**Parenthood-related leaves**

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The rules for granting parenthood-related leaves are governed by the Labour Code, Section Eight, Article 1751-1891 and the Regulation of the Minister of Family, Labour and Social Policy of 8 December 2015.

Following the amendment of the regulations, starting from 2 January 2016, the length of paid parental leave may be:

* in the case of birth of 1 child - up to 52 weeks,
* in the case of birth of more children - from 65 to 71 weeks.

Maternity leave, child care leave and paternity leave are granted in full weeks. A week of leave corresponds to 7 calendar days.

A part of maternity leave can also be taken by the father if the child's mother resigns decides not to take it after taking no less than 14 weeks.

Parental leave and child care leave are granted to both parents, and the child's parents may take these leaves at the same time without exceeding their leave entitlement. The child’s father is also entitled to paternity leave.

**Maternity leave**

The duration of maternity leave is:

* 20 weeks where one child is born at one birth,
* 31 weeks where two children are born at one birth,
* 33 weeks where three children are born at one birth,
* 35 weeks where four children are born at one birth,
* 37 weeks where five or more children are born at one birth.

Before the expected date of childbirth, a female employee may take up to 6 weeks of parental leave. After the childbirth, she shall use the remaining part of her leave entitlement. If the employee does not take maternity leave before the expected date of childbirth, the first day of leave is the date of birth. The first 14 weeks of maternity leave (from the date of childbirth) are granted exclusively to the mother. Once this part of the leave has been taken, the mother has the right not to take the remaining part of the leave. In this case, the remaining part of the maternity leave shall be granted to the employee-father raising the child at the written request of the employee-father made 14 days before the start of the maternity leave. The female employee shall submit a written request to the employer not to take the remaining part of her maternity leave at the latest 7 days prior to commencing work. The request must be accompanied by a copy of the employee-father's request to be granted the remaining part of the maternity leave, falling immediately after the date on which the female employee decided not to take a part of her maternity leave.

Information on the maternity allowance can be found further in this document

**Model requests:**

* [request for maternity leave before childbirth](https://phavi.umcs.pl/at/attachments/2016/0303/144910-wniosek-o-udzielenie-urlopu-macierzynskiego-przed-porodem.doc)
* [request for full-time parental leave /submitted by the 21st day after childbirth - paid 80%/](https://phavi.umcs.pl/at/attachments/2016/0303/144912-wniosek-o-udzielenie-urlopu-rodzicielskiego-w-pelnym-wymiarze-skladany-do-21-dni-po-porodzie-80-.doc)
* [request to resign from a part of maternity leave](https://phavi.umcs.pl/at/attachments/2016/0303/144917-wniosek-w-sprawie-rezygnacji-z-czesci-urlopu-macierzynskiego.doc)
* [employee-father's request for maternity leave](https://phavi.umcs.pl/at/attachments/2016/0303/144913-wniosek-pracownika-ojca-o-udzielenie-urlopu-macierzynskiego.doc)

**Parental leave**

The length of parental leave is:

* 32 weeks where one child is born at one birth,
* 34 weeks where two or more children are born at one birth.

Immediately after maternity leave has been taken in full, the employee is entitled to parental leave. Parental leave shall be granted in a single period or in no more than four parts falling immediately one after the other in multiples of one week, none of which shall be shorter than 8 weeks. An exception is the **first part** of parental leave for the birth of **one child** at one birth, which **may not be less than 6 weeks**.

Both parents of a child may take parental leave at the same time. In this case, the total leave may not exceed 32 or 34 weeks.

Parental leave shall be granted at the employee’s written request, in no more than four parts, submitted not less than 21 days before the start of the leave. The Employer shall recognise the employee’s request. The number of parts of the leave is determined on the basis of the number of requests submitted.

The request for child-care leave shall specify the date on which the maternity leave is due to end, the period for which the leave is due to be granted and, where the request relates to a subsequent part of parental leave, the date on which the previous part of that leave ends, the number of parts taken and the period of leave taken so far.

The employee submitting the request shall attach to the request a written statement of either no intention to take parental leave for the period indicated in the request by the other parent of the child or the period during which the other parent of the child intends to take parental leave during the period covered by the request.

Parental leave of up to 16 weeks may be granted after a break in the use of that leave until the end of the calendar year in which the child reaches the age of 6 at the latest. The number of weeks of parental leave taken after a break shall reduce the number of weeks of child care leave available.

An employee may combine parental leave with work of up to half-time. In that case, the length of parental leave shall be extended in proportion to the amount of time the employee works during parental leave. For this period, the employee is entitled to maternity benefit in an amount reduced in proportion to the working hours.

