

France¹

Danielle Boyer (Caisse nationale des allocations familiales)
and **Jeanne Fagnani** (CNRS-IRES)

April 2019

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members page](#) on the Leave Network website.

1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Congé de maternité*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave (before and after birth)

- 16 weeks (26 weeks if the pregnant mother already has two children and 34 weeks if the woman is expecting twins): at least two weeks before the birth, and the remainder can be taken before or after. It is obligatory to take the full amount of leave.

Payment and funding

- 100 per cent of earnings, with an upper limit of €3,311 per month. In the public sector, the leave is fully paid (i.e. there is no ceiling). In the private sector, some employers (particularly larger companies) pay in full, but others do not.
- Funded from health insurance,² financed by contributions from both employees and employers. The total amount of this

¹ Please cite as Boyer, D. and Fagnani, J. (2019) 'France country note,' in Koslowski, A., Blum, S., Dobrotić, I., Macht, A. and Moss, P. (eds.) International Review of Leave Policies and Research 2019. Available at: http://www.leavenetwork.org/lp_and_r_reports/.

² The present social security system, including statutory health insurance, officially came into being with the Ordinance of 4 October 1945 which aimed to cover all the so-called 'social risks.' In 1967, social security was separated into four branches: health insurance (which represents the largest share of

contribution is 15.45 per cent of gross pay, including all social contributions (with employees contributing 2.35 per cent and employers 13.10 per cent).

Flexibility in use

- 14 weeks can be taken before or after birth.

Eligibility (e.g. related to employment or family circumstances)

- All employees and self-employed workers are eligible. The self-employed must have been working for at least ten months.
- All employees and the self-employed are eligible to receive these benefits regardless of citizenship.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother

- In the case of multiple or premature births, the length of leave increases to 12 weeks after birth.
- Mothers having a third or higher order child receive 24 weeks of leave.

b. Paternity leave (*Congé d'accueil à l'enfant* – literally 'leave for looking after a child') (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave

- 2 weeks (11 working days). 95 per cent of fathers on Paternity leave take all 11 days (HCFEA, 2019; see note 3).

Payment and funding

- Payment and funding are the same as for Maternity leave (see 1a).

Flexibility in use

- Leave must be taken within the four months following the birth.

Eligibility (e.g. related to employment or family circumstances)

expenditure devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

- All employees and self-employed workers. There are conditions linked to the length of service for the self-employed: they must have been working for at least 10 months.
- This is available for same-sex parenting couples.

c. Parental leave (*Congé parental*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave

- Until the child reaches three years of age. Leave is an individual entitlement, i.e. both parents can take leave until the child is three years old.
- Parents may take leave simultaneously.

Payment and funding

- A childcare allowance or child-rearing benefit - *PreParE* (*Prestation partagée d'éducation de l'enfant*) - is paid to all parents and is income-related: dependent on whether the recipient works and, if so, for how long. The basic benefit is €396 per month if not working; €256 per month if working fewer than half of full-time hours; and €147 per month if working 50 to 80 per cent of full-time hours. A supplementary means-tested allowance (*Allocation de base*) is paid to lower income parents, increasing the benefit to €580, €440, or €331 respectively.
- For parents with a single child, *PreParE* is paid for six months per parent after the end of the Maternity leave, i.e. up to a maximum period of 12 months if both parents claim benefit, which can only be received if the parent receiving the benefit stops employment or reduces working hours. For parents with two or more children (under 20 years of age), *PreParE* can be paid until a child is three years old, but only for a maximum period of 24 months to any one parent, which means that the remaining 12 months can only be received by the other parent if they stop employment or reduce working hours.
- *PreParE* is paid by the local CAFs (*caisse des allocations familiales*), the family allowance funds that are part of the social security system and provide a wide range of benefits for families with children. CAFs are financed by contributions from employers only, amounting to 5.4 per cent of gross wages, and not by employees – unlike the Maternity and Paternity leaves that are funded from the health insurance scheme.
- Non-employed parents (including those taking leave) receive pension credits for child-rearing: *Assurance vieillesse du parent au*

foyer (Avpf).³ Avpf is paid by the local CAFs (*Caisse des allocations familiales*) to guarantee retirement rights to people who stop or reduce their professional activity, in order to take care of one or several children, or a person with a disability. This allowance is means-tested.

Flexibility in use

- Parents taking leave may work between 16 and 32 hours per week.
- Parents can take part-time Parental leave simultaneously and receive benefit at the same time from *PreParE*, but the total amount of payment cannot exceed €396 (unless eligible for the *Allocation de base*).

Eligibility (e.g. related to employment or family circumstances)

- All employees are eligible for Parental leave if they have worked at least one year for their employer before the birth of a child.
- Eligibility for *PreParE* becomes more restrictive the fewer children a parent has: for example, with three children the eligibility condition is to have worked for two out of the five years preceding birth (two out of the four years for parents with two children), but with only one child it is necessary to have worked without break for two years preceding birth.
- Same-sex couples are eligible.

Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the parents)

- Where a child is seriously ill or disabled, Parental leave (regulated by the Labour Code) can be extended by a year.
- Single parents are entitled to the full period of *PreParE*.

Additional note (e.g. if leave payments are often supplemented by collective agreements, employer exclusions or rights to postpone)

- Employers can refuse to let parents work part-time if they can justify this on business grounds.

d. Childcare leave or career breaks

No statutory entitlement.

