

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

International Review of Leave Policies and Related Research 2013

EDITED BY PETER MOSS, INSTITUTE OF EDUCATION UNIVERSITY
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1. Introduction

The international network on leave policies and research has been producing an annual review of leave policies and related research since 2004 (for earlier reviews, go to the network's website: http://www.leavenetwork.org/archive_2005_2009/annual_reviews/). The review covers Maternity, Paternity and Parental leaves; leave to care for sick children and other employment-related measures to support working parents; and early childhood education and care policy. As well as policies, it provides information on publications and research.

The review is based on **country notes from each participating country**, prepared by members of the network and edited by one of the network's coordinators. Each country note follows a standard format: details of different types of leave; the relationship between leave policy and early childhood education and care policy; recent policy developments; information on take-up of leave; recent publications and current research projects.

The review also includes **definitions of the main types of leave policies**; and **cross-country comparisons**. These comparative overviews cover: each main type of leave; total leave available; the relationship between leave and ECEC entitlements; policy changes and developments since the previous review; publications since the previous review; and ongoing research in participating countries

The 2013 review includes one new country: the Slovak Republic. Altogether, it covers 34 countries. In addition to the new country, these are: Austria, Brazil, Australia, Belgium, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

The review is available online either as one complete document; or, for ease of downloading, divided into its constituent parts.

If citing the complete review, please do so as:

Moss, P. (2013) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

If citing an individual country note, please use the citation given as a footnote on the first page of that country note.

2. Defining leave policies

This report is about leave entitlements, mainly for workers with dependent children. As the review shows, working parents today in more affluent countries are often entitled to a range of different types of leave, the most common being:

a. Maternity leave

Leave generally available to mothers only (except in a few cases where part of the leave can be transferred to other carers under certain circumstances). It is usually understood to be a health and welfare measure, intended to protect the health of the mother and newborn child, to be taken just before, during and immediately after childbirth.

b. Paternity leave

Leave generally available to fathers only, usually to be taken soon after the birth of a child, and intended to enable the father to spend time with his partner, new child and older children.

c. Parental leave

Leave available *equally* to mothers and fathers, either as: (i) a non-transferable individual right (i.e. both parents have an entitlement to an equal amount of leave); or (ii) an individual right that can be transferred to the other parent; or (iii) a family right that parents can divide between themselves as they choose. In some countries, Parental leave consists only of non-transferable individual entitlements; in other countries, it is an entirely family right; while in other countries, part of Parental leave is an individual right, the remainder a family right. It is generally understood to be a care measure, intended to give parents the opportunity to spend time caring for a young child; it usually can only be taken after the end of Maternity leave. In some cases, parents can choose to take all or part of their Parental leave on a part-time basis.

In some countries, Parental leave is supplemented by a further period of leave intended also as a care measure, and given various names, such as 'childcare leave' or 'home care leave'. This leave is for parents following the end of Parental leave, and may not in practice be very different to Parental leave (although the conditions attached to the two types of leave may vary, see for example Finland or Norway).

d. Leave to care for children who are ill

This entitlement varies considerably between countries in terms of length, age of children included and payment. In some cases it may be extended to include certain adult relatives.

Although the rest of this introduction and the individual country notes differentiate between Maternity, Paternity and Parental leave, the distinction between these types of leave is beginning to blur in some countries, leading to the emergence of a single, generic Parental leave entitlement. For example, Iceland, Norway and Sweden already have a single period of post-natal leave that does not distinguish between the three different kinds of leave; however, one part of this generic post-natal leave can only be taken by mothers and another part only by fathers.

In other countries (e.g. New Zealand, Portugal), although different types of leave with distinct conditions are discernable, all leave comes under a common umbrella term of 'Parental leave'. A further variant that is blurring distinctions is the possibility that part of Maternity leave can be transferred to the father, making it, in effect, a variant of Parental leave (for example, currently in Croatia, Czech Republic, Poland, Portugal Spain, and the UK).

3. Cross-country comparisons

Sources used

The main sources used in this review of leave policies and research are country notes prepared by members of the international network on leave policies and research, following a common format; the author or authors of each country note are given at the start of the note. A country that has not been included in previous reviews – Slovakia for 2013 – has a new country note prepared. For countries that have appeared in previous reviews, country notes are reviewed and revised each year by authors. All country notes are edited by one of the network's coordinators, Peter Moss.

The expertise and work of the authors is gratefully acknowledged.

In addition, the 'background data on countries' page and the 'relationship between leave and ECEC entitlements' page draw on two comparative sources of demographic, economic and social data: the United Nations Development Programme's annual Human Development Report and the OECD Family Database. Full details are given at the end of the table on each page.

Background data on countries

The 34 countries covered in this review include ten **federal** states, in some of which provinces or states have their own leave policies (e.g. Canada, Switzerland, United States). Twenty-three are **member states of the EU**, with Croatia joining the EU in July 2013.

Populations vary from less than half a million (Iceland, Luxembourg) to 317 million (United States). Most countries have a total period **fertility rate** that is below replacement level (at 2.1); only Iceland, Ireland, New Zealand and South Africa reach or surpass this level, though several others are close; 16 countries have a rate of 1.5 or lower.

Per capita GDP varies from under \$20,000 (Brazil, Croatia, Estonia, Hungary, Lithuania, Poland, Russian Federation and South Africa) to more than \$45,000 in three countries (Luxembourg, Norway and the United States), though this is no guide to the generosity of leave benefits (compare, for example, leave in Hungary and the United States, or Croatia and Luxembourg). **Income inequality** is particularly high in Brazil, South Africa, the Russian Federation and the United States, and lowest in the Nordic countries and Slovakia.

Countries rank from first to 90th on the UN's **Gender Inequality index** (1st meaning low inequality), with the five Nordic countries in the top nine; **women in parliament** range from 9 per cent in Hungary and 10 per cent in Brazil to over 40 per cent in Finland, Iceland, Norway, Sweden and South Africa.

Highest levels of **employment among women with pre-school children** are found in Denmark, the Netherlands, Portugal and Slovenia; while the lowest rates are in the Czech Republic, Greece, Hungary, Italy, Japan, Poland and Slovakia. A substantial number of countries are missing information on **Employment patterns in couple families with a child under 14**, but several patterns can be seen among those that do have information. Twelve countries have 40 per cent or more of families where both parents work full time, reaching more than 60 per cent in Lithuania, Portugal and Slovenia. Five countries have 40 per cent or more of families where only one parent is employed. In most of these countries, there is a low level of part-time employment (Sweden being the main exception). By contrast, five countries (Austria, Germany, Netherlands, Switzerland and the UK) have 40 per cent or more of couple families with one parent employed part time while the other has a full-time job; the Netherlands is particularly striking, with a high female employment overall and very high part-time employment (i.e. nearly all employed mothers have a part-time job).

	Population (2012) millions	Total fertility rate (2012)	Income and equality		Gender inequality(2012)		Maternal employment rate(2009)		Employment patterns in couple families with child 0- 14 years (2008)		
			GDP/capita (2005PPS\$) (2011)	Gini co- efficient (2000-10) ¹	Gender Inequality Index(rank)	% of women in parl'ment	per cent with child under 3	3 to 5	2FTE	1FTE+ 1PTE	1FTE only
Austria F	8.4	1.3	36,353	29.2	14 th	29	61	72	21	44	28
Australia F	22.9	2.0	34,548	NI	17 th	29	49 (child 0-5)		[21	38	31](2007)
Belgium F	10.8	1.8	33,127	33.0	12 th	39	61	69	35	35	22
Brazil F	198.4	1.8	10,278	54.7	85 th	10	NI	NI	NI		
Canada F	34.7	1.7	35,716	32.6	18 th	28	59	(2001) 68	NI		
Croatia	4.4	1.5	16,162	33.7	33 rd	24	NI	NI	NI		
Czech Rep	10.6	1.5	23,967	NI	20 th	21	19	57	49	7	41
Denmark	5.5	1.9	32,339	NI	3 rd	39	71	(1999) 78	NI		
Estonia	1.3	1.7	17,885	36.0	29 th	20	31	80	54	7	35
Finland	5.4	1.9	32,254	26.9	=6 th	43	52	76	58	10	33
France	63.5	2.0	29,819	NI	9 th	25	59	74	41	24	26
Germany F	82.0	1.4	34,437	28.3	=6 th	32	59	66	17	44	29
Greece	11.4	1.5	22,558	34.3	23 rd	21	50	56	49	6	42
Hungary	9.9	1.4	17,295	31.2	42 nd	9	15	56	45	4	42
Iceland	0.3	2.1	33,618	NI	10 th	40	84 (child 0-5)(2002)		NI		
Ireland	4.6	2.1	35,640	34.3	19 th	19	55	53	NI		
Italy	61.0	1.5	27,069	36.0	11 th	21	52	53	32	20	42
Japan	126.4	1.4	30,660	NI	21 st	13	30	(2005) 48	[50 ²	48](2007)
Lithuania	3.3	1.5	16,877	37.6	28 th	19	65	68	65	8	21
Luxembourg	0.5	1.7	68,459	30.8	26 th	25	66	65	27	34	35
Netherlands	16.7	1.8	37,251	NI	1 st	38	78	77	6	60	19
N. Zealand	4.5	2.1	24,818	NI	31 st	32	42	61	[34	29	24](2006)
Norway	5.0	2.0	46,982	25.8	5 th	40	NI	NI	NI		
Poland	38.3	1.4	18,087	34.1	24 th	22	50	64	53	7	34
Portugal	10.7	1.3	21,317	NI	16 th	29	70	71	66	7	23
Russian F F	142.7	1.5	14,808	40.1	51 st	11	NI	NI	NI		

¹ Data refer to the most recent year available during the period specified

² Japan and the USA do not distinguish between full-time and part-time work.

Slovakia	5.5	1.4	20,757	26.0	32 nd	17	16	61	55	2	37
Slovenia	2.0	1.5	24,967	31.2	8 th	23	78	82	77	5	15
S. Africa F	50.7	2.4	9,678	63.1	90 th	41	NI	NI	NI		
Spain	46.8	1.5	27,063	34.7	15 th	35	54	61	39	17	40
Sweden	9.5	1.9	35,048	25.0	2 nd	45	72 (2007)	81	[41	35	15](2005)
Switzerld. F	7.7	1.5	37,979	33.7	3 rd	27	58 (2006)	62	[8	40	24](2005)
U. Kingdom	62.8	1.9	32,474	NI	34 th	22	56	58	25	40	25
USA F	315.8	2.1	42,486	40.8	42 nd	17	54 (2005)	63	[72 ²	26](2005)	
						OECD average	51	64	37	18	31

Sources: *Population, income, inequality:* Human Development Statistical Tables, 2011 Human Development Report, UN Development Programme, available at: <http://hdr.undp.org/en/reports/global/hdr2011/download/>; *Employment:* OECD Family Database, Tables LMF1.1B and 1.2.B, available at: www.oecd.org/els/social/family/database

Key:

F: federal state

GNI: Gross national income, which comprises the total value produced within a country (i.e. its gross domestic product), together with its income received from other countries (notably interest and dividends), less similar payments made to other countries

Gini coefficient: a numerical measure of inequality. A value of 0 represents absolute equality; a value of 100 absolute inequality.

Gender Inequality Index: a composite measure developed by the United Nations Development Programme to reflect inequality in achievements between women and men in three dimensions: reproductive health, empowerment and the labour market. The health dimension is measured by two indicators: maternal mortality ratio and the adolescent fertility rate. The empowerment dimension is also measured by two indicators: the share of parliamentary seats held by each sex and by secondary and higher education attainment levels. The labour dimension is measured by women's participation in the work force. The figure given here is a country's ranking on the Index in relation to all other countries in the world.

Employment rate, women with a child < 3 years: In principle, all women on maternity or on statutory paid maternity or parental leave (legal or contractual) are counted as employed. EU guidelines stipulate counting parents on parental leave as employees absent for other reasons: they should be counted as employed if the period of absence is less than 3 months or if they continue to receive a significant portion of previous earnings (at least 50 per cent). However, national treatment of long or unpaid parental leave varies widely. For example, according to the OECD Family Database, 'many parents on parental leave in Austria (up to 2 years) are counted as inactive, while leave is technically unpaid (there is an income support benefit for all parents with a child not yet 30 months old. By contrast, many of the parents in Finland on home-care leave (which is often taken when the child is 1 to 3 years of age) are often included in the employment statistics'.

Statutory Maternity Leave: April 2013

Twenty-seven countries have a statutory and designated Maternity leave entitlement, all paid and most covered by earnings-related payments (between 60 and 100 per cent) – 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.

The average (median) **period of post-natal leave** is 3-4 months. In Brazil and Greece, the period differs for the public and private sectors. Five countries (plus the private sector in Greece) have substantially longer periods of leave, six months or more, though in the two with the longest period (Ireland and the UK) much of the period is either unpaid or paid at a low flat rate. At the other extreme, five countries have less than two months of post-natal leave.

There is not much **flexibility** in Maternity leave, and taking all or part of the leave is obligatory in most countries. Flexibility in use mainly takes the form of some choice about when women can start to take leave and how much of the leave period they can take before and after birth. Belgian mothers may take two weeks of Maternity leave as ‘free days’, spread over a period of time.

The Czech Republic, Croatia, Poland, Spain and the UK, however, have introduced another dimension of flexibility: mothers may **transfer part of the leave period to fathers** as a matter of course, i.e. without exceptional circumstances such as serious illness applying. Maternity leave can be transferred to fathers in some other countries, but only in certain extreme circumstances (such as death or severe illness).

Of the seven countries that **do not have a statutory, designated and paid Maternity leave entitlement**, one – the United States – makes no provision for paid leave for women at the time of pregnancy and childbirth, though the possibility of unpaid leave exists for mothers working for employers with 50 or more employees. The other six countries without designated Maternity Leave – Australia, Iceland, New Zealand, Norway, Portugal and Sweden – provide paid leave that women may take at and around childbirth, but this leave has a generic designation, such as ‘Parental leave’ and can in certain circumstances be taken by fathers.

Two approaches to leave policy are emerging:

1. Most widespread is the traditional concept of a ‘Maternity leave’ intended only for women, linked to pregnancy, childbirth and the first months of motherhood and treated as a health and welfare measure. Other leave available to women, mainly Parental leave, is additional and available equally to women and men. So under this approach, women are entitled to more leave overall than men.
2. More recently emerging is a move away from the idea of a ‘Maternity leave’, either towards a birth-related leave for women, but which can be transferred, at least in part, to fathers; or towards dropping ‘Maternity leave’ altogether in favour of a generic ‘Parental leave’, usually with periods designated for ‘mothers only’ and ‘fathers only’. Thus Iceland offers nine months Parental leave, three months each for the mother and father and a further three months for the parents to divide as they choose; the only recognition of childbirth is the

obligation for women to take two weeks leave after birth, with the possibility of an extended leave if a woman has suffered complications at or after giving birth.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well paid	
Austria	●●● OB	1.8	1.8	1.8	1
Australia ³	×				
Belgium	●●● OB	3.3	3.3	3.3*	1
Brazil ⁴	●●●	4 or 6	4 or 6	4 or 6	None
Canada Québec	●● ●●●	4.2 4.2	3.5 4.2	× 4.2*	None 1
Croatia	●●●TR OB	6	6	6	3; 4
Czech Rep	●●●TR	5.1	5.1	5.1*	1
Denmark	●●● OB	3.2	3.2	3.2*	None
Estonia	●●● OB	3.6	3.6	3.6	None
Finland ⁵	●●● OB	2.9	2.9	2.9	None
France	●●● OB	3.3	3.3	3.3*	None
Germany	●●● OB	1.8	1.8	1.8	None
Greece Private sec Public sec	●● ●●●	8.1 3	8.1 3	2.1 3	None 1
Hungary	●●●	5.6	5.6	5.6	None
Iceland ⁶	×				
Ireland	●●	9.3	5.5	5.5*	None
Italy	●●● OB	3.7	3.7	3.7	1
Japan	●●● OB	1.9	1.9	1.9	1

³ Australia: The law only refers to 'Parental leave'

⁴ Brazil: 6 months for some public and private sector employers; 4 months for others

⁵ Finland: paid at 70 per cent of earnings, but proportion is reduced beyond a specified level

⁶ 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. 3 months of 'birth leave' is reserved for women to take after birth, of which 2 weeks is obligatory.

Lithuania	●●●		1.9	1.9	1.9*	1
Luxembourg	●●●	OB	1.9	1.9	1.9*	1
Netherlands	●●●	OB	2.3	2.3	2.3*	None
New Zealand ⁷	×					
Norway ⁸	×					
Poland	●●●	TR OB	12	12	12	1; 2; 3; 4
Portugal ⁹	×					
Russian Fed (2010)	●●●		2.3	2.3	2.3*	1
Slovakia	●●	OB	6.5	6.5*	None	1
Slovenia	●●●	OB	2.6	2.6	2.6	None
South Africa	●●		4	4	×	None
Spain	●●●	TR OB	4.7 ¹⁰	4.7	4.7*	1; 3; 4
Sweden ¹¹	×					
Switzerland	●●●	OB	3.7	3.2	3.2*	None
U.Kingdom	●●	TR OB	12	9.1	1.4	None
USA ¹²	×					

Key:

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

TR: part of Maternity leave is transferable to the father in ordinary conditions

OB: part or all of the Maternity leave period is obligatory

⁷ New Zealand: The law does not refer to Maternity leave, only 'paid Parental leave', which mothers can transfer to their partners. This leave is included under Parental leave, along with 'extended leave', which can be taken after 'paid Parental leave'

⁸ Norway: The law does not distinguish separate Maternity 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. 6 weeks of Parental leave is reserved for women only to take after birth. This leave is included under Parental leave.

⁹ Portugal: The law does not refer to Maternity leave, only to 'Initial Parental leave', part of which is reserved for mothers (6 weeks for women to take after birth) with the remainder for parents to divide as they choose. This leave is included under Parental leave.

¹⁰ Spain: includes period of reduced working hours for women, which can be consolidated to add 2-4 weeks to basic Maternity leave

¹¹ Sweden: it is obligatory for women to take 2 weeks leave either before or after birth; to receive benefit, they must draw on their Parental leave entitlement

¹² USA: there is no separate Maternity leave, but parents may take up to 12 weeks unpaid leave for childbirth or for the care of a child up to 12 months as part of the federal Family and Medical Leave Act; employers with less than 50 employees are exempt. Five states and Puerto Rico provide some benefit payments to parents missing work at around the time of childbirth.

✘: no statutory entitlement; in the case of Maternity leave, this includes countries that provide a mother's quota of Parental leave, but provide no additional leave to women in recognition of pregnancy and childbirth. ●: 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* not universal; ●●●: statutory entitlement, paid for all or part 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

Flexibility: 1- additional time for multiple births, higher order births or medical complications; 2 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 3 – in all cases part of Maternity leave may be transferred to the father (this does not include cases where transfer is only permitted in the case of maternal death or incapacity); 4 –part of the Maternity leave period can be taken part time, and the length of leave extended. Does not include flexibility in using part of Maternity leave before or after birth.

Statutory Paternity Leave: April 2013

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, as noted above, 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 12 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. On this basis, **17 countries under review have Paternity leave**, plus the province of Québec in Canada and private sector workers in Greece; 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 short period of Paternity leave.

With five exceptions, the **period of leave** varies from two to ten days and is usually **paid** on the same basis as Maternity leave. The exceptions are: 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; Slovenia, 90 days, the longest period of leave of any country; and Spain, 15 days.

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 ¹³	×				
Belgium	●●● OB	2	2	2*	3
Brazil ¹⁴	●●●	1 or 2	1 or 2	1 or 2	None
Canada Québec	×				
	●●●	3 or 5	3 or 5	3 or 5*	1
Croatia	×				
Czech Rep	×				
Denmark	●●●	2	2	2*	None
Estonia	●●●	2	2	2*	None
Finland	●●●	9	9	9 ¹⁵	2; 3
France	●●●	2	2	2*	3
Germany	×				
Greece Private sec Public sec	●●● ×	2 days	2 days	2 days	None
Hungary	●●●	1	1	1	3, 4
Iceland	×				
Ireland	×				
Italy	●●● OB	1 day ¹⁷	1 day	1 day	3
Japan	×				
Lithuania	●●●	4	4	4*	None
Luxembourg	[●●●●]	[2 days]	[2 days]	[2 days]	None
Netherlands	●●●	2 days	2 days	2 days	3
New Zealand	●	2	×	×	3
Norway	●	2	×	×	None

¹³ Australia: 2 week payment for fathers taking Parental leave ('Dad and Partner Pay'); included under Parental leave

¹⁴ Brazil: longer in public sector; less in private sector.

¹⁵ Finland: paid at 70 per cent of earnings, but proportion is reduced beyond a specified level

¹⁶ 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.

¹⁷ 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

Poland	●●●	2	2	2	None
Portugal ¹⁸	×				
Slovakia	×				
Russian Fed	×				
Slovenia	●●	13	13 ¹⁹	2.0*	2; 3
South Africa	[●●●●]	[0.4]	[0.4]	[0.4]	None
Spain	●●●	3	3	3*	4
Sweden	●●●	2	2	2*	3
Switzerland	×				
U.Kingdom	●●	2	2	×	3
USA	×				

Key:

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

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

×: 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 not universal; ●●●: statutory entitlement, paid for all or part 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 – [] - indicate 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.

¹⁸ Portugal: The law does not refer to Paternity leave, referring only 'Father's-only Parental leave'. This leave is included under Parental leave.

¹⁹ 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

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.

Statutory Parental Leave and Childcare Leave: April 2013

These two types of leave are considered together here, though treated separately in the country notes. All EU member states must provide at least four months **Parental leave** per parent, under the terms of Directive 2010/18/EU. The directive defines this leave as enabling men and women “to take care of (a) child until a given age”, so distinguishing this leave from Maternity leave, where the directive setting minimum standards was adopted as a health and welfare measure. No payment or flexibility requirements are specified in Directive 2010/18/EU, but Parental leave is defined as “an individual right and in principle non-transferable”, though the directive goes on to add that “Member States are allowed to make it transferable.”

Seven of the 11 non-EU countries in this review also provide Parental leave. The exceptions are Brazil, South Africa, Switzerland (the only European country included in this review not to provide Parental leave) and the United States, which has a generic and unpaid ‘family and medical leave’ that is not applicable to private employers with less than 50 employees.

Six countries (Australia, Iceland, New Zealand, Norway, Portugal and Sweden) have Parental leave that subsumes either Maternity leave or Maternity and Paternity leave, though periods of Parental leave may be for mothers or for fathers only.

Parental leave varies on four main dimensions: length; whether it is an individual or family entitlement; payment; flexibility.

Broadly, countries divide into those where the total *length* of Parental leave available less than 15 months; and those where continuous leave is available for up to three years or more. The former includes Belgium, Canada, Croatia, Denmark, Finland, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Slovenia and the UK; the latter ‘long leave’ countries includes the Czech Republic, Estonia, France, Germany, Hungary, Lithuania, Poland, Russia, Slovakia and Spain. Sweden falls in between: paid leave is expressed in days (to emphasise that it can be taken very flexibly), roughly equivalent to 18 months if taken continuously, while each parent is also entitled to take unpaid leave until a child is 18 months. So, too, does Austria and Australia, with leave lasting until a child’s second birthday, though in the latter case the second year requires an employer’s agreement. Greece is also exceptional, with eight months in the private sector and 24 months in the public sector. Note, too, that some countries supplement Parental leave with Childcare leave, so extending the period available (see below).

Parental leave is a *family entitlement* in 13 countries, to be divided between parents as they choose (Austria, Canada, Denmark, Estonia, Finland, France, Germany, Hungary, New Zealand, Poland, Russia, Slovakia and Slovenia); an individual entitlement in 11 countries (Australia, Belgium, Croatia, Czech Republic, Greece, Ireland, Italy, Luxembourg, Netherlands, Spain and the United Kingdom); and mixed (part family, part individual entitlement) in four countries (Iceland, Norway, Portugal and Sweden). It should be noted, however, that countries where leave is an individual entitlements vary in whether unused entitlements can be transferred to a partner (e.g. in Croatia and Slovenia) or whether entitlements, if not used, are forgone.

A majority of countries (26) provide some element of *payment*; only Greece, Ireland, Spain and the UK make no payment. Payment policy varies considerably. In 14 cases (Austria, Australia, Belgium, Canada, Czech Republic, France, Italy, Japan, Luxembourg, Netherlands, New Zealand, Poland, Russia and Slovakia) payment is either: flat-rate or set at a low earnings-related rate; not universal (e.g. means-tested); or paid at a high earnings-related rate but for less than six months. Twelve countries + Quebec pay an earnings-related benefit of more than two-thirds of normal earnings for six months or more; however, ***all impose a ceiling on benefit payments***. In six cases – Austria, the Czech Republic, Estonia, France, Germany and Slovakia – parents on leave receive a general ‘childrearing’ benefit that is paid to *all* parents with young children, not just those taking leave.

Flexibility takes a number of forms, including:

- the possibility to use all or part of leave when parents choose until their child reaches a certain age;
- the possibility of taking leave in one continuous block or several shorter blocks;
- the possibility to take leave on a full-time or part-time basis (i.e. so parents can combine part-time employment with part-time leave);
- the option to take longer periods of leave with lower benefits or shorter periods with higher benefits;
- additional leave in the case of multiple births or, in a few cases, other circumstances;
- the possibility to transfer leave entitlements to carers who are not parents.

Being able to choose when to take leave until a child reaches a certain age is the most common option, followed by being able to take leave in one block of time or several. The country with the greatest flexibility is Slovenia, with six options, followed by Croatia (5) and Germany, Norway and Sweden (4).

Various measures have been introduced to *encourage fathers to use* Parental leave. Mostly these are wholly or partly individualised entitlements, so that fathers not using their ‘quota’ lose it, as unused leave cannot be transferred to a partner. Another approach is to offer some form of bonus (e.g. additional leave) if fathers take some Parental leave. Seven countries offer such a bonus. Fathers in Finland can take 24 ‘bonus’ days, in addition to their 18 days of Paternity leave, if they take the last two weeks of Parental leave; the 24 bonus days plus the two Parental leave weeks are called ‘father’s month’ in the legislation (even though the total period is more than a month). Sweden has recently introduced a ‘gender equality bonus’ that provides an economic incentive for families to divide Parental leave more equally. While as part of a radical overhaul of German policy, if the father takes at least two months of leave the overall length of benefit payment is extended to 14 months. Portugal offers a bonus to families where the father shares part of the Maternity leave; it is also unique in making it obligatory for fathers to take two weeks of leave. Other countries with incentives for fathers to take leave are Austria, Croatia and Italy.

Childcare leave can usually be taken immediately after Parental leave, creating a continuous longer period of leave, even if the conditions (such as benefit paid) may not be the same. It is, however, much less common than Parental leave, being available in only six countries. In four cases childcare leave is unpaid, in contrast to a paid Parental leave: until a child is 3 years in Croatia; two weeks per year per parent until a child is 14 in Estonia; three months per year per parent in Iceland until a child is eight years; a year in Norway; and two to three years in

Portugal. Parents with three or more children in Hungary can take leave until their youngest child is eight years old, with a flat-rate benefit. Finland is exceptional in that its 'home care' leave is both available to all parents and paid, albeit with a relatively low flat-rate allowance (so blurring the distinction with Parental leave).

In addition to Parental and Childcare leave, a third type of leave is an entitlement to a break from employment for any reason, including (but not confined to) childcare: a '**career break**'. A statutory entitlement of this kind is found in only one country, Belgium, with one year's leave that can be extended up to five years by collective agreement negotiated at sectoral or company level; this is in addition to Parental leave. For further information on this innovative and unique entitlement, see the articles about Belgium in the 2009 review.

Country	Summary of leave	Maximum length of post-natal parental leave available to family excluding childcare leave (months)			Individual/ family entitlement	Incentive for father to take	Flexibility
		Total	Paid	Well paid			
Austria ²⁰	●●	▶▶24.0	[▶▶24.0]	×	Family	Bonus payment months if both parents apply	2; 5
Australia ²¹	●●	24.0	4.2	×	Individual	×	×
Belgium	●● +	8.0	8.0	×	Individual	×	1; 2; 6
Brazil	×						
Canada	●●	8.1	8.1	×	Family	×	×
Québec	●●●●	5.8 or 7.4	5.8 or 7.4	1.6 or 5.8*	Family	×	3; 5
Croatia ²²	●● +	6.0+bonus 2	6.0+bonus 2	×	Individual & transferable	2 bonus months if father takes leave	1; 2; 5; 6; 7
Czech Rep ²³	●●	▶▶36.0	[36.0]	[24.0*]	Individual	×	7
Denmark	●●●	14.9	10.7	10.7*	Family	×	1; 3; 5

²⁰ Austria: there are various payment options available, which link payment level to length of payment; one option available to some parents is payment at 80 per cent of earnings for 12-14 months.

²¹ Australia: second 12 months of Parental leave subject to employer agreement; maximum leave of 24 months per family. Payment limited to employees earning less than ceiling. Fathers entitled to additional 2 weeks flat-rate payment if take leave. The leave period of 12 months is an individual entitlement; but the payment is a family entitlement.

²² Croatia: in the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to leave until the child(ren) is 36 months old at 100 per cent of earnings; the ceiling for the period from 12 to 36 months is lower than for the first 6 months of Parental leave.

²³ Czech Republic: Each parent can take leave until their child is 36 months but only one parent can receive Parental benefit, which is paid to all families whether or not leave is taken and until their child is 48 months. Benefit can be paid for the full period at a lower rate or for a shorter period at 70 per cent of earnings.

Estonia	●●●	▶▶36.0	[▶▶36.0]	[14.3*]	Family	✘	2; 4
Finland ²⁴	●●● +	6.1	6.1	6.1	Family	✘	1; 2; 6
France ²⁵	●●	▶▶36.0	[▶▶36.0]	✘	Family	✘	1; 6
Germany	●●●	▶▶36.0	[12.0+bonus 2]	[12.0+bonus 2*]	Family	2 month bonus if father takes leave	1; 3; 5; 7
Greece							
Private sec	●	8.0	✘	✘	Individual	✘	2; 5; 6
Public sec ²⁶	●	24.0	✘	✘	Individual	✘	5
Hungary ²⁷	●●●	▶▶36.0	36.0	24.0*	Family	✘	4
Iceland	●●● +	9.0	9.0	9.0*	Family & Individual	✘	2; 5; 6
Ireland	●	8.3	✘	✘	Individual	✘	2; 5; 6
Italy	●●	10.0+bonus 1	10.0+bonus 1	✘	Individual	1 month bonus if father takes leave	2; 5; 6; 7
Japan	●●	▶▶12.0+bonus 2	▶▶12.0+bonus 2	✘	Individual	2 month bonus if both parents take full entitlement	7
Lithuania ²⁸	●●●	▶▶36.0	▶▶24.0	▶▶24.0*	Family	✘	6
Luxembourg	●●●	12.0	12.0	✘	Individual	✘	1; 5
Netherlands ²⁹	●●	12.0	12.0	✘	Individual	✘	(2); 6
New Zealand	●●	12.0	3.2	3.2	Family	✘	7
Norway	●●● +	12.6	12.6	12.6	Family & Individual	✘	1; 2; 3; 5
Poland ³⁰	●●	36.0	[36.0]	✘	Family	✘	2; 5; 7
Portugal ³¹	●●● +	12.0+bonus 1	12.0+bonus 1	6.0+bonus 1	Family & Individual	1 month bonus if	1; 3; 5

²⁴ Finland: Paid at 70-75 per cent of earnings, but proportion is reduced beyond a specified level.

²⁵ France: payment made for six months to families with only one child.

²⁶ Greece: 3 months of leave is paid in the public sector in the case of a third or higher order child.

²⁷ Hungary: Post-natal leave includes two types of Parental leave, one with a flat-rate payment, the other with a higher earnings-related payment. In families with three or more children, a parent can take low paid leave until the youngest child is 8 years; this is not included in 'length of post-natal leave' column.

²⁸ Lithuania: 12 months of leave at full earnings up to a ceiling; or 24 months at a lower earnings-related level (60 percent for year 1, 40 per cent for year 2).

²⁹ Netherlands: no direct payment; parents taking leave are eligible to tax relief. Both parents are entitled to 6 months leave, but full-time workers must take leave part time, unless they get the agreement of their employer to full-time leave; in these cases, the leave period will be longer than 6 months.

³⁰ Poland: payment is means-tested and for 36 months if more than one child, otherwise for 24 months.

³¹ Portugal: as 'Father-only Parental leave' runs concurrently with 'Initial Parental leave', the 12 months of Parental leave only runs, per family, to 11 months after birth.

						parents share 'Initial' leave; 2 weeks of 'father-only leave' obligatory	
Russian Fed.	●●	▶▶36.0	▶▶18.0*	×	Family	×	1
Slovakia	●●	▶▶36.0	[▶▶36.0]	×	Family	×	6
Slovenia	●●●	8.6	8.6	8.6*	Family	×	1; 2; 4; 5; 6; 7
South Africa	×						
Spain ³²	●	▶▶36	×	×	Individual	×	2; 7
Sweden ³³	●●●	36	15.9	13.0*	Family & individual	Bonus using tax system	1; 2; 5; 6; 7
Switzerland	×						
U.Kingdom	● ³⁴	8.4	×	×	Individual	×	5; 6
USA	× ³⁵						

Key:

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

Length: indicates the total amount of leave available per family; ▶▶ indicates the age of the child up to when leave may be taken

×: no statutory entitlement/no payment/ no incentive for fathers to take. ●: 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* not universal; ●●●: statutory entitlement, paid for all or part 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

³² Spain: each parent is entitled to take leave until a child's third birthday

³³ Sweden: Paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g.a parent can take 5 paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months

³⁴ United Kingdom: leave entitlement is 13 weeks per parent, but only 4 weeks of leave can be taken per year, i.e. to take the full 13 weeks means taking 4 weeks leave per year for 3 years.

³⁵ USA: there is no separate Parental leave, but parents may take up to 12 weeks unpaid leave for childbirth or for the care of a child up to 12 months as part of the federal Family and Medical Leave Act; employers with less than 50 employees are exempt. Five states and Puerto Rico provide some benefit payments to parents missing work at around the time of childbirth.

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>

+: period of additional 'childcare' or other leave available after end of Parental leave; this leave is not included in subsequent columns but is included in later table on 'total statutory leave'

*: ceiling on earnings-related payment

Square brackets – [] - indicates all parents with a young child get a payment whether on leave or not

Flexibility: 1 – leave can be taken full time or part time (i.e. option to work part-time); 2 – leave can be taken in one block of time or several blocks; 3 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 4 – leave can be transferred to a non-parent; 5 – all or part of leave can be taken at any time until a child reaches a certain age; 6 – other, including additional leave in case of multiple births or serious illness/disability; 7 – both parents can take some leave at the same time. Brackets indicates option requires employer agreement.

Statutory other measures: April 2013

In most countries, **adoptive parents** have similar leave entitlements to other parents.

With one exception, countries include some provision to take **leave in case of the illness of a child**. The EU Parental leave directive gives all workers an entitlement to 'time off from work on grounds of *force majeure* for urgent family reasons in cases of sickness or accident making their immediate presence indispensable', without specifying minimum requirements for length of time or payment. Among EU member states reviewed here, 15 (Austria, Belgium, Croatia, Czech Republic, Estonia, Germany, Hungary, Italy, Lithuania, the Netherlands, Poland, Portugal, Slovakia, Slovenia and Sweden) specify an entitlement to leave of ten days or more per year to care for sick children, though the age range of children covered varies; for all of these countries, except Belgium, Italy and Lithuania, leave is paid and often at a high level of income replacement. In some cases, the length of leave decreases as children get older: for example, from being unlimited for a child under 12 months to 14 days a year for children from six to 12 years old in Hungary; or being without limit for a child under three years in Italy but five days a year per parent for a child aged three to eight years. Leave is shorter or unspecified and unpaid in the other member states.

Of the non-EU countries, Norway and the Russian Federation have an entitlement to paid leave of ten days or more per year specifically to care for a sick child. In the nine other countries, there is either no leave available (Iceland); or leave is confined to seriously ill children and employees in smaller organisations are excluded (United States); or is confined to public sector employees (Brazil); or is for less than 10 days and/or unpaid (Australia, Canada, New Zealand, South Africa and Switzerland). In Japan, leave for ordinary illness is five days for a child under compulsory school age (or 10 if there are two children of this age); but is considerably longer in the case of a child needing constant care for more than 2 weeks.

Twenty of the countries in this review for whom information is available offer **additional leave entitlements**, plus Brazil but for public sector employees only, covering a wider range of family members than children. Conditions for taking leave vary between countries from ordinary illness through to serious or terminal illness or care of a very dependent relative. Length, payment and other dimensions of leave also vary considerably.

Thirteen countries (Brazil, Croatia, Estonia, Hungary, Ireland, Italy, Japan, Norway, Portugal, Russia, Slovenia, Spain and Switzerland) permit women to **reduce working hours to enable breastfeeding**. Women reducing their hours for this reason are entitled to earnings compensation, except in Japan and Switzerland. Fourteen countries (Austria, Croatia, Estonia, Finland, France, Greece, Hungary, Japan, Netherlands, Norway, Portugal, Slovenia, Spain, and Sweden) give parents the **right to work part-time hours** either because of their child's age or disability; it is uncommon to provide earnings replacement, with the exception of Greece, where it is also possible to convert reduced working hours into a period of full-time leave. In the Netherlands, all Dutch employees have the right to work part time, though employers may turn down an employee's request under specified conditions. In

Greece provides an example of a country that provides both payment and a substantial degree of flexibility in how reduced hours may be taken. Parents are entitled to work fewer hours per day, with full earnings replacement. But these reduced hours may also be taken as a period of full-time leave, up to three and three-quarter months in the private sector and nine months in the public sector.

Finally, in Australia, Ireland, Italy, New Zealand and the UK, parents have a legal **right to request flexible working hours** from their employers, who must consider their request and may only refuse them if there is a clear business case for doing so. Portugal is the only country with an entitlement to flexible working; parents with children below 12 years (no age limit in the case of a child who is chronically ill or disabled living in the same household) are entitled to ‘flexible working’ which means that the employee may choose, within certain limits, when to start and finish daily work.

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	Breast-feeding	Other	
Austria	●●● 2 weeks per worker per year // ● 9 months for terminally ill child	●●● 1 week per worker per year // ● 6 months for terminally ill relative	×	● to 7 years (larger employers)	×
Australia	●●● 10 days per year	●●● 10 days per year for immediate family	×	×	● until child is 6 or disabled child is 18
Belgium	● 10 days per year	● 10 days per year // ●● 1-12 months for severely ill family member // ●● 2 months for palliative care	×	×	×
Brazil	●●● up to 60 days per illness (public sector only)	●●● up to 60 days per illness for spouse or family member (public sector only)	●●●	×	×
Canada	● 3-10 days in 3 provinces	●● 8 weeks if ‘significant risk of death’ for family member	×	×	×
Québec	● 10 days per worker per year	● 10 days per worker per year	×	×	×
Croatia	●●● 20-40 days per illness	●●● 15 days for illness of spouse+7 days for serious illness of immediate family member	●●●	●● child with disability	×

Czech Rep	●●● 9 days per illness	●●● 9 days per illness for relative at home	×	×	×
Denmark	●●● 1-2 days per illness	×	×	×	×
Estonia	●●● 14 days per illness	×	●●●	●●● child with disability	×
Finland	●●(●) ³⁶ 4 days per illness	×	×	●● to end of 2 nd year at school	×
France	● 3 days per illness / ●● 310 days over 3 years for serious disability or illness	●● 310 days over 3 years for terminally ill relative	×	●● child with disability	×
Germany	●●● 25 days per year per family	● 10 days per illness + 6 months long-term care for 'care-dependent' relative	×	×	×
Greece Private sec	● 6-14 days per year per parent	● 6-14 days per year for dependent family members	×	●●● to 2½ years	×
Public sec	●●● 22 days for certain medical conditions	●●● 22 days for spouse with certain medical conditions	×	●●● to 4 years	×
Hungary	●●● Unlimited to 14 days per family per year (according to age of child)	×	●●●	●●● to 8 years if 3+ children	×
Iceland	×	×	×	×	● employers required to support family/work balance
Ireland	●●● 3 days per year	●● 65 weeks for dependent	●●●	×	● on return from Parental leave
Italy	● Unlimited to 3 years; 5 days per year for 3-8 year olds	●●● Up to 2 years over working life at 3 days/month for serious need in family	× (NB. reduced hours)	●●● until child is 12 months	● until child is 6 or disabled child is 18
Japan	● 5 days per parent per	●● Up to 93 days over	× (NB. reduced	● to 3 years	×

³⁶ Finland: length of leave is defined by law; level of payment is determined by collective agreements

	year for child under CSA; 10 days if two or more children	the lifetime of a family member with a serious illness or disability needing constant care for 2 weeks or more	hours)		
Lithuania	● 2 weeks per year per worker with a child under 14 years	×	×	×	×
Luxembourg	●●● 2 days per child per year	×	×	×	×
Netherlands	●●● 10 days per year // ● 6 times working hours/week for life threatening illness	● 6 times working hours/week for life threatening illness of parent or partner	×	● all employees	×
New Zealand	●●● 5 days per year	●●● 5 days per year	×	×	● any carer
Norway	●●● 10-15 days per parent per child per year	×	●	● to 10 years	×
Poland	●●● 14 days per year per family	●●● 14 days per year for family member	×	×	×
Portugal	●● 15-30 days per year // ● 6-48 months for severely disabled or chronically ill child	● 15 days per year for close relative + 15 days for severely disabled or chronically ill spouse	●●● can be taken by either parent	● to 12 years	● entitlement to work flexible hours until child 12 years
Russian Fed	●●● 45-60 days per child per year	No information	●●●	×	×
Slovakia	●● 10 days per year	●● 10 days per year	×	×	×
Slovenia	●●● 7-15 days per illness, longer in exceptional cases	●●● 7-15 days per illness for a spouse, longer in exceptional cases	●●●	●● to 3 years or longer if child with disability ³⁷	×
South Africa	●●● 3-5 days a year	×	×	×	×
Spain	● 2-4 days per illness per parent // ●●● unlimited	● 2-4 days per illness per worker // ●● 2 years to	×	●●● to 9-12 months ³⁸ // ● to 8	×

³⁷ Slovenia: social security contributions based on the minimum wage are paid for the hours not worked.

³⁸ Spain: reduced hours until child is 9 to 12 months may be consolidated as full-time leave and added to Maternity leave.

	for seriously ill child in hospital or needing treatment at home	care for a seriously ill relative		years or longer if child with disability	
Sweden	●●● 120 days per child per year	×	×	● to 8 years	×
Switzerland	● 3 days per illness	×	●	×	×
U.Kingdom	● 'Reasonable time'	● 'Reasonable time'	×	×	● to 16 years and any carer
USA	● 12 weeks for a seriously ill child	● 12 weeks for a seriously ill spouse or parent	×	×	×

Key:

×: no statutory entitlement. ●: statutory entitlement but unpaid, including EU member states covered by *force majeure* measure in Parental leave directive; ●●: 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* not universal; ●●●: statutory entitlement, paid for all or part 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>

(+): indicates some leave available to care for adult relatives.

Right to request flexible work: employer is not required to grant the request.

Total statutory leave (including additional childcare leaves): April 2013

The table summarises (i) the total amount of post-natal statutory leave (Maternity, Paternity, Parental, Childcare) available in each country per family, as well as (ii) the total amount paid in any way, and (iii) the number of months of well paid leave, i.e. paid for all or part 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>)

It is important to note that the total leave available per family does not always equate to the period of time after the birth of a child that parents in a family can take leave. For example, paternity leave is usually taken by fathers at the same time that mothers are on Maternity leave, i.e. concurrently and not consecutively. While in some cases, both parents are entitled to a period of Parental leave but may only take that leave until their child reaches a certain age, e.g. in the Czech Republic and Spain both mother and father can take leave until their child is 36 months old – so that the total leave available to the family is 72 months (36+36 months), but that leave can only be taken until a child's third birthday.

Total leave (counting Canada and Québec separately) ranges from none to 72 months, with a median length of 24 months, while total paid leave ranges from none to 38 months, with a median length of just over 12 months. Applying the two-thirds earnings standard the median length reduces to just over five months, with four countries offering nothing and only eight countries, plus the province of Québec and the Greek public sector, offering 12 months or more.

On the basis of this indicator, countries can be divided into three groups:

- a. **Countries providing earnings-related post-natal leave (at two-thirds or more replacement rate) of nine months or over:** the five Nordic countries, five countries from Central and Eastern Europe (Croatia, Estonia, Hungary, Lithuania and Slovenia), Germany plus Greece (private sector) and the Canadian province of Québec. In all of these cases, the earnings-related leave includes a period of Parental leave.
- b. **Countries providing four to six months of earnings-related post-natal leave, in all cases confined to Maternity leave:** includes a number of Continental Western European countries. Ireland comes here, although the effect of a ceiling on the earnings-related benefit is that the maximum payment is only €270 a week, showing the need to take account of levels of ceilings in assessing the generosity of national schemes.
- c. **Countries providing less than four months of earnings-related post-natal leave:** includes five of the six mainly English-speaking countries (Australia, Canada, New Zealand, United Kingdom, United States), plus Austria, Czech Republic, Luxembourg, Netherlands, the Russian Federation, Slovakia, South Africa and Switzerland. It should be noted that Québec, which now has responsibility for its own leave

policy, is on a par with the top group of countries; the rest of Canada offers up to 50 weeks of earnings-related leave, but at 55 per cent of earnings it falls just below the EC indicator criterion; it also has a rather low ceiling. The United States is the only country to provide no period of paid statutory leave of any kind.

Previous analysis has indicated a relationship between fathers' use of leave entitlements and the availability of well-paid 'father-only' leave – the more such leave there is, the more leave fathers take. The Table, therefore, includes (i) the total period of 'fathers-only' leave provided by each country, and (ii) the period of 'fathers-only' leave paid at two-thirds or more of earnings (though the qualification about ceilings on payments needs again to be borne in mind). As above, it counts Canada and Québec separately. Seven countries have no 'father-only' leave. Of the 27 countries that do provide such leave, seven provide less than one month of father-only leave, while 11 (plus the public sector in Greece) offer six months or more, with a median length of 3.3 months. For the most important indicator - length of leave paid at two-thirds of earnings – the numbers are much lower, only five countries offering more than two months (the Nordic states); the median length in the 18 cases in this category (including Quebec and the private sector in Greece) is a mere two weeks.

Emphasis is placed here on payment for leave-takers, justified by the clear relationship between take-up and payment. How are these payments funded? Generally statutory leave payments come from some form of contributory insurance fund, financed by contributions from employers and, often, employees, and sometimes with contributions from general taxation; the costs are pooled or collectivised, rather than individual employers paying their own workers. In some cases employers may make 'top up' payments, adding to the statutory benefits received by their employees, as a result either of collective agreements or individual company policies. The main exception to this picture is when parents on leave receive a general 'childrearing' benefit that is paid to all parents with young children, not just confined to those taking leave; in such cases, payments usually come from general taxation. An exception is France, where such payments are funded by the family allowance fund, financed by contributions from employers and employees.

Country	Maximum length of post-natal leave available to two-parent family (months)			Period of 'father-only' leave (months)	
	Total	Paid	Well paid	Total	Well paid
Australia	24.0	4.7	×	12.0	×
Austria	24.0	24.0	1.8 ³⁹	×	×
Belgium ⁴⁰	35.7	35.7	3.7*	4.5	0.5*
Brazil ⁴¹	4.2 to 6.5	4.2 to 6.5	4.5 to 6.5	0.2 to 0.5	0.2 to 0.5

³⁹ Austria: there are various payment options available, one option available to some parents is payment at 80 per cent of earnings for 12-14 months; in this case, the total length of well-paid leave would increase to 15.8 months. Payment periods are extended if both parents use some of the benefit period.

⁴⁰ Belgium: in addition to Parental leave, men and women are entitled to at least one year of time credit/career break paid at a low flat rate, and which may be taken for any reason including the care of a child.

Canada Québec ⁴²	12.0 11.2 or 12.8	12.0 11.2 or 12.8	✗ 11.2 or 12.8	✗ 0.7 or 1.2	✗ 0.7 or 1.2
Croatia ⁴³	36.0+bonus 2	12.0+bonus 2	6.0	3.0	✗
Czech Rep ⁴⁴	72.0	36.0	24.0*	36.0	✗
Denmark ⁴⁵	11.2 or 14.4	11.2 or 14.4	11.2 or 14.4*	7.9	7.9*
Estonia	36.5	36.5	18.6*	0.5	0.5*
Finland ⁴⁶	38.1	38.1	11.1 *	2.1	2.1*
France ⁴⁷	72.5	9.8 or 36.5	3.8*	36.5	0.5*
Germany	36.0	24.0+bonus 4	12.0+bonus 2*	✗	✗
Greece ⁴⁸					
Private sec	19.9	12.0	6.0	4.0	(2 days)
Public sec	60.0	12.0	12.0	24.0	✗
Hungary ⁴⁹	36.2	36.2	24.2*	(1 week)	(1 week)
Iceland ⁵⁰	15.0	9.0	9.0*	6.0	3.0
Ireland	17.7	6.0	6.0*	4.3	✗
Italy	13.7+bonus 1	13.7+bonus 1	3.7	6.0	✗
Japan	24.0+bonus 4	24.0+bonus 4	1.9*	12.0+bonus 2	✗
Lithuania	36.9	24.9	24.9*	0.9	0.9
Luxembourg	13.9	13.9	1.9	6.0	✗
Netherlands	14.8	14.8	2.8	6.0	(2 days)

⁴¹ Brazil: longer for some public and private sector employers; less for remainder.

⁴² Québec: parents can opt for shorter, higher paid leave or longer, lower paid leave

⁴³ Croatia: in the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to improved leave, 36 months at 100 per cent of earnings, with no ceiling for six months of Maternity leave but with a ceiling for the subsequent period of leave, the ceiling reducing after six months.

⁴⁴ Czech Republic: parents can choose to receive Parental benefit at 70 per cent of earnings until their child is 24 months; or at a lower rate for a longer period.

⁴⁵ Denmark: parents can opt for shorter, higher paid Parental leave or longer, lower paid leave; each parent is entitled to 32-46 weeks of Parental leave, but the total period cannot exceed 32-46 weeks per family.

⁴⁶ Finland: total post-natal leave includes period of low paid Childcare ('Home care') leave. Maternity, Paternity and Parental leave paid at 70-75 per cent of earnings, but proportion is lower for higher earnings.

⁴⁷ France: payment is made for six months to parents taking Parental leave with one child; until the child is three years for parents with more children.

⁴⁸ Greece: total post-natal leave includes possibility of taking reduced hours working entitlement as a period of additional full-time leave. Total includes one period of Maternity leave; two periods (for mother and father) of Parental leave; and one period of flexible working entitlement taken as full-time leave.

⁴⁹ Hungary: a parent with three or more children may take leave paid at a low flat rate until the 8th birthday of the youngest child.

⁵⁰ Iceland: includes period of unpaid Childcare Leave after Parental leave.

New Zealand	12.5	3.3	3.3	0.5	×
Norway ⁵¹	35.4 or 37.7	35.4 or 37.7	35.4 or 37.7*	3.3	2.8
Poland	48.5	48.5 ⁵²	12.5	0.5	0.5
Portugal ⁵³	35.0 or 36.0 +bonus 1	11.0 or 12.0+bonus 1	5.0 or 6.0+bonus 1	4.0	0.9
Russian Fed	36.0	18.0	2.3*	×	×
Slovakia	36.0	36.0	×	×	×
Slovenia	14.2	14.2	11.7*	3.0	0.5*
South Africa	4.2	4.2	0.2	(3-5 days)	(3-5 days)
Spain	72.5	5.1	5.1*	36.0	0.5*
Sweden ⁵⁴	36.5	16.4	13.4	2.5	2.5
Switzerland	3.7	3.2	3.2*	×	×
U.Kingdom	20.9	9.5	1.4	4.5	×
USA	×				

Key:

Total length of post-natal leave: sums the total amount of leave available to mothers and fathers in a two parent family, including Maternity, Paternity, Parental and Childcare leaves.

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

×: no entitlement

*: ceiling on earnings-related payment

⁵¹ Norway: parents can opt for shorter, higher paid leave or longer, lower paid leave.

⁵² Poland: 48.5 months paid if two children; 36.5 months if only one child.

⁵³ Portugal: mothers can opt for shorter, higher paid Maternity leave or longer, lower paid leave. Fathers are entitled to four weeks 'Father's-only Parental leave', two weeks of which must be taken immediately after birth; to receive payment, parents must take 'Additional Parental leave' immediately after 'Initial Parental leave'. This means that the 'Father's-only Parental leave' will be taken at the same time as 'Initial Parental leave'.

⁵⁴ Sweden: Paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g. a parent can take five paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months.

Relationship between leave and ECEC entitlements: April 2013

Most discussions of policy frameworks to support employed parents with young children highlight two key policies: parental leave and early childhood education and care (ECEC). The table below looks at the relationship between these two policy areas, and in particular at whether they are coordinated in the sense that an entitlement to leave leads immediately into, or coincides with, an entitlement to ECEC.

Great variations exist between countries in both leave policies and ECEC. The table shows two dimensions of variation for ECEC: attendance rates at formal services and entitlement to ECEC. *Attendance rates for children under 3 years* vary from less than ten per cent (Czech Republic, Hungary, Poland), to over 50 per cent in Denmark, Iceland, Netherlands and Norway, with a median rate among the 28 countries for which there is information of just under a third (31 per cent). *Attendance rates for children over 3 years* are uniformly much higher, but vary from under 60 per cent (Australia, Canada, Greece, Ireland, Poland, Switzerland and the United States) to over 90 per cent or over (Belgium, Denmark, France, Germany, Iceland, Italy, Japan, New Zealand, Norway, Spain, Sweden and the UK), with a median rate among the 29 countries for which there is information of just over 86 per cent. What these figures do not reveal is the opening hours of services and how far they are suited to the needs of working parents; in at least some cases they will not be.

Twenty countries have an *entitlement to an ECEC service*, but in most cases – 14 countries - this is only from 3 years of age or later (this includes Estonia and Hungary, which have a legal entitlement at an earlier age, but shortage of places means the entitlement is not operational until around 3 years); entitlement in this group is often limited to a part-time place. Only six countries have entitlement before 3 years: at 2½ years in Belgium, and at 12 months or younger or at the end of Parental leave in five countries: Denmark, Finland, Norway, Slovenia and Sweden, with full-time places available in all cases. It is only in these countries that policies are designed to ensure no *gap between the end of well-paid leave and the start of an ECEC entitlement*. Elsewhere, the gap is from 18 to 67 months, which if combined with countries that have no ECEC entitlement emphasises the extensive lack of coordination between these two policy areas.

	Attendance rates at formal ECEC services (2008)		Child's age (months) at:			Gap between	
	0-2 years	3-5 years	end of leave (a)	end of well-paid leave(b)	start of ECEC entitlement(c)	(a)-(c)	(b)-(c)
Austria	12%	78%	24	1.8	● 5 years PT	36 months	58 months
Australia	29%	55%	24	None	● 5 years PT	36 months	No well paid
Belgium	48%	99%	34	4	●● 2½ years	No gap	26 months
Brazil	NI	NI	6	6	×		
Canada	24%	57%	12	None	×		
Québec	NI	NI	12.8	12.8	×		

Croatia ⁵⁵	NI	NI	12+bonus 2	12+bonus 2	×		
Czech Rep	2%	80%	36	5.1	×		
Denmark	66%	92%	13.9	13.9	●●6 months	No gap	No gap
Estonia	18%	89%	36	18	●18 months[*3 Years]	No gap	18 months
Finland	29%	74%	36	11.1	●●end Par.Leave	No gap	No gap
France	42%	100%	36	3.3	●3 years	No gap	33 months
Germany	18%	93%	36	13.3+bonus 2	●3 years PT	No gap	20 months
Greece	16%	47%	20-60	6-12	●5 years PT	40 months to no gap	48-54 months
Hungary	9%	87%	36	24	●birth[*3 years]	No gap	12 months
Iceland	55%	96%	15	9	×		
Ireland	31%	56%	17.6	6	●3¼ years PT	21 months	33 months
Italy	29%	97%	13.7+bonus 1	3.7	×		
Japan	28%	90%	12.0 +bonus 2	1.9	×		
Lithuania	14%	66%	36	12	×		
Luxembourg	39%	86%	13.8	1.8	●3 years PT	22 months	34 months
Netherlands	56%	67%	14.3	2.3	●4 years PT	34 months	46 months
New Zealand	38%	94%	12	3.2	●3 years PT	24 months	33 months
Norway	51%	95%	36.7	12.5	●●12 months	No gap	No gap
Poland	8%	47%	48	12	●6 years PT	24 months	60 months
Portugal	47%	79%	36+bonus 1	6+bonus 1	●5 years	24 months	54 months
Russian Fed ⁵⁶	NI	NI	36	2.3	●2 months	?No gap	? No gap
Slovakia	3%	74%	36	×	×		
Slovenia	34%	78%	14.2	11.5	●●end Par. leave	No gap	No gap
S.Africa	NI	NI	4	4	×	No gap	30 months

⁵⁵ Data from the TransMonEE Database (www.transmonee.org) compare ECEC attendance rates for countries in Central and Eastern Europe and the Commonwealth of Independent States (Tables 7.1,7.2). Some of these countries are also OECD member states, and appear in the OECD Family Database used for this Table, though the OECD and TransMonEE data on ECEC attendance do not always coincide. Croatia appears in the TransMonEE Database only, which shows attendance rates in 2008/9 of 15.5% for children under 3 years and 60.1% for 3 to 6-year olds.

⁵⁶ There is no information available to confirm whether the entitlement to an ECEC place from two months of age can be met. The Russian Federation appears in the TransMonEE Database only (see footnote 55), which shows attendance rates in 2008/9 of 17.6% for children under 3 years and 71.6% for 3 to 6-year olds.

Spain	38%	99%	36	5.2	● 3 years	No gap	31 months
Sweden	47%	91%	18	13.2	●● 12 months	No gap	No gap
Switzerland	NI	48%	3.7	3.2	×		
U.Kingdom	41%	93%	20	1.4	● 3 years PT	16 months	35 months
USA (2005)	31%	56%	×	×	×		
Average(median)	31%	83%					
OECD average	30%	77%					

Source: *Attendance rates at formal ECEC services*: OECD Family Database, Table PF3.2.A, available at: www.oecd.org/els/social/family/database

Note on source: a discrepancy for Slovenia has been drawn to the attention of the editor of the review, between the figure in the Table given for attendance rates at formal ECEC services for children under three years, based on the OECD Family Database – 31 per cent; and the figure for attendance produced by the Statistical Office of the Republic of Slovenia for 2008-9 – 49 per cent (http://www.stat.si/eng/novica_prikazi.aspx?id=2327). This is a large difference and the cause is not certain; one unconfirmed suggestion is that the OECD Family Database figure is based on EU-SILC data and that while EU-SILC is representative of the population on some important variables such as sex, age, education and region, it is not representative either of parents of pre-school children or the pre-school children themselves. Since EU-SILC data is widely used, this issue requires further examination, and the data for other countries should be used with caution.

Key:

×: no well paid leave or no entitlement to ECEC; ●: entitlement, but only from 3 years or older; ●●: entitlement from below 3 years of age. PT: entitlement is for 20 hours a week or less.

*: There is an obligation to provide a place, but this obligation cannot be met due to shortages of provision. This shortage usually applies to children under 3 years, and the bracketed figure indicates when the entitlement can usually be met in practice. The gap in the next column refers to the later age, i.e. when the entitlement in practice is implemented.

Changes and developments since April 2012

Twenty three of the 33 countries covered by this review reported policy changes, proposals or discussions between April 2012 and April 2013, leaving nine with nothing to report (Brazil, Hungary, Japan, Luxembourg, New Zealand, South Africa, Slovakia, Sweden and the USA). The developments reported varied in nature (e.g. whether they were changes introduced, changes agreed for later introduction, or proposals under discussion); also in their focus and significance, including whether they were, broadly speaking, developments in leave and related policies or some form of 'cut back'.

Seventeen countries reported **changes introduced during the period since April 2012**. In 16 cases, these were **developments of leave policy**, including: Maternity leave (Croatia, Poland); Paternity leave (Australia, Estonia, Finland, France and Italy); Parental leave (Austria, Greece, Iceland, Ireland, Netherlands, Russia and the UK); and other measures (Czech Republic, Estonia, Italy and Norway). In four cases (Greece, Ireland, Netherlands and the UK), changes were made to implement EU Directive 2010/18, which extended the minimum period of Parental leave from 13 to 18 weeks per parent.

Of particular significance was Poland introducing a new Maternity leave option allowing 52 weeks of leave to be taken at 80 per cent of earnings in addition to the existing option of 26 weeks at 100 per cent; and Italy introducing an option for mothers to transfer their Parental leave for childcare vouchers, a quite new relationship between leave and early childhood education and care. France extended Paternity leave to gay couples and, to reflect this change, renamed the leave *Congé d'accueil à l'enfant*.

Four countries (Belgium, Greece, Slovenia and Spain) reported **cut backs** in leave provision, either nationally or in particular regions.

In eight countries, **new policies were announced** to be implemented later. Four (Croatia, Iceland, Norway and Poland) concerned Parental leave; one (the UK) Maternity leave; and three (Australia, Canada and Germany) other measures. Of particular significance was Iceland, which announced a major reform of Parental leave that will take its current 3+3+3 scheme to 5+5+2 between 2014 and 2016; and Norway, which announced paid Parental leave will be extended to 49/59 weeks with 100/80 per cent of earnings, with an extension of the mother's and father's quotas to 14 weeks and as will the father's quota, while the shared period will be reduces to 18/28 weeks. Also important was the UK government's decision not to proceed with proposals for a major re-structuring of leave policy (reported in the 2012 annual review), and instead revise the existing system based on a 52 week Maternity leave period.

The government in Denmark set up a committee in January 2013 to look at the possibilities for increasing fathers' use of Parental leave. Extending Parental leave payment from 18 to 36 months has been under discussion in Russia, but with no conclusion. While in Spain, Paternity leave was again not extended, despite this being proposed in 2007.

Take-up of leave

Information provided in country notes on take-up of leave has many gaps, making systematic cross-national comparisons impossible. Mostly, there is no information on take-up of unpaid leave and limited information on paid leave, except for occasional survey data. There is the further question of what proportion of parents are eligible for leave, where again there is no consistent and comparable information. Eligibility conditions vary between countries and types of leave, making cross-national comparisons even more difficult. Ineligibility may be related to self-employment, temporary contracts, other conditions related to prior employment history or the exemption of smaller employers from leave policies. The absence of good comparative data on eligibility and take-up not only makes cross-national comparisons impossible: it also makes it impossible to compare the situation of different socio-economic groups within and across countries, for example access and use of leave by different income, social class and ethnic groups and by workers with different employment statuses; and to make proper evaluations of different leave policies. Mostly, only broad generalisations are possible; much less can be said about the relationship between leave use and individual, family or workplace diversity.

Generally speaking, paid *Maternity leave* appears to be extensively and fully used by mothers who are eligible; in many cases, it is obligatory to take part or all of the leave. However, in the UK, where there is an entitlement to paid 'Ordinary Maternity leave' followed by unpaid 'Additional Maternity leave', most women return to work well before the end of the unpaid entitlement.

EIRO (2004⁵⁷) conclude that "the available figures show a relatively significant take-up rate [for *Paternity leave*]." This conclusion is borne out in the country notes: two-thirds or more of fathers are reported to take paid Paternity leave in Denmark, Finland, France, Sweden, the Netherlands and the United Kingdom.

Where *Parental leave* is unpaid, as in Ireland, Portugal, Spain and the United Kingdom, there are no regular statistics on use, but take-up is thought to be low by both mothers and fathers (i.e. irrespective of gender, few parents take leave schemes that are completely unpaid) (see also EIRO, 2004). For instance, in Spain in 2011, people starting some period of Parental leave corresponded to 7.2 per cent of the births in that year. While in a 2012 survey in the UK, only 11 per cent of parents with a child under six years reported taking Parental leave.

Where leave is a family entitlement only, fathers' use is low (i.e. where leave can be shared between parents, fathers take only a small proportion). However, where Parental leave has both an individual entitlement element *and* is relatively well paid, fathers' use is higher – though not equal with use by mothers. This can be seen in the four Nordic countries in this study, where Parental leave meets these two conditions:

⁵⁷ European Industrial Relations Observatory (EIRO) (2004) *Family-related leave and industrial relations*. Available at: <http://www.eurofound.europa.eu/eiro/2004/03/study/TN0403101S.htm>

- **Denmark:** survey data show that among parents of children born in 2005, 24 per cent of fathers took Parental leave and 94 per cent of mothers. On average, mothers took 28 weeks of leave, and fathers eight weeks.
- **Iceland:** in 2009, 96.4 per cent of fathers took a period of leave (paternity and/or parents' joint rights) for every 100 mothers taking some leave, and fathers took about a third of all days of leave taken by parents (an average of 99 days leave compared to 178 for mothers). Overall, 20.1 per cent of fathers took some of the parents' joint rights.
- **Norway:** fathers increase their uptake the year following the extension of the father's quota. For example, following an increase from ten to 12 weeks, 21 per cent of fathers took exactly 12 weeks (60 working days) in 2012, compared with only 0.6 per cent in 2011;. But most fathers do not take more than their quota: only 15 per cent of fathers take any of the family part of Parental leave (i.e. in addition to the father's quota).
- **Sweden:** 90 per cent of fathers of children born in 1998 took Parental leave at some stage before their child's 8th birthday, mainly starting when their children were 13 to 15 months of age. In 2011, 44 per cent of Parental leave benefit recipients were men, compared to 56 per cent who were women, though on average mothers took 95 days and fathers 37 days.

In all four cases, mothers continue to take more leave than fathers. The difference is greatest in Denmark, where statistics from 2010 and 2011 show that Danish fathers on average only took 7.2 per cent of the Parental leave period, followed by Norway, where fathers accounted for 18 per cent of Parental leave days taken in 2011, and Sweden, where fathers take about just under a quarter of all days (24 per cent) in 2011. The greatest share of paid leave taken by men, 33 per cent, is in Iceland, with its 3+3+3 leave scheme; mothers take both their individual entitlement and the greater part of the family entitlement.

These figures can be viewed from different perspectives – as reflecting how care continues to be strongly gendered or as reflecting a gradual shift towards men taking more responsibility for care. The most significant changes in fathers' behaviour seem to be taking place in Iceland and Sweden, where leave-taking has begun to move beyond a month.

It is also striking that fathers' use of leave does respond to policy changes, as a number of countries clearly show:

Finland: the number of fathers taking the father's month increased from 1,700 men in 2002, the year before the introduction of the bonus scheme for fathers taking at least two weeks Parental leave, to 17,625 in 2011. However, only 2.5 per cent of fathers took a longer period of Parental leave in 2011; and the average length of leave of fathers who do take Parental leave has fallen, from 64 working days in 2002 to only 19 in 2011.

Germany: the 2007 reform of leave, which had the explicit aim to raise leave take-up by fathers, has had an immediate impact; the proportion of fathers taking leave has risen more than eight-fold from 3.3 per cent in 2006 to 27.8 per cent for children born in the third quarter of 2011.

But while the new Parental leave law has been successful in raising the take-up of leave by fathers, a large majority, i.e. 82.5 per cent (2012), took no more than their individual two month entitlement.

Iceland: with the extension of father-only leave from 2001, the average number of days of leave taken by men in Iceland has more than doubled (up from an average of 39 in 2001 to 103 in 2008).

Norway: the proportion of men taking some leave has increased from 4 per cent to 89 per cent since the introduction of the one-month father's quota. After the extension of the father's quota to six weeks in 2006, 70 per cent of eligible fathers took more than five weeks in 2007 and increasing numbers take six weeks.

Portugal: the five-day Paternity leave (introduced in 1999 and made obligatory in 2004) was used in 2000 by 11 per cent of fathers, increasing to 27 per cent in 2002 and to 36 per cent in 2003. The proportion of fathers taking this leave subsequently increased by about two per cent per year, to 45 per cent in 2007 and 2008 (take-up is underestimated as these statistics exclude employees with special social protections regimes, e.g. civil servants, bank workers). The same trends may be observed for the 15 additional Paternity leave days, also introduced in 1999; the proportion of fathers taking these days has risen from 4 per cent in 2001 to 37 per cent in 2008.

The same trends may be observed since 2009, when 'Paternity leave' became 'father-only Parental leave' and ten days became obligatory. Take-up of leave increased to 56 per cent for the ten compulsory days and 47 per cent for the additional ten days. In 2010 and 2012 take-up increased again, first to 62 and then to 68 per cent for the ten compulsory days; and to 52 and then to 58 per cent for the ten optional days (percentages based on the number of fathers who take leave in relation to the number of estimated births for 2012). If, again, take-up is calculated in relation to the total number of Initial Parental leaves granted, then the proportions in 2012 increased to 81 per cent for the ten obligatory days and 69 per cent for the ten optional days.

Data on take up of the new 'initial Parental leave' (replacing Maternity leave), which also came into effect in 2009, points to an increasing take-up rate of the 'sharing bonus' by parents. In 2012, 75,553 initial Parental leaves were granted and take up of the 'sharing bonus' (at least 30 days) increased to 22.3 per cent of these leaves; in other words, 16,848 fathers stayed at home for 30 or more consecutive days, on their own, during the five or six months of total 'initial parental leave'.

Québec: take-up of leave by fathers was already higher in 2004, with 22 per cent of fathers using some leave compared with nine per cent elsewhere in Canada. The Paternity and Parental leave scheme, introduced in 2006, has had a substantial impact on fathers' participation: in 2006, 56 per cent of eligible fathers in **Québec** took a period of Paternity and/or Parental leave, rising in 2011 to 84 per cent; in the rest of Canada, take-up of Parental leave by fathers was 11 per cent.

Sweden: the proportion of leave days taken by men in Sweden doubled between 1997 and 2004, with the introduction and then the extension of a father's quota, though the doubling to two months had a less dramatic effect than the initial introduction of a quota.

It is noticeable from these examples that the pace of change varies between countries. This may reflect a number of mediating factors, for example the design of policy (e.g. level of payment, flexibility of use) and possibly also the socio-cultural climate (e.g. levels of awareness about gender equality, extent of support for change in gender roles).

All these examples are of paid leave. The importance of payment can also be seen in Catalonia, where there was a strong take-up by public employees of a scheme that enabled parents to reduce their working hours when they have a child under one year without loss of earnings. Nearly a quarter of parents who used this option were fathers. This scheme was ended in 2012 as a result of budget cuts.

As noted earlier, there is little information on take-up among different socio-economic or ethnic groups within countries. Where it exists, it points towards women being *less likely* to take Parental leave, or to take it for shorter periods, if they are: self-employed; work in the private sector; higher educated; and/or higher earning. Fathers are *more likely* to take leave or to take it for longer periods if: their partners have higher education and/or earnings; if they work in female-dominated occupations or the public sector.

Finally, there is also only very limited information on the use of flexible working options. German data suggest that more flexible leave options (e.g. to take a higher benefit over a shorter leave period and to work part time while on leave) are used by only a minority, with parents in former East Germany being more likely to take a higher benefit for a shorter period, reflecting a greater propensity among women in this part of Germany to work when they have young children. Recent survey data from the UK show that almost a quarter of employees with dependant children under six years have asked to work flexibly, rising to 36 per cent amongst women with a child under six years; most (81 per cent) requests were partly or fully accepted by employers. The Netherlands introduced a similar, though broader, right to request more flexible hours in 2000. An evaluation after two and a half years found that 26 per cent of employees had wanted to work less (27 per cent for men, 24 per cent for women), the main reasons given by both men and women being to have more time for family or household duties (34 per cent) or to pursue hobbies and other private activities (30 per cent). Approximately half (53 per cent) of the employees who wished to reduce their working hours asked their employers; more than half (54 per cent) had their request fully granted, with a further 10 per cent partially agreed. In short, the legislation had contributed to about 9 per cent of workers reducing their hours.

