

2025-08-12

Bill as amended

OBJECTS AND REASONS

This Bill would

- (a) repeal the *Employment of Women (Maternity Leave) Act*, Cap. 345A;
- (b) make better provision for maternity leave;
- (c) make provision for paternity leave;
- (d) provide access for a family to have leave together at the birth of a child or in those essential early months; and
- (e) to provide for related matters.

Arrangement of Sections

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SCHEDULE

Consequential Amendments

BARBADOS

A Bill entitled

An Act to provide for family leave for male and female employees, access for the parents of the child to have leave together at the birth of the child or during the essential early months of development and to provide for related matters.

ENACTED by the Parliament of Barbados as follows:

Short title

1. This Act may be cited as the *Family Leave Act, 2025*.

Interpretation

- 2.(1) For the purposes of this Act,

“confinement” means delivery after pregnancy resulting in the issue of a living child or delivery after 25 weeks of pregnancy resulting in the issue of a child whether alive or dead;

“family leave” means leave granted under this Act to facilitate the birth and or bonding with a child during the period immediately following the birth of the child;

“maternity leave” means leave granted to a female employee in accordance with section 4 arising from or in contemplation of her confinement and includes additional leave granted under section 8;

“medical practitioner” has the meaning assigned to it by section 2 of the *Medical Profession Act* (Act 2011-1);

“midwife” has the meaning assigned to it by section 2 of the *Nurses Act*, Cap. 372;

“paternity leave” means leave granted to a male employee in accordance with section 5 arising from or in contemplation of the confinement of his spouse or partner and includes additional leave granted under section 8.

Act binds the State

3. This Act binds the State.

Grant of maternity leave to employees

4.(1) Subject to subsection (3), every female employee in addition to her annual holiday under the *Holidays with Pay Act* (Act 2017-3) is entitled to maternity leave upon delivering to her employer

- (a) a certificate issued by a medical practitioner setting forth the expected date of her confinement; or
- (b) a certificate issued by a medical practitioner or a midwife setting forth the actual date of her confinement.

(2) Notwithstanding subsection (1), an employer may accept such other evidence in support of the entitlement of an employee to maternity leave as may be reasonable having regard to the circumstances of a particular case.

(3) A female employee shall, in order to qualify for a grant of maternity leave, be employed for at least 12 months in continuous employment by the employer from whom she requests such leave.

Grant of paternity leave to employees

5.(1) Subject to subsection (5), a male employee in addition to his annual holiday under the *Holidays with Pay Act* (Act 2017-3) is entitled to paternity leave upon delivering to his employer

- (a) a certificate issued by a medical practitioner setting forth the expected date of birth of the child; or
- (b) a certificate issued by a medical practitioner or a midwife setting forth the actual date of the birth of the child.

(2) In addition to the requirement under subsection (1), a male employee shall submit to his employer, a document signed by the woman stating that the male employee is the father of the child for whom the claim for paternity leave is being made.

- (3) Notwithstanding subsections (1) and (2), an employer may accept such other evidence in support of the entitlement of an employee to paternity leave as may be reasonable having regard to the circumstances of a particular case.
- (4) Notwithstanding subsections (1) and (2), a male employee shall give his employer no less than 4 weeks' notice for a request for paternity leave before the actual date of the leave requested.
- (5) A male employee must in order to qualify for a grant of paternity leave, be employed for at least 12 months in continuous employment by the employer from whom he requests such leave.

Duration of maternity leave

6.(1) Except where a female employee otherwise desires, maternity leave shall be of a period of not less than 14 weeks and shall be arranged that the employee is allowed

- (a) such period of not less than 6 weeks as she desires before the expected date of confinement; and
- (b) a period of not less than 8 weeks from the date of confinement.

(2) Where

- (a) confinement takes place without an employee having been granted maternity leave; or
- (b) the period of maternity leave before her confinement amounts to less than 6 weeks,

the period of leave after confinement shall, if the female employee so desires, be extended so that the total period of leave does not amount to less than 14 weeks.

(3) Where a female employee has been granted maternity leave and the date of confinement is a later date than the date stated in the certificate issued pursuant to section 4(1) as being the date on which confinement was expected, her maternity leave shall be extended to include the period that elapsed between those dates.

