Currently, only two types of leave are regulated at European level: maternity leave and parental leave. COFACE is trying to get existing leave provisions improved, but also lobbying for European legislation on paternity leave and carer’s leave.

1. MATERNITY LEAVE

Maternity leave is a break from employment taken by mothers just before and after child birth to protect maternal and infant health and safety.

Existing European legislation

The EU Pregnant Workers Directive (Directive 92/85/EEC) has set the minimum length of maternity leave to 14 weeks. Current provisions in the Member States range from between 14 weeks and 52 weeks. Following a wide public consultation, the Commission presented a ‘reconciliation package’ in October 2008 that includes among others a proposal to reinforce the maternity leave directive. This proposal was voted through by the European Parliament in 2010 but is currently blocked in Council. COFACE believes that discussions and negotiations should re-start as soon as possible.

COFACE’s position:

- The length of leave must be increased (20 weeks minimum) for the good of mothers but also to make human resource management easier for employers. Mothers should be able to choose whether to return to work earlier or not, either full-time or part-time.
- The possibility of additional leave for closely-spaced births must be provided for.
- Good reasons for dismissal must be given in writing and the probationary period for newly returned workers extended to twelve months in order to avoid potential indirect discrimination.
- The minimum benefit should be set at 85% of the last gross salary and the amount calculated on the basis of the last full month’s salary.
- COFACE wants a new provision including in the Directive on support for reintegration and training of women workers.

2. PARENTAL LEAVE

Existing European legislation

Parental leave (Directive 2010/18/EU) is available for parents to take later in the child’s life (after maternity leave or later, generally up to the age of 8). Both the initial Parental Leave Directive (Directive 96/34/EC) and its revised Framework Agreement (2010/18/EU) included provisions on urgent family leave (“force majeure”) as well as potential accommodating options for parents of sick and/or disabled children.

COFACE’s position:

COFACE acknowledges that the Framework Agreement has made some advances:
- It brings in temporary workers, and extends the length up to 4 months (with 1 month that cannot be transferred).
- The role of Member States and the social partners in assessing entitlements and procedures.
- The need for additional measures to meet the specific needs of adoptive parents.
- Protecting workers applying for parental leave against less favourable treatment.
- The right on return from parental leave to request changes to working hours for a set period of time.

But there are things that COFACE takes issue with. It wants parental leave be provided for every child up to the age of 18, and for the length of parental leave to be 6 months minimum, and non-transferable. Specific provision should be made for parents of children with a disability or a long-term illness, and there should be specific adoption leave EU-wide.

3. PATERNITY LEAVE

COFACE is calling for paternal leave to be introduced in EU law as part of an integrated gender equality policy to allow fathers and mothers to share parental responsibilities at the earliest possible stage and encourage father-child bonding from early infancy.

COFACE wants a European legislative initiative, in particular:

- the negotiation of a framework agreement with the social partners to be turned into a binding directive to avoid social dumping, laying down uniform conditions of eligibility by specifying minimum conditions, and providing guarantees of non-discrimination that should be enshrined in law.
- the introduction of at least 10 days’ leave patterned on maternity leave with compensation equivalent to that paid during maternity leave.

In order to do so, COFACE believes that certain preconditions must be met, including: establishing an adequate network of quality childcare services from early infancy, the same conditions as for maternity leave, policies to ensure equal employment conditions and for reconciling work and family life. COFACE emphasizes the importance of incentives such as closing pay gaps, job security, preservation of social/employment rights, and non-transferability of leave.

4. CARER'S LEAVE

Currently, provision for this type of leave varies widely between Member States. This leave is wider in scope than other types of leave and can arguably include help for elderly or disabled relatives rather than just a child, and can supplement parental leave.

COFACE supports a legislative initiative

EU intervention is necessary to lay down standards for recognition of unpaid work in order to increase gender equality and deliver more uniform protection for workers.

COFACE wants an adaptable, flexible and paid leave. It would be temporary leave arrangements of several months with an automatic entitlement to pay at least the same as for sick leave. The focus should be on help for SMEs which would have a harder job footing the bill.

A positive impact for carers and people with medical conditions

For carers, it would improve their well-being, reduce stress and above all offer a better balance between work, private life and caring duties. Men’s involvement is key to gender equality.

For such provisions to be effective, comprehensive prevention policies and public support to family carers will need to be implemented. Additional measures like retention of social/employment rights during the leave period and qualifying for career advancement and promotion opportunities are also needed.