³ See <http://www.caf.fr/aides-et-services/s-informer-sur-les-aides/petite-enfance/assurance-vieillesse-du-parent-au-foyer-avpf>)

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents, the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Every employee is eligible for an unpaid leave (*Congé de présence parentale*) to care for a sick child under the age of 16 years. Legally, periods of leave cannot exceed three days per year (or five days in specific cases), but this is a minimum and most collective agreements have special arrangements, as in the public sector where employees can take 14 days per year to care for a sick child.
- *Allocation journalière de présence parentale (AJPP)*: in cases of a serious disability or illness of a child under 20 years of age, every employee with at least one year of employment with an employer is entitled to paid leave to care for their child, or to work part-time, for a period of up to three years. The allowance is paid for a maximum of 310 days over the three-year period, and the level of the allowance depends on the duration of work with the company and on the family structure: in couples, the amount is €43.57 per day if one parent stops work completely and it is €51.77 for a single parent. A similar period of leave is possible for employees who need to care for a relative at the end of their life, either a child or a parent living in the same house.

Flexible working

- No statutory entitlement. Employees in the public sector are entitled to work part-time for family reasons. The family tax credit (*crédit d'impôt famille, CIF*) introduced in 2004 is a financial incentive provided to companies to encourage them to develop family-friendly initiatives for their employees. The CIF stipulates that 25 per cent of related expenses are deductible from taxes paid by the company, with an upper limit of €500,000 per year per company. As of January 2010, eligible expenses can no longer include training programmes for employees on Parental leave and supplements paid to employees taking various forms of child-related leave.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in France is three years, but most of this is low paid; leave paid at a high rate (Maternity leave) lasts for fewer than four months. Since 1989, there has been an entitlement to ECEC from three years of age: the French education code states that 'every child upon reaching the age of three has the right to attend a nursery school located as close as possible to his or her residence if her or his family claims a place.' So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than two and a half years between the end of well-paid leave and an ECEC entitlement (if we do not consider the large variety of other solutions for early childcare, such as childminders and EAJE). Levels of attendance at formal services for children both under and over three years of age are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2018 (including proposals currently under discussion)

Under the social security financing law, passed on 31 December 2018 regarding duration of Paternity leave, it was decided that this leave can be extended in the event of the immediate hospitalisation of the child after birth in a specialised care unit.

3. Uptake of leave

a. Maternity leave

Almost all mothers take up Maternity leave, a period of which is obligatory, although the length of leave taken varies, with women in higher status employment taking less leave.

b. Paternity leave

Around two-thirds (67 per cent) of eligible fathers took leave in 2016.

c. Parental leave and child-rearing benefit (*PreParE*)

It is impossible to calculate the number of parents on Parental leave because employers are not required to provide information about uptake. Statistics are limited to childcare allowance (essentially *PreParE*) provided by the National Family Allowance Fund, and it is not possible to find out how many recipients are also on Parental leave.

In 2017, 279,200 families received a childcare allowance (*PreParE*). Research provides evidence that women make up 98 to 99 per cent of

parents taking leave, and there has been little change since the introduction of *PreParE*: in December 2017, only 6.2 per cent of benefit recipients were men (among them the majority worked part-time). Research also suggests that mothers who were in employment just before taking Maternity leave are more likely to claim *PreParE* if they are entitled to Parental leave because they have a job guarantee (Labour Code). With high unemployment, most working mothers who are not entitled to Parental leave cannot take the risk of losing their job unless their partner has secure employment.

Mothers are more likely to claim Parental leave and *PreParE* when they face demanding working conditions, for example atypical/non-standard working hours or 'flexible' hours imposed by employers (see HCFEA, 2019).⁴

A number of factors help to explain why fathers are so reluctant to claim Parental leave, including: the unequal gender distribution of domestic and child-raising tasks within the family still persisting in France today; traditional value systems; in most couples, the man earning more than the woman; and a workplace culture in the private sector that makes it difficult for a man, in particular at management level, to take Parental leave. The small number of fathers who take childcare allowance full-time are mostly blue-collar workers or employees with a stable job contract before the birth. Compared to fathers who do not take Parental leave, they are more likely to work in female-dominated sectors and to have partners with a higher level of education, a higher status job, and higher earnings. Besides, the majority of fathers on Parental leave take it on a part-time basis.

The number of parents receiving *PreParE* (not working at all or working on a part-time basis) has been dramatically decreasing, a decrease of 45 per cent between 2013 and 2017).⁵

In fact, in 2015, among mothers with at least one child under three years of age, 38 per cent were working full-time, 10 per cent worked part-time but did not receive *PreParE*, and 12 per cent worked part-time and did receive *PreParE* (HCFEA, 2019).

Twenty-eight per cent were mothers who are not in the workforce or who are unemployed, but do not receive *PreParE*. Seven per cent of the total population of mothers having at least one child under three years of age declared that they are not working or are unemployed but they are, however, provided with *PreParE* (HCFEA, 2019).

⁴ Haut Conseil de la famille, de l'enfance et de l'âge (HCFEA) (2019) 'Voies de réforme des congés parentaux dans une stratégie globale d'accueil de la petite enfance', February, Paris.

⁵ Observatoire National de la Petite Enfance, CNAF, 2018.

This clear segmentation as far as the behaviour of mothers with young children is concerned is partly the result of the inconsistencies between the Parental leave scheme (part of employment legislation detailed in the Labour Code) and the strict eligibility conditions for the social security allowance.