

**EMPLOYMENT RELATIONS
RESEARCH SERIES NO. 102**

International Review of Leave
Policies and Related Research
2009

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International Review of Leave Policies and Related Research 2009

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LONDON

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Glossary

This report is about leave entitlements, mainly for workers with dependant children. As the report shows, working parents today in most countries are entitled to a range of different types of leave, going under a variety of different names. Moreover, in a number of countries the distinction between types of leave is increasingly blurred (for a further discussion, see Section 2.1). This glossary gives definitions for four of the most common types of leave, the first three of which are found in most countries.

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, just before, during and immediately after childbirth.

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.

Parental leave

Leave generally available equally to mothers and fathers, either as a non-transferable individual right (i.e. both parents have an entitlement to an equal amount of leave) or as a family right that parents can divide between themselves as they choose; in some 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'.

Career break

Leave generally open to all employees, but not restricted to providing care and available to be taken across the life course. Less common as an entitlement than the three types of leave outlined above.

Executive summary

This is the fifth annual review of the international network on leave policy and research, which has members and associates from 27 countries, mostly in Europe. The network covers policies for parents and others with care responsibilities, including for adult relatives, as well as policies available to the whole population such as life course career breaks and time credits. But initially, priority is being given to leave policies focused on the care of children. Among the purposes of this network are: the exchange of information about policies, both in individual countries and by international organisations, and research on leave policies; the provision of a forum for the cross-national discussion of issues and trends in policy and research; and providing a source of regularly updated information on policies and research.

Amongst other activities, the network organises an annual seminar, and this review includes papers from the seminar held at the Université catholique de Louvain at Louvain-La-Neuve, Belgium in October 2008. It also includes 27 'country notes', providing information on current leave policies in the countries represented in the network, recent developments in policy, information on take-up, and a listing of recent publications and ongoing research; and an overview of current leave policies and recent policy developments in these countries.

Section 1: Articles

Belgium, the host country for the 2008 network seminar, is of particular interest because of its unique and highly innovative 'time credit' system, which extends entitlement to take time off work to cover the whole adult life-course and for any reason, one direction in which leave policies elsewhere may develop in the future. The first three of the five articles included in this year's review are based on presentations about Belgium made to the 2008 seminar, two of which pay particular attention to the Belgian 'time credit' system.

Bernard Fusulier (*Articulating work and family – the gendered use of institutional measures*) examines where Belgium is situated on the continuum of societal models for work-family articulation. On indicators of women's employment, Belgium lies nearer to the Nordic countries (at one extreme of the continuum) than Japan (at the other); the employment gap between men and women is closing, though the employment rate for men is still around 15 percentage points higher than for women and, overall, time use remains very different between men and women. Having set this scene, Fusulier goes on to examine three main support measures: Maternity, Paternity and adoption leave); reduction or suspension of work in the private sector (time credit); and so-called thematic leave (Parental leave, leave to provide care for a seriously ill relative, and palliative care leave).

Particular attention is paid to the 'time credit' system, first introduced as a 'career break' scheme in 1985, which enables workers in the private sector to take at least one year off work (longer where collective agreements permit this) or to work reduced hours for any reason (a similar system – still known as 'career breaks' – operates in the public sector). Workers using time credit receive partial income

replacement through a flat-rate benefit for one year (extended to five years if the worker takes a full-time time credit to care for children aged under eight years), reduced proportionately if they reduce their working hours. Originally introduced as a means to reduce unemployment at a time of economic crisis, that link no longer exists; paid leave is not now conditional on employers hiring an unemployed person as replacement. The time credit and career break schemes exist alongside Parental leave, and the two are not to be confused.

Use of this entitlement is increasing each year among men aged 50 and over and among women under 50; however, this increase is due to more people working reduced hours and the numbers stopping work completely are falling. There are more women than men using the scheme except in the group aged 50 and over, where there are many men. When women choose to take time credit, they do so mainly between the ages of 25 and 39, or after 50; but most men taking time credit are over 50. Since its introduction, women have always been the main users of this scheme (63 per cent), and the proportions have remained very similar since 2002. Women also use thematic leave, including Parental leave, more than men, accounting for 78 per cent of users.

Use is higher in Flanders (Flemish-speaking Belgium) than Wallonia (French-speaking), the main reason being that the Flemish government pays a supplementary allowance, which is added to the national benefit; to have this allowance, the candidates must have taken a time credit, or thematic leave, for a very specific reason such as caring for a child under eight years or a seriously ill relative.

These observations suggest that, although there are some changes, managing the relationship between family and work in Belgium still remains mainly women's responsibility. Although some of the Belgian policy measures show support for the development of a universal breadwinner and caregiver model, these are not enough in themselves to ensure a more egalitarian relationship. Although this is partly the result of economic calculation (men still earn, on average, more than women), it often hides a gendered social structure. In this sense, socio-culturally, the main responsibility for family duties is still left to women, which is *ipso facto* an obstacle for men who wish to invest more in parenthood. But this is another subject to consider and research.

Jessie Vandeweyer and Ignace Glorieux (*Career breaks in Flanders*) provide more information on the Belgian 'career break/time credit' system, and present results about use of it based on surveys conducted in Flanders, using time use diaries and questionnaires. These schemes are unique in that they can be taken up regardless of reason throughout the life cycle. The policy aims at facilitating a better work-life balance to keep people with competing interests in the workforce. Leave arrangements and part-time work prevent women dropping out of the labour market when family obligations become too onerous and offer fathers a legitimate framework to free up time for their children.

But the schemes are not only intended for parents. The current policy is intended, on the one hand, to enable a more relaxed career and acknowledges the need for time across a lifespan for activities other than employment; it acknowledges the many uses of time that make for a good life. On the other hand, the policy encourages

employees over 50 to stay in the labour market by allowing them to work four-fifths or one-half of normal hours until their pension age. Since 2002, there has been a special ruling in place for the over-50s, with more flexible conditions and larger contributions; so-called 'landing-strip jobs', whereby over-50s voluntarily reduce the number of hours they work, are used by many workers as a transition from work to retirement. This possibility is extensively used in cases of company restructuring.

The research finds that the reasons for taking a career break vary depending on whether part-time or full-time leave is taken. For full-time male career-breakers with work-related activities, another professional activity was the most important reason to take a career leave (working in another job – often to try out another job – is an option while taking a career break, though the allowance is no longer paid); full-time career-breakers without a work-related activity mainly chose to take leave to follow a course or study or to spend more time with the children. Part-time leave obviously seems a strategy for men to better balance work and family responsibilities; half of the part-time career-breakers wanted more time for the children and one-fifth mentioned 'more time for domestic chores' as one of the reasons for career leave. The fact that 32 per cent wanted more leisure time and 23 per cent more time for themselves indicated a desire to 'slow down'.

The most important reason for taking a career break among women was 'more time for the children'; almost three-quarters of women with a full-time or part-time leave specified this reason. In addition, 41 per cent of the female part-time career-breakers wanted more time for domestic work and 38 per cent wanted more time for themselves.

Male career-breakers on full-time leave and with no other work activities have 34 hours and 57 minutes extra time available compared to their working counterparts; on average, they spend just 43 per cent of freed-up working time on family tasks (domestic work and childcare). This group of men has the largest amount of spare time and the smallest total workload and time pressure; they are mainly divided between men who enrol in a course of study (this group hardly contains any fathers) and men who primarily perform family tasks. This last, small group of fathers made a conscious decision to swap paid work for unpaid work, and acted upon it.

Part-time male career-breakers use 80 per cent of time freed up by working less primarily for domestic work and childcare. Their total workload is not less than full-time male workers, but they experience less time pressure. These men present a strong image of caring fathers, using career break and time credit schemes to achieve a better balance between paid work and family life. This demonstrates that when men are presented with an opportunity to work less and are supported in taking up an alternative role by means of such schemes, they will take on more family tasks. When only women take advantage of flexible leave arrangements, this can have a perverse effect: work-family policies aiming at more gender equality lead to the exact opposite, when it is assumed that women will lower their work ambitions to prioritise family life.

Career breaks and time credits, therefore, act both as employment and work-life balance policies. In 2004 in Flanders, nine per cent of the working female and three per cent of the working male population – 89,000 women and 35,000 men – took

career breaks or time credit, part or full time. Although the total share of male workers using these schemes has grown in recent years, it still represents a relatively small group; only one per cent of the male working population under the age of 50 took career leave, compared with seven per cent of employed women. Use is much higher among over 50s, especially of reduced hours working: in 2004, 18 per cent of employed women in this age group and ten per cent of men chose to take advantage of a part-time career break.

Amandine J. Masuy (*Family-work articulation policies – a life course approach*) considers how life course principles may enhance the design of social policies, making them better able to tackle the complex field of family-work articulation taking Belgium as an example.

There are, at least, two aspects making the definition of work/family policy complex. The first is the 'inter-fields' nature of family-work articulation, being at the intersection of 'traditional' policy fields such as employment, family and health care. The second is time, an essential component for understanding individual strategies, inequalities and consequences.

There is no consensus on what the life course approach is. However, one thing is clear: the studies referring to a 'life' principle have grown in number and in popularity over past decades. Today, to understand a society characterised by continual changes where individuals are defined by multiple roles, researchers need specific tools capable of capturing the dynamics of individual and social changes and the multiple contexts in which individuals are embedded.

The author discusses the life course theoretical framework developed by Glen Elder. This is based on five principles: the first two, 'lifespan' and 'human agency', represent the individual or micro approach, while the 'time and place' principle represents the societal or macro approach. These two poles are bridged by the meso principles of 'linked lives' and 'timing of transition'. Each principle, taken separately, is not specific to the life course approach; what makes it original and challenging is its attempt to link these principles in order to study events situated in time and contexts. Concepts such as 'trajectory', 'pathway', 'transition', 'turning points', 'duration' cannot be attributed to one specific principle but are used to bridge them.

The lifespan principle calls for a longitudinal perspective, with a focus on transitions and trajectories rather than current statuses. This perspective will imply a change in the identification of 'target groups'. Most of the time, policy makers try to identify 'frail' statuses; but thinking only in terms of 'frail statuses' may miss 'frail trajectories'. Using examples of different family types, within a Belgian policy context, the paper illustrates this and other issues, and more broadly the potential of a life course approach and the relevance of the different principles to policy. Deploying methods inspired by transition modelling by demographers, it shows how the life course principles may lead to revised social policy design.

In conclusion, time and multidimensionality are crucial elements to include in an 'inter-fields' social policy. Existing Belgian policies include a time dimension, with a variety of leave possibilities. But progress can still be made in their time aspect by identifying the frail trajectories; and in their multidimensional aspect by designing

more holistic policies taking account of employment, family, health and other contexts. To do so, it would be essential to collect longitudinal quantitative and qualitative micro data on the potential beneficiaries of family-work articulation, not only the actual beneficiaries, allowing the identification of frail transitions and trajectories and of individual strategies to articulate family and work lives.

Daniel Erler (*German leave reforms: acknowledging diversity?*), in a paper presented at a later network seminar on diversity in leave policies (Amsterdam, November 2008), looks at the recent history of leave policy in Germany and, in particular, at the initial impact of a major reform introduced in 2007 intended to reduce women's time out of the labour market and to increase use of leave by fathers, by reducing the length while increasing the benefit level of paid leave and adding an incentive for fathers to take leave. Although the reform was widely supported among political parties and the wider public, it was criticised on two grounds. Conservative circles perceived the reduction of standard paid leave periods and the introduction of 'daddy months' as an illegitimate state interference in the internal choices of families; while some on the Left questioned the progressive nature of the new benefit, arguing that linking benefit levels to prior income effectively constituted a redistribution from the poor to the rich. In order to overcome this latter criticism, the government introduced a minimum benefit level of €300 a month and a benefit ceiling of €1,800; it also added a so-called low income component for households with monthly earnings of less than €1,000.

Initial assessments of the impact of the reformed leave suggest that it has, by and large, fulfilled its aims. The average length of leave periods decreased following the reduction of the standard paid leave time from 24 to 12 months. By relating the leave benefit to parents' prior income the government has also ensured that income losses among middle and higher income families have been reduced significantly, without deterioration in the situation of low income households. The most visible effect of the new law has, however, been the more than threefold increase of fathers taking at least two months of leave, a figure that highlights the important changes German society is currently undergoing.

Anders Chronholm (*Leave policies and discussions in Sweden today*) discusses policy debates about Parental leave in Sweden, the first country to introduce this policy (in 1974), and especially about how to get more men to use this leave. One proposal to achieve this has been individualisation of leave, so that periods of leave are individual entitlements for fathers (or mothers); if this individual entitlement is not used, it is non-transferable and, therefore, lost. This form of individualisation has already been introduced to a limited extent of two months each for fathers and mothers. The debates in the 1990s mainly blamed the men themselves for not using their share of paid Parental leave days, transferring it instead to the mother; but more recently, it has been noticed that women are by and large satisfied with an unequal distribution of Parental leave.

It was a bourgeois government in the early 1990s that first introduced individualisation, the so-called 'father's month' in 1995. Since then further individualisation has been the main theme in Parental leave discussions in Sweden. A Social Democrat government introduced a second individualised month in 2002, and an inquiry reporting in 2005 recommended a non-transferable period for each

parent of five months, expanding the Parental leave period paid at 80 per cent of earnings from 13 to 15 months (an 'Icelandic model'). The Social Democrats lost the 2006 election and the new government is against further individualisation. Instead they have introduced two reforms: a *childcare allowance* available to parents of children between one and three years who do not use the public childcare system; and a *gender equality bonus*, a tax reduction to stimulate a more equal sharing of Parental leave.

The Social Democrats, now in opposition, recently proposed that Parental leave should be completely individualised, with a first step being to introduce the Icelandic model. Individualisation of Parental leave could be an important question in the next Swedish elections, due in 2010.

Section 2: Country notes on leave policies and research

This section of the report sets out information on leave policy and research in 27 countries: Australia, Austria, Belgium, Canada, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, the Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovenia, South Africa, Spain, Sweden, United Kingdom, United States. Nineteen of these countries are member states of the European Union and six are federal states.

Each country note is divided into four parts. The first describes **current leave and other employment-related policies** to support parents, under five headings: Maternity leave, Paternity leave, Parental leave, childcare leave and career breaks; and other employment-related measures, including time off for the care of sick children and other dependants and flexible working entitlements. The second outlines **recent changes in leave policy**, including proposals currently under discussion. The third reviews evidence on **take-up of different types of leave**, while the final part provides information on **selected recent publications and ongoing research studies**. In addition, basic **demographic, economic, employment and gender information** is set out for each country, in a boxed table at the start of each country note.

Individual country notes are preceded by an introduction, which summarises the main features of the country notes, providing an overview of leave policies in the 27 countries included.

Current leave policies

A concise overview can be provided by showing, for each country, the number of months of leave (Maternity, Paternity and Parental) with benefits replacing two-thirds or more of earnings, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines. The median length of well-paid leave among these 27 countries is 4.5 months, with extremes of no months to just over two years. Countries can be divided in to three groups:

1. **Countries providing earnings-related leave (at two-thirds or more replacement rate) of nine months or over:** the five Nordic countries, three

countries from Central and Eastern Europe (Estonia, Hungary and Slovenia), and Germany.

2. **Countries providing four to six months of earnings-related leave, in all cases confined to Maternity leave.** Ireland comes in here, although the effect of a ceiling is that the maximum payment per week is only €280, showing the need to take account of levels of ceilings in assessing the generosity of national schemes.
3. **Countries providing less than two months of earnings-related leave:** four of the five mainly English-speaking countries (Australia, Canada, United Kingdom, United States) as well as South Africa. 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 distinction between Maternity, Paternity and Parental leave is beginning to blur in some countries, leading to the emergence of a generic Parental leave (for example, Iceland, New Zealand, Norway, Portugal and Sweden). 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, Parental leave (currently in the Czech Republic, Poland, Portugal and Spain, and proposed for the UK).

Maternity leave: only Australia and the United States make no provision for paid leave for most or all women at and around childbirth. In countries with a specific period of Maternity leave, the period is mostly between 14 and 20 weeks, with earnings-related payment (between 70 and 100 per cent) throughout. There are five exceptions, countries with extended Maternity leave – Czech Republic, Greece (private sector), Hungary, Ireland, and the UK.

Paternity leave: sixteen of the 27 countries under review have Paternity leave, which (with four exceptions) varies from two to ten days and is usually paid on the same basis as Maternity leave. Paternity leave is obligatory in Portugal.

Parental leave and childcare leave: all EU member states must provide at least three months' leave per parent for childcare purposes; outside the EU, all but one country included in the notes provides Parental leave; the exception is the United States (which has a generic and unpaid leave, which does not apply to all employees). In six countries, parents can take additional 'childcare' leave after Parental leave finishes.

Parental leave varies on four main dimensions: length; whether it is an individual or family entitlement; payment; and flexibility. Broadly, countries divide into those where total continuous leave available, including Maternity leave, Parental leave and childcare leave, comes to around nine to 15 months; and those where continuous leave can run for up to three years. Parental leave is a family entitlement in 12 countries, to be divided between parents as they choose; an individual entitlement in another ten countries; and mixed (part family, part individual entitlement) in three countries. A majority of countries (19) provide some element of payment. However, in

ten cases payment is rather low, being flat rate or means tested or paid for only part of the leave period, or a combination of these; the remaining nine countries pay an earnings-related benefit pitched at more than half of normal earnings. Flexibility takes four main forms. First, the possibility to use all or part of leave when parents choose until their child reaches a certain age; second, the possibility of taking leave in one continuous block or several shorter blocks; third, 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); and fourth, additional leave in the case of multiple births or, in a few cases, other circumstances.

Other employment-related measures: 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, 11 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 except one, leave is paid. Leave is shorter or unspecified and unpaid in the other member states. Of the non-EU countries, Norway and Russia have an entitlement to paid sick leave specifically to care for a sick child.

Ten countries enable women to reduce their working hours in the 12 months after birth, usually related to breastfeeding. Women reducing their hours are entitled to earnings compensation. Finally, in four countries 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.

Relationship between leave and other employment-related policies and services for young children: in Denmark, Finland, Norway and Sweden, a universal entitlement for children to a publicly-funded early childhood education and care (ECEC) service begins before or at the end of a period of well-paid Parental leave lasting about one year, ensuring a place to meet the needs of working parents from the time their leave ends. In some countries where leave ends when children are three years old (e.g. France, Hungary, Germany, Spain), nursery schooling or kindergartens are widely available to children aged three years and upwards, with near universal coverage. Kindergartens throughout Hungary, and many in the former Eastern part of Germany, are geared to the needs of working parents, with all day and all year opening. This is not the case elsewhere in Germany or in France and Spain where the availability of school-age childcare services for periods outside term-time and school hours is not guaranteed (though widespread in France). Nor is an ECEC place guaranteed for a parent returning to work before the end of the full Parental leave period. As is the case in the many countries where there is a gap between the end of leave and the start of universal availability of ECEC services, the two systems are not integrated.

Changes in leave policy and other related developments

Many countries report changes in leave policy since the 2008 review (and up to April 2009). In two cases – **Estonia** and **Iceland** – these involve cut backs related to the economic crisis: removing payment for Paternity leave in the former case and reducing the income ceiling for all leave payments in the latter. (In addition, in a

change introduced in January 2008, but not reported in the 2008 review, **Sweden** cut the level of benefit paid to parents on leave from 80 to 77.6 per cent of earnings). Elsewhere, the changes have involved developments of leave provision.

Leave policy is a subject of debate – by Ministers or Parliament – and/or proposed policy changes in several countries. The two main themes are further measures to increase fathers' use of leave and overall reviews of leave policy. Australia will introduce paid Maternity leave in 2011.

Take-up of leave

Information on take-up of leave entitlements has many gaps, making systematic cross-national comparisons impossible. As a general rule, there is no statistical information on take-up of unpaid leave and limited information on paid leave.

Paid Maternity leave appears to be extensively and fully used by mothers who are eligible (in a few cases, it is even obligatory to take this leave). Paid Parental leave is also widely used. Where Parental leave is unpaid, there are no regular statistics on use but take-up by both mothers and fathers is thought to be low: irrespective of gender, few parents take leave schemes that are completely unpaid. Where leave is a family entitlement, 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. There is also evidence that fathers' use of leave does respond to targeted policy changes.

Information on take-up among different socio-economic or ethnic groups within countries is even patchier. 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.

Research and publications on leave and other employment-related policies since January 2006

Country notes finish with a brief overview of the state of research on leave policy; a selection of publications on leave since January 2006 with a brief description of each; and brief outlines of ongoing research on leave.

Introduction

Peter Moss

The international network on leave policies and research

This is the fifth annual review of the international network on leave policy and research.¹ The network was established at a seminar held in Brussels in October 2004, organised by the Flemish government's Centrum voor Bevolkings- en Gezinsstudie (CBGS – Population and Family Study Centre) and the Thomas Coram Research Unit (TCRU) at the Institute of Education University of London. This seminar was attended by researchers from a dozen countries, and built on earlier collaborative cross-national work in which the network coordinators – Fred Deven (from CBGS) and Peter Moss (from TCRU) – had both been involved. This collaboration began with the European Commission Childcare Network, an expert group that between 1986 and 1996 undertook studies on a range of issues related to the reconciliation of employment and family responsibilities, including leave policies. When the EC Network ended in 1996, collaboration continued, first with an international seminar convened in Brussels in 1999 that led to an edited book *Parental Leave: Progress or Pitfall?*; and then with a special issue of the journal *Community, Work and Family* (2002, Vol.5, No.3) on the theme of leave arrangements for parents.

Among the purposes of the network on leave policies and research are:

- the exchange of information about policies, both in individual countries and by international organisations, and research on leave policies;
- the provision of a forum for the cross-national discussion of issues and trends in policy and research; and
- providing a source of regularly updated information on policies and research.

A fuller description of the remit of the network can be found in Annex 1.

The network covers policies for parents and others with care responsibilities, including for adult relatives, as well as policies available to the whole population such as life course career breaks and time credits. But the network has given priority to leave policies focused on the care of children. These include Maternity, Paternity and Parental leave, leave to care for sick children and parental entitlements to work reduced hours.

Today, the network has members and associates from 27 countries (see Annex 2), and undertakes a range of activities, including:

¹ The three previous reviews are downloadable at <http://www.berr.gov.uk/files/file31948.pdf> (2006); <http://www.berr.gov.uk/files/file40677.pdf> (2007); and <http://www.berr.gov.uk/files/file47247.pdf> (2008).

- A major **annual seminar**, the latest being held at the Université catholique de Louvain at Louvain-La-Neuve, Belgium, in October 2008;
- A smaller **specialised seminar**, on the theme of 'Diversity and Leave Arrangements', held at the Free University Amsterdam in November 2008;
- An **annual international review** on leave policies and related research, based on contributions from its members;
- **Other publications**, including: a special issue of *Community, Work and Family* (2007, Vol.10, No.4) edited by three network members; a review of leave policies by the network coordinators in *Marriage and Family Review* (2006, Vol.39, No.3); and an edited book *The Politics of Parental leave: Children, Parenting, Gender and the Labour Market*, edited and authored by network members, to be published in Summer 2009 by Policy Press (Bristol);
- A **website** (<http://www.sfi.dk/Default.aspx?ID=3170>), where the programmes and presentations from all seminars can be found.

The current review

Like the previous reviews, this edition contains detailed information on leave policy and research in a number of countries, mostly but not exclusively European. The information is contained in a series of country notes, prepared by network members, each following a common format. This year the number of countries covered has increased to 27, with the addition of New Zealand and Russia. The country notes are preceded by an introduction, which offers an overview of the main features and developments in the participating countries.

As before, this review also contains papers from the network's latest annual seminar, which was held in Louvain-La-Neuve, Belgium, in October 2008. The seminar was attended by academics and policy makers from 23 countries. These annual events provide an opportunity for exchange and dialogue about developments in national leave policies and new research projects. The Louvain-La-Neuve seminar, for example, had three presentations about leave and other work/family measures in the host country. Belgium is of particular interest because of its unique and highly innovative 'career break' or 'time credit' system, which extends entitlement to take time off work to the whole adult life course and for any reason, one direction in which leave policies elsewhere may develop in the future. Articles based on these presentations can be found in Section 1 of this review, as well as articles on current policy developments and discussions in Sweden, the first country to introduce Parental leave back in 1974; and on an initial evaluation of the impact of a major reform of leave policy in Germany, including changes in use by fathers (this article is based on a paper given at the subsequent Amsterdam seminar).

Other presentations at Louvain-La-Neuve included recent policy developments in Australia and an introduction to leave policy in South Africa. Each seminar now features the work on leave and related policies being undertaken by an international organisation, and the 2008 seminar featured the European Union and Commission. Bernard Fusulier, the seminar's host, presented a paper on the 1996 Directive on Parental leave; while Petra Schott, from the Commission's Directorate-General on Employment, Social Affairs and Equal Opportunities, spoke about the current European legal framework on leave arrangements and the EC's plans to develop entitlements. This was very timely. Just before the seminar, the Commission

published proposals for amending the existing Maternity leave directive, including an extension of the minimum period from 14 to 18 weeks; and the social partners (represented at the seminar) had announced their intention to open formal negotiations on Parental leave, both initiatives holding out the possibility of improved minimum European standards.

Subsequent to the seminar, on 18 June 2009 the social partners concluded a new Framework Agreement, which increases the duration of Parental leave from three to four months per parent and applies to all employees regardless of their type of contract. The next step is for the Commission to put forward a proposal to the Council of Ministers for an implementing directive.

All presentation from this (and other network) seminars are accessible at the network's website (<http://www.sfi.dk/Default.aspx?ID=5309>).

Section 1: Articles

1.1

Belgium: Articulating work and family – the gendered use of institutional measures

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Introduction

The idea that professional investment and family investment are not incompatible is now currently considered, both for women (meaning more presence in the labour market) and for men (meaning more presence in the domestic sphere). A cumulative model of work/family articulation (WFA) is thus put forward. Its effects are expected to be beneficial in terms of: well-being of parents and their children; equal opportunities for men and women of access to and remaining in the labour market; and economic performance (e.g. attracting and keeping talents, reducing absenteeism, decreasing stress and increasing the quality of work). This model also takes into account the evolution of the labour market towards increased flexibility; and of the way that people themselves see their investment in employment as a means of earning a living, of course, but also as one of the ways, among others, to reach personal fulfilment.

Institutionalising the 'cumulative' work-family model faces various forces, including those resulting from the labour market logic. As the German sociologist Ulrich Beck says: 'The labour market requires mobility, without considering personal situations. The couple and the family require the opposite. (...) The subject of the market is the individual himself, without any relational, conjugal or family "handicap"' (Beck, 2001: 257). The creed of 'flexibility' reinforces this logic. One of the societal conditions of the 'cumulative' model is, thus, to broaden the degree of freedom men and women have when they sell their labour on the market in order to achieve better living conditions. In other words, they should find time and energy (including psychological and affective) to dedicate to other activities. This is a condition for 'decommodification' of the labour force (Esping-Andersen, 1999) through various policies (e.g. regulation of working time, right to leave, decent minimum social and wage standards).

A challenge to the development of the cumulative model is the necessity for domestic work and the care of children or other members of the household, which is still mainly left to women. The 'cumulative' model thus presumes increased freedom for people to meet their family responsibilities; they must be able to find a network of accessible and good quality services (e.g. childcare, education) and other institutional provisions, so they can be available for other activities, including a professional life. This is the condition of 'defamilialization', meaning that family responsibilities need not be carried out only by family members (Esping-Andersen, 1999).

Societal models for WFA are of course not homogeneous, since they depend on how far and in what way societies support 'defamilialization' through the three great institutions: Family, State and Market. Thus, the Northern European states (Denmark, Norway, Sweden, Finland) give an example of the cumulative model of WFA. In these countries, the 'dominant articulation model' differs from that of other countries by its high degree of cumulativeness and more egalitarian gender relations. Writing of Sweden and Finland, OECD experts observe that these countries have set up 'a complete collective model of family policies to help parents during the major part of their children's youth' (OECD, 2005: 211). In this model women have a high level of full-time employment, including those with children.

In contrast, other countries show a far more gendered model: parents must choose between remaining in their work and investing in their family. This results in a temporary – sometimes long-lasting – withdrawal of women from the labour market. This gendered alternative model has institutional provisions and socio-economic regulations that encourage women to leave the labour market to take care of their children, then return, often part time: Japan is an obvious example (Fusulier, 2005).

If Japan and Sweden are two contrasting models, where does Belgium stand? I shall examine the situation in Belgium below, and describe the institutional provisions available for working parents and analyse their use. I shall show how a gendered relationship to institutional provisions is found in Belgian society.

Belgium: a cumulative gendered model

Three available indicators of the degree of work/family cumulativeness for women allows a comparison to be made between Belgium and two other countries with strongly contrasting WFA models – Sweden, with its cumulative model, and Japan, with its alternative model:

1. the activity rate of women aged 25 to 54
2. the proportion of female workers employed part time
3. the employment rate of mothers living in a couple with a child under six years.

I have also added the fertility rate, which is an indicator of the propensity for women to have children.

Roughly, but not insignificantly, Table 1.1a shows that on these indicators Belgium is closer to Sweden than to Japan. Belgium is now composed mainly of couples of working age where both members have paid employment or are seeking employment. More than 70 per cent of mothers with a child under six years and living

in a couple have a job, which puts Belgium at the top of OECD countries (OECD, 2001). In 46 per cent of Belgian couples with a child under six years, both parents work full time, compared with 19 per cent where the husband works full time and the wife part time (Jaumotte, 2003: 62). According to the same source, in 27 per cent of couples the wife is not economically active. Moreover, even more couples express a preference for both parents to be employed: 55 per cent of couples prefer both parents employed full time, while 29 per cent prefer the man working full time and the woman part time; just 13 per cent prefer the male breadwinner/female housewife model.

Today in Belgium, although the employment gap between men and women is closing, the employment rate for men is still around 15 percentage points higher than for women; in 2005, the employment rate between 15 and 64 years was 68 per cent for men and 54 per cent for women (SPF Economie, 2006). Temporary or fixed-term contract work is more common for women (11 per cent compared to seven per cent for men), as is part-time work (43 per cent of employed women compared to eight per cent of men) (ibid.). Anne-Marie Dieu (2006) reports that the main reason given by men for part-time work is not finding a full-time job (31 per cent), with family and personal reasons given by only 15 per cent and childcare by just four per cent. Among women, childcare is the first reason (29 per cent), then personal and family reasons (26 per cent). Not finding a full-time job is only the third reason given (20 per cent).

How do couples divide the various domestic tasks?

It is obvious that time use remains very different between men and women (between 20 and 74 years). On average, women devote 2 hours and 7 minutes per day to paid work and/or to studies, and 4 hours and 32 minutes to housework, whereas men spend, respectively, 3 hours and 30 minutes and 2 hours and 38 minutes on the same activities (Eurostat, 2006). Summing the time spent on these two activities, it is clear that women work more than men.

In an analysis of time use by Belgians, the Institut National de Statistique (INS, 2002) titled Chapter 8 'Le ménage égalitaire: pas encore pour demain' ['The equalitarian household: not about to happen']. This holds true in households where both partners are employed. The INS survey shows that, in a week, the time spent at work is 35 hours 1 minute for men and 25 hours 38 minutes for women; the time devoted to household tasks is 13 hours 51 minutes for men and 23 hours 40 minutes for women; and the time devoted to care and education of children is 3 hours 6 minutes for men and 5 hours 18 minutes for women. Among couples in the survey, men work full time (96 per cent), on average 35 hours per week, whereas 46 per cent of women work part time, on average 22 hours per week.

The gendered distribution of roles obviously remains traditional. The INS also predicts that, as the double-income household model spreads, the pressure on time will intensify. The public authorities are thus called upon to provide parents (women and men) with a series of institutional supports that allow a better work/family articulation. Supporting the development of a 'cumulative' model is not only a response to what people want, it is also a necessary part of two converging policies:

promoting equal opportunity between men and women and increasing women's employment. I will now review the main institutional supports.

Institutional supports for WFA

Work/family articulation is not a private matter where individuals and families have to make choices and juggle with various demands and desires; it is a public matter, and thus a responsibility of the State. In Belgium, a number of provisions that can be interpreted (even if that is not their primary objective) as favouring a better articulation of working life and family life have been institutionalised and become rights. I shall first examine three provisions that have become mainstays of WFA (Maternity, Paternity and adoption leave), and then concentrate on two additional measures: reduction or suspension of work in the private sector (time credit) and so-called thematic leave (leave for medical care, palliative care leave, Parental leave).

But let me first add that Belgium has a network of diverse childcare facilities: day-care centres, community childcare centres (*maisons communales d'accueil de l'enfance*, MCAE), nursery schools, family day carers (supervised and independent), school-age childcare services. However, the supply of these childcare services, with an estimated coverage rate of 25 per cent (Dieu, 2006), is less than the demand.

'Standard' leave

a. Maternity leave: except in specific cases such as multiple births, Maternity leave is 15 weeks, one of which must be taken before delivery (prenatal leave) and at least nine must be taken after delivery (post-natal leave). The other five weeks are 'floating', so the worker can choose to take them before or after the expected delivery date. If a multiple birth is expected, leave can be extended. During Maternity leave, maternity benefits are paid by the mutual insurance system. The benefits are based on a per centage of salary. For the first 30 days, payment is 82 per cent of salary; afterwards, it is a per centage of salary, but with an upper limit.

b. Paternity leave: since 2002, Paternity leave is ten working days, to be taken within 30 days after delivery. The ten days can be taken at once or spread out. The employer pays the first three days of leave; during the next seven days, the worker does not receive a salary but a benefit through the health insurance payment system, equivalent to 80 per cent of salary, with an upper limit.

c. Adoption leave: each worker (man or woman) has a right to adoption leave when an adopted child arrives in his or her family, to be taken within two months of the registration of the child with the public authorities. The leave is six weeks maximum (if the child is under three years) and four weeks maximum (if the child is over three). The worker keeps his or her complete salary during the first three days. For the remainder, he or she receives benefits from the mutual insurance system.

Time credit

Although it is not limited to WFA issues, since it can be taken for any reason, time credit is very relevant. I shall first examine the juridical aspects of the time credit

system. After an overview of the measures prior to time credit, I consider the main points of the present system, based on the provisions of *Collective work agreement (CCT) n°77 bis*.

The basis of the time credit system is the career interruption scheme (also called 'career break'), governed by the recovery law of 22 January 1985 (Dauphin, Delisse and Pirard, 1999). Its main aim was to reduce unemployment in a context of economic crisis. One of the measures adopted by the government at the time, supported by the Minister of Employment and Labour, was to set up a system of career breaks, giving every worker the right to stop work or reduce his working time, with the employer's agreement, for a specific period of time. Benefits were paid by the *Office National de l'Emploi* (National Office for Labour) provided the employer hired an unemployed person as a replacement. Moreover, a career break could be taken for any reason.

This system had numerous financial advantages. For the State, there was a positive trade-off between the benefits paid to workers taking a career break and savings on unemployment benefits (Verbrugge, 2002). It was a way to share the available jobs, but also to allow certain workers to better reconcile family and working lives, at a time when there was no Paternity or Parental leave. The system quickly proved successful and some modifications were introduced, either to promote it or reduce its appeal, according to the economic situation (Dauphin et al., 1999). In the early 1990s, an increase in the benefit paid led to a sharp increase in the numbers taking a career break: up 140 per cent in three years, from 20,590 persons in 1988, to 49,354 in 1991! For budget reasons, this benefit increase was stopped in 1993 and the increase in take-up slowed; in December 1993, there were 53,528 persons, an increase of just 8.5 per cent since 1991. Over time, career interruption has become a right for workers, at least for the first one per cent of the average number of workers in a company (or public sector equivalent), per year; the employer still had to give his agreement if more than one per cent of workers applied in a year.

From the middle to the end of the 1980s, new entitlements were added to the career break. Workers were given the right to interrupt their work, for example, for palliative care, to care for a seriously ill relative, or even to take care of their children; these were called 'thematic leave'. Then the right to a career break was given to three per cent of the workforce per year in a company rather than the previous one per cent.

January 2002 is a landmark in the history of this measure: in the private sector, the 'time credit' replaced the 'career break', through the Interprofessional collective agreement (CCT) nr 77. Under the influence of the then Minister of Employment and Labour, Ms Laurette Onkelinx, one of the points of the government declaration of October 2000 was to offer 'all workers a right to interrupt their career for one year (possibly extended) with a monthly allowance of BEF30,000 (around €750), as well as the right for all to work 4/5 time' (Verbrugge, 2002: 131).

The career break scheme still exists, but only for workers in the public sector. The time credit scheme is a right for all personnel in private undertakings with more than ten workers, whereas the former career break scheme required the employer's agreement if at least three per cent of the workers requested leave. Moreover, the

obligation to replace the worker by an unemployed person was removed. Time credit is becoming a measure for a better articulation of work with various social activities.

As some parts of CCT nr 77 caused practical problems, the social partners agreed to replace the whole of CCT nr 77 by CCT nr 77bis, then by CCT nr 77ter (in July 2002). The aim was to give maximum legal security to beneficiaries. The scope of the concept of time credit is given in article 1 of CCT nr 77bis, which groups three options for partial or total withdrawal from work, which can be used simultaneously:

- the right to time credit for full-time or part-time workers who have worked at least one year with their current employer;
- a reduction of a fifth in employment hours, by taking one day or two half-days per week, for full-time workers who have worked at least five years with their current employer;
- a specific reduction of working time for full-time workers, aged 50 or more, with more than 20 years of employment and at least five years with their current employer.

Passed at the end of 2005, the Solidarity between Generations Pact brought some important changes. The objective was to encourage employees to work at least until the legal retirement age, so making ageing of the population financially sustainable. Thus, a whole series of measures were introduced to render working longer more attractive. Some of them concern time credit, and more specifically workers aged 50 and over. Changes were made through CCT nr 77quater of 30 July 2007, which adapts some provisions of CCT nr 77bis.

I will now examine in more detail the provisions of CCT nr 77bis, which is now in force. This agreement applies to workers and employers in the private sector. It must be noted that, in Belgium, such agreements (CCTs) determine the individual and collective relationships between employers and workers, either in individual companies or in a sector of activity. They also define the rights and obligations of the contracting parties. They are in fact the result of agreements between, on the one side, one or more workers' associations and, on the other, one or more employers' organisations or one or more employers.

Collective agreements are made in joint commissions operating at different levels:

- at the cross-sectoral level, collective agreements are concluded in the *Conseil national du travail* (National Labour Council) and apply to all undertakings in the country;
- at the sectoral level, collective agreements are concluded in joint commissions and apply to all undertakings in that sector;
- at the level of the individual undertaking.

Collective agreements complete and elaborate the legal texts of social law. If one of the partners requests it, they can be made mandatory by Royal decree. In this case, the Collective agreement binds all the employers and all the workers that are covered by the joint commission. Employers and workers in the public sector remain under the career break system originating in the Recovery law of 22 January 1985. However, workers in private education (mostly catholic), public regional transport

companies (bus, tram, metro), private or mixed intermunicipal undertakings in electricity and gas distribution, public autonomous undertakings (Belgacom, SNCB, BIAC, Post), as well as personnel in public credit institutions, can benefit from the time credit system.

Time credit operates in two different ways (art. 3, para. 1): a total suspension of work or a reduction of working time to half time. In both cases, the workers must have been employed in the undertaking for 12 months in the 15 months preceding the written request for time credit (art. 5). In organisations with less than ten workers, the employer must give his agreement. The maximum duration of time credit, full time or part time, is one year. The undertaking or the joint commission can, through a collective agreement, extend the duration, but this can never exceed five years over the course of a worker's career (art. 3, para. 2). Three months is the minimum period that can be taken at any one time.

Since June 2007, even if the duration of the time credit can be extended beyond one year (as long as a collective agreement allows it), the benefits for time credit are limited to one year if the worker stops working completely (art. 4). However, if the worker takes a full-time time credit to care for children (aged under eight) or a seriously ill relative, to provide palliative care or for training, benefits can be received for up to five years. For full-time workers, the benefits are set at €427.14 per month (on 1 January 2008) if they have worked for less than five years with their current employer and at €569.53 if they have worked longer. For workers who reduce their working time by half, benefits are reduced accordingly.

The calculation of retirement rights is based on salary over the last three years, while workers using time credit keep their rights to reimbursement of health costs. If the working time is reduced to half time, the illness allowance, the amount of holiday leave and the holiday pay are calculated according to the rules applicable for part-time workers (namely proportional to the new working time and to the salary).

The right to reduce working hours by a fifth – either as one whole day or two half days per week (art. 6, para. 1) – must be taken for a period of at least six months and can be taken for up to five years, calculated on the whole career of the worker (art. 6, para. 1). The benefit paid is €140.64 per month (on 1 January 2008).

Finally, all workers aged 50 or more benefit from either a right to reduce working time to half time or a right to reduce working time by a fifth of full-time working hours (art. 9, para. 1). So these workers have a right, in all cases, to work four-fifths time. Eligibility for a reduction in working time is lowered from five to three years continuous employment, and this condition can be reduced even more, down to two years or even one, if there is an agreement between the worker and the employer (art. 10, para. 2). Moreover, at the time of the request for reduced working time, the worker must have at least 20 years of employment (art. 10, para. 3).

Workers using this right must work reduced hours for at least three months, for the half-time reduction, or six months for the one-fifth time reduction. But there is no upper limit on the length of time they can work reduced hours. Workers choosing a four day week receive a benefit of €140.65 per month (1 January 2008); while for a half-time reduction, the payment is €213.57 or €284.76, depending on whether the

worker has fewer or more than five years employment with their current employer. Social rights are maintained during the whole period. This means that the previous salary is the reference for unemployment and retirement rights. Illness benefits, the number of legal leave days and the holiday pay are based on the part-time work.

The worker wishing to take advantage of time credit must make a written request to their employer, at least three months before the desired starting date, if the undertaking employs more than 20 workers, or six months before if the number of workers is fewer. In the latter case, the right to time credit requires the agreement of the employer; in all other cases the taking of time credit is a right. However, in some circumstances, the employer can postpone the exercise of this right if there are pressing reasons to do so (art. 14 and 14bis), for example the difficulty of finding a replacement. In that case, the right to time credit will start at the latest six months after it would have started if it had not been postponed. If a worker aged 55 or more occupies a key post, the employer can defer granting the one-fifth reduction in working hours; before CCT nr 77quater, the employer could reject the request of the worker altogether, but now the undertaking has 12 months to reorganise the work, before permitting the reduced working hours.

The employer can refuse the time credit request in one case: if the total number of workers that are or will be taking that right at the same time in the undertaking or in one of its departments exceeds five per cent of the total number of workers (art. 15). Since it was modified by CCT nr 77quater, workers 55 and over who wish to reduce their working time by a fifth are not counted in the five per cent threshold (art. 14bis). Moreover, those benefiting from thematic leave (Parental leave, leave for palliative care, leave for caring for a seriously ill relative) are never taken into account when calculating the threshold. When the five per cent threshold is exceeded, the claims of some workers have to be postponed. The Enterprise Council (or, if there is none, it is an agreement between the employer and the Union delegation) establish a system for deciding priority and planning (art. 16).

Thematic leave

a. Leave to provide care and assistance to a seriously ill relative: this form of leave covers the same group as the general time credit scheme. Workers who have a medical certificate proving that a relative up to the second degree is seriously ill and requires care, are eligible for this leave. It can be requested more than once, as long as it is a different relative who requires care. For each relative, there is a right to:

- a complete interruption of employment for 12 months maximum; or
- a reduction of a fifth in normal working hours in the case of full-time employment; or
- a reduction to half-time when working at least three-quarters of full-time employment.

The maximum duration for working reduced hours is 24 months, and all three options must be used for at least one month at a time. In undertakings with 50 workers or less, the employer can reject the request for this right if the worker has already had six months away from work or 12 months of reduced working hours. Where there are

fewer than ten workers, the workers only have a right to a complete interruption of employment.

b. Leave for palliative care: workers have the right to leave in order to care for a person who has an incurable illness in its terminal phase. This leave for palliative care is set at one month (renewable once) and can be taken as either a complete interruption of employment; or a reduction of working time to four-fifths or half of normal working hours. There are some distinctive differences between this leave and leave for care and assistance to a seriously ill relative, including: the terminal state of the illness; the shorter length of the leave; availability to care for any person, whether or not he or she is a relative; and the employer being unable to reject the request for leave.

c. Parental leave: the Belgian regulations for Parental leave are based on European directive 96/34. In compliance with this directive, at least three months of leave are available for all workers at the birth or adoption of a child, and can be taken until the child reaches the age of six years or, in the case of adoption, during a four-year period from the day the child is registered with the public authorities. If the child has at least a 66 per cent handicap, leave can be taken until the child reaches eight years. In order to have the right to Parental leave, the worker must have had a work contract with the current employer for at least 12 months in the 15 months preceding the written request. For practical reasons of running the undertaking, the employer can postpone the beginning of the leave for six months maximum.

Parental leave can be taken as: a total suspension of work for three months, taken all at once or in one-month periods; for full-time workers, a reduction of working hours to half-time for six months, taken all at once or in two-month periods; or a reduction of working hours by a fifth for 15 months, taken all at once or fragmented or in five-month periods.

Workers taking any thematic leave are paid a benefit by the Federal employment agency (ONEM). This amounts to €698.65 for a full-time interruption, €349.32 for a half-time reduction in working hours and €118.51 for a one-fifth reduction (1 January 2008).

Use of institutional measures

This section, which is mainly based on the Master's thesis of O. Besançon (2008), considers the use made in the private sector of the various measures outlined above, with special attention to the differences between men and women.

Time credit

Use of this entitlement is increasing each year among men aged 50 and over and in women under 50; however, this increase is due to more people working reduced hours and the numbers stopping work completely are falling. There are more women than men using the scheme except in the group aged 50 and over, where there are many men. When women choose to take time credit, they do so mainly between the ages of 25 and 39, or after 50; but most men taking time credit, 80 per cent, are over

50. Since its introduction, women have always been the main users of this scheme (63 per cent), and the proportions have remained very similar since 2002 (Figures 1.1a, 1.1b and 1.1c).

There are also differences in the distribution of use between the different regions of Belgium. In 2007, the Flemish region accounted for 72 per cent of users, the Walloon region 23 per cent and the Brussels region five per cent (Figure 1.1d). However, these figures must be further examined. In 2005, according to the Labour Force Survey, Belgium had 2,542,182 employees in the private sector: 1,596,808 in Flanders, 719,233 in Wallonia and 226,141 in Brussels. In the same year, the total number of time credit users for Flanders was 64,140 and 20,240 in the Walloon region – meaning that four per cent of workers in Flanders used time credit, compared with 2.8 per cent in the Walloon region.

The main reason for this difference is that the Flemish government pays a supplementary allowance of €168.93 per month (January 2008), which is added to the national benefit paid by ONEM. To have this allowance, the candidates must have taken a time credit, or thematic leave, for a very specific reason such as caring for a child under eight years or caring for a seriously ill relative. All these reasons are called 'care credit'.

Thematic leaves

Parental leave is by far the most used thematic leave. Use has been growing steadily since 2002, with 26,933 beneficiaries in 2007. Leave for medical assistance to a relative (3,347 in 2007) or for palliative care (137 in 2007) are not used as much, although their use is rising slightly each year. As for time credit, women are the main beneficiaries of thematic leave. However, the proportion of men is growing, with seven times more men using Parental leave now than in 2002, although they remain far behind women (Figures 1.1e and 1.1f).

Women as the main users of FWA measures

Whatever the type of leave, women are the main users: except for time credit after the age of 50, there are more women interrupting their employment than men. In 2007, women represented 63 per cent of the beneficiaries of time credit and 78 per cent for thematic leave. However, the number of men interrupting their employment rises every year. For time credit, for example, the figure was 8,868 in 2002 and 40,972 in 2007. The largest increase has been in Parental leave, with 6,788 male users in 2007, eight times more than five years ago.

However, the number of women interrupting their employment is also rising each year. Between 2006 and 2007, the number of women using time credit rose by ten per cent, compared to eight per cent among men. The situation is slightly different for Parental leave: the number of women rose by four per cent between 2006 and 2007, compared with 13 per cent for men.

These observations suggest that, although there are some changes, FWA in Belgium still remains mainly women's responsibility. We must recognise that some of the motives are purely financial. Gendered pay differences are real, mostly due to the

fact that women more often work part time (Beyers and Gilbert, 2007). The calculation is easy for the couple: it is the wife who will choose to use the leave entitlement, since the income loss is lower. Does the Flemish supplementary allowance have a positive effect on men's using time credit or thematic leave?

The annual report of the Flemish Ministry of Employment and Social Economy shows that there were 27,198 beneficiaries of this allowance in the private sector in 2005. Compared with 2004, there was a slight (two per cent) decrease in overall numbers, due to new regulations implemented in April 2005 (Vlaams Ministerie van Werk en Sociale Economie, 2005). Nevertheless, we can see a seven per cent rise in numbers of men, compared with a four per cent decrease for women (Table 1.1c).

It should be remembered that the Flemish benefits are given for training (training credit), and for help and assistance to children and relatives in need (care credit). The latter accounted for 99 per cent of requests in 2005, with men accounting for 20 per cent of beneficiaries. This is much lower than the proportion of men taking leave nationally! However, this observation must be qualified. Since the allowance is mostly given for care reasons, workers over the age of 50 are rarely beneficiaries yet many use the time credit scheme; in Flanders, just five per cent of the total number of persons requesting a care credit were aged over 50, whereas nationally 41 per cent of beneficiaries of time credit or thematic leave were in this older age group. So to make a proper assessment, we need to calculate the proportion of men using time credit and thematic leave but excluding the over-50s. On this basis, Besançon (2008) calculates that men make up 18 per cent of users of time credit or thematic leave schemes, for the whole country, while in Flanders the proportion of care credit allowances claimed by men is 19 per cent. So we can deduce that the monthly supplement is not an incentive for men to take WFA measures.

Conclusion

The relationship between working life and family life is an important issue in Belgium. Public authorities have introduced institutional supports for a better work/family articulation, in order to encourage a cumulative work/family model where professional investment and family investment are not incompatible, for women as well as men. This is consistent with the perspective of a universal breadwinner and caregiver, which considers that each adult should have the capacity – what Sen (2004) calls capability – to earn a living and assume care of other persons.

Part of the Belgian institutional measures show support for the development of this model. Besides Maternity, Paternity and adoption leave, some thematic leave and time credit schemes allow women and men to leave the labour market, partially or totally, without breaking the link with that sphere. However, laws are not sufficient to ensure a more egalitarian articulation. We have shown how women remain the main users of these measures, although they are open to both sexes. (For an analysis of the use of career breaks by men and women, see the next article, by Jessie Vandeweyer and Ignace Glorieux.)

Of course, this results in part from an economic calculation, but it often hides a gendered social structure. In this sense, socio-culturally, the main responsibility for

family duties is still left to women, which is *ipso facto* an obstacle for men who wish to invest more in parenthood. But this is another subject to consider and research.

