a sentence in that regard. • If the Court deems the dismissal to be unfair, the Employee is entitled to choose between: <ul style="list-style-type: none"> ○ Re-instatement/Re-engagement; ○ Compensation for losses is set by the Court can never amount to less than 6 months' salary plus compensation for length of service. • If the Employer fails to comply with the obligations comprised in the employees' right to adopt described in this section, a highly severe administrative sanction can be applied. The sanction can go from EUR 2,040.00 (if the employer is a small business and the breach was negligent) up to EUR 61,200.00 (if the employer is a large company and the breach was made deliberately).
4. Time off for Adoption Appointments Right for joint and single adopters to take time off to attend adoption appointments	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to adoptive mothers and fathers. • Must provide evidence of the appointments to the employer.
<u>Duration</u>	<ul style="list-style-type: none"> • Can take time off for up to three appointments.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits of employment continue except regarding remuneration (this kind of leave is guaranteed but not paid).
<u>Employment</u>	N/A

<u>Protection and Remedies</u>	
5. Paternity Leave and Pay Right for fathers to take paid leave from work after having a child	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to fathers. • Applies to employees and Independent Workers. • No length of service is required. • See shared parental leave (applicable to both parents).
<u>Duration</u>	<ul style="list-style-type: none"> • Employee is entitled to 15 working days obligatory paid leave, taken continuously or separated, after childbirth. However, 5 out of the 15 days must be taken continuously immediately after the child is born. • Employee is also entitled to 10 working days paid leave, as long as it is taken simultaneously with the mother's parental leave. • The employee must inform the Employer about his intention to take the leave if possible in advance, and, concerning the extra 10 working days leave, at least 5 days in advance. • In the event twins are born, the father is entitled to two extra days for each twin. • If the mother dies or is physically or psychologically impaired during her period of parental leave, the employee is entitled to enjoy the mother's leave for the remaining time or, at least, for a minimum of 30 days (must present medical certificate or death certificate).
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits and terms of conditions of employment continue except in relation to remuneration. • Paternity leave is paid by Social Security Authority at 100% of normal earnings.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • The employee cannot be dismissed due to any motive linked to fatherhood. • The dismissal of an employee enjoying parental leave, is subject to a previous evaluation from the Authority for the Equality at Work ("CITE"). The Employer must forward the employee's internal file to "CITE", alongside with the reasons for the dismissal. • The dismissal of any employee enjoying parental leave is presumed to be unfair, which means that the burden to prove the fairness of the dismissal is on the Employer. • If the report issued by "CITE" translates to an opinion against the dismissal, the Employer cannot proceed with it until a Court recognises legitimate cause for dismissal and issues a sentence in that regard. • If the Court deems the dismissal to be unfair, the employee is entitled to choose between: <ul style="list-style-type: none"> ○ Re-instatement/Re-engagement; or ○ Compensation for losses, set by the Court, that can never amount to less than 6 months' salary plus compensation for length of service. • If the Employer fails to comply with the obligations comprised in the employees' right to Paternity Leave set in this section, a highly severe administrative sanction can be applied. The sanction can go from EUR 2,040.00 (if the employer is a small business and the

breach was negligent) up to EUR 61,200.00 (if the employer is a large company and the breach was made deliberately).

6. Shared Parental Leave and Pay

Right for parents to share their total leave and pay entitlement between them after having a child

<p><u>Scope/Eligibility Requirements</u></p>	<ul style="list-style-type: none"> • Applies to mothers and fathers (including adoptive). • Both parties must notify their employer of their entitlement and intention to take leave, confirming the relevant dates. The leave must be taken immediately after childbirth. • No length of service required.
<p><u>Duration</u></p>	<p><u>Initial parental leave:</u></p> <ul style="list-style-type: none"> • 120 or 150 days that the parents can share after the child is born. • The initial parental leave can be enjoyed simultaneously by both parents in the last 30 days (between the day 120 and the day 150). • An additional 30 days can be added in the event one of the parents had taken, alone, from a period of 30 days in a row, or two periods of 15 days, after the mandatory period intended to be enjoyed by the mother (“exclusive maternity leave”). • In the event twins are born, an extra 30 days for each additional twin is added to the length originally established. • If the parents wish to enjoy the leave simultaneously, they must inform the Employer, until the 7th day after childbirth, of the intended leave dates to be enjoyed by each parent, submitting a joint declaration for this purpose. • If the parents work together in a micro-company (with less than 10 employees) the Employer may refuse to allow them to enjoy the leave simultaneously. • In the event the child or the employee that is taking the initial parental leave gets hospitalised during the leave period, the Employee can inform the Employer and request that the leave is suspended for the period that the hospitalisation lasts. The request must be submitted with a statement issued by the hospital.
<p><u>Pay/Benefits</u></p>	<ul style="list-style-type: none"> • All benefits of employment continue except in relation to remuneration. • Adoption leave is paid by the Social Security Authority: at 100% of normal earnings if the employee chooses a 120 days leave or at 80% of normal earnings if the employee chooses a 150 days leave.
<p><u>Employment Protection and Remedies</u></p>	<ul style="list-style-type: none"> • The employee cannot be dismissed due to any motive linked to parenthood. • The dismissal of an employee enjoying parental leave, is subject to a previous evaluation from the Authority for the Equality at Work (“CITE”). The Employer must forward the employee’s internal file to “CITE”, alongside with the reasons for the dismissal. • The dismissal of any employee enjoying parental leave is presumed to be unfair, which means that the burden to prove the fairness of the dismissal is on the Employer. • If the report issued by “CITE” translates to an opinion against the dismissal, the Employer cannot proceed with it until a Court recognises legitimate cause for dismissal and issues a sentence in that regard. • If the Court deems the dismissal to be unfair, the employee is entitled to choose between:

