

## DURATION OF THE MATERNITY LEAVE

In France the employment contract may be suspended for a certain period of time in case of maternity, paternity or adoption. The beneficiary of this right can give it up or shorten it.

The maternity leave includes a pre-childbirth leave (i.e. before the birth) and post-childbirth leave (i.e. after the birth). The mandatory duration of the leave (see below)

Family situation	Before the birth	After the birth	Total <sup>1</sup>
Unique childbirth which makes the number of children in the family:			
- 1 or 2	6 weeks	10 weeks	16 weeks
- 3 or more	8 weeks <sup>2</sup>	18 weeks <sup>2</sup>	26 weeks
Multiple childbirths:			
- twins	12 weeks <sup>3</sup>	22 weeks <sup>3</sup>	34 weeks
- triplets or more	24 weeks <sup>3</sup>	22 weeks <sup>3</sup>	46 weeks
Mother's illness related to pregnancy	+2 weeks	+4 weeks	

*1. In case of a premature birth occurring more than 6 weeks before the scheduled date, the duration of the maternity leave is increased by the number of days running from the childbirth until the beginning of the requested leave. It means that even if the maternity leave starts earlier than planned, the end of this leave is not modified.*

*In case of a late birth, the post-childbirth leave is not reduced. Indeed, it starts from the actual date of birth.*

*With her doctor's agreement, the employee can defer after the birth a part of the pre-childbirth leave (up to 3 weeks maximum). However if*

varies depending on the number of children living at home.

This duration increases if there are multiple births. Furthermore, the collective bargaining agreement can stipulate more favourable rules for the employees.

The employee must notify the employer of the reason of her absence and the date of her return at work by a registered letter. There is no deadline for the submission of this document.

*the employee has a vacation period due to illness, the postponement is cancelled. In this case, the maternity leave begins on the first day the employee stops working.*

*2. The mother can anticipate (up to 2 weeks) the beginning of the pre-childbirth leave. In consequence, the post-childbirth leave is reduced accordingly.*

*3. The mother can anticipate (up to 4 weeks) the beginning of the pre-childbirth leave. In consequence, the post-childbirth leave is reduced accordingly.*

## MATERNITY PAY



According to many collective bargaining agreements, the employer should maintain the employee's monthly salary. However the Social Security pays a daily allowance during the duration of the maternity leave (see below). Moreover, provident funds may pay a supplementary allowance (this depends of the extent of the cover stipulated in the contract).

In the case of SYNTEC bargaining agreement (which is the most common CBA in IT and service companies), the employer has to maintain the employee's monthly salary (except for the part covered by the allowances from Social Security and provident funds) when employee has been in the company for at least a year.

On that subject, the employer has 2 options:

- either he can pay the entire salary to the employee and then he'll receive the allowance from the Social Security (subrogation system).
- or he can pay only the difference between the monthly salary and the allowance to be received.

This information is only a rough summary. It does not cover all the situations nor resume the whole French Employment Code - which is very intricate. Please contact us for accurate information adapted to your situation. We cannot be held responsible for any misinterpretation of this document. Edition Jun-11

## SOCIAL SECURITY ALLOWANCE

### Conditions of entitlement

- To be entitled to the daily allowance, the employee has to have been registered for 10 months with the Social Security services on the potential date of the childbirth.
- The employee must also justify that she has worked at least 200 hours during the 3 calendar months or 90 days before the beginning of the pregnancy or the pre-childbirth leave.

### Amount of the daily allowance

The daily allowance paid by the Social Security during the maternity leave is equal to the basic daily salary. It's calculated on an average of the last 3 month salaries before the pre-childbirth leave. This basis is limited to the Social Security threshold for the current year.

In 2010, the maximum maternity pay amounts to €77.24 per day (gross amount), i.e. €72.06 per day (amount net of taxes).

### Payment of the maternity pay

The Social Security pays the allowance every 14 days to the employee or to the employer depending on whether a subrogation system is in effect or not.

In addition, the maternity pay is calculated for each day of the week including Saturdays, Sundays and bank holidays.

## DURATION OF THE PATERNITY LEAVE

In France the employment contract may be suspended for a certain period of time in case of maternity, paternity or adoption. The beneficiary of this right can give it up or shorten it.

The father is entitled to a paternity leave of 11 consecutive days (18 days in case of multiple births). This leave has to be taken within 4 months after the birth. A postponement is possible if the child stays at the hospital or if the mother dies.

The father must notify his employer at least one month in advance before the date he intends to leave and he must specify the date of his return at work.

In addition to the paternity leave, the father is entitled to another leave called "birth leave". According to French Labour Law, the "birth leave" is 3 days long.

## PATERNITY PAY

According to a few collective bargaining agreements, the employer should maintain the employee's monthly salary, like for maternity pay.

However the Social Security pays a daily allowance during the duration of the paternity leave.

On that subject, the employer has 2 options:

- either he can pay the entire salary to the employee and then he'll receive the allowance from the Social Security (subrogation system).
- or he can pay only the difference between the monthly salary and the allowance to be received.

## SOCIAL SECURITY ALLOWANCE

### Conditions of entitlement

- To be entitled to the daily allowance, the employee has to have been registered for 10 months with the Social Security services on the date of his paternity leave.
- The employee must also justify that he has worked at least 200 hours during the 3 calendar months or 90 days before the beginning of his paternity leave.

### Amount of the daily allowance

The daily allowance paid by the Social Security during the paternity leave is equal to the basic daily salary. It's calculated on an average of the last 3 month salaries before the paternity leave. This basis is limited to the Social Security threshold for the current year.

In 2010, the maximum paternity pay amounts to €77.24 per day (gross amount), i.e. €72.06 per day (amount net of taxes).

### Payment of the paternity pay

The Social Security pays the allowance every 14 days to the employee or to the employer depending on whether there is a subrogation system in effect or not.

In addition, the paternity pay is calculated for each day of the week including Saturdays, Sundays and bank holidays.

Your Accountant is your best consultant.

**Don't hesitate to contact us!**