

## **Legislative proposal on the expansion of birth leave for fathers in the Netherlands**

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*In February 2018, the Dutch Minister of Social Affairs and Employment (Wouter Koolmees) submitted a draft-proposal for the expansion of birth leave for fathers ('Wet Invoering Extra Geboorteverlof'). At the moment, fathers are entitled to two days of paid leave, and three days of unpaid leave after the birth of a child. The proposal aims to expand the period of leave for fathers after the birth of a child to six weeks of paid leave.*

### What does the current legislation look like?

In the Netherlands, mothers are entitled to sixteen week of paid pregnancy and maternity leave. In general, this means that mothers start working again around three months after the child is born. At the moment, fathers in the Netherlands are entitled to two days of so-called *paternity leave*, and three days of so-called *parental leave*. The father has to use these two days within four weeks, counting from the day the child is at home. The two days of paternity leave are fully payed by the employer. The three days of parental leave are unpaid, unless the applicable collective labour law agreement or the individual employment contract dictates otherwise. Adoptive and foster parents are entitled to four weeks of paid leave. During these four weeks, adoptive and foster parents get paid by the Employee Insurance Agency (UWV).

### Why change the current legislation?

In the current system, there is a big gap between the duration of leave of mothers and that of fathers. As a consequence, mothers generally spend more time taking care of the family, at least in the first few months after a child is born. This may lead to less labour participation of (young) mothers, and therefore to less economical independency amongst women. The proposed expansion of leave for fathers should make it easier for parents to divide family-related tasks, to ultimately increase labour participation and economical independency amongst women. Furthermore, the Minister stresses that it is important for fathers to be able to bond with their new born children. The proposal is therefore meant to improve the 'work-life balance' of both mothers and fathers.

### What will the new legislation look like?

As said, the proposal invokes a so-called *birth leave* for fathers for the duration of six week in total. This birth leave will consist of *birth leave* and *additional birth leave*. The first week of *birth leave* is fully paid by the employer. The remaining five weeks of *supplementary birth leave* are paid by the Employee Insurance Agency. During these five weeks of supplementary birth leave, the father will be entitled to 70% of his wage.

The father is not obliged to use the complete amount of birth leave all at one time. For example, it is possible to save (part of) the birth leave at a later time, for instance when the mother's maternity leave ends. It is also possible to spread out the birth leave over several months. However, the birth leave expires after six months. Also, it is not possible to use the five weeks of (partially paid) additional birth leave, when the first week of (fully paid) birth leave has not been used. This is to prevent employers from pressuring employees into only using the additional birth leave, since this leave is not paid by the employer but by the Employee Insurance Agency.

Adoptive and foster parents will also be entitled to six weeks of adoption leave. Adoptive and foster parents will be entitled to 100% of their wage, paid by the Employee Insurance Agency.

### When will the new rules be effective?

The draft of the proposal was published in February 2018. The online consultation for this draft is open until the 19<sup>th</sup> of March 2018. At this moment, it is still unclear when the new rules will be implemented, and if the proposal will be adjusted before implementation. The proposal does state that the new (regular and supplementary) birth leave will be implemented in phases. We will of course keep you updated on the developments!

### Final remark

*Fun fact: the abbreviation of the title of the legislative proposal (Wet Invoering Extra Geboorteverlof: WIEG) is the Dutch word for 'cradle'.*

