

International Policies and Legislation on Caring Leave from Employment

May 2024

1. Introduction

Many countries around the world have legislated specially for caring leave with the aim to improve work/life balance, keep carers in employment and reduce the gender gap in participation in the labour market, pay and career progression.

The policies fall into two categories – short-term leave and long-term leave. These categories cover two different aspects which carers need to balance employment and care. Short-term policies provide caring leave in short blocks of a few hours or days to attend planned appointments or to provide temporary support. Long-term policies allow for a leave of absence of months or years from employment, essentially a career break, to allow caring responsibilities to be met but retaining the right to return to employment.

Policies vary in terms of length of time and remuneration.

This briefing does not represent a fully comprehensive overview of all caring leave policies worldwide but rather gives examples to inform the discussion in Northern Ireland.

2. Great Britain¹

Under the **Carer's Leave Act 2024** employees have the right to **five days unpaid leave** per year (pro rata) to provide or arrange care for someone with a long-term care need.

The type of care need is not specified however is intended to cover a range of caring situations, including taking someone to a medical appointment, supporting someone with personal care, arranging visits with health professionals or organising care for the future. It includes caring for someone with a physical or mental illness or injury, a disability, or care needs because of their old age. The cared for person can be a family member or someone else who relies on the employee for care.

This leave is a day 1 right and the employer cannot require the employee to give evidence that they are caring.

Employees also have the legal right to take a reasonable amount of time off work to deal with an emergency involving a dependent. Whether this time off is paid or not is at the discretion of the employer.

In addition, the **Employment Relations (Flexible Working) Act 2023**, gives employees have the **right to request flexible working from day one** of employment.

3. European Unionⁱⁱ

The **Work-Life Balance Directive** was formally adopted by the European Union in June 2019 with member states given until August 2022 to transpose the Directive in national law. It introduces minimum standards for carer's leave of **at least five working days per year** to provide personal care or support to a relative or person living in the same household and the **right to request flexible working arrangements**.

Although **Member States are free to decide whether to provide a payment or an allowance** covering the five days of carer's leave, **they are encouraged to do so** to guarantee the effective take-up of the right by carers.

Examples of how the Work Life Balance Directive has been implemented alongside existing policies within member states are shown below.

4. Irelandⁱⁱⁱ

Under the **Carers Leave Act 2001** employees can temporarily leave their work to provide full-time care and attention to someone in need for **between 13 weeks and 104 weeks**. This leave is **unpaid however employees can claim carer's benefit** for the duration of the leave if they have contributed enough PRSI contributions. The carer's benefit is paid at **249 euro per week** and is not means tested. Employees are entitled to caring leave for each person they care for. The 104 weeks can be taken in 13-week blocks. There must be 6 months between blocks, but an employer can agree to override this.

To be eligible for caring leave, an employee must have been employed by the same employer for at least 12 consecutive months. The person the employee intends to care for must require constant care and attention, either due to their personal needs or to ensure their safety. This person can be a family member, spouse, friend or colleague.

Evidence of entitlement is via the benefit assessment process. Carers are required to outline the reason for requesting leave and the tasks they undertake for the person requiring care. In addition, a GP must complete details of the needs of the person requiring care.

Whilst receiving carer's benefit carers can take on paid employment of up to 18.5 hours per week.

Ireland have also implemented the **EU Work-Life Balance Directive** and carers have an additional right to **five days unpaid leave** for medical care purposes (this must be taken in full days) and a right to request flexible working.

5. Netherlands^{iv}

Under the **Dutch Work and Care Act** employees are entitled to **paid calamity leave** for urgent, unexpected, or exceptional personal circumstances.

They may also take short-term caring leave up to **twice their weekly working hours** for the necessary care of a sick partner, child, parents or grandchild to provide care or attend a medical appointment. This leave is paid at **at least 70% of salary, but never less than the minimum wage** and can be taken in blocks.

Long-term **unpaid** leave is also available to provide care for a partner, child or parent who is life-threateningly ill. This is up to a maximum of **six times the employee's weekly working hours**.

Self-employed carers do not have access to long or short-term leave.

6. Italy^v

Italy has legislation in place for short-term and long-term caring leave.

