



# **Review of Consultation Responses**

## **Parental and Caring Rights**

**March 2025**

# Introduction

In 2024 the Department for Enterprise conducted a number of consultations in relation to employment legislation. This consultation in particular sought views on parental and caring rights including redundancy protections, Carer's leave and neo-natal care leave.

This work continues the Department's commitment to bring forward a number of employment rights changes during the administration as detailed in Our Island Plan which sets out a vision of a secure, vibrant and sustainable island.

## **Overview of responses**

- This consultation ran from 13 August to 29 November 2024.
- 49 online responses
  - Most of these responses were made by employees (61%)
  - 12 responses (24%) were received by employers
  - 35% (17) of respondents said they have caring responsibilities
- 2 responses were received from collective organisations representing over 100 respondents in each including the Isle of Man Chamber of Commerce (IOMCOC).
- Generally, those that agreed with increasing provisions also agreed that these provisions should cover fathers and adopting parents, supporting a fair and consistent approach.
- Many of the comments against the proposals noted the impact that these increased provisions may have on small businesses who may be more susceptible to change.



---

## Context

Currently, redundancy protections for pregnant people and those on maternity leave solely apply from the date in which the person informs their employer until the end of the maternity leave period. Comparable jurisdictions, such as the UK, have extended these protections to include an additional time period, for example, 18 months protection following the child's birth.

In regards to the proposals on neo-natal care leave, in the Isle of Man, the statutory maternity period is the same for everyone however neighbouring jurisdictions have made recent changes to this legislative area. The UK has recently introduced the Neonatal Care (Leave and Pay) Act 2023 that allows eligible employed parents whose newborn baby is admitted to neonatal care to take up to 12 weeks of paid leave, in addition to other leave entitlements such as maternity and paternity leave. Ireland also has a comparable provision in place.

In addition, the Island does not currently have provision for statutory Carer's leave. This means that Carers on the Island currently have to engage with their employer to work in a flexible manner in many cases however this can limit job opportunities and could be denied.

In the 2022 DHSC & Crossroads Carer's Survey, when asked if there was anything that might help Carers to balance work and care, 43% of responding Carers said the ability to take time off with paid Carer's leave would help them.

The UK have recently introduced provision for one week's unpaid leave every year for those with caring responsibilities. In Ireland, there is an ability to take unpaid leave for a minimum of 13 weeks and a maximum of 104 weeks to provide care. For those seeking less than 13 weeks, employers hold the right to refuse the application. There are also comparable provisions in countries across Europe including France, Germany, and Belgium.

# Do you support an extended protection period from redundancy for a period following the maternity leave period?

- Responses showed strong support from the online consultation
  - 48 responses to this question were received from the online hub with 29 respondents (59%) in favour of the proposal
- One of the representative responses evidenced support against the extension of this statutory protection.
- Reasons for support included:
  - This could protect new mothers from being disproportionately targeted by employers who view women of childbearing age as a potential financial burden
  - The proposal could provide increased job security during a time of change
  - There is potential for this to lead to increases in employee loyalty
  - The proposal supports family friendly workplace practices
  - Opinion that the current provision is too limited
- Other notes included:
  - This should also apply to those who experience stillbirth and miscarriage

Option	Total	Percent
Yes	29	59.18%
No	14	28.57%
Unsure	5	10.20%
Not Answered	1	2.04%

- Reasons against the proposal included:
  - There could be potential for this to lead to hiring biases by employers
  - Comments expressed that this may have a negative impact on small businesses
  - Redundancy can be for legitimate reasons
  - Sentiment that the current provision is sufficient and some respondents thought that the current provisions go as far as to favour those on maternity leave over other workers
  - Some called for fair redundancy processes for all, irrespective of maternity.
  - Having increased protection could lead to unfair dismissal of others by employers.
  - It was suggested that redundancy pay may help fund career breaks that might be welcomed by some families.

## If the protection period from redundancy were to be extended for a period directly surrounding the maternity period, should this extension apply to those taking paternity leave?

Option	Total	Percent
Yes	32	65.31%
No	14	28.57%
Unsure	2	4.08%
Not Answered	1	2.04%

- Of those that were in favour of the first proposal to extend the protection period, 93% of those respondents were also in favour of this proposal.
- Of those not in favour of the initial proposal, the majority answered not in favour of this proposal as they were unsupportive of the general proposal of increased protections for this group of people.
- Comments in support included:
  - Potential to bolster balance and equality between parents.
  - Without this increased protection, the situation of the father becoming redundant could lead to increased financial burden on a family, particularly if the mother is on maternity leave at the time when there is already a reduced household income.
- Those who disagreed with the proposal referenced the same comments as those in response to the previous proposal.