	<ul style="list-style-type: none"> ○ Re-instatement/Re-engagement; or ○ Compensation for losses, set by the Court, that can never amount to less than 6 months' salary plus compensation for length of service. ● If the employer fails to comply with the obligations comprised in the employees' right to Paternity Leave set in this section, a highly severe administrative sanction can be applied. The sanction can go from EUR 2,040.00 (if the employer is a small business and the breach was negligent) up to EUR 61,200.00 (if the employer is a large company and the breach was made deliberately).
<p>7. Parental Leave</p> <p>Right of parents to take leave in order to care for a child (over and above any statutory maternity, paternity and adoption leave)</p>	
<p><u>Scope/Eligibility Requirements</u></p>	<ul style="list-style-type: none"> ● Applies to mothers and fathers (including adoptive). ● Also applies to legal guardians and the spouse or person who lives with the mother/father of the child in a registered partnership (as long as he/she lives with the child in their household). ● Child must be under 6. ● No length of service required. ● It is called "Complementary leave".
<p><u>Duration</u></p>	<ul style="list-style-type: none"> ● Complementary leave (4 possible arrangements): <ul style="list-style-type: none"> ○ Extended parental leave: 3 months. ○ Part-time work for 12 months, with working hours reduced to 50% of normal hours. ○ Separate periods between extended parental leave and part-time work, resulting in a total absence from work that amounts to 3 months normal working hours. ○ Separate absences from work with length equal to 3 months standard working hours, as long as this arrangement is foreseen in Collective Bargaining Agreement. ● Both parents are entitled to enjoy the complementary leave in any of the arrangements allowed, continuously or up to 3 separate periods. One parent can replace the other in the entitlement to the complementary leave. ● If both parents are employees in the same company and wish to take the leave simultaneously, the employer can postpone the leave period for one of them based on important motives relating to the Company's functioning (provided the employer justifies in writing the motives that lead to the decision). ● Employees are required to give their employer notice of the leave they intend to take and the period of the leave, in writing, 30 days in advance to the beginning of the leave period.
<p><u>Pay/Benefits</u></p>	<ul style="list-style-type: none"> ● All benefits and terms and conditions of employment continue except in relation to remuneration. ● Complementary leave is paid by Social Security Authority at 25% of normal earnings.
<p><u>Employment Protection and</u></p>	<ul style="list-style-type: none"> ● If the employer fails to comply with any of the obligations comprised in the employees' right to complementary parental leave, a severe administrative sanction can be applied. The sanction can go from EUR 612.00 (if the employer is a small business and the breach

<u>Remedies</u>	was negligent) up to EUR 9,690.00 (if the employer is a large company and the breach was made deliberately).
8. Flexible Working Right for employees to request flexible working patterns in relation to their hours and place of work	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Any employee regardless of length of service. • The child must be under 12 years old, be handicapped or have a chronicle illness. • Employee can request to work in part-time. • Employee can request to work flexible hours. • Employee with disabled or chronically ill child can request reduction of working hours in order to assist the child. • The employee must comply with a formal notification procedure (30 days in advance of the flexible working beginning date). • The employer is required to deal with the request in a reasonable manner. If a request is refused the employer must show the refusal is based on significant reasons relating to the functioning of the Company.
<u>Duration</u>	<p><u>Part-time work:</u></p> <ul style="list-style-type: none"> • Employees with child under the age of 12 or, regardless of the age, with a disability or chronicle illness living in the same house, are entitled to work in part-time. • The above mentioned right may be exercised by either of the parents, or by both of them in successive periods. • Unless another agreement is reached, the part-time amounts to half of the regular working period (full-time) in a comparable situation and, depending on the employee's request, is rendered every day, in the morning or afternoon, or three days a week. • The part-time working might be extended up to two years or, in case of a third or more children, three years, and, in case of child with disability or chronicle illness, four years. • The part-time working terminates at the end of the period for which it was granted or in the case of eventual extension, at the end of the extended period, and the employee returns to her/his full-time working schedule. <p><u>Flexible work schedule:</u></p> <ul style="list-style-type: none"> • Employees with child under the age of 12 or, irrespective of the age, with a disability or chronicle illness living in the same house, are entitled to work in flexible work schedule regime, meaning that the employee may choose, within certain limits, the beginning and end of the normal working period. • The above mentioned right may be exercised by either of the parents or by both of them. • The employee working in a flexible work schedule regime may render six consecutive hours of work and up to ten hours of work in each day, and shall observe the corresponding weekly normal working period, in average, every four weeks. <p><u>Reduction of the working period for rendering assistance to underage child with disability or chronicle illness</u></p> <ul style="list-style-type: none"> • The parents of child with a disability or chronicle illness, who are no more than one-year-old, are entitled to a reduction of five hours in their weekly regular working period, or other special conditions, for rendering assistance to the child.

