



STATUTORY INSTRUMENTS.

S.I. No. 574 of 2023

PARENTAL LEAVE ACT 1998 (SECTION 13AA) (PRESCRIBED DAILY RATE OF DOMESTIC VIOLENCE LEAVE PAY) REGULATIONS 2023

PARENTAL LEAVE ACT 1998 (SECTION 13AA) (PRESCRIBED DAILY RATE OF DOMESTIC VIOLENCE LEAVE PAY) REGULATIONS 2023

I, RODERIC O'GORMAN, Minister for Children, Equality, Disability, Integration and Youth, in exercise of the powers conferred on me by section 3 and subsection (6) of section 13AA (inserted by section 7 of the Work Life Balance and Miscellaneous Provisions Act 2023 (No. 8 of 2023)) of the Parental Leave Act 1998 (No. 30 of 1998) and the Disability, Equality, Human Rights, Integration and Reception (Transfer of Departmental Administration and Ministerial Functions) Order 2020 (S.I. No. 436 of 2020) (as adapted by the Children and Youth Affairs (Alteration of Name of Department and Title of Minister) Order 2020 (S.I. No. 437 of 2020)), having regard to the matters specified in paragraphs (a) to (f) of subsection (7) of the said section 13AA and having, in accordance with subsection (2) of the said section 3, consulted with persons whom I consider to be representative of employers generally and employees generally, hereby make the following regulations:

1. (1) These Regulations may be cited as the Parental Leave Act 1998 (Section 13AA) (Prescribed Daily Rate of Domestic Violence Leave Pay) Regulations 2023.

(2) These Regulations shall come into operation on the 27th day of November 2023.

2. For the purposes of section 13AA(5) (inserted by section 7 of the Work Life Balance and Miscellaneous Provisions Act 2023 (No. 8 of 2023)) of the Parental Leave Act 1998 (No. 30 of 1998), the prescribed daily rate of pay payable to an employee is as follows:

- (a) if the employee's pay is calculated by reference to –
 - (i) a fixed wage, salary, allowance or bonus for each week, month or any other fixed period, or
 - (ii) a fixed hourly or other time rate for a set number of hours (or other period of time) per week, month or any other fixed period,

the gross amount payable in respect of any day on which the employee is absent from work on domestic violence leave shall be 100% of the sum (including any regular bonus or allowance the amount of which does not vary in relation to the work done by the employee but excluding any pay for overtime or commission) paid to the employee in respect of the normal daily hours last worked by him or her before the day on which the employee was so absent;

- (b) if the employee's pay is calculated by reference to a fixed hourly or other time rate for a variable number of hours (or other period

of time) per week, month or any other fixed period, the gross amount payable in respect of any day on which the employee is absent from work on domestic violence leave shall be 100% of the sum (including any regular bonus or allowance the amount of which does not vary in relation to the work done by the employee but excluding any pay for overtime or commission) that would have been payable to the employee had he or she worked on that day;

- (c) if the employee's pay is not calculated by reference to any of the matters referred to in paragraphs (a) or (b), the gross amount payable in respect of any day on which the employee is absent from work on domestic violence leave shall be the sum that is equal to 100% of the average hourly rate of pay (including any regular bonus or allowance the amount of which does not vary in relation to the work done by the employee but excluding any overtime or commission) of the employee, calculated over –
 - (i) where the employee has worked for a period of 13 weeks or more in the employment concerned –
 - (I) the period of 13 weeks ending immediately before the day on which he or she was absent from work on domestic violence leave, or
 - (II) where the employee has not worked for a consecutive period of 13 weeks ending immediately before the day on which he or she was absent from work on domestic violence leave, the period of 13 weeks that is the aggregate of the periods that, on that day, are the periods most recently worked by him or her, or
 - (ii) where the employee has worked for a period of less than 13 weeks in the employment concerned, the period during which the employee has worked ending immediately before the day on which he or she was absent from work on domestic violence leave,

multiplied by the number of hours that the employee was due to work on the day on which he or she was absent on domestic violence leave.

GIVEN under my Official Seal,
21 November, 2023.

RODERIC O'GORMAN,
Minister for Children, Equality, Disability, Integration and
Youth.

L.S.

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