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http://www.werk.be/wn/aanmoedigingspremies/documenten/jaarrapport_away_2004.pdf (accessed 1 July 2009)

Table 1.1a: Indicators of labour market and fertility rate: comparison Japan, Sweden, Belgium

	Japan	Sweden	Belgium
Activity rate, women (25-54 y.o.) in 2004 (a)	68.1	85.3	74.3
Proportion of part-time in total female employment in 2004 (b)	41.7	20.8	34.1
Employment rate of mothers of a child under 6, living in a couple (c)	33.3	77.8	71.8
Total fertility rate (children per woman) in 2004 (d)	1.38	1.75	1.48

Sources: (a) and (b) OECD, 2005: statistical annex; (c) OECD, 2001, p.145; (d) Eurostat, 2006

Table 1.1b: Men and women beneficiaries of time credit in the private sector, Belgium, 2004-2007

	Complete interruption		Reduction of working time				TOTAL		
	Men	Women	Men		Women		Men	Women	TOTAL
			< 50 y.o.	> 50 y.o.	< 50 y.o.	> 50 y.o.			
2004	3754	9456	5012	19666	21458	13744	28432	44658	73090
2005	3754	9130	5879	24401	27096	18757	34034	54983	89017
2006	3433	8835	6416	27956	31986	23539	37805	64360	102165
2007	3052	8400	6503	31417	33971	28324	40972	70695	111667

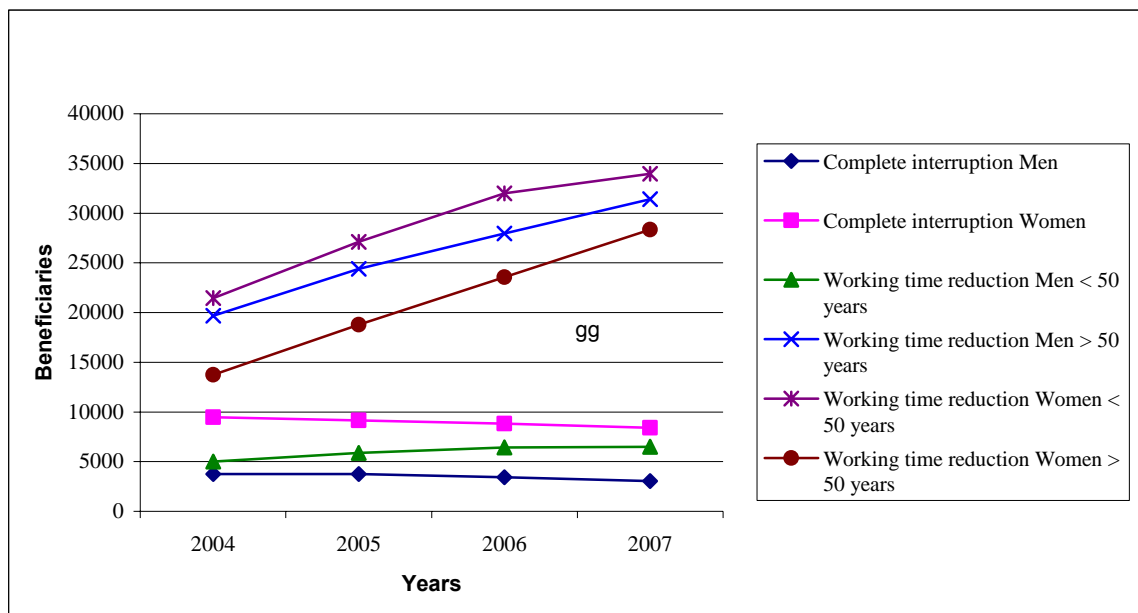
Source: ONEM

Table 1.1c: Number of supplementary allowances given in the private sector, Flanders, 2002-2005

	Men	Women	Total
2002	2152	14400	16552
2003	3989	20318	24307
2004	5134	22679	27813
2005	5489	21709	27198
Change: 2004 and 2005	+7 per cent	-4 per cent	-2 per cent

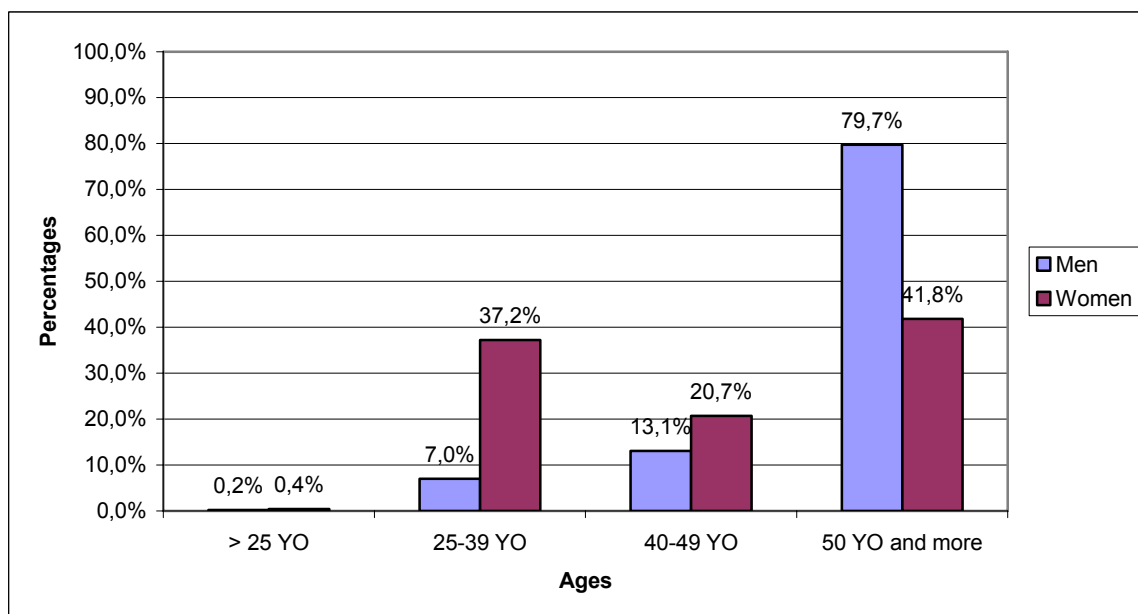
Source: Vlaams Ministerie van Werk en Sociale Economie, 2005

Figure 1.1a: Men and women using time credit in the private sector, Belgium, 2004-2007



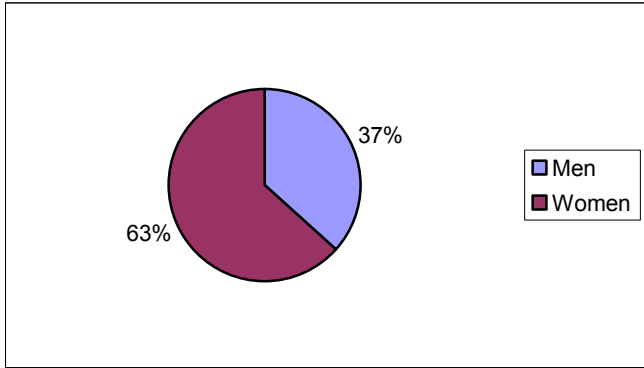
Source: ONEM

Figure 1.1b: Distribution of time credit beneficiaries according to age and gender, Belgium, 2007



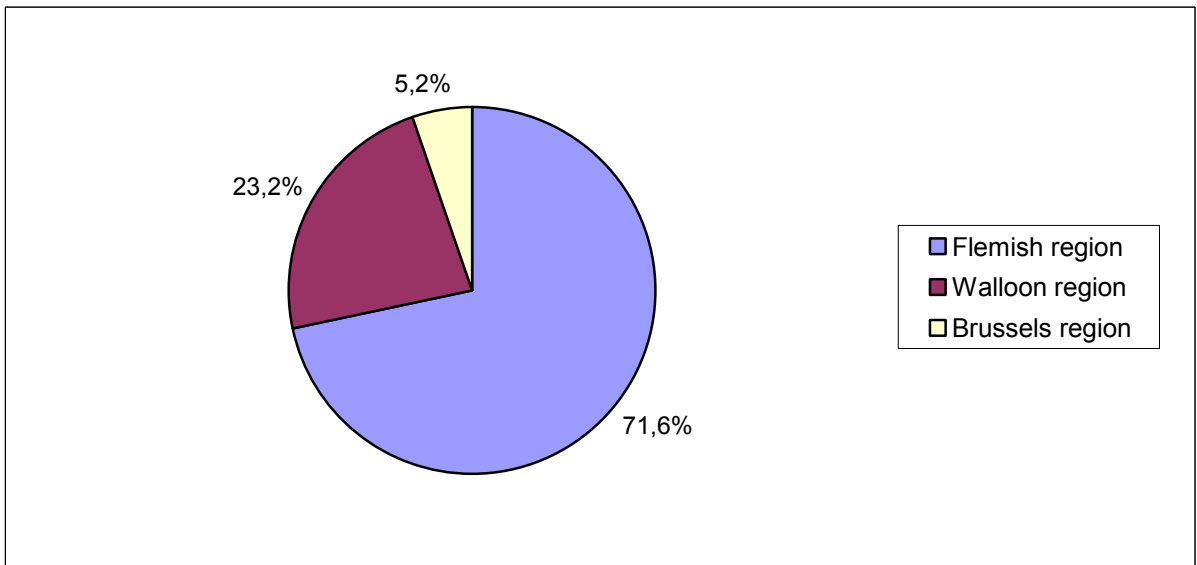
Source: ONEM

Figure 1.1c: Use of time credit according to gender, Belgium, 2007



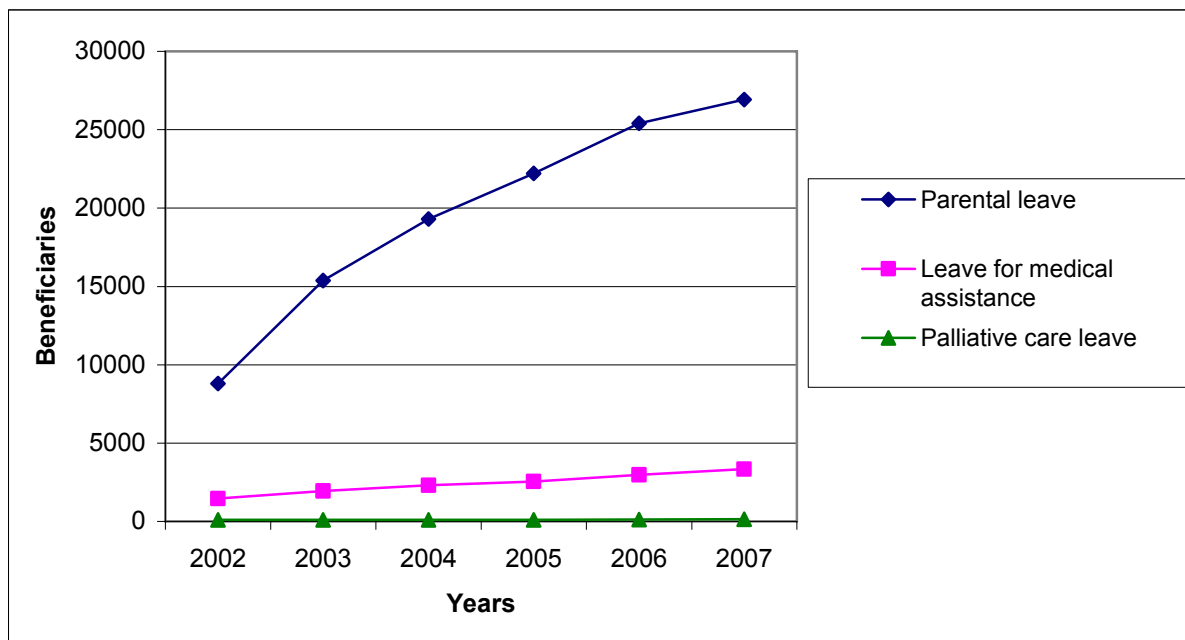
Source: ONEM

Figure 1.1d: Distribution of beneficiaries of time credit according to regions, Belgium, 2007



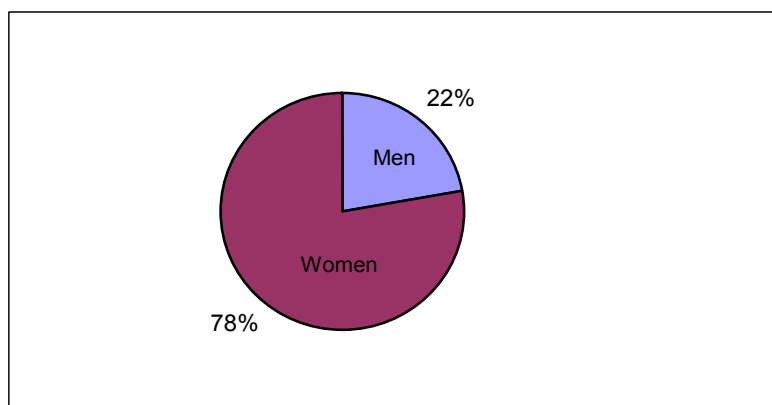
Source: ONEM

Figure 1.1e: Men and women using thematic leave in the private sector, Belgium, 2002-2007



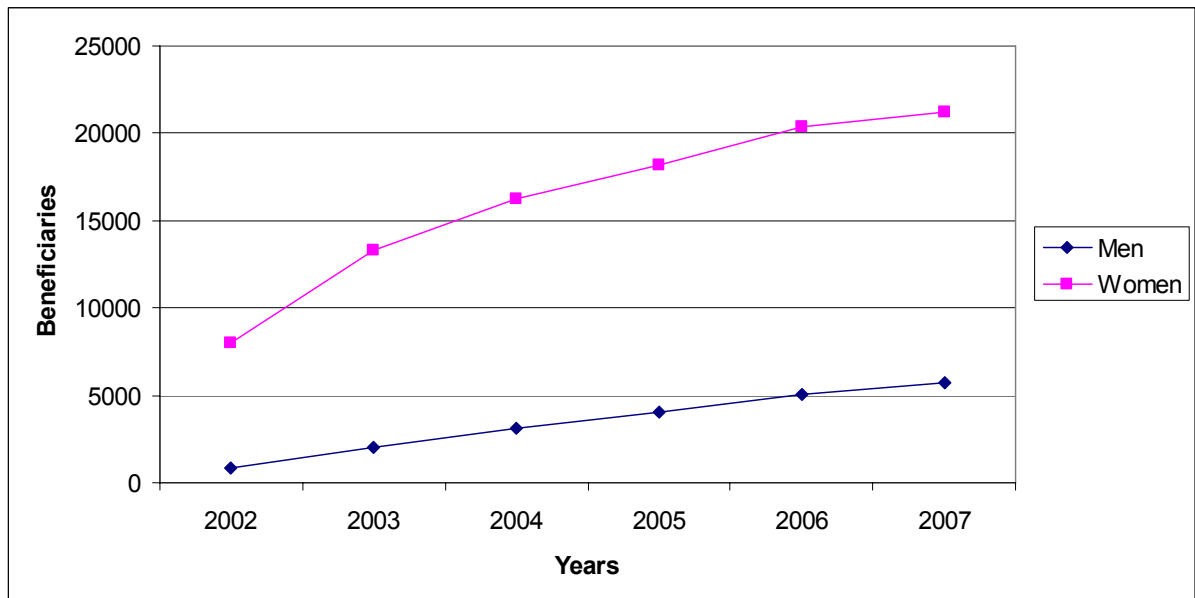
Source: ONEM

Figure 1.1f: Use of thematic leave in the private sector, according to gender, Belgium, 2007



Source : ONEM

Figure 1.1g: Number of men and women taking parental leave in the private sector, Belgium, 2002-2007



Source : ONEM

1.2

Belgium: career breaks in Flanders

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Introduction

In this short research note, findings are reported from a study² of women and men in Flanders, the Flemish-speaking part of Belgium, taking career breaks. These findings include the demographic profile of the leave-takers, their motivation for taking leave, and their time use and subjective feelings of time pressure; where appropriate, these findings are contrasted with results for employed women and men not taking a career break.³ These are preceded by information on the Belgian career break system, which is unique: Belgium is the only country in the EU (and possibly in the world) providing, as an entitlement to all workers, a prolonged period of leave not related to childcare. For a more detailed description of the workings of career breaks/time credits and the related but separate system of 'thematic leave', see the preceding article by Bernard Fusulier.

The Belgian career break system

Legislation on career breaks was introduced by the Belgian government in 1985. It allows employees to reduce working hours or to interrupt their employment altogether, with job security, for a specific period during which a state allowance is paid covering, in part, the loss of earnings. Initially, the legislation was aimed at achieving a redistribution of labour to counter rising unemployment. Each person taking a career break was to be replaced by an unemployed person, and would only be paid their allowance if this condition was fulfilled. In the second half of the 1990s, three additional forms of career break (besides the general scheme) were introduced, referred to as 'thematic leave': leave for palliative care (in 1995) for one month, extendable to two months; Parental leave (in 1997); and medical care leave (in 1999) for one to three months, extendable to 12 months.

At the beginning of 2002, the system was given a radical overhaul. In the public sector, it kept the name 'career break', but became known as 'time credit' in the

² Research Foundation Flanders Project 'Focus on career interrupters. Living conditions and time use of the time credit system users in Flanders' (agreement G.0515.04).

³ A more elaborate version of this research note can be found in Vandeweyer and Glorieux, 2008.

private sector (Devisscher, 2004). The replacement rule for the general scheme was withdrawn, breaking the link with unemployment policy, but the thematic leave forms of career break remain. The general schemes of career break and time credit exist alongside Parental leave, and the two are not to be confused. An EU directive stipulates all member states must provide at least three months Parental leave per parent, while there are no EU regulations on career break.

Parental leave in Belgium is an individual entitlement of three months leave per child for each parent, which can be taken until the child reaches the age of six years. The leave may be taken full time, part time over six months or one day a week for 15 months and is paid at a flat rate depending on how the leave is taken (approximately €615 per month for full-time leave). The Flemish government offers an extra incentive premium (approximately €160 per month for full-time leave).

Career break or *time credit* is available to all employees who have worked at least one year for the same employer (with a maximum of five per cent of employees per organisation able to take leave simultaneously); it can be taken anytime during the course of life; and it is not limited to specific reasons for leave – in other words, it can be taken for any reason. All employees have the right to one year of this leave, which can be extended to five years by collective agreements and can be taken flexibly. In the public sector, employees can reduce their working time by one-fifth, one-quarter, one-third or one-half or take a full-time break. In the private sector, time credit allows interruption of employment or reduction of hours by one-half or one-fifth (Deven and Moss, 2002; Desmet, Glorieux and Vandeweyer, 2006; Moss and O'Brien, 2006).

The allowance paid to people who take a career break or time credit depends on age, household composition and years of employment and is lower than for Parental leave. An employee younger than 50 in the public sector receives between €300 and €400 per month for a full-time break, and in the private sector up to €500. The additional incentive premium from the Flemish government is also offered for this type of leave.

The current policy is intended, on the one hand, to enable a more relaxed career and acknowledges the need for time across a lifespan for activities other than employment. On the other hand, the policy encourages employees over 50 to stay in the labour market by allowing them to work four-fifths or one-half of normal hours until their pension age. Since 2002, there has been a special ruling in place for the over-50s, with more flexible conditions and larger contributions. The so-called 'landing-strip jobs', whereby over-50s voluntarily reduce the number of hours they work, are used by the majority of workers as a transition from work to retirement. In 2004, 18 per cent of the female working population over 50 and ten per cent of men in the same category chose to take advantage of this form of part-time career break (Geurts and Van Woensel, 2005: 111). This possibility is extensively used in cases of company restructuring.

Career breaks and time credits, therefore, act both as employment and work-life balance policies. In 2004 in Flanders, nine per cent of the working female and three per cent of the working male population – 89,000 women and 35,000 men – took career breaks or time credit, part or full time. Although the total share of male workers using these schemes has grown in recent years, it still represents a relatively

small group. If we look at the male working population under the age of 50, only one per cent took career leave, compared with seven per cent of employed women (Geurts and Van Woensel, 2005).

A study of career-breakers

In 2004, the University of Antwerp and the Free University of Brussels carried out a major survey among Flemish career-breakers aged between 20 and 49 in order to gain a picture of their lifestyle and time use. A conscious decision was made to survey only career-breakers under the age of 50 to avoid the issue of work-to-retirement transitions. The study included both those taking advantage of the general career break and time credit schemes, and those taking thematic leave. To simplify matters, we refer to all members of these groups as 'career-breakers'. Only career-breakers who, at the time of sampling, had at least five months to go on their career breaks were selected, as the time between the initial sampling process and when the respondents were visited by the interviewer could vary from a few weeks to several months.

With the help of the National Employment Office a sample of Flemish career-breakers was drawn. Female part-time career-breakers accounted for 74 per cent of the total population from which the sample was taken, male part-time career-breakers for 13 per cent, female full-time career-breakers for 11 per cent and male full-time career-breakers for two per cent. In total, 16 per cent of the career-breakers were male as opposed to 85 per cent who were female; 13 per cent interrupted their careers on a full-time basis (so temporarily no longer worked) against a part-time percentage of 87 per cent. These figures reveal the gendered nature of leave-taking in Flanders.

A postcard was sent to a sample of career-breakers to invite them to participate in the study. Of the 8,907 postcards sent, 2,411 were returned with a positive answer. In total, 607 male (194 full-time and 413 part-time) and 629 female (294 full-time and 335 part-time) career-breakers were interviewed, supplemented by a control group of 278 people in employment, smaller in number since they could be supplemented by data from employees in the TOR '04 time use survey.

The study design was to interview equal numbers of men and women, spread equally over part- and full-time leave. Each subgroup of career-breakers is representative of the Flemish population of career-breakers aged between 20 and 49 years with a break of at least five months. Respondents were weighted according to age and leave rate (see technical report, Desmet et al., 2006). Around half of the career-breakers kept a diary for seven days in which they noted down what they were doing at a particular time, who was present, to whom they had spoken, what the reason was for their action and, if they were travelling, the transport they used. This research note focuses on the full-time and part-time career-breakers who kept a diary for a week. In order to reveal the changes in how career-breakers spent their time, they were compared with employed people in the same age group from the Flemish TOR '04 time use survey.

The methodology used in the career break survey and the TOR '04 time use survey was identical, including the same diaries, and the field work for both studies was

carried out at the same time in 2004. The questionnaires contained one section unique to the situation of career-breakers and a section in common with the TOR '04 time use survey. The first section covered, *inter alia*, the experience of being on leave, the changes in habits and time use, and future outlook. The general section included the social demographic variables of the respondents and their partners, attitudes towards work and modalities of (previous) work (timing, duration, flexibility), leisure activities, social participation and volunteer work, media preferences and general attitudes, for example towards traditional role patterns (non-exhaustive list). The similarities between the two surveys allowed a comparison of the demographic characteristics, outlook and attitude of career-breakers and the Flemish population in general.

In this research note, we have identified four groups of men according to their working situation: full-time workers (n=434); full-time career-breakers with work-related activities⁴ during their career breaks (n=50); part-time career-breakers (n=188); and full-time career-breakers with no work-related activities (n=58). There are also four groups of women, defined according to their working situation: full-time workers (n=229); part-time workers (n=173); part-time career-breakers (n=179); and full-time career-breakers with no work-related activities (n=133).

Demographic profile

The average age of the men was approximately 37 years. Part-time career-breakers were considerably older (40). There are no significant differences with respect to educational level between the four groups (Table 1.2a). The most common form of family life among working men and male career-breakers is living in a household with children. Part-time male career-breakers more often tend to live with a partner and children and have more and younger children than the other men in the survey. Full-time career-breakers without any working activities tend to still live at home with their parents or cohabit with a partner yet are without children.

The average age of women was approximately 36 years. Full-time working women were younger (34) and lived less often with a partner and children than the other women in the survey (Table 1.2b). Female part-time career-breakers were, on average, more highly educated. The difference in educational level was especially marked between part-time career-breakers and part-time workers. Most women in the survey lived with a partner and had children, with the exception of full-time working women. Full-time working women tend to live more often with their parents or alone and almost half of this subgroup had no children.

Motivation

The reasons for taking a career break vary between part- and full-time leave-takers. For full-time male career-breakers with work-related activities, another professional activity was the most important reason to take leave (Table 1.2c). One-quarter of this

⁴ The career break and time credit systems allow careers to be interrupted for any reason. Working in another job is an option, though the allowance is no longer paid. However, the leave-taker retains his/her right to return to the same employer after the break.

group also specified 'more time for the children'. Full-time career-breakers without a work-related activity mainly chose to take a career leave to follow a course or study or to spend more time with the children. One-quarter of the non-working male full-time career-breakers were also dissatisfied with their jobs.

Part-time leave obviously seems a strategy for men to better balance work and family responsibilities. Half of the part-time career-breakers wanted more time for the children and one-fifth mentioned 'more time for domestic chores' as one of the reasons for career leave. The fact that 32 per cent wanted more leisure time and 23 per cent more time for themselves indicated a desire to 'slow down'.

The most important reason for taking a career break among women was 'more time for the children' (Table 1.2d). Almost three-quarters of women with a full-time or part-time leave specified this reason. In addition, 41 per cent of the female part-time career-breakers wanted more time for domestic work and 38 per cent wanted more time for themselves.

Time use

If we disregard men choosing to take leave for other work-related activities, a career break goes hand in hand with a significant reduction in total workload, at least for full-time male career-breakers (Table 1.2e). The total workload consists of paid work, domestic work and childcare. Male career-breakers on full-time leave and with no other work activities have the smallest total workload, although they spend a large amount of time on domestic work. Full-time career-breakers without work-related activities take more time for personal care, eating and drinking, and sleeping and resting. In line with their reasons for taking leave, they spend significantly more time on education and training. Not working at all also enhances the time spent on social participation and leisure.

Taking career leave to try out another job is the most popular reason for taking a full-time career break. These men have the highest total workload and the smallest amount of time for sleeping and resting, social participation, leisure and travel. Whether the leave provides them with a better work-life balance is questionable.

Part-time leave does not imply a radical reduction in total workload. The lower number of hours worked by male part-time career-breakers is partially compensated for by an increase in domestic work and childcare. Part-time male career-breakers present a strong image as caring fathers. They use career leave and time credit schemes effectively to achieve a better balance between paid work and family life. Therefore their time spent on personal care, social participation, leisure and travel only differs moderately from full-time working men.

These results do not take into account that 76 per cent of part-time career-breakers cohabit with a partner and children, whereas for working men it is between 55 and 60 per cent, and for full-time male career-breakers without work-related activities it is just 40 per cent. We get a better picture of the changes in the combination of work-based and family-oriented activities if we look exclusively at fathers (Table 1.2f). Among fathers, a clear-cut redistribution of workload can be identified. Less paid work or no paid work at all correlates with a gradual increase in household tasks and

childcare. An exception to this is the full-time career-breakers. In view of the small number of fathers among full-time career-breakers, these figures should be regarded as indicative.

Another way of looking at the changes in how career-breakers use their time is to examine how time that is freed up by not working or working less is allocated among other activities when compared to full-time workers. Table 1.2g corroborates previous findings. Part-time male career-breakers spend 82 per cent of the time that they gain by working on a part-time basis on family-based tasks (domestic work and childcare). Among full-time career-breakers without work-related activities 43 per cent of freed-up time is devoted to family tasks. If, though, we consider only the full-time career-breakers without work-related activities and with children, they would appear to spend around three-quarters of freed-up time on family tasks, just like part-time career-breakers. However, their numbers are too low to assess statistical significance.

As for men, a career break for women only goes hand in hand with a significant reduction in the total workload for those who opt for a full-time career-break (Table 1.2h). A huge amount of time, however, is spent at domestic work and childcare; the time put into household and childcare responsibilities by full-time female career-breakers without work-related activities is comparable to a full-time working week. A full-time break also gives women the possibility to spend more time on personal care, eating and drinking, sleeping and resting, education and training, and social participation compared to working in a full-time job.

Female part-time workers or part-time leave-takers compensate for lower numbers of hours worked by an increase in domestic work and childcare. Part-time career leave, therefore, does not imply a radical reduction in total workload. Just like men, part-time career leave or part-time work is used as a strategy to combine work and family life.

These findings are corroborated in Table 1.2j which shows the allocation of freed-up working time to other activities. About 90 per cent of the time that female part-time career-breakers gain by working part time is spent on family-based tasks. For female full-time career-breakers the freed-up time used for family-based tasks amounts to about 80 per cent.

Time pressure

Time pressure is measured using 14 statements about feelings of time shortage, temporal overload, dissatisfaction with the time available, and obligations, ambitions and expectations that are hard to meet as a result of temporal constraints. We distinguish between feelings of time pressure in general and feelings of time pressure during free time. The measure is explained in more detail in Desmet et al., 2006.

Reducing working hours can be beneficial for reducing feelings of time pressure. Career-breakers, men and women, feel less time pressure than full-time workers. Subjective time pressure diminishes with a decline in working hours. Full-time career-breakers have the lowest feeling of subjective time pressure (with the exception of

full-time male career-breakers with work-related activities). Time pressure during the free time remains unaffected by taking a leave period (Tables 1.2k and 1. 2l).

Conclusions

Leave policy is a hot topic at present. Many countries report significant recent changes in their leave arrangements that increase the scope of leave entitlements (Moss and O'Brien, 2006). The Belgian general career break and time credit schemes are quite unique in that they can be taken up regardless of reason throughout the life cycle. The policy aims at facilitating a better work-life balance to keep people with competing interests in the workforce. Leave arrangements and part-time work prevent women dropping out of the labour market when family obligations become too onerous (Anxo and O'Reilly, 2002). Career breaks and Parental leave offer fathers a legitimate framework to free up time for their children. Clearly, the general scheme of career break is not only intended for parents and recognises one can need a break from employment at any age to travel around the world, to build a house, to study, to switch careers, to pursue a hobby, to relax, to engage in volunteer work, to be there for demanding children, to take care of elders or for any other reason. Such a policy acknowledges the many uses of time that make for a good life (Deven and Moss, 2002: 248).

Previous research has indicated that men are reluctant to take Parental leave, and the situation in Belgium – for Parental leave and the more general career break scheme – is no different. In 2004, about three-quarters of the participants were women and their main reason for taking leave was combining work and family responsibilities. About 80 to 90 per cent of the freed-up working time is spent on family-based tasks. The total workload of part-time female career-breakers is hardly any lower than for full-time career-breakers. Only female career-breakers on full-time leave considerably reduce their total workload. Reducing work hours however contributes to lower feelings of time pressure, for women as well as men. Few men, however, opt for a complete career break; interrupting employment full time can seem like a daring and atypical choice for men.

Strangely enough, our analyses demonstrate that 46 per cent of full-time male career-breakers continue to work during the break. In fact, taking career leave to try out another job is the most popular reason for taking a full-time career break. These men have the highest total workload and are subject to the greatest time pressures of all men. Whether the leave provides them with a better work-life balance is questionable.

Male career-breakers on full-time leave and with no other work activities have no fewer than 34 hours and 57 minutes extra time available compared to their working counterparts. On average, non-working full-time male career-breakers spend just 43 per cent of freed-up working time on family tasks (domestic work and childcare). This group of men has the largest amount of spare time and the smallest total workload and time pressure; they are mainly divided between men who enrol in a course of study (this group hardly contains any fathers) and men who primarily perform family tasks. This last, small group of fathers made a conscious decision to swap paid work for unpaid work, and acted upon it. The same conclusion can be drawn for men on part-time leave.

Part-time male career-breakers use time that has been freed up as a result of working less primarily for domestic work and childcare. Eighty per cent of the time they gain by only working part time is devoted to family tasks. The combination of a part-time job and family-based tasks ensures that their total workload is not lower than full-time male workers – but they experience less time pressure. Part-time male career-breakers present a strong image as caring fathers. They use career leave and time credit schemes effectively to achieve a better balance between paid work and family life.

This demonstrates that when men are presented with an opportunity to work less and are supported in taking up an alternative role by means of career leave and time credit schemes, they will effectively take on more family tasks (temporarily). When only women take advantage of flexible leave arrangements, this can have a perverse effect: work-family policies aiming at more gender equality lead to the exact opposite, when it is taken for granted that women will lower their work ambitions to prioritise family life.

The time use diaries and questionnaires provide a unique insight into the life of career-breakers. However, the sample size was small. A larger sample is needed to further test these findings.

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Table 1.2a: Men in study – educational level, family situation, age of children and employment status (column per centages)

	Full-time work	Full-time break (working)	Part-time break	Full-time break (not working)
	(n=434)	(n=50)	(n=188)	(n=58)
Educational level				
Lower (on average up to 15 years)	24.1	16.0	23.9	14.0
Medium (on average up to 18 years)	42.8	50.0	38.3	42.1
Higher (non-academic higher education)	22.1	28.0	29.3	29.8
Higher (academic higher education)	11.0	6.0	8.5	14.0
Family situation*				
Living with parents	14.0	4.0	1.6	19.3
Living alone	9.9	6.0	7.9	8.8
Single parent	2.3	2.0	2.6	1.8
With partner without children	18.8	28.0	12.2	29.8
With partner and children	55.0	60.0	75.7	40.4
Age of children*				
No children	42.6	36.7	21.7	58.6
Youngest child < 7	26.0	20.4	42.3	27.6
Youngest child >= 7	31.3	42.9	36.0	13.8

* statistically significant difference at the level $p < 0.05$.

Table 1.2b: Women in study – educational level, family situation, age of children and employment status (column per centages)

	Full-time work	Part-time work	Part-time break	Full-time break (not working)
	(n=229)	(n=173)	(n=179)	(n=133)
Educational level*				
Lower (on average up to 15 years)	13.6	23.1	7.8	12.9
Medium (on average up to 18 years)	37.3	41.6	31.8	42.4
Higher (non-academic higher education)	40.4	26.6	52.0	35.6
Higher (academic higher education)	8.8	8.7	8.4	9.1
Family situation*				
Living with parents	14.5	2.3	0.6	1.5
Living alone	10.5	0.6	1.7	0.8
Single parent	7.9	6.4	5.1	2.3
With partner without children	20.2	11.0	9.0	5.3
With partner and children	46.9	79.8	83.7	90.1
Age of children*				
No children	45.6	13.9	11.7	9.0
Youngest child < 7	26.8	30.1	53.1	70.1
Youngest child >= 7	27.6	56.1	35.2	20.9

* statistically significant difference at the level $p < 0.05$.

Table 1.2c: Men in study – motivations for career interruption (percentages)

	Full-time break (working) (n=50)	Part-time break (n=188)	Full-time break (not working) (n=58)
More time for children*	24	50	28
More time for domestic work*	6	22	14
Other paid employment*	71	2	10
Unsatisfied with job*	18	9	24
Less work pressure*	6	18	7
Study*	6	7	29
Health reasons*	10	13	10
Stress*	2	8	14
More leisure time*	4	32	7
More time for myself*	2	23	7
Care for sick people/elders	0	4	9
Civic engagement	0	3	2
Building/renovation*	4	10	14
Travel*	2	1	7

* statistically significant difference at the level $p < 0.05$.

Table 1.2d: Women in study – motivations for career interruption (percentages)

	Full-time break (n=133)	Part-time break (n=179)
More time for children*	74	73
More time for domestic work*	16	41
Other paid employment	1	0
Unsatisfied with job*	10	3
Less work pressure*	6	15
Study*	11	3
Health reasons*	10	12
Stress*	7	6
More leisure time*	3	14
More time for myself*	11	38
Care for sick people/elders*	13	4
Civic engagement	1	1
Building/renovation*	1	3
Travel*	1	0

* statistically significant difference at the level $p < 0.05$.

Table 1.2e: Men in study – time spent on main activities (total week)

	Full-time work	Full-time break (working)	Part-time break	Full-time break (not working)
	(n=434)	(n=50)	(n=188)	(n=58)
Paid work*	39:24	44:53	27:27	0:23
Formal work*	38:42	44:33	26:33	0:09
Time spent at work, without working*	0:38	0:20	0:52	0:01
Activities related to unemployment and looking for a job	0:03	0:00	0:00	0:13
Domestic work*	10:59	10:24	18:21	25:03
Housework*	5:50	5:26	9:04	12:39
Odd jobs*	3:13	2:40	6:31	9:05
Shopping*	1:32	1:51	2:13	2:29
Visiting/using services*	0:23	0:25	0:32	0:48
Childcare*	2:14	2:09	4:47	5:02
Childcare*	0:58	0:25	2:24	3:11
Educating children*	1:16	1:44	2:22	1:50
Total workload*	52:39	57:27	50:36	30:28
Personal care, eating & drinking*	13:49	13:59	14:57	16:25
Eating and drinking*	8:48	9:08	9:45	11:09
Dressing, toilet	4:40	4:25	4:42	4:16
Receiving professional care	0:20	0:25	0:30	0:59
Sleeping & Resting*	57:56	56:58	57:35	61:12
Total personal care*	71:46	70:58	72:32	77:38
Education & Training*	0:51	2:07	1:06	8:21
School*	0:08	1:12	0:33	7:06
Other education, training, courses	0:43	0:54	0:32	1:14
Social participation*	8:36	8:10	9:08	14:21
Associational life, civic duties*	1:23	1:37	1:25	3:20
Social contacts*	7:11	6:32	7:39	9:43
Family care*	0:02	0:00	0:03	1:16

Table 1.2e (continued): Men in study – time spent on main activities (total week)

	Full-time work	Full-time break (working)	Part-time break	Full-time break (not working)
	(n=434)	(n=50)	(n=188)	(n=58)
Leisure*	24:21	20:18	23:58	26:36
Hobbies and games	1:26	0:42	1:12	2:05
Sports	1:17	1:01	1:14	1:54
Recreation*	2:04	1:13	2:57	2:23
Outdoors	3:26	3:51	2:41	2:50
Entertainment and cultural events	1:16	1:17	1:04	1:37
TV & Video	11:30	9:28	11:02	11:38
Listening to music	0:15	0:12	0:22	0:27
Reading*	1:19	1:05	1:57	1:12
New media	1:43	1:25	1:24	2:25
Travel	8:22	7:36	9:06	8:40
To and from work*	4:00	2:34	3:56	0:10
To school, university, courses*	0:06	0:29	0:12	0:55
Related to leisure	1:36	1:33	1:28	1:46
Related to domestic work*	0:30	0:17	0:45	1:14
Related to childcare and education*	0:25	0:48	1:01	1:36
Related to family	0:38	0:28	0:40	0:53
Other travel*	1:03	1:24	1:01	2:02

* statistically significant difference at the level $p < 0.05$.

Table 1.2f: Men in study with partner and children – time spent on paid work, domestic chores and childcare (total week)

	Full-time work	Full-time break (working)	Part-time break	Full-time break (not working)
	(n=240)	(n=30)	(n=143)	(n=23)
Paid work*	39:09	46:20	27:36	0:08
Domestic work*	11:59	9:08	18:34	31:54
Childcare*	3:45	3:16	6:14	12:12
Total workload*	54:53	58:45	52:24	44:15

* statistically significant difference at the level $p < 0.05$.

Table 1.2g: Men in study taking career breaks – allocation of reduced working time compared with full-time working men (in percentages)

Activities	Part-time break (11 hour 57 minutes less paid work)	Full-time break (not working) (39 hours 1 minute less paid work)
Domestic work	62	36
Childcare	21	7
Travel	6	1
Personal care, eating & drinking	6	15
Education & training	2	19
Social participation & leisure	1	20
Other activities	1	1
Total	100	100

Table 1.2h: Women in study – time spent on main activities (total week)

	Full-time work	Part-time work	Part-time break	Full-time break (not working)
	(n=229)	(n=173)	(n=179)	(n=133)
Paid work*	35:04	24:05	22:05	0:07
Formal work*	34:08	23:27	21:39	0:06
Time spent at work, without working*	0:54	0:37	0:25	0:00
Activities related to unemployment and looking for a job	0:02	0:00	0:00	0:00
Domestic work*	16:18	22:43	23:54	32:27
Housework*	12:27	18:08	18:09	25:32
Odd jobs*	1:07	1:05	1:42	2:35
Shopping*	2:17	3:05	3:29	3:38
Visiting/using services*	0:26	0:24	0:32	0:40
Childcare*	3:47	5:32	8:04	14:52
Childcare*	2:26	3:11	4:59	9:08
Educating children*	1:21	2:20	3:04	5:44
Total workload*	55:10	52:21	54:04	47:27
Personal care, eating & drinking*	15:08	14:35	15:15	16:06
Eating and drinking*	9:03	8:42	9:19	10:02
Dressing, toilet	5:24	5:12	5:12	5:14
Receiving professional care	0:39	0:40	0:43	0:49
Sleeping & resting	59:44	60:18	59:52	61:47
Total personal care*	74:52	74:53	75:08	77:53
Education & training*	0:50	0:33	0:56	2:02
School*	0:07	0:03	0:20	0:58
Other education, training, courses	0:43	0:30	0:36	1:03
Social participation*	8:39	9:28	9:36	12:22
Associational life, civic duties	0:46	0:44	0:46	1:08
Social contacts*	7:51	8:40	8:44	11:00
Family care	0:02	0:02	0:05	0:14

Table 1.2h (continued): Women in study – time spent on main activities (total week)

	Full-time work	Part-time work	Part-time break	Full-time break (not working)
	(n=229)	(n=173)	(n=179)	(n=133)
Leisure	18:31	20:30	18:18	18:25
Hobbies and games	0:47	1:00	0:38	1:00
Sports	0:45	0:47	0:47	0:39
Recreation	2:05	2:23	2:22	2:20
Outdoors*	2:45	2:21	2:00	1:14
Entertainment and cultural events	1:03	1:34	1:09	1:09
TV & Video	8:50	10:05	8:49	9:17
Listening to music	0:07	0:07	0:09	0:11
Reading	1:30	1:47	1:55	1:56
New media	0:34	0:20	0:26	0:34
Travel	8:31	8:46	8:29	7:56
To and from work*	3:32	2:54	2:41	0:01
To school, university, courses*	0:06	0:05	0:16	0:41
Related to leisure	1:22	1:37	1:30	1:06
Related to domestic work	0:38	0:46	0:40	0:51
Related to childcare and education*	0:44	1:40	1:28	3:00
Related to family	0:45	0:44	0:43	0:56
Other travel	1:20	0:59	1:10	1:17

* statistically significant difference at the level $p < 0.05$.

Table 1.2j: Women in study – allocation of reduced working time compared with full-time working women (in percentages)

Activities	Part-time break (12 hours 59 minutes less paid work)	Full-time break (not working) (34 hours 57 minutes less paid work)
Domestic work	58	46
Childcare	33	32
Travel	0	0
Personal care, eating & drinking	2	9
Education & training	1	3
Social participation & leisure	6	10
Other activities	0	0
Total	100	100

Table 1.2k: Men in study – time pressure

	Subjective time pressure (*)	Time pressure in free time	Average time pressure
Full-time work	37.9	42.0	39.7
Full-time break (working)	38.9	46.0	42.1
Part-time break	35.3	42.5	38.4
Full-time break (not-working)	34.1	39.9	36.6

* statistically significant difference at the level $p < 0.05$.

Table 1.2l: Women in study – time Pressure

	Subjective time pressure (*)	Time pressure in free time	Average time pressure
Full-time work	40.4	43.8	41.8
Part-time work	39.6	46.2	42.5
Part-time break	37.9	44.7	40.8
Full-time break	35.2	47.1	40.3

* statistically significant difference at the level $p < 0.05$.

1.3

Belgium: Family-work articulation policies – a life course approach

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Introduction

Family-work articulation has become one of the most challenging issues for European social policy makers. It is a challenge because it includes the need for action with an uncertainty about the definition of the concerned field of action and about how to approach it. Social policies are initially made to ensure and maintain individual and social well-being. In today's society, individual well-being depends largely on the capacity to combine harmoniously multiple social roles. Family and work-related roles are probably the most difficult to combine, therefore their articulation becomes a field of *social policy action*.

How to define the field of family-work articulation?

It is neither a sub-field of family policy nor of employment policy, rather it is a multidimensional or 'inter-field' policy. Furthermore, family-work articulation is not constant, nor is it a process with clearly defined phases. The way in which people decide to combine their family and working lives evolves over time and their articulation choices may have long-term or delayed consequences. Taking this into account requires looking *at* policy design through a new lens.

This is what I am trying to do in this paper by using the life course approach to describe the realities of family-work articulation and related policies in Belgium. The paper is in three parts. The first picks up on the first two points of this introduction: a brief presentation of the European employment and population situation offers some insights on the reasons why policy action is needed in the 'inter-fields' of family-work articulation. Then, time and multidimensionality will be introduced as key components in defining family-work articulation. The other two parts are devoted to the third point of the introduction: how to approach or think about family-work articulation. The second part presents the theoretical framework of the life course approach; the third part shows how life course principles may enhance the design of social policies, making them better able to tackle the complex field of family-work articulation.

This is not an empirical paper. As far as I know, there are no micro longitudinal data on the use of family-work articulation policies in Belgium, which would be needed to make an empirical analysis that includes life course principles. This paper is mainly theoretical, presenting the life course principles and discussing their value for policies aiming at facilitating family-work articulation. Nor am I presenting the Belgian leave system in detail or using a life course framework to evaluate its efficiency or efficacy. The Belgian case is used to illustrate how researchers and politicians might gain an understanding of the complexity of family-work articulation and how it may be useful to include some life course aspects (such as 'time' and 'multidimensionality') when shaping leave policies.

Policy relevance and field definition

The relevance of policy action in the European context

Family-work articulation is an 'inter-fields' issue. It cannot be fitted into any one traditional social policy field. However, it is necessary to be aware of the current 'hot issues' in the relevant 'traditional' social policy fields, especially family and employment policies. One of the key issues for family policy is to ensure sustainable population ageing through intergenerational solidarities, without jeopardising individual freedom of choice. To do that, it is necessary to act on both ends of the age pyramid: at the bottom, by reducing the opportunity cost of childbearing for working women; at the top, by promoting a care system that meets the needs of elderly people and informal carers.

The family is a key actor in the project of 'sustainable population ageing' but its role is not easy to define. The family structure and the nature of family relationships are less codified than before. The decision and the timing of childbearing as well as the negotiation of eldercare responsibilities are not given but depend on individuals' preferences, resources and trajectories. Policy makers can no longer base their action on a family dynamic in which the woman stops working for childbearing and caring for elderly relatives while the man continues as a breadwinner.

As for employment policy, the 2000 Lisbon Summit states what are the priorities and we will focus on one of them: increased employment rates in general and for women and older workers in particular, because increasing their employment rate is likely to depend on the development of sound family-work articulation policies. Although most want to work and ensure their financial independence, women are more likely than men to reduce their working time or to look for a job that is more compatible with their current family responsibilities. The 'older workers' category refers to people over 50 years, a group who mostly have grandchildren, but they are also likely to have an elderly parent or even their spouse to care for. If the care load becomes too heavy, they may decide to retire earlier rather than reorganising their working time for the last years of their career. In 2008, the employment rate in Belgium for women was 55 per cent (EU-27 average: 58) against 69 per cent for men (EU-27 average: 72.5); while among older worker (55-64 years), it reached 26 per cent for women and 43 per cent for men when the EU-27 averaged respectively 36 and 53 per cent (Eurostat, 2009).

Developing family-work articulation policies seems to be necessary to help women and older workers to maintain their double commitment towards work and family.

Defining the field

There are, at least, two aspects making the definition of policy action complex. The first is the 'inter-fields' nature of family-work articulation, being at the intersection of 'traditional' policy fields such as employment, family and health care. A family policy that makes available high quality childcare services for traditional working hours might not be useful for single mothers working on flexi-time unless the policy makers take account of the various working-time patterns of the parents and thus, introduce employment characteristics into a family policy. A health care policy, such as a dependency cash allowance intended to decrease the opportunity cost of providing informal care to an elderly parent, may have the reverse effect in the long term: low income or part-time workers (mainly women) may decide it is less costly to take the allowance and unemployment benefits than to work and pay for professional carers. But when their caring spell is over, they may have difficulty getting a job, making the long-term opportunity cost of care higher than it seemed to be at first. An employment policy promoting part-time work may help women to conciliate family and employment, but if there is a family emergency (e.g. an acute health problem of a parent or a child), the part-time work pattern might prove an obstacle: earnings may be too small to pay for professional care while part-time working hours still leave too little time for caring. In this case, full-time employment with the possibility to take leave for caring would probably be a better solution.

The second aspect is time, an essential component for understanding individual strategies, inequalities and consequences. A single mother is in a more difficult position: she cares for her child alone and will have to adapt her working time according to the school calendar, but she also has to work enough to ensure an adequate household income. In these conditions, childcare services and paid leave possibilities are essential. But, in fact, these policies are often designed for two-parent families where at least one parent has a work schedule matching the childcare service and more opportunities for taking paid leave. Such policies may lead to an accumulation of disadvantages over time for a single mother.

The example of the dependency allowance shows how the family-work articulation choice may have delayed consequences: if the immediate opportunity cost of care seems to be quite low when the woman decides to exit the labour market to care for a relative, the total or long-term opportunity cost of care will depend on the time she spends out of employment, the career opportunities she will lose, the possibility to re-enter the labour market and how all that will affect her pension.

Finally, the part-time employment policy example clearly shows how a policy might turn out to be an obstacle for sound individual family-work articulation strategies. A mother whose child has a chronic illness and who knows that this health problem requires long periods at the hospital followed by periods of informal care at home, may prefer to have a full-time job that allows her to pay for the hospital, to work longer during these periods and to use leave facilities to care for her child. This timing strategy would be jeopardised if an employment policy promoting part-time work is crudely applied in her employment sector.

The life course approach and principles

The life course

There is no consensus on what the life course approach is. Scholars refer to it as a theory (Dannefer, 2003), as a field of research (Mayer and Tuma, 1990), as a perspective (Moen, Dempster-McClain and Williams, 1992), as a new paradigm (Bengtson and Allen, 1993) or as all of these (Elder, 1999). It is not always easy to differentiate between the study of a phenomenon 'over the life course' and the study of a phenomenon using a 'life course' approach, or to establish the distinction between 'lifespan' and 'life course' studies (Mayer, 2003). However, one thing is clear: the studies referring to a 'life' principle have grown in number and in popularity over past decades (Marshall, 1996). Researchers have long attempted to situate their subject of study in a broader context (lifetime of the individual, historical or familial setting, etc.). What is new today is that we have reached a point where the state of technologies, of the society and of scientific paradigms allows and calls for a framework able to capture a phenomenon in its multiple contexts.

To understand a society characterised by continual changes where individuals are defined by multiple roles, researchers need specific tools capable of capturing the dynamics of individual and social changes and the multiples contexts in which individuals are embedded. The development of longitudinal data and methods can be viewed as a response to this need. Among these, event history analysis allows researchers to account for the effect of earlier events on current status and to study the time spent in a given state, the transitions from one state to another or the timing of an event. Multi-level modelling aims at considering the respective effects of characteristics observed at different levels (e.g. individual and familial).

At the same time, the epistemological paradigms in the social sciences have been reviewed. The micro-macro dichotomy seems to be inadequate to capture the complexity of today's society (Allen, Blieszner and Roberto, 2000). Many disciplines move towards a more holistic approach: historical studies integrating demographic aspects and shifting their focus from wars and heroes to the ordinary events of daily life (e.g. births, deaths). The sociology of age shifts its focus from particular stages of life to the process of ageing. Developmental psychology starts to be interested in the influence of gender, race, individual background and life experiences on human development (Giele and Elder, 1998). Such evolutions contribute to the blurring of boundaries between disciplines.

The popularity of the life course approach lies probably in its ambition to meet all these challenges: bridging the micro and macro perspectives, accounting for the time and the various contexts in which an individual is embedded, and overcoming the disciplinary boundaries in order to get a holistic understanding of the dynamics of a phenomenon.

Principles of the life course approach according to Glen Elder

The life course theoretical framework developed by Glen Elder (Elder 1977, 1978, 1987, 1991a, 1991b, 2001; Elder, Caspi and Downey, 1986; Elder and Johnson, 2002) is based on five principles: the first two, 'lifespan' and 'human agency', represent the individual or micro approach, while the 'time and place' principle represents the societal or macro approach. These two poles are bridged by the meso principles of 'linked lives' and 'timing of transition'. Before explaining each of these principles and their companion concepts, the specific status of the lifespan principle requires further explanation, as it is sometimes missing in Elder's work (especially in his publications). This principle comes from the psychological variant of the life course approach (itself named the 'lifespan' approach). Elder includes it as a fifth principle in his more recent contributions (Elder, Johnson and Crosnoe, 2003; Bengtson, Elder and Putney, 2005).

The life course approach states that to understand an individual phenomenon it is necessary to account for the **time** (longitudinal aspect) and the **multiple contexts** (multidimensional aspect) in which it takes place. More precisely, five principles should be considered. The first two – 'time and place' and 'lifespan' – can be viewed as determining principles: they represent the institutional and biographical contexts where the individual is situated. The biographical context ('lifespan') does not only refer to the current age or 'life stage' of the individual, but it also refers to past stages or life events and to their influence on the study phenomenon. Ageing and human development are considered as a lifetime process during which positive and negative experiences are cumulated. The institutional contexts ('time and place') refer to the many aspects of the society at one moment in time: historic, geographic, economic, politic, social and cultural structures and norms. Not only do these contexts serve as enabling or disabling factors for individual actions, but they are also shaped by them. In other words, the life course approach considers the micro and the macro levels as interdependent.

The next two principles – 'linked lives' and 'timing' – can be considered as 'meso' principles which connect the micro and macro levels. The 'linked lives' principle is maybe the most sociological. It refers to the fact that individuals are not isolated, but belong to various social groups (family, work or school, peer group, etc.) in which they play specific roles (mother, spouse, leader, etc.). Through these groups, they are in contact with institutions, their norms and rules. The 'timing' principle refers to the fact that each individual event or process takes place in a multi-dimensional time: historical because it occurs at a given period and place, chronological because it occurs at a specific life stage of the individual.

The last principle – 'human agency' – introduces a margin of freedom: individual behaviours are not entirely determined by time process and society. Two persons having similar social backgrounds or experiencing similar events during the same period of life are not necessarily affected by them the same way. Likewise, two persons being in the same situation at one point in time may have very different past personal histories.

Each principle, taken separately, is not specific to the life course approach. What makes it original and challenging is its attempt to link these principles in order to

study events situated in time and contexts. It is also interesting to note that the concepts of 'trajectory', 'pathway', 'transition', 'turning points', 'duration' cannot be attributed to one specific principle but are used to bridge them. The two first, 'trajectory' and 'pathway', are of a particular relevance to bridge the macro and micro levels, the constraints and freedom aspects. Both of them refer to a succession of states and transitions during the whole lifetime or a part of it. They can be characterised in term of 'duration' of a specific state, age at 'transition' or 'turning points'. Pathways are socially defined: it is the normative way that individuals are expected to follow regarding the various institutions (time and place) and groups (linked lives) to which the individual participates. For each of the social aspects of life (family, education, work), there is a wide variety of pathways (more or less valued and constraining). A trajectory⁵ is unique to each individual: it is the way the individual concretely lives his life and organises (human agency) the events and social roles (linked lives) simultaneously or sequentially (lifespan). By comparing the individual trajectories and the various pathways at one point in time (timing), one can, for instance, measure the level of 'compliance' to current social models or analyse the heterogeneity of trajectories in a given society or subgroup.

A life course approach to family-work articulation in Belgium

Schemes inspired by transition modelling familiar to demographers will be used to show how the life course principles may lead to a revision of social policy design. Transition modelling is often used in transition analysis to represent different statuses and the probability of making the transition from one to another. This modelling strategy may easily be adapted to represent the family-work articulation dynamic. We start by presenting a general scheme and explaining how to read it.

The statuses represented by the boxes in Figure 1.3a are 'family-work combinations' limited here to three time-varying characteristics: employment, union and parity statuses. For instance, the top left-hand box represents the situation where the woman works full-time, is single and is childless (parity 0). In this case, the combination is work oriented. As soon as one of the elements of the combination changes (e.g. she enters into a union), there is a transition to another box representing the new combination. Transitions – represented by arrows – link boxes which differ only by one element. The assumption is made that transitions are not simultaneous: a woman will not simultaneously change her working time and have a baby, but may either first make her work transition (e.g. the last months of pregnancy are difficult and she decides to stop working) or her parity transition (e.g. the birth leads her to change her priorities and she decides to work less to spend more time with her child).

The transitions represented by arrows are parity, work and union transitions. For simplicity, we assume that women are childless when entering the labour market (first column). At that time, they may be in a union or single and starting with a full-time or a part-time job. From that time, many transitions can be made and the sum of

⁵ The term 'trajectory' was preferred to 'career', which is often linked to a specific role and does not account for coexistence of multiple roles. The term 'life cycle' was also discarded because it is too normative (assuming that there are some cycles that all individuals should go through like marriage, childbearing, etc.).

all the transitions made over time defines the woman's individual trajectory. But not all the transitions are included: for simplicity, we consider births (parity 0=> parity 1, parity 1=> parity 2) only when the woman is in a union. We do not consider the death of a child (no arrow from parity 2> parity 1 or from parity 1> parity 0). Parity is treated as a non-reversible transition, but work and union transitions are always reversible. Finally, no arrow was drawn for parity transition of non-working women because this transition is out of the scope of family-work articulation policy. But, indirect transitions are possible: the woman may return to part-time employment after a period out of work (work transition), have a second child (parity transition) and then stop working again (work transition); after entering a first union and having a child, a woman may divorce and resume her previous single state (union transition).

The lifespan principle

This principle calls for the study of the phenomenon in a longitudinal perspective and to focus on transitions and trajectories rather than on current statuses. This change of perspective will imply a change in the identification of 'target groups'. Most of the time, policy makers try to identify '**frail**' statuses. In the example in Figure 1.3b, single mothers (parity 1) working part-time would be the 'frailest' combination because the equilibrium between family and work commitment is very fragile. Free and time-flexible childcare services for single mothers would be an example of 'frail status group' policy. It may be relevant and even effective for this specific group, but thinking only in terms of 'frail statuses' may lead to misidentification of **frail trajectories**.