## If the protection period from redundancy were to be extended, should this also apply to adopting parents?

Option	Total	Percent
Yes	37	75.51%
No	9	18.37%
Unsure	2	4.08%
Not Answered	1	2.04%

- A slightly smaller percentage than previous (76%) agreed that this provision should be granted to adopting parents.
- The reasoning against replicated the general sentiment made in response to the previous proposals.

# Do you support the introduction of an extended maternity period for those with children admitted to the neonatal care unit?

Option	Total	Percent
Yes	37	75.51%
No	7	14.29%
Unsure	5	10.20%
Not Answered	0	0.00%

- The majority of respondents agreed with the proposal.
- Both representative organisations generally supported the proposal but noted that any financial change should fall upon government to financially support.
- Reasoning in favour of the proposal included:
  - This could allow more time for parental bonds to establish, rest and allow time for 'normal' maternity leave activities that maternity leave is designed for
  - Neonatal care needs can have a long-term impact on a family including additional early years care which this proposal would support
  - This could increase employee loyalty and alleviate parental stress in the circumstances of a child requiring neo-natal care.
- Reasoning against the proposal included:
  - Of those responses collected under a representative response, many responded that the current provisions for maternity leave are sufficient, regardless of the individual situation.
  - Difficulty may be experienced by businesses to accommodate additional leave periods.
  - The introduction could lead to unlawful discrimination/biased hiring practices by employers.



- Other comments included:
  - There is potential for this to be supported by broader compassionate leave provisions provided by employers.
  - The requirement for clear guidance for business if implemented.

---

## If a neonatal care period were to be introduced, would you anticipate any issues?

- Many noted the impact on small businesses expressing similar views as those throughout the consultation regarding the difficulty and expense in accommodating further protections and leave.
- It is thought that it could lead to smaller businesses requiring financial assistance from Government.
- This could lead to perceived unfair treatment of individuals in comparison to others.
- If implemented, it should be closely monitored with clear definitions, established verification methods and education provided to employers.

## How long would you suggest for additional leave and why?

- Many commented that the time should be variable if introduced, directly linked to the duration of care received.
  - It was however noted that a variable time could be hard for businesses to accommodate while a standard limit would provide certainty
- Multiple respondents suggested 12 weeks as standard.



# If this additional period is not paid for by the employer, should provision be available for extended Government maternity allowance?

Option	Total	Percent
Yes	42	85.71%
No	1	2.04%
Unsure	6	12.24%
Not Answered	0	0.00%

- The vast majority agreed that if implemented, financial support should be provided by Government as part of an extended maternity allowance for those with children requiring neonatal care.
- In support of the proposal, reasoning included:
  - Financial support would ensure the additional leave period is utilised by the parents.
  - Additional support could alleviate financial worries.
  - This could lead to reduced use of resources later on in the child's life where the leave is utilised by parents and with financial support.
  - This could be particularly useful for those on lower incomes.
  - Respondents suggested that this cost couldn't be absorbed by businesses however one respondent noted that due to a suspected relatively low occurrence rate, it would be reasonable that businesses could absorb this cost.
- In objection to the proposal, it was noted that this would come at an increased cost to the taxpayer.
- Other comments included that financial support could be provided as an interest free loan provided by Government to individuals.





# Do you agree with the potential introduction of statutory Carer's leave?

- The vast majority of those responding to this question (78%) agreed with the proposal.
- Reasoning for supporting the proposal included:
  - Given the intensity of some caring responsibilities and that they alleviate pressure on other services, increased support should be available.
  - Carers may experience financial struggles that this proposal may assist in relieving.
  - Where a carer might be able to utilise certain clubs or support elsewhere, these are not always available on the Island leading carers to take annual leave to undertake their responsibilities.
  - This could ensure protection is in place for individuals
  - Implementation may lead to a reduction in unplanned absence for those in employment.
  - Some individuals have to obtain zero hours contracts in order to undertake their responsibilities for flexibility which results in a lack of stable income. The proposal may provide some flexibility to an individual's employment.
  - Given the aging population of the Island, it would be reasonable to expect more individuals having caring responsibilities that will likely have an impact on the workforce where such provisions may be needed.
  - Adoption by employers may lead to increased employee loyalty.
  - Caution was expressed and stressed the importance of clear guidelines regarding the practical application in the workplace.



Option	Total	Percent
Yes	38	77.55%
No	4	8.16%
Unsure	7	14.29%
Not Answered	0	0.00%

- Of the small number that disagreed with the proposal, it was noted that there are other leave options available to an individual including regular annual leave, noting the impact on businesses and if implemented, that it should be financially supported by Government rather than the employer.
- Other comments included a view that the Irish approach is too broad while the UK approach is too narrow.

