MATERNITY, PATERNITY AND PARENTAL LEAVE IN EUROPE
When it comes to family leave entitlements there are various types of leave available across the European Union following the birth of a child. Whether it’s maternity leave for new mothers, paternity leave for new fathers or parental leave for one or both parents, this leave is defined as a protected form of leave of absence from employment for new parents.

For member states in the EU and other European countries such as Norway, Iceland and Switzerland, there are two pieces of legislation (directives) that contribute to the rights of working parents and family leave. The 1992 Maternity Leave Directive was introduced to protect pregnant workers and workers who have recently given birth. This directive set the minimum period of maternity leave at fourteen weeks with a compulsory two weeks leave after the birth. The 2010 Parental Leave Directive followed which introduced stronger leave conditions for both male and female workers.

While each country has transposed the current directives (1992 and 2010) into their own legislation, the maternity, paternity and parental leave vary depending on each country’s own social, economic and cultural circumstances. As a result, the local legislation differs in each country and that is why there are diverse forms of maternity, paternity and parental leave seen across Europe.
MATERNITY, PATERNITY AND PARENTAL LEAVE IN EUROPE

MATERNITY LEAVE

Maternity leave is a protected leave of absence for employed women during a pregnancy and after a birth. All European countries offer a form of leave to be taken by mothers and, because of each country’s own legislation, the length of the leave and the pay rate varies. In most EU countries, to be eligible for maternity allowance a woman must have worked enough hours or paid social security contributions.

In most countries, expectant mothers are entitled to a month’s leave before the birth (pre-natal) and take their remaining leave after the child’s birth. The length of maternity leave varies from the maternity directive recommendation of 14 weeks (Sweden, Germany, and Switzerland) to the average 18 weeks in most other countries. Italy and Poland offer maternity leave periods reaching past 20 weeks and both Ireland (42 weeks) and Czech Republic (28 weeks) offer extended leave periods to new mothers. In Portugal and the UK maternity leave can be shortened in favour of sharing parental leave after the mother has taking the mandatory maternity leave.

Most allowances are paid by the state however there are some countries where the employer (Switzerland, UK, Italy, Germany France and Finland) pays the allowance. In most countries, women receive an allowance equal to at least 50% of their previous salary or in some countries (Ireland), they are paid at a flat weekly rate. In Belgium and the UK, new mothers receive a mixed entitlement allowance. For example, in Belgium, the mother receives 82% allowance during the first month and then a capped allowance equal to 75% for the remaining weeks of her leave. In the UK, new mothers receive pay for the first 6 weeks at 90% of the average weekly earnings and the remaining 33 weeks at a weekly pay of £145.18.

Countries such as Ireland and Spain offer additional maternity leave although this is generally unpaid. New mothers in Ireland are entitled to 42 weeks’ maternity leave but only 26 weeks are paid, at a weekly rate of €240. Similarly, new mothers in Spain are entitled to take an unpaid year off following their maternity leave.

PATERNITY LEAVE

Currently there is no statutory paternity leave stipulated in the EU Directives, although most European countries now offer some form of paternity leave. Paternity leave is generally shorter than maternity leave with the average leave period for new fathers at two weeks. New fathers in countries such as Spain and Austria receive one month of leave while others in countries such as Netherlands, Italy and Germany receive less than a week. Paternity leave is still relatively new to some countries with Ireland (2016) and Czech Republic (2018) only receiving statutory paternity leave in the last three years. Switzerland does not offer statutory paternity leave, although a vast majority of employers offer three to five days.

In terms of rate of pay, most countries’ paternity allowance follow the same pattern as maternity allowance. Paternity allowance is normally subject to the number of hours worked and the number of social contributions paid over a period. Paternity leave is paid in some countries by the employer (Luxembourg, Romania, and U.K) while the rest are paid a daily flat rate by the state with countries Denmark, Sweden and Czech Republic receiving an allowance of between 50-80% of salary. New fathers in Belgium receive a mixed allowance, out of their 10 days leave they are paid 100% salary for the first three days by their employer and an 82% allowance for the next 7 days by the state. In the UK and Ireland, new fathers are paid two weeks’ leave at a weekly rate of £145.18 and €240 respectively. In some countries paternity leave can also be unpaid, with new fathers in Finland receiving only 18 paid days of the 54 days’ leave and, in the Netherlands, only two of their five days’ leave.