**Model requests:**

* [request for full parental leave /submitted 21 days before the planned date of commencement of the leave - paid 60%/](https://phavi.umcs.pl/at/attachments/2016/0303/144913-wniosek-o-udzielenie-urlopu-rodzicielskiego-w-pelnym-wymiarze-skladany-na-21-dni-przed-urlopem-60-.doc)
* [request for child care leave](https://phavi.umcs.pl/at/attachments/2016/0303/144911-wniosek-o-udzielenie-urlopu-rodzicielskiedo-w-czesci.doc)
* [request not to take all or part of parental leave](https://phavi.umcs.pl/at/attachments/2016/0303/144915-wniosek-w-sprawie-rezygnacji-z-calosci-lub-czesci-urlopu-rodzicielskiego.doc)
* [request for parental leave after a break](https://phavi.umcs.pl/at/attachments/2016/0303/144912-wniosek-o-udzielenie-urlopu-rodzicielskiego-po-przerwie.doc)
* [request of an employee-father for parental leave](https://phavi.umcs.pl/at/attachments/2016/0303/144914-wniosek-pracownika-ojca-o-udzielenie-urlopu-rodzicielskiego.doc)
* [request for reduction of working time during parental leave.](https://phavi.umcs.pl/at/attachments/2016/0303/144909-wniosek-o-obnizenie-wymiaru-czasu-pracy-w-trakcie-urlopu-rodzicielskiego.doc)

**Manner of taking maternity and parental leave**

An employee may take her parenthood-related leave in **two ways**:

1. she may request **maternity** leave and, **no later than 21 days after the childbirth**, she may submit a written request for one-off **full-time** parental leave (32 weeks) immediately after her maternity leave. The Employer shall recognise the employee’s request. In this case, the employee shall receive an allowance of 80% of the allowance assessment base for the entire period during which these leaves are taken. If the request is submitted more than 21 days after the childbirth, this provision cannot be applied.
2. may apply for a maternity leave and then, at the latest 21 days before the start of her parental leave, apply for all or the first part of this leave. The employer shall recognise this request. In this situation, the employee shall receive an allowance of 100% of the maternity leave assessment basis and for 6 weeks of parental leave (in the case of the birth of one child), and an allowance of 60% of the remuneration for the remaining period of parental leave.

While the leave is being taken, the employee may decide not to take parental leave in whole or in part and return to work. To this end, she shall submit a written request to the employer not to take parental leave in whole or in part, **no less than 7 days** before returning to work. The Employer shall recognise the employee’s request.

In such a situation, the employee-father raising a child may submit a written request for parental leave, immediately after the child's mother has decided not to take parental leave, in whole or in part, not less than 21 days prior to the commencement of parental leave or part of such leave. The Employee is obliged to accept the request of the employee-father raising a child.

If the situation of the child's parents changes in such a way that the father decides not to take parental leave and the child's mother takes another part of such leave, the remaining part of parental leave may be taken by the employee by submitting a written request for the remaining part of the leave in whole or in part not less than 21 days before the start of such leave. The employer shall recognise this request. The employee-father shall then submit a written request to the employer not to take the leave in whole or in part not less than 7 days prior to the commencement of the leave. The Employer shall recognise the employee’s request.

Where the employee and the employee-father raising a child share parental leave, granted either at one time or in no more than four parts, none shall be shorter than 8 weeks, falling immediately after the other. If the leave is longer than 8 weeks, it shall be granted in multiples of one week. Parental leave of **more than 16 weeks** may be granted after a break in the use of that leave until the end of the calendar year in which the child reaches the age of 6 at the latest. The number of weeks of parental leave taken after a break shall reduce the number of weeks of child care leave available.

**Paternity leave**

An employee-father raising a child is entitled to paternity leave of 2 weeks, but no longer than until the child is 24 months old. Paternity leave may be taken either at one time or in no more than 2 parts, each part of which shall last one week. Paternity leave shall be granted upon the written request of the employee-father raising a child, submitted not less than 7 days prior to the commencement of the leave. The Employer shall recognise the employee’s request.

**Model request:**

* [request for paternity leave](https://phavi.umcs.pl/at/attachments/2016/0303/144911-wniosek-o-udzielenie-urlopu-ojcowskiego.docx)

**Child care leave**

An employee who has been employed for at least 6 months shall be entitled to child care leave to take personal care of their child, but no longer than until the end of the calendar year in which the child reaches the age of 6. The previous periods of employment are included in the six-month period of employment. The length of parental leave is 36 months.

