

PARENTAL LEAVE POISED FOR A SIGNIFICANT EXPANSION IN DENMARK

Insights
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Denmark's parliament recently received an agreement between the Danish Trade Union Confederation and the Confederation of Danish Employers on proposing an expansion of paternity and maternity leave. This September 13, 2021 proposal follows the European Union's 2019 Leave Directive which requires all member states to provide a minimum of nine weeks of earmarked parental leave to each parent by August 1, 2022. Article 17 of the Treaty on the European Union requires all member states to incorporate EU directives into their national legislation by a fixed date. However, the member states are afforded broad discretion on the actual implementation of a directive's minimum requirements.

Summary of Proposal

Notably, the current proposal goes beyond the minimums imposed by the Directive. It would greatly expand Denmark's current policy of 32 total weeks of paid leave to be shared between the two parents. Specifically, the proposal provides the following:

- 4 weeks of pregnancy leave for the mother before the birth of the child;
- 2 weeks of earmarked maternity and paternity leave for each parent;
- 8 weeks of transferable maternity and paternity leave for each parent which must be used by the partner before the child's first birthday;
- 9 weeks of earmarked parental leave for each parent; and

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- 5 weeks of transferable parental leave to be taken before the child's ninth birthday.

This breakdown amounts to 24 weeks of leave per parent, 13 of which are transferable, for a total of 48 weeks of leave combined.

The proposed model is intended to promote work-life balance for parents and close the gender gap resulting from maternity leave. It is hoped that female employees will be on a more level playing field as male employees if they both are able to take the same amount of leave. A majority of the parties on each side of the aisle support the proposal and it is expected to be passed into law in 2022.

What Should Employers Do?

As member states across the EU are taking steps to comply with the 2019 Leave Directive, employers with operations and/or employees throughout the EU should be cognizant of changes at the EU and at the member state level to ensure compliance with all applicable requirements. Though the changes adopted by each member state may not be as expansive as the proposal currently under review in Denmark, each member state could adopt or enact particular policies that do not exist elsewhere. You can prepare for upcoming changes by proactively reviewing your current policies and identifying areas that will require updates.

We will monitor these developments and provide updates as warranted, so make sure that you are subscribed to [Fisher Phillips' Insights](#) to get the most up-to-date information direct to your inbox. If your organization does business or employs any individuals in Denmark, or anywhere else in the EU, please contact your Fisher Phillips attorney, the author of this Insight, or any attorney in our [International Practice Group](#) to learn more about the implications of this proposal and to assess what changes, if any, will be needed to bring the organization into compliance if and when this proposal is enacted.

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