



21.11.2024

NOTICE TO MEMBERS

Subject: Petition No 0349/2024 by I. S. (Portuguese) on increasing the length of paternity leave for EU institutions' staff

1. Summary of petition

The petitioner claims that while the European Parliament and EU institutions have been advocating for better work-life balance and gender equality, they only provide fathers with 10 days of paternity leave, contradicting their own goals. According to her, this undermines efforts to distribute caring responsibilities equally between men and women. The petitioner complains that the limited paternity leave puts women at a disadvantage in the job market, especially for expatriate families. Furthermore, she states that while special leave rules allow for 20 weeks of leave for EU staff welcoming a new-born baby into the home through adoption, applying as well to fathers whose partners/wives don't work in the institutions fathers still only receive 10 days for their own biological children. According to the petitioner, this discrepancy highlights the need for an increase in paternity leave days in EU institutions to promote fairness and support gender equality initiatives.

2. Admissibility

Declared admissible on 14 June 2024. Information requested from Commission under Rule 233(5) (former Rule 227(5)).

3. Commission reply, received on 21 November 2024

The petition

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complains that the limited paternity leave puts women at a disadvantage in the job market, especially for expatriate families. Furthermore, she states that while special leave rules allow for 20 weeks of leave for EU staff welcoming a new-born baby into the home or adoption, applying as well to fathers whose partners/wives don't work in the institutions fathers still only receive 10 days for their own biological children. According to the petitioner, this discrepancy highlights the need for an increase in paternity leave days in EU institutions to promote fairness and support gender equality initiatives.

The Commission's observations

Article 6 of Annex V to the Staff Regulations provides for different types of special leaves, including the 10 days of special leave for birth of a child and the 20 weeks of special leave for adoption. The special leave as provided for by the Staff Regulations concerning when a child comes into the household, whether through birth or through adoption, is based on the principle that a child should have continuous care for an extended time by one of the parents.

Consequently, the Staff Regulations indicate that the 20 weeks of special leave for adoption will be shared between the parents and that the 20-week special leave of the official will be shortened accordingly if the spouse works outside the EU institutions and receives comparable leave. Therefore, if two staff members adopt a child together, they will share the leave of total 20 weeks between them. However, if the spouse is not engaged in paid employment or is engaged in less than half-time paid employment, the official will only receive 10 working days of special leave and not 20 weeks. At the Commission, these conditions also apply to the special leave for arrival in the household of a new-born child, which is provided for by Commission Decision C(2013) 9051 of 16 December 2013 on leave, as amended by Commission Decision C(2020) 1559 of 16 March 2020.

In the case a staff member gives birth and the other parent is a staff member, the principle that one parent is taking care of the child for an extended time is followed as well. The mother will receive 20 weeks of maternity leave, with a minimum of 14 weeks to be taken following the birth as provided for by Article 58 of the Staff Regulations. However, in this case maternity leave has a dual purpose: recovery of the birth and bonding with the child. Therefore, while with adoption staff members can choose how to split the special leave, this is not possible for parents of whom one of them gave birth to the child. To allow for a proper recovery, the mother is entitled to take the full period of leave. Therefore, the Staff Regulations granted the other parent 10 days of special leave for the birth of a child in principle to be taken during the maternity leave to also aid in a better recovery of the mother, which is in accordance with the 10 days of paternity leave required from the Member States by the EU Work-life Balance Directive¹.

However, even though Article 6 of Annex V provides for the number of days to be granted as special leave for specific events, together with Article 57 of the Staff Regulations, it also gives a margin of discretion to the institutions to introduce additional special leaves if they consider this appropriate.

Conclusion

The Staff Regulations follow the principle that one parent is continuously present for a longer period when the child arrives in the family. As the mother is strongly encouraged to take the

¹ See Article 4(1) of Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU (<https://eur-lex.europa.eu/eli/dir/2019/1158/oj/eng>).

full maternity leave to recover from the birth as well, such an entitlement is granted to the mother. Therefore, the Staff Regulations only provide for 10 days of special leave for the birth of a child for the other parent. However, Article 57 of the Staff Regulations and Article 6 of Annex V to the Staff Regulations also leave some margin to the EU institutions to grant additional special leaves if they deem this appropriate.