To summarise on take-up:

- Unpaid or low-paid leave of whatever kind has low take-up;
- Leave specifically for fathers (e.g. Paternity leave, fathers' quotas in Parental leave) is well used if paid at or near income replacement level;
- Fathers take only a small portion of Parental leave that is a family entitlement;
- Leave is used differentially not only by women and men, but by parents with different education, income and employment both individually and in relation to their partners – the impact of leave policies, therefore, is not uniform.

Research and publications since April 2012

Country notes include an overview of publications on leave and related topics since April 2012 (a few earlier publications missing in earlier reviews are included, also publications since 2011 from the new country in the review, Slovakia); and also brief outlines of ongoing research.

The publications listed are supplied by the authors of the country notes, and are not necessarily a comprehensive and systematic literature review for the period; some publications, therefore, may have been missed and the international review's editor would welcome information about missing publications (details to peter.moss@ioe.ac.uk)

One hundred and twenty publications are listed, including a brief description in most cases. Many of these publications are available in English and downloadable. The number of publications varies considerably between countries, implying different levels of policy interest and/or of researchers with an interest in work/life issues.

Fifty three ongoing research projects from 19 countries are reported on leave policies and related issues, ranging from cross-national studies to studies undertaken for doctoral theses. As with publications, the international review's editor would welcome information about missing research projects.

4. Country notes

Australia

Gillian Whitehouse (University of Queensland), Marian Baird (University of Sydney) and Michael Alexander (Australian Institute of Family Studies)⁵⁸

April 2013

NB. Australia is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on federal and state industrial relations systems and awards: In Australia, the employment conditions of employees in federal and state jurisdictions have traditionally been detailed in awards, which are prescriptive documents determined by industrial tribunals that usually cover an occupation or industry. Since the mid-1990s, industrial relations legislation has facilitated the spread of enterprise-level collective agreements, which often use the relevant award as a benchmark of minimum standards, but may specify additional employment conditions.

As part of the Fair Work Act 2009, the national independent workplace relations tribunal (the Fair Work Commission) has replaced more than 1500 state and federal awards with 122 industry and occupation awards (known as modern awards). The Fair Work Act also put in place a set of ten National Employment Standards that prescribe the minimum set of entitlements for employees: these include standards relating to unpaid Parental leave (which has been an entitlement under federal industrial relations legislation since 1994) and flexible working arrangements (see below). Specific minimum conditions for industry are set out in modern awards and some of the National Employment Standards may also be replicated in modern awards or enterprise agreements.

Since 1990 Leave entitlements in relation to the birth or adoption of a child under Australian labour regulation have been written in gender-neutral terms and are generally referred to as Parental leave, rather than Maternity or Paternity leave. This is also the case for the entitlement to pay while on Parental leave (since January 2011), although not for the recently introduced payment specifically for fathers or mothers' partners (called Dad and Partner Pay).

a. Maternity leave

There is no statutory entitlement to Maternity leave as such. However, see 1c for details of the unpaid Parental leave entitlement under the Fair Work Act, which provides for each

⁵⁸ Please cite as: Whitehouse, G., Baird, M. and Alexander, M. (2013) 'Australia country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

working parent up to 12 months unpaid leave (and a right to request up to an additional 12 months, with a limit of 24 months per employed couple) for a parent with responsibility for care of a child following birth or adoption. Women may take up to six weeks of this leave prior to the expected birth. For births or adoptions after 1 January 2011, eligible mothers (or their partners) may receive payment (Parental Leave Pay) for up to 18 weeks of this leave under the Government's Paid Parental Leave scheme (see 1c for details).

Historically, many female employees have also had access to employer-paid Maternity leave through industrial awards, workplace agreements, company policies, or legislation covering public sector employees. In a national survey conducted in November 2012, 57 per cent of female employees indicated they had access to paid Maternity leave in their main job (ABS Forms of Employment survey, November 2012, Cat No 6359.0, Table 9), although another 12 per cent of female employees indicated they were unsure or did not know if they had access to this entitlement. Organisational data collected by the Workplace Gender Equality Agency (WGEA) in 2012 indicate that almost 52 per cent of WGEA reporting organisations (non-public sector employers with 100 or more employees) responding to the survey provided paid Maternity leave for employees⁵⁹. Surveys over time conducted by this agency (previously entitled the Equal Opportunity for Women in the Workplace Agency [EOWA]) indicate a significant increase in prevalence since the early 2000s: only 36 per cent of responding organisations reported having paid Maternity leave provisions in 2002-03⁶⁰. In spite of this increase there remains considerable variation across industries, with only 17.2 per cent of responding organisations in 'Accommodation and food services' providing paid Maternity leave in 2012 (see footnote 1). In addition, the conditions attached to paid leave granted by WGEA reporting organisations (duration, level of income replacement and eligibility) vary significantly across employers as discussed below. Levels of access and eligibility periods may also vary within organisations, for example between permanent and non-permanent staff: among WGEA respondent organisations providing paid maternity leave in 2009-10, only 21 per cent made this available to casual employees (see footnote 2).

b. Paternity leave

As outlined in 1c below, the unpaid Parental leave entitlement provided in the Fair Work Act enables men to take three weeks leave⁶¹ immediately following the birth of the child, and to share the unpaid Parental leave entitlement with their partners for periods during which they take a 'primary carer' role. Under the Paid Parental Leave scheme, partners taking a primary carer role may also share the Parental Leave Pay entitlement.

In addition, a specific entitlement to 'Dad and Partner Pay' has been introduced from 2013. For births or adoptions after 1 January 2013, a father (or the mother's partner) may be entitled to up to two weeks' 'Dad and Partner Pay' paid at the rate of the national minimum wage (currently AU\$606.40 per week/AU\$15.96 per hour [€454/€12⁶²]). This payment must be taken while on unpaid leave (such as that available under the Fair Work Act unpaid Parental leave provisions) and is non-transferrable.

Employer-paid Paternity leave may also be available to some fathers and partners through company policies, industrial instruments or legislation covering public sector employees. In

⁵⁹ WGEA (2013) *Industry Snapshot: All Industries*. Available at: http://www.wgea.gov.au/sites/default/files/All_Industries_2012.pdf

⁶⁰ EOWA (2011) *Paid Maternity Leave in 2011: the Business Case*. Available on request from the Workplace Gender Equality Agency: <http://www.wgea.gov.au/>.

⁶¹ The Australian Government has foreshadowed this will be increased to eight weeks in upcoming legislative changes.

⁶² Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

response to a national survey in 2012, 51 per cent of male employees indicated they had access to paid Paternity leave in their main job (ABS Forms of Employment survey, November 2012, Cat No 6359.0, Table 9), although a substantial proportion of male employees (22 per cent) were unsure. Organisational data indicate that the prevalence of employer-paid Paternity leave has been increasing over recent years: WGEA figures indicate that 38 per cent of large organisations responding to their 2012 survey provided paid Paternity leave (see footnote 1), compared with only 15 per cent in 2001.⁶³ Again there is considerable variation across industries, with only 10.4 per cent of WGEA reporting organisations in Accommodation and food services providing paid Paternity leave in 2012 (see footnote 59). The amount of paid leave that is granted also varies significantly across employers (see later comments) and, as for employer-paid Maternity leave, organisational policies may not deliver the same entitlement to all employees within the organisation.

c. Parental leave

Length of leave

- Under the relevant National Employment Standard in the Fair Work Act, each parent who meets the eligibility requirements is entitled to 12 months unpaid Parental leave; this leave is an individual entitlement. That period can be extended by a further 12 months if the employer agrees, with the limitation that a couple cannot exceed a total of 24 months between the two working parents per birth. When both members of a couple are entitled to unpaid parental leave under the National Employment Standard, they can take three weeks of their unpaid parental leave at the same time, starting immediately after the birth, or by agreement with their employer, within the period up to six weeks after the birth.
- Unpaid Parental leave can be taken sequentially with paid leave entitlements, such as employer provided Maternity/ Parental leave if it is available to the employee through their employment conditions. Other forms of paid leave such as annual leave and long service leave can also be used. However, for each period of paid leave used, the unpaid Parental leave entitlement is reduced by the same amount so that the maximum time available for Parental leave per family is still two years. The government funded 18 weeks Parental Leave Pay is designed to be paid during the unpaid Parental leave entitlement period: it does not reduce or extend the duration of unpaid Parental leave available as it is an entitlement to pay rather than to leave.

Payment and funding

- The Government's Parental Leave Pay (provided under its Paid Parental Leave scheme) is paid at the rate of the national minimum wage (currently AU\$606.40 per week/AU\$15.96 per hour [€454/€12]) for up to 18 weeks per birth or adoption for the mother. In some circumstances it can be transferred to the father or other primary carer; the 18 weeks pay is, therefore, a family entitlement that initially goes to the mother. This represents 49.3 per cent of full-time average ordinary time female earnings as at November 2012. Parental Leave Pay can be received during paid or unpaid leave.
- Where additional paid leave is offered (for example, under company policies, industrial agreements or legislative provisions for public sector employees) duration of leave varies. The average duration of provisions among large organisations was recently reported as 9.7 weeks for paid Maternity leave and 1.6 weeks for paid Paternity leave (WGEA 2013; see footnote 1). Payment is typically at the employee's

⁶³ EOWA (2006) *Equal Opportunity for Women in the Workplace Survey 2005: Paid Paternity Leave*. Available on request from the Workplace Gender Equality Agency: <http://www.wgea.gov.au/>.

normal pay rate, although in some cases there are provisions to double the duration by taking the leave at half pay.

Flexibility in use

- Under the National Employment Standard in the Fair Work Act, only one parent is entitled to access unpaid Parental leave at any particular time. The exception allowing some flexibility is immediately following the birth (or adoption) of the child, when parents may take concurrent unpaid leave for up to three weeks (see footnote 61).
- Parental Leave Pay can also be transferred from one parent to the other where the primary carer for the child (i.e. the parent on leave) also changes and meets the eligibility criteria.

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

- Employees in permanent positions (full- or part-time) are eligible for the unpaid statutory provisions under the Fair Work Act 2009, provided they have 12 months continuous service with the same employer by the expected date of delivery.
- Casual employees are also eligible for the above entitlements provided that they have been engaged by a particular employer for a sequence of periods of employment during a period of at least 12 months and, but for the birth or adoption of a child, would have a reasonable expectation of continuing engagement.
- Twelve months unpaid Parental leave is not available to self-employed workers. According to surveys in 2005⁶⁴ and 2011⁶⁵, around 11 per cent of mothers in employment while pregnant were self-employed.
- An employer can refuse the request for a second 12-month period of leave on 'reasonable business grounds'. Any agreement for an additional period of leave beyond the first 12 months will reduce the spouse or de facto partner's entitlement by an equivalent amount.
- To be eligible for the government funded 18 week Parental Leave Pay, the primary carer (usually the mother) must be in paid work and have been engaged in work continuously for at least 10 of the 13 months prior to the expected birth or adoption of the child and undertaken at least 330 hours of paid work in the 10-month period.
- The government funded Parental Leave Pay is restricted to those individuals earning less than AU\$150,000 (€112,355) per year or 3.5 times average female annual earnings (or 2.4 times average female full-time earnings)⁶⁶ and is provided to long-term employees through their employer's normal payroll system, with the government providing the full payment to the employers prior to them paying their employees.
- The government funded Parental Leave Pay can be taken in conjunction with other forms of paid leave to which the employee may be eligible (annual leave, long service leave, employer-funded Maternity or Parental leave) but must be taken before the employee returns to work.
- Any unused portion of the Parental Leave Pay can be transferred to another primary caregiver (usually the father, but potentially a same-sex partner or grandparent) in the event that they also meet the eligibility criteria.

⁶⁴ Whitehouse G., Baird, M. and Diamond, C. (2005) *Parental Leave in Australia Survey: November 2006 Report*. Available at: <http://www.polsis.uq.edu.au/parental-leave/level1-report.pdf>

⁶⁵ Australian Bureau of Statistics (2012) *Pregnancy and Employment Transitions Survey, November 2011*, Cat. No. 4913.0. Available at: <http://www.abs.gov.au>

⁶⁶ Australian Bureau of Statistics (2013) *Average Weekly Earnings, Australia, November 2012*, Cat. No. 6302.0. Available at: <http://abs.gov.au>

- Where employees are covered by an existing industrial award or enterprise agreement that includes paid Maternity or Parental leave, that entitlement cannot be withdrawn during the life of the agreement; the government-funded Parental leave scheme is in addition to any existing employment conditions.
- Those mothers not working (or not working for a sufficient period or hours to qualify for Parental Leave Pay) prior to the birth of a child could still be eligible for the existing Baby Bonus of AU\$5,000 (€3,745) for a first child and \$3,000 (€2,247) for all subsequent children – paid in 13 fortnightly instalments, and have access to family tax benefit B (primarily payable to single income families). These benefits of the social security system would no longer be available to those receiving Parental Leave Pay.

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 parents

- Special unpaid Maternity leave may be taken in cases of pregnancy-related illness or miscarriage within 28 weeks of the expected date of delivery. Any leave taken in these circumstances must be subtracted from the total entitlement to unpaid Parental leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Paid Parental leave, usually specified as Maternity or Paternity leave, is available in some awards or workplace agreements and/or company policies. In these situations conditions might be attached, such as a requirement to return to work before receiving some or all of the payment or a guarantee to return for at least a period equivalent to the leave taken. Such conditions do not appear to be common. For example, among respondents to the 2005 *Parental Leave in Australia Survey* who had taken some paid Maternity leave, around 5 per cent reported that some or all of their pay was delayed until their return to work (see footnote 64).

d. Statutory childcare leave or career breaks

No statutory entitlement.

e. Other statutory employment-related measures

Adoption leave and pay

- The same statutory rights apply as to unpaid Parental leave and Parental Leave Pay when a child under 16 years old is adopted.

Time off for the care of dependants

- All employees (except casuals) have access to a period of paid personal/carer's leave equivalent to one twenty-sixth of their nominal annual hours (ten days leave for a regular full-time employee). In addition, employees can access up to two days unpaid carer's leave for each 'permissible occasion' provided paid personal leave has not been exhausted. Personal/carer's leave includes 'sick' leave and may be taken because of a personal illness, or to provide care or support to a member of the employee's immediate family or household who is ill or injured, or in the case of an unexpected family emergency.

Flexible work arrangements

- One of the 10 National Employment Standards contained in the *Fair Work Act 2009* provides parents with a statutory right to request flexible working arrangements, providing a right for parents who have responsibility for the care of a child under school age (or a child under 18 years with a disability) to request a change in work arrangements to assist the employee to care for the child. An employer can accede to the request, offer an alternative set of arrangements, or refuse the request on reasonable business grounds. Both 'flexible working arrangements' and 'reasonable business grounds' are deliberately not defined to avoid limiting the options available or applying to the parties, although general information and assistance will be provided to facilitate agreement. The request is ultimately not enforceable by any third-party body.

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

The maximum period of government paid post-natal leave in Australia is 18 weeks (see 1c above), with payment at a flat rate; unpaid leave takes the total available up to 2 years, though the second 12 months is subject to employer agreement. There is no entitlement to ECEC, although all Australian governments⁶⁷ have agreed to make available 15 hours a week of nursery education for one year before compulsory schooling (i.e. from age 5 years) by mid-2013. Levels of attendance at formal services for children under 3 are around the average for the countries included in this review and for OECD countries; but well below average for children over 3 years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

There is considerable policy discussion about ECEC and the current federal Labor Government has introduced changes. A National Quality framework has been introduced which includes improvements in training requirements for staff and staff:child ratios. More recently the Government committed \$300 million (€225 million) over two years to a wage augmentation package designed to boost take-home pay in the childcare industry and in March 2013 the Government announced an \$11 million (€8.2 million) package to increase the flexibility and accessibility of childcare across Australia. Fifty trial sites have been selected to look at ways to better meet the needs of modern families and shift workers, which includes night-time care.

3. Changes in policy since April 2012 (including proposals currently under discussion)

Following reduction of the Baby Bonus entitlement from AU\$5,437 (€4,072) to AU\$5,000 (€3,745) from 1 September 2012 as part of the Government's fiscal consolidation measures, the Government announced in October 2012 that it would reduce the Baby Bonus payment for second and subsequent children to AU\$3,000 (€2,247) from July 2013.

Legislation to expand the Paid Parental Leave scheme from 1 January 2013 with a new entitlement for working parents, Dad and Partner Pay, was passed by the Australian Parliament in June 2012. This entitlement is available to eligible fathers and partners caring for a child born or adopted from 1 January 2013. Dad and Partner Pay will provide eligible working fathers or partners, including adopting parents and parents in same-sex couples,

⁶⁷ National Partnership Agreement on Early Childhood Education, Council of Australian Governments, 29 November 2008. <http://deewr.gov.au/national-partnership-agreement-early-childhood-education>.

with two weeks of Dad and Partner Pay at the rate of the National Minimum Wage, currently AU\$606.40 per week (€454) a week before tax.

In February 2013 the Australian government announced its intention to extend the 'right to request' flexible working arrangements under the Fair Work Act to all employees with responsibility for children or with other caring responsibilities, employees with a disability, mature-aged employees and those experiencing domestic violence or providing assistance to a family or household member experiencing domestic violence.

The Opposition parties in the Australian Parliament currently have a policy for a more generous paid Parental leave scheme. The proposal is for 26 weeks paid Parental leave at full replacement salary of the mother's wage (up to a ceiling of AU\$75,000 (€56,177) for the 26 weeks), paid for through a levy of 1.5 per cent on large businesses.

4. Take-up of leave

Recent sources of data on access to and take-up of various types of leave for parenting purposes include two reports from the evaluation of the Government's Paid Parental Leave scheme and a supplementary labour force survey collecting information on mothers of children under two years of age conducted by the Australian Bureau of Statistics (see section 5 below). The following estimates are drawn from these sources as indicated.

a. Maternity leave

As explained earlier, the term 'Maternity leave' is used in Australia primarily for employer-paid provisions. Data from the 2010 Baseline Mothers survey conducted as part of the Paid Parental Leave evaluation, just prior to the introduction of that scheme, indicate that approximately half the mothers responding to this survey who were working prior to the birth of their child reported access to employer-paid Maternity leave. Among this group, 96 per cent took some paid Maternity leave, with an average duration of 3.5 to four months⁶⁸. Mothers with access to employer-paid Maternity leave typically extend their leave duration by accessing other forms of paid and unpaid leave, while those without access to employer-paid leave are totally reliant on other forms of leave. The majority of mothers in the Baseline Mothers survey utilised more than one form of leave: the use of the unpaid Parental leave entitlement is covered in 4c below, with non-parental forms of leave accessed including paid annual leave, personal sick leave and long service leave. On average, mothers responding to this survey who took leave with the birth of their child utilised 2.7 different forms of leave.

b. Paternity leave

The 2010 Baseline Mothers survey also asked respondents about their partners' access to, and uptake of, employer-paid Paternity leave. Among mothers working prior to the birth of their child who were eligible for the Government's Paid Parental Leave scheme, a little over 30 per cent reported that their partner had access to paid Paternity leave from their employer. Within this group over 90 per cent took some paid Paternity leave, for an average duration of one week. However it was also clear from this survey that fathers continued to rely heavily on the use of non-parental forms of leave, particularly paid annual leave: 80 per cent of respondents who were working prior to the birth of their child and eligible for the Government's Paid Parental Leave scheme reported that their partner had accessed annual

⁶⁸ Martin, W. et al. (2012) *Paid Parental Leave evaluation: Phase 1. Occasional Paper No. 44*. Canberra: Department of Families, Housing, Community Services and Indigenous Affairs. Australian Government. Available at: <http://www.fahcsia.gov.au/about-fahcsia/publications-articles/research-publications/occasional-paper-series/number-44-paid-parental-leave-evaluation-phase-1>

leave around the time of the birth of their child (see footnote 10 for all data from the Baseline Mothers survey).

c. Parental leave

The entitlement to 12 months' unpaid Parental leave in the National Employment Standard under the Fair Work Act is available to, and utilised by, most working mothers: among respondents to the 2010 Baseline Mothers survey 82 per cent were eligible for unpaid Parental leave (on the basis of their employment status), and over 80 per cent of these accessed some unpaid Parental leave, for an average duration of 5.5 to 6 months. In contrast, among partners of mothers eligible for the Government's Paid Parental Leave scheme, less than half (around 45 per cent) of those eligible for statutory unpaid leave utilised this entitlement. The average duration of unpaid leave among partners was one or two weeks.

Parental Leave Pay (under the Paid Parental Leave Scheme) is also available to a high proportion of working parents, but is particularly targeted at mothers, who may opt to transfer some or all of their entitlement to their partner or another person taking on a primary carer role who meets the eligibility criteria.

Mothers not in the workforce may be entitled to the Baby Bonus payment. Working mothers who meet the criteria for both payments may choose whether to receive Parental Leave Pay or the Baby Bonus. Among mothers who gave birth to or adopted a child in the first financial year of the Paid Parental Leave scheme (2011-12), around 44 per cent received Parental Leave Pay and 55 per cent received the Baby Bonus.⁶⁹ A survey conducted in 2011 as part of the Paid Parental Leave evaluation (Mothers Process Evaluation survey) showed that the majority of Parental Leave Pay recipients (83 per cent) took the full 18 weeks entitlement, and that 97 per cent of mothers receiving Parental Leave Pay did not transfer any of the payment to their partner or another person (see footnote 11).

d. Other employment-related measures

The *Pregnancy and Employment Transitions* survey conducted by the Australian Bureau of Statistics in November 2011 provides information on the uptake of a range of other employment-related measures by parents. Among women with a child under two years who had a job in November 2011, over 70 per cent used flexible working arrangements to assist with the care of their child. Among this group, 74 per cent worked part-time, 48 per cent used flexible working hours and 33 per cent worked from home (individuals could use more than one type of flexible working arrangement). Mothers' partners were considerably less likely to utilise flexible working arrangements: of women with a child under two years whose partners were working in a job in November 2011, one in four partners used some form of flexible working arrangements to assist with the care of their child. Among partners who used flexible arrangements, 12 per cent worked part-time, 61 per cent used flexible working hours and 32 per cent worked from home. (See footnote 65 for details of the *Pregnancy and Employment Transitions* survey.)

⁶⁹ Martin, W. et al. (2013) *Paid Parental Leave Evaluation: Phase 2 Report*. Available at: <http://www.fahcsia.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme/paid-parental-leave-phase-2-report>

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Following the decision to introduce a government funded Paid Parental Leave scheme, the Institute for Social Science Research (University of Queensland) was commissioned by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs to undertake an evaluation of the new scheme. The evaluation commenced in July 2010 and is due to be completed by mid-2014 (see below for further information on the evaluation).

In November 2011 the Australian Bureau of Statistics (ABS) conducted its second Pregnancy and Employment Transitions survey (Cat No 4913.0): the first was undertaken in 2005. Results from the 2011 survey were released in November 2012 and are available on the ABS website (<http://www.abs.gov.au>). The survey collects information from birth mothers of a child under two years of age at the time of the survey on job held during pregnancy and on return to work, leave arrangements for mothers and their partners and experiences of discrimination in the workforce.

b. Selected publications since April 2012

Baird, M. and Whitehouse, G. (2012) 'Paid parental leave: first birthday policy review', *Australian Bulletin of Labour*, Vol.38, No.3: 184-198.

This article covers the introduction and implementation of the Paid Parental Leave (PPL) scheme, its uptake during the first year of operation and its extension to include Dad and Partner Pay. It draws attention to differences in eligibility criteria between the pre-existing statutory provision for unpaid parental leave and the PPL scheme, but overall underlines the importance of the new scheme in establishing paid parental leave as an important component of the Australian policy framework.

Martin, W. et al. (2012) *Paid Parental Leave evaluation: Phase 1. Occasional Paper No. 44*, Canberra: Department of Families, Housing, Community Services and Indigenous Affairs. Australian Government. Available at: <http://www.fahcsia.gov.au/about-fahcsia/publications-articles/research-publications/occasional-paper-series/number-44-paid-parental-leave-evaluation-phase-1>

This report presents findings from the first phase of the Paid Parental Leave evaluation process. It includes data from a baseline survey of 4,447 mothers (2,587 PPL eligible and 1,860 PPL ineligible) of children born in late 2009 (approximately twelve months prior to the introduction of the new scheme) as well as a set of in-depth interviews with mothers from special interest groups (e.g. those in precarious employment situations, Indigenous women, single mothers and culturally and linguistically diverse groups) and 20 interviews with employers to collect information about current practices and attitudes to the new policy. The report covers access to and uptake of the forms of parental leave available at the time (as well as other forms of leave used for parental purposes), mothers' return to work patterns and background information on infant and maternal health and wellbeing, gender equity and work-life balance.

Martin, W. et al. (2013) *Paid Parental Leave Evaluation: Phase 2 Report*. Available at:

<http://www.fahcsia.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme/paid-parental-leave-phase-2-report>

This report presents findings from the second phase of the Paid Parental Leave evaluation process. It includes data from a survey of 901 parents with a child born in mid-2011 (after the introduction of the scheme), a cross sectional survey of 502 employers, and interviews

with 97 parents, 41 employers and 15 public servants involved in administering the new policy. The report covers the implementation of the PPL scheme (from dissemination of information through to the process of making payments), uptake of the scheme and employers' attitudes and experiences with implementation.

c. Ongoing research

The Australian Work and Life Index (AWALI) (2007-ongoing). Centre for Work + Life, University of South Australia. (<http://www.unisa.edu.au/hawkeinstitute/cwl/default.asp>)

AWALI is a national survey of work–life outcomes amongst working Australians. It commenced in 2007, was repeated annually until 2010 and is now conducted on a biennial basis. It is conducted by the Centre for Work + Life at the University of South Australia as part of an Australian Research Council grant. Current partners are SafeWork, South Australia, and the federal Department of Education, Employment and Workplace Relations (DEEWR). AWALI serves as a benchmarking tool to compare and contrast work–life outcomes across various groups defined by geographic location, employment characteristics (e.g. occupation, work hours, industry, job quality) and social demographics (e.g. gender, age, parenthood, income). It also serves as a powerful analysis tool to examine the protective and risk factors related to work–life conflict, and the social, community and health outcomes affected by the state of the work–life relationship. AWALI is currently funded to 2014. Contact Barbara Pocock at Barbara.Pocock@unisa.edu.au.

Evaluation of the Paid Parental Leave scheme (2010-2014). Consortium led by Institute for Social Science Research, University of Queensland. Funded by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs.

This is a comprehensive evaluation of Australia's new Paid Parental Leave scheme which commenced operation from 1 January 2011. The overall goals of the evaluation are to assess the implementation of the scheme during its first full year of operation as well as the impact of the scheme on the main policy aims (i.e. enhancements in maternal and child health and wellbeing, women's workforce participation and labour force attachment, gender equity and work/family balance). The evaluation comprises three phases: Phase 1 to establish baseline data; Phase 2 to evaluate the implementation of the scheme; and Phase 3 to evaluate the outcomes of the scheme. Reports from Phases 1 and 2 of the evaluation have now been published (see above). Data from Phase 3, which involves a longitudinal survey of mothers of babies born in late 2011 (two waves of data collection), a second cross sectional survey of employers, and a set of interviews and focus groups with beneficiaries and employers, is currently being analysed. Contact Bill Martin at w.martin@uq.edu.au.

Flexibility for Working Parents (2012-2014) Associate Professor Rae Cooper and Professor Marian Baird, University of Sydney. Funded by the Australian Research Council.

This research examines how and by which mechanisms employed parents negotiate flexible working arrangements in their workplaces, such as additional unpaid Parental leave (ie more than 12 months) or changes to working hours or working arrangements. Workplace flexibility arrangements can be formally negotiated and agreed between employees and employers through using a range of flexibility mechanisms contained in the *Fair Work Act 2009*, namely, the 'right to request' provisions, Individual Flexibility Arrangements (IFAs) or through undertaking 'good faith bargaining' in the negotiation of a collective workplace agreement. Contact: Marian Baird at marian.baird@sydney.edu.au or Rae Cooper at rae.cooper@sydney.edu.au.

Austria

Christiane Rille-Pfeiffer (Österreichisches Institut für Familienforschung/Austrian Institute for Family Studies) and Helene Dearing (Institut für Höhere Studien/Institute for Advanced Studies)⁷⁰

April 2013

NB. Austria is a federal state

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Mutterschutz*) (responsibility of Federal Ministry of Economy, Family and Youth)

Length of leave (before and after birth)

- Sixteen weeks, eight weeks before the birth and eight weeks after the birth. It is obligatory to take leave.

Payment and funding

- One hundred per cent of average income for the last three months of employment before taking leave for employees, with no ceiling. Freelance workers receive income-based maternity benefit; marginally employed self-insured women receive a flat-rate payment of €8.45 a day; while self-employed women who pursue a trade and farmers are eligible for 'operational support' (i.e. financial or other support to maintain their business) as a form of maternity benefits, but if no operational support is granted, they can claim a flat-rate payment of €50 a day. Eligible unemployed women or women receiving Childcare benefit are entitled to 180 per cent of previous unemployment benefit.
- Funded partly (70 per cent) from *Familienlastenausgleichsfond* (FLAF – Family Burdens Equalisation Fund), financed by contributions by employers based on their salary bill and from general taxes, and partly (30 per cent) from public health insurance. The total expenditure on Maternity leave (i.e. maternity pay and the payment for operational support) in 2011 was €416.8 million.

⁷⁰ Please cite as: Rille-Pfeiffer, C. and Dering, H. (2013) 'Austria country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Flexibility in use

- None.

Regional or local variations in leave policy

- None.

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

- All employed women are entitled to 16 weeks maternity leave with 16 weeks payment (100 per cent of average income), except for short-time employed women and freelance workers who are eligible for maternity leave only if they are voluntarily health-insured. Unemployed women are eligible for maternity payment only if they have completed three months continuous employment or have been compulsorily health-insured for 12 months within the last three years.

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.

- In case of danger to the health of the mother or unborn child, women are eligible to take leave earlier than eight weeks before delivery; in case of premature or multiple births or births by Caesarean section, women are eligible for 12 weeks after birth (in exceptional cases even 16 weeks).

b. Paternity leave (responsibility of Federal Ministry of Economy, Family and Youth)

There is no statutory entitlement.

Public sector workers are entitled to a month of leave, which is unpaid. Other collective agreements may provide a few days of leave for fathers immediately after the birth of a child, during which time fathers receive full earnings replacement.

c. Parental leave (*Elternkarenz*) (responsibility of Federal Ministry of Economy, Family and Youth)

Length of leave (before and after birth)

- Until the child reaches two years. This entitlement is per family.

Payment and funding

- A Childcare benefit is available to all families who meet the eligibility conditions, whether or not parents take Parental leave. Parents can choose between five payment options: four flat-rate and one income-related:
 - €436 a month for 30 months **or** for 36 months if both parents apply for the payment (30+6 bonus months' option);
 - €624 a month for 20 months **or** 24 months (20+4 bonus months' option);
 - €800 a month for 15 months **or** 18 months (15+3 bonus months' option),
 - €1,000 a month for 12 months **or** 14 months for those earning less than €1,000 income a month (12+2 bonus months' option);

- 80 per cent of the last net income for 12 months **or** 14 months for those earning between €1,000 and €2,000 a month (12+2 bonus months' income-related option).
- On any of the four flat-rate Childcare benefit options, a parent may additionally earn 60 per cent of the income they earned in the calendar year prior to the child's birth or at least €16,200 a year. For the earnings-related option, additional earnings may not exceed €6,100 a year
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2011 was €1,084 million.

Flexibility in use

- Leave may be taken by one parent only (mother or father) or by both parents on an alternating basis (the whole period can be divided into a maximum of three parts alternating between parents, with each part at least two months). Both parents cannot take leave at the same time except for one month the first time they alternate leave. In that case Parental leave ends one month earlier (i.e. one month before the child's second birthday).
- Each parent has the possibility to postpone three months of Parental leave, to use up to the child's seventh birthday (or school entry at a later date).

Regional or local variations in leave policy

- None.

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

- All employees are entitled to take Parental 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 parent)

- None.

Additional note (e.g. employer exclusions or rights to postpone)

- None.

d. Childcare leave or career breaks

- Employees have the possibility to take between two and 12 months time off for private reasons (e.g. further education, family reasons). It is based on labour legislation and on a mutual agreement between employer and employee and is unpaid; it is not, therefore, a statutory entitlement. The leave period is unpaid, though if leave is taken for educational reasons, it is possible to receive a further training allowance from unemployment insurance funds (though the employee also has to meet the eligibility criteria for unemployment benefit and the employer has to recruit a substitute for the period of leave).

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Employees are entitled to take two weeks leave a year to care for sick children and one week of leave for other dependants/family members needing care, with full earnings replacement.
- Employees may take at maximum six months family hospice leave for the purpose of nursing terminally ill family members or very seriously ill children. If the leave is taken for ill children, it can be extended to nine months. This leave is unpaid, but low-income families may claim subsidies, if such care leave causes financial distress.

Flexible working

- Parents with children born after 1 July 2004 are entitled to work part time until the child's seventh birthday (or school entry at a later date) if they are working in companies with more than 20 employees and if they have been continuously employed with their present employer for at least three years. There are no given limits concerning the extent of the part-time work. The regulations also include the right to change working hours within the day (e.g. from morning to afternoon) without reducing the number of working hours and the right to return to full-time employment. Parents working in companies with less than 20 employees may enter into an agreement on part-time work with the employer to the child's fourth birthday (see above Parental leave).
- Parents are protected against dismissal until their child's fourth birthday. During the remaining period of part-time work (i.e. until the child's seventh birthday or school entry at a later date) protection against dismissal without grounds is provided.

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

The maximum period of paid post-natal leave available in Austria is 24 months, but this is mostly paid at a low flat rate (except for one option available to some parents, which is paid at 80 per cent of earnings over a 12-14 month period); high paid earnings-related Maternity leave runs until 8 weeks after birth. There is an entitlement to ECEC from 5 years of age, though only for part-time kindergarten (16 hours per week); attendance is obligatory. So there is a gap of 3 years between the end of leave and an ECEC entitlement, and a gap of nearly 5 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are well below the average for the countries included in this review and for OECD countries; but are close to the average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

There is broad agreement on the need to encourage fathers to participate in childcare, and the government is currently discussing the introduction of one month of obligatory Paternity

leave. The State Secretary in the Federal Ministry of Economy, Family and Youth pushed this initiative and Paternity leave became part of the government agreement in 2008. The political parties basically agreed to focus on fathers but made this initiative conditional on funding being available. Though the debate was promising in 2008, it disappeared from the political agenda until mid-2011, when it revived based on the initiative of the Ministry for Women and the Civil Service. The Minister started a campaign – ‘Real men take up leave’ - and wanted the public sector to be a trendsetter.

Fathers working in the public sector are now entitled to take one month of leave after the birth of their child but without any payment. This, the Ministry argues, should be the first step in introducing an obligatory ‘Papa-Monat’ for all fathers. Then the payment would depend on the chosen model of the Childcare benefit; during the period of the ‘Papa-Monat’, the benefit would be paid to the father as well as the mother.

The Ministry has faced opposition to its intention to extend this entitlement to the private sector. The arguments mainly refer to problems being caused for small companies, when their male employees are on leave. Moreover, though the Minister for Women and the Civil Service would like the ‘Papa-Monat’ to be obligatory, others oppose making it compulsory. Though the ‘Papa-Monat’ remained an important concern of the Ministry, during the year 2012 it again disappeared in the political debate. It remains to be seen whether it will come up again after the election of the national assembly in autumn 2013.

In March 2013, the Federal Ministry of Economy, Family and Youth proposed a reform of the Parental leave benefit scheme. This reform basically foresees a minor adaption of the maximum income limit that can be earned during the earnings-related option (from €6,100 to €6,400 a year) and the possibility to change the payment option chosen within 14 days (but only if the payment option has been chosen by mistake). In addition, it is proposed to limit the period relevant for the assessment of additional income during to those months where leave benefits have been taken up over the full month, and not to include those months where parents also have worked for a few days and, therefore, quickly reached the income limit for the benefit. This measure is mainly intended to promote fathers' leave use by ensuring that parents with very high earnings are still eligible for Parental leave. However, the ministry estimates that this measure will affect only about 20 high earning parents.

4. Take-up of leave

a. Maternity leave

It is obligatory for employees to take Maternity leave and almost all mothers are eligible; the take-up of leave, therefore, corresponds to the number of births.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Data provide evidence that almost all eligible (i.e. formerly employed) mothers – between 93 and 96 per cent – took up Parental leave in the last years of the previous scheme. Since the replacement of the Parental leave benefit by the new Childcare benefit in 2002, there is only information on the number of women and men taking Childcare benefit, which is different to the number of persons taking up Parental leave (i.e. parents not on leave receive Childcare benefit as well as those who are taking leave). There is no way of telling from these figures

what proportion of parents take Parental leave and it is doubtful whether data on the take-up of Parental leave will be available in the future.

Parental leave for fathers was introduced in 1990, and the proportion taking it was always very low (between 0.6 and 2 per cent). As there are no official statistics on the take up of Parental Leave, it is difficult to know how many fathers currently take Parental Leave. Some studies address this issue but the percentages vary significantly depending on the population under study.

The monthly official statistics (cross sectional data at one point in time) on Childcare benefit indicate a very low percentage of participating fathers. This is due to the fact that fathers mainly take shorter periods than mothers - they choose the shorter option more often than women, as the payment is higher than for the longer options - and therefore appear less often in the statistics. Looking at fathers who have taken any period of Childcare benefit, the percentage is much higher, varying between the different options from 12.61 per cent to 30.77 per cent (November 2012).

The official website of the Ministry of Economy, Family and Youth no longer reports on the use of the five Childcare benefit options *separately for mothers and fathers*. Therefore recent data for March 2013 refer to all parents during their first year of using the benefit: 44 per cent opted for the long model (30+6 months), 26 per cent for the second model (20+4), 6 per cent for the model 15+3, 5 per cent for the flat rate 12+2 and around 19 per cent for the income related model 12+2.

d. Other employment-related measures

Contrary to the government's expectations, the take-up of the family hospice leave has been very low: 1,159 people took this leave from July 2002 until the end of 2004 (no current information available). There is no information available on take-up of care leave for sick children as well as for other dependants.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Research on Maternity leave is rare because the entitlement is so well established and widely accepted; research on Parental leave is often linked on the one hand to the broader issue of work-life balance and flexible working schemes for parents with young children; and on the other hand to the issue of gender equality and gender-specific division of paid and unpaid labour. In general there have been a lot of evaluation studies on leave-related policy measures – especially on the Childcare benefit – in the last few years. This is due to the recently introduced legal obligation to evaluate the effects of new regulations within two years. Particular attention in these evaluation studies (but also as an issue for research in general) has been paid to the role of fathers and their participation in childcare. Recently, too, there are several evaluation studies on part-time work for parents.

b. Selected publications since April 2012

Rille-Pfeiffer, C. and Kapella, O. (2012) *Evaluierungsstudie Kinderbetreuungsgeld Einkommensabhängige und pauschale Bezugsvariante 12+2 Monate [Evaluation of the childcare benefit: income related option and flat rate option 12+2 months]*, research report 9 (2012). Vienna: Austrian Institute for Family Studies (OIF). Funded by the Federal Ministry of Economics, Family and Youth (BMWFJ). Available at:

<https://www.bmwfi.gv.at/Familie/FinanzielleUnterstuetzungen/Kinderbetreuungsgeld/Documents/Bericht%20Evaluierung%20KBG%20einkommensabhängige%20und%20pauschale%20Bezugsvariante%2012+2.pdf>

The focus of this evaluation report was on the recently introduced two new benefit options, which are seen as particularly relevant to the re-entry of mothers into the labour market as well as the participation of fathers.

Reidl and Schiffbänker (2013) *Karenzväter in Zahlen [Fathers' Parental Leave in Numbers]* Report of JOANNEUM RESEARCH Forschungsgesellschaft mbH, POLICIES. Vienna: Zentrum für Wirtschafts- und Innovationsforschung. Available at: http://files.sparklingscience.at/document/file/2157/Karenzvaeter_in_Zahlen.pdf

The report analyses Austrian Social Security data about fathers that received Childcare benefit during 2002 and 2011 and hold a university degree. These fathers are more likely to receive this benefit than fathers with lower education, and most of the fathers that receive Childcare benefit and hold a university degree are employed in the public sector. Over time, more fathers with a university degree received this benefit, though the average duration decreased. Half of these fathers worked part time during the period they received Childcare benefit. Although this study provides one of the rare occasions to look into data on fathers receiving Childcare benefit, the interpretation of the results has to be made with caution. The authors often refer to “fathers on leave” (“*Karenzväter*”), suggesting that fathers that are on leave are identical to fathers that receive Childcare benefit. But this is not necessarily the case; although there is much overlap between the two groups, they are not identical.

c. Ongoing research

Elternkarenzmodelle in der Europäischen Union im Kontext des Spannungsfeldes zwischen Erwerbsarbeit und Familienarbeit. Eine Auseinandersetzung aus philosophischer, juristischer und ökonomischer Perspektive [Women at work – economic, legal and philosophical dimensions of parental leave] (2009-2014). Helene Dearing, L. Kubelka and J. Rudolph. Funded by the Austrian Academy of Science (ÖAW) within a doc-team scholarship.

The project analyses European Parental leave policies from an interdisciplinary perspective, combining economic, legal and philosophical perspectives. Whereas the economic perspective approaches the question of Parental leave policies through the study of relevant literature and an empirical study about the effects of Parental leave on the gender division of labour, the philosophical perspective complements this research with theses about the gender equality implications from the recognition of work within a broader concept – encompassing not only paid employment, but also unpaid family work. The legal perspective conducts a comparison of different leave policies and investigates their meaning for gender equality. See: <http://stipendien.oeaw.ac.at/en/helenedearing>

Väterkarenz - Auswirkungen auf Karrieren von Männern [Fathers' parental leave – consequences for employment advancement of men] (2012 – 2014). JOANNEUM RESEARCH Forschungsgesellschaft mbH, POLICIES – Zentrum für Wirtschafts- und Innovationsforschung, Vienna Austria and SPARKLING SCIENCE:

The aim of this research project is to explore the impacts of Paternity leave on male career progression. Whereas the consequences of Maternity leave have been a long established subject of career, labour market and gender research, the impacts of Paternity leave on male careers are hardly explored so far. The research project analyses existing literature and data about Paternity leave including regulatory framework: using data from the Main Association of Austrian Social Security Institutions, child-caring fathers are described and their income and career development is compared to men without interruptions in employment. Individual motives for taking Paternity leave and career orientations are the subjects of personal interviews. In addition, managers are interviewed to learn about

companies' strategies relating to Paternity leave. See:
<http://www.sparklingscience.at/en/projekte/590-v-terkarenz>

Wirkungsanalyse familienpolitischer Bundesleistungen in Österreich [Impact analysis of Austrian family policies] (2012 – 2015). Austrian Institute for Family Studies.

This project is carried out for the Federal Ministry of Economics, Family and Youth (BMWFJ). Following the recommendation of the Austrian Audit Court, the impact analysis attempts to evaluate the effectiveness and feasibility of policies and programs aiming to support and empower families in Austria. To cover this broad research question the project consists of different modules (such as a “policy survey” carried out among the Austrian population or a module on the development of childcare facilities etc.) focusing on different types of policy measures. The synopsis of the results of the individual modules and the derived conclusion will be presented in a final report at the beginning of 2016. Contact: Christiane Rille-Pfeiffer at christiane-rille-pfeiffer@oif.ac.at.

Belgium

Laura Merla ([Université catholique de Louvain](#)) and Fred Deven (Independent expert, Family Policies and Social Cohesion)⁷¹

April 2013

NB. Belgium is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Moederschapsverlof / Congé de maternité*) (responsibility of the Federal Department of Employment)

Length of leave (before and after birth)

- Fifteen weeks for employees. A woman can start to take her leave six weeks before her baby is due; one week before and nine weeks after delivery are obligatory.
- Self employed mothers have eight weeks.

Payment and funding

- Employees in the private sector: first month at 82 per cent of earnings plus 75 per cent for the remaining weeks with a ceiling of €98.70 per day. Public sector: statutory civil servants receive full salary; contractual civil servants, as for private sector.
- Funded from Federal Health Insurance, financed by employer and employee contributions and general taxation.

Flexibility in use

- The start of Maternity leave can be delayed until one week before birth.
- Up to two weeks of postnatal leave can be taken as ‘free days’ thereby spreading Maternity leave over a longer period and facilitating a more gradual re-entry into paid employment.

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

- All women employees are entitled to leave with earnings-related benefit. Self-employed workers can take Maternity leave but have a separate system, which is

⁷¹ Please cite as: Merla, L. and Deven, F. (2013) ‘Belgium country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

less advantageous compared with employees (e.g. eight weeks of paid leave). Attempts have been made to compensate for this to some extent; for example, self-employed mothers can request 105 service vouchers to pay for household help (equivalent to about €900). But monitoring data have revealed that some self-employed mothers do not want to use this possibility, and that about one-fifth simply omit to request these service vouchers (within the deadline of fifteen weeks after giving birth).

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

- Mothers needing to take the full six weeks of pre-natal leave, can take an extra week of post-natal leave, i.e. their Maternity leave is extended to 16 weeks.
- In the case of multiple births, the length of leave increases by two weeks. Maternity leave can also be extended if the baby is hospitalised following birth.
- 'Social' parental leave. In the case of the death of the mother, or if the mother remains in hospital (after the first week after delivery) for more than a week and if the baby is at home, the father is granted the remaining weeks of the maternity leave period. He is paid 60 per cent of his earnings in addition to the payment of the mother's maternity leave income.

b. Paternity leave (*Vaderschapsverlof / Congé de paternité*) (responsibility of the Federal Department of Employment)

Length of leave

- Ten working days; three days are obligatory.

Payment and funding

- One hundred per cent of earnings for three days paid by the employer; 82 per cent of earnings for the remaining period paid by Health Insurance up to a ceiling of €107.91 per day.
- Funded as Maternity leave.

Flexibility in use

- Fathers can take these two weeks during the first four months following the birth of their child.

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

- All male employees. Self-employed fathers are not eligible.

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

- None.

c. Parental leave (*Ouderschapsverlof / Congé parental*) (responsibility of the Federal Department of Employment and Social Affairs)

Length of leave (before and after birth)

- Four months per parent per child. Leave is an individual entitlement.

Payment and funding

- €707.08 per month net of taxes (€786.78 before taxes).
- Funded as Maternity leave.

Flexibility in use

- Leave may be taken full time, half-time over eight months or one day a week over 20 months.
- For half-time leave, the total duration of eight months can be split into blocks of time, with a minimum of two months. For one-fifth leave, the total duration of 20 months can also be split into blocks, with a minimum of five months.
- Leave can also be combined as follows: one month at full time + two months at half-time + five months at one-fifth.

Regional or local variations in leave policy

- The Flemish Community (i.e. the government in the Flanders area) pays an additional benefit bonus for a maximum of one year, the amount of the payment depending on the sector of employment (cf. private, social profit or public) and the reduction of employment while taking leave. This additional benefit is largest for employees in the social profit sector, especially when their time credit relates to care (€475.20 net per month for a full-time break). Employees in the private sector receive €169.30 net per month additional to their time credit bonus, irrespective of the reason.

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

- All employees who have completed one year's employment with their present employer (during the last 15 months) and who have, or expect to have, parental responsibility for a child. Otherwise, the employer can grant this benefit by agreement to the employee. Self-employed are not eligible.

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 parents

- As the leave is per child, length of leave is increased for multiple births, e.g. each parent of twins gets eight months of leave.
- Parents of disabled children can take leave until their child's 21st birthday.
- The benefit is higher for lone parents who reduce their employment by a fifth (approximately €169 instead of €125 per month in all the other cases).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employers may postpone granting leave for up to six months 'where business cannot cope'. In addition, the request for leave must be addressed to the employer a minimum of two months and a maximum of three months in advance.

d. Childcare leave or career breaks

- There is a Time Credit system (*Tijdskrediet / Crédit temps*) which applies to employees in the private sector; a rather similar scheme – 'career breaks' – applies in the public sector. All eligible workers have a basic right over their working lives to one paid year of this type of leave. This period can be extended up to 36 months by collective agreement negotiated at sectoral or company level, but only for leave taken to care for a child younger than eight years, to provide palliative care, to care for a severely ill relative and/or to do a training course. Payment varies according to age, civil status and years of employment (e.g. it is higher for those employed for five years or more). The maximum for a full-time break is approximately €641 per month. The bonus paid to residents of the Flemish Community who take Parental leave is also paid to those taking this type of leave (see section 1c)..
- For each company, there is a five per cent threshold of employees who can use the time credit system at any one time; priorities are settled within the company according to certain rules (e.g. priority in the case of care for a severely ill family member). From March 2010 on, employees need two years (instead of one) of previous work with the same employer to be granted his payment. There is a guarantee in principle to return to the workplace following a career break or time credit period.
- Payments to time credit users are funded by the Federal social security system, which is still financed for about two-thirds by contributions from employers and employees.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children, except Parental leave may be taken until a child's twelfth birthday.

Time off for the care of dependants

- Employees may take up to ten days of leave a year 'for urgent reasons' (*force majeure*) to deal with unexpected or sudden circumstances. The legislation defines 'urgent' as making it 'obligatory and necessary' to be present at home instead of being at work (e.g. such as illness, accident or hospitalisation of a member of the household). There is no entitlement to payment.
- For a severely ill family member, an employee can take full-time leave ranging from one to 12 months (and up to 24 months in the case of part-time leave). It must, however, be taken in blocks of one to three months. Benefits paid are the same conditions as for Parental leave.
- Employees may also take up to two months of leave, full time or part time, for palliative care (to be taken in blocks of one month). Benefits paid are the same as for Parental leave.
- Foster parents may take six days of leave to allow them to fulfil administrative and legal requirements, paid as for Parental leave.

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Belgium is 35 months (including full use of the time credit scheme), but most of this is low paid; leave paid at a high rate ends after Maternity and Paternity leave at around 4 months after birth. There is an entitlement to ECEC from 2.5 years of age: from this age children can attend nursery school for 31.5 hours per week during term time. So there is no gap between the end of Parental leave/time credit and an ECEC entitlement, but a substantial gap of more than 2 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above EU and OECD averages, with universal coverage for children over 3 years of age.

3. Changes in policy since April 2012 (including proposals currently under discussion)

In March 2012 Belgium implemented the new EC Directive 2010/18/EU, which grants both parents a minimum of four months of Parental leave. The same year, the time-credit system was substantially reformed. Major changes include removing the possibility to extend the leave for up to five years by collective agreement, and the restriction of eligibility to workers who have been working for their employer for at least 48 months instead of 12 months.

4. Take-up of leave

a. Maternity leave

A period of Maternity leave is obligatory for employees. There is no systematic information on what proportion of women do *not* take the full amount of Maternity leave, an issue especially relevant among the self-employed.

b. Paternity leave

Following the extension to ten days, in 2002, a large majority of men used Paternity leave, up from 17,045 fathers in 2002 to 61,246 in 2008 (RIZIV/INAMI data); a comparative study estimated the take-up rate of Paternity leave in 2008 was approximately 68 per cent. Only about 5 per cent of fathers continue to use only the three days of leave that was the previous entitlement.

The Belgian Institute for Equality of Women and Men (IGVM – IEFH) organized on the 19th November 2012 a symposium to celebrate the 10th anniversary of the introduction of the two weeks of Paternity leave (cf. Law – 1st July 2002). They have already commissioned a quantitative study to analyse the replies of approximately 800 fathers who took Paternity leave in 2008.

c. Parental leave

There is no information on what proportion of employees are *not* eligible for Parental leave. Most of the users are women, although the proportion of fathers among all leave-takers is

slowly growing. From 2009 to 2010, the total number of users increased by 17 per cent, while the number of male users increased by 25 per cent. The proportion of fathers among all takers of Parental leave increased from nine per cent in 2002 to 27 per cent in 2010.

Part-time leave options are the most popular, especially among men. Almost three quarters of leave takers use the one-fifth time option, suggesting that it is predominantly used as a flexibility measure.

In 2012, 50,766 employees used Parental leave: 65 per cent in the Flemish region, 25 per cent in the Walloon region and 10 per cent in the Brussels region, implying that Parental leave use is higher in the Flemish region than elsewhere in Belgium.

d. Other employment-related measures

Between 2009 and 2010, the number of time credit users rose by 3.6 per cent. During this period full-time time credit leave decreased by 6.8 per cent and part-time time credit leave increased by 4.4 per cent. People aged 50 and over represent the majority of users, accounting for 66.8 per cent of expenditure, mostly using the scheme to adapt their working time by taking part-time leave. Time credit users in this age group are predominantly male, suggesting that men tend to use the time credit system as a form of flexible early retirement. By contrast, women tend to use it more to balance paid work and (child)care. In 2010, 61 per cent of all users were women.

In 2009, users of time credit represented 2.5 per cent of the workforce; 3.4 per cent of women in the workforce and 1.8 per cent of men in the workforce.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

There is no research on statutory leave entitlements, and only limited official information on take-up. Research has been focused on how parents have managed to take time off work or work more flexibly without recourse to legal entitlements, including the contribution of workplace policies and practices. There have been a number of publications documenting the use of these entitlements based on administrative records showing an overall increase in use, mostly by women to maintain continuous employment when having children.

b. Selected publications since April 2012

Femmes prévoyantes socialistes (2012) *Famille, familles: quelles politiques pour l'égalité?*

Available at:

<http://www.femmesprevoyantes.be/SiteCollectionDocuments/analyses/2012/famille-queelles-politiques-egalite.pdf>

The first part of the paper examines family policies in Belgium (for parents with children) in the current political, social, juridical and ideological context. The paper focuses on equality: equality between women and men, between different family models, between children and among social classes. In the second part, the paper identifies discriminations in the Belgian legal system and proposes a series of recommendations regarding, *inter alia*, the tax system (who benefits most from domestic taxation?), Paternity, Maternity and Parental leave, and the obligation of support for both parents.

Fusulier B. and del Rio Carral, M. (2012) *Chercheur-e-s sous haute tension. Vitalité, compétitivité, précarité et (in)compatibilité travail/famille*. Louvain-la-Neuve: Presses Universitaires de Louvain.

This book examines non-tenured researchers' experience of scientific work in relation to their private and family lives, with a specific focus on postdoctoral research fellows from the Belgian National Fund for Scientific Research (FNRS). These research fellows are situated in a specific position within the life course, where choices concerning career, couple and parental projects become decisive. These researchers experience difficult tensions between work and 'family, due to the specificities of their precarious working conditions.

Van Looy, D., De Preter, H. and Mortelmans, D. (2012) 'Arbeidsduurvermindering en pensioneringsintenties van vijftigplussers op de Vlaamse arbeidsmarkt', *Over.Werk. Tijdschrift van het Steunpunt WSE*, Vol.22, No.2: 37-46.

In Belgium, employment policy largely invests in end-of-career work-life balancing strategies such as working hours reduction in order to keep older workers employed longer. In its first part, this study investigates whether working hours reduction at the end of the working career increases the planned retirement age. A regression analysis on Labour Force Survey data from 2006 is done, including 594 Flemish employees aged 52 and 57. In a second part, data from the WSE career survey from 2011 on 318 Flemish employees aged 50 to 65 is used in order to study the relationship between working hours reduction and work orientations. For women, no significant relationship between reduced working hours and planned retirement age is found ; part-time female workers are more likely to perceive less work-to-family and family-to-work conflict, increasing their willingness and ability not to leave the labour market early.

Van Looy, D., De Preter, H. and Mortelmans D. (2012) *How many hours do older West-European workers want to work? A gendered perspective on the influence of work-family conflict and work and family characteristics on the desire to reduce working hours*. ESA-RN14 Midterm Conference on Gender and Employment in Europe across the Life Course, National University of Ireland, Galway, 6-7 September 2012.

This conference paper investigates the population for whom gradual retirement options should be created, focusing on work and family predictors, as well as on work-family conflict. The authors derive hypotheses by integrating insights from demands-resources research and work-life research, within the specific context of older workers. They also include a gender dimension, grounded in the dual-earner career perspective. Their results indicate that work characteristics are particularly important predictors of gradual retirement preferences. Work-to-family conflict plays a crucial role, as the influence of job demands/resources on the willingness to retire gradually in general completely operates through work-to-family conflict. Family-to-work conflict is not an important mediator in the relationship between family demands/resources and the willingness to retire gradually. No remarkable gender differences were found.

Van Lanker W. and Ghysels J. (2012) 'Who benefits? The social distribution of subsidized childcare in Sweden and Flanders', *Acta Sociologica*, Vol.52, No.2: 125-142.

The main goal of this article is to unravel the social distribution of childcare policies: who benefits from government investment in public childcare? The authors examine the distributional impact of subsidized childcare for two countries (Flanders/Belgium and Sweden), which already reach the Barcelona targets for children under three years and interpret the results in a European perspective. Although both cases report high coverage rates, Sweden and Flanders have different – even opposite – distributional outcomes. Both examples provide valuable lessons on the redistributive nature of 'new risk policies' and the effectiveness of childcare as an instrument of labour market activation.

Femmes prévoyantes socialistes (2013) *Family policy. A perspective up to the child right. The particular case of family allowance.* <http://www.femmesprevoyantes.be/outils-publication/etudes/Familles/Pages/default.aspx>

This study examines the genesis of family allowances: how were they created? What were the underlying assumptions from their establishment until today? The study then formulates proposals for fairer family allowances for all children.

c. Ongoing research

Work-life interference (and family in particular) within the scientific career (2012-14). Bernard Fusulier and Maria del Rio Carral, [Université catholique de Louvain](#) project. Funded by the Belgian National Fund for Research

The project examines the phenomenon of work-life interference, which has become a crucial issue in contemporary societies, specifically focusing on post-doctoral researchers who, at the beginning of their careers, share similar working conditions such as temporary contracts and thus instability in a strongly competitive academic context. These 'young' researchers may be confronted with decisive life choices involving family and life projects. This study aims at analyzing, both qualitatively and quantitatively, the mechanisms at play in terms of the strategies, difficulties and tensions that may arise from the articulation of work and family lives. Contact: Bernard Fusulier at Bernard.fusulier@uclouvain.be.

Brazil

Bila Sorj (Federal University of Rio de Janeiro)⁷²

April 2013

NB. Brazil is a federal state

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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.

⁷² Please cite as: Sorj, B. (2013) 'Brazil country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- 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 dependent 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. Changes in policy since April 2012 (including proposals currently under discussion)

None reported.

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. Research and publications on leave and other employment-related policies since April 2012

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 publications since April 2012

None reported.

c. Ongoing research

None reported.

Canada

Andrea Doucet (Brock University), Donna S. Lero (University of Guelph) and Diane-Gabrielle Tremblay (University of Québec-Téluq)⁷³

April 2013

NB. Canada is a federal state

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on federal and provincial/territorial responsibility: In Canada the federal government provides maternity and parental leave benefits through the Employment Insurance (EI) programme, funded by employers and employees and administered by the Department of Human Resources and Skills Development Canada. The ten provinces and three territories (referred to below as ‘jurisdictions’) deliver the programme and thereby modify some of the details. These variations are minimal. Labour laws fall under provincial jurisdiction resulting in different leave entitlements. Payment of maternity and parental leave benefits is the same under the federal programme; based on a complex formula that takes economic region and low-income into account.

In January 2006, the province of Québec launched a separate Maternity, Paternity and Parental leave benefit programme, which is called the Québec Parental Insurance Plan (QPIP). Details of the programme are given below under ‘regional or local variations in leave policy’.

a. Maternity leave (*congé de maternité*)

Length of leave (before and after birth)

- Fifteen to 18 weeks depending on the jurisdiction. Leave normally may not start earlier than 11 to 17 weeks before the expected date of birth, depending on the jurisdiction. The total leave is not affected by when a woman starts her leave, except in some cases where an extension may be granted if the actual date of delivery is later than the estimated date.

⁷³ Please cite as: Doucet, A., Lero, D.S. and Tremblay, D.-G. (2013) ‘Canada country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Payment and funding

- Fifteen weeks of benefits at 55 per cent of average insured earnings up to an earnings ceiling of CAN\$47,400 (€35,480⁷⁴) (i.e. a benefit payment ceiling of CAN\$501 (€375) per week).⁷⁵ Low-income families can qualify for a higher benefit rate. There is no payment for the first two weeks, which is treated as a 'waiting period'; this means that payment is available for 15 weeks out of 17-18 weeks leave.
- Funded from the federal EI fund, which is financed by contributions from employers (2.63 per cent of earnings in 2013) and employees (1.88 per cent); see 'regional or local variations' for additional contributions paid in **Québec**. Maternity and Parental leave benefits are taxable.

Flexibility in use

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so.
- Maternity benefit receipt can be delayed/extended by the amount of time a newborn is hospitalized, but maternity benefits must be received within 52 weeks of the birth.

Regional or local variations in leave policy

- Length of leave and entitlement vary across provinces and territories.
- **Québec** offers benefits of 70 per cent of average weekly income up to an earnings ceiling of CAN\$67,500 (€50,525) per year for 2013 for 18 weeks of maternity leave; there is also no two-week waiting period.⁷⁶ There is some flexibility in use of maternity leave. It is possible to have a higher income replacement rate but for a shorter period, or lower income for a longer period. Under the 'special' plan, Maternity leave benefits are paid at 75 per cent of weekly income for 15 weeks, while under the 'basic' plan they are 70 per cent of weekly income for 18 weeks.
- These benefits are financed by contributions from employers and employees, who pay the standard contribution to EI, less a reduction but with a supplementary contribution to cover the higher benefits offered in the province. In 2012 employees and employers pay 4.989 per cent of earnings up to a maximum insurable income of CAN\$67,500 (€50,525) in **Québec**, compared with 4.39 per cent of insurable income (up to a maximum of \$45,900 [€34,357]) as an EI premium in other parts of Canada.

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

- Eligibility for job-protected leave varies between jurisdictions and is also different from the eligibility for payment of benefits. Except in **British Columbia, Québec** and **New Brunswick**, an employee must have been employed by the same employer for a minimum amount of time, varying from 13 weeks to 12 months. All but one jurisdiction, **Saskatchewan**, require this employment to be continuous. Eligibility requirements for benefits under the federal programme are 600 hours of continuous employment in the last 52 weeks. Until 2011, most self-employed women (outside **Québec**) were not eligible for benefits since they typically work under business or service contracts and therefore are not considered to have insurable employment. Moreover, many part-time

⁷⁴ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

⁷⁵ Government of Canada (2013) *Employment Insurance Maternity and Parental Leave Benefits*. Available at: <http://www.servicecanada.gc.ca/eng/sc/ei/benefits/maternityparental.shtml>

⁷⁶ Government of Quebec (Emploi et Solidarité Social) (2013). Available at: http://www.rqap.gouv.qc.ca/Index_en.asp

workers do not have enough hours to qualify. In 2010 Bill C-56 extended EI special benefits (maternity, parental, sickness and compassionate care leave benefits) to the self-employed on a voluntary 'opt-in' basis. In order to receive maternity benefits self-employed mothers outside of **Québec** must have registered one year previously, and qualify if they have reduced the amount of time devoted to their business by more than 40 per cent because of childbirth, and earned at least \$6,342 from self-employment in 2012.⁷⁷

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

- Maternity leave can be extended in some jurisdictions if the child or the mother has health-related complications (in **British Columbia** this applies to the child if they have a physical, psychological or emotional condition that requires additional care). This extension can be for up to six weeks.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Some employers provide a supplemental benefit plan that partially or wholly makes up the difference between the federal maternity benefit and the worker's salary.

b. Paternity leave (*congé de paternité*) (in Québec, responsibility of Ministère de l'Emploi et de la solidarité sociale)

Length of leave (before and after birth)

- No statutory leave, except in **Québec** (see 'regional or local variations').

Regional or local variations in leave policy

- **Québec** offers up to five weeks after the birth. Paternity leave may be taken for three weeks at 75 per cent of average weekly income or for five weeks at 70 per cent up to an earnings ceiling of CAN\$67,500 (€50,525) per year. Funding as for Maternity leave.
- Fathers in **Québec** (including self-employed workers) are eligible if they have earned at least CAN \$2,000 (€1,497) in the 52 preceding weeks.

c. Parental leave (*congé parental*)

Length of leave (before and after birth)

- Thirty-five to 37 weeks in most jurisdictions for one parent or shared between two parents but not exceeding a combined maximum of 35 weeks in jurisdictions where leave is an entitlement per family, as is the case in **Alberta** (not the case in **Ontario**, see below). In all jurisdictions except the Yukon parents can take leave at the same time. All jurisdictions require that Maternity leave and Parental leave be consecutive if both are taken by the mother and the maximum number of weeks of leave that are allowed – including post-natal Maternity leave and Parental leave – for one person in almost all jurisdictions is 52.

⁷⁷ Government of Canada (2013) *Qualifying for EI*. Available at: <http://www.servicecanada.gc.ca/eng/sc/ei/sew/eligibility.shtml>.

Payment and funding

- Up to 35 weeks per family at the same rate as Maternity leave (55 per cent of average insured earnings up to an earnings ceiling of CAN\$47,400 (€35,480) (i.e., a benefit payment ceiling of CAN\$501 (€375) per week. Funding as for Maternity leave.
- Low-income families (less than CAN\$25,921 (€XXX) per annum) are eligible for a family supplement up to a maximum of 80 per cent of insurable earnings. In **Québec**, this supplement averaged CAN\$35.38 (€26) per family and 5.8 per cent of beneficiaries using Parental leave received this supplement.

Flexibility in use

- Benefit payments can be claimed by one parent or shared. They must be taken within 52 weeks of the birth. While on leave, a parent may earn CAN\$50 (€37) a week or 25 per cent of the weekly benefit, whichever is higher (or, if the applicant lives in one of 23 economic regions, up to CAN\$75 (€56) or 40 per cent of the weekly benefit).
- Parents of a newborn or newly adopted child who is hospitalized for an extended period have a window of up to two years to claim parental benefits.
- Parental leave benefits can be combined with EI covered sickness or compassionate care benefits.
- Canadian Forces members who are ordered to return to duty while on parental leave or whose parental leave is deferred as a result of military requirements may receive benefits for an extended window of up to two years following their child's birth or adoption.

Regional or local variations in leave policy

- Provincial and territorial policies vary in the length of leave, flexibility of use, eligibility, etc. In some jurisdictions the amount of Parental leave depends on whether Maternity/pregnancy leave was taken – the maximum number of weeks that are allowed for one person in almost all jurisdictions is 52, although **British Columbia** allows for an extension of Maternity leave that is not calculated into the 52 weeks. In three jurisdictions aggregate Parental leave cannot exceed the maximum of the allowed leave (i.e., no more than 37 weeks combined). In all other jurisdictions each parent may take the full Parental leave that is allowed (i.e., 37 weeks for each parent). Some jurisdictions require that leave is completed within 52 weeks.
- In **Alberta** if both parents work for the same employer, the employer is not obliged to grant leave to both employees at the same time.
- **Québec** offers a basic entitlement of seven weeks at 70 per cent of average insured income plus 25 weeks at 55 per cent, up to an earnings ceiling of CAN\$67,500 (€50,525) a year. There is also a 'special plan', which applies also to Maternity and Paternity leave, offering a shorter period of leave, 25 weeks, with higher benefits, 75 per cent of earnings. Leave can be taken at any time in the 70 weeks that follow birth. Funding as for Maternity leave.

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

- Eligibility for leave varies between jurisdictions and is also different from the eligibility for payment benefits. With the exceptions of **British Columbia, Québec** and **New Brunswick**, an employee must have been employed by the same employer for a minimum that ranges from 13 weeks to 12 months. All but one jurisdiction require this employment to be continuous. Some types of employees and employment are excluded: the specific details vary from jurisdiction to jurisdiction, but students,

agricultural workers, workers in small businesses and workers in government employment creation programmes are often excluded.

- To be eligible for payment benefits, a parent must have worked for 600 hours in the last 52 weeks or since their last Employment Insurance claim. Self-employed individuals are eligible if they registered for the EI Special Benefit program, have paid premiums for at least one year, and earned a minimum of CAN\$6,342 (€4,747) from self-employment in 2012 to qualify for benefits in 2013. Self-employed workers in Québec are eligible for 25 or 32 weeks if they have earned at least CAN\$2,000 (€1,497) in the 52 preceding weeks.
- **Québec** has less demanding eligibility conditions that allow more parents, including self-employed workers and students, to receive benefits; it no longer requires individuals to have worked 600 hours over the previous 52 weeks, but simply to have earned an insurable income of CAN\$2,000 (€1,497). Although nearly 80 per cent of full-time Canadian students are in the labour force, they are unlikely to work enough hours to qualify for federal EI leave benefits in Canada; by comparison, under QPIP, earning CAN\$2,000 over the previous year enables more students to access Parental leave benefits.

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 parents

- In **Nova Scotia**, if the child for whom leave is taken is hospitalized for more than one week, an employee can return to work and take the unused portion of the leave when the child is released (this can only be taken once per leave).
- In cases where a birth mother is ill during or after pregnancy, up to 15 weeks of federal sickness benefits can be received, resulting in a maximum of 65 weeks of benefits (15 weeks sickness, 15 weeks maternity and 35 weeks parental benefits).
- No additional benefits are provided in the case of multiple births; a court case challenging this policy was turned down in 2011.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Some employers have a supplemental benefit plan that partially makes up the difference between federal EI parental benefits and the worker's salary; some also offer additional periods of leave. A survey of private companies in **Québec** in 2003 found that 36 per cent of union representatives and 46 per cent of HR managers said their companies offered supplementary leave or payments (Tremblay, 2012⁷⁸). A 2010 survey of mothers who gave birth in 2008 and received EI or QPIP benefits reported that one in five mothers received an additional top-up to their benefits from their employer (Marshall, 2010⁷⁹).

d. Childcare leave or career breaks

- None at national or provincial levels. In some collective agreements in the **Québec** public service, for example education, but also other sectors, it is possible to adopt a programme of deferred income, working four years at 80 per cent of earnings,

⁷⁸ Tremblay, D.-G. (2012) *Conciliation emploi-famille et temps sociaux*. Québec: Presses de l'université du Québec.

⁷⁹ Marshall, K. (2010) 'Employer top-ups', *Perspectives on Labour and Income*. Vol. 11, No. 2. February: 5-12. Statistics Canada Catalogue no. 75-001-XPE.

followed by a one-year career break, again at 80 per cent of earnings. This is, however, part of a collective agreement, and not a labour law or regulation.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents except in four jurisdictions. In three cases, adoptive parents are eligible for adoption leave that can be added to Parental leave: in **Prince Edward Island** parents are eligible for 52 weeks adoption leave instead of the 35 weeks Parental leave for birth parents. In **Newfoundland and Labrador** and **Saskatchewan** adoptive parents can take 17 or 18 weeks (respectively) that can be added to Parental leave, though in Saskatchewan only the primary caregiver is eligible for the adoption leave. In **Québec**, adoption leave can be shared by both parents and provides for 12 weeks at 70 per cent and 25 weeks at 55 per cent.

Time off for the care of dependants

- **British Columbia** and **New Brunswick** allow three to five days of unpaid leave a year to care for immediate family members.
- In **Québec**, employees are allowed ten days of unpaid leave per year, which can be used for a sick child or other family member by the *Loi sur les normes du travail*. (Minimum employment standards law).
- In **Ontario**, employees are eligible for a maximum of 10 days of unpaid Personal Emergency leave per year, which can be used for a sick child or other family member. Employers that regularly employ 50 or fewer employees are exempt from this requirement.
- Nine jurisdictions have compassionate care leave provisions, which allow employees to take time off to care for or arrange care for a family member who “is at significant risk of death within a 26-week period”. The length of leave is eight weeks within a 26-week period; Compassionate Care benefits of up to six weeks can be claimed through Employment Insurance for this leave. To qualify for benefits, an employee must have worked 600 hours in the last 52 weeks and weekly earnings must decrease by 40 per cent. This leave, *inter alia*, allows parents to take time off to care for a sick child even after 52 months have passed since the birth or if leave periods have been exhausted.