	<ul style="list-style-type: none"> • This can only take place if the other parent does not exercise professional activity. • If both parents are entitled to the weekly normal working hours reduction, the right can be exercised by one of them or by both in successive periods. • The reduction shall not impair the exercise of any rights provided by law, except in relation to salary, which is only due in so far as the reduction, in each year, exceeds the number of absences replaceable for loss of vacation days. • The employee must communicate her/his intention to the employer, ten days in advance, as well as: <ul style="list-style-type: none"> ○ Present a medical certificate of the disability or chronicle illness; ○ Declare that the other progenitor exercises professional activity or is totally hindered or inhibited of exercising the parental power and, if such is the case, that is not exercising the same right at the same time.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Pay/benefits may change as agreed between the employer and employee. • The employee is entitled to be paid in the same conditions as a full-time worker (in a comparable situation), but naturally, in the proportion of her/his working hours.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • Employee working part-time cannot be jeopardised in her/his professional evaluation or career development. • If the employer is silent about the employee's request of flexible working for 20 days, the request is deemed to have been accepted. • In the event the employer refuses to accept the flexible working request made by the employee, the later can present, within 5 days, a written assessment of the grounds invoked by the employer for the refusal. Then the employer must direct all the elements (e.g. copy of the request, grounds for the refusal and assessment) to "CITE" which will issue a binding report on the matter. • If the report issued by "CITE" is unfavourable to the employer, it may only refuse the request of flexible working made by the employee if a judicial court of law recognise the existence of justifying grounds. • If the employer fails to comply with the obligation to send the employee's file to "CITE" and wait for its report on the refusal, or if the employer, facing a report contrary to the refusal, refuses flexible working to the employee anyway, a severe administrative sanction can be applied. The sanction can go from EUR 612.00 (if the employer is a small business and the breach was negligent) up to EUR 9,690.00 (if the employer is a big company and the breach was made deliberately).
<p>9. Time off for Dependants</p> <p>Right for employees to take reasonable unpaid leave in urgent situations concerning their dependants</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to employees (parents, grandparents, adoptive parents, adoptive grandparents, legal guardians, person living with the parent, grandparent or legal guardian in a registered partnership or their spouses): <ul style="list-style-type: none"> ○ in relation to providing assistance/making care arrangements for a dependant that falls ill, is injured, has any kind of accident; ○ the assistance must be unpostponable and indispensable. • <u>Dependants</u> are: child under 12, child with a disability or chronic illness, grandchild under 16 (provided that belongs to the same

	<p>household).</p> <ul style="list-style-type: none"> No length of service required.
<u>Duration</u>	<p><u>Time off to render assistance to child</u></p> <ul style="list-style-type: none"> Employees are entitled to be absent from work to provide unpostponable and indispensable assistance, in cases of illness or accident, to their children under the age of twelve or, irrespective of the age, a child with disability or chronicle illness, for a maximum of 30 days per year or during the period of eventual hospitalisation. Moreover, employees are also entitled to be absent from work for a maximum of 15 days per year to provide unpostponable and indispensable assistance, in case of illness or accident, to their children with twelve or more years of age which, in case of being over eighteen, are part of the household. One additional day of absence is allowed for each child beyond the first child. The possibility of being absent from work, as described above, may not be exercised simultaneously by the mother and father of the child. For the purposes of justifying the absence, the employer may require from the employee: <ul style="list-style-type: none"> Proof of the unpostponable and indispensable character of the assistance; Statement from the other parent saying that they work and are not absent from work for the same reason, or is not able to render assistance; In case of hospitalisation, proving certificate issued by the clinical institution. <p><u>Time off to render assistance to grandchild</u></p> <ul style="list-style-type: none"> Employees are entitled to be absent from work for a maximum of thirty consecutive days following the birth of their grandchildren, sons of adolescents under the age of sixteen, provided the latter live with these employees in the same household. If there are two holders of this right, there will be only one period of absence, to be enjoyed by one of them, or by both in part-time or in successive periods. The employee must inform the employer with five days prior notice, stating that: <ul style="list-style-type: none"> The grandson lives under the same roof; The grandson is the son of an adolescent under the age of sixteen; The spouse of the employee exercises professional activity or is physical or mentally unable to assist the grandson, or does not live in the same roof of the latter.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> All benefits and terms and conditions of employment continue except in relation to remuneration. Both leaves – to render assistance to child or grandchild - are paid by Social Security Authority: <ul style="list-style-type: none"> To child: at 65% of normal earnings. To grandchild: at 100% of normal earnings in case of grandchild birth and 65% of normal earnings in case of assistance to older grandchild.
<u>Employment</u>	<ul style="list-style-type: none"> If the employer fails to comply with any of the obligations comprised in the employees' right to be absent in order to assist a child or a

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grandchild, a **severe administrative sanction** can be applied. The sanction can go from EUR 612.00 (if the employer is a small business and the breach was negligent) up to EUR 9,690.00 (if the employer is a large company and the breach was made deliberately).

