

Practical steps for Irish employers preparing for fully paid domestic violence leave

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Employees in Ireland experiencing domestic violence will soon be entitled to fully paid domestic violence leave pursuant to the Work Life Balance and Miscellaneous Provisions Act 2023 (the "Act") for up to five days in any twelve month period. Regulations to bring the leave into effect are expected to be published this Autumn.

What is the purpose of domestic violence leave?

The purpose of domestic violence leave is to enable the employee to do any of the following:

- i. Seek medical attention;
- ii. Obtain services from a victim services organisation;
- ii. Obtain psychological or other professional counselling;
- iv. Relocate temporarily or permanently;
- v. Obtain an order under the Domestic Violence Act 2018;
- vi. Seek advice or assistance from a legal practitioner;
- ii. Seek assistance from the Garda Síochána; and
- ii. Seek or obtain any other relevant services.

Who can avail of domestic violence leave?

Any employee can avail of domestic violence leave. The Act also extends eligibility to "Relevant Persons" which includes a spouse, civil partner or cohabitant of the employee, a person with whom the employee is in an intimate relationship, a child of the employee who has not attained full age,

or a person who, in relation to the employee is a dependent person. This means that an employee can also avail of this leave to assist a "Relevant Person" with any of the actions listed at (i) - (viii) above.

How can employees avail of domestic violence leave?

It may not always be practical for an employee to notify their employer in advance of taking domestic violence leave. In such instances, an employee must notify their employer as soon as reasonably practicable confirming that they have taken this leave, specifying the dates on which it was taken.

It is important for employers to note that under the Act, employees availing of domestic violence leave are not required to provide any evidence in this regard to their employer.

The minimum duration that an employee can avail of domestic violence leave is one working day. That means that even where an employee is absent from work on domestic violence leave for only part of a day, they shall be deemed to have been absent from work for that entire day.

Maintaining records

Under the Act, employers are required to maintain records when domestic violence leave is taken by any of its employees. Such records should include the period of employment of each employee and the dates on which they took the leave. Records must be retained for a period of three years.

Protection of employment rights

Where an employee takes domestic violence leave, their employment rights should remain unaffected i.e. they remain in continuous employment with the company and continue to accrue annual leave and public holiday entitlement as usual.

Employees who avail of domestic violence leave are also protected against penalisation under the Parental Leave Acts. Penalisation includes the dismissal of an employee, unfair treatment and demotion or loss of opportunity for promotion. Where an employee is successful in a case of penalisation, an award of up to 20 weeks gross remuneration can be made. In instances where the penalisation included dismissal, an employee may be awarded up to 2 years' gross remuneration in the Workplace Relations Commission.

Implementing a domestic violence leave policy

Standard provisions

Employers should look at what reasonable steps they can take to support affected employees.

Implementing a domestic violence leave policy is the likely most common starting point for most organisations. At a minimum, the policy should include provision for each of the headings outlined above.

Support services

As well as including contact details for managers within the organisation who are trained to handle such reports, policies should also include information on external support services such as the company's Employee Assistance Programme (if applicable), [Women's Aid](#), [Men's Aid](#), [Aoisbhneas](#) and the [Rape Crisis Centre](#).

Reasonable adjustments

Employers should also consider making reasonable adjustments to affected employees' working arrangements in addition to allowing time off work. This might include temporary adjusted working hours or changing the employee's work contact details (if required).

Training

Training should also be provided to staff who will be providing this support so that they can adequately help affected employees in these instances.

Confidentiality

It is imperative that employers keep all employees' disclosures confidential and only share any such information on a need-to-know-basis.

Key takeaways for employers

Irish employers will need to consider how they will communicate and implement this new type of leave so that their employees are aware that they can avail of it and understand what supports are in place, should it be needed.

Handling matters in a sensitive manner will be vital to ensuring victims do not have a negative experience when discussing these issues with their manager, and that managers are well equipped to help in the best possible way.

Having an effective domestic violence leave policy in place and providing adequate training to managers will be crucial for organisations in creating a workplace culture that values and supports victims of domestic violence, while also ensuring compliance with its legal obligations as an employer.

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