

France¹

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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)

- Sixteen (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, the remainder can be taken before or after. It is obligatory to take all the leave.

Payment and funding

- Hundred per cent of earnings, up to a ceiling of € 3,377 a 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, others do not.
- Funded from health insurance², financed by contributions from both employees and employers. The total amount of this 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.

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

Flexibility in use

- Fourteen (14) weeks can be taken before or after birth

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

- All employees and self-employed workers. There is some length of service conditionality for the self-employed (to have been working for at least 10 months).
- Leave is available for same sex parenting couples for the person giving birth.

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

- Two weeks (11 working days).

Payment and funding

- Payment and funding 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)

- All employees and self-employed workers. There is some length of service conditionality for the self-employed (to have been working for at least 10 months).
- Leave 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. Leave is an individual entitlement, i.e. both mother and father can take leave until the child is three years old. It is possible for them to take leave simultaneously.

Payment and funding

- A childcare allowance or childrearing benefit - 'PreParE' (*Prestation partagée d'éducation de l'enfant*) - is paid to all parents and is income-related and dependent on whether the recipient works and, if so, for how long. The basic benefit is €397.20 per month if not working; €256.78 per month if working less than half of full-time hours; and €148.12 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 €581.82, €349.09 and €240.43 respectively.
- For parents with *a single child*, *PreParE* is paid for six months per parent after the end of the Maternity leave, i.e. 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 he/she stops employment or reduces 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 childrearing: '*Assurance vieillesse du parent au foyer*' (Avpf) (see <http://www.caf.fr/aides-et-services/s-informer-sur-les-aides/petite-enfance/assurance-vieillesse-du-parent-au-foyer-avpf>). Avpf is paid by the local CAFs (*Caisse des allocations familiales*) to guarantee retirement rights to people who stop or reduce their professional activity 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 the *PreParE*, but the total amount of payment cannot exceed €398 Euros (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.
- Leave is available to same sex parenting couples.

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.
- Lone 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.

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 a 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, every employee with at least one year of employment with an employer is entitled to paid leave to care for her/his 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 in the

enterprise and on the family structure; in couples, the amount is €43.83 per day if one parent stops work completely; and €52.08 for a lone parent. A similar period of leave is possible for employees who need to care for a relative at the end of 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 up to a ceiling of €500,000 per year and 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 less than four months. Since 1989 there is 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 on early childcare (childminders, EAJE³). Levels of attendance at formal services for children under and over three years 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' in the cross-national tables at the front of the review.

3.Changes in policy since April 2019 (including proposals currently under discussion)

None mentioned.

³ EAJE: *Etablissements d'Accueil du Jeune Enfant*, groups together several categories of facilities that are taking care of children under the age of six on a regular or occasional basis: childcare centres (crèches), multi-functional childcare centres, registered childminders working in a "family childcare centre" full-time or part-time.

Policy response to the Covid-19 pandemic up to end June 2020

Childcare and schools

- Children aged below 36 months:
 - From 17 March 2020, when the lockdown began to be implemented, to 11 May 2020, the *crèches* (childcare centres) and registered childminders were required to give priority to the children of hospital staff and nurses or doctors working in the private sector, in fact all staff providing care to individuals, and teachers. As a result, the majority of children were not cared for in a childcare facility.
 - During this period, according to the decree n°2020-325 of 25 March 2020, registered childminders and home-based employees providing care, received an allowance equal to 70 per cent of the gross salary (approximately 84 per cent of the net salary) with a minimum of €8.03 per hour. The state covered the cost of the remuneration of this partial unemployment (*chômage partiel*) (see Articles L. 5122-1 and R. 5122-1, in the Labour Code).
 - Temporary additional funding has been provided to childcare centres (*crèches*) to compensate for their loss of income due to lower attendance.
 - Since 11 May, when the lockdown has begun to be less restrictive and more flexible, these facilities have gradually been reopening up to lone parent families and to people unable to work from home; during this period and until 11 June (the end of the progressive '*déconfinement*'), registered childminders and *crèches* have once again benefited from exceptional financial compensation measures. These measures could be extended on a case-by-case basis.
- Children above 36 months:
 - There is still a huge geographical variation as far as the answers to 'wholly or partly closed, for how long' are concerned. However, the following legislative measures were defined by the Government at the national level. From 17 March, when the lockdown began to be implemented, to 11 May, nursery schools (*écoles maternelles*) were required to give priority to the children of hospital staff and nurses or doctors working in the private sector, in fact all staff providing care to individuals, and teachers.
- Primary and secondary schools:
 - As above, from 17 March, when the lockdown began to be implemented, to 11 May, they were required to give priority to the children of hospital staff and nurses or doctors working in the private sector, in fact all staff providing care to individuals, and teachers. These measures have been rescinded on 22 May 2020.

Parental leave

- Parents had access to regular leave options. There were no modifications to Parental leave. Parents were not specifically supported in using these regular leave options during school/childcare closures.

Other measures for parents and other carers

- Until the end of May, there was a regulation to work reduced/flexible hours when schools/childcare/day care centres/etc. were closed.
- During this period, in the case of working parents who totally or partially interrupted their job (Décret n°2020-325 of 25 March 2020) and who employed a childminder to care for their child(ren) (who could not attend a *crèche*, nursery school or primary school), their employee received an allowance equal to 70 per cent of the gross salary (about 84 per cent of the net) paid by the state (Articles L. 5122-1 and R. 5122-1 of the Labour Code).
- Parents could be declared partially unemployed or work from home when it was possible. Teleworking continues to be encouraged by the State and many employers.

4. Take-up 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

95 per cent of fathers on Paternity leave take all 11 days (HCFEA, 2019, see footnote 3). Around two-thirds (67 per cent) of eligible fathers have taken leave in 2016.

c. Parental leave and childrearing benefit (*PreParE*)

It is impossible to calculate the number of parents on Parental leave because employers are not required to provide information about take-up. 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 2019, 290 000 families received a childcare allowance (*PreParE*). Research provides evidence that women make up 98-99 per cent of parents taking leave, and there has been little change since the introduction of *PreParE*; in December 2018, only 6. 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; 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 beforehand. 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.

According to the ONAPE (2019)⁵, the number of parents receiving the *PreParE* (not working at all or working on a part time basis) has been dramatically decreasing, a decrease of 52.4 per cent between 2006 and 2018). Among the mothers receiving the *PreParE*, 54 per cent were stopping their work, 46 per cent worked part-time. Among the father beneficiaries only 26 per cent were stopping their work.

This strong 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 allowance provided under strict eligibility conditions by the Social Security.

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 (2019) *L'accueil du jeune enfant en 2018*, Paris: CNAF. Available at: http://www.caf.fr/sites/default/files/cnaf/Documents/Dser/observatoire_petite_enfance/31448%20CNAF%20ACCUEIL%20ENFANT%202019_exe_BD.pdf