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An Overview of Paid Leave and Protections for Employees with Caregiver Responsibilities in Different Jurisdictions

<u>Spain</u>	
1. Maternity leave & pay	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers who carry and give birth to the child. • Employees, self-employed and agency workers.
<u>Duration</u>	<ul style="list-style-type: none"> • Maternity leave in Spain lasts 16 weeks, 4 months, both for employees and self-employed workers. The first 6 weeks after childbirth are mandatory leave for the mother.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • During maternity leave (pregnancy and maternity leave), employees are entitled to an economic benefit equivalent to 100% of the employee's social security contribution base (in 2016, capped at 3,642 Euro on a monthly basis). This benefit is paid by Spanish Social Security and is recognized to the employees who comply with a minimum required contributory period. • Self-employed employees are also entitled to an economic benefit, but equivalent to 100% of the self-employee's Social Security contribution base.
<u>Employment Protection and Remedies</u>	<p><u>Employees are entitled to:</u></p> <ul style="list-style-type: none"> • reinstatement in the same job; and • cannot be dismissed on any grounds connected to motherhood. <p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> • Pregnancy/maternity discrimination: unfavourable treatment during protected period (beginning of pregnancy to end of maternity leave) because of pregnancy or related illness. • Direct pregnancy/maternity discrimination: less favourable treatment on grounds of pregnancy/maternity (outside of the protected period). • NB: indirect pregnancy/maternity discrimination does not exist. • Protection against direct and indirect sex discrimination: less favourable treatment on grounds of sex including breast-feeding (outside of protected period). <p><u>Remedies:</u></p> <ul style="list-style-type: none"> • If the dismissal is related to the motherhood, the latter is declared null and void. Consequently, the employee is re-instated and paid procedural salaries • The employee can also claim for discrimination based on grounds of sex or unequal treatment. A Court can award a compensation for damages.

2. Time off for Antenatal Appointments

Time off for expectant parents to attend antenatal appointments

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none">• Employees and agency workers can enjoy time off to attend antenatal appointments.• They are entitled to be absent from work for the indispensable time required to undergo pre-natal check-ups and childbirth preparation techniques which are due to take place during worktime.• Subject to prior notice and justification• No length of service required.
<u>Duration</u>	<ul style="list-style-type: none">• Spanish legislation establishes that the absence must last the necessary time to attend the antenatal appointment.
<u>Pay/Benefits</u>	<ul style="list-style-type: none">• They are entitled to their regular salary.• The Collective Bargaining Agreement can indicate which salary items are included.
<u>Employment Protection and Remedies</u>	N/A

3. Adoption Leave and Pay

Right for adoptive parents to take paid time off work on adoption of a child

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none">• Applies to adoptive and foster mothers and fathers.• Must be an employee.
<u>Duration</u>	<ul style="list-style-type: none">• 16 weeks of uninterrupted leave, expandable in the event of multiple adoptions or fostering to 2 additional weeks for each minor starting from the second child.
<u>Pay/Benefits</u>	<ul style="list-style-type: none">• During adoption or fostering, employees are entitled to an economic benefit equivalent to 100% of the employee's social security contribution base (in 2016, capped at 3,642 euros on a monthly basis). This benefit is paid by Spanish Social Security and is paid to the employees that comply with a minimum required contributory period.
<u>Employment Protection and Remedies</u>	<p>Employees are protected from:</p> <ul style="list-style-type: none">• The employee cannot be dismissed on any grounds connected to adoptive/foster leave.• Detriment (at any time) for a reason connected to taking or seeking to take adoptive/foster leave.

4. Time off for Adoption Appointments

Right for joint and single adopters to take time off to attend adoption appointments

<u>Scope/Eligibility Requirements</u>	N/A
<u>Duration</u>	N/A
<u>Pay/Benefits</u>	N/A
<u>Employment Protection and Remedies</u>	N/A

5. Paternity Leave and Pay

Right for fathers to take paid leave from work after having a child

<u>Scope/Eligibility Requirements</u>	Applies to fathers. Must be an employee. No length of service is required. The employee must notify the employer of the exercise of this right sufficiently in advance.
<u>Duration</u>	Parental leave lasts 4 weeks (expandable to 2 additional days in cases of multiple childbirth) and is independent of the shared periods granted for maternity.
<u>Pay/Benefits</u>	All benefits and terms of conditions of employment continue. Allowance equal to 100% of the employee's social security contribution base (in 2016, capped at 3,642 euros on a monthly basis).
<u>Employment Protection and Remedies</u>	The employee cannot be dismissed because of any reason connected to fatherhood.

6. Shared Parental Leave and Pay

Right for parents to share their total leave and pay entitlement between them after having a child

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none">No specific legislation. However, maternity leave can be shared by the mother and father, at their discretion, except for the first 6 weeks following the child birth, which are mandatory for the mother.This right is compatible with paternity leave.
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<u>Duration</u>	N/A
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> No specific legislation. However, maternity leave can be shared by the mother and father, at their discretion, except for the first 6 weeks following the child birth, which are mandatory for the mother. This right is compatible with paternity leave.
<u>Employment Protection and Remedies</u>	N/A
7. Parental Leave	
Right of parents to take leave in order to care for a child (over and above any statutory maternity, paternity and adoption leave)	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Employees are entitled to one hour of absence from work to breast-feed a child under 9 months. The employee may: <ul style="list-style-type: none"> Divide this hour into two halves. Replace this right for a reduction of their working day by half an hour for the same purpose. Accumulate this right into complete days. This leave may be enjoyed either by the mother or father, in the event that they both work. It shall fall upon the employee to specify the timetable and determine the breast-feeding leave, as long as it falls under his/her ordinary working day. Employees are required to give their employer 15 days' prior notice of the leave they intend to take and the date on which they intend to return to their ordinary schedule.
<u>Duration</u>	<ul style="list-style-type: none"> Until the child is 9 months.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Leave for breast-feeding is paid.
<u>Employment Protection and Remedies</u>	<p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> Automatically unfair dismissal where the reason or principal reason for dismissal is taking or seeking to take shared parental leave. Detriment (at any time) for a reason connected to taking or seeking to take parental leave. Employer unreasonably denying leave. <p><u>Remedies:</u></p> <ul style="list-style-type: none"> Unreasonable denial of parental leave: declaration. Any discrepancies arising between the employer and the employee regarding specification of timetable and the determination of breast-feeding leave must be resolved by the competent Court.