(4) Where a female employee has been granted maternity leave and has multiple births arising out of that pregnancy, she shall be entitled to maternity leave for a period not less than 17 weeks.

Duration of paternity leave

7.(1) Paternity leave granted to a male employee shall be for a period of not less than 3 weeks and may be taken as a continuous period or be arranged in a manner where the male employee is allowed

- (a) a period of not less than 2 weeks, as he desires within the first 3 months of the birth of the child or children as the case may be; and
- (b) a period of not less than one week before the child or children, as the case may be are 6 months old.

(2) A male employee shall be entitled to only one paternity leave benefit within a 12 month period.

Additional leave

8.(1) In addition to the maternity leave to which an employee is entitled under section 6, such additional leave not exceeding 6 weeks shall be granted as recommended by a medical practitioner in the following circumstances:

- (a) where the employee, after confinement suffers from an illness arising out of the confinement; or
- (b) where the newborn child requires specialized medical care.

(2) A male employee who is eligible for paternity leave, may extend that said leave beyond 3 weeks for an additional 3 weeks if the mother of the child dies during confinement or immediately after confinement.

Protection of employment

- 9.(1) Subject to subsection (3), no employer shall
- (a) dismiss or give notice of dismissal to an employee at any time between the date of her delivery to him of a medical certificate under section 4 and the date of the expiration of her maternity leave or additional leave granted under section 8;
 - (b) give notice of dismissal to an employee so that it would expire during her maternity leave;
 - (c) dismiss an employee or require an employee to resign on the ground that she is pregnant; or
 - (d) require an employee to resign during any of the times referred to in paragraph (a) or (b).
- (2) Subject to subsection (3), no employer shall
- (a) dismiss or give notice of dismissal to an employee at any time between the expected date of delivery of the child on the delivery of notice for paternity leave under section 5 and the date of the expiration of his paternity leave under section 7 or additional leave granted under section 8(2);
 - (b) give notice of dismissal to an employee so that it would expire during his paternity leave;
 - (c) dismiss an employee or require an employee to resign on the ground that he has requested paternity leave; or
 - (d) require an employee to resign during any of the times referred to in paragraph (a) or (b).
- (3) Subsections (1) and (2) does not apply where
- (a) there has been serious misconduct or gross negligence amounting to abandonment of duty on the part of an employee;

- (b) there has been an expressed contract of service for a fixed term between an employer and an employee which has expired; or
 - (c) the requirements of that business for employees to carry out work of a particular kind, or for employees to carry out work of a particular kind in the place where the employee was so employed, have ceased or diminished or are reasonably expected to cease or diminish; or
 - (d) the employer has ceased, or intends to cease, to carry on the business for the purposes of which the employee was employed by him, or has ceased, or intends to cease, to carry on that business in the place where the employee was so employed.
- (4) For the purposes of subsection (3), "cease" means cease either permanently or temporarily and from whatever cause, and "diminish" has a corresponding meaning.

Protection of seniority rights

10.(1) Where a female employee has been granted maternity leave under this Act she is, on her resumption of work after such leave, entitled to

- (a) her seniority rights; and
 - (b) re-instatement in her former work or equivalent work, and she shall not by reason only of the fact that she went on maternity leave, be paid a lower remuneration than she received before she went on maternity leave.
 - (c) her vacation, sick days or any other entitled leave; and
 - (d) any training or promotion on resumption of duties.
- (2) Where a male employee has been granted paternity leave under this Act, he is on the resumption of work after such leave, entitled to
- (a) his seniority rights;

- (b) return to his former position or equivalent position and shall by no reason only of the fact that he went on paternity leave be paid a lower remuneration, than he received before he went on paternity leave.
 - (c) his vacation, sick days or any other entitled leave; and
 - (d) any training or promotion on resumption of duties.
- (3) Every employer shall ensure that a male or female employee who has been granted paternity leave or maternity leave as the case may be, shall be re-instated at a level no lower than was previously held before the grant of the leave.

Offences

- 11.(1)** Any employer who contravenes or fails to comply with any of the provisions of this Act is guilty of an offence and is liable on summary conviction to a fine of \$50 000 or to imprisonment for a term of 24 months or to both.
- (2) An employee who knowingly gives false information pursuant to sections 4 and 5 is guilty of an offence and is liable on summary conviction to a fine of \$10 000 or to imprisonment for a term of 24 months or to both.

