

Maternity, parental, and paternity leave

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□ Introduction

The Labor Code provides a number of rights related to parenthood. Employees are entitled to **maternity, paternity, and parental leave**, which serve to protect their rights and ensure care for the child. Each of these leaves has a different purpose, duration, and formal rules.

□ 1 Maternity Leave

□□□ For whom?

- Entitled to the **mother of the child** employed under a contract of employment.

□ Duration of leave:

- 20 weeks** – when giving birth to one child,
- 31-37 weeks** – in the case of multiple births (e.g., 31 weeks for twins, 33 weeks for triplets, etc.).

□ Mandatory leave:

- At least **14 weeks** must be taken by the mother,
- The remaining 6 weeks can be transferred to the father (if conditions are met).

□ Required documents:

- Shortened **excerpt of the child's birth certificate**,
- Application for the use of part of the leave by the father (if applicable).

□ 2Paternity Leave

□ For whom?

- Entitled to the **father of the child** – regardless of the mother's employment situation.

□ Duration:

- **14 calendar days** (not working days),
- Can be taken once or in two parts of 7 days each.

□ Deadline:

- Up to **12 months** from the child's birth (or from adoption),
- After this time, **the right to leave expires**.

□ Required documents:

- Application submitted **7 days before the planned leave**,
- Shortened excerpt of the child's birth certificate.

□ Paternity leave does not reduce the pool of parental or maternity leave.

□ 3Parental Leave

□ For whom?

- For **both parents** – they can take it alternately or simultaneously,
- After the mother has taken the full maternity leave.

□ Duration:

- **41 weeks** – in the case of giving birth to one child,
- **43 weeks** – in the case of multiple births,
- Including **9 weeks exclusively for each parent** (unused time is forfeited).

□ When can it be used?

- Immediately after maternity leave or in parts – **until the child turns 6 years old.**

□ Benefit:

- 100% for the first 6 weeks, then 60%, or
- 81.5% if an application for the entire leave is submitted in advance.

□ Required documents:

- Application for parental leave – **at least 21 days in advance**,
- Excerpt of the child's birth certificate,
- Declaration of the other parent regarding not taking their leave (if applicable).

□ 4. Common rules - protection, prohibition of termination

- During maternity, parental, and paternity leaves, there is a **prohibition of termination and cancellation of the employment contract by the employer** (Article 177 of the Labor Code),
- The employee **has the right to return to the same or equivalent position**,
- The time of leave counts towards **work experience and retirement rights**.

□ 5. Note - amendments from 2023.

Changes resulting from the implementation of the EU work-life balance directive:

- **Extended parental leave**,
- Introduction of **9 weeks of "non-transferable" leave for each parent**,
- Greater flexibility in taking leaves (e.g., part-time work + part of the leave).

□ Legal basis:

- **Labor Code:** Articles 180-189¹
- **Act of March 9, 2023** amending the Labor Code (Journal of Laws 2023, item 641)
- **Benefit Act** – maternity and parental benefits