

Employment Law Update

**Welcome...the Work  
and Families Act  
(Northern Ireland) 2015**



The Work and Families Act (Northern Ireland) 2015 (the "Act") received Royal Assent on 8 January 2015 and comes into full legal effect on 5 April 2015.

The main purpose of the Act is to provide a legislative framework enabling Northern Ireland leave and pay entitlements to continue to match those available to working parents in Great Britain.

The Act will bring with it the following key changes from 5 April 2015:

#### **NEW Shared Parental Leave and Shared Parental Pay**

1. The Shared Parental Leave Regulations (Northern Ireland) 2015 will enable parents to share leave and take time off in a more flexible way in the first year of their child's life (or a year after the child has been placed for adoption). A mother can volunteer to end her maternity (or adoption) leave early in order to "free up" weeks to be taken as Shared Parental Leave (SPL). Parents will also be entitled to Shared Parental Pay (ShPP). The rate of ShPP from 5 April 2015 will be £139.58. (For more information on the new system of SPL and ShPP, please see our online guidance note or contact us directly).

#### **Paternity Leave and Paternity Pay**

2. Additional paternity leave and pay will be abolished and will be replaced by the right to SPL and ShPP. Ordinary paternity leave and pay of two weeks will continue to be available for fathers. The rate of statutory paternity pay from 5 April 2015 is £139.58

#### **Flexible Working**

3. The requirement for an employee to be a "carer" of a child or adult will be removed from the existing legislation. The right to request flexible working will be extended to all employees regardless of their personal circumstances provided they have been continuously employed for 26 weeks.

## Parental Leave

- Parents will be entitled to take 18 weeks of unpaid Parental Leave at any time before the child's 18th birthday. To date, parental leave could only be taken up to the child's 5th birthday. As is still the case, parental leave can only be taken in blocks of a week or a whole number of weeks, and an employee may not take more than 4 weeks' parental leave a year in relation to each child (these rules are more flexible in relation to disabled children).

## Adoption Leave and Pay

- Statutory adoption leave and pay will be brought in line with maternity leave and pay. Adoption leave will become a statutory right from day one (where applicable) and the first six weeks of statutory adoption pay will be paid at 90% of the employee's normal earnings (the same as statutory maternity pay). The rate of statutory adoption pay from 5 April 2015 is £139.58.

## Introductory meetings and ante-natal appointments

- The Act facilitates paid time off work for primary adopters to attend up to 5 introductory meetings before a child is placed with them for adoption and unpaid time off for secondary adopters to attend 2 such meetings. Partners of expectant mothers will be entitled to similar time off, enabling them to take unpaid time off work to accompany a pregnant woman to 2 ante-natal appointments.

## Foster / Surrogate Parents

- Provision is made in the Act allowing foster parents who are a child's intended adoptive parents to access adoption pay and leave, and intended parents in surrogacy arrangements to avail of paternity and adoption leave and pay.

## Action points:

- Update your current policies, for instance, paternity leave, flexible working and parental leave policies.
- Develop a shared parental leave policy.

**The contents of this guidance note are for information purposes only and do not constitute legal advice.**

## If you require advice, please contact:



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