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Baby steps towards sharing the caring

Family-friendly working is no longer solely an issue for a firm's HR department, as Diageo's move on the matter last week shows. But there is still a long way to go



By Karen Killalea | May 26, 2019

Fathers have been relatively invisible in the Irish workplace in their capacity as parents and carers until very recently, with this invisibility particularly marked by the absence of any significant statutory paid time off.

This was in contrast to other European countries, where fathers can enjoy up to 14 weeks of paid parental leave, as well as the OECD countries where the average is 6.2 weeks of paid parental leave for fathers. Dads in Ireland have some road to travel to catch up, but step-by-step change is on the way.

Last week, the news that Diageo is introducing 26 weeks' fully paid leave to new fathers received widespread coverage. What was striking about this initiative was not just the extent of the paid leave, but how it was communicated. The news did not originate from an internal HR document. Instead, the chief executive of Diageo, Ivan Menezes, announced the launch of what he termed an "ambitious family leave policy" at an investor conference in New York.

The move, he said, was about "ensuring women and men are supported to have time with their new baby regardless of where they live and work", and about creating "a fully inclusive and diverse workforce".

While few Irish businesses will be in a position to replicate Diageo's move, Menezes' decision to put this new policy front and centre when he was addressing investors shows that this issue is set to become even more topical in the future.

Progress in Ireland

Until paid paternity leave was introduced in 2016, the only statutory paid leave from the workplace which gave a nod to a father's role in relation to the care of his children was force majeure leave, which is only available when a genuine emergency arises. Even that leave is not specifically designed for the care of children in the ordinary course of events.

Things shifted slightly in 2016. Fathers, for the first time, were entitled to take up to two weeks of paid leave at a statutory rate of €245 per week in the first six months after their child was born or adopted.

It sounds good, but did it work? The actual uptake of paid paternity leave has been moderate at best. It is reported that around 55,000 fathers have availed of paternity leave since it was introduced, estimated to be about 40 per cent of eligible fathers. More recent figures for 2017 suggest that the uptake has dropped to about 30 per cent, which is disappointing.

Clearly more needs to be done to give fathers permission to take leave and step out of their careers temporarily to care for young children.

Use it or lose it

Extending periods of paid parental leave for both parents on a 'use it or lose it' basis is a very good start. From November 2019, mothers and fathers will have up to two weeks of additional paid parental leave, and that will increase to seven weeks by 2021.

Parents must take the leave within 12 months of the child's birth, and both are eligible for payment of up to €245 per week. In effect, it is a type of 'infant parental leave' the government hopes will encourage new fathers, in particular, to take time out to care for newborns. It is a new entitlement which is added onto existing maternity and paternity leave entitlements.

The proposals are not without controversy. Public sector employers are expected to pay full salary for mothers and fathers availing of this new leave, and this has triggered disquiet over how this will be paid for.

Private sector employers are not obliged to top up new paid parental leave, and indicators to date suggest that they will be slow to do so. Practice varies across industries and sectors, but a recent study revealed that only a third of employers top up the recently introduced paternity pay.

Leave boost

Parental leave entitlements also received a boost recently. Currently, parents can take up to 18 weeks of parental leave per child until the child reaches the age of eight. But new laws give parents the right to take up to 22 weeks' parental leave each from September 2019, and then 26 weeks of leave each from September 2020 until the child is 12.

Parents who have not availed of any of their current 18 weeks entitlement when the new law takes effect, and whose children are already aged over eight, can still take up to 18 weeks of leave.

It is important to remember that parents of children with chronic conditions or disabilities still have an entitlement to take parental leave until the child is aged 16. Measures are being taken to ensure that same-sex parents can also avail of these boosted leave entitlements.

A cultural shift?

Will the increased leave available to fathers foster a greater appreciation of the current difficulties for women in reintegrating after maternity and/or parental leave? Encouraging a cultural shift towards an acceptance that fathers may now also take leave from their jobs and careers to care for young children for extended periods may level the playing field somewhat.

Will this help develop a pattern whereby our male colleagues are now also out of sight for extended periods, handing over clients, projects, tasks and responsibilities (to both their male and female colleagues) and then dealing with the challenges of reintegration after a break?

The existing two-week paternity leave period is no different to the period of time workers typically take for a summer holiday. A longer break on paternity and parental leave means that men as well as women will experience the transition, the exit and the readjustment to the workplace on re-entry after a long break.

The anxiety and concern that women experience on returning after maternity leave may become a shared experience, and may also help shape policy to make workplaces more family friendly.

But can we do more? While these are baby steps in every sense, they may not go far enough to really drive a change in attitudes. Should we take a giant step forward and allow parents to share some of the basic and additional maternity leave – effectively letting parents decide between themselves who takes the leave, and for how long?

Britain introduced laws in 2015 for shared parental leave. Parents can share up to 50 weeks of leave and up to 37 weeks of paid leave in the first year after their child is born.

There have been teething problems, including a low uptake of shared leave because, it is reported, of the financial consequences. Britain is significantly ahead of Ireland in attempting to tackle this issue, but the key to unlocking it seems to lie in making the leave period more culturally acceptable as well as financially viable.

Computer says no

Can fathers insist on taking time off to care for their young children? Yes, in some situations.

The law permits the father to take the new paid paternity leave at any time within the first six months of the child's birth, provided that the correct notification is given to the employer four weeks in advance of the birth, or the placement in the case of an adoption. The leave must be taken in a block of two weeks.

The situation is less flexible in relation to parental leave, and the father will need to agree any bespoke parental leave arrangements.

For example, the law still provides that parental leave is not transferable between the parents unless they work for the same employer, and the employer consents to the transfer. Further, parents must generally have 12 months' service with the employer before they are eligible to take leave.

Parental leave must be taken in one continuous block or in separate blocks of not less than six weeks unless agreed otherwise with the employer. While more suitable arrangements can always be agreed on between the parties, ultimately it is still up to the employer whether the employee can take the parental leave in a staggered fashion or in smaller blocks (such as one day per week).

An employer may agree on a shorter block of, say, six weeks' leave, but can then insist that there be a break of ten weeks before another block of leave is taken. An employer can also refuse to grant parental

leave during a particular period where it would have a substantial adverse effect on the business. If that happens, the employee has the right to take the leave at an agreed time within six months.

It is not all one-sided. Employees are protected from penalisation in connection with making a request for or using their parental leave entitlements. Employees also have some statutory leverage to seek more agile working arrangements.

Under the parental leave laws, employees can request reduced working hours and flexible working arrangements after a period of parental leave, but the employer is not obliged to grant these requests. A non-binding code of practice on access to part-time work guides employers towards giving reasonable consideration to a request for access to part-time work.

In short, there is enough to get a conversation started on more flexible working, but in truth a lot of the real change can only be delivered in partnership with the employer. Increasingly, employers recognise this and are working hard to embed agile and flexible working practices to attract and retain their top talent, regardless of gender.

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