If, due to a medical condition confirmed by a disability certificate or a disability degree, a child requires the personal care of an employee, an employee employed for the aforementioned period, regardless of whether he or she has taken the child care leave provided for in the aforementioned provision, may take additional child care leave of 36 months, but no longer than until the child reaches the age of 18.

Each parent or guardian of the child is entitled to an exclusive right to one month of child care leave out of the total leave of 36 months and out of the additional 36 months (in the event of the child's disability). This right cannot be transferred to the other parent or guardian of the child. Thus, one parent (guardian) can take a maximum of 35 months of leave and the other parent (guardian) – 1 month.

A parent is only entitled to up to 36 months of parental leave if:

1) the other parent of the child is dead,

2) the other parent of the child does not have parental authority,

3) the other parent of the child has been deprived of his or her parental authority or such authority has been limited or suspended.

Parents or guardians of a child who fulfil the conditions for taking child care leave may take such leave at the same time. In such a case, the total length of child care leave may not exceed that described above.

Child care leave shall be granted at the employee’s request. Child care leave may be taken in a maximum of 5 parts. The number of parts of the leave is determined on the basis of the number of requests submitted.

During child care leave, the employee has the right to take up gainful employment with his or her former or another employer or any other activity, as well as study or training, if this does not exclude the possibility of taking personal care of the child.

Where it is established that the employee has permanently ceased to provide personal care for the child, the employer shall summon the employee to report for work on the date specified by the employer, but no later than within 30 days from the date on which such knowledge is acquired and no earlier than 3 days from the date of the summons.

An employee may decide not to take parental leave:

1) at any time - with the consent of the employer,

2) after prior notification to the employer - at least 30 days before the date of intended work.

The employer shall allow the employee, after the end of the child care leave, to work in his or her current position, and if this is not possible, in a position equivalent to the one occupied before the beginning of the leave or in another position corresponding to his or her professional qualifications, for a remuneration not lower than the remuneration for work to which the employee was entitled on the day he or she started working in the position occupied before the leave.

The period of child care leave, at the date of its termination, shall be included in the period of employment on which the employee's entitlements depend.

An employee entitled to child care leave may submit a written request to the employer to reduce his or her working hours to no less than half of his or her full working hours during the period in which the employee could take such leave. The Employer shall recognise the employee’s request. The request shall be submitted 21 days prior to the commencement of the reduced working hours. If the request is submitted without keeping the deadline, the employer shall reduce the working hours no later than after two weeks from the date of the request.

The use of child care leave does not reduce the employee's holiday entitlement if the employee takes parental leave in a given calendar year and then ends it in the same year.

In addition, the statute of limitations on the holiday entitlement does not run (or is suspended) for the duration of child care leave.

**Model requests:**

* [request for parental leave](https://phavi.umcs.pl/at/attachments/2016/0829/081607-wniosek-o-udzielenie-urlopu-wychowawczego.doc)
* [request for reduction of working hours during parental leave](https://phavi.umcs.pl/at/attachments/2016/0303/144910-wniosek-o-obnizenie-wymiaru-czasu-pracy-w-trakcie-urlopu-wychowawczego.doc)

**Amount of the maternity allowance**

The maternity allowance is payable for the period of maternity leave, paternity leave and parental leave.

The amount of the maternity allowance depends on the date of the employee's request:

1. 80% of the allowance assessment base, in the case of a request for maternity and parental leave in full, not later than 21 days after the childbirth.
2. 100% of the allowance assessment base for the entire period of maternity leave and 6 weeks of parental leave, and 60% of the allowance assessment base for the remaining period of parental leave in the event that the employee fails to keep the aforementioned deadline.

The above-described leaves and the manner of requesting them are the ones most commonly used by employees. The provisions of the Labour Code in Section Eight, Article 1751-1891 also apply to other special situations such as, for example, the mother's stay in hospital, the child's stay in hospital, the child's adoption and other. In such exceptional circumstances, information is provided by the Human Resources and Payroll Office staff after careful consideration of the individual situation of the employee and his/her family.

**Detailed rules for granting maternity, parental and child-care leaves are set out in:**

Labour Code Act - Section VIII, Articles 1751-1891,

Act of 24 July 2015 Amending the Labour Code,

Regulation of the Minister of Family, Labour and Social Policy of 8 December 2015 on requests concerning employees' rights related to parenthood and documents attached to such requests,

**The rules for calculating the maternity allowance are set out in:**

Act of 25 June 1999 on Monetary Benefits from Social Insurance in Case of Sickness and Maternity.