1. Current leave and other employment-related policies to support parents

Note: Leave entitlements in Brazil are primarily governed by the Labour Law (Consolidação das Leis do Trabalho - CLT), which applies to the whole country but applies only to employees with regular work contracts or those that contribute to the Social Security Institute (INSS). Only half of the Brazilian labour force works in formal jobs and are thus entitled to such benefits. The conventions and collective agreements negotiated by trade unions may eventually extend such rights.

a. Maternity leave (Licença Maternidade) (responsibility of the National Institute for Social Security/INSS, Ministry of Social Security)

Length of leave (before and after birth)

- One hundred and twenty calendar days in the private sector, which can be extended to 6 months if the employer voluntarily adheres to the Company-Citizen Programme (Programa Empresa Cidadã). It may be taken from the 8th month of pregnancy.
- Six months in the federal public sector. At state and municipal levels, entitlement depends on the approval of the authorities; most state authorities approve this extended leave, but only a minority of municipalities.

Payment and funding

- One hundred per cent of earnings, with no ceiling. In the case of a variable salary (i.e. because of commission, gratuity, overtime, bonus pay), the payment is equivalent to the average of the last six months of work.
- If leave in the private sector is extended to six months, benefit is paid by the employer with the costs covered by fiscal rebates.
- In case of miscarriage or legal abortion (on the grounds of rape or risk to the mother’s life), the maternity benefit payment is paid for two weeks.
- Funded from contributions into a social security fund paid by employers and employees or by the individual if he/she is a self-employed worker or business owner.
**Flexibility in use**

- Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so.

**Eligibility (e.g. related to employment or family circumstances)**

- Maternity leave is the right of all women who work and contribute to Social Security, whether this be through employment with a signed work card, as a temporary employee or self-employed.
- Housewives or students who do not earn a salary, but who pay monthly optional Social Security contributions to retain coverage, can enjoy the same benefit after contributing for at least 10 months. In this case, the amount of the maternity benefit is that of the reference salary contribution (e.g. if she contributes on the basis of one minimum salary, she receives a minimum salary per month while on leave).

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother*

- The mother has the right to another 15 days in some specific situations, such as when her or the baby's life is at risk.

**b. Paternity leave (Licença Paternidade)**

**Length of leave (before and after birth)**

- Five consecutive days in the private sector for birth or adoption of a child; 10 days in the public sector.

**Payment and funding**

- Full earnings are paid by the employer under the provisions of labour legislation.

**c. Parental leave**

No statutory entitlement.

**d. Childcare leave or career breaks**

No statutory entitlement.

**e. Other employment-related measures**

**Adoption leave and pay**

- In case of adoption of a child of up to 1-year-old, Maternity leave is 120 days. For adoption in the age range 1 to 4 years, the leave is 60 days. From 4 to 8 years, the period is 30 days. There is Paternity leave of five days after adoption, but paid by the employer.
Time off for the care of dependants

- Paid leave up to two consecutive days is granted in the case of the death of a spouse, ascendant, descendant, sibling or a person declared in his/her work card and for the purposes of Social Security as financially dependent.
- In the public sector, leave is granted to care for a sick spouse or companion, parent, child, stepfather/stepmother, stepchild or dependent, subject to approval by an official medical board. Leave may be granted for up to 30 days, extendable for a further 30 days, depending on the opinion of the medical board. Beyond these periods, up to 90 days, there is no remuneration. For the private sector, leave to care for a sick dependant can be part of a collective agreement, but not a labour law or regulation.

Flexible working

- The Labour Law provides for two 30-minute breaks for breast-feeding during the working day, until a child reaches 6 months.

2. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Brazil is 6 months, paid at full earnings replacement. There is no entitlement to ECEC. However, Labour Law (CLT) states that every company with a workplace employing at least 30 women aged over 16 must maintain a suitable place, in which, up to the 6th month of the breastfeeding phase, female employees can leave their babies under supervision and with adequate care. As a substitute for this requirement, the company can adopt the system of crèche assistance, an amount the company passes on directly to female employees so as not to be obliged to maintain a crèche. In this case, the benefits must be granted to every employee with a young child, regardless of the number of female employees in the establishment, and they must be the object of collective negotiation.

There is no entitlement to ECEC and no comparative information is available on levels of attendance at formal ECEC services.

