

Parental Leave Directive: Towards a revision?

In the European Union, parental leave is regulated by a 1996 Directive, last amended in 2013. The implementation of this Directive varies greatly among Member States and parental leave overlaps other types of leaves granted to families. The European Parliament is expected to call for an evaluation of its implementation and for revision of both the Directive and related legislation.

What is parental leave?

According to the [OECD](#), parental leave is a protected form of leave of absence from employment related to childcare. It can be an individual entitlement (granted to one parent) or a sharable family entitlement, with certain periods reserved to the mother or to the father. Parental leave can be linked to other types of leave aimed at the reconciliation of work and family life (such as maternity and paternity, adoption, childcare and other types of leave related to care of family members).

European legislation on parental leave

Parental leave is regulated by [Directive 96/34/EC](#), which, based on a [Framework Agreement](#) concluded by the European social partners, establishes minimum requirements in order to facilitate the reconciliation of parental and professional life: a minimum of three months of individually entitled parental leave, protection against dismissal, and a right to return to the same or an equivalent job. In 2009, a [revised Framework Agreement](#) was concluded and followed by the replacement of the Directive by [Directive 2010/18/EU](#) (amended by [Directive 2013/62/EU](#)). It increased the minimum duration of parental leave to at least four months, introduced new types of leaves (paternity leave, leave for adoption and for the care of family members), encouraged the more equal take-up of leave by both parents, and provided the right to request working schedule changes when returning from parental leave. Depending on the MS, the [application](#) of parental leave – as well as the conditions of access to it – varies, as these are defined by national law and/or collective agreements. The principal variables are duration, possibility of part-time working, remuneration or its absence, continuous or piecemeal character, child age limits, and different application due to employment contracts (in the public or private sector, or for the self-employed). In 2015, the European Commission published a [roadmap](#) on work-life balance in the context of the revision of the maternity leave directive, and launched a [consultation](#), which closed earlier in 2016. The aim was to modernise and adapt the European Union's legal and policy framework to the current needs and challenges of working parents (for instance seeking more balanced participation of fathers in childcare, and a higher proportion of part-time workers). The Commission announced a 'New Start for Working Parents' in its 2016 [work programme](#). A final report on the implementation of the Parental Leave Directive and a coherent revision of relevant texts has, however, not been planned.

European Parliament

The European Parliament stressed in its [resolution](#) of 9 June 2015 the importance of equality in parental leave and called for affordable parental leave schemes. The Parliament's Committee for Employment and Social Affairs voted its [report](#) on the application of the 2010 Directive (rapporteur: Maria Arena, S&D, Belgium) in the Committee on 16 March 2016. It welcomes that Member States have transposed the measures of the Directive beyond the stipulated minimum and in a manner that allow workers some degree of flexibility. It regrets, however, that not all Member States have provided the Commission with correspondence tables between the provisions and the transposition measures and that social welfare rights are not always granted throughout the entire duration of parental leave. It urges the activation of the revision clause in EU legislation on parental leave and calls for the extension of the minimum duration of parental leave to six months. A plenary debate on the report is scheduled for May 2016.