In some countries, paternity leave is merged into parental leave and fathers are expected to take their allocated time off to help with childcare. In the new EU work-life proposal currently being discussed, the EU aims to have a compulsory ten days’ paid paternity leave for each member state.
PARENTAL LEAVE

Parental leave is generally taken after maternity and paternity leave although in Portugal and the UK paid parental leave can be now transferred to the father when a mother shortens her maternity leave. The length of parental leave varies from country to country, from as little as the EU directive’s eighteen weeks (Ireland, Belgium), to the European average of twenty-six weeks (Netherlands, Finland, Denmark, Italy), right up until the child is three years old (Czech Republic, Austria, Romania and Spain). Switzerland offers no parental leave at all.

As the EU directive does not stipulate whether the parental leave needs to be paid, the payments in each country vary. The countries who offer paid (whether by state or employer) parental leave are Portugal, Denmark, Italy, Poland, France, Germany and Romania. Some countries offer a fixed amount such as Belgium, Luxembourg and United Kingdom, or an allowance, for example, Czech Republic offers 220,000 CZK per child. Parents in countries such as Ireland, Spain, France and the Netherlands receive unpaid leave.

Although parental leave is seen as a new initiative in some countries, the Nordic countries have been offering shared parental leave for decades. Nordic countries Denmark, Finland, Norway and Sweden are leaders when it comes to paid parental leave. In some countries, the mother only takes parental leave but in the Nordic countries, it is often shared equally between the mother and the father. The introduction of the ‘daddy quota’ to Sweden and Norway in the 1990s has meant that new fathers are allocated designated childcare leave. Unlike some parental leave this allocated time is non-transferable and will be lost if the fathers do not use it.

The length and rate of pay varies in each country. Sweden offers 480 days’ paid parental leave, which is divided, into 90 days for each parent with the remaining 300 days shared. In Sweden, parents receive a mixed entitlement with an 80% salary allowance for 390 days and the final 90 days at a flat rate. Norway offers 49 weeks at 100% salary or 59 weeks at 80% salary. Finland offers 6 weeks for the father alone (out of 158 days’ parental leave). Both parents can share the remaining leave and are paid a flat rate by the state. Denmark offers 32 weeks parental leave (after the mother has taken her 18 weeks) during which a monthly allowance is paid by the state.

Germany, Austria and Italy all offer bonus month incentives provided both parents share parental leave.
In Austria, leave is offered until the child is three years old. If both parents share the leave, then the length of time allowed under each scheme is extended by approximately 20%; for example if parents take 12 months’ leave they get an extra two months or if they decide to take 30 months leave they get 6 extra months. Parents in Austria have the option of five different paid schemes for parental leave ranging from a fixed amount to a flat rate amount depending on the leave chosen. Generally, the longer the leave, the lower the monthly rate e.g. €1000 per month for 12 months, or €430 per month for 30 months. In Germany, parents are entitled to a combined sum of 14 months paid parental leave (Elterngeld) at 65% salary provided the father has taken at least two months’ leave. If they choose Elterngeld plus parents can take 14-28 months leave by claiming only half of the parental allowance. In Italy, parents are entitled to 6 months each but cannot exceed 10 months in total. Parents receive eleven months (one extra month) if the father takes no less than three months’ leave. Parental leave allowance in Italy is equal to 30% of pay.

In Portugal and the UK, the mother can shorten her leave in exchange for shared parental leave. In Portugal, parents have the choice to take between 120 and 150 days of initial parental leave after the mother mandatory period of maternity leave (6 weeks). Parents are paid at 100% previous salary by the state. Since 2015, in the UK, mothers have been able to reduce maternity leave in exchange for shared parental leave (SPL). Mothers and fathers can still take their two weeks leave and split the other fifty weeks between them at a flat weekly rate of £145.18.

WHAT'S NEXT FOR PARENTAL LEAVE IN EUROPE?

For the last few years the E.U. have been drafting up a new proposal which is aimed at improving the working and living conditions of working parents. This work-life balance proposal is to help make it easier for mothers to stay in the workplace and to ensure fathers use their parental leave more fully. The proposal includes paternity, parental and carers’ leave as well as improved maternity leave rights. The new proposal that is currently being discussed by the EMPL committee would hopefully aim to streamline parental leave across the EU member states as right now length and pay vary considerably. Once the proposal report with the proposed amendments have been agreed by the committee, the report will move to the stage of trilateral dialogue between the Parliament, Council of the EU and European Commission.
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SWISS OFFICE
Matt Walters
matt.walters@capital-ges.com
+41 32 732 97 00

UK OFFICE
Nick Broughton
nick.broughton@capital-ges.com
+44 7539 337 563

US OFFICE
Javier Romeu
javier.romeu@capital-ges.com
+1 954 803 4362

BRAZIL OFFICE
Ana Vizzotto
ana.vizzotto@capital-ges.com.br
+55 31 3194 8150