3. Recent changes in policy (including proposals currently under discussion)

In 2006, Law No. 11.324/06 extended job security to pregnant domestic workers up to 5 months after birth. In 2008, Law 11.770/08 extended the duration of Maternity leave, and the corresponding period of maternity benefit, from 4 months to 6 under the terms of the Employer-Citizen programme. Maternity leave was also extended from 120 to 180 days in the public sector.

Proposals under discussion in Congress, though none are from the government, include:

- Extension of Paternity leave from 5 to 15-30 days.
- Paternity leave giving an employee the right to the whole period of Maternity leave, or for the rest of the period due to the mother, in the case of the mother’s death, serious illness, abandonment of the child or exclusive care of the child by the father.
- Extension of Paternity leave from 5 to 30 days for the father when the mother does not get the extension of Maternity leave provided by the Employer-Citizen Programme.
• Job security for the father, from the confirmation of the pregnancy up to 4 months after the birth, when he is the sole source of family income. Another proposal also seeks to give job security, but without specifying the father as the only provider.
• Maternity benefit for the unemployed, to be covered by Social Security.
• Remunerated absence from work for a father or mother to accompany a physically handicapped child to therapy and/or medical treatment
• Remunerated absence from work to care for a sick child.
• Reduction of the working day for a parent or legal guardian of a child with a severe physical or mental handicap.

4. Take-up of leave

a. Maternity leave

No information, but 100 per cent take-up is likely as leave is a legal entitlement and payment is made from the social security fund and not by the employer.

b. Paternity leave

No information. But we can suppose there is 100 per cent take-up

c. Parental leave and Parental benefit

No statutory leave entitlement.

5. Recent research and publications on leave and other employment-related policies

a. General overview

There is little research in this area because the issue of reconciling work and family has not been properly recognized as a social problem. The support provided by members of extended families (notably grandmothers), by networks of solidarity and by a large contingent of domestic workers (18 per cent of the female labour force) shape the social understanding that the reconciliation of work and family responsibilities is a private issue. However, some recent changes in the labour market (e.g. a significant increase in labour force participation by mothers with dependent children) and family structure (e.g. an increase in female lone-parent families) indicate that this question should gain importance as a social policy in the coming years.

b. Selected recent publications

The paper shows that the policies for crèches and pre-schools adopted by governments have supported the partial privatisation of this service, through the provision of subsidies to non-government organisations. The result has been that the crèches and the pre-schools reproduce rather than reverse the situation of deprivation in which children live.

The aim of this paper is to discuss the problems related to the reconciliation of work and family responsibilities arising from the recent transformation of family structure and the labour market in Brazil. Based on data from the National Sample Household Survey of the
Brazilian Institute of Geography and Statistics, it outlines the changes in Brazilian families and participation of women in the labour market according to family composition. It shows the poor development of public services, which would allow the socialization of family care costs and which is harmful to female participation in the labour market, on a qualitative and quantitative basis.

Araújo C. and Scalon C. (2005) ‘Percepções e atitudes de mulheres e homens sobre a conciliação entre família e trabalho pago no Brasil’, in: C. Araújo and C. Scalon (eds.) Gênero, família e trabalho no Brasil. Rio de Janeiro: Editora FGV. This chapter analyses the perceptions of men and women on the compatibility between paid jobs and family, from the standpoint of gender relations. Based upon the results of a survey carried out in Brazil in 2004, it examines whether there is a relationship between more egalitarian perceptions about gender and more egalitarian attitudes to household work. There is also an attempt to identify the significance of various factors (e.g. cultural, socioeconomic, and demographic) for the existence of values and routine practices that support more balanced and symmetrical marital relations.

OIT (ILO) (2009) Trabalho e família: rumo a novas formas de conciliação com co-responsabilidade social. Brasília: Secretaria Especial de Políticas para as Mulheres: PNUD. Available at: http://www.pnud.cl/areas/GobernabilidadDemocratica/2010/Informe%20trabajo%20y%20familia/informe completo_portugues.pdf With this report, the ILO and UNDP seek to address the issue of the reconciliation of family, personal and work life. With its focus on Latin America and the Caribbean, the most unequal region of the planet, the report argues that it is necessary to move towards the reconciliation of these spheres via co-responsibility, i.e. between men and women but also between families, states, markets and society in general.

c. Ongoing research

None reported.