



French History of Parental Leave Policies

A Slow Coming out of the Stay-at-home Mother Compensation Model

Catherine Collombet

DANS **REVUE DES POLITIQUES SOCIALES ET FAMILIALES** 2021/4 (N°141), PAGES 195 À 209
ÉDITIONS **CAISSE NATIONALE D'ALLOCATIONS FAMILIALES**

ISSN 2431-4501

DOI 10.3917/rpsf.141.0195

Article disponible en ligne à l'adresse

<https://www.cairn.info/revue-des-politiques-sociales-et-familiales-2021-4-page-195.htm>



CAIRN.INFO
MATIÈRES À RÉFLEXION

Découvrir le sommaire de ce numéro, suivre la revue par email, s'abonner...

Flashez ce QR Code pour accéder à la page de ce numéro sur Cairn.info.



Distribution électronique Cairn.info pour Caisse nationale d'allocations familiales.

La reproduction ou représentation de cet article, notamment par photocopie, n'est autorisée que dans les limites des conditions générales d'utilisation du site ou, le cas échéant, des conditions générales de la licence souscrite par votre établissement. Toute autre reproduction ou représentation, en tout ou partie, sous quelque forme et de quelque manière que ce soit, est interdite sauf accord préalable et écrit de l'éditeur, en dehors des cas prévus par la législation en vigueur en France. Il est précisé que son stockage dans une base de données est également interdit.

French History of Parental Leave Policies¹



A Slow Coming out of the Stay-at-home Mother Compensation Model

Catherine Collombet

Deputy director, French family allowance fund (Cnaf in French), European, international and cooperation mission.

The objective of gender equality is far remote from the centre of French parental leave policies and their compensation system. It is only over a long period of time, through successive stages, that parental leave policy freed itself from its origins. It was first organised, up to 1977, around the single-salary benefit (ASU in French), a form of "maternal salary" aimed at helping mothers to permanently withdraw from the labour market. The decline of ASU, followed by its cancellation, gave rise to a new period, during which support systems were legally opened to both fathers and mothers. The last stage, which is not over yet, seeks the parental leave's effective sharing between parents.

KEYWORDS: parental leaves, history, family policy

Histoire des congés parentaux en France

Une lente sortie du modèle de rémunération de la mère au foyer

L'objectif d'égalité de genre n'a pas été, loin sans faut, au cœur de l'histoire des congés parentaux et de leur rémunération en France et c'est dans le temps long, par étapes successives, que la politique de congés parentaux s'est extraite de l'empreinte de ses origines. Elle s'est d'abord organisée, jusqu'en 1977, autour de l'allocation de salaire unique (ASU), forme de « salaire maternel » destiné à permettre aux mères de se retirer de manière permanente du marché du travail. Le déclin de l'ASU puis sa suppression ont donné lieu à une nouvelle période, pendant laquelle les dispositifs ont été ouverts dans les mêmes conditions au père et à la mère. La dernière phase, qui n'est pas achevée, est celle de la recherche d'un partage effectif du congé entre les deux parents.

MOTS-CLÉS : congés parentaux, histoire, politique familiale

1. The original version of this article was published in French in the n°122 issue of the RPSF journal, https://www.persee.fr/doc/caf_2431-4501_2016_num_122_1_3168?q=o%09Collombet+Catherine,+%22Histoire+des+congés+parentaux+en+France.+Une+lente+sortie+du+modèle+de+rémunération+de+la+mère+au+foyer%22 (accessed 13 September 2021).

For children born since the 1st of January 2015, parents who take a parental leave can receive a new allowance, the "shared child education benefit" (Prepare in French), established by the Law of 4 August 2014 on real equality between men and women. For the first time since the creation of benefits compensating wage loss due to parental leave, an incentive to share the benefit equally between parents is being implemented. The compensation duration is therefore reduced if both parents do not take each part of the leave: it only lasts two years if only one parent takes the leave, and three years if both parents take alternate leave. A greater father involvement with the child and a greater gender equality are expected from this reform.

This objective of equality, which enjoys a relative consensus in public debates today, is nevertheless poles apart from the French history of parental leave and benefits. The first objective was to compensate mothers' professional inactivity in order for them to financially manage what was seen as their natural role, that of educating children and running a household. The "single income allowance", created for this purpose and which can be considered as the parental leave's ancestor, played a key role in family policy for about forty years, a role that is today largely forgotten. Family policy gradually and slowly pulled itself out of its origins, by evolving from a permanent withdrawal from the labour market rationale to a temporary leave with guarantee of return to work, and later by opening this leave to both men and women equally. This legal equality did not prevent the majority of parental leaves being taken by women, therefore today is the time to seek "*real equality*" through the limitation of the compensated leave time if only one of the two parents takes it. It is still early to assess the results of this new shift.

In France, the actual parental leave, that is the right to suspend one's work contract, is regulated by the French labour code, whereas the allowance delivered to the parents who stop working to take care of their child falls under the French social security code. However, for the sake of clarity, the term "*parental leave*" will be used to designate both the right to suspend one's work contract and the corresponding social allowance.

Inset 1. **"Educational Parental Leave"** **and the "Shared Child Education Benefit"**

Parents who work part-time or stop working to take care of their children can benefit from two types of support systems regulated by different laws: the "educational parental leave" and the "shared child education benefit" (Prepare in French), which replaced the free choice of activity complement on the 1st of January 2015.

The "educational parental leave" is a provision of labour law that allows parents of young children to temporarily suspend their professional activity—up to their youngest child's third birthday maximum—while enjoying guarantees concerning their return to work. To be entitled to this benefit, the parent must be employed, have a child younger than three years old and at least one year's service to the employer at the time of the child's birth. This leave can be a full or a "*part-time*" parental leave. A similar support system exists in the civil service.

