La Kanzlei

In France, fathers will be allowed to spend more time with their newborns

Arbeitsrecht



Julie Spinola

The paternity and childcare leave will be extended from 1st of July on and will be partly affiliated with a prohibition of employment. Not only is the child's father affected by this but also the mother´s spouse or partner if the parents are separated.

As of the 1st of July 2021 the following days of absence have to be granted at the child's birth:

- A special leave at birth ("leave of birth") of three working days: These have to be taken beginning from the day of the birth itself or the following day. The employer must not occupy the employee within these three days.

- A paternity leave of 25 calendar days, from which four have to be taken after the leave of birth while the father's occupation is prohibited. The remaining 21 calendar days must be taken within the next two months.

The employee has to inform the employer about the expected date of birth as well as the intended leave period. A decree will define the notice period more precisely and probably also the penalty which comes along with the non-compliance of the prohibition of employment.

Practice Tip:

- As an employer you may not employ the staff member within seven days after birth of the child. Make sure the employee really takes these days off and does not work during this period.

- The employee's obligation and the employer's prohibition of employment do only apply, if the employee fulfills the requirements for the receipt of sick pay. If this is not the case he may voluntarily relinquish the first four days of paternity leave.

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