Civil liability

- 12.** Nothing in this Act shall deprive an employee of any civil remedy to which he or she may be entitled to under any law for the time being in force in Barbados.

Savings

- 13.** An application for maternity leave
- (a) submitted to an employer before the commencement of this Act; and
 - (b) which is not processed before the commencement of this Act,
- shall be processed in accordance with provision of the *Employment of Women (Maternity Leave) Act*, Cap. 345A, as if the Family Leave Act, 2025 (Act 2025–) has not been enacted.

Consequential amendments

14. The enactments set out in Column 1 of the *Schedule* are amended as set out opposite thereto in Column 2.

Repeal

15. The *Employment of Women (Maternity Leave) Act*, Cap. 345A is repealed.

Commencement

16. This Act shall be deemed to come into effect on the 1st June, 2025.

SCHEDULE

(Section 14)

CONSEQUENTIAL AMENDMENTS

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
1. <i>Employment (Prevention Discrimination) Act, 2020</i> (Act 2020-26)	Section 3(2) is amended by (a) deleting the word "and" after paragraph (r); (b) deleting paragraph (s); (c) inserting immediately after paragraph (r) the following: "(s) paternity;" and (d) inserting immediately after paragraph (s) the following: "(t) any characteristic which appertains generally or is generally imputed to a person on the basis of any ground referred to in paragraphs (a) to (s).".
2. <i>National Insurance and Social Security Act, Cap. 47</i>	1. In section 21(1) by (a) inserting immediately after paragraph (b) the following new paragraph: "(b.1) paternity benefit, that is to say, a payment in the case of a birth of a child to an insured man;" (b) in paragraph (c), delete the words "maternity grant," and substitute therefor the words "child grant,".

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
2. <i>National Insurance and Social Security Act, Cap. 47 - (Concl'd)</i>	2. In section 25A(1) by deleting the word "maternity" after the word "pension", and substitute therefor the word "child". 3. Insert after section 55 the following new section: "Validation of Pension Benefits and Grants 56.(1) All all decisions made, all acts done by electronic means or otherwise, and all payments made prior to the commencement of the <i>National Insurance and Social Security (Benefit) (Amendment) Regulations, 2025</i> (S.I. 2025 No. 13) on the 3rd day of April, 2025 and thereafter shall be deemed to have been validly and lawfully done by the Service. (2) All decisions made, all acts done, and all payments made pursuant to <i>National Insurance and Social Security (Benefit) (Amendment) Regulations, 2025</i> (S.I. 2025 No. 13) shall be deemed to have been validly and lawfully done, and the <i>National Insurance and Social Security (Benefit) (Amendment) Regulations, 2025</i> (S.I. 2025 No. 13) shall be deemed to have been validly and lawfully made. (3) For the purposes of this section, old age contributory pensions, contributory grants or a non-contributory grant, the Board in pursuant to the 11O, the Board hereby delegates to the Chief Executive Officer the discharge the functions in section 4 and section 11N in so far as the same are required to manage and ensure the implementation of <i>National Insurance and Social Security (Benefit) (Amendment) Regulations, 2025</i> (S.I. 2025 No. 13).

Schedule - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45)	1. In regulation 2 delete the definition "confinement" and substitute the following: " "confinement" means delivery after pregnancy resulting in the issue of a living child, or delivery after 25 weeks of pregnancy resulting in the issue of a child whether alive or dead;" 2. In regulation 11 delete paragraphs (1), 1.1, 1.2, 1.3 and (1A) and substitute the following: "11.(1) With effect from 1st June 2025, maternity benefit shall be payable only if the following conditions are satisfied: (a) in relation to an employed person, (i) the woman had been insured for not less than 26 contribution weeks; and (ii) not less than 16 contributions had been paid in the relevant quarters; (b) in relation to a self-employed person, (i) not less than 39 contributions had been paid or credited in respect of that person in the relevant year; and (ii) not less than 16 contributions had been paid or credited in the relevant year.