Prepare is a social protection benefit for parents of children younger than three years old, who stopped working (full-rate Prepare) or work part-time (reduced-rate Prepare), in order to partly compensate their loss of wages. The benefit can be received for a maximum duration of six months for each of the parents for a first child, and for three years to be split between parents from the second child onwards. To qualify for it, the applicant must meet certain conditions with regards to his/her previous professional activity. He/she must, indeed, have worked long enough over the past years to receive this benefit. The amount is lump sum.

This article aims at tracing the history of French parental leave and their compensation system, first marked by a pro-birth and conservative family vision, then, later on, by a

pursuit of greater gender equality. This specific history contributes to explain how France struggles to foster fathers' participation in the parental leave.

1938-1978: A Policy to Keep Mothers at Home

The first professional inactivity compensation for the parent taking care of a child, created in 1938, resulted from a long fight of social actors, who followed, for the most part, the social doctrine of the Catholic Church, that was seeking to revitalise the conservative role of the mother. It first consisted in a limited revaluation in family allowances, yet this support system soon became an independent benefit, the "single income allowance", and a major component of family policy after the Second World War, before being gradually called into question. In this first stage, the idea that fathers could benefit from this allowance is missing and even at odds with the objective sought.

The Fight for the Creation of an Allowance for Stay-at-home Mothers

The creation of a specific allowance for stay-at-home women has been a recurring object of public debate in the interwar years. This long combat, which mobilised various actors networks engaged in the social Catholic sphere of influence, eventually came to an end in 1938, with the creation of the first specific revaluation in family allowances for families with stay-at-home mothers.

Although the 19th century industrial revolutions led to a wide expansion of women's work, views that limited this work and reasserted the women's maternal vocation gain strength by the end of the century. The Law of 2 November 1892 on child, girls and women labour in industrial establishments, which notably forbids night shifts for women, leads to debates asserting that "*maternity is a national duty*" and they "*tend to delegitimise work outside mothers' households*" (Martin, 1998, p. 9). After the First World War, Abbot Lemire, Member of Parliament for the French North department, introduced an amendment on 22 March 1921 that would implement the first allowance for mothers: "*Every French and working mother receives from the state a yearly allowance of 360 Francs per child below 16 years of age, under the condition that she does not leave home anymore to work outside*". The amendment was not adopted but remains a reference the following years.

The creation of a stay-at-home mother allowance is one of the main demands of the family movement, which develops during this period. Within this movement, the national federation of large families associations is established in 1921 at the initiative of A. Isaac, a pro-birth businessman and Member of Parliament. When the French government, worried about France's depopulation against Germany, creates the high council of birth rate in 1920, A. Isaac becomes its first president. Another significant movement is the women social and civic union (UFCS in French), created in 1925, which includes women close to Christian trade unionists from the French confederation of christian workers (CFTC in French) and industrialists close to social Catholicism. UFCS conducts two surveys between 1930 and 1932, with the support of CFTC, on working class families in the North and East regions of France, in order to highlight the poor number of children in families where the mother works and the lack of means in families where she does not work (Martin, 1998). All these movements, despite their differences in sensitivity (Isaac was, for instance, liberal on the economic front, yet opposed to CFTC), are part of the Catholic Church social doctrine, set out by the 1891 Pope Leon XIII's encyclical *De Rerum Novarum*, and confirmed, forty years later, by Pope Pie XI's encyclical *Quadregessimo*. This encyclical emphasises that "*it is primarily at home, or in the outbuildings of the*

house, and among domestic occupations, that mothers' work resides" and that "it is therefore a harmful breach, that it must at all costs be eradicated, that mothers, because of the father's limited income, are forced to look for paid work outside the house and thus neglect their very special duties, first of which children education". As a result, the encyclical supports systems allowing commensurate compensation of fathers in charge of families. Demanding the creation of an allowance for stay-at-home mothers follows from several matters of concern: boosting the French birth rate, in a context of German military recovery, promoting the conservative role of women and supporting needy working families.

In the 1930s, the mother's non-working status starts to be included when calculating family allowances, at the initiative of industrialists close to social Catholicism, before this development being implemented at the national level. Indeed, family allowances start to be implemented by committed companies in the 1920s: it is therefore an "extra pay" financed by employers, in a perspective of "social paternalism", as well as a means to avoid a more costly general pay review. Companies subscribe to compensation funds in order to mutualise costs. The Law of 11 March 1932 expands family allowances by making the subscriptions to a compensation fund compulsory, yet each company remains free to fix the amount and method of calculation, while a ministerial order decides the minimum amount of the benefit. Within this legal frame, a compensation fund practicing "dual scale" (family allowance, upgraded for families with a non-working mother) is created in 1934 at the initiative of P. Leclercq, a textile manufacturer from the French city of Roubaix (Béthouart and Steck, 2012). A similar system is generalised by the Decree-Law of 12 November 1938: it standardises the scale of family benefits, now calculated as a percentage of a reference salary, supposedly representative of workers' wages (the monthly base salary or SMB in French)², and adds an additional benefit for stay-at-home mothers. This additional benefit amounts to 5% of the SMB, whatever the number of children, which was equal to the basic amount of family benefits for one-child families and to a third of this amount for families with three children³. A few months later, the Decree-Law of 29 July 1939 promulgates the family code and transforms the additional benefit into a separate benefit, the "stay-at-home mother allowance" (AMF in French). It doubles the previous amount and is raised to 10% of the reference salary.