8. Flexible Working

Right for employees to request flexible working patterns in relation to their hours and place of work

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none">• Employees who are charged with the direct care of a child under 12 years old are entitled to a reduction of their working day, with the corresponding and proportional decrease in salary.• It shall fall upon the employee to specify the timetable and determine the reduction of working day, as long as it falls under his/her ordinary working day.• Employees are required to give their employer 15 days' prior notice of the leave they intend to take and the date on which they intend to return to their ordinary schedule.
<u>Duration</u>	<ul style="list-style-type: none">• The reduction must be, at least, of one eighth, and at most, half of their working day's duration.
<u>Pay/Benefits</u>	<ul style="list-style-type: none">• Leave for legal guardianship is unpaid.
<u>Employment Protection and Remedies</u>	<p><u>Employees are protected from:</u></p> <ul style="list-style-type: none">• Automatically unfair dismissal where reason or principal reason for dismissal is taking or seeking to take shared parental leave.• Detriment (at any time) for a reason connected to taking or seeking to take parental leave.• Employer unreasonably denying leave. <p><u>Remedies:</u></p> <ul style="list-style-type: none">• Unreasonably denial of parental leave: declaration and compensation.• Any discrepancies arising between the employer and the employee regarding specification of timetable and the determination of guardianship leave must be resolved by the competent Court.

9. Time off for Dependants

Right for employees to take reasonable unpaid leave in urgent situations concerning their dependants

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none">• Applies to employees:<ul style="list-style-type: none">○ in relation to providing assistance/making care arrangements for a dependant with a physical, psychic or sensory handicap who does not perform any paid activity.○ in relation to taking direct care of a family member of up to the second degree of consanguinity or affinity, who, for reasons of age, accident or illness, cannot fend for him/herself and who does not perform any paid activity.• No length of service required.• Employee must inform their employer of the reason for their absence and when they expect to return as soon as is reasonably practicable.
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<u>Duration</u>	<ul style="list-style-type: none"> No maximum limit.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Unpaid.
<u>Employment Protection and Remedies</u>	<p>Employees are protected from:</p> <ul style="list-style-type: none"> Automatically unfair dismissal where reason or principal reason for dismissal is taking or seeking to take time off for dependants. Detriment (at any time) for a reason connected to taking or seeking to take time off for dependants. Employer unreasonably refusing time off <p><u>Remedies:</u></p> <ul style="list-style-type: none"> Automatic unfair dismissal: re-instatement. Detriment: declaration. Unreasonably refusing time off: declaration.

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An Overview of Paid Leave and Protections for Employees with Caregiver Responsibilities in Different Jurisdictions

<u>UK</u>	
1. <u>Maternity leave & pay</u>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to female employees who carry and give birth to the child (including surrogate mothers). • Employees only (not available to agency workers, other workers or the self-employed). • Must give notification of the expected week of childbirth (EWC) to their employer and intended leave dates.
<u>Duration</u>	<ul style="list-style-type: none"> • 52 weeks irrespective of length of service, made up of: <ul style="list-style-type: none"> ○ 26 weeks of ordinary maternity leave, OML (it is compulsory for all employees to take the first 2 weeks following childbirth as leave). ○ 26 weeks of additional maternity leave (AML). • Can agree to 10 'keeping in touch' (KIT) days to work during leave.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits and T&Cs of employment continue except remuneration. • <u>Employees and agency workers</u>¹ (subject to certain conditions) are entitled to 39 weeks' statutory maternity pay (SMP) from their employer (or the employment business for agency workers): <ul style="list-style-type: none"> ○ First 6 weeks paid at 90% of average weekly earnings. ○ Remainder paid at lower of employee's normal weekly rate or £139.58 p/wk. • NB: individuals who are not eligible for SMP (e.g. because they leave work before qualifying, have insufficient earnings or continuity of service) and non-employees who are not eligible for SMP or SML (e.g. workers and the self-employed), may nonetheless be eligible for maternity allowance (MA). • MA is a social security benefit paid by Jobcentre Plus and entitles the recipient to the same amount as under SMP where the worker is in employment. (MA at £27 a week for up to 14 weeks is also available for unemployed individuals who meet an economic activity test²).
<u>Employment Protection and Remedies</u>	<p><u>Employees are entitled to:</u></p> <ul style="list-style-type: none"> ○ return to the same job (if the employee only takes OML), otherwise they are entitled to a suitable alternative job on not less favourable terms (if not reasonably practicable to return to same job). ○ a suitable alternative role if during OML or AML the employee's role is redundant (otherwise dismissal is automatically unfair).

