

Brussels, 29 October 2009

## European Commission takes legal action against Hungary on parental leave

*The Commission has today sent a reasoned opinion to Hungary for incorrectly implementing the Parental Leave Directive (96/34/EC). The Directive aims to improve work-life balance and gave legal effect to the first ever agreement negotiated between trade unions and employers at EU level. It provides for the individual right of workers, men and women, to parental leave on the grounds of the birth or adoption of a child for at least three months.*

Vladimír Špidla, EU Commissioner for Equal Opportunities, said: "Parental leave is a fundamental tool for Europeans to better balance their work and family lives. The Commission takes its task of monitoring the implementation and application of EU legislation by Member States very seriously. As we all know, EU directives cannot reach their full potential if they are not fully and correctly transposed into national laws."

Today, **Hungary** has received a reasoned opinion for incorrect transposition of Directive 96/34/EC.

According to the Commission, Hungarian national law is not in line with the Directive on three points:

- in the armed forces, the unpaid parental leave is available only after the end of the maternity leave;
- national law does not protect workers against dismissal on the grounds of an application for parental leave;
- national law does not provide for the right to return to the same job or equivalent job after taking parental leave.

### Background

Directive 96/34/EC of 3 June 1996 – which gives legal effect to the first social partners' agreement at European level dating from 1995 – provides for the individual right of workers, men and women, to parental leave on the grounds of the birth or adoption of a child for at least three months. This right should, in principle, be granted on a non-transferable basis, although many Member States have allowed for parental leave entitlements to be transferred from one parent to the other, which in practice led to mothers taking longer parental leave than fathers.

The Directive also ensures the protection of workers taking parental leave against dismissal, the right to return to the same or an equivalent job and the maintenance of employment rights during parental leave. It lays down the conditions for access and modalities of application of parental leave that can be determined by Member States and/or social partners at national level.

Finally the Directive provides for the right of workers to time off from work on grounds of *force majeure* for urgent family reasons in cases of sickness or accident making the immediate presence of the worker indispensable. A limit of a certain amount of time per year and/or per case may be specified at national level.

Following the review by European social partners of their agreement from 1995, the Commission presented a proposal for a new Parental Leave Directive, which is currently being discussed in the Council of the EU.

**Further information:**

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