The creation of AMF is part of a series of reforms that gave rise to a very strong pro-birth family policy. The benefit is financed by the cancellation of family benefits for the first child, to encourage families to have at least two children. This French family policy remains unchanged up to this day. These reforms were led by C. Chautemps and É. Daladier governments, two council presidents from the radical party. The economist and demographer A. Sauvy, advisor to the office of the Ministry of Finance P. Reynaud, is one of the main architects of these reforms (Chauvière, 1992). Faced with a growing threat of depopulation (the mortality rate exceeds the birth rate since 1935), AMF mobilises a broad consensus, from the radicals to the right-wing members of Parliament, close to family movements.

The Single-salary Benefit: An Essential Component to Family Policy

In terms of family policy, the Vichy regime shows some continuity with the French 3rd Republic, yet it goes further than the 1938-1939 reforms. Its decisions will in fact be

2. A notion reflected today in the "monthly basis of family allowances" (BMAF in French), which serve to calculate different family benefits. For decades, the BMAF was only revalued, for the most part, depending on prices, yet the initial use of the SMB to link the amount of benefits to an average working family salary faded away.

3. These amounts and those mentioned later in this article regarding the single-income allowance are borrowed from J. Martin (1998).

maintained, for the most part, after the Liberation of France. The Act or "Law of 29 March 1941" transforms AMF into a "single-salary benefit" (ASU in French), attributed to families where only one parent is on wage labour. While maintaining the AMF rationale, ASU adds a number of significant inflections. Its amount is significantly upgraded: it reaches 20% of SMB for one-child families (if the child remains an only child, the ASU benefit is lost when the child turns five), 25% for two children and 30% for three children. ASU thus becomes progressive according to the number of children and amounts to two and a half times the family allowance for a family with two children. ASU, as the name indicates, only includes wage labour families. Finally, the Act or "Law of 17 November 1941" allows the payment of ASU upon marriage, before the couple has a child, and for a period of two years.

Thereby, over reforms, which followed one another from 1938 to 1939, the pro-birth and conservative approach took over that of supporting needy working families. ASU is granted without any income-related prerequisites. It benefits couples who do not have children yet, as a way to encourage women to take their role of stay-at-home mothers very early on. It is still financed by the cancellation of family benefits for the first child, at the expense of one-child families, whose family burdens are not compensated anymore. The foundation of ASU matches the regime's ideology, which emphasises the role of the traditional family as the basic unit of society, and the role the mother should play within it. Maintained after the Liberation of France, ASU is perpetuated by the Law of 22 August 1946, which redefines the structure of family benefits within the new social security system established by the Order of 4 October 1945. ASU is one of the four family benefits, together with family allowances (AF in French), pre-birth allowances and the maternity allowance. ASU is extended to illegitimate and foreign children, which marks a significant evolution from the ideology of the Vichy regime. ASU's sustainability is part of a set of decisions in favour of family policy, including the creation of the family quotient by the 1946 Finance Act.

By then, ASU represents a key pillar of the prevailing family policy within the French social security system⁴. Following a new increase in 1946, it represents 20% of the SMB for one-child families (who do not benefit from AF), 40% for two children (against 20% of AF) and 50% for three children (against 30% of AF).

ASU's Erosion and Gradual Reconsideration

However, since the late 1940s, concerns are voiced against ASU. Indeed, in a context of budget difficulties due to the rapid increase in wages, on which ASU is indexed, and the significant recovery of the birth rate, the debate opposes, according to J. Martin (1998), those who perceive this benefit as a symbol of a "generous" policy to those who criticise its "unfair" aspect. The Law of 1 September 1948 implements a new restriction, by cancelling ASU for one-child families, after the child's tenth birthday⁵. In 1951, a commission chaired by R. Prigent, Christian Democrat and former Family and Public Health Minister, offers to go further by cancelling ASU for young households without children or with an only child older than five years old. These proposals are not immediately implemented, yet with the Decree of 31 December 1954, P. Mendès-France Government decides to separate reference wages used to revalue family allowances, and to separate them from ASU. In the following years, ASU is therefore far less revalued than AF. During this period, the strong baby boom has alleviated anxiety concerning the decline of birth rate, yet public authorities face a lack of female workforce (Martin, 1998). ASU subsequently experiences

4. The family branch then represented half of the social security spendings, against a little more than 15% today.

5. Although AMF, created in 1939, was only paid until the only child's fifth birthday, ASU, created in 1941, continued to pay beyond this age limit but halved the initial amount.

contrasting developments. The creation of AMF in 1955-1956 for self-employed workers (farmers and freelance, since ASU only compensates families of employees) goes in the direction of an extension of the support system and confirms women as the exclusive target of this aid, without yet questioning this situation. However, several restrictions are decided: in 1959, ASU is cancelled for families with an only child older than five, and in 1967, for young households without children. The recommendations of the Prigent committee are thus implemented with a sixteen-year delay. During this period, ASU is also impacted by two trends, which cross the entire family policy spectrum: the rise of policies reconciling family and working life, as well as vertical redistribution. Concerning the first trend, the plan commission recommends that the 3rd (1958-1961) and 4th (1962-1965) plans develop early childhood care facilities and reform ASU in order to finance them. The Law of 3 January 1972 creates the childcare expense allowance, the first support system to specifically subsidise childcare expenses due to female labour. ASU's rationale seems rather outdated in a period of female labour development and women's empowerment, including in legal terms⁶.

Besides, although family allowances, including ASU, had been created without any income-related prerequisites, family policy changes its nature in the 1970s. Without abandoning horizontal redistribution, now mainly provided by AF, vertical redistribution grows stronger: the share of benefits subject to income-related prerequisites in family allowances grows from 13.6% in 1970 to 44.9% in 1982 (Join-Lambert *et al.*, 1997). ASU and AMF cannot escape this situation. The Law of 3 January 1972 subjects these benefits to income-related prerequisites: 15% of former beneficiaries are excluded from this support system, 60% maintain their former benefits, while benefits increase by 25% for those with the lowest income⁷.