Flexible working

- In the federal and **Québec** jurisdictions, a pregnant woman or nursing mother may ask her employer to temporarily modify her duties or to assign her to another position, if continuation of her present duties puts her health or that of her unborn child or nursing infant at risk.

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

The maximum period of post-natal leave available in Canada is 12-13 months; this is paid at 55 per cent of earnings (or in Québec, 11 months can be paid at over 66 per cent of earnings), up to a ceiling. There is no entitlement to ECEC at any age, and levels of attendance at formal services for children under and over 3 years are below the average for the countries included in this review and for OECD countries, especially for over 3s. For

actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

The Government in Canada announced in August 2012 plans for a new special benefit for parents of critically ill children who have a life-threatening illness or injury. The new EI Special Benefit will be available for up to 35 weeks to parents or legal guardians of minor children who have worked a minimum of 600 hours in the last year and take leave from employment. The benefit will also be available to self-employed parents who have opted in to the EI programme and have earned income of at least \$6,222 (€4,657) in 2012. It is expected that this benefit will be available in June 2013 and will help an estimated 6,000 families per year.

4. Take-up of leave

Information on Maternity and Parental leave is collected for mother and fathers (with attention given only to the views of mothers on the reasons for take up of leave in Statistics Canada surveys). Data is also collected by Human Resources and Skills Development Canada (HRSDC) on parental benefits taken per child. Using this measure (as expressed per child rather than per claim), analysis for 2010-11 indicates that, as in previous fiscal years, parents used almost all of the EI maternity and parental weeks to which they were entitled. So the vast majority of mothers received their 15 week Maternity leave entitlement, with the average duration of maternity benefits remaining around 14.6 weeks. During this same period, the average duration of biological parental claims per child was 32.1 weeks for parents who decided to share the parental benefits, compared with 32.2 weeks in 2009-10 and 32.3 weeks in 2008/09. Put differently, parents used 93.6 per cent of the full 50 weeks of maternity and parental benefits available to them; this was slightly less than the previous year (2010-11). As reported by HRSDC, "The calculation of the average duration of parental claims presented above has been adjusted to reflect the fact that parents share the 35 weeks of parental benefits available to them"⁸⁰.

Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two headings: 'mothers' and 'fathers'. Readers should note that statistics are kept separately for those who claim EI benefits under the federal plan and individuals in **Québec** who receive maternity, paternity or parental benefits under the QPIP.

a. Mothers

In 2010/2011, 168,620 Canadian mothers (excluding those from **Québec**) claimed Maternity benefits, a decrease of 2.5 per cent from the previous year. The vast majority of mothers who receive maternity benefits (95.1 per cent) go on to receive parental leave benefits. Women comprised 86 per cent of those receiving biological parental leave claims in 2010/2011 and 76.6 per cent of those who received Parental leave benefits following adoption. The average weekly Parental benefit for mothers was CAN\$375 (€281) compared to CAN\$420 (€314) per week for fathers following a birth.

⁸⁰ Human Resources and Skills Development Canada (2011) *EI Benefits: Level, Entitlement, Duration and Exhaustion*. Available at: <http://www.hrsdc.gc.ca/eng/jobs/ei/reports/mar2011/chapter6.shtml>

b. Fathers

Data from the most recent HRSDC Employment Insurance Monitoring and Assessment report indicate that in 2010/2011 fathers accounted for almost 14 per cent of those who claimed biological Parental leave benefits and 23.4 per cent of those who claimed Parental leave benefits following an adoption. The data show a steady increase in the take-up rate among eligible fathers in Canada (excluding **Québec**), from nine per cent in 2004 to 11 per cent in 2011. This data suggests that more couples are sharing benefits.

On average, fathers who receive benefits following a birth take significantly fewer weeks than women who receive benefits. According to Statistics Canada, in 2010 those Canadian fathers taking leave, *including Québec*, took an average of nine weeks of paid Parental leave compared to 28 weeks for women⁸¹. The trend has been for fathers to take slightly fewer weeks each year (i.e., the average was 11 weeks in 2009, but only eight weeks in 2011); if we *exclude Québec*, in 2009, fathers took at average of 18 weeks Parental leave benefits, 14 weeks in 2010 and 13 weeks in 2011. A different government data source, from HRSDC, reports that in 2010, Canadian biological fathers, *excluding Québec*, received an average of 16.2 weeks of parental benefits while biological mothers received 31.5 weeks⁸². The difference in numbers between data sources can be partly explained by the fact that Statistics Canada data include both biological and adoptive parents and also collects data per calendar year rather than fiscal year.

According to 2008 data, two-thirds (67 per cent) of Canadian men returned to work less than one month after birth or adoption, compared to only two per cent of women; 17 per cent of fathers take one to five months of leave; and 10 per cent take 6 to 11 months compared to 12 and 33 per cent of women. Just over half of all mothers (51.5 per cent) take 12 months or more of leave, compared to only four per cent of fathers (Doucet et al., 2009; McKay et al., 2012). In 2008/09 the number of fathers who shared the biological parental benefit with their partner increased by 3.6 per cent over the previous year. Almost 62 per cent of biological parental claims taken by men were shared with their partner. By comparison, only 6.4 per cent of women who established biological parental claims shared them with a partner.⁸³

In **Québec**, take-up of leave by fathers was already higher in 2004, with 22 per cent of fathers using some leave compared with 9 per cent elsewhere in Canada. The Paternity and Parental leave scheme, introduced in 2006, has had a substantial impact on fathers' participation: in 2006, 56 per cent of eligible fathers in **Québec** took a period of Paternity and/or Parental leave, rising in 2011 to 84 per cent. Two-thirds of fathers take only the Paternity leave (3 or 5 weeks, depending on the option chosen), while a third also take some Parental leave weeks. On average, in 2011 fathers receiving benefits took six weeks of combined benefits (Paternity and Parental)⁸⁴, though this is less than half the weeks taken by the lower proportion of fathers taking Parental leave elsewhere in Canada.

⁸¹ Unpublished data from Statistics Canada Special Surveys Division.

⁸² Human Resources and Skills Development Canada (2011) *EI Monitoring & Assessment Report* (Annex 3.9, p. 218). Available at: <http://www.hrsdc.gc.ca/eng/jobs/ei/reports/mar2011/index.shtml>

⁸³ Human Resources and Skills Development Canada (2012) *Employment Insurance Monitoring and Assessment Report 2011*. Available at:

http://www.hrsdc.gc.ca/eng/employment/ei/reports/eimar_2011/index.shtml

⁸⁴ Data obtained directly from the statistical services of the QPIP on April 5, 2013.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Most Canadian research providing information on leave policies is embedded in more general research on work-family balance, the links between Parental leave and maternal health, and fathers and their work-family balance. There is a growing body of literature that examines these issues in Canada and how workplace practices and cultures might provide more support and flexibility to parents and ensure optimal development in children. Within this research, there is some emphasis being given to fathers, including a large national study conducting research into the lives of diverse groups of Canadian fathers (*Supporting Fathering Involvement*, see part 4c). Some recent research in **Québec** addresses the use of Paternity leave and the impact of Parental leave on careers and organizations and the Board of the Québec parental leave regime has published in 2011 a survey on paternity and parental leave use (see note 8). Also, the ARUC sur la gestion des ages et des temps sociaux (www.telug.ca/aruc-qats) and the Conseil du statut de la femme (Status of women council) in Québec are both starting research on the impact of the leave take up on fathers and the couple respectively.

b. Selected publications since April 2012

Findlay, L. and Kohen, D.E. (2012) 'Leave practices of parents after the birth or adoption of young children', *Canadian Social Trends*, July 2012: 3-12.

This article provides an overview of Maternity and Parental leave patterns and paid and unpaid leave using data from the 2010 Survey of Young Canadians (SYC) (conducted in 2010-2011). The article focuses on children aged 1 to 3 whose mother, father or both were in paid employment prior to the birth or adoption and considered whether leave (paid and unpaid) was taken and its duration.

McKay, L. Marshall, K and Doucet, A. (2012) 'Fathers and Parental leave in Canada: Policies, practices and potential', in: J. Ball and K. Daly (eds.) *Engaging Fathers in Social Change: Lessons from Canada*, Vancouver: UBC Press.

Book chapter combining a qualitative study carried out in Quebec and Ontario with quantitative analysis done by Statistics Canada.

Tremblay, D.-G (2012) *Articuler emploi et famille: Le rôle du soutien organisationnel au coeur de trois professions (infirmières, travailleuses sociales et policiers)*. Québec: Presses de l'université du Québec.

This book examines three professional groups (police, social workers and nurses) to determine to what extent the organizational context and the attitudes of peers in various professions can impact on the use of various types of leaves, mainly Parental leave, as well as the use of other work-family measures

Tremblay, Diane-Gabrielle (2012) 'Work-family balance: Is the social economy sector more supportive and if so, is this because of a more democratic management?' *Review of Social Economy*, Vol. LXX, No.2: 200-232

This article is about the use of Parental leave and work-family measures in Québec. It highlights the importance of organizational support on the actual use of measures, the support being higher in the social economy sector than in large feminine organizations such as those found in nursing and social work, which suggests the need to nuance the idea that large organizations, feminine and public sector environments are more supportive.

Doucet, A. (2013) 'Can Parenting Be Equal?: Rethinking Equality and Gender Differences in Parenting', in: L.C. McClain and D. Cere (eds.) *What is Parenthood?: Contemporary Debates about the Family*. New York: New York University Press.

This chapter examines issues of gender equality and gender differences at various stages of parenting, including infant care, and explores some of the reasons why this period remains systemically gendered.

Tremblay, Diane-Gabrielle (2013) 'Can Lawyers take parental leave and if so, with what impacts? The case of Québec', *Employee Responsibilities and Rights Journal*. Published online at: <http://www.springerlink.com/openurl.asp?genre=article&id=doi:10.1007/s10672-013-9214-1>

This article on lawyers' use of Parental leave in Québec highlights the importance of organizational constraints and support and professional ethos on the actual use of leave.

c. Ongoing Research

Fathers alone on parental/paternity leave in Québec (2013-2015) Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded by the CURA on work-life articulation over the life-course (Social Science Research Council of Canada).

This research analyzes the impact on fathers and on family division of labour of fathers taking Parental/Paternity leave and being alone with the child at home. Contact: Diane-Gabrielle Tremblay at dgtrembl@teluq.ca; website: www.teluq.uqam.ca/aruc-gats

Engagement in work and work-life challenges for lawyers in Québec (2011-2013). Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded by the CURA on work-life articulation over the life-course (Social Science Research Council of Canada).

This research analyzes the challenges for lawyers working in different professional contexts. Research is being finalized and a book due out with Éditions du Remue-Ménage, end of May 2013. Contact: Diane-Gabrielle Tremblay at dgtrembl@teluq.ca; website: www.teluq.uqam.ca/aruc-gats

Employers' practices related to maternity, parental, paternity and compassionate care leave (2013). Donna Lero, University of Guelph; Janet Fast, University of Alberta; and Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded by the Centre for Families, Work and Well-Being, University of Guelph.

This research compares data from a cross-section of 300 Canadian employers in the public, private and non-profit sectors and identifies factors associated with the provision of flexible work practices and paid and unpaid leave provisions for employees with a range of caregiving responsibilities. Contact: Donna Lero at dlero@uoguelph.ca

Croatia

Ivana Dobrotić (University of Zagreb)⁸⁵

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*rodiljni dopust*); maternity exemption from work (*rodiljna pošteda od rada*); maternity care for the child (*rodiljna briga o novorođenom djetetu*) (responsibility of the Ministry of Social Policy and Youth)

Length of leave (before and after birth)

- *Maternity leave*: 28 days before the expected day of birth, then until the child turns six months of age. It is obligatory for mother to take 98 days (28 days before the expected date of delivery and 70 days after the birth), without interruption. In exceptional circumstances, based on a medical assessment, leave can start 45 days before the expected date of delivery.
- *Maternity exemption from work/maternity care for the child*: from the day of birth until the child turns six months of age.

Payment and funding

- *Maternity leave*: 100 per cent of earnings, with no ceiling on payments.
- A parent who does not meet the condition of at least 12 months of continual insurance or 18 months of insurance with interruptions in the last two years receives 50 per cent of the 'budgetary base rate' of HRK3,326 per month (€439⁸⁶); gross average earnings (2012) were HRK7,875 (€1,040).
- *Maternity exemption from work/maternity care for the child*: 50 per cent of the budgetary base rate per month
- Funded from general taxation.

Flexibility in use

- *Maternity leave*: after the compulsory Maternity leave period, the father of the child has the right to use the remaining period of Maternity leave, if the mother agrees.

⁸⁵ Please cite as: Dobrotić, I. (2013) 'Croatia country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

⁸⁶ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter>

- After the compulsory Maternity leave, a parent can use the remaining period of leave on a part-time basis, in which case the duration is doubled with compensation at half the level of full-time leave; this part-time leave can continue until nine months after birth.
- *Maternity exemption from work/maternity care for the child*: from the 71st day, the mother can terminate the use of maternity exemption from work/maternity care for the child, in which case the father of the child has the right to use the remaining share of the unused leave, if the mother agrees.

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

- *Maternity leave*: all employed and self-employed persons.
- *Maternity exemption from work*: parents employed on a different employment basis (e.g. parents who are earning a second income on which contributions have been paid), farmers and unemployed parents.
- *Maternity care for the child*: parents outside the labour system, due for example to retirement, incapacity or studying.

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

- In cases of poor health or health risks for the mother and child, the pregnant mother is entitled to sick leave before birth for the duration of the risk ('sick leave due to illness and complications related to pregnancy'), in addition to Maternity leave. The mother is paid 100 per cent with a ceiling of HRK4,257 (€562) a month.
- Leave is extended in the case of premature births.
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*roditeljski dopust*) / parental exemption from work (*roditeljska poštuda od rada*) / parental care for the child (*roditeljska briga o novorođenom djetetu*) (responsibility of the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity)

Length of leave

- *Parental leave/parental exemption from work*: three months (90 days) per parent per child for the first and second born child. An extra two months can be taken if the father uses his three-month entitlement. Leave is an individual entitlement, but can be transferred from one parent to the other.
- *Parental care for the child*: from six months of age until the child turns one year of age, for the first and second born child; or until the child turns three years of age for twins, the third and every subsequent child

Payment and funding

- *Parental leave*: 100 per cent of average earnings for the first six months, with a ceiling of 80 per cent of the budgetary base rate (or eight months if Parental leave

has been extended due to the father's use of at least three months of Parental leave); 50 per cent of the budgetary base rate after the first six (or eight) months or if parents do not fulfil the condition of at least 12 months of continual insurance period or 18 months of insurance with interruptions in the last 2 years.

- *Parental exemption from work/parental care for the child:* 50 per cent of the budgetary base rate.
- Funded from general taxation.

Flexibility in use

- *Parental leave:*
 - Leave is a personal right of both parents but one parent can transfer their entitlement to the other, if both parents agree and with written consent.
 - Parents can use their entitlement at the same time or consecutively.
 - Leave can be taken in the following ways: a) fully (in one period); b) partially (no more than two times per year, each time for no less than 30 days); c) part-time (duration is doubled and compensation is 50 per cent of the compensation for full-time leave).
 - Leave can be taken until the child turns eight years of age.
- *Parental exemption from work/parental care for the child:* if a parent terminates their leave due to employment/self-employment, the other parent has the right to use the unused share of the first parent's leave with that parent's consent.

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

- *Parental leave:* all employed and self-employed persons.
- *Parental exemption from work:* parents employed on a different employment basis (e.g. parents who are earning a second income on which contributions have been paid), farmers and unemployed parents.
- *Parental care for the child:* parents outside the labour system, due for example to retirement, incapacity or studying.

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 parents

- Fifteen months (450 days) per parent for twins, other multiple births and the third and every subsequent child.
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

d. Childcare leave or career breaks

If parents have fully used Maternity and Parental leave, one of the employed parents has the right not to work until the child turns three years of age. During that time, the parent's rights and obligations regarding his/her employment are suspended, and the rights to compulsory health insurance and retirement insurance are maintained. This is unpaid.

e. Other employment-related measures

Adoption leave and pay

- In the case of employed/self-employed adoptive parents, one adoptive parent can exercise the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of: a) six months for adopted child under three years of age; b) five months for adopted child aged three to five years; c) four months for adopted child aged five to 18 years. Adoption leave is extended for 60 days in the case of the adoption of twins or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties. After this period of leave, the adoptive parent of a child under three years of age has the right to Parental leave and all other rights of employed/self-employed parents. If the adopted child is over three years of age, the right to Parental leave until the child turns eight years of age is shortened by 30 days for every year the adopted child is older than three years. Payment is the same as for Maternity/Parental leave.
- In the case of other adoptive parents, one adoptive parent can exercise the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of: a) 12 months for adopted child up to three years of age, b) nine months for an adopted child aged three to five years, c) six months for adopted child aged five to eight years, d) four months for adopted child aged eight to 18 years. Adoption leave is extended for 60 days in the case of the adoption of twins or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties. Unused leave can be transferred to the other adoptive parent on resumption of employment/self-employment under the same condition as parental exemption from work/parental care for the child. Payment is at 50 per cent of the budgetary base rate.

Time off for the care of dependants

- There is an entitlement to leave if a co-resident spouse or child is ill, with length and payment depending on the child's age: under three years – up to 40 working days for each illness at 100 per cent of earnings; three to seven years – up to 40 working days for each illness at 70 per cent of average earnings; older child and co-resident spouse – up to 20 working days for a child and up to 15 working days for an adult for each illness at 70 per cent of average earnings. Leave can be extended on the basis of medical committee decision. All payments subject to a ceiling of HRK4,257 (€563) per month.
- A worker has the right to seven days fully paid leave for important personal needs, including those related to marriage, childbirth, or the serious illness of a member of the immediate family.

Flexible working

- During the first 12 months after the child's birth, mothers employed full time and who are breastfeeding are entitled to two hours absence from work (once a day for two hours or two times a day for one hour), paid at 100 per cent of the budgetary base rate, recalculated to the hourly rate. If an employed pregnant woman or mother breastfeeding her child works on a job that is harmful to her health and the health of a child she is breastfeeding, and if the employer has not provided for her another position within the company, she has the right to leave, at full earnings to be paid by the employer.
- After Parental leave, one of the employed/self-employed parents has the right to work shorter hours until a child turns three years of age if the child requires increased care

due to its health and development, and only if Parental leave was fully used; paid at 50 per cent of the budgetary base rate (recalculated to the hourly rate, only for the hours outside the work).

- Employed or self-employed parents of a child with a serious developmental problem, including physical disability, have the right to take leave to care for the child or to work shorter hours until the child is eight years old. Parents can then work shorter hours, until the child finishes regular education. Payment during this period is: a) during leave – 65 per cent of the budgetary base rate if beneficiary has 12 months of continual insurance period or 18 months of insurance with interruptions in the last 2 years, otherwise 50 per cent of the budgetary base rate; b) during shorter working hours – the difference in salary if the beneficiary has 12 months of continual insurance period or 18 months of insurance with interruptions in the last 2 years, otherwise 50 per cent of the budgetary base rate recalculated to the hourly rate.

Prenatal examinations (slobodan radni dan za prenatalni pregled)

- Pregnant workers have a right to use a number of hours - equivalent to one working day off per month - in order to attend prenatal examinations. Pregnant worker is obliged to announce to the employer the intention to use this right (in a written form, two days in advance)

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

The maximum period of paid post-natal leave available in Croatia is 12 months + two bonus months; this is paid at 100 per cent of earnings up to a low ceiling for Parental leave. There is no entitlement to ECEC at any age, though there it is obligatory for all six year olds to attend ECEC for at least 250 hours as preparation for school at seven years. Levels of attendance at formal services are well below the average for the countries included in this review. Croatia is not included in the comparative data on ECEC attendance in the OECD Family Database. It does, however, appear in the TransMonEE Database covering countries in Central and Eastern Europe and the Commonwealth of Individual States; according to this Database, levels of attendance at formal services in Croatia for children under and over 3 years are below the average for the countries included in this review and OECD countries (for more details see Table 'Relationship between leave and ECEC entitlements').

3. Changes in policy since April 2012 (including proposals currently under discussion)

In 2012 there were no changes in leave-related legislation. However, there is a new legislative proposal for Parental leave to be increased to eight months – four months per parent, with two months transferable to the other parent and two months that are non-transferable. This is intended to harmonize with the EU Council Directive 2010/18/EU on Parental leave. This will replace the current leave legislation that provides for three months leave for each parent plus two additional 'bonus' months if the father uses his three month entitlement. This extended leave will be paid at the same low level as the existing leave, and should be approved by Parliament in April 2013.

4. Take-up of leave

a. Maternity leave

Although there is the possibility for fathers to use part of Maternity leave (if mothers agree), official data show that Maternity leave is predominantly used by mothers. According to the latest information, for 2010, fathers used the transferred right in 0.2 per cent of cases.

There is no official information on what proportion of women and men take Maternity leave. But, Labour Force Survey data show that, on average over the period 2002-2011, 87.7 per cent of employed mothers have used the entitlement to leave during the six months after childbirth (i.e. Maternity leave); in 2008-2011, it was 86.8 per cent.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Parental leave is also predominantly used by mothers. According to the latest official data, for 2010, fathers account for two per cent of all Parental leave taken.

There is no official information on take-up rates. But, Labour Force Survey data for 2008-2011 show that the take-up rate for employed mothers during the Parental leave period was 84.0 per cent for 6-12 months after childbirth, falling to 18.0 per cent during 12-24 months. The take-up rate for fathers was much lower – around 0.3 per cent in the first year after birth.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Studies have addressed childcare and gender equality policies.

b. Selected publications since April 2012

Dobrotić, I., Matković, T. and Zrinščak, S. (2013) 'Gender Equality Policies and Practices in Croatia: The Interplay of Transition and Late Europeanization', *Social Policy & Administration*, Vol.47, No.2: 218-240.

This article contributes to understanding change in gender regimes in post-communist countries. Using Croatia as a case, it juxtaposes the observed change in key indicators of the position of women in various walks of life with the context of the European gender agenda and the positions of actors involved in the national political arena and policies introduced throughout the transition period. The article reviews the previous enlargement waves and indicates that the gender agenda was added to the negotiation process rather late – primarily via the EU accession conditionality requirement. Although narrow in scope and often limited in impact to just 'paper compliance' with EU legislation, it opened discussions in the gender equality area in post-communist countries and empowered women's organizations. In all the countries, the implementation of the European agenda was heavily influenced by the power and discourses of the main actors involved. The article provides a map of social actors, together with gender-related policies as they have changed in three distinct periods in Croatia. The final analysis of observed practices and structures indicates very slow change and the crucial impact of structural and institutional

developments as well as economic cycles, but little association of observed developments with dominant discourses or policies implemented over the past two decades.

Matković, T. and Dobrotić, I. (2013) 'Promjene u obuhvatu programima predškolskog odgoja i obrazovanja u Hrvatskoj na nacionalnoj i županijskoj razini između 1990. i 2012. Godine' ['Changes in early childhood education and care coverage in Croatia: national and county-level overview 1990-2012'], *Revija za socijalne politiku*, Vol.20, No.1: 65-74.

The overview of the ECEC coverage rates in Croatia in the period 1990-2012 is given, with additional focus put on regional differences in coverage rates and staff-child ratios. Calculations are based on aggregate data of the Croatian Bureau of Statistic. Analysis shows slow growth in coverage rates in Croatia, which can be partially seen as a result of a general decrease in the population of preschool children. In comparison to other European countries, Croatia can be placed among countries with a low level of children attending ECEC facilities (especially if we look into the second age group). Additionally, the system is characterised by huge regional differences in coverage rates and staff-child ratios.

c. Ongoing research

Indicators of Social Cohesion and Development of the Croatian Social Model (2007-2013). Coordinated by S. Zrinščak, Faculty of Law, Department of Social Work, University of Zagreb. Funded by the Ministry of Science, Education and Sports.

The aim of the project is to understand intensive and comprehensive changes taking place in the different social policy systems in Croatia, especially in the context of the deep transformation after the fall of socialism. Among the areas of interest is the field of family policy, especially the impact of an ageing population, changing family structures and different policy pressures on different policy measures. The consequences of policy measures for different family forms are also being investigated, i.e. does family policy take into account pluralisation as a major trend and how does it reconcile the need for demographic growth with the real lives of different families.

Czech Republic

Jirina Kocourková (Charles University)⁸⁷

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*materska dovolena*) (responsibility of the Social Security system)

Length of leave (before and after birth)

- Twenty-eight weeks: six to eight weeks before the birth and 20 to 22 weeks following birth. It is obligatory to take 14 weeks, including at least six weeks after the birth.

Payment (applied for the whole period of Maternity leave) and funding

- Seventy per cent of daily earnings up to a maximum payment of CZK32,789 (€1,263⁸⁸) per month.
- Payment is financed from sickness insurance contributions by employers and employees.

Flexibility in use

- Leave can be started six to eight weeks before birth.
- From the start of the seventh week after childbirth, either parent may use the leave, i.e. the mother may alternate with the father of the child, with no restriction on the frequency of alternation. If the father uses the leave, he must do so for at least seven days.

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

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 days during the last two years.
- A self-employed worker must meet the same condition as an employee, and in addition have contributed to sickness insurance for at least 180 days during the last year.

⁸⁷ Please cite as: Kocourková, J. (2013) 'Czech Republic country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

⁸⁸ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

- Students are entitled to the benefit.

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

- In the case of multiple births, the length of leave is increased by nine weeks.
- When the child is stillborn, the mother is granted 14 weeks of Maternity leave.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*rodicovska dovolena*) (responsibility of the Ministry of Work and Social Affairs)

Length of leave

- Both parents can take leave until the child's third birthday. Leave is an individual entitlement (but only one parent is entitled to the benefit).

Payment and funding

- A Parental benefit - *rodicovsky prispevek* - is available to all families who meet the eligibility condition whether or not they take Parental leave; as parents can work full time or part time while receiving parental benefit, it can be considered as a benefit to subsidise care costs, as well as a home care benefit for at-home parents.
- Parents can choose the period and amount of Parental benefit. The longest option is until the child is 48 months old; and the shortest option is until the child is 24 months old. The maximum amount is 70 per cent of previous monthly earnings, with a ceiling of CZK11,500 (€443) per month. The maximum amount payable for the whole period is CZK220,000 (€8,476).
- While Parental leave can only be taken up to the child's third birthday, the Parental benefit is paid until the child's fourth birthday.
- Parental benefit is funded from general taxation.

Flexibility in use

- The selected Parental benefit option may be changed after three months.
- Both parents can take Parental leave at the same time, but only one of them is entitled to parental benefit. They can alternate in receiving benefit as often they want.

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

- There are no special requirements; however, each parent has to ask for formal approval of the employer.
- For children under two years, payment of Parental benefit is conditional on parents not using a publicly-funded ECEC service for more than 45 hours a month. There is no limitation on service use for older children.

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 parents

- In the case of a disabled child, a parent is entitled to Parental benefit at the basic rate of CZK7,600 (€293) per month until the child is seven years of age. If the child is diagnosed as suffering from a long-term disability the parent is entitled to Parental benefit at the lower rate of CZK3,000 (€116) from 7 to 15 years of child's age.
- Parental benefit can be taken by grandparents or other persons where they provide day care for the child and the parents agree to transfer their entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Employees can take leave to care for a sick relative at home (in all cases of illness for a child under ten years; otherwise, only in case of a serious illness). Leave is paid at 60 per cent of earnings up to a ceiling of CZK855 (€33) per day. A parent can take no more than nine days in one block of time, but there is no limit regarding the frequency of taking leave; parents are allowed to alternate with each other during the course of taking leave to care for a sick child.

Flexible working

- None.

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

The maximum period of paid post-natal leave available in the Czech Republic is 3 years, but most of this is low paid; leave paid at a high earnings-related rate runs for only 5 months. There is an entitlement to ECEC for a child aged five (the only one year before the basic school attendance) for the whole day. Levels of attendance at formal services for children under 3 years are very low, well below the average for the countries included in this review and for OECD countries; levels of attendance for children over 3 years are much higher, around both averages. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

Since 2012 parents can place a child under two years in a publicly-funded childcare service for up to 46 hours a month without losing Parental benefit, with no limitation on the use of

these childcare services for older children. Previously the use of publicly-funded childcare services while receiving Parental benefit was more restricted.

4. Take-up of leave

a. Maternity leave

Nearly all mothers take Maternity leave.

b. Paternity leave

There is no statutory leave entitlement.

c. Parental leave

Legislation on Parental leave, so that fathers could take leave, was introduced in 1990, but truly equal conditions for both parents were not introduced until January 2001. However, the number of men receiving Parental benefit in comparison to women has remained negligible. In 2001, men accounted for 0.77 per cent of recipients of this benefit; since then, there has been a slight increase, but only to 0.99 per cent in 2003, 1.4 per cent in 2006, and 1.5 per cent in 2008 when 5,724 men received Parental benefit compared with 375,876 women. Since 2008, there has been no further increase; in 2010 4,986 men received Parental benefit compared with 328,777 women, i.e. 1.5 per cent of recipients were men, the same proportion as 2008.

There is no information about how long women or men take Parental leave. It is assumed that most parents taking leave stay on leave only until their child's third birthday (when entitlement to leave, though not benefit, ends) as they prefer not to lose their jobs.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Recently research on work-life balance has been undertaken in particular by the Department of Demography and Geodemography at Charles University, by the Department of Gender Studies at the Sociological Institute of the Academy of Science, and by the working group on family policy in the Research Institute for Labour and Social Affairs.

b. Selected publications since April 2012

Bosničová, N. and Kolářová, J. (eds.) (2012) *What works, what doesn't: International perspectives on balancing work and care*. Prague: Gender Studies.

The current family policies in the Czech Republic are compared with those in other developed countries from the perspective of work-life balance.

Wichterlová, L. (2012) *Rodinná politika II: zaměřeno na kontext změn mateřské a rodičovské dovolené a nedostupnost a legislativní změny v oblasti zařízení péče o předškolní děti [Family policy II: devoted to the context of changes in maternal and parental leaves and inaccessibility of day care facilities for children under six]*. Prague: Gender Studies

Detailed analysis of the recent changes in family policies in the Czech Republic is given within the context of the lack of opportunities for Czech women with children under three years of age to work full or part time. Experiences with childcare facilities in selected

European countries are discussed with particular attention to reforms in Germany and Austria.

c. Ongoing research

New forms of daily care of children in the Czech Republic (May 2012 – April 2014).
Research Institute for Labour and Social Affairs

The aim of the project is to propose new forms of childcare facilities to extend the current insufficient supply, in order to enable women to make a choice.

Denmark

Lotte Bloksgaard and Tine Rostgaard (Aalborg University)⁸⁹

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on terminology: *Graviditetsorlov* is the leave to be taken by the mother before birth, *Barselsorlov* the leave reserved for the mother after birth, *Fædreorlov* the leave reserved for the father after birth, and *Forældreorlov* the leave available for both parents after birth. However, in the law the four leave schemes bear the same name *Barselsorlov*, or literally Childbirth Leave, because they technically all originate from the same law on leave.

a. Maternity leave (*Graviditets* and *Barselsorlov*: see ‘note on terminology’) (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- Eighteen weeks: four weeks before the birth and 14 weeks following birth. The first two weeks after birth are compulsory.

Payment and funding

- All employees are entitled to a daily cash benefits based on former earnings up to a ceiling of DKK801 (€107⁹⁰) per working day before taxes for full-time employees and self-employed, or DKK4,005 (€537) weekly.
- The cash benefit scheme is funded by the state from general taxation, except for first eight weeks when municipalities bear half of the cost.

Flexibility in use

- None.

⁸⁹ Please cite as: Bloksgaard, L. and Rostgaard, T. (2013) ‘Denmark country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

⁹⁰ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

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

- Eligibility to full compensation for an employee is based on a period of work of at least 120 hours in 13 weeks preceding the paid leave. Workers with temporary contracts are excluded only if they are not eligible for unemployment benefit.
- Eligibility for the cash benefit for self-employed workers (including helping a spouse) is based on professional activity on a certain scale for at least six months within the last 12 month period, of which one month immediately precedes the paid leave.
- People are eligible to the cash benefit who have just completed a vocational training course for a period of at least 18 months or who are doing a paid work placement as part of a vocational training course.
- Unemployed people are entitled to cash benefits from unemployment insurance or similar benefits (activation measures).
- Students are entitled to an extra 12 months educational benefit instead of the Maternity leave benefit.
- People on sickness benefit continue to receive this benefit which is the same amount as the Maternity leave benefit.

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

- None. There is no additional leave for multiple births as the right to Maternity (and Paternity and Parental) leave is related to the event of birth and not the number of children born.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- In Denmark leave is not only regulated via national legislation, but also via collective agreements in the labour market and agreements at company level. About 75 per cent of the workforce are covered by such collective agreements, and these workers receive compensation during leave from their employer up to their former earnings, i.e. their employer tops up the state benefit. To help employers finance these costs, different leave reimbursement funds have been set up.
- In 1996 a leave fund was set up to reimburse private employers' leave costs, so that the cost for compensation was pooled. Several municipal employers set up identical funds in the following years, and in 2005 it was made obligatory for all municipal employers. Municipal employers pool the costs of employees' take-up of leave, so that a workplace with a predominance of female workers should not face higher costs. From 2006, private employers also have to be members of a leave fund. In the largest private leave fund, DA-Barsel, private employers pay DKK825 (€111) per year for each full-time employee and receive reimbursement of up to DKK160 (€21) per hour for up to 29 weeks; this means that female employees with a salary below DKK25,000 (€3,354) per month will be able to receive full earnings for up to 26 weeks, without direct cost to the employer. The additional cost of compensation for employees with higher salaries than DKK25,000 monthly has to be borne by the employer. Depending on the industry in question, the funds also cover full or parts of the Parental leave, e.g. within the industrial sector each parent is entitled to coverage for four weeks, and in addition three weeks can be shared.
- An evaluation of the funds covering the private sector in 2010 showed that around 100,000 companies were members of a fund. The report concluded that the funds seem to be beneficial for women - although employers did not believe that the fund had made them change their view on hiring women - and also that more men seemed to

take up leave as a consequence of receiving payment during leave. Employers tended to be more positive towards men taking leave than earlier and generally were positive towards the fund. Around one third of employers were unaware of the possibility to receive reimbursement for 29 weeks – even in female dominated sectors - and therefore failed to claim such reimbursement. This was clearly related to whether or not employers paid wages during leave for their employees (COWI, 2010⁹¹).

b. Paternity leave (*Fædreorlov*: see ‘note on terminology’) (responsibility of the Ministry of Labour)

Length of leave

- Two weeks, to be taken during the first 14 weeks after birth.

Payment and funding

- Payment and funding as for Maternity leave.

Eligibility

- Anyone in a recognised partnership, including same-sex partnerships.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- All male employees covered by collective agreements receive full earnings during the Paternity leave. Thus, in a survey from 2006, 85 per cent of the fathers reported receiving full earnings during Paternity leave (Olsen, 2007⁹²).

c. Parental leave (*Forældreorlov*: see ‘note on terminology’) (responsibility of the Ministry of Labour)

Length of leave

- Thirty-two weeks, until the child is 48 weeks. This is an individual entitlement; however, although each parent can take 32 weeks of leave, each *family* can only claim 32 weeks of paid leave.

Payment and funding

- Payment and funding as for Maternity leave.

Flexibility in use

- Between eight and 13 weeks can be taken later; any further period must be agreed with the employer. This entitlement is per family.

⁹¹ COWI (2010) *Evaluering af barseludligningsloven*. Copenhagen: Ministry of Employment.

⁹² Olsen, B. M. (2007) *Evaluering af den fleksible barselorlov: orlovsreglerne set fra forældres, kommuners og arbejdspladsers perspektiv*. Copenhagen: SFI - Det Nationale Forskningscenter for Velfærd.

- Parents can prolong the 32 weeks leave to 40 weeks (for all) or 46 weeks (only employees). The benefit level is reduced over the extended leave period, so that the total benefit paid equals 32 weeks at the full rate of benefit.
- It is possible to return to work on a part-time basis, with a reduced benefit payment spread over this extended period of leave (e.g. a parent may work half-time and thus prolong the leave period from 32 to 64 weeks.) This is subject to agreement with the employer.

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

- As Maternity 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)

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- All employees covered by collective agreements receive full earnings during part or all of the Parental leave period; see 1a additional note. From 2007, the industrial sector (representing 7,000 employers nationwide including production, service, knowledge and IT) has introduced a paid father's quota in Parental leave. The entitlement is up to nine weeks Parental leave with payment. Three weeks of this Parental leave with pay is for the father, three weeks for the mother and three weeks for the parents to share - the weeks for the mother and the father respectively were quotas and therefore lost if not used. Later agreements have prolonged the period to 4+4+3 weeks.
- As part of the labour market negotiations in Spring 2008, a similar Parental leave model was also introduced for employees working in the public sector. If both parents work in the state sector they are now entitled to leave with full payment for 6+6+6 weeks after Maternity leave, in all 14 weeks of Maternity leave and 18 weeks of Parental leave, all with full payment, a total of 32 weeks. Six weeks is earmarked for the mother, six weeks for the father and six weeks can be shared. As presented in the section on take-up of leave, this earmarked leave for fathers seems to have resulted in a significant higher take-up among fathers working in the municipal sector.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents, with the exception that two of the 48 weeks must be taken by both parents together.

Time off for the care of dependants

- One day to care for a sick child, two days for public employees, for every time a child is ill. Leave is paid.

- All employees are eligible for a care benefit (*Plejevederlag*) if they care for a terminally ill relative or close friend at home.

Flexible working

- None

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

The maximum period of paid post-natal leave available in Denmark is 14 months, if parents take the option of a longer Parental leave period with a lower benefit payment; leave at 100 per cent of earnings subject to a ceiling lasts for 11 months.

There is an entitlement to ECEC from 6 months of age, so there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children under 3 years are well above the average for the countries included in this review and for OECD countries; and above average for children over 3. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

The government consisting of Social Democrats, the Social Liberal Party (De Radikale) and the Socialist People's Party (Socialistisk Folkeparti) that came to power in October 2011 had originally intended to introduce a three months father's quota, inspired by the other Nordic countries (Ministeriet for Ligestilling og Kirke, 2012⁹³). However, no proposals to introduce this quota have, as yet, been put forward.

The government set up a committee in January 2013 to look at the possibilities for increasing fathers' use of Parental leave. The committee is to look into the experiences from other Nordic countries as it is believed that a father's quota may make more fathers take up leave. Any policy recommendations must not result in increased expenditure for the state or employers, and the committee must also consider the related consequences for single parents and same-sex parents. The committee report is due in summer 2013, after which the government will decide whether or not to introduce a father's quota in Denmark. The committee consists of labour market partners and organisations.

4. Take-up of leave

a. Maternity leave

The present statistics on leave take-up do not provide data on the proportion of mothers using Maternity leave. However, in a survey conducted in 2006 among parents of children born in 2005, 99 per cent of mothers had taken Maternity leave.

In the same survey, nearly all mothers reported that they experienced no negative reaction from the employer when taking leave; 95 per cent reported that they experienced no problems with the workplace when they wanted to take leave. A few mothers reported that

⁹³ Ministeriet for Ligestilling og Kirke [Ministry for Equality and Church] (2012) *Redegørelse – Perspektiv- og handlingsplan 2012*. Available at: http://www.lige.dk/files/PDF/PHplan/PH-plan_2012.pdf.

they were made redundant or experienced bullying from colleagues, and several mentioned that the employer found it difficult to find a replacement (Olsen, 2007). However, recent newspaper reports citing the major trade unions refer to an increase since the financial crisis in the number of women being made redundant during Maternity and Parental leave. Most of these cases end in a settlement where the woman is offered compensation, often six to nine months earnings.

b. Paternity leave

Statistics on fathers' take-up of Paternity leave are equally limited. The most recent statistics from 2009 show that 61 per cent of Danish fathers take the two weeks Paternity leave they are entitled to (Danmarks statistik, 2012⁹⁴).

c. Parental leave

Statistics on the share of fathers and mothers who take-up Parental leave is also not available; however recent statistics from 2010 and 2011 show that Danish fathers on average only take 7.2 per cent of the Parental leave period (Danmarks Statistik, 2013⁹⁵), considerably lower than in e.g. Sweden and Norway⁹⁶.

The 2006 survey data showed that among parents of children born in 2005, 24 per cent of fathers took Parental leave and 94 per cent of mothers. Of these, on average, mothers took 28 weeks of leave, and fathers eight weeks. Twenty-three per cent of fathers started their leave before the Maternity leave expired, i.e. these parents were on leave at the same time. Two-thirds (68 per cent) of two parent families took all the 32 weeks of Parental leave to which they were entitled. Among single parents, 73 per cent took 32 weeks; as Olsen notes, this is interesting because single parents in the Nordic countries tend to take shorter leave periods, often due to the loss of income (Olsen, 2007).

Among the men, public employees accounted for two-thirds (67 per cent) of Parental leave-takers even though they only make up 48 per cent of those entitled to Parental leave. This may be because they receive full earnings during leave or because they are working in more gender-mixed workplaces; some men in the private sector only receive full earnings for part of the Parental leave period. Among those men who do not take leave, 88 per cent were employed in the private sector and this suggests that they have more difficulties taking leave and/or poorer rights.

The take-up of leave seems in the survey related to the educational level of both men and women. In those families where the woman takes the greatest part of the leave, the mother tends to have a low educational level and the father is unskilled, or the reverse; in these families, women typically take 99 per cent of total Parental leave weeks. Self-employed workers, both men and women, tend in general to take fewer weeks of leave.

This is confirmed in register data from Statistics Denmark, looking into couples who became parents in 2006. The higher the educational level of the father, the more Parental leave he

⁹⁴ Danmarks statistik (2012) *Dagpenge ved fødsel 2011*, Nyt fra Danmarks statistik no 120, marts 2012. København: Danmarks statistik.

⁹⁵ Danmarks statistik (2013) *Dagpenge ved fødsel 2012*, Nyt fra Danmarks statistik no 124, marts 2013. København: Danmarks statistik. Danmarks Statistik (2012b) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2011*. 2012: 8, København: Danmarks Statistik.

⁹⁶ Rostgaard, T. and Lausten, M. (forthcoming 2014) 'Gender equality incentive policies and their consequences for men and women's take up of parental leave in Denmark', In Eydal, G.B & Rostgaard, T. (eds.): *Nordic fatherhoods – Policies, Practices and Discourses of Contemporary Fatherhood*. Bristol: Policy Press.

takes; engineers, lawyers and teachers on average take 42 days of Parental leave, whereas occupational groups such as office clerks, employees in the service sector, and agricultural and horticulture workers on average use only 24 days. Fathers with middle educational level – such as IT workers, chemists, photographers, nurses and police officers – take on average 29 days (Danmarks statistik, 2008⁹⁷). Recent statistics show that fathers in management positions are the fathers taking most leave (Statistics Denmark, 2012).

The 2006 survey suggests that along with educational level, wages, workplace culture and age also seem to be important factors when men and women negotiate who should take Parental leave and these seem to be common factors for both the public and private sectors. Moreover according to the survey, there seems to be agreement on the division of leave between men and women; 98 per cent of women and 98 per cent of men stated that they and their partner agreed on how to divide the leave period. They also seem to agree on what is important to consider when dividing leave between parents; among the considerations that affect the division of leave weeks, couples mentioned: their work/educational situation (men 45 per cent, women 30 per cent), their finances (39/28 per cent), the child (32/25 per cent), desire to reconcile work and family life (28/27 per cent), equality between parents (22/8 per cent), and day care of the child (11/5 per cent) (Olsen, 2007). Other studies, however, show that often the parents do not in reality negotiate the division of Parental leave; instead leave is often perceived as 'for women' and thus automatically divided according to cultural assumptions of gender and parenthood (Bloksgaard 2009⁹⁸, 2011⁹⁹).

Traditional male work cultures at the workplace seem to play a role. A recent survey conducted among the population in general showed that more than 50 per cent of the fathers who took less than three month leave in total (Paternity and/or Parental leave) mention 'if my employer had clearly indicated that my job situation would not be negatively affected' and 'if my work place had a tradition for male employees taking leave' as factors that may have made them take longer leave (DJØF 2011¹⁰⁰). This indicates that Danish fathers' limited leave take-up may be explained by a fear of leave having negative consequences or not being seen as 'appropriate' for men in work life.

The possibility for flexibility in taking part-time leave or postponing leave may be attractive, especially for fathers. The 2006 survey found that 36 per cent of women on leave and 6 per cent of men on leave made use of some form of flexibility in the leave law: 21 per cent of women and 4 per cent of men postponed periods of leave to be taken later, 12 per cent of women and 3.5 per cent of men extended their leave periods by 8 or 14 weeks (often because of lack of day care), and 4 per cent of men and 8 per cent of women took up part-time work with or without an extension of the leave period (Olsen, 2007).

The survey also revealed that 27 per cent of men and 42 per cent of women reported a lack of information on leave rights. This is supported by other studies, which conclude that the fact that leave entitlements are given by several different levels (law, collective agreements

⁹⁷ Danmarks statistik (2008) *Fædre med højere jobs holder længere barselorlov*. Available at: <http://www.dst.dk/OmDS/BagTal/Arkiv/2008-04-28-Faedre-med-hoejere-jobs-holder-laengere-barselorlov.aspx>

⁹⁸ Bloksgaard, Lotte (2009) *Arbejdsliv, forældreskab og køn – forhandlinger af løn og barsel i tre moderne virksomheder* [Work-life, parenthood and gender – wage and leave negotiations in three modern Danish companies]. Aalborg: Aalborg University.

⁹⁹ Bloksgaard, Lotte (2011) *Mænd, barselsrettigheder og brug af barsel* [Men, leave rights and take-up of leave]. Available at:

http://vbn.aau.dk/files/58188336/M_nd_barselsrettigheder_og_brug_af_barsel_2011.pdf.

¹⁰⁰ DJØF (2011) *Danskernes holdninger til barselorlov*, Copenhagen: DJØF Publishing.

and company level) is blurring parents' insights into what they are entitled to (Bloksgaard 2009, 2011, 2014¹⁰¹).

Thirty seven per cent of men and 23 per cent of women in the survey from 2006 were in favour of the re-introduction of quotas in Parental leave. Olsen interprets this lower support among women as related to the fact that a father's quota would require women to give up a number of weeks currently available to them. The higher support among fathers is related to a wish for more back-up when they discuss leave-taking with their employer or with colleagues (Olsen, 2007). That role models and support from colleagues and superiors are important for Danish fathers' leave take-up is supported by another survey (DJØF 2011).

d. Leave take-up in total

In addition to the (relatively) limited statistics referred to above, the available statistics presenting the present leave situation look across the entire leave period (Maternity, Paternity and Parental leave) and the data are presented here.

This data is based on how many parents receive the cash benefit during leave. Data for the period 2010-2011¹⁰² show a small drop in the number of days that fathers take when both the mother and father take up leave, from 38 days on average in 2010 to 36 days in 2011. Mothers on the other hand increased their average number of leave days from 292 days in 2010 to 295 days in 2011, i.e. in the families where both parents took up leave, the share of leave taken by mothers increased slightly.

On the other hand, taking the perspective of the child, an increasing proportion of children experience both father and mother taking leave, 56 per cent in 2011 compared with 49 per cent in 2010; 25 per cent of children in 2011 experienced only the mother taking leave, 311 days on average. For 8 per cent of children only the father took leave, 36 days on average. Finally, 11 per cent of children had parents who had no entitlement to receive the cash benefit (Danmarks statistik, 2013¹⁰³).

The recent information on leave use also shows a general decline in leave take-up from 2009 to 2010 among Danish fathers, regardless of whether they were unskilled, skilled or professionals, but it seems to affect fathers especially in the private sector (Ugebrevet A4 2013¹⁰⁴). This may indicate that the economic crisis has a negative impact on these fathers' leave use – the risk of being fired may prevent fathers from negotiating leave at their workplace and for fathers working in the private sector in particular. On the other hand, significantly more fathers working in municipalities within the public sector have taking leave, which most likely is related to the introduction of the six weeks father's quota in 2008 (Momentum, 2012¹⁰⁵).

¹⁰¹ Bloksgaard, L. (2014) 'Negotiating leave in the workplace: constructions of leave practices and male identities among Danish fathers', in: G.B. Eydal and T.Rostgaard, T. (eds.): *Nordic fatherhoods – Policies, Practices and Discourses of Contemporary Fatherhood*. Bristol: Policy Press.

¹⁰² Danmarks statistik (2013) *Dagpenge ved fødsel og adoption*. Nyt fra Danmarks statistik, nr. 124. København: Danmarks statistik.

¹⁰³ Danmarks statistik (2012) *Dagpenge ved fødsel 2011*, Nyt fra Danmarks statistik no 120, marts 2012. København: Danmarks statistik

¹⁰⁴ Ugebrevet A4 (2013) *Krisen tvinger fædre væk fra barsel*. Available at: <http://www.ugebreveta4.dk/da/2013/201310/Fredag/Faderbarsel.aspx>.

¹⁰⁵ Momentum (2012) *Kommunalt ansatte mænd er blevet vilde med barsel*. Available at: <http://www.kl.dk/Momentum/momentum2012-8-2-id110277/>

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Although there are quite extensive statistics on the use of leave, Danish research into the take-up of leave and the reconciliation of work and family life is only limited.

b. Selected publications since April 2012

Beck, M.V. (2012) *Fædre og barsels-/forældreorlov: En diskussion af internationale erfaringer med politiske virkemidler. [Fathers and leave: A discussion of international evidence of political incentives]* FREIA Working Paper Series. No. 82

This report investigates international evidence on the effects of parental leave and fathers' leave take-up, looking into policies in Canada, Portugal and Germany.

Bloksgaard, L. (2014) 'Negotiating leave in the workplace: constructions of leave practices and male identities among Danish fathers', in: G.B. Eydal and T. Rostgaard, T. (eds.): *Nordic fatherhoods – Policies, Practices and Discourses of Contemporary Fatherhood*. Bristol: Policy Press.

As leave entitlement in Denmark is offered in legislation (parental leave is sharable with the partner), collective agreements and at company level. This means that Danish fathers must individually negotiate leave with the mother and at the work place. This chapter explores Danish fathers' negotiations of leave – and male identity/practices – at the work place.

Eydal, G.B. and Rostgaard, T. (2012) 'Towards a Nordic child care policy – the political processes and agendas', in: I.V. Gíslason and G. Eydal (eds.) *Parental Leave, Childcare and Gender Equality in the Nordic Countries*. Copenhagen: Nordic Council of Ministers. Available at: <http://www.norden.org/en/publications/publikationer/2011-562>

The chapter looks into the political processes behind the development of Nordic childcare policy, including parental leave

Eydal, G.B. and Rostgaard, T. (2012) 'Day care schemes and cash for care at home', in I.V. Gíslason and G. Eydal (eds.) *Parental Leave, Childcare and Gender Equality in the Nordic Countries*. Copenhagen: Nordic Council of Ministers. Available at: <http://www.norden.org/en/publications/publikationer/2011-562>.

[In this chapter of the report, the Nordic childcare policies are characterized and compared with other European countries.](#)

Eydal, G.B. and Rostgaard, T. (2013) 'Caring family - Policies and practices in Nordic Countries', in: M.H. Ottosen and U. Bjørndal (eds.) *Challenges for Future Family Policy in Nordic Countries*. Copenhagen: SFI, pp.83-122.

This chapter investigates the changes in family policies in the last decades and their consequences across a number of Nordic countries.

c. Ongoing research

Research on Parental leave is conducted at Aalborg University as part of the PLEG (Parental Leave, Equality and Gender) project. The focus of the project is leave for parents in the Nordic countries and the study of politics, policies and practices. Contact: Anette Borchorst (ab@dps.aau.dk), Tine Rostgaard (tr@dps.aau.dk) and Lotte Bloksgaard (bloksgaard@cgs.aau.dk)

A review of existing Danish and Nordic literature regarding father's quotas is presently being conducted at SFI, The Danish National Centre for Social Research as background for the commission mentioned in section 3. Contact: Helle Holt at hh@sfi.dk.

'Nordic fatherhoods' is a book project supported financially by REASSESS and NOS-HS. The book focusses on the policies, practices and discourses on fatherhood in the Nordic countries, with contributions from a number of members of the international leave network and edited by G. Eydal and T. Rostgaard. The book will be published by Policy Press in 2014.

Estonia

Katre Pall (Ministry of Social Affairs) and Marre Karu (PRAXIS Centre for Policy Studies)¹⁰⁶

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*rasedus-ja sünnituspuhkus*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- One hundred and forty calendar days: between 30 and 70 days can be taken before birth of a child. If less than 30 days leave is taken before the expected birth, leave is shortened accordingly. It is obligatory to take leave.

Payment and funding

- Hundred per cent of average earnings, calculated on employment in the previous calendar year, with no ceiling on payments. The minimum wage (€320 per month) is paid to mothers who did not work during the previous calendar year but have worked prior to the birth of a child.
- Funded from health insurance contributions. All employers and self-employed pay a payroll tax of 33 per cent for each employee; 13 per cent is for health insurance, 20 per cent for pension insurance).

Flexibility in use

- None except for when leave can be started before birth.

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

- All employed mothers are eligible for Maternity leave, including workers with temporary contracts if the contract lasts more than one month. Self-employed people qualify for maternity benefit on the same conditions as workers.

¹⁰⁶ Please cite as: Pall, K. and Karu, M. (2013) 'Estonia country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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.

- None.

b. Paternity leave (*isapuhkus* – literally ‘father’s leave’) (responsibility of Ministry of Social Affairs)

Length of leave (before and after birth)

- Ten working days, to be taken during two months before the expected birth of a child or two months after the birth of a child.

Payment and funding

- One hundred per cent of earnings, calculated by the employer, with a ceiling of six times average earnings.
- Funded from general taxation.

Flexibility in use

- Can be taken during two months before or two months after the birth of a child.

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

- All employed fathers with permanent or temporary employment contracts.

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

- None.

c. Parental leave (*lapsehoolduspuhkus* – literally ‘childcare leave’) (responsibility of Ministry of Social Affairs)

Length of leave

- Until the child reaches three years. This entitlement is per family.

Payment and funding

- Two types of benefit are available to all families who meet the eligibility conditions, whether or not parents take Parental leave.
- Parental benefit (*vanemahüvitis*) is paid at 100 per cent of average earnings (calculated on employment in the previous calendar year) for 435 days (i.e. 62 weeks) from after the end of Maternity leave, with a ceiling of €2,234 per month, equivalent to three times average earnings. The minimum benefit paid to working parents is the minimum wage, €320 per month. For parents who are not on leave and not working, parental benefit is paid from the birth of the child at a flat rate of €290 per month until the child reaches 18 months of age.
- Childcare benefit (*lapsehooldustasu*) is a flat-rate payment of €38 per month, paid from the end of payment of parental benefit until the child reaches three years of age

to both working and non-working parents (i.e. payment continues if a parent takes up employment).

- Both parental and childcare benefit are funded from general taxation.

Flexibility in use

- Parental leave may be used in one part or in several parts at any time until a child is three years of age.
- When a parent takes up employment after the birth of a child, the parental benefit is reduced.

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

- All families are eligible for parental and childcare benefits.
- Fathers are eligible for parental benefit when their child has reached 70 days of age.

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 actual caregiver of a child is eligible for Parental leave if parents do not use leave themselves. In the case of a non-parental caregiver, he or she is eligible for childcare benefit, but not parental benefit.

d. Childcare leave or career breaks

No statutory entitlement; see (e) *Time off for the care of dependents* for supplementary annual holiday entitlement.

e. Other employment-related measures

Adoption leave (lapsendamispuhkus) and pay

- Seventy days of adoption leave per child for parents adopting a child under ten years at 100 per cent of average earnings. Adoptive parents are eligible for Parental leave for a child under three years, and qualify for parental benefit and childcare benefit.

Time off for the care of dependants

- Leave can be taken by either parent to care for a sick child under 12 years, with 80 per cent of earning replacement for up to 14 calendar days per episode of illness.
- Parents with a handicapped child may take one day of leave per month with full earnings replacement.
- A parent with a child under 14 years of age can take ten working days of unpaid leave per year.
- Parents may take a supplementary period of holiday: three days per year for a parent raising one or two children under 14 years and six days per year for a parent raising a child under three years, or three or more children under 14 years. There is a flat-rate payment, calculated from the minimum wage, of €14.5 per day.
- All payments funded from general taxation.

Flexible working

- Breastfeeding mothers with a child under 18 months can take either a half an hour breastfeeding break every three hours or a one hour break per day. The state compensates the breaks 100 per cent with the exception of mothers who receive parental benefit for raising a child. Funded from general taxation.

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

The maximum period of paid post-natal leave available in Estonia is 36 months, but half of this period is only paid at a low flat rate. According to Social Welfare Act municipalities are obliged to provide a place in ECEC to all children, starting from age of 18 months, i.e. after the end of the high paid leave period. However, municipalities are not able to meet this obligation, and for children between 18 months and 3 years of age the lack of places in ECEC is a serious issue. Many municipalities that are not able to provide an ECEC place, pay a special childcare benefit to working parents who use a private licensed carer or centre. Levels of attendance at formal services for children under 3 years are below the average for the countries included in this review and for OECD countries; but above average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

A payment of 100 per cent of earnings for Paternity leave was re-introduced in 2013, the payment having been removed in 2009 as a result of the economic crisis. Also since 2013, the 3 to 6 days of additional annual leave for parents is calculated from the minimum wage and is paid at a higher rate than before.

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, 100 per cent of employed women take up leave.

b. Paternity leave

Fourteen per cent of fathers took up leave in 2006 and 2007, but in 2008, after payment was introduced, take-up of leave increased approximately four times, up to 50 per cent. Since 2009 when the benefit for Paternity leave was abolished, there are no statistics on the take-up.

c. Parental leave

No official statistics about take-up of leave are collected. According to research, over 80 per cent of women take some Parental leave. Men account for about 6 per cent of the recipients of parental benefit.

d. Other employment-related measures

In 2010, 26 per cent of people who received benefit for caring for a sick child were men.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Leave policies and childcare arrangements have gained researchers' attention recently as the issues of demographic changes and work-life balance have emerged in the political arena. Previously, research on reconciliation of work and family life, including use of Parental leave, focused mainly on women. No significant research has been done on employers' family-friendly policies.

b. Selected publications since April 2012

None reported.

c. Ongoing research

Analysis of parents' flexible work and family reconciliation (2012-2013). Helen Biim, Praxis.
This study of family and work reconciliation policies is intended to analyse and estimate the possible impacts of policy alternatives, including the introduction of a 'daddy's month'. The study seeks to estimate costs of different policies to the state and employers as well as the possible impact on fertility, gender equality and female employment. Contact: Helen Biim at helen.biin@praxis.ee.

Finland

Minna Salmi and Johanna Lammi-Taskula (National Institute for Health and Welfare)¹⁰⁷

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*äitiysvapaa/moderskapsledighet*¹⁰⁸) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave (before and after birth)

- One hundred and five working days (i.e. for all types of leave, one calendar week consists of six working days): between 30 and 50 days must be taken before the birth. It is obligatory to take two weeks before and two weeks after birth.

Payment and funding

- Earnings-related benefit. During the first 56 days of leave, the payment is equal to 90 per cent of annual earnings up to €54,552, with a lower percentage for earnings above this level; after this initial period of leave, benefit is paid at 70 per cent of earnings up to €35,457, again with a lower percentage for higher earnings. Mothers not employed and those whose annual earnings are less than € 10,189 before the birth get a minimum flat-rate allowance of €23.77a working day (€594 per month).
- Earnings-based benefits are funded by the sickness insurance scheme, financed by contributions from employers (73 per cent of the total cost) and employees (27 per cent). In 2013, employers pay 2.09 per cent of their total salary bill and employees 0.79 per cent of their taxable earnings; these percentages are subject to change in the state budget. The minimum flat-rate allowances and 0.1 per cent of the benefit expenditure are funded from state taxation.

Flexibility in use

- None.

¹⁰⁷ Please cite as: Salmi, M. and Lammi-Taskula, J. (2013) 'Finland country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁰⁸ Names of the different types of leave are given in Finnish and Swedish. Finland is a bilingual country with a Swedish-speaking minority.

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

- Entitlements based on residence, i.e. paid to all women who have lived in Finland, or been insured in another EU Member State, at least 180 days immediately before the date on which their baby is due. The basic formula is that a person entitled to family benefits is also entitled to leave. A woman is entitled to maternity benefit after her pregnancy has lasted 154 days.

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

- In case of premature birth, if the pregnancy has lasted at least 154 days and ends earlier than 30 days before the due day, the mother is entitled to benefit and leave from the next day on for the following 105 days.
- Leave can be delegated to the father if the mother, due to illness, is unable to care for the child; or to another person responsible for the care of the child, if the mother dies and the father does not care for the child.

Additional note (e.g. frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)

- A brief made for the Committee on Parental Leave shows that 96 per cent of employees in the private sector are currently covered by collective agreements guaranteeing full pay for part of the Maternity leave; in most cases (66 per cent) the full pay is for three months. In public sector collective agreements, coverage is also high. During periods of full pay, the daily benefit is paid to the employer. However, due to the high prevalence of fixed-term contracts for women of child-bearing age, a high proportion of women giving birth do not have an effective employment contract; so only 42 per cent of mothers on Maternity leave receive pay from the employer.

b. Paternity leave (*isyysvapaa/faderskapsledighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave

- Fifty-four working days (nine weeks), of which the father can take one to 18 days while the mother is on Maternity or Parental leave¹⁰⁹.

Payment (applied for the whole period of Paternity leave) and funding

- Earnings-related benefit, with payment equal to 70 per cent of annual earnings up to €35,457, with a lower percentage for higher earnings. Minimum allowance as for Maternity leave.
- Funding as for Maternity leave.

¹⁰⁹ Until the end of 2012, and including fathers whose spouse's Maternity leave started before 1.1.2013, Paternity leave was 18 working days, plus a further 24 'bonus' days (four weeks) if the father took the last two weeks of Parental leave. The bonus days + two Parental leave weeks were called 'father's month' in the legislation from 2007 to 2012.

Flexibility in use

- One to 18 days can be taken at most in four segments while the mother is on Maternity or Parental leave. Subsequently, all days or the remaining 36 days can be taken at most in two segments with a minimum length of 12 days. All 54 days can be taken until the child turns two years of age, and the child can be in daycare between Parental leave/Home care leave and Paternity leave.
- Paternity leave is child-specific, so that the birth of the next child before the leave period has elapsed for the previous child does not cancel the father's unused leave entitlement; he can take 24 leave days based on the previous child during the Maternity or Parental leave period for the next child.

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

- As for Maternity leave, but the father must also live with the child's mother.

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

- None.

Additional note (e.g. frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)

- As a result of collective agreements, 60 per cent of all fathers with an employment contract in the private sector, as well as all fathers employed by the state, receive full pay during the five or six first days of the Paternity leave.

c. Parental leave (*vanhempainvapaa/föräldradedighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave

- One hundred and fifty-eight working days. This entitlement is per family.

Payment and funding

- Earnings-related benefit. During the first 30 days of leave, the payment is equal to 75 per cent of annual earnings up to €54,552, with a lower percentage for higher earnings. After this initial period of leave, the payment is 70 per cent of earnings up to €35,457, with a lower percentage for higher earnings. Minimum allowance as for Maternity leave.
- Funding as for Maternity leave.

Flexibility in use

- Each parent can take leave in two parts, of at least 12 days duration.
- Leave can be taken part time, at 40-60 per cent of full-time hours, but only if both parents take part-time leave and only with the employer's agreement. Benefit payment is half of the benefit for full-time leave.

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

- As for Maternity and Paternity leave. The father is entitled to Parental leave even if the mother does not fulfil the residence criteria; in this case the father's Parental leave period starts 75 days after the child's day of birth.
- The parental benefit is paid provided the mother has had a check-up by a doctor or a qualified nurse employed in the public health care within 5–12 weeks after the birth.

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

- In the case of multiple births, the length of leave is extended by 60 days for each additional child. Either the father or the mother can use the extended leave, partly or wholly during the Maternity leave or the Parental leave period.
- If due to premature birth the Maternity leave has started earlier than 30 working days before the expected date of delivery, Parental leave is extended by as many working days.
- If the mother does not take part in the care of the child, the father is entitled to parental benefit even if the parents no longer live together, provided that the father is responsible for childcare.
- If the mother dies and the father does not care for the child, the parental benefit can be paid to another person responsible for the care of the child.
- Entitlement to the parental benefit ends if a new entitlement to parental benefit starts due to a next child.

d. Childcare leave or career breaks

- Childcare leave, referred to as 'Home care leave' (*hoitovapaa/ vårdledighet*) can be taken from the end of Parental leave until a child's third birthday. This leave can be taken in two parts, the minimum length being one month. While taking leave, a parent can receive a home care allowance consisting of a basic payment of €336.67 a month, with an additional €100.79 for every other child under three years and €64.77 for every other pre-school child over three years and a means-tested supplement (up to €180.17 a month); this home care allowance can be paid to any parent – whether or not they are on 'home care leave' from their job - as long as their child is not in a childcare service provided or funded by the local authority. The average home care allowance per family in 2011 was €385 a month. Home care allowance is financed from municipal taxation with a state subsidy of 33 per cent of the costs.

In 2012, thirty per cent of local authorities paid a municipal supplement to the home care allowance; these supplements averaged €148 a month per child, with a range from €50 to €264. The local authorities usually impose specific conditions on paying the supplement, the most usual being that all under-school-aged children in the family are taken care of at home.

e. Other employment-related measures

Adoption leave and pay

- Adoptive parents of a child younger than seven years are eligible for Parental leave of 234 working days after the birth of the child (or 200 working days if the child is older than two months when the adoptive parents assume care for the child). Fathers are eligible for the same Paternity and Parental leave as fathers having their own children.

A parent who adopts a child older than 12 months and is married to or co-habits with the parent of the child is not entitled to parental benefit. Adoptive parents are entitled to Home care allowance for a period which ends two years after the Parental leave period started even if the child is older than three years.

Time off for the care of dependants

- Parents of children under ten years can take up to 4 days leave when a child falls ill (temporary childcare leave, *tilapäinen hoitovapaa/tillfällig vårdledighet*). There are no limits on how often parents can take leave for this purpose during the course of a year. Payment is dependent on collective agreements, but is often at full earnings for three or four days at a time. A parent with joint custody who does not live with a child is entitled to the leave.

Flexible working

- Parents can work reduced working hours (partial childcare leave, *osittainen hoitovapaa/partiell vårdledighet*) from the end of Parental leave until the end of the child's second year at school. The employee is entitled to partial childcare leave if s/he has been working for the same employer for at least six months during the past 12 months. The employee should negotiate the reduction in hours with the employer, and the employer can refuse only if the reduced working hours would lead to serious disadvantages for the organisation – in that case, working hours must be a maximum of 30 hours a week. Both parents can take partial childcare leave during the same period, but cannot take leave during the same time in the day. Employees taking partial childcare leave before the child's third birthday or during the child's first and second year at school are entitled to a partial home care allowance of €96.41 a month.

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

The maximum period of paid post-natal leave available in Finland is 36 months (including low paid Home care leave). The maximum period of high paid leave is 48 weeks after birth. As there is an entitlement to ECEC from the end of the Parental leave, there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children under 3 years are about the average for the countries included in this review and for OECD countries; but slightly below both averages for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

Since the beginning of 2013, the earlier 'father's month' was abolished and there are no longer four bonus weeks for fathers taking the two last weeks of Parental leave. The number of 'father only' leave days remains the same – 54 working days – but they are all now called Paternity leave, and are not linked to father's use of Parental leave. One rationale for this change was to lengthen the father's individual leave entitlement; to get all the 54 leave days, he no longer needs the mother's consent to take the two Parental leave weeks. In practice, however, the part of Parental leave that the parents can share between themselves as they wish, but which is almost always taken by the mother (see section 4), will be two weeks longer in families where the father takes his extended Paternity leave days, since the mother gets to take two more weeks Parental leave (before this change, the father had to take the

last two weeks of Parental leave to qualify for the four bonus weeks). Hence it is possible to meet the second rationale for the change: that the child can be in home care for a slightly longer period, in those cases where the father takes all his individual Paternity leave days.

According to the governmental programme, the Ministry of Social Affairs and Health appointed a tripartite working group to review promoting the flexibility of the Home care allowance and the care system of young children. The aim of the working group was to increase opportunities of part-time work for parents of children under three years and to promote transition from Home care leave to the labour market. The working group proposed a new entitlement, a Flexible care allowance (*joustava hoitoraha*), for parents of children under three years whose weekly working hours are up to 30 hours or 80 per cent of full-time hours in the field. The Flexible care allowance would then be €160 per month. If the parent's weekly working hours are at most 22.5 hours or 60 per cent of full-time hours, the allowance is €240 per month. Moreover, the working group proposed day care fees to be reformed such that the fee is determined according to the actual hours that the child spends in day care. Thus fees for part-time care would correspond to the hours of care services better than has been the case and the varying fee practices in municipalities, who now have had an independent right to set the part-time care fees, would be standardised. The government accepted the proposal in its mid-term policy review in March 2013. The present Partial childcare leave and allowance remain for parents with children on first and second grade at school.

The present governmental programme sets as its goal to increase leave earmarked for fathers. However, in the government's gender equality programme for 2012–2015 this goal is not concretised. In its draft phase, the programme proposed "an increase of leave earmarked for fathers with a gradual progress towards the 6+6+6 model", but this proposal is not included in the final gender equality programme even if three of the six governmental parties have spoken in favour of the 6+6+6 model (for a description of this model, see the presentation 'Finland' in the annual seminar 2011 and Country Note in the 2009 annual review, pp. 168–169).

The debate, which started in 2012, about cutting the Home care allowance period by one year, so it would last only until a child's second birthday, has continued. The above-mentioned working group did not take the issue onto its agenda but the proposal has been discussed as a possible budget cut. The reasons put forward for this proposed cut were both saving money and raising women's employment rate. The suggestion has been criticised on the grounds that no savings would be made as the children now in home care would need childcare services, which cost more both to the municipalities and to the state. It was also pointed out that the mothers who receive Home care allowance for the longest periods are those who have difficulty finding employment, whose employment prospects are even worse in the present financial crisis and with jobs calling for low educational qualifications moving away from Finland. Overall, the proposal would not substantially increase the female labour force. In the media, officials at the Ministry of Finance agreed that cuts in the Home care leave period would not lead to savings without alterations in childcare provision and admitted that they had also calculated possible savings on the assumption that the universal right to childcare services would be restricted – even if this right is secured in the government programme. Proposals to restrict the universal right to childcare services have been lately presented by the State Secretary of the Ministry of Finance, the Child Ombudsman, The Association of Finnish Local and Regional Authorities and the Finnish Union of Practical Nurses. However, neither the cut to the Home care allowance period nor restricting the universal right to childcare services were included in the government's frame of the state economy for 2014–2017 decided on in March 2013.

4. Take-up of leave

a. Maternity leave

Almost all mothers use the leave. Two weeks of leave before and two weeks after the birth are obligatory. Approximately 1.5 per cent of mothers entitled to Maternity leave have been employed during the leave period in 2006 to 2008.

b. Paternity leave

Since the end of the 1990s, the great majority of fathers have taken the one to three weeks' Paternity leave, with the proportion of fathers taking Paternity leave increasing from 40 per cent in 1990 and 76 per cent in 2000 to 82 per cent in 2011, when the average length of the leave taken was 15 working days. Even so, in 2011 only 16,173 fathers, i.e. about 27 per cent of all fathers, took the father's month, that is the bonus Paternity leave days plus the last two weeks of the preceding Parental leave available for fathers 2003–2012 (see below). However, the number of fathers taking the father's month had increased eightfold compared to 2003 when the bonus leave was introduced, and the proportion of fathers taking the leave jumped 33 per cent from 2010 to 2011¹¹⁰.

