



European network of legal experts in gender equality and non-discrimination

NEWS REPORT

Country:	The Netherlands
Title:	Bill to extend paternity leave adopted by the House of Parliament
Date:	15 October 2018
Expert:	Marlies Vegter
Context	
Issue at stake:	Extension of paternity leave
Ground of discrimination:	Sex
Source:	Policy development
Field:	Paternity leave
Applicable law:	Article 4(2), 4(2)(a), 4(2)(b) and 4(2)(c) Employment and Care Act

Content

Policy development: On 2 October 2018 the House of Parliament (Second Chamber) adopted the bill that extends the paid birth leave for partners of the mother from two days to one working week. During this week the employer has to continue to pay the full salary to the partner. The partner may choose whether he/she takes the week directly after the birth of the child or in another week during the first four weeks after the birth. In most cases the partner will be the father of the child, but this does not have to be the case. The regulation applies to the person the mother of the child is married to, the registered partner, the one she has been living with unmarried on a sustainable basis and the one who has acknowledged the child. The regulation will enter into force as of 1 January 2019.

In addition to the one week birth leave the employee is entitled to extra birth leave with a maximum of five weeks. He has to take this leave within six months after the birth. The employer does not have to pay salary during this leave, but the employee can apply to the social security authorities for a benefit of 70 % of his daily salary. This benefit has a cap and cannot be more than EUR 3 218,80 gross per month.¹ The extra leave should enter into force on 1 July 2020.

At present an employee, whose partner has given birth to a child, is entitled to two days paid birth leave and three days of parental leave. These regulations will no longer apply once the new regulations will have entered into force, as they will not have any added value any more.

Not only birth leave, but also adoption leave and leave to care for a foster child will be extended. These types of leave will be extended from four to six consecutive weeks.

¹ Amount that applies as of 1 July 2018.

These types of leave can be taken within six months after the arrival of the child. Also the right to a benefit (of 100 % of the daily salary) will be extended from four to six weeks. This regulation should also enter into force as of 1 January 2019.

The purpose of extension of the different types of leave is to strengthen the bond between the partner/father and the child and to improve the position of women on the labour market. The idea is that the position of women will become stronger when there is less difference in the duration of the leave for mothers and fathers. In addition the regulation should contribute to a better division of tasks between men and women and in that way create a better work-life balance for both. When the care for children is shared more equally between men and women, more room should arise for women to develop themselves and to continue to work more hours. If men participate more in child care, this should strengthen the bond with their child.

Key points for analysis: Paternity leave has been under discussion since a long time. As of 1 December 2001 a right to birth leave of two days was introduced. In 2014 a proposal to extend this leave to five days perished because of the costs. In November 2016 a new proposal was submitted to extend the leave to five days, but this proposal was withdrawn after the elections of 22 March 2017. Subsequently the present government introduced the now adopted bill.

The government emphasizes the labour market aspects of the extended leave. The main purpose of the regulation is to encourage men to spend more time on care for their child/children, so that their spouses/partners can work more hours. This is seen as desirable, especially in the Netherlands where many women work parttime. This is also the reason why the regulation only applies to situations in which the mother of the child has a partner.

The government mentioned that the Commission's proposal for a directive on work-life balance also contains a regulation on paternity leave (10 days) and a regulation on partly paid parental leave of six weeks. As it is not clear yet what the definitive version of the directive will be, the Dutch government does not want to wait with its own legislation on birth leave/paternity leave until the directive will have been adopted. The government mentioned that the Dutch proposal meets the standard set in the draft directive on paternity leave/birth leave. This is different with respect to parental leave. The Dutch government is not in favour of paid parental leave of six weeks, because of the costs. It therefore does not want to anticipate the Commission's proposal in this area.

Also the Dutch birth leave will be one working week, whereas the Commission suggested 10 days. In this respect the government stated that the Commission's proposal does not require member states to guarantee payment during these 10 days.

Internet link source:

<https://www.rijksoverheid.nl/documenten/kamerstukken/2018/06/14/wetsvoorstel-invoering-extra-geboorteverlof-incl.-memorie-van-toelichting>.