Take the case of a woman having a full-time job and still in a union after her second child; despite her apparent 'stable situation', the trajectory that led her to this status might make her fragile. In the best case, she made a direct parity transition; she is working again full time after her Maternity leave, and she still lives in union with the father of the first child when they decide to have a second child. But other trajectories between the two statuses are possible: for instance, the woman may decide to reduce her working time after the first birth, she separates from her partner and looks again for a full-time job, then she meets a new partner and they decide to have a second child (parity 2). The statuses at parity 2 are the same in both cases but the trajectories are very different. In the second case, the woman has experienced frail transitions (working-time reduction, union disruption during motherhood), though her trajectory is not the frailest possible as she ends up in a quite good situation (being in a couple and working full time). But, it might also be that her second union will fail and she will remain alone with two children. To account for the lifespan principle, family-work articulation policies should design measures to limit the impact of frail transitions and prevent frail trajectories.

Timing of transition

This principle highlights the fact that it is not only a particular status or having made a particular transition that matters; also important is the time when the transition takes place in the life of an individual (biographical time), the historical time and the social time. Figure 1.3c shows how a similar transition (parity 0 to parity 1) may have very different consequences depending on the timing of the transition.

In the 1970s (historical time), women tended to have their first child in their earlier 20s and most of them opted for part-time work or decided to stop working to care for the children. The model to follow was to have two or three children born within marriage. Single mothers or women having a first child after 35 were rare cases and did not respect the 'social time' for childbearing within this 'historical time'.

The transition to the first child does not follow such 'rules' in the 2000s. Women enter the labour market later (due to longer in education). Some of them decide not to have a child and others want to delay their first birth for professional or family reasons (the length of the arrow for parity transition shows that the timing between the entry to the labour market and childbearing is longer than in the 1970s). The average number of children per woman is lower. Finally, single motherhood and working mothers are more frequent too.

Women becoming mothers in the 2000s are not willing to choose between work and family, they want both. If the articulation seems difficult, they may opt for a 'one after the other' articulation, prioritising their career first and then their family life. If many women opt for such a strategy, the aggregated effect will be an actual fertility rate lower than the desired one and to see highly qualified women suddenly reducing their commitment to work because their priorities have changed. Therefore, policy makers willing to promote a smooth family-work articulation should identify the obstacles for earlier childbearing and design specific measures to prevent them.

Time and place

This principle states that the characteristics of the phenomenon under study vary according to the historical time and the geographical place. This is linked to varying cultural norms and policy measures over time and place. In the last decades in Belgium, many policies were introduced related to family-work articulation (time). Some of the new measures were taken at the regional level (place) and others at the federal level.

To illustrate this, I borrow another graphic representation used by demographers, the Lexis diagram (Figure 1.3d). It allows situating an event/phenomenon simultaneously according to age (vertical axis), historical period (horizontal axis) and cohort (diagonal). On such a graph, we can see that a new measure (e.g. the time credit implemented in 2002) will not have the same impact for women in the 1960-64 birth cohort, most of whom already had a first child in 2002 and had to manage family and work without having the time credit possibility, as for younger women, who may include time credits into their family-work articulation strategy. Similarly, the implementation of a regional measure (such as the premium paid to people taking time credits in Flanders, which reduces their opportunity cost) will have a differential effect according to the region and, at the national level, it may decrease or increase the social inequalities. The time and place effect should be accounted for when designing a family-work articulation policy.

Multiple contexts principle

This principle states that the study phenomenon should be situated in its 'environment', in all the contexts in which it takes part. So far, we have used only three elements to define a 'family-work combination': the union status, the working-time pattern and the parity. The reality is more complex and other aspects of work (such as the activity sector or the type of contract), the availability of extra family support (such as retired and healthy grandparents willing to care for their grandchildren), or extra family responsibility (such as a relative having a long-term illness) may influence the family-work articulation and also the availability of some policy measures. For instance, the entitlement conditions may vary with the activity sector, while a woman who has used all her leave and time credits to care for her children will have more difficulties maintaining her work commitment if her mother becomes sick. A childless woman will not meet the same difficulties because she still has leave and time credits to use when her parents lose their autonomy. Therefore, policy makers should design a holistic family-work articulation policy accounting for all the related contexts and their interaction with family and work commitments.

Human agency principle

This principle is probably the most difficult to translate into policy action. It complements the four other life course principles by re-introducing individual strategies and agency. Although the family-work articulation decision and its consequences are influenced by the multiple contexts – the time and place, the lifespan and the timing – these do not completely determine what happens. In today's society, the room left for human agency is larger than before. As explained in the timing of transition section, there is no longer a single social model for family-work articulation and women have to develop their own 'strategy'. We also noted that those strategies might not be the most effective either for the individual or for the society. Therefore the question is: should the public action intervene on individual strategies and with the risk of further blurring the private-public boundary? A second question refers to the relevant level(s) for public action. In other words, who are the protagonists of a harmonious family-work articulation? I have focused here on women's decisions and trajectories. But policy actions aimed at more gender equalities should also target the fathers, the employers, the grandparents, etc.

Conclusions

The purpose of this paper is not to give policy recommendations but to propose a new way of looking at the realities of family-work articulation and related policies. Using a life course approach, I tried to show how the time and the multidimensionality aspects were crucial elements to include in an 'inter-fields' social policy.

Existing Belgian policies include a time dimension. There is a variety of leave possibilities: some are event-related (Maternity, Paternity, sickness, palliative or imperative reasons leave) and are, usually, repeatable if the same event (birth, illness, etc.) recurs; others are life-stage related (Parental leave, early retirement scheme) and the worker is free to use them or not during a given 'life stage' (parenthood, end of career); others can be taken at any moment of the career but are

cumulative (time credit). These policies are innovative in the sense that they introduce a 'time' aspect in their entitlement criteria.

But progress can still be made in their time aspect by identifying the frail trajectories and in their multidimensional aspect by designing more holistic policies including employment, family, health and other related contexts characteristics. To do so, it would be essential to collect longitudinal quantitative and qualitative micro data on the potential beneficiaries of the family-work articulation, not only on the actual beneficiaries. Such data should allow identification of frail transitions and trajectories and the individual strategies to articulate family and work lives.

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Figure 1.3a: Using transition box modelling to apply life course principles

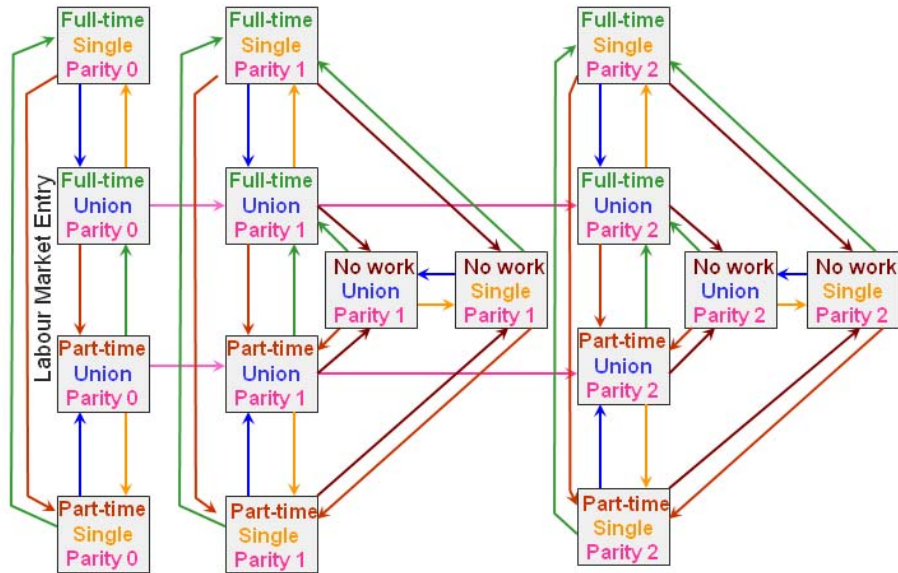


Figure 1.3b: The lifespan principle

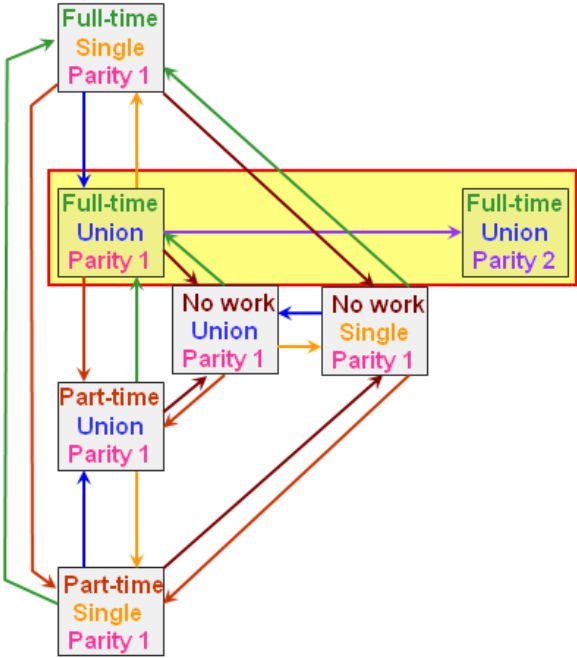
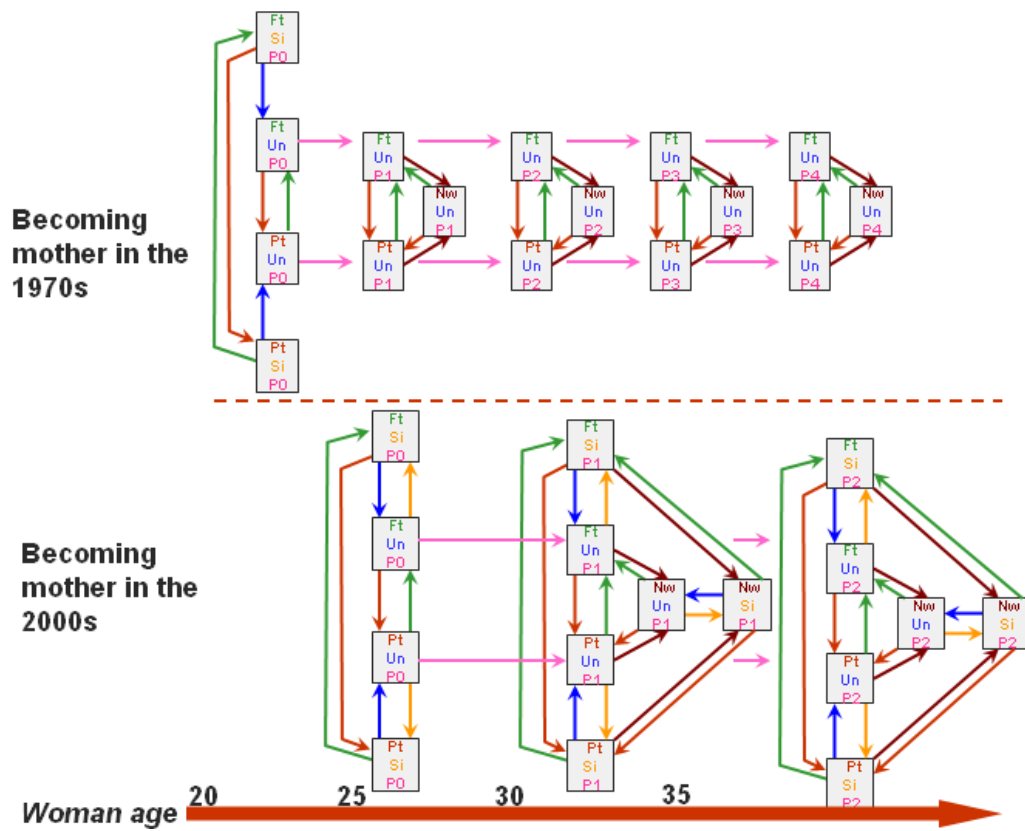
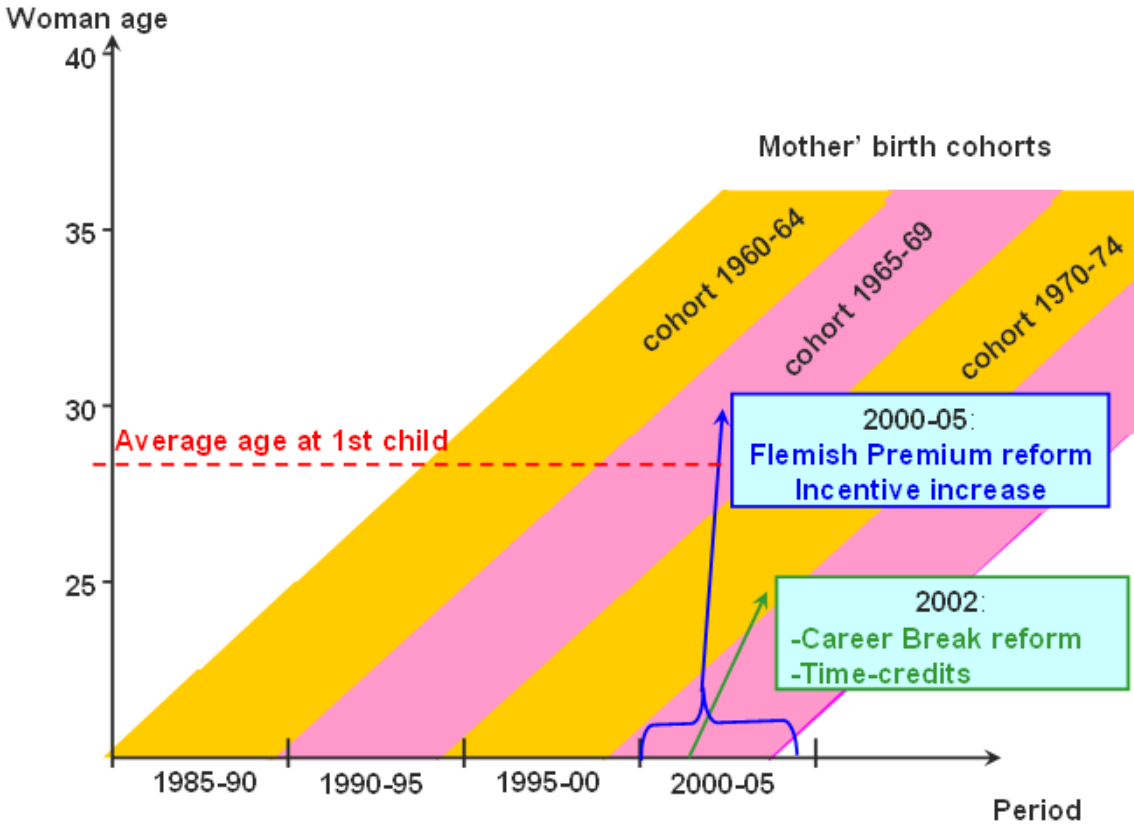


Figure 1.3c: The timing of transition principle



Note: Ft=full-time, Pt=part-time, Nw=no work, Si=single, Un=union, P0=no children, Pn=parity.

Figure 1.3d: Time and place principle



1.4

German leave reforms: acknowledging diversity?

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Introducing Parental leave

When Parental leave was first introduced in West Germany in 1986 the main aim of policy makers was to enable and actively encourage mothers to stay at home and care for their children during the first years of life. For this purpose the maximum leave period was gradually extended to three years while the period of paid leave was prolonged to 24 months, with a flat-rate benefit of €307 per month. The possibility of part-time work during the leave period was also introduced, but limited to 19 hours.

Overall, this new leave entitlement represented a major family policy innovation for the West German context because it concretely acknowledged the social and economic value of childrearing and because it conferred, in principle, the same leave rights to fathers. Indeed, in the political discourse, most politicians stressed the need for more paternal involvement in childrearing. But in reality, the new entitlement offered fathers little incentive to take leave, being too inflexible – too few part-time options, little possibility of flexibly sharing leave periods – and not related to prior earnings.

Although the new leave scheme improved the situation of working parents, it was still based on the belief that home care by mothers was the best way to ensure the well-being of toddlers. As put by a prominent Christian Democrat,

All teachers and psychologists concur that the foundations for people's life courses are laid during their first three years of life. Therefore it has been our goal from the very beginning, to extend Parental leave time and benefits to three years. Today, Parental leave and benefits enable the mother or the father to intensively educate and care for the new born child during the first years of life (Link, 1991).

But the new entitlement did little to accommodate the diverse needs of parents with different income and employment situations. Nor was there any possibility to spread leave over a longer period than the first three years after childbirth or to take extended leave in case of sickness of a child. It was, in other words, largely tailored to the needs of the traditional male breadwinner family. In fact, with the introduction

of Parental leave, employment rates of mothers with young children declined substantially.

Reforming the system

It was only 15 years later, in the aftermath of a change of government, that a new Red-Green coalition introduced a Parental leave reform, which had the explicit aim of making Parental leave more flexible for working parents. Parents are now able to use the last 12 months of their combined leave entitlement until eight years after the birth of their child, though only with the agreement of their employer. Moreover it is possible for parents to take their leave at the same time, whereas they previously had to alternate. The part-time dimension of Parental leave was also strengthened by the introduction of a legal entitlement to part-time work while on leave and an increase in the maximum number of weekly part-time hours permitted, from 19 to 30 per parent.

From a diversity perspective, these changes constituted a significant improvement, as leave entitlements were now more geared towards the needs of working parents and their children. Parents were also able to choose between a leave benefit of €300 per month for 24 months or €450 for 12 months. This so-called 'budget option' was intended as an incentive for an earlier return to the labour market. But the reform did not address the fundamental money issue: parents continued to receive a flat-rate benefit, bearing no relation to their prior earnings. On the contrary, the reform actually lowered the income ceiling for benefit entitlement for the first six months of leave, from €51,130 to €30,000, leading to a significant decline of benefit recipients (Dingeldey, 2004).

If the 2001 Parental leave revisions made entitlements more flexible they did not have much measurable impact on the gendered patterns of leave use. While the number of fathers taking some days of leave did slightly increase to around three per cent, mothers almost always took paid leave and mainly for the full 24-month period. Hence the new laws were neither very effective in reducing the length of women's time out of the labour market – in 2003 only 12 per cent of parents opted for the 'budget option' – nor did they lead to a significant increase in take-up of leave by fathers.

It was in the light of these fairly disappointing results that policy makers, following a period of protracted political in-fighting, decided to enact a fundamental reform of Germany's Parental leave legislation. The new '*Elterngeld*', which was introduced in January 2007, provides parents with 67 per cent of prior earnings, making it a wage replacement measure. The standard period of benefit payments is reduced from 24 to 12 months, although parents can still opt to spread the payment over a period of 24 months, but at one-third of previous income. In addition, the new law also introduced so-called 'daddy months', whereby the combined paid leave entitlement period of both parents is extended to 14 months *if* the father takes at least two months of leave.

The reform thus tries to tackle a number of interconnected issues. By linking benefit levels to prior earnings the law aims to reduce parental opportunity costs related to childbirth. At the same time this measure, like the 'daddy months', has the explicit

purpose of facilitating the use of leave entitlements by fathers. The reduction of the standard length of paid leave, on the other hand, has the aim of reducing the time parents, but especially mothers, spend outside the labour market, as research clearly shows that a prolonged absence from the labour market entails substantial negative effects on career and income prospects.

Although the reform was widely supported among political parties and the wider public, it was criticised on two grounds. The first and maybe least surprising criticism arrived from conservative circles, which perceived the reduction of standard paid leave periods and the introduction of 'daddy months' as an illegitimate state interference in the internal choices of families (Wiechmann and Oppen, 2008). The second criticism questioned the progressive nature of the new benefit. It was argued by political representatives from the left, as well as trade unions and welfare organisations, that the linkage of benefit levels to prior income effectively constituted a redistribution from the poor to the rich as it 'basically subsidises those who need it least [*i.e. higher income earners*] with the most' (Butterwege, 2006). In order to overcome such criticism the government introduced a minimum benefit level of €300 a month and a benefit ceiling of €1,800. It further added a so-called low income component for households with monthly earnings of less than €1,000.

Others pointed out that the *de facto* reduction of paid leave periods disadvantaged those people who had no or only intermittent earnings in the 12 months before birth. In fact these people – mainly students, the unemployed and housewives – now receive the minimum payment of €300 for only 12 months, while beforehand they could receive the payment for 24 months, adding up to a loss of €3,600 for some of the neediest social groups (Bothfeld, 2006)⁶.

The impact of the reforms

Despite such criticisms, the new *Elterngeld* represents a major advance in German family policy, especially when seen in the wider context of childcare expansion and low income child benefits. In fact, the federal government has committed itself to provide a childcare place for 35 per cent of children under the age of three years by 2013 and it is providing local authorities with four billion Euros of additional funding to facilitate this expansion. The government also introduced a low-income child benefit (*Kindergeldzuschlag*) of €140 per month, which is paid on top of the usual monthly child benefit if parental income is below €900.

I shall now briefly assess to what extent the *Elterngeld* has achieved its declared purposes and to what extent the criticisms outlined above have been justified. I will draw on the latest official statistical data from the Federal Statistics Office (Destatis, 2008), as well as the results of a recent evaluation report commissioned by the Federal German Ministry for the Family, the Elderly, Women and Youth – BMFSFJ (RWI, 2008).

Between January 2007 and March 2008, 729,714 *Elterngeld* applications were received, of which 1.4 per cent were rejected; before the new leave benefit, rejection rates were considerably higher mainly due to the previously mentioned income

⁶ For a detailed account on the history of Parental leave in Germany see Eler (2009).

ceiling. In 2003, for example, 6.9 per cent of all applications were rejected, primarily because the income of applicants was too high (akjSTAT, 2005); a further 38.3 per cent of recipients then faced a reduction of their benefit levels after the first six months of paid leave when the income ceiling was lowered. The recent leave reform has therefore broadened the recipient base and rendered the entitlement quasi-universal. Yet it is also true that since the introduction of the *Elterngeld* 'households with mothers that have a college or university degree have significantly higher income after the birth of a child' than was the case before the reform (RWI, 2008: 29). Households with higher incomes seem to be among the main beneficiaries of the new legislation. However, we also see that men who choose to take leave benefit proportionately more from the new entitlement, with almost 46 per cent receiving more than €1,000 per month; for women the percentage is less than 15 per cent (Table 1.4a).

And what about households with lower incomes? Have they benefited or are they the main losers of the new leave settings? A look at Table 1.4b reveals a mixed picture. In 2008 the RWI conducted a survey of a representative sample of parental benefit recipients. Overall 45 per cent of survey respondents said their income in the year after childbirth was lower than beforehand, while 29 per cent said their income remained about the same and 21 per cent believed their income had actually increased. Households with several children were most likely to report that their income had increased – almost 70 per cent of households with more than three children; this is primarily because mothers in households with several children tend to have been out of employment before childbirth, particularly in West Germany.

The available data also indicate that for low-income households in particular earnings remain stable or increase in the year after birth; more than 50 per cent of households with an income below €1,000 a month say that their income has increased and 27 per cent report similar income levels. Again this may be largely attributed to the relatively high number of single earner households in this group. At the same time, the 'low income component' and the 'siblings bonus' introduced with the new legislation seem to have had the desired effect. In sum, one may say that the new leave benefit has not worsened the economic situation of low income households during the first year after birth, which is largely thanks to the minimum income features added to the original legislative proposal following severe criticisms of its potential social injustice. On the other hand, it is undeniable that after the first year the economic situation of low income families may be worse than under the previous policy, simply because the length of paid leave has been halved. It is also evident that higher income households have benefited from the reform even if most of them continue to incur substantial income losses after childbirth.

A look at the nationality of benefit recipients shows that the vast majority (86 per cent) are German citizens – although some may also be of foreign origin – while 14 per cent have foreign nationality. Turkish citizens (four per cent) constitute by far the largest group of foreign recipients, which is not surprising as they represent the largest immigrant population in Germany. The national leave legislation stipulates that anybody with a regular residence in Germany has the right to Parental leave. Hence in principle, foreigners receive the same benefits as German citizens. But it is, of course, well known that immigrants tend to have lower household incomes and higher poverty rates. It is likely, therefore, that household income in the first year after

childbirth remains at least stable, while they may then drop significantly due to the reduction of the length of paid leave benefits.

What has been the impact of the new legislation on how women and men use leave? As stated earlier, one of the main goals of the new law is a stronger involvement of fathers in childrearing. Initial take-up figures show that the new leave legislation is on track to fulfil this objective. Since the introduction of the *Elterngeld*, the number of fathers taking leave has more than tripled – from 3.5 per cent in the last quarter of 2006 to 13.7 per cent in the second quarter of 2008 (Destasis, 2008).

For the German context, where fathers have remained notoriously absent from childrearing, these figures are highly significant. Public opinion surveys have for some time shown that young men are increasingly willing to engage in childrearing, but they have usually shied away from taking even short leave periods due to loss of income and a fear of a negative effect on their careers. The new earnings-related benefit seems to have significantly reduced the income hurdle that many fathers cited as a main reason for not taking leave. At the same a rising number of fathers taking leave may, in the longer run, help to create employment environments and peer groups that are more supportive of fathers taking leave and that may consequently reduce the disincentives for fathers to make use of their leave entitlements.

However, the encouraging figures above cannot conceal the fact that two-thirds of fathers taking leave do so for a maximum period of two months, while only 14 per cent opt for the entire 12-month period. Mothers, on the other hand, tend to opt for the entire 12 months of paid leave (72 per cent) while only a very limited number return directly after obligatory Maternity leave (Table 1.4c). In other words, fathers are making some forays into the childrearing world but mothers continue to bear the brunt of domestic responsibilities.

It is also interesting to note that there are significant regional differences in the take-up of leave. Fathers in East Germany tend to make more use of their new entitlements. While fathers in West Germany, especially in the traditional industrial regions, make less use of Parental leave.

Conclusions

When the federal government finally introduced an income-related Parental leave benefit in 2007, following decades of piecemeal policy adaptations, it had three declared goals: firstly, it wanted to reduce the length of time women remained out of the labour market after childbirth; secondly it wanted to reduce the loss of income families usually incur due to the labour market exit of one parent; thirdly, it wanted to induce more fathers to take leave.

This quick analysis of available statistical data indicates that the new Parental leave entitlement has, by and large, fulfilled its desired aims. Not only has the average length of leave periods decreased since the reduction of the standard paid leave time from 24 to 12 months. By relating the leave benefit to parents' prior income the government has also ensured that income losses among middle and higher income families have been reduced significantly, without a deterioration in the situation of low income households. The most visible effect of the new law has, however, been the

more than threefold increase of fathers taking at least two months of leave, a figure that highlights the important changes German society is currently undergoing.

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Table 1.4a: Leave benefit levels according to gender, 2008 (column per centages)

Leave benefit (€/month)	Women	Men	Total
300-500	57	29	53
500-1000	29	25	28
1000-1500	9	25	11
1500-1800	4	22	7

Source: BMFSFJ, 2008: 21

Table 1.4b: Change of household income in the year following childbirth (per centage rows)

Income is	Lower	About same	Higher	Not asked
Total	45	29	21	4
According to number of children				
1 child	55	25	17	3
2 children	35	31	28	7
3+children	27	44	24	5
According to income (per month) prior to birth				
Below €1000	15	27	53	5
€1000-2000	34	35	27	3
€2000-3000	50	30	18	2
€3000+	67	23	8	2

Source: RWI, 2008

Table 1.4c: Average length of paid leave (per centage rows), 2008

	1-2 months	3-6 months	7-11 months	12 months	13-14 months
Total	10.6	3.5	11.8	72.3	1.8
Mothers	1.3	2.4	12.1	82.0	2.2
Fathers	66.2	10n.1	9.6	14.0	1.0

Source: RWI, 2008

1.5

Leave policies and discussions in Sweden today

Anders Chronholm, Skövde Högskola, Sweden

How to get more fathers to use Parental leave has been a main subject in Swedish debates about leave policies over recent decades. One proposal to achieve this has been individualisation of leave, so that periods of leave are individual entitlements for fathers (or mothers) – and if this individual entitlement is not used, it is non-transferable and, therefore, lost. This form of individualisation has already been introduced to some extent in Sweden but only to a limited extent of two months each for fathers and mothers. The remaining period of leave, although divided between mothers and fathers, can be transferred to the other parent.

The debates in the 1990s mainly blamed the men themselves for not using their share of paid Parental leave days, transferring it instead to the mother. But more recently, it has been noticed that women are by and large satisfied with an unequal distribution of Parental leave (Chronholm, 2007).

A recent article in one of the biggest newspapers in Sweden presented a father who was taking Parental leave for two years, and so using the woman's part of the Parental leave days (i.e. the mother in this case had transferred her share of the days to the father; usually it is the other way). He started his Parental leave when the first child was six weeks old and continued to stay at home also with the second child. With the mother focusing on her career and the father taking the main part of leave, this couple not only demonstrates an atypical pattern of leave use, but also shows that the system already offers possibilities for fathers to stay at home without any further extension of a father's quota (i.e. a period of leave that only the father can take). The message to the readers of the newspaper was this: that not only ought men to use their half or even more of the leave period, but also women should let the fathers in (Göteborgsposten, 2008).

This kind of argument was also noted in a research project at Gothenburg University, focusing on fathers taking a long period of Parental leave. Some of these fathers, just like the father in the article mentioned above, were also ambivalent about the individualisation of Parental leave, as sharing equally was already possible for motivated couples (Chronholm, 2004). Looking at developments since Parental leave was introduced in 1974, it is also apparent that the idea of individualisation has been regarded with ambivalence inside the different political parties in Sweden.

The Swedish welfare state has been developed mainly under Social Democrat governments. The introduction of Parental leave in 1974 was a result of Social Democrat family policy. In 1976, however, two years after introducing Parental leave in Sweden, the Social Democrats lost national elections after a period of 44 years in government (Therborn, 1992). The new government consisted of a coalition of Conservative, Liberal and Centre parties, but was also positive about Parental leave and continued its development by expanding the leave period several times from the initial six months to 12 months in 1980. After a further period of Social Democrat government between 1982 and 1991, a bourgeois government in the early 1990s again reformed Parental leave by introducing the first individualisation, the so-called 'father's month', in 1995. Fathers could not transfer this month to their partners, so they had to use it or lose it. Since then further individualisation has been the main theme in Parental leave discussions in Sweden.

A Social Democrat government introduced a second individualised month in 2002, and two years later started an inquiry about how to develop Parental leave further. The inquiry was influenced by the Icelandic Parental leave model, where one-third of the leave days are only for the mother, one-third for the father, leaving one-third to be shared as the parents choose. Instead of three months for each parent, as in Iceland, the inquiry recommended a non-transferable period for each parent of five months, expanding the Parental leave period paid at 80 per cent of earnings from 13 to 15 months (SOU, 2005).

However the Social Democrats lost the elections again in 2006 and did not have time to realise their leave reforms. The new government – a coalition, again consisting of Conservative, Liberal, Centre and Christian Democrat parties – is against further individualisation, even though the first 'father's month' was introduced by a similar coalition government in 1995. Then, the change was mainly supported by the Liberal party. But in 2005 members of the Liberal party made the following statement:

We think that family policy should no more be characterised by too much lecturing – it is time for a Liberal, liberation revolution concerning family policy, where freedom of choice will be the leading concept. Therefore we think that our own party should take the initiative to take away 'the holy cow': the father's month (SVD, 2005a).

The government has so far not acted on this; maybe it was mainly election campaigning. What they have done, though, is introduce a reform from July 2008, including a municipal childcare allowance and a gender equality bonus. The purpose of the *childcare allowance* is to increase the possibility for parents to stay at home when children are between one and three years of age; local authorities can decide whether or not to introduce the reform in their area. The allowance has been set at a maximum of SEK3,000 (€280) per month for each child between one and three years of age, and will be treated as tax free and non-pensionable income. To be entitled to the maximum benefit, parents should *not* use the public childcare system; so parents can get the allowance if they work full time, but use private childcare. However, it is not possible for parents to get the allowance if they already receive other social benefits.

The aim of the *gender equality bonus* is to stimulate a more equal sharing of Parental leave. The parent using most Parental leave days will get a tax reduction, during the time the other parent takes leave; so the more sharing there is, the larger the benefit. However the first 60 days will not be included in the bonus, as these represent the individualised part of the paid Parental leave.

The government has presented these reforms as a modern and flexible family policy. The opposition parties, however, have been critical on several points. They find the childcare allowance old-fashioned and argue that it could make the labour market situation worse for many women. The evaluation of a similar childcare allowance in Norway (see country note on Norway) has been brought into the political debates and resolutions in the Swedish Parliament (Ernkrans and Malmström, 2007); this evaluation has shown that the childcare allowance in Norway impedes the integration of minority ethnic women into the labour market and the linguistic development of their children, as they are missing out on the stimulation they could get by attending kindergartens. The opposition parties have also been critical of the gender equality bonus, arguing that the rules could be hard for many parents to understand and that the reform will probably not have much effect.

The individualisation of Parental leave is again becoming important for the Social Democrats. The attitudes inside the Social Democrat Party have changed since their earlier inquiry reported in 2005, recommending more individualisation. At a party congress in autumn 2005, they took the decision not to adopt these recommendations. The then Social Democrat leader, Göran Persson, also made a statement before the elections in 2006 that further individualisation did not have support among the parents of today and therefore was not on the agenda. However a new statement was made recently by the Social Democrats: that Parental leave should be completely individualised, with a first step being to introduce the Icelandic model. Also the new party leader, Mona Sahlin, is positive to further individualisation (SVD, 2008). It is possible, therefore, that individualisation of Parental leave could be an important question in the next Swedish elections, due in 2010.

I started by saying that how to increase fathers' use of Parental leave has been an important subject in Sweden since the 1970s. In 1978 a campaign was introduced to convince more men to take leave, showing a picture of the Swedish weightlifter 'Hoa Hoa' Dahlgren with a small baby. This picture became famous all over the world and I have seen a similar picture, with a Japanese father holding a baby, in a Japanese campaign for Parental leave in the 1990s.

However 'Hoa hoa' never took Parental leave and the baby shown in the photograph was not even his own. This was a surprise for many Swedish people when it was first published in one of the Swedish newspapers, *Svenska Dagbladet*, in 2005. Under the headline 'The baby has got a baby of his own', the baby from the campaign in the seventies, Peter Svenonius, now himself a 27 years old father, was presented as the model for Swedish fathers that 'Hoa Hoa' three decades earlier was meant to be. Peter, unlike 'Hoa Hoa', was taking his responsibility as a father and wanted to spend five months of leave with his child. The picture of him with his daughter showing the campaign picture from thirty years ago in the background, clearly illustrates the time it takes to get more fathers involved in childcare (SVD, 2005b).

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Section 2:

Country notes on leave policies and research

2.1

Country notes 2009: introduction and main findings

Peter Moss and Fred Deven

Introduction

This section of the report sets out information on leave policy and research in 27 countries:

- Australia
- Austria
- Belgium
- Canada
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- The Netherlands
- New Zealand
- Norway
- Poland
- Portugal
- Russian Federation
- Slovenia
- South Africa
- Spain
- Sweden
- United Kingdom
- United States

Most of these countries (19) are member states of the European Union (EU). This affiliation is significant in considering leave policy since the EU has set minimum standards for Maternity and Parental leave and leave for urgent family reasons (through Council Directive 92/85/EEC of 19 October 1992 on measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding; and Council Directive 96/34/EC of 3 June 1996 which gives legal effect to a framework agreement on Parental leave agreed by social partners in 1995). In effect, therefore, minimum standards for leave policy for these countries are determined by a supra-national body.

For the remaining eight countries, policy is purely a national competence. These include two Nordic countries that are not EU member states (Iceland and Norway); Australia; Canada; New Zealand; the Russian Federation; South Africa; and the United States.

Each country note begins with **basic information** – on demography, employment, gender equality and early childhood services – set out in a boxed table. More

information on the indicators and sources used is given in 2.2, immediately before the first country note.

Each country note is organised in four parts. First, details are provided of **policy for four main types of leave** – Maternity, Paternity, Parental and care for sick dependants (covering biological and adoptive parents) – as well as for **flexible working** (i.e. are parents entitled to work reduced hours or otherwise adapt their work to meet their needs?). This includes what is termed ‘childcare leave or career breaks’.⁷ The focus is on statutory entitlements, although collective agreements or individual employment policies may supplement these basic entitlements for certain groups and the extent of this supplementation varies from country to country (for a fuller discussion of supplementation, see EIRO, 2004).

The government department responsible for leave is given in this first part of each country note. Where a government locates leave policy is significant since different departments have different perspectives, rationalities and objectives. It may also have implications for the degree of coherence between leave and other policy areas. In most countries, leave policy is located either within departments concerned with employment matters and/or the regulation of business; or within departments concerned with social and/or family affairs. One exception is Ireland where responsibility is with the Department of Justice, Equality and Law Reform.

Two departments may be involved, one responsible for leave policy, the other for benefit payments. For example, in the United Kingdom, the Department for Business has the brief for Maternity, Paternity and Parental leave and the right to request flexible working; while the Department for Work and Pensions is responsible for maternity and paternity pay (Parental leave is unpaid). In these cases, the country note refers only to the department responsible for leave policy.

The first part provides details of leave policies as at the end of April 2009; proposed changes to be introduced after this date are discussed in the next part.

The next two parts cover: **changes in leave policy since 2006 and proposals for future change** currently under discussion; and information on **take-up of various forms of leave**. The concluding part provides information on selected **publications about leave policy since 2006 and ongoing research projects**. Readers interested in changes in leave policy and publications between 2000 and 2005 are referred to the 2006 and 2007 International Review.

Country notes are prepared by national experts, mainly members of the network on leave policy and research, and edited by the coordinators in collaboration with the original authors. The selection of countries included in this section, therefore, reflects the availability of experts prepared to contribute the required information. For information on other countries, see European Industrial Relations Observatory

⁷ The former is leave 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); the latter, not common, is leave available for a wider range of reasons than the provision of care.

(2004), the Council of Europe (Drew, 2005; Wall et al., 2009) and OECD (2008, Table PF7.1).

Reviewing the country notes

Eight of the 27 countries are federal states (Australia, Austria, Belgium, Canada, Germany, Russia, South Africa and the United States). In some cases, this has implications for leave policies, with the constituent states or provinces having the possibility to supplement or vary national legislation. This is particularly striking in Canada and Russia. In the former country, provinces and territories have their own legislation for leave policy, with ensuing variations in length and eligibility conditions, though payment to parents on leave has been the responsibility of the federal government. From 2006, however, complete responsibility for leave policy, including funding, has been transferred to the province of Québec from the federal government leading to a distinctive policy emerging in that province. In Russia, regional governments are responsible for setting benefit payments for leave-takers, within maximum and minimum levels set by the federal government. In addition, various regional governments (Autonomous Communities) in Spain have implemented additional entitlements; while some local authorities in Finland pay supplements to the national benefit for parents using 'home care leave'.

Demographic, economic, employment and gender context (see 2.2 for definition of terms used and sources) The 27 countries vary widely in terms of population: from Estonia with 1.4 million people to the United States with 300 million. The **fertility rate** in South Africa is 2.8; otherwise no country reaches the replacement level of 2.1, Iceland, Ireland and the United States coming closest with 2. Fertility rates are particularly low (below 1.5) in Russia, the five Central and Eastern European countries, Germany, Greece, Italy and Spain. **National income** is highest in the four English-speaking countries (Australia, Canada, Ireland and the United States) and two of the Nordic countries (Denmark and Iceland), lowest in Russia, the five Central and Eastern European countries, Portugal and Greece, and South Africa.

Countries with high **female economic activity** rates (i.e. where these rates are 80 per cent or more of men's) include the five Nordic states, Russia, two of the Central and Eastern European states (Estonia and Slovenia) and five of the English-speaking liberal economies: Australia, Canada, New Zealand, the United States and the United Kingdom. On this measure, women's employment rates are low (less than 70 per cent of men's) in Italy, Greece, South Africa and Spain.

Part-time employment is also particularly high among women (40 per cent or more) in Belgium, Germany, Norway, Sweden and the UK. It is relatively low (below 15 per cent) in all five Central and Eastern European countries and Greece, and also among men where the Netherlands is again distinctive for having, by far, the highest part-time employment rate (23 per cent).

Employment rates for women with children under compulsory school age are highest for the four Nordic countries for which data is available (Denmark, Finland, Iceland and Sweden), and for Portugal and Slovenia. Rates are very low for women with children under three years in the Czech Republic, Hungary and Poland, and

relatively low overall in Greece, Italy and Germany. In considering this employment data, it is important to consider the extent of part-time working. For example, the Netherlands has a higher maternal employment rate than Finland – but also far more part-time employment.

The **gender employment gap** – the difference between male and female employment rates – is lowest in the Nordic countries (less than ten percentage points), and highest (more than 20 points) in Greece, Italy, Spain and Ireland.

The **global gender gap index** provides a composite view of the relative position of women and men – economically, educationally, politically and on health grounds. The Nordic countries occupy five of the top seven positions (i.e. with the lowest gender gap), along with New Zealand. Russia and the Central and Eastern European countries have the lowest rankings among the 27 countries, all falling below 40th place.

Finally, the information on **early childhood education and care (ECEC)** services has to be compared and interpreted with particular caution. The access rates do not, for example, indicate the hours offered by services nor, indeed, what parents pay (if anything); these, and other details of services, vary considerably between countries. However, three broad conclusions can be drawn:

- In most countries provision for children under three years falls far behind that for children from three years to compulsory school age; in some cases this reflects the underdevelopment of services, while in others (for example the Czech Republic or Poland) it reflects official policy to prioritise parental (in effect, maternal) care through policies such as Parental leave.
- The Nordic countries have by far the highest levels of provision for children under three years, with all except Iceland now providing a general entitlement to provision either from birth (e.g. Finland) or from around 12 months of age (e.g. Sweden), running through to compulsory school age; moreover, access is to services that generally offer full-time hours (i.e. for at least eight hours a day).
- Most countries, at least in Europe, now provide near universal access to provision for children from three years of age until compulsory school age, in some cases stated as a legal entitlement; in many cases, however, this access is to a service available only for part-time hours (i.e. equivalent to school hours or less).

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

Tables 2.1.1 and 2.1.2 provide summaries of leave policy in the 27 countries covered in this report. A more concise overview can be provided by showing, for each country, the number of months of leave (Maternity, Paternity and Parental) with benefits replacing two-thirds or more of earnings⁸ – an indicator used by the

⁸ Countries that apply a ceiling to the amount of earnings-related payment made to leave-taking parents are indicated with an asterisk (*); details of where this ceiling has been fixed are given in each country note. In these countries, the great majority, a proportion of parents taking leave may not receive two-thirds of their normal earnings, because of the effect of this ceiling.

European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission, 2009: Table 18.M3):

Australia	0	Austria	4	Greece ⁹	5-11
Canada	0	Belgium	4*	Iceland	9*
(Québec – 14.5)*		France	4*	Finland	11*
South Africa	0	Netherlands	4*	Denmark	12*
US	0	Spain	4*	Norway	12.5*
UK	1.5	Italy	4.5	Slovenia	12.5*
New Zealand	3.5*	Poland	4.5	Sweden	13*
		Russian Fed.	4.5*	Germany	15*
		Ireland	6*	Estonia	15*
		Czech Rep.	6.5*	Hungary	25*
		Portugal	6.5		

The median length of well paid leave among these 27 countries is 4.5 months, with extremes of no months to just over two years. On the basis of this indicator, countries can be divided into three groups:

- I. **Countries providing earnings-related leave (at two-thirds or more replacement rate) of nine months or over:** the five Nordic countries, three countries from Central and Eastern Europe (Estonia, Hungary and Slovenia), Germany. Greece (private sector) and Portugal; also, the Canadian province of Québec. In all of these cases, except Portugal, the earnings-related leave includes some period of Parental leave.
- II. **Countries providing four to six months of earnings-related leave, in all cases confined to Maternity leave:** includes a number of Continental Western European countries, also the Russian Federation. Ireland comes in here, although the effect of a ceiling is that the maximum payment is only €232 a week, showing the need to take account of levels of ceilings in assessing the generosity of national schemes.
- III. **Countries providing less than four months of earnings-related leave:** includes five of the six mainly English-speaking countries (Australia, Canada, New Zealand, United Kingdom, United States), plus South Africa. 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.

Emphasis is placed here on payment for leave-takers, justified by the clear relationship between take-up and payment. This review, for the first time, includes information in each country note on **how leave payments are funded**. Generally statutory leave payments come from some form of contributory insurance fund,

⁹ Greece has separate leave policies for the public and private sectors, as well as a reduced working time entitlement that may be taken as continuous leave; the figures here show both sectors, but excludes the continuous leave option. For more information, see country note.

financed by contributions from employers and, often, employees; 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 (discussed further below), 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.

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, leading to the emergence of a generic Parental leave. Some countries – 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, Parental leave (for example, currently in the Czech Republic, Poland, Portugal and Spain, and proposed for the UK).

Maternity leave is normally defined as a break from employment related to maternal and infant health and welfare; for this reason it is available only to women and is usually limited to the period just before and after birth. Seven of the 27 countries have no statutory Maternity leave. In the case of the United States, there is a general and 'family and medical leave' that can be used for a range of purposes including as de facto Maternity leave (though coverage is not universal, excluding workers in smaller organisations, and there is no benefit payment for leave-takers); while in the case of Australia, Iceland, New Zealand, Norway, Portugal and Sweden,¹⁰ leave is available at this time but is not restricted to women, being subsumed into Parental leave. However, while leave is paid at a high level in Iceland, New Zealand, Norway, Portugal and Sweden, it is unpaid in Australia and the United States (which are the only two industrial countries to make no provision for paid leave for most or all women at and around childbirth).

In countries with a specific period of Maternity leave, the period is mostly between 14 and 20 weeks, with earnings-related payment (between 70 and 100 per cent)

¹⁰ In Iceland, three months of the statutory leave period is reserved for women, three months for men and three months for the parents to divide as they choose; women may use one month of their quota before birth. In Norway, nine weeks of the statutory leave period is reserved for women and six weeks for men. In Sweden, there is no general leave for women before birth, but pregnant women are eligible for a period of paid leave at this time if they work in jobs considered injurious or involving risk to the foetus; it is obligatory for women to take two weeks leave before or after delivery and they can decide whether or not to take part of the parental insurance benefit during this period of leave.

throughout; in some cases, leave may be extended where there are multiple births. The amount of time that can or must be taken before birth varies.

There are five main exceptions. In South Africa, payment is between 31 and 59 per cent of earnings and confined to employees eligible for the Unemployment Insurance Fund. The other four countries have extended Maternity leave. Maternity leave in the Czech Republic is 28 weeks, in Ireland 42 weeks and in the UK 52 weeks. In the last two countries leave is not paid for the full period: in Ireland, earnings-related payments, though only up to a relatively low ceiling, are paid for 26 weeks, the remaining 16 weeks being unpaid; while in the UK, earnings-related payments last for 6 weeks, with a further 33 weeks of benefit payment at a flat-rate, leaving the remaining 13 weeks of Additional Maternity leave unpaid. Maternity leave in Hungary is 24 weeks (with earnings-related payment throughout), while part of one type of Parental leave (GYED) can only be taken by the mother (or a single father) until the child is 12 months old – in effect an extended Maternity leave. A period of extended Maternity leave, adding six months to the existing five months, is also about to be implemented for private sector workers in Greece.

There is not much flexibility in Maternity leave, indeed taking leave is obligatory in some countries (e.g. Germany and Italy). Where it occurs, flexibility mainly takes the form of some choice about when women can start to take leave and how much time they take before and after birth. Poland, Portugal and Spain, however, have introduced another dimension of flexibility: mothers may transfer or share part of the leave period with fathers as a matter of course, i.e. without exceptional circumstances such as serious illness applying. Portuguese mothers may also choose between two periods of leave, one shorter but paid at 100 per cent of earnings, the other longer but paid at 80 per cent. Maternity leave can be transferred to fathers in some other countries, but only in certain extreme circumstances (such as death or severe illness). Belgian mothers may take two weeks of Maternity leave as 'free days', spread over a period of time.

Paternity leave usually refers to an entitlement for fathers enabling 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, 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'). So as already noted, the distinction between Paternity leave and father-only Parental leave is blurring. One example of this complexity emerges from a comparison of Iceland, Norway and Sweden. Iceland has introduced a completely reformed leave policy: nine months leave after the birth, three months for mothers, three months for fathers and three months as a family entitlement to be divided between parents as they choose, all paid via the same earnings-related benefit. There is, therefore, no Paternity leave *per se*, but three months of leave are available to fathers to take as and when they choose. Norway, by contrast, has two weeks Paternity leave (i.e. to be used at the time of birth) and a further six weeks father's quota, which is a part of the Parental leave that only the father can use; most of the Parental leave is a family entitlement.¹¹ Sweden also has Paternity leave (ten days) and a fathers' quota (60 days) as part of Parental leave.

¹¹ To complicate matters further in Norway, the Work Environment Act 2005 (the responsibility of the Ministry of Labour and Social Inclusion), which grants leave but not money, uses the name *svangerskapspermisjon* (pregnancy leave) for the leave before birth, *fødselspermisjon*

In this review, Paternity leave is narrowly defined as a short period immediately after the birth. On this basis, 16 countries under review have Paternity leave (Iceland is included in the countries without Paternity leave, the three months fathers-only leave being counted as Parental leave on the basis that it is not restricted to being taken at or around the time of birth). With four exceptions, 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, which provides 18 days of Paternity leave with a further 12 'bonus' days for fathers who take the last two weeks of Parental leave; Slovenia, with 90 days of Paternity leave; and Spain, with a recently introduced 15 days. Portugal is unique in making Paternity leave obligatory; fathers must take ten days off work.

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.

Parental and childcare leave are considered together here, though treated separately in the country notes. Childcare leave can usually be taken immediately after Parental leave, creating a continuous period of leave, even if the conditions (such as benefit paid) may not be the same.

All EU member states must provide at least three months Parental leave per parent, the Directive setting this standard defining the leave as being 'to enable [parents] to take care of a child, so distinguishing this leave from Maternity leave where the Directive setting standards has been adopted as a health and welfare measure. No payment or flexibility requirements are specified in the EU Parental leave Directive. Six of the non-EU countries in this overview also provide Parental leave, the exception being the United States (which as already noted only has a generic and unpaid leave, which does not apply to all employees).

In six countries, parents can take additional 'Childcare' leave after Parental leave. In four cases the leave is unpaid: 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 (by contrast, in Estonia, Iceland and Norway Parental leave, preceding childcare leave, is paid). 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).

(birth leave) for the six weeks after and *foreldrepermisjon* (Parental leave) for the remaining leave period. However, the Ministry of Children and Equality, which grants the money for leave, refers only to *foreldrepengeperioden* (parental money period) for the payment covering all three types of leave.

Parental leave varies on four main dimensions:

- length;
- whether it is an individual or family entitlement;
- payment;
- flexibility.

Broadly, countries divide into those where total *length* of leave available – including Maternity, Parental and Childcare – comes to around nine to 15 months; and those where continuous leave can run for up to three years. The former include Australia, Belgium, Canada, Denmark, Greece, Iceland, Ireland, Italy, New Zealand, Slovenia and the UK; the latter include the Czech Republic, Estonia, Finland, France, Germany, Hungary, Norway, Poland, Portugal, Russia 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, with leave lasting until a child's second birthday.

Parental leave is a *family entitlement* in 13 countries, to be divided between parents as they choose (Australia, Austria, Canada, Denmark, Estonia, Finland, France, Germany, Hungary, New Zealand, Poland, Russia and Spain); an individual entitlement in nine countries (Belgium, Czech Republic, Greece, Ireland, Italy, Portugal, Slovenia, the Netherlands and the United Kingdom); and mixed (part family, part individual entitlement) in three countries (Iceland, Norway 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 Slovenia) or whether entitlements, if not used, are forgone.

A majority of countries (19) provide some element of *payment*. However, in ten cases (Austria, Belgium, Czech Republic, Estonia, France, Italy, Netherlands, Poland, Portugal and Russia) payment is less generous, being flat-rate or set at a low earnings-related rate, means tested or paid for only part of the leave period, or a combination of these. Nine countries pay an earnings-related benefit pitched at more than half of normal earnings. Finland combines a relatively high level of earnings-related benefit during Parental leave, with a low flat-rate benefit for Childcare (called 'Home care') leave, which has supplements for users with additional children and lower incomes. In some cases – notably Austria, the Czech Republic, Estonia, France, Germany and Poland – parents on leave receive a general 'childrearing' benefit that is paid to all parents with young children, not just confined to those taking leave.

Slovenia has the most generous benefit payments for Parental leave – at full earnings with no maximum ceiling (the only country paying an earnings-related benefit for Parental leave with no upper limit). Denmark and Norway also pay full earnings, but only up to a maximum ceiling, while most or all of the leave period is paid at 80 per cent of earnings or higher in Iceland and Sweden (again up to a maximum 'ceiling' amount). Hungary, too, is relatively generous, paying a benefit of 70 per cent of earnings to parents on leave until a child's second birthday, then a lower flat-rate payment until the child is three years old.

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 (e.g. Belgium, Germany, Poland, Portugal, Sweden);
- the possibility of taking leave in one continuous block or several shorter blocks (e.g. Estonia, Greece, Iceland, Poland, Spain, Sweden);
- 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) (e.g. France, Germany, Portugal, Québec, Sweden);
- the option to take longer periods of leave with lower benefits or shorter periods with higher benefits (e.g. Austria, Czech Republic, Denmark, Germany, Norway, Québec);
- additional leave in the case of multiple births or, in a few cases, other circumstances (e.g. Finland, Germany, Greece, Ireland, Italy and the Netherlands);
- the possibility to transfer leave entitlements to carers who are not parents (e.g. Estonia, Hungary, Slovenia).

Just as the UK has the longest period of Maternity leave by far, so it also has a unique approach to Parental leave. As a minimum entitlement, eligible employees are entitled to three months unpaid leave: but this entitlement can only be taken in portions of four weeks per year (rather than in one continuous block, as in all other countries, many of which also allow leave to be taken in shorter blocks of time). However, employers are encouraged to go beyond the minimum provisions of the regulations, where it is possible to do so.

Various measures have been introduced to encourage fathers to use Parental leave. Mostly these take the form of wholly or partly individualised entitlements, whereby fathers not using their 'quota' lose it, since unused leave cannot be transferred to a partner. Another approach is to offer extra leave to fathers who take some Parental leave. Fathers in Finland can take 12 'bonus' days, in addition to their 18 days of Paternity leave, if they take the last two weeks of Parental leave; the 12 bonus days plus the two Parental leave weeks are now called 'father's month' in the legislation. 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.

Career breaks provide a break from employment not necessarily tied to childbearing and childcare. A statutory entitlement 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. For further information, see the articles about Belgium in Section 1.