¹ Although agency workers are not entitled to maternity leave, they may be entitled to maternity pay if they are an "employed earner" for NIC purposes.

² To meet the test the individual would have to be married or in a civil partnership and be taking part in the business of their self-employed spouse or civil partner (who should be paying Class 2 National Insurance) but are unpaid and not eligible for or SMP or the higher amount of MA.

	<p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> ○ Automatically unfair dismissal for reasons of pregnancy, child birth, maternity, and redundancy selection based on any of the foregoing reasons.³ ○ Detriment (at any time) for a reason connected to pregnancy, OML, AML or the fact that the employee has given birth. <p><u>All employees, workers and some self-employed (see definition at s. 83(2) EA 2010) are protected from:</u></p> <ul style="list-style-type: none"> ○ Pregnancy/maternity discrimination: unfavourable treatment during protected period (beginning of pregnancy to end of maternity leave) because of pregnancy or related illness [s.18 EA]. ○ Direct pregnancy/maternity discrimination: less favourable treatment on grounds of pregnancy/maternity (both within and outside the protected period) [s. 13 EA]. NB: express indirect pregnancy/ maternity discrimination does not exist. ○ Direct sex discrimination (only outside of the protected period) and indirect direct sex discrimination: less favourable treatment on grounds of sex including breast-feeding [s.13 and s. 19EA]. ○ Victimisation where worker subjected to a detriment because she has previously complained of discrimination or done another “protected act” under the Equality Act 2010. <p><u>Remedies:</u></p> <ul style="list-style-type: none"> ○ Automatic unfair dismissal: re-instatement/re-engagement <u>or</u> compensation for losses (capped at £78,962). ○ Detriment: declaration <u>and</u> compensation (uncapped). ○ Discrimination/Victimisation: declaration/ recommendation/compensation (uncapped). In cases of unintentional indirect discrimination, the tribunal must first consider whether making a declaration or recommendation (or both) would suffice before awarding compensation. <ul style="list-style-type: none"> ● Where an employer is found liable for both unfair dismissal and discrimination, a Tribunal can: <ul style="list-style-type: none"> ○ award the maximum amount allowed under the unfair dismissal compensatory award and then make a further award for discrimination; or ○ award all the compensation for financial loss for discrimination (usually ET takes second route).
<p>2. Time off for Antenatal Appointments Time off for expectant parents to attend antenatal appointments</p>	
<p><u>Scope/Eligibility Requirements</u></p>	<ul style="list-style-type: none"> ● Must be: <ul style="list-style-type: none"> ○ pregnant employee or agency worker; or ○ individual in a qualifying relationship with mother or child (can include civil partners/ husbands of mother who is not the child's

³ It will not be automatically unfair however, where: (i) it is not reasonably practicable for the employee to return to a suitable alternative job (for a reason other than redundancy); (ii) an associated employer offers the employee another suitable alternative job; and they accept or unreasonably refuse the offer.

	<p>father, unmarried cohabiting couple of same-sex and opposite sex relationship and parents undergoing assisted reproduction).</p> <ul style="list-style-type: none"> • No length of service required. • According to government guidance, antenatal care is not restricted to medical examinations and can include relaxation classes and parent craft classes, provided that these are recommended by a registered medical practitioner, registered midwife or registered health visitor • The employee must inform their employer of the relevant dates and times of appointments and provide evidence of the appointments if requested. Employer entitled to refuse the request if it reasonable to do so.
<u>Duration</u>	<ul style="list-style-type: none"> • For <u>employees and agency workers</u>: there is no maximum limit specified by legislation but ACAS suggest there may be up to 10 for first baby and 7 for subsequent babies). • For <u>individuals in a 'qualifying relationship' with the mother or child</u>: maximum of 2 appointments
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • For <u>employees and agency workers</u> time off is paid. • For <u>individuals in a 'qualifying relationship' with the mother or child</u> time off is unpaid.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • If time is unreasonably refused, can claim in the employment tribunal for compensation of twice the amount they would have been entitled to for the time off.
<p>3. Adoption Leave and Pay</p> <p>Right for adoptive parents to take paid time off work on adoption of a child</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to adoptive mothers and fathers and surrogate mothers and fathers. • Must be an employee. • Employee must notify their employer of the date the child is to be placed with them.
<u>Duration</u>	<ul style="list-style-type: none"> • Primary adopter (or the elected Parent A in surrogacy arrangement) entitled to 52 weeks leave: <ul style="list-style-type: none"> ○ 26 weeks Ordinary Adoption Leave (OAL); and ○ 26 weeks Additional Adoption Leave (AAL)). • Employee can agree to 10 KIT days to work during leave.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits and T&Cs of employment continue except in relation to remuneration. • Primary adopter⁴ (or the elected Parent A in surrogacy arrangement) entitled to 39 weeks' statutory adoption pay (SAP): <ul style="list-style-type: none"> ○ First 6 weeks paid at 90% of average weekly earnings.

⁴ Agency workers although not entitled to adoption leave may be entitled to adoption pay if they are an "employed earner" for NIC purposes.