Employees have the right to **three days paid leave per month** to care for severely disabled relatives in an emergency or to accompany them to medical appointments. This can be taken in half days or in hours,

In addition, they can take up to **two years** leave to care for severely disabled relatives. This can be taken in a staggered manner however the person in need of care must live under the same roof as the carer. This is **paid but capped by an annual ceiling**.

7. Belgium^{vi}

Employees in Belgium have the right to **unpaid** caring leave for a maximum of **five working days per year** to provide personal care or support to a seriously ill family member. These five days of caring leave must be deducted from the employee's existing entitlement to unpaid leave for compelling reasons of ten days per year.

In addition, employees can take **thematic careers breaks**. Examples include informal care leave of up to **six months** for workers who are recognised as unpaid carers of a person in need of care and medical care leave for severely ill family member or household member.

8. Poland^{vii}

Poland provides **five days unpaid** caring leave to give personal care or support to a person who is a family member, or who lives in the same household and requires care or support for serious medical reasons.

There is a right to additional leave (Force Majeure) of two days per year for urgent family matters caused by a disease or accident paid at 50%.

Poland also legislates for additional leave for parents with caring responsibility with a greater amount of time available for parents of children with disabilities.

9. Germany^{viii}

Under the **Care Leave Act** Germany provides both short-term and long-term caring leave.

Employees can avail of **ten days unpaid** leave to organise care for or give care themselves to a relative in case of emergency.

Longer-term leave of **one to six months unpaid** is also available on a partial or full-time basis. For employees to be entitled to this the employer must have more than 15 employees.

Employees are also entitled to family caring time which is **partial unpaid leave for up to two years** to care for a dependent relative. An employee's hours can be reduced to a minimum of 15 hours per week during this time. To be entitled to this an employee must work in a workplace with greater than 25 employees.

Employees cannot take more than 24 months of caring leave and family caring leave combined in respect of the same person in need of care.

10. Australia^{ix}

Under the **Fair Work Act 2009** and the **national employment standards** sick and caring leave are part of the same leave entitlement, known as personal leave.

Employees are entitled to **ten days per year of paid personal leave (pro rata)** for when they are ill or need to care for an immediate family or household member who is sick, injured or has an emergency. If this leave is not used it accumulates and can be carried over to subsequent years.

Employers have the right to request reasonable evidence e.g. medical certificate, letter from doctor, statutory declaration.

If this paid leave has been used up employees can take **two additional days of unpaid** caring leave **per occasion**.

Awards and agreements are in place in some workplaces which expand these rights.

Employees also have a **right to request flexible working** after they have worked for employer for 12 months.

Casual employees are entitled to 2 days of unpaid caring leave per occasion.

11. Japan^x

Employees in Japan can access short-term and long-term caring leave.

Employees are entitled to **5 unpaid days per year** to care for a family member who requires nursing care. This can be increased to **10 days per year if they have two or more family members in need of care**. The leave can be taken in hourly increments for flexibility.

Additionally, employees can take **up to 93 days** leave when a close family member needs constant nursing care due to sickness, disability, or injury. This **leave is unpaid however the employee can receive compensation of up to 67% of their normal salary through employment insurance**. Employers can deem an employee ineligible for this leave if they have not been with the firm for a year or if the employee's contract will terminate within six months following the scheduled leave.

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- ⁱ <https://www.gov.uk/carers-leave>
- ⁱⁱ <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/gender-equality/women-labour-market-work-life-balance/eu-legislation-family-leaves-and-work-life-balance>.
- ⁱⁱⁱ <https://www.citizensinformation.ie/en/employment/employment-rights-and-conditions/leave-and-holidays/carers-leave/>
- ^{iv} <https://www.government.nl/topics/care-leave/applying-for-care-leave>
- ^v <https://www.embracingcarers.com/italy-current-state-of-care/>
- ^{vi} <https://alliant.com/news-resources/belgium-transposition-of-the-eu-work-life-balance-directive/>
- ^{vii} <https://www.gov.pl/web/family/carers-leave>
- ^{viii} <https://app.croneri.co.uk/topics/employment-law-germany/indepth>
- ^{ix} <https://www.fairwork.gov.au/leave/sick-and-carers-leave>
- ^x <https://rapp.ualberta.ca/wp-content/uploads/sites/49/2022/11/Carer-Leave-Policies-in-Japan.pdf>