Other employment-related measures: generally, adoptive parents have similar leave entitlements to other parents.

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, 11 (Austria, Czech Republic, Estonia, Germany, Hungary, Italy, Poland, Portugal, Slovenia, Sweden and the Netherlands) 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 except Italy, leave is paid 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 Russia have an entitlement to paid leave specifically to care for a sick child. New Zealand employees have five days sick leave for themselves or their dependents; South African workers are entitled to three days 'family responsibility leave' per year, but this covers a range of circumstances, not only caring for a sick child; while in Australia, all employees have an industrial right to use up to five days of personal or sick leave per year to care for a sick family member.

Ten of the 25 countries in this review offer additional leave entitlements, covering a wider range of family members than young children and/or situations of serious illness. For example, most provinces and territories in Canada 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 unpaid within a 26-week period, but benefits of up to six weeks can be claimed through Employment Insurance for this leave. While in Portugal, in addition to up to 30 days per year of leave that can be taken to care for sick children under the age of ten years, paid at 65 per cent of the minimum wage, 15 days unpaid leave per year can be taken to care for a spouse, older child or co-resident elderly relative, increased by one day for every second and subsequent child.

Nine countries (Estonia, Hungary, Ireland, Italy, Norway, Portugal, Russia, Slovenia and Spain) permit women to reduce their working hours to enable breastfeeding. Women reducing their hours are entitled to earnings compensation. This is not usually the case in the ten countries (Austria, Estonia, Finland, Greece, Hungary, Iceland, Norway, Slovenia, Spain, Sweden and the Netherlands) that give parents the right to work part-time hours when they have a younger child, though sometimes subject to employer agreement; for example, all Dutch employees have the right to work part time, but employers may turn down an employee's request under quite specific conditions.

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 working in the private sector are entitled to work one hour less per day for up to 30 months after Maternity leave, with full earnings replacement. With the employer's agreement, 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 in block(s) of time of equal length 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 accordingly.

Finally, in Australia, 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.

How do leave policies relate to early childhood education and care (ECEC) services?

Although the country notes do not include a part on this topic, there is a defined relationship in a number of countries. Some countries have developed a long period of leave, up to three years, as an alternative to providing ECEC services for the youngest children. The Czech Republic and Poland are examples, with long leave periods and very low levels of ECEC provision for children under three years. Germany, or at least the former West Germany, was another example, but is in the process of shifting policy to a shorter, higher-paid leave period and increased ECEC services for children under three years.

In Denmark, Norway and Sweden, a universal entitlement for children to a publicly funded ECEC service begins at the end of a period of well-paid Parental leave lasting about one year. This entitlement ensures that there is an ECEC place to meet the needs of working parents from the time their leave ends (although the entitlement extends to all children, not only those whose parents are employed).

In these three Nordic countries, the complementary relationship between leave and services is mainly consecutive, i.e. access to services is introduced as leave ends. In Finland, the relationship is concurrent in the sense that a three-year leave entitlement runs alongside a universal entitlement to a place in a publicly funded early childhood service for all children *from birth*. The entitlement also includes the possibility of a state subsidy for parents choosing to use private services and a municipal supplement paid by some local authorities. The relationship here between leave and services emphasises maximising parental choice, though in effect any choice is exercised by mothers since very few fathers take a prolonged period of leave. France, too, emphasises a relationship between leave and services intended to support choice over the first three years after birth, although without an entitlement to a service place for children under three years.

In some countries where leave ends when children are three years old (e.g. France, Hungary, Germany, Spain), nursery schooling or kindergartens are widely available to children aged three years and upwards, with near universal coverage. Kindergartens throughout Hungary, and many in the former Eastern part of Germany, are geared to the needs of working parents, with all-day and all-year opening. This is not the case elsewhere in Germany or in France and Spain where the availability of school-age childcare services for periods outside term-time and school hours is not guaranteed (though widespread in France). Moreover, this situation does not guarantee an ECEC place for a parent returning to work before the end of the full Parental leave period. As is the case in the many countries where there is a gap

between the end of leave and the start of universal availability of ECEC services, the two systems are not integrated.

2. Changes in leave policy and other related developments

A number of countries report changes in leave and related policy since the 2008 review, up to April 2009. In two cases – Estonia and Iceland – these involve cutbacks related to the economic crisis. Elsewhere, the changes have involved developments of leave provision, although to varying degrees (for further information, see part 2 of the country notes):

Belgium: some leave policies were adapted, mostly by introducing more flexibility resulting in greater choice for parents, but also to facilitate use by self-employed workers.

Czech Republic: since January 2009, a child's father is able to take Maternity leave instead of the mother from the seventh week after the child's birth; and parents are allowed to alternate with each other during the course of taking leave to care for a sick child.

Denmark: in Spring 2008, the right to Parental leave with full earnings replacement was secured for public sector employees, for 18 weeks in total. Although resulting from a collective agreement for a particular sector, this deal covers a substantial part of the workforce.

Estonia: payment for Paternity leave has been removed.

Germany: an unpaid short-term and long-term leave entitlement for people with dependent relatives requiring care has been introduced.

Greece: a 'special leave for the protection of maternity' has been provided in the private sector, consisting of six paid months; the leave is granted after the basic Maternity leave.

Iceland: the income ceiling for calculating earnings-related leave payments has been lowered.

Italy: a number of small-scale changes have been introduced, including improved benefits for adoptive parents.

Netherlands: payment for self-employed women on Maternity leave has been re-introduced. The length of Parental leave has been doubled, and payment (at a low level) has been introduced.

Poland: regulations introduced in January 2009 increased the length of Maternity leave and provided additional leave for multiple births.

Portugal: new terminology has been introduced by law, for example 'Maternity leave' and 'Paternity leave' being replaced by the generic term 'Parental leave'. At the same time, leave has been extended with improved payment: Paternity leave (now termed

'father's only Parental leave') has increased from five to 20 calendar days, and is obligatory; Parental leave is paid at a low earnings-related level; and there is now an incentive for fathers to take at least one month of Parental leave.

Spain: regulations introduced in March 2009 have extended the coverage of Maternity leave and benefit payments.

Sweden: in July 2008, a 'gender equality bonus' was introduced to offer an economic incentive for families to divide Parental leave more equally between the mother and the father of the child. A municipal 'child-rearing allowance' was re-introduced in 2008 for parents of one to three-year-old children who do not use public childcare services. (For more information on both developments see the article by Anders Chronholm, Section 1.5)¹².

United Kingdom: from April 2009, the right to request flexible working has been extended to parents with a child aged 16 years and under.

At the same time, leave policy is a subject of debate – either by Ministers or in Parliament – and/or proposed policy changes in several countries, the two main themes being further measures to increase fathers' use of leave and overall reviews of leave policy. Of particular significance is the introduction of paid Maternity leave in Australia in January 2011. For further information, see part 2 of the country notes for Austria, Australia, Czech Republic, Finland, Italy, Ireland, Netherlands, Norway, Poland, South Africa, and the United Kingdom.

3. *Take-up of leave*

Rostgaard (2005) notes that 'only in the Nordic countries are there regular, consistent statistical accounts of the use of leave, according to gender, and occasionally also according to occupation and education of the parent ... [while in] most other countries, however, data on take-up of Parental leave is irregular and inconsistent.' This is confirmed by the information provided in country notes on take-up, which is full of gaps, making systematic cross-national comparisons impossible. Generally, there is no information on take-up of unpaid leave and limited information on paid leave. The situation has shown little sign of change since the network was established.

There is the further question of what proportion of parents are eligible for leave, where again there is no consistent and comparable information. However, a number of country notes refer to substantial proportions of parents not being eligible, for example in Australia, Canada and Spain (Parental leave), Portugal (Maternity leave) and the United States (family and medical leave). 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.

Generally speaking, paid *Maternity leave* appears to be extensively and fully used by mothers who are eligible (in a few cases, it is even obligatory to take this leave).

¹² In a change introduced in January 2008, but not reported in the 2008 review, Sweden cut benefit paid to parents on leave from 80 to 77.6 per cent of earnings.

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 (2004) 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). A recent survey in the UK, for example, shows that only 11 per cent of mothers had taken some Parental leave within 17 months of their child's birth, two-thirds of whom had taken a week or less. Unpaid Parental leave tends to be used where entitlements to other forms of leave have been exhausted.

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). For example, less than one per cent of recipients are fathers in the Czech Republic; and the proportion of fathers taking Parental leave is two per cent in Finland and Poland, 3 per cent in Austria, and ten per cent in Canada. However, where Parental leave has both an individual entitlement element and is relatively well paid, fathers' use is higher. This can be seen in the four Nordic countries in this study:

- **Denmark:** 62 per cent of children born in 2002/3 have a father who took leave and these fathers on average took 25 days of leave (as Paternity leave is two weeks, this suggests most fathers also took some Parental leave).
- **Iceland:** in 2006, 88 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 100 days leave compared to 185 for mothers).
- **Norway:** 89 per cent of fathers in 2003 took some Parental leave, although only 15 per cent took more than 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.
- **Sweden:** 90 per cent of fathers of children born in 1998 have taken Parental leave, mainly when their children were 13 to 15 months of age. In 1987, fathers took about seven per cent of total Parental leave days that year; by 2008, it had increased to 21.5 per cent. Fathers also take a third of leave to care for sick children.

In all four cases, mothers continue to take more leave than fathers. The difference is greatest in Denmark (where fathers took only six per cent of all days of paid leave in 2005), followed by Norway (nine per cent). In Sweden, fathers take about a fifth of all

days (21 per cent), with the greatest share of paid leave-taken by men in Iceland (33 per cent), with its 3+3+3 leave scheme (Eydal and Gislason, 2008: Table 7).

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:

Germany: the 2007 reform of leave, which had the explicit aim to raise leave-take-up by fathers, had an immediate impact, the number of fathers taking leave rising from 3.5 per cent in the last quarter of 2006 (immediately before the reform) to 13.7 per cent in the second quarter of 2008 (for further details, see the article by Daniel Erler, Section 1.4).

Iceland: the average number of days' leave-taken by men in Iceland has more than doubled since 2001 (up from an average of 39 in 2001 to 99 in 2006) with the extension of father-only leave over this period.

Norway: the proportion of men taking some leave has increased from four per cent to 89 per cent since the introduction of the one-month father's quota.

Portugal: 15 additional Paternity leave days were introduced in 1999. In 2001 only four per cent of fathers took these days; this increased to 14 per cent in 2002 and to 37 per cent in 2007.

Québec: the new Parental leave scheme, introduced in 2006, has had an impact on fathers' participation; in 2007, 56 per cent of fathers in Québec took a period of leave compared with 22 per cent in 2006.

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 too 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 has been a strong take-up by public employees of a scheme that enables parents to reduce their working hours when they have a child under one year without loss of earnings. Nearly a quarter of parents using this option are fathers.

Information on take-up among different socio-economic or ethnic groups within countries is even patchier. 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 again limited information on the use of flexible working options, either within leave arrangements or as a right or possibility after leave. German data suggests that more flexible options (e.g. to take a higher benefit over a shorter leave period and to work part time while on leave) are taken 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 had informed their employers; more than half of them (54 per cent) had their request fully granted, with a further ten per cent partially agreed. In short, the legislation had contributed to about nine 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 still take only a small portion of Parental leave that is a family entitlement, i.e. where parents can decide how to allocate leave between the mother and father;
- Leave is used differentially not only between women and men, but between parents with different levels of education, income and employment both individually and in relation to their partners – the impact of leave policies, therefore, is not uniform.

4. Research and publications on leave and other employment-related policies since January 2006

Country notes finish with a brief overview of the state of research on leave policy; a selection of publications on leave since January 2006; and brief outlines of ongoing research on leave. Many publications are listed (many available in English and increasingly downloadable), with a brief description of each. It is noticeable that the number of publications varies considerably between countries, implying different

levels of policy interest and/or the presence of researchers with an interest in work/life issues.

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Table 2.1.1: Provision of statutory leave entitlements in selected countries

	Maternity leave	Paternity leave	Parental leave	Total post-natal leave per family(months)	Leave for sick children
Australia	×	×	✓ F	12 (0)	✓✓✓
Austria	✓✓✓	×	✓✓* F	24 (24)	✓✓✓ [+]
Belgium	✓✓✓	✓✓✓	✓✓ I	9.5 (9.5)	✓
Canada [fn]	✓✓✓	✓	✓✓✓ F	12 (11.5)	✓ [+]
Québec	✓✓✓	✓✓✓	✓✓✓ F	18 (18)	✓ [+]
Czech Rep	✓✓✓	×	✓✓* [fn] I	36 (36)	✓✓✓
Denmark	✓✓✓	✓✓✓	✓✓✓ F	11 (11)	×
Estonia	✓✓✓	✓✓✓	✓✓* F	36.5 (36)	×
Finland	✓✓✓	✓✓✓	✓✓✓ F	37.5 (37.5)[fn]	×
France	✓✓✓	✓✓✓	✓✓*[fn] F	36.5 (36.5)	✓ [+]
Germany	✓✓✓	×	✓✓✓* F	36 (16)	✓✓✓
Greece[fn] a.	✓✓	✓✓✓	✓ I	15 (8)	✓ [+]
b.	✓✓✓	×	✓ I	48 (3)[fn]	×
Hungary	✓✓✓	✓✓✓	✓✓✓[fn] F	36 (36)	✓✓✓
Iceland	(✓✓✓)[fn]	✓✓✓	✓✓✓ F/I	15 (9)[f/n]	×
Ireland	✓✓	×	✓ I	16 (5.5)	✓✓✓ [+]
Italy	✓✓✓	×	✓✓ I	13.5 (13.5)[fn]	✓
Netherlands	✓✓✓	✓✓✓	✓✓ I	14.5 (2.5)	✓✓✓ [+]
N.Zealand	(✓✓✓)[fn]	✓	✓ F	12 (3.5)	✓✓✓ [+]
Norway	(✓✓✓)[fn]	✓	✓✓✓ F/I	36.5 (12)	✓✓✓ [+]
Poland	✓✓✓	×	✓✓ F	36 (36)	✓✓✓ [+]
Portugal	(✓✓✓)[fn]	✓✓✓	✓✓ I	36.5 (12.5)[fn]	✓✓✓ [+]
Russian Fed.	✓✓✓	×	✓✓ F	36 (18)	✓✓✓
Slovenia	✓✓✓	✓✓	✓✓✓ I	14 (11.5)	✓✓✓ [+]
S. Africa	✓✓ [fn]	×	×	4 (4)	✓✓✓
Spain [fn]	✓✓✓	✓✓✓	✓ I	36 (3.5)	✓✓✓
Sweden	(✓✓✓)[fn]	✓✓✓	✓✓✓ F/I	36.5 (16.5)[fn]	✓✓✓
UK	✓✓	✓✓	✓ I	18 (9)	✓
USA	(✓) [fn]	×	×	0	×

Key:

Maternity, Paternity, Parental leave and leave for sick children columns: × – no statutory entitlement. ✓ – statutory entitlement but unpaid; ✓✓ – statutory entitlement, paid but *either* at low flat-rate *or* earnings-related at less than 50 per cent of earnings *or* not universal *or* for less than the full period of leave; ✓✓✓ – statutory entitlement, paid for all or part of duration to all parents at more than 50 per cent of earnings (in most cases up to a maximum ceiling).

Maternity leave column: brackets indicate that there is not a designated 'Maternity leave', but leave (with a different designation) is available for women to take immediately before and after childbirth.

Parental leave column: * indicates the payment is made to all parents with a young child whether or not they are taking leave. F=family entitlement; I=individual entitlement; F/I=some period of family entitlement and some period of individual entitlement.

Total post-natal leave column: Unbracketed numbers indicate total length of leave available to a family; this includes the longest period that Maternity, Paternity and Parental leave can be taken post-natally, as well as any Childcare leave. Bracketed numbers in 'total post-natal leave' column indicate length of leave that receives some payment. Both numbers are months, stated to the nearest half month; where leave is defined in days or weeks, it has been converted into months on the basis of 1 month=4.3 weeks.

Leave for sick children column: [+] indicates additional leave entitlements covering a wider range of family members than young children and/or situations of serious illness.

Country footnotes [fn]:

Canada: there are differences in length of leave between provinces and territories; three provinces allow three to five days of unpaid leave to care for members of immediate family.

Czech Republic: Parental leave may be taken until child is three years, but benefit is paid until child is four.

Finland: total post-natal leave includes period of low paid Childcare ('Home care') leave. All employees have access to leave to care for a sick child, with length and payment determined by collective agreements.

France: Parental leave payment to parents with one child only made until six months after the end of Maternity leave.

Germany: Parental leave payment up to maximum of 28 months; remainder of three year leave period unpaid.

Greece: a = private sector employees; b = public sector employees. Women employees in both sectors can consolidate an entitlement to work reduced hours into a full-time leave of up to 3¾ months in the private sector and 9 months in the public sector. This extra leave option is not included in the total post-natal leave shown in the Table, which shows leave available to two parent family where both parents work in same sector.

Hungary: for insured parents, leave is paid at 70 per cent of earnings until child's third birthday, then at flat-rate; only mother is entitled to use in child's first year. Either of the parents in a family with three or more children may take leave during the period between the third and the eighth birthday of the youngest child (*Gyermeknevelési támogatás – GYET*). Benefit payment as for GYES.

Iceland: The law does not distinguish separate Maternity, Paternity and Parental leave, referring only to 'birth leave', part of which is for mothers, part for fathers and part for the parents to divide as they choose. Total post-natal leave includes period of unpaid leave after Parental leave.

Italy: Parental leave is six months per parent, but total leave per family cannot exceed ten months.

New Zealand: 'Parental leave' is used as a generic term to cover all forms of leave for new parents; the period of leave immediately after birth, usually taken by the mother, is not termed 'Maternity leave' but 'paid Parental leave', and can be transferred to a spouse or partner.

Norway: there is no separate Maternity leave; part of Parental leave is reserved for women before and after birth.

Portugal: 'Maternity leave' has been replaced by 'initial Parental leave'. Total post-natal leave includes period of unpaid leave after Parental leave.

South Africa: payment to eligible employees from the Unemployment Insurance Fund on a sliding scale ranging from 31 to 59 per cent. Fathers may take up to three days paid 'family responsibility leave' when their children are born.

Spain: women employees can consolidate an entitlement to work reduced hours into a full-time leave of up to four weeks. This extra leave option is not included in the total post-natal leave shown in the Table.

Sweden: there is no separate Maternity leave; part of the 480 days of paid Parental leave is reserved for women. Each parent is entitled to take Parental leave until a child is 18 months; but the 480 days of paid leave can be taken until a child is eight years.

United States: 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 Rica provide some benefit payments to parents missing work at around the time of childbirth.

Table 2.1.2: Statutory entitlements for taking Parental leave flexibly or for flexible working

	Breast-feeding	Reduced hours Other	Parental leave options	Right to request flexible work
Australia	x	x		✓ until CSA
Austria	x	✓until 7	3, 5	x
Belgium	x	x	1,2	x
Canada	x	x		x
Québec	x	x	3, 5	
Czech Rep	x	x	1, 3, 4	x
Denmark	x	x	1,3, 5	x
Estonia [fn]	✓✓✓	✓✓✓until 1½	1, 4	x
Finland	x	✓✓until 8	1, 2, 6	x
France	x	x	1	x
Germany	x	x	1, 3,5, 6	x
Greece [fn]a	x	✓✓✓until 2½	2, 5, 6	x
b	x	✓✓✓until 4	5	x
Hungary [fn]	✓✓✓	✓✓✓until 8	4, 6	x
Iceland [fn]	x	✓until 8	2, 5, 6	x
Ireland	✓✓✓	x	5, 6	x
Italy	✓✓✓	x	5, 6	✓ until CSA
Netherlands	✓all employees entitled to work part time if employer agrees and has ten or more employees		6	x
N.Zealand	x	x		✓ any carer
Norway	✓✓✓	✓until 10	1,3,6	x
Poland	x	x	2,5	x
Portugal	✓✓✓	x	1,5	x
Russian Fed	✓✓✓	x	1,4	x
Slovenia	✓✓✓	✓ until 3	1,3, 4,5,6	x
S. Africa	x	x		x
Spain	✓✓✓	✓	2	x
Sweden	x	✓until 8	1,2,5,6	x
UK	x	x	5	✓ until 6
USA	x	x		x

Key:

x – no statutory entitlement; ✓ – statutory entitlement but unpaid; ✓✓ – statutory entitlement, paid but *either* at low flat-rate *or* earnings-related at less than 50 per cent of earnings *or* not universal or for less than the full period of leave; ✓✓✓ – statutory entitlement, paid to all parents at more than 50 per cent of earnings (in most cases up to a maximum ceiling).

CSA = compulsory school age.

Parental leave flexible options: refers to options that are not subject to employers' agreement.

1 – leave can be taken full time or part time; 2 – leave can be taken in one block or several blocks of time; 3 – leave can be taken for a shorter period with higher benefit payment or for longer period with lower benefit payment; 4 – leave can be transferred to non-parent; 5 – leave can be taken at any time until a child reaches a certain age; 6 – other, mainly additional leave in case of multiple births.

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

Country footnotes [fn]:

Estonia: an employee with a child under 14 years is entitled to take two weeks unpaid leave per year.

Greece: a = private sector employees; b = public sector employees.

Hungary: an employee *with three or more children* may take leave or work reduced hours until a child is eight years old, receiving a flat-rate payment.

Iceland: an employee may take 13 weeks unpaid leave until a child is eight years old.

2.2

Sources, terms and currency conversion rates used in country notes

The 27 country notes that follow have been prepared by members of the international network on leave policies and research, with the assistance of some other national experts, to a format designed by the network coordinators.

Information on leave is organised under five headings: Maternity leave; Paternity leave; Parental leave; childcare leave or career breaks; and other statutory employment-related measures. The names for the first three types of leave in the native language of the country are given. In some countries (e.g. Iceland, New Zealand), the terms used for leave (and the design of leave policies) do not correspond to Maternity leave, Paternity leave and Parental leave; in these cases a 'note on terminology' at the start of the country note explains the terminology for and design of leave in that country.

Each country note begins with data on a number of standard demographic, economic and service items. These have been sourced from cross-national data sets that offer comparable data. However most data sets do not cover all the countries included here; in these cases, 'No data' is listed for the item. In some cases, network members preparing country notes have sent alternative statistics, drawing on national sources. Where these additional statistics are substantially different to those from the cross-national data sets or where there is 'No data' from these data sets for the country, these national statistics have been given as footnotes.

The following items need further definition:

GDP per capita: expressed as Purchasing Power Parities (PPP) in US dollars.

Female economic activity, 15+: proportion of women aged 15 years and over who are employed or unemployed.

Gender employment gap: per centage point difference between the employment rates for men and women aged 25-64 years

Global gender gap: this index assesses the gap between men and women in four categories – economic participation and opportunity; educational attainment; political empowerment; and health and survival – using 14 indicators. The Index is constructed to rank countries on their gender gaps not on their development level. For example, the Index penalises or rewards countries based on the size of the gap

between male and female enrolment rates, but not for the overall levels of education in the country.

Attendance at formal services: proportion of children attending 'formal' early childhood education and care services, defined as: 'pre-school or equivalent, compulsory education, centre-based services outside school hours, a collective crèche or daycare centre, including family day-care, professional certified childminders. The care provided by family members, neighbours or non-certified childminders are therefore not included' (European Commission (2008) *Childcare services in the EU* (Memo/08/592)).

The sources used are:

UNDP: United Nations Development Programme (2007) *The Human Development report 2007/2008*. Tables 1, 5, 31. Available at:
http://hdr.undp.org/en/media/hdr_20072008_en_complete.pdf.

OECD/F: OECD (2008) *OECD in Figures, 2008*. Paris: OECD, p.32. Available at:
<http://www.oecd.org/dataoecd/44/17/41733586.pdf>

OECD/BB: OECD (2007) *Babies and Bosses: Reconciling Work and Family Life. A Synthesis of Findings for OECD Countries*. Paris: OECD. Tables 3.2 and 3.3.

WEF: Hausmann, R., Tyson, L.D. and Zahidi, S. (2008) *The Global Gender Gap report 2008*. Geneva: World Economic Forum. Table 3a. Available at:
<http://ec.europa.eu/social/BlobServlet?docId=605&langId=en>

ECB: European Commission (2008) *Implementing the Barcelona objectives concerning childcare facilities for pre-school-age children (SEC(2008)2524)*. Brussels: Commission of the European Communities. Table 1. Available at:
http://1_EN_autre_document_travail_service_part1_v3.pdf

All benefit payments are expressed in euros, at the conversion rate on 26 April 2009 on <http://finance.yahoo.com/currency-converter>

2.3

Australia

Michael Alexander, Gillian Whitehouse and Deborah Brennan

Population (UNDP)	2005	20.3 million
Total Fertility Rate (UNDP)	2000/5	1.8
GDP per capita (UNDP)	2005	31,794 PPP US\$
Female economic activity, 15+ (UNDP)	2005	56.4 per cent
As % male rate (UNDP)	2005	80 per cent
% of employed working part time (OECD/F)		
Men	2007	12.4 per cent
Women	2007	38.5 per cent
Gender employment gap (OECD/BB)	2004	20% points
Employment rate for mothers (OECD/BB)		
With child from birth to 5 years	2005	48.3 per cent
Global gender gap (WEF)	2008	21st
Attendance at formal services (ECB)		
Children under 3 years	2006	No data
Children 3-5 years (inclusive)	2006	No data
NB Australia is a federal state		

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 have traditionally been detailed in *awards*, which are usually occupational or industry- based prescriptive documents determined by industrial tribunals. Historically, Australia had a different state-based industrial relations system for each of its six States, as well as a federal system. Federal awards applied to employees working in the federal public sector and for companies with similar operations in more than one State, while State awards covered the State public sector and company operations operating in a single State. Traditionally, the federal system had set the standard for conditions, with State systems usually ratifying federal decisions shortly afterwards.

In December 2005 the federal *Workplace Relations Act 1996* was amended (referred to as the 'Work Choices' amendments) to reduce the coverage of the State systems, bringing into the federal sphere all employees working for incorporated businesses (i.e. those falling within the federal government's Constitutional power over 'corporations'). In addition, these changes and the associated 'award rationalisation' process was designed to reduce the number of awards and the matters they are able to address, as well as reduce award coverage through prioritisation of individual and collective bargaining and removal of overlapping coverage of awards and agreements.

Following the election of the Australian Labor Party at the federal level in November 2007, legislation has been passed that will repeal the *Workplace Relations Act 1996* (and with it, much of the Work Choices agenda) and replace it with a new system of employment regulation entitled the *Fair Work Act 2009*. These new employment regulations are due to come into effect on 1 January 2010 (see part 2 for a discussion of their impact on parental leave arrangements). Until then the previous *Workplace Relations Act 1996* still applies (in most respects) and is what is described in the rest of this part.

a. Statutory Maternity leave

Maternity leave in Australia is conflated with the statutory entitlement to 52 weeks unpaid Parental leave that can be shared between a mother and her spouse (see below). The portion of this Parental leave entitlement taken by the mother is referred to in the legislation as 'Maternity leave' (*Workplace Relations Act*, s.265-s.281). Since amendments to the Act in 2005, the mother must take six weeks 'Maternity leave' immediately following the birth of her child (s.273).

While there is currently no general entitlement to paid Maternity leave, some employees have access through industrial awards, workplace agreements, company policies, or legislation covering public sector employees. In a national survey conducted in August 2008, 45 per cent of female employees indicated they had access to paid Maternity leave in their main job, with prevalence considerably higher in public sector employment: 74 per cent compared with 35 per cent in the private sector (*ABS Employee Earnings, Benefits and Trade Union Membership Survey*, August 2008, Cat. No. 6310.0, Table 17). Organisational data indicate that the prevalence of paid Maternity leave has been increasing over recent years, with 46 per cent of large organisations surveyed by the Equal Opportunity for Women in the Workplace Agency (EOWA) in 2005 providing paid Maternity leave, compared with 23 per cent in 2001 (*Equal Opportunity for Women in the Workplace Survey 2005: Paid Parental leave*, available through EOWA website, <http://www.eowa.gov.au/>). The amount of paid leave granted by these organisations varies significantly across employers (see later comments).

b. Statutory Paternity leave

As with Maternity leave, Paternity leave in Australia overlaps with the statutory entitlement to 52 weeks unpaid Parental leave that can be shared between a mother and her spouse. The portion of this Parental leave entitlement taken by a man when his spouse gives birth is referred to in the legislation as 'Paternity leave', and is formally divided into 'short Paternity leave' (up to one week at the time of the birth) and 'long Paternity leave' (leave-taken as the child's 'primary carer') (*Workplace Relations Act*, s.282-s.297). While short Paternity leave can be taken simultaneously with the mother's Maternity leave, long Paternity leave cannot, and the total period of Parental leave shared between the parents cannot exceed 52 weeks. Following amendments that require a mother to take six weeks Maternity leave immediately following the birth of her child, the maximum period of leave available to her spouse to use as Paternity leave has been reduced.

There is no general entitlement to paid Paternity leave, but some company policies and industrial agreements provide a period of paid leave for fathers. In response to a national survey in 2008, 35 per cent of male employees indicated they had access to paid Paternity leave in their main job. As with paid Maternity leave, prevalence was higher in public sector employment; 59 per cent of male employees in the public sector indicated that they had access, compared with 31 per cent in the private sector (*ABS Employee Earnings, Benefits and Trade Union Membership Survey*, August 2008, Cat. No. 6310.0, Table 17). Organisational data indicate that the prevalence of paid Paternity leave has been increasing over recent years: 32 per cent of large organisations responding to the 2005 EOWA survey mentioned above provided paid Paternity leave, compared with 15 per cent in 2001. The amount of paid leave that is granted varies significantly across employers (see later comments).

c. Parental leave

Note: as discussed above, Parental leave in Australia is a shared entitlement that overlaps with Maternity and Paternity leave; all three terms refer to the one entitlement.

Length of leave

- Fifty-two weeks per family around the birth or adoption of a child. A woman can start to take leave up to six weeks before her baby is due. Except for the week following the birth of the child when both parents may take Parental leave, the remainder of the leave may only be taken by one or other parent (the child's nominated primary care provider). Under 2005 legislative amendments, a mother must take six weeks of the 52-week entitlement immediately following the birth.
- Parental leave can be taken sequentially with other types of paid leave, such as annual leave or long service leave (or paid Maternity/Parental leave, if it is available to the employee through their employment conditions). 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 is still 52 weeks.
- A decision of the Australian Industrial Relations Commission on 8 August 2005 in the Family Provisions Test Case provided employees on federal awards with the right to request from their employer the following extensions to the above entitlements:
 - a period when both parents may take simultaneous unpaid Parental leave up to a maximum of eight weeks (currently one week);
 - a further continuous period of unpaid Parental leave not exceeding 12 months (in addition to the current 12 months) – that is, a maximum of two years in total;
 - return to work from a period of Parental leave on a part-time basis until the child reaches school age.
- While the 2005 Work Choices amendments to the federal *Workplace Relations Act* did not adopt these extended entitlements, they were passed on to some employees through state-based award systems or enacted in relevant state-based legislation (see above 'note on federal and State awards'). However, the Work Choices changes to the federal Act also restricted the scope of state-based benefits, as most employees previously covered by State awards were

brought into the federal jurisdiction. As discussed in part 2, the federal legislation is currently under review.

Payment and funding

- None for statutory provisions under the federal Act. Where paid leave is offered (for example, under company policies, industrial agreements or legislative provisions for public sector employees) duration of leave varies, with the most common provisions for paid Maternity leave being six or 12 weeks and for paid Paternity leave one or two weeks. Payment is typically the employee's normal pay rate, although in some cases there are provisions to double the duration by taking the leave at half pay.

Flexibility in use

- None for statutory provisions under the federal Act. See above for possible variations in duration and pay where a period of paid leave is available.

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

- Employees in permanent positions (full- or part-time) are eligible for these entitlements 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. Since amendments to the *Workplace Relations Act* in 2005 all such 'eligible casuals' have a statutory right to unpaid Parental leave. In the States of New South Wales and Queensland, this right preceded the changes made to the federal Act for those meeting the relevant States' eligibility criteria and falling under the jurisdiction of those States' industrial relations laws.
- Parental leave is not available to self-employed workers. According to *The Parental Leave in Australia Survey* (2005), 11 per cent of mothers in employment prior to the birth of their child were self-employed, while the comparable figure for fathers was 20 per cent.

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 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 for a pregnancy-related illness must be subtracted from the total entitlement to Parental/Maternity 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 five per cent reported that some or all of their pay was delayed until their return to work.

d. Statutory childcare leave or career breaks

- No general statutory entitlement.

e. Other statutory employment-related measures

Adoption leave and pay

- The same statutory rights apply as to Parental leave when a child under five years old is adopted.

Time off for the care of dependants

- All employees have access to a period of paid personal/carer's leave equivalent to one twenty-sixth of their nominal annual hours (10 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

- Some parents covered by State provisions have a right to request part-time work upon returning to work from Parental leave until their child reaches school age.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

On 7 April 2009, a new *Fair Work Act 2009* came into effect. The *Fair Work Act* establishes a new system of employment regulation in Australia and was a key election commitment of the Australian Labor Party, elected to office in November 2007 after nearly 12 years of Liberal and National Party Coalition rule. The new employment regulations, which come into effect on 1 January 2010, repeal significant aspects of the previous *Workplace Relations Act 1996*, including many of the amendments introduced in December 2005 (known as 'Work Choices'). They also

contain an expanded set of national employment standards, which include the ability for parents of children under school age to request flexible working arrangements, as well as an extension of the maximum period of unpaid Parental leave from 12 to 24 months.

Requests for flexible working arrangements: this new national employment standard is based on arrangements that are similar to those operating in the United Kingdom, providing a right for parents who have responsibility for the care of a child under school age (or a child under 18 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.

Parental leave entitlement: the new Parental leave employment standard provides *each* parent with an entitlement to be absent from work for *separate* periods of up to 12 months of unpaid Parental leave; previously, the 12-month period of leave was a joint entitlement. Unpaid Parental leave must be taken in association with the birth of a child to an employee or their spouse or the adoption of a child below school age. Following the first 12-month period of unpaid leave, a parent can request to take up to another 12 months (of their spouse's unused leave period), although in this case an employer can refuse the request on 'reasonable business grounds'. Any agreement for an additional period of leave beyond the first 12 months will reduce the spouse's entitlement by an equivalent amount.

As is currently the case, only one parent is entitled to access unpaid Parental leave at any particular point in time (except for the period immediately following the birth (or adoption) of the child) and each parent must take their period of leave in one continuous block. Following the birth (or adoption) of the child, however, parents may take concurrent unpaid leave for up to three weeks (an increase from the current one week).

New Paid Parental leave scheme: on 12 May 2009, as part of its 2009-10 budget announcements, the government announced its intention to introduce a Paid Parental Leave Scheme to commence on 1 January 2011. The main features of the scheme are:

- Tax payer funded paid Parental leave of 18 weeks duration at the federal minimum wage (currently AU\$543.78 (€305) per week, or 52.7 per cent of full-time average ordinary time female earnings).
- Where possible, the benefit would be paid by employers, with the government pre-paying employers for the cost.
- To be eligible for the paid parental leave scheme, the primary carer (usually the mother) must be in paid work and have: been engaged in work continuously for at least ten 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 ten month period.

- The benefit would be restricted to those earning less than AU\$150,000 (€84,560) per year or approximately four times average female annual earnings (or 2.7 times average female full-time earnings).
- The benefit can be taken in conjunction with other forms of paid leave to which the employee may be eligible (recreational leave, long service leave, employer-funded parental leave) but must be taken before the employee returns to work.
- Any unused portion of the leave benefit can be transferred to another primary care-giver (usually the father) in the event that they also meet the eligibility criteria.
- Where employees are covered by an existing industrial award or enterprise agreement that includes paid Parental leave, that entitlement cannot be withdrawn; 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) prior to the birth of a child would still be eligible for the existing baby bonus of AU\$5,000 (€2,820) 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 claiming the paid Maternity leave benefit.

The implementation of this scheme follows an earlier public inquiry into the social costs and benefits of providing paid Maternity, Paternity and Parental leave in Australia, conducted by the Productivity Commission. The government has implemented all but two key recommendations of the Commission's final report. These additional recommendations were for: Paternity leave of two weeks payable primarily to fathers (or other care-giver in other circumstances) within the first 12 months of the birth of the child; employers to pay superannuation contributions (at the statutory amount) for the period of the Parental leave benefit. The government has committed to reviewing the operation of the scheme by the end of 2014, including the appropriateness of introducing these two recommendations.

2. Take-up of leave

Until recently, Australia has had limited data on who has access to various types of leave, and even less information on who is accessing their entitlements and in what manner. This situation has now been addressed with the release in 2006 of figures on the availability and take-up of different leave arrangements around the birth of a child, based on two surveys:

- The *Parental Leave in Australia Survey*, conducted as part of Wave 1.5 of the Australian government-funded *Growing up in Australia – the Longitudinal Study of Australian Children*, collected information from parents with a child born between March 2003 and February 2004, focusing in particular on employment and leave arrangements prior to and following the child's birth. (This longitudinal study is managed by the Australian Institute of Family Studies – see <http://www.aifs.gov.au/growingup/>, and for an overview of the survey findings, see <http://www.uq.edu.au/polsis/parental-leave>).
- A supplementary labour force survey conducted by the Australian Bureau of Statistics in 2005 (*Pregnancy and Employment Transitions*, Cat. No. 4193.0)

collected information on employment and leave from mothers of children under two years of age.

a. Maternity leave

Data from the *Parental Leave in Australia Survey* show that 37 per cent of mothers who worked as employees in the 12 months prior to the birth of their child used some paid Maternity leave following the birth (sometime between March 2003 and February 2004), although very few leave-takers (around four per cent) used paid Maternity leave only. Close to 60 per cent of mothers working as employees in the lead up to the birth used some unpaid Maternity/Parental leave, with around one-quarter of leave-takers relying solely on this form of leave. Most of those who took leave combined paid and unpaid forms, often combining unpaid Maternity leave with other forms of leave such as paid annual leave. The overall average duration of leave-taken by mothers who worked as employees prior to the birth was 40 weeks. Of the total Maternity leave-taken by this group, around 27 per cent was paid. A small proportion of this paid Maternity leave was taken at less than full-time pay: 18 per cent of mothers taking some paid Maternity leave took their leave at a different pay rate, commonly at half pay in order to double the leave time available. If all forms of leave are taken into consideration (that is, including 'non-maternity' forms of leave), around 29 per cent of the total leave-taken was paid leave.

b. Paternity leave

Use of Paternity leave was considerably lower than use of Maternity leave. Around one-quarter of fathers of young children who worked as employees in the 12 months prior to the birth of their child used some *paid* Paternity leave, but less than 10 per cent used any *unpaid* Paternity/Parental leave. Fathers relied very heavily on the use of non-parental forms of leave, the most prevalent being paid annual leave. Fathers were much less likely than mothers to combine different forms of leave, and their overall average duration of leave across all leave types was two weeks. Of the total leave-taken by fathers working as employees, around 88 per cent was paid.

c. Parental leave

Among respondents to the *Parental Leave in Australia Survey*, around 80 per cent of employees met the basic eligibility criterion for access to Parental leave. Overall, 68 per cent of mothers of children born between March 2003 and February 2004, who worked as employees in the 12 months prior to their child's birth, used some leave designated as 'Parental' or 'Maternity' leave; while the corresponding figure for fathers was 30 per cent. For fathers in particular, usage of Parental leave thus falls well below access and eligibility.

d. Other employment-related measures

According to the Household, Income and Labour Dynamics in Australia (HILDA) survey, access to carer's leave currently stands at 72 per cent of employed persons (those without access are mainly self-employed and casual workers). In terms of usage, the *Parental leave in Australia Survey* suggested that around 13 per cent of mothers who returned to work as employees after the birth of their child reported

using some carer's (or 'family' or 'special') leave. In addition, around 16 per cent of this group reported using some of their own sick leave to care for their child (*Parental Leave in Australia Survey*). Overall, around 24 per cent used at least one of these forms of leave. Among fathers working as employees after the birth of the child: 21 per cent used some of their own sick leave to help care for their child; 15 per cent used some carer's (or 'family' or 'special') leave; and around 30 per cent used at least one of these forms of leave. As discussed earlier, entitlements to carer's and sick leave are now combined in the personal leave entitlement under Australia's current legislation.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

There has been some research around the issue of Maternity leave specifically and family-friendly policies generally in Australia since 2001. Much of this has been generated as a result of the work and family test case brought before the Australian Industrial Relations Commission in 2004, and also by the inquiries into paid Maternity leave and into the gender division of paid and unpaid work conducted by the Sex Discrimination Commissioner (and published by the Human Rights and Equal Opportunity Commission) and the Productivity Commission's Inquiry into Paid Maternity, Paternity and Parental Leave conducted in 2008-09. In addition, as noted above, new surveys have been conducted on the use of Parental leave; and Wave 5 of the HILDA survey has also included a greater number of questions on Parental leave compared to earlier waves.

b. Selected publications from January 2006, including results from research studies

Pocock, B. (2006) *The Labour Market Ate My Babies*. Annandale, NSW: Federation Press.

This book examines the impact of current labour market arrangements on families and children, arguing that Australians' capacity to care is undermined by the pressures of paid work. The author argues that a sustainable future needs new policy approaches to work and family life that incorporate the perspectives of children as well as adults.

Human Rights and Equal Opportunity Commission (2007) *It's about Time: Women, Men, Work and Family*. Sydney: Human Rights and Equal Opportunity Commission. The final report from an inquiry into how gender roles in unpaid caring work impact on the ability of men and women to participate in paid work.

Whitehouse, G., Diamond, C. and Baird, M. (2007) 'Fatherhood and the use of leave in Australia', *Community, Work and Family*, Vol.10, No.4: 387-407.

This paper examines Australian fathers' use of leave at the time of the birth of a child. Although most Australian fathers take some leave for parental purposes, use of formally designated Paternity or Parental leave is limited within the Australian policy framework, which lacks legislative provision for paid Paternity or Parental leave. The

analysis uses survey data to identify factors influencing leave-taking, as well as an organisational case study illustrating some of the practicalities of implementing a comparatively generous paid Parental leave scheme.

Special issue of the journal *Australian Bulletin of Labour*, 33(2) (2007).

This special issue, entitled 'Taking care: work and family policy issues for Australia', includes five articles on aspects of work/family balance in Australia. The first two focus on Parental leave policies and practices at the organisational level; the third examines the impact of part-time work on women's wages; the fourth tests the relationship between job quality (including access to paid Parental leave) and parental well-being; while the fifth critically evaluates selected work and family policy initiatives implemented by the 1996-2007 Australian government.

Baxter, J. (2008) 'Breastfeeding, employment and leave: an analysis of mothers in *Growing up in Australia, Family Matters*, No.80: 17-26.

This article explores the relationship between breastfeeding and employment, paying particular attention to the fact that some women do manage to combine employment and breastfeeding: a return to work does not always result in a stop to breastfeeding. The analyses explore which job and other characteristics are associated with a higher likelihood of continuing to breastfeed. The paper also compares the breastfeeding rates of women on leave with women who are back at work, and those not working but not on leave.

Baxter, J. (2008) 'Is money the main reason mothers return to work after childbearing?', *Journal of Population Research*, Vol.25, No.2: 141-160.

This paper explores women's reasons for returning to work after childbearing, using quantitative techniques to analyse how reasons for return to work vary with factors such as women's timing of return to work, type of job previously worked in, or returned to, and what type of leave they used. This enables an examination of which women feel more constrained in their labour market options by returning to work sooner than preferred, and also their reasons for returning.

Baxter, J. (2008) *Timing of mothers' return to work after childbearing: variations by job characteristics and leave use (Research Paper No. 42)*. Melbourne: Australian Institute of Family Studies.

This paper explores the timing of mothers' return analysing whether leave use, employment characteristics prior to the birth and other factors are associated with differences in the timing.

Baxter, J. and Gray, M. (2008) *Submission from the Australian Institute of Family Studies to the Productivity Commission Inquiry into Paid Maternity, Paternity and Parental Leave*. Melbourne: Australian Institute of Family Studies.

This submission provides background information on Parental leave in Australia, and on related issues on mothers' and fathers' employment more generally, on mothers' return to work after having a child, on breastfeeding, and aspects of parental well-being. Some of the analyses are based on existing AIFS research, while some are new. This paper provides a useful snapshot of employment and leave-taking around the birth of a child, as it stands at this time.

Charlesworth, S. and Campbell, I. (2008) 'Right to request legislation: two new

Australian models', *Australian Journal of Labour Law*, Vol.21, No.2: 116-136.

A 'right to request' access to flexible work arrangements as a way of balancing work and family responsibilities has recently become policy for the federal and Victorian Labor governments. This article analyses the distinct features of the federal industrial relations model, and the Victorian model that now forms part of that state's anti-discrimination law. It canvasses the potential of such regulation to assist workers to balance their paid work and family responsibilities and the ways in which such potential might best be realised.

Productivity Commission (2008) *Paid Parental Leave: Support for Parents with Newborn Children*. Available at:

<http://www.pc.gov.au/projects/inquiry/parentalsupport/report>.

Final report on the inquiry into paid Maternity, Paternity and Parental leave in Australia, and the basis for the government's new scheme.

Whitehouse, G., Hosking, A. and Baird, M. (2008) 'Returning too soon? Australian mothers' satisfaction with maternity leave duration', *Asia Pacific Journal of Human Resources*, Vol. 46, No. 3: 288-302.

This paper examines the question of optimal duration of Maternity leave through the lens of Australian mothers' satisfaction with their leave: specifically, whether and why they returned to work earlier than they would have liked. Overall, the analysis highlights the financial pressures underpinning women's decisions, and suggests that enhanced availability of paid leave is more likely to be welcomed than further extension of leave duration.

Brennan, D. (forthcoming 2009). 'A late delivery? The politics of Maternity leave in Australia', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave*, Bristol: Policy Press.

This chapter explores the history and politics of Maternity and Parental leave in Australia, emphasising the distinctive features of the Australian approach to social protection and industrial relations that prevailed throughout the first three-quarters of the twentieth century. It focuses on the politics of paid leave, examining the ways in which political parties, women's groups, trade unions and employer groups have framed the issue of financial support for new mothers (and, more recently, fathers).

2.4

Austria

Christiane Rille–Pfeiffer

Population (UNDP)	2005	8.3 million
Total Fertility Rate (UNDP)	2000/5	1.4
GDP per capita (UNDP)	2005	33,700 PPP US\$
Female economic activity, 15+ (UNDP)	2005	49.5 per cent
As % male rate (UNDP)	2005	76 per cent
% of employed working part time (OECD/F)		
Men	2007	5.2 per cent
Women	2007	31.5 per cent
Gender employment gap (OECD/BB)	2004	15% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	60.5 per cent
With child aged 3-5 years	2005	62.4 per cent
Global gender gap (WEF)	2008	29th
Attendance at formal services (ECB) ¹³		
Children under 3 years	2006	4 (1) per cent
Children 3-5 years (inclusive)	2006	71(16) per cent
NB. Austria is a federal state		

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

a. Maternity leave (*Mutterschutz*) (responsibility of Federal Ministry of Economics and Labour)

Length of leave (before and after birth)

- Sixteen weeks, eight weeks before the birth and eight weeks after the birth.

Payment and funding

- One hundred per cent of average income for the last three months of employment before taking leave for employees; there is no ceiling on payment. Self-employed women receive a flat-rate payment of €24.78 (2008) a day; freelance workers receive a flat-rate payment of €7.55 a day. Employed women

¹³ National statistics for the attendance rate in 2006 are higher for both age groups: 10.8 per cent for children under three years and 83.5 per cent for children aged three to five years (source: Austrian Statistical Office)

on temporary contracts also receive a flat-rate payment of €7.55 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.

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 Economics and Labour)

There is no statutory right to Paternity leave, though collective agreements may provide a few days off for fathers immediately after the birth of a child. During these days off work fathers receive full earnings replacement.

c. Parental leave (*Elternkarenz*) (responsibility of Federal Ministry of Economics and Labour)

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 (see part 2). Parents can choose from three options: a long option (€436 a month for 30 months *or* for 36 months if both parents apply for the payment, a mid-range option (€626 a month for 20 months *or* 24 months); and a short option (€800 a month for 15 months *or* 18 months).
- Childcare benefit is funded from the FLAF (Family Burdens Equalisation Fund); see 'Maternity leave' for more details.

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 three 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 can postpone three months of 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 six and 12 months time off for private reasons (e.g. further education, family reasons). It is based 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, then 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 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 new 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. As in the past 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 during the period of part-time work.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

After five years of experience with the childcare benefit, introduced in 2002, the Austrian government agreed to make the existing childcare benefit scheme more flexible. Since January 2008 parents can now opt for one of three different models: either the old 'long' model (€436 a month for the period of 30 months, or 36 months if both parents share the childcare duties); or from two models offering higher payments for a shorter period: 1. €800 a month for 15 months or 18 months if both parents share childcare; or 2. €624 a month for 20 months or 24 months for both parents. The two new models should encourage mothers to enter the labour market earlier and thus reduce the negative effects of long-term labour market absence for women. Furthermore, the government decided to increase the current limit of additional earnings (also including income from letting and leasing, self-employed occupation, contracts for services, freelance contracts or capital assets) from €14,600 to €16,200 a year.

Though these modifications of the childcare benefit are widely accepted, the political debates continue. The flexibilisation is considered to be not extensive enough (e.g. concerning the ceiling on additional earnings). Therefore the new State Secretary in the Federal Ministry of Economy, Family and Youth envisages the implementation of an income-related payment for Parental leave. This initiative was included in the programme of the new government, but subject to funding being available. In fact the plans are very vague and it is not clear if this measure should be a fourth model in addition to the existing three models of the childcare benefit or if it is planned to replace the childcare benefit altogether. Currently the funding of such an income-related Parental leave payment, at 80 per cent of previous earnings, is being explored by the government with two aims in mind: to increase the participation of fathers in leave-taking and to encourage mothers to return to work earlier. But the discussion has also to be seen in the context of the high public expenditure on the childcare benefit and concern about the ability of the FLAF (the agency paying the benefit) to fund the proposed payment.

Increasing the participation of fathers in the care of children is one of the major goals of the new regulation, and has been an issue for some time. Previous attempts to increase the percentage of fathers taking up Parental leave have proved to be rather ineffective. In this context it is important to distinguish between fathers taking Parental leave and fathers receiving childcare benefit. Whereas the percentage of fathers taking Parental leave remains very low, the number of fathers receiving childcare benefit has continuously increased. This is due to the fact that this payment is eligible not only for employees but for all parents irrespective of their occupational status. Moreover, the only requirement for receiving childcare benefit is to observe the limit on additional earnings. Hence, it can be questioned whether the increasing number of fathers taking childcare benefit corresponds to the real participation of fathers in childcaring.

Nevertheless 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 new 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 – as well as the implementation of the income-related Parental leave – conditional on funding being available. There are several ideas about how to frame the so-called ‘Papa-Monat’, although the main principles are agreed: a period of four to six weeks with a minimum payment of €800 or alternatively an earnings-related payment.

Over the last few years the availability of institutional childcare – especially for children under three years – is an important issue for politicians as well as for scientists. As institutional childcare is decentralised – i.e. it is regulated by the provinces – it is rather difficult to ascertain the demand for childcare as well as the availability of care facilities. This contributes to controversy on the appropriateness of the childcare system, a debate that is always closely linked to the question of whether it is important for the child’s well-being that the mother is the main caregiver during the first years. Due to the new option to choose a shorter period of childcare benefit the question of childcare for children under three years will get additional

attention. Childcare is highly decentralised, being a matter for the provinces. Recently some provincial governments have decided to extend childcare services, for children aged three to six years as well as younger children.

The 2008 signed programme of the new government stipulates that there will be an obligatory year in Kindergarten for five year old children, a measure seen as improving and extending preschool education. But it also addresses concerns about the relatively poor language skills of children coming from foreign families when they enter the school system. Though it was initially agreed to implement this measure starting with the school year 2009/2010, it has been postponed for the time being due to some legal questions.

3. 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

There is 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. 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. The per centage of fathers taking up Parental leave was always very low (between 0.6 and two per cent). Since the introduction of the childcare benefit in 2002, statistics are only available on fathers taking childcare benefit, which has slightly risen from 1.9 per cent in January 2002 to 4.1 per cent in February 2009. As mentioned before, this is mainly due to the fact that for some groups of fathers it is now possible to meet the criteria for entitlement.

Data for September 2008 from the Ministry of Economy, Family and Youth gives some indication of the effects of the modification of the childcare benefit (i.e. the possibility to choose between three different models, see 1.c); 65 per cent of mothers coming under the new regulations opted for the long model (30+6 months), 24 per cent for the second model (20+4) and 11 per cent for the short model (15+3). If fathers draw childcare benefit they are choosing more often than women one of the two new models. This is mainly due to the fact that the cash benefit for these two options is higher than it is for the long model.

d. Other employment-related measures

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

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Research on Maternity leave is rare because the entitlement is so well established. Parental leave was introduced for the first time in 1957 as an unpaid leave of six months for employed mothers only. During the last decades it was modified several times and analysed in numerous research studies. Subjects of research were mainly the impact of taking up Parental leave on women's employment and their occupational careers, especially on re-entry into the labour market, and the take-up of leave by fathers. 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. The introduction of the childcare benefit not only marked a fundamental change in Austrian leave policies but – as mentioned before – has also had substantial negative effects on research on take-up of leave due to a lack of data. There is almost no research on this issue, which also seems to correspond to a decreasing amount of research on re-entry into the labour market.

There have been a lot of evaluation studies on leave-related policy measures – especially on the childcare benefit – in the last few years, due to the recently introduced legal obligation to evaluate the effects of new regulations within two years. Particular attention in these 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 from January 2006, including results from research studies

Scambor, E. and Fasshauer, M. (2006) *Strukturelle Rahmenbedingungen aktiver Atherschaft. Fokus – Karenzregelungen und Teilzeit in Österreich.*

Available at:

http://www.karenzundkarriere.at/downloads/recherche_rahmenbed_karenz.doc

This article is an output of an initiative to encourage the careers of men and women who have taken Parental leave. It illustrates in which way the given structures reinforce the current model of gender-specific division of labour in Austria.

Riesenfelder, A., Sorger, C., Wetzel, P. and Willsberger, B. (2006) *Evaluierung der Einführung des Kinderbetreuungsgeldes.* Forschungsbericht L&R Sozialforschung.

