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Access to maternity, paternity and parental leave for people working on non-standard contracts and as self-employed in Europe

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Subject and information sources

- **Subject:** Differences in access to the maternity, paternity and parental leave between people in standard employment and people working on non-standard contracts and as self-employed

35 European countries in 2017: 28 EU Member States, three candidate countries (North Macedonia, Serbia and Turkey) and four EFTA member countries (Iceland, Liechtenstein, Norway and Switzerland).
- **Main sources:** *Access to social protection for people working on non-standard contracts and as self-employed in Europe*
 1. 35 national reports by the European Social Policy Network, 2017, <https://ec.europa.eu/social/main.jsp?catId=1135&intPageId=3589>;
 2. ESPN synthesis report (Spasova, Bouget, Ghailani and Vanhercke, 2017, <https://ec.europa.eu/social/BlobServlet?docId=17683&langId=en>).

Insurance-based (contributory) schemes

In most countries: entitlements to maternity, paternity and parental leave and benefits are linked to participation in gainful employment.

→ Also people outside a salaried relationship, particularly the self-employed, are compulsorily covered or in some cases may voluntarily opt into these schemes.

Non-insurance based schemes

The entitlement to some specific schemes can be residence-based (financed by general taxation) – usually provided to persons who do not meet the eligibility conditions for contributory schemes.

Self-employed

In most countries where the schemes are insurance based, they are mandatorily insured.

But, partial coverage in some countries:

- shorter periods of receipt of benefits (e. g. EE, EL, FR);
- restricted access to maternity leave daily payments for the self-employed who have earned low incomes from their professional activity (FR).

The self-employed **can opt in**:

- CZ: part of the sickness scheme
- PL: state insurance
- NL: special maternity provision for them (minimum wage)

UK: Can qualify only for contributory Maternity Allowance (and a means-tested top-up); excluded from the employer-provided leave benefits.

An inadequate level of benefits, e.g. in BG and HU, acts as a disincentive to contribute (or to do so only at a minimum level).

Example of **Romania**:

The contribution for maternity insurance (resulting in the maternity benefit) is not mandatory for the self-employed; they may opt in. The rights can be extended to the spouse. The contribution is not mandatory for employers entering a dependent work relationship with a self-employed person.

Full statutory access to maternity/paternity benefits only for self-employed with employees and for those dependent on a single client.

None for contributing family members.

The self-employed make up 17.6% of employed people (and 26.6% when including family workers), but 90% of them are not covered for maternity benefits because of under-insurance.

Statutory access to maternity/paternity benefits: the self-employed

Access	Country
Full (without exceptions)	AT, BG, CY, DK, ES, FI, HR, HU, IE, IT, LU, MT, PT, SE, SI, SK, IS, CH, MK, NO, TR
Full, with exceptions:	RO (full only for self-employed with employees and for those dependent on a single client)
None for dependent on single client and dependent on contractual relationship with client	RS
None for self-employed as complementary activity	BE
None for persons engaged in individual activities under a business certificate	LT
None for patent fee payer	LV
None for contributing family members	RO
Partial	DE, EE, FR, NL, UK
Partial, with exceptions:	
None for persons providing services paid by receipt of business expenditure	EL
Voluntary opt-in	CZ (sickness insurance), PL, LI

Non-standard workers

Compulsorily covered by insurance in all 35 countries, with exceptions:

- Less favourable eligibility conditions and periods of receipt compared to standard workers.

Statutory access to maternity/paternity benefits: non-standard workers

Access	Country
Full (without exceptions)	CY, DE, EE, FI, HR, IE, IT, LU, LV, SE, SI, SK, IS, CH, LI, NO
Full, with exceptions:	
Partial for part-time workers	BG, FR
Partial for marginal part-time	AT
Partial for seasonal and casual workers	HU, FR, MT (and temporary agency workers)
Partial for civil law contracts	CZ
Partial for marginal free-lancers	AT
Partial for agricultural workers	ES
Partial for vocational trainees	HU
Partial for paid trainees	FR
Partial for on call workers	FR
None for fixed term contracts	MK
None for civil law contracts	PL
None for temporary agency workers	UK
None for causal and seasonal workers	BG, LT, RO, MK, RS
None for extremely short duration contracts and some categories of Voluntary Insurance Scheme	PT
None for on call workers	BG, MK (and zero-hour workers), RS
None for paid trainees	DK, NL, MK, TK
None for vocational trainees	DK, EL, LT, PL, UK
None for apprentices	BE (and students), NL, MK, TR
None for unpaid family members	RS

Matsaganis M., Ozdemir E., Ward T. and Zvakou A. (2016), Non-standard employment and access to social security benefits, Research note 8/2015, European Commission.

Based on the Labour Force Survey, thus some bias (the numbers of non-standard workers and self-employed who were unable to meet the requirements for eligibility could not be precisely identified; the research does not take into account access of all categories of self-employed when access to benefit schemes is voluntary).

Excluded from maternity benefits in the EU:

- 0.1% of standard workers,
- 1.8% of permanent part-timers,
- 8.5% of temporary full-time workers and
- 12.7% of temporary part-timers.
- 46.1% of the self-employed (around 0% in e.g. AT, EE, LV, NL, PL; 67.1% in BG, 88.5% in CZ).

As maternity benefits may be included in the sickness insurance, the risk of exclusion may be high in countries with voluntary insurance (e.g. CZ).

Final remarks

- Full access to maternity/paternity cash benefits should be granted.
- The absence of social insurance for some groups of workers may lead to unequal or unfair social protection.
- Partial exclusion of the self-employed and non-standard workers because they may be unable to meet the eligibility criteria.
- Lower benefits (compared to standard workers) because they pay lower social contributions (may be related to tax avoidance or an inadequate level of benefits).
- In spite of access to the leave schemes in most of the countries, the self-employed may not fully benefit from them because they cannot be absent from work and no replacement services are easily accessible (e.g. HU, IT, FI, SE).



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Thanks for your attention!