	<ul style="list-style-type: none"> ○ Remainder paid at lower of employee's normal weekly rate or £139.58 p/wk.
<u>Employment Protection and Remedies</u>	<p>Employees are entitled to:</p> <ul style="list-style-type: none"> • return to the same job (if only takes OAL), <u>otherwise</u> they will be entitled to return to a suitable alternative job on not less favourable terms (if it is not reasonably practicable to return to the same job). • a suitable alternative role if during OAL or AAL the employee's role is redundant (otherwise dismissal is automatically unfair). <p>Employees are protected from:</p> <ul style="list-style-type: none"> • Automatically unfair dismissal where reason or principal reason for dismissal is taking or seeking to take OAL or AAL leave.⁵ • Detriment (at any time) for a reason connected to taking or attempting to take OAL or AAL. <p>Remedies:</p> <ul style="list-style-type: none"> • Automatic unfair dismissal: re-instatement/re-engagement or compensation for losses (capped at £78,962). • Detriment: declaration and compensation (uncapped).
<p>4. Time off for Adoption Appointments</p> <p>Right for joint and single adopters to take time off to attend adoption appointments</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to adoptive mothers and fathers. • Employees/agency workers only. • Must notify their employer of the relevant dates and times of appointments and provide evidence of the appointments if requested. The employer is entitled to refuse the request if it reasonable to do so.
<u>Duration</u>	<ul style="list-style-type: none"> • <u>Single adopters</u>: can take time off for up to five appointments. • <u>Joint adopters</u>: only one of the adopters can take paid time off for five appointments, the second adopter may only take unpaid time off for up to a maximum of 2 appointments.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • <u>Single adopters</u> entitled to be paid for time off for all five appointments. • <u>Joint adopters</u>: only one of the adopters is entitled to be paid for time off for five appointments. The second adopter is entitled to unpaid leave for two appointments.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> • If time off is unreasonably refused an individual can claim in the employment tribunal for compensation of twice the amount they would have been entitled to for the time off.

⁵ It will not be automatically unfair however, where: (i) it is not reasonably practicable for the employee to return to a suitable alternative job (for a reason other than redundancy); (ii) an associated employer offers the employee another suitable alternative job; and they accept or unreasonably refuse the offer.

5. Paternity Leave and Pay

Right for fathers to take paid leave from work after having a child

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to fathers and partners in a same sex relationship. • (Also covers individuals in a 'qualifying relationship' with the mother or child). • Must be an employee. • Must have been continuously employed for 26 weeks.⁶ • The employer must be notified of the employee's leave dates by the 15th week before EWC.
<u>Duration</u>	<ul style="list-style-type: none"> • Employees entitled to one or two weeks' continuous leave to be taken between the date of birth and 56 days after that date.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits and terms and conditions of employment continue except in relation to remuneration. • Entitled to the lower of either £139.58 p/wk or 90% of average weekly earnings for the leave period.
<u>Employment Protection and Remedies</u>	<p><u>Employees are entitled to:</u></p> <ul style="list-style-type: none"> • return to the same job (if isolated period of leave or if taken together with no more than 4 weeks parental leave or adoption leave) <u>otherwise</u> they will be entitled to return to a suitable alternative job on not less favourable terms (if it is not reasonably practicable to return to the same job). <p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> • Automatically unfair dismissal where reason or principal reason for dismissal is taking or seeking to take paternity leave.⁷ • Detriment (at any time) for a reason connected to taking or seeking to take paternity leave. <p><u>Remedies:</u></p> <ul style="list-style-type: none"> • Automatic unfair dismissal: re-instatement/re-engagement <u>or</u> compensation for losses (capped at £78,962). • Detriment: declaration <u>and</u> compensation (uncapped).

⁶ Ending with the week immediately prior to the week before the child's EWC.

⁷ It will not be automatically unfair however, where: (i) it is not reasonably practicable for the employee to return to a suitable alternative job (for a reason other than redundancy); (ii) an associated employer offers the employee another suitable alternative job; and they accept or unreasonably refuse the offer.

6. Shared Parental Leave and Pay

Right for parents to share their total leave and pay entitlement between them after having a child

<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers and fathers (including adoptive). • Also covers individuals in a 'qualifying relationship' with the mother or child. • Both parties must have responsibility for caring for the child and satisfy an 'economic earnings test'⁸ • Both parties must notify their employer of their entitlement and intention to take leave, confirming the relevant dates. The leave can be taken at any time until the child's first birthday/anniversary of placement.
<u>Duration</u>	<ul style="list-style-type: none"> • Allows parents to share a total of 50 weeks leave. • The leave must be taken in complete weeks but does not need to be taken in one go. Both parties are entitled to be absent at the same time. • Employees can work up to 20 KIT days.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • All benefits and T&Cs of employment continue except remuneration. • Entitled to 39 weeks' pay (less any periods of maternity pay/allowance received) at the lower of 90% of average weekly earnings or £139.58 p/week.
<u>Employment Protection and Remedies</u>	<p><u>Employees are entitled to:</u></p> <ul style="list-style-type: none"> • return to the same job (if the shared parental leave taken does not exceed 26 weeks), <u>otherwise</u> they will be entitled to return to another suitable alternative job. • a suitable alternative role if during shared parental leave the employee's role is redundant (otherwise dismissal is automatically unfair). <p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> • Automatically unfair dismissal where reason or principal reason for dismissal is taking or seeking to take shared parental leave. • Detriment (at any time) for a reason connected to taking or attempting to take shared parental leave. <p><u>Remedies:</u></p>

⁸ Both parties must have worked on an employed or self-employed basis in 26 of the 66 weeks before the EWC earning at least £30 per week on average for 13 of those weeks. In addition, the mother must also be eligible for maternity/adoption leave (or maternity/adoption pay or allowance) and have curtailed her leave by returning to work or serving a curtailment notice to her employer.