Available at:

http://www.lrsocialresearch.at/files/Endbericht_Eval_KBG_L&R_Sozialforschung.pdf
Evaluation report on the introduction of the childcare benefit, focusing on whether the childcare benefit is an adequate measure for combining family life and work.

Rille-Pfeiffer, C. and Kapella, O. (eds.) (2007) *Kinderbetreuungsgeld. Evaluierung einer familienpolitischen Maßnahme, ÖIF-Schriftenreihe, Band 15*. Innsbruck: Studienverlag.

This book presents results from a research project to evaluate the implementation of the childcare benefit from its beginning in 2002 up to 2006. The main issues covered are the impacts of the childcare benefit on the reconciliation of family and work, on women's occupational career and on male participation in caring for children.

Dörfler, S. and Neuwirth, N. (2007) *Zuverdienstgrenze zum Kinderbetreuungsgeld. Evaluierung – Simulation – Kostenanalyse. ÖIF-Schriftenreihe, Band 16*. Innsbruck: Studienverlag.

A study evaluating the effects of the regulation that sets a maximum income ceiling for determining the level of childcare benefit. The authors point out the main problems concerning that ceiling, develop approaches for modifying and improving that measure, and simulate macroeconomic effects of varying the level of the ceiling.

Kresbach, A. (2007) *Betreuungsgeld als Leistungsausgleich für Familien. Ein familienpolitisches Konzept zur Abgeltung der Betreuungsleistungen von Eltern gegenüber ihren Kindern*. Neue juristische Monographien 34. Wien: Neuer Wissenschaftlicher Verlag.

Another report on the childcare benefit based on the assumption that this policy measure is important in reducing the financial burden of families with care responsibilities. The author describes in a more theoretical way the concept of the childcare benefit and presents models to combine the childcare benefit with leave arrangements.

Neuwirth, N. and Wernhart, G. (2008) *Work-life balance reconsidered: time allocation within partnerships. Germany, UK and Austria*, ÖIF Working Paper Nr. 67. Wien: Österreichisches Institut für Familienforschung.

Discussion about the reconciliation of work and family, the so-called work-life balance, has grown considerably over the last two decades. Arguments and positions differ in many respects; there is not even agreement on the scope of 'work-life-balance'. This paper follows an analytical economic approach and shows for three European countries – Germany, UK and Austria – the intra-personal and intra-partnership trade-offs between five core categories of productive and consumptive activities.

c. Ongoing research

Evaluation of the childcare benefit (2008-2011). Austrian Institute for Family Studies (OIF) for the Federal Ministry of Economics, Family and Youth (BMWFJ).

Ongoing research to evaluate the modification of the childcare benefit from 2008 up to 2011. The main issues are: take-up of the three different models and reasons for using different models; and the impact of childcare benefit on the reconciliation of family and work, on women's occupational careers and on male participation in

caring for children. A first report based on a quantitative study with mothers and fathers has been submitted to the Ministry. Contact: christiane.rille-pfeiffer@oif.ac.at.

2.5

Belgium

Fred Deven and Laura Merla

Population (UNDP)	2005	10.4 million
Total Fertility Rate (UNDP)	2000/5	1.6
GDP per capita (UNDP)	2005	32,119 PPP US\$
Female economic activity, 15+ (UNDP)	2005	49.5 per cent
As % male rate (UNDP)	2005	76 per cent
% of employed working part time (OECD/F)		
Men	2007	6.3 per cent
Women	2007	32.9 per cent
Gender employment gap (OECD/BB)	2004	17% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	63.8 per cent
With child aged 3-5 years	2005	63.3 per cent
Global gender gap (WEF)	2008	28th
Attendance at formal services (ECB)		
Children under 3 years	2006	40 (23) per cent
Children 3-5 years (inclusive)	2006	98 (62) per cent
NB Belgium is a federal state		

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 and Social Affairs)

Length of leave (before and after birth)

- Fifteen weeks for employees. A woman can start to take her leave six weeks before the estimated date of delivery; one week before and nine weeks after delivery are obligatory.

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 €86.34 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 post-natal 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 less advantageous compared with employees (e.g. eight weeks of paid 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

- Mothers needing to take the full six weeks of prenatal 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 and Social Affairs)

Length of leave

- Ten 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 (ceiling of €94.40 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 which spreads their paternity leave over a somewhat longer period.

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)

- Three months per parent per child, which can be taken up to the child's sixth birthday. Leave is an individual entitlement.

Payment and funding

- €653.22 per month net of taxes.
- Funded as Maternity leave.

Flexibility in use

- Leave may be taken full time, or half time over six months or for one day a week over 15 months. For half-time leave, the total duration of six months can be split into blocks of time, minimum two months. For one-fifth leave, the total duration of 15 months can still be split into blocks, minimum five months instead of three. In addition, there is a new possibility to combine different forms of leave according to the following rule: 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 pays an additional benefit during the first year (approximately €160 per month for a full-time break).

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, each parent of twins for example gets 26 weeks.
- Parents of disabled children can take leave until their child's eighth birthday.
- The benefit is higher for lone parents who reduce their employment by a fifth (approximately €129 instead of €96 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 similar scheme – 'career breaks' – applies in the public sector). Payment varies according to age, civil status and years of employment (e.g. it is higher for those aged 50 years or older, for those employed for five years or more). The maximum for a full-time break is €569.53 per month; residents of the Flemish Community receive a bonus. All eligible workers have a basic right to one paid year of this type of leave. This period can be extended up to five years by collective agreement negotiated at sectoral or company level. Users who extend their leave to care for a child younger than eight years, to care for a seriously ill family member or for a handicapped child, will continue to receive a payment during the full length of their leave. 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). There is a guarantee in principle to return to the workplace following a career break or time credit period. Payments to time credit users come from the social security system, which is financed by contributions from employers and employees. For more details, see articles in Section 1.

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 eighth 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 (up to 24 months for part-time leave); but it must 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. Changes in leave policy and other related developments since 2006 (including proposals currently under discussion)

In 2006, the post-natal period of Maternity leave was increased by one week for all mothers who need to take the full amount of weeks during their pre-natal period. This means that women who start leave six weeks before birth benefit from a total of 16 weeks of maternity leave.

In April 2007, the federal government's 'Solidarity between Generations' plan was implemented, including the following changes to time credits agreed by the social partners: limitation of paid time credit (full time) to one year, except if the time credit is taken to care for a child younger than eight years, to care for a seriously ill family member or for a handicapped child (in which case the payment will be granted for the whole duration of the leave, i.e. up to five years); time credit for 'personal purposes' (for example, travelling, renovating a house or simply taking some rest) can still be extended by collective agreement for up to five years, but without pay. In addition, the gross salary of people taking a time credit of a fifth will be limited to 90 per cent of their previous gross salary. For specific information on the new legislation in the Flemish public sector, see:

http://personeel.vlaanderen.be/statuten/omzendbrieven_dienstorders/OMZ_DVO_2007_10.htm

In 2008, some leave policies were adapted mostly by introducing more flexibility resulting in a greater amount of choice for parents, e.g. mothers can take up to two weeks of Maternity leave as 'free days', and measures were introduced to facilitate leave-taking by self-employed workers. There were no improvements in financial benefits and the Minister of Employment urged the social partners to make proposals for reducing expenditure on the time credit system in 2009. This saving was mainly achieved by limiting the benefit to one year only for reasons other than care or professional training; the amount of taxation was also increased for those opting for half-time time credit.

During Autumn 2008 the Commission for Social Affairs of the Belgian Senate organised hearings to evaluate about fifteen proposals submitted to adapt the legislation related to Maternity, Paternity or Parental leave. It resulted in a number of recommendations, mostly for facilitating the reconciliation of paid employment and care.

3. Take-up of leave

a. Maternity leave

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

Data on the take-up of the recently extended Paternity leave remain preliminary. Following the extension to ten days, a large majority of men used the extended Paternity leave; in 2006, it was taken by 55,499 fathers, compared with 17,045 in 2002 (Belgian Senate). About five per cent of fathers continue to use only the three days of leave that was the previous entitlement.

c. Parental leave

There is no information on what proportion of employees are not eligible for Parental leave. The profile of users remains predominantly female although the proportion of fathers among all leave-takers is slowly growing; from 2004 to 2008, the total number of users increased by almost 40 per cent whereas the share of fathers proportionally increased as well from about 16 per cent to 22 per cent.

d. Other employment-related measures

Between 2007 and 2008, the number of users rose by 22 per cent, due to increased use of a reduced hours options (reducing working time by a half or a fifth). In 2008, only 12 per cent of all users opted for a full-time career break (public sector) and only six per cent for a full-time time credit leave (private sector). People aged 50 and over represent the majority of users, accounting for 58 per cent of expenditure, mostly using the scheme to adapt their working time by taking part-time leave. 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 2008, almost 30 per cent of expenditure was for women and men aged 25 to 40 years, mostly for care purposes. For more information, see articles on Belgium in Section 1.

4. Research and publications on leave and other employment-related policies since January 2006

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 from January 2006, including results from research studies

Deven, F. (2006) 'Reconciling work and family life (2001-2006)', *Introduction to Session 3 – 28th Council of Europe Conference of Ministers responsible for family affairs*, Lisbon, 17 May 2006. Available at: www.coe.int/dg3/youthfamily/savoir-plus/conferences

This paper compares the statements of most Council of Europe Member States made at the 2001 Conference with the measures and achievements (including leave arrangements) reported at the time of the 2006 Conference.

Fusulier, B. (2006) 'Articuler vie familiale et vie professionnelles en Amérique du Nord', *Les Politiques Sociales*, No.1 & 2.

Starting from general indicators and policies, the paper analyses the work-family articulation model in the United States and in Canada, with a special interest in Quebec.

Fusulier, B., Giraldo, S. and Legros, E. (2006) 'L'utilisation des dispositifs d'articulation de la vie familiale et de la vie professionnelle', *Enfances, Familles, Générations*, Université de Trois-Rivières, No. 4.

Based on a first-hand collection of data from 48 medium-sized and large organisations and private firms located in Wallonia (Belgium), this article provides an initial snapshot of whether workers make use of the institutional dispositions available to help them articulate their professional and family lives (Maternity leave, Paternity leave, Parental leave, etc.). It also identifies and takes account of the extra-legal provisions introduced by organisations.

Merla, L. (2006) '“No trabajo y me siento bien”: Cambios en la división sexual del trabajo y dinámicas identitarias de padres en casa en Bélgica', *Cuadernos de Relaciones Laborales*, Vol.24, No.2: 111-127.

This paper focuses on the interrelationship between the lack of legitimacy that stay-at-home fathers confront in their daily interactions and the discursive strategies they develop to deal with this.

Merla, L. (2006) *Appréhension et présentation de soi et transgression des normes de la division sexuelle du travail: Le cas des pères 'au foyer'*, Dissertation doctorale de sociologie, Louvain-La-Neuve: Université catholique de Louvain.

This dissertation analyses the interrelationship between the social norms assigning men to paid work and women to care and the reflexive construction of gender identity by focusing on a group of 21 stay-at-home fathers living in Belgium.

Moss, P. and Deven, F. (2006) 'Leave policies and research: a cross-national review', *Marriage & Family Review*, Vol.39, No.3 /4: 255-285 (also as chapter in: *Families and Social Policy: National and International Perspectives*, ed. L. Haas and S.K. Wisendale. New York: Haworth Press.)

This article reviews leave policies and research in a wide range of countries, both within and outside the EU, highlighting the main similarities and differences and identifying directions discernible in recent policy developments. The article concludes with a discussion of future challenges and directions for policy and research.

Deven, F. (2007) 'Quel avenir pour quel type de politique familiale?', in: M. Casman et al. (eds.) *Familles plurielles; Politique familiale sur mesure?* Bruxelles: Editions L. Piré, pp.300–304.

This chapter analyses the objectives and the main measures ('tool kit') of family policy in Belgium. It also draws upon the relevance of a comprehensive policy dealing with work-life issues including the various leave policies.

Doucet, A. and Merla, L. (2007) 'Stay-at-home-fathering: a strategy for balancing work and home in Canadian and Belgian families', *Community, Work and Family*, Vol.10, No.4: 455–473.

This article explores the innovative ways that families seek to create work-family balance in Belgium and Canada, two countries where relevant social policies are still focused on encouraging private family-based solutions to balancing paid and unpaid work. Fathers who stay at home only partially 'trade cash for care'; that is, they also remain connected to traditionally masculine sources of identity.

Fusulier, B., Laloy, D. and Sanchez, E. (2007) 'L'acceptabilité sociale de l'usage de congés légaux pour raisons parentales: le point de vue des cadres d'une grande entreprise', *Recherches sociologiques et anthropologiques*, Vol.28, No.2: 83–103

This paper explores the role private companies play in the use of work-family balance measures, through an analysis of men's perception of the legitimacy of using these measures. It is based on a questionnaire administered to 137 executives working in a large firm in Wallonia.

Merla, L. (2007) 'Masculinité et paternité à l'écart du monde du travail: le cas des pères au foyer en Belgique', *Recherches sociologiques et anthropologiques*, Vol. 38, No.2: 143–163.

This paper examines the difficulties stay-at-home fathers confront in maintaining a positive masculine self-image, emphasising the role played by reference to paid work both in self-definition and self-presentation as a man.

Merla, L. (2007) 'Père au foyer, une expérience "hors norms"', *Recherches et Prévisions*, No.90: 17–27.

This paper is based on the results of a doctoral research study on 21 stay-at-home fathers living in Belgium and examines the reasons why these men became the primary caregivers for their children.

Fusulier, B., Giraldo, S. and Laloy, D. (2008) *L'entreprise et l'articulation travail/famille. Transformations sociétales, supports institutionnels et médiatisation organisationnelle*. Louvain-La-Neuve: Presses Universitaires de Louvain.

Merla, L. (2008) 'Determinants, costs and meanings of Belgian stay-at-home fathers: an international perspective', *Fathering*, Vol.6, No.2: 113–132.

Data gathered from 21 stay-at-home fathers living in Belgium are analysed and compared with results from research conducted in Australia, Sweden and the USA on fathers taking primary responsibility for childcare. The dynamic process of managing the tension between assigned norms and personal identity is studied through a comparative overview of how stay-at-home fathers come to assume the primary responsibility of childcare, the norms they are confronted with in their daily interactions and the strategies used by these fathers to (re)construct a positive self-image.

Frans, D. and Mortelmans, D. (2008) *Tijdsregelingen in de loopbaan. Terugblik, stilstand and toekomstperspectieven*. Antwerpen/Leuven: Steunpunt WSE.

A review of the literature that critically analyses a number of commonly held assumptions related to taking a career break during professional life.

Vandeweyer, J. and Glorieux, I. (2008) 'Men taking up career leave: an opportunity for a better work and family life balance?', *Journal for Social Policy*, Vol.37, No.2: 271–294.

In 2004, nine per cent of all female employees in Flanders took advantage of the career break or time credit system compared with three per cent of all male workers. This article compares the time use of men interrupting their careers full time or part time. Only men taking part-time leave are mainly motivated to strike a better work-life balance. Encouraging fathers to work fewer hours could well be the best policy for achieving more gender equality in Flanders.

See also articles by Fusulier; Vandeweyer and Glorieux; and Masuy in Section 1 of this volume.

b. Ongoing research

A sociological analysis of the influence of the professional group on the use of family-friendly policies: social workers, nurses and police officers (2006–2009). Catholic University of Louvain (UCL/ANSO). Contact: bernard.fusulier@uclouvain.be

2.6

Canada

Andrea Doucet and Diane-Gabrielle Tremblay

Population (UNDP)	2005	32.3 million
Total Fertility Rate (UNDP)	2000/5	1.5
GDP per capita (UNDP)	2005	33,375 PPP US\$
Female economic activity (UNDP)	2005	60.5 per cent
As % male rate (UNDP)	2005	84 per cent
% of employed working part time (OECD/F)		
Men	2007	11.0 per cent
Women	2007	26.1 per cent
Gender employment gap (OECD/BB)	2004	11% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	58.7 per cent
With child aged 3-5 years	2005	68.1 per cent
Global gender gap (WEF)	2008	31st
Attendance at formal services (ECB)		
Children under 3 years	2006	No data
Children 3-5 years (inclusive)	2006	No data
NB Canada is a federal state, with ten provinces and three territories (referred to below as 'jurisdictions')		

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 programme, funded by the Department of Human Resources and Social Development Canada. Provinces and territories deliver the programme and thereby modify some of the details. These variations are minimal. Labour laws also fall under provincial jurisdictions resulting in different leave entitlements. Payment of Maternity and Parental leave 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, called the Québec Parental Insurance Plan. Details below are for the federal programme unless otherwise stated. See part 2 for full details on the Québec programme.

a. Maternity leave (*congé de maternité*) (responsibility of the Department of Human Resources and Social Development Canada)

Length of leave (before and after birth)

- Fifteen to 18 weeks depending on the jurisdiction. Leave may normally not start earlier than 11-17 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.

Payment and funding

- Fifteen weeks at 55 per cent of average insured earnings (ceiling of CAN\$435 (€271) per week, up to a ceiling of CAN\$41,000 (€25,576), for the year). 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 made for 15 weeks out of 17 weeks leave. See 'regional or local variations in leave policy' for payment in Québec.
- Funded from the federal Employment Insurance fund, which is financed by contributions from employers and employees.

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.

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 a ceiling of CAN\$59,000 per year (€36,804 for 18 weeks of Maternity leave; there is also no two-week waiting period. 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 former 'special' plan, Maternity leave benefits are paid at 75 per cent of weekly income for 15 weeks, while under the latter 'basic' plan they are 70 per cent of weekly income for 18 weeks. These benefits are financed by contributions from employers and employees. In addition to contributions to the federal Employment Insurance scheme, there is a supplement; employees contribute 0.484 per cent of earnings, employers 0.677 per cent, and self-employed workers 0.86 per cent, all up to a maximum insurable income of CAN\$62,000.

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

- Eligibility for leave varies between jurisdictions and is also different from the eligibility for payment of benefits. Except in British Columbia and New Brunswick, an employee must have been employed by the same employer for a

certain amount of time, varying from 12 to 13 months. All but one jurisdiction, Saskatchewan, require this employment to be continual. Eligibility requirements for benefits under the federal programme are 600 hours of continuous employment in the last 52 weeks. Most self-employed women are not eligible for benefit since they typically work under business or service contracts and are, therefore, not considered to have insurable employment. Many part-time workers do not have enough hours to qualify.

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 required additional care). This extension can be 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 federal maternity benefit and the worker's salary.

b. Paternity leave (*congé de paternité*) (responsibility of the Department of Human Resources and Social Development Canada)

Length of leave (before and after birth)

- None.

Payment

- None.

Flexibility in use

- None.

Regional or local variations in leave policy

- Up to five weeks after the birth in Québec. Paternity leave may be taken for three weeks at 75 per cent of average weekly income or for five weeks at 70 per cent. Funding as for Maternity leave.

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

- Fathers in Québec (including self-employed workers) are eligible if they have earned at least CAN\$2,000 (approximately €1,248) in the 52 preceding 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 father

- None.

c. Parental leave (*congé parental*) (responsibility of the Department of Human Resources and Social Development Canada)

Length of leave (before and after birth)

- Thirty-seven weeks in most jurisdictions for one parent or shared between two parents but not exceeding a combined maximum of 35 weeks. Leave is an entitlement per family. 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 and the maximum number of weeks of leave allowed – including post-natal Maternity leave and Parental leave – for one person in almost all jurisdictions is 52.

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 a maximum ‘ceiling’ of CAN\$435 (€271) per week, and maximum of \$41,000 (€25,576), for the year). See ‘regional or local variations in leave policy’ for payment in Québec.
- Funding as for Maternity leave.
- Low-income families, earning less than CAN\$25,921 per annum (€16,170) are eligible for a family supplement. In Québec, this supplement averaged CAN\$34.23 per family and 7.2 per cent of families 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 (€31) a week or 25 per cent of the benefit, whichever is the higher (or, if the applicant lives in one of 23 economic regions, up to CAN\$75 (€47) or 40 per cent of the weekly benefit).

Regional or local variations in leave policy

- Provincial and territorial policies vary in the length of leave, flexibility of use, eligibility, etc. The payment of benefits is the same for all jurisdictions, except for Québec since 2006. Federal workers and workers for the territorial governments are regulated by the federal policy.
- In some jurisdictions the amount of Parental leave depends on whether Maternity/pregnancy leave was taken – the maximum number of weeks 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 each parent).

- Some jurisdictions require that leave is completed within 52 weeks.
- In Québec parents can choose from two options: either 55 weeks of Parental leave at 70 per cent of average weekly income up to a ceiling in 2009 of CAN\$62,000 a year (€38,676) for 25 weeks and 55 per cent for another 30 weeks; or 75 per cent of average weekly income for 40 weeks. 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 and New Brunswick, an employee must have been employed by the same employer for either 12 or 13 months. All but one jurisdiction require this employment to be continual. 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. Most self-employed workers are not eligible. Self-employed workers in Québec are eligible for 25 or 32 weeks if they have earned at least CAN\$2,000 (approximately €1,248) in the 52 preceding 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 parents

- There are no variations for multiple births.
- In Nova Scotia, if the child for whom leave is taken is hospitalised 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).

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 Employment Insurance 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, 2004).
- In Alberta if both parents work for the same employer, the employer is not obligated to grant leave to both employees at the same time.

d. Childcare leave or career breaks

- None.

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 which 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) which can be added to Parental leave, however 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, parents are allowed ten days by the *Loi sur les normes du travail*.
- 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 unpaid within a 26-week period. Benefits of up to six weeks can be claimed through Employment Insurance for this leave; to qualify for benefits you must have worked 600 hours in the last 52 weeks and your 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 leaves periods have been exhausted.

Flexible working

- In the federal and Québec jurisdictions, a pregnant woman or nursing mother may ask her employer to modify temporarily 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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

Following an agreement reached in 2005, the Québec Parental Insurance Plan came into effect in January 2006, replacing the maternity and Parental leave benefits through the federal Employment Insurance programme. This plan has a number of

advantages in terms of the population covered, flexibility in taking the leave and the income replacement rate. It introduces three major changes.

The first change provides for a period of leave reserved for the father that cannot be transferred to the mother, which is an innovation in Canada and even in North America. Québec fathers are now entitled to a three to five-week Paternity leave with higher benefits than are provided under the federal programme, since the income replacement rate and maximum eligible earnings have also been increased.

The second change involves the increased income offered by the plan. In addition to the abolition of the 14-day waiting period stipulated under the federal programme (two weeks without benefits as for all Employment Insurance claimants), the new Québec plan increased the maximum insurable income to CAN\$60,500 (€37,741) in 2008 and CAN\$62,000 (€38,676) in 2009, instead of CAN\$42,300 (€26,387), as is the case with the federal Parental leave.

The third change relates to the introduction of more flexibility in the plan since parents now have two options: a basic plan (longer leave with lower benefits) or a special plan (shorter leave with higher benefits). The latter might interest those who need a higher income replacement rate (especially if their employment income is relatively low) or else who cannot afford to miss work too long for various personal or work-related reasons. Whereas the federal programme provides for benefits corresponding to 55 per cent of the maximum insurable income, CAN\$41,000 (€25,576) during the 15 weeks of Maternity leave and 35 weeks of Parental leave (accessible to both parents, but with a 14-day waiting period per couple), the new Québec basic plan offers benefits of 70 per cent of the average weekly income for 18 weeks of Maternity leave and five weeks of Paternity leave. As regards Parental leave, it offers benefits that correspond to 70 per cent of income for 7 weeks and 55 per cent for 25 weeks. Adoption leave can also be shared by both parents and provides for 12 weeks at 70 per cent and 25 weeks at 55 per cent.

The special plan provides for higher income replacement rates but for a shorter period. Under this plan, Maternity and Paternity leave benefits are equivalent to 75 per cent of the weekly salary and are paid for 15 weeks and three weeks, respectively. Parental leave is compensated at 75 per cent for 25 weeks and can be shared by the father and the mother. Under this special plan, the mother can receive benefits for a maximum of 40 weeks (versus 50 in the basic plan). Adoption leave can also be shared by both parents and lasts 28 weeks at 75 per cent under this second option.

Lastly, it must be underlined that the plan is more accessible and allows more parents, including self-employed workers and students, to receive benefits since 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 (€1,248). 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 Employment Insurance leave benefits in Canada. By comparison, under Québec plan, earning CAN\$2,000 over the previous year enables more students to access Parental leave benefits.

The funding of this programme is based on additional contributions that Québec employers, employees and self-employed workers must pay into the plan. Employers and employees of course continue to contribute to the federal Employment Insurance programme.

This new plan has been quite successful, and the Québec government has had to increase the contributions of employers, employees and self-employed. In January 2008 and 2009, contributions were increased by 7.5 per cent. With this latest increase, a worker earning CAN\$40,000 pays CAN\$193.60 (€121) a year. These increases are due to a significant increase in births. While Québec expected 75,000 births and payments of CAN\$1 billion (€624 million) in 2006, there were 82,500 births in 2006 and 84,200 in 2007 when costs reached CAN\$1.45 billion (€905 million) and payments were made to 114,449 parents, of whom 49,851 were fathers.

3. Take-up of leave

Because the information available combines Maternity and Parental leave and benefits, the part below has been organised under two headings: 'mothers' and 'fathers'.

a. Mothers

Slightly more than three-quarters (76.5 per cent) of mothers in 2006 had insurable income. Most (83.5 per cent) of this group received maternity or parental benefits from the federal Employment Insurance programme or Québec plan. A substantial minority (23.5 per cent) were without insurable employment and therefore not eligible for Maternity or Parental leave, including mothers who were self-employed (except for Québec), students, paid workers who did not qualify, and those not previously employed. (Statistics Canada, 2006 Employment Insurance Coverage Survey, as reported in *The Daily* 3 October, 2007).

b. Fathers

The federal Employment Insurance programme provides for Parental leave that can be shared by the father and the mother. But survey data indicate that this measure has not been enough to increase fathers' participation significantly since mothers still took an average of 11 months off in 2004 and only 11 per cent of fathers took part of the leave, increasing to 14.5 per cent in 2005.

In Québec, take-up was higher in 2005, with 22 per cent of fathers using some Parental leave. But the new Parental leave scheme, introduced in 2006, has had an impact on fathers' participation; in 2007, 56 per cent of fathers in Québec took a period of leave. This mainly accounted for an increase across Canada in fathers taking leave, rising to 20 per cent in 2006. Data from the General Social Survey also indicate that, taking account of all forms of leave, fathers' absence from work for birth or adoption has increased from 67 to 80 per cent in Québec from 2005 to 2006, and from 45 per cent to 55 per cent across the whole of Canada

Two-thirds (67 per cent) of Canadian men return to work less than one month after birth or adoption, compared to only two per cent of women; 17 per cent fathers take one to five months of leave and ten per cent six to 11 months compared to 12 and 33 per cent of women. While 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.

In Québec, about two-thirds (68 per cent) of fathers take only the Paternity leave (of three to five weeks), while 32 per cent also take part of the Parental leave.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Parental leave policy has been directly studied by Statistics Canada. The annual Employment Insurance Coverage Survey monitors uptake of Parental leave across the country. Changes were made in 2006 to reflect the change in jurisdiction of parental benefits in Québec and to separate Parental benefits for mothers (PM) and parental benefits for fathers (PF). Mothers are asked about parental benefits including the reasons for their spouse taking or not taking Parental leave. Fathers are not included in this part of the survey.

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 issues of work-family balance in Canada and how workplace practices and cultures might better 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 organisations.

b. Selected publications from January 2006, including results from research studies

Doucet, A. (2006) *Do Men Mother? Fathering and Domestic Responsibilities*. Toronto: University of Toronto Press.

This book explores the narratives of over 100 Canadian fathers who are primary caregivers of children and the interplay between fathering and public policy, gender ideologies, community norms, social networks and work-family policies.

Phipps, S. (2006) 'Working for working parents: the evolution of maternity and parental benefits in Canada', *Institute for Research on Public Policy Choices*, Vol.12, No.2. Available at: <http://www.irpp.org/choices/archive/vol12no2.pdf>

This paper examines the evolution of Maternity and Parental leave in Canada.

Evans, P. (2007) 'Comparative perspectives on changes to Canada's paid Parental leave: implications for class and gender', *International Journal of Social Welfare*,

Vol.16: 119-128.

This article examines the impact of changes in Canadian Parental leave and maternity benefits (implemented in 2001) and the links between policy changes and gender and class inequalities.

Tremblay, D.-G., Paquet, R. and Najem, E. (2007) 'Work-family balancing and working time: is gender determinant?', *Global Journal of Business Research*. Vol.1, No.1: 97-113.

On the basis of Statistics Canada data from the Workplace and Employment Survey (WES), this article highlights the measures for work-family balance that are accessible to Canadian workers, including support for childcare and for elderly parents, as well as working time arrangements, analysing the data according to gender and presence of children simultaneously.

Fusulier, B., Tremblay, D.-G. and di Loreto, M. (2008) 'La conciliation emploi-famille dans le secteur du travail social au Québec: une différence de genre? Quelques éléments de réponse', *Politiques sociales*, Vol.68, no.1: 63-81.

This article is the first to be published from a research project on three professional groups and the organisational support for work-family issues; it highlights differences in the support received by men and women in social work.

Tremblay, D.-G. (2008, 2nd edn.) *Conciliation emploi-famille et temps sociaux*. Québec-Toulouse: Presses de l'Université du Québec et Octares.

This book presents a global view on work-family balance as well as the results of four research projects.

Tremblay, D.-G. (2008) 'Work-family policies: the Québec and Canadian contexts', in: J. Martin (ed.) *Work and Family Balance: Economic and Social Benefits in a Time of Labour Force Shortages*. Saskatoon: Saskatchewan Ministry of Advanced Education, Employment and Labour and Balancing Work and Family Alliance Coalition, pp.65-73.

This chapter highlights the work-family policies of Québec and Canada, including Parental leave.

Barrère-Maurisson, M.-A. and Tremblay, D.-G. (2009) *Concilier travail et famille. Le rôle des acteurs. Québec-France*. Québec: Presses de l'université du Québec.

This book looks at the role of various actors in work-family balance (employers, unions, municipalities, associations, etc.) and presents a comparative view on the governance of work-family issues in Québec and France.

Doucet, A., McKay, L. and Tremblay, D.-G. (forthcoming 2009) 'Canada and Québec: two policies, one country', in: S. Kamerman and P. Moss (eds.) *The Politics of Parental Leave Policies: Children, Parenting, Gender and the Labour Market*. Bristol: Policy Press.

This chapter explains why there are two Parental leave policies in one country and compares the two regimes in terms of accessibility and equality.

Tremblay, D.-G. (2009) 'Québec's policies for work-family balance: A model for Canada?', in: M. Cohen (ed.) *Public Policy for Women: The State, Income Security and Labor Market Issues*. Toronto: University of Toronto Press, pp.271-290.

This chapter presents Québec policies for work-family balance, including Parental leave.

Tremblay, D.-G. and Genin, É. (2009) *Parental leave in the police sector: a positive perception...confronted with reality*. Available at www.teluq.uqam.ca/chaireecosavoir

c. Ongoing research

Balancing cash and care: A study of father's use and effects of Parental leave in Canada (2003-2008). Andrea Doucet, Carleton University, funded by the Social Sciences and Humanities Research Council of Canada (2003-2007). PhD Researcher: Lindsey McKay.

This research project examines Parental leave policy and practice of federal and provincial governments, following enhanced commitment to this leave, with a particular focus on the use and effects of this leave policy by, and for, fathers in Ontario. Contact: Andrea Doucet at andrea.doucet@carleton.ca

Supporting fathering involvement (2004-2009). A multi-site and multi-cluster project by the Father Involvement Research Alliance, encompassing university and community research alliances across Canada, coordinated by Kerry Daly at the University of Guelph and funded by the Social Sciences and Humanities Research Council of Canada.

The seven research clusters include a 'New Fathers Cluster' led by Ed Bader, Catholic Community Services of York Region, and Andrea Doucet, Sociology and Anthropology, Carleton University, which will study: the support services provided to fathers through the first eighteen months of the child's life, including prenatal period; the impact of becoming a dad on the father's physical and mental health and on the father's personal development; and examination of the degree of support afforded to fathers by the health care system. Contact: Kerry Daly: kdaly@uoguelph.ca.

Work-life balance over the life course. A multi-site project encompassing university and community research alliances across Canada as well as in France and Belgium, coordinated by Diane-Gabrielle Tremblay at UQAM-Téluq, funded by the Community-University Research Alliance (CURA) program of the Social Sciences and Humanities Research Council of Canada. This project started in April 2009 and will go on till 2014. It addresses the challenges of work-life articulation over the life courses (Parental leave, working time arrangements, pre-retirement, etc.) and compares the situation in Québec, Canada, France, Belgium, Sweden and Finland. It includes the research entitled *Offer and use of work-family balancing measures by parents in Québec; a comparison of men and women in different types of organizations* (2006-2009). Diane-Gabrielle Tremblay (Télé-université, Université du Québec à Montréal) and Elmoustapha Najem (Université du Québec en Outaouais), funded by the Canada Research Chair on the Socio-organizational Challenges of the Knowledge Economy (www.teluq.uQuebec.ca/chaireecosavoir).

This research project began with analysis of the Workplace and Employment Survey (WES) from Statistics Canada. The research continues in 2008-2009 with the analysis of work-life balance, analysing the 2004-2005 WES data according to gender and availability of work-life measures. Contact: Diane-Gabrielle Tremblay: tremblay.diane-gabrielle@teluq.uqam.ca

Organizational and professional mediations in the take up of leaves and other work-family balance measures; a comparison between Belgium and Québec. Diane-Gabrielle Tremblay and Bernard Fusulier, funded by the Bell Canada Chair on Technology and Work Organization (www.teluq.uqam.ca/chairebell) and Canada Research Chair on the Socio-organizational Challenges of the Knowledge Economy (www.teluq.uQuébec.ca/chaireecosavoir)

This research examines three professional groups (police, social work and nursing) 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 leave, mainly Parental leave. We also address the issue of the use of Paternity leave and the impact of Parental leave on careers and organisations in the three sectors. Contact: Diane-Gabrielle Tremblay: tremblay.diane-gabrielle@teluq.uqam.ca

2.7

Czech Republic

Jirina Kocourková

Population (UNDP)	2005	10.2 million
Total Fertility Rate (UNDP)	2000/5	1.2
GDP per capita (UNDP)	2005	20,538 PPP US\$
Female economic activity, 15+ (UNDP)	2005	51.9 per cent
As % male rate (UNDP)	2005	77 per cent
% of employed working part time (OECD/F)		
Men	2007	1.7 per cent
Women	2007	5.9 per cent
Gender employment gap (OECD/BB)	2004	19% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	19.9 per cent
With child aged 3-5 years	2005	50.9 per cent
Global gender gap (WEF)	2008	69th
Attendance at formal services (ECB)		
Children under 3 years	2006	2 (1) per cent
Children 3-5 years (inclusive)	2006	67(39) per cent

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 20-22 weeks following birth.

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

- Seventy per cent of daily earnings up to a ceiling of CZK962 (€36) per day.
- 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.

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.
- 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 born dead, the mother is granted 14 weeks of Maternity leave.

b. Paternity leave

There is no statutory leave 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

- While Parental leave can only be taken up to the child's third birthday, Parental benefit (*rodicovsky prispevek*) is granted until the child's fourth birthday. Parents can choose between three parental benefit options: a long option (after maternity benefit or from the birth of the child (if the parent is not entitled to maternity benefit) at the basic rate (CZK7,600 per month, €285) until the child is 21 months old and at the reduced rate (CZK3,800 per month, €143) until the child is 48 months old); a mid-range option only available to parents who are entitled to maternity benefit (at the basic rate (CZK7,600 per month, €285) until the child is 36 months old); and a short option only available to parents who are entitled to Maternity benefit of at least CZK380 per calendar day (at the increased rate (CZK11,400, €428) until the child is 24 months old).
- Parental benefit is funded from general taxation.

Flexibility in use

- Parents can work, full time or part time, while receiving parental benefit. Accordingly, parental benefit can be considered as a kind of care benefit.
- 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.
- Parents can place a child under three years in a childcare facility for up to five days a month without losing parental benefit; they can also have a three year old in kindergarten for up to four hours each day without losing benefit.

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.

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 disabled children, a parent is entitled to parental allowance at the basic rate (CZK7,600, €305) until the child is seven years old.
- 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

There is no statutory leave 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 CZK777 (€29) 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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

Recently, the improvement of Parental leave arrangements has been a priority of both social democratic and right-wing governments. The most important change occurred in 2007 when parental benefit was doubled, bringing it up to about 40 per cent of average gross earnings in 2005.

The current right-wing government, in office since 2006, introduced further changes in family policy that came into effect from January 2008. The main change was to make parental benefit more closely connected to the economic activity of parents. Parents now have three options: (1) four years of parental benefit with a lower rate of payment than the parental benefit in 2007; (2) three years of parental benefit with the amount of parental benefit close to the amount in 2007; or (3) two years of parental benefit with a higher rate (CZK11,400, €428) of parental benefit. However, parental benefit is no longer indexed, so its value as a proportion of average earnings has been decreasing.

An amendment to the Sickness Insurance Act was implemented in January 2009. The proposed amendment includes two changes related to the parental care of a child. First, a child's father is now able to take Maternity leave instead of the mother from the seventh week after the child's birth. Second, parents will be allowed to alternate with each other during the course of taking leave to care for a sick child. This 'care benefit' can be received for a period of nine days in total, but there is no limit as regards how many times parents can use this provision during a year.

In 2008, the government agreed to adopt a new package of family policies including introduction of paid Paternity leave. The length of Paternity leave will probably be one week; it will be paid on the same basis as Maternity leave. Legislative procedures are expected to be completed during 2009, with the new policy coming into effect in January 2010.

3. 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, there were 0.77 per cent men among

recipients of this benefit. Since then, there has been a slight increase, but only to 0.99 per cent in 2003 and 1.4 per cent in 2006.

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.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Recently research has been undertaken in particular 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. Three major research projects should be mentioned: (1) *Souvislosti proměn pracovního trhu a soukromého, rodinného a partnerského života* [Connection between transformation of labour market, private life, family and partnership] at the Sociological Institute; (2) *Postoj a zkušenosti s harmonizací rodiny a zaměstnání rodičů dětí předškolního a mladšího školního věku* [Attitudes and experiences with harmonization work and family among parents of pre-school and young school children] at the Research Institute for Labour and Social Affairs; and (3) *Podpora rodin s dětmi a vliv peněžních transferů na formu rodinného soužití* [Support for families with children and influence of cash transfers on the form of family living] at the Research Institute for Labour and Social Affairs.

b. Selected publications from January 2006, including results from research studies

Ettlerova, S. and Stastna, A. (2006) 'Harmonizace rodinných and pracovních povinností rodičů se závislymi dětmi' ['Harmonization of family and working obligations of parents having dependent children'], *Demografie*, Vol 48, No.1: 12-21. Professional fulfilment causes the discrepancy between women's reproductive plans and their actual behaviour, making the issue of harmonisation of employment and family life important in a period of high women's employment rate.

Nesporova, O. (2006) 'Otcové pečující o děti formou rodičovské dovolené' ['Fathers caring for children in the form of Parental leave'], *Demografie*, Vol.48, No.3: 179-193. The article provides information on Parental leave-taken by fathers including a detailed description of Czech families with fathers using leave, drawing on qualitative research. The focus is the actor's point of view, which is presented in relation to the broader social context, especially gender roles and reconciliation of family and work life.

Haskova, H. (2007) 'Doma, v jeslích, nebo ve školce? Rodinná a institucionální péče přeškolních dětí v české společnosti v 1945-2006' ['At home, in a nursery or in a kindergarten? Family and institutional care for pre-school children in Czech society in 1945-2006'], *Gender, Equity, Research*, Vol.8. No.2.

The article focuses on changes in availability and use of childcare and pre-school facilities after the Second World War, during different periods of the communist regime and during the post-1989 era. It studies how they are embedded in the context of women's participation on the labour market, gender roles, social policies, fertility rates, public debates on care and fears of population decline; and identifies the main factors leading to the current drop in availability of nurseries and an increase in care of pre-kindergarten children by mothers at home.

Koranova, M. and Kucharova, V. (2007) 'Otcovska (rodicovska) dovolena' ['Paternity (Parental) leave'], *Forum socialni politiky*, Vol.1, No.1: 25-26.

The possibility of the introduction Paternity leave is currently being discussed in the Czech Republic. This article gives the main results for this type of leave from research and practise in European countries.

Stropnik, N., Sambt, J. and Kocourková, J. (2007) 'Preferences versus actual family policy measures: the case of Parental leave and child allowance', in: Ch. Hohn, I. Kotowska and D. Avramov (eds.) *People, Population Change and Policies: Lessons from the Population Policy Acceptance Study*. Dordrecht: Kluwer/Springer.

In this chapter, preferences regarding Parental leave and child allowance arrangements are compared with actual schemes.

Soukupová, E. (2007) 'Materka dovolena: jak si stojíme v porovnání s Evropou?' ['Maternity leave: what is our position in Europe?'] *Demografie*, Vol.49, No.1: 60-72.

The articles provides a comprehensive comparison among 25 states in the EU, Norway, Iceland and Switzerland as regards to the length of leave and payment during Maternity leave.

Krizkova, A., Dudova, R., Haskova, H., Marikova, H. and Uhde, Z. (eds.) (2008) '*Prace and péče: promeny rodicovské v CR a kontext rodinné politiky EU*' ['*Work and care: transformation of Parental leave in the Czech Republic and context of family policy in the EU*']. Prague: Sociologické nakladatelství.

Legislative and institutional support of childcare in the Czech Republic is broadly discussed particularly from the aspect of the recent reform of the Parental leave system. Empirical data are used to document some conceptual mistakes in the current trends in childcare.

Marikova, H. (2008) 'Materstvi, rodina a práce z pohledu matek malých dětí' ['Maternity, family and work in the view of mothers with young children'], *Gender, Equity, Research*, Vol.9, No.2.

The article examines women with young children who seem to be marginalised in the labour market, including the significance that these women ascribe to motherhood and to work; it is based on interviews with women on Parental leave or women just returning to work from leave who had taken a re-qualification course.

2.8

Denmark

Tine Rostgaard

Population (UNDP)	2005	5.4 million
Total Fertility Rate (UNDP)	2000/5	1.8
GDP per capita (UNDP)	2005	33,973(PPP US\$)
Female economic activity, 15+ (UNDP)	2005	59.3 per cent
As % male rate (UNDP)	2005	84 per cent
% of employed working part time (OECD/F)		
Men	2007	12.4 per cent
Women	2007	23.9 per cent
Gender employment gap (OECD/BB)	2004	9% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	71.4 per cent
With child aged 3-5 years	2005	77.8 per cent
Global gender gap (WEF)	2008	7th
Attendance at formal services (ECB)		
Children under 3 years	2006	73 (66) per cent
Children 3-5 years (inclusive)	2006	96 (80) per cent

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.

Payment and funding

- Ninety per cent of earnings up to a ceiling of DKK725 (€97) per working day before taxes for full-time employees, or DKK3,515 (€470) weekly. Young people under 25 years who are not taking up education, only receive DKK363 (€49) or

50 per cent of the maximum daily sickness benefit rate (youth rate) in relation to taking up an offer of activation or traineeship in an enterprise as part of an employment programme.

- Employees either receive a daily cash benefit under the sickness benefit scheme which is the basic system available for all employees; or they receive full coverage of their former earnings from their employer if covered by a labour market agreement which gives this entitlement. To help employers finance these costs, different leave 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. Private employers pay in DKK786 (€105) per year for each full-time employee and receive reimbursement of up to DKK142 (€19) per hour for up to 26 weeks; this means that female employees with a salary below DKK20,000 (€2,675) per month will be able to receive full earnings for up to 26 weeks, without cost to the employer. The additional cost of compensation for employees with higher salaries than DKK20,000 monthly has to be born by the employer.

Flexibility in use

- None.

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

- Eligibility 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 self-employed workers (including helping a spouse) 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 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 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)

- All public sector employees, through collective agreements, receive full earnings in 24 of the 52 week leave period (including Maternity, Paternity and Parental leave). Some private sector employers also pay full earnings for part or all of this period. Survey data shows that 63 per cent of mothers receive such additional income during the Maternity leave, and as many as 73 per cent of those who were in employment prior to giving birth (Olsen, 2008). (See more information on additional rights under Paternity and Parental leave)

**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 public sector employees, through collective agreements, receive full earnings during the leave. In a recent survey, 85 per cent of all fathers received full wages during Paternity leave (Olsen, 2008).

**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. Each parent is entitled to 32 weeks but the total leave period cannot exceed more than 32 weeks per family.

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.
- 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)

- Labour market agreements often give the right to 10 weeks of full pay during Parental leave (Olsen, 2008).
- From 2007, the industrial sector (representing 7,000 employers nationwide including production, service, knowledge and IT) has introduced a paid father's quota. Previously women had been awarded the right to 14 weeks with payment (in addition to the basic benefit payment) after giving birth. Now the family has been awarded nine extra weeks with this additional payment, making 23 weeks of additional payments. Three weeks are for the father, three weeks for the mother and three for the parents to share. The weeks for the mother and the father respectively are quotas and are lost if not used.
- As part of the labour market negotiations in Spring 2008, a new Parental leave model has been introduced for employees working in the state sector. If both parents work in the state sector they now have a right 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, both 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. The six weeks for the father replaces his two weeks of Paternity leave with full earnings, so in all he now has an individual right to six weeks with full pay.
- In a survey on parents of children born in 2005, 55 per cent of fathers reported that they received full wages during their whole time on Parental leave, and 9 per cent of mothers. This difference is due to mothers taking longer leave periods,

going beyond the weeks where they might be entitled to full earnings; for a large part of their leave period, therefore, they receive only basic benefit payments (Olsen, 2008) as outlined under Maternity leave.

d. Childcare leave or career breaks

- None.

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

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

Flexible working

- None.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

From 2007 the industrial sector has introduced a paid father's quota, giving them three weeks leave with full earnings replacement as an individual right. As part of the labour market negotiations in Spring 2008, the right to Parental leave with full earnings replacement was secured for public sector employees, for 18 weeks in total.

All same sex couples are now also entitled to two weeks of Paternity leave.

3. Take-up of leave

a. Maternity leave

Nearly all mothers take Maternity leave. In a survey conducted among parents of children born in 2005, 99 per cent of mothers had taken Maternity leave. Mothers on average used all the 14 weeks to which they were entitled, and 95 per cent reported that they experienced no problems with the workplace when they wanted to take leave. A few mothers reported that they were made redundant or experienced bullying from colleagues, and several mentioned that the employer found it difficult to find a replacement (Olsen, 2008).

b. Paternity leave

Most (89 per cent) of fathers in the survey made use of the two weeks of Paternity leave, and 95 per cent reported that they had experienced no problems with the workplace when they asked for leave (Olsen, 2008).

c. Parental leave

The 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. Twenty three per cent of fathers started their leave before the Maternity leave expired, i.e. 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, 2008).

Among the men, public employees account 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. Among those men who do not take leave, 88 per cent are employed in the private sector (Olsen, 2008) and this suggests that they have more difficulties taking leave and/or poorer rights.

It seems that the take-up of leave is related to the educational level of both the man and the woman. 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 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 (Statistics Denmark, 2008).¹⁴

Overall, therefore, what seems to be important when men and women negotiate on who should take leave is wages, educational level, workplace culture and age and these seem to be common factors for both the public and private sectors.

According to survey data, 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

¹⁴ Statistics Denmark (2008) *Fædre med højere jobs holer længere barselorlov*. Available at: <http://www.dst.dk/OmDS/BagTal/Arkiv/2008-04-28-Faedre-med-hoejere-jobs-holder-laengere-barselorlov.aspx>

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, 2008).

A third (34 per cent) of women and six per cent of men make use of the right to flexible leave, postponing the leave until later, or extending the leave by reducing the payment, or working part-time.

The survey also revealed that 27 per cent of men and 42 per cent of women reported a lack of information on leave rights and that 37 per cent of men and 23 per cent of women 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, 2008).

4. Research and publications on leave and other employment-related policies since January 2006

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. Most statistics also use the parent rather than the child as the unit of analysis. Little is therefore known about how children are cared for in their early months in regards to the length of leave, parental work hours and how parents combine the leave.

b. Selected publications from January 2006, including results from research studies

Olsen, B.M (2008) *Evaluering af den fleksible barselsorlov. Orlovsreglerne set fra forældres, kommuners og arbejdspladsers perspektiv [Evaluation of the flexible leave. Leave rights from the perspective of parents, municipalities and employers]*. SFI 07: 29. Available at:
http://www.sfi.dk/graphics/SFI/Pdf/Rapporter/2007/0729_Fleksibel%20Barselorlov.pdf

This report investigates and evaluates the new leave entitlements. Parents, local authorities and employers have participated in providing qualitative and quantitative data; the data on take-up originates from a SFI survey on use of leave by parents of children born in 2005. Results from the report are referred to above. In addition, local authorities find the administration of the leave to be burdensome; two-thirds of employers are favourable to having negotiated rights but at the same time want simpler rules.

Datta Gupta, N., Smith, N. and Verner, M (2006) 'Child care and parental leave in the Nordic countries: a model to aspire to?', *Review of Economics of the Household*, Vol. 6, No. 1: 65-89

This article evaluates family-friendly policies in the 'Nordic model' with respect to two modes of child care i.e. either parental care facilitated by maternal and parental leave schemes or non-parental publicly provided care. It discusses three questions: is there a 'Nordic model', and is it worth the cost if effects on child development and welfare are included? Is there a trade-off between family-friendly policies and family welfare, and are there serious negative boomerang effects of family-friendly policies on women's position in the labor market? Is the 'Nordic model' a model to aspire to?

c. Ongoing research

The meaning of gender in negotiations at the workplace (2003-2008). Doctoral thesis by L. Bloksgaard at Ålborg University.

This project investigates the continuing gender segregation at the workplace by focusing on the gender branding process in negotiations at the workplace, e.g. in negotiations on leave. Contact: lblo@ihis.aau.dk

Care architecture (2005-2010). Hans Hansen, Olli Kangas and Tine Rostgaard, Danish National Institute of Social Research.

A study of the institutional design and take-up of Parental leave in eight European countries (Denmark, Sweden, Norway, Finland, Germany, England, The Netherlands, Italy). The research suggests alternative ways to evaluate and measure welfare state designs and outcomes, and will use quantitative data to look at how different stylised families fare in the various welfare set-ups. Contact: tr@sfi.dk

2.9

Estonia

Katre Pall

Population (UNDP)	2005	1.3 million
Total Fertility Rate (UNDP)	2000/5	1.4
GDP per capita (UNDP)	2005	15,478 PPP US\$
Female economic activity, 15+ (UNDP)	2005	52.3 per cent
As % male rate (UNDP)	2005	80 per cent
% of employed working part time (OECD/F) ¹⁵		
Men	2007	No data
Women	2007	No data
Gender employment gap (OECD/BB)	2004	No data
Employment rate for mothers (OECD/BB) ¹⁶		
With child under 3 years	2005	No data
With child aged 3-5 years	2005	No data
Global gender gap (WEF)	2008	37 th
Attendance at formal services (ECB)		
Children under 3 years	2006	18 (12) per cent
Children 3-5 years (inclusive)	2006	85 (78) per cent

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 days: 30-70 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.

Payment and funding

- Hundred per cent of average earnings (calculated on employment in the previous calendar year). There is no ceiling on the benefit. The minimum wage (€280 per month in 2009) is paid to mothers who did not work during the previous calendar year but have worked prior to the birth of a child.

¹⁵ The proportion employed part time (2008)=4.1 per cent for men and 10.4 per cent for women (source: Estonian Statistical Office, 2008).

¹⁶ The employment rate (2008) for women with a child under six years=55 per cent (source: Estonian Statistical Office, 2008).

- Funded from social insurance contributions.

Flexibility in use

- None except for when leave can be started before birth; taking leave is obligatory.

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 at least three months. Self-employed people qualify for maternity benefit on the same conditions as 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.

- One hundred and fifty-four days in case of multiple birth or birth with complications.

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

- No payment.

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 public servants and other 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 the Ministry of Social Affairs)

Length of leave

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

Payment and funding

- There are two types of benefit payable, neither of which is specifically linked to Parental leave but is available to all families who meet the eligibility conditions.
- 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 equivalent to three times average earnings (€1,963 per month in 2009). The minimum benefit paid to working parents is the minimum wage (€280 per month in 2009). For non-working parents, parental benefit is paid from the birth of the child at a flat rate (€280 per month) until the child reaches 18 months of age.
- Childcare benefit (*lapsehooldustasu*) is a flat-rate payment (€38.5 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)

- 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

- An employee with a child under 14 years of age can take two weeks of unpaid leave per year.

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 full 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.
- 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 of €4.2 per day.
- All payments funded from general taxation.

Flexible working

- Breastfeeding mothers with a child under 18 months can take a breastfeeding break every three hours; they may aggregate these breaks and taken a longer break once a 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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

The payment of parental benefit was extended from 225 days to 315 days in 2006 and to 435 days in 2008. Payment for Paternity leave was increased to 100 per cent of earnings in 2008, from a flat-rate payment of €4.2 a day. In 2009, payment was withdrawn.

3. 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.

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 four per cent of the recipients of parental benefit.

d. Other employment-related measures

In 2007, 19 per cent of people who received benefit for caring for a sick child were men. This proportion has steadily risen by about one per cent every year.

4. Research and publications on leave and other employment-related policies since January 2006

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 from January 2006, including results from research studies

Võrk, A. and Karu, M. (2006) *Eesti vanemahüvitise mõju sündimus- ja tööturukäitumisele: hindamise võimalused ja esimeste kogemuste analüüs (Impact of parental benefits on female labour force participation and fertility behaviour) (PRAXIS Working Paper 25/2006)*. Available at: http://www.praxis.ee/data/toimetised_25_2006.pdf (in Estonian).

This research proposes a methodology for assessing the impact of the implementation of parental benefit and presents the first findings including that, since the implementation of the new scheme, working mothers tend to have more second and third births.

Võrk, A. and Paulus, A. (2006) *Peredele suunatud rahaliste toetuste mõju vaesuse leevendamisele Eestis: analüüs mikrosimulatsiooni meetodi abil. [The impact of benefits to families on child poverty in Estonia: micro simulation analyses]*. Available at: [http://www.sm.ee/est/HtmlPages/peretoetused_2007/\\$file/peretoetused_2007.pdf](http://www.sm.ee/est/HtmlPages/peretoetused_2007/$file/peretoetused_2007.pdf) (in Estonian).