This new reform goes in the direction of greater vertical redistribution, and thus brings ASU to an end. The Law of 12 July 1977 cancels ASU, AMF and the childcare expense allowance from the 1st of January 1978 onwards and replaces them with a new benefit, the "family complement". This allowance, subject to income prerequisites, benefits families with at least three children and families with a child younger than three years of age. According to S. Veil, the Health and Social Security Minister, the challenge of the reform is to operate "*a revision of the benefits served under income prerequisites in order to simplify and concentrate public assistance on families facing specific difficulties due to the age or number of children*" and "*in the interest of fairness and equity*", to "*compensate some disadvantages of our current system that prioritise beneficiaries of highest incomes and the least favoured social categories, thereby penalising by comparison the middle class*" (Official Journal of the French Republic, parliamentary debates, French National Assembly, June 2nd 1977, p. 3270). Redistribution challenges are thus emphasised. The Law of 12 July 1977 reaches a breaking point: for the first time since 1938, French family policy does not include a maternal salary anymore.

Since 1978, Funding a Temporary Withdrawal from the Labour Market

Cancelling ASU opens a new phase, in which it is replaced by systems of temporary (and not permanent anymore) withdrawal from the labour market, soon opened to both

6. The Law of 13 July 1965 allows women to work, to manage their assets and open a bank account without the husband's approval; the Law of 4 June 1970 replaces the notion of "paternal authority" by that of "parental authority", both parents being therefore placed on equal footing.

7. Figures provided by B. Béthouart and P. Steck (2012).

parents under the same conditions: they are benefits pertaining to parental leaves as we know them today. However, eligibility requirements for these benefits led to a mostly feminine use, to the decrease of feminine activity and to the near absence of fathers, and this shows that legal equality is not sufficient to ensure equal sharing.

Creation, Extension and Easing of Parental Leaves

At the same time when ASU is cancelled, a new incentive appears to withdraw women from the labour market in order to take care of their children. Another law, promulgated on the same date, the Law of 12 July 1977, introduces the "educational parental leave" (CPE in French). This support system rationale is different from ASU. First, CPE is subject to labour legislation and not to social security, and is payable by employers. Second, it is only a temporary withdrawal from the labour market: the work contract is suspended for a maximum duration of two years; by the end of the leave, beneficiary women must be guaranteed to return to the same job or to a similar one with a similar pay. This right to a parental leave is reserved for women working in companies with at least two hundred employees and with at least one year of service at the child's date of birth or at his date of arrival in the household for an adopted child. In the Law of 12 July 1977, this support system remains in principle reserved for women. It can only benefit fathers when the mother waives it or if she does not qualify for it. One has to wait for the Law of 4 January 1984 for the CPE to be opened to fathers and mothers under equal conditions. It is interesting to note that the development of CPE is similar to that of retirement benefits for parents who stop their professional activity to take care of a child. The "pension insurance of stay-at-home mothers" (AVMF in French), created by the Law of 3 January 1972, was, as the name indicates, reserved for mothers. In 1979, this support system becomes the "pension insurance of stay-at-home parents" (AVPF in French), and is opened to men but under stricter conditions compared to that of women. From 1985 onwards, AVPF is intended for both men and women under the same conditions. In a similar fashion, successive laws have extended and eased the CPE support system. The Law of 4 January 1984 lowers the threshold from two hundred to one hundred employees, while companies with less than a hundred employees can only refuse the parental leave under certain conditions. It also extends the duration of the leave by one year, which allows the parent who benefits from it from the birth of their child to remain on leave until the child turns three. Between 1984 and 1986, the public service's general regulations introduce similar support systems within the three sectors of public service⁸. Finally, the Family Law of 25 July 1994 opens AVPF to all employees, whatever the size of the company. Successive laws also make this support system more and more flexible: although the Law of 12 July 1977 only allowed a suspension of the work contract, the Law of 4 January 1984 adds a right to a half-time working period; the Law of 3 January 1991 allows to choose a part-time working period ranging from sixteen hours per week to 80% of a full-time job; and the Law of 25 July 1994 extends the right to a part-time working period to the entire public service⁹.

The Payment of Parental Leave: From APE to CLCA

Due to the concomitant suppression of ASU, CPE, created by the Law of 12 July 1977, is not remunerated. This situation will last for seven years. The Law of 4 January 1985 pertaining to measures in favour of young families and large families, defended by Family

8. The Law of 16 July 1984 for the state public service, of 26 January 1984 for the territorial civil service, and of 9 January 1986 for the hospital public service.

9. At this time, it is still a right to a half-time working contract. The Law of 21 August 2003 on retirement opens a wider range of choices to civil servants, from 50% to 60%, 70% and 80% of a full-time position.

Minister Georgina Dufoix, creates a new family allowance, the parental education allowance (APE in French). This benefit compensates parents who stop or reduce their professional activity upon the birth of a child, increasing the number of dependent children to three or more. APE is subject to rather strict conditions of previous professional activity: twenty-four months over the thirty months preceding the birth. It can be paid for a maximum duration of two years. It is strictly linked to CPE, on the one hand, and to childcare financial support, on the other. The designers of the 1985 reform wanted this connection between APE and CPE. According to G. Chanfrault, rapporteur of the bill to the National Assembly, *"the allowance due in such circumstances explicitly bounds this family allowance to labour law"*. Supporters of the creation of APE deny their intention to implement a "maternal wage", which would durably keep women away from work, while being aware that the allowance will mainly benefit women: as such, according to G. Chanfrault, *"this allowance thus allows the parents requesting it, and especially women, because there is no doubt that women will be most affected, to see their working status and their parental status both acknowledged"*. According to G. Dufoix, *"it is not about introducing a maternal wage, withdrawing this man or this woman from the workforce, but balancing work life and family life in the best possible ways"*. Scientific knowledge on the significance of effective interaction between parents during the first years of a child for his own development (attachment theory) is also emphasised. The Minister thus declares: *"I greatly value the fact that young children can live with their parents: it is through this kind of solidarity that the child's personality is forged. All sociologists, all psychologists, all medical doctors agree to say that pregnancy time, the time of birth, the first years are essential for the future of the child"* (National Assembly, full report, 2nd meeting of the 4th of December 1984, pp. 6617 and following).

