

France¹

Danielle Boyer (Caisse Nationale des Allocations Familiales) and **Jeanne Fagnani** (CNRS-IRES)

April 2022

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 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 €3,428 per month (same amount as in 2021). 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.
- Payments are taxed.
- Funded from health insurance², financed by contributions from both employees and employers. The total amount of this contribution is 15.45

¹ Please cite as Boyer, D. and Fagnani, J. (2022) 'France country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-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 expenditures devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

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

- Fourteen 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 ten 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

- 25 working days since 1 July 2021

Payment and funding

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

Flexibility in use

- Leave must be taken within the six 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 ten months).
- Leave is available for same sex parenting couples and for cohabiting couples (even if the partner is not the biological father).

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 €398.79 per month if not working; €257.80 per month if working less than half of full-time hours; and €148.72 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, depending upon the size of the family and paid either at a full rate (€171,91) or at a part-rate (€85,95).
- 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.
- 'PreParE' is not taxed.
- Non-employed parents (including those taking leave) receive pension credits for childrearing: '*Assurance Vieillesse du Parent au Foyer*' (AYPF) (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 €398,79 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 €43.87 per day if one parent stops work completely; and €52.13 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 and private 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 is three years, but most of this is low paid; leave paid at a high rate lasts for less than four months. There is an entitlement to Early Childhood Education and Care (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'; attendance is also compulsory from three years. There is no gap, therefore, between the end of 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.

For ECEC 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 2021 (including proposals currently under discussion)

Paternity leave has been extended to 25 working days from 1 July 2021.

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

Take-up rate of Paternity leave remains low (60 per cent) and varies according to the level of income: from 67 per cent among fathers belonging to the first quintile of the income scale to 73 per cent among the most well-off fathers, while this rate rises to 98 per cent among fathers in the middle income quintiles (€2,500 to €2,900 per month).

On the other hand, take-up rate is higher in large companies with more than 200 employees (88 per cent) than in companies with less than 50 employees (79 per cent).

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 2020, 254,800 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 June 2020 only 6.1 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.

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 (2021)³, the number of mothers and fathers receiving the *PreParE* (not working at all or working on a part time basis) has been decreasing, a decrease of 6.7 per cent between 2019 and 2020. Among the mothers receiving the *PreParE*, 55 per cent were stopping their work, 45 per cent worked part-time. Among the father beneficiaries 30 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.

³ Observatoire National de la Petite Enfance (2021) *L'accueil du jeune enfant en 2019*, Paris: CNAF. Available at: [Rapport annuel de l'Observatoire | caf.fr](https://www.caf.fr/observatoire)