The analysis reveals how different benefits targeted towards families with children affect child poverty in Estonia, with parental benefit having little impact.

Karu, M., Kasearu, K. and Biin, H. (2007) *Isad ja lapsehoolduspuhkus. [Fathers and Parental leave]*. Tallinn: PRAXIS Centre for Policy Studies. Available at: http://www.praxis.ee/data/Karu_Kasearu_Biin_Isad_ja_lapsehoolduspuhkus_PRA_XIS.pdf (an online study report, in Estonian).

The study concentrates on the issue of fathers' involvement in caring for children in Estonia, the aim being to find out the reasons for fathers not taking up Parental leave. The study gives an overview of the arguments that fathers use to explain their decision to take or not take up Parental leave, as well as the experiences and attitudes of employers regarding men on Parental leave. The authors conclude that more fathers would use their right to Parental leave and parental benefit if the scheme allowed men to share the Parental leave with the mother (either simultaneously or in turns), or if it enabled them to stay at home with a child older than one year or 18 months.

Pajumets, M. (2007) 'Miks emme läheb tööle? Naiste subjektiivsed ootused ja tööle antavad tähendused' ['Why mummy goes to work? Subjective expectations and different meanings given to work'], in: B. Vaher and K. Seeder (eds.) *Töö ja Pere. Paindlik töökorraldus ja lastevanemate tööhõive*. Tallinn: Eesti Töandjate Keskliit.

A qualitative study on Parental leave where the author interviewed mothers and fathers in 20 families with at least one child under three years of age. The primary focus was to analyse the incentives, barriers and attitudes in relation to mothers going to work, and to identify the different reasons behind their Maternity leave and employment decisions. The study revealed that women prefer to take on more than one role in order to satisfy their ambitions and do not work only out of financial necessity: work is a means of achieving self-realisation, a way to be integrated and feel useful in society, and to receive acknowledgement. Furthermore, long breaks from work undermine people's competitiveness in the labour market.

Oras, K. and Unt, M. (2008) *Sündimust mõjutavad tegurid Eestis [Factors influencing fertility in Estonia]*. Tallinn: Office of the Minister for Population and Ethnic Affairs. Available at: http://www.rahvastikuminister.ee/public/Raport_19jaan.pdf (in Estonian).

A study analysing family planning, family values and expectations concerning family policies among 20- to 40-year-old Estonians.

Vörk, A., Karu, M. and Tiit, E.-M. (2009) *Vanemahüvitis: kasutamine ning mõjud tööturu- ja sündimuskäitumisele 2004-2007 [Parental benefit: users and impact on labour and fertility behavior 2004-2007]*. (PRAXISe Toimetised 43/2009). Tallinn: PRAXIS.

A continuation of a study begun in 2006 using registry data to analyse the possible impact of parental benefit on fertility and labour market behaviour.

2.10

Finland

Minna Salmi and Johanna Lammi-Taskula

Population (UNDP)	2005	5.2 million
Total Fertility Rate (UNDP)	2000/5	1.8
GDP per capita (UNDP)	2005	32,153 PPPUS\$
Female economic activity, 15+ (UNDP)	2005	56.9 per cent
As % male rate (UNDP)	2005	86 per cent
% of employed working part time (OECD/F)		
Men	2007	8.2 per cent
Women	2007	15.5 per cent
Gender employment gap (OECD/BB)	2004	5% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	52.1 per cent
With child aged 3-5 years	2005	80.7 per cent
Global gender gap (WEF)	2008	2nd
Attendance at formal services (ECB) ¹⁷		
Children under 3 years	2006	26 (21) per cent
Children 3-5 years (inclusive)	2006	77 (56) per cent

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

a. Maternity leave (*äitiysvapaa/moderskapsledighet*¹⁸) (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 can be taken before the 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 a ceiling of €46,207, with a lower per

¹⁷ National statistics for 2007 show 27 per cent of children under three years attending services and 72 per cent of three to five-year-olds; as there is a universal entitlement to services for children from birth, the relatively low attendance for children under three years is not due to lack of services, but shows in part the influence of leave policies.

¹⁸ Names of leaves are given in Finnish and Swedish. Finland is a bilingual country with a Swedish-speaking minority.

centage for higher earnings; after this initial period of leave, benefit is paid at 70 per cent of earnings up to €30,033, again with a lower per centage for higher earnings. Half of all mothers with an employment contract receive full pay during the first three months of the Maternity leave. During this period the daily benefit is paid to the employer. Mothers not employed and those whose annual earnings are less than €6,513 before the birth get a minimum flat-rate allowance of €22.04 a working day (€551/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 2009, employers paid two per cent of their total salary bill and employees 0.70 per cent of their taxable earnings; these per centages are subject to change in the state budget. The minimum flat-rate allowances are funded from state taxation.

Flexibility in use

- None.

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 who is 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 cases 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.

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

Length of leave

- Eighteen working days, plus a further 12 'bonus' days for fathers who take the last two weeks of Parental leave. The 12 bonus days + two Parental leave weeks are called 'father's month' in the legislation since 2007.

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 €30,034, with a lower per centage for higher earnings. Minimum allowance as for Maternity leave.
- Funding as for Maternity leave.

Flexibility in use

- The one to 18 days can be taken in four segments, the 12 bonus days in one segment. The 'father's month', including the bonus days, can be taken within six months from the end of the Parental leave.

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.

c. Parental leave (*vanhempainvapaa/föräldradighet*) (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 €46,207, with a lower per centage for higher earnings. After this initial period of leave, the payment is 70 per cent of earnings up to €30,033, with a lower per centage 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 employers' agreement. Benefit payment is half of the benefit for full-time leave.
- The 'father's month' can be taken within six months from the end of the Parental leave period provided that the child has been taken care of at home by the mother or the father until the start of the 'father's month'.

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

- 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.

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 receives a home care allowance consisting of a basic payment of €314.28 a month, with an additional €94.09 for every other child under three years and €60.46 for every other pre-school child over three years and a means-tested supplement (up to €168 a month). The average home care allowance per family in 2007 was €370.80 a month. Home care allowance is financed from municipal taxation. Some local authorities, especially in the Helsinki area, pay a municipal supplement to the home care allowance; in 2007, these supplements averaged €211 a month per family.

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. An adoptive parent for a child older than 12 months who 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.

Time off for the care of dependants

- Between two and four days at a time for parents of children under ten years when the child falls ill (temporary childcare leave, *tilapäinen hoitovapaa/tillfällig vårdledighet*), the length being regulated by collective agreements. 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 often at full earnings. Parents with joint custody who do not live with the child are 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 €70 a month.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

There have been no major changes in the leave schemes since 2006 but several minor ones, including:

- A parent who does not live with the child but has joint custody is also entitled to temporary childcare leave to care for a sick child less than ten years of age (2006).
- The per centage of earnings replaced by leave benefits has been raised, in the case of Maternity leave up to 90 per cent of earnings during the first 56 days and in the case of Parental leave from 70 to 75 per cent of earnings during the first 30 days. If both parents take Parental leave, they both receive the raised benefit during the first 30 days of their leave (2007).
- The Parental leave period for adoptive parents has been lengthened from 180 to 200 days (2007).
- Same-sex parents in a registered relationship can share Parental leave (2007).
- The addition to home care allowance for siblings has been raised by €10 (2007).
- A family can receive home care allowance for one child and support for private day care for another child at the same time (2007).

- Adoptive parents are entitled to home care allowance also for a child older than three years for a period of two years after the Parental leave has started but not after the child starts school (2007).
- A new term, 'father's month', has been introduced into the legislation; this consists of the two last Parental leave weeks and the 12 bonus days which the father gets if he takes the two last Parental leave weeks (2007). Taking advantage of the 'father's month' is more flexible than it used to be as it can be taken until the child is 16 months old.
- The minimum allowance for Maternity, Paternity and Parental leave was raised from €15.20 to €22.04 per working day and the basic payment of home care allowance was raised by €20 a month (2009).

Several proposals to reform Parental leave have been made. Finnish members of the Network on Leave Policy and Research, Minna Salmi and Johanna Lammi-Taskula, in their proposal to the Council for Gender Equality in November 2006, recommended a thorough reform where the various forms of leave (Maternity, Paternity and Parental leave) would be consolidated and renamed Parental leave. This Parental leave would last 18 months, and it could be taken until the child turns three, in one period or several with the minimum period being two months. The Parental leave would be divided into three six-month sections, one for the mother, one for the father and one to be shared as the parents see fit. A Paternity leave of one to 18 days would remain in the scheme to be taken immediately after the birth of the child as well as a period of 18 days Maternity leave before the birth of the child. A single parent would be entitled to the whole 18 months leave. The proposal also includes: a higher payment with a fixed percentage of 80 per cent of earnings for the whole leave period; a rise in the minimum flat-rate allowance to make it comparable with the minimum allowance for the unemployed; and a rise in the partial home care allowance from €70 to €210 to encourage parents of young children to work shorter hours.

The proposal was based on research findings. The present leave period, which ends when the child is nine to ten months old, is not in line with knowledge on child development. Today, most mothers stay at home until the child is 18 to 24 months old. Moreover, the Maternity and Parental leave periods have remained at the same length for 20 years. One of the main aims of Finnish leave policy has long been to encourage more men to take Parental leave. The reform would improve the present situation not only for fathers but also for mothers and children. A specific quota for fathers is well founded as Nordic experience shows that fathers use leave periods which are explicitly specified for them and the family (or the child) otherwise would lose. The proposal does not include coercion as fathers could still choose only a short Parental leave period or only the Paternity leave. The proposal also aims at clarifying the present complicated leave schemes and payments.

The proposal received attention in the media and the Council for Gender Equality included the proposal in its motions for the new government's programme. In its Family Policy programme, the Family Federation in Finland suggests a gradual realisation of the reform: first a lengthening of the leave into 12 months and a two-month quota for fathers. The Federation also proposes a change in the regulation

of part-time Parental leave such that it would not be conditional on both parents taking the part-time leave.

Several political parties proposed reforms in the leave schemes in their programmes for the parliamentary election in March 2007, but the propositions were often vague and general in nature. Of the six biggest parties, from which the government coalition would be formed, the three smaller ones suggested lengthening the Parental leave until the child is 12 months old; two of the three larger parties were more vague or modest and one offered no view. Lengthening of Paternity leave or the father's month was mentioned by one major and three minor parties. One major and three minor parties wanted to raise the level of the minimum allowance. All six parties wanted the expenses incurred by the employer to be shared equally by all employers.

The government formed in April 2007 (comprising the Centre Party, the Conservatives, the Greens and the Swedish People's Party) aims to extend Paternity leave by two weeks in 2010, and has raised the minimum flat-rate parental allowance and the home care allowance in 2009. The amount of the allowance during partial childcare leave will be raised €20 in 2010. The Government also intends to 'review the possibility for a more thorough reform of the Parental leave schemes'.

In October 2007 the Minister responsible for gender equality suggested in a Nordic Ministers meeting that the Finnish Parental leave scheme should be reformed according to the 6+6+6 proposal presented above. In March 2008 the Minister of Labour supported the idea of reform based on quotas, and her party, the Greens, have now suggested a 5+5+5 quota model.

In November 2008 the network of female MPs presented a suggestion, signed by MPs from all parties represented in the Parliament, where the father's month would be extended to three months and the benefit level raised to 80 per cent of previous earnings for the whole 12-month period of Maternity, Paternity and Parental leave. In March 2009 several NGOs representing Finnish students as well as the youth and women's organisations of seven political parties suggested the 6+6+6 quota model.

In its proposals for the governmental programme in 2007 the Ministry of Labour suggested a swift re-evaluation 'of the expediency in the changing labour market situation of service and benefit arrangements, such as the Home care leave, which lead outside the labour market'. This suggestion follows that of the OECD which in Spring 2005 wrote in its report *Babies and Bosses (Volume 4)* that 'the system of Home Care Allowance holds back labour supply growth' and that 'policy should consider reform options limiting benefit payments and / or duration'. However, these suggestions have not gained support in the political debate. Moreover, according to Parental leave surveys from 2001 and 2006, nearly all parents of young children support the home care allowance. Findings of the surveys and other studies also suggest that it is not the opportunities to take Home care leave but the availability of jobs and permanent employment contracts that influence mothers' participation in the labour market.

Since 1996, every child under school-age has been entitled to a place in a municipal childcare service or a state-subsidised private service. Even though this universal entitlement is rather new and came about after a long and thorough political process, during the first years of the twenty first century it has again been questioned. In 2004 the State Secretary of the Ministry of Finance suggested that the entitlement should not include children who have a parent at home either unemployed or on Parental leave. This suggestion led to a survey of the extent to which childcare services were used by children with a parent at home, which showed that only two to five per cent of eligible children attended childcare where there was a parent staying at home. The issue faded until raised again by the media at the beginning of 2007; in surveys of leaders of childcare centres, some supported the idea to restrict the universal right of access. In March 2009, the issue was again raised in the media in connection with savings needed in municipalities due to the economic recession.

But these suggestions are again at odds with the opinions of parents of young children. In surveys by STAKES from 2001 and 2006 a great majority (85-88 per cent) of mothers and fathers of two-year-olds wanted to keep the right to childcare, irrespective of whether their own child was taken care of at home or in childcare. Moreover, in the public debate voices have also been raised for a high quality early childhood education, which would demand attention to accessibility and quality of care and education, instead of plans to restrict it. Local authorities have made savings by closing down small centres and concentrating services into bigger units. Groups of children in childcare are often too big and personnel too few; more resources are needed to secure a good environment for children. Many municipalities do not offer enough part-time services and not in a way to secure continuity for the child; indicators of effectiveness in childcare are based on full-time attendance, so that flexible arrangements are not considered effective.

Attendance at childcare services among one- and two-year-olds has risen during the past few years. In the beginning of 2009, local authorities in the capital area plan to raise the municipal supplement to the home care allowance to encourage home care of young children and reduce the pressure on childcare services. Also demand for private services, which has not been high in Finland, is encouraged by raising both the municipal supplement and the allowance for private childcare paid by the state.

It remains to be seen what the present government will do with the subjective right to childcare. All six major political parties mention these services as something they want to guarantee, some mention concrete measures to develop the services, and some the need to renew the legislation to specifically include the goal of early childhood education for childcare provision. The government promises to revise childcare legislation and develop more diverse forms of provision, e.g. part-time childcare. In Spring 2007 the government put forward plans to scrap the possibility of free childcare for low-income parents to encourage parents who stay at home not to use these services or to use only half-day services. The plan aroused criticism, because it was seen as a step towards abolishing the subjective right to day care, and was withdrawn.

3. 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 2006–2008.

b. Paternity leave

Today, the great majority of fathers take Paternity leave. In 2007, 48,262 men did so; in the same year there were 58,008 births. The proportion of fathers taking Paternity leave has been increasing – from 46 per cent in 1993 and 63 per cent in 2000 to 71 per cent in 2007. In 2007, the average length of the leave-taken was 15 working days. But only 5,994 fathers, i.e. about nine per cent of all fathers, took the bonus leave period (i.e. they had also taken the last two weeks of the preceding Parental leave).

Paternity leave is today taken by fathers irrespective of their socio-economic background, or that of their spouses (Salmi, Lammi-Taskula and Närvi, 2009). Fathers who take only Paternity leave tend to take slightly longer periods after the bonus leave was introduced in 2003 (Hämäläinen and Takala, 2007). Two-thirds of fathers take the whole three weeks' Paternity leave; men who are more likely to take the whole leave include fathers of first-born children, students and entrepreneurs. Instead, length of Paternity leave does not any more correlate with the father's age, education or income level or socio-economic status. (Salmi et al., 2009.)

c. Parental leave

The 158 days of Parental leave is mostly taken by mothers. Almost all mothers take Parental leave whereas only two to three per cent of fathers have taken leave 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 four per cent of mothers work to some extent during the leave period.

The arrangement, since 2003, under which there are bonus days of Parental leave for fathers who take the last two weeks of Parental leave has more than quadrupled the number of men taking Parental leave from 1,700 men in 2002 to 5,700 in 2005 and 7,400 in 2007. At the same time, the average length of leave-taken by fathers has fallen; from 64 working days in 2002 to 37 in 2003 and only 27 in 2007. Two-fifths of fathers taking leave use a month or less, while a fifth use at least five months. The most common length of leave-taken by fathers is 42 days, which means that men take all days earmarked for fathers – but no more.

Approximately 12 per cent of fathers take the father's month. The number of fathers taking longer Parental leave has not risen (Hämäläinen and Takala, 2007). The father's month has become more popular lately. In 2007, 6,000 men took their

father's month, but during the first three-quarters of year 2008, already 7,000 men have done so (www.kela.fi/statistics). However, the role of the father's month in equalizing parental responsibilities is called into question as, in a clear majority of families, the mother stays at home during the father's month (Salmi et al., 2009).

Men with high education, employed in the public sector in middle-sized or big organisations, and whose partners also have high education, are more likely to take bonus leave – but the leave periods they take are shorter than those taken by men with less education (Hämäläinen and Takala, 2007). 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 (Salmi et al., 2009).

Unlike Paternity leave, the length of Parental leave-taken by men is 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 income (Lammi-Taskula, 2003)¹⁹. Both bonus leave and longer Parental leave are more often taken by men if twins or triplets are born (Hämäläinen and Takala, 2007).

In 2003, the first year that the part-time option for taking Parental leave was available, 37 parents received the partial parental allowance, rising to 84 in 2004 and to 117 in 2007. This means that about 0.1 per cent of families with a newborn child have used the new arrangement in its first five years and the interest has not increased from 2005 to 2007.

d. Childcare leave or career breaks

Almost all families (86 per cent) take advantage of the home care allowance at least for some time after Parental leave. Since 2006 statistics are available on use by women and men, showing that 'Home care leave' is used almost entirely by women. In 98 per cent of all families where one of the parents has taken care of the child supported by home care allowance, it was the mother. Earlier the share of fathers who take this leave was, based on individual studies, assessed to be two to three per cent (Lammi-Taskula, 2003).

Recently, taking advantage of home care allowance has been less popular: in the third quarter of 2007, the allowance was paid for 65,000 children under three

¹⁹ Lammi-Taskula, J. (2003) 'Isät vapaalla. Ketkä pitävät isyys- ja vanhempainvapaata ja miksi?' ['Fathers on leave'], *Yhteiskuntapolitiikka*, Vol.68, No.3: 293-298.

years old, but in 2008 the figure was only 63,800 (www.kela.fi/statistics). Also partial care leave was taken by more parents and support for private childcare paid for more children than earlier. All these developments suggest that mothers stay at home with the child for shorter periods than earlier.

Statistics also enable an assessment of take-up periods of home care allowance. In families paid home care allowance at some point before their child turns three years,²⁰ periods taken have divided evenly during the past five years: 26-27 per cent take less than seven months, 21-25 per cent between seven and 12 months, 27-29 per cent between 13 and 24 months, and 20-26 per cent longer than 24 months (the maximum length being 26-27 months). The proportion for the longest periods has declined from 2003 to 2007. The (few) male home care allowance recipients take less of the shortest and longest periods than their female counterparts, but they also have more 13-24-month periods (31-33 per cent) (calculations based on Statistical Yearbooks of the Social Insurance Institution 2004-2007).

Only ten 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 the child was two years old, also just less than half of them were at home on care leave, on Home care allowance 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 (Salmi et al., 2009).

Earlier only a small number of families – 2,100 in 2003 – took advantage of partial Home care leave. After the reform making parents of younger school children eligible for the partial care allowance, the number of families increased and was 10,800 in 2007; however, of these, only about 3,400 families had a child under three years. Partial care leave is mostly (94 per cent) used by mothers and is most usually taken (41 per cent) for not longer than six months; a third of the users take it for 6-12 months and a quarter for more than 12 months. 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 (Salmi et al., 2009).

The results of recent research confirm earlier findings that the length of women's leave periods 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 Home care allowance, therefore, seems to have become an income source for

²⁰ 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 two to three per cent of all recipients.

unemployed women; rather than functioning as an alternative to the use of childcare services, as intended, it also serves as an alternative to unemployment (Lammi-Taskula, 2004²¹; Salmi et al., 2009).

e. Other employment-related measures

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

4. Research and publications on leave and other employment-related policies since January 2006

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. Research has been focused on the take-up of Parental and Home care leave and its connections with women's labour market participation, as well as on men's take-up of family leaves. 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, studies relying on register-based data have been undertaken where the consequences of women's leave-taking for their career and wage development were studied with a longitudinal approach. Also recently, a study that focused on the everyday situations of parents in families and at work as well as on experiences of family leave in work organisations and organisational practices to support leave-takers has been completed; it also followed the take-up of new forms of Paternity and Parental leave.

b. Selected publications from January 2006, including results from research studies

Haataja, A. and Nyberg, A. (2006) 'Diverging paths? The dual-earner/dual-carer model in Finland and Sweden in the 1990s', in: A.L. Ellingsæter and A. Leira (eds.) *Politicising Parenthood in Scandinavia: Gender Relations in Welfare States*. Bristol: Policy Press, pp.217-240.

This chapter analyses changes in the policy models as well as the response to and effects of policy interventions in combination with economic development.

Hiilamo, H. (2006) 'Woman-friendliness and economic depression: Finland and Sweden in the 1990s', in: A.L. Ellingsæter and A. Leira (eds.) *Politicising Parenthood in Scandinavia: Gender Relations in Welfare States*. Bristol: Policy Press, pp.171-194.

²¹ 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.

This chapter investigates what impacts economic recession combined with differences in childcare policy have had on the sustainability of the gender equality ambition in Finland and Sweden.

Lammi-Taskula, J. (2006) 'Nordic men on Parental leave: can the welfare state change gender relations?', in: A.L. Ellingsæter and A. Leira (eds.) *Politicising Parenthood in Scandinavia: Gender Relations in Welfare States*. Bristol: Policy Press, pp.79-100.

This chapter compares current entitlements of fathers for Parental leave in the Nordic countries, and analyses the ambivalence in cultural conceptions of gender and parenthood that complicate negotiations in the family and workplace on fathers' use of leave. What is the likelihood of changing gender relations with the help of welfare policies such as Parental leave?

Salmi, M. (2006) 'Parental choice and the passion for equality in Finland', in: A.L. Ellingsæter and A. Leira (eds.) *Politicising Parenthood in Scandinavia: Gender Relations in Welfare States*. Bristol: Policy Press, pp.145-170.

This chapter uses survey data from 5,000 Finnish families with young children to analyse the outcome of family policy reforms in the 1990s in a gender equality perspective, asking what is the relation between the reforms and parents' everyday practices and wishes.

Haataja, A. and Mattila-Wiro, P. (2006) *Impact of alternative benefit levels and parental choices on the parents' income. Micro-simulation approach on the Finnish Parental leave* (Discussion Papers 399). Helsinki: Governments Institute for Economic Research.

The paper presents changes in the level of the Parental leave benefit scheme since the 1990s and analyses spouses' income differences in different family situations. The main aim is to evaluate a tripartite proposal in Spring 2006 to reform the scheme. Evaluations are made using micro-simulation methods at population level and in type-family calculations. www.vatt.fi

Haataja, A. (2007) 'Parental leaves, childcare policies and mother's employment in Finland and Sweden: a comparison', in: R. Myhrman and R. Sântti (eds.) *Opportunities to Reconcile Family and Work (Ministry of Social Affairs and Health, Reports 2007:16)*. Helsinki: Helsinki University Printing House, pp.99-111.

The article discusses examples of problems in international comparisons of Parental leave schemes and women's employment and presents a summary of the comparisons of the Finnish and Swedish Parental leave schemes, day care policies and employment.

Salmi, M. and Lammi-Taskula, J. (2007) 'Family policy, labour market and polarization of parenthood in Finland', in: R. Myhrman and R. Sântti (eds.) *Opportunities to Reconcile Family and Work (Ministry of Social Affairs and Health, Reports 2007:16)*. Helsinki: Helsinki University Printing House, pp.83-97.

The article analyses the socio-economic patterns of the gendered take-up of Parental leave and the consequences of long leave periods combined with varying employment prospects to a polarisation of parenthood between men and women as well as among women. Will the family policy reforms add to or decrease the polarisation of parenthood?

Lammi-Taskula, J. (2007) *Parental Leave for Fathers? Gendered Conceptions and Practices in Families with Young Children in Finland. (Research Report 166)*. Helsinki: STAKES.

The study, a PhD thesis in Sociology, explores the gendered actualisation of statutory Parental leave rights in Finland, based on survey data from 3,232 mothers and 1,413 fathers of young children, collected in 2001-2002. The results indicate that although fathers' involvement in childcare is widely understood as important, in practice the mother's primacy in childcare is not challenged. The study suggests that individual leave rights for fathers are needed; and that the actualisation of father's childcare responsibility requires support by employers and work colleagues as well as questioning of prevailing gender relations in the everyday life of families.

Lilja, R., Asplund, R. and Kauppinen, K. (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.

The report presents the key results of a joint research project, *Combining work and family – a challenge for equality planning (2005-2008)*, by the Labour Institute for Economic Research, the Research Institute of the Finnish Economy, the Finnish Institute of Occupational Health and the Social Insurance Institution of Finland financed by the European Social Fund and the Ministry of Social Affairs and Health. Using extensive statistical analysis, the project explores the costs of family leave in the private sector, at the company and individual level. The results indicate that the direct costs of family leave for companies are on average quite small, but that the indirect costs tend to have a negative impact on profitability especially in female-dominated industries; and that the earnings of mothers returning from family leave lag behind those of childless but otherwise similar women who have worked uninterruptedly, though these negative wage effects fade out rather quickly after re-entry into working life; however, the longer the family leave period, the higher and more prolonged is the earnings penalty. A similar effect is not observable in the case of fathers due to their typically very short family leave spells. Results of the project are published in English: see Kellokumpu, J. (2007) *Baby and pay: the family gap in Finland (Labour Institute for Economic Research (PT), Working papers 236)*. Available at: www.labour.fi; Napari, S. (2007) *Is there a motherhood wage penalty in the Finnish private sector? (Research Institute of the Finnish Economy (ETLA), Discussion papers No. 1107)*. Available at: www.etla.fi.

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.

This chapter studies fathers' choices between three options (taking no family leave, taking Paternity leave or sharing Parental leave with the mother), based on a data set of 102,055 fathers in 2001-2004. Fathers' use of family leave is affected by numerous factors: parents' labour market status and education, family

structure, firm characteristics, etc. Utilisation also increased with income despite the Finnish allowance system of decreasing compensation rate.

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.

The report of a survey in 2006 of 1,435 mothers and 1,058 fathers of a child born in 2004, comparing their experiences of the possibilities, obstacles and consequences of leave-take-up with those of parents who had been on leave five years earlier. The study also looks at the practices and consequences of employees' leave-taking in work organisations in both private and public sectors, based on a survey of 551 personnel managers and 416 shop stewards as well as interviews with 15 personnel managers.

c. Ongoing research

Contradictory reality of the Child Home Care Allowance (CHCA) — CHCA as an option for parents' work-life choices and its consequences for their work careers (2006-2009). Katja Repo, Tapio Rissanen and Jorma Sipilä, University of Tampere.

Child Home Care Allowance (CHCA) is a social policy that raises lots of political and emotional tensions among politicians, citizens and researchers. Despite their contradictory nature, different kinds of 'payments for care' schemes are achieving wider acceptance among users and on the political level. The project aims to illuminate the labour market consequences of the CHCA, the focus of the debate. The research questions are: 1) What kind of consequences does the CHCA have on parents' work-life choices and later work careers? 2) How does the CHCA relate to the pursuit of reconciling work and family? 3) How does the allowance change the tools and meanings of social policy? The project also includes a cross-national statistical comparison of the consequences of CHCA using data from three different welfare states: Finland, Norway and Sweden. Contact Katja.Repo@uta.fi.

The consequences of work insecurity on work-family relations and well-being (2008-2011). Johanna Närvi, Minna Salmi and Johanna Lammi-Taskula, THL; Minna Nikunen. Hanna Sutela, Jouko Nätti and Päivi Korvajärvi, University of Tampere; Anna-Maija Lehto, Statistics Finland.

The project studies the prevalence and characteristics of different forms of insecure work and the consequences of work insecurity for work-family relations and well-being. The main question is how changing working life promotes or prevents women's and men's opportunities to act in the two life spheres and their chances to combine them. Both quantitative and qualitative data will be used, including interviews with parents of young children about the consequences of leave-taking to employment opportunities and position in the labour market. Contact minna.salmi@thl.fi

Women's return to employment after family leave (2008-2010). Riitta Luoto and Aino Luotonen, UKK Institute; Kaisa Kauppinen, Finnish Institute of Occupational Health.

The project focuses on various factors affecting the timing of mothers' return to employment from family leave, such as personal motivation and orientation to work and career; family-friendly practices at workplace; personal well-being and work ability; expected challenges of the work-family balance. It includes a qualitative part based on focus groups of women on Parental leave and a survey of mothers of one-year-old children. Contact riitta.luoto@uta.fi

2.11

France

Jeanne Fagnani and Danièle Boyer

Population (UNDP)	2005	61.0 million
Total Fertility Rate (UNDP)	2000/5	1.9
GDP per capita (UNDP)	2005	30,386 PPP US\$
Female economic activity, 15+ (UNDP)	2005	48.2 per cent
As % male rate (UNDP)	2005	79 per cent
% of employed working part time (OECD/F)		
Men	2007	5.0 per cent
Women	2007	23.1 per cent
Gender employment gap (OECD/BB)	2004	13% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	53.7 per cent
With child aged 3-5 years	2005	63.8 per cent
Global gender gap (WEF)	2008	15th
Attendance at formal services (ECB)		
Children under 3 years	2006	31 (17) per cent
Children 3-5 years (inclusive)	2006	94 (42) per cent

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 three weeks before the birth, the remainder can be taken before or after.

Payment and funding

- Hundred per cent of earnings, up to a ceiling of €2,859 a month in 2009.
- Funded from health insurance, financed by contributions from employees and employers.

Flexibility in use

- Two weeks can be taken before or after birth.

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

- 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 de paternité*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

Length of leave

- Two weeks.

Payment and funding

- Payment and funding as for Maternity leave.

Flexibility in use

- 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.

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 (*Congé parental*)

Length of leave

- Until the child reaches three years. Leave is an individual entitlement.

Payment and funding

- A benefit – *Complément de libre choix d'activité* (CLCA, Childrearing benefit) – is available to all families who meet the eligibility condition whether or not they are on Parental leave. It is a flat-rate payment (€553 per month in 2009), paid to families whose income is below a certain level (in practice, about 90

- per cent of families are eligible). However, to parents with only one child it 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, the youngest born since July 2006): an allowance of €790 per month (in 2009) is 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 CNAF (*Caisse nationale des allocations familiales*), the French family allowance fund, financed by contributions from employers and employees.

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.
- 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. Eligible expenses can include training programmes for employees on Parental leave and supplements paid to employees taking various forms of leave.

d. Childcare leave or career breaks

There is no statutory leave 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 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 within a period of three years). The level of the allowance depends on the duration of work in the enterprise and on the family structure (in couples, if one parent stops work completely, the amount is €40 per day in 2009 and €48 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 general statutory entitlement. Employees in the public sector are entitled to work part-time for family reasons.
-

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

COLCA was introduced in July 2006, the aim being to encourage fathers to take up this leave by providing them with a higher amount of money than CLCA.

3. 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 of eligible fathers took leave in 2003 (Berger et al., 2006).

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 APE (a benefit replaced by CLCA for children born after January 2004) or CLCA, and it is not possible to find out how many recipients of APE are also on Parental leave.

Changes in 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 economic activity rate of mothers with two children, the youngest aged less than three years, decreased from 69 per cent in 1994 to 53 per cent in 1998. It has been estimated that between 1994 and 1997 about 100,000 working mothers with two children left the labour market to take advantage of APE. 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 APE/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. This hypothesis received support from research conducted among mothers with three children who were receiving APE/CLCA.

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 APE are mostly blue-collar workers or employees with a stable job beforehand. Compared to fathers who do not take APE, 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.

Among parents who had their first child in 2004, 16 per cent received the CLCA. This low take-up may be due to several reasons: because mothers with only one child do not want to, or cannot, interrupt their professional life for a long time after Maternity leave; and because the scheme was quite new when these figures were collected and still not well known. However since 2001 the number of parents receiving CLCA has increased from 506,000 to 581,000, consisting of a 6 per cent reduction in the number of non-employed parents receiving CLCA, but a 75 per cent increase for part-time employed parents (who get a reduced benefit).²²

The number of recipients for COLCA remains very low: 2,400 in December 2007.

4. Research and publications on leave and other employment-related policies since January 2006

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 pensions and education and the impact of the economic crisis on their professional situation.

b. Selected publications from January 2006, including results from research studies

Berger, E., Chauffaut, D., Olm, C. and Simon, M.-O. (2006) 'Les bénéficiaires du complément de libre choix d'activité (CLCA): une diversité de profils', *Etudes et Résultats, DREES*, No.510.

The authors describe the different categories of CLCA recipients and put emphasis on the socio-economic variables related to decision-making processes.

Chauffaut, D., Minonzio, J., Nicolas, M., Olm, C. and Simon, M.-O. (2006) 'La prestation d'accueil du jeune enfant (PAJE): un dispositif globalement apprécié par ses bénéficiaires', *l'Essentiel, CNAF*, No.46.

²² Berger, E. (2008) 'Les prestations familiales et de logement en 2007', *Etudes et Résultats*, No.674.

This study draws on results of a national survey carried out among a representative sample of families with one child aged under six years. Attitudes and perceptions towards PAJE (*Prestation d'accueil du jeune enfant*) are investigated and analysed. The authors focused on three main dimensions of the scheme: simplicity (taking into consideration that one of the aims of PAJE was to 'simplify' the childcare allowances system), information about the eligibility criteria and financial aspects.

Lefèvre, C., Pailhé, A. and Solaz, A. (2007) 'Comment les employeurs aident-ils leurs salariés à concilier travail et famille', *Populations et Sociétés*, No.440. This research is based on a survey titled 'Familles et Employeurs', carried out by INSEE on private and public enterprises with at least 20 employees. Both employers and employees were interviewed and completed a questionnaire. The objective was to investigate family-friendly measures and policies put in place by companies. Only 35 per cent of companies in the private sector provided an income supplement for employees on Maternity or Paternity leave, whereas all public sector workers received their full salary.

Paris, H. and Chauffaut, D. (2007) 'Modes d'accueil de la petite enfance, droit opposable et autres options', *Droit social*, No.12: 1283-1287. The authors consider the implications of the decision made by President Sarkozy to introduce a statutory right to a place in a formal childcare service for 2013. It will require an increase of around 300,000 places and the authors emphasise that this will be difficult to achieve.

Perraudin, C. and Pucci, M. (2007) *Diversité des modes de conciliation entre vie professionnelle et vie familiale pour les mères de jeunes enfants (Document de travail du CEE No. 94)*. Paris: Centre d'études de l'emploi, décembre 2007.

Available at:

http://www.ceerecherche.fr/fr/doctrav/conciliation_vie_professionnelle_familiale_meres_doc94.pdf

Based on an econometric analysis, this study examines the trade-offs made by mothers after the birth of a child, and demonstrates the significant role played by socio-economic status and working conditions in the decision-making processes regarding work/family life balance and that diversity in the arrangements made is the rule.

Eydoux, A., Gomel, B. and Letablier, M.-T. (2008) 'Activités sociales et aménagements temporels. l'action des entreprises en faveur de la conciliation travail – vie familiale de leurs salariés', *Recherches & Prévisions*, No.92: 1-12.

This article explores employers' attitudes and companies' practices on the work/life balance of their employees, drawing on data from the 'Family and Employers Survey' carried out by the INSEE in 2005. It also addresses the issue of the possible interactions between public policies and companies' involvement in work and family reconciliation.

2.12

Germany

Daniel Erler

Population (UNDP)	2005	82.7 million
Total Fertility Rate (UNDP)	2000/5	1.3
GDP per capita (UNDP)	2005	29,461PPP US\$
Female economic activity, 15+ (UNDP)	2005	50.8 per cent
As % male rate (UNDP)	2005	77 per cent
% of employed working part time (OECD/F)		
Men	2007	7.9 per cent
Women	2007	39.2 per cent
Gender employment gap (OECD/BB)	2004	13% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	36.1 per cent
With child aged 3-5 years	2005	54.8 per cent
Global gender gap (WEF)	2008	11th
Attendance at formal services (ECB)		
Children under 3 years	2006	18 (7) per cent
Children 3-5 years (inclusive)	2006	93 (27) per cent
NB Germany is a federal state		

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

a. Maternity leave (*Mutterschutz*) (responsibility of the Ministry for Family, Senior Citizens, Women and Youth)

Length of leave (before and after birth)

- Fourteen 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

- Hundred per cent of earnings, with no ceiling on payments, for most employees.
- Maternity leave benefits (*Mutterschaftsgeld*) for employees covered by the public health insurance system are usually paid by health insurance companies; these companies pay €13 per day direct to the mother and reimburse the employer who pays the difference between the €13 per day and the mother's previous earnings. The costs to health insurance companies are financed by employer contributions.

- Women who are privately insured or self-employed usually do not receive Maternity leave benefits. However they receive a single payment of €210 from the federal insurance agency (*Bundes-versicherungsamt*).
- The state provides Maternity leave benefits for unemployed women, usually the same amount than they receive from social assistance or unemployment insurance.

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.

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

There is no statutory leave entitlement.

c. Parental leave (*Elternzeit*) (responsibility of the Ministry for Family, Senior Citizens, Women and Youth)

Length of leave

- Until three years after childbirth. This is a family entitlement.

Payment and funding

- Parents on Parental leave receive an income-related 'Childrearing benefit' (*Elterngeld*²³) 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. While no means test applies, there is a ceiling of €1,800 per month and the minimum payment is €300, even for parents without prior income. A parent

²³The term was originally *Erziehungsgeld*, but was changed to *Elterngeld* in 2007 – parents' money – with the intention to make clear the shared parental responsibility of bringing up children, including that of fathers.

with average earnings below €1,000 per month receives a low income benefit increase: for every €2 their monthly earnings are below €1,000, their childrearing benefit increases by 0.1 per cent.

- Both parents are equally entitled to the childrearing benefit but if the father takes at least two months of leave the overall length of benefit payment is extended to 14 months²⁴. Moreover, if another child is born within 24 months the childrearing benefit is increased by ten per cent.
- The *Elterngeld* is funded from general federal taxation.

Flexibility in use

- Instead of 12 (+2) months the childrearing benefit may be spread over 24 (+4) months, but the monthly benefit level is reduced so that the overall payment remains the same.
- Parents receiving a childrearing benefit may work up to 30 hours a week; if the company they work in has less than 15 employees, they need their employer's consent. Income from part-time work is taken into account for the calculation of benefit entitlements.
- 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. But four states (*Länder*) pay a means-tested childrearing 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.
- Childrearing benefit: all parents if not employed for 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 childrearing benefit is increased by €300 per month for each additional child.

²⁴The benefits paid during the two months of obligatory Maternity leave following childbirth are included in the 12 (+2) childrearing benefit period, effectively reducing the actual benefit period available to both parents to ten (+2) months.

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

There is 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.
- Relatives of care-dependent persons are entitled to ten days of short-term leave in case of an unexpected illness of a care-dependent relative as well as six months of long-term care leave. Both entitlements are unpaid.
- Since February 2009 grandparents are entitled to unpaid Parental leave if their child, i.e. the parent of their grandchild, is younger than 18 years or still in education or vocational training.

Flexible working

- None.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

The overhaul of the childrearing benefit in 2007 has been a paradigmatic policy shift for the German family policy context. The new Parental leave legislation, which took just one year to pass Germany's complicated parliamentary process, not only introduced a 67 per cent income replacement rate for a reduced benefit period of one year; it also reserved two months of Parental leave for the exclusive use of fathers, despite the fact that the CDU/CSU (Christian Democrat) parties had previously been highly critical of a reduction of the length of benefit payments and the introduction of dedicated leave periods for fathers.

Certainly, the new Parental leave legislation contains a number of compromise solutions that are the direct result of the controversy that surrounded the reform. For example, the two newly instituted 'daddy months' are not, as originally

planned, deducted from the 12-month benefit period if the father does not take at least two months of leave. Instead the two months are added as a bonus to the standard 12-month period, a solution which helped to deflect criticisms against daddy months being a punitive measure. A second major compromise has been the introduction of an option to spread the benefit payments over a period of 24 instead of 12 months. This was a concession to strong social conservative currents within the CDU/CSU, which saw the reduction of paid Parental leave periods as a frontal attack on the traditional German home care model. Finally, the inclusion of a basic minimum payment to all parents, irrespective of prior employment status, and the simultaneous introduction of a cap on the maximum amount of individual benefit payments was a means to allay criticisms about the social inequity of an income-related parental allowance.

Overall, the new Parental leave legislation represents a major departure from Germany's traditional emphasis on the male breadwinner model. Driven by a growing concern about the country's demographic decline and the comparatively low performance of Germany's early education system, policy makers across the political spectrum have tentatively embraced the notion that a more equal division of labour and a more active state role in the provision of early childhood services are crucial for the economic sustainability of an ageing society. This is also evidenced by the current expansion of services for children under three years, for which the national government is providing local authorities with €4 billion between 2008 and 2013.

An important innovation in 2008 was the introduction of a ten-day short-term leave entitlement combined with a six-month long-term leave entitlement for people with dependent relatives requiring care. Although the new entitlement is unpaid and thus falls short of the demands for paid leave by many social partners and the SPD (Social Democrat) party, it nevertheless represents an important political recognition of the needs of care dependent persons and their relatives. In 2009, the Parental leave law of 2007 was slightly modified enabling grandparents to take leave to care for their grandchild, if the parents are younger than 18 years or still in education or vocational training.

Whereas most experts, social partners and political parties appear to be satisfied with the effects of the new *Elterngeld* – particularly with the fact that the number of fathers taking leave has grown significantly and that the situation of low income families with a newborn child has actually improved – some criticisms remain. In particular, a group of almost 300 non-governmental organisations has repeatedly asked the current government to prolong the paid leave periods for parents who choose to work concurrently on a part-time basis during their paid leave period. At the moment such parents exhaust their paid leave entitlements after six months, which may prevent parents from equally sharing their childrearing duties and may actually entrench established role models.

3. 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

There is no statutory leave entitlement.

c. Parental leave and childrearing benefit

In 2002 overall take-up of childrearing benefit (*Erziehungsgeld*) stood at 92.4 per cent; 78.8 per cent of these cases extended the leave period beyond the first six months after childbirth, while 69.1 per cent took more than one year of leave. At the time, 8.5 per cent of Parental leave recipients were working on a part-time basis of up to 30 hours.

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 shows that the number of fathers taking leave has more than tripled from 3.3 per cent in 2006 to 10.5 per cent in 2007. Take-up in the first quarter of 2007, i.e. immediately after the introduction of the new *Elterngeld*, was 6.7 per cent, rising to 12.4 per cent in the fourth quarter and 13.7 per cent by the middle of 2008. The new Parental leave law has, therefore, been successful in raising take-up of leave by fathers. It has also reduced the number of people taking more than one year of paid leave, another goal of the new law. In fact, just ten per cent of parents made use of the option to prolong their paid leave to two years at 33.5 per cent of previous income.

It is less clear if the switch from a flat rate to an earnings replacement benefit has improved the economic situation of average leave-takers. The statistics show that almost half of all recipients received just 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 €300 for two years instead of one. An additional 22.3 per cent of recipients benefited from the low income component of the new *Elterngeld*. In other words, for more than two-thirds of parents, the introduction of an earnings replacement benefit has had little or no positive impact from a financial point of view. For more details on the impact of recent leave reforms see the article 'German leave reforms: acknowledging diversity?' in Section 1.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Whereas the Parental leave changes in 2001 and 2004 increased the flexibility of leave entitlements for both parents, they also reduced the number of parents

eligible for benefit and in many cases the benefit level. Various research revealed that the combination of means testing, relatively modest benefit levels and comparatively long leave periods entailed significant 'employment penalties' for mothers and offered little incentives for fathers to get involved in childrearing. Increasingly research has been 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 recent Parental leave reform may be seen partly as a reaction of policy makers to problems identified by empirical Parental leave studies.

b. Selected publications from January 2006, including results from research studies

BMFSFJ (Bundesministerium für Familie, Senioren, Frauen und Jugend) (2006) *Elterngeld und Elternzeit: Einstellungen der Verantwortlichen in deutschen Wirtschaftsunternehmen. Ergebnisse einer repräsentativen Umfrage [Childrearing benefit and Parental leave: attitudes of managers in German companies. Results of a representative survey]*. Berlin: BMFSFJ.

A survey assessing the attitudes of employers towards the new childrearing benefit and Parental leave rights introduced in 2007. Generally employers saw the new measure in a positive light.

Spieß, K. and Wrohlich, K. (2006) 'The Parental leave benefit reform in Germany: costs and labour market outcomes of moving towards the Scandinavian model', *IZA Discussion Paper*, DP No.2372. Available at: <http://www.iza.org>

Based on a micro-simulation model, the papers show that on average all income groups, couples and single households, benefit from the 2007 leave reform.

Schönberg, U. and Ludsteck, J. (2007) 'Maternity leave legislation, female labor supply, and the family wage gap', *IZA Discussion Paper*, DP no.2699. Available at: <http://www.iza.org>.

The paper analyzes the impact of expansion in leave coverage on mothers' labour market outcomes after childbirth. It offers evidence that each expansion induced women to delay their return to work, but that the expansions had little impact in the long-run on women's labour supply.

Destatis (Statistisches Bundesamt) (2008) *Öffentliche Sozialleistungen Statistik zum Elterngeld. Anträge von Januar 2007 bis Juni 2008*. Wiesbaden: Destatis. Available at: <http://www.destatis.de>.

Official statistics on the utilization of Parental leave entitlements since the *Elterngeld* reform in 2007.

RWI (Rheinisch-Westfälisches Institut für Wirtschaftsforschung) (2008) *Evaluation des Gesetzes zum Elterngeld und zur Elternzeit – Endbericht 2008*. Available at: www.bmfsfj.de.

Evaluation report on behalf of Bundesministerium für Familie, Senioren, Frauen und Jugend (BMFSFJ) looking at the impact of recent reforms on the use of leave by parents and their attitudes towards the new policy.

Wiechmann, E. and Oppen, M. (2008) Gerechtigkeitsvorstellungen im Geschlechterverhältnis – Das Beispiel Elterngeld, *WZB Discussion Papers*, SP II 2008-101, Berlin. Available at: <http://bibliothek.wz-berlin.de/pdf/2008/iii08-101.pdf>
Discussion paper tracing the dynamics of current debates on social justice; it uses the discussions surrounding the recent Parental leave reform as an exemplary case.

BMFSFJ (Bundesministerium für Familie, Senioren, Frauen und Jugend) (2008) *Elterngeldbericht*. Berlin: BMFSFJ. Available at: www.bmfsfj.de
Official report by the Federal Ministry for the Family, the Elderly, Women and Youth summarising the results of the RWI's evaluation reports.

Bergemann, A. and Riphahn, R. T. (2009) 'Female labor supply and Parental leave benefits: the causal effect of paying higher transfers for a shorter period of time', *IZA Discussion Paper*, DP No. 3982. Available at: <http://www.iza.org>
Based on the analysis of data from the German Socio-Economic Panel, this paper shows that the *Elterngeld* reform in 2007 has apparently had the desired effect of reducing the length of women's labour market exit after childbirth.

Erler, D. (forthcoming 2009) 'Germany: taking a Nordic turn?', in: S. Kamerman and P. Moss, P. (eds.) *The Politics of Parental Leave Policies: Children, Parenting, Gender and the Labour Market*. Bristol: Policy Press.
This chapter looks at the political dynamics of Parental leave reforms in Germany.

c. Ongoing research

Evaluation of the new Childrearing benefit (ongoing). Rheinisch-Westfälisches Institut für Wirtschaftsforschung [North Rhine-Westphalian Institute of Economic Research].

As part of an ongoing EU commitment for ex-post impact assessments, the federal Family Ministry has commissioned RWI to conduct an ongoing evaluation of the effects of the new Childrearing benefit, with the first results published in 2008 (see above: RWI, 2008). These empirical evaluations will be repeated at regular intervals.

2.13

Greece

Evi Hatzivarnava-Kazassi

Population (UNDP)	2005	11.1 million
Total Fertility Rate (UNDP)	2000/5	1.3
GDP per capita (UNDP)	2005	23,381 PPP US\$
Female economic activity, 15+ (UNDP)	2005	43.5 per cent
As % male rate (UNDP)	2005	67 per cent
% of employed working part time (OECD/F)		
Men	2007	4.1 per cent
Women	2007	13.6 per cent
Gender employment gap (OECD/BB)	2004	32% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	49.5 per cent
With child aged 3-5 years	2005	53.6 per cent
Global gender gap (WEF)	2008	75th
Attendance at formal services (ECB)		
Children under 3 years	2006	10 (8) per cent
Children 3-5 years (inclusive)	2006	61 (20) per cent

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

Note on leave information: the information given below is based:

- i) on leave arrangements **for employees in the private sector** that are covered by laws and the National General Collective Labour Agreements signed between the Federation of Greek Industries and the General Confederation of Labour, which set the minimum requirements for all the private sector.²⁵
- ii) on leave arrangements for **public sector employees** that are covered by basic laws and the Code for Civil Servants.

²⁵ Collective Labour Agreements 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 the electricity company. Such Agreements usually have improved provisions with regard to the National General Collective Labour Agreement.

i. Private sector

a. Maternity leave (Basic leave – Άδεια Μητρότητας; Special leave for the protection of maternity – Ειδική Άδεια για την Προστασία της Μητρότητας) (both are the responsibility of the Department of Employment and Social Protection)

Length of leave (before and after birth)

- Basic leave: seventeen 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).

Payment and funding

- Basic leave: hundred per cent of earnings, with no ceiling in payment.
- Special leave: minimum daily wage agreed in the National General Collective Labour Agreement, as well as social insurance coverage.
- Basic leave: funded by the Social Security Fund and the Manpower Employment Organisation, which are financed by employer and employee contributions.
- 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 part e), then the 'special leave for the protection of maternity' is taken after 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 mother

- None.

b. Paternity leave (Άδεια Γέννησης Τέκνου) (responsibility of the Department of Employment and Social Protection)

- Two days paid leave at the time of the child's birth, funded by the Employer.²⁶

²⁶ This and other periods of leave funded by the employer are considered to be part of normal working time.

c. Parental leave (*Γονική Άδεια Ανατροφής*) (responsibility of the Department of Employment and Social Protection)

Length of leave

- Three and a half months per child for each parent. Leave is an individual entitlement.

Payment

- None.

Flexibility in use

- Leave may be taken up to the time the child turns three and a half years.
- Leave may be taken in 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 employment with their present employer.
- For an employee to be entitled, his/her spouse must work outside the 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

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- Lone parents who have responsibility for a child are entitled to a Parental leave up to six months.
- Parents with a disabled child do not get additional Parental leave, but are eligible for carer's leave (see e below – 'flexible working').

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

- Leave is granted for up to eight per cent of the total number of employees in each enterprise in each year.

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 part e below – 'flexible working'.

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

- 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 need regular transfusion or haemodialysis: up to ten days per year paid leave, funded by the employer.
- 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. With the employer's agreement 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 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 accordingly with no ceiling in 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 part d above).

ii. Public sector

a. Maternity leave (Άδεια Μητρότητας) (responsibility of the Department of Interior)

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.
- Paid by the employer and 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

- Pregnant women who need special therapy and have exhausted their sick leave are granted paid leave.

b. Paternity leave

- No general entitlement.

c. Parental leave (Άδεια χωρίς αποδοχές) (responsibility of the Department of Interior)

Length of leave

- Up to two years. 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. In this case, only one parent is entitled to payment.

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 d 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

- There is no variation in the length of leave in the case of twins or triplets.
- In the case of three or more children, three months 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 part e 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. 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. For more details, see part e below – ‘flexible working’.

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.
- Leave for the care of children or a husband/wife with serious disability whom the employee supports: one hour less per day, paid.
- Leave for employees whose children or spouses need regular transfusion or periodic therapy or whose children have a severe mental handicap or Down's syndrome: up to 22 days per year paid leave.

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 (part d) 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 part d above).
- All paid leave is paid by the employer and funded through general taxation.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

Reconciliation between work and family life in Greece has gained policy attention over recent years and has become more important as the integration of women and mothers in the labour market has become a main objective of policy. In this context, leave policy has also become important with increasing demands for more extended and more effective measures. Over the last two decades, there has been a trend towards more and greater length, flexibility and choice.

The most important recent development for employees of the private sector is Law 3655/3.4.08. According to the relevant article of this Law, a right for a 'special leave for the protection of maternity', equal to six paid months, is instituted. The leave is granted after the Maternity leave and before the beginning of the use of flexible working (reduced hours of daily work). During the duration of the special leave, the Manpower Employment Organisation pays the mother with a monthly sum that equals the minimum daily wage agreed in the National General Collective Labour Agreement. Though this leave must be considered a positive

development, it is restricted to mothers, being seen as an extension of Maternity leave.

Issues arose with the implementation of the leave since it excludes many categories of employees in the private sector who are not covered by the National General Collective Labour Agreements but by special sectoral Labour Agreements, the rationale being that these agreements offer better conditions than the National General Collective Labour Agreements. Another issue is the use of the leave by adoptive and foster parents; these parents are not included although previously they had the same rights as other parents.

For the National General Collective Agreement of 2008-09, the General Confederation of Labour of Greece proposed the following:

- The extension of Maternity leave by one week (from 17 to 18 weeks) and the possibility for mothers, if they so wish and on medical advice, to receive after birth half of the leave not used before birth.
- The provision of the nine weeks of post-natal Maternity leave to which biological parents are entitled for adoptive mothers. Starting date of this leave would be the date that the adoptive mother takes responsibility for the care of the child.
- The extension of Paternity leave to five days instead of two. Three of the five days should be taken just after birth and the rest during the period of confinement. Adoptive fathers should be entitled to the same leave with the adoption time as the starting point for the provision of the leave.
- The payment of Parental leave and the coverage of the cost equally by the employer and the Manpower Employment Organisation.
- The payment of the leave for children's sickness and its extension to 12 days per year if the parent has one child below 12 years of age, to 16 if the parent has two children, and to 24 if the parent has three or more children.
- The extension of the prohibition of dismissal from work from the one-year period after birth to the period of the right to work reduced hours.
- The extension of the leave of widows/ers or unmarried parents (see part e) to divorced and separated parents who have the responsibility for the care of a child.
- The extension of leave rights to foster parents.
- The clarification that the leave for visiting children's school (four days per year) is per child.