The conditions for granting APE, rather restrictive in their initial version, have been eased on several occasions. According to the Family Law of 29 December 1986, the benefit can now only be paid up to the child's third birthday, following here the evolution of CPE; the activity requirement becomes more flexible, since by then only two years of work over the past decade preceding the child's birth or adoption are required. The Law of 25 July 1994 includes a significant development allowing the payment of APE from the birth of the second child instead of the third one. This reform will, as we will later show, strongly impact the level of women's professional activity. Finally, again in coherence with the evolution of CPE, the possibility of receiving APE part-time, with a lower allowance, are successively extended by the Law of 29 December 1986 and the Law of 25 July 1994. From this date onwards, the "free choice" theme appears in political speeches. In a report submitted in 1993 by C. Codaccioni, Minister of Solidarities between Generations, to the Prime Minister, suggests the creation of a "free choice parental allowance". It aims at boosting the birth rate (the overall fertility rate then reaches the historically low level of 1.73 children per woman), by allowing women to have their first child at a younger age and counterbalance the ever-falling first maternity. The free choice parental allowance would be paid from the first child until he/she enters preschool, without income-related prerequisites, and the amount would equal half of the minimum wage growth (SMIC in French) (Les Échos, 1993). The cost of such a support system leads the government to dismiss it and to extend APE to the second child only, and not to the first one. Ten years later, the report of a family conference working group, chaired by Senator M.-T. Hermange (Steck, 2003), proposes the creation of the "infant care benefit" (Paje in French), including all support systems pertaining to infant care, such as financial aid, childcare expenses, or income replacement in case of work interruption. Following these proposals, Paje is created under the Article 60 of the 2004 social security financing act. The Paje's "free choice of activity" section, the "free choice of activity supplement" (CLCA in French), does not constitute a major change to APE it replaces. The main evolution is the extension of CLCA for first-born children, however CLCA is only paid in this

case for six months and under strict work conditions (two years over the past two years). The supplement also includes a significant revaluation of the part-time leave: the amount in case of part-time work is 15% higher than the former short-time APE.

Legal Equity between Parents is Insufficient to Ensure Equality in Practice

Although CPE was open to both parents equally since 1984 and APE was immediately created in 1985 as a support system open to both parents, beneficiaries are mostly women. In 2010, 97% of CLCA beneficiaries were women, a rather stable percentage over the years. However, in France, the parental leave compensation method proves to turn women away from professional activity. Several studies have thus demonstrated that the opening of APE to second-born children with the 1994 law strongly impacted the decrease of women's work: between 1994 and 1997, the women's activity rate has dropped by almost fifteen percentage points (Afsa, 1998). More recently, a study has shown that partial rate CLCA contributed to make part-time work more financially sustainable than full-time work, due to the cost of childcare services (Sautory, 2012). These adverse effects on gender equality and the achievement of women's employment targets, as fixed by the European Union, lead to a new political turn, where the investment of fathers in their children's education is more actively pursued, thanks to support systems reserved for them.

Fathers' Position in Parental Leaves: A Slow Evolution

Although a three-day birth leave has been created for fathers right after the Liberation of France, by the Law of 18 May 1946¹⁰, the 2001 paternal leave is the first reform to establish a support system dedicated to them. A new stage is reached with the 2014 law on gender equality, which reserves part of the parental leave for the second parent.

Asserting the Right to a Paternal Leave

The first report to recommend the extension of the paternal leave duration was coordinated by H. Gisserot for the 1997 family conference¹¹. Terms of the proposal are already close to the support system that will be created years later: *"In order to encourage fathers to be more involved in parental roles, it is suggested that the paternal leave should be extended from three days to one week, to be optionally taken in installments, during the first month after the birth"*. The theme of shared parenting is already included in this proposal.

The creation of a paternal leave is announced by S. Royal, Minister Responsible for Families and Children, during the 2001 Family Conference, and implemented in the 2002 Social Security Financing Act (LFSS in French). It helps fathers to get an eleven-consecutive-day leave maximum (and eighteen days in case of multiple births), at the birth of their child. This leave must be taken within the first four months after the child's birth. Fathers are 100% compensated, within the limits of the French social security

10. This birth leave was meant for "family heads" to "efficiently support the mother in preceding and following childbirth care and carry out birth-related administrative tasks" (Steck, 1993, p. 8).

11. "The Parental Authority Reform, the New Family Rights" section of the family law reform project was presented to the press by S. Royal on 27 February 2001.

funding cap (in 2016, the highest salary taken into account was 3,218 euros). Three elements explain this reform:

- For better co-parenting, it became necessary to include fathers right from the birth of their child, as studies show a stronger investment of fathers in their educational responsibility towards their children when they take care of them at a very young age¹²;
- Besides, the reform responds quite directly to the 29 June 2000 European Council Resolution, pertaining to the balanced gender participation in professional and family life. It encourages member states to study *"the possibility, for respective legal orders, to acknowledge men who claim an individual and non-transferable right to a paternal leave, after the birth or the adoption of a child, while maintaining their rights to work, a leave they would take at the same time when the mother takes her maternity leave"*;
- Finally, the reform is part of a broader government action, aiming to strengthen the parent-child relationship and promote parental authority, and this is simultaneously redefined by the Law of 4 March 2002¹³. The reform is thus an active part of an effort to *"strengthen the parent-child relationship, with the requirement to maintain the father-child bond and the mother-child bond, while reasserting the value of fatherhood. This is the meaning of paternal leave, which goes beyond the action as such, but is coherent with shared custody, the issue of revaluation of parental authority"*¹⁴.