The earlier one to 18 days of Paternity leave has been taken by fathers irrespective of their socio-economic background, or that of their spouses¹¹¹. Fathers who took only Paternity leave tended to take slightly longer periods after the bonus leave was introduced in 2003¹¹². Two-thirds of fathers took the whole three weeks Paternity leave; men who were more likely to take the whole leave included fathers of first-born children, students and entrepreneurs. Length of Paternity leave does not correlate any more with the father's age, education or income level or socio-economic status (footnote 3).

c. Parental leave

The 158 days of Parental leave is mostly taken by mothers. Almost all mothers take Parental leave whereas only 2 to 3 per cent of fathers have taken a longer Parental leave than the two weeks of the father's month over the years it has been available. Less than one per cent of mothers entitled to Parental leave did not take the whole leave period even if the father did not take Parental leave in 2004–2007. Less than 4 per cent of mothers work to some extent during the leave period.

The father's month, from 2003 to 2012, under which there were bonus days of Paternity leave for fathers who took the last two weeks of Parental leave increased the number of men taking Parental leave from 1,700 men in 2002 to 5,700 in 2005, 12,156 in 2009 and 17,625 in 2011 - 29.6 per cent of fathers. However, only 2.5 per cent of fathers took a longer period of Parental leave in 2011. The average length of leave of fathers who take Parental leave has fallen; from 64 working days in 2002 to only 19 in 2011. Three-quarters of fathers taking leave use a month or less, while only 1.5 per cent use at least four months. The most common length of leave taken by fathers overall is 42 days, which means that men take all days earmarked for fathers – but no more (footnote 4).

¹¹⁰ National Insurance Institution (2012) *Statistical Yearbook 2011*. Available at: www.kela.fi/statistics.

¹¹¹ Salmi, M., Lammi-Taskula, J. and Närvi, J. (2009) *Perhevapaat ja työelämän tasa-arvo* [Family leaves and gender equality in working life]. Helsinki: Ministry of Employment and the Economy.

¹¹² Hämäläinen, U. and Takala, P. (2007) 'Isien perhevapaat ja tasa-arvo' [Fathers' use of family leaves and equality], in: R.Lilja, R. Asplund and K. Kauppinen (eds) (2007) *Perhevapaavalinnat ja perhevapaiden kustannukset sukupuolten välisen tasa-arvon jarruina työelämässä?* [Do the choices and costs of family leave hamper gender equality in working life?] Helsinki: Ministry of Social Affairs and Health.

Although the father's month became gradually more popular, its contribution towards equalising parental responsibilities is called into question as, in a clear majority of families, the mother stayed at home during the father's month because she planned to continue to care for the child at home supported by the Home care allowance, and the father had to take his leave within six months of the end of the Parental leave (footnote 3).

Men with high education, employed in the public sector in middle-sized or big organisations, and whose partners also have high education, have been more likely to take the father's month – but the leave periods they have taken were shorter than those taken by men with less education (footnote 3). Overall, Parental leave is shared more often in families where both spouses have a high level of education and middle-sized or good income. Sharing is also more common among men over 30 years of age, and working in the public sector. The socio-economic status of the father, size of his workplace or number of children does not correlate with sharing of Parental leave. Taking all factors into account, a father's take-up of Parental leave is most probable if he is over 30 years and does not consider himself to be the main provider of the family (footnote 3).

Unlike Paternity leave, the length of Parental leave taken by men has been connected to their level of education and socio-economic position. Men with a high level of education, in skilled jobs or in superior positions take shorter periods of leave than men with a lower level of education and in blue-collar or less skilled white-collar positions. The position of men's spouses also plays a role: longer Parental leave is more rarely taken by men with a spouse in a blue-collar job; while fathers' take-up of Parental leave is most common in families where the mother has university education and/or high income¹¹³. Both bonus leave and longer Parental leave have more often been taken by men if twins or triplets are born (footnote 4).

The part-time option for taking Parental leave has not been popular. In 2003, the first year that it was available, 37 parents received the partial parental allowance, rising to 84 in 2004 and 117 in 2007. This means that about 0.1 per cent of families with a new-born child used the new arrangement in its first five years. The use has not increased subsequently; in 2008, only 98 parents took this option, 113 in 2009, 120 in 2010, and only 85 in 2011 (information from the statistics unit of the Social Insurance Institution).

d. Childcare leave or career breaks

Almost all families (88 per cent) take advantage of the Home care allowance (HCA), at least for some time after Parental leave. Since 2006, statistics are available of use by women and men, showing that Home care allowance is used almost entirely by mothers. In 97 per cent of all families receiving the Home care allowance, one of the parents takes care of the child and in 97 per cent of these families the carer is the mother.

In the long run, HCA has become less popular; the proportion of children aged nine to 24 months taken care of at home supported by the HCA has dropped from 58 per cent in 2000 to 50 per cent in 2011. Recently the take-up has varied: HCA was paid to 87 per cent of families whose Parental leave ended in 2005, dropping to 84 per cent for 2006 but rising again to 88 per cent from 2007 on. At the same time the proportion of under-three-year-olds taken care of and supported by the HCA has varied between 53 and 50 per cent¹¹⁴. The year-to-year variations of HCA take-up is probably due to variations in female labour force

¹¹³ Lammi-Taskula, J. (2007) *Parental Leave for Fathers? Gendered Conceptions and Practices in Families with Young Children in Finland*. Helsinki: Stakes.

¹¹⁴ Report of the Working group on flexibility of the home care allowance and the child care system, Ministry of Social Affairs and Health, Reports 2013:14.

demand and in the composition of women giving birth. The decreasing popularity in the long run matches the growing proportion of young children attending childcare services from 2000 to 2011: while the proportion of under-one-year-olds in these services has dropped to one per cent, the proportion of one- and two-year-olds has risen from 35 to 41 per cent.

Statistics also enable an assessment of take-up periods of HCA. In families paid this allowance at some point before their child turns three years¹¹⁵, periods taken have divided rather evenly during the past seven years: 26-29 per cent take less than seven months, 22-25 per cent between seven and 12 months, 27-30 per cent between 13 and 24 months, and 17-25 per cent longer than 24 months (the maximum length being 26-27 months). However, the proportion for the longest periods has declined from 2003 to 2010 from 25 to 17 per cent while the proportion taking the shortest periods has risen from 26 to 28 per cent. The (few) male recipients of HCA took less of the longest periods than their female counterparts (13 per cent) (calculations based on Statistical Yearbooks of the Social Insurance Institution 2004-2011). In the long run, from 1999 to 2010, the median length of HCA periods has been ten months.¹¹⁶

The debate on possible cuts to the HCA period (see section 3 above) led to calculations on how many two-year-olds and their siblings are taken care of at home supported by the HCA. At the end of 2010, 36 per cent of two-year-olds belonged to this group either as the primary HCA recipient (69 per cent) or as a sibling of a younger HCA recipient (29 per cent). In 40 per cent of families the HCA covers the care of one child, in another 40 per cent two children, and in 19 per cent three or more children (calculations by Anita Haataja and Siru Keskinen, National Insurance Institution.) Nine per cent of three to seven-year-olds (27,600 children) were taken care of at home as siblings of younger children receiving HCA.

Only 10 per cent of mothers giving birth in 2004 returned to employment or studies right after Parental leave: on average mothers stayed at home until their child was 24 months old. Just less than half (46 per cent) of mothers were employed when their child was two years old, also just under half were at home on care leave, either on HCA without a job waiting for them or already on Maternity or Parental leave with another baby. Some women at home were officially unemployed or combined home care of children with studying or part-time work. The longest HCA periods were more often taken by mothers with a low level of education, over 40 years of age and with three or more children (footnote 3).

A study based on register data shows that half of women who had their first child in 1999 took Maternity, Parental and Home care leave at most until their child was 18 months old; while almost 30 per cent stayed on leave for 36 months or longer, 10 per cent for almost five years. For these mothers, the leave which started with their first-born child continued without a break with successive children.¹¹⁷ Thus it seems that, contrary to common beliefs, only a small majority of Finnish mothers stay at home on family leave for several years non-stop, and it is a minority that takes the maximum length of leave.

Earlier only a small number of families – 2,100 in 2003 – took advantage of partial childcare leave. After the reform making parents of younger school children eligible for the partial care allowance, the number of families increased and was 10,365 in 2008; however, the number

¹¹⁵ These statistics exclude all families receiving Home care allowance where the person taking care of the child is not a parent; however, these families only comprise 2-3 per cent of all recipients.

¹¹⁶ Aalto, A. (2013) *Katsaus osittaisen hoitorahan käyttöön 2000-luvulla* [Review on the take-up of partial home care allowance in the 2000s]. Helsinki: Kela Työpaperiä 43/2013.

¹¹⁷ Haataja, A. and Hämäläinen, U. (2010) 'Viekö haikara tasa-arvon? Puolisoiden väliset tuloerot lapsiperheissä' ['Does the stork wash away gender equality? Income differences between spouses in families with children'], in: U. Hämäläinen and O. Kangas (eds.) *Perhepiirissä* [In the family circle]. Helsinki: Kela.

of families decreased to 9,995 in 2009 but was again 12,371 in 2011. Of these, 41 per cent of families had a child under three years. The recent increase has happened among the parents of school children (from 6,545 to 7,329 families), but especially among the parents of younger children. Partial childcare leave for under three-year-olds has increased after a small decrease between 2007 and 2008; in 2009 it was paid for 3,449 families and in 2011 for 5,042 families, with 3.3 per cent of under-three-year-olds and 6.5 per cent of seven to eight-year-old school children receiving partial home care allowance in 2011. Partial childcare leave is mostly (94 per cent) used by mothers and is most usually taken (39 per cent) for not longer than six months; a third of the users take it for seven to 12 months and an ample quarter for more than 12 months (footnote 2). From 1999 to 2010, the median length of partial care leave periods with children under three has been eight months (footnote 8). Partial care leave is taken more often by women with a high education level and high socio-economic status, less often by young mothers – maybe because they do not have permanent employment (footnote 3 and 8). In families with a child under three, mothers almost always (80 per cent) take partial care leave first after a HCA period taken after the Parental leave; on average, the child is 18 months old when the mother starts her partial care leave. Thus partial care leave does not function as an alternative to HCA but as a transition from full-time HCA to part-time employment (footnote 8).

The use of private childcare allowance for under three-year-olds has remained quite stable: in 2011 4,470 families received private childcare allowance for a child under three while the figure was 4,403 in 2010 and 4,395 in 2009. Even this allowance is primarily used for the care of children over three years, where it has risen from 9,259 recipient families in 2007 to 9,595 families in 2010 but decreased to 9,100 families in 2011; 3.5 per cent of under-three-year-olds and 4.7 per cent of under-seven-year-olds received the allowance in 2011 (footnote 2).

The results of recent research confirm earlier findings that the length of leave periods taken by women depends on how easy it is to find employment. The leave schemes also seem to create two categories of women: women with higher levels of education and better employment prospects have more options, being able to choose between a shorter or a longer family leave period, maybe also between a period of part-time work and working full time; women with little education and less opportunities in the labour market have fewer alternatives. So, a woman with a fixed-term contract or without work prior to the birth of her child is more likely to stay at home for a longer period supported by the home care allowance. The HCA, therefore, seems to have become an income source for unemployed women; rather than functioning as an alternative to the use of childcare services, as intended, it also serves as an alternative to unemployment¹¹⁸ (and footnote 3).

e. Other employment-related measures

There is no information available on the take-up of temporary childcare leave.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Research on statutory leave entitlements and on take-up is done on the initiative of individual researchers; no systematic follow-up takes place except for basic statistics.

¹¹⁸ Lammi-Taskula, J. (2004) 'Äidit työmarkkinoilla – kahden kerroksen väkeä?' ['Women in the labour market – people on two stories?'], *Yhteiskuntapolitiikka*, Vol.69, No.2: 202-206.

Research has been focused on the take-up of Parental leave and Home care leave and their connections with women's labour market participation, as well as on men's take-up of family leave. Recent research has compared leave schemes and their take-up and consequences in the Nordic countries and also widened the focus to workplace attitudes and practices in connection with leave take-up. In addition, decision-making between parents and men's and women's reasons for leave-taking have been studied, as well as the consequences of leave-taking to the economic position of families.

Recently, register-based data have been used to study longitudinally the consequences of women's leave-taking for their career and wage development. Another recent study has focused on the consequences of the HCA for mothers. Presently qualitative research is underway on the choices of care and career between parents in the context of insecure working life, and on various factors affecting the timing of mothers' return to employment from family leave.

b. Selected publications since April 2012

Luoto, R., Kauppinen, K. and Luotonen, A. (ed.) (2012) *Perhevapaalta takaisin työelämään [From family leave back to work]*. Työ ja ihminen Tutkimusraportti 42. Helsinki: Työterveyslaitos.

The study examined the return-to-work strategies among Finnish mothers after a family leave based on a survey of a sample of mothers one year after childbirth (n=468). At this stage, after Parental leave, mothers make decisions whether to return to work or to take Home care leave. Four of five mothers in this survey had a job to return to. One third of the mothers had returned to work, most often for economic reasons. Other reasons were related to job characteristics and social factors. One in four mothers mentioned the unstable work situation of their partner as a reason for their return to work; if the partner had lost his job or been laid off, he stayed at home with the child while the mother returned to work. This was referred to as an unexpected situation which had changed the mothers' plans to stay at home for longer. Half of the respondents reported in open-ended questions about their return-to-work strategies. These revealed that there was plenty of dialogue between the partners about the strategies, but very little dialogue between the workplaces and the mothers during the leave. As in most workplaces big changes had taken place, the returning mothers felt ambivalent about the changes and were concerned about how the changes would affect their roles and position in the workplace.

Lehtonen, U. (2012) *'Isät eivät imetä' Suomalainen ja ruotsalainen isyys- ja vanhempainvapaakeskustelu 1970-luvulta 2000-luvulle [Fathers don't breastfeed' Finnish and Swedish discourse on Paternity and Parental leave from the 1970s to the 2000s]*. MA Thesis, University of Turku

The study analyses Paternity and Parental leave discourses on one hand in the 1970s when in both Finland and Sweden the first legislation on Paternity and Parental leave was introduced; and on the other hand in the 2000s, when both countries introduced father's quotas to Parental leave. The focus is on discourses on gendered parenthood, gender equality and 'the best interest of the child'. The key difference between Finnish and Swedish discourses is found in the contradiction between mother care and gender equality. In the Finnish discourse from the 1970s, the conservatives emphasise mother care based on biology and 'naturalness', while left wingers underline gender equality and women's right to employment. In the Swedish discourse from that time gender equality issues are brought forward and mother care is not advocated by referring to biology but more veiled with an emphasis on home care. The greatest differences between the two countries are found in the discourses from the 1990s and 2000s. In the Swedish discourse on the father's quota, gender equality has an important role and it is also discussed from men's point of view. The Finnish discourse emphasises the importance of the father-child relationship but a strong

mother care discourse is also present. In the Finnish discourse on the father's quota, mother care is emphasised in the same way as in the 1970s referring to biology and 'naturalness', and some even experience gender equality as a threat to 'the best interest of the child'.

Aalto, A. (2013) *Katsaus osittaisen hoitorahan käyttöön 2000-luvulla [Review on the take-up of partial home care allowance in the 2000s]*. Helsinki: Kela Työpapereita 43/2013

Based on register data covering more than half of all mothers who have given birth between 1999 and 2010 and their families, this report highlights the take-up of Partial childcare leave. It shows, firstly, that this leave is taken mostly by mothers, and, secondly, that the leave is mostly taken after the mother has first been on Home care leave supported by the HCA after her parental leave. The mother usually starts her Partial childcare leave when the child is 18 months old. Partial childcare leave is taken by mothers with a good economic position and on average higher level of education than mothers who use Home care allowance. Moreover, the employment rate of mothers who take Partial childcare leave was clearly higher already before the birth of their child than that of women who use Home care allowance. The report also shows that immigrant mothers do not use Home care allowance on average for longer periods than native Finnish mothers.

c. Ongoing research

Family leaves, economic crisis and gender equality (2013–2015). Minna Salmi, Johanna Lammi-Taskula and Johanna Närvi, National Institute for Health and Welfare (THL)

Based on a survey to mothers and fathers with a child born 2011 this study investigates the consequences of the economic crisis, which started in 2008, for mothers' and fathers' opportunities and obstacles for taking parental and home care leave. A comparison of the findings with findings of similar survey data from 2001 and 2006 will bring out the changes in take-up and reasons of taking or not taking leave. The study asks has the economic crisis reflected on the duration of mothers' home care leave, and is a long leave period due to difficulties to find employment. A special focus is on the possible connections of the economic crisis on fathers' choices to take or not take parental leave: to what degree do the changing conditions of working life present themselves as a growing role of work pressures as obstacles for fathers' leave take-up. The study also investigates parents' assessments of the possibilities to combine part-time work and part-time leave as well as their ideas of how to develop the family leave schemes. Contact Minna Salmi at minna.salmi@thl.fi,

Women's and men's care and career choices in the insecure labour market (2008–2013). Johanna Närvi, doctoral study at the University of Tampere.

Based on interviews with parents of young children, this doctoral study investigates how parents' choices between work and family, and their possibilities for action, are related to the structures and practices of working life and family life as well as to the cultural conceptions of work and parenthood. The focus is on the significance of work insecurity on choices of becoming a parent, on arranging the care of young children and on reconciling employment and family life. The study is based on interviews with 16 women and 13 men who had children under 11 years of age and experience of fixed-term or otherwise insecure employment contracts. Contact Johanna Närvi at johanna.narvi@thl.fi.

Family, kinship and social ties in three phases of life (2012–2016). Aino Luotonen, doctoral study at the University of Helsinki.

This qualitative doctoral study explores in what ways family and kinship ties and other significant relationships are constructed and changed in the lives of young Finnish adults forming their own family. It focuses on the social support received and exchanged by mothers on family leave but studies also two other phases in the family formation process: planning to get married and returning to work from family leave. The analysis is based on 12 focus group interviews with mothers of a one-year-old, nine interviews with couples planning their wedding and other qualitative data. Contact Aino Luotonen at aino.luotonen@helsinki.fi.

Families with children (2012–2014). Social Insurance Institute (Kela).

The research department of the Social Insurance Institute is organising a comprehensive data base on families with children based on several registers. The data covers more than half of all mothers who have given birth in 1999–2010 and their families. Using this data base, the project investigates the relations between the policy reforms of the 2000s and changes in the sharing of Parental leave, as well as the relations between parents' choices and their labour market position, their family economy and their life in the long run. Moreover, the project aims at developing calculation models that simulate the alternative costs to families and to public funds of varying child care periods and forms of child care. A third aim is to investigate how employer characteristics, or parent's lack of employment, effect the take-up of Parental leave and child Home care leave. Contact Anita Haataja at anita.haataja@kela.fi.

France

Jeanne Fagnani (University of Paris 1) Danielle Boyer (Caisse nationale des allocations familiales) and Olivier Thévenon (Institut national d'études démographiques)¹¹⁹

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Congé de maternité*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave (before and after birth)

- Sixteen weeks: at least two weeks before the birth, the remainder can be taken before or after. It is obligatory to take leave.

Payment and funding

- Hundred per cent of earnings, up to a ceiling of €3,086 a month. In the public sector, the leave is fully paid (i.e. there is no ceiling). In the private sector, some employers (particularly larger companies) pay in full, others do not.
- Funded from health insurance¹²⁰, financed by contributions from both employees and employers (respectively 2.35 per cent and 13.10 per cent of the total wage, including social contributions).

Flexibility in use

- Two weeks can be taken before or after birth

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

¹¹⁹ Please cite as: Fagnani, J., Boyer, D. and Thévenon, O. (2013) 'France country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹²⁰ The present social security system, including statutory health insurance, officially came into being with the Ordinance of 4 October 1945 which aimed to cover all the so-called 'social risks'. In 1967 social security was separated into four branches: health insurance (which represents the largest share of expenditures devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

- All employees and self-employed workers.

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

- In the case of multiple or premature births, the length of leave increases to 12 weeks after birth.
- Mothers having a third or higher order child receive 24 weeks of leave.

b. Paternity leave (*Congé d'accueil à l'enfant*, see section 3) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave

- Two weeks (11 working days).

Payment and funding

- Payment and funding as for Maternity leave (see above).

Flexibility in use

- Leave must be taken within the four months following the birth.

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

- All employees and self-employed workers.

c. Parental leave (*Congé parental*)

Length of leave

- Until the child reaches three years. Leave is an individual entitlement, i.e. both mother and father can take leave until the child is three years old.

Payment and funding

- A childcare allowance - *Complément de libre choix d'activité* (CLCA – Childrearing benefit paid by the social security scheme, the National Family Allowance Fund) – is available to all families who meet the eligibility condition whether or not parents take Parental leave. This is a flat-rate payment of €566.01 per month. However, for parents with only one child, this is only paid until six months after the end of the Maternity leave; in other families it is paid until the child reaches three years of age. If the parent works part time, then the benefit is reduced.
- Another benefit – *Complément optionnel de libre choix d'activité* (COLCA) – is available to large families (with at least three children): a flat-rate payment of € 801.39 per month in 2012, paid on condition that one parent stops working completely. However the duration is only for one year. Large families can choose between COLCA and CLCA.
- Both CLCA and COLCA are paid by the local CAFs (*Caisse des allocations familiales*), the Family Allowance funds. CAFs are financed by contributions from

employers¹²¹ only, and not by employees unlike the Maternity and Paternity leaves that are funded from the health insurance scheme.

Flexibility in use

- Parents taking leave may work between 16 and 32 hours per week.
- If parents work part time, the CLCA payment is reduced. If both parents work part time, they can each receive CLCA but the total cannot exceed one full CLCA payment. For the higher allowance paid for large families (COLCA), one parent must stop work completely.

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

- All employees are eligible for Parental leave if they have worked at least one year for their employer before the birth of a child.
- Eligibility for CLCA becomes more restrictive the fewer children a parent has: for example with three children the eligibility condition is to have worked for two out of the five years preceding birth (two out of the four years for parents with two children) but with only one child it is necessary to have worked without break for two years preceding birth.

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 parents)

- Where a child is seriously ill or disabled, Parental leave (regulated by the Labour code) can be extended by a year.

Additional note (e.g. if leave payments are often supplemented by collective agreements, employer exclusions or rights to postpone)

- Employers can refuse to let parents work part time if they can justify this on business grounds.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Every employee is eligible for an unpaid leave (*Congé de présence parentale*) to care for a sick child under the age of 16 years. Legally, periods of leave cannot exceed three days (or five days in specific cases), but this is a minimum and most collective

¹²¹ Employers' contributions to the family branch of the Social security amount to 5.40 per cent of the total wages paid to their employees.

agreements have special arrangements, as in the public sector where employees can take 14 days a year to care for a sick child.

- *Allocation journalière de présence parentale*: in cases of a serious disability or illness of a child under 20 years, every employee with at least one year of employment with an employer is entitled to paid leave to care for her/his child, or to work part time, for a period of up to three years. The allowance is paid for a maximum of 310 days over the three years period, and the level of the allowance depends on the duration of work in the enterprise and on the family structure; in couples, the amount is €42.20 per day if one parent stops work completely; and €50.14 for a lone parent. A similar period of leave is possible for employees who need to care for a relative at the end of life, either a child or a parent living in the same house.

Flexible working

- No statutory entitlement. Employees in the public sector are entitled to work part time for family reasons. The 'family tax credit' (*Crédit d'impôt famille*, CIF), introduced in 2004, is a financial incentive provided to companies to encourage them to develop family-friendly initiatives for their employees. The CIF stipulates that 25 per cent of related expenses are deductible from taxes paid by the company up to a ceiling of €500,000 per year and per company. As of January 2010 eligible expenses can no longer include training programmes for employees on Parental leave and supplements paid to employees taking various forms of child-related leave.

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

The maximum period of paid post-natal leave available in France is 3 years, but most of this is low paid; leave paid at a high rate ends after Maternity and Paternity leave (3-4 months after birth). Since 1989 there is an entitlement to ECEC from 3 years of age: the French Education code states that 'every child upon reaching the age of three has the right to attend a nursery school located as close as possible to his or her residence if her or his family claims a place'. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than 2 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 and over 3 years are above the average for the countries included in this review. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

In February 2009 President Sarkozy announced a reform of the Parental leave scheme. Taking into consideration the detrimental effects that extended leave can have on women's professional careers, he proposed to reduce the duration of the leave from three years to only one. This reduction in time was to be offset by a significant increase in the amount of the benefit payment. Similar proposals, to move gradually in the direction of the Swedish scheme, had already been proposed in a number of reports and legislative initiatives over the previous decade. So far, nothing has happened. The reforms have been strongly opposed by the family associations, represented by the UNAF (National Union of Family Associations). Perhaps more important, they were derailed because they would have led to a dramatic rise in demand for formal childcare arrangements, which the CNAF and local authorities would have been unable to meet in the short term.

Paternity leave is now termed '*congé d'accueil à l'enfant*' (leave for looking after a child): the aim was to adopt a neutral perspective on family types and to take into consideration gay couples (married or cohabiting) who now are eligible for this leave

4. Take-up of leave

a. Maternity leave

Although it is not obligatory, almost all mothers take up Maternity leave, although the length of leave taken varies, with women in higher status employment taking less leave.

b. Paternity leave

Around two-thirds (62 per cent) of eligible fathers took leave in 2012.

c. Parental leave and childrearing benefit

It is impossible to calculate the number of parents on Parental leave because employers are not required to provide information about take-up. Statistics are limited to CLCA, and it is not possible to find out how many recipients of CLCA are also on Parental leave.

Changes in the former APE since July 1994, which extended eligibility to parents with two children and introduced the option of part-time work from the beginning of the payment period, contributed to a dramatic increase in the number of recipients, reaching 581,000 in 2005 compared to 275,000 in 1995. The incentive for low paid mothers to stop working is strong because of savings on childcare costs and other expenses. Research has also shown that mothers living in rural areas and small towns, where public childcare provision is scarce, claim APE more frequently.

Research provides evidence that women make up 98-99 per cent of parents taking leave. It also suggests that mothers who were in employment just before taking Maternity leave are more likely to claim CLCA *if* they are entitled to Parental leave because they have a job guarantee; with high unemployment, most working mothers who are not entitled to Parental leave cannot take the risk of losing their job unless their partner has secure employment.

Mothers are more likely to claim Parental leave and CLCA when they face demanding working conditions, for example atypical/non-standard working hours or 'flexible' hours imposed by employers. It has been hypothesised that one of the factors explaining the high take-up of APE is the deterioration in working conditions in recent years. From this perspective, taking Parental leave with CLCA is one way to escape a job with difficult working conditions that create difficulties for workers trying to combine paid and unpaid work.

A number of factors help to explain why fathers are so reluctant to claim Parental leave, including: the unequal gender distribution of domestic and child-raising tasks within the family still persisting in France; traditional value systems; in most couples, the man earning more than the woman; and a workplace culture in the private sector that makes it difficult for a man, in particular at management level, to take Parental leave. The small number of fathers who take CLCA at full time are mostly blue-collar workers or employees with a stable job beforehand. Compared to fathers who do not take parental leave, they are more likely to work in female-dominated sectors and to have partners with a higher level of education, a higher status job and higher earnings. Besides, the majority of fathers on parental leave take it at part-time (Boyer, Nicolas, 2013)

The number of parents receiving CLCA has been decreasing since 2007 (670 000), reaching 538,200 by the end of December 2011. Additionally, the proportion of the CLCA paid to parents who choose to work part-time during the leave has gone up (but this amount remains lower than the amount paid to those who stop working completely). This financial incentive has proven its efficiency and has sharply increased the number of recipients working part time while receiving the benefit.

A proposal has been made by the new government to reduce the length of parental leave and to reserve 6 months of leave for the exclusive use of father. The reform is still pending, however.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Only a few studies recently have addressed this issue. In the context of high unemployment and increased casualisation of the labour market, leave policy and the wider issue of reconciling paid work and family life have been relegated to a secondary position on the policy agenda. Public opinion is more concerned with the unemployment issue, reforms in pension and education systems and with the impact of the economic crisis on their professional situation.

b. Selected publications since April 2012

Fagnani, J. (2012) 'Recent reforms in childcare and family policies in France and Germany: What was at stake?', *Children and Youth Services Review*, Vol. 34, No.3: 509-516. Available at: <http://www.sciencedirect.com/science/article/pii/S0190740911003768>

Why did the German and the French governments introduce reforms in family and childcare policy over the last decade? What were the rationales underpinning these reforms and what were the key drivers of change? As well as addressing these questions, the article highlights a number of recurrent issues that help to illuminate and explain the differences that persist between France and Germany in spite of recent reform efforts. Finally, it evaluates the success of these policies and whether they have achieved their desired effects on mothers' employment patterns, especially those of qualified female workers.

Joseph, O., Pailhé, A., Récotillet, I. and Solaz, A. (2012) 'The economic impact of taking short Parental leave: evaluation of a French reform'. Documents de travail INED. Available at:

http://www.ined.fr/fichier/t_telechargement/46103/telechargement_fichier_fr_josephpailherecotilletcsolaz2012.pdf

Many young women leave the labour force when their children are born. Although this withdrawal is usually temporary, it can have repercussions on the rest of their careers. Parental leave entitlements (duration and the level of wage compensation) are of great interest for the labour market consequences of birth interruption, because they could be incentives to stop labour force participation. There is a growing debate in Europe about whether Parental leave should be short or long. The authors use the recent 2004 reform of Parental leave legislation in France to analyse the labour consequences of taking a short period of leave. Using data from the fourth round of the 'Generation 98 survey' (CEREQ), the paper reveals that, since the 2004 reform, more young women choose either to stop working completely or to work less after the birth of their first child. A strong polarisation according to woman's education is observed for the part-time or full-time option of Parental leave. Although labour force participation is unaffected in the years following the birth, the impact

on earnings is negative up to two years after the birth especially for the most educated who mainly chose the part-time allocation.

Ploux-Chilles, A. (2012) *L'entrée en parentalité : déterminants, choix du congé et conséquences pour l'emploi (Dossier d'Etudes 149)*. Paris: CNAF.

This paper analyses entry into motherhood from different perspectives: what are the determinants of fertility intentions and their realisation (employment conditions, status of the partner, etc.)? Which role for family-friendly policies, with a particular attention on leave entitlements? The paper also analyses the consequences of a period on leave for subsequent return to work.

Boyer, D. and Nicolas, M. (2013) 'Les pères bénéficiaires du complément de libre choix d'activité', *CNAF e-ssentiel*, No.113, janvier 2013

French fathers still represent a minority (3.7 per cent) of the recipients of the CLCA, and most of them (70.3 per cent) work part time. This research shows that the use of the CLCA by fathers differs from that of the mothers; fathers are more likely to work part time, to use the CLCA for a shorter period and to have an average income, higher than their feminine counterparts but lower than their spouse's

Boyer, D. (2013) 'Le rapport à l'emploi des pères bénéficiaires du CLCA à temps partiel', *CNAF Informations Sociales*, No.176, mars-avril 2013: 50-57.

This research investigates fathers' using part-time Parental leave and explores their reasons for taking up this allowance. The research is based both on an analysis of statistical data from CNAF and on 20 in-depth interviews conducted with fathers on leave and working part time.

c. Ongoing research

Les pères en congé parental à temps partiel (2011-2013). Danielle Boyer, Caisse nationale des allocations familiales (CNAF). Funded by CNAF, Paris.

This research continues the study of fathers on part-time Parental leave. This aim is to explore the reasons for fathers using this entitlement compared with mothers. This research is based on 30 interviews being conducted with fathers and mothers on leave and working part time. Contact: Danielle Boyer at danielle.boyer@cnafr.fr.

Germany

Sonja Blum (University of Vienna) and Daniel Erler (pme Familienservice)¹²²

April 2013

NB. Germany is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Mutterschutz*) (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

Length of leave (before and after birth)

- 14 weeks: six weeks before the birth and eight weeks following the birth. It is obligatory to take the eight weeks leave after birth.

Payment and funding

- 100 per cent of earnings, with no ceiling on payments.
- Maternity leave benefits (*Mutterschaftsgeld*) are usually paid by the mother's health insurance (€13 per day) and the mother's employer, who covers the difference between the money provided by the health insurance and the mother's previous earnings. Hence employers bear most of Maternity leave benefit costs.
- Benefits for mothers with an income below €390 paid by the mother's health insurance alone and match their prior income.
- Mothers receiving unemployment benefits are also paid maternity leave benefits by their health insurer and match their unemployment benefit.
- Self-employed and non-employed women have no maternity leave benefit rights.

Flexibility in use

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so. But for the two months after birth no paid work is allowed for reasons of health protection.

¹²² Please cite as: Blum, S. and Erler, D. (2013) 'Germany country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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

- All women employees, including those employed part time, even if working below the statutory social insurance threshold.
- Self-employed workers are not eligible.

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

- In the case of multiple or premature births, the length of leave increases to 12 weeks after birth.
- In certain circumstances (e.g. death or chronic illness of the parent), other relatives living with the newborn child may receive the benefit.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*Elternzeit*) (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

Length of leave

- Up to three years after childbirth. This is a family entitlement.

Payment and funding

- An income-related 'parental benefit' (*Elterngeld*¹²³) is paid for a period of 12 months, at a replacement rate of 67 per cent of a parent's average earnings during the 12 months preceding childbirth. Both parents are equally entitled to the parental benefit but if both parents take at least two months of leave, the overall length of benefit payment is extended to 14 months, i.e. a bonus of two months is paid. The benefits paid during the two months of obligatory Maternity leave following childbirth are included in the 12 (+2) parental benefit period, effectively reducing the actual benefit period available to both parents to 10 (+2) months.
- Parental benefit is paid to all families who meet the eligibility conditions, whether or not parents take Parental leave. There is a ceiling of €1,800 per month on the benefit payment and the minimum payment, which is also available for parents without prior income, is €300. Since 2011, the long-term unemployed are no longer eligible for parental benefits, as it is now credited against social assistance payments.
- Parents with low average earnings of less than €1,000 per month receive an increased benefit: For every €2 their monthly earnings are below €1,000, their parental benefit increases by 0.1 per cent. For parents with high incomes, on the other hand, the income replacement rate is reduced: for every €2 their monthly earnings exceed €1,200, their parental benefit decreases by 0.1 per cent to a minimum rate of 65 per cent.
- Moreover, there is a supplementary payment for parents with several small children (*Geschwisterbonus*): If there are two children under the age of three, or three or more

¹²³ The term was originally *Erziehungsgeld* (childcare benefit), but was changed to *Elterngeld* (parental benefit) with the 2007 reform, following the intention to emphasise the shared parental responsibility of bringing up children, including that of fathers.

children under the age of six in the household, the parental benefit is increased by 10 percent (or a minimum of €75).

- The *Elterngeld* is funded by the federal government, through general taxation.

Flexibility in use

- Instead of 12 (+2) months the parental benefit may be spread over 24 (+4) months. Then the monthly benefit level is halved, while the overall payment remains the same.
- Recipients of parental benefit may work up to 30 hours a week. Then, however, they only receive parental benefit for the *lost* income: That is, if a parent worked 40 hours weekly before taking parental leave, and continues working 30 hours thereafter, he or she only receives 67 per cent of the margin between the present and the former income. Parents have a legal right to part-time work since 2001, but if their company has less than 15 employees, the employer's consent is required.
- The final year of Parental leave may be taken up to a child's eighth birthday with the employer's agreement.
- Both parents are entitled to take leave at the same time and both can take up to two leave intervals.

Regional or local variations in leave policy

- Parental leave legislation is federal. However, four federal states (Bavaria, Baden-Württemberg, Thuringia, Saxony) pay a means-tested parental benefit extended to the third year of Parental leave, ranging from €200 to €350 per month and child.

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

- Parental leave: all parents gainfully employed at date of birth.
- Parental benefit: all parents not employed more than 30 hours a week.

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 parents

- In case of multiple births the parental benefit is increased by €300 per month for each additional child.
- Grandparents are entitled to unpaid Parental leave if their child, i.e. the parent of their grandchild, is younger than 18 years or if the parent is still in education or vocational training.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Many collective and individual company agreements allow parents to utilise their Parental leave entitlement within 12 years or, in the public sector, within 18 years after childbirth.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- In case of sickness of a child (below 12 years of age) parents may take up to ten days of leave, receiving 80 per cent of earnings from their health insurer with no ceiling. The maximum annual leave period that may be taken per family is 25 days.
- A relative of a care-dependent person is entitled to 10 days of short-term leave if that person has an unexpected illness, as well as six months of long-term care leave. Both entitlements are unpaid.
- *Familienpflegezeit* (family caring time) permits employees, for a period of up to two years, to reduce their working time to a minimum of 15 hours, if they need to care for a dependent relative. During this period employees are paid a lower income, though the reduction in income is less than the reduction in hours; employees repay the difference by receiving the same amount of reduced earnings for an equivalent period after returning to full-time employment. For example, if employees reduce their working time from 100 to 50 per cent for two years, they will receive 75 per cent of their income during that time and for a further two years after returning to full-time work again. The compulsory long-term care insurance covers additional pension contributions during the caring time if care is given for at least 14 hours and employment is limited to a maximum of 30 hours per week. *Familienpflegezeit* is not a legal entitlement, but an optional provision that is available if covered by an individual contract or collective agreement. Although no comprehensive data on the take-up of family caring time is available yet, some conclusions may be drawn from data on employers' applications for loans and admittance to group insurance foreseen by the *Familienpflegezeit*-law. Until February 2013 only 147 such applications had been made, with an average duration of caring time of about 15 months.

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Germany is 3 years, but most of this is unpaid; leave paid at a high rate runs for 12 months, plus two more months available if taken by the other parent. There is an entitlement to ECEC from 3 years of age, but it does not specify hours per day or per week; many services in Western Germany still offer only part-time hours, while full-time opening has remained the norm in Eastern Germany. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than 18 months between the end of well-paid leave and an ECEC entitlement. However from August 2013, however, there will be an entitlement to ECEC from the age of one year, as foreseen by the *Kinderförderungsgesetz* law (*KiföG*) of 2008.

Since the enactment of the *KiföG*-law, substantial efforts have been made to increase the traditionally very low supply of ECEC for children under 3 years in West Germany. For Germany as a whole, ECEC attendance for children under 3 years has risen from 9.5 per

cent in 2000 to 27.6 per cent in 2012. Overall the increase constitutes a major improvement for West Germany. However, there still remains a large difference between Western Germany (without Berlin) and Eastern Germany, especially regarding provision for children under 3 years (22.3 vs. 49 per cent in March 2012: National Statistical Office), and levels of provision still fall far short of the 35 percent level foreseen by the *KiföG*-law for the year 2013. In fact, according to estimates from the National Statistics Office, there is still a shortage of around 220,000 places for children below the age of three years and this estimate merely refers to the official goal of 35 percent, while actual demand is considered to be higher. Moreover, there are some indicators that the rapid quantitative expansion of ECEC services has not been accompanied by a sufficient attention on the quality of services provided (Tietze et al., 2012).

3. Changes in policy since April 2012 (including proposals currently under discussion)

The *KiföG*-law of 2008 envisaged the introduction of a home-care benefit from 2013 for those parents who do not make use of ECEC services and choose to care for their under three-year-olds at home. Right from its announcement in 2008, this proposal has been highly contested in the political and societal arena and its actual realisation has remained uncertain for a long time. In February 2013, however, the *Betreuungsgeldgesetz* (Home-care benefit law) was enacted. From August 2013, a benefit of €100 per month (rising to €150 from August 2014) will be paid to parents who care for their 1- and 2-year-old children at home and do not make use of institutional childcare facilities. At the same time, the money may be used to use private childcare arrangements, i.e. parents can use childcare services, as long as they are not publicly provided or publicly funded. The measure remains highly disputed in the political arena and in the face of national elections in September 2013, the future of the home-care benefit remains uncertain, as opposition parties as well as parts of the coalition government have vowed to abolish the provision.

Since January 2013 it is no longer the net income but the gross income that serves as the basis for the calculation of the parental benefit or *Elterngeld*. This technical change was justified as a means to simplify the calculation of the parental benefit, rendering the process more transparent and faster. However, various tax experts have pointed out that this new calculation mode may lead to modest benefit decreases for average households.

4. Take-up of leave

a. Maternity leave

There is a 100 per cent take-up as it is prohibited to work for eight weeks after birth.

b. Paternity leave

No statutory leave entitlement.

c. Parental leave and Parental benefit

The 2007 Parental leave reform had the explicit aim to raise the take-up of leave by fathers and recently published data by the Federal Statistics Office show that the proportion of fathers taking leave has risen more than eight-fold from 3.3 per cent in 2006 to 27.8 per cent for children born in the third quarter of 2011 (i.e. recipients from July 2011 to December 2012; all data in this section from the National Statistical Office). While slightly more than

every fourth father takes parental benefit, there are regional variations amongst the federal states, from only 18.6 per cent in the Saarland to 36.5 per cent in Bavaria.

The new Parental leave law has, therefore, been successful in raising the take-up of leave by fathers, although a large majority, i.e. 82.5 per cent (July 2011-December 2012), took no more than their individual two month entitlement (partner's months). The reform has also reduced the number of people taking more than one year of paid leave, which was a declared goal of the new law. In fact, from July 2011 to December 2012, just 11 per cent of Parental leave takers made use of the option to prolong their paid leave to two years at 33.5 per cent of prior income.

Somewhat less clear is whether the switch from a flat-rate to an earnings replacement benefit has improved the economic situation of average leave-takers. Statistics show that 23.1 percent of all recipients merely received the minimum sum of €300 and among this group a substantial part would have probably been better off with the former leave entitlement, which guaranteed them about €300 for two years instead of one. An additional 23.5 per cent of recipients benefited from the low income component of the *Elterngeld*.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

For decades, research on German leave policies was rather patchy, largely due to a lack of systematic data on the utilisation and outcomes of leave measures. In recent years, however, research has been increasingly making use of longitudinal data like the German Socio-Economic Panel (GSOEP) and has been combining sociological and economic theories for an analysis of the effects of Parental leave legislation on household and individual behaviour. Indeed, the 2007 Parental leave reform may be partly seen as a reaction of policy makers to problems identified by empirical Parental leave studies.

b. Selected publications since April 2012

Blum, S. (2012) *Familienpolitik als Reformprozess. Deutschland und Österreich im Vergleich*. Wiesbaden: VS Verlag für Sozialwissenschaften.

This book compares family policy reforms (Parental leave, childcare) in Germany and Austria during the last decade and explains the varying policy outputs.

Destatis (Statistisches Bundesamt) (2013) *Statistik zum Elterngeld - Beendete Leistungsbezüge für im 3. Vierteljahr 2011 geborene Kinder - Juli 2011 bis Dezember 2012*. Wiesbaden: Destatis. Available at: <http://www.destatis.de>.

Publication presenting the official statistics on the utilisation of Parental leave entitlements.

Reich, N., Boll, C. and Leppin, J. S. (2012) *Fathers' Childcare and Parental Leave Policies – Evidence from Western European Countries and Canada*. HWWI Research Paper 115. Available at: http://www.hwwi.org/uploads/tx_wilpubdb/HWWI_Research_Paper-115.pdf

In this research paper, the authors take a comparative look at national Parental leave regulations and the effects on fathers' participation in childcare. Using data from the MTUS (Multinational Time Use Study), they study eight industrialised countries from 1971 to 2005, amongst them Germany, Sweden, and the UK. Reich, Boll and Leppin find that 'father only' Parental leave periods and paid leave have a positive impact on the time fathers spend on childcare.

Schutter, S. and Zerle-Elsäßer, Claudia (2012) ‚Das Elterngeld: Wahlfreiheit und Existenzsicherung für (alle) Eltern?‘, *WSI-Mitteilungen* 3/2012: 216-225.

The authors draw on official take-up data of the parental benefit to analyse whether and to what extent the regulation actually offers ‘freedom of choice’ for all parents. To do so, they distinguish between three dimensions: the decision whether or not to have a child; the decision to reduce working time; and the decision about which of the parents reduces their working time, at which point in time and for how long.

Tamm, M. (2012) ‘The Impact of a Large Parental Leave Benefit Reform on the Timing of Birth around the Day of Implementation’, *Oxford Bulletin of Economic and Statistics*, doi: 10.1111/j.1468-

The introduction of the German parental leave benefit (*Elterngeld*) applied to all children born on 1 January, 2007 or later. The *Elterngeld* considerably changed the amount of transfers to families during the first two years postpartum. The article shows that the incentives created by using a cut-off date led more than 1,000 parents to postpone the delivery of their children from December 2006 to January 2007. Concerning potential adverse impacts on health outcomes of children we find a slight increase in average birth weight and the rate of children with high birth weight.

Tietze, W., Becker-Stoll, F. Bensel, J., Eckhardt, A. G., Haug-Schnabel, G., Kalicki, B. Keller, H. and Leyendecker, B. (eds.) (2012) *Nationale Untersuchung zur Bildung, Betreuung und Erziehung in der frühen Kindheit [National Study on Education and Care in Early Childhood]*. Weimar/Berlin: verlag das netz. Executive summary available at:

<http://www.nubbek.de/media/pdf/NUBBEK%20Broschuere.pdf>

Looking at cultural and structural input factors such as attitudes towards external childcare, teacher-child ratios or teacher qualifications, this national study assesses the outcomes of childcare in terms of social, cognitive and physical development of children and in terms of its impact on the parental ability to engage in gainful employment while remaining involved in the care of their children. The study evidences substantial regional and local variations in the quality of childcare, largely due to a lack of a national quality standards and a national monitoring system.

Trappe, Heike (2013) ‚Väter mit Elterngeldbezug: Nichts als ökonomisches Kalkül?‘, *Zeitschrift für Soziologie*, Vol.42, No.1: 28-51.

This article studies fathers’ take-up of the parental benefit against the background of social-structural and economic parameters. Using a 2008 dataset for two federal states in Northern Germany (Mecklenburg-West Pomerania and Schleswig-Holstein), it finds that economic considerations are the most important explanatory factor for fathers’ decisions about whether to take Parental leave and for what length of time. Under certain conditions, however, economic reasons do not fully account for men’s Parental leave decisions, namely when the female partner is self-employed, participates in training or in further education.

c. Ongoing research

None reported.

Greece

Evi Hatzivarnava Kazassi and Maria Karamessini (Centre for Gender Studies, Panteion University)¹²⁴

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on leave information: the information given below is based on: (i) leave arrangements **for employees in the private sector** that are covered by legislation and the National General Collective Agreements (NGCA) signed between the most representative national employers' organisations (SEV, GSEVEE, ESEE) and the General Confederation of Labour, which set the uniform minimum provisions for all workers in the private sector¹²⁵; (ii) leave arrangements **for public sector employees** that are covered by basic laws and the Code for Civil Servants and relevant legislation.

i. Private sector (responsibility of the Department of Labour, Social Security and Welfare)

a. Maternity leave (Basic leave – Άδεια Μητρότητας; Special leave for the protection of maternity – Ειδική Άδεια για την Προστασία της Μητρότητας)

Length of leave (before and after birth)

- Basic leave: 17 weeks: eight weeks must be taken before birth and nine weeks after birth.
- Special leave: six months, granted after Basic Maternity leave and before the beginning of the use of flexible working (reduced hours of daily work).

¹²⁴ Please cite as: Kazassi, E.H. and Karamessini, M. (2013) 'Greece country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹²⁵ Provisions on leave arrangements are also included in other kinds of Collective Labour Agreements (i.e. sectoral, professional, enterprise), which are signed between Employers and Confederations of large sub-sectors of the economy such as the bank sector or enterprises of the wider public sector such as the electricity company. Due to the fact that such Agreements cannot include worse provisions than the minimum standards included in the National General Collective Agreement, they usually have improved provisions for working parents.

Payment and funding

- Basic leave: 100 per cent of earnings, on the condition that these do not exceed those granted to insured persons who belong to the highest insurance class of the IKA (main insurance Body in Greece).
- Special leave: minimum daily wage agreed in the National General Collective Agreement, as well as social insurance coverage.
- Basic leave: funded by the Social Security Fund and the Manpower Employment Organisation, which are financed on a tripartite bases (employers/employees/state). Special leave: funded by the Manpower Employment Organisation.

Flexibility in use

- Basic leave: none except for when leave can start: if birth takes place before the time envisaged, the rest of the leave can be granted after birth so long as the total time taken remains 17 weeks.
- Special leave: if the parent, with the employer's agreement, makes use of the right to take a continuous time off work instead of working reduced hours (see 1ie), then the 'special leave for the protection of maternity' is taken after this leave.

Eligibility

- Basic leave: to ensure full compensation, 200 working days during the previous two years are needed.
- Special leave: those insured in IKA-ETAM (the largest Social Insurance Fund).

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

- None.

b. Paternity leave (Άδεια Γέννησης Τέκνου)

- Two days paid leave at the time of the child's birth, funded by the employer.

c. Parental leave (Γονική Άδεια Ανατροφής)

Length of leave

- Four months per child for each parent. Leave is an individual entitlement that cannot be transferred.

Payment

- None.

Flexibility in use

- Leave may be taken up to the time the child turns six years.

- Leave may be taken in one or several blocks of time subject to agreement with the employer.

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

- All employees who have completed one year's continuous or non-continuous employment with their present employer.
- Though the leave is for each child, it is necessary that one year of work with the same employer is completed after the end of any Parental leave taken for a previous child.
- If both parents work for the same employer, they decide together who is to use the leave first and for how long.
- The employer is obliged to grant leave but can postpone it within the year if a lot of employees ask for leave at the same time. In which case, leave is granted by the employer according to a set of priorities; requests for Parental leave from parents of children with a disability or long-term illness or sudden illness and from single parents (due to the death of parent, total removal of parental responsibility or non-recognition of the child) are dealt with as an absolute priority.

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 parents

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- In the case of the death of one parent or the total removal of parental responsibility or non-recognition of a child, the amount of parental leave granted to the other parent is double.
- Parents with a disabled child do not get additional Parental leave, but are eligible for carer's leave (see 1ie below).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- None.

d. Childcare leave or career breaks

- A parent can take time off work with full payment, up to an estimated three and three-quarter months, as part of a scheme which also allows parents to work reduced hours. For more details, see 1ie, 'flexible working'.

e. Other employment-related measures

Adoption leave and pay

- For parents that adopt or foster a child that is younger than six years of age (with an extension to eight years of age if adoption or fostering procedures are not finished), the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Leave for children's sickness: up to six days per year per parent of unpaid leave if the parent has one child, up to eight days if he/she has two children and up to 14 days if he/she has more than three children. The leave is also granted for other dependent

members of the family (e.g. a disabled spouse or adult children as well as disabled parents or unmarried sisters if their annual income is less than the basic income of an unskilled worker).

- Leave for visiting children's school: four days paid leave per year for both parents for each child that attends school up to the age of 16, funded by the employer.
- Leave for parents of children with disability: one hour per day, if the parent asks for it (unpaid and only applied in enterprises with more than 50 employees).
- Leave for parents whose children (up to 18 years of age) need regular transfusion or dialysis or suffer from cancer or need a transplant: up to ten days per year paid leave, funded by the employer. Individual right
- Leave for parents due to the hospitalisation of a child (up to 18 years of age), which requires their immediate presence: up to 30 days per year unpaid leave on the condition that the parent has exhausted his/her normal Parental leave. Individual right.
- Leave for widows/ers or unmarried parents caring for children: in addition to other leave, six days per year paid leave. If the parent has three or more children the leave is eight days per year. The leave payment is funded by the employer.

Flexible working

- Parents are entitled to work one hour less per day for up to 30 months after Maternity leave, with full earnings replacement. This may be taken as: two hours less per day for the first 12 months and one hour less per day for another six months; or, with the employer's agreement, in block(s) of time of equal time value within the 30 months period after Maternity leave. This last option, of converting reduced hours into a block or blocks of leave, means that a parent can take a number of months off work, up to an estimated three and three-quarter months. This leave – titled 'alternative use of reduced hours as leave for the care of children' – is considered part of working time and paid and funded by the employer with no ceiling on payment (funded by the employer).
- Adoptive parents of children up to the age of six are entitled to flexible working or a childcare leave (see 1id).

ii. Public sector (responsibility of the Department of Interior)

a. Maternity leave (Άδεια Μητρότητας)

Length of leave (before and after birth)

- Five months: two months must be taken before birth and three after birth. For every child after the third, the length of post-natal leave is extended by two.

Payment and funding

- Hundred per cent of earnings, with no ceiling in payment.
- Funded through general taxation.

Flexibility in use

- If birth takes place before the time envisaged, the rest of the leave can be granted after birth so long as the total time taken remains five months. If birth takes place after the time envisaged, the leave is extended until the actual birth date without any respective reduction in the after birth 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

- Childbearing mothers who need special therapy and have exhausted their sick leave are granted paid childbearing leave.
- In case of multiple childbearing, maternity leave is extended by one (1) month

b. Paternity leave

No statutory entitlement.

c. Parental leave (Άδεια χωρίς αποδοχές)

Length of leave

- Up to two years per parent. Leave is an individual entitlement.

Payment and funding

- None, except for the case of three or more children where three months of the leave are fully paid by the employer and funded through general taxation.

Flexibility in use

- Leave may be taken at any time up to the time the child turns six years.

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

- An employee can use this leave if his/her spouse does not make use of the childcare leave at the same time (see 1iic below).
- In cases of separation, divorce, widowhood or birth without marriage, only the parent that cares for the child is entitled to this 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 parents

- In the case of three or more children, three months of the leave are paid.
- Parents with a disabled child do not get additional Parental leave, but are eligible for leave for the care of dependants (see 1iie below).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- None.

d. Childcare leave (άδεια ανατροφής or μειωμένο ωράριο εργασίας)

- A parent can take nine months of childcare leave with full payment as an alternative option to a scheme which allows parents to work reduced hours (see section 1iie)

below – ‘flexible working’). The leave is paid by the employer and funded through general taxation, and is granted after Maternity leave. The leave does not constitute a personal entitlement and can be used by either or both parents within the total nine month period. A husband is not entitled to this leave if his wife is not working. For a parent who is unmarried, widowed, divorced or has a severely disabled child, the leave is extended by one month.

e. Other employment-related measures

Adoption leave and pay

- Adoptive mothers are granted a three- month paid leave during the first six months after the adoption if the child is less than six years of age. One of the three months can be taken before adoption.

Time off for the care of dependants

- Leave for children’s sickness: none.
- Leave for visiting children’s school: up to four days of paid leave for one child, up to five days for two or more children. If the children attend different levels of schools an extra day is granted. The leave is not a personal entitlement i.e. if both parents work in the public sector, the total number of days is for both parents to share.
- Up to 22 days per year of paid leave for employees whose children or spouses need regular transfusion or periodic therapy or whose children suffer from severe mental handicap or Down’s syndrome.
- Leave for employees with children or spouses with disability: one hour per day, paid.

Flexible working

- Parents are entitled to work two hours less per day if he/she has children of less than two years old and one hour less per day if he/she has children between two and four years old, with full earnings replacement. As mentioned above (1iid) there is an alternative option for this leave which is nine consecutive months off work after Maternity leave.
- Flexible working does not constitute a personal entitlement and can be used by either or both parents within the total entitlement period. A husband is not entitled flexible working if his wife is not working.
- For a parent who is unmarried, widowed, divorced or severely disabled flexible working is extended by six months. In the case of the birth of a fourth child, flexible working is further extended by two years.
- Adoptive parents of children up to the age of four are entitled to flexible working or alternatively childcare leave (see 1iid).
- An employee supporting a child or a husband/wife with a serious disability can work one hour less per day, with full payment.

All paid leave is funded through general taxation.

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

The maximum period of post-natal leave available in Greece is 60 months in the public sector and 20 months in the private sector; but leave paid at a high rate runs for only 6 months in the private sector and 12 months in the public sector. There is an entitlement to

ECEC at 5 years of age, and attendance is compulsory for the year before the beginning of elementary school (i.e. from around 5 years). So for most parents there is a gap between the end of post-natal leave and an entitlement to ECEC, reaching 4 years of more from the end of well-paid leave. Levels of attendance at formal services for children under and over 3 years are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

2012 was another year of acute economic crisis and austerity measures implemented within the framework of the memorandum between the IMF/ECB/EC and the Greek government signed in May 2010, which included strict rules regarding public spending on social policies. In February 2012, a second Memorandum was signed adopting the same approach with a priority on improving the competitiveness of business through cutting labour costs while in November 2012 a third Memorandum was signed with the same priority

Although the existing Parental leave system remains for the moment intact, the dramatic changes in the system of collective bargaining and collective labour agreements, which were brought about by the Laws 4046/12 and 4093/12, have weakened collective labour bargaining between employers and employees, an important mechanism for improving workers' rights in the past including Parental leave rights. Moreover, the minimum wage has been reduced by 22 per cent (32 per cent in the case of young labour market entrants) and is no more the outcome of collective bargaining but set by state.

Regarding parental rights in particular, the lowering of the minimum wage had an impact on benefits that are related to it, like maternity benefit and the special leave for the protection of maternity. More generally, all paid leaves that relate to an employee's wage have been negatively affected since wages have gone down – in some cases significantly - in almost all sectors of the economy.

At the same time, leave take-up has been negatively affected by the severe deterioration in employment and working conditions. This is reflected in the dramatic increase in dismissals and employment insecurity associated with high unemployment (around 26 per cent in late 2012), as well as in the proliferation of all 'flexible' types of work (around 60,000 full-time labour contracts were converted into part-time or rotating work contracts in 2011) and undeclared work (around 30 per cent in 2011).

The Citizens' Ombudsman (Cycle of Gender Equality) in a special report published in 2012 with the title 'Abusive unilateral imposition of rotation work on employees returning from maternity leave' refers to the practice of increasing numbers of employers to convert the work contract of such mothers (and only them) from full-time to rotating work, with the subsequent reduction of their wages and talk of a rise in the complaints of employees to the Citizens' Ombudsman's Office on such matters. In the same report, the Ombudsman identifies, however, a tendency on the part of mothers to solve their problems privately with their employers, accepting in effect the violation of their rights for fear of losing their jobs. But even those that complain to the Ombudsman are hesitant to proceed to further action and sometimes they withdraw the complaint.

On the positive side of developments, a new law on Parental leave was voted by the Greek Parliament in April 2012 (articles 48-54, Law 4075/12), and immediately implemented. The law incorporates the EU Directive 2010/18 on Parental leave in the national legislation. According to the provisions of the law, the following main changes are introduced that concern all working people in the public or private sector:

- Parental leave can be now taken until the child's sixth birthday (up from 3½ years).
- Parental leave lasts four months (previously 3½ months)
- Requests for Parental leave from parents of children with a disability or long-term illness or sudden illness and from single parents are dealt with as an absolute priority.
- Working people that adopt or foster a child that is less than 6 years of age are entitled to Parental leave which, under special circumstances, could be extended until the child's 8th birthday.
- Special leave is introduced to cover the unplanned and serious needs of parents whose children suffer from serious illness needing regular therapy or hospitalisation

Another positive development is the extension of maternity benefits to self-employed women for 14 weeks on the grounds of equal treatment of men and women in this occupational sector (Law 4097/12).

It is worth mentioning, too, that the Ministry of Education, following the opinion of the Citizens' Ombudsman that the employees that enter into a cohabitation pact are entitled of the various parental leaves as the married employees, granted one of its employees the requested leave (reported in the 2011 annual report of the Citizen's Ombudsman), establishing in this way a precedent for this kind of couples. The Ombudsman reports also other successful interventions to public authorities that referred to the interpretation of certain provisions of the existing legislation or gaps in legislation.

Although not directly related to leave policies, an important development in late 2012 (Law 4093/12) concerns the non-contributory family benefits. On the positive side of this development, we record the extension of these benefits to all families with children instead of only families with 3+ or 4+ children as was the case before. However, much stricter means-testing criteria were introduced, while the quite generous 3rd child benefits were abolished. Also, at the beginning of 2013, child tax credits were abolished (Law 4110/13).

4. Take-up of leave

There is no information on take-up of the various types of leave. Statistics provided by the Labour Inspectors' Authority record employees on leave by sex; but there is no information about how many employees are eligible but do not make use of their entitlement. It seems, however, that mothers are overwhelmingly those that make use of leave to which both parents are eligible. But, as said above, it seems likely that due to the economic crisis, high unemployment and the fear of dismissal, take-up rates are adversely affected in the private sector.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

During this year, research, publications and conferences mainly revolved around issues that were related to the financial crisis and its impact on health, labour relations, inequality and level of poverty. We mention in particular the 2012 Social Portrait of Greece, an annual publication of the National Centre of Social Research that mainly focused on the impact of crisis on labour relations.

b. Selected publications since April 2012

None reported.

c. Ongoing research

None reported.

Hungary

Marta Korintus and Andrea Gyarmati (Institute for Social Policy and Labour)¹²⁶

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on terminology: the Hungarian names for two of the Parental leaves discussed in 1c – GYES and GYED – include the word *gondozas*, that is ‘care’. By contrast, GYET - available after the child is older than three (see 1d) - includes the word *nevelés*, that is ‘upbringing’. The Hungarian names for these three leaves (1c and 1d) literally refer only to the payment element, although in practice they cover leave and payment (e.g. GYES is *gyermekgondozási segély*, literally ‘childcare allowance’).

a. Maternity leave (*szulesi szabadsag*) (responsibility of the Ministry of National Resources)

Length of leave (before and after birth)

- Twenty-four weeks: up to four weeks before birth. However only mothers are entitled to take one type of Parental leave until the child’s first birthday (see 1c).

Payment (terheségi-gyermekügyi segély) and funding

- Seventy per cent of average daily earnings, with no ceiling on payments. In cases when there has been previous employment (i.e. the pregnant woman is eligible) but no actual income can be determined on the first day of eligibility (e.g. the pregnant woman is on sick leave for several months, or is self-employed and does not have an actual income), the payment is twice the amount of the official daily minimum wage. In this case, payment is made by the Treasury, not the National Health Insurance Fund.
- Funded from the National Health Insurance Fund, which is financed by contributions from employers, employees and general taxation; employers and employees both pay 6 per cent of gross earnings to the Health Insurance Fund. As well Maternity leave, this fund supports GYED (see ‘Parental leave’) and health provision.

Flexibility in use

- The start date can be between four weeks before birth and the birth itself.

¹²⁶ Please cite as: Korintus, M. and Gyarmati, A. (2013) ‘Hungary country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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

- All women are entitled to 24 weeks unpaid maternity leave.
- Women employees and self-employed women with at least 365 days of previous employment within two years of the birth of a child are entitled to benefit payment for the period of Maternity 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

- If the newborn is cared for in an institute for prematurely born infants for a year, the unused portion of the maternity leave can be taken up after the child is taken home.
- Adopting mothers are eligible.
- Guardians who care for the child are eligible.
- The father (birth or adoptive) is eligible if the mother dies or is not present in the household due to health-related reasons.

b. Paternity leave¹²⁷

Length of leave

- Five days, to be taken during the first two months of the child's life.

Payment and funding

- Hundred per cent of father's average daily wage, with no ceiling on payments.
- Funded from the National Health Insurance Fund, which is financed by contributions from employers and employees.

Flexibility in use

- None except for when leave can be started after birth.

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

- All employed fathers.

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 father.

- Seven days in case of twins.

c. Parental leave (responsibility of the Ministry of National Resources)

There are two types of leave and benefit: (1) for non-insured parents, *Gyermekgondozasi sagely*, GYES; (2) for insured parents, *Gyermekgondozasi dij*, GYED. Both are family entitlements except for GYED up to the child's first birthday, which is an entitlement only for mothers.

¹²⁷ Paternity leave has no separate name in Hungarian; it is just listed as one of the eligible reasons for leave days in the Code of Labour legislation.

Length of leave

- **GYES:**
 - a. Until the child's third birthday for parents not insured.
 - b. From the end of GYED (child's second birthday) until the child's third birthday, for insured parents.
- **GYED:** from the end of the Maternity leave period until the child's second birthday, for insured parents.

Payment and funding

- **GYES:** until the child's third birthday, a flat-rate benefit equal to the amount of the minimum old-age pension, HUF28,500 (€99¹²⁸) per month in 2013. For multiple births, two hundred per cent of this amount is paid in the case of two children, 300 per cent for three children, with similar increases for additional children.
- Funded by the Treasury from general taxation.
- **GYED:** benefit of 70 per cent of average daily earnings, up to a ceiling of 70 per cent of twice the minimum daily wage (HUF137,200 (€478) per month in 2013. Funded from the National Health Insurance Fund, which is financed by contributions from employers and employees.

Flexibility in use

- A parent taking **GYES** cannot work until the child's first birthday, but can then work less than 30 hours a week, or unlimited hours if she/he works at home or has a disabled or permanently sick child while still receiving the full benefit until the child's third birthday. If the parent takes up GYES and works, she can still access public childcare for children under 3 years (*bölcsőde*).

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

- **GYES:** all parents. Foster parents and guardians are also eligible.
- **GYED:** only the mother may take this leave up to the child's first birthday. Otherwise either of the parents living with the child is eligible as long as she/he has been employed at least for 365 days within the two years before the birth of the child; however, only one parent can actually take GYED. Foster parents are not eligible.

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 parents

- **GYES:** parents of a child with a long-term illness or disability can take leave until the child's tenth birthday (longer in discretionary cases); parents of twins are eligible until the children begin elementary school (maximum until the children's tenth birthday and the benefit payment is doubled)

¹²⁸ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

- **GYES:** can be taken by grandparents from the first to the third birthday of the child if the child is looked after in her/his own home and if the parents agree to transfer their entitlement. Grandparents taking GYES can work less than 30 hours a week, or without limitation if the work is done in the home, after the child becomes older than three years of age.

d. Childcare leave or career breaks

Either of the parents in a family with three or more children may take leave during the period between the third and eighth birthday of the youngest child (*Gyermeknevelési támogatás*, GYET). Benefit payment as for GYES. The person taking up GYET can work less than 30 hours a week, or unlimited hours if the work is done in the home. GYES and GYED are intended to promote childbirth and support reconciliation of work and childrearing; GYET is considered an acknowledgement of parenthood as paid work considered for pension.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Maternity and Parental leave apply as for other parents. For foster parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- There is an entitlement to leave, the length of which depends on the age of the child: under one year – unlimited; 12-35 months – up to 84 days per child per year; 36-71 months – 42 days; six to 12 years – 14 days. Lone parents are entitled to a double period of leave. Leave is a family entitlement and a sickness benefit is paid.

Flexible working

- Mothers are entitled to two one-hour breaks per day for breastfeeding until a child is six months old; and to one one-hour break until a child is nine months old. The number of hours is doubled in the case of twins.

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

The maximum period of paid post-natal leave available in Hungary is 3 years, but the last year is paid at a low flat rate; until 2 years, insured parents taking leave are paid at a high earnings-related level. There is an entitlement to ECEC (*óvoda*/kindergarten) from 3 years of age and it is compulsory to attend 4 hours a day from the age of 5 years. Children under three years are also entitled to an ECEC (*bölcsőde*/nursery) place, but there are not enough places; legislation is in place in both cases but implementation varies. So though by legislation, there is no gap between the end of Parental leave entitlement and the start of an ECEC entitlement, there is in practice due to a shortage of places in services for children under 3 years. Otherwise there is a one year gap between the end of well-paid leave and an entitlement to an ECEC place for three-year-olds. Levels of attendance at formal services for children under 3 years are well below the average for the countries included in this review and OECD countries; but above average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

There are only statistics on the number of women receiving benefit. The average monthly number in 2011 was 24,769. It is thought that almost all eligible women take leave.

b. Paternity leave

The total number of fathers taking leave during 2011 was 22,307, using 111,107 days.

c. Parental leave

There are only statistics on the number of recipients of benefit. The average monthly numbers in 2011 were: 169,721, or 71.6 recipients per thousand women of fertile age, for GYES; 87,717, or 37 recipients per thousand women of fertile age, for GYED; and 37,829, or 16 recipients per thousand of women of fertile age, for GYET. There is no information on what proportion of parents take leave or how long they take. It is thought, however, that the number of fathers taking parental leave is very small; over the years, the number of male recipients of benefit has been between 1,000 and 3,000. There is no data available on the proportion of parents taking leave. An estimate can be made on the basis that about 8.9 per cent of children under three years were in childcare centres in 2011, so the remainder probably had a parent (predominantly the mother) taking up one of the Parental leave options.

It is thought that mothers with higher education and better paid jobs take shorter periods of leave, especially as the last year of GYES is paid at a flat rate and because of the implications for careers of prolonged absence from work. Some indication of leave-taking is provided by data on the age of children entering *bolcsőde* (nurseries taking children under three years of age); most children enter between 18 months and two years of age.

d. Other employment-related measures

In 2011, the total number of paid leave days to care for a sick child was 894,000, which represented 3.9 per cent of all paid sick leave days.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Work on issues concerning work-life balance in families with children has been flourishing since 2009. The issues covered are comprehensive, ranging from demography to labour force participation, leave policies, cash benefits and childcare. The overall aim seems to be

finding a good or acceptable solution to facilitating women's return to work and expanding services for young children in a quite unfavourable economic, financial and societal situation created by the recent crisis.

b. Selected publications since April 2012

Központi Statisztikai Hivatal (Hungarian Statistical Office) (2012) *Szociális statisztikai évkönyv 2011 [Yearbook of Welfare Statistics, 2011]* (with CD-ROM). Budapest: Központi Statisztikai Hivatal

This yearbook contains detailed data on a wide range of welfare measures and services including: social assistance, family benefits, child welfare provision, child protection, social benefits, basic social care and child care, social work activities and accommodation, rehabilitative employment, sick pay, retirement allowances and the social and guardianship authority administration in 2011, with a detailed methodology.

Szalma, I. and Takács, J. (2012) 'A gyermektelenséget meghatározó tényezők Magyarországon' ['Some factors influencing childlessness in Hungary'], *Demográfia 2012*, LV. 1: 44-68.

The authors study the correlation between childlessness and basic socio-demographic factors (educational status, religiousness or employment status). They use the data from the first and third waves of the demographic panel survey 'The Turning Points of the Life Course' conducted by the Demographic Research Institute. They conclude that those events connecting directly to childbearing (having a partner or not, living in cohabitation or marriage) are the main influence on decisions concerning parenthood. The change in norms has played no significant role, while economic factors (having a job or not, owning immovable properties or not) have some impact on postponing childbirth and do not influence directly the decision to remain childless.

Szalma, I. and Matysiak, A. (2012) 'A nők munkapiaci stratégiái és a második gyermek vállalása Lengyelországban és Magyarországon' ['Women's employment strategy and second childbearing in Hungary and Poland'], *Demográfia 2012*, LV. 2-3: 172-195.

In this study the authors analyse the effect of Parental leave policies on decisions regarding second childbearing and female (re)entry to the labour market after first birth in Hungary and Poland. There are significant differences in family policies related to childcare in the two countries. Hungary belongs to those countries that provide long Maternity leaves and childcare allowances while the Polish system is among the less generous ones. Despite the fact that the two countries have different family policies related to childcare, their total fertility rates do not diverge, and the rates of female labour market participation are also very similar. It seems that the differences in Parental leave payments affect mainly the timing of second births and employment (re)entry after a first birth, but are of little consequence for long-term developments.

Takács, J. (2012) 'Termékenységi korlátok a 21. sz. eleji Magyarországon' ['The obstacles of childbearing in Hungary at the beginning of the 21st century'], *Demográfia 2012*, LV. 2-3: 147-171.

The empirical basis of this study is a survey carried out in 2008 within the framework of RECWOWE (Reconciling Work and Welfare) project. Findings show that Hungarian parents' fertility-related potential is constrained in many ways, including: uncertain future perspectives including high expenses of childbearing and childcare; the postponement of childbearing; changing gender roles; the ideal of being 'good enough' parents; and the difficulties of reconciling paid work and domestic task, especially for women.