Some of these proposals are not new, being raised in the past but not adopted. The National General Collective Labour Agreement 2008-09 accepted the proposal that foster parents be granted parental rights. Also, parents with 3+ children were given two more days per year for the care of sick children and other dependent family members.

In the public sector, which in general has a more generous leave policy, the most significant development took place in 1999 when mothers were given the option to stay at home with their child for nine consecutive months after Maternity leave instead of choosing to have reduced daily working hours. Since January 2007 this option was extended to fathers, in accordance with the EU Directive 73/2002. In

fact, the new Code for Civil Servants (Law 3528/07) includes new provisions for Maternity leave and other leave, including:

- Maternity leave extended by two months for each child after the third.
- Parental leave (two years of unpaid leave until the child turns six years) is now fully paid for a period of three months on the birth of a third or subsequent child.
- Childcare leave (nine consecutive months off work) or alternatively reduced hours of work until the child turns four years is extended by six months in the case of reduced hours of work or one month in the case of the off work option for an unmarried, widowed and divorced parent or a parent with serious disability.

3. Take-up of leave

There is no information on take-up of the various types of leave.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Leave policies are a recent development and have not been as yet the focus of research or evaluation. Most available research has focused on the issues around reconciling work/family including flexible working arrangements and childcare rather than leave per se. Special mention must be given to the project *Equal partners: reconsidering the role of men in work and private life* that is being implemented within the context of the EQUAL Initiative (See part 4b for more details). As can be seen from the selected bibliography, most of the work done was within the context of EU projects.

b. Selected publications from January 2006, including results from research studies

COFACE (2006) *Hommes and Familles: Evolution des roles masculines dans les familles en Europe*. Brussels: COFACE (also in English and Greek).

This publication is based on a research project (2005-2006) on the economic and family aspects of equal opportunities between women and men. It was undertaken by a partnership of COFACE member organisations in seven EU member states. The Centre for Families and Children (KMOP) was the partner from Greece. The project was funded by DG EMPL/G/1 Horizontal and International Issues-Equality for Women and Men. One of the issues discussed was leave policy.

ALKISTIS Project (2007) *Flexibility in Family and Work: A Guide for Employers and Employees for the New Forms of Employment and the Reconciliation between Work and Family Lives*. Athens: KEK AKMI (in Greek).

This publication was produced within the context of the project ALKISTIS of the second cycle of the implementation of the Community Initiative EQUAL (2005-2006). The project's main objective was the reconciliation of work and family lives.

Symeonidou, H. and Magdalinos, M. (2007) *Family Policies in the EU Countries. Reconciliation of Work and Family Life: A Cost-Benefit Analysis for Greece*. Athens: A. Sakkoulas Publishers (in Greek).

This book includes a chapter on different types of leave for parents and how these are related to reproductive behaviour.

Research Centre for Gender Equality (KETHI) (2007) *The Role of Fathers in the Reconciliation between Work and Family-Personal Lives*, Athens: Congress Line (in Greek).

This publication is based on the work of the project *Equal partners: reconsidering the role of men in work and private life* (2005-2006). The project leader was the Research Centre for Gender Equality (KETHI) of Greece and the transnational partners were: the Reform-Resource Centre for Men (Norway); the CENTRUM PRAW KOBIEC Women's Rights Centre (Poland); the Commission for Equality and Women's Rights (Portugal); and the National Machinery for Women's Rights (Cyprus). On the national level, partners were the Family and Childcare Centre, the Federation of Greek Industries and the Office for Gender Equality of the Municipality of Athens. The project was carried out in the framework of the European Community Fifth Action Programme on Gender Equality. Within this project a qualitative study took place and one of the issues examined was the take-up of leave.

Mouriki, A. (2008) *Policy priorities and Important Matters That Arise with Regard to the Reconciliation between Family and Work*. Athens: National Center of Social Research (in Greek).

A study implemented within the context of the project 'Network for Combating Social Exclusion of Women – Alkistis Re(Start), 2006'.

c. Ongoing research

Family Protection: Labour and insurance provisions of employees of the public sector in the member states of the EU - comparative analysis (in progress). Institute of Labour of the General Confederation of Labour of Greece.

This is a study funded by the Women's Secretariat of the Superior Confederation of Civil Servants.

Reconciliation of work and family: study for the identification of the needs of parents in Athens (in progress). L. Alipranti and E. Tsanira.

This study is focused on working parents, with typical or atypical work schedules, who have their children in kindergartens of the Athens municipality.

2.14

Hungary

Marta Korintus

Population (UNDP)	2005	10.1 million
Total Fertility Rate (UNDP)	2000/5	1.3
GDP per capita (UNDP)	2005	17,887 PPP US\$
Female economic activity, 15+ (UNDP)	2005	42.1 per cent
As % male rate (UNDP)	2005	73 per cent
% of employed working part time (OECD/F)		
Men	2007	1.6 per cent
Women	2007	4.2 per cent
Gender employment gap (OECD/BB)	2004	15% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	13.9 per cent
With child aged 3-5 years	2005	49.9 per cent
Global gender gap (WEF)	2008	60th
Attendance at formal services (ECB)		
Children under 3 years	2006	8 (6) per cent
Children 3-5 years (inclusive)	2006	79 (58) per cent

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

Note on terminology: the Hungarian names for the Parental leaves discussed in 1c include the word *gondozas*, that is 'care'. By contrast, GYET - available after the child is older than three (see part 1d) – includes the word *nevelés*, that is 'upbringing'. The Hungarian names for parental and childcare leaves (parts 1c and 1d) – abbreviated as GYES, GYED and GYET – 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 Social Affairs and Labour)

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 part 1c)

Payment (terhessegi-gyermekügyi segely) 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 and employees.

Flexibility in use

- The start date can be between four weeks before birth and the birth itself.

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 180 days of previous employment 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

- None.

b. Paternity leave²⁷

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.

²⁷ 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.

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

- None.

c. Parental leave (responsibility of the Ministry of Social Affairs and Labour)

There are two types of leave and benefit: (1) for non-insured parents, *Gyermekgondozasi segely* – 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.

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**: Flat-rate benefit equal to the amount of the minimum old-age pension, HUF28,500 per month (€97) in 2008. Twice this amount in case of multiple births, regardless of their number. Funded by the Treasury from general taxation.
- **GYED**: Benefit of 70 per cent of earnings, up to a ceiling of HUF96,600 per month (€329) in 2008. The ceiling is determined each year, as 70 per cent of twice the minimal daily wage. 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 unlimited hours while still receiving the full benefit until the child's third birthday.

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

- **GYES**: all parents.
- **GYED**: either of the parents living with the child is eligible as long as she/he has been employed at least for 180 days within the two years before the birth of the child; however, only one parent can actually take GYED.

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 who cannot be admitted to a childcare centre due to illness can take leave until the child's eighth birthday; 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 and the benefit payment is doubled.
- **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 four hours daily, 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 four hours daily, or without limitation 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.

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

- There is an entitlement to leave, the length of which depends on the child's age: 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. Leave is a family entitlement and a benefit is paid at 70 per cent of earnings.

Flexible working

- Mothers are entitled to two one-hour breaks per day for breastfeeding until a child is six months old; and one one-hour break until a child is nine months old. In case of twins, the number of hours is multiplied by the number of the twins.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

A change introduced in 2005 specifies that the person taking GYES cannot work until the child's first birthday, but he/she can work unlimited hours after that while also accessing the full amount of the benefit until the child's third birthday. With this change, GYES has, in effect, become more like a universal payment to parents of children under three who were not insured before having their child.

3. Take-up of leave

a. Maternity leave

There are only statistics on the number of women receiving benefit. The average monthly number in 2007 was 29,253. It is thought that almost all eligible women take leave.

b. Paternity leave

The total number of fathers taking leave during 2007 was 20,983, using 97,021 days, an estimated six per cent of the number of mothers taking Maternity leave.

c. Parental leave

There are only statistics on the number of recipients of benefit. The average monthly numbers in 2007 were: 164,832, or 68.4 recipients per thousand women of fertile age, for GYES; 93,973, or 39 recipients per thousand women of fertile age, for GYED; and 42,776, or 17.7 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 leave is very small; over the years, the number of male recipients of benefit has been between 1,000 and 3,000. While there are no data available on the proportion of parents taking leave, an estimate can be made on the basis that about ten per cent of children under three years were in childcare centres in 2007, so the remainder probably had a parent (predominantly mothers) 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 *bolcsode* (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 2006, the total number of sick leave days in Hungary was 32,981,000; 3.3 per cent of these were taken for sick children.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Many publications in 2007 focused on the system of childcare leave in Hungary. The length of leave, the availability of childcare services, and the influence of these on the labour market participation of women have been the main concern of most publications in this area. The sudden interest in the topic, especially by economists, can be partly explained by the OECD recommendations for Hungary (OECD, 2007), published in May 2007, which include reforms to reduce the duration of Parental leave, and savings from this to be channelled into childcare services.

b. Selected publications from January 2006, including results from research studies

Koncz, K. (2006) 'A felzárkózás elmaradása: a magyar nők munkaerő-piaci helyzet' ['Missing of the catching up: the labour market position of Hungarian women'], *Statisztikai Szemle (Statistical Review)*, Vol.84, No.7: 651-674.

The article describes the characteristics of female employment in Hungary between 2000 and 2004, and concludes that the tendencies observed went against the guidelines of the EU employment strategy. The labour market position of women is worse than that of men, e.g. difficulties of integration and reintegration to the labour market, in reproduction of labour market segregation, in the lack of equal chance in promotion, in evaluation of jobs and wages, and income differences. Positive employment-related actions for women are quite limited in number; initiatives, such as new legislation to prioritise pregnant women and women with young children, have not had satisfactory results.

Ignits, Gy. and Kapitány, B. (2006) 'A családtámogatások alakulása: célok és eszközök' ['The changes in family assistance: aims and means'], *Demográfia*, Vol.49, No.4: 383-401.

The article follows the changes in the support system of family policy between 1989 and 2006, which reflect the changes caused by macroeconomic conditions, financial possibilities and the different ideologies and aims of social policies of successive governments. It traces the changes in its share of GDP, in the most important elements of the concrete forms of assistance, and in the proportion of the total amount of family assistance accounted for by different forms of assistance. The authors conclude that during the transition years, the emergence of unemployment and the growing social inequality forced the support system of family policy to take over more and more the tasks of social policy.

KSH (Hungarian Central Statistical Office) (2006) *Visszatérés a munkaerőpiacra gyermekvállalás után [Returning to the labour market after having children]*. Budapest: KSH (Hungarian Central Statistical Office).

The Hungarian Central Statistical Office has used a special ad hoc module attached to the Labour Force Survey on five occasions since 1993 to follow the

intentions and opportunities/possibilities of those who took up the different forms of childcare leave to (re-)enter the labour force. This publication reports the results of the survey done in 2005.

Bálint, M. and Köllő, J. (2007) 'Gyermeknevelési támogatások' ['Childcare supports'], in: K. Fazekas, Z. Cseres-Gergely and A. Scharle (eds.) *Munkaerőpiaci Tükör 2007*. Budapest: MTA Közgazdaságtudományi Intézet, Országos Foglalkoztatási Közalapítvány [Institute of Economics, Hungarian Academy of Sciences], pp.24-74.

The 'Munkaerőpiaci Tükör' series is a yearbook published since 2000, which aims to provide information about main developments in the Hungarian labour market, and new research results. A section of the 2007 yearbook deals with the expected labour supply effects of employment-related provisions including childcare leaves and allowances.

Bass, L., Darvas, A. and Szomor, E. (2007) *Gyermeknevelési szabadságok és gyerekintézmények. Mi a jó a gyerekeknek, mit szeretnének a szülők?* [Childcare leaves and childcare services. What is good for children, what would parents like?]. Available at: www.gyerekesely.hu

The paper is an overview of childcare leaves and childcare services with some suggestions for alternative solutions, contributing to the debate about the OECD recommendations for Hungary to reduce the length of leaves and to develop services.

Glass, C. and Fodor, E. (2007) 'From public to private maternalism? gender and welfare in Poland and Hungary after 1989', *Social Politics: International Studies in Gender, State & Society*, Vol.14, No.3: 323-350.

The paper compares the political processes and gendered outcomes of welfare state formation in Hungary and Poland. The authors find that despite the differences in the substance of the policies (while maternalism is privatised in Poland, it is publicly supported and subsidised in Hungary), both regimes limit women's labour market opportunities.

OECD (2007) *Economic survey of Hungary 2007: Improving reconciliation between work and family*. Available at: https://www.oecd.org/document/29/0,3343,en_2649_37457_38616413_1_1_1_37457,00.html

The report concludes that more help should be given to parents to combine work and family roles. Its recommendations include further work to identify and remove barriers to the creation of jobs with hours and flexibility that suit working parents; and reforms to reduce the duration of Parental leave, channelling savings into childcare services.

Scharle, Á (2007) 'The effect of welfare provisions on female labour supply in Central and Eastern Europe', *Journal of Comparative Policy Analysis*, Vol.9, No.2: 157-174.

Former socialist countries in Central and Eastern Europe encouraged women to work full time and provided various in-kind and cash transfers to mothers; female labour supply was high under socialism, but decreased sharply during the transition to a market economy. The article analyses how this decrease can be

explained by the structural changes in the labour market, and how much is due to the withdrawal of family benefits and services.

Pongrácz, T. (2007) 'Gyermekvállalás, gyermektelenség és a gyermek értéke közötti kapcsolat az európai régió országaiban' ['Correlation between childbirth, childlessness and the valuation of children in some European countries'], *Demográfia*, Vol.50, No. 2-3: 197-219.

The paper examines the correlation between childbirth, childlessness and the valuation of children in some European countries with the help of the results of PPA II survey carried out in 14 countries between 2000 and 2003. In Central and Eastern Europe and in Cyprus the high valuation of children could be demonstrated, while in Western Europe a neutral, indifferent attitude could be seen.

Spéder, Zs. (2007) 'The diversity of family structure in Europe: a survey on partnership, parenting and childhood across Europe around the millennium', *Demográfia*, Vol.L, No.5 (English edition):105-134.

Reviewing data from different European surveys, the article addresses the question of whether European trends for fertility, marriage and divorce converge or diverge; it includes preferences on partnership and the proportion of children living in single parent families.

Blaskó, Zs. (2008) 'Az anya korai munkavállalásának hatásai a gyermek pszichés fejlődésére. Szakirodalmi áttekintés' ['Does early maternal employment affect non-cognitive children outcomes? A literature review'], *Demográfia*, Vol. LI, No. 2-3: 259-281.

This article reviews research on early maternal employment and children's psychological development.

Kapitány, B. (2008) 'A „gyed-hatás’. Az 1985 és 1996 közötti családtámogatási rendszer termékenységre gyakorolt hatása' ['The pronatalist effect of the Hungarian GYED system on fertility (1985-1996)'], *Demográfia*, Vol. LI, No. 1: 51-78.

This article presents a measure to estimate how the Hungarian family support system, with GYED as the main element, influenced fertility between 1985 and 1996. Both the timing of childbirth and completed fertility were influenced by the pronatalist policy.

Makay, Zs. (2008) 'Ki vigyáz a munkavállaló anya gyermekére? Az egy éven aluli gyermekek napközbeni ellátása Franciaországban' ['Who cares for the children while their parents are at work? Analysis of the care of first and second born infants aged below one in France'], *Demográfia*, Vol.LI, No.2-3: 217-243.

This presentation of French family policy measures suggests that all families where the parents work have equal access to paid childcare according to their resources. However, empirical results and statistical analysis show that mothers with low educational levels and unstable work are less likely to use paid childcare; parents in these families are more likely to care for a child themselves or ask for help from grand-parents or other family members.

Frey, M. (2009) 'Nők és férfiak a munkaerőpiacon – a Lisszaboni Növekedési és Foglalkoztatási Stratégia céljainak a tükrében' ['Women and men in the labour market – in the context of the Lisbon Strategy for Growth and Jobs'], in: I. Nagy and T. Pongrácz (eds.) *Szerepeváltások*. Budapest: TÁRKI and Szociális és Munkaügyi Minisztérium pp.27-51.

The chapter evaluates labour market trends from the perspective of the employment targets of the Lisbon Action Programmes for Growth and Jobs. It deals with gender mainstreaming and illustrates what has occurred in the Hungarian labour market between 2004 and 2007.

Kapitány, B. and Spéder, Zs. (2009) 'A munkaerőpiac és a pénzügyi családtámogatási rendszer hatása a gyermekvállalási tervek megvalósulására' ['Influences of labour market conditions and child-related monetary programmes on fertility intentions in Hungary'], in: I. Nagy and T. Pongrácz (eds.) *Szerepeváltások*. Budapest: TÁRKI and Szociális és Munkaügyi Minisztérium, pp. 79-94.

Results of two waves of a Hungarian panel survey were used to give an overview of factors influencing the realisation of fertility intentions. The chapter also discusses the possible influences of labour market conditions and child-related benefit programmes.

Korintus, M. (2009) 'A gyermekgondozási szabadsággal kapcsolatos kérdések Magyarországon és az Európai Unió néhány államában' ['Childcare leave policies in Hungary and in some other EU countries'], in: I. Nagy and T. Pongrácz (eds.) *Szerepeváltások*. Budapest: TÁRKI and Szociális és Munkaügyi Minisztérium, pp. 65-78.

The chapter provides a short overview of leave periods in EU countries, and compares the Czech, Hungarian and Slovenian systems as case studies to analyse the development and suitability of long leave periods.

2.15

Iceland

Thorgerdur Einarsdóttir and Gyda Margrét Pétursdóttir

Population (UNDP)	2005	0.3 million
Total Fertility Rate (UNDP)	2000/5	2.0
GDP per capita (UNDP)	2005	36,510 PPP US\$
Female economic activity, 15+ (UNDP)	2005	70.5 per cent
As % male rate (UNDP)	2005	86 per cent
% of employed working part time (OECD/F)		
Men	2007	8.0 per cent
Women	2007	25.4 per cent
Gender employment gap (OECD/BB)	2004	8% points
Employment rate for mothers (OECD/BB)		
With child aged 0 to 5 years	2005	83.6 per cent
Global gender gap (WEF)	2008	4th
Attendance at formal services (ECB) ²⁸		
Children under 3 years	2006	No data
Children 3-5 years (inclusive)	2006	No data

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

Note on terminology: In Icelandic the term *faedingarorlof* (literally 'birth leave') is used in law to refer to paid Maternity, Paternity and Parental leave. But in common parlance, the term is mostly used to refer to women's absence from the labour market due to birth and childcare. When the father takes his leave, it is usually referred to as *fedraorlof* (Paternity leave). So even if the law makes no distinction between different types of leave-taken by mothers and fathers, a distinction is made in everyday usage.

Foreldraorlof refers to the unpaid leave included in part 1d under the heading of 'Childcare Leave', though it translates literally into 'Parental leave'. The type of leave referred to in part 1c under the heading of 'Parental leave' is translated into English by the Ministry of Social Affairs and Social Security as 'parents' joint rights'.

²⁸ The access rate in 2005 was 53 per cent for children under three years and 94 per cent for children aged three to five years (source: Statistics Iceland)

a. Maternity leave (*faedingarorlof*) (responsibility of the Ministry of Social Affairs and Social Security)

Length of leave (before and after birth)

- Three months: one month may be taken before birth.

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

- Eighty per cent of earnings up to a ceiling of ISK400,000 (€1,342 per month), for those who have been in the workforce during the preceding 12 months, ending six months prior to birth. The payment to a mother working shorter part-time hours, i.e. between 25 and 49 per cent of full-time hours, is at least ISK82,000 (€275) per month; and for a mother working longer hours, at least ISK114,000 (€383). As a frame of reference, the minimum wage in Iceland is ISK157,000 (€527) per month and maximum unemployment benefit is ISK149,000 (€500). Others (including students) receive a flat-rate payment.
- Funded by the Maternity/Paternity leave fund, financed by contributions from employers, employees and self-employed workers; 1.08 per cent of total insurance contributions goes to this fund.

Flexibility in use

- The mother is obliged to take two weeks of leave following the birth. After that she can take leave on a part-time (50 per cent) basis and work part time. 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').
- See part 1c.

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

- All women who have been economically active prior to childbirth are eligible for 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

- See part 1c.
- Maternity leave can be extended by two months if the mother suffers any complications during or after the birth.

b. Paternity leave (*faedingarorlof*) (responsibility of the Ministry of Social Affairs and Social Security)

Length of leave

- Three months.

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

- Same as for Maternity leave.

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 men who have been economically active prior to childbirth are eligible for 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

- See part 1c.

**c. Parental leave (see note on terminology at the start of part 1)
(responsibility of the Ministry of Social Affairs and Social Security)**

Length of leave (before and after birth)

- Three months after birth.

Payment and funding

- Same as for Maternity leave.

Flexibility in use

- The total of nine months leave (covering maternity, paternity and joint rights) can be used until 18 months after the birth.
- Leave can be taken in one continuous period or as several blocks of time.

Regional or local variations in leave policy

- None.

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); or delegation of leave to person other than the parents

- In the case of multiple births, the length of leave increases by three 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.
- Lesbian or homosexual couples can apply for leave.

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

- The same regulations as for parents having their own children if the child is younger than eight years when adopted.

Time off for the care of dependants

- None.

Flexible working

- Employers are required by law 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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

In 2007 the legal directive on Parental leave was slightly amended. Previously parents who had children with only short intervals between births (less than three years) received reduced payments – 80 per cent of 80 per cent of their previous earnings (i.e. payments during Parental leave were used as a referent in calculating the amount due for the leave period after the second birth).

Following elections in 2007 a coalition government was formed. Part of its agreement was to increase the amount of leave, but these plans have been dropped due to the economic crisis. The crisis also led to a change in Parental leave payments, which are now based on earnings for a 12 month period, ending six months prior to birth; the ceiling on payments was also lowered, from ISK535,700 in 2007 to ISK400,000.

3. Take-up of leave

a. Maternity leave

In 2006, 99.7 per cent of women applying for leave used the three months available. For more details see part 3c.

b. Paternity leave

See part 3c.

c. Parents' joint rights

In 2006, 87.7 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 100 days leave compared to 185 for mothers). Overall, 19.7 per cent of fathers took some of the parents' joint rights, and 18.5 per cent took less than their three months of designated Parental leave; 90.3 per cent of mothers took some period of parents' joint rights.

In 2006, 25.7 per cent of men and 34.2 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

d. Other employment measures

Employers are not penalised if they do not make arrangements to enable men and women to balance family life and work, and there is no monitoring by the state of the implementation of this measure.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Research on leave and other employment-related policies is increasing in Iceland. Some studies include cross-country comparison, which is reducing Iceland's previous knowledge gap in this area.

b. Selected publications from January 2006, including results from research studies

Atlason, G. H. (2006) *On reconciliation of gender equality and daily routines in Iceland: Icelandic report on the project 'Between paid and unpaid work: family friendly policies and gender equality in Europe'*, (ed. Jolanta Reingardiene). Vilnius: Social Research Centre. Vytautasmagnus University, Centre for Equality Advancement. Available at:
http://www.jafnretti.is/Dten/_Files/island_gislihrafn_en.pdf

This is the Icelandic part of a qualitative and quantitative cross-national survey conducted in May 2006. The survey investigated how families reconcile work and family life, and reveals that Icelandic society is a 'stressful society' with up to 90 per cent of the respondents experiencing some conflict between work and family responsibilities.

Jolanta Reingardiene (ed.) (2006). *Between paid and unpaid work: family friendly policies and gender equality in Europe*. Vilnius: Social Research Centre, Vytautas Magnus University Centre for Equality Advancement. Available at: http://www.jafnretti.is/Dten/_Files/BetweenPaidandUnpaidWork.pdf
Full report of the cross-national study referred to above.

Eydal, G.B. (2006) 'Feður og fjölskyldustefna' ['Fathers and family policy'], in: Ú. Hauksson (ed.) *Rannsóknir í félagsvísindum VII [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands og Háskólaútgáfan, pp.201-210.

Eydal, G.B. (2006) 'Þróun og einkenni íslenskrar umönnunarstefnu 1944-2004' ['Development and characteristics of Icelandic care policy 1944-2004'], *Uppeldi og menntun [Upbringing and Education]*, Vol.15, No.2: 9-29.

Gíslason, I. V. (2006) *Fostering Caring Masculinities: Icelandic National Report*. Akureyri: Jafnsréttsstofa. Available at: http://www.jafnretti.is/Dten/_Files/FOCUS%20-%20Icelandic%20National%20Report.pdf

Langvasbråten, T. and Teigen, M. (2006) *Fostering Caring Masculinities. FOCUS – The European Dimension*. Oslo: Institute for Social Research. Available at: http://www.jafnretti.is/Dten/_Files/FOCUS%20-%20European%20Report.pdf
Fostering Caring Masculinities (FOCUS) is an EU-funded project (the partner countries are Germany, Iceland, Norway, Slovenia and Spain) whose aim is to examine and improve men's opportunities for balancing work and family life in order to encourage men to take on more caring tasks. The project shows that there are major obstacles in all the countries for men to take on caring responsibilities, although to a different degree in the different countries.

Pétursdóttir, G.M. (2006) 'Skreppur og Pollyanna: Um ólíka möguleika og sýn kynjanna innan vinnustaða Reykjavíkurborgar á samræmingu fjölskyldulífs og atvinnu' ['Mr. Step Out and Pollyanna: Different chances and views among men and women towards compromising family life and work among the City of Reykjavík workplaces'], in: Ú. Hauksson (ed.) *Rannsóknir í Félagsvísindum VII [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands og Háskólaútgáfan, pp.435-444.

Valdimarsdóttir, F.R. (2006) *Nordic experiences with Parental leave and its impact on equality between women and men*. TemaNord 2006:531. Copenhagen: Nordic Council of Ministers. Available at: http://www.jafnretti.is/Dten/_Files/Nordic%20experiences%20with%20parental%20leave.pdf

Eydal, G. B. (2007) 'Fæðingarorlof: Löggjöf og lífsstíl' ['Parental leave: legislation and lifestyle'], in: G. T. Jóhannesson (ed, *Rannsóknir í félagsvísindum VIII [Research in Social Sciences]* Reykjavík: Félagsvísindastofnun Háskóla Íslands, pp.241-250.

This conference paper introduces a recent study on the effects of Parental leave on fathers' involvement in caring.

Gíslason, I. V. and Holter, Ö. (2007) Välfärdsstat i könslämna: kön ekonomi och livskvalitet [Welfare states in a gender dilemma: gender, economy and quality of life], in: Ö. Holter (ed.): *Män i rörelse. Jämställdhet, förändring och social innovation i Norden*. Riga: Gidlunds Förlag, pp. 75-117.

The Nordic welfare states have long promoted gender equality. The authors argue that the gender dilemma of the Nordic countries today is the de facto refusal to see men as gendered beings and therefore failure to implement policies which would promote increased participation of men in family life.

Gíslason, I. V. (2007) *Parental leave: Bringing the fathers in. Developments in the wake of new legislation in 2000*. Akureyri: Centre for Gender Equality. Available at:

http://www.jafnretti.is/Dten/_Files/parentalleave.pdf

The report explores the effect of the Parental leave legislation on various aspects of society, such as working hours and birth rates.

Gíslason, I.V. (2007) Maskulinitet eller sociala möjligheter [Masculinity or social possibilities], in: Ö. Holter (ed.) *Män i rörelse. Jämställdhet, förändring och social innovation i Norden*. Riga: Gidlunds Förlag.

Using Iceland as an example, the author argues that when trying to explain the general social behaviour of men there is no need for the mystical 'masculinity' concept. Social possibilities are what cause the behaviour of men and when they are changed men are not hampered by ideas about masculinity.

Jónsdóttir, B. (2007) *Upplifun foreldra á fæðingarorlofi [Parents' experience of Parental leave]*. MA thesis. University of Iceland.

Pétursdóttir, G. M. (2007) "'Going global'. Útrás íslenskra hugbúnaðarfyrtækja og samræming fjölskyldulífs og atvinnu' ["'Going global'. Reconciling family life and work in a global work environment within software companies'], in: G.T. Jóhannesson (ed.) *Rannsóknir í félagsvísindum VIII [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands, pp.381-390.

This conference paper explores the recent internationalisation of Icelandic software firms and its effect on reconciling work and family life among employees.

Pétursdóttir, G.M. and Einarsdóttir, T. (2007) *Fyrirvinnur, hálfdrættingar og heildarhyggja. Um vinnumenningu, fjölskylduábyrgð og kynjatengsl innan vinnustaða Reykjavíkurborgar [Breadwinners, junior partners and holism. Work culture, family responsibility and gender relations within the City of Reykjavík workplaces.]*

In this unpublished report, prepared for the City of Reykjavík Equal Opportunities Commission, the City's equal opportunities and family- friendly policy is evaluated through interviews with female and male supervisors and employees.

Arnardóttir, A.A. (2008) 'Fæðingarorlof frá sjónarhóli feðra og mæðra' ['Parental leave from the viewpoint of fathers and mothers'], in: G.T. Jóhannesson and H. Björnsdóttir (ed.) *Rannsóknir í félagsvísindum IX [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands, pp.139-150.

This conference paper explores whether the recent legislative developments have been successful in ensuring to children care by both mothers and fathers.

Eyðal, G.B. (2008) 'Fæðingarorlof, feður og fjölskyldustaða' ['Parental leave, fathers and family position'], in: G.T. Jóhannesson and H. Björnsdóttir (ed.) *Rannsóknir í félagsvísindum IX [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands.

This paper explores why some fathers do not use their rights to leave.

Eyðal, G.B. and Gíslason, I.V. (ed.) (2008) *Equal rights to earn and care: Parental leave in Iceland*. Reykjavík: Félagsvísindastofnun Háskóla Íslands.

The interplay between gender relations, the labour market, care and fertility is at the centre of debates on the future of Europe. This book intervenes in that debate by discussing the example of a country that took a radical step to change gender relations in a crucial area, namely the caretaking of babies. In 2000, Iceland introduced a major reform of Parental leave and in this book six authors present their findings on the impact of this reform.

Eyðal, G.B. and Ragnarsdóttir, R.S. (2008). *Hvernig haga einstæðir foreldrar fæðingarorlofi? [How do single parents utilise their birth leave?]*, Rannsóknarstöð thjódmála, working papers no. 3. Reykjavík: Félagsvísindastofnun Háskóla Íslands. Available at:

<http://www.thjodmalastofnun.hi.is/Hvernig%20haga%20%20einst%C3%A6%C3%B0ir%20foreldrar%20f%C3%A6%C3%B0ingarorlofi.pdf?bookId=100678>

A quantitative and qualitative study of utilisation of Parental leave by single parents without joint custody.

Gíslason, I.V. (2008) 'Feðurnir og nútímavæðingin' ['The fathers and the modernization'], in: G.T. Jóhannesson and H. Björnsdóttir (ed.) *Rannsóknir í félagsvísindum IX [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands, pp.247-256.

This conference paper explores how fathers' status, in the public and private spheres, has changes in recent decades.

Pétursdóttir, G.M. (2008) 'Within the socially desirable aura of gender equality: Division of domestic labour and childcare', in: G. T. Jóhannesson and H. Björnsdóttir (ed.) *Rannsóknir í félagsvísindum IX [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands, pp. 213-222

This conference paper explores if and how recent legislative developments have affected men's parental involvement.

c. Ongoing research

Work cultures, gender relations and family responsibility (2004-2009). Doctoral thesis by Gyda Margrét Pétursdóttir at the University of Iceland, funded by the Icelandic Research Council.

The project, part of a larger transnational research network that includes Iceland, Norway and Spain, is a comprehensive case study of work cultures, gender relations and family responsibilities in the modern labour market, focusing on changing work cultures and meanings of work due to deregulations of the economy and increased international competition. Contact: gydap@hi.is.

2.16

Ireland

Eileen Drew

Population (UNDP)	2005	4.1 million
Total Fertility Rate (UNDP)	2000/5	2.0
GDP per capita (UNDP)	2005	38,505 PPP US\$
Female economic activity, 15+ (UNDP)	2005	53.2 per cent
As % male rate (UNDP)	2005	74 per cent
% of employed working part time (OECD/F)		
Men	2007	8.0 per cent
Women	2007	25.4 per cent
Gender employment gap (OECD/BB)	2004	31% points
Employment rate for mothers (OECD/BB)		
With child from birth to 5 years	2005	55.0 per cent
Global gender gap (WEF)	2008	8th
Attendance at formal services (ECB)		
Children under 3 years	2006	18 (5) per cent
Children 3-5 years (inclusive)	2006	93 (13) per cent

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

a. Maternity leave (responsibility of the Department of Justice, Equality and Law Reform)

Length of leave (before and after birth)

- Forty-two weeks: at least two weeks must be taken before birth.

Payment and funding

- Seventy 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 €230.30 per week and up to a ceiling of €280.00 a week for 26 weeks (2009); the remaining 16 weeks is unpaid.
- Funded from the Social Insurance Fund, which is financed by contributions from employers and employees.

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 person 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 the birth of 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 mother.

- None.

b. Paternity leave

- There is no statutory leave entitlement.

c. Parental leave (responsibility of the Department of Justice, Equality and Law Reform)

Length of leave

- Fourteen weeks per parent per child (i.e. an individual right).

Payment

- None.

Flexibility in use

- Leave may be taken up to the child's eighth birthday.
- Increase in the maximum age of the eligible child to 16 years in the case of children with disabilities.
- Extension of the *force majeure* provisions to include 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.
- Under the Civil Law (Miscellaneous Provisions) Act 2008 parents who are employed by the same employer may transfer all or part of their Parental leave entitlements to the other parent, subject to the 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 part 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 general 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 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 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 can either adjust their working hours or, if breastfeeding facilities are provided at work, take breastfeeding breaks.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

A number of changes to Maternity leave were introduced from 1 March 2007, including increasing the maximum length to 42 weeks, 26 weeks of which are paid.

The Adoptive Leave Act 2005, which came in to effect on 28 November 2005, provides for a number of improvements to the existing adoptive leave arrangements such as: provision for attendance by adoptive parent(s) at preparation classes and pre-adoption meetings without loss of pay; provision for termination of additional adoptive leave in the event of illness, subject to the agreement of the employer; provision to postpone the period of adoptive leave/additional adoptive leave in the event of the hospitalisation of the child, subject to the agreement of the employer; provision that an employee's absence from work on additional adoptive leave will count for all employment rights (except remuneration, superannuation benefits) associated with the employment.

In addition, the Parental leave (Amendment) Act 2006 implements a number of improvements to Parental leave. These include: raising the maximum age by which Parental leave must be taken from an eligible child's fifth to eighth birthday; an increase in the maximum age of the eligible child to 16 years in the case of children with disabilities; an entitlement to take the 14 weeks Parental leave in separate blocks of a minimum of six continuous weeks, or more favourable terms with the agreement of the employer; and the extension of Parental leave entitlements to persons acting *in loco parentis* of an eligible child.

There are commitments in the partnership agreement *Towards 2016*,²⁹ adopted in 2006, to review the level of statutory entitlements to Maternity and Paternity leave before the end of 2008. This review is ongoing and also will be informed by developments at EU level in relation to Maternity and Parental leave. The Irish Government is also committed, in the Approved Programme for Government, to increasing paid Maternity leave by five weeks; making all leave after the first 26 weeks available to either parent; and examining the possibility of introducing a statutory entitlement to Paternity leave and shared Parental leave. This will take note of comparative provisions and best practice across Europe.

3. Take-up of leave

a. Maternity leave

There is no information on take-up of leave.

b. Paternity leave

There is no statutory leave entitlement.

c. Parental leave

According to a MORI survey in 2001 for the Department of Justice, Equality and Law Reform³⁰ on the uptake of Parental leave and *force majeure* leave to care for dependants, almost seven per cent of employees in the 655 organisations surveyed (517 in private and 138 in public sectors) were eligible for Parental leave during the course of 2001. In all, it was estimated that 20 per cent of these eligible employees had taken Parental leave. The survey showed that 84 per cent of Parental leave was taken by women.

In a second study (Newmarket Consulting, 2001)³¹, involving case studies of 25 organisations in Ireland, 62 out of 71 employees interviewed had heard of Parental leave, though the level was higher in the public sector than in the private

²⁹ *Towards 2016* is the national strategic framework to address key economic and social challenges in Ireland. As with the previous six Social Partnership Agreements, *Towards 2016* focuses principally on incomes, fiscal, social, economic and competitiveness policies. It was negotiated between the government and the social partners, organised into four pillars: Trade Unions; Business and Employers; Farming; Community and Voluntary Pillar. *Towards 2016* involves a focus on the needs of children, young adults, people of working age, older people and people with disabilities; childcare, work/life balance and Parental leave are among the social issues involved in discussions leading to the *Towards 2016* Agreement. For more information see: <http://www.taoiseach.gov.ie/index.asp?locID=181&docID=2755>

³⁰ MORI MRC (2001) *Uptake of Parental leave and Force Majeure Leave Report commissioned by the Department of Justice, Equality and Law Reform*. Dublin: Department of Justice, Equality and Law Reform

³¹ Newmarket Consulting (2001) *Attitudinal Survey of Employees, Employers and Trade Union Representatives regarding the Provisions of the Parental leave Act 199*. Dublin: Department of Justice, Equality and Law Reform.

sector organisations. The largest barrier to take-up of Parental leave was financial, noted by 63 per cent of interviewees.

d. Other employment-related measures

There is no information on take-up. Nearly one-third of employers surveyed (29 per cent) in the 2001 Department of Justice survey had granted *force majeure* leave. The study by Newmarket Consulting (2001) noted that the duration of *force majeure* leave was considered by both employees and employers to be more restrictive than the previous informal system of compassionate leave.

4. Research and publications on leave and other employment-related policies since January 2006

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 from January 2006, including results from research studies

Drew, E. and Bacik, I. (2006) 'Struggling with juggling: gender and work/life balance in the legal professions', *Women's Studies International Forum*, 29: 136-146.

This article examines gender issues among Irish legal professions, showing that women lawyers find it difficult to achieve work/life balance and that a large proportion of lawyers had never taken any leave. The study highlights a similarly low take-up of flexible working arrangements due to possible loss of promotion opportunities and/or clients/earnings potential and the negative perceptions of their colleagues.

Redmond, J., Valiulis, M. and Drew, E. (2006) *Literature review of issues related to work-life balance, workplace culture and maternity/childcare Issues. Report No. 16*. Dublin: Crisis Pregnancy Agency.

This literature review includes sections on legislative and policy issues related to all types of Parental leave in Ireland, and compares rights and entitlements for parents here to other European countries. Issues of leave are connected with work-life balance, and related to how they help or hinder those facing a crisis

pregnancy. Specific issues related to the negative perceptions of parents who take leave are explored in the literature on workplace culture.

Drew, E. and Daverth, G. (2007) 'Negotiating work/life balance: the experience of fathers and mothers in Ireland', *Recherches sociologiques et anthropologiques*, Vol. XXXVIII, No.2: 65-81.

This paper reviews literature on parental work/family roles and shows how the labour market behaviour of fathers and mothers exhibits an asymmetrical pattern. It draws on empirical survey data to examine the degree of work/life balance adoption (working time patterns and leave arrangements) by fathers and mothers employed in five major Irish organisations. The paper then explores the impact of work/life balance arrangements on parents' careers and attitudes. It concludes by discussing the kinds of work/life balance interventions/measures necessary to address the equality issues that arise from uneven divisions of labour in the un/paid work roles of fathers and mothers.

Fine-Davis, M. (2007) *Childcare in Ireland today: policy briefing paper to the Irish Congress of Trade Unions*. Dublin: Social Attitude and Policy Research Group, Trinity College Dublin.

This paper provides an analysis of childcare policy in Ireland and makes recommendations to the trade union movement on the way it might influence future policy in this area.

Fine-Davis, M., Craven, F., McCarthy, M., Holzworth, A. and O'Sullivan, M. (2008) *An evaluation of the FÁS Initiative for Parents in Receipt of the One Parent Family Payment*. Dublin: FÁS and Social Attitude and Policy Research Group, Trinity College.

This report presents the results of a survey of 110 women in receipt of the One Parent Family Allowance in Dublin and Cork. In the context of the overall study, the extent to which childcare is a barrier to accessing training and employment is studied.

Dunne, L.A. Drew, E. and MacSweeney, R. (2009) *An economic model for additional leave in Ireland*. Dublin: Irish Congress of Trade Unions. Available at: http://www.ictu.ie/download/pdf/ictu_leaves_report2.pdf

This Briefing Paper proposes and costs a leave model to: address the issue of the gender pay gap; provide fathers with the infrastructure so they can participate in family life; and facilitate the care needs of an ageing population. As a matter of equity, it also includes a period of leave for employees with no children. This model could be delivered at no additional cost to the Exchequer but it would involve an increase of one to two per cent on the standard tax rate for all employees.

Drew, E. and Daverth, G. (2009) *Living to work.....or working to live? The role of managers in creating work/life balance in Ireland*. Dublin: Irish Congress of Trade Unions. Available at: <http://www.ictu.ie/download/pdf/20090113ten4912.pdf>

This Briefing Paper examines how managers negotiate and understand work-life balance within four public and private sector Irish organisations, including their role in facilitating (or otherwise) work-life balance arrangements, through formal and informal policies and procedures. It shows the differential, and highly

gendered, access to work-life balance among staff and recommends measures that the trade union movement might adopt to promote further work-life balance.

2.17

Italy

Dino Giovannini

Population (UNDP)	2005	58.6 million
Total Fertility Rate (UNDP)	2000/5	1.3
GDP per capita (UNDP)	2005	28,529(PPP US\$)
Female economic activity, 15+ (UNDP)	2005	37.4 per cent
As % male rate (UNDP)	2005	62 per cent
% of employed working part time (OECD/F)		
Men	2007	5.4 per cent
Women	2007	29.9 per cent
Gender employment gap (OECD/BB)	2004	28% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	47.3 per cent
With child aged 3-5 years	2005	50.6 per cent
Global gender gap (WEF)	2008	67th
Attendance at formal services (ECB)		
Children under 3 years	2006	26 (16) per cent
Children 3-5 years (inclusive)	2006	90 (66) per cent

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: at least four weeks before the birth.

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, a higher ceiling.
- Funded by INPS (National Department for Social Welfare), financed by contributions from employers and employees. Workers 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*',³² the 20 week period is compulsory, but there are two options for taking this leave: four weeks before the birth and 16 weeks after (upon presentation of a medical certificate); and eight weeks before the birth and 12 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.

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 above the standard 80 per cent.

b. Paternity leave

There is no general statutory entitlement. However employed fathers 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. 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)

- Six months for mothers and six months for fathers. Fathers taking three months Paternity leave (see part 1b) are entitled to one month of additional

³² The INPS enrolls workers in *Gestione separata* ('separate administration') 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.

Parental leave. Leave is an individual entitlement, but the total amount of leave-taken by two parents cannot exceed ten months (or 11 months if the father takes at least three months Paternity leave as set out in part 1b).

Payment 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 (€14,401.40 in 2008), in which case parents are entitled to 30 per cent of earnings.
- Funded by INPS (National Department for Social Welfare). Workers may be paid direct by INPS or else by their employer, who is recompensed by INPS.

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.
- It is possible for each parent to take leave at the same time.
- A lone parent is entitled to ten months leave.

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.
- 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). Lone parent may take ten months 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.

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 the child 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 paid. Fathers and mothers cannot take this leave at the same time.

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 freelance; 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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

Since November 2007, maternity leave has been available to workers enrolled with *Gestione separata* by the INPS. At the same time, Maternity and Parental leave have been extended to adoptive and foster parents.

A number of other changes were introduced in January and February 2008, including:

- Maternity leave is extended to five months to adoptive or foster parents, instead of the previous three months.
- Allowing Maternity leave to be taken for overseas visits in the case of international adoptions.
- Maternity, Paternity and Paternal leave can be taken if a child of 12 years or over is adopted.
- Paternity leave can be taken by fathers under the same conditions as mothers taking Maternity leave, e.g. by employees and self-employed and by those enrolled in *Gestione separata* by the INPS.
- Single fathers can receive up to ten months of Parental leave.
- Parents returning from leave are entitled to improvements in working conditions from which they would have benefited if they had not been absent on 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, but there are no further details.

3. Take-up of leave

a. Maternity leave

Maternity leave is compulsory for salaried workers.

b. Paternity leave

There is no information on the take-up of 'optional leave'.

c. Parental leave

There is no comprehensive information on the take-up of Parental leave. Data from the INPS (National Department for Social Welfare) data for 2005, 2006 and 2007 show that only about a quarter of employed mothers benefited from Parental leave during the first three years of their child's life, and less than 10 per cent used it after the child's third year. Furthermore, only four per cent of eligible men benefited. An important obstacle to using this entitlement can be found in the low level of payment, which makes it difficult to take leave for longer periods. There is a need for better information and some of the legal procedures are not easy to understand.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Act No. 53/2000 introduced Parental leave as a right for both parents with the aim of promoting shared parenthood with the equal division of childcare activities between father and mother. Research shows that leave policies are often not well known or generally applied. Apart from inadequate knowledge, the concept of shared parenthood is still not widespread and there is a strong cultural resistance by men to sharing childcare and domestic activities. Data for 2008 show that women contribute three-quarters of the time that couples assign to these family responsibilities. The organisation and doing of domestic work is still mainly left to women.

The organisational context continues to be an obstacle to change. Emphasis is placed on long hours, rather than completing projects or tasks; taking prolonged leave is not viewed positively; employers do not invest in women workers; and the few men who try to be more aware of family needs are often stigmatised. The culture of workplaces should improve and facilitate sharing in the home, treating family and parenthood as important values and stages in the life of a worker, which it is important to consider in the organisation of work contexts.

So, it is important to initiate a cultural change which values shared parenthood and care in general. The politics of reconciliation cannot apply exclusively to women. However, some research studies reveal that younger generations have a well-balanced orientation to work, education and social relations, considering them all to be equally important spheres of life. And though the traditional breadwinner role for the father remains deeply embedded in policies and practices, the idea that being a good father is primarily about providing money is now held by only a minority; while the idea of paternity involving an increased share of caring is becoming more accepted. In more than one-third of the Italian families where both parents work, models of equal sharing of caring are already operating. However, sharing varies with the age of children: sharing parenting is more common when there are older children, whereas the care of younger children still mainly falls to the mother, though fathers do tend to help more.

Local research and other activities (such as conferences and publications) are promoted in Italian provinces by Equality Counsellors (Consigliere di parità). An example is the informative publication on parental leave – ‘Mothers at work, fathers at work: opportunities and rights’ – produced in the province of Reggio Emilia with the aim of raising knowledge of Parental leave rights. Since September 2008, new mothers and fathers in the province are given a guide to rights and opportunities, in particular how to use Parental leave.

Finally, an innovative research programme by the National Family Observatory has been underway since 2004. It consists of a theoretical and methodological

analysis of case studies of good practices in services for families, to support their intelligent dissemination in a way that is sensitive to local contexts.

b. Selected publications from January 2006, including results from research studies

Donati P. and Prandini, R. (ed.) (2006) *Buone pratiche e servizi innovativi per le famiglie* [Good practices and innovative services for families]. Milano: Feltrinelli.

This volume is one in a series of publications that report the research and documentation activities of *Osservatorio nazionale sulla famiglia* [National Family Observatory], presenting information about the good practices in family-friendly policies.

Lebra, A. and Franzin, P. (2006) *Famiglia, maternità e lavoro – tutela, sostegno e protezione* [Family, maternity and work – tutoring, support and protection]. Milano: Feltrinelli

The book contains information about laws and recent normative changes in maternity and paternity.

Altieri, G. (ed.) (2007) *Uomini e donne moderni. Le differenze di genere nel lavoro e nella famiglia: nuovi modelli da sostenere* [Modern men and women. Gender differences at workplace and in the family: new models to be sustained]. Roma: IRES.

The increase of women's participation in the labour market has triggered social changes oriented towards gender equality. This volume gives a careful analysis of the current asymmetries between men and women in reconciling public and private spheres.

Calafà, L. (ed.) (2007) *Paternalità e lavoro* [Paternity and Work]. Bologna: Il Mulino.

The book offers a comparative perspective on the law with respect to reconciliation of work and family and paternity, including the situations in Italy, Spain, England and France, and with contributions on private law, constitutional jurisprudence, and sociology.

Cardinali, V. (ed.) (2007) *Donne, madri e lavoratrici. Criticità e dilemmi delle lavoratrici femminili* [Women, mothers, workers: critical problems and dilemmas of women's employment]. Roma: ISFOL.

This volume emphasises the need for more political attention paid to maternity. Maternity is still the main reason for women leaving their jobs and one of the most difficult situations for workplaces to manage, often being a source of discriminatory practices. The demands of care continue to be the principal factor determining female participation to the labour market, with welfare policies not allowing families to make shared choices from among a range of alternatives.

Donati, P. (ed.) (2007) *Famiglie e bisogni sociali: la frontiera delle buone prassi* [Families and social needs: the border of the good praxis]. Milano: Franco Angeli.

Another volume in the series from the *Osservatorio nazionale sulla famiglia* [National Family Observatory], monitoring social policy and other measures concerning the family, both at the national and local level.

Fine-Davis, M., Fagnani, J., Giovannini, D., Hojgaard, L., and Clarke, H. (2007) *Padri e madri: I dilemma della conciliazione famiglia-lavoro* [*Fathers and mothers: dilemmas of the work-life balance*]. Bologna: Il Mulino. (Italian version of: M. Fine-Davis, J. Fagnani, D. Giovannini, L. Hojgaard, and H. Clarke (2004). *Fathers and mothers: dilemmas of the work-life balance. A Comparative Study in Four European Countries*. Dordrecht: Kluwer Academic Publishers. Italian version edited by D. Giovannini, with an Appendix on Maternity, Paternity and Parental leave.)

This book presents a comparative analysis of the dilemmas faced by working parents with young children in four European countries (France, Italy, Ireland and Denmark) including the results of a survey carried out in the countries, an overview of the latest research findings in the four countries and a synthesis of the policy situation in each country.

Gavio, F. and Lelleri, F. (2007) 'La fruizione dei congedi parentali in Italia nella pubblica amministrazione, nel settore privato e nel terzo settore. Monitoraggio dell'applicazione della legge n. 53/2000 dal 2001 al 2004' [The development of Parental leaves in Italy in public administration, private sector and third sector. Monitoring of the application of the Law n. 53/2000 from 2001 to 2004], in: P. Donati (ed.) *Famiglie e bisogni sociali: la frontiera delle buone prassi* [*Families and social needs: the border of the good praxis*]. Milano: Franco Angeli.

This chapter provides an overview of the latest research findings in Italy on workplace day care centres and Parental leave schemes.

Arcidiacono, C. and Procentese, F. (eds.) (2008) *Madri e padri tra famiglia e lavoro* [*Fathers and mothers between family and work*]. Napoli: Filema Edizioni.

The theme of this book is the reconciliation of work and family in Southern Italy, with particular attention to Naples and its province; by the use of similar methods, it permits comparison between this area and similar work conducted in Bologna some years ago (see Fine-Davies et al., 2007).

Biondillo, G. and Colombo, C. (2008) *Manuale di sopravvivenza del padre contemporaneo* [*Manual for the survival of the contemporary father*]. Milano: Guanda.

This book presents a conversation between two fathers who understand that their social condition should be transformed from an invisible to a conscious one.

Cervelli, C. (2008) *Maternità e lavoro. Dissertazione sulla tutela delle lavoratrici madri* [*Maternity and work*]. Roma: Aracne.

The book provides information on maternity and considers the expectations in the Italian economic plan for 2007.

Donati, P. and Prandini, R. (eds.) (2008) *La cura della famiglia e il mondo del lavoro: Un piano di politiche familiari* [*Family care and the working world: A family policies plan*]. Milano: Franco Angeli.

In this volume, the *Osservatorio Nazionale sulla Famiglia* [*National Family Observatory*] focuses on reconciliation of employment and family care, including research representing the Italian contribution to the recent development of EU indicators. The research stimulated new family-friendly policies and launched the strategy of a 'European Alliance for Families'.

'Dottor Lex' (2009) *'Maternità – Le norme per i genitori che lavorano'* [*Maternity – Norms for parents who work*]. Milano: Buffetti.

This book aims to be a guide for parents, but also for organisations, trade unions, work counsellors and labour organisers.

2.18

The Netherlands

Hanne Groenendijk and Saskia Keuzenkamp

Population (UNDP)	2005	16.3 million
Total Fertility Rate (UNDP)	2000/5	1.7
GDP per capita (UNDP)	2005	32,684 PPP US\$
Female economic activity, 15+ (UNDP)	2005	56.2 per cent
As % male rate (UNDP)	2005	77 per cent
% of employed working part time (OECD/F)		
Men	2007	16.2 per cent
Women	2007	60.0 per cent
Gender employment gap (OECD/BB)	2004	17% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	69.4 per cent
With child aged 3-5 years	2005	68.3 per cent
Global gender gap (WEF)	2008	9th
Attendance at formal services (ECB)		
Children under 3 years	2006	45 (4) per cent
Children 3-5 years (inclusive)	2006	89 (7) per cent

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, six weeks before the birth and 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).

Payment and funding

- Hundred per cent of earnings up to a ceiling equivalent to the maximum daily payment for sickness benefit (€183).
- Funded from the unemployment fund, which has been financed by contributions from employers and employees; but for 2009, the employees' contribution was removed, leaving employers contributing 4.15 per cent of employees' earnings and so effectively financing the fund for leave payment.

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 from four weeks before this date.

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

- All women employees.
- Self-employed women are entitled to 16 weeks payment up to a maximum of 100 per cent of the statutory minimum wage (€1,381 a month before taxes).

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 part 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, to be taken up to the child's eighth birthday, e.g. a full-time job of 38 hours a week gives a leave entitlement of 988 hours.

Payment and funding

- All parents taking Parental leave are entitled to a tax reduction of €690 a month (i.e. half the statutory minimum wage a month in case of full-time leave) or €3.99 an hour for each hour of leave.

