

Volt Malta Manifesto 2022

Parental Leave



Ivvota Aħjar.
Ivvota Volt.

Is-Sibt, 26 ta' Marzu

Pregnancy, Parental Leave & Employment Rights

A new law detailing employment rights and regulation of leave; during pregnancy, from birth, shared leave of parents after their individual leave is utilised, special parental leave, adopting parents and foster carers, will be proposed to replace and harmonise current laws outlined regulating these matters in the following laws:

- **PROTECTION OF MATERNITY (EMPLOYMENT) REGULATIONS - [SUBSIDIARY LEGISLATION 452.91](#)**
 - The regulations safeguarding employment rights of pregnant employees, employees who have recently given birth and breastfeeding employees, and 'special maternity leave', will be maintained in the new law.
 - 'Special maternity leave' would be renamed to 'special parental leave'.
 - 'Maternity Leave' taken before birth will be replaced with 'Pregnancy Leave' & 'Maternity Leave' taken from birth will be replaced with 'Individual Parental Leave'
- **MINIMUM SPECIAL LEAVE ENTITLEMENT REGULATIONS - [SUBSIDIARY LEGISLATION 452.101](#)**
 - 'Birth Leave' would no longer be required, since any parent would be entitled to 'Individual Parental Leave'
- **PARENTAL LEAVE ENTITLEMENT REGULATIONS - [SUBSIDIARY LEGISLATION 452.78](#)**
 - Unless otherwise specified, the right of when a parent may take parental leave as outlined in this regulation will be the same.
 - Unless otherwise specified, the nature of parental leave as outlined in this regulation will be the same.
 - 'Parental leave' as outlined in this regulation will be called 'Shared Parental Leave'
- **ADOPTION LEAVE NATIONAL STANDARD ORDER - [SUBSIDIARY LEGISLATION 452.111](#)**
 - Unless otherwise specified, the regulations safeguarding employment rights of persons choosing to adopt will be maintained in the new law.

Individual Parental Leave

This would replace Maternity, Birth, Adoption Leave.

- **Every parent has the right to 20 weeks of individual paid parental leave at 100% of their respective income.** This would be paid 50% by the Employer (or up to the equivalent of the current minimum wage) and the rest by the State.
 - **A parent may opt for 25 weeks of individual paid parental leave at 80% of income.**
 - **A single parent has the right to paid parental leave equivalent to 2 parents** (40 weeks at 100% of income or 50 weeks at 80% of income)

- A single parent may opt for 2 different instalments of paid parental leave (e.g 100% pay for 20 weeks and 80% pay for 25 weeks for a total of 45 weeks)
 - **If the parent is self-employed** then individual paid parental leave is fully paid by the State for 20 weeks.
 - If the parent's income is less than the Parental Leave Fund, then they are paid the Parental Leave Fund.
 - **If the parent is unemployed**, they are to be paid the Parental Leave Fund by the state for 20 weeks.
 - **A parent may delegate up to 50% of their Individual Parental Leave to their partner, a guardian or family member**, who would be responsible for taking care of the child if the parent chooses to work. The delegate would be paid the Parental Leave Fund by the State.
- **This right applies to parent/s who opt for adoption or surrogacy.**

Shared Parental Leave

This would amend Parental Leave.

- **Parents have the right to share between them an additional 20 weeks of paid Shared Parental Leave, at 70% of the average income of the parents**, which is calculated for a reference period of 12 calendar months before the calendar month that precedes the start of the benefit to parental allowance. This would be paid by the State.
- **Shared Parental leave is available when at least 100% of 1 parent's leave is utilised and 50% of the other parent's leave is utilised.** To incentivise both parents to use their parental leave
 - Under exceptional circumstances, the requirement can be waived.
 - For single parents, shared parental leave is utilised when their Individual Parental Leave is utilised.
- **The parent/s may delegate any quantity of their Shared Parental Leave to a guardian or family member**, who would be responsible for taking care of the child if the parent/s choose to work, and the delegate would be paid at 50% of the average income of the parent/s but must be at least equivalent to the Parental Leave Fund.
 - This would be paid by the State.
- **If the parent is unemployed**, they are to be paid the Parental Leave Fund by the State.
- **This right applies to parent/s who choose to adopt.**
- **This right applies to Foster Carers.**
- **This can be used until the child is 16.**

Pregnancy Leave

- **Every couple which involves a pregnancy has the right to 8 weeks of paid Pregnancy Leave each, at 80% of their respective income, that can start from up to 8 weeks before birth**
 - In the event of complications in the pregnancy arising sooner than 8 weeks to the due date, which require that the person does not work, they may request to

start their leave sooner, without it affecting their leave benefit, until 8 weeks before birth.

- If the parent is unemployed, they are to be paid the Parental Leave Fund.
- This leave may also be utilised to attend parenting classes.

Parental Leave Fund

- **The Parental Leave Fund** would be a sum of money provided by the state equivalent to the living wage.