## Do you think Carer's leave should be a specific period of time of paid/unpaid leave each year?

Option	Total	Percent
Yes	26	53.06%
No	10	20.41%
Unsure	10	20.41%
Not Answered	3	6.12%

- Just over half of respondents (53%) agreed that the provision should be a defined period rather than open ended.
- Reasons in support included that a defined time would be more manageable for employers.
- A suggested time period included 1 week up to 12 weeks and that this might be dependent on circumstances. For example, it was noted that consideration should be given to if the carer is required to travel off Island to undertake this duty and that this may require additional leave.
- Reasoning against the proposal included:
  - The leave period available should be decided on a case-by-case basis with a maximum available
  - A non-defined time period would introduce uncertainty to a business and for the individual
- Those responding as 'unsure' noted varying circumstances between carers that may determine the period.



# Should provision be available for a more long term Carer's leave?

Option	Total	Percent
Yes	29	59.18%
No	6	12.24%
Unsure	13	26.53%
Not Answered	1	2.04%

- Responses showed general support for the provision with 59% in favour. Notably, 27% of respondents were 'unsure' rather than against the proposal.
- Of those unsure, it was noted that rather than this being a provision available to all, it could be granted on a case-by-case basis.
- In agreement, a long-term option available to carers may reduce burnout and allow the carer to assess the situation in the long term.
- It was noted that it might be more appropriate for the carer to take a career break – an option available to some already.



# If Carer's leave is unpaid by the employer, should the Carer be able to access social security benefits during this time i.e Carer's Allowance?

Option	Total	Percent
Yes	41	83.67%
No	3	6.12%
Unsure	4	8.16%
Not Answered	1	2.04%

- The vast majority agreed that social security benefits should be available to those taking leave if unpaid by the employer and many agreed that this should not be funded by employers including both representative responses.
- Comment in agreement included:
  - Such a benefit should be easy to obtain to reduce unnecessary stress and would promote well-being
  - A carer should not be financially penalised for their circumstances
  - Regarding an increase in social security spending, it was noted that a carer taking such leave and utilising this benefit may result in cost savings in other services.
  - If paid by the employer, small businesses would struggle to absorb this cost.
  - Some individuals may not be able to take leave without financial support.
- Other comments noted that the amount available should be linked to the level of care required and that this should not be more than is paid to the individual if they would be working.



---

## Do you have any other comments on any of these topics?

- Several respondents commented they would like to see proposals of shared parental leave coming forward. It should be noted that Shared Parental Leave is a significant outcome of the Employment (Amendment) Act 2023 and will be coming into force in 2025. Although this was mentioned in the opening text of the consultation, the lack of awareness supports the need of increased communication as the provision is implemented for individuals and employers.
- One respondent requested a review of parental leave for those with disabled children.
- Multiple requests were received for increased paternity period leave and numerous respondents called for fairness in provisions provided to all parents.
- One respondent noted that an employer's duty to accommodate flexible working patterns should be strengthened.
- Multiple comments were received in relation to maternity allowance. It should be noted that the Department for Enterprise is not responsible for maternity allowance however this information has been shared with the Treasury as the responsible Department.



---

## Next Steps

The responses to the consultation show a strong consensus for the introduction of both neo-natal care leave and carer's leave. However, it is evident that opinions differ regarding the practical implementation of these provisions, particularly concerning the financial support required.

Taking into account the feedback received, the Department has resolved to move forward with the incorporation of neo-natal care and carer's leave into the forthcoming Employment (Amendment) Bill 2025. This Bill is anticipated to be presented to the Legislative Branches in late 2025. Prior to its introduction, the Department will undertake a review of similar provisions in comparable jurisdictions. Notably, the UK's recent implementation of neo-natal care provisions will serve as a valuable reference point, allowing the Department to adapt these insights to the unique context of the Island, while also considering the responses gathered during the consultation process.

At this point, the Department will not be taking forward proposals to increase maternity redundancy protection in the forthcoming legislative changes as the impact of such an extension on local workers and the business community remains uncertain and sentiment expressed during consultation was mixed. However the Department will continue to monitor the issue on Island and in neighbouring jurisdictions.





*\*Approach to assessing consultation responses*

*While quantitative data is valuable in assessing consultation responses, it often does not convey the full narrative or the strength of specific arguments. Therefore, we have presented quantitative data to indicate general sentiment. To complement this, we have performed a thematic analysis, which involves grouping comments that raise similar themes, such as economic competitiveness and flexibility.*

*It is also important to note that not every respondent answers each question or provides additional comments. There is also the potential for discrepancies where the chosen answers and subsequent comments may not necessarily align. Consequently, while quantitative data can be indicative, it should not be wholly relied upon.*