*Schedule - (Cont'd)*CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	(1.2) For claims payable for any period between 1st July, 2024 to 31st December, 2024, the self-employed person must have paid not less than \$600 in contributions between 1st January, 2024 and 15th July, 2024. (1.3) Where a self-employed person, who is also an employed person or who was previously an employed person, does not satisfy the required number of self-employed contributions to qualify for a maternity benefit, all the contributions paid as an employed or a self-employed person in the relevant year shall be considered when determining her eligibility to receive maternity benefit. (1A) Notwithstanding paragraph (1)(a), maternity benefit shall be payable where (a) an employed person only becomes insurable during or after the relevant quarters and has failed to satisfy the contribution condition for benefits of that regulation; (b) the employed person has not less than 16 contributions paid or credited in the period of 26 contribution weeks immediately preceding the week in which occurs,

*Schedule - (Cont'd)*CONSEQUENTIAL AMENDMENTS - *(Cont'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	(i) the day that is 6 weeks before the expected date of confinement; or (ii) the last day on which the woman worked prior to the date of confinement,
	whichever is later."
3.	Delete regulation 12 and substitute the following:
	"Duration
	12. Subject to these Regulations, maternity benefit shall be granted to a woman for a period starting from a date not earlier than 6 weeks before the expected date of her confinement and continuing until the expiration of
	(a) 14 weeks for a single live birth or a still birth;
	(b) 17 weeks for multiple births."

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	4. Delete the heading "MATERNITY GRANT" and substitute the following: "CHILD GRANT". 5. Delete regulation 17A and substitute the following: "Entitlement to child grant 17A. Where a child is born to a woman who does not satisfy the conditions for a maternity benefit under regulation 11, or to a father who does not satisfy the conditions for paternity benefit under regulation 17B, or is an uninsured person, that child is entitled to a child grant in such amounts as are prescribed by order pursuant to section 25A of the and that child grant shall be payable to the mother of the child; and (a) where the mother is deceased, unavailable or unable to care for the newborn, then to the father of the child; or (b) where the father is also deceased, unavailable or unable to care for the newborn to such alternate primary provider of care as the Board may determine.".

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	6. Delete regulation 17B and substitute the following: "Paternity benefit 17B.(1) Subject to these Regulations, a paternity benefit shall be granted to a man, who is an insured person, and has fathered a child where (a) in relation to an employed man, (i) the man had been insured for not less than 26 contribution weeks; (ii) not less than 16 contributions had been paid in the relevant quarters; (b) in relation to a self employed person (i) the minimum payments required for the relevant year were paid in accordance with the <i>National Insurance and Social Security (Self-employed Persons) Regulations 1970</i>; and (ii) who is also an employed person or who was previously employed person, and who does not satisfy the required self-employed contributions in the relevant year to qualify for a paternity benefit, all the contributions paid as an employed or a self-employed person in the relevant year shall be considered when determining his eligibility to receive paternity benefit.

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	(2) Notwithstanding paragraph (1)(a), paternity benefit shall be payable where (a) an employed person only becomes insurable during or after the relevant quarters and has failed to satisfy the contribution condition for benefits of that regulation; (b) the employed person has not less than 16 contributions paid in the period of 26 contribution weeks immediately preceding the week in which occurs (i) the day that is 6 weeks before the expected date of confinement; or (ii) the last day on which the man worked prior to the date of confinement, whichever is later. (3) Where section 8(2) of the <i>Family Leave Act, 2025</i> (2025-) applies, the employed person may make an application in such manner as the Chief Executive Officer may require, for any unclaimed maternity benefit for a period of no more than 3 weeks where an application is made for maternity benefit prior to the death of the person entitled to the maternity benefit, and that employed person shall receive the sums due, where in the circumstances of the case the paternity leave application and the maternity leave application are in respect of the same child."