Gábos, A. and Kopasz, M. (2013) 'A gyermekek jólléte Magyarországon európai összehasonlításban' ['Child well-being in Hungary in comparison with the EU'], in: T. Kolosi and Gy. Tóth István (eds.) *Társadalmi riport 2012*. Budapest: Társi, pp.247-270.

This study examined seven dimensions of child poverty: income poverty, material deprivation, housing, labour market participation of parents, education, health and risk behaviour. It concludes the most serious problem of child poverty in Hungary is the high proportion of children living in households with low work intensity. This is related to the long, low-paid Parental leave scheme, as well as the lack of nursery places.

Központi Statisztikai Hivatal (Hungarian Statistical Office) (2013) *Társadalmi helyzetkép, Szociális védelem, 2010 [Social Situation, Social Protection, 2010]*. Available at: http://www.ksh.hu/docs/hun/xftp/idoszaki/thk/thk10_szocialis.pdf

The publication summarises the key developments in the Hungarian social protection and family support system between 2000 and 2010. All families with dependent children receive some cash benefits: it may reach a third of total income. But the publication notes that the Hungarian system of Parental leave and the lack of nurseries encourage mothers to stay at home, though in the last 20 years government actions have been taken to resolve work-family conflict. In order to improve access to childcare the number of services (such as family day care) has grown dynamically in recent years.

(2013) *Nők és férfiak Magyarországon, 2011 [Women and men in Hungary, 2011]*.

The pocketbook presents gender inequality data, tables and graphs. Each section begins with time series data, followed by details of the most recent data, and then an international comparative table or diagram closes the chapter. The majority of data is collected from the Central Statistical Office, Eurostat or the OECD.

c. Ongoing research

None reported.

Iceland

Guðný Björk Eydal and Ingólfur V. Gíslason (University of Iceland)¹²⁹

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on terminology: the term *fæðingarorlof* (literally ‘birth leave’) is used in law to refer to paid Maternity, Paternity and Parental leave. Sometimes the term *feðraorlof* (paternity leave) is used even though the law does not make such distinction between parental leave of fathers and mothers.

Foreldraorlof refers to the unpaid leave included in 1d under the heading of ‘Childcare leave’, though it translates literally into ‘Parental leave’. The type of leave referred to in 1c under the heading of ‘Parental leave’ is translated into English by the Icelandic Ministry of Welfare as ‘parents’ joint rights’.

a. Maternity leave (*fæðingarorlof*) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Three months: one month may be taken before birth. It is obligatory to take two weeks of leave following the birth.

Payment and funding

- Eighty per cent of average total earnings for a twelve months long period ending six months before birth up to a ceiling of ISK350,000 (€2,180) per month. The minimum payment to a mother working shorter part-time hours, i.e. between 25 and 49 per cent of full-time hours, is ISK94,938 (€591) per month; and the minimum payment for a mother working 50-100 per cent of full-time-hours is ISK131,578 (€820). For those working less than 25 per cent of full-time hours and those outside the labour market the amount is ISK57,415 (€358). Students (75-100 per cent of full-time studies) receive a flat-rate payment of ISK131,578 (€820). As a frame of reference, the minimum wage in Iceland is ISK193,000 (€1,201) per month.
- Funded by the Maternity/Paternity Leave Fund, which is financed from an insurance levy of 4.54 per cent of earnings; 1.08 per cent of this revenue goes to this Fund.

¹²⁹ Please cite as: Eydal, G.B. and Gíslason, I.V. (2013) ‘Iceland country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

Flexibility in use

- After the two weeks of obligatory leave, the mother can choose to take leave on a full time or part-time basis. It is also possible to take leave in one continuous period or as several blocks of time (i.e. leave can be 'uninterrupted' or 'interrupted'). This has to be negotiated with the employer. Parents can be on leave together, partly or the whole period.
- The total of nine months leave (covering Maternity, Paternity and joint rights) can be used until 24 months after the birth.

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

- All mothers that give birth to or adopt a child have individual non-transferable rights to 3 months paid parental leave, regardless of sexuality or marital status.

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

- See 1c.
- In cases where there is only one parent (the other parent has died, in cases of artificial insemination or a lone parent adopts or takes a child in permanent foster) the parent has right to 9 months paid parental leave.
- Maternity leave can be extended by two months if the mother suffers any complications during or after the birth.

b. Paternity leave (*fæðingarorlof*) (responsibility of the Ministry of Welfare)

Length of leave

- Three months.

Payment and funding

- Eighty per cent of average total earnings for a twelve months long period ending six months before birth up to a ceiling of ISK350,000 (€2,180) per month. For maximum and minimum payments see 1a.

Flexibility in use

- Same as for Maternity leave, except for the obligatory two weeks that mothers must take after birth.

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

- All biological or adoptive fathers have individual non-transferable rights to three months paid Parental leave, regardless of sexuality or marital status.

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

- See 1c.

- In cases where there is only one parent (the other parent has died or a lone parent adopts or takes a child in permanent foster) the parent has right to nine months paid Parental leave.

c. Parental leave (see note on terminology at the start of part 1) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Three months after birth. These are in addition to the earmarked months (three for each parent) and can be divided between the parents as they like.

Payment and funding

- Each parent is entitled to economic compensation based on his or her labour market situation and previous earnings (please see 1a for further information).

Flexibility in use

- The total of nine months leave (covering Maternity, Paternity and joint rights) can be used until 24 months after the birth.
- Leave can be taken in one continuous period or as several blocks of time. The leave can be taken on part-time or full-time basis.

Regional or local variations in leave policy

- None.

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

- Each parent is entitled to leave based on his or her labour market situation.

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 parents

- In the case of multiple births, the length of leave increases by three sharable months for each additional birth; it can be extended by the same amount if the child suffers from a serious illness. Leave also increases if the child has to stay in hospital more than seven days after the birth by that amount of time up to four months.

d. Childcare leave or career breaks (*Foreldraorlof*)

- Each parent may take 13 weeks unpaid leave until the child is eight years old.

e. Other employment-related measures

Adoption leave and pay

- Regulations on paid parental leave apply if the child is younger than eight years when adopted.

Time off for the care of dependants

- The ILO convention (no. 156) on Workers with Family Responsibilities has been ratified.

Flexible working

- Employers are required by the Act on Equal Status and Equal Rights of Women and Men to make the necessary arrangements to enable men and women to balance family life and work, including the arrangement of work in a flexible manner and parents being able to take leave from work in case of serious or unusual family circumstances.

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

The maximum period of post-natal leave available in Iceland is 15 months, nine months of paid leave and two periods of 13 weeks of unpaid leave (1d). There are no legal rights to ECEC. However, most municipalities offer ECEC for children over the age of two and even younger. There is high attendance on all levels with 8 per cent of children under 12 months in kindergartens, 80 per cent of one and two-year-olds years and 96 per cent of three to five-year-olds years.

3. Changes in policy since April 2011 (including proposals currently under discussion)

The Icelandic parliament adopted changes to the law on Parental leave in December 2012. The process of restoring economic compensation to pre-crisis levels began with raising the ceiling on payment to ISK350,000 (€2,180) from 1 January 2013. According to the law, the total leave period will also be extended in steps from 9 to 12 months, at the same time changing from a 3+3+3 model to 5+5+2. In 2014 both parents will have 3.5 months of individual leave, with a further three months to be shared. In 2015 this will increase to 4+4+3, before reaching 5+5+2 in 2016 each parent.

A further change was that in cases where there is only one parent (in cases of artificial insemination or a lone parent adopts or takes a child in permanent foster) do have a right to use all 9 months, but previous law only gave such rights in cases when one parent died before the paid parental leave had be used.

4. Take-up of leave

a. Maternity leave

In 2009, 99 per cent of women applying for leave used the three months available. For more details see 3c.

b. Paternity leave

See 3c.

c. Parents' joint rights

In 2009, 96.4 per cent of fathers took a period of leave (paternity and/or parents' joint rights) for every 100 mothers taking some leave, and fathers took about a third of all days of leave taken by parents (an average of 99 days leave compared to 178 for mothers). Overall, 20.1 per cent of fathers took some of the parents' joint rights, and 19.5 per cent took less than their three months of designated Paternity leave; 93 per cent of mothers took some period of parents' joint rights.

In 2009, 34.4 per cent of men and 43.8 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Research on leave and other employment-related policies is a much neglected area in Iceland though there has been some increase. Some studies include cross-national comparisons, which is reducing Iceland's previous knowledge gap in this area.

b. Selected publications since April 2012

Eyðal, G.B. (2012) 'Fjölskyldur og velferð' ['Families and welfare'], in: G.B.Eyðal and S. Ólafsson (eds.) *Þróun velferðarinnar 1988-2012*. Reykjavík: Félagsvísindastofnun

Gíslason, I.V. (2012) 'Leave policies development in Iceland', in: S. Parrukoski and J. Lammi-Taskula (eds.) *Parental Leave Policies and the Economic Crisis in the Nordic Countries*. Helsinki: National Institute for Health and Welfare.

c. Ongoing research

Paid parental leave, fathers and mothers: Reconciliation of work and family (2013-). Guðný Björk Eyðal and Ingólfur V. Gíslason, University of Iceland. Funded by the University of Iceland Research Fund and the Icelandic Equality Fund.

The aim of the project is to investigate how parents of first-born children in 2009 have organized their work and the care of their child from birth until the age of three years. The parents are also asked about their labour market participation a year before birth. All parents of children born in Iceland in 2009 will receive a questionnaire and the survey is expected to take place in spring 2013. Such surveys have been conducted twice before; in 2001 it was conducted among parents of first-born children in 1997, and in 2007 among parents of first-born children born in 2003 (when the children were all three years or older). In the 2013 survey there are also questions regarding the influence of the economic crisis on how parents have organized work and care during the aftermath of the crises, since many parents in the group had made their plans regarding Parental leave before the cuts to the payments were made. Contact: Guðný Björk Eyðal at ge@hi.is or Ingólfur V. Gíslason at ivg@hi.is.

Nordic Family Policies and Demographic Consequences 1990-2011. Guðný Björk Eyðal, University of Iceland, with Trude Lappegard from Statistic Norway and Ólöf Garðarsdóttir, University of Iceland. Funded by the Norwegian Research Council.

A data set is being created from existing register data from Statistics Iceland about fertility, labour market position, education, family position and incomes; and from the Birth Leave

fund about the take-up of paid Parental leave by Icelandic parents. Contact: Guðný Björk Eydal at ge@hi.is.

Ingólfur V. Gíslason at the University of Iceland is undertaking a qualitative study among couples in which the male spouse has been unemployed for at least three months but the female spouse is actively employed. He is also participating in an international research project headed by Francine M. Deutsch studying couples who equally share housework and paid employment. Contact: Ingólfur V. Gíslason at ivg@hi.is

Ireland

Eileen Drew (Trinity College Dublin)¹³⁰

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (responsibility of the Department of Justice, Equality and Defence)

Length of leave (before and after birth)

- Forty-two weeks: at least two weeks must be taken before birth.

Payment and funding

- Eighty per cent of earnings (calculated by dividing gross earnings in the relevant tax year by the number of weeks worked), subject to a minimum of €217.80 per week and up to a ceiling of €262 a week for 26 weeks; the remaining 16 weeks is unpaid. Mothers who are already on certain social welfare payments are entitled to half-rate maternity benefit.
- Funded from the Social Insurance Fund, which is financed by contributions from employers and employees. Pay Related Social Insurance (PRSI) rates vary across different types of employment. However, the majority of employees pay at a rate of 4 per cent of earnings and employers at a rate of 10.75 per cent

Flexibility in use

- None except for when leave can be started before birth.

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

- To be eligible for maternity benefit, an employee or self-employed woman has to meet certain conditions relating to payment of Pay Related Social Insurance (PRSI), for example to have been employed for 39 weeks during which PRSI was paid in the 12-month period before birth of the child.

¹³⁰ Please cite as: Drew, I. (2013) 'Ireland country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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.

- Fathers are entitled to Maternity leave if the mother dies within 40 weeks of the birth. In these circumstances, the father is entitled to a period of leave, the extent of which depends on the date of the mother's death. If the mother dies within 24 weeks of the birth he has an optional right to the additional Maternity leave. If the mother's death is over 24 weeks after the birth, the father is entitled to leave until 40 weeks after the birth. The leave within 7 days of the mother's death.
- In the case of a child who is hospitalised, the mother may postpone her Maternity leave if she has taken 14 weeks (including at least 4 weeks since the baby was born) up to a period of 6 months with the agreement of the employer.

b. Paternity leave

No statutory entitlement.

c. Parental leave (responsibility of the Department of Department of Justice, Equality and Defence)

Length of leave

- Eighteen weeks per parent per child. Leave is an individual entitlement that cannot be transferred, except where parents who are employed by the same employer in which case they can transfer all or part of their Parental leave entitlement to the other parent, subject to the employer's agreement.

Payment and funding

- None.

Flexibility in use

- Leave may be taken up to the child's eighth birthday, and up to 16 years in the case of children with disabilities.
- An extension of the *force majeure* provisions includes persons in a relationship of domestic dependency, including same-sex partners.
- Leave may be taken in separate blocks of a minimum of six continuous weeks or more favourable terms subject to employer's agreement.

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

- All employees who have completed one year's continuous employment with their present employer.

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 parents

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- Parents with a disabled child do not get additional Parental leave, but would be eligible for Carer's leave (see 1e).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Parental leave can be postponed for six months (to a date agreed on by both the employer and employee) if the granting of the leave would have a substantial adverse effect on the operation of the business.
- An employee who falls ill while on Parental leave and as a result is unable to care for the child may suspend the Parental leave for the duration of the illness following which period the Parental leave recommences.
- Provision for statutory codes of practice on the manner in which Parental leave and *force majeure* leave might be taken and the manner in which an employer can terminate Parental leave.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Forty weeks leave for adopting mothers or sole male adopters, with 24 weeks paid; payment and eligibility as Maternity leave. If the child is under three years of age at the time of adoption, unpaid Parental leave can be taken before the child reaches five years of age. However, if the child is aged between three and eight years at the time of adoption, the leave must be taken within two years of the adoption order.
- Sixteen weeks unpaid adoptive leave.
- Section 9 of the Act makes provision for splitting the period of adoptive leave and/or additional adoptive leave in the event of the hospitalisation of the adopted child, subject to the agreement of the employer.
- Section 10 provides for situations where an employee returns to work having postponed leave under Section 9 and is subsequently absent from work due to sickness.

Time off for the care of dependants

- Three days paid leave in any 12 consecutive months, up to a limit of five days in any 36 consecutive months (treated as *force majeure*).
- Employees with 12 months continuous service can take a maximum of 65 weeks unpaid 'Carer's leave' leave to provide full-time care for a dependant (e.g. a child with a severe disability), either in one continuous period or as several blocks of time. Employees may work up to ten hours per week while on this carer's leave, subject to certain income limits. An employee on Carer's leave may be entitled to a means-tested carer's benefit.

Flexible working

- Breastfeeding mothers are entitled to adjust their working hours or, if breastfeeding facilities are provided at work, to take breastfeeding breaks up until the child is 6 months old.
- On return from Parental leave, an employee may request a change in their working hours or pattern. Employers must consider such a request but are not required to grant it.

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

The maximum period of paid post-natal leave available in Ireland is 15 months, but most of this is unpaid; leave paid at a high rate runs for only 6 months. There is an entitlement to ECEC from 3¼ years of age, though only for part-time nursery education (15 hours a week for 38 weeks per year). So there is a substantial gap between the end of leave and an ECEC entitlement, and a gap of more than 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 are about the average for the countries included in this review and OECD countries; but well below the average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

The Minister for Justice, Equality and Defence, Mr. Alan Shatter, T.D., signed regulations on 8th March, 2013 extending parental leave from 14 weeks to 18 weeks to give effect to EU Council Directive 2010/18/EU of 8th March 2010 which implements a revised Framework Agreement on Parental Leave concluded by the European Partners.

The 2013 Budget provided that from July 2013 maternity benefit will be subject to taxation, in line with the majority of social welfare payments and the general principle that, as far as possible, income from all sources should be subject to taxation

4. Take-up of leave

a. Maternity leave

A total of 50,451 women applied for maternity pay in 2008, the year in which the highest number of births was recorded in Ireland since 1896, with over 75,000 babies born; the difference between women applying and births is accounted for by some women not being eligible for Maternity leave. In 2012, the Irish Government paid out €303 million to 45,129 mothers on Maternity leave (data from the Department of Social Protection). This substantial increase is due to various reasons: more births, more women in the labour market and in-migration of women of childbearing age.

According to a national study of Pregnancy at Work conducted in 2007-2009¹³¹, two-thirds of the 23,000 the mothers surveyed had been in employment. The sample was selected by the Department of Social Protection (DSP) from its database of recipients of the universal child benefit. Of these, 92 per cent of mothers took paid Maternity leave, while 41 per cent took unpaid Maternity leave, mostly in addition to paid leave. Taking combined paid and unpaid leave was related to the mother's ability to afford a period of unpaid leave. Women who were self-employed or who worked in temporary/casual jobs or part-time employment during pregnancy were less likely to take paid maternity leave.

Nearly half (48 per cent) of employed women received a top-up payment from their employer in addition to state maternity benefit. Receipt of such payments was higher among women

¹³¹ Russell, H., Watson, D. and Banks, J. (2011) *Pregnancy at Work: A National Survey*. Dublin: HSE Crisis Pregnancy Programme and the Equality Authority.

who were already more financially secure. Nearly one-third (32 per cent) of the women surveyed who were in employment experienced problems around Maternity leave, the most common involving the timing or duration of leave, i.e. being pressurised into leaving work earlier or returning to work sooner than desired. The report concluded that the preferred option, among mothers who can afford it, would be for a longer period of maternity leave than the six months of statutory paid leave.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Based on the findings of the *Pregnancy at Work* study (footnote 1), only 18 per cent of women who had returned to work after childbirth in 2007-2009 had requested to take any Parental leave. However, the authors noted that since leave can be taken at any point until the child reaches eight years of age, more women may avail of this entitlement at a later stage. Almost one-fifth (19 per cent) of women who had applied for Parental leave had their request refused, or leave was granted not in the form originally requested. The study showed that take-up of (unpaid) Parental leave is linked to women's ability to afford it. Women with an unemployed partner were four times less likely to request Parental leave than women with a working partner, indicating the constraint on choice associated with the household's financial position, which is likely to characterise many households during a period of recession. Women with higher earnings were more likely to have requested Parental leave. No information was given in the report on fathers' take up of Parental leave

d. Other employment-related measures

There is no recent information on take-up, the latest data being from a survey in 2001.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Leave policies are a recent development and are, as yet, incomplete. While Maternity, Carer's and Parental leave are now statutory entitlements, there is no statutory Paternity leave nor any right to request flexible working – although the public sector has such arrangements. However the issue of statutory rights and duration of leave are currently under review. Despite the introduction of Maternity leave and pay in 1994 there have been no specific studies on the use of this entitlement nor the take-up of Carer's leave. More attention has been given to the Parental leave entitlement introduced in 1998. Most available research has focused on broad issues around reconciling work/family, including flexible working arrangements and childcare rather than leave per se.

b. Selected publications since April 2012

Drew, E. and Humbert, A.L. (forthcoming 2013) 'Combining motherhood and entrepreneurship: strategies, conflict and costs', in: L. Kelly (ed.) *Women Entrepreneurship: New Management and Leadership Models*. Santa Barbara CA: Praeger.

The number of women entrepreneurs in Ireland is growing rapidly and they now represent over 15 per cent of business start-ups. However this is just half of the EU level of one in three. With the current slow-down in growth of the Irish economy, particularly in services

where women are well represented, rising female entrepreneurship will be vital to ensure that Irish female labour force participation remains at the Lisbon target level.

The prevailing emphasis on women's under-performance in entrepreneurship has inferred that it is women who lack the essential motivation, skills, confidence and access to finance that are required to set up and run business ventures. The limited policy responses to address these have been less than successful in achieving gender parity since they presume that the answer lies in 'helping women to adapt', thereby ignoring the major power imbalances that prevail in business life. To meet these challenges, it will require interventions that tackle the culture and context in which women entrepreneurs operate, including their current and disproportionate responsibility for parenting.

This chapter concentrates on the experiences of women entrepreneurs and how they relayed their responses to motherhood, sacrifice, and seeking to balance their business and family lives. It is based on an exploratory study of women entrepreneurs, using a qualitative approach through in-depth interviews, conducted in 2005, with 8 women entrepreneurs with dependent children. It outlines their experiences of doing entrepreneurship in what was then a fast-growing Irish economy. Drawing upon a body of international literature relating to gender and entrepreneurship, the paper uses the empirical interview data to discuss the costs, coping mechanisms and sacrifices made by these women in the context of motherhood.

c. Ongoing research

Experience of Fathering and Demand for Parental Supports in ESB (2012-13). Eileen Drew and Rory Crowley, Trinity College, Dublin. Funded by the Electricity Supply Board.

This project aims to provide an insight into the work-life balance issues faced by modern fathers in Ireland in light of the absence of a statutory entitlement to Paternity leave. By assessing the experiences and attitudes of a purposive sample of fathers in the Electricity Supply Board, this project also seeks to determine the level of demand for Paternity leave that exists amongst Irish fathers. In addition to this, the client, ESB, wishes this report to investigate the take-up and demand for parental supports within the ESB. This project will make recommendations on changes to be made to current Paternity Leave legislation based on the views expressed by Irish fathers. Contact: Eileen Drew at edrew@tcd.ie.

Italy

Tindara Addabbo and Dino Giovannini (University of Modena and Reggio Emilia)¹³²

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Congedo di Maternità*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after birth)

- Twenty weeks (five months): at least four weeks before the birth. It is obligatory to take this leave.

Payment and funding

- Eighty per cent of earnings with no ceiling for salaried workers. For home helps, self-employed workers and agricultural temporary labourers, earnings are 80 per cent of conventional earnings determined each year by the law; for non-fixed term workers, maternity leave depends on accredited contributions, though each professional sector has the possibility to determine, with approval by the Ministry of Labour, Health and Social Policies, a higher ceiling, after considering income and contribution potential of the professional sector and compatibility with its financial.
- Funded by INPS (National Department for Social Welfare), financed by contributions from employers and employees at a rate that is related to the sector and to the type of contract (for example, in manufacturing it is 0.46 per cent of earnings for employers and 0.28 per cent for employees). Workers on Maternity leave may be paid direct by INPS or else by their employer, who is recompensed by INPS.

Flexibility

- For employees and workers enrolled in '*Gestione separata*'¹³³, the 20 week period is compulsory, but there are two options for taking this leave: four weeks before the birth

¹³² Please cite as: Addabbo, T. and Giovannini, D. (2013) 'Italy country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹³³ The INPS enrolls in *Gestione separata* ('separate administration') workers who do not contribute to other forms of welfare and who do not have any type of pension, e.g. workers on a fixed-term research project.

and 16 weeks after (upon presentation of a medical certificate); and eight weeks before the birth and 12 weeks after. The allowance is accorded to autonomous female workers from eight weeks before the birth to 12 weeks after; maternity leave, however, is not compulsory for this category.

- The mother can transfer two days to the father.

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

- All employees and self-employed women with social security membership, including workers enrolled in *Gestione separata*.

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

- In the case of multiple or premature births, the length of leave increases by 12 weeks.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Public sector employees receive 100 per cent of earnings.
- In general national collective agreements guarantee 100 per cent of earnings, with employers paying the additional 20 per cent.

b. Paternity leave (*congedo di paternità*) (Ministry of Labour, Health and Social Policies)

Length of leave

- One day of compulsory leave. Fathers can take two additional days if the mother agrees to transfer these days from her Maternity leave allocation.

Payment and funding

- One hundred per cent of earnings.

Flexibility

- None.
- Leave can be used until five months after childbirth.

Eligibility

- All employees.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employed fathers, including those who are self-employed and enrolled in *Gestione separata*, may take three months paid leave following childbirth in the following circumstances: the mother's death or severe illness; the child being left by the mother; or the child being in the sole care of the father. An important verdict by the Tribunal of Florence extends the possibility of obtaining Paternity leave, paid at 80 per cent of earnings, to two months before childbirth. This means that the father can take the

whole period of Maternity leave in certain circumstances, i.e. if the mother is a housewife or ill or, alternatively, if she is a self-employed worker who cannot take advantage, for various reasons, of the leave. The Tribunal is a civil court and its decision acts as an important precedent for other Tribunals, but is not automatically binding on them. Conditions are the same as for Maternity leave.

c. Parental leave (*Congedo Parentale*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after child's birth)

- Each parent is entitled to six months leave, which is an individual and non-transferable entitlement. However, the amount of leave that can be taken by two parents in a family is ten months unless the father takes at least three months leave, in which fathers are entitled to one month of additional leave.

Payment (during the length of Parental leave) and funding

- Thirty per cent of earnings when leave is taken for a child under three years; unpaid if taken when a child is three to eight years, unless annual earnings are under approximately 2.5 times the amount of minimum earnings (€14,891.50 in 2009), in which case parents are entitled to 30 per cent of earnings.
- Funded as Maternity leave.

Flexibility in use

- Leave can be taken at any time until a child is eight years old. There are two options for taking this leave: a single leave period up to a maximum of six months; or shorter leave periods amounting to a maximum of six months.
- Parents can take leave at the same time.
- From the end of Maternity leave until 11 months after the birth, mothers can exchange their Parental leave for vouchers of €300 per month for use in reducing childcare costs.

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

- All employed parents, except domestic workers and home helps. Self-employed workers are generally entitled to three months, which can be taken only during the first year after child's birth.
- The father is entitled to leave even if the mother is not, for example if she is a housewife. Circular letter B/12-5-2009 from the Department of Labour, Health, and Social Policies extends the right to fathers to make use of the leave indicated in the art. 40c, Act of Law n. 151/2001 (right to work reduced hours with full earnings compensation for the first 12 months after childbirth) if the mother is a housewife; previously this right was limited to fathers where the mother was self-employed. This change gives equal value to the domestic work of non-employed mothers as to paid work.
- Parental leave of three months, to be taken within the first year of the child, is available to workers enrolled with *Gestione separata* by the INPS.

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 parents

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth (e.g. the length is doubled for twins, tripled for triplets).
- A lone parent may take ten months of leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Public sector employees receive 100 per cent of earnings during the first 30 days of leave.
- The law on Parental leave is due to be revised according to financial legislation passed in 2008 (*Legge finanziaria 2008*) with the aim of increasing payment and flexibility. A review is currently underway.

d. Childcare leave or career breaks

- None.

e. Other employment-related measures

Adoption leave and pay

- For adoptive and foster parents the same regulations for Maternity and Parental leave apply as for other parents. The period of Maternity leave does not depend on the age of the child adopted and must start within five months of entering the family; in case of international adoption, the leave can be taken also for overseas visits in connection with adoption. The Parental leave for adoptive and foster parents can be taken within eight years of the child entering the family and not after his/her eighteenth birthday; payment, generally, is 100 per cent of earnings for the first 30 days and 30 per cent for the following five months, if taken within three years of the entrance of the child into the family.

Time off for the care of dependants

- Without limit for a child under three years; five days a year per parent for a child aged three to eight years. Unpaid.
- Public or private employees are entitled to two years leave over the course of their entire working life in case of a serious need in their family, for example the disability of a child or other relative, even if not co-resident. This leave is fully paid by INPS (National Department for Social Welfare). Fathers and mothers cannot take this leave at the same time. Law 4 November 183/2010 (*Collegato Lavoro*) changes the conditions of eligibility for this leave - three paid days a month - for relatives of a disabled person. Apart from parents, this leave cannot be taken by more than one relative.

Flexible working

- Until a child is 12 months old, women who are employees are entitled to work reduced hours (one hour less per day if working six hours a day or less; two hours less per day if working longer), with full earnings compensation. Fathers are entitled to use this benefit in certain conditions, for example: if the mother is self-employed or freelancer;

if the mother opts not to use it; if the mother is not employed; or if the father has sole custody of the child. Home helps, domestic workers and autonomous workers are not entitled to reduced hours, but in this case too the father can work reduced hours.

- Employees (mothers and fathers) who have parental responsibility for a child under six years or a disabled child under 18 years have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so...[and must give] a written explanation explaining why'.

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

The maximum period of paid post-natal leave available in Italy is 15 months (including a bonus month if the father uses 3 months of Parental leave), and there is only around 4 months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children over 3 years attend ECEC from 3 years of age. However, despite being recognized as a social right for children and working mothers by Law 1044/1971, provision of ECEC for children under 3 years is much lower and very variable between different regions. Levels of attendance at formal services for children under 3 are below the average for the countries included in this review, but above average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

Reform of the labour market implemented in January 2013 has brought in a number of changes. It re-introduces monitoring to avoid '*dimissioni in bianco*', a practice enacted by firms to get rid of mothers at childbirth, by extending the period from one to three years after childbirth during which time an employer has to communicate to the Ministry of Labour the dismissal of a parent to get it validated

(http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130404+Procedura+convalida+dimissioni.htm9),.

It also introduces a one day period of compulsory paid Paternity leave plus the possibility of two more days if the mother agrees to transfer to the father two days of her Maternity leave. This has been introduced on an experimental basis for three years, until the end of 2015.

To promote female labour supply, the reform also includes a voucher system to be used for childcare by new mothers, who will have the right to claim these vouchers in place of Parental leave from the end of compulsory Maternity leave up to 11 months after childbirth i.e. during the period of non-compulsory leave. This measure has been introduced by Law 92/2012 and will operate on a trial basis in 2013-14.

For more information, see Consigliera Parità (2013a,b,c)

4. Take-up of leave

a. Maternity leave

Maternity leave is obligatory for employees. In 2011, according to administrative data of the National Department for Social Welfare, about 380,000 employees used compulsory Maternity leave; 9 per cent were temporary workers and 91 per cent permanent workers.¹³⁴

b. Paternity leave

As this was only introduced in January 2013, there is no information as yet on take-up of leave.

c. Parental leave

In 2011, Parental leave was used by 296,000 employees (6.4 per cent with temporary contracts and 93.6 per cent with permanent contracts); as with Maternity leave, the type of contracts varied regionally. According to the INPS data used for this analysis, 89 per cent of employees using Parental leave are women and 11 per cent male.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

The literature analysed deals with the gender allocation of time and work-life balance. The unbalanced distribution of time amongst Italian couples is confirmed. New data are provided on the take up of Parental leaves. Attention is also paid to the description of the normative changes introduced in Italy and to family policies in a comparative perspective.

b. Selected publications since April 2012

Addabbo, T., Caiumi, A. and Maccagnan, A. (2012) 'The allocation of time within Italian couples: exploring its unequal gender distribution and the effect of childcare services', *Annales d'Economie et Statistique/Annals of Economics and Statistics, Special Issues On Quantitative Applications with time use data*, Vols.105 / 106: 209-230.

This article shows the unequal distribution of care and domestic work within Italian couples.

Banca d'Italia (2012) 'Il ruolo delle donne nell'economia Italiana', in: Banca d'Italia *Relazione annuale*. Roma: Banca d'Italia.

This chapter examines the role of women in the Italian economy together with the evidence of gender inequalities in different areas; it also presents data on the allocation of time and on the policies that can improve women's participation to the labour market including also public child care services.

Billari, F. (2012) *Teniamo famiglia. Politiche di sostegno: che cosa si può fare di più e meglio*. Milano: Università Bocconi editore.

¹³⁴ Coccia, G. & Mundo, A. (eds) (2012) *Rapporto sulla coesione sociale 2012: Ministero del Lavoro e delle politiche sociali*. Available at:

http://www.lavoro.gov.it/lavoro/primopiano/20121218_rapporto_coesione_sociale.htm

This book contains a comparative analysis on changes in the structure of the family, fertility, child well-being and family policies in OECD countries with concluding remarks on the Italian situation and possible perspectives.

Coccia, G. and Mundo, A. (eds.) (2012) *Rapporto sulla coesione sociale 2012*. Rome: Ministero del Lavoro e delle politiche sociali. Available at: http://www.lavoro.gov.it/lavoro/primopiano/20121218_rapporto_coesione_sociale.htm
Amongst other data, this report contains an update on the take-up of Parental and Maternity leaves.

Pavone, G. (2012) *La riforma Fornero vista da vicino*. Available at: www.ingenerere.it
On-line document providing critical analysis of the Labour Reform known as Fornero Reform after the Ministry that designed it.

Saraceno, C, Lewis J. and Leira, A. (eds.) (2012) *Families and family policies*. Cheltenham: Edward Elgar.
Collected essays on the historical origins, concepts, indicators and evaluation of family policies.

Schiavone R. (2012, 2nd edn.) *Maternità e congedi parentali*. Milano: Ipsoa Indicalia.
This volume describes the different normative aspects of parenthood with reference to laws and jurisprudence, and includes files on specific cases.

Crespi, I. and Rossi, G. (eds.) (2013) *Balancing work & family care: European experiences*. Milano: Angeli.
Collected essays on the issue of innovative work-life balance policies improving the quality of well-being in the interaction of individuals and families in Europe, highlighting the limits of the traditional approaches to work-life balance. Amongst the topics analysed in this volume are the life cycle effects of family choices, caring exchanges between generations, and the impact of social policies in their cultural framework. It contains essays by Isabella Crespi, Giovanna Rossi, Stefan Berger, Vida Cesnuyte, Jean-Marie LeGoff, René Levy, Chris Lorenz, Gerardo Meil, Tina Miller, Pedro Romero-Balsas, Sanda Samitca, Manuela Schicka, Michèle Ernst Stahli, Piotr Teisseyre, Karin Wall and Eric D. Widmer.

Consigliera Nazionale Pari Opportunità (2013a) *Congedo per il padre: istruzioni per l'uso*. Available at: http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130319+Congedo+di+paternit%C3%A0.htm
This publication provides an explanation on the new Paternity leave arrangements.

Consigliera Nazionale Pari Opportunità (2013b) *Voucher di cura: Istruzioni per l'uso*. Available at: http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130403+Voucher.htm
This publication provides an explanation of the new childcare voucher arrangements.

Consigliera Nazionale Pari Opportunità (2013c) *La procedura di convalida delle dimissioni e risoluzioni consensuali introdotta dalla L.92/2012*. Available at: http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130404+Procedura+convalida+dimissioni.htm
This publication provides an explanation of the new arrangements for monitoring to avoid 'dimissioni in bianco'

Istat (2013) 'Lavoro e conciliazione dei tempi di vita', in: *Il benessere equo e sostenibile in Italia*. Available at: http://www.istat.it/it/files/2013/03/3_lavoro-conciliazione.pdf

This chapter deals with the working conditions and allocation of time in Italy, presenting new indicators to extend the measure of well-being beyond GDP. The Chapter and the system of indicators are part of the research conducted by ISTAT (*Istituto nazionale di statistica*, Italian National Institute of Statistics) and CNEL (*Consiglio Nazionale dell'Economia e del Lavoro*, Italian Council on Economy and Labour) on the elaboration of a new system of indicators going beyond GDP, called BES (*Benessere Equo e Sostenibile*, Sustainable and Equitable Well Being).

c. Ongoing research

Measuring human development and capabilities in Italy: methodological and empirical issues (2011-2013). University of Modena & Reggio Emilia and funded by PRIN (Italian Ministry of Universities and Research). <http://www.capp.unimo.it/indexEN.html>

Amongst the well-being dimensions that are being analysed in depth are: the capability to work with special attention to access to work and to working conditions in relation to living conditions; and the capability of caring for others with a special focus on the care work done for both co-resident and non-resident relatives. Attention is devoted to gender differences and inequalities and welfare policy implications. Contact: Tindara Addabbo at tindara.addabbo@unimore.it.

Japan

Hideki Nakazato (Konan University) and Junko Nishimura (Meisei University)

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April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Sanzen-Sango Kyugyo*) (responsibility of the Ministry of Health, Labour and Welfare)

Length of leave (before and after birth)

- Fourteen weeks: six weeks before the birth, the remaining eight weeks after birth, six weeks of which are obligatory.

Payment and funding

- Two-thirds of the mother's average daily earnings, up to a ceiling that only affects a very small number.
- Funded from the Employees' Health Insurance system, financed by contributions from employees, employers, local government and the state.

Flexibility in use

- A woman can return 6 weeks after childbirth, if a doctor has confirmed the activities she will undertake will have no adverse effects on her.

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

- All women employees are eligible for Maternity leave, but only those covered by the Employees' Health Insurance systems are eligible for Maternity benefit payment (*Shussan-teate-kin*). This means that women enrolled in the National Health Insurance system (including Special national health insurance societies) - such as self-employed women, or part-time or casual employees - are not eligible for Maternity Benefit.

¹³⁵ Please cite as: Nakazato, H. and Nishimura, J. (2013) 'Japan country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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

- In the case of multiple births, Maternity leave can be taken from 14 weeks before birth.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*Ikuji kyugyo*=child care leave) (responsibility of the Ministry of Health, Labour and Welfare)

Length of leave

- Leave can be taken until a child is 12 months old and is an individual entitlement. Leave can, however, be extended to 14 months if both parents share some of the leave (i.e. a bonus for sharing leave).
- A parent can also take Parental leave again when a child is between 12 and 18 months where (1) the child needs care for a period of two weeks or more due to injury, sickness, etc.; or (2) admission to a childcare centre has been requested but denied for the time being.

Payment and funding

- Fifty per cent of earnings up to a ceiling of JPY430,000 (€3,260¹³⁶) per month, with a minimum payment of JPY38,950 (€295) a month and a maximum payment of JPY215,100 (€1,631) per month. The average monthly earnings of permanent full-time female employees in 2011 was JPY248,800 (€1,886).
- The benefit payment is reduced if the benefit plus payment from the employer exceed 80 per cent of earnings.
- Funded from the Employment Insurance system, financed by contributions from employees, employers and the state.

Flexibility in use

- A parent must generally take Parental leave in one consecutive time period, except in the case of a father who has taken leave during the eight weeks following childbirth (i.e. during the Maternity leave period); in which case, the father can take another period of Parental leave after returning to work.
- Both parents can take leave at the same time, with both receiving benefit payments if they are both covered by Employment Insurance.

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

- Parental leave only applies to an employee employed on a fixed-term contract when he/she meets both the following conditions: (1) he/she has been employed by the same employer for a continuous period of at least one year; and (2) he/she is likely to be kept employed after the day on which his/her child reaches one year of age.

¹³⁶ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

- Workers may be excluded if (1) employed by the employer for less than one year; or (2) their employment is to be terminated within one year (or six months if leave continues until the child reaches one year and six months of age); or (3) they work two days or less per week.
- When a person covered by Employment Insurance takes Parental leave, he/she is eligible for a benefit payment if they have contributed to Employment Insurance for at least 12 months during the two years preceding the date on which the leave started, and if they have worked for 11 or more days in those months.

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 parents)

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements, employer exclusions or rights to postpone)

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Although there are no special leave provisions for adoption, adoptive children are treated in the same way as biological children for the purposes of Parental leave.

Time off for the care of dependants

- A short-term family care leave is available for up to five days per parent per year for a child under compulsory school age (six years) if the child is injured, ill or needing a health examination; or up to ten days per year if there are two or more children of this age. The leave is unpaid.
- Family care leave can be taken for a spouse, elderly parents or other dependent 'subject family members', including a child, for each occurrence of a condition where the subject family member requires constant care for a period of two weeks or more due to serious illness or disability, with a limit of 93 days over the whole lifetime of each subject family member. This is paid at 40 per cent of earnings.

Flexible working

- Women with a child under 12 months are entitled to unpaid breaks of at least 30 minutes twice a day; breaks are not specifically for breastfeeding, but can be used for other purposes, e.g. leaving early to pick up children from childcare centres.
- Until a child reaches the age of three years, parents have the right to reduce their normal working hours to six hours per day. There is no payment for working reduced hours. This does not apply to workers excluded by collective labour agreements (e.g. those employed for less than one year).
- Employers may not require an employee with a child below compulsory school age (1) to work more than 24 hours per month or 150 hours per year of overtime; or (2)

work night shifts, i.e. between 22.00 and 05.00 – if the employee requests not to work these hours.

Measures to promote leave policy effective in workplaces

- Under the Act on the Advancement of Measures to Support Raising the Next Generation of Children (2003), employers were obliged to establish (or to make an effort to establish) two to five year action plans for 2005-2015 for improving the employment environment to support balancing work and child raising. Employers with more than 300 employees (100 after April, 2011) are obliged to establish action plans; while employers with fewer employees are obliged to make an effort to establish plans. The Government grants certificates to employers whose action plans and achievement meets nine conditions, and allows them to use a certification mark called 'Kurumin'. These conditions includes: at least one male employee took Parental leave during the period of the plan; and the Parental leave take-up rate for female employees during the period of the plan is 70 per cent or over. These conditions are relaxed for smaller companies.

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

The maximum period of paid post-natal leave available in Japan is 14 months (including two months of bonus leave if the leave period is shared by parents), paid at half of normal earnings. There is no universal entitlement to ECEC although there is an obligation on local authorities to provide childcare places for children from birth to school age (6 years) who "lack" care because of their parents' work or health issues. Despite this obligation, there is a significant shortage of childcare places especially in metropolitan areas.

Three related Acts on Children and Child Care were passed in August 2012 and the Child Welfare Act was revised. Under the revised Child Welfare Act, the obligation of the local authorities to provide childcare places is relaxed so they do not necessarily need to directly provide childcare places. However, these changes are not implemented until August 2013, and details of the new ECEC system and the enforcement schedule for these acts are not yet finalised.

Levels of attendance at formal services for children under 3 years are about the average for the countries included in this review and OECD countries; but above average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012(including proposals currently under discussion)

There was no change in leave policies although there were changes in ECEC policies (see section 2).

4. Take-up of leave

a. Maternity leave

The figures in this section are taken from the 2007 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*), based on a national sample of 6,160 private sector workplaces that employed five or more regular employees.

The average length of pre-natal Maternity leave taken by women who had single pregnancies from 1st April 2006 to 31st March 2007 was 42.1 days, with 72.2 per cent of them taking 42 or less days off and 26.0 per cent 43 to 98 days. The average length of post-natal leave taken was 54.5 days, with 77.2 per cent taking 56 days (8 weeks), 9.9 per cent 42 to 55 days, and 12.9 per cent 57 or more days.

b. Paternity leave

The figures in this section are taken from the 2008 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*), based on a national sample of 7,324 private sector workplaces that employ five or more regular employees.

Although there is no statutory Paternity leave, 36 per cent of the workplaces that were surveyed provided their workers with 'leave for childbearing of spouse' (*haigussha shussan kyuka*), which can be interpreted as non-statutory Paternity leave. Most, 91.7 per cent, of workplaces that have this provision entitle their workers to one to five days of leave; 82.8 per cent provide paid leave, and 4.2 per cent provide partially paid leave.

Just over half, 55.6 per cent, of male workers at workplaces that provided this leave and whose partners gave birth from 1 April 2007 to 31 March 2008 took leave.

c. Parental leave and childrearing benefit

The figures in this section are taken from the 2010 and 2011 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*).

Most, 87.8 per cent, female workers who had given birth between 1 October 2009 and 30 September 2010 had started or applied for Parental leave on 1 October 2010 or before. The proportion increased by 4.1 percentage point from the previous year (83.7 per cent).

The proportion of men was much lower: 2.63 per cent of male workers whose spouse had given birth between 1 October 2009 and 30 September 2010 had started or applied for Parental leave on 1 October 2010 or before. The proportion increased by 1.25 percentage points from the previous year (1.38 per cent).

A third, 32.4 per cent, of female workers who returned to work from leave between 1 April 2009 and 31 March 2010 had taken ten to 12 months of leave; 24.7 per cent had taken 12 to 18 months of leave, which is 7.8 per cent point more than the previous year. Most, 81.3 per cent, male workers who returned to work after taking leave in the same period, took less than one month of leave, and 35.1 per cent took less than five days.

The figures above do not take into account the number of female workers who quit their job before the birth of children. According to the 14th National Fertility Survey 2010, about 27 per cent of mothers who had given birth to their first child in 2005-09 remained in their job and 17 per cent of all mothers had taken Parental leave.

d. Other employment-related measures

The 2010 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*) shows the following proportion of workplaces provide other employment-related measures: reduced working hours - 54.3 per cent; exemption from overtime work - 49.9 per cent; flexitime for child care - 14 per cent; starting/finishing work earlier or later - 31.1 per

cent; providing on-site childcare centre - 2.5 per cent; subsidizing child care costs - 5.9 per cent; and enhanced Parental (child care) leave - 13.0 per cent.

Take-up rates for these measures among workers who returned from Parental leave in workplaces providing each measure vary depending on the type of measure. There are also differences between male and female workers: 35.5 per cent of female workers used the reduced working hours measure, compared with only 1.1 per cent of male workers; 54.4 per cent of female workers used on-site childcare centres, compared with no men; and 56.2 per cent of male workers took advantage of flexitime, compared with 21.2 per cent of female workers.

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

a. General overview

Because of increasing concerns about work/life issues and declining fertility, a number of studies on 'work-life balance' policies and related provisions at work have been published during the last decade (2002-2011). Most research focuses on either the take-up or the effect of these policies and provisions, or on measures to promote implementation/take-up.

In the next subsection, we selected literature that explicitly addressed the parental leave (literary translation from Japanese is "child care leave") and written based on original research data.

b. Selected publications since April 2012

Ishii-Kuntz, M (2013) "Work Environment and Japanese Fathers' Involvement in Child Care." *Journal of Family Issues* Vol. 34:250-269.

This article examines the effects of work-related factors on involvement in child care of fathers with preschool children. These factors include father-friendly environment at work, workplace's accommodation of parental needs, which are measured by the presence of provision and entitlements to parental leave, shortened work hours and flexitime system, and fathers evaluation of these provisions, along with job stress and autonomy. The results show that the greater levels of company's accommodation of parental needs and autonomy increase fathers' involvement in child care for men working in small /medium firms, whereas job stress reduces such involvement among men in large companies.

Otobe, Y. (2012) Jinjiseido.kaikaku ga josei jugyo-in no ikujikyugyo shutoku ni ataeta eikyo [The Effects of the personnel system reform to female full time workers practice of child care leave program]. *Gendai Shakaigaku Kenkyu* Vol. 25: 37-53.

In this article, the author examines the effects of the implementation of new human resource management policies, such as performance-based assessment substitute by regular staff during parental leave and entitlement to ask for relocation in case of the partner's relocation, on the take-up of parental leave by female employees. The study draws on a case study of a large food company in Japan. In this case study, female employees on the management career track and those on the general track were compared. It is revealed that the more female employees on the general track took parental leave and were benefited by the implementation of new policies compared to their counterpart on the management career track. Despite this, the new employment was reduced for the female management trackers, because of the perception by human resource staff about a larger problem of their leave take-ups compared to those of general track employees.

Takeishi E. ed. (2012) *Kokusai hikaku no shiten kara nihon no waku raifu baransu wo kangaeru [Thinking work life balance in Japan in comparative perspective]*. Kyoto: Minerva Shobo.

This edited book contains chapters examining effects of work life balance policies at workplaces drawing on quantitative and qualitative research on the workplaces in five countries, Japan, UK, Sweden, Netherlands, Sweden, and Germany. One of the chapters examines the effect of various work life balance policies on the productivity of companies with different characteristics. By combining a panel study on industry activities and a retrospective survey on the timing of work/life policy implementation, this chapter successfully estimates the directions of causality between productivity and policy implementation. Although there is no common effect of work/life policies, the author shows that the implementation of some policies increases productivity of companies with certain conditions such as larger number of employees, manufactures, more female managers. The policies under study include parental leave provision above legal minimum, organizational efforts to decrease working hours, and flextime.

Ueda, Yutaka, and Kana Kurosawa (2012) "The Effect of Task, Organizational, and Family Factors on Taking Parental Leave: Gender Differences among Employees." *Business and Management Research* Vol. 1, No. 2: 113-119.

Drawing on the quantitative data from the "Survey of Support for the Balancing of Work and Family in Future Years" in which 1553 employees in the companies with 10 or more employees responded to the questionnaire, this article shows that the male employees decided to take parental leave not because of individual work and family conditions, but because of their perception of an organization's level of support for parental leave

c. Ongoing research

Basic Survey of Gender Equality in Employment Management. (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/toukei/list/71-23.html> (Japanese)

This annual survey is based on a national sample of 10,000 private sector workplaces that employ five or more regular employees. It provides nationally representative data on provision and uptake of Parental leave and other employment-related provision to help workers to reconcile their work with care of children and other dependent family members.

Contact: Equal Employment Policy Division, Equal Employment, Children and Families Bureau (+81+3-5253-1111: ext. 7837)

The National Fertility Survey. (Every five years). National Institute of Population and Social Security Research. <http://www.ipss.go.jp/pr-ad/e/eng/06.html>

This survey investigates the situation and issues regarding marriage, childbirth and child-rearing in Japan. Unlike the Basic Survey of Gender Equality in Employment Management, it covers those who quit their job before the birth of a child, therefore enabling the relationship between job retention and Parental leave for mothers to be examined.

Longitudinal Survey of Adults in 21st Century (Annual survey). Ministry of Health, Labour, and Welfare. <http://www.mhlw.go.jp/english/database/db-ls/lis.html>

This panel survey of people who were 20 to 34-years-old in October 2002, and their spouses, has been conducted annually since 2002. The information provided includes job experience, marriage, childbearing and take-up of measures including Parental leave and shortened working hours for parents. Contact: Longitudinal Survey Office, Statistics and Information Department at s-cohort@mhlw.go.jp

National Family Research of Japan (NFRJ) (2009-2013). Japanese Society of Family Sociology. Funded by Japanese Society for the Promotion of Science. <http://nfrj.org/c/nfrj08panel-e>

This consists of a series of nation-wide surveys of families based on random samples. The surveys were conducted in 1998, 2003 and 2008, with follow-up panel surveys being conducted from 2009 to 2013. The questionnaires cover take-up of Parental leave. Contact: NFRJ Committee of the Japan Society of Family Sociology Email: office@nfrj.org.

Japanese Panel Survey of Consumers (JPSC) (annually). Undertaken and funded by the Institute for Research on Household Economics.

<http://www.kakeiken.or.jp/en/JPSC/jpsc.html>

This is an annual panel survey, since 1993, which now has four different cohorts of women and has been used to examine the effect of Parental leave take-up on job retention and childbearing. Contact: info@kakeiken.or.jp.

Lithuania¹³⁷

Rūta Brazienė (Kaunas University of Technology) and Giedre Purvaneckiene (Seimas, Lithuanian Parliament)

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*nėštumo ir gimdymo, motinystės atostogos*) (responsibility of the Ministry of Social Security and Labour)

Length of leave (before and after birth)

- The duration of maternity leave is 18 weeks (126 calendar days; 70 calendar days before child birth and 56 afterwards).

Payment and funding

- 100 per cent of previous net earnings, up to a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 (€1,379¹³⁸).
- Funded from the Social Insurance Fund, which is funded by contributions from employers and employees. Self-employed people are obliged to pay social insurance contributions.

Flexibility in use

- None

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

- All employed mothers who have paid at least 12 months of social insurance contributions during the last 24 months are eligible for Maternity leave. Self-employed women qualify for maternity benefit on the same conditions as workers.

¹³⁷ Please cite as: [Brazienė, R. and Purvaneckiene, G. \(2013\) 'Lithuania country note', in: P. Moss \(ed.\) *International Review of Leave Policies and Research 2013*. Available at: \[http://www.leavenetwork.org/lp_and_r_reports/\]\(http://www.leavenetwork.org/lp_and_r_reports/\)](#)

¹³⁸ Conversion of local currency into Euros undertaken on 31 May 2013, using <http://finance.yahoo.com/currency-converter/>

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

- In case of multiple or premature births or complicated baby delivery, 14 extra days are provided.

b. Paternity leave (*tėvystės atostogos*) (responsibility of Ministry of Social Security and Labour)

Length of leave (before and after birth)

- One month after childbirth.

Payment and funding

- As for Maternity leave.

Flexibility in use

- None.

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

- Fathers who have at least 12 months of social insurance during the last 24 months.

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

- None.

c. Parental leave (*vaiko priežiūros atostogos*) (responsibility of Ministry of Social Security and Labour)

Length of leave

- From the end of the maternity leave until the child is three years of age.

Payment and funding

- Parents can choose between two options:
 - 100 per cent of net earnings until the child is 12 months;
 - 70 per cent of net earnings until the child is 24 months
- The last period of leave until the child is three years of age is unpaid.
- Payment for either option is made up to a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 (€1,379).
- Funded as for Maternity leave.

Flexibility in use

- None.

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

- Parents are eligible for parental benefit if they have paid social insurance taxes at least for 12 months during the last 24 months.

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

- In the case of multiple births, the parental benefit increases according to the number of children, but not exceeding a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 (€1,379).
- Grandfather, grandmother or any actual caregiver of a child (if parents do not use leave themselves) is eligible for Parental leave, but not for parental benefit.

d. Childcare leave or career breaks

There is no statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- If a person adopts or fosters a newborn baby, she/he is entitled to Maternity leave from the moment of adoption up to the child is seventy days of age. Maternity benefit is paid on the same grounds as to biological mother. Adoptive parents or foster caregivers have the same rights to parental leave and benefit as biological parents.

Time off for the care of dependants

- An employee with a child under 14 years of age can take two weeks of unpaid leave per year per child.

Flexible working

- No statutory entitlement.

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

The maximum period of paid post-natal leave available in Lithuania is 24 months, but only the first year is paid at a high earnings-related rate; if the option for a second year of paid leave is taken, the second year is paid at a low earnings-related rate. There is no entitlement to ECEC at any age. Levels of attendance at formal services for children under 3 years are well below the average for the countries included in this review and for OECD countries; and below average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

Seimus (the Lithuanian Parliament) has approved amendments to the Sickness and Maternity Social Insurance Act, after a ruling from the Constitutional Court. The amendments provide that if working parents with children under one year receive income from employment that is not insured (for example, revenues from the European Union or from work in a foreign country, from individual activities, a business license), and therefore free from social security contributions, then benefit payments will be reduced proportionately.

4. Take-up of leave

a. Maternity leave

One hundred per cent of employed women take up Maternity leave.

b. Paternity leave

No information.

c. Parental leave

No information for mothers; for fathers, the only information is that 4.5 per cent take up some Parental leave.

d. Other employment-related measures

No information.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

The low fertility rate in Lithuania is regarded as a threat to the national security. Therefore demographical research was included among the tasks of the National Research Programme *Social Challenges to the National Security* by the Research Council of Lithuania. In the framework of this programme in 2010-2013 several research projects were completed or are being implemented, for example, *Gender inequality, public policy and the future of fertility in Lithuania* and *Fertility and family changes: factors, consequences, and possibilities to increase fertility*.

b. Selected publications since April 2012

Bucaite-Vilke, J. (2012) 'labor division at home and pro-creational intentions: the case of Lithuanian families', *Culture and Society: Journal of Social Research*, Vol. 3, No.1: 69-87.

Bucaite-Vilke, J., Purvaneckiene, G., Vaitkevicius, R. and Tereskinas, A. (2012) *Gender Policy and the Future of Fertility*. Kaunas: Vytautas Magnus University.

Tereskinas, A. and Purvaneckiene, G. (2012) 'The influence of reconciliation of work and family on the Lithuanian population's childbearing intentions', *Culture and Society: Journal of Social Research*, Vol. 3, No.1: 51-69.

c. Ongoing research

Research in the framework of the project *Fertility and Family Changes, Factors, Consequences, and Possibilities to Increase Fertility* is ongoing. The relationship between work-life reconciliation and the intentions of women and men to have children is examined, including analysis of the specific division of housework as one of the main predictors of the intentions of Lithuanians to have children and the dominant gender ideology in the country.

Luxembourg

Nevena Zhelyazkova (Maastricht University), Marianne Loutsch (Inspection générale de la sécurité sociale, Luxembourg) and Marie Valentova (CEPS/INSTEAD, Luxembourg)¹³⁹

April 2013

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

a. Maternity leave (*congé de maternité*) (responsibility of the Ministry of Social Security)

Length of leave

- Sixteen weeks: eight weeks before the birth and eight weeks after. It is obligatory to take this leave.

Payment and funding

- Hundred per cent of earnings up to a ceiling equal to five times the minimum social wage in Luxembourg (€9,007.43 per month).
- The Maternity leave scheme is fully integrated into the National Health Fund and is funded in the same way as all sickness benefits, with costs shared between employers (30 per cent), employees (30 per cent) and the State (40 per cent). Payments come from the National Health Fund.
- To compensate for the costs of the integration of the Maternity leave into the National Health Fund from the beginning of 2011, the State is granting an additional annual sum of €20 million to the National Health Fund until 2013.

Flexibility in use

- None.

Eligibility

- All insured persons, including self-employed, who have belonged to a social security scheme for at least six months preceding the commencement of leave.

¹³⁹ Please cite as: Zhelyazkova, N., Loutsch, M. and Valentova, M. (2013) 'Luxembourg country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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 parents

- In the case of premature or multiple births or breastfeeding, the length of post-natal leave can be extended to 12 weeks. If the birth takes place before the expected date, the part of the pre-natal period not taken is added to the post-natal period. If the birth takes place after the extended date, the post-natal period is still eight weeks.

b. Paternity leave

There is no statutory entitlement. Employees are entitled to 'leave due to extraordinary circumstances' (*congé extraordinaire*), which gives them the right to take two days off in the case of birth or adoption of a child. The leave is paid by the employer and covers 100 per cent of earnings.

c. Parental leave (*congé parental*) (responsibility of the Ministry of Family Affairs and Integration)

Length of leave

- Six months per parent. Leave is an individual entitlement.

Payment and funding

- A flat-rate payment of €1,778 per month.
- Funded from general taxation.

Flexibility in use

- Parents may take 12 months leave on a half-time basis, subject to their employer's agreement, in which case the benefit paid is halved.
- Both parents cannot take leave at the same time. If both parents apply for the leave, the mother has priority. The first parent who takes the leave must take it following Maternity leave, except in the case of lone parents. The second period of leave may be taken by the other parent until the child is five years old.

Eligibility

- All employees are eligible if they have worked for at least one year with the same employer (for at least 20 hours per week), and if they take care of their child at home.

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 parents

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Adoption leave (*congé d'accueil*) is eight weeks, extended to 12 weeks for multiple adoptions, paid at 100 per cent of earnings and available to all working persons in Luxembourg who have belonged to a social security scheme at least for the six months preceding the commencement of the leave

Time off for the care of dependants

- In the case of sickness of a child, parents with children younger than 15 years may take two days of leave per year per child (*congé pour raisons familiales*). Leave may be extended under certain circumstances; for example, in the case of a disabled child, to four days; and for a very serious and exceptional illness defined by law (such as cancer in its final state), up to 52 weeks in a reference period of 104 weeks. The leave is paid and funded by the National Health Fund (*La Caisse nationale de santé*).

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Luxembourg is 14 months, but most of this is low paid; leave paid at a high rate runs for only eight weeks. There is an entitlement to ECEC from three years of age, though only for part-time nursery education usually consisting of daily morning sessions + three two-hour afternoon sessions per week. Attendance is obligatory from four years. So there is a substantial gap of nearly two years between the end of leave and an ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above the average for the countries included in this review and OECD countries, both for children under and over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

Since 2009, parents of children up to 13 years of age who are in primary education and reside in Luxembourg, can use the Childcare Service Vouchers (*le chèque-service accueil*) provided by the Ministry of Family and Integration, which reduce the cost to families of using a number of socio-educational service hours¹⁴⁰.

3. Changes in policy since April 2012 (including proposals currently under discussion)

None reported.

¹⁴⁰ *Les avantages du Chèque-Service Accueil* (2013). Available at: <http://www.accueilenfant.lu/avantages>

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up leave.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Presently there is only limited information on the proportion of eligible parents using Parental leave. The first available source of take-up rates is the the evaluation of Parental leave in Luxembourg completed by KPMG in November 2002¹⁴¹. The estimated number of potential beneficiaries who used their right to Parental leave in 1999-2001 (the two years following the introduction of Parental leave in Luxembourg) was 30 per cent - 5.3 per cent of eligible fathers and 68 per cent of eligible mothers. These figures included both Luxembourgish residents and cross-border workers. However, the report does not make it clear exactly how these figures have been estimated.

Another source of information taking into account eligibility is a working paper by Zhelyazkova¹⁴² (forthcoming). The study investigates the work-family trajectories of parents working in Luxembourg who had a child in 2003 and who were eligible to take Parental leave. The analysis shows that 13 per cent of the eligible fathers who had a child in 2003 used Parental leave before their child turned five years, the maximum period within which Parental leave can be taken in Luxembourg. In comparison, 66 per cent of mothers who were eligible used their right to Parental leave. The majority of mothers who took Parental leave used it immediately after their Maternity leave ended.

The annual report of the Luxembourg Ministry of Family and Integration provides a complete overview of the usage of the Parental leave covering years 1999-2012¹⁴³. This shows a number of trends. The total number of users of Parental leave has increased markedly over the last thirteen years; at the end of 1999, only 1,323 parents were on Parental leave, compared to 4,025 at the end of 2012. In particular, the number of men using leave has increased dramatically, from only 90 at the end of 1999 to 927 in 2012. The increased participation of men in Parental leave is also evident in the increasing share of male users, from 6.3 per cent at the end of 1999 to 23.4 per cent in 2012. Nevertheless women remain the majority of leave users, as they use on average 80.1 per cent of all leave takers over the period.

Throughout the period 1999 - 2012, women were more likely than men to be using the first leave period available for the child, immediately after Maternity leave, while fathers were more likely to be using the second leave (each parent has a six month period of leave). On average for the period 1999-2012, 79.8 per cent of men taking leave did so in the second leave period, compared with only 6.6 per cent of women leave-takers. Moreover throughout the period, the number of second leave periods taken increases, as in more families both

¹⁴¹ KPMG Assurance Advisory Luxembourg. (2002). *Etude d'évaluation de l'impact du congé parental au Grand-Duché de Luxembourg*. Available at:

http://www.gouvernement.lu/salle_presse/actualite/2002/12/23biltgen/dossier.pdf

¹⁴² Zhelyazkova, N. (forthcoming) *Explorative analysis of work-family trajectories of working parents in Luxembourg*. Maastricht, the Netherlands.

¹⁴³ Ministry of Family and Integration (2012) *Rapport d'activité 2012 [Activity report 2012]*. Available at: http://www.mfi.public.lu/publications/rapports-activite/rapp_act_2012.pdf,

parents take their entitlement. In 1999, 1,383 parents took the first period of leave, compared with only 50 second period leave takers; but by 2012, the total of first period leave takers had risen to 2,995, whilst second periods leave takers now stood at 1,030; put another way, the number of men taking the second period of leave had shot up from 50 to 826.

There is also a marked gender difference in using the leave full time or part time. Between 1999 and 2012, women taking leave were more likely to use it full time (63.4 per cent on average), compared to men (44.7 per cent on average). The general trend for both genders has been an increase in the percentage of part-time users and a decrease in the percentage of full-time users.

d. Other employment-related measures

There is no information.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Nothing reported.

b. Selected publications since April 2012

None reported.

c. Ongoing research

Career interruptions due to child-birth or care, family leave policies and consequences for women's and men's career (2008-2013). Nevena Zhelyazkova, doctoral study at the Maastricht Graduate School of Governance. Funded by FNR Luxembourg.

The main aim of the research is to analyze how men and women in Luxembourg utilize the existing family leave policies and what the consequences for their careers are. The analysis is based on longitudinal data on the occupational careers of men and women who have experienced the birth of a child, to observe their work status before the birth of a child and to trace whether and for how long they choose to be on Maternity and Parental leave, as well as to observe whether they return to the labour force or commence a period of economic inactivity. With this approach, it is possible to identify prevalent patterns of usage of leave policies, as well as to compare work-family reconciliation strategies for different social groups. Contact: Nevena Zhelyazkova at nevena.zhelyazkova@maastrichtuniversity.nl

Analysis of parental leave take up in Luxembourg among men and women and policy impact on female labour market participation using administrative records data. (March - December 2013). Marie Valentova. Funded by Ministry of Family and Integration of Luxembourg

The project uses administrative records (the IGSS data) to analyze Parental leave take-up and labour market outcomes of the Parental leave policy in Luxembourg. The project has three main objectives. The first objective is to provide evidence regarding Parental leave take-up in Luxembourg among parents (men and women) of one child, working with a sample of Luxembourg residents that contains men and women who are eligible for Parental leave. The second objective is to analyze individual determinants of parental leave-taking among Luxembourg's mothers and fathers with a single child, including characteristics such as: nationality, country of residence, age, blue/white color worker, sector, occupational category, size of the firm where one works, number of hours worked per month, income, etc. The third objective is to assess the impact of introducing Parental leave on mothers'

attachment to the labor market. Luxembourg, compared to other EU27 countries, exhibits a high rate of women who are inactive in the labor market due to family responsibilities. The third part of the project, therefore, examines the impact of the introduction of the Parental leave policy on the labour market participation of first-time mothers, in particular comparing the labour market decisions (return to employment vs. transition to inactivity) of mothers in the periods before and after 1999, i.e. the introduction of parental leaves. Contact: Marie Valentova at Marie.Valentova@ceps.lu.

The Netherlands

Laura den Dulk (Erasmus University Rotterdam)¹⁴⁴

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*zwangerschaps- en bevallingsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave (before and after birth)

- Sixteen weeks. Leave must start four weeks before birth and up to six weeks can be taken the birth, with ten weeks after the birth. If the birth is later than the expected date of delivery, the longer benefit period preceding childbirth is not deducted from the benefit period after childbirth. It is obligatory to take leave.

Payment and funding

- Hundred per cent of earnings up to a ceiling equivalent to the maximum daily payment for sickness benefit (€194.85).
- Funded from the unemployment fund, which is financed by employers contributing 4.15 per cent of employees' earnings.

Flexibility in use

- Leave can be started between six and four weeks before the expected date of delivery, but pregnant workers are not allowed to work between four weeks before the expected and six weeks after the actual date of delivery.

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

- All women employees.
- Self-employed women are entitled to a 16 weeks payment up to a maximum of 100 per cent of the statutory minimum wage (€1469.40 a month before taxes).

¹⁴⁴ Please cite as: den Dulk, L. (2013) 'Netherlands country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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

- None.

b. Paternity leave (*kraamverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Two working days at the birth of a child.

Payment and funding

- Hundred per cent of earnings, with no ceiling on payments.
- Paid by the employer.

Flexibility

- Leave can be taken within four weeks after the birth of the child.

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

- Male and female employees who are the partner of a woman giving birth or who acknowledge the child.

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 father

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- See 1c.

c. Parental leave (*ouderschapsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Twenty-six times the number of working hours per week per parent per child. For example, a full-time job of 38 hours a week gives a leave entitlement of 988 hours (i.e. 26 weeks). Leave is an individual, non-transferable entitlement.
- Leave has to be taken part time; full-time is only possible when the employer agrees. So in the example given above, the worker would work 50 per cent of normal working hours (i.e. 19 hours) for 12 months. Other part-time options are possible, e.g. fathers often take only one day of Parental leave per week, which enables them to extend the period of leave over an even longer period.

Payment and funding

- None. But all parents taking Parental leave are entitled to a tax reduction of €4.24 an hour for each hour of leave.

Flexibility in use

- Leave can be taken until a child is 8 years old.
- With the agreement of the employer, leave can be taken for more hours a week during a shorter period or for less hours a week over a longer period (e.g. on a half-time basis over 52 weeks).
- With the agreement of the employer, leave can be taken in two or three blocks of time.

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

- All employees who have completed one year's continuous employment with their present employer.

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 parents

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employers are permitted to deviate from the statutory entitlements by Collective Labour Agreement or (under certain conditions) by written agreement with the works council or staff representatives. In these cases, employees can be offered less than the statutory entitlement (for example, less payment, a shorter leave or no right at all) or more. For instance, in 10 per cent of the Collective Agreements made in 2009, Parental leave was partly paid, at between 40 per cent and 75 per cent of previous earnings (75 per cent of previous including the tax reduction referred to in 'payment and funding' above). However, since Parental leave has been doubled from 13 to 26 weeks (since 1 January 2009) payment sometimes is restricted to the first 13 weeks. This is for instance the case for local civil servants)¹⁴⁵.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Each parent is entitled to four weeks leave when a child is placed for adoption (or long-term fostering), with payment equivalent to Maternity leave.

¹⁴⁵ Beeksmā, M en L. Junger-van Hoorn (2010) *Faciliteiten arbeid en zorg 2009 Een onderzoek naar cao-afspraken met betrekking tot arbeid-en-zorg-faciliteiten*. Den Haag, Ministerie van Sociale Zaken en Werkgelegenheid.

- Leave can be taken during a period starting at two weeks prior to the placement of a child and up to 16 weeks after placement.
- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependents

- 'Short-term leave' up to a maximum of ten days a year can be taken to care for a sick child living at home, or a sick partner or parent. The employer is required to pay 70 per cent of the employee's earnings. All employees are eligible, subject to three conditions: first, an employer can refuse to grant the leave if the interests of the organisation might be seriously harmed; second, care must be necessary because of illness; third, care has to be provided by the employee involved.
- Employees with a child, partner or parent with a life-threatening illness are entitled to unpaid 'long-term leave' of up to six times their working hours per week to be taken part-time (i.e. 12 weeks at half of the working hours). With the agreement of the employer long-term care leave can also be taken full time or less hours per week over a longer period to a maximum of 18 weeks. The right is conditional: an employer can refuse the leave if the organisation's interests are seriously harmed.
- In addition, a 'reasonable amount of time' can be taken by an employee with very exceptional personal circumstances (e.g. a broken water pipe, a death in the family, a child suddenly taken ill). This so-called 'emergency leave' can last from a few hours to a few days, but terminates after one day if short-term leave (see above) is subsequently taken. The employer is required to pay 100 per cent of the employee's earnings.

Flexible working

- Under the Working Hours Adjustment Act, all employees who have completed one year's continuous employment with their present employer have the right to increase or decrease their working hours. The right to adjustment of working hours is, however, conditional: the employer can refuse to grant the request if the interests of the business or service might be seriously harmed; and the law does not apply to employers with less than ten employees.

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

The maximum period of paid post-natal leave available in the Netherlands per family is 14 months, but most of this is low paid; leave paid at a high rate runs for only 10 weeks. There is an entitlement to ECEC from 4 years of age, though only for part-time schooling (22 hours a week during school time). So there is a gap of nearly 3 years between the end of leave and an ECEC entitlement, and a gap of 3¾ years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 are well above the average for the countries included in this review and OECD countries (though this includes many 2 year olds attending part-time playgroups); but are below both averages for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

The Minister of Social Affairs, responsible for leave arrangements, sent a bill to Parliament in August 2011: *Wet houdende modernisering regelingen voor verlof en arbeidstijden* [Law on modernizing leave arrangements and working times]. The bill includes: more flexibility in the uptake of Parental leave; an extension of the entitlement to employees starting in a job; and an entitlement to (short-term and long-term) care leave arrangements for household members other than a child or partner. In case of hospitalisation of a newborn child, the Maternity leave will be extended to give an entitlement for at least ten weeks of leave from the moment that the child is discharged from the hospital. The government has postponed the discussion of the bill by the Parliament until Autumn 2013.

In Spring 2012 a new article was added to the Act on Working Times (*Arbeidstijdenwet*), to implement the European Directive 2010/18/EU and intended to give better protection to employees taking Parental leave. Furthermore, according to this article, an employee can ask the employer for a temporary change of working hours, immediately after the uptake of all of the Parental leave (maximum period of a year).

In February 2012, the Green Party and the Christian Democrats proposed a bill to change the Working Hours Adjustment Act in order to stimulate flexible work. Employees would be entitled to ask their employer for a change in working hours, working times and working place. The bill is currently waiting to be discussed in Parliament.