Although the reform's authors had set a target of 40% of fathers taking a paternity leave, this rate is immediately exceeded: from the first year of implementation in 2002, the support system is very successful and is taken up by 60% of fathers concerned, that is 336,000 people. However, since that date, this leave use rate has not increased much and has not exceeded two-thirds (Grésy, 2011)¹⁵. In 2013, the number of paternity leave beneficiaries (387,000) is still far behind that of maternity leave beneficiaries (596,000)¹⁶. Two more elements lead to nuance the overall success of paternity leave. First, it shows strong socioprofessional inequalities. According to the survey conducted by the directorate for research, studies, evaluation and statistics (French Ministry of Social Affairs and Health) (Bauer and Penet, 2005), although the use rate is of 87% in public services, it is only of 68% for private sector employees and 22% for freelance workers. The use rate also decreases for employees with a monthly salary over 2,000 euros. The paternal leave compensation cap, within the general scheme, making it more expensive for high incomes, could explain this. However, although compensation is full in public services, the use rate also decreases (from 93% between 1,000 and 2,000 euros to 78% over 2,000 euros). Other factors also come into play, such as heavy professional responsibilities or the fear of a negative impact on one's career. The second element is the high rate of fathers taking a paternity leave without using the consecutive eleven days to which they are entitled by law. This proportion varies according to sources, but always remains significant. Thus, according to the survey conducted by French TNS Sofres institute,

12. Since this date, the parental authority is defined as *"a set of rights and duties in the interest of the child"*, *"it belongs to the father and mother until the child's majority or emancipation in order to protect his security, his health, and his morality, to provide for his education and allow his development, with due respect to his person"* (Article 2 of the Law of 4 March 2002).

13. Speech delivered by S. Royal before the French family allowance fund's board of directors, on 10 July 2001.

14. Although the number of paternal leave beneficiaries is known every year (382,000 in 2013, an increase of 0,1% per year since 2007), the use rate has not been revalued since the *"Leaves around the Birth"* survey, conducted by the directorate for research, studies, evaluation and statistics (French Ministry of Social Affairs) in 2004 (Bauer and Penet, 2005). Given the stagnation of the number of beneficiaries and the relative stable number of births, it can be assumed that the use rate is also stable.

15. 2015 social security financing act project (PLFSS in French), family quality and efficiency programme. These numbers include all schemes, except public services.

16. Survey conducted by the French company LH2 and Équilibres from 5 to 29 April 2011, cited in B. Grésy's report.

47% of fathers take a leave shorter than a week (TNS Sofres, 2007). According to a study conducted by the R. Half recruitment agency with a sample of two hundred French company directors or human resources managers in June 2013, 90% of new fathers do not use the full duration of their paternity leave. Factors of explanation are financial concerns (44,5%), social pressure (40,5%) and the fear of a negative perception in their working environment (24%).

These persistent difficulties justify proposals making paternal leave mandatory, in order to overcome the reluctance of both employees and directors: Terra Nova, a think tank, has thus proposed to extend the leave to eight weeks and to make a two-week leave mandatory; the French union CFDT-executives and the French employers' organisation, "Movement of French Enterprises" (Medef in French), also made proposals in this direction in 2010 and in 2011. It also considered extending paternity leave: B. Grésy's report thus made a proposal to extend the leave to four weeks, under the same compensation conditions as today. Employees appear to be in favour of these proposals: 67% of male employees are in favour of an extension while 52% are in favour of a mandatory leave (22%). However, extension wishes are modest: 73% of men consider that a one to two-week extension would suffice.

Today, paternity leave remains unchanged compared to the support system created in 2001. The only change was the opening of the leave to the mother's same-sex spouse or partner, concomitantly with the Law of 18 May 2013 opening marriages to same-sex couples.

The Shared Parental Leave Incentive

Although parental leave is available to fathers since 1984 under the same conditions as for mothers, fathers only represent a very small minority of beneficiaries (3,5% in 2011). The way they use CLCA is also very different from the mothers, with an average shorter duration of the leave compensation and a higher rate of partial rate leave (Boyer and Nicolas, 2013). The withdrawal from the labour market is thus less important for men. In 2013, two-third of CLCA male beneficiaries took a partial leave, against 45% for women (Boyer, 2015). Facing the fathers' great "discretion", to use the words of B. Grésy, concerning their parental leave, several options have been considered over the past fifteen years: the creation of a shorter and better compensated parental leave; the creation of a "splittable" parental leave, that could be used up to the child's third birthday; a penalty in the form of a reduced duration of the leave when the leave is taken by one parent only. The Law of 4 August 2014 on substantive equality between men and women finally opted for the third path. The compensation option was not chosen, despite the fact that many authors think that it is key to explain differences in the CLCA use rate between men and women (Boyer, 2004).

