

## Statutory Paternity Leave: April 2015

Just as 'Maternity leave' is gender-specific, so too is the usual definition of Paternity leave, being an entitlement for fathers only that enables them to take a short period of leave immediately following the birth of a child, often associated with providing help and support to the mother.

However, as Parental leave in a number of countries includes a period of time that only fathers can take (sometimes referred to as a 'father's quota'), ***the distinction between Paternity leave and father-only Parental leave can be unclear and confusing***. A comparison of Iceland, Norway and Sweden provides an example of this complexity. Iceland offers nine months leave after birth, three months for mothers, three months for fathers and three months as a family entitlement to be divided between parents as they choose; there is, therefore, no Paternity leave *per se*, but three months of leave are available for the use of fathers only, to take as and when they choose (to add to the confusion, although the law covers all nine months with the same name – 'birth leave' – the three months for fathers is commonly referred to as 'Paternity leave'). Norway, by contrast, has two weeks Paternity leave (i.e. to be used at the time of birth) plus a further ten weeks father's quota, a part of the Parental leave that only the father can use; most of the Parental leave is a family entitlement. Sweden also has Paternity leave (ten days) and a fathers' quota (60 days) as part of Parental leave.

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers and is in addition to Parental leave, e.g. it is the ten days leave for men in Sweden, not the 60 days 'fathers' quota'. On this basis, ***21 countries have a statutory and designated Paternity leave***, plus the province of Québec in Canada; in two other countries, Luxembourg and South Africa, fathers can use another type of leave ('leave due to extraordinary circumstances' or 'family responsibility' leave) at the time of the birth of a child, but a separate Paternity leave does not exist. In two countries (Belgium and Italy), it is obligatory to take a (very) short period of Paternity leave. Paternity leave is generally paid, with the exception of New Zealand and Norway, and mostly at a high earnings-related level (see 'Key' below for definition) for the duration of leave – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings. However, most of the 13 weeks of leave in Slovenia is unpaid, while leave in the UK, like most of Maternity leave, is paid at a low flat rate.

The most common ***period of leave*** is two weeks, in 11 countries including the public sector in Brazil. In four countries it is just one or two days. Four cases, however, have longer periods: Québec (but not the rest of Canada), which offers three to five weeks of leave, depending on the level of benefit taken; Finland, nine weeks; Lithuania, four weeks; and Slovenia, 90 days. Slovenia has, however, decided to replace the current 90 days of Paternity leave, 75 days of which is unpaid, with 30 days paid at a high earnings-related level, though delaying implementation until the economy improves.

Twelve countries plus Québec offer some form of ***flexibility*** in the taking of leave, usually allowing the leave to be taken at any time during a defined period of time after childbirth.

Italy allows fathers 12 weeks post-natal 'optional leave', mainly in circumstances where the father is the sole or main carer (e.g. if the mother is dead or severely incapacitated). It is unclear whether this should be considered Paternity leave or a variant of schemes where Maternity leave can be transferred to fathers in certain conditions.

Country	Summary of leave	Length of post-natal leave (weeks)			Flexibility
		Total	Paid	Well paid	
Austria	×				
Australia <sup>1</sup>	×				
Belgium	●●● OB	2	2	2*	3
Brazil <sup>2</sup>	●●●	1 or 2	1 or 2	1 or 2	None
Canada Québec	×				
	●●●	5	5	5*	1
Croatia	×				
Czech Rep	×				
Denmark	●●●	2	2	2*	3
Estonia	●●●	2	2	2*	2; 3
Finland	●●●	9	9	9 <sup>3</sup>	2; 3
France	●●●	2	2	2*	3
Germany	×				
Greece					
Private sec	●●●	2 days	2 days	2 days	None
Public sec	●●●	2 days	2 days	2 days	None
Hungary	●●●	1	1	1	3, 4
Iceland	×				
Ireland	×				
Israel	×				
Italy	●●● OB	1 day <sup>5</sup>	1 day	1 day	3

<sup>1</sup> Australia: 2 week payment for fathers taking Parental leave ('Dad and Partner Pay'); included under Parental leave

<sup>2</sup> Brazil: longer in public sector; less in private sector.

<sup>3</sup> Finland: paid at 70 per cent of earnings, but proportion is reduced beyond a specified level

<sup>4</sup> Iceland: The law does not distinguish separate Maternity, Paternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose.

<sup>5</sup> Italy: a further 2 days Paternity leave can be taken if the mother agrees to transfer these days from her Maternity leave. In addition fathers may take 3 months paid leave in exceptional circumstances, e.g. the death or severe illness of the mother

Japan	×				
Lithuania	●●●	4	4	4*	None
Luxembourg	[●●●●]	[2 days]	[2 days]	[2 days]	None
Malta					
Private sec	●●●	1 day	1 day	1 day	4
Public sec	●●●	2 days	2 days	2 days	3
Mexico	●●●	1	1	1	None
Netherlands (2014)	●●●	2 days	2 days	2 days	3
New Zealand	● <sup>6</sup>	2	×	×	3
Norway	●	2	×	×	None
Poland	●●●	2	2	2	3
Portugal <sup>7</sup>	×				
Slovakia (2014)	×				
Russian Fed	×				
Slovenia	●●	13	13 <sup>8</sup>	2.0*	2; 3
South Africa	[●●●●]	[0.7]	[0.7]	[0.7]	None
Spain	●●●	2.1	2.1	2.1*	3; 4
Sweden	●●●	2	2	2*	3; 4
Switzerland✓	×				
U.Kingdom	●●	2	2	×	3
USA	×				
Uruguay	●●●	1	1	1	None

**Key:**

**Well paid:** payment at 66 per cent of earnings or above.

**OB:** part or all of the Paternity leave period is obligatory.

<sup>6</sup> New Zealand: the mother may transfer part of her leave payment to her partner on Paternity leave.

<sup>7</sup> Portugal: The law does not refer to Paternity leave, referring only 'Father's-only Parental leave'. This leave is included under Parental leave.

<sup>8</sup> Slovenia: 2 weeks paid at 100 per cent of earnings; for the remaining period, social security contributions based on the minimum wage are paid for the hours not worked

✘: no statutory entitlement; ●: statutory entitlement but unpaid; ●●: statutory entitlement, paid but *either* at low flat-rate (less than €1,000/month) *or* earnings-related at less than 66 per cent of earnings *or* at more than 66 per cent of earnings but not universally or for less than half the leave period; ●●●: statutory entitlement, paid for all or most of duration to all parents at high flat rate (€1,000/month or more) or 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>

\*: ceiling on earnings-related payment.

Square brackets [ ] - fathers may use another type of leave at the time of the birth of a child, but that a separate Paternity leave does not exist.

**Flexibility:** 1 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 2 – leave can be taken in one block of time or several blocks; 3 – can be taken at any time during a defined period after birth; 4 – additional time for multiple births and large families.