4. Take-up of leave

a. Maternity leave

No specific study has been done on the take up of Maternity leave. Because of the fact that all pregnant employees are entitled to (at least) 16 weeks of fully paid Maternity leave and are not allowed to work from four weeks before the expected date of confinement, take up of 100 per cent might be expected.

b. Paternity leave

An employee survey in 2004 found that 90 per cent of men entitled to Paternity leave took up some sort of leave: 51 per cent had taken the statutory Paternity leave, but most had taken holidays or leave accrued in lieu of pay¹⁴⁶.

c. Parental leave

Figures from Statistics Netherlands show that in 2011, 128,000 female employees and 137,000 male employees (working 12 hours or more per week) were entitled to Parental leave. Of women eligible for Parental leave, 49 per cent took leave for an average of 12 months and 10 hours a week; among men eligible for Parental leave, 27 per cent took leave for an average of 18 months and 8 hours a week. The long periods of leave reflect the possibility in the Netherlands to take part-time Parental leave and to spread the leave over several months. During their period of leave, mothers worked on average 27 hours per week, fathers 37. For men the use of Parental leave has grown since 2003 from 15 per cent

¹⁴⁶ Van Luijn, H. and Keuzenkamp, S. (2004) *Werkt verlof? Het gebruik van regeling voor verlof en aanpassing van de arbeidsduur*. Den Haag: Sociaal en Cultureel Planbureau.

to 18 per cent in 2007 and 27 per cent in 2011; while for women, uptake increased from 42 per cent in 2003 and 2007 to 49 per cent in 2011¹⁴⁷.

The take-up of Parental leave is not only higher among women, but also among workers with intermediate and higher levels of education; the take-up among women with a higher level of education is 56 per cent whereas for women with a low level it is 17 per cent; the figures for men are 26 per cent and 8 per cent respectively. Women working full time (35 hours a week and more) more often take up leave than those working part time (12 to 24 hours a week): 55 per cent and 30 per cent respectively. Furthermore, twice as many women with a high personal income (€40-50,000 a year before tax) take up leave than women with a low personal income (€10-20,000): 60 and 31 per cent respectively¹⁴⁸.

As payment above the statutory minimum depends on collective agreements, take-up rates vary between sectors. Employees in the public sector and in the health care sector more often have paid Parental leave (with payment by the employer of up to 75 per cent of previous earnings) than employees in the private sector: 79 per cent and 25 per cent respectively¹⁴⁹.

In a comprehensive study on the position and participation of women from ethnic minorities in Dutch society (Keuzenkamp and Merens, 2006), attention is paid to the use of Parental leave by Turkish, Moroccan, Surinamese and Antillean working parents. Take-up is found to be much lower among Turkish, Moroccan and Antillean workers than among Surinamese and native Dutch workers. The two main reasons why respondents did not take up Parental leave are unfamiliarity with the entitlement and the fact that there was no need to use it (others took care of the children).

d. Other employment-related measures

Use of leave for short periods of care. In a special module added to the Dutch Labour Force Survey, employees who work at least 12 hours per week are asked about their take up of care leave and emergency leave. In 2011 218,000 women and 186,000 men took care of a sick child, parent or partner for a short period, and 33 per cent of the women and 37 per cent of the men took some sort of leave. Different kinds of leave were taken; 9 per cent of both men and women took 'short-term care leave' and 3 per cent of both men and women said they had taken 'emergency leave'. Moreover, 11 per cent of women and 15 per cent of men used part of their holidays¹⁵⁰.

Use of leave in longer periods of care. According to figures of National Statistics in 2011 202,000 women and 167,000 men took care of a sick member of their family on a regular basis and/or for a longer period; 15 per cent of the women and 16 per cent of the men who undertook such care took some sort of leave. Mostly this was 'short-term care' leave (5 per cent of both women and men), but also 2 per cent of the women and 3 per cent of men took

¹⁴⁷ Centraal Bureau voor de Statistiek (2012) *Ouderschapsverlof; gebruik en duur*. Available at: <http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=72022ned&D1=0-4&D2=a&D3=0&D4=0,2-11&VW=T>; Merens, A., Hartgers, M. and Brakel, M. van den (2012). *Emancipatiemonitor [Emancipation Monitor]*. Den Haag: SCP & CBS.

¹⁴⁸ Mooren, F. Van der and J. de Vries (2011) 'Vooral hoogopgeleide, voltijds werkende vrouw neemt ouderschapsverlof op', in: *Webmagazine, maandag 4 april 2011*, Den Haag, Centraal Bureau voor de Statistiek.

¹⁴⁹ Ewalds, D. (2010) 'Ouderschapsverlof in de marksector meestal niet betaald', in: *Webmagazine, woensdag 15 december 2010*, Den Haag: Centraal Bureau voor de Statistiek.

¹⁵⁰ Centraal Bureau voor de Statistiek (2012) *Werknemers; zorg voor ziek familielid en gebruik van verlofregelingen*. Available at: <http://statline.cbs.nl/StatWeb/publication/?VW=T&DM=SLNL&PA=71516ned&LA=NL>

holidays, 1 per cent of the women and 2 per cent of the men took up 'long-term care leave' and 1 per cent of both the women and the men took 'emergency leave' (statline.cbs.nl, see note⁶).

Employees with a longer working week more often took leave when family members were sick for a long period: 18 per cent for those working 35 hours or more, 13 per cent for those working 12 to 35 hours a week. If employees took care of a family member, it was mostly (71 per cent) an elderly parent. But leave to care for an elderly parent accounted for only 21 per cent of cases of leave-taking. Leave more often was taken for partners (28 per cent) and children (23 per cent). One in five employees had a need for leave, but did not take it¹⁵¹.

An earlier survey (2006) reported that employees who took care of seriously ill relatives or friends and felt a need for leave but did not take it thought taking leave was not possible because of their work and (to a lesser extent) because of financial consequences. Also there was a lack of information on the statutory leave arrangements¹⁵².

The Working Hours Adjustment Act

As is well known, many workers in the Netherlands work part time. The Netherlands Institute of Social Research has published three reports on part-time work in the Netherlands^{153 154 155}. It is clear that part-time work is very popular (and for women even almost natural). Although the Working Hours Adjustment Act (WAA) is not irrelevant, it serves more to establish norms that are already in practice than to promote part-time work.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Nothing reported.

b. Selected publications since April 2012

Annink, A. & Dulk, L. den (2012). Autonomy: the panacea for self-employed women's work-life balance? *Community, Work & Family*, Vol.15, No.4: 383-402.

This article reports on an interview study (N=24) of how self-employed women with children feel they manage paid work and other life domains in the Netherlands. Autonomy appeared to be an important resource, allowing them to combine their work more easily with childcare, household duties, and social and personal life. However, the degree and nature of that autonomy and the ability to use it varied among the self-employed in this study owing to work-related factors such as sector, work location, employees, and years of experience. Another important resource leading to greater satisfaction was the ability to define and reflect on personal goals in work and other life domains.

¹⁵¹ Vries, de J. (2010) 'Meeste werknemers nemen geen verlof op om voor ziek familielid te zorgen', in *Webmagazine, maandag 12 juli 2010*, Den Haag: Centraal Bureau voor de Statistiek.

¹⁵² SZW (Sociale Zaken en Werkgelegenheid) (2006) *Beleidsdoorlichting Arbeid en Zorg*. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.

¹⁵³ Portegijs, W. and Keuzenkamp, S. (eds) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk [Part-time working in the Netherlands]*. Den Haag: Sociaal en Cultureel Planbureau.

¹⁵⁴ Portegijs, W. (ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken [A picture of part-time working]*. Den Haag: Sociaal en Cultureel Planbureau.

¹⁵⁵ Keuzenkamp, S. (ed.) *Deeltijd (g)een probleem. Mogelijkheden om de arbeidsduur van vrouwen met een kleine deeltijdbaan te vergroten. (Working part-time: (nog) a problem?)* Den Haag: Sociaal en Cultureel Planbureau.

Merens, A., Hartgers, M. & Brakel, M. van den (2012) *Emancipatiemonitor [Emancipation Monitor]*. Den Haag: SCP & CBS. Available at:
http://www.scp.nl/Publicaties/Alle_publicaties/Publicaties_2012/Emancipatiemonitor_2012

The purpose of this report is to map the emancipation process in the Netherlands. The report contains, among other topics, recent figures on the take up of Parental leave, use of childcare, flexible working and part-time employment among women and men in the Netherlands. An extensive English summary is available at the end of the report.

Robeyns, I (2012) 'Should maternity leave be expanded?' *Ethics and Social Welfare*, Vol.6, NO.2: 206-212.

This paper discusses an EU proposal to extend Maternity leave to 20 weeks fully paid leave and Paternity leave to 2 weeks fully paid leave. The author focuses in her analysis on two principles: 'the principle of non-discrimination' and 'the principle of balancing the interests of all affected parties'. She uses the Dutch case as an example.

Werk en Mantelzorg (2012) *CAO Monitor 2012*. Available at:

http://www.werkenmantelzorg.nl/UserFiles/files/algemeen/Cao_monitor_2012.pdf

This Dutch report gives an overview of collective agreements in the Netherlands on long-term care leave.

Dulk, L. den, Peters, P. and Poutsma, E. (2012) 'Variations in adoption of workplace work-family arrangements in Europe: the influence of welfare state regime and organizational characteristics', *The International Journal of Human Resource Management*, Vol.23, No.13: 2785-2808.

This paper looks at how the adoption of workplace work-family arrangements are impacted by the wider policy context in a country and organizational characteristics, using the CRANET data.

c. Ongoing research

Self-employment and work-life balance. Anne Annink, doctoral study at Erasmus University Rotterdam.

The aim of the study is to examine the work-life balance of self-employed persons in Europe, a changing but neglected group of workers in work-life research. The study will make use of the European Social Survey to investigate the work-life balance of the self-employed in differing policy contexts before and during the economic crisis. The study includes mapping of leave policies for self-employed. Contact: Anne Annink at annink@fsw.eur.nl.

New Zealand

Heather McDonald (Heathrose Research)¹⁵⁶

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on terminology: 'Parental leave' is used as a generic term to cover Maternity, Paternity and extended leave for new parents. For example, the first 14 weeks of paid leave after the birth, usually taken by the mother, is not termed 'Maternity leave' but 'paid Parental leave', and can be transferred to a spouse or partner.

a. Maternity leave (*paid Parental leave*: see 'note on terminology') (responsibility of the Department of Labour with Inland Revenue as delivery agent for payment)

Length of leave (before and after birth)

- Fourteen weeks. A woman can start to take leave from six weeks before the expected date of delivery.

Payment and funding

- Payment is based on 100 percent of earnings, up to a ceiling of NZ\$475.15 (€298¹⁵⁷) per week before tax. Payment is indexed annually by any percentage movement upwards in average ordinary time weekly earnings.
- Self-employed parents who make a loss or earn less than the equivalent of 10 hours pay at the highest rate of the minimum wage, receive a minimum rate of NZ\$135 (€85) before tax per week. Payment is indexed annually as at 1st July each year, according to movements in the minimum wage.
- Funded from general taxation.

Flexibility in use

¹⁵⁶ Please cite as: MacDonald, H. (2013) 'New Zealand country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁵⁷ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

- Maternity leave can start earlier if it is necessary for the health of the mother or baby or where a mother cannot continue to perform her job safely or adequately. Where a mother is directed by her doctor or employer to start Maternity leave early, she has the right to take eight weeks leave after the expected date of birth, with the overall leave period extended accordingly.
- An employer and mother can agree for Maternity leave to start at any other time before the baby is due.
- The birth mother may transfer any or all of the payment for leave to an eligible spouse/partner (including de facto and same-sex partners).

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

- Expectant mothers who have worked for the same employer for an average of at least ten hours a week, and at least one hour in every week or 40 hours in every month, in the six or 12 months immediately before the expected date of delivery.
- Self-employed mothers who have been self-employed a minimum of ten hours a week in the six or 12 months immediately before the baby's expected due date are eligible.

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

- Where an eligible mother has a child who is subsequently adopted, both the adoptive parent/s and the mother may access the leave and payment.
- In certain circumstances (e.g. death of the mother), the spouse/partner may receive the payment.
- Special (unpaid) leave of up to ten days can be taken by a mother before Maternity leave, for reasons connected with the pregnancy (e.g. for ante-natal checks).
- Different eligibility rules apply for junior doctors and teachers in state schools where multiple employments may be a feature, or a requirement of training.

**b. Paternity leave (*paternity/partner leave*: see 'note on terminology')
(responsibility of the Department of Labour)**

Length of leave

- One or two weeks depending on eligibility.

Payment and funding

- No direct payment, although an eligible spouse/partner can transfer their entitlement of the statutory payment.

Flexibility in use

- Leave can be taken at any time in the period between 21 days before the expected date of delivery and 21 days after the actual date of birth.
- If agreed between an employee and employer, leave can start at any other time.

Eligibility

- Employees who have worked for the same employer for an average of at least ten hours a week, and at least one hour in every week or 40 hours in every month, in the

six months immediately before the baby's expected due date are eligible for one week of leave. A spouse/partner who meets the hours' requirements and has worked for the same employer for 12 or more months is entitled to two weeks leave.

- Self-employed workers who have been self-employed for a minimum of ten hours a week in the six or 12 months immediately before the expected date of delivery.

c. Parental leave (*extended leave*: see 'note on terminology') (responsibility of the Department of Labour)

Length of leave

- Up to 52 weeks leave may be taken in the 12 months after birth, including any Maternity ('paid parental') leave taken; Paternity ('paternity/partner') leave is additional. Leave is a family entitlement.

Payment and funding

- None.

Flexibility in use

- Leave may be shared by both eligible parents. They can take their leave at the same time or consecutively.
- Extended leave is taken as continuous leave and can be started following Maternity, Paternity/partners leave or after a period of return to work; however the right to the leave ends when the child is one year old or one year after the parent has assumed the care of a child they intend to adopt.

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

- Extended leave is available to employees who have worked for the same employer for an average of ten hours a week, and at least one hour in every week or 40 hours in every month, in the 12 months immediately before the baby's expected due date or the date a parent assumes the care of a child under six years old they intend to adopt.
- Extended leave is not available to those with less than 12 months employment with the same employer.

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 parents

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Some collective agreements allow parents to access additional provisions, usually payments and longer leave periods; they are most commonly found in the public sector. These agreements are in addition to and cannot override statutory provisions overall.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Spouses/partners intending to adopt have the same leave entitlement as other parents. Eligible spouses/partners who are jointly adopting a child under the age of six years can nominate which parent will receive the payment.

Time off for the care of dependants

- After the first six months of continuous employment, an employee may take up to five days of sick leave per year, at 100 per cent of earnings from their employer with no payment ceiling. This leave can be used in the case of the employee's or a dependant's illness.

Flexible working: the right to request and the duty to consider

- Employees who have the care of another person and have been employed by their employer for a minimum of six months have the right to request a variation to their hours of work, days of work or place of work. When making a request, the employee must explain how the variation will help them better care for the person concerned. Employers have a duty to consider a request and are able to refuse a request on one or more of the recognised business grounds or if it conflicts with a collective employment agreement. An employee can make a formal complaint only where they consider an employer has made a wrong determination about their eligibility to apply for flexibility or where the employer has not complied with the statutorily described process for considering a request.

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

The maximum period of paid post-natal leave available in New Zealand is 12 months but most of this is unpaid; leave paid at a high rate runs for only 14 weeks. There is an entitlement to ECEC from 3 years of age, though only for part-time nursery education (for a maximum of 6 hours attendance a day and 20 hours a week). So there is a 2 year gap between the end of leave and an ECEC entitlement, and a gap of nearly 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

There have been no policy changes by Government since April 2012.

An opposition member has drafted a private members bill that would extend the period of paid parental leave to 26 weeks. The bill has had a first reading in Parliament and is currently being considered by a Select Committee, which is due for report back to Parliament in August 2013.

4. Take-up of leave

Mothers, fathers and employers were surveyed in 2005/06 about their experiences of using leave around the birth/adoption of a child. Overall two-thirds of all women in paid work take-up a period of leave around the birth/adoption of a child.

a. Maternity leave

A 2005/06 evaluation of the experiences of mothers, fathers and employers using Parental leave found eight in ten women in paid work six months before their expected date of delivery were eligible to take Maternity leave; at the time of the survey, self-employed parents were not entitled to paid leave and the Department of Labour estimated their inclusion would still leave approximately 10 per cent of employed mothers ineligible for leave. Eighty-three per cent of eligible women took paid statutory leave, averaging three months of leave. Of the remaining one-third of women who do not take statutory leave, two-thirds took no leave at all (evenly divided between those who were eligible and ineligible) and one-third took other types of leave. Take-up of leave is affected by awareness of the provisions available, decision-making about whether to exit or remain in the workforce, and how many children are already in the family.

Just over a fifth (22 per cent) of mothers took paid leave only. The remaining 78 per cent took paid leave in combination with one or more other types of leave, e.g. annual leave, sick leave. Where this leave was also paid, mothers typically used this leave before they began Maternity leave

b. Paternity leave

In 2005/06 most fathers – 82 per cent – were found to take some sort of leave around the birth of a child. Typically, however, fathers took paid leave such as annual leave (58 per cent) or other employer paid leave (21 per cent) rather than unpaid Paternity leave (4 per cent). Only 1 per cent of fathers reported taking statutory paid leave (which would have been transferred to them from the mother). Nearly half of fathers took less than a week of leave (46 per cent) and another 38 per cent had up to two weeks leave.

c. Parental leave

Over half of mothers surveyed in 2005/06 who took paid leave, also took some unpaid Parental ('extended') leave (57 per cent). On average they returned to work when their baby was six months old. A total of 3 per cent of fathers reported taking any Parental ('extended') leave.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Currently, there is no research being undertaken on leave or related areas in New Zealand..

b. Selected publications since April 2012

Donnelly, N., Proctor-Thomson, S. and Plimmer, G. (2012) 'The role of "voice" in matters of "choice": Flexible work outcomes for women in the New Zealand public services' *The Journal*

of *Industrial Relations*, Vol. 54, No. 2: 182-203. Available at:

<http://jir.sagepub.com/content/54/2/182.short>

Flexible work arrangements have traditionally been framed in terms of individual *choice*, where workers are regarded as having the ability to reconcile the demands of family life with those of work. In response to calls for greater workplace flexibility and worker choice, the New Zealand government has recently introduced 'right to request' legislation. This research reports on a large-scale survey of women public service workers' experiences of flexible work arrangements in this legislative context. Against a backdrop of rising workloads and time pressures, it finds that while there is considerable *choice* in how women do their tasks and take their breaks, there is little *voice* in the organization and pace of that work. In this context, the burden of implementing flexible work arrangements and managing competing workloads is borne by the individual. This article argues that absent from, but pivotal to, the framing and discourse of workplace flexibility is the role of *voice*. Implications of this research include a broadening of the legislative framework that supports flexibility outcomes and the inclusion of more varied voice mechanisms into the implementation and management of workplace flexibility.

Morton, S.M.B. et al. (2012) *Growing-up in New Zealand: A longitudinal study of New Zealand children and their families. Report 2*. Available at:

<http://www.growingup.co.nz/media/19226/now%20we%20are%20born%202012.pdf>

This report on a longitudinal study of New Zealand children and parents includes chapters on Parental leave and return to employment and on early childhood education and care.

Parker, J. et al. (2012) 'Contemporary collective regulation and working women in New Zealand', *The Journal of Industrial Relations*, Vol. 54, No. 2: 221-237.

Available at: <http://jir.sagepub.com/content/54/2/221.short>

Women's labour force participation in New Zealand is one of the highest in the developed world. Yet women remain over-represented and segregated within certain sectors and occupations, with implications for the gender pay gap and their location in vulnerable employment. This article examines the nature and impacts of recent collective regulatory forms of particular relevance to working women. Drawing on interview and documentary evidence, it finds that formal employment relations regulation has 'thinned' and, all things being equal, looks unlikely to significantly ameliorate women's work and wider circumstances. The article evaluates how collective regulation might be reconceptualized and extended to this broad end.

Patterson, L., Forbes, K. (2012) "Doing gender" in the imagined futures of young New Zealanders' *Nordic Journal of Youth Research*, Vol. 20, No. 2: 119-136.

Available at: <http://you.sagepub.com/content/20/2/119.short>

This article analyzes how 100 young New Zealanders (aged 16 to 18 years) imagined their futures, and particularly their future family life. In their written accounts imagining themselves aged 25 to 40 years, the participants drew upon dominant parenting norms in which contemporary gender beliefs positioning men and women as separate and discrete categories of people were implicit. Parenting was typically positioned as concrete and compulsory by young women and as abstract and complementary by young men. Conversely, paid work as abstract, contingent and amenable to interruption was imagined by young women; and as continuous and compulsory by young men. Given these findings we argue young New Zealanders 'do gender' in the social relational contexts of future family life and paid work. These findings are situated by the historical antecedents of New Zealand's current modernized male-breadwinner family ideal, and recent 'family-friendly' policies designed to encourage mothers into paid work.

Ravenswood, K. and Kennedy, A. (2012) 'From unpaid Maternity leave to paid Parental leave in New Zealand: Changing approaches in legislation', *Labour History*, No. 102: 197-214.

Available at:

<http://www.jstor.org/discover/10.5263/labourhistory.102.0197?uid=3738776&uid=2&uid=4&sid=21102038808747>

New Zealand first introduced legislation for Parental leave in the private and public sectors in 1980, with the Maternity Leave and Employment Protection Act. This Act provided up to 26 weeks of employment protection and unpaid leave for women only. Eligibility required 18 months of continuous employment of 15 hours or more per week for the same employer. Subsequently, there were two major developments in the legislation. In 1987 the introduction of the Parental Leave and Employment Protection Act gave men the right to Parental leave and reduced eligibility requirements. The second major change was in 2002 with the introduction of paid Parental leave in the Parental Leave and Employment Protection (Paid Parental Leave) Act. This paper applies Baird's typology of Maternity leave orientations to analyse the fundamental debates occurring for each of these changes in legislation. An historical approach is used to gain a more comprehensive and holistic understanding of the development of parental leave legislation for all employees in New Zealand.

Callister, P. and Fursman, L. (2013) 'Father involvement: New Zealand', *Educating the Young Children*, Vol. 6: 225-240.

Available at: http://link.springer.com/chapter/10.1007/978-94-007-5155-2_13

While New Zealand's diverse population means that there is no one historical or current role for fathers in New Zealand, many men take an active role in parenting. Yet, most fathers in New Zealand face a range of barriers to active involved fathering. Some are relatively minor but others are more significant. While the majority of these barriers are similar to those faced by fathers in many industrialized nations, some are particularly important in New Zealand. Three areas where New Zealand stands out are: workplace factors, including New Zealand's very long working hours and workplace cultures that do not support unpaid care activities; the design of Parental leave; and applications of family law and justice policy that mean that it is difficult for many of New Zealand's fathers to take an equal parenting role. While these three areas represent both an obstacle to fathering and, in some cases, an opportunity to support fathers, in recent years little has been done to address the barriers in each of these areas.

c. Ongoing research

None reported.

Norway

Berit Brandth and Elin Kvande (Norwegian University of Science and Technology)¹⁵⁸

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on terminology: there is no single agreed name for Maternity or Parental leave. The Work Environment Act 2005 (the responsibility of the Ministry of Labour), which grants leave but not money, uses the name *svangerskapspermisjon* (pregnancy leave) for the leave before birth, *fødselspermisjon* (birth leave) for the six weeks after and *foreldrepermisjon* (Parental leave) for the remaining leave period. The Ministry of Children, Equality and Social Inclusion, which grants the money for leave, refers to *foreldrepengeperioden* (parental money period).

a. Maternity leave (*svangerskapspermisjon* and *fødselspermisjon* – see note on terminology) (responsibility of the Ministry of Children, Equality and Social Inclusion)

NB. There is no separate Maternity leave¹⁵⁹. The information below is for that part of Parental leave reserved for women before and after birth; it is treated separately here, but is in effect part of the longer *foreldrepengeperioden* (parental money period).

Length of leave

- Nine weeks: three weeks before the birth and six weeks following birth.

Payment and funding

- Hundred or 80 per cent of earnings (see 1c).
- Funded from general taxation.

¹⁵⁸ Please cite as: Brandth, B. and Kvandt, E. (2013) 'Norway country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁵⁹ Leave of up to 12 weeks is available for pregnant women who must quit work because of chemical, biological or physical hazards and if the employer is unable to offer alternative work. It is paid at the same rate as sickness benefit.

Flexibility in use

- None. If the baby is born before the estimated delivery date (e.g. so that the mother only used two of her three weeks pre-birth leave), the remaining time cannot be transferred to after the birth and is therefore lost.

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

- All women employed for six of the last ten months prior to delivery are eligible for leave and who have earned at least half the basic national insurance benefit payment over the previous year. Non-employed women receive a one-off payment of NOK35,263 (€4,673¹⁶⁰).

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

- If the mother or child is ill and hospitalised after delivery, leave payment can be postponed.

b. Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- Two weeks after birth – ‘daddy days’ (+ twelve weeks = father’s quota, see 1c).

Payment

- ‘Daddy days’ are unpaid by government; payment depends on individual or collective agreements and most fathers are covered by such agreements.

Flexibility in use

- None.

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

- All employed fathers have the right to leave, but payment is negotiated and paid by the employer.

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 father.

- Leave can be transferred to someone else if the father does not live with the mother, since the purpose of the leave is to assist the mother.

¹⁶⁰ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children, Equality and Social Inclusion)

Length of leave (before and after birth)

- Forty-seven or 57 weeks depending on payment level (see 'payment and funding' below). Of these, nine weeks are for mothers, three before birth and six after (included in 1a above, under Maternity leave), and twelve weeks are for fathers (*fedrekvoten* or 'father's quota'). The remaining 26 or 36 weeks is a family entitlement and may be taken by either mother or father. See 'flexibility' below for options available to parents.

Payment and funding

- Parental money may either be taken for 47 weeks at 100 per cent of earnings or for 57 weeks at 80 per cent of earnings, up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK492,732 a year, €65,302).
- Non-employed women receive a flat-rate payment of NOK35,263 (€4,673).
- Funded from general taxation.

Flexibility in use

- For the family entitlement part of leave, it is possible to choose a longer period of leave (36 weeks) paid at 80 per cent of earnings, or a shorter (26 weeks) paid at 100 per cent.
- After the first six weeks, it is possible to postpone parts of the parental money period, as long as it is taken during the first three years after birth and the parent receiving the money is employed full time during the postponement period. Hospitalisation and vacation may also qualify for postponement.
- After the first six weeks, it is also possible for one or both parents to combine all or part of the parental money period with part-time work; if parents take less than full benefit payment, this will prolong the period of parental money. If both parents choose to combine parental money with part-time work, for instance each working half-time, this will result in a longer period. A written agreement from the employer is demanded in both cases. There is also a requirement that the mother has returned to employment or study for the father to take leave.
- Father's quota: this period of leave (twelve weeks) is not transferable to the mother, except in certain circumstances, e.g. if the father is ill or otherwise unable to care for the child or if the mother and father do not live together.
- Father's quota: this may not be taken in the first six weeks of the parental money period, except for multiple births or adoption. Otherwise, fathers are free to choose at what time during the period to use it and whether to take the quota as part-time leave, also whether to split it or use it in one block. Flexible use requires agreement with the employer.
- The family entitlement part may also be taken as one block of time or split into shorter blocks of time.

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

- The eligibility rules are the same for fathers and mothers. They must be employed for six of the last ten months prior to birth and earn at least half the basic national insurance benefit payment over the previous year.
- The eligibility rules for the father's quota and the shared parental money period are somewhat different:

- The father can use the 26/36 weeks of paid leave even if the mother is not eligible; but the mother is required to take up work (at least 75 per cent of full-time hours) or study on a full-time basis. For the father's quota, there is no requirement that mothers go back to work, but the mother must have been employed for six of the last ten months prior to birth.

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 parents

- Family entitlement: when more than one child is born, parental money is increased by seven weeks for each child (with 80 per cent pay) or five weeks with 100 per cent pay. If the child dies during the Parental leave period, parents will receive payment for six weeks of the period that is left.

d. Childcare leave or career breaks

- Each parent has the right to one year of unpaid leave after the parental money period.
- Parents with a child aged 12-36 months are entitled to receive a cash benefit ('cash-for-care' scheme) on condition they do not use publicly funded ECEC service. The full benefit is NOK5,000 (€663) per month for a child aged 12-18 months, and NOK3,303 (€438) for a child aged 18-23 months). Children who use ECEC on a part-time basis receive a reduced benefit (e.g. if parents use no place, they receive 100 per cent of the benefit; if they use a place for 17-24 hours a week they receive 40 per cent of the full benefit). The main criterion for eligibility, therefore, is not parental employment status, but parents not using a particular service.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children, except for the nine weeks of Maternity leave. The whole period, with the exception of the father's quota, may be taken by either parent. In addition, parents adopting children from abroad receive a cash benefit of NOK35,263 (€4,673).

Time off for the care of dependants

- Each parent of a child under 12 years has a right to ten days leave per child per year when children are sick, or 15 if they have more than two children. Single parents have the right to 20/30 days a year. For severely or chronically sick children, there are extended rights to leave until the child is 18 years old. Leave is paid by the employer at the same rate as sickness benefit.

Flexible working

- The Work Environment Act grants breastfeeding mothers the right of breastfeeding breaks of up to one hour per day, without payment. But collective agreements ensure pay in many sectors.
- Parents have a right to part-time work to care for children until children are ten years old. This is unpaid.

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

The maximum period of post-natal leave available in Norway is just over three years, but about two years of this is unpaid; leave paid at a high rate runs for 13 months. There is an entitlement to ECEC from one year of age, supposed to be available on a full-time basis at kindergartens. So there is no gap between the end of leave and an ECEC entitlement in theory. However, a child must be born before September 1, to be guaranteed a place in the autumn (start of the school year). Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

From 1st July 2013 the Parental money period will be extended to 49/59 weeks with 100/80 per cent of earnings. At the same time, the mother's quota will be extended to 14 weeks and as will the father's quota, while the shared period will be reduced to 18/28 weeks. The rationale for this change in Parental leave design is to achieve more equal rights between mothers and fathers, the Icelandic tripartite model being a source of inspiration.

On 1st August 2012 the 'cash-for-care' scheme was revised. Parents with a child aged 12 to 24 months are already entitled to receive a cash benefit on condition they do not use publicly funded ECEC service, but the revision increases the amount of the benefit for children under 18 months. The full benefit is now NOK3,303 (€438) per child per month for the oldest children in this group - 19-23 months - and NOK5,000 (€663) for the youngest - 13-18 months.

The government has proposed that women who breastfeed children under one-year-old should have the right to paid leave for one hour a day, to cover employees who do not have paid breastfeeding leave as part of their collective agreement.

The father's quota is a much debated issue, and there are great differences between the left and the right of the political spectrum. For instance, while the present red/green government has continuously increased the father's quota in Parental leave, the Conservative Party wants to do away with the father's quota and make the whole Parental leave period subject to parental sharing and choice.

4. Take-up of leave

a. Maternity leave

Nine out of ten mothers have the right to parental money; the remainder do not meet eligibility conditions. These figures are based on data from public records¹⁶¹.

¹⁶¹ Grambo, A.C. and S. Myklebø (2009) *Moderne familier – tradisjonelle valg. En studie av mors og fars uttak av foreldrepermisjoner*. Oslo: Nav.

b. Paternity leave

The share of fathers who take time off work around the birth of the child is approximately the same as for the father's quota (89 per cent). This figure includes fathers taking time off work in various ways, including Paternity leave but also annual leave and other options.

c. Parental leave

In the years prior to the introduction of the father's quota less than four per cent of fathers took some Parental leave. Only a few years later, the take-up rate was over 70 per cent (representative sample – own research from 1997), and data from recent public records show that 90 per cent of fathers take leave of some length. However, figures based on public records in 2011 show that 18 per cent of the parental leave days were taken by fathers.

With every expansion of the father's quota fathers increase their uptake the following year. During 2012, 21 per cent of the fathers took exactly 12 weeks (60 working days), compared with only 0.6 per cent in 2011; the 'father's quota' increased from ten to 12 weeks between these two dates. Flexible use is increasing as the father's quota has been lengthened. In 2012, 21 per cent of eligible fathers took their father's quota as part-time, combining leave and work.

The sharable parental leave is for the most part taken by mothers and has in practice become a Maternity leave. In 2012, only 15 per cent of fathers took any of this part of Parental leave (i.e. in addition to the father's quota). Father's use of this leave is dependent on the mother and her willingness to share: mothers who have invested in education and have strong ties to working life (e.g. work full time and have higher status work) are thus most likely to share. This means that fathers are more likely to take some Parental leave when mothers have a high educational level, high income and work status, and full-time employment.

However, some characteristics of the father are also associated with use of leave. Although class differences are small, the father's level of education has some influence, particularly on the length of the leave. The eligible fathers least likely to use the quota are fathers with long working hours, in managerial positions or with a wife who works part time.

Moreover, father's sharing of the Parental leave also depends on his own relationship to work. Fathers must sometimes negotiate with their employers when they want to take more leave than the father's quota, and the view that Parental leave is really for mothers is to be found among some employers. Fathers therefore may experience their jobs as a hindrance to taking more leave.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

There is constant research being undertaken. It is dispersed across many institutions in Norway, including a substantial part that in the form of doctoral or other small-scale studies.

b. Selected publications since April 2012

Brandth, B. (2012) 'Emotional dimensions of fathering and work-life boundaries', in: P. McDonald and E. Jeanes (eds.) *Men, Wage Work and Family*. London: Routledge.

This chapter asks what fathers' use of leave has meant to their working hours and relationship to their jobs. When studied qualitatively, fathers have several strategies of tailoring working hours to better balance work and childcare after having finished their leave. These strategies are not, however, visible in the statistics on working hours.

Ellingsæter, A.L (2012) 'Ideational struggles over symmetrical parenthood: The Norwegian daddy quota', *Journal of Social Policy*, Vol.41, No.4: 695-714.

This article examines the reception among political actors in Norway of a proposal in 2008 to divide the existing Parental leave into three equal parts – one for the father, one for the mother and one shared at the discretion of both parents. Three rival ideational policy paradigms are identified: fathers' right to care and mothers' right to breastfeed compete among quota protagonists, while 'choice' is advocated by quota antagonists. So far, quota protagonists guided by the mothers' rights paradigm have been the most successful, but persistent, ideational tensions are rendering future developments uncertain

Ellingsæter, A.L. and Widerberg, K. (eds.) (2012) *Velferdsstatens familier [Families of the Welfare State]*. Oslo: Gyldendal Akademisk.

This book analyses important characteristics of Norwegian families in relation to the welfare state in a contemporary as well as a historical perspective. Topics include men's provider work, gender division of work in immigrant families, class differences in divorce, family models and use of the various family policies.

Kvande, Elin. (2012) 'Control in post-bureaucratic organizations - consequences for fathering practices', in: M.Oeschle et al. (ed.) *Fatherhood in Late Modernity*. Opladen: Verlag Barbara Budrich, pp. 233-248.

This article discusses fathering practices of employees in two globalized knowledge and work organizations.

Bungum, B. and Kvande, E. (2013) 'The rise and fall of "cash for care" in Norway: changes in the use of child-care policies', *Nordic Journal of Social Research*, Vol. 4: 32-54.

The cash-for-care scheme was introduced in 1998 in Norway. During the first period after its introduction, the percentage of users was high at 91 per cent. Since 2005, however, the use has decreased substantially year by year. This article analyses more closely 'the rise and fall of the cash-for-care scheme in Norway, with a focus on the intersection of gender, class, and ethnicity in parents' use of cash for care over this period. The findings indicate that cash for care is a scheme that mainly encourages mothers who have low income and a low educational level and who are to a large degree from immigrant backgrounds to remain outside the labour market. By distinguishing between three phases, the article also illustrates how the intersection of gender, class, and ethnicity enters in different ways into both the discourse and the practices connected to the cash-for-care scheme since it was introduced in 1998.

c. Ongoing research

New theoretical perspectives on the Nordic model of work-family reconciliations.

Berit Brandth, Elin Kvande and Sigtona Halrynjo, Norwegian University of Science and Technology (NTNU). (2012-2015)

The objectives of this ongoing study are to develop new theoretically informed understandings and perspectives on the Nordic model of work/family adaptations, to contribute to new empirical knowledge on work/family adaptations through examination of possibilities and dilemmas within three empirical research contexts and to situate the Norwegian model in an international context through international collaboration and a comparative book project. Contact: Elin Kvande at elin.kvande@svt.ntnu.no and Berit Brandth at berit.brandth@svt.ntnu.no

'De andre fedrene'. Om farskap og maskulinitet blant minoritetsetniske menn i likestillingslandet. [The other fathers'. Fathering and masculinity among minority ethnic men]. Anette Hoel, doctoral study at Norwegian University of Science and Technology (NTNU) (2012-2014). Contact Anette Hoel at anette.hoel@svt.ntnu.no

Balansen mellom jobb og hjem - og fedrekvotens innvirkning på denne, sett i et likestillingsperspektiv [The balance between work and family - the impact of the father's quota]. Kristine Smeby, doctoral study at Norwegian University of Science and Technology (NTNU). (2012-2014). Contact: Kristine Smeby at Kristine.Smeby@svt.ntnu.no

Poland

Piotr Michoń (Poznań University of Economics) and Irena E. Kotowska (Warsaw School of Economics)¹⁶²

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*urlop macierzyński*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave (before and after birth)

- Twenty six or 52 weeks, depending on payment level (see ‘payment and funding’ below. Up to two weeks can be used before the expected date of birth. It is obligatory for the mother to take 14 weeks. The first 20 weeks are referred to as ‘maternity leave’ (*urlop macierzyński*), the next six weeks as ‘additional Maternity leave’ (*dodatkowy macierzyński*).
- If the 52 week option is used, the second 26 week period is referred to as ‘Parental leave’ (*urlop rodzicielski*).
- Eight weeks leave is given in the case of the death of a baby.

Payment and funding

- Twenty six weeks at 100 per cent of average earnings for 12 months before the birth or 52 weeks at 80 per cent, with no ceiling on payments
- Funded from the Social Insurance Fund, financed by contributions by employees and self-employed workers (but not employers), with some additional finance from the State to cover pension contributions.

Flexibility in use

- The non-obligatory part of Maternity leave can be combined with part-time working, with payment proportional to the working time.
- The mother has to decide what leave to take (26 or 52 weeks) two weeks before the start of the leave. If the mother decides for 26 weeks, she can change to the 52 week option at the end of this period, in which case she is paid 100 per cent of average earnings for the first 26 weeks and 60 per cent for the second 26 weeks.

¹⁶² Please cite as: Michoń, P. and Kotowska, I.E. (2013) ‘Poland country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- The second 26 weeks period can be taken as one continuous period of leave or as several periods, each not shorter than eight weeks.
- After the obligatory period of 14 weeks leave, the remaining entitlement can be transferred to the father.

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

- Insured employees, including all employees and self-employed women covered by social security insurance at the start of 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

- In the case of multiple births, leave is extended to 65 weeks for twins, 67 weeks for triplets, 69 weeks for quadruplets and 71 weeks for quintuplets. Six weeks of this supplementary leave for multiple births is referred to as 'additional Maternity leave'.

b. Paternity leave (*urlop ojcowski*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Two weeks.

Payment and funding

- Hundred per cent of average earnings for 12 months before birth, with no ceiling on payments.

Eligibility

- Insured employees, including all employees and self-employed men covered by social security insurance at the start of leave.

Flexibility in use

- It can be taken any time during 12 months after the birth of a child.

c. Parental leave (*urlop wychowawczy* – literally 'childcare leave') (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Thirty six months after maternity leave until the child is four years old. The entitlement is per family.

Payment and funding

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego*) is paid to parents taking leave as a supplement to family

benefit. A sum of PLN400 (€96¹⁶³) per month is paid if monthly household income per capita does not exceed PLN552 (€132). The basic payment is for 24 months, but the period can be extended to 36 months where there is more than one child.

- Funded from general taxation.

Flexibility in use

- Leave can be taken until a child's fourth birthday.
- Parents can take leave in one continuous period or in up to four separate blocks.
- Parents can take leave together for up to three months.
- During the Parental leave period, parents may be employed and claim parental allowance, if working does not prevent them from caring for their children. A parent working while on leave can be employed by a different employer.

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

- Employees with a work record of at least six months.

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 parents

- Leave may be extended for another 36 months if a child is disabled or chronically ill and requires care, but can be taken no later than the child's eighteenth birthday. A payment of PLN583 (€139) per month is made in these cases and the payment period can be extended up to 72 months.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children.
- Parental allowance is paid if the adopted child is seven years old or younger.

Time off for the care of dependants

- An employee can take leave of up to 14 days per year to provide personal care for a family member, paid at 80 per cent of earnings.
- An employee can take leave to care for a child up to eight years of age (14 years if the child is disabled or chronically ill) in the case of an unforeseen closure of a nursery school, kindergarten, or school; or the illness or childbirth of the spouse caring permanently for the child. This leave is also paid at 80 per cent of earnings for up to 60 days.

¹⁶³ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Poland is nearly 3½ years, but most of this is means-tested and low paid; leave paid at a high rate runs for only five months. There is no entitlement to ECEC, but it is compulsory to attend ECEC (for one year) or to enter school from six years. So there is a gap of some 2½ years between the end of leave and ECEC entitlement and over five years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

A new leave option has been introduced for women delivering a baby after 17 March 2013. In addition to the 26 weeks of Maternity leave paid at 100 per cent of average earnings, women can now choose to take 52 weeks of leave at 80 per cent of earnings. The second 26 week period is termed 'parental leave'. Women can also choose to switch from the shorter to the longer option after 26 weeks, in which case the second 26 weeks period is paid at 60 per cent of earnings. As before, leave can be transferred to fathers after the first 14 weeks of leave, which it is obligatory for women to take.

Changes to the Parental leave (*urlop wychowawczy*) will be introduced in 2013. The leave will be extended to a period of 37 months; 35 months will be the family entitlement, with one additional month only for the mother, and one month only for the father. Employees will be entitled to use the leave period in five blocks of time; and parents will be able to use four months of leave at the same time.

4. Take-up of leave

a. Maternity leave

There are no regular statistics on use of Maternity leave, though it is obligatory to take leave. Data on maternity allowances provided by the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) refer to the number of days paid and cannot be used to calculate the number of users. It is likely that, due to the increase in the number of births since 2004, the number of mothers on Maternity leave in Poland also increased, and the number of days of Maternity leave used in a year has been rising: from 22,262 days in 2004 to 29,999 in 2007, 35,125 in 2008, 39,608 in 2009, to 42,624 in 2010; in 2011, it fell back to 41,594, due to a decline in the number of births, but increased to 46,322 in 2012.

The average payment has risen from PLN42.49 (€10) a day in 2005 to PLN72.58 (€17) in 2012. The main reason for this rise in the average payment is increased earnings in Poland.

There is no information on the number of fathers who take a period of Maternity leave.

b. Paternity leave

Statutory leave entitlement was only introduced in 2010. The first data on take-up indicate that 16,600 out of 100,000 entitled fathers took advantage of the leave in the 12 months up to August 2011; in the next 8 months, the number of fathers taking leave was 14,200, implying an increasing take-up rate.

c. Parental leave

There are no regular and coherent government statistics on the use of Parental leave and parental allowances. Statistics show the number of parents taking leave declined from 336,000 in 1993 to 139,000 in 2000; a major reason for this fall was the rapid decline in fertility, the number of births dropping from 547,700 in 1990 to 378,300 in 2000. Another source shows that the number of persons returning to work from Parental leave and unpaid leave declined steadily from 49,000 in 2000 to 41,000 in 2002 and 35,000 in 2005.

Other statistics refer to the monthly average numbers receiving 'parental allowance', the supplement to family benefit paid to parents taking Parental leave: these have declined from 164,000 persons in 2000 to 63,000 in 2003. Reforms of family benefits implemented in 2004 increased the numbers to 140,000 in 2005 but they fell back to 130,668 in 2006, 126,178 in 2007, 125,100 in 2008, 121,200 in 2009 and 111,900 in 2010. The average amount of the 'parental allowance' has also been decreasing in recent years, from PLN403.56 (€96) per month in 2005 to PLN381.90 (€91) in 2008; but in 2009, there was a small increase to PLN385.88 (€92).

Summing up, the available official statistics do not show the incidence of Parental leave among parents entitled to take leave, the proportion of parents who receive parental allowance, or the average duration of leave; and despite the fact that fathers are entitled to Parental leave since 1996, no data about take-up are collected.

A more precise picture of take-up of Parental leave comes from analyses of data collected in the second quarter of 2005 using a module added to the Labour Force Survey (Kotowska and Baranowska, 2006; Matysiak, 2007¹⁶⁴). Amongst those entitled to take Parental leave, nearly 50 per cent of mothers but only 2.5 per cent of fathers took the leave. Due to the low benefit level and means testing, Parental leave was most used by low paid mothers and mothers with low levels of education; leave was taken by 37 per cent of mothers with university education, 54 per cent with secondary education, and 61 per cent with the lowest educational level. Women with higher qualifications (specialists and managers) were also more reluctant to take leave than women employed in the personal service sector or offices.

About 70 per cent of women who took Parental leave were entitled to parental allowance (i.e. their household income was low enough to be eligible). One in two women with tertiary education received parental allowance compared to 72 per cent of women with only secondary education and 81 per cent of women with the lowest level of education. Women living in villages were more likely to receive the allowance than their counterparts in towns (82 per cent and 64 per cent respectively).

¹⁶⁴ Kotowska I.E. and Baranowska, A. (2006) *Praca a obowiązki rodzinne w 2005 r.* [Work and family in 2005, Information and Statistical Analyses]. Warsaw: Central Statistical Office; Matysiak, A. (2007) 'Organizacja czasu pracy i opieki' ['Work and care'], in: I.E. Kotowska, U. Sztanderska and I. Wóycicka (eds.) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne* [Economic and educational activities and family]. Scholar Publishing Company.

A substantial majority of mothers took full-time leave (80 per cent) despite the right, since 2003, for part-time employment during the leave period. Similarly, most women on leave (almost 93 per cent) did not take advantage of the option to take leave in more than one block of time.

Among reasons for not taking Parental leave, mothers indicated financial reasons more often than fathers (30 per cent of mothers vs. 14 per cent of fathers). However, reasons related to employment seem to be more relevant than financial ones. Concerns about possible negative career impacts of taking Parental leave and preferences to stay in employment were raised by 37 per cent of mothers and 30 per cent of fathers. Urban residents were more concerned about these negative effects.

In discussion on take-up of Parental leave, the underdevelopment of institutional childcare services cannot be ignored. In 2005 only two per cent of children under three years of age attended crèches, and 41 per cent of children aged three to five years attended kindergartens; according to the National Statistics Office, in 2010-11 20,174 two-year-olds were in nursery, compared to 192,588 children three-year-olds who were in kindergarten. These figures for attendance at ECEC are low compared to other EU Member States. In addition, no childcare subsidies are offered to families. The estimated cost of childcare to a minimum income earner ranges from 23 per cent of earnings to 82 per cent and for a person with an average monthly income from 8.5 per cent to 30 per cent. Childcare is therefore less affordable to single and/or minimum income families and/or for families with more than one child requiring childcare.

If one also takes into account the rather inflexible work arrangements and the limited provision of part-time work, it is clear there are strong incompatibilities between work and parenthood in Poland. The family policy can be labelled as an 'imposed home care' model: employed parents have mostly to rely on themselves and support of relatives to ensure childcare. In the 2005 survey, nearly 45 per cent of mothers of children below three years of age, who were not in work, state that difficulties in reconciling work and care for small children were the main reason for their decisions to stay out of the labour market. At the same time, nearly one-third of mothers could not find a job.

In the largest Polish survey *Diagnoza Społeczna*, published in 2011, the respondents were asked to select a solution that would facilitate the reconciliation of work and family responsibilities (Czapiński and Panek, 2011). Even though the length of Maternity leave has increased in recent years, longer leave was most often given as the best solution for reconciling work and family life, both by women (26 per cent) and men (20 per cent). The next most frequently cited solution was flexible working time (26 per cent women, 23 per cent men), followed by 'better opportunities for outside home care for young children (up to seven years)' (16 per cent of respondents). One in ten of both women and men chose prolongation of paid Parental leave as the best method.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Recent years have brought a rising interest in leave policies and work-family arrangements both in research and public discourse. Studies of developments in family life and changes in family policy in Poland have been carried out, often taking a comparative perspective and referring to EU policy. Labour market developments and their possible impacts on family

behaviours, as well as the effects of leave policies on employment careers, have also received attention. Moreover, in studies on reconciling work and family life, gender issues and the role of employers are increasingly under consideration.

Another important development in research on family policy is an increasing use of sample surveys designed to study opinions on existing policy measures, the use of these measures and support for different policy options.

b. Selected publications since April 2012

Świątkowski, A. (2013) 'Równe prawo mężczyzn do urlopu wychowawczego' ['Parental leave entitlements – the equal rights of males], *Polityka Społeczna*, No. 2: 1-7.

c. Ongoing research

None reported.

Portugal

Karin Wall and Mafalda Leitão (University of Lisbon)¹⁶⁵

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on terminology: a new Labour Law came into effect in May 2009 and major changes were introduced in leave policy (see details in 2009 review). ‘Maternity leave’ has been replaced by the ‘Initial Parental Leave’; ‘Paternity leave’ and 15 days optional Parental leave for fathers has been replaced by ‘fathers-only Parental leave’ (20 days) and a ‘sharing bonus’ was introduced (see below).

a. Initial Parental leave (*licença parental inicial* – formerly ‘Maternity leave’, see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

Length of leave (before and after birth)

- One hundred and twenty or 150 calendar days, depending on payment level (see ‘payment and funding’ below). It is obligatory for the mother to take 45 days (six weeks) following the birth; the remaining period may be divided between parents by mutual agreement. An extra 30 days (‘sharing bonus’) is available if both parents share the leave. See ‘flexibility’ below for options available to parents.

Payment and funding

- One hundred and twenty days at 100 per cent of earnings or 150 days at 80 per cent of earnings, with no ceiling on payments, if parents do not meet the gender sharing criteria; or 150 days at 100 per cent of earnings or 180 days at 83 per cent of earnings, with no ceiling on payments, if parents meet the gender sharing criteria.
- Previously payment was calculated on the basis of 14 months of previous earnings. But from 2012 only 12 months of previous earnings are taken into account; this means that monthly payment now corresponds closely to previous monthly earnings. whereas before it was slightly above.
- When the level of earnings is very low there is a minimum payment of €11.18 per day.
- Funded by the Social Security system, financed by contributions to social security from employers and employees. The total amount of this contribution is 34.75 per cent of

¹⁶⁵ Please cite as: Wall, K. and Leitão, M. (2013) ‘Portugal country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

the employee's gross monthly salary. Employers contribute 23.75 per cent and employees 11 per cent. Additionally funded from general taxation for cash benefits where there is no record of contributions or insufficient contributions, e.g. social parental benefit (see 'eligibility').

Flexibility in use

- Mothers have the option to take up to 30 days of Initial Parental leave before birth; 45 days immediately after birth are obligatory for mothers ('mother's-only Initial Parental leave', *licença parental inicial exclusiva da mãe*).
- Initial Parental leave may be taken in the following ways: 1) the mother (or the father, after the mother's obligatory 45 days) may take all 120 days at 100 per cent of earnings or all 150 days at 80 per cent of earnings, i.e. there is no sharing of leave; 2) parents may divide between themselves 150 days at 100 per cent of earnings on condition the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or *vice versa*); 3) parents may divide between themselves 180 days at 83 per cent of earnings on condition the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or *vice versa*).

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

- All employees – female or male – with a record of six months (continuous or intermittent; the latter is only possible if the period without contributions is below six months) of insurance contributions. Mothers and fathers who have no record of contributions or insufficient contributions are entitled to a monthly benefit ('social parental benefit'), but only if their family income is below 80 per cent of the Index of Social Support (€419.22 in 2012). The amount and duration of this benefit is €335 for 120 consecutive days and €268 for 150 consecutive days if parents do not meet the sharing criteria; if parents meet the sharing criteria, benefit is paid at €335 for 150 consecutive days and €276 for 180 consecutive days.
- Self-employed workers who contribute to social security and unemployed women/men receiving unemployment benefit.

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

- In the case of multiple births, the leave period is extended by one month for every additional child.
- In case of death/mental illness/physical incapacity of the parent who is taking leave at the moment, the other parent is entitled to the (remaining) leave to which the other parent would otherwise be entitled (this is called: 'initial parental leave to be taken by one of the parents in case of the other parent's impossibility'). A minimum of 30 days leave is granted to the father in case of mother's death/mental/physical incapacity.
- A working grandparent is entitled to 30 days leave following the birth of a grandchild to an adolescent still living at home.
- In cases of poor health or health risks for the mother and child, the pregnant mother is entitled to receive maternity benefits before birth for as long as the period of risk lasts (this leave is called 'health risk leave during pregnancy'). This leave does not reduce the 120, 150 or 180 days of Initial Parental leave.

b. ‘Father’s-only Parental leave’ (*licença parental exclusiva do pai* – formerly ‘Paternity leave’, see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

Length of leave

- Twenty working days, ten of which are obligatory and must be taken during the first month after birth.

Payment and funding

- One hundred per cent of earnings with no ceiling.

Flexibility in use

- Five of those ten days must be taken consecutively immediately after birth.

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

- As Initial Parental leave. Fathers who have no record of, or insufficient, contributions are entitled to the obligatory paid leave of ten working days as well as to the ten optional working days (daily payment corresponds to 80 per cent of 1/30 of IAS (IAS = €419.22 per month) .

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 father

- The ten obligatory days will be increased by two days for every additional child in case of multiple births; the same for the ten optional days which father can take while the mother is on initial parental leave.

c. ‘Additional Parental leave’ (*licença parental complementar* – formerly ‘Parental leave’, see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

Length of leave

- Three months per parent. Leave is an individual entitlement.

Payment and funding

- Twenty-five per cent of average earnings for three months for each parent, but only if taken immediately after the Initial Parental leave
- Payment can only be made to one parent at a time.

Flexibility in use

- Leave may be taken up to the child’s sixth birthday.
- Leave can be taken in the following ways: a) on a full-time basis for three months; b) on a half-time basis for a period of 12 months per parent; or c) on an alternating basis, i.e. working half-time and full-time up to a maximum of three months full-time per parent.

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

- As Initial Parental 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 parents

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- If the three months are taken as unpaid Parental leave, they can be taken by both parents at same time. However, when both parents work for the same employer, the employer has a right to postpone the leave of one of the parents.

d. Childcare leave or career breaks

- After Additional Parental leave, and only if this leave has been taken, one of the parents may take up to two years of 'childcare leave' (*licença para assistência a filho* – formerly 'Special Parental leave') on a full-time basis, extended to three years when there is a third or subsequent child. The leave is unpaid. However, unlike 'Additional Parental leave', which is an individual entitlement, this special leave can only be taken by one parent who must prove that the other partner is employed or incapable of working. Moreover, while parents on 'Additional Parental leave' continue to be considered as employees with full rights and guarantees as if they were working (for example, they continue to be entitled to holidays which they can take at the end of the leave period), in the case of 'childcare leave' (and of leave to care for handicapped or chronically ill children), there is a suspension of the work contract: all rights and guarantees are suspended but the worker's right to return to his/her job is safeguarded. The period of childcare leave is also taken into account in the calculation of old age and invalidity pensions.

e. Other employment-related measures

Adoption leave and pay

- In cases of adoption of a child less than 15 years old, the adopting parent is entitled to leave on the same conditions (length and payment) as for Initial Parental leave. If there are two adopting parents, the leave may be divided between them. In case of multiple adoptions leave will be extended by 30 days for every subsequent child adopted. In case of death of the adopting parent, leave may be transferred to the spouse, who can take as an alternative a minimum of 14 days leave.

Time off for the care of dependants

- Up to 30 days per year can be taken to care for sick children under the age of 12 years, with no age limit in the case of a child who is chronically ill or disabled; plus 15 days per year to care for a sick child above age 12 (if older than age 18 the child must belong to same household). This is a family entitlement to be divided between parents as they choose, and is paid at 65 per cent of earnings. Both entitlements are increased

by one day for every second and subsequent child. If the child under the age of 12 years is in hospital care, this entitlement lasts for as long as the child is in hospital.

- Up to 15 days unpaid leave per year to care for a spouse or a close relative (parents, grandparents, siblings, even if not living in the same household). Workers in the public sector are entitled to five-sixths of their earnings.
- An extra 15 days unpaid leave per year to care for a severely handicapped or chronically ill spouse.
- Grandparents are also entitled to take leave from work in order to substitute parents in caring for sick children; they may take the same number of days parents are entitled to or take the remaining days that parents have not taken from their leave entitlement.
- When there is a severely handicapped or chronically ill child, including adopted children and living-in stepchildren, one of the parents is entitled to six months leave (*licença para assistência a filho com deficiência ou doença crónica – leave to care for a handicapped or chronically ill child*), which may be extended to four years. This leave can only be taken by one of the parents and it is paid at 65 per cent of earnings, with a maximum payment per month equivalent to two times the amount of IAS (two x €419.22) (see 1b).

Flexible working

- Parents are entitled to two hours 'nursing' leave per day during the first year after birth, with no reduction of earnings (*dispensa para amamentação e aleitação – leave to breastfeed or to feed*). These two hours of nursing leave can be a family entitlement if mothers do not breastfeed their child. In this case, leave may be taken by one parent, either the mother or the father, usually in two different periods: one hour in the morning and one hour in the afternoon (unless negotiated otherwise with the employer). Parents may also share the nursing leave by taking one hour each per day. In cases of multiple births, leave is increased by 30 minutes for every child. Where mothers are actually breastfeeding, the two hours reduction can last for as long as the child is breastfed.
- If there is a handicapped or chronically ill child below one year of age, one of the parents (as long as the other is employed) may also apply for a five-hour reduction in the working week.
- Parents are entitled to four hours leave per school term to go to their children's school until children reach 18 years of age, with no reduction of earnings.
- Adopting parents are entitled to miss work (up to three times) in order to be present at meetings related to the adoption.
- Fathers are entitled to leave work (up to three times) to accompany their spouses in pre-natal appointments.
- Parents with children below 12 years (no age limit in the case of a child who is chronically ill or disabled living in the same household) are entitled to 'flexible working' which means that the employee may choose, within certain limits, when to start and finish daily work. Employees may work up to six consecutive hours and up to ten hours daily as long as the normal weekly hours of work are fulfilled. Both parents are entitled to this 'flexible working schedule for an employee with family responsibilities'.
- Also where there are children below 12 years (no age limit in case of a child who is chronically ill or disabled living in the same household), one of the parents (or both for alternative periods of time) is entitled to part-time work after taking Additional Parental leave ('part-time work for an employee with family responsibilities'). Part-time work can be taken on the following basis: working half-time during five days a week or working three full days per week. Employers and employees can agree on another basis. Part-time work may be extended up to two years (three years in the case of third and subsequent child, four years in the case of chronically ill or disabled child).

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

The maximum period of total post-natal leave available in Portugal, including two years of 'child care leave', is three years, but most of this is low paid or unpaid. Leave paid at a high rate lasts for up to six months, depending on gender sharing of leave. Since 2009, there is an entitlement to ECEC from five years of age, in nursery education available for eight hours a day. So there is a gap of around two years between the end of leave and an ECEC entitlement, and of 4½ years between the end of well-paid leave and an ECEC entitlement. However levels of attendance at formal services for children under three years are above the average for the countries included in this review and for OECD countries; and around average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

In spite of the economic crisis, there have been no changes or major cuts in the leave scheme (heavy cuts were introduced in family allowances). Moreover, the agenda of the government (a centre-right wing coalition government elected in June 2011) does not propose any changes in leave policies. However, it recognizes the importance of the issue of work/family balance and the need to increase the number of places in services for children below three years. It has done this by changing the legislation regulating crèches in order to allow the latter to increase the number of children per classroom: up to ten children per room below one year (formerly eight per room), up to 14 children per room between one and two years (formerly ten) and up to 18 children per room between age two and three years (formerly 15). The issue of quality in crèches has been raised due to this change.

Some parliamentary groups (Left Wing Bloc) are proposing changes in the leave system, namely an increase in father's compulsory leave from ten to 15 days and an increase in earnings compensation for the initial Parental leave (100 per cent for six months instead of 83 per cent).

Meanwhile in April 2013 the Minister of Solidarity and Social Security announced the government's intention to use European funds to promote female part-time work (paid as full-time work) in order to allow parents to have more time to raise their children. No specific measures have been approved. This was presented as a measure to promote fertility.

4. Take-up of leave

a. Initial Parental Leave (formerly maternity leave)

The total number of paid Initial Parental leaves has decreased in 2012, down from 81,300 in 2011 to 75,553 in 2012. These figures include: mothers and fathers with a sufficient record of social security contributions entitled to 80-100 per cent of earnings compensation; as well as mothers and fathers with no record or an insufficient record of social security contributions, who are only entitled to a flat-rate benefit (see 1a for benefit eligibility). The latter represent 20.5 per cent of the total number of paid Initial Parental leaves. There has been a slight decrease in the number of parents claiming this flat-rate benefit introduced in 2008 (16,919 in 2010, 16,008 in 2011 and 15,558 in 2012) mainly due to some restrictions in eligibility introduced in November 2010.

The decrease in paid Parental leaves may be seen to be related to the decrease in the number of births in 2012. It is estimated that in 2012 there were less 6,500 births.

b. Initial Parental Leave and Sharing Bonus

Although there has been a decrease in the number of total paid Initial Parental leaves, the number of parents who decided to share leave has increased slightly. In 2012, 77.6 per cent of Initial Parental leaves were taken without the gender sharing bonus (79 per cent in 2011) and 22.3 per cent (20.5 per cent in 2011) were divided between both parents with entitlement to the sharing bonus (meaning that the father took at least 30 days of leave alone, without the mother, or *vice versa*).

Initial Parental leave taken without the gender sharing bonus is nearly all taken by mothers, with half of the leave taken for a period of 4 months (54 per cent) and the other half for 5 months (46 per cent).

Initial Parental leave taken with the “sharing bonus” has to be shared between both parents. Although only the first six weeks have to be taken by the mother, in practice nearly all parents divide the leave between themselves by allocating four or five months to the mother and one month (the last month of Initial Parental leave, when the mother goes back to work) to the father. Among these couples, 59 per cent (9,914) in 2012, compared to 58 per cent in 2010, chose the longer leave period (six months paid at 83 per cent of earnings), while 41 per cent (6,948) preferred the five months option paid at 100 per cent of earnings. This would seem to indicate that parents are choosing to stretch the period of leave to six months even if they receive a slightly lower level of earnings compensation.

Data on the ‘sharing bonus’ since it came into effect in May 2009 shows a strong initial increase in take-up in 2009 and 2010 (from 596 fathers who shared Maternity leave in 2008 to 16,391 fathers sharing Initial Parental leave in 2010); then only a slight increase in 2011 and again in 2012, with 16,862 fathers staying at home for 30 or more days, on their own, during the five or six months of leave (16,351 fathers in 2010 and 16,719 in 2011). This represents 22.3 per cent of all Initial parental leaves in 2012, up from 20.3 per cent in 2010.

c. ‘Father’s-only parental leave’ (formerly “Paternity leave”)

Since 2002 there has been a steady increase in the take-up of Paternity leave. The five day Paternity leave (introduced in 1999 and made obligatory in 2004) was used in 2000 by 11 per cent of fathers, increasing to 27 per cent in 2002 and to 36 per cent in 2003. Since then, the proportion of fathers who take Paternity leave has increased by about two per cent per year: 37 per cent in 2004, 39 per cent in 2005, 41 per cent in 2006, 45 per cent in 2007 and 2008. These percentages are based on the number of fathers who take leave in relation to the number of births; but in relation to the number of women eligible for Maternity leave, the proportion of fathers taking five days Paternity leave had increased to 62 per cent in 2008. It should also be noted that take-up is underestimated as these statistics exclude employees with special social protection regimes, e.g. civil servants, bank workers.

The same trends may be observed for the 15 additional Paternity leave days (the optional ‘Daddy days’ introduced in 1999). In 2001 only four per cent of fathers chose to take the 15 days and this increased to 14 per cent in 2002 and to 24 per cent in 2003. Since then, and up until the 2009 policy reform, take-up rates increased steadily: to 28 per cent in 2004, 30 per cent in 2005, 33 per cent in 2006, 37 per cent in 2007 and 2008.

In 2009, when ‘Paternity leave’ became ‘father-only Parental leave’ and ten days became obligatory, take-up of leave increased to 56 per cent for the ten compulsory days and 47 per

cent for the additional ten days. In 2010 and 2012 take up increased again, first to 62 and then to 68 per cent for the ten compulsory days; and to 52 and then to 58 per cent for the 10 optional days (percentages based on the number of fathers who take leave in relation to the number of estimated births for 2012). If, again, take-up is calculated in relation to the total number of Initial Parental leaves granted, then the proportions in 2012 increased to 81 per cent for the ten obligatory days and 69 per cent for the ten optional days.

Take-up of the obligatory leave is not at 100 per cent for two main reasons: statistics exclude employees with special social protection regimes, e.g. civil servants and bank workers; and the labour inspection services only recently began to control take-up of leave by fathers, contributing to a lack of implementation by some employers.

d. 'Additional Parental leave' (formerly Parental leave)

Take-up of Parental leave is still low even if it has also increased since payment was introduced in 2009 (at 25 per cent of average earnings, if taken immediately after the Initial Parental Leave). In 2009 only 1,251 parents took paid 'Additional Parental leave', more women (804 mothers, 66 per cent of the total) than men (411 fathers, 34 per cent). In 2010 1,851 parents took paid 'Additional Parental leave', but women took an increased share at 83 per cent. In 2012, 2,166 parents (2.8 per cent of all parents who were granted Initial Parental leave) took this leave.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Most research has been on the broad question of the reconciliation of work and family life rather than specifically on leave policy, though most studies include information on such policies.

b. Selected publications since April 2012

Wall, K. (ed.) (2012) *Relatório 2011 do OFAP - Observatório das Famílias e das políticas de Família [Annual Report 2011 of The Observatory of Families and Family Policies]*. Lisbon: ICS and CIES. Available at: www.observatoriodofamilias.ics.ul.pt

This report maps changing family forms and analyses developments in family policies in Portugal in 2011.

c. Ongoing research

Changes in parental leaves and their impact on men's experiences of leave (2012-2016). Karin Wall (Coordinator), Sofia Marinho and Mafalda Leitão. ICS, University of Lisbon.

This qualitative research project draws on in-depth interviews with fathers who took up the 'sharing bonus' introduced in the 2009 leave policy reform (see Section 1a.). The project is part of a wider project on Men's Roles in a Gender Equality Perspective funded by EEA Grants Programme Area 14 (mainstreaming gender equality and promoting work-life balance) as from September 2013 (to 2016).

Network on fathers on leave alone and gender equality (2013-2015).

Drawing on the above mentioned qualitative research project in Portugal, a small network of researchers from the leave network (Spain, Finland, U.K., Norway, France, Switzerland, Canada) are carrying out similar in-depth interviews in order to provide a comparative cross

national analysis of the impact of leave taken up by fathers, in a solo manner, on gender equality and family life.

Russian Federation

Zhanna Kravchenko (Södertörn University) and Irina Grigoryeva (St Petersburg State University)¹⁶⁶

April 2013

NB. The Russian Federation is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (отпуск по беременности и родам) (responsibility of Ministry of Healthcare and Social Development)

Length of leave (before and after birth)

- Seventy calendar days before and 70 calendar days after childbirth.

Payment and funding

- One hundred per cent of average earnings from before the beginning of the leave, with women able to choose which period to take for this calculation from two 12 month periods before taking leave. There is a ceiling for payments based on the ceiling for social insurance contributions established by the state on an annual basis, the actual number of worked days and the length of the leave. For instance, if a woman is to receive the payment in 2013 she can choose to base the calculation of the benefit on the amount she earned between 2009 and 2011. As the ceiling for social insurance contributions for 2009 to 2011 was RUB415,000 (€10,238¹⁶⁷) per year – now increased to RUB463,000 (€11,420) - the ceiling for the benefit will be $(463,000+415,000)/730 \times 140 = \text{RUB}168,383.56$ (€4,154), where 730 is the maximum standard number of working days over two years and 140 is the length of the leave. If the woman worked less than 730 days, the actual number of days she worked is used in the calculation.
- Unemployed women who registered at the unemployment office prior to the Maternity leave can receive unemployment benefit while taking leave. For 2013, the amount is established at the federal level as a minimum of RUB850 (€21) and a maximum of RUB4900 (€121) per month and financed and managed by regional authorities.

¹⁶⁶ Please cite as: Kravchenko, Z. and Grigoryeva, I. (2013) 'Russian Federation country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁶⁷ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

Women who became unemployed because their employer closes down during the 12 months prior to them registering as unemployed receive RUB490.79 (€12) per month. They can choose between this benefit and the unemployment benefit, an option not available to other categories of unemployed.

- Students receive the benefit in the amount of student benefit (funded by the Federal budget). Not all students receive the payment, the conditions and the size of the benefit is regulated by each educational institution.
- Funded by the employer and/or Social Insurance Fund, which is largely financed from employers' contributions, supplemented by transfers from the federal budget and the Mandatory Health Insurance Fund.

Flexibility in use

- None.

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

- All insured women (including self-employed) and military personnel.

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

- In the case of multiple births, the length of leave increases to 85 days before the birth, and to 110 days after.
- In the case of premature births, the length of leave increases to 86 days after birth.

b. Paternityleave

No statutory entitlement.

c. Parental leave (отпуск по уходу за ребенком) (responsibility of Ministry of Healthcare and Social Development)

Length of leave

- Until three years after childbirth. It is a family entitlement, which can be taken by only one person.

Payment and funding

- Forty per cent of average earnings during the two years preceding birth, paid until a child is 18 months, with a minimum payment of RUB2,453.93(€61) per month. There is a ceiling for payments based on the ceiling for social insurance contributions established by the state on an annual basis; the amount is calculated by taking the ceiling for these social insurance contributions for a selected two year period, divided by 730 (the maximum standard number of working days over two years) and multiplied by 30.4 (the average number of working days per month). The minimum payment is increased to RUB4,907.85(€121) per month for a parent with a second and all subsequent children, up to a ceiling of RUB16,241.10(€401) per month.
- For employed parents with children between 18 and 36 months, a payment of RUB50 (€1) per month is also provided. Women who became unemployed while on Parental

leave because their employer closes down and do not receive unemployment benefits are also eligible.

- Payment during Parental leave for unemployed parents is calculated on the basis of 40 per cent of their previous earnings with a ceiling of RUB9,815.71 (€242); however, this is only available to those parents who have lost their jobs *during* Parental leave because their employer has closed down. Other unemployed parents are provided with the minimum payment (i.e. RUB2,453.93(€61) for one child, RUB4907,85(€121) for all subsequent children) but only if they became unemployed because their employer closed down during the 12 months prior to them registering as unemployed. Unemployed women receiving Parental leave benefit cannot receive unemployment benefit at the same time.
- The payments are not taxable.
- Funded by the Social Insurance Fund for insured workers, and from the state budget for those who are not insured, e.g. students, unemployed.

Flexibility in use

- Parents taking leave may work part time.

Regional or local variations in leave policy

- The 89 regional governments can determine the level of payment within the minimum and maximum levels set by the central government - RUB2453.93 (€61) per month and RUB16,241.10 (€401) respectively. There is further scope for regional variations, e.g. regional governments may provide additional payments from regional budgets; or link payments to the order of births, increasing payments with each subsequent child; or target special groups of the population; and/or make these payments means-tested. Regional governments may also vary the period of payment: they may increase the payment during the first 18 months or during the period between 18 and 36 months.
- There are no official statistics about regional variations in practice.

Eligibility

- Any insured caregiver. Under certain circumstances, students and unemployed.

