

## Ireland: Updates to Equality Legislation

The Maternity Protection, Employment Equality, and Records Preservation Act 2024 (Act) has introduced the right for employees to defer maternity leave due to serious health conditions. It also limits the use of NDAs related to discrimination, victimization, and harassment claims.

The Act was signed into law on 28 October 2024, and took effect on 5 November 2024, with additional provisions pending further commencement orders.

The key changes for employers are summarised below.

### **Deferring Maternity Leave Due to Serious Health Condition**

A pregnant employee or one already on maternity leave facing a serious health condition (which poses a significant risk to life or health and requires prolonged medical treatment) can now notify their employer in writing to delay the start or continuation of maternity leave for up to 52 weeks. However, this deferral cannot be applied simultaneously for both a serious health condition and child hospitalization related to the same birth.

### **New Constraints on Non-Disclosure Agreements**

NDAs that attempt to restrict employees from discussing discrimination, victimization, harassment, or sexual harassment claims (or the employer's handling of these issues) are invalid, with some exceptions.

If an employee requests an NDA and receives written, independent legal advice beforehand, the NDA becomes enforceable ("Excepted NDA"). Employers must cover all reasonable legal expenses for this advice.

Excepted NDAs must:

- Be written in clear, accessible language;
- Have an indefinite duration unless the employee chooses otherwise;
- Allow the employee to withdraw within 14 days of signing, without penalty;
- Permit disclosures to specific authorities, including legal or medical professionals, law enforcement, and designated officials like trade union representatives.

**This is a high level general update only. Legal advice should be obtained on specific circumstances.**