A Shorter and Better Compensated Parental Leave: The Failure of Colca

The option of a shorter and better-compensated parental leave is recurrent in the French public debate. The French system is indeed characterised by a rather low flat-rate remuneration compared to that of CLCA: today it amounts to 575,14 euros¹⁷ per month, that is only 50,6% of the net monthly minimum wage (SMIC in French); besides this ratio tends to decrease because family allowances are revalued every year, but only on the basis of

17. 390,52 euros for the parental leave allowance (the shared child education benefit, Prepare in French) to which 184,62 euros of basic infant care benefit (Paje in French) are added.

inflation. Because it is a flat-rate remuneration, full parental leave beneficiaries are mainly low-income women.

A less ambitious reform is decided during the 2005 family conference. The working group report, chaired by H. Brin, chairman of the French union of family associations (Unaf in French), proposes to open an *"option for a shorter and better compensated parental leave"* (Brin *et al.*, 2005, p. 73). The existing support system remains unchanged: it is only an option in favour of a shorter leave, with a remuneration no longer lump sum but proportional to the salary, within the limits of a minimum and a maximum wage. Brin's report targets both high-income men and women, two categories poorly covered by CLCA: *"Men, whose professional income is in general higher than their spouse's income, and women with average or high income, seldom use this leave which leads to excessive losses of financial resources"* (*ibid.*). H. Périvier criticises the reform and calls it a *"parental leave for wealthy mothers"* (Périvier, 2005). The economist condemns a double discourse, one intended for qualified men and women so that they remain close to their work, and another intended for low-skilled women, who remain *"strongly encouraged to stay inactive at least the first three years of the child's life"* (*ibid.*). According to H. Périvier, this measure *"would continue the traditional gender distribution of roles"* (2005) and the impact on fathers would be limited, due to the wage cap. The Social Security Financing Act (FLSS in French) for 2006 follows Brin's report recommendations but gives up, for budgetary reasons, the idea of proportional remuneration: the *"optional free choice of activity supplement"* (Colca in French), which is only open to parents from the third child onwards, is higher than CLCA but remains lump sum¹⁸. Its maximum duration is one year instead of three. Colca never found its audience: it concerned only 2,400 people in 2012 (compared to 530,000 CLCA beneficiaries)¹⁹.

The Splittable Parental Leave: A Lead Not Followed

Since the creation of APE, parental leave can only be compensated up to the child's third birthday²⁰. Several reports have considered, in the hope of greater involvement of fathers and of greater flexibility, the creation of a *"splittable"* leave, usable in several times until the end of compulsory schooling. H. Gisserot's 1997 report proposed the creation of a *"parental time cheque"* that would *"disconnect the three-years educational parental leave and its benefits, from the period of early childhood when it can currently be taken"*, in the form of *"an open drawing right, following splittable periods or not, until the end of the child's compulsory schooling, within the same limits of three years, subject to a possible subsidy in case of father's use"* (Gisserot *et al.*, 1997, p. 51). About ten years later, the report written by M. Laroque, Inspector-General of the French general inspection of social affairs (Igas in French), entirely focuses on this issue (Laroque, 2006). This report was requested by labour and family ministers, following debates on Colca before the Parliament, within which many members of Parliament were in favour of the fractioning of the leave and hoped for both the development of the fathers' use of the leave and the mothers' lesser distance from the labour market. The report is nuanced. It highlights a change of the parental leave's philosophy, which fractioning symbolises. The leave is not only a question of free choice in terms of childcare services. It focuses on two options, one in which the remainder of the allowance duration could be taken up to the child's sixth birthday (instead of three years), and another one in which the leave

18. Today, it amounts to 822,96 euros per month, which includes the basic Paje allowance.

19. Social security account committee, June 2013.

20. It can only be extended beyond the child's sixth birthday in case of multiple births (at least triplets).

can be taken until the end of the child's compulsory schooling. The second option is not recommended, partly because of its costs, which could amount to 5.3 billion euros. Budgetary considerations and the unnecessary need to find childcare services after the child turns three, the age when pre-school schools almost all children, have probably led public authorities not to open up the right to fractioning so far.

The Creation of a Leave Period for the Second Parent

From 2007, the report by member of Parliament V. Pécresse on reconciliation of family and professional life, proposes to restrict a section of parental leave to fathers (Pécresse, 2007) under the fourth guideline: "Encourage fathers to take part of parental leaves". The proposal is part of a perspective to combat discrimination: "*The employer's view is, indeed, different depending on the employee's gender precisely because fathers do not take parental leaves, and of course maternity leaves, and little sick children leaves. If parental leaves were more shared between men and women, part of the discriminations in recruitment would fade*" (*ibid.*, p. 83). This proposal includes both a penalty, yet limited—sixty days out of three years are reserved to the father, but they are lost in case the father does not take his leave—and an incentive—the couple receives a 250 euros incentive per month when the parental leave is partly taken by the second spouse, only if the first beneficiary goes back to work or takes vocational training. Besides, the issue of shared parental leave is one of the first to be treated by the high council for family policies (HCF in French), a permanent consultative body with social partners and family associations created in 2009, and which replaces yearly family conferences. The advice and report submitted in February 2010 (HCF, 2010) highlight the difficulty of building a consensus on this topic. Only some members of HCF are in favour of a shortened duration of CLCA, only if childcare services are gradually increased to meet additional needs; while other members wish to maintain a three-year compensated leave and only suggest to extend Colca to second children. An agreement emerges to create a period of two months reserved to fathers, yet some members wish it would last longer.