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	7. Insert immediately after regulation 17B the following: "Duration of paternity benefit 17C.(1) For the purpose of this regulation, paternity benefit shall be (a) for a period of 3 weeks only; and (b) taken after the birth of the child. (2) Notwithstanding paragraph (1), paternity leave must only be granted within the first 6 months of the birth of the child. Support of claim for paternity benefit 17D.(1) Claims for paternity benefit shall be accompanied by, in the case of parents who are married, (a) a copy of the certificate issued by a registered medical practitioner as to the actual date of confinement, or a registered midwife as to the actual date of confinement; or (b) a certified copy of the marriage certificate. (2) Claims for paternity benefit shall be accompanied by in the case where the parents are unmarried, (a) a copy of the certificate issued by (i) a registered medical practitioner as to the actual date of confinement or a registered midwife as to the actual date of confinement;

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	(ii) a letter from the woman stating that the man is the father of the child for whom the claim is being made; and (iii) a certified copy of the birth certificate of the child with the father's name detailed thereon; (b) a letter issued by his employer showing the approved request for paternity leave; and (c) any such other documentation that the Chief Executive may require.

Rate of paternity benefit

17E.(1) The daily rate of paternity benefit shall be 100 per cent of the average insurable weekly earnings of the insured person divided by 6.

(2) Average insurable weekly earning for the purposes of this regulation shall mean the sum of the insurable earnings on which contributions were based, including any contributions credited in accordance with regulation 57 of these Regulations and regulation 24 of the *National Insurance and Social Security (Employment Injury Benefit) Regulations, 1970*, (S.I. 1971 No. 7) over the continuous period of the relevant quarters or the relevant year period used in accordance with regulation 17B divided by the number of weeks in the quarters or year, where applicable.

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	Disqualification for benefit 17F. An insured man entitled to the payment of paternity benefit shall be disqualified from receiving such benefit for such period as the Chief Executive Officer may decide if during the period for which the benefit is payable, he engages in remunerative work. Savings for Maternity Benefit and Maternity Grant 17G. A claim or application for a maternity grant or maternity benefit (a) submitted to the Chief Executive Officer before the commencement of this Act; and (b) which is not processed before the commencement of this Act, shall be processed in accordance with the <i>National Insurance and Security (Benefit) Regulations S.I. 1967</i> (No. 45) as if the amendments required pursuant to the Schedule of the <i>Family Leave Act, 2025</i> (Act 2025-) had not been made."

Schedule - (Cont'd)

CONSEQUENTIAL AMENDMENTS - (Cont'd)

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45) - (Cont'd)	8. In regulation 31(1)(a) delete the words "1st April, 2025" wherever they appear and substitute the following words "1st August, 2025". 9. In regulation 31(2)(b) delete the words "on 1st January, 2024" wherever they appear and substitute the following words "before the 1st August, 2025". 10. In regulation 32 delete the words "1st April, 2025" wherever they appear and substitute the following words "1st August, 2025". 11. In regulation 34(1)(a) delete the words "1st April, 2025" and substitute the following words "1st August, 2025". 12. In regulation 58 delete paragraph (a) and substitute the following: "(a) a person shall not be disqualified from receiving a (i) sickness benefit by reason of being temporarily absent from Barbados for the specific purpose of being treated for an incapacity which commenced before he left Barbados, during such period as the Board may allow having regard to the particular circumstances of the case; or

Schedule - (Concl'd)

CONSEQUENTIAL AMENDMENTS - *(Concl'd)*

Column 1	Column 2
<i>Enactments</i>	<i>Amendments</i>
3. <i>National Insurance and Social Security (Benefit) Regulations, 1967</i> (S.I. 1967 No. 45)-(Concl'd)	(ii) maternity benefit, paternity benefit or child grant by reason of being temporarily absent from Barbados where that person is ordinarily resident in Barbados, and the absence is for such period as the Board may allow having regard to the particular circumstances of the case, so long as the entitlement to the maternity benefit, paternity benefit or child grant was established before the person left Barbados."
4. <i>National Insurance and Social Security (Claims and Payments) Regulations, 1984</i> (S.I. 1984 No. 148)	1. Regulation 10(1) is amended by (a) insert immediately after sub-paragraph (c) the following new subparagraph: "(c.1) in the case of paternity benefit, not later than 6 months after the birth of the child;" (b) in subparagraph (d) delete the words "maternity grant" and substitute the words "child grant". 2. In regulation 10(2), insert immediately after the subparagraph (c), the following new subparagraph: "(c.1) in the case of paternity benefit, benefit paid in respect of any day more than 2 days before the date on which the claim is made;"

Read three times and passed the House of Assembly this
day of _____, 2025.

Speaker

Read three times and passed the Senate this _____ day of
, 2025.

President