	<ul style="list-style-type: none"> • Automatic unfair dismissal: re-instatement/re-engagement or compensation for losses (capped at £78,962). • Detriment: declaration and compensation (uncapped).
7. Parental Leave Right of parents to take leave in order to care for a child (over and above any statutory maternity, paternity and adoption leave)	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Applies to mothers and fathers (including adoptive). • Also applies to those with parental responsibility in relation to a child (e.g. grandparents, guardians). • Must be an employee with at least one year's service. • Child must be under 18. • Employees are required to give their employer notice of the leave they intend to take.
<u>Duration</u>	<ul style="list-style-type: none"> • 18 weeks unpaid leave for each child. • Can be taken in any split and at any time before child turns 18 (however no more than 4 weeks leave can be taken per year).
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> • Leave is unpaid. All benefits and T&Cs of employment continue except remuneration.
<u>Employment Protection and Remedies</u>	<p><u>Employees are entitled to return to:</u></p> <ul style="list-style-type: none"> • the same job (if isolated period of parental leave of 4 weeks or if combined period of statutory leave does not exceed 26 weeks) <u>otherwise</u> the employee will have a right to return to another suitable alternative job on not less favourable terms (if not reasonably practicable to return to same job). <p><u>Employees are protected from:</u></p> <ul style="list-style-type: none"> • Automatically unfair dismissal where reason or principal reason for dismissal is taking or seeking to take shared parental leave. • Detriment (at any time) for a reason connected to taking or seeking to take parental leave. • Employer preventing or unreasonably postponing leave. <p><u>Remedies:</u></p> <ul style="list-style-type: none"> ○ Automatic unfair dismissal: re-instatement/re-engagement or compensation for losses (capped at £78,962). ○ Detriment: declaration and compensation (uncapped). ○ Prevention of/unreasonably postponed parental leave: declaration and compensation (uncapped).
8. Flexible Working Right for employees to request flexible working patterns in relation to a their hours and place of work	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> • Any employee with at least 26 weeks service. • The employee must comply with a formal notification procedure.

	<ul style="list-style-type: none"> The employer is required to deal with the request in a reasonable manner. If a request is refused the employer must show the refusal is based on one of the prescribed reasons: The burden of additional costs; Detrimental effect on ability to meet customer demand; Inability to reorganise work among existing staff; Inability to recruit additional staff; Detrimental impact on quality; Detrimental impact on performance; Insufficiency of work during the periods the employee proposes to work; Planned structural changes.
<u>Duration</u>	<ul style="list-style-type: none"> Requests can be flexible in order to meet the needs of a particular employee (e.g. temporary care obligations or illness). Only one request can be made in a 12 month period.
<u>Pay/Benefits</u>	<ul style="list-style-type: none"> Pay/benefits may change as agreed between the employer and employee.
<u>Employment Protection and Remedies</u>	<ul style="list-style-type: none"> Employee entitled to claim for procedural failings on the grounds that the employer: <ul style="list-style-type: none"> Failed to deal with application in reasonable manner; Failed to base their refusal on one of the prescribed reasons; Based their decision on incorrect facts; Failed to notify the employee within the decision period; or incorrectly treated the request as withdrawn. <p><u>Remedy</u></p> <ul style="list-style-type: none"> Compensation up to a maximum of 8 weeks' pay (a week's pay is currently capped at £479) and/or a reconsideration of the request.
<p>9. Time off for Dependants</p> <p>Right for employees to take reasonable unpaid leave in urgent situations concerning their dependants</p>	
<u>Scope/Eligibility Requirements</u>	<ul style="list-style-type: none"> Applies to employees: <ul style="list-style-type: none"> in relation to providing assistance/making care arrangements for a dependant that falls ill, dies, is injured, gives birth or is injured or assaulted; in consequence of the death of a dependant; to deal with unexpected disruptions to care arrangements for a dependant; and/or to deal with unexpected issues that involve the employee's child during school hours. <u>Dependants</u> are: a spouse, civil partner, child or parent, a person that lives in the same household as the employee (not employees, tenants or lodgers) or anyone that reasonably relies on the employee. No length of service required. Employee must inform their employer of the reason for their absence and when they expect to return as soon as is reasonably practicable.
<u>Duration</u>	<ul style="list-style-type: none"> Only extends to reasonable time off as necessary to deal with an immediate situation and not to provide substantive care on an ongoing basis.

Pay/Benefits	<ul style="list-style-type: none"> • Unpaid.
<u>Employment Protection and Remedies</u>	<p>Employees are protected from:</p> <ul style="list-style-type: none"> • Automatically unfair dismissal where reason or principal reason for dismissal is taking or seeking to take time off for dependants. • Detriment (at any time) for a reason connected to taking or seeking to take time off for dependants. • Employer unreasonably refusing time off. <p><u>Remedies:</u></p> <ul style="list-style-type: none"> ○ Automatic unfair dismissal: re-instatement/re-engagement <u>or</u> compensation for losses (capped at £78,962). ○ Detriment: declaration <u>and</u> compensation (uncapped). ○ Unreasonably refusing time off: declaration <u>and</u> compensation (uncapped).

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