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 parent

- Leave can be delegated to grandparents or any other guardian caring for the child.
- Unemployed parents have the right to choose between unemployment or Parental leave benefit; the former is for a shorter period but may be at a higher rate depending on various conditions.

d. Statutory child or carer leave or career breaks

- No statutory entitlement.

e. Other employment-related measures

Additional payments

- A lump-sum payment of RUB490.79 (€12) is made to mothers who register at the local healthcare centre in the early stage of pregnancy (before 20 weeks).
- A lump-sum payment of RUB13,087.61 (€323) is made at childbirth. The size of the payment may vary between regions, for example according to birth order and/or targeting special types of families, i.e. single mothers, families with children with disabilities, families of men in the military service.
- The payments are provided by the employer (for employed women), husband's employer (unemployed women) or the Social Insurance Fund through the local social assistance centre (*управление социальной защиты населения*) if both parents are unemployed.

Adoption leave and pay

- The same regulations as for other parents, without pre-birth paid leave.

Time off for the care of dependants

- The length of paid leave to care for a sick child under the age of 15 years varies according to the previous employment record of the parent and the age of the child. For a child under the age of seven years, up to 60 days leave may be taken per year, with 45 days for an older child. Payment is made at 60 per cent of average earnings with an employment record under five years, 80 per cent with an employment record of five to eight years and 100 per cent with an employment record over eight years.

Flexible working

- Before Maternity leave or immediately afterwards, employed women are entitled to an annual paid vacation regardless of length of employment.
- Mothers of children younger than 18 months are entitled to take breaks during work to rest and feed their children, with no reduction of earnings. These should be taken not less than once every three hours, and for no less than 30 minutes.
- Employees with two and more children under the age of 14, parents of disabled children under the age of 18, and single parents with children younger than 14 may establish a collective agreement with the employer and receive annual unpaid leave of up to 14 days.
- All regulations are established in the Labour Code and costs are carried by employers.

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

The maximum period of post-natal leave available in the Russian Federation is three years, but the last 18 months is paid at a very low flat rate, and most of the first 18 months is paid at a relatively low rate; only during the first 10 weeks after birth is leave paid at a high rate. However, as there is an entitlement to ECEC from two months of age, there is no gap

between the end of high paid leave and an ECEC entitlement, at least in theory. There is, however, no official data on waiting lists or other indicators of unmet demand to show if this entitlement to ECEC from a very early age can be implemented in practice.

The Russian Federation is not included in the comparative data on ECEC attendance in the OECD Family Database. It does, however, appear in the TransMonEE Database covering countries in Central and Eastern Europe and the Commonwealth of Independent States; according to this Database, levels of attendance at formal services in Croatia for children under and over 3 years are below the average for the countries included in this review and OECD countries (for more details see Table 'Relationship between leave and ECEC entitlements').

3. Changes in policy since April 2012 (including proposals currently under discussion)

The major change concerns the procedure for calculating the amount of monthly payments during Maternity and Parental leave, more specifically extending the baseline to two 12 month periods and allowing the insured parent to choose which consecutive 12 months to take.

Since 2012 a national reform has been under consideration for extending the payment of 40 per cent of earnings during Parental leave from 18 to 36 months. This is expected to be introduced in three stages in the 89 regions, according to variations in levels of ECEC provision. No measures have been yet enacted, and no decisions made about levels of ECEC provision.

4. Take-up of leave

a. Maternityleave

Since all mothers are eligible, it is assumed all mothers take leave.

b. Paternity leave

There is no statutory entitlement.

c. Parental leave

No recent information is available.

4. Research and publications on leave and other employment-related policies since April 2012

a. General overview

No information provided.

b. Selected publications since April2012

Borozdina, E., Zdravomyslova, E. and Temkina, A (2012) 'Kak raspriaditsia "materinskim kapitalom" ili grazhdane o semeinoi politike' ['How to manage the "maternity capital" or citizens' reflections on family policy], *Sotsiologicheskie issledovaniia*, No.7: 108-117.

The article analyzes family practices related to management of the “maternity capital”, demonstrating that the recipients’ demands for state provisions are increasing, yet they demonstrate that the system is unstable and the rules change continuously. The informants revealed a systematic set of bureaucratic obstacles they have to overcome in order to gain access to entitlements. As a result, the “maternity capital” is mostly used by middle-class families that possess the necessary social competences required for manipulating the system in one’s favour.

Chernova, Zh. (2012) ‘Balans sem’i i raboty: politika i individual’nye strategii materei’ [‘Thework-family balance: policy and individual mothers’ strategies’], *Zhurnal issledovaniia sotsial’noi politiki*, Vol.10, No.3: 296-308.

This article analyzes strategies of combining motherhood and employment by conceptualizing the notion of work-family balance. The author suggests that these strategies are constructed at the level of the household and depend on available personal and family resources as well as individual choices by working adults. Working mothers are in search of family-work balance, because child care is mainly the responsibility of women, and motherhood is still a crucial part of the life project for Russian women.

Klimova, S. (2012) ‘Domashnii trud i semiia’ [‘Housework and family’], *Sotsiologicheskie issledovaniia*, No.4: 118-121

The article presents empirical results from a survey conducted in Saratov in 2010 that examined practices of housework division, norms and attitudes toward family practices in general and work division in particular, as well as families’ financial circumstances. The results demonstrated that both economic and normative factors are equally important for determining the probability of partner’s participation in house work.

Karabchuk, T. and Nagerniak, M (2013) ‘Determinanty zaniatosti dlia materei v Rossii’ [‘Determinants of employment of mothers in Russia’], *Zhurnal issledovaniia sotsial’noi politiki*, Vol.11, No.1: 25-48.

The article examines the problem of work-family balance for women in Russia by closely looking at how the choice between labour market activity and withdrawal is constructed. The main results showed that the variation between the chances of women returning to work and the length of the working day depends on the age of the child, the presence of a partner and the prospective income women can contribute to the family budget.

Kravchenko, Zh. and Grigoryeva, I. (2013, forthcoming) ‘Family Policy in Russia: Folkways versus State-ways Revisited’, in: M.Robila(ed.) *Handbook of Family Policies Across the Globe*. New York: Springer, pp.

Family policy in Russia has a long history of juggling with ideas of family autonomy and state intervention. During the Soviet period, the policies were aimed at stimulating fertility and female employment by providing institutional childcare and job protection. By the time the reforms broke through in the 1990s, the country was facing several consequences of the earlier policy design. The double burden of work and care carried by women was accompanied by virtual “crowding out” of men from the family domain. The dramatic turmoil in economic, political and social life brought a new light on the issue of decreasing fertility and rocketing poverty. In this chapter, the authors focus on the interplay between several family policy sectors related to these challenges, present the current regulations, highlight their effects, and discuss possible directions for future policy realization.

c. Ongoing research

None reported.

Slovak Republic

Daniel Gerbery (Comenius University/ Institute for Labour and Family Research)¹⁶⁸

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*materská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)

Length of leave (before and after birth)

- Thirty-four weeks: six to eight weeks before the birth. It is obligatory to take this leave.

Payment (applied for the whole period of Maternity leave) and funding

- Sixty-five per cent of daily earnings calculated on the basis of the previous year. There is a ceiling of 1.5 times the national average monthly wage. If Maternity benefit is lower than Parental allowance (see 1c below), then an additional payment is made to make up the difference.
- Payment is financed from sickness insurance contributions by employers and employees.

Flexibility in use

- Leave can be started six to eight weeks before birth.

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

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 days during the two years before the birth.

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

- Maternity leave is extended to 37 weeks for single mothers and 43 weeks in the case of multiple births.

¹⁶⁸ Please cite as: Gerbery, D. (2013) 'Slovak Republic country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

- Twenty eight weeks in case of foster carers (31 weeks for single persons, 37 weeks for persons caring for at least two new born children).
- In the case of a stillbirth, the mother is granted a maximum 14 weeks of Maternity leave.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*rodičovská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)

Length of leave

- Until the child reaches three years. Leave is a family entitlement, which only one parent may use.

Payment and funding

- A Parental allowance - *rodičovský príspevok* - of €199.60 per month is available to all families who meet the eligibility condition whether or not they take Parental leave; parents can work full time or part time while receiving parental benefit. Only one parent is entitled to Parental allowance.
- Parental allowance is funded from general taxation.

Flexibility in use

- None.

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

- The provision of regular care for at least one child up to the age of three years or six years in the case of a child with a long-term health problem or disability.
- Residence or temporary stay of an entitled person in the Slovak Republic.

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 parents

- Parental leave can continue until a child is 6 years old if the child has a long-term health problem or disability.
- Parental allowance is increased by 25 per cent per child in the case of multiple births; it is halved if older children do not regularly attend compulsory school.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Employees can take leave to care for a sick relative at home. They receive a benefit (*Ošetrovné*), earnings-related but with a low ceiling, which is paid for a maximum 10 calendar days.

Flexible working

- None.

Other measures

- A Childcare allowance (*Príspevok na starostlivosť o dieťa*) is available to cover some of the costs of childcare. It is provided to one of the parents (or foster parents) if they work or take part in secondary or tertiary education. The allowance is provided in two forms. The first is where childcare is provided by official providers, when it is paid up to the level of officially declared costs, with a ceiling of €230 per month. The second is where childcare is provided by other persons or relatives when it is paid at the level of €41.10 per month, without the need to declare childcare costs. The allowance is paid up to the age of three years, or six years in the case of a child with a long-term health problem or disability.

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

Slovakia has a network of ECEC services, but these are mainly for older children, with the highest enrolment rates among four and five-year-old children. This reflects the upper age limit for Parental leave, but also a shortage of places in kindergartens; with limited capacity, kindergartens prefer older children who should be in the process of preparation for compulsory education.

The maximum period of paid post-natal leave available in Slovakia is three years, but this is paid at a low earnings-related level or at a flat rate. There is no entitlement to ECEC. Levels of attendance at formal services for children under three years are very low, well below the average for the countries included in this review and for OECD countries; levels of attendance for children over three years are much higher, only slightly below both averages. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

Since 2011 the regulation of Parental allowance provision was liberalized; parents were allowed to receive the allowance and work at the same time, the only condition being that they have to ensure regular care for their child/children. In addition, an increase of 25 per cent in the amount of Parental allowance in the case of twins or other multiple births was

introduced, as well as a halving of the payment if older children that the parent cares for do not regularly attend compulsory primary education.

4. Take-up of leave

a. Maternity leave

Nearly all mothers take Maternity leave.

b. Paternity leave

There is no statutory leave entitlement.

c. Parental leave

There is no information on Parental leave use, only for the payment of Parental allowance, which is paid to all families. The number of men receiving Parental allowance is extremely low. In 2011, men accounted for 1 per cent of recipients.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Recently, policy-oriented research on child raising, work-life balance, supply and use of pre-school institutional care has been undertaken in particular by the Institute for Labour and Family Research, which is affiliated to the Ministry of Labour, Social Affairs and Family. Relevant research has been conducted at the Institute for Sociology of the Slovak Academy of Science within the international research project European Value Survey (EVS), as well as at the Department of Sociology at the Faculty of Philosophy of Comenius University in Bratislava within the international research project International Social Survey Programme (ISSP). Important contributions to the study of population attitudes toward family, care, gender equality and related issues were published by the non-governmental Institute of Public Affairs.

b. Selected publications since April 2011

Gerbery, D. (2011) 'Starostlivosť o deti a trh práce. Súvislosti rodovo podmienenej komodifikácie pracovnej sily' ['Childcare and labour market. Context of gender-biased commodification of labour force'], in: J. Cviková, J. (ed.) *Rodová perspektíva v ekonómii [Gender perspective in economics]*. Bratislava: ASPEKT.

This chapter analyses conditions for labour market participation of women and men within the context of accessibility of institutional childcare and preferences of parents.

Holubová, B. (2011) 'Aktívne otcovstvo a inovatívne verejno-politické opatrenia na jeho podporu' ['Active fatherhood and innovative public policy interventions'], in: G. Lubelcová (ed.) *Inovácie v sociálnych a verejných politikách. Problémy konceptualizácie a nových nástrojov [Innovation in social and public policies. Problems of conceptualization and new measures]*. Bratislava: Univerzita Komenského

This chapter analyses the phenomenon of active fatherhood as a new challenge for public policy in Slovakia and searches for new supporting interventions.

Potančok, J. (2011) 'Zmeny v chápaní úlohy otca v súčasnej rodine' ['Changes in understanding the role of a father in contemporary family'], *Sociológia - Slovak Sociological Review*, Vol.42, No.2: 113-133.

The article discusses changes that have occurred in the understanding and perception of the role of fathers and fatherhood in contemporary family life.

Ministerstvo práce, sociálnych vecí a rodiny SR [Ministry of Labour, Social Affairs and Family of the Slovak Republic] (2012) *Správa o sociálnej situácii obyvateľstva SR [Report on Social Situation of the Population in Slovakia]*. Bratislava: MPSVR

This is an official report of the Ministry of Labour, Social Affairs and Family, published yearly, and which provides very detailed information on social protection in the Slovak Republic.

Šiškovič, M. (2012) *Slovenské škôlky: málo kapacít a nižšia účasť sociálne slabších rodín [Slovak kindergartens: lack of capacities and lower participation of socially disadvantaged families]*. Bratislava: Inštitút finančnej politiky [Institute for Financial Policy].

This policy brief provides empirically-based insights into strengths and weaknesses of kindergartens in Slovakia, paying attention mainly to their capacity and potential for social inclusion of disadvantaged groups.

c. Ongoing research

The Institute for Labour and Family Research at Comenius University is conducting studies on gender aspects of sharing resources within households; and on the use and effectiveness of child-raising benefits, i.e. Parental allowance, Childcare allowance). It is also preparing a report on gender equality in the Slovak Republic. Contact: Barbora Holubova at Barbora.Holubova@ivpr.gov.sk.

The Institute for Sociology of the Slovak Academy of Science, the Department of Sociology at the Faculty of Philosophy at Comenius University, and the Institute of Social and Cultural Studies at Matej Bell University in Banská Bystrica are participating in the Family and Gender Roles module of the International Social Survey Programme 2012-2013.

Slovenia

Nada Stropnik (Institute for Economic Research, Slovenia)¹⁶⁹

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*porodniški dopust*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave (before and after birth)

- One hundred and five calendar days (15 weeks): four weeks (28 days) before the birth and 11 weeks following birth. It is obligatory to take leave.

Payment

- Hundred per cent of average earnings, based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave. If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage is taken into account for the missing period. There is no ceiling, and the minimum is 55 per cent of the minimum wage (€323.55). Women not insured at the time the leave starts, but who have been insured for at least 12 months in the last three years before the start of Maternity leave, receive 55 to 105 per cent of the minimum wage (approximately €324 to €618 per month), depending on the period they have been insured for in the last three years.
- Funded partly from Parental leave insurance that forms part of social security insurance; contributions to Parental leave insurance are 0.1 per cent of gross earnings for employees and the same for employers. In 2008, Parental leave insurance covered 11 per cent of leave costs (estimated); the remaining costs came from the state budget.

Flexibility in use

- The part unused before the birth may be claimed after childbirth if the birth took place before the envisaged date.

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

- See 'payment' for insurance conditions for payment.

¹⁶⁹ Please cite as: Stropnik, N. (2013) 'Slovenia country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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

- Leave can be delegated to the father or another person (who nurses and cares for a child in accordance with the decision of the Centre for Social Work or the judgement or provisional order of the court) if the mother dies, abandons the child or is incapable of living and working independently.
- The father or one of the grandparents is also entitled to Maternity leave with the mother's consent in cases where the mother who gives birth to the child is younger than 18 years and has the status of an apprentice, a pupil or a student. In that case, Maternity leave lasts 77 days less the age of the child (in days) when the father or the grandparent commences Maternity leave. The father is entitled to Maternity leave if he actually nurses and cares for the child.

b. Paternity leave (*očetovski dopust*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- Ninety calendar days (about 13 weeks). The first 15 days may only be taken as full-time leave during the child's first six months.

Payment and funding

- During the first 15 days of the Paternity leave, 90 per cent of average earnings based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave, up to a ceiling of two times the average wage in Slovenia (€2,863 month), with a minimum payment of 55 per cent of the minimum wage (€323.55 a month). The payment increases to 100 per cent for a father earning less than €762 a month.
- For the remaining 75 days the father is paid social security contributions based on the minimum wage (approximately €130 per month). For fathers not insured at the time the leave starts, but who have been insured for at least 12 months in the last three years before the start of the leave, see section 1a.
- From 31 May 2012 till the year that is following the year in which the economic growth exceeds 2.5 per cent of the GDP, the paternity leave payment is decreased to 90 per cent of the basis (from which the social security contributions were paid in the last 12 months) if that basis is €763.06 and over. The ceiling is also lowered to two times the average wage in Slovenia;
- Funding as for Maternity leave.

Flexibility in use

- The leave may be taken as individual days, but in that case the length of the leave is equal to 70 per cent of the eligible calendar days.
- Seventy-five calendar days may be taken as full-time leave up to the child's third birthday.

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

- As for Maternity 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 father is not entitled to Paternity leave if: the mother has given birth to a dead child; he was legally deprived of his parental right or prohibited from having contact with the child; or the child lives with the mother or another person and the father does not nurse or care for the child.
- The father is not entitled to the first 15 days of Paternity leave if he uses Maternity leave.

c. Parental leave (*dopust za nego in varstvo otroka*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- Two hundred and sixty calendar days (about 37 weeks) per family.

Payment and funding

- As for the first 15 days of Paternity leave, i.e. 90 per cent of average earnings based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave, up to a ceiling of two times the average wage in Slovenia (€2,863 month), with a minimum payment of 55 per cent of the minimum wage (€323.55 a month); but parents earning more than €762 a month will receive 90 per cent of average earnings.
- For persons not insured at the time the leave starts, but who have been insured for at least 12 months in the last three years before the start of leave (Maternity, Paternity or Parental, whichever taken first), see 1a.
- Funding as for Maternity leave.

Flexibility in use

- If the parents wish to share the leave, they have to agree in writing 30 days prior to the expiry of Maternity leave. If the parents cannot reach agreement on the use of Parental leave or their decision is not to the benefit of the child, the Centre for Social Work makes a decision on this matter taking into account what is in the best interests of the child.
- Parents can combine Parental leave (20 hours per week mother, 20 hours per week father) and take it at the same time.
- Both parents may use full-time parental leave at the same time: a) in the case of multiple births, b) for a child in need of special care, and c) if parents already have at least two children below eight years of age or care for a child in need of special care.
- At least 185 days have to be taken as a continuous full-time or part-time leave.
- Up to 75 days may be taken at any time up to the child's eighth birthday, full-time or part-time leave or by individual days. In this last case, the length of the leave is equal to 70 per cent of the eligible calendar days.
- Both parents may use full-time Parental leave at the same time in the case of multiple births, birth of a child in need of special care, or if they already have at least two children below eight years of age or a child in need of special care.

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

- As for Maternity 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 parents

- In the case of a premature birth, the leave is prolonged by as many days as pregnancy was shortened.
- In the case of multiple births, Parental leave is extended by 90 days for each additional child. It is also extended by 90 days in the case of a birth of a child in need of special care.
- Leave is extended by 30 days if parents already have at least two children below eight years of age; by 60 days if they have three children; and by 90 days if they have four or more children of this age.
- Another person who nurses and cares for a child in accordance with the decision of the Centre for Social Work or the judgement or provisional order of the court is entitled to Parental leave, reduced by the number of days the mother and the father have already used.
- If the mother is a student below 18 years of age and has the status of an apprentice, a pupil or a student, one of the grandparents (who himself/herself is insured for Parental leave) may take leave.
- A parent does not have the right to Parental leave if custody of the child is awarded to another parent and he or she does not care for the child.

d. Childcare leave or career breaks

No statutory entitlements.

e. Other employment-related measures

Adoption leave and pay

- One hundred and fifty calendar days (about 21 weeks) for a child aged one to four years; 120 days (about 17 weeks) for a child aged four to ten years. Payment and eligibility as for Parental leave.

Time off for the care of dependants

- An insured person is entitled to take leave to care for an immediate co-resident family member (spouse and children, own or adopted) who is ill. Generally, seven working days of leave may be taken for each episode of illness per family, but 15 working days may be taken for a child of up to seven years of age or a moderately, severely or very severely mentally and physically disabled child. Exceptionally, if required due to the health condition of the sick family member, the period may be extended to 14 and 30 working days, respectively, or longer in extreme cases (up to six months).
- Leave is paid at 80 per cent of average earnings over the preceding 12 months. It cannot be lower than the guaranteed wage (approximately €238) or higher than the wage which the person would receive if he/she were working.

Flexible working

- A parent who is taking care of a child below the age of three years, or of a child below the age of 18 years with a severe physical disability or a moderate or severe mental disability, has the right to work part time. The hours worked must be equal to

or longer than half full-time working hours. There is no payment, but social security contributions based on the minimum wage are paid for the hours not worked.

- A parent who is taking care of two children may extend the right to work part time, with social security contributions paid based on the minimum wage for the hours not worked, until the younger child reaches the age of six years.
- Breastfeeding mothers who work full time have the right to a break during working time lasting not less than one hour a day. Payment is the same as for Parental leave.

Other

- A parent leaving the labour market in order to take care of four or more children is entitled to have social security contributions (based on the minimum wage) paid from the state budget until the youngest child reaches the age of ten years.

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

The maximum period of continuous paid post-natal leave available in Slovenia is 14 months, and leave paid at a high rate runs for just over 11 months. There is an entitlement to ECEC from the end of Parental leave available on a full-time basis in centres. So there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 years are around the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

On 31 May 2012, the Public Finance Balance Act came into force, introducing austerity measures. These measures include a decrease in the payment for Parental and Paternity leave from 100 to 90 per cent of the earnings on which Parental leave contributions were paid during the 12 months prior to leave being taken, for parents earning more than €762 a month; those earning less will still receive 100 per cent. The ceiling is also lowered from 2.5 times to two times the average wage in Slovenia (i.e., from €3,578,55 to approximately €2,863 per month). This reduction will stay in force until the year following the year in which economic growth exceeds 2.5 per cent of the GDP.

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up leave.

b. Paternity leave

About three-quarters of fathers took up to 15 days of Paternity leave in 2006-2008, just over eighty per cent in 2009 and 2010, and about 78 per cent in 2011. Fifteen per cent of leave-takers took more than 15 days in 2008, 19 per cent in 2009, and 21 per cent in 2010 and 2011. Research suggests that most fathers do not take more than 15 days of Paternity leave because their earnings are not (fully) compensated during the rest of it. There are also obstacles on the employers' side.

c. Parental leave

All mothers take Parental leave. About 5.6 per cent of fathers took a part of this leave in 2008, 6.3 per cent in 2009 and 2010 and 6.8 per cent in 2011. Considering the full wage compensation (until the end of May 2012) while taking leave, the reasons for low participation of fathers may be found in the traditional division of tasks within the family, attitudes in the society (not the declared ones but rather those that rule people's behaviour), the absence of a positive image of the father who takes over more family responsibilities, and employers' expectations of their male employees.

Paternity leave and fathers having the same entitlement to Parental leave as mothers do not significantly influence mothers to return earlier to work after their leave period. Since fathers usually take only part of the leave (if any at all), absence due to Parental leave continues to affect women's professional careers.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Gender roles (fathers' take-up of Parental and Paternity leave, for instance), work/family life balance and equal opportunities on the labour market are of particular research interest.

b. Selected publications since April 2012

None reported.

c. Ongoing research

None reported.

South Africa

Lisa Dancaster (University of Cape Town) and Tamara Cohen (University of Kwa Zulu Natal)¹⁷⁰

April 2013

NB. South Africa is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on leave information: leave entitlement in South Africa is primarily governed by one main statute that applies to the whole country, namely, the Basic Conditions of Employment Act (BCEA). Individual provinces (of which there are nine in South Africa) do not have authority to amend these provisions. By virtue of the authority given to the Minister of Labour in terms of the BCEA, a number of sectoral determinations have been made to cater for the unique circumstances in the following industries: forestry, farm workers, domestic workers, hospitality, children in performing arts, learners employed on a learnership agreement in terms of the Skills Development Act (75 of 1997), wholesale and retail, private security, contract cleaning, civil engineering, small business (less than ten employees) and the taxi sector. The majority of these agreements contain leave provisions identical to those in the BCEA. Only where these sectors provide for leave that is different from that stipulated in the BCEA is it noted here.

The leave provisions in the BCEA and Sectoral Determinations are minimum standards that can be improved upon through collective bargaining, usually in statutory forums called bargaining councils. Information/data on leave provisions in bargaining council agreements is difficult to obtain as there does not appear to be an accessible database housing the agreements of all the bargaining councils in South Africa. Bargaining Council Agreements are also not necessarily a reliable indicator of employer provision because bargaining councils do not exist for all the industrial sectors in the country and even in those sectors that do have bargaining councils, not all employers in the industry are necessarily members of the bargaining council or are covered by the scope of the collective agreements reached there.

¹⁷⁰ Please cite as: Dancaster, L. and Cohen, T. (2013) 'South Africa country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

a. Maternity leave (responsibility of the Department of Labour)

Length of leave (before and after birth)

- Four months. An employee may commence Maternity leave at any time from four weeks before the expected date of birth (or earlier if a medical practitioner certifies it necessary for her health or that of her unborn child) and may not work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- An employee's right to return to the same or comparable job after a pregnancy-related absence is protected in the unfair dismissal provisions of the Labour Relations Act.
- An employee who has a miscarriage during the third trimester of pregnancy or who bears a stillborn child is entitled to Maternity leave of six weeks after this event, whether or not the employee had already commenced Maternity leave at the time of the miscarriage or stillbirth.

Payment and funding

- Statutory Maternity leave is unpaid in the BCEA. There is provision for maternity payment to eligible employees from the Unemployment Insurance Fund (UIF). This is for contributors only. The Unemployment Insurance Act and Unemployment Insurance Contributions Act apply to all employers and employees, but not to employees working less than 24 hours a month for an employer, learners, public servants, foreigners working on contract, employees who get a monthly state pension, and workers who only earn a commission. Payment for Maternity leave is on a sliding scale ranging from 38 per cent to 60 per cent of earnings depending on level of earnings with a maximum income threshold of ZAR14,872 (€1,186¹⁷¹) per month. It is for a maximum period of 17.32 weeks and application must be made eight weeks before the birth of the child. The amount of maternity benefit received from the UIF depends on the credit that has built up from working. Credits are accumulated at a rate of 1 day per 6 days worked. Hence, to gain maximum credit for the full period of maternity pay it is necessary to have worked continuously for four years. Payment of maternity benefits does not reduce the amount of payment for other benefits that an employee is entitled to claim from the Fund (namely illness, unemployment and death benefits). Unemployment insurance benefits for Maternity leave are not subject to taxation.
- Compulsory contributions to the UIF are made by employers and employees on a monthly basis and each contribute 1 per cent of the employee's earnings, up to a maximum of ZAR14,872 (€1,186) per month i.e. the maximum combined contribution is ZAR297.44 (€24) per month. Most employees entitled to statutory Maternity leave are also entitled to receive maternity benefits from UIF. The main exception is employees in national and provincial government. However, public service employees are entitled to four months Maternity leave under the terms of a July 2007 Determination on leave in the public service; although this does not explicitly state that leave is fully paid, it can be assumed to be so by virtue of the fact that contract workers are entitled to fully paid Maternity leave in this Determination.
- If a contributor also receives cash benefits from another source (for example, from her employer), she will only receive a benefit from the UIF if she receives less than her normal monthly salary from that source.

¹⁷¹ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

- Contributors are entitled to claim six weeks of unemployment insurance benefits in the event of a miscarriage during the third trimester of pregnancy.

Flexibility in use

- An employee may commence Maternity leave: i) at any time from four weeks before the expected date of birth, unless otherwise agreed; or ii) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.

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

- An employee is not eligible for statutory Maternity leave if working for less than 24 hours a month for her employer.
- Independent contractors and self-employed women are not eligible.

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

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employees in the public service may take an additional 184 calendar days of unpaid leave.
- An employee falling under the Public Service Bargaining Council may take up to eight working days per pregnancy to attend medical examinations. The Determination does not specifically state that these absences are paid but it could be interpreted to be so given the wording of the Determination in general.
- A survey of 361 enterprise level agreements and 31 bargaining council agreements found that the duration of Maternity leave in collective agreements mirrors the four consecutive months stipulated in the BCEA and only about seven per cent of agreements specifically provided for additional unpaid Maternity leave of about two months¹⁷².
- About five per cent of the Bargaining Council Agreements and three per cent of enterprise level agreements provide on average between 25 per cent and 33 per cent of payment towards Maternity leave by employers (Benjamin, 2007).
- See also 'flexible working' (1e) for the Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child.

b. Paternity leave

No statutory entitlement. Fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave (see 1e).

c. Parental leave

No statutory entitlement.

¹⁷² Elsley, T. (2007) 'Outcomes of collective bargaining in South Africa', in: *Bargaining Indicators 2007: A Collective Bargaining Omnibus*. Cape Town: Labour Research Service, pp 79-98. .

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- There is no statutory leave for adoption of a child. There is, however, a right to claim unemployment insurance benefits for time off work for adoption purposes. Only one parent can make application for adoption benefits and the child adopted must be under two years of age. The failure to provide statutory adoption leave means that if an employer refuses to grant an employee adoption leave it effectively nullifies the provision of adoption payment from the UIF.
- Employees in the public service are entitled to leave of 45 working days when adopting a child under the age of two years by virtue of the July 2007 Determination regulating leave in the public service. Although this determination does not explicitly state that this leave is fully paid, it can be assumed to be so by virtue of the fact that contract workers are entitled to fully paid adoption leave in this Determination. These employees are permitted to extend this leave by 184 calendar days of unpaid leave.

Time off for the care of dependants

- An employee in the private sector is entitled to family responsibility leave when the employee's child is born; when the employee's child is sick; or in the event of the death of the employee's spouse or life partner, or the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling. This leave is fully paid by the employer and is available for a maximum period of three days in a 12 month period (five days for domestic workers). An employee must have been employed for longer than four months and work at least four days per week in order to qualify for this leave.
- Employees in the public service are permitted to utilise five days family responsibility leave for the birth of a child of a spouse or life partner, or in the event of the sickness of a child, spouse or life partner. They are entitled to utilise up to five days leave per annual leave cycle for the death of a spouse, life partner, child or immediate family member. Total family responsibility leave cannot exceed five days. The Determination does not stipulate that this leave is paid but it can be assumed to be so by virtue of the fact that the Determination specifically permits a further 184 calendar days to be utilised as unpaid leave if an employee has exhausted their family responsibility leave, subject to the approval of the Head of Department.
- By virtue of a Ministerial Determination regulating conditions of employment in small businesses, employers who employ fewer than ten employees are permitted to reduce the amount of annual leave granted to an employee by the amount of family responsibility leave granted to that employee.

Flexible working

- No general statutory entitlement.
- Codes of Good Practice are guidelines for employers and do not have the status of legislation. The Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child provides that employers must consider granting rest periods to employees who experience tiredness associated with pregnancy and should also consider that tiredness associated with pregnancy may

affect an employee's ability to work overtime. It also states that arrangements should be made for pregnant and breastfeeding employees to be able to attend ante-natal and post-natal clinics during pregnancy and after the birth of the child and recommends that arrangements be made for employees who are breastfeeding to have breaks of 30 minutes twice a day to breast feed or express milk for the first six months of a child's life. It further recommends that employers identify and assess workplace hazards to the pregnant mother and/or to the foetus and consider appropriate action. The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices adds that an employer should provide reasonable accommodation for pregnant women and parents with young children, including health and safety adjustments and ante-natal care leave.

- The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices requires employers to endeavour to provide "an accessible, supportive and flexible environment for employees with family responsibilities". This is specified to include "considering flexible working hours and granting sufficient family responsibility leave for both parents". In addition, the Code of Good Practice on Arrangement of Working Time states that the design of shift rosters must be sensitive to the impact of these rosters on employees and their families and should take into consideration the childcare needs of the employees. It adds that arrangements should be considered to accommodate the special needs of workers such as pregnant and breast-feeding workers and workers with family responsibilities.

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

The maximum period of paid post-natal leave available is 4 months, paid at 38-60 per cent of earnings. There is no entitlement to ECEC and compulsory school age is 7 years. The 2011 General Household Survey (StasSA, 2011) indicates that 65 percent of children aged between 0-4 years do not attend a crèche, ECD, playgroup, nursery school or pre-primary school.

3. Changes in policy since April 2011 (including proposals currently under discussion)

The Draft White Paper on Families¹⁷³ recommends that consideration be given to the introduction of Paternity leave in South Africa. There is no stated timeframe attached to it.

From January 2013 an employee falling under the Public Service Bargaining Council may take up to eight working days per pregnancy to attend medical examinations. These employees will also receive five days (up from three days) family responsibility leave from January 2013.

4. Take-up of leave

a. Maternity leave

The 2012 Quarterly Labour Force Survey (StatsSA, 3rd Quarter, 2012) indicates that 51.7 per cent of employees had access to some form of Maternity or Paternity leave in 2012.

¹⁷³ Department of Social Development (2012) *White Paper on Families in South Africa*. Pretoria: Department of Social Development.

b. Paternity leave

There is no statutory leave entitlement. There is no information on the take-up of 'family responsibility' leave used for this purpose or for the take-up of Paternity leave provided for in collective agreements.

c. Parental leave

There is no statutory leave entitlement. There is no information on the take-up of Parental leave provided for in collective agreements.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

There is a shortage of research examining statutory leave entitlements in South Africa, and no information on employee take-up of existing leave entitlements.

b. Selected publications since April 2012

Cohen, T. (2012) 'The efficacy of international standards in countering gender inequality in the workplace', *Industrial Law Journal*, Vol. 33:19-35.

This paper considers the obstacles to gender equality encountered by women in the workplace with particular reference to the quest for decent work and the difficulties faced in balancing work and family responsibilities. It questions the efficacy of international and regional standards in countering such obstacles and concludes that the successful fulfilment of international and regional policies and conventions promoting gender equality rests upon the capacity of national authorities to implement them.

Cohen, T and Moodley, L (2012) 'Achieving decent work in South Africa', *Potchefstroom Electronic Review*, Vol.15, No.2. Available at:
<http://www.saflii.org/za/journals/PER/2012/25.pdf>

This article considers the progress made towards the attainment of decent work in South Africa using the five statistical indicators of (i) employment opportunities; (ii) adequate earnings and productive work; (iii) stability and security of work; (iv) social protection; and (v) social dialogue and workplace relations. It argues that decent work is imperative for the alleviation of poverty, inequality and the burden of care responsibilities. The article concludes that high unemployment and a growing informal sector has contributed to the exploitation of workers and unacceptable working conditions resulting in amongst other problems high youth unemployment and gender inequalities.

Dancaster, L. (2012) *State and Employer Involvement in Work-Care Integration in South Africa*. Ph.D. Thesis, Sydney University. Accessed at ses.library.usyd.edu.au.

This doctoral thesis examines what employers and the state are currently doing to assist employees with the combination of work and care in South Africa. The study of employer involvement in work-care integration analyses the adoption of work-care arrangements in South African organisations. Overall, the study points to low levels of adoption of work-care arrangements by South African employers and evidence that employers in South Africa are not going beyond legislative minima in the provision of work-care arrangements. Based on the findings of the study and an investigation on state involvement in work-care integration in South Africa, the thesis provides recommendations for regulatory reform in the area of work-care integration and addresses potential work-care policy rationales for South Africa.

Field, C., Bagraim, J. and Rycroft, A. (2012) 'Parental leave rights: Have fathers been forgotten and does it matter?' *South African Journal of Labour Relations*, Vol. 36, No.2: 30-41.

This article considers the leave entitlements afforded to working fathers in South Africa, benchmarks these against international obligations endorsed by the South African government and advocates changes to South African legislation. The paper argues for a revision of South African legislation to support working father's family care roles.

Lund, F. (2012) 'Children, citizenship and child support: the Child Support Grant in South Africa', in: S. Szreter and K. Breckenridge (eds.) *Registration and Recognition: Documenting the person in world history*. Oxford: Oxford University Press.

This Chapter considers the requirements relating to citizenship that attach to receipt of the child support grant in South Africa.

c. Ongoing research

None reported.

Spain

Anna Escobedo (University of Barcelona) and Gerardo Meil (Autonomous University of Madrid)¹⁷⁴

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For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Permiso y prestación por maternidad*) (responsibility of the Ministry of Labour and Social Security)

Length of leave (before and after birth)

- Sixteen weeks: six weeks are obligatory and must be taken following the birth, while the remaining ten weeks can be taken before or after birth. By consolidating an entitlement to reduced working hours, mothers can in practice extend Maternity leave by two to four weeks (see 1e *permiso de lactancia*, originally to support breastfeeding).

Payment and funding

- Hundred per cent of earnings up to a ceiling of €3,262.5 a month.
- A flat-rate benefit (€532.51 per month or €17.75 per day) is paid for 42 days to all employed women who do not meet eligibility requirements.
- Financed by social insurance contributions from employers and employees. As a general rule, employers pay 23.6 per cent of gross earnings and employees pay 4.7 per cent to cover common contingencies which include pensions, sickness and leaves (*contingencias comunes*). An additional contribution is paid to cover unemployment.

Flexibility in use

- The start date for taking leave before birth can vary.
- Mothers, including those who are self-employed, may take leave part time except for the six weeks following birth.

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

- All employed women are entitled to Maternity leave, but conditions must be met to qualify for the earnings-related Maternity leave benefit (all employees can receive a flat-rate payment for 42 days after delivery): for example, the mother needs to be

¹⁷⁴ Please cite as: Escobedo, A. and Meil, G. (2013) 'Spain country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

making social security contributions at the beginning of the leave; or be receiving unemployment contributory benefit; or in the first year of the Parental leave, *and* have contributed to social security at least 180 days in the previous seven years, or 360 days during working life. Women under 21 years do not need any previous period of social security contribution, and women between 21 and 26 only 90 days, in the last previous seven years, or 180 days during working life. This requirement is more flexible for women working part time. On the other hand self-employed mothers are exempted from paying social security contributions while on Maternity 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

- In the case of multiple births (or multiple adoption or foster), or birth (or adoption or foster) of a child with some disability, working mothers have the right to two extra weeks of leave per newborn child from the second onward, and the family benefits from an additional lump sum benefit.
- In the case of a premature birth or infant hospitalisation, Maternity leave is extended up to 13 weeks.
- Employed mothers have the right to transfer up to ten of their 16 paid weeks of Maternity leave to the father on condition that they take six weeks after giving birth, that their partner fulfils contributory requirements, and that the transfer does not endanger their health. Leave can be completely transferred or partly transferred, so both parents share full or part-time leave simultaneously.
- The non-contributory benefit is extended from 42 to 57 days for lone mothers, large families, multiple births or disabilities.
- If the mother dies, the father can take the Maternity leave entitlements, independently of the mother's previous employment situation and entitlements.
- If the baby dies, Maternity leave is not reduced.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Employed and self-employed pregnant women and mothers breastfeeding babies less than nine months old are entitled to be relocated to another workplace if working conditions are not compatible with women in such circumstances or it is a risk for the baby. If this is not possible or cannot be reasonably required, the working contract or activity has to be interrupted, and leave can be taken with payment of 100 per cent of earnings. Such leave correspondingly lasts until the beginning of Maternity leave or until the baby reaches the age of nine months.

b. Paternity leave (*permiso de paternidad, permiso por nacimiento*) (responsibility of the Ministry of Labour and Immigration)

Length of leave (before and after birth)

- Fifteen calendar days.

Payment and funding

- One hundred per cent of earnings, paid by the Social Security Fund with the same ceiling as for Maternity leave.
- Financed by social insurance contributions from employers and employees, except for the first two days that are paid by employers in the private sector or the self-employed.

Flexibility in use

- The first two days have to be used at the time of birth (*permiso por nacimiento* i.e. birth leave). Fathers who need to travel in their work have two extra days, paid by the employer (this does not apply in the public sector).
- The 13 remaining days of Paternity leave (*permiso de paternidad*) can be used during or immediately after the end of Maternity leave. This does not apply in the public sector, where the 15 days are considered as a whole, to be taken at birth time as general rule (except when the specific regional government (*Comunidades Autónomas*) or institution regulates differently). Fathers can use Paternity leave part time with employer's agreement.

Regional or local variations in leave policy

- A number of regional governments have improved entitlements. For example, public sector workers in Catalonia receive five days at birth (as birth leave), and a month of Paternity leave that has to be taken at the end of Maternity leave.

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

- All employees fulfilling contributory requirements (i.e. at least 180 days in the previous seven years, or 360 days during working life).

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 father

- Leave is extended by two days per child in the case of multiple births (or adoption or fostering) or if the child has a disability; and from 15 to 20 days for large families or households with a disabled person.
- The entitlement is gender neutral to encompass homosexual and lesbian couples, where this leave can be taken by the member of the couple who did not use the Maternity leave (or most of it) (see 1e below).
- In the above-mentioned case of public employees in Catalonia, lone mothers can use the extra month for fathers at the end of Maternity leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents

- See 'regional or local variations' for improved conditions offered by some regional governments for their employees.

c. Parental leave (*Excedencia por cuidado de hijos*) (responsibility of the Ministry of Employment and Social Security)

Length of leave (before and after birth)

- Each parent is entitled to take leave until three years after childbirth. Leave is an individual right. During the first year, return to the same job position is protected; after the first year, job protection is restricted to a job of the same category.

Payment and funding

- None. Workers taking leave are credited with social security contributions, which affect pension accounts, health cover and new Maternity or Paternity leave entitlements, for the first two years in the private sector and for the whole period in the public sector.

Flexibility in use

- There are no limits to the number of periods of leave that can be taken until the child is three years, with no minimum period.

Regional or local variations in leave policy¹⁷⁵

- Since 2000, a number of regional governments have introduced flat-rate benefits. However, these benefits have been reduced or abolished since 2009 as a consequence of the fiscal crisis. For example:
 - Basque Country: €271.25 per month for mothers or fathers in 2013 (compared to €291 in 2009).
 - La Rioja: €250 per month in 2013, but restricted to families with an annual income below €40,000 or €50,000 in case of large families (the amount of the benefit remains stable since it was introduced, but the income ceiling has been increased).
 - Navarre: when having a second child or a disabled child, €396.31 per month for one year, or until the child is three years in the case of large families in 2013 (compared to €416 in 2009).
 - Castilla-León and Castilla-La Mancha abolished benefits in 2012.

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

- All employees, though employees on temporary contracts can only claim leave that is shorter than their contract period. Unemployed and self-employed workers are not eligible.

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)

- Social security contributions are credited for a longer period (from 30 to 36 months) in families with three or more children or with two children one of whom has a disability.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents

- If both parents work for the same company, the employer can put restrictions on both parents using leave at the same time if this is justified for production reasons.
- In the public sector the job position is protected for two years, and in the third year within the same municipality.
- See 'regional or local variations' for improved conditions offered by some regional governments for their employees.

¹⁷⁵ Information update provided by Irene Lapuerta in the framework of her research on impact of regional parental leave benefits in Spain (see the ongoing research section).

d. Childcare leave or career breaks

- Unpaid career breaks are recognised in the labour and public employees' regulations (*excedencia voluntaria*). The only protection offered is to be able to claim the right of return to an equivalent job before the end of the leave, once there is a vacancy. This job protection works much better in the public than in the private sector.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for other parents for the adoption or fostering of children under six years or children with additional needs (e.g. disabilities, international adoptions).
- One of the parents in a homosexual and lesbian couple can benefit from the Maternity leave entitlement in the case of an adoption and of surrogate maternity.
- Public employees involved in an international adoption have the right to two months of paid leave, including basic payment without benefits, when the process requires that the adoptive parents stay in the country of origin of the future adoptive child.

Time off for the care of dependants

- Two days leave per worker per event (*permiso por enfermedad grave de un familiar*) to care for a seriously ill child or for other family reasons (serious illness, hospitalisation or death of a relative to a second degree of consanguinity or affinity), paid for by the employer. The entitlement is extended to four days if travelling is required for work (e.g. the workplace is in a different municipality). However there is no agreement on what 'serious illness' means. For public sector employees this entitlement is extended to three days (five days if travelling is required) for the care of first degree relatives (e.g. partner, children or parents, including in-laws).
- Parents are entitled to full-time or part-time leave (with a minimum reduction of 50 per cent of working time) to take care of a seriously ill child under 18 years old during the period the child is in hospital or in need of continuous treatment at home (with certification by the public health service); 109 types of illness are included. The scheme is paid at 100 per cent of regulatory basis from sickness insurance, with previous contributory requirements as for Maternity and Paternity leave. This entitlement is extended to parents working part time, in which case leave must be at least equivalent to 25 per cent of full-time hours. The leave is an individual right, but only one of the parents is entitled to take leave at any one time; but parents can alternate the use of it on a monthly base. In case of divorce, when there is no agreement, the parent with legal custody has the right to take this leave and if they have joint custody, it is the one who makes first claim.
- Each worker may take up to two years of leave (*excedencia por cuidado de un familiar*) or reduce working hours by between an eighth and a half (*reducción de jornada por cuidado de un familiar*) to take care of a dependent relative (up to the 'second degree of consanguinity or affinity') due to severe illness, disability, accident or old age. In cases of chronic dependency, the informal carer on leave may receive a payment, between €180 and €520.69 per month in case of co-residence. The payment is claimed by the dependent relative, and its amount depends on the relative's level of dependency recognised by a public agency. Workers taking leave are credited with social security contributions, which affect pension accounts, health cover and new leave entitlements, for the first year of full-time or part-time leave. Otherwise informal

carers of recognised chronic dependents are credited with the equivalent of €162.49 as social security and training contributions. These amounts were fixed in 2010, and have not been updated.

- Public employees can extend the unpaid leave to care for a relative for up to three years, with the whole period credited with social security contributions and related social protection benefits. Furthermore, they can work half-time for up to one month without loss of earnings in the case of a very serious illness of a first degree relative (child, partner or parent including in-laws); they can also benefit from extra flexibility in working time as do parents of children under 12 years.

Flexible working

- During the first nine months after the child's birth (12 months in the public sector), employed mothers are entitled to one hour of absence during the working day without loss of earnings, which is paid by the employers (*permiso de lactancia*, originally to support breastfeeding). This absence is paid for by the employer. The period can be divided into two half-hours or be replaced by a half-hour shortening of the normal working day; the public sector and many collective agreements allow the full hour shortening of the normal working day. If both parents are working, the mother can transfer this right to the father or partner. All employed mothers can consolidate this reduction in working time as full-time leave, thus in practice extending their Maternity leave between two to four weeks.
- A working parent can reduce his/her working day by between an eighth and half of its normal duration to care for a child until the eighth year or to look after a disabled child (*reducción de jornada por guarda de un hijo*). Employees may decide, within their usual work schedule, the extent and period of the working time reduction. It is defined as an individual right, and there is no payment, but workers taking this 'part-time leave' are credited with up to two years full-time social security contributions (which affect pension accounts, and new leave entitlements). Public employees can benefit from this working time reduction until the child is 12 years, and have guaranteed some working time flexibility to adapt, for example to school hours.
- Since 2000, a number of regional governments have introduced payments to parents reducing their working hours; for example: Basque Country, Navarre, La Rioja, or Castilla-León have provided flat-rate payments to support this measure proportional to the working time reduction, though Castilla-Leon and Castilla La Mancha have abolished these payments in 2012. Since 2002 public employees in Catalonia, both fathers and mothers, can reduce their working hours by a third with a 20 per cent earnings reduction or by a half with a 40 per cent earnings reduction if they have a child under six years or care for a disabled relative, they can consolidate this reduction in working time during the first year as full-time leave to extend in practice their maternity or paternity leave.

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

The maximum period of post-natal leave available in Spain is 3 years, but most of this period is unpaid; leave paid at a high rate ends after Maternity and Paternity leave (around four months after birth). The 2006 Spanish education law (Ley Orgánica de Educación) provides an entitlement to ECEC from 3 years onwards, and nearly all children over 3 years attend early education. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than 2½ years between the end of well-paid leave and this *de facto* entitlement. Levels of attendance at formal services for children under 3 and over 3 years are above the average for the countries included in this review. For actual

attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

In the present context of severe economic recession and public funding cutbacks in Spain, additional support to parents taking leave provided by regional governments (Autonomous Communities) have been reduced or else income ceilings have been increased (see 1c and 1e).

In Catalonia the innovative measures introduced for public sector employees since 2002 have been reduced in 2012 (Catalan Law 5/2012 20 with fiscal measures to reduce public expenditure). The most important is the removal of the fully paid reduction of working time for one year at the end of Maternity or Paternity leave; this measure had had equal and very high take-up rates amongst male and female public employees, who could choose between extending Maternity or Paternity leave 16 weeks or reducing working time by a third until the child was approximately 17 months old. The other partially paid working time reductions have been maintained (i.e. the option to reduce working hours by a third with a 20 per cent earnings reduction or by a half with a 40 per cent earnings reduction when having a child under six years or care for a disabled relative). In order to compensate for the loss of the former option, public employees can use this latter measure during the first year, converting it as full-time leave to extend in practice their Maternity or Paternity leave

The 2007 proposal to increase Paternity leave from two to four weeks in 2011 has been postponed once again.

4. Take-up of leave

a. Maternity leave

Maternity leave benefit covered 67 per cent of the 471,999 births in 2011 (author's calculations based on data provided by the Social Security Institute and the Spanish Statistical Institute). Coverage is the same as the previous year, remaining stable after a long period of continuous increase (from 31 per cent in 1995) due to growing maternal employment and better coverage of atypical employment situations due to regulatory reforms. It is worth highlighting that in the context of crisis and very high general unemployment, maternal employment does not appear to be diminishing. According to the survey 'The social use of leave in Spain, 2012' (see section 5.c), 80 per cent of mothers aged 25 to 60 who were in paid employment when pregnant benefited from Maternity leave, with this percentage higher among younger women than among older ones (89 per cent for those aged less than 40 and 72 per cent for older women). Fathers share some Maternity leave in around one-quarter of adoption cases (27.5 per cent in 2005), but less than 2 per cent of all leaves (1.8 per cent in 2012).

In 2012, an average of 5,149 women per month were on leave because of risk during pregnancy, with an average duration of 100 days: 0.13 per cent of all live births in 2011, Since 2008 (the first year for which there are available take-up data) there is a steady increase in the number of women who take this kind of leave, from 2,546 per month to 5,149 in 2012), while the average number of days of leave taken has decreased (from 120 to 100 in the same period). Roughly the same tendency, though with much lower figures, can be observed with leave during breastfeeding because of risk since it was introduced in 2007: the number of women on leave increased from 85 per month in 2008 to 132 in the first

months of 2012, but decreased afterwards to a mean value for 2012 of 76, while the number of days in leave decreased from 132 to 121.

b. Paternity leave

Most fathers are eligible for Paternity leave according to the Labour Force Survey data. While payment for fathers taking Paternity leave was made only by employers, there was no information on take-up rates. But from March 2007, fathers have received two weeks payment from Social Security funds, which also covers the self-employed; child coverage is 57 per cent in 2011 (author's own calculations based on the ratio number of fathers who took a leave to total number of births), 0.5 percentage points more than in 2010, consolidating the trend to improved coverage. Yet in 2011 the absolute number of fathers who took Paternity leave decreased by 8.8 per cent, due mostly to the decrease in births during 2011 and high unemployment among young people. According to the survey 'The social use of leave in Spain, 2012' (see section 5c), however, the take up rate among those entitled to take the leave would be much higher: 74 per cent of men who became fathers after the introduction of this leave and were working at that time report to have taken Paternity leave.. Those who were working when they fathered a child and did not take it are mostly men who work without contract or are self-employed. The high difference among both take-up rates can be attributed to the high proportion of unemployment among young people (the proportion of unemployed men aged 30 to 34 years increased from 9.2 per cent in 2008 to 25.9 percent in 2012)

c. Parental leave

In 2011, 34,128 people started some period of Parental leave (2 per cent less than in 2010). This corresponds to 7.2 per cent of the births in that year, the same amount as in the previous year, but still higher than in the recent past (in 1995 it was only 1.7 per cent). However, it represents only 2.5 per cent of children under three years old, a relevant age since leave can be taken until children reach three years. Fathers made up 4.5 per cent of users, the same proportion as in 2010 (2011 Statistical Book of the Ministry of Labour).

Between 1995 and 2005, it has been estimated that 96 per cent of users have been mothers, with a median duration of 184 days, and 4 per cent fathers with a median duration of 172 days; 36 per cent of fathers and 26 per cent of mothers used this unpaid Parental leave for less than three months. Eleven per cent of user mothers and 25 per cent of user fathers did not return to the same company, which means that in these cases the use of Parental leave was connected to a change of employment¹⁷⁶.

According to the survey 'The social use of leave in Spain, 2012', only 0.5 per cent of men aged 25 to 59 who were working when they became fathers made use of Parental leave, compared to 10.4 per cent of women. In most cases leave was taken for the first child (69 per cent); and women mostly took it just after Maternity leave (64 per cent) for a maximum of one year (85 per cent), and most commonly for six months or less (46 per cent), i.e. until a childcare arrangement was available. After leave, all men returned to a full-time job, but only 55 per cent of women did so, while a third returned to part-time job or part-time leave (35 per cent) and only seven per cent gave up paid work altogether or lost their jobs (three per cent).

¹⁷⁶ Escobedo, A and Navarro, L. (2007) *Perspectivas de desarrollo y evaluación de las políticas de licencias parentales y por motivos familiares en España y en la Unión Europea: Informe de resultados de la Muestra Continua de Vidas Laborales*. FIPROS. Ministerio de Trabajo. Available at: www.seg-social.es/prdi00/groups/public/documents/binario/097543.pdf

d. Other employment-related measures

The fact that Parental leave and working time reduction are not paid limits their use, even among those who have a secure job. The influence of payment could be seen from the high and gender equal use made of the fully paid working time reduction of one-third of usual working hours for parents of children under one year old, which was available for public employees in Catalonia between 2002 and 2012 (see section 3).

Otherwise the use of unpaid working time reductions is limited. It has been estimated that 32 per cent of formally employed mothers having a first child in 2003 reduced their working time during some period in the following three years. Half of this 32 per cent resumed full-time work after seven months, while one-third (11 per cent) remained in part-time employment after three years; only two per cent of the employed mothers were using their job-protected and reversible entitlement to working time reduction and were on the same working contract they had at birth. This can be explained by the high rate of temporary employment in Spain and by the fact that employers have incentives when hiring a mother with a child under two years old¹⁷⁷.

According to the survey 'The social use of leave in Spain, 2012', 19.9 per cent of women and 1.8 per cent of men aged 25 to 59 who were working when they became parents made use of the right to reduce their working hours. As in the case of Parental leave, most working time reduction is taken for the first child (61 percent among those with two or more children) and, among women, mostly taken just after Maternity leave (55 per cent) or during the first year of life of the child (79 per cent). Men reduce their working hours mostly for less than one year (72 per cent), while women tend to do it for a rather longer period of time (61 per cent for more than one year). Additionally and in the frame of the leave to care for severely ill children, 1,138 parents have benefited from paid working time reductions during 2012, with a mean duration of the leave of 177 days.

Leave to care for dependent relatives has been available from 2001 onwards. Between 2001 and 2005 about 9,000 employees used it, of whom 82 per cent were women, with a median duration of 62 days, and 18 per cent men with a median duration of 55 days. Since 2006 the number of users has grown, increasing to 6,202 new users in 2011 (compared with 3,332 in 2005). The proportion of new male users remains stable at around 18 per cent.

The Statistical Yearbook of the Ministry of Labour does not provide details on duration nor to what extent these leaves to care for dependent relatives are connected to the benefit for informal carers introduced since the 2006 Spanish Law to support dependents. It is, however, known that the total number of leave users was 40,330 in 2011, of whom 6.1 per cent were men. In February 2013, 44.2 per cent of all benefits provided under the Spanish Law to support dependents were used for paying informal family carers (419,256 benefits, 0.6 per cent less than one year ago), covering 56 per cent of the recognised cases of dependency. In 2011 the Social Security system had formalised 156,352 specific conventions with family carers, of which 6.9 per cent were men and one-third were 50 to 60 years old (SAAD Statistics, the same indicator is not available in 2013); it is not known, however, how the remaining benefits paid to family carers, are used. Experts suggest that as payments for services have to be co-funded by the local level, which is the most indebted government level, social managers tend to provide this support which is funded by the central state, so that families can at least receive some help that they seem to manage afterwards in diverse ways.

¹⁷⁷ Escobedo, A., Navarro, L. and Flaquer, L. (2008) *El impacto de la maternidad y la paternidad en el empleo. Itinerarios laborales de madres y padres en hogares con menores de tres años. Análisis de cambios y discontinuidades a partir de la Muestra Continua de Vidas Laborales*. Available at: FIPROS: <http://www.seg-social.es/stpri00/groups/public/documents/binario/119803.pdf>.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Leave arrangements have become a research topic in Spain, particularly the use of leave arrangements by mothers and fathers, and their impact on gender and social equality in the labour market and on fertility decisions. Since 2006, a research fund on Social Protection has supported research on leave arrangements and the Ministry of Labour created a continuous database with a sample of 4 per cent of all social security contributors including selected life course data on work and social security (*Muestra Continua de Vidas Laborales*, MCVL [the Continuous Sample on Working Lives]), supplemented with tax and household data. It still provides limited information on leave arrangements but has allowed researchers to produce detailed information about unpaid leaves as parental leave, leave to care for a relative, and working time reductions.

Otherwise, the indicators published on a yearly basis since 1995 by the National Institute of Social Security provide updated information on paid leaves (e.g. total social security expenditure by region and the number of administrative records initiated each year, with the percentage of those for fathers), but with no information on other items such as duration of leave, flexible use or characteristics of users. There is a clear data gap on the uses and impacts of the various regional flat-rate benefits and full-time or part-time additional schemes. Complementary research projects contribute to fill in some of these gaps.

There is increasing research interest in the new benefits addressed to long-term dependent and family informal carers. These have been implemented since 2007 onwards, in the framework of a new public care system for the support of dependency and autonomy, primarily for the elderly but also covering adults and children with severe dependency.

b. Selected publications since April 2012

Escot, L., and Fernández-Cornejo, J. A. (coordinators) (2012) *Una evaluación de la introducción del permiso de paternidad de 13 días. ¿Ha fomentado una mayor corresponsabilidad en el ámbito del cuidado de los hijos pequeños? [An evaluation of the introduction of 13-days paternity leave in Spain. Have it encouraged greater co-responsibility between mothers and fathers in caring for young children?]*. Madrid: Colección Estudios e Investigaciones, Instituto de la Mujer. Available at:

<http://www.ucm.es/centros/cont/descargas/documento38578.pdf>

This study aims to evaluate the effects of the introduction of 13 days Paternity leave in Spain, including utilization of the leave, promoting greater involvement of fathers in child care and changes in gender attitudes. A quantitative analysis of micro-data from the Spanish Labour Force Survey examined the effect of the introduction of Paternity leave in 2007 on take-up rates, and the profile of men who took leave. A representative survey of 1,130 couples with children between 3 and 7 years from the Community of Madrid looks in more detail at: how childcare was organized; who took leave, for how long and what types of leave; the socio-labour characteristics of partners; their gender attitudes; the problems or barriers that they faced when trying to reconcile care and professional activities; and how fatherhood/motherhood affected their careers. Among other things, the report provides evidence that fathers who took Paternity leave (or other longer leaves) tended to become more involved subsequently in the care of their children.

Lapuerta, I. (2012) *Employment, Motherhood and Parental Leaves in Spain*. Doctoral thesis: Universitat Pompeu Fabra, Barcelona. Available at: <http://www.tdx.cat/handle/10803/81708>.

This PhD dissertation analyzes the effectiveness of the Parental leave system in Spain to facilitate the reconciliation of work and family life and to promote gender equality. The empirical analysis is based on the 'Continuous Sample of Working Lives Histories' (MCVL in Spanish) of the Ministry of Labour and Immigration (2005-2008 waves). The results show that, first, the Spanish Parental leave system, far from encouraging use by men, actually accentuates the already existing gender inequalities in society; and second, it also strengthens social inequalities, since access is essentially restricted to workers who already enjoy privileged positions in the labour market.

Romero-Balsas, P. (2012) 'Fathers taking paternity leave in Spain: which characteristics foster and which hampers the use of paternity leave', *Sociologia e Politiche Sociali*, Special Vol. 15: 105-130

There have been important changes in many European countries regarding parenting policy-making. Paternity leave is one of the measures that have been implemented or developed in recent years. The aim of this paper is to evaluate which factors foster or constrain the use of Paternity leave in Spain. Using a dataset of four thousand people, of which six hundred are potential Paternity leave-takers, the effects of working conditions, education, and gender role values on the use of Paternity leave have been analysed. The main findings are that being self-employed hampers fathers from taking Paternity leave and having egalitarian roles related to childcare and family-oriented values has a positive and significant relationship with the use of Paternity leave in Spain.

Wall, K. and Escobedo, A. (2012) 'Leave Policy Models and the Articulation of Work and Family in Europe: a comparative perspective', in: A. Moreno Almudena (ed.) *Family Well-Being: European Perspectives*. Social Indicators Research Series. London: Springer.

This chapter explores the diversity of leave policy models in contemporary European society. Seven empirically based ideal types are identified by looking at data for 22 countries on leave systems, early childhood services and maternal and couples' employment patterns. The authors address the complex interplay between leave systems and work-family, gender and welfare regimes. The analysis reveals three sets of conclusions, which relate to convergence and divergence in care leave policies across Europe, leave generosity and its linkages to gender equity and family well-being.

Lapuerta, I. (2013) '¿Influyen las políticas autonómicas en la utilización de la excedencia por cuidado de hijos?' ['Do regional policies influence parental leave use?'], *Revista Española de Investigaciones Sociológicas*, No.141: 29-60.

This article analyses the impact of the Parental leave policies implemented by five Autonomous Communities: Navarra, Castilla y León, Basque Country, Castilla La Mancha and La Rioja. The research adopts a quasi-experimental design, which is known in the public policy evaluation area as difference-in-difference. The analysis is based on a sub-sample from the MCVL (wave 2006), composed by 94,493 people who were entitled to Parental leave in the 1996-2006 period. The results show a positive effect on parental leave take-up rates of regional policies in Navarra and Castilla y León and confirm the relevance of benefit levels versus other design characteristics. However, none of these policies have effects on men's use of Parental leave, even in the case of those Autonomous Communities that have implemented positive discrimination measures.

Lapuerta, I. (2013) 'Is part-time parental leave an alternative? First-time mothers' employment decisions after childbirth in Spain', in: T. Martín-García (ed.) *Spain and Italy: as similar as Thought? A comparative reflection on living arrangements and family relationships*. London: Springer.

This chapter examines the labour market transitions mothers make in Spain after having their first child, with special attention paid to part-time Parental leave (also known as 'reduced working hours'). Until now, most studies have largely neglected this option, and those that do include part-time Parental leave have not usually distinguished it from part-

time work. This results in a lack of knowledge about the causal mechanisms behind mothers' employment decisions and, even more seriously, the confounding of two choices with very different constraints, especially in Southern Europe where part-time jobs have very poor employment protection, social benefits and earnings. Using a competing risk event history analysis, this chapter attempts to clarify these issues. The results show that only those mothers with middle-range wages, very high job security and working in the private sector have part-time Parental leave as a real labour market alternative in Spain; while those in more vulnerable positions in the labour market appear to be pressured into part-time work or, more frequently, withdraw from the labour market altogether.

Romero-Balsas, P., Muntanyola-Saura, D. and Rogero-García, J. (2013) 'Decision-making factors within paternity and parental leaves: why Spanish fathers take time off from work', *Gender, Work and Organization*. DOI: 10.1111/gwao.12004.

This article aims to understand how Spanish fathers construct and justify their decisions to use both Paternity and Parental leaves. Specifically, the authors analyse the fathers' discourse about paid work conditions, the couple's decision-making process, formal and informal care resources, and care and gender equality. Respondents were divided according to the type of leave that they took and the length of time away from work, being placed into three groups: (1) fathers who take 15 days off from work after childbirth, which are usually those who took only Paternity leaves; (2) fathers who take off more than 1 month, which are usually fathers who also took Parental leave; and (3) fathers who take off less than 5 days from work, which are fathers who do not take any official leave. Thirty in-depth interviews with Spanish fathers were analysed by applying a critical discourse methodology. The findings indicate that Paternity leave is mostly considered a right, but not a duty, and the decision whether or not to use it is viewed as an individual choice. Fathers who take longer leaves judge time off from work not only as an individual right, but also as a duty to their families. These fathers show a low work-connection discourse, an explicit rejection of other care resources, and a care-sensitive attitude.

c. Ongoing research

The social use of Parental leave (2009-2013). Gerardo Meil (coordinator), Cristina García, M^a Angeles Luque and Luis Ayuso, Department of Sociology and Department of Business Organizations of the Universidad Autónoma de Madrid and Universidad de Málaga. Funded by the Spanish Ministry of Science and Innovation.

The research focuses on use of Parental leave; awareness of the existence and characteristics of the different Parental leave programmes; and decision-making processes in couples before applying for Parental leave. Consequences for family dynamics, professional careers, and quality of life are being analysed. The research is based on 20 in-depth interviews with both men and women who are taking Parental leave at the time of the interview, as well as people who took Parental leave in the past; and also on a representative telephone survey of 4,000 people of working age (25 to 60) living in Spain conducted during the first quarter of 2012. Contact: Gerardo Meil at gerardo.meil@uam.es

Corresponsabilidad antes y después del nacimiento del primer hijo en España [Co-responsibility before and after the birth of a first child in Spain] (2010-2012). Coordinated by Teresa Jurado, UNED. Funded by the Spanish Ministry of Equality.

Spanish case study in the framework of an international research project, whose aim is to analyse how dual-earner couples share and negotiate unpaid family work, particularly the care of children. The cross-county comparison will facilitate the study of the influence of institutional contexts. The research will be based on a combination of quantitative and qualitative methods, including 30 qualitative interviews conducted in three Spanish cities before and after birth of a first child. Contact: Teresa Jurado at tjurado@poli.uned.es.

An evaluation of the introduction of the 13 days Paternity leave. Has it fostered a higher degree of co-responsibility (between men and women) in the caring of child? 2011- 2012. Lorenzo Escot (coordinator), José Andrés Fernández-Cornejo, Rocío Albert, Juan Ignacio Cáceres, Cristina Castellanos, María del Rosario Cintas, Elena Olmedo, María Teresa Palomo, Carlos Poza, Eva María Del Pozo y M^a Lina Vicente. Universidad Complutense de Madrid, Universidad San Pablo CEU, Universidad Antonio de Nebrija, and ESIC. Funded by Instituto de la Mujer and Ministerio de Sanidad, Política Social e Igualdad.

This study aims to evaluate the effects of the introduction of 13 days Paternity leave in Spain (e.g. utilization of the leave; promoting greater involvement of fathers in child care; change in gender attitudes). It first conducted a quantitative analysis, with micro-data from the Spanish Labour Force Survey, about the effect of the introduction of Paternity leave in 2007 on take-up rates, and the profile of men who took leave. Then it undertook a representative survey of 1,000 couples with children under 7 years from the Community of Madrid, in order to study in more detail: how the child care was organized; who took leave, for how long and what types of leave (Maternity leave, Paternity leave, Parental leave, vacation days etc.); when the child was born (before or after 13 days Paternity leave was introduced); the socio-labour characteristics of partners; their gender attitudes; the problems or barriers that they faced when trying to reconcile care and professional activities; and how fatherhood/ motherhood affected their careers. Contact: Lorenzo Escot at loren@ccee.ucm.es and José-Andrés Fernández-Cornejo at jafercor@ccee.ucm.es

One-parent families of the new Century: Challenges and dilemmas in a change time (2012-2014) [*Familias monoparentales del nuevo siglo. Retos y dilemas en tiempos de cambio*]. Elisabet Almeda (coordinator), Department of Sociology of the Universitat de Barcelona. Funded by the Spanish Ministry of Science and Innovation.

The research project aims at deepening the understanding of the changes around one-parent households and families, their profiles, their livelihood strategies and use welfare policies in Spain during the first decade of the century, as well as the social impact of such changes. The specific use and perception by single parents of leave arrangements in connection to other work-family arrangements will be investigated. The methodological design is based on the articulation of qualitative and quantitative methods. The project is divided into four phases: first a theoretical approach to single parenthood; second the design and implementation of an experimental survey in order to collect data on single parenthood; third a qualitative study based on discussion groups and participation action research; and fourth the design of a questionnaire model to contribute to improve statistics on this type of households. Contact: elisabet.almeda@ub.edu

Paternal involvement in childcare in Spain (2013-15) [*La implicación paterna en el cuidado de los hijos en España*]. Lluís Flaquer (coordinator), Department of Sociology of the Universitat Autònoma de Barcelona. Funded by the Spanish Ministry of Science and Innovation.

The project aims at deepening the understanding of processes of emerging new fathering models in Spain in connection with a greater participation of fathers in the household, their increased daily interaction with children and their growing share of care responsibilities. Apart from the study of concrete practices of father involvement, the research inquires into the impact of public policy, in particular family policy, on the institutionalization as well as on the social and cultural construction of new models of fatherhood and into the analysis of demands from political actors and other stakeholders keen to promote certain legal and policy reforms aiming at supporting a greater father involvement within families. In this sense, the project will focus on the effects from the implementation of certain recent political or legislative measures such as the take-up of paternity leave or the use of shared custody in post-divorce families. The methodological design is multi-strategic in character and is based on the articulation of qualitative and quantitative methods. To this end a multi-level comparative analysis on the influence of the national and institutional context on father involvement by means of time use surveys will be undertaken, on the one hand, and, on the

other, the project will draw on data collected from focus groups made up of fathers, mothers and teenagers and on interviews to experts and civic action groups for gender equality in order to understand better the taking of greater responsibility from fathers in the care of children, its relation to child well-being and the social and political construction of new fathering models. Contact: lluis.flaquer@uab.cat

Sweden

Ann-Zofie Duvander (Stockholm University) and Linda Haas (Indiana University)¹⁷⁸

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*graviditetsspänning*) (responsibility of the Ministry of Social Affairs)

It is obligatory for women to take two weeks leave before or after delivery; they can decide whether or not to take part of the paid parental insurance benefit during this period of leave. Pregnant women can take indefinite leave paid at 80 per cent of earnings if a job is a risk to the foetus and no other work can be made available. If a job is physically demanding and therefore hard for a pregnant woman to perform, she is eligible to take up to 50 days of leave during the last 60 days of pregnancy paid at 80 per cent of income. See footnote for Parental leave.

b. Temporary leave in connection with a child's birth or adoption (*tillfällig föräldrapenning i samband med barns födelse eller adoption*) (responsibility of the Ministry of Social Affairs)¹⁷⁹

Length of leave

- Ten days. Designed to be used to attend delivery, care for other children while mother is in hospital, stay over in the hospital in a family room after childbirth and/or participate in childcare when the mother comes home.

Payment and funding

- Eighty per cent of earnings up to an earnings ceiling of SEK333,700 (€39,277¹⁸⁰) per year (see 'Parental leave' for reduction of payment to 77.6 per cent).

¹⁷⁸ Please cite as: Duvander, A.-Z. and Haas, L. (2013) 'Sweden country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁷⁹ Referred to as 'Paternity leave' in earlier reviews; revised here to provide literal translation of entitlement, which is gender-neutral

¹⁸⁰ Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

- Payments come from the Swedish Social Insurance Agency. Employers and the self-employed make contributions for this purpose; employers pay 31.42 per cent on all employees' earnings, of which 2.2 per cent is earmarked for 'parental insurance'. The government meets any shortfall.

Flexibility in use

- Leave can be used at any time during the first 60 days after childbirth.

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

- All employees are eligible, regardless of time in employment.
- The benefit is gender neutral, being for the second parent or another close person if the second parent is unknown.

