

HR PRACTICAL INFORMATION

BECOMING PARENTS

You're pregnant? Congratulations! Do not delay declaring your pregnancy and finding out about your rights in terms of salary, maternity allowance and length of maternity leave... Don't know where to start? This newsletter will help.

DECLARING YOUR PREGNANCY

To your *Caisse d'Assurance Maladie-Maternité* and the *Caisse d'Allocations Familiales*

You must inform the Social Security and the Family Allowance service within 14 weeks of amenorrhea in order to receive your daily allowances during your maternity leave.

On the first visit to the doctor, you will be given a form titled "*Vous attendez un enfant*" (Sample form [here](#)). This document serves both as a declaration of pregnancy and as an attestation that you underwent the first compulsory examination. It also establishes the entitlement to maternity allowances. After this visit, you will send the top two copies to the Caisse d'Allocations Familiales and the third copy to the Caisse d'Assurance Maladie-Maternité.

To your employer

Even though there is no legal obligation to inform your employer nor a statutory deadline, it is best to send in a medical certificate where the doctor will have certified your pregnancy and the presumed date of birth. This is usually sent early in the second trimester of pregnancy, and allows your employer to plan for your replacement during your maternity leave. Some rights which are extended to pregnant women can, obviously, not be granted if the employer is not aware of your condition, so it is in your interest to ensure that your employer is informed.

MATERNITY LEAVE

Maternity leave is not subject to any conditions, such as seniority or type of contract (fixed-term contracts, permanent contracts, etc.). The mere fact of being pregnant entitles you to maternity leave.

Maternity leave is calculated in weeks. It includes prenatal leave and postnatal leave. Its legal duration varies depending on the number of children you are expecting and the number of children you already have.

Single birth

For a first pregnancy or the birth of a second child, the duration of maternity leave is 16 weeks in total: 6 weeks before childbirth, 10 weeks after childbirth.

Third child (or more)

The duration of the maternity leave is 26 weeks in total. 8 weeks before childbirth 18 weeks after childbirth.

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Multiple Births

For twins the duration of the maternity leave is 34 weeks in total. 12 weeks before childbirth, 22 weeks after childbirth

For triplets or more the duration of the maternity leave is 46 weeks in total. 24 weeks before childbirth, 22 weeks after childbirth

The legal periods are extended in case of **premature birth**, and the days of prenatal leave which were not used due to the premature birth are carried forward to increase the length of the postnatal leave.

Carry-over of prenatal leave

Since 2007, the law authorizes the pregnant employee to postpone part of her prenatal leave until after childbirth if the attending doctor or midwife is in agreement.

- For a first or second child, the employee can postpone her prenatal leave by a maximum of 3 weeks, bringing the postnatal leave to 13 weeks.
- From the third child, the postponement is up to 5 weeks, bringing postnatal leave up to 23 weeks.

Attention: if you want to take advantage of this possibility, you need to send a medical certificate to the *Caisse d'Assurance Maladie-Maternité* at the latest the day before your prenatal leave was due to begin.

Note: from the third child, the Labor Code offers, on the contrary, the possibility to increase the prenatal leave by 2 weeks, the postnatal leave being reduced accordingly.

PATHOLOGICAL LEAVE

In case of a difficult pregnancy, your doctor can grant you an additional prenatal leave called pathological leave.

The duration of the pathological leave is 14 days (consecutive or not). This leave is added to the prenatal leave and gives rise to daily allowances paid by the Social Security, as for maternity leave.

In case of post-partum difficulties, the doctor can prescribe medical leave specifying "post-partum pathology". This leave will be indemnified according to the rules for sick leave.

YOUR CONTRACT DURING YOUR MATERNITY LEAVE

The salaried pregnant woman enjoys a protected status, defined by the Labor Code and possibly improved by the Collective Agreement of the company.

Suspension of the employment contract

During your maternity leave, the employment contract is simply suspended. This maternity leave is considered as actual working time, taken into account in the calculation of seniority.

Salary

During her maternity leave, the employee receives her regular salary and AUP collects the daily allowances of the Social Security whose amount is calculated according to the last 3 months of salary. This is subrogation ([see our newsletter](#) "Your income during sick leave").

