

Pre Legislative Scrutiny
22nd September 2022 @ 9.30am

**LOCAL GOVERNMENT (MATERNITY PROTECTION AND OTHER MEASURES FOR
LOCAL AUTHORITY MEMBERS) BILL 2022**

**Opening Address for Mr Peter Burke TD, Minister of State for Local Government and
Planning**

- I thank the Chair and committee members for affording me the opportunity to attend this morning and to contribute to your scrutiny of the General Scheme of the Local Government (Maternity Protection and other Measures for Local Authority Members) Bill 2022.
- I am delighted to be here with you to engage in the debate and deliberations of the Committee on this short, but vitally important Bill.
- Chair, I would in particular like to thank you for placing this matter on the Committee's agenda so expeditiously.
- The proposals I am presenting today are transformative and progressive, given that there is no current right to statutory maternity leave for elected members of local authorities.
- As matters currently stand, the position is that councillors are officeholders, not employees and, therefore, are not covered by the framework of maternity leave supports in legislation. Conversely, elected members are, under Social Welfare legislation, and by virtue of being liable to pay Class S PRSI contributions, eligible for maternity benefit.

- A key aim of the proposed Bill is therefore to address this current lacuna in the legislation.
- The aim, however, is to do so in a manner that provides as much flexibility as possible to women councillors, recognising and respecting their role as elected representatives of their communities.
- The Bill also provides for an elected member, should they so wish, to nominate a temporary substitute to undertake the role and duties of the elected member who will be absent for the period of the maternity leave.
- This will allow for the elected member to undertake a “clean break” from her role as a councillor for the period of absence and ensure that councillors are facilitated in taking maternity leave and are under no unnecessary pressure to return to work ahead of time.
- It is well documented that Ireland has a low rate of female participation in local government. Most recently, in the 2019 local elections, only 24% of elected members were women. This is below where we need to be and improving the level of representation by women will allow for policy and strategic decisions at local government level to have robust, equal input from both male and female councillors.
- The absence of an entitlement to maternity leave has long been identified as an obstacle to the participation of women in local government. This Bill aims

to rectify this historic anomaly, and to eliminate one of the barriers that prevents women from getting involved in local government.

- While I recognise that other obstacles still exist with a view to encouraging women's participation in all levels of government, once maternity leave is made available to councillors, we can then consider how best to introduce other forms of parental or family leave (for example, adoptive leave).
- I would add that, in order to ensure an equality of approach, the Bill provides that the possibility of the appointment by co-option of a temporary substitute would also be available in the case of an elected member who is absent for a protracted period due to illness or in good faith for another reason. This provision is an innovative, but sensible measure and allows that all 949 elected local authority members will be treated in the same way in respect of extended absence.
- While the final decision on whether a temporary substitute will be put in place is ultimately a matter for the elected member causing the absence, the appointment by co-option of a temporary substitute would prevent the under representation of the local electoral area at issue and allow the relevant local authority to continue to operate with the optimum level of political participation.
- Let me conclude by thanking the committee for its ongoing interest in this important matter. I can assure you all of my commitment to ensuring that this obstacle to the participation of women in local government is addressed as a priority.

- Both I and my officials are of course happy to engage with any questions that the Committee may have.

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