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

- Leave is doubled in the event of twins.

c. Parental leave (*föräldraförsäkring*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- Each parent is entitled to take leave from work until their child is 18 months old. In addition, there are 480 days of paid leave per family. Sixty days are reserved for each parent and cannot be transferred (often called *mammamånader* or a 'mother's quota'; and *pappamånader* or a 'father's quota,'). Out of the remaining 360 days, half are reserved for each parent; if days are transferred from one parent to another, the parent giving up his or her days must sign a consent form.
- Parents may use the paid leave at any time until a child's eighth birthday or the end of the first school year. So parents can choose to use their paid leave entitlement before or after the child is 18 months.

Payment and funding

- For eligible parents (see below), 390 days at 80 per cent of earnings up to an earnings ceiling of SEK445,000 (€51,864) per year¹⁸¹; the remaining 90 days at a flat-rate payment of SEK180 a day (€21). A special formula, introduced in January 2008 and applied to all parts of parental insurance, reduces earnings by 3 per cent before calculating the 80 per cent payment. Non-eligible parents receive SEK225 (€26) a day for 480 days.
- Funding as for Temporary Leave in Connection with Birth and Adoption.
- A 'Gender Equality Bonus' (*jämställdhetsbonus*) offers an economic incentive for families to divide Parental leave more equally between the mother and the father. Both parents receive 50 SEK (€6) each per day for every day they use the leave equally. The bonus applies to the 390 days of earnings-related leave after the two reserved months are used by each parent (i.e., 270 days). When parents share the leave equally the bonus is worth a maximum of SEK 13,500 (€1,573).

¹⁸¹ The ceiling for Parental leave is higher than for temporary leave in connection with a child's birth or adoption to encourage use of Parental leave by fathers.

Flexibility in use

- The length of leave is counted in days (rather than weeks or months) to enhance flexibility of use.
- Paid and unpaid leave can be combined to enable parents to stay at home longer.
- Paid leave can be taken at any time until a child's eighth birthday or the end of the first school year.
- Parents can take paid leave full time, half-time, quarter-time or one-eighth time, with the length of leave extended accordingly (e.g. one day of full-time leave becomes two days of half-time leave and four days of quarter-time leave).
- Parents can take leave in one continuous period or as several blocks of time. An employee taking Parental leave has the right to stay away from work for a maximum of three periods each year. Many employers allow for more periods.
- Two parents can take up to 30 days of leave at the same time, until the child reaches one year of age. These days have been labelled "double days" (*dubbeldagar*).

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

- All parents are entitled to paid Parental leave, but paid leave at 80 per cent of earnings requires parents to have had an income of over SEK225 (€26) a day for 240 days before the expected date of delivery or adoption. A parent remains qualified to the same level of Parental leave if an additional child is born or adopted within 30 months of the birth or adoption of an earlier child; this is economically significant mainly to parents who reduce working hours (and income) after the first child since it keeps them at a higher benefit level. This is commonly referred to as the 'speed premium'.

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 parents

- Families with multiple births are entitled to additional paid leave (in the case of twins, an additional 90 days at 80 per cent of earnings and 90 days at a flat rate of SEK180 (€21) a day; for each additional child in a multiple birth, parents are entitled to an additional 180 days at 80 per cent of earnings.
- If only one parent has custody of the child, he or she can use all the Parental leave days.

Additional note (e.g. leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Parental leave pay has been negotiated in collective bargaining agreements in the public sector and is commonplace in the private sector. A common collective agreement is that the employer pays 10 per cent extra under the ceiling (i.e., workers receive 90 per cent of earnings) and up to 90 per cent above the ceiling¹⁸².

¹⁸² Lindquist, G. S. and Wadensjö, E. (2005) *Inte bara socialförsäkringar – Komplettrande ersättningar vid inkomstbortfall. Rapport till expertgruppen för studier i samhällsekonomi [Not only social insurance – complementary income replacement at loss of income. Report to the expert group for studies in national economy, 2005:2]*. Stockholm: Regeringskansliet, Finansdepartementet. Available at: www.regeringen.se/sb/d/5225/a/52073.

d. Childcare leave or career breaks

- In 2008, a municipal child-raising allowance (*vårdnadsbidrag*) was reinstated. Starting in 2009, municipalities could choose whether or not to provide a benefit of up to SEK3,000 (€350) per month for parents with a child aged one to three years who do *not* use publicly-funded childcare services and for whose child 250 days of Parental leave have already been used. The allowance cannot be used simultaneously with Parental leave and is conditional on the other adult in the household (not necessarily the other parent) working or studying.

e. Other employment-related measures

Adoption leave and pay

- Cohabiting adoptive parents get five days each at the time of adoption; a single adoptive parent gets ten days, considered to be part of temporary (paid) Parental leave (*tillfällig föräldradighet*) (see below). Adoptive parents may use this leave until the child is ten years old.

Time off for the care of dependents

- Temporary Parental leave (*tillfällig föräldrapenning*) is available at 120 days per child per year for children under the age of 12, and for children aged 12 to 15 with a doctor's certificate. This is paid at 80 per cent of earnings, up to an earnings ceiling of SEK333,700 (€39,277) per year; it is a family entitlement and it can be used to care for sick children. Sixty of these days can also be used to stay home with young children if the regular caregiver is sick. Since 2001, it can be offered to someone outside the family if they are an eligible person in the social insurance system. The ten days of temporary parental leave associated with birth or adoption (see 1b) also come under this category of temporary Parental leave.
- Parents whose children are sick or functionally disabled for more than six months can elect to receive a care allowance (*vårdbidrag*) from the birth of the child until the child reaches the age of 19 years. The maximum amount parents can receive per year is SEK111,250 (€12,966).

Flexible working

- Until a child reaches the age of eight years or completes the first grade of school parents have the right to reduce their normal working time by up to 25 per cent; there is no payment for working reduced hours.

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

The maximum period of paid post-natal leave available in Sweden is around 16 months, with 13 months paid at a high rate. There is an entitlement to ECEC from 1 year of age, available on a full-time basis in centres or at licensed family day carers to employed parents (or part-time if parents are not employed). Consequently, there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are well above the average for the countries included in this review and for OECD countries; and above average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

Since 1st January 2013, Temporary Parental Leave can be used without a signature certifying absence from the child's regular caregiver (preschool or home childcare provider). The Swedish Social Insurance Agency has also made it simpler to apply for parental leave insurance, for example by icons on mobile phones.

There is increased discussion about possible measures to make the leave use more gender equal; for example, increasing the reserved months for each parent has been mentioned. No specific proposals have yet been made by the present government.

4. Take-up of leave

a. Maternity leave

In 2010, 20 per cent of pregnant women took pre-birth leave for an average of 39 days¹⁸³.

b. Temporary leave at the birth or adoption of a child

For all children born in 2011, 75 per cent of fathers, same-sex partners or other designated person took this leave (footnote 5). Only employed parents are eligible, but no figures exist on the proportion of eligible fathers using this leave.

c. Parental leave and childrearing benefit

Almost all families use paid Parental leave in Sweden today. Although it is possible to use this benefit until a child reaches the age of eight years or after the first school year is ended, the majority of parents take the main part of the leave before their child reaches the age of two years (all children are entitled to a childcare place from 12 months of age).

In 2011, the vast majority of women (93 per cent) and men (98 per cent) who took Parental leave were entitled to benefits at the earnings-related compensation level as opposed to the low flat-rate level. Foreign-born parents, especially mothers, are more likely than native-born parents to have access to only the low-flat-rate level (footnote 183).

For children born in 2001, parents used 92 per cent of the 360 days that are paid at a high earnings-related rate, and 69 per cent of the days that are paid at a low flat-rate level. Parents of foreign background are less likely to use all their days than native Swedes¹⁸⁴.

The great majority of fathers of children born in 2004 (88.3 per cent) took Parental leave at some stage before their child's eighth birthday, mainly starting when their children were 13 to 15 months of age. Fathers to children born in 2003 took on average 91 days of Parental leave during the eight years they could use the leave, and mothers took 342 days (footnote 184). In 2011, 44 per cent of Parental leave benefit recipients were men, compared to 56 per cent who were women (footnote 183), though on average mothers took 95 days and fathers 37 days. So mothers still take most Parental leave, although the proportion of total days used by men has slowly increased: in 1987, fathers took about seven per cent of all Parental

¹⁸³ Försäkringskassan [Swedish Social Insurance Agency] (2012). *Social insurance in figures 2012*. Available at: www.forsakringskassan.se.

¹⁸⁴ Försäkringskassan [Swedish Social Insurance Agency] (2010) *Outnyttjad föräldrapenning [Unused parental leave]*. Socialförsäkringsrapport 2010:14. Available at: www.forsakringskassan.se.

leave days used in that year; by 2011, it had increased to 24 per cent¹⁸⁵. The percentage of couples that are sharing Parental leave fairly equally (40-60 per cent) is very slowly increasing, with 12 per cent of couples equally sharing leave for children born in 2008¹⁸⁶.

The average father received benefits of SEK620 (€72) per day in 2011, while the average mother received benefits of SEK459 (€53)⁵.

In 2012, the Gender Equality Bonus was received for 151,138 children. In these cases both parents had used more than their 60 reserved days; this represents 56 per cent of parents eligible for the bonus, up slightly from 54 per cent in 2011. On average, women received SEK 3,600 (€420) in bonus compared to SEK 4,800 (€559) for men (www.forsakringskassan.se).

Fathers with higher education take more Parental leave, as do fathers whose partners have higher levels of education and higher income. Fathers taking no leave are more likely to have been born outside Sweden. Unemployed fathers generally take less leave than other fathers. Fathers who work in the public sector are more likely to take leave, perhaps because they more often get extra compensation as a result of collective agreements. Fathers are more likely to take Parental leave for a first child (Footnote 185).

The introduction of a father's quota in 1995 (one month) and its extension in 2002 (to two months) both led to more fathers taking more leave; though the second month had a less dramatic effect than the first. The introduction of the Gender Equality Bonus had no similar effects during its first 18 months¹⁸⁷.

Only about one third of Swedish municipalities have decided to offer the child-raising allowance. Relatively few parents appear to take advantage of this benefit. A study of 96 municipalities who instituted the allowance in 2009 found that parents received this allowance for 6,694 children in 2011¹⁸⁸, accounting for 1.9 per cent of all children aged one to three-years old in these municipalities. The vast majority (92 per cent) of the parents who applied for the allowance were women; 40 per cent of applicants had foreign backgrounds (compared to 27 per cent of parents in Sweden generally).

d. Other employment-related measures

Mothers are more likely than fathers to work part-time hours (34 hours or less per week); 45 per cent of employed mothers with two children, the youngest being one to two years old, worked part time in 2009, compared to only seven per cent of employed fathers¹⁸⁹. A recent study of 20,000 parents found that 28 per cent of mothers but only two per cent of fathers of children aged two to seven years chose to work reduced hours (30-36 hours) because they had children; no distinction is made in this study between parents who have used their entitlement to work part time and those who have come to working part time through other

¹⁸⁵ Försäkringskassan [Swedish Social Insurance Agency] (2012) *Föräldrapenning. Analys av användandet 1974-2011. Socialförsäkringsrapport 2012:9*.

¹⁸⁶ Försäkringskassan [Swedish Social Insurance Agency] (2012) *Föräldrapenning. Analys av användandet 1974-2011. Socialförsäkringsrapport 2012:9*.

¹⁸⁷ Duvander, A. and Johansson, M. (2012) *Ett jämställt uttag? Reformen inom föräldraförsäkringen [Equal use? Reforms within parental leave insurance] Rapport 2012:4*. Inspectorate of Social Insurance. Available at <http://www.inspsf.se/>

¹⁸⁸ Statistiska Centralbyrån. (2011) *Nyttjande av kommunalt vårnadsbidrag [Use of the municipal child-raising allowance]*. Available at: www.scb.se/statistik/.../HE0000_2011H02_BR_BEFT1201.pdf.

¹⁸⁹ Statistiska Centralbyrån (2010) *På tal om kvinnor och män [Talking about women and men]*. Available at: www.scb.se.

routes¹⁹⁰. Moreover, no official statistics are kept concerning how many parents working part time are doing so by exercising their entitlement to work reduced hours.

When temporary Parental leave is used to care for sick children, it is more often used by mothers, who took 64 per cent of all days taken in 2011(footnote 183).

Parents are increasingly using the care allowance to care for children with longer-term illness or disability (*vårdbidrag*); in 2011 it was paid to the parents of 46,794 children (footnote 183).

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

The research conducted during the three decades of Swedish Parental leave has mainly focused on comparing mothers' and fathers' use of Parental leave, as a major issue has been the unequal sharing of Parental leave days between women and men. Over time, the impact of Parental leave on various outcomes, notably fertility, has received increased attention. Recent research has involved evaluations of the gender equality bonus and home care allowance.

b. Selected publications since April 2012

Duvander, A. and Johansson, M (2012) 'What are the effects of reforms promoting fathers' parental leave use?', *Journal of European Social Policy*, Vol.22, No.3: 319-330

Since the introduction of Parental leave in Sweden a more gender-equal division of such leave has been targeted. In 1995 one month was reserved for each parent, implying that the month was forfeited if not used by the same parent. A second month was reserved in 2002. In 2008, a gender equality bonus was introduced, meaning that tax credits were given to parents who shared the leave equally. This study investigates the effects of these reforms on Parental leave use by means of a natural experiment approach with parents of children born just before and after the introduction of each reform. Register data from the Swedish Social Insurance Agency is used, including all parents residing in Sweden. The results indicate a strong effect from the first reserved month, a more modest but clear effect from the second reserved month and, so far, no effect from the gender equality bonus.

Fahlén, S. (2012) *Facets of work-life balance across Europe. How the interplay of institutional contexts, work arrangements and individual resources affect capabilities for having a family and for being involved in family life*. Dissertation 53, Department of Sociology, Stockholm University

This dissertation explores dimensions of work–life balance in Europe; two of the four papers contained within it focus on Sweden. One paper examines the impact of family-friendly working conditions on young women's fertility in Sweden, showing the importance of family-friendly working conditions for less educated women. Another paper compares Hungary and Sweden and finds that Swedish parents experience a stronger sense of entitlement to work-family balance compared to Hungarian parents, which reflects country differences in policies, working time regimes, and norms regarding work and care.

Karimi, A., [Lindahl](#), E. and Thoursie, P. (2012) *Labour supply responses to paid parental leave*, *Working Paper 2012:22*. Uppsala: IFAU (Institute for evaluation of labour market and

¹⁹⁰ Larsson, j. (2012) *Studier i tidsmässign välfärd – med focus på tidsstrategier och tidspolitik för småbarnsfamiljer* [Studies in Temporary Welfare – focusing on time strategies and time politics for families with small children]. Doctoral thesis: Department of Sociology, University of Gothenburg.

education policy). Available at: <http://www.ifau.se/Upload/pdf/se/2012/wp12-22-Labour-supply-responses-to-paid-parental-leave.pdf>

Women account for the majority of Parental leave take-up, which is likely to be one of the major reasons for the gender earnings gap. Consequently, many countries are trying to promote a more gender equal division of Parental leave. Indeed, the last decades have seen an increase in fathers' take-up of Parental leave benefits, but the gender earnings gap has remained fairly constant. This paper re-evaluates the labour supply responses of both mothers and fathers to three major reforms in the Swedish Parental leave system, recognizing that take up of paid leave might not fully reflect actual time off from work in a system where job protection exceeds paid leave. It finds that both mothers and fathers have decreased their labour supply to the same extent as a response to an increase in paid Parental leave without gender restrictions. In contrast, the study finds no support for any changes in fathers' labour supply due to reforms introducing gender quotas in paid leave.

Lindström, E-A. (2012) 'Gender bias in parental leave: Evidence from Sweden', *Journal of Family and Economic Issues*, DOI: 10.1007/s10834-012-9324-1

This paper examines the effect of the child's gender on fathers' Parental leave use. Findings indicated that fathers took slightly more Parental leave days (.6) if the child was a first-born son.

Wells, M. and Sarkadi, A. (2012) 'Do father-friendly policies promote father-friendly child-rearing practices? A review of Swedish parental leave and child health centers', *Journal of Child and Family Studies*, Vol. 21, No.1: 25-31.

This paper looks at how Parental leave policies in Sweden have influenced men's visits/activities at Child Health Centers during the child's first year. Despite the Child Health Centers' policy of including both parents, fathers do not utilize the Centers to the same extent as mothers. Barriers for why father involvement is lower than mothers are discussed.

Ekberg, J., Eriksson, R. and Friebel, G. (2013) 'Parental leave – a policy evaluation of the Swedish “daddy month” reform', *Journal of Public Economics*, Vol. 97:131-143.

The authors compare outcomes in a two large cohorts of families of newborns before and after fathers were offered one non-transferable month of Parental leave in 1995, following up each cohort for eight years. They found that the reform dramatically increased fathers' Parental leave use; the share of fathers who took no leave dropping dramatically because of the reform, from 54 per cent to 18 per cent, and the share of fathers who took at least one month of leave increasing from nine to 47 per cent. Fathers' earnings did not impact their tendency to take leave, dispelling a widely-held belief that this can be an obstacle. Fathers tended to take more leave around Christmas and during the summer months and during children's second year of life. Fathers who were part of the cohort with the daddy's month were no more likely to take paid days to care for sick children than fathers who were part of the pre-reform cohort. Mothers' and fathers' employment rates and wages were also not found to be significantly different in the two cohorts, suggesting that the reform did not have the expected impact on gender equality in the labor market.

Haas, L. and C.P. Hwang. (2013) 'Trade union support for fathers' use of work-family benefits – Lessons from Sweden', *Community, Work and Family*, Vol.16, No.1: 46-67.

Trade unions have traditionally been male-dominated organizations serving men's interests as family breadwinners, primarily through wage-setting. This study explores whether Swedish unions have contested the gendered division of parenting to develop values and practices that support men as caregivers. A mail survey of local unions revealed that the vast majority did not believe it was important to focus attention on men as family caregivers. Only about a quarter reported activities to improve men's knowledge of Parental leave benefits; only about one-third reported that they helped to implement Parental leave at the workplace and only about a quarter had negotiated contracts that extended leave benefits for fathers. Unions were more active in supporting fathers' taking Parental leave when they

prioritized women's equal employment opportunities and when fathers requested union help. Stronger unions were more likely than others to have won enhanced benefits. Swedish unions are in a strong position to promote, help implement and extend parental leave benefits for fathers, but this potential has not yet been realized.

Haas, L. and Hwang, C-P. (2013) 'Fatherhood and social policy in Scandinavia', in: D. Schwalb, B. Schwalb, and M. Lamb (eds.) *Fathers in Cultural Context*. New York: Routledge, Pp. 303-330.

This chapter describes the development of social policies (especially Parental leave) affecting fathers in Denmark, Norway and Sweden. It assesses the impact of policy on fathers' participation in childcare and the realization of the dual-earner/dual-caregiver model and also analyzes workplace barriers still preventing Scandinavian fathers from becoming equal parents.

Vikman, U. (2013) *Paid parental leave to immigrants: An obstacle to labor market entrance? Working Paper 2013:4*. Uppsala: IFAU (Institute for evaluation of labour market and education policy)

This paper evaluates how access to paid Parental leave affects labor market entrance for immigrant mothers with young children. Paid Parental leave together with job protection may increase labour force participation among women but if it is too generous it may create incentives to stay out of the labour force. This incentive effect may be especially true for mothers migrating to a country where having young children automatically makes the mothers eligible for the benefit. To evaluate the differences in the assimilation process for those who have access to the Parental leave benefit and those who do not, Swedish administration data are used in a difference-in-differences specification to control for both time in the country and the age of the youngest child. The results show that labour market entrance is delayed for immigrant mothers and that they are less likely to be a part of the labour force for up to seven years after their residence permit if they had access to Parental leave benefits when they came to Sweden. This reduction in the labor force participation is to some extent driven by unemployment since the effect on employment is smaller. However, labour force participation rates are still three percentage points lower 2–6 years after immigration.

c. Ongoing research

Nordic Family Policy and Demographic Consequences (2012-2015). Trude Lappegård, Statistics Norway and Ann-Zofie Duvander, Stockholm University. Funded by the Norwegian Research Council.

The overall objective of this project is to advance understanding of the link between Nordic family policy and demographic behaviour (i.e., continued childbearing and family stability) and life-course earnings. There are three sub-goals: (1) develop more comprehensive insight into the consequences of use of the parental leave policy for demographic behaviour and life-course earnings, examining the effect of individual take up of parental leave as well as the allocation between parents, (2) consider the effects of specific changes, or so-called 'critical junctures' in family policy, i.e., the introduction of the fathers' quota within the parental leave policy and the introduction of the childcare cash benefit, (3) expand the analyses of the effects of family policy by examining the importance of regional variations and possible effects of cultural, structural and economic contexts.

Organizational Culture and Gender Equality (2009-present) Linda Haas, Indiana University and C. Philip Hwang, University of Gothenburg. Funded by the Swedish Council for Working Life and Social Research.

This project studies in depth the process of organizational change—and resistance to change—in five Swedish-owned large private companies, with a predominant male workforce, selected to represent a range of support for fathers taking leave. Our main question is: What

specific organizational processes facilitate and discourage fathers' taking parental leave in particular company contexts? In each company, multiple stakeholders were interviewed: a top manager, the HR director, a middle manager supervising white collar workers and a middle manager supervising blue-collar fathers, and focus groups with fathers working under each middle manager. The project aims to investigate rationales for encouraging fathers to take leave, identify change agents, and reveal strategies used by advocates to bring about change. We also seek increased understanding of the resistance to accommodating fathers taking leave and insight into what aspects of traditional company culture clash most with accommodating fathers' leave. Contact: Linda Haas at lhaas@iupui.edu.

Switzerland

Isabel Valarino (University of Lausanne)¹⁹¹

April 2013

NB. Switzerland is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on Swiss federal, cantonal and communal government. Switzerland is a federal state with three political levels: communes, cantons and the Confederation. Family policy follows the principles of federalism and subsidiarity: the Confederation cedes responsibility for all areas of family policy to the cantons and communes, insofar as they are able to perform these tasks, and retains a purely ancillary and enabling role. The Swiss Constitution defines the areas of responsibility of the Confederation. Article 116 stipulates that, in fulfilling its tasks, the Confederation shall take due account of the needs of the family and may legislate on family allowances; this article provides the legal basis for maternity insurance.

Family policy may be organised very differently from one canton to the other. Various cantons have also set up special family commissions. In their respective areas of responsibility (e.g., schools, childcare), many cantons and communes also implement family policy measures. Many non-governmental organisations are in part subsidised by the state and carry out specific tasks related to family policy. The division of responsibilities among political levels and the number of actors involved is, therefore, complex. For instance, each political level intervenes in early childhood education and care: for example, though most childcare services stem from the market, they are regulated and partially subsidized by the communes and/or the cantons. Finally, the federal level is also involved through a temporary programme, which subsidizes new childcare initiatives and the creation of additional places for pre-school children.

The Swiss political system is a direct democracy: through referendums and initiatives, citizens may challenge any law passed by parliament and propose amendments to the federal constitution. In the case of an amendment proposed to the federal Constitution, referendum is mandatory.

¹⁹¹ Please cite as: Valarino, I. (2013) 'Switzerland country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

a. Maternity leave (*Allocation de maternité*) (responsibility of the Federal Department of Home Affairs, Federal Social Insurance Office)

Length of leave (before and after birth)

- Sixteen weeks, starting on the day of delivery. It is obligatory to take eight weeks leave.
- After this period and until the 16th week after birth, women can only be employed with their consent. Only 14 weeks are paid; the two additional weeks are unpaid.
- Employed women can be exempted from work before birth for medical and health reasons upon presentation of a medical certificate; in this case, full salary payment continues for a limited period of time.

Payment and funding

- Eighty per cent of earnings for 98 days (14 weeks), up to a ceiling of CHF196 (€157¹⁹²) per day which is equivalent to a monthly income of CHF7,350 (€5,874) for employees or an annual income ceiling for self-employed workers of CHF88,200 (€70,493).
- The leave is funded by the Loss of Earnings Compensation fund, which also provides benefits for people carrying out military service, civil defence or civilian service. It is financed by equal contributions from employees and employers (each pay 0.5 per cent of earnings).

Flexibility in use

- None.

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

- All employees; self-employed workers; women working in their husbands' or partners' businesses or that of a family member and who are paid a salary; women benefiting from unemployment, sickness, accident or invalidity allowances.
- Women must have a record of nine months of contribution to the Old Age and Survivors Insurance; and must have worked for a minimum of five months during the nine months preceding birth.

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

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements, employer exclusions or rights to postpone)

- Maternity leaves are often supplemented by collective agreements, which grant full wage replacement and/or extended lengths of leave (approximately two additional weeks, i.e. sixteen weeks of paid Maternity leave). Companies, which often take out private supplementary insurance for such cases, cover these expenses.

¹⁹² Conversion of local currency into Euros undertaken on 28 May 2013, using <http://finance.yahoo.com/currency-converter/>

- The Confederation, cantonal public employers and communes are not subject to the basic legislation, but to specific regulations of their own. However, these regulations generally provide more generous maternity benefits to their employees, i.e. 16 weeks of leave at full earnings. A minority of cantonal employers grant four additional weeks for mothers who are breastfeeding, bringing their leave up to twenty weeks.
- In the canton of Geneva, all working mothers are granted 112 days (sixteen weeks) of Maternity leave, paid at eighty per cent of earnings. A cantonal Loss of Earnings Compensation fund pays for the two additional weeks, which are not covered for by federal dispositions.
- The canton of Fribourg has a maternity allowance targeted at all resident mothers, including adoptive and home-making mothers. The daily allowance of CHF38.20 (€30) is paid over 98 days (equivalent to CHF1,140 (€911) per month during 3.2 months). Working mothers who receive less than this amount through the federal entitlement will be entitled to the difference through this cantonal insurance.

b. Paternity leave

No statutory entitlement.

Article 329 of the Code of Obligations (CO) mentions that the employer 'must allow the employee the customary hours and days off work' in addition to vacation leave, which are generally understood as time-off granted to employees for personal reasons (e.g. 'family-related events, such as birth or adoption, decease of close family members, marriage of the employee, etc.'¹⁹³). However, the existence, length and payment of a Paternity leave depends on the parties involved and social partners through the establishment of individual agreements, standard employment contracts, collective employment contracts, or well-established common practices (even if not written) in a company or a branch. Regarding payment during these days off, it is generally understood that time off for the birth of a child should be paid; this is, however, not mandatory.

There is no representative survey on the number of days off granted to fathers on a national scale and if they are paid. However, there are some indications that the majority of collective labour agreements grant a minimum of one day off (the day of birth)¹⁹⁴, and that it is predominantly paid for at 100 per cent by employers. Several small-scale research studies show that, increasingly, private companies and public administrations grant employees five days of paid Paternity leave (with full earnings compensation). More rarely, companies grant two or three weeks of paid Paternity leave and sometimes allow employees to take one or two additional unpaid weeks. This leave is generally to be taken at the birth of the child, but sometimes a longer time frame is given (e.g. during the child's first year).

c. Parental leave

No statutory entitlement.

¹⁹³ Carruzzo, P. (2009) *Le contrat individuel de travail. Commentaire des articles 319 à 341 du Code des obligations*. Zürich : Ed. Schulthess.

¹⁹⁴ Canning Wacker, N., & Dalla Palma, S. (2005) ; Pro Familia Suisse (2001) *Familles et entreprises. Résultats de l'enquête effectuée auprès des entreprises suisses*. Bern : Pro Familia Suisse ; Pro Familia Suisse (2011) *Was Männer wollen! Studie zur Vereinbarkeit von Beruf und Privatleben*. Available at: http://www.sg.ch/home/staat_recht/recht/gleichstellung.Par.0018.DownloadListPar.0001.File.tmp/104868_ProFamilia_Studie_per_cent2009022011.pdf.

There is some indication that a minority of companies in the private sector grant employees unpaid Parental leaves¹⁹⁵. A majority of cantonal public employers also grant unpaid Parental leaves - ranging from one to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants)¹⁹⁶.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- There is no federal statutory entitlement. Adoption leave is subject to employers' agreement or to collective labour agreements; for example, approximately one third of public cantonal employers grant paid adoption leaves; but often for shorter periods than maternity leaves. Some cantons have implemented gender neutral adoption allowances for working parents, available to only one of the adoptive parents; the cantons of Vaud and Geneva entitle adoptive parents to 14 and 16 weeks of pay, respectively, at 80 per cent¹⁹⁷. Such cantonal allowances are provided only if one of the parents interrupts his/her employment.

Time off for the care of dependants

- Parents are entitled to three days per illness episode in order to care for their sick child upon presentation of a medical certificate. When two persons share parental responsibilities, only one should benefit from this provision (parents should decide who benefits from the leave for sick children, depending on the solution which suit them best). This leave is understood as time granted for lone parents or working parents in order to organise prolonged childcare if that is needed. Salary payment is suggested by the Code of Obligations as parents have a legal obligation to care for their dependent children; although salary payment seems to be a common practice, it is not mandatory.
- The same article should in principle be applicable to parents of seriously ill children who have to care for them for a prolonged period. However, there is no guarantee of salary payment in these cases.

Flexible working

¹⁹⁵ Canning Wacker, N., & Dalla Palma, S. (2005) *Concilier activité professionnelle et famille. Enquête sur les mesures proposées aux employé-e-s par les organisations privées et publiques de l'arc lémanique*, [Electronic Version], 48. Available at: http://www.rezonance.ch/fs-search/download/Rapport_per_cent20Via2_per_cent2014.12.2004.pdf?version_id=621040.

¹⁹⁶ Fuchs, G. (2004) *Les administrations publiques, pourvoyeuses d'emploi attractifs pour les parents – Comparaison des régimes de congé parental de la Confédération, des cantons et des municipalités*. Available at:

http://www.vs.ch/Press/DS_18/PUBL-2007-03-27-11717/fr/Administrations_publicques_F_CSDE_Gesine_Fuchs_Bale_per_cent202004.pdf;

Fuchs, G. (2008) *Prestations en cas de maternité et initiatives parlementaires sur les congés et prestations offerts aux parents (notamment congé paternité, congé parental et congé d'adoption): rapport sur la situation actuelle dans l'administration fédérale, les cantons et quelques municipalités*. Available at: <http://www.equality.ch/f/publications.htm>.

¹⁹⁷ Such provisions are possibly also proposed in other cantons, but there is no overall documentation available.

- During the child's first year, the time spent breastfeeding on the company's site is considered as work time and half of the time spent breastfeeding out of the company's site is considered as work time. 'Work time' means that time spent breastfeeding is not considered as a rest period; it must not be compensated for by additional working time and should not be deducted from vacation and overtime hours. Salary payment during the time spent breastfeeding is currently not mandatory. It will probably become mandatory during 2013 (see section 3).
- There is no statutory entitlement to reduced or flexible working hours for employed parents. However, the Employment Law states that the employer should take into account the employee's 'family responsibilities' when fixing work and rest hours. Family responsibilities are defined as the education of children up to 15 years old and the charge of other family members or close members in need of care.
- Some collective labour agreements specifically include the right to reduced working hours for parents and there is some indication that a significant proportion of companies allow flexible working hours¹⁹⁸.

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

The maximum period of paid post-natal leave available in Switzerland is just over 3.2 months, all paid at a high rate of income replacement, with an additional two weeks of unpaid leave. There is no entitlement to ECEC at any age and no information on levels of attendance at formal services for children under 3 years. For children over 3 years, levels of attendance are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

A 2007 parliamentary initiative demanding the ratification of the Convention No.183 on the protection of maternity of the International Labour Organisation (ILO) has been accepted by the Parliament in December 2012. Unless an optional referendum is deposited (official deadline is 7th April 2013), the Federal Council will ratify the convention. The ratification implies a small modification of the Employment Ordinance; breastfeeding time spent by employed mothers on the company's site during the child's first year will now be paid.

In March 2013, the Swiss electorate voted on a new Constitutional article on family policy, which focused on work and family life reconciliation; 54.3 per cent of the electorate voted in favour, but a majority of cantons (13 out of 23) rejected the article. Ballot results show clear divides between the German-speaking and the French- and Italian-speaking cantons (all of the latter accepted the new article), as well as between urban and rural cantons. The federalist political system implies that any amendment to the Constitution must reach a double majority (electorate and cantons). Therefore, the new article was rejected. The new article proposed to assign to cantons the responsibility of providing an appropriate offer of extra-familial and extra-school childcare structures. It would also have enabled the confederation to implement national programmes.

¹⁹⁸ See Bühler, S. (2004), *Bébés et employeurs - Comment réconcilier travail et vie de famille. Version abrégée de l'étude comparative de l'OCDE portant sur la Nouvelle-Zélande, le Portugal et la Suisse : aspects suisses* (Vol. 1f). Berne: Secrétariat d'Etat à l'économie.

Since the implementation of a maternity insurance in 2005, some twenty parliamentary propositions in favour of a Parental or Paternity leave were submitted. None of them has been accepted by both Chambers of the Parliament. For example, in June 2012, a two week paid Paternity leave was rejected. The Federal Council (federal government) has also been systematically opposed to the introduction of Parental leave policies. It has, however, agreed (September 2011) to produce a report which evaluates the feasibility and costs of the different proposals, among others a tax-deductible private Parental leave insurance. This proposal comes from a national men's and fathers' association, and was promoted by an inter-party MP group (Socialist, Christian-Democrats, Radical-Liberal, Swiss People's Party MP were involved). The report should be published in 2013.

Two parliamentary proposals must still be processed or were submitted since April 2012. One proposes to enable fathers (only those serving in the army) to transform their military service benefits into paternity benefits in the year of birth of the child or the year after. Another proposes to implement 20 days of paid Paternity leave, five days to be taken within the child's first two weeks and the rest within the first six months, with the employer's approval.

Finally, a Motion requests that Maternity leave be extended to adoptive parents of children under four years. The adoption leave would be financed through the Loss of Earnings Compensation Act (as for maternity benefits), but both mothers and fathers would be eligible. The Motion will be submitted to the Parliament. In May 2012, the Federal Council gave a negative recommendation to the Motion, arguing that adoption leave is closer to *Parental* leave than a *Maternity* leave and should be evaluated in the frame of the report on Parental leave policies to be produced by the Federal Department of Home Affairs.

4. Take-up of leave

a. Maternity leave

Approximately 70 per cent of women giving birth meet the eligibility criteria of maternity allowances and benefit from them. It is estimated that the majority of recipients take up the maximum length of paid leave (98 days)¹⁹⁹. The number of recipients has been increasing since Maternity leave was introduced, probably because of an increase both in births and female employment. In 2005, 28,102 mothers (this figure is for six months only – the law came into force on the 1st July) benefited from allowances; rising to 60,394 in 2008 and 69,411 in 2011²⁰⁰.

In 2011, the average amount of the daily indemnities granted to mothers was CHF117 (€94) per day, far from the ceiling of CHF 196.

According to Sottas and Millioud (2008), in 2006 80 per cent of leave recipients were married, 15 per cent single and five per cent divorced. The majority of recipients were employees (83 per cent); 14 per cent were self-employed and three per cent inactive (eligible because they previously received unemployment, health or disability benefits).

b. Paternity leave

¹⁹⁹ Sottas, G. and Millioud, P. (2008) 'Allocations pour pertes de gain en cas de maternité - premier aperçu', *Sécurité sociale*, Vol. 5: 304-307. The administrative data available provide information for calendar years. For this reason, the average length of leave is under-estimated because some recipients receive part of their allowances on one year and the rest on another.

²⁰⁰ <http://www.bsv.admin.ch/dokumentation/zahlen/00093/00434/index.html?lang=fr>

No statutory leave entitlement.

c. Parental leave and Parental benefit

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

There is little research on Maternity leave benefits. There is some research on special Paternity and Parental leave entitlements available in public administrations and on common practices and/or needs in the private sector. Here again, research literature is either not totally up to date (the most recent data for cantonal entitlements for civil servants are 2008), partial (surveys on reconciliation measures in private companies concern only specific cantons), or non-existent. For instance, to my knowledge, there exists no overall view of collective agreements or standard work contracts that grant paid Paternity leaves or unpaid Parental leaves to employees. No representative statistics are available either on the proportion of working men and women who can benefit from such policies and who take advantage of them.

The Federal Department of Home Affairs and the Federal Department of Economic Affairs provide a 'Work-Family life conciliation' online platform gathering information (in French, German and Italian) about cantonal and communal work-family objectives and instruments: <http://www.berufundfamilie.admin.ch/informationsplattform/index.html?lang=fr>. The data cover cantonal and communal pre-school and school-age childcare services and 'family friendly' working conditions offered by public employers and promoted in the private sector. Information about instruments and legal frameworks, covering a wide range of leaves and flexible working arrangements, are available and updated annually.

b. Selected publications since April 2012

Aeppli, D.C. (2012). *Wirkungsanalyse. Mutterschaftentschädigung*. 95. Available at : http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,lnp6I0NTU042I2Z6ln1acy4Zn4Z2qZpnO2Yug2Z6gpJCEdlB2hGym162epYbg2c_JjKbNoKSn6A

Funded by the Federal Social Insurance Office, this study analyses the effects of the implementation of the Federal Maternity leave insurance (2005). It is based on a telephone survey of 402 companies and 335 women who had children in the last five years. The study shows notably that in 25 per cent of companies (mainly the small and medium companies in 'masculine' activity branches), the federal Maternity leave has curtailed pre-existing schemes that were more generous, while 75 per cent maintained what they offered before and three per cent increased it. Women working in the French and Italian regions are more likely to benefit from more generous schemes than employees in the German-speaking part. The study also reveals that the savings that companies make through the introduction of a maternity insurance are only rarely reinvested for Parental leave policies: 23 per cent use this money for more generous Maternity leave schemes; 20 per cent to replace the employee on leave; six per cent for a Paternity leave and 4 per cent for childcare services.

c. Ongoing research

Do parental leave policies challenge gender relations? Representations of parental leave policies in Switzerland (2009-2013). Isabel Valarino, doctoral thesis at the Institute of Social Sciences, University of Lausanne.

This research analyses the emergence and problematisation of Parental and Paternity leaves in the Swiss political and media spheres, as well as in work organisations. A case study in a public work organisation granting discretionary leave benefits and interviews with fathers benefiting from such policies will be conducted. The research is scheduled to finish at the end of 2013. Contact: Isabel Valarino at Isabel.valarino@unil.ch

United Kingdom

Margaret O'Brien (University of East Anglia), Peter Moss (Institute of Education University of London), Alison Koslowski (University of Edinburgh) and Mary Daly (University of Oxford)²⁰¹

April 2013

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave (before and after birth)

- Fifty-two weeks. A woman can start to take her leave from 11 weeks before the beginning of the week the baby is due. It is obligatory to take leave during the two weeks after childbirth.

Payment and funding

- Ninety per cent of woman's average earnings for six weeks with no ceiling + a flat-rate payment of either £136.78 (€160²⁰²) or 90 per cent of average gross weekly earnings (whichever is lower) for 33 weeks. The remaining 13 weeks are unpaid.
- This payment is administered by employers. Medium and large employers can claim back 92 per cent from the Exchequer and small employers can claim back 103 per cent. This is done through reductions to the amount of National Insurance Contributions paid by employers to HM Revenue & Customs.

Flexibility in use

- The mother can opt to start her leave at any point from 11 weeks before the beginning of the week the baby is due until the baby is born.
- Mothers can choose to return to employment from two weeks after childbirth (or four, if they work in a factory).
- Up to ten 'Keep In Touch' days can be worked during the period of statutory maternity leave without it affecting Maternity leave or pay

²⁰¹ Please cite as: O'Brien, M., Moss, P., Koslowski, A. and Daly, M. (2013) 'United Kingdom country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

²⁰² Conversion of local currency into Euros undertaken on 31 May 2013, using <http://finance.yahoo.com/currency-converter/>

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

- All women employees are eligible for 26 weeks 'Ordinary Maternity Leave' (OML) plus a further 26 weeks of 'Additional Maternity Leave' (AML). Women employees who have worked for their employer continuously for 26 weeks, up to the fifteenth week before the week the baby is due, and who meet a minimum earnings test, are eligible for 'Statutory Maternity Pay' (SMP) consisting of six weeks' payment at 90 per cent of average gross weekly earnings, with no ceiling, plus 33 weeks of flat-rate payment at £136.78 (€*) a week or 90 per cent of average gross weekly earnings, whichever is the lesser.
- Women who are not eligible for SMP may be eligible for a Maternity Allowance (MA) of 39 weeks at the flat rate of £136.78 (€160) or 90 per cent of average gross weekly earnings, whichever is the lowest. Women who have recently left work, changed jobs, or are self-employed may be eligible for this payment. To qualify, they must have worked for 26 weeks out of the 66 preceding the expected week of childbirth and have earned at least £30 per week on 13 of these weeks.

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

- Once the baby is 20 weeks' old, if a mother returns to work from maternity leave, the father or mother's partner may be eligible to take the balance of her untaken maternity leave, if he or she meets continuous employment service qualifying conditions. This is termed Additional Paternity Leave (APL), and is for a minimum of two weeks and a maximum of 26 weeks. The amount of APL may not exceed the amount of untaken maternity leave. APL cannot be claimed in the first twenty weeks after the child is born and must end no later than the child's first birthday. Fathers taking APL can be paid for a maximum of 19 weeks at the flat rate of £136.78 (€160) or 90 per cent of their average earnings, whichever is the lower figure; such payment – the Additional Statutory Paternity Pay (ASPP) - is only available during the period that the mother would be entitled to payment for Maternity leave, i.e. between 20 and 39 weeks after the child is born. If he takes APL after the 39 week period, it will be unpaid²⁰³.
- Fathers must give their employer eight weeks' notice that they wish to take APL and ASPP. They must have worked continuously for their employer for 26 weeks by the end of the fifteenth week before the start of the week the baby is due and remain employed into the week before the leave is due to start.
- In the event of the mother's death, the father may start his entitlement to APL and ASPP immediately (even if the death occurs within 20 weeks of the child's birth) and the maximum period of ASPP is extended to 39 weeks. APL may be extended until the child's first birthday. The maximum amount of APL taken may not exceed 52 weeks.
- Fathers can change the dates later if needed, as long as they give six weeks' notice. If they do not, and the employer cannot accommodate the change, the father will have to take the leave on the dates he originally told his employer.

²⁰³ For more information on APL, see Department for Business, Innovations and Skills (2011) *Pregnancy and Work: what you need to know as an employee for babies due on or after 3rd April 2011*. London: BIS. Available at: <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/p/10-1168-pregnancy-and-work-employee>.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Many employers make additional provisions that go beyond the statutory minimum. For example, in 2007, 53 per cent of workplaces with five or more employees offered extra-statutory Maternity leave and 16 per cent provided additional payments (Hayward et al., 2007²⁰⁴).

b. Paternity leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Two weeks.

Payment and funding

- Flat-rate payment of £136.78 (€160) a week, or 90 per cent of average weekly earnings if that is less.
- Funded as for Maternity leave, with employers able to claim back some or all of the payments from the HM Revenue and Customs (HMRC).

Flexibility in use

- It cannot start until the baby is born, and must finish within 56 days of the baby's birth or within eight weeks of the due date if the baby is born prematurely.

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

- Male employees who meet three conditions: they are the biological father of the child or the mother's husband, partner or civil partner; they expect to have responsibility for the child's upbringing; they have worked continuously for their employer for 26 weeks ending with the fifteenth week before the baby is due and remain employed at the time of the child's birth.

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 father

- In the case of premature births, the period in which leave can be taken is extended until eight weeks after the child was due (that is the requirement to finish paternity leave within 56 days of the baby's birth is not applicable).

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- A minority of employers go beyond the statutory minimum; in 2007, 18 per cent of workplaces with five or more employees offered additional Paternity leave and 19 per cent additional Paternity pay (Hayward et al., 2007).

²⁰⁴ Hayward, B., Fong, B. and Thornton, A. (2007) *The Third Work–Life Balance Employer Survey: Executive Summary (Employment Relations Research Series No.86)*. London: Department for Business (DBERR). Available at: <http://www.berr.gov.uk/files/file42645.pdf>.

c. Parental leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Eighteen weeks per parent per child (i.e. an individual right) up to the child's fifth birthday, with a maximum of four weeks leave to be taken in any one calendar year (unless the employers agrees otherwise). Parents of a disabled child may take this leave up until the child is 18 years old. Adoptive parents may take leave up until the 5th anniversary of adoption, or the child's 18th birthday (whichever is sooner).

Payment

- None.

Flexibility in use

- Leave may be taken in blocks or in multiples of one week, (unless the child is disabled.) up to and for no more than four weeks per year unless the employer agrees otherwise.
- Leave may be taken up to the child's fifth birthday, or 18th birthday for a disabled child.

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

- All employees who have completed one year's continuous employment with their present employer and who have, or expect to have, parental responsibility for a child.

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 parent

- Parents of disabled children may take leave until their child's eighteenth birthday. They may also take leave in shorter periods e.g. a day at a time if they wish.
- As the leave is per child, each parent of twins is entitled to 36 weeks

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- The statutory scheme is referred to as a 'fallback scheme' since the intention is that 'wherever possible employers and employees should make their own agreements about how Parental leave will work in a particular workplace'²⁰⁵.
- Employers may postpone granting leave for up to six months where leave-taking would cause significant disruption to the business.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

²⁰⁵ Department of Trade and Industry, *Parental leave, summary guidance*. Available at: <http://webarchive.nationalarchives.gov.uk/+/http://www.dti.gov.uk/employment/balancing-work-family-responsible/parental-leave/index.html>.

- Providing they meet the eligibility criteria, an adoptive parent (or one of the parents in a joint adoption) is eligible for 52 weeks' adoption leave paid at a flat-rate payment of £136.78 (€160) a week, or 90 per cent of average weekly earnings if this is less, for the first 39 weeks; the final 13 weeks' are unpaid. There is also a right to paid Paternity leave for an adopter not taking adoption leave (if they meet the eligibility criteria).

Time off for the care of dependants

- Employees may take 'a reasonable amount of time off work to deal with unexpected or sudden emergencies affecting a dependant and to make necessary longer term arrangements'²⁰⁶. The legislation does not define what is 'reasonable', 'since this will vary with the differing circumstances of an emergency' (ibid.). Emergencies are specified as including 'if a dependant falls ill or has been injured or assaulted' or 'to deal with an unexpected disruption or breakdown of care arrangements' or 'to deal with an unexpected incident involving the employee's child during school hours'. There is no entitlement to payment.

Flexible working: the right to request and the duty to consider

- Employees who have parental responsibility for a child aged 16 and under, a disabled child under 18 years or who care for a spouse, partner, civil partner, relative or other adult living with them have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours or work flexitime). Employees need to have worked for their employer continuously for 26 weeks before applying. Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so ... [and must give] a written explanation explaining why'.²⁰⁷

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

The maximum period of paid post-natal leave available in the UK is 20 months but most of this is unpaid or low paid; leave paid at a high rate is only available for six weeks of Maternity leave. There is an entitlement to ECEC from three years of age though only for part-time nursery education (15 hours a week for 38 weeks per year). So there is an 16 month gap between the end of leave and an ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

²⁰⁶ Department of Trade and Industry, *Frequently asked questions about time off for dependents*. Available at: <http://webarchive.nationalarchives.gov.uk/+http://www.dti.gov.uk/employment/balancing-work-family-responsible/time-off/index.html>

²⁰⁷ Department of Trade and Industry, *Frequently asked questions about time off for dependents*. Available at: <http://www.dti.gov.uk/employment/workandfamilies/flexible-working/faq/page21615.html>

3. Changes in policy since April 2012 (including proposals currently under discussion)

Over the last year lobby groups (business, parent and child welfare organisations) have continued to debate leave and flexible working in response to the *Consultation on Modern Workplaces: flexible parental leave, flexible working, annual leave and equal pay*²⁰⁸ proposed by the new coalition Government after it was elected in 2010. The Government's response - the Children and Families Bill - was formally presented to Parliament on 4 February 2013²⁰⁹. The Bill completed its committee stage on 25 April 2013, after a second reading debate on 25 February 2013. The Bill is wide-ranging, covering many areas beyond Shared Parental leave and flexible working. It seeks to reform legislation relating to the following areas:

- adoption and children in care
- aspects of the family justice system
- children and young people with special educational needs
- the Office of the Children's Commissioner for England
- statutory rights to leave and pay for parents and adopters
- time off work for ante-natal care
- the right to request flexible working

The Bill has been carried over to the 2013-14 session, and is now due to have its report stage and third reading on a date to be announced.

With respect to Shared Parental leave, despite its stated objectives "to encourage greater participation by fathers in caring for their children; reduce the gender penalty suffered by women who take long periods away from the workplace"²¹⁰, the Bill represents a scaling back on some of the earlier proposals contained in its *Modern Workplaces* consultation paper, which were intended to reconfigure and modernise UK's leave system. These earlier proposals²¹¹ were to reduce the length of Maternity leave (currently 52 weeks) and pay (currently 39 weeks, mostly at a low flat rate) to 18 weeks; and to reclassify the remainder of existing Maternity Leave as Parental Leave. Proposals for the new Parental leave included: four weeks of paid Parental leave exclusive to each parent to be taken in the first year (i.e. including a 'daddy month' designed to incentivise greater involvement by fathers); and 30 weeks of additional Parental leave available to either parent - of which 17 weeks would be paid and could be broken in blocks between parents (to introduce more possibilities of flexible use).

By contrast, the Children and Families Bill introduced in February 2013 included the following proposals:

- Retention of Maternity leave duration to 52 weeks and Paternity leave duration to two weeks.
- After the first two weeks of Maternity leave, the mother would be able to transfer Maternity leave to her partner (husband, biological father, civil partner). This leave would be termed Shared Parental Leave (it is replacing a similarly designed

²⁰⁸ Department for Business, Innovation and Skills (2011) *Modern Workplaces*. Available at: <http://www.bis.gov.uk/news/topstories/2011/May/modern-workplaces>; see also <http://discuss.bis.gov.uk/modernworkplaces/visualisation/>

²⁰⁹ The Bill is available here: <http://services.parliament.uk/bills/2012-13/childrenandfamilies.html>

²¹⁰ <http://www.education.gov.uk/a00221161/children-families-bill>

²¹¹ Department for Business, Innovation and Skills (2011) *Modern Workplaces*.

instrument, which was called Additional Paternity Leave (APL), under which mothers could only transfer leave to partners after 20 weeks and is to be abolished).

- Unlike APL, there will be no requirement for a woman to return to employment before the father can begin taking SPL. Instead mothers must commit to a return to employment date in the future when she will end her maternity leave.
- Shared Parental Leave could only be taken in one week (seven day) blocks of time. It cannot be taken in a day mode or on a flexible part-time basis, although parents could take alternating weeks and there is provision for parents to take leave together.
- Statutory Shared Parental Pay would be available for eligible employees meeting prescribed qualifying requirements, although income replacement levels would not be any greater than the current Maternity Leave provision. That is, partners taking Statutory Shared Parental Pay will be paid at the lesser of 90 per cent of earnings or the flat rate of £136.78 (€160). The remaining 13 weeks of the first year would be unpaid.
- In order to qualify for Shared parental leave, an individual will need to meet a length of service qualifying criterion (likely to be 26 weeks service with the same employer by the 15th week before the Expected Week of Childbirth), have a partner who meets an economic activity test (have worked for 26 weeks out of the 66 weeks before the EWC and have earned at least £30 per week for 13 of these weeks) and be working for the same employer when they want to take leave. These tests replicate existing ones (for paternity leave and maternity allowance) and the government expects them to be well-understood. Permission is not required from employers. If an employee meets the continuous employment test and the other parent or partner meets an economic activity test, the employee is entitled to SPL.
- Entitlements for adopters and intended parents in surrogacy cases would be more closely aligned with the rights available to birth parents.
- Ante-natal appointments: A new right for partners/fathers to take two unpaid half days of leave (to a maximum of six and a half hours each) to attend antenatal appointments with their pregnant partner has been retained from the original proposals, with the ability to complain to an employment tribunal if leave is refused.
- With respect to flexible working, the Consultation included proposals to replace the existing statutory employee 'Right to request' and employer 'Duty to consider' with a new statutory Code of Practice. Indeed a Clause in the Bill has removed the legislative process for considering a request to work flexibly from primary legislation and replaced it with a duty on employers to consider "in a reasonable manner" and within three months. Section 80G of The Employment Rights Act 1996 (employer's duties in relation to an application for flexible working) is being amended by Clause 102 of the Children and Families Bill. Paragraphs (2) to (4), which set out the current statutory procedure, are being repealed. The same Clause introduces a duty for employers to deal with applications for flexible working in a "reasonable manner". This is to be supplemented by a statutory Code of Practice, which has not yet been published.
- In addition, the right to request flexible working would be extended to all employees, not only those with caring responsibilities.
- The Children and Families Bill contained no provision to introduce an individual non-transferable paid entitlement to fathers (e.g. 'daddy month') which is the accepted evidence based approach to incentivize partners. Instead there is a proposal to extend paternity pay through secondary legislation at a later date. There are already legal powers to extend parental leave if the government wishes
- The Children and Families Bill contained no mention of parallel EU legislation on Parental Leave. This, however, was legally enacted in the UK during the parliamentary discussions. Parental Leave (EU Directive) Regulations 2013 came

into force in the UK on 8th March 2013²¹². These Regulations implement Council Directive 2010/18/EU on the revised framework agreement on parental leave (“the Directive”). They amend provisions relating to parental leave in the Employment Rights Act 1996 (“the 1996 Act”) and the Maternity and Parental Leave etc. Regulations 1999 (“1999 Regulations”). Regulation 2 amends section 80F of the 1996 Act to extend the right to request a contract variation to employed agency workers who are returning to work from a period of parental leave.

- Regulation 3 makes amendments to the 1999 Regulations. It amends regulation 14 of the 1999 Regulations to increase a qualifying employee’s entitlement to parental leave in respect of an individual child from 13 weeks to 18 weeks.
- It also introduces a provision which requires the Secretary of State to review the operation and effect of those provisions which implement the Directive and to publish a report within five years and within every five years after that. Following a review it will fall to the Secretary of State to consider whether the relevant provisions should remain as they are, or be revoked or be amended. A further instrument would be needed to revoke the relevant provisions or to amend them.

Due to devolved government, England, Scotland, Wales and Northern Ireland each have distinct education, health and legal systems. However, the UK Government retains responsibility for related areas such as leave policies and the tax system. This would change if there was a vote for independence in a referendum in Scotland in September 2014. There is much political interest in the Nordic approach to welfare in Scotland, which might imply an increased generosity of leave in the future. However, when The Scottish Government launched its National Parenting Strategy in October 2012, there was no mention of Parental leave in this document (<http://www.scotland.gov.uk/Resource/0040/00403769.pdf>). Nor was there any mention of Parental leave in the Scottish Government Response to 'A Scotland for Children: A Consultation on a Children and Young People Bill' (March 2013) <http://www.scotland.gov.uk/Resource/0041/00416972.pdf>

4. Take-up of leave

This section relies on the most recent publicly available national data: the Maternity and Paternity Rights and Women Returners Survey 2009/10 (Chanfreau et al., 2011²¹³). This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provides a detailed, statistically representative, updated picture of Maternity and Paternity leave, Statutory Maternity and Paternity Pay (SMP and SPP), Occupational Maternity and Paternity Pay (OMP and OPP) and Maternity Allowance (MA). It assesses the impact of changes brought about as a result of the Work and Families Act 2006, and examines mothers’ return to work decisions alongside the availability of family friendly employment practices. Telephone interviews took place with 2,031 mothers and 1,253 fathers who had worked in the 12 months prior to the birth of their child, 12 to 18 months after the birth. A further source is the UK government’s Fourth Work-life Balance (WLB4) Employee Survey (2012)²¹⁴, which was carried out in early 2011, though this survey was not as focused on early parenthood as the Maternity and Paternity Rights and Women Returners Survey.

²¹² <http://www.legislation.gov.uk/ukxi/2013/283/note/made>

²¹³ Chanfreau, J., Gowland, S., Lancaster, Z., Poole, E., Tipping, S. and Toomse, M. (2011) *Maternity and Paternity Rights and Women Returners Survey 2009/2010* (Department of Work and Pensions Research Report No 777). Available at: <http://research.dwp.gov.uk/asd/asd5/rrs-index.asp>

²¹⁴ http://www.esds.ac.uk/doc/7112/mrdoc/pdf/7112_employee_survey.pdf

a. Maternity leave

According to the 2009/10 survey, the mean length of Maternity leave taken by women increased from 32 weeks in 2006 to 39 weeks in 2008; that is by approximately two months in the space of two years. The Work and Families Act 2006 policy goal of lengthening utilization of paid Statutory Maternity leave (SMP) and Maternity allowance (MA) from 26 weeks to 39 weeks was successful. However, results show that the remaining period of unpaid leave (i.e. weeks 40 to 52) was less attractive to mothers: just under half (45 per cent) made use of this leave. Duration of maternity pay and length of Maternity leave taken are positively associated, particularly for economically disadvantaged women. Those taking the shortest 'paid' leaves (up to 39 weeks of Maternity Leave) were low-earners, part-time workers and the self-employed; while those taking the longest leave were: high earners and those in full-time employment.

The Maternity and Paternity Rights and Women Returners Survey 2009/10 did not collect systematic data on the exact timing of women's return to work but by 12-18 months after childbirth, three out of four (77 per cent) mothers had returned to employment. As in previous surveys mothers' decision to return to work was mainly motivated by economic considerations. The factors with the strongest association with returning to work included: employer size and sector, duration of pre-birth job, type of maternity pay received, family structure and mothers' educational levels.

The overwhelming majority of mothers who had worked before childbirth had received some type of maternity pay: 42 per cent of mothers received Statutory Maternity Pay (SMP) only; 32 per cent received SMP and Occupational Maternity Pay (OMP), the most generous pay package; 4 per cent received OMP only; 11 per cent received Maternity Allowance only; and 11 per cent of mothers received no maternity pay. The last group, who received no maternity pay, had the least advantageous employment conditions. These updated findings are in line with the earlier survey by Smeaton and Marsh (2006²¹⁵).

b. Paternity leave

The 2009/10 survey showed that 91 per cent of fathers took time off around the time of their baby's birth. Of those taking time off, 49 per cent took statutory Paternity leave only, 25 per cent statutory leave plus other paid leave, 18 per cent other paid leave only and 5 per cent unpaid leave. Those taking statutory paternity leave were most likely to take the statutory two weeks (50 per cent); 34 per cent took less than two weeks and 16 per cent more than two weeks. The odds of taking Paternity leave were significantly higher for men working in the public sector and where there were family friendly arrangements available in the workplace.

Some employers 'topped up' statutory Paternity leave payment: 39 per cent of fathers received full pay for less than two weeks, 33 per cent for two weeks and 9 per cent for more than two weeks. Large private and public sector organisations were most likely to give full payment for longer periods of paternity leave. Small and medium size private sector employers were most likely to pay the minimum statutory rate.

²¹⁵ Smeaton, S. and Marsh, A. (2006) *Maternity and Paternity Rights and Benefits: Survey of Parents 2005 (Employment Relations Research Series, No.50)*. London: Department of Trade and Industry. Available at: <http://www.berr.gov.uk/files/file27446.pdf>.

c. Parental leave

Provision and take-up of statutory Parental leave data are not systematically reported in the 2009/2010 survey. Instead paid and unpaid *informal* Parental leave is reported on as a form of family-friendly arrangement. Findings show that in their first post-birth job five per cent of mothers used 'fully paid' Parental leave, one per cent 'partly paid' Parental leave and five per cent unpaid Parental leave. For employed fathers, 17 per cent used 'fully paid' parental leave, six per cent 'partly paid' Parental leave and seven per cent unpaid Parental leave. Although the data are not comparable with the 2006 survey¹⁴, they do suggest a rise in uptake of Parental leave by mothers and fathers in the post-natal period.

Findings from the Fourth Work-life Balance (WLB4) Employee Survey (2012) show that only 11 per cent of parents with a child under 6 years had reported taking Parental leave.

d. Other employment-related measures

Information on take-up of other employment-related entitlements, such as use of flexible working, is taken from survey evidence since there is no requirement for employers to report on this.

Results from WLB4 show that 79 per cent of employees stated that they were aware of the right to request flexible working, a significant increase from the baseline period in 2006 where only 42 per cent of employees stated that they were aware of its introduction (Hooker et al., 2006²¹⁶). At both time periods the awareness of the right to request flexible working was lower in those employed in routine and manual occupations.

In 2011, 22 per cent of employees reported requesting a change to working arrangements in the last two years (most commonly, women, parents and those with caring responsibilities). From employees perspectives, requests were not accepted in 13 per cent of cases. For a further 8 per cent, the outcome was uncertain. Although the methodology was different, this refuse rate is higher than that reported by employers in an earlier survey (40 per cent of employers report receiving requests in the previous 12 months, with only nine per cent of these requests refused (Hayward et al., 2007).

According to the Fourth Work-life Balance (WLB4) Employee Survey (2012), 30 per cent of employees with an ill child had worked flexibly – most commonly reported for those employees in the private sector and in professional/ managerial occupations.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Most leave policies have been introduced relatively recently into the UK: Parental leave and time off for dependants in 1999; adoption and Paternity leave and the right to request flexible working in 2003. There is limited research on these statutory entitlements, and also only limited official information on take-up, with none on unpaid leave entitlements. The longest established entitlement is Maternity leave and pay, introduced in 1976, and there have been a number of studies over time (in 1979, 1988, 1996, 2002 and 2005) looking at the use of this entitlement and showing how this has increased as more women use leave to maintain

²¹⁶ Hooker, H., Neathy, F., Casebourne, J. and Munro, M. (2006) *The Third Work-Life Balance Employees Survey: Executive Summary, Employment Relations Research Series No.58*. London: DTI.

continuous employment when having children. In the absence of official contemporaneous records, annual surveys and UK cohort studies are providing useful sources of information on patterns of take-up.

b. Selected Publications since April 2012

Daly, M. (2011) 'Making policy for care: Experience in Europe and its implications for Asia', *International Journal of Sociology and Social Policy*, Vol.32, No.11/12: 623-35.

A conceptual analysis of the concept of care as used in different European countries and discussion about the problems in transferring its use to Asian contexts.

Fagan, C. and Norman, N. (2012) 'Trends and social divisions in maternal employment patterns following maternity leave in the UK', *International Journal of Sociology and Social Policy*, Vol. 32, No.9/10: 544 – 560

This paper examines whether the social divisions in maternal employment patterns post-childbirth, recorded by earlier studies, have persisted for a later cohort of mothers that had a pregnancy in the early 2000s. It examines patterns in the context of an expansion of childcare and other improvements in reconciliation measures.

Mooney, A., Brannen, J., Wigfall V. and Parutis, V. (2012) 'The impact of employment on fatherhood across family generations in white British, Polish and Irish origin families', *Community Work and Family*. <http://dx.doi.org/10.1080/13668803.2012.746575> 2

This paper draws on data from an intergenerational study of fatherhood to consider how fatherhood has changed and how employment conditions and occupational status shape fatherhood, particularly their involvement with their children and, via an analysis of four cases, continuities and discontinuities are identified across the family generations.

c. Ongoing research

Families and Societies (2013-17) Funded from the EU's Seventh Framework Programme.

This is a major European research project investigating the diversity of family forms, relationships and life courses in Europe in relation to policies, Coordinated by Livia Oláh, Associate Professor at the Stockholm University Demography Unit (SUDA), Dept. of Sociology, researchers from 25 leading universities and research institutes in 15 European countries and three transnational civil society organizations are working together within the project entitled 'FamiliesAndSocieties - Changing families and sustainable societies: Policy contexts and diversity over the life course and across generations'. UK partners include Dr Alison Koslowski and Dr Ingela Naumann at the University of Edinburgh and Dr Ursula Henz, at the London School of Economics.

Fathers, work and families in twenty-first century Britain: beyond the breadwinner model? (2012-2014). Dr Svetlana Speight, National Centre for Social Research; Professor Margaret O'Brien and Dr Sara Connolly, University of East Anglia. Funded by the Economic and Social Research Council.

This study aims to profile the work and family life of fathers in a European context. It draws on secondary analysis of four large-scale datasets; Understanding Society, the European Labour Force Survey, the European Social Survey and the British Household Panel Study. Although principally focused on fathers in the UK, the study will also include international data to enable comparisons with countries with different labour market contexts and different social policies around the family and work.

The 'Families 24/7' project (2011-1014). JAMK University of Applied Sciences, Jyväskylä University, the National Institute for Health and Welfare in Finland, the University of Utrecht

in the Netherlands and the University of Manchester in the UK (Dr Vanessa May). Funded by the Academy of Finland.

Very little is known about how parents who work evenings, nights and weekends organize their child-care or about the impact this has on child well-being. The aim of the 'Families 24/7' project is to help fill this gap in knowledge. The team will be comparing the experiences of parents working standard and non-standard hours as a way of distinguishing what the main differences between these groups are in terms of issues they face in finding appropriate child-care, and the child-care arrangements they have access to. Contact: Vanessa May at Vanessa.may@manchester.ac.uk.

United States

Sheila B. Kamerman and Jane Waldfogel (Columbia University)²¹⁷

April 2013

NB. United States is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on leave policy: there is no statutory right to any of the types of leave or other statutory measures covered in country notes. The federal Family and Medical Leave Act (FMLA) provides leave for a variety of reasons including: childbirth or the care of a newborn child up to 12 months; for the placement and care of an adopted or foster child; for the care of a seriously ill child, spouse or parent; or for a serious health condition of the employee that makes him/her unable to work for more than three consecutive days. The federal Department of Labor is responsible for FMLA. Details of FMLA are given below:

Length of leave (before and after birth)

- Up to 12 weeks in a 12 month period.

Payment and funding

- Unpaid.

Flexibility in use

- FMLA may be taken in one continuous period or divided into several blocks of time.

Regional or local variations in leave policy

- Five states (California, Hawaii, New Jersey, New York, Rhode Island) and Puerto Rico have Temporary Disability Insurance (TDI) programmes, sometimes referred to as cash sick leave benefits. These provide workers with partial compensation (about the same level as unemployment insurance benefit, i.e. about half of earnings) to replace loss of earnings caused by short-term non-job-related disability and mostly cover ten to 12 weeks of absence from work around the time of childbirth, including four weeks

²¹⁷ Please cite as: Kamerman, S.B. and Waldfogel, J. (2013) 'United States country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

before and six to eight weeks after. TDI programmes cover about a quarter of the labour force.

- *California* was the first state to enact a comprehensive paid family leave law. Beginning in July 2004, the state provides all workers covered by the state's Temporary Disability Insurance (TDI) programme (described below) with up to six weeks of a partially paid leave (55-60 per cent of earnings up to a maximum of US\$1,067 (€862) a week in 2013) following childbirth, adoption or care of a seriously ill child, parent, spouse or domestic partner. These benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase. It costs a minimum wage-earner an additional \$11.23 (€9) a year for this benefit, while the estimated average additional cost is \$46 (€36).
- The *State of Washington* enacted a paid family leave law in March 2007, granting workers in firms with 25 or more employees up to five weeks of paid leave annually to care for a newborn or adopted child, funded by worker payroll contributions; however, this programme has never been funded or implemented. *New Jersey* has also enacted a paid family leave. The legislation extends the state's existing Temporary Disability Insurance (TDI) system to provide workers with up to 12 weeks of TDI benefits at two-thirds of prior wages up to \$584 (€451) a month in 2013 to cover leave to care for a newborn, adopted or foster child, or sick child, parent, spouse, or partner. The measure is financed by employee payroll deductions that cost every worker in New Jersey a maximum of 64 cents a week, or US\$33 (€26) a year, in 2009. All workers who contribute to the programme have the opportunity to draw benefits.
- *Minnesota*, *Montana* and *New Mexico* have active At-Home Infant Care policies providing low-income working parents who choose to have one parent stay home for the first year of a newborn or adopted child's life, with a cash benefit offsetting some portion of the wages forgone.

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

- FMLA covers all employees working for a covered employer (see below) and who have worked for that employer for at least one year (even if not for a continuous period) and for at least 1,250 hours over the preceding 12 months.

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

- None.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone)

- Private employers and non-profit organisations with less than 50 employees are exempt (all public sector employees are covered).

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

There is no statutory entitlement to leave or ECEC. Levels of attendance at formal ECEC services for children under three years are average for the countries participating in this review; but well below average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2012 (including proposals currently under discussion)

A number of states are continuing to discuss possible paid family leave programs. Paid sick leave programs are also under discussion at both the state and city level.

4. Take-up of leave

Because of the qualifying conditions, only about 58 per cent of workers in private firms are eligible for FMLA, with lower coverage for low wage workers, workers with young children, and working welfare recipients²¹⁸. About 80 per cent of working parents between the ages of 18 to 54 years have access to at least some paid leave either through statutory provision, collective agreements or individual workplace policies, especially older workers. But as FMLA does not include any payment, workers who are eligible for the leave often do not take it^{219 220 221}. Thus though the law provides de facto Parental leave entitlements, studies have found that it has had generally small effects on leave usage by new mothers^{222 223 224 225} and little or no effects on leave usage by new fathers (footnotes 9 and 10). The fact that the law extended coverage but had so little impact on usage suggests that there are limits to the extent to which families are willing and able to use unpaid leave.

5. Research and publications on leave and other employment-related policies since April 2012

a. General overview

Sheila B. Kamerman continues to carry out a programme of research on comparative Maternity, Paternity, Parental, and family leave policy studies and monitors developments in the advanced industrialised countries, the countries in transition to market economies, and developing countries. She (and previously, her now deceased colleague Alfred J. Kahn) co-directs the Columbia University Clearinghouse on Child, Youth, and Family Policies that provides up-to-date information on child-related leave policies (among other child and family policies). For more information, see www.childpolicyintl.org

²¹⁸ Ross Phillips, K. (2004) *Getting Time Off: Access to Leave Among Working Parents (Series B, No. B-57)*. Washington, DC: Urban Institute, NSAF New Federalism.

²¹⁹ Commission on Family and Medical Leave (1996) *A workable balance: report to the congress on family and medical leave policies*. Washington, DC: Women's Bureau, U.S. Department of Labor.

²²⁰ Waldfogel, J. (2001) 'Family and Medical Leave: evidence from the 2000 surveys', *Monthly Labor Review*, September: 17-23.

²²¹ Cantor, D., Waldfogel, J., Kerwin J., McKinley Wright, M., Levin, K., Rauch, J., Hagerty, T. and Kudela, M.S. (2001) *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys, 2000 Update*. Rockville, MD: Westat.

²²² Ross, K. (1998) 'Labor pains: the effects of the Family and Medical Leave Act on recent mothers' returns to work after childbirth', paper presented at the *Population Association of America Annual Meeting*, Chicago, Illinois, April 1998.

²²³ Waldfogel, J. (1999), 'The impact of the Family and Medical Leave Act', *Journal of Policy Analysis and Management*, Vol.18, 2: 281-302.

²²⁴ Han, W.-J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography*, Vol.40, 1: 191-200.

²²⁵ Han, W.J., Ruhm, C. and Waldfogel, J. (2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*, Vol.26, 1: 29-54.

b. Selected publications since April 2012

Klerman, J., Daley, K., and Pozniak, A. (2013) *Family and Medical Leave in 2012: Technical Report*. Washington, DC: U.S. Department of Labor. Available at: <http://www.dol.gov/asp/evaluation/fmla/FMLATEchnicalReport.pdf>

This report presents the results of new surveys of the effects of the FMLA on employers and employees. It follows up the two earlier sets of surveys (from 1995 and 2000) that have been carried out in the 20 years since the passage of the FMLA in 1993. The report finds that the FMLA has now become routine for employees and employers. Employees are aware of and make use of the law. Employers report little or no negative impacts.

c. Ongoing research

Work-Family Policies and Child and Family Well-Being.(Ongoing). Jane Waldfogel, Columbia University School of Social Work; Wen-Jui Han, New York University; Christopher Ruhm, University of Virginia.

The focus of this study is how public policies affect parental employment and care arrangements for children, and how these, in turn, affect outcomes for children, youth, and families. Data are used from varied sources including the CPS as well as several longitudinal studies.