

# Consultation on Parental and Caring Rights

## Overview

Our Island Plan sets out a vision of a secure, vibrant and sustainable Island, with a commitment for the Department for Enterprise to deliver reforms to employment legislation, ensuring the Island is aligned with international standards and remains a competitive and attractive place to work.

Though in 2017 the Equality Act made a number of significant changes to employment law in the Island in relation to discrimination, over a number of years the Isle of Man has been falling behind international standards in relation to employment rights. The Department intends to make a number of changes to employment law in the current administration.

In 2022, the Department consulted on a number of topics that came to make up the Employment (Amendment) Bill 2023 that completed its progress through the Legislative Branches earlier this year. Those measures, which focused mainly on family leave rights and whistleblowing, will be implemented in the spring of 2025.

## Why your views matter

The Department now seeks to make further improvements to Employment legislation on the Isle of Man. **This consultation seeks views on parental and caring rights including redundancy protections, Carer's leave and neo-natal care leave.**

Throughout this consultation, the UK's legislation may be referenced. It should be noted that now the UK is under a Labour Government, that this may change in the future.

Following this consultation, the Department will review the responses and use this information to inform the development of the Employment (Amendment) Bill that will be brought forward in 2025.

A summary of responses will be published on this page within 12 weeks of the consultation closing.

If you would like to find out more about the Island's current statutory employment rights, please visit the [Guides to Employment Rights page on gov.im \(opens on a new tab\)](https://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/guides-to-employment-rights/) <<https://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/guides-to-employment-rights/>> .

More information on the [Employment \(Amendment\) Bill 2023 \(opens in a new tab\)](https://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/employment-amendment-bill-2023/) <<https://www.gov.im/categories/working-in-the-isle-of-man/employment-rights/employment-amendment-bill-2023/>> .

## Reasonable adjustments and alternative formats

The Department is committed to equal opportunities and our aim is to make our documents easy to use and accessible to all.

We will take steps to accommodate any reasonable adjustments and provide such assistance as you may reasonably require to enable you to access or reply to this consultation.

If you would like to receive this document as a paper copy, in another format or need assistance with accessing or replying to this consultation, please email [jasmine.cowin@gov.im](mailto:jasmine.cowin@gov.im) or telephone +44 1624 686559.

## Responding to this consultation

You can respond to this consultation online by clicking on the 'Online Survey' link below.

### About you

Please note that most questions on this consultation are **optional**, with the exception of the consent question below 'May we publish your response'. There are multiple text boxes provided throughout the consultation, but you are not required to complete them unless you want to explain your view.

What is your name?

Name

What is your email address?

Email

Are you responding on behalf of an organisation?

*Please select only one item*

Yes

No

Organisation

## In what capacity are you responding as:

For clarity, an **employee** is someone who works under a contract of employment and perform their services personally for the employer.

**Workers** are people who are engaged on a contract for services. The term 'worker' can be used to cover a wide range of working relationships e.g. casual workers, freelance workers, employment agency staff and some independent contractors.

*Please select only one item*

- Employer
- Employee
- Worker
- Self-employed
- Other (please specify)

Other:

## If you employ other people, how many employees & workers do you have?

*Please select only one item*

- 0
- 1 to 10
- 11 to 25
- 26 to 50
- 51 to 100
- 100+

## May we publish your response?

Please read our [Privacy Policy](#) for more details and your rights.

### More information

- Publish in full – your first name and surname, organisation name, along with full answers **will** be published on the hub (your email will **not** be published)
- Publish anonymously – only your responses **will** be published on the hub (your name, organisation and email will **not** be published)
- Do not publish – **nothing will** be published publically on the hub (your response will only be part of a larger summary response document)

*(Required)*

*Please select only one item*

- Yes, you can publish my response in full
- Yes, you may publish my response anonymously
- No, please do not publish my response

## Maternity and Redundancy Protections

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.

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

For example, the UK's policy provides protection from the date of notification to the employer until 18 months after birth. This would mean that for that period of time, that person could not be made redundant.

*Please select only one item*

- Yes
- No
- Unsure

Please explain your view:

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?

Currently, fathers are protected for the paternity leave period only.

*Please select only one item*

- Yes
- No
- Unsure

Please explain your view:

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

In the UK, adopting parents are afforded 18 months protection after a child's placement date.

*Please select only one item*

- Yes
- No
- Unsure

Please explain your view:

## Neonatal Care Leave

Currently on the Isle of Man, the statutory maternity period is the same for everyone.

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.

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

*Please select only one item*

- Yes
- No
- Unsure

Please explain your view:

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



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

For context, in the UK this currently is 12 additional weeks of **paid** leave whereas in Ireland it is variable dependent on how early a baby is born from their due date.

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

*Please select only one item*

- Yes
- No
- Unsure

Please explain your view:

## Carer's Leave

The Isle of Man 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 \(opens in a new tab\)](#) </health-and-social-care/the-carers-survey-2022/> , 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 compatible provisions in countries across Europe including France, Germany and Belgium.

### Do you have caring responsibilities?

*Please select only one item*

- Yes
- No

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

*Please select only one item*

- Yes
- No
- Unsure

Please explain your view:

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

For example 5 or 10 days.

*Please select only one item*

- Yes
- No
- Unsure

Please explain your view:

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

For example 3+ months.

*Please select only one item*

- Yes
- No
- Unsure

Please explain your view:

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?

For example, if an individual took 1 week Carer's leave from their employment but didn't normally provide at least 35 hours care per week, they would not currently receive Carer's allowance.

*Please select only one item*

- Yes
- No
- Unsure

Please explain your view:

Additional comments

This consultation has asked questions regarding parental redundancy protection, neonatal care leave and Carer's leave. Do you have any other comments on any of these topics?

A large, empty rectangular box with a thin black border, intended for users to provide their comments on the topics mentioned in the text above.