The Law of 4 August 2014 implemented the leave period reserved to fathers. The reasons behind this law emphasise this reform's two objectives: "*allowing women to continue their professional careers under similar conditions to men or simply to access work*" and "*encouraging a fairer sharing of tasks within couples*". N. Vallaud-Belkacem, Minister for Women's Rights, specifically brings this second to the fore: "*For the first time, we tackle the issue of task sharing within households. Why? Because this balanced sharing impacts not only women's labour rate and their access to professional responsibilities, but also the involvement of fathers in family life*"²¹. Parental leave is thus given a new objective: it becomes, with the creation of this support system, a lever for changing individual behaviour, in order to impact task sharing within couples. For first children, the reform extends parents' rights: an additional period of six months is added to the initial six months included in CLCA, if the second parent takes his leave. However, for second children and more, the period reserved for the second child falls on the three-year period. During the discussion of the bill, it was announced that this reserved period would last six months; a decree eventually decided to extend it to one year.

21. Statement to the French National Assembly, 20 January 2014.

Conclusion

The French history of parental leaves reflects the slow evolution of the division of roles between both parents over the past century. Legal developments face a social context in which parental leave remains the prerogative of the mother and where task sharing remains deeply unbalanced. The outcome of the last reform, which aims at 100,000 fathers taking a parental leave in 2017, remains to be seen. For about 440,000 beneficiaries of free choice of activity supplements, as of 31 December 2015 (Demangeot *et al.*, 2016, p. 3), this objective would mean that about 25% of fathers decide to take a parental leave. This percentage is close to that of Germany after the 2017 Elterngeld reform was implemented: 32%²² of fathers now take a parental leave against 3% before the reform. The flat-rate nature of the Prepare allowance could, however, slow down a similar evolution in France, where in Germany, the leave's compensation is proportional to salary²³.

References

- Afsa C., 1998, L'allocation parentale d'éducation : entre politique familiale et politique de l'emploi, *Insee Première*, n° 569.
- Bauer D., Penet S., 2005, Le congé de paternité, *Études et résultats*, n° 442.
- Béthouart B., Steck P., 2012, Prestations familiales : une histoire française, Paris, *Cahier d'histoire de la sécurité sociale*, n° 6.
- Boyer D. (coord.), 2015, *L'accueil du jeune enfant—Données statistiques 2013*, 2015 report from the French early childhood observatory (ONPE in French), French family allowance fund (Cnaf in French).
- Boyer D., 2004, Les pères bénéficiaires de l'Ape : révélateurs de nouvelles pratiques paternelles, *Recherches et Prévisions*, n° 7, p. 53-62.
- Boyer D., Nicolas M., 2013, Les pères bénéficiaires du complément de libre choix d'activité, *l'e-ssentiel*, n° 131.
- Brin H., Midy P., Steck P., 2005, *Enjeux démographiques et accompagnement du désir d'enfant des familles—Conférence de la famille 2005*, Report of proposals for the French Ministry of Solidarity, Health and Family, Paris, La Documentation française.
- Chauvière M., 1992, L'expert et les propagandistes. Alfred Sauvy et le Code de la famille de 1939, *Population*, vol. 47, n° 6, p. 1441-1451.
- Demangeot M., Legendre É., Reduron V., Van Wassenhove T., 2016, Prestations versées par les Caf : quasi-stabilité du nombre de foyers allocataires en 2015, *l'e-ssentiel*, n° 164.
- Gisserot H., Tichoux C., Tricot C., 1997, *Pour une politique globale de la famille, rapport du ministère du Travail et des Affaires sociales et du Secrétariat d'État à la santé et à la sécurité sociale*, Paris, La Documentation française, collection rapports publics.
- Grésy B. (dir.), avec Dole P., Chivot F.-X., 2011, *Rapport sur l'égal accès des femmes et des hommes aux responsabilités professionnelles et familiales dans le monde du travail*, Inspection générale des affaires publiques report, Paris, La Documentation française, collection rapports publics.
- High Council for Family Policies (HCF in French), 2010, *Avis sur le complément de libre choix d'activité et l'accueil des jeunes enfants* [online], https://www.hcfea.fr/IMG/pdf/Avis_du_HCF_sur_le_CLCA_et_l_accueil_des_jeunes_enfants-3.pdf (accessed 14 September 2021)
- Join-Lambert M.-T., Bolot-Gittler A., Daniel C., Lenoir D., Méda D., 1997, *Politique sociales*, Paris, Presses de la fondation nationale des sciences politiques-Daloz.
- Laroque M., juillet 2006, *Congé parental fractionnable indemnisé*, Inspection générale des affaires publiques report, Paris, La Documentation française, collection rapports publics.
- Le rapport Codaccioni propose la création d'une « allocation parentale de libre choix », *Les Échos*, 28 october 1993.
- Martin J., 1998, Politique familiale et travail des mères de famille : perspective historique 1942-1982, *Population*, n° 6, p. 1119-1153.

22. Destatis Statistisches Bundesamt, 2013, <https://www.destatis.de/EN/FactsFigures/SocietyState/SocialStatistics/SocialBenefits/ParentalAllowance/Tables/Birth-ChildrenFatherReceived2013.html> (accessed 29 September 2021)

23. Between 65% and 67% based on the salary level and with a maximum amount of the allowance set at 1,800 euros.

- Pécresse V., février 2007, *Mieux articuler vie familiale et vie professionnelle*, Paris, La Documentation française, collection rapports publics.
- Périvier H., 2005, Congé parental pour mère aisée, *Libération*, 26 September.
- Sautory O., 2012, Impact des incitations financières sur l'arrêt ou la réduction d'activité des parents de jeunes enfants : une analyse par cas types, *Dossier Solidarité et Santé*, n° 28.
- Steck P., 1993, *Les prestations familiales*, Paris, Presses universitaires de France, collection Que Sais-Je.
- Steck P., 2003, *Prestations d'accueil du jeune enfant*, Family Conference working group report, Paris.
- TNS Sofres, 2007, *Congé de paternité*, December 2007 Babybus report [online], http://www.tnssofres.com/sites/default/files/081008_paternite.pdf (Accessed December 2015).