You have no formalities to accomplish. AUP takes charge of sending the certificate to the Assurance Maladie from the beginning of the prenatal leave.

The daily allowances paid during maternity leave are subject to income tax.

Retirement

Since June 1, 2014, all quarters of maternity leave are included in the calculation of retirement income. This applies to all children born or adopted since January 1, 2014.

CONDITIONS AND WORKING HOURS

Authorizations of Absence

Throughout pregnancy, a pregnant employee is granted leave to carry out compulsory medical examinations (article L1225-16 of the Labor Code). These absences are considered as actual working time. The salary of the pregnant woman cannot be reduced because of these absences. Since 2014, the father of the unborn child also has the right to be absent for three compulsory medical examinations

THE RETURN FROM MATERNITY LEAVE

Protection of employment

At the end of the maternity leave, the employee must return to the job she held prior to her departure on leave or an equivalent job with the same pay.

Medical visit

The employee must benefit from a medical within 8 days of returning to work.

Professional interview

The employee must be offered a professional interview by her employer. This interview focuses on the prospects of professional development of the employee as well as on her possible training needs ([see our newsletter](#) on Professional Interview).

PATERNITY LEAVE

The paternity leave is 11 consecutive working days (2 weeks) for the birth of a child and increased to 18 consecutive working days in case of multiple births. Paternity leave must be taken within 4 months of the birth of the child. Paternity leave may take the place after the 3-day birth leave or be taken separately.

During his paternity leave, the AUP employee receives his usual salary and AUP collects the daily allowances of the Social Security whose amount is calculated according to the last 3 months of salary. This is subrogation.

ADOPTION LEAVE

Employees who legally adopt one or more children through the French courts benefit from adoption leave during which their employment contract is suspended. The duration of this leave depends on the number of children living at home and the number of adopted children.

During their adoption leave, employees are entitled to daily allowances paid by the Social Security, subject to fulfilling the conditions laid down by the Social Security Code.

Note: The duration of the adoption leave is assimilated to an actual working period taken into account for the determination of rights and seniority.

The duration of the leave is as follows:

- 10 weeks in the general case,
- 18 weeks if the adoption raises the number of children in the home to three or more,
- 22 weeks for multiple adoptions.

The leave can be taken by either of the adoptive parents, or shared between the two parents (in two continuous blocks)

WHAT RIGHTS IN THE EVENT OF ASSISTED MEDICAL PROCEDURE?

Women who are involved in a medically assisted procreation path benefit from authorised, paid absence for all necessary medical interventions. The law also allows spouses, partners linked by a PACS or living in a conjugal relationship to benefit from authorized absences, within the limit of three authorizations per protocol. The absence must be legitimized by presenting a medical certificate. The duration of the absence includes the duration of the examination and the round trip.

As for pregnant women, these absences are considered as actual working time to determine the length of paid leave and seniority. Salary is maintained.

Some useful links before and after the birth of your child:

For more information on pregnancy and maternity, please visit Ameli's website: <https://www.ameli.fr/paris/assure/recherche?text=maternit%C3%A9&page=6>

To know your rights and the steps to be taken to benefit from CAF's services when a child arrives, visit the CAF website: www.caf.fr

Rights and Services from the CAF

<https://www.caf.fr/allocataires/droits-et-prestations/connaitre-vos-droits-selon-votre-situation/vous-avez-ou-vous-attendez-un-ou-des-enfants/vous-attendez-un-enfant>

Your child has just been born:

<https://www.caf.fr/allocataires/droits-et-prestations/connaitre-vos-droits-selon-votre-situation/vous-avez-ou-vous-attendez-un-ou-des-enfants/votre-enfant-vient-de-naitre>

Childcare

<https://www.caf.fr/allocataires/actualites/2017/modes-de-garde-avez-vous-droit-a-une-aide>

<http://www.caf.fr/allocataires/droits-et-prestations/s-informer-sur-les-aides/petite-enfance/la-prestation-d-accueil-du-jeune-enfant-paje>

Birth premium or adoption premium

<http://www.caf.fr/allocataires/droits-et-prestations/s-informer-sur-les-aides/petite-enfance/la-prime-a-la-naissance-et-la-prime-a-l-adoption>

Do you still have questions? Do not hesitate to contact Human Resources.