Flexibility in use

- 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 a 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 seven per cent of the Collective Agreements made in 2007, Parental leave was partly paid, at between 25 per cent and 100 per cent of previous earnings. In the public sector, Parental leave is paid at between 70 to 75 per cent of previous earnings (including the tax reduction referred to in 'payment and funding' above).

d. Childcare leave or career breaks

There is no statutory leave 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.
- 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 dependants

- 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 leave of up to six times their working hours per week. The right is conditional: an employer can refuse the leave if the organisation's interests are seriously harmed. Employees who participate in the Life Course Savings Scheme can use their tax- supported savings to finance the period of unpaid leave.
- 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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

In February 2007 a new cabinet was installed, consisting of Christian Democrats (CDA), Social Democrats (PvdA) and more orthodox Christians (CU). It decided to re-establish the entitlement to a statutory maternity payment for self-employed women, which had been removed by a previous government in 2004. The main argument is the protection of mother and child; many self-employed had not taken out private maternity insurance, as anticipated, because insurance companies require a two-year waiting period. Statutory payment, re-introduced on 1 July 2008, prevents the situation arising of self-employed pregnant women taking too short a period of leave for financial reasons, which may be dangerous for mother or child.

Since 1 January 2006 a new savings scheme with a tax incentive element has been introduced: the Life Course Savings Scheme (*Levensloopregeling*). It was meant, first and foremost, to support the combination of employment and family responsibilities by offering tax reduction to workers using their savings in the scheme to pay for periods of leave. The intended effect was an increase in the labour participation of women and older workers; with the possibility of taking leave during stressful periods in their career, it was anticipated that they might work for more hours and/or for more years. Consequently tax provisions for collective early retirement schemes have been cancelled from 1 January 2006.

This savings scheme offers employees a tax-supported way to finance longer periods of various types of unpaid leave. It does not, however, give any additional leave entitlements, beyond existing statutory rights. The right to additional leave of various kinds is left to negotiations between employers and employees, resulting in either a Collective Labour Agreement, a leave policy of the organisation or an individual agreement on various leave. The formulation of these agreements or policies (on the conditions for the right to unpaid leave, a maximum or minimum period, etc.) has been a first effect of the introduction of the scheme.

Participation in the new savings scheme is an entitlement, but each individual employee must choose whether or not to use it. This life-course arrangement requires employees to take personal responsibility for the funding of longer periods of unpaid leave. State support is restricted to tax relief on savings. This emphasis on personal responsibility is an important aspect of the government's view on long-term leave: employees are supposed to save for care leave, pre-pension leave and all other periods of long-term leave that they might want to take during their working life. As a consequence, the proposal for a paid long-term care leave was changed into an unpaid leave: employees are supposed to use the new Life Course Savings Scheme to finance such leave themselves. To a certain extent, the same approach of employee responsibility applies to Parental leave: tax relief is offered equivalent to 50 per cent of statutory minimum wage (€3.99 an hour or €690 a month maximum). Employees are supposed to finance additional payment out of their own savings.

In May 2007 Democrats '66 (*D66*) proposed an extension of the four weeks adoption leave to six weeks in cases of international adoption. In June 2007, the

Green Party (*Groen Links*) proposed a bill to extend the Paternity leave from two working days to two weeks of leave, paid by the employer. The proposal of the Green Party has been discussed in Parliament, where the length of the proposed Paternity leave (ten days) as well as the proposed payment (by the employer) met strong opposition. The Green Party now is preparing an amended bill for an entitlement of five days of Paternity leave collectively funded out of the unemployment funds.

Since 1 January 2009 the right to Parental leave has been doubled from 13 to 26 weeks; the Minister of Youth and Family said he intended to give working parents more time to fulfil their parenting role. Another change from this date is that parents on Parental leave no longer need to participate in the Life Course Savings Scheme (see below) to be entitled to a tax reduction of 50 per cent of the statutory minimum wage (€690 a month for parents on full-time leave). This means that since 2009 Dutch Parental leave, that was previously unpaid, is now paid, albeit at a low level.

In December 2008 the Minister of Social Affairs and Employment presented an exploration of the possibilities to modernise legislation on leave and working hours, i.e. the Work and Care Act and the Adjustment of Working Hours Act. Arguments for modernisation are that, in the view of employers, these acts are too complex and not tailor-made enough for the differing needs of employees and employers. The Minister also signalled the continuing demand for extra leave, e.g. for premature babies, bereavement, volunteering, informal care, attending dying relatives and friends. In stead of expanding the existing system of leave, the Minister wants to discuss the possibilities of a different system that is less complex, more flexible and at the same time broadens the entitlement to leave (offering leave to more employees and/or for more situations). The exploration contains ideas to be discussed in Parliament and with the social partners.

One of the suggestions in the exploration is that Parental leave can be made more flexible by cancelling the statutory conditions for entitlement and use – so all employees (and not only those who have completed one year's continuous employment with their present employer) have the right to leave – and giving parents more choice in how they can take leave. For short-term care leave two options are sketched: the 'merging model' offers the same entitlements for the same situations as in the current system, but consolidated into one 'basket of leave', which employees can use as they prefer; while the 'broadening model' enables a total amount of days of leave to be used for care in other situations or for other persons not otherwise specified. The exploration states that the amount of leave and the level of payment are to be discussed further, but without higher costs for government or employers.

The ideas for long-term leave are not very elaborated. The current right to unpaid long-term leave of 13 weeks for children, parents and partners who are seriously ill might be replaced by the right to an unpaid long-term leave of unspecified length for unspecified others. In general the minister expects that more possibilities for flexible working hours and working from home might lessen or remove the need for leave. Before the summer of 2009 a more detailed report will

be presented to Parliament, and revisions to the Work and Care Act and the Working Hours Act might come into force from January 2011.

3. 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 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 pay (Van Luijn and Keuzenkamp, 2004)³³.

c. Parental leave

In 2007, 119,000 female employees and 140,000 male employees (working 12 hours or more per week) were entitled to Parental leave. Of women eligible for Parental leave, 42 per cent took leave (of which 55 per cent had a paid leave), averaging eight months and ten hours a week. Of men entitled, 18 per cent took leave (of which 59 per cent had a paid leave) for an average of ten months and eight hours a week. During their period of leave, mothers worked on average 64 per cent of their working hours, fathers 80 per cent. The use of Parental leave has grown since 2001 (for men and women by seven to eight per centage points respectively), but the difference between men and women is still very much the same.

Figures from Statistics Netherlands show that uptake of Parental leave is not only higher among women, but also among workers with middle and higher levels of education. The uptake of women with a higher level is 56 per cent, compared with 17 per cent for women with a low level; the figures for men are 25 per cent and seven per cent respectively.

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 uptake of Parental leave by Turkish, Moroccan, Surinamese and Antillean working parents. Uptake 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

³³ 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.

with the entitlement and the fact that there was no need to use it (others took care of the children).

It is unclear whether leave payments came from employers or from personal savings in the Life Course Savings Scheme. In 2007 22,000 employees saved in this scheme to finance a Parental leave (CBS, Statline, 2007), but there are no figures for the numbers who actually financed their leave from this source in 2006.

d. Other employment-related measures

Short-term care leave and emergency leave

Recent research, carried out by Statistics Netherlands in 2007 on behalf of the Ministry of Social Affairs (see also part 4a), found that 252,000 women and 211,000 men took care of a sick member of their family for a short period; 31 per cent of the women and 36 per cent of the men who undertook such care took some sort of leave. Mostly this was a holiday (nine per cent of the women and 13 per cent of the men), but also nine per cent of the women and nine per cent of men took up short-term care leave, while four and three per cent respectively took up emergency leave (Merens and Hermans, 2009).

The Netherlands Institute of Social Research (SCP) carried out a specific research project focusing on informal carers (Keuzenkamp and Dijkgraaf, 2009). One of the questions they looked into concerns the strategies that working informal carers used to enable them to combine work and care. Taking leave is a strategy that almost half of all carers use: 47 per cent has taken up some sort of leave in the year before the interview. However, most of the time this consists of using 'regular leave', such as holiday; only 19 per cent use one or more of the formal leave arrangements, with short-term care leave-taken up most (seven per cent of all working informal carers use short-term care leave).

The study on ethnic minorities (Keuzenkamp and Merens, 2006) shows that there are no significant differences between women and men and between different ethnic groups in the uptake of short-term care leave (among working people who had a sick relative).

Long-term care leave

Research carried out by Statistics Netherlands for the Ministry of Social Affairs (see part 4a) found that in 2007, 240,000 women and 214,000 men took care of seriously ill relatives or friends on a regular basis and/or for a long period (more than two weeks). Sixteen per cent of the women and 18 per cent of the men took up some sort of leave. This was however not always the statutory arrangement: only one per cent of the women and two per cent of the men used long-term care leave, and seven per cent of women and six per cent of the men used short-term care leave (Merens and Hermans, 2009).

The survey reported that 56 per cent of the employees who took care of seriously ill relatives or friends did not take up leave, although they felt a need for this (52 per cent of the women and 60 per cent of the men). Reasons included: it was not possible because of their work and (to a lesser extent) because of financial

consequences; and a lack of information on the statutory leave arrangements (SZW, 2006).

The survey among working informal carers referred to above (Keuzenkamp and Dijkgraaf, 2009) found that only one per cent of working informal carers used long-term care leave in the year before the interview. However, it is likely that longer leave is used more often, since five per cent of the respondents said they had taken up 'unpaid leave' and a similar proportion 'special leave'.

The Working Hours Adjustment Act

Many workers in the Netherlands work part time. The Netherlands Institute of Social Research has recently published two reports on part-time work in the Netherlands (Portegijs and Keuzenkamp, 2008; Portegijs et al., 2009). 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.

A recent qualitative study asked employers whether they see the WAA as important. Half of them do: especially those in care and education. They have difficulties in finding and keeping personnel and the WAA helps them to adjust working hours to the needs of the employees. The other half do not: adjustment of working hours in their view is possible without the WAA, and many criticise the WAA because they feel the advantage is too much on the employee's side. The employer can only refuse the request of the employee when the interests of the business are 'seriously harmed', but for the employers this condition is too narrow and too vague. They would like the WAA changed into a kind of directive with more possibilities of negotiation between employers and employees and of turning down the request (Bureau Bartels, 2008).

Employees who increased or decreased their working hours were asked what the WAA had meant in the process of adjusting their time. The WAA was not well known amongst the employees and their employers, but it often played an important role as a background norm.

Life Course Savings Scheme

The use of the Life Course Savings Scheme is still very low. In 2007 390,000 employees working at least 12 hours per week participated in the scheme (5.5 per cent of all employees who work at least 12 hours per week). An analysis in 2006 showed that employees with higher education use the savings scheme more: 8 per cent, compared with four per cent of employees with a lower level of education. Older employees participate more often than younger ones, men more often than women, and those working full time more often than part-time workers. Half of the participants in the Scheme say that they do so to finance early retirement and three out of ten do not know yet for what purpose they will use their savings. Six per cent say that they want to use the scheme to finance Parental leave and five per cent for a sabbatical (Statistics Netherlands, 2007).

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

The Work and Care Act and the Working Hours Adjustment Act are aimed at giving more opportunities to reconcile work and family. In order to monitor the attainment of this goal, every two years a survey commissioned by the Ministry of Social Affairs and Employment will measure the number of people who would like to combine work and care and the number of people actually doing so. This survey will also look into the number of employees in need of leave arrangements, the number actually using them, and the reasons for not combining work and care and for not using leave. The number and contents of collective agreements on leave arrangements are monitored in a yearly study by the Ministry of Social Affairs and Employment.

b. Selected publications from January 2006, including results from research studies

Keuzenkamp, S. and Merens, A. (2006) *Sociale atlas van vrouwen uit etnische minderheden [The social atlas of women from ethnic minorities]*. Den Haag: Sociaal en Cultureel Planbureau. An English summary available at: <http://www.scp.nl/english/publications/summaries>

This report presents a broad overview of the position and participation of groups of women from ethnic minorities in the Netherlands, with most attention focused on women from the four largest groups (Turkish, Moroccan, Surinamese or Antillean origin). Their position and participation are compared with those of indigenous women and with those of men from the same ethnic group. Topics include: education, labour market participation, attitudes on women's role, combination of labour and care and the use of childcare and leave arrangements, income and health.

Roman, A.A. (2006) *Deviating from the standard: effects on labour continuity and career patterns*. PhD dissertation. Utrecht University.

This thesis comprises three empirical studies covering four types of career path detours: part-time work, non-participation (voluntary and unemployment) and institutional career breaks. The analyses show that part-time work is not conducive to climbing career ladders. It is also shown that labour force exits have a long-term impact on earnings and socio-economic status, especially of women. Even ten years after the period of voluntary non-participation, the negative effects on the wages of women are still there. The Belgian career break system, however, shows a more positive balance. Men experience positive effects on wage and wage growth after temporary hour reduction (part-time breaks), which bring them back up to the wage level prior to the break. Women experience a positive effect on their wage and wage growth after using a full-time career break and this effect persists over time.

Beeksmā, M., Van den Ameerle, A.N. and Machiels-Van Es, A.J. (2007) *(Faciliteiten) arbeid en zorg 2007. Een onderzoek naar CAO-afspraken met betrekking tot arbeid-en-zorgfaciliteiten in CAOs*. Den Haag, Ministerie van Sociale Zaken en Werkgelegenheid, October 2007.

Report of a study on the number and contents of Collective Labour Agreements on leave arrangements.

Koopmans, I. (2007) *De beheersing en verdeling van het zorgrisico. Modernisering van de sociale zekerheid 1987-2007. [Managing and distributing the care risk. Modernising social security 1987-2007]*. PhD dissertation. Amsterdam: Aksant.

The central question in this dissertation is: What are the implications of the transition from a male breadwinner model to an adult worker model for the Dutch social security system? Two ways to integrate care into the social security system are examined: to guarantee social security rights to employees with care responsibilities (like adjustment of the Unemployment Insurance Act); and to allot a more independent place in the system to care, so that care responsibilities entitle a person to time and/or money or publicly subsidised facilities (e.g. Parental leave, the Life Course Savings Scheme, formal childcare) to enable him or her to care.

Statistics Netherlands (2007) *Levensloopregeling leeft nog niet* (webmagazine 23 April 2007). Available at: www.scp.nl.

This article presents findings from the Labour Force Survey 2006 on the use of the Life Course Savings Scheme.

Portegijs, W. (ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken [A picture of part-time working]*. Den Haag: Sociaal en Cultureel Planbureau. English summary available at: <http://www.scp.nl/english/publications/summaries/9789037703979.html>.

The report looks into the following questions: How has part-time working developed in the Netherlands, and what role did the government and the two sides of industry play in this? How does this development compare with that in other countries?

To what extent do the hours worked by women correlate with their views on paid work, economic independence and the division of tasks between women and men? What reasons do women working part-time give for doing so? What opportunities exist for increasing the working hours of women? What are the experiences of labour organisations in attempting to raise the employment rate/duration of women?

Portegijs, W. and Keuzenkamp, S. (eds.) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk [Part-time working in the Netherlands]*. Den Haag: Sociaal en Cultureel Planbureau. English summary available at: <http://www.scp.nl/english/publications/summaries/9789037703467.html>.

This report presents an outline of recent developments in the labour force participation and working hours of women, and looks at how these developments relate to views on the role of women in the family and on the labour market. Not only women with young children prefer to work part time. Current research being carried out by the Netherlands Institute for Social Research (SCP), focusing

among other things on these part-time working women without young children, is intended to provide greater clarity on this.

Keuzenkamp, S. and Dijkgraaf, M. (2009) 'Participatie: strategieën van werkende mantelzorgers' ['Strategies of working informal carers to combine work and care'], in: A. de Boer, M. Broese van Groenou and J. Timmermans (eds.) *Mantelzorg. Een overzicht van de steun van en aan mantelzorgers in 2007* [*Informal care. An overview of the support given by and to informal carers in 2007*] Den Haag: Sociaal en Cultureel Planbureau. English summary available at:

<http://www.scp.nl/english/publications/summaries/9789037704082.html>

This report presents results of a quantitative research project of informal carers. One theme concerns the strategies that working informal carers use to combine paid work with care, including: structural adjustment of employment (stop working or reduce working hours), temporary adjustment (taking leave), individual arrangements with the employer (e.g. flexible work) and solutions at home (reducing time spent on household tasks and care for young children). A research paper in English is available on request (s.keuzenkamp@scp.nl).

Merens, A. and Hermans, B. (eds.) (2009) *Emancipatiemonitor 2008* [*Emancipation Monitor 2008*]. Den Haag: Sociaal en Cultureel Planbureau / Centraal Bureau voor de Statistiek. English summary available at:

<http://www.scp.nl/english/publications/summaries/9789037704068.html>

The Emancipation Monitor, which is published every two years, contains a wide range of statistics that present a picture of the situation of women in the Netherlands.

2.19

New Zealand

Heather McDonald

Population (UNDP)	2005	4.1 million
Total Fertility Rate (UNDP)	2000/5	2.0
GDP per capita (UNDP)	2005	24,996 PPP US\$
Female economic activity, 15+ (UNDP)	2005	60.4 per cent
As % male rate (UNDP)	2005	82 per cent
% of employed working part time (OECD/F)		
Men	2007	11.2 per cent
Women	2007	34.7 per cent
Gender employment gap (OECD/BB)	2004	17% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	45.1 per cent
With child aged 3-5 years	2005	60.6 per cent
Global gender gap (WEF)	2008	5th
Attendance at formal services (ECB) ³⁴		
Children under 3 years	2006	No data
Children 3-5 years (inclusive)	2006	No data

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.

³⁴ The attendance rate in 2007 was 43 per cent for children under three years and 99 per cent for three and four year olds (Source: New Zealand Ministry of Education).

Payment and funding

- Hundred per cent of earnings, up to a ceiling of NZ\$407.36 per week before tax is paid as Parental leave.
- Self-employed parents who make a loss or earn less than the equivalent of ten hours pay at the highest rate of the minimum wage, receive a minimum rate of NZ\$125.00 per week.
- Funded from general taxation.

Flexibility in use

- 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.

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 paid leave.
- 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 antenatal 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)

- 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 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 before the expected date of delivery or the date a parent assumes the care of a child under six years 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. Employment agreements are in addition to and cannot override statutory provisions overall.

d. Childcare leave or career breaks

- None.

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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

Maternity leave legislation was first introduced in New Zealand in the 1980s. In 2002, 12 weeks *paid* leave was introduced, extended to 14 weeks in 2004 with relaxed eligibility requirements to allow more women and their spouses/partners access to the provisions. On 1 July 2006 'paid Parental leave' provisions (see note on terminology) were made available to the self-employed. The eligibility criteria is broadly similar to that applying to employees as is the duration and payment.

In 2005/06 an evaluation of the experiences of mothers, fathers and employers with using the Parental Leave and Employment Protection Act 1987 was undertaken. The Government publicly stated their intention to continue to expand leave entitlements, but no announcements of future changes were made ahead of the November 2008 general elections. There has been a change of government and no statement has been made of the government's position on Parental leave policy.

3. 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

The 2005/06 survey 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 ten 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 it 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 (four per cent). Only one 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 three per cent of fathers reported taking any Parental ('extended') leave.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

The Department of Labour has undertaken two evaluations of amendments to the Parental leave and Employment Protection Act 1987 during the current decade. During this time there has also been considerable policy and public debate about the development of Parental leave in New Zealand.

b. Selected publications from January 2006, including results from research studies

Callister, P., and Galtry, J. (2006) 'Paid Parental leave in New Zealand: a short history and future policy options', *Policy Quarterly*, Vol.2, No.1: 38-46. Available at:

<http://ips.ac.nz/publications/files/d9c058c506b.pdf>

This paper tracks key historical milestones that led to the introduction of paid leave in New Zealand in 2002, and discusses labour market, gender equity and health rationales for the continued development of leave. In particular the authors consider the link between job protection and payment from a health promotion perspective, the importance of ensuring greater access to paid leave for fathers, and improved access to provisions for those outside the scheme.

Department of Labour (2007) *Parental leave in New Zealand – 2005/2006 evaluation*. Wellington: Department of Labour. Available at: <http://www.dol.govt.nz/worklife/research/parental-leave.asp>.

This report provides the findings from three stages of the evaluation of leave in New Zealand: an environmental scan, qualitative focus groups and quantitative surveys of mothers, fathers and employers.

Families Commission (2007) *It's about time – towards a Parental leave policy that gives New Zealand families real choice* (Research Report No. 3/07). Wellington, New Zealand: Families Commission. Available at: <http://www.familiescommission.govt.nz/publications/research.php>.

This paper explores the components of a Parental leave policy that might best meet the preferences of New Zealand families, recommending a policy and costing its proposals.

Department of Labour (2008) *Work-life balance and flexibility in New Zealand – a snapshot of employee and employer attitudes and experiences in 2008*. Wellington, New Zealand: Department of Labour. Available at: <http://www.dol.govt.nz/worklife/research/work-life-balance.asp>

This report presents findings from employee and employer surveys; it provides baseline data for a statutory review of flexible working arrangements legislation in 2010.

Crichton, S. (2008) *Work Patterns after Paid Parental leave*. Wellington, New Zealand: Statistics New Zealand. Available at: <http://www.stats.govt.nz/leed/reports/default.htm>

Using longitudinal data from the Linked Employer-Employee Dataset this paper describes the employment and earnings patterns of 49,000 people who first received paid Parental leave between July 2002 and June 2005. Crichton found that 40 per cent of recipients were working six months after starting Parental leave, and nearly 70 per cent were working 13-18 months later. Overall three-quarters of paid leave recipients returned to work within 12 months of starting Parental leave and two-thirds of those returned to work after taking six months leave or less. Many people reduced their earnings after returning to work, with a third earning considerably less than before. Around one-fifth of those returning to work were working for the same employer and had similar earnings 12-18 months after starting Parental leave.

National Advisory Council on the Employment of Women (2008) *Priority improvement to Parental leave*. Wellington, New Zealand: National Advisory Council on the Employment of Women. Available at: www.nacew.org.nz

The response to a request by the Minister of Labour for views on the priority for developing leave policy in New Zealand.

Brough, P., O'Driscoll, M.P., and Biggs, A. (2009) 'Parental leave and work-family balance among employed parents following childbirth: an exploratory investigation in Australia and New Zealand', *New Zealand Journal of Social Sciences Online*, Vol. 4, No. 1: 71-87. Available at: <http://www.royalsociety.org.nz/Site/publish/Journals/kotuitui/2009/default.aspx>

This exploratory qualitative study investigated the perceived effects of Parental leave provisions, organisational and family support and job changes on work-family balance among 81 Australian and New Zealand parents who had returned to paid employment after the birth of a child. The findings illustrate the advantages

of government intervention in paid Parental leave provisions and the reduced pressure (with negative personal and organisational consequences) experienced by parents to return to full-time employment promptly after childbirth. Along with policy interventions to support leave-taking, employers can have a substantial influence on whether a parent's return to work following childbirth is successful and results in the employee being retained.

c. Ongoing research

There is no known new research being undertaken in New Zealand on Parental leave at this time.

2.20

Norway

Berit Brandth and Elin Kvande

Population (UNDP)	2005	4.6 million
Total Fertility Rate (UNDP)	2000/5	1.8
GDP per capita (UNDP)	2005	41,420 PPP US\$
Female economic activity, 15+ (UNDP)	2005	63.3 per cent
As % male rate (UNDP)	2005	87 per cent
% of employed working part time (OECD/F)		
Men	2007	10.5 per cent
Women	2007	31.6 per cent
Gender employment gap (OECD/BB)	2004	7% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	No data
With child aged 3-5 years	2005	No data
Global gender gap (WEF)	2008	1st
Attendance at formal services (ECB) ³⁵		
Children under 3 years	2006	No data
Children 3-5 years (inclusive)	2006	No data

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 and Social Inclusion), 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 and Equality, 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 and Equality)

NB There is no separate Maternity leave.³⁶ The information below is for that part of Parental leave reserved for women before and after birth; it is treated

³⁵ The access rate in 2008 was 75 per cent for children under three years and 96 per cent for children aged three to six years (source: Statistics Norway).

separately here, but is in effect part of the longer *foreldrepengeperioden* (parental money period).

Length of leave (before and after birth)

- Nine weeks: three weeks before the birth and six weeks following birth.

Payment (applied for the whole period of parental money) and funding

- Hundred or 80 per cent of earnings (See part 1c).
- Funded from general taxation.

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 flat payment (currently corresponding to about €5,000).

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 and Social Inclusion)

Length of leave (before and after birth)

- Two weeks after birth – ‘daddy days’ (+ eight weeks=father’s quota, see part 1c)

³⁶ Leave is available for pregnant women who must quit work because of chemical, biological or physical hazards. To be eligible, these hazards must be documented and the employer unable to offer alternative work. It is paid at the same rate as sickness benefit.

Payment

- 'Daddy days' are unpaid by government; pay depends on individual or collective 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 mother

- None.

c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children and Equality)

Length of leave (before and after birth)

- 46 or 56 weeks, depending on payment level (see 'payment and funding' below). Of these, nine weeks are for mothers (included above under Maternity leave, in part 1a) and ten weeks are for fathers (*fedrekvoten* or 'father's quota'). The remaining 27 or 37 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 at 100 or 80 per cent of earnings, up to a ceiling of six times the basic national insurance benefit payment (NOK421,336 a year, €48,640). If taken at 100 per cent of earnings, the length of leave is reduced by ten weeks.
- Non-employed women receive a flat payment (currently about
- €5,000).
- Funded from general taxation.

Flexibility in use

- Family entitlement: it is possible to choose a longer period of leave (37 weeks) paid at 80 per cent of earnings, or a shorter (27 weeks) paid at 100 per cent.
- After the first six weeks, it is possible to postpone part 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. 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 not result in a longer period. A written agreement from the employer is demanded in both cases.
- Father's quota: this period of leave (ten 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.
- The father's quota 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 split the quota or use it in one block. Splitting requires agreement with the employer.

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 father can use the 27/37 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.
- Father's quota: may be transferred to the mother if the father is ill and unable to care for the child, or if the mother and father do not live together.

d. Childcare leave or career breaks

- Each parent has the right to one year of unpaid leave after parental leave.
- 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 a full-time place in a publicly-funded childcare centre. In 2009, the full benefit was NOK3,303 (€380) per child per month. Children who use centres 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 (€4,070).

Time off for the care of dependants

- Each parent of a child under 12 years has a right to ten days leave 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

- Breastfeeding mothers may reduce their working hours by two hours per day, with payment from the employer.
- Parents have a right to part-time work to care for children, until children are ten years old.

2. Changes in leave policy and other related developments since 2006 (including proposals currently under discussion)

Increased flexibility was introduced in January 2007 into the Parental leave (parental money) period and how it can be used. From 1 July 2008, self-employed parents have received parental money estimated at 100 per cent of their earnings.

There was a lively political debate in 2008 about extending the father's quota, stimulated by a proposal from the Committee on Equal Pay, which was asked by the government to consider measures to ensure equal pay between women and men. One of its proposals was to increase men's share of care by means of a tripartite division of the Parental leave, following the Icelandic model, i.e. dividing the leave period equally between fathers, mothers and a third part to be shared between parents as they choose. This led to political discussions, with the Prime Minister and the Minister for Children and Equality being against the proposal. Another committee, the Men's Panel, proposed a compromise: a division of the Parental leave period into four parts, one for each parent and the remaining two to share. From July 2009, the father's quota was extended to ten weeks, and the maximum length of the leave to 56 weeks; two of the extra quota weeks were taken from the sharable leave which was reduced to 37 weeks.

The issue most debated currently is improved eligibility for fathers using the father's quota. Today it is dependent on mother's employment before birth, while it is a stated political aim of many parties to have independent eligibility rights for fathers.

3. Take-up of leave

a. Maternity leave

Three out of four mothers have the right to parental money; the remainder do not meet eligibility conditions. These figures are based on data from public records (Danielsen and Lappegård, 2003)³⁷.

b. Paternity leave

The take-up rate is approximately the same as for the father's quota (89 per cent).

c. Parental leave

In the years prior to the introduction of the fathers' 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 public records (2003) show that 89 per cent of fathers take leave. Brandth and Kvande (2003)³⁸ show the many aspects of fathers' use of the fathers' quota. After the extension of the father's quota to six weeks in 2006, figures based on public records in 2007 show that 70 per cent of eligible fathers take more than five weeks; and that more and more fathers take six weeks.

Until 2005 the father's quota was four weeks; for this shorter period, the father's quota only constituted 7.7 per cent of the total leave time used. Most fathers do not take more than their quota: only 15 per cent of fathers take any part of parental leave (i.e. in addition to the father's quota). Parental leave, therefore, is for the most part taken by mothers and has in practice become a Maternity leave. Father's use of the 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. The higher the father's level of education, the more likely he is to use the fathers' quota and other parts of Parental leave. While the fathers least likely to use the quota are fathers with long working hours, in managerial positions or with a wife who works part time.

³⁷ Danielsen, K. and Lappegård, T. (2003) 'Tid er viktig når barn blir født - om ulik bruk av lønnet fødselspermisjon, *Samfunnspeilet* 5, Statistisk sentralbyrå.

³⁸ Brandth, B. and Kvande, E. (2003) 'Father presence in child care', in: A.M. Jensen and L. McKee (eds.) *Children and the changing family: between transformation and negotiation*. London: Routledge Falmer.

Moreover, a father's sharing of Parental leave also depends on his own relationship to work. Fathers must often negotiate with their employers when they want to take more leave than the father's quota, and the view that parental leave is really Maternity leave is to be found among some employers. Fathers therefore may experience their jobs as a hindrance to taking more leave.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

The Norwegian Research Council has an ongoing programme on Work Life Research. As part of this programme, there are several projects that deal with care- and employment-related policies, which are listed below (See part 4c).

b. Selected publications from January 2006, including results from research studies

Børve, H.E. (2007) 'Pregnant bodies in a globalised working life', *European Journal of Women's Studies*, Vol.14, No.4: 311-326.

This article focuses on what happens when Norwegian female employees face working conditions imported from other countries, in a globalised Norwegian company.

Lappegård, T. (2008) 'Changing the gender balance in caring: fatherhood and the division of parental leave in Norway', *Population Research and Policy Review*, Vol.27, No.2: 139-153.

Using register data from 1993-1997, the article shows that gender balance in breadwinning has a strong effect on fathers' use of Parental leave.

c. Ongoing research

Det nye arbeidslivet: Nye arbeidstidsordninger blant fedre og mødre og blant foreldrepår [The new work life: New working hours among fathers and mothers and among couples]. Ragni Hege Kitterød and Randi Kjeldstad, Statistics Norway, Oslo.

The project studies how mothers and fathers with children living at home organise their time for employment and what consequences this might have for time pressure and division of work among couples. Contact: Ragni Hege Kitterød at ragni.hege.kitterod@ssb.no

Fleksible arbeidskulturer og foreldres tidskonflikter [Flexible work life cultures and parental time conflicts]. Elin Kvande and Berit Brandth, Department of Sociology and Political Science, NTNU (Norwegian University of Science and Technology), Trondheim.

Sub-projects include: care policies in different time regimes (Birgitte Johannesen); gender and care in a globalised work life (Hege Børve); Children's time negotiations with parents in different working cultures (Brita Bungum); and time

cultures and parental time conflicts (Berit Brandth and Elin Kvande). Contact: Berit Brandth at berit.brandth@svt.ntnu.no or Elin Kvande at elin.kvande@svt.ntnu.no

Kjønn, mestring og deltakelse i arbeidsliv og hjemmeliv. [Gender, coping and participation in work and home life]. Øystein G. Holter, Work Research Institute, Oslo.

The study focuses on how employees with care responsibilities solve the conflicts between working life and family life. What are the consequences for realisation of resources and competence in working life and for life quality and relations in private life? Contact: Øystein Gullvåg Holter at oeholter@online.no

Postindustriell arbeidstid – nye begreper, nye realiteter? [Post-industrial working hours – new concepts, new realities?] Anne-Lise Ellingsæter, Institute for Social Research (ISF), Oslo.

The main question in this study is to what extent and in what ways the restructuring of work in the post-industrial economy leads to a change in the time structure of employment. How does such a restructuring influence practice, norms and the social meaning of work and family? Contact: Anne Lise Ellingsæter at anne.l.ellingsater@samfunnsforskning.no

2.21

Poland

Irena E. Kotowska and Piotr Michoń

Population (UNDP)	2005	38.2 million
Total Fertility Rate (UNDP)	2000/5	1.3
GDP per capita (UNDP)	2005	13,847 PPP US\$
Female economic activity, 15+ (UNDP)	2005	52.3 per cent
As % male rate (UNDP)	2005	80 per cent
% of employed working part time (OECD/F)		
Men	2007	6.0 per cent
Women	2007	15.0 per cent
Gender employment gap (OECD/BB)	2004	13% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	No data
With child aged 3-5 years	2005	No data
Global gender gap (WEF)	2008	49th
Attendance at formal services (ECB)		
Children under 3 years	2006	2 (2) per cent
Children 3-5 years (inclusive) ³⁹	2006	28 (21) per cent

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 weeks for a first birth, of which 14 weeks is obligatory: up to two weeks can be used before the expected date of birth.
- Eight weeks in the case of baby's death.
- If the child is born while the mother is on Parental leave, Maternity leave is two weeks shorter.

³⁹ The attendance rate for children aged three to five years (2006/7) = 45 per cent (source: Statistical yearbook, 2007).

Payment and funding

- Hundred per cent of average earnings for 12 months before birth, with no ceiling on payments.
- Funded from the Social Insurance Fund, financed by contributions by employees and self-employed workers, with some additional finance from the State to cover pension contributions.

Flexibility in use

- None except for when leave can be started before birth.
- The mother must take at least 14 weeks leave after which 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 31 weeks for twins, 33 weeks for triplets, 35 weeks for quadruplets and 37 weeks for quintuplets.

b. Paternity leave

No general statutory entitlement.

c. Parental leave (*urlop wychowawczy*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Thirty six months. The entitlement is per family.

Payment and funding

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego* – supplement to family benefit due to taking care of child during Parental leave) of PLN400 (€89) per month is paid if monthly household income per capita does not exceed PLN504 (€112) 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 PLN 583 (€130) per month is made in these cases and the payment period can be extended up to 72 months.

d. Childcare leave or career breaks

- There is 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 is ill, in childbirth or stays in an in-patient healthcare institution. This leave is also paid at 80 per cent of earnings for up to 60 days.

Flexible working

- No general statutory entitlement.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

Regulations approved in December 2006 extended Maternity leave to 18 weeks (for a first birth), 20 (for each successive birth) and 28 weeks (for multiple births) and the government is planning a further extension. Regulations introduced in January 2009 further increased the length of Maternity leave and provided additional leave for multiple births. Following the approval by Parliament of new regulations (on 6 December 2008), Maternity leave will be extended gradually to 26 weeks (for single births irrespective of order) and to 39 weeks (for multiple births) in 2014. These additional weeks are optional, so that Maternity leave will consist of two parts: obligatory and voluntary. It will also be possible to combine the voluntary Maternity leave with part-time working, with payment proportional to the working time. Fathers will also be entitled to this part of the Maternity leave.

From 2004, fertility in Poland has started to grow gradually, though the total fertility rate remains very low (estimated as 1.34 in 2008). Despite this slight improvement, policy measures to further increase fertility are under strong political and public debates. Experts argue that besides reducing financial costs of children, measures which reduce incompatibilities between work and family are necessary; these are the result of inflexible employment conditions, traditional patterns of sharing family responsibilities, and underdeveloped childcare services. That argument is strengthened by the fact that Poland needs both higher fertility and increased employment of men and women. Since both structural and cultural causes for these incompatibilities have been identified by experts, gender roles receive more attention and the role of employers is highlighted as well.

The term 'a family-friendly employer' has started to appear in public debates. In the new round of the family policy programme, currently under consultation, reconciliation issues were explicitly mentioned for the first time. The new government, which started at the end of November 2007, is continuing to work on the family policy changes. In the new regulations, approved in December 2008, work-family reconciliation measures receive even more attention. In addition to improved Maternity leave, outlined above, these include: parental allowance to be paid to a parent on Parental leave, even if s/he combines leave and work, and if a child attends a childcare centre; the enterprise social fund can be used to finance childcare centres established by a firm as well as to refund costs of care covered by parents; and employers are exempted from payment of contributions to benefit funds for employees who return to work after Maternity and Parental leave. In addition, Paternity leave will be introduced in 2010, starting at one week and paid on the same basis as Maternity leave.

3. 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 since duration of leave depends on birth order. 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 risen: from 22,262 days in 2004 to 29,999 in 2007. Also the average payment has risen, from PLN42.49 a day in 2005 to PLN46.72 in 2007.

There is no information on the number of fathers who take a period of Maternity leave.

b. Paternity leave

There is no statutory leave entitlement.

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: that number declined from 164,000 persons in 2000 to 63,000 in 2003. Reforms of family benefits implemented in 2004 increased the number to 140,000 in 2005 but it dropped to 130,668 in 2006 and 126,178 in 2007.

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 have been 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, 2007). 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).

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 2 per cent of children under three years of age attended crèches, and 41 per cent of children aged three to five years attended kindergartens. These figures 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 the 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, stated 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.

4. Research and publications on leave and other employment-related policies since January 2006

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 from January 2006, including results from research studies

Balcerzak-Paradowska, B., Szymborski, J. et al. (2006) *Sytuacja demograficzna Polski i założenia polityki ludnościowej w Polsce – Raport 2004* [Demographic situation of Poland and assumptions to population-related policy in Poland: Report 2004]. Warsaw: Governmental Population Council. Available at: http://www.stat.gov.pl/bip/389_43_PLK_HTML.htm

The report includes a programme of population-related policy prepared by the group of experts nominated by the Governmental Population Council. After evaluating demographic changes in Poland and policy responses, the programme proposes goals and measures for different domains. As well as policies related to ageing and migration, the programme focuses on family policy.

Kotowska, I.E. (2006) 'Poland', in: N. van Nimwegen and G.Beets (eds.) *Social Situation Observatory, Demography Monitor 2005, demographic trends, socio-economic impacts and policy implications in the European Union, report 72*. The Hague: Netherlands Interdisciplinary Demographic Institute, pp. 276-283.

The report presents an evaluation of the most important population-related policy issues in Poland and information on recent changes in policy.

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.

The publication presents results of the special cross-sectional survey on reconciliation between work and family life, carried out in 2005 as an ad hoc module in the Labour Force Survey, following Eurostat recommendations. The analysis deals with family-supportive work arrangements, use of Parental leave and use of childcare services by individuals and employment characteristics of users.

Kwiatkowska, A. and Nowakowska, A. (2006) *Mężczyzna polski, psychospołeczne czynniki warunkujące pełnienie ról zawodowych i rodzinnych* [Polish Man, psychosociological factors influencing fulfilling family and professional roles]. Białystok: Wydawnictwo Wyższej Szkoły Ekonomicznej w Białymstoku.

The report presents results from a study on fatherhood with special attention paid to professional and family responsibilities. The majority of fathers expressed a strong belief that to give up work when children are small is a bad solution. Fathers who used Parental leave are more likely to participate actively in unpaid work at home and perceive more activities (like ironing, washing, preparing food) as gender neutral.

Michoń, P. (2006) 'Familisation and defamilisation policy in 22 European countries', paper presented at the 4th Annual ESPAnet Conference, *Transformation of the Welfare State: Political Regulation and Social Inequality* 21-23 September 2006, Bremen. Available at: <http://www.espanet2006.de/>

The paper compares state policies towards working families in 23 European OECD countries and their potential consequences for women's labour market activity. It develops and uses a welfare state typology based on the theoretical concept of familisation and defamilisation, focusing on the caring function of a modern family and its consequences for women labour market activity.

Głogosz, D. (2007) *Kobiety Zatrudnione W Niepełnym Wymiarze Czasu Pracy, Skutki dla życia rodzinnego i zawodowego [Women working part-time; the consequences for family and professional life]*. Warsaw: IPISS (Institute of Labour and Social Issues).

The book presents a comprehensive overview of socio-economical characteristics of part-time employment of women in Poland; also work-life balance, sharing work and responsibilities in the household and opportunities for mothers are discussed.

Kotowska, I.E. (2007) 'Uwagi o polityce rodzinnej w Polsce w kontekście wzrostu dzietności i zatrudnienia kobiet' ['Remarks on family policy in Poland in the context of increases in fertility and women's employment'], *Polityka Społeczna*, No.8: 13-19.

Debates on increased fertility in Poland cannot ignore that simultaneously there is a strong pressure on increasing employment, especially for women. The article focuses on determinants for reconciling labour market participation and family, considered in terms of structural and cultural conflicts. By referring to results of empirical studies in the field, it is argued that those measures which reduce indirect costs of motherhood are of primary relevance for stimulating both fertility increase and higher employment of women. These measures diminish the structural conflict (the institutional setting not adequately adjusted to women's employment) and cultural conflict (the perception of gender roles neglecting the increasing participation of women in the labour force). They include: the development of institutional childcare, gender-neutral possibilities of flexible work organisation and part-time employment, leave and social benefits as well as promotion of the dual earner-dual carer family model and gender equality in employment.

NB This issue of *Polityka Społeczna* (Polish monthly journal on social policy) was published in English as a special issue. Focused on family policy in Poland, it includes an article by C. Saraceno – 'Family policies in Europe: a comparative perspective'.

Kotowska, I.E., Słotwińska-Roslanowska, E., Styrc, M. and Zadrożna, A. (2007) *Sytuacja kobiet powracających na rynek pracy po przerwie spowodowanej macierzyństwem i opieką nad dzieckiem [Mothers returning to work after job breaks related to Maternity and Parental leave, research report]*. Warsaw: Polish Association of Social Policy.

The report presents results of a survey, conducted in 2007, of women working in non-agricultural sectors who gave birth in the years 1995-2004, focusing on their arrangements for reconciling family and work. Mothers were also asked their preferences and evaluation of existing practices, duration of leave and leave

allowances. Mothers' opinions were compared with employers' opinions drawn from a sample survey of firms, also conducted in 2007.

Kotowska, I.E., Sztanderska, U. and Wóycicka, I. (eds.) (2007) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne [Economic and educational activities and family]*. Warsaw: Scholar Publishing.

This edited book, drawing in particular on the Labour Force Survey, extensively discusses economic and educational activity and family responsibilities in Poland from the household and individual perspectives. Financial and care transfers as well as time allocation between employment, education and family are also covered. Analyses are made in the context of the main population and labour market developments after 1989.

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]*. Warsaw: Scholar Publishing.

Further data from analysis of the LFS-based survey on reconciliation between work and family life (see Kotowska and Baranowska, 2006).

Muszyńska, M. (2007) *Structural and cultural determinants of fertility in Europe*. Warsaw: Warsaw School of Economics.

Differences in fertility levels in Europe are discussed by referring to various theoretical concepts and empirical studies on incompatibility between women's employment and fertility. The theoretical model developed by the author makes a distinction between structural and cultural factors and describes their effects on fertility decisions and fertility at the macro level. Some models are empirically justified and referred to selected typologies of welfare state.

Kotowska, I.E. and Matysiak, A. (2008) 'Reconciliation of work and family under different institutional settings', in: C. Höhn, D. Avramov and I. E. Kotowsska (eds.) *People, Population Change and Policies: Lessons from the Population Policy Acceptance Study*. New York: Springerl, pp.327-350.

The Population Policy Acceptance Survey data were used to analyse work-family life arrangements from two perspectives: a desirable increase in female employment and a highly desirable rise in fertility. The practised and preferred work-family arrangements were studied in terms of the family-partnership models by employment patterns, with special emphasis being placed on institutional settings.

Kotowska, I.E., Józwiak, J., Matysiak, A. and Baranowska, A. (2008) 'Childbearing trends and policies: Polish case study', in: T. Frejka, J. Hoem, T. Sobotka and L. Toulemon (eds.) *Childbearing Trends and Policies in Europe, Demographic Research 19*, Special Collection, Max Planck Gesellschaft, Vol.19: 795-854.

The main trends in family-related behaviours in the years 1989-2005 (i.e. fertility decline and changes in its patterns, a decreasing propensity to marry, postponement of marriage and a slowly increasing frequency of divorces and separations) are discussed, taking into account labour market developments and family policy including measures to increase fertility.

Michoń, P. (2008) *Praca Matek w Polityce Krajów Unii Europejskiej [Labour of mothers in the policy of European Union countries]*. Poznań: Wydawnictwo Akademii Ekonomicznej w Poznaniu.

Comparative analysis of work-life balance policy in 27 EU countries. Special attention is paid to three groups of policy tools: *familisation of care* – family-related leave (Maternity, Paternity, Parental, childcare leave and benefits); *defamilisation of cost* – family benefits and tax allowances; *defamilisation of care* – childcare facilities for children from birth to statutory school age.

Michoń, P. (forthcoming, 2008) 'Kij i marchewka – uprawnienia ojców do korzystania z urlopów rodzinnych i ich wpływ na podział pracy w rodzinie' [*Stick and carrot – fathers' entitlements to family-related leaves and their consequences for division of work in family*].

The article discusses the problem of availability, evolution and use of family-related leaves for fathers, with special attention paid to the impact the leave has for the division of work within a family.

c. Ongoing research

Programy Praca-Życie jako czynnik konkurencyjności firm i kształtowania społecznego środowiska pracy [Company's work-life balance policy as a factor for competitiveness and affecting work social environment] (2007-2009). Dorota Głogosz, IPiSS (Institute of Labour and Social Issues).

Postawy i preferencje rodziców wobec różnych form opieki nad dzieckiem a ich zadowolenie z życia [Parents' childcare-related attitudes and preferences and their life satisfaction] (2008-2009). Piotr Michoń, Poznan University of Economics.

2.22

Portugal

Karin Wall and Mafalda Leitão

Population (UNDP)	2005	10.5 million
Total Fertility Rate (UNDP)	2000/5	1.5
GDP per capita (UNDP)	2005	20,410 PPPUS\$
Female economic activity, 15+ (UNDP)	2005	55.7 per cent
As % male rate (UNDP)	2005	79 per cent
% of employed working part time (OECD/F)		
Men	2007	6.3 per cent
Women	2007	14.3 per cent
Gender employment gap (OECD/BB)	2004	14% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	69.1 per cent
With child aged 3-5 years	2005	71.8 per cent
Global gender gap (WEF)	2008	39th
Attendance at formal services (ECB)		
Children under 3 years	2006	33 (31) per cent
Children 3-5 years (inclusive)	2006	75 (66) per cent

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

Note on terminology: A new Labour Law came into effect in February 2009 and major changes were introduced in leave policy (see details in part 2). '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.

a. Initial Parental leave (*licença parental inicial* – formerly 'Maternity leave', see note on terminology) (responsibility of the Ministry of Labour and Social Solidarity)

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 following the birth; the remaining period may be divided between parents by mutual agreement. An extra 30 days 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, in the case of parents not sharing leave; or 150 days at 100 per cent of earnings or 180 days at 83 per cent of earnings, with no ceiling on payments, in the case of parents sharing leave.
- Funded from social security, financed by contributions from employers and employees.

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 exclusiva da mãe*).
- Mothers and fathers may divide the Initial Parental leave after the obligatory six weeks for mothers; the minimum period for gender sharing of leave (30 calendar days) may be taken as 30 consecutive days or two periods of 15 consecutive days.
- The 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 of sharing the leave (e.g. the father must take 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 of gender sharing of leave (e.g. the father must take 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 women/men employees with a record of six months (continuous or intermittent) of insurance contributions. Mothers and fathers who have no record of contributions or insufficient contributions are entitled to a monthly benefit of €335 for 120 consecutive days or €268 for 150 consecutive days but only if their family income is below 80 per cent of the index of social support (€419.22 in 2009).
- 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 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 does not imply the loss of 120/150/180 days of the 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 Labour and Social Solidarity)

Length of leave

- Ten obligatory working days to be taken during the first month after birth. Plus an extra optional ten working days to be taken with the mother while she is on Mother's Only Initial Parental leave.

Payment and funding

- One hundred per cent of earnings with no ceiling.

Flexibility in use

- Five of those 10 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 ten days obligatory leave paid (daily payment corresponds to 80 per cent of 1/30th of IAS (IAS - *indexante de apoios sociais* – is a measure of social support introduced in 2008 and set at €419.22 in 2009).

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 ten obligatory days will be increased by 2 days for every additional child in case of multiple births; the same for the 10 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 Labour and Social Solidarity)

Length of leave

- Three months per parent. The leave is an individual and non-transferable entitlement.

Payment and funding

- Twenty-five per cent of average earnings for three months for each parent.

Flexibility in use

- The three months leave may be taken up to the child's sixth birthday. It 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

- 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 equivalent to the national minimum wage (€450 per month in 2009).

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

- Where 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 is 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 under age fifteen, the adopting parent is entitled to leave on the same conditions 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 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 nearly full payment (they lose one-sixth 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 miss work in order to substitute parents in caring for sick children (number of days not yet defined).

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 breast feed or to feed). This is a family entitlement. The 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. In case of mothers who are actually breastfeeding their child this two hours reduction lasts 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 miss work (up to three times) to accompany their spouses in prenatal 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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

Two main policy developments affecting work/family balance have been emphasised recently. First, the expansion of early childhood education and care services to support dual earner families with young children, with specific goals to be achieved by 2009: to reach a coverage rate of 33 per cent for the under three years age group, a 90 per cent coverage rate for the three to five years age group and a 100 per cent coverage for children aged five years; and to offer all primary school children out-of-school childcare services. Second, increasing Maternity and Paternity leave within a framework of more equal sharing between mothers and fathers. New labour legislation was approved by the government in January 2009 and came into effect in February 2009. The new law introduces major changes in leave policy, with the extension of paid leave strongly linked to the principle of more gender sharing of leave. More specific changes include:

1. Terminology. Subsection IV of the Labour Law, previously titled 'maternity and paternity protection', is now called 'parenthood', and article 35^o, titled 'maternity leave' in the former legislation, is now called 'parental protection'. The terms 'Maternity leave' and 'Paternity leave' disappear from Portuguese leave policy

and are replaced by the term 'Parental leave', a concept which is expected to be more neutral from the gender point of view. Thus the term 'Maternity leave' has been replaced by the term 'Initial Parental leave'. This leave is extended to six months but only in case of gender sharing (see above).

2. An increase of 'Father's Only leave': 'Paternity leave' changes its designation to become 'Father's Only Parental leave' and increases from five to 20 working days of obligatory leave (also paid at 100 per cent). This also means that the amount of time parents can be on leave together with their newborn child is increased to one month.

3. The extension of paid leave based on the principle of more gender sharing of leave. Parents are entitled to six months (180 calendar days) instead of five months if at least one month of leave is taken up by the other parent. In practice this extra month is aimed at fathers who may not only take leave 'with the mother' for one month (at 100 per cent), but are also encouraged to take another month without the mother (at 83 or 100 per cent). Another innovation is that fathers are entitled to leave from work to accompany mothers to prenatal appointments.

4. The payment of Additional Parental leave (formerly Parental leave) at 25 per cent of earnings for three months (each parent). In practice, this means that parents, if they shared the Initial Parental leave, may stay at home with a child for one year (six months at 83 per cent of earnings and six months at 25 per cent of earnings).

5. The right to leave to care for a sick child. The right to paid leave was extended to care for children up to 12 years, instead of 10 years, while 15 days of unpaid leave can be taken for a child over 12; grandparents are also entitled to leave to substitute parents in caring for sick children.

6. 'Adoption leave' which increases from 100 calendar days to the same amount as Initial Parental leave (120/150 days plus 30 days depending on sharing of leave).

3. Take-up of leave

a. Maternity leave

It is estimated by the Ministry of Labour and Social Solidarity that about two-thirds of mothers (70 per cent, in 2007) are eligible for paid Maternity leave. This percentage is expected to increase in 2008/2009 since a Social Maternity benefit was introduced in 2008 (see part 1a, about maternity benefit eligibility) for mothers with no record or insufficient record of social contributions. In fact the total number of women on paid maternity leave in 2008 (78,345), including women that claimed maternity benefit (71,170) and women that claimed Social Maternity benefit (7,175), has increased in comparison substantially since 2007 (71,866) due to the number of women that became entitled to the new Social Maternity benefit.

The percentage of mothers taking the longer leave period introduced in 2005 (i.e. five months at 80 per cent of earnings instead of four months at 100 per cent) has

been increasing since 2006. While in 2006, 24 per cent of mothers on Maternity leave decided to choose the 150 days leave period, in 2007 and 2008 36 and 42 per cent of women (eligible for maternity benefit) chose the longer option.

Parental sharing of the four or five months of Maternity leave has remained at extremely low levels, though it has increased slightly over the last four years. In 2004 only 391 fathers shared some of the leave, rising to 554 in 2007. For 2008 it is estimated that 610 fathers shared leave. In summary, the four or five months of leave after childbirth still seem to be considered as 'Maternity' leave rather than as 'shared' leave. It will be interesting to see what impact the recent changes in leave policy will have on gender sharing.

b. 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 26 per cent in 2002 and to 35 per cent in 2003. Since then, the proportion of fathers who take the five days Paternity leave has increased about two per cent per year: 37 per cent in 2004, 39 per cent in 2005, 41 per cent in 2006 and 45 per cent in 2007. 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 increases to 65 per cent (2007). It should 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 take-up rates have been increasing slowly: to 28 per cent in 2004, 30 per cent in 2005, 33 per cent in 2006, 37 per cent in 2007. Estimates for 2008 confirm these trends: 38,441 fathers took up the 15 daddy days, compared with 37,552 in 2007. If, again, we calculate take-up in relation to mothers eligible for leave, then the proportion increases to 54 per cent in 2007.

c. Parental leave

There is no information on take-up of leave. But as leave has been unpaid, until recent changes, take-up is estimated to be very low.

4. Research and publications on leave and other employment-related policies since January 2006

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 from January 2006, including results from research studies

Guerreiro, M.D., Lourenço, V. and Pereira, I. (2006) *Boas práticas de conciliação entre a vida profissional e a vida familiar. Manual para as Empresas [Good practices for the conciliation of work and family life. A handbook for employers]*. Lisbon: CITE (Commission for Equality in Labour and Employment). This book describes and analyses good practices of work/family balance in various Portuguese firms.

Guerreiro, M.D. and Pereira, I. (2007) 'Women's occupational patterns and work-family arrangements: do national and organisational policies matter?' in: R. Crompton, S. Lewis and C. Lyonnette (eds.) *Women, Men, Work and Family in Europe*. Basingstoke: Palgrave Macmillan, pp.190-209.

This chapter focuses on women's occupational patterns and work-family arrangements. It draws upon a study carried out in Portugal on various service organisations, in all of which a significant number of women are employed in different occupations. The main aim of the chapter was to identify and analyse the different work-family policies and practices existing in those organisations and their relationship with the working parents' strategies towards their jobs and family life.

Wall, K. (2007) 'Main patterns in attitudes to the articulation between work and family life: a cross-national analysis', in: R. Crompton, S. Lewis and C. Lyonnette (eds.) *Women, Men, Work and Family in Europe*. Basingstoke: Palgrave Macmillan, pp.86-115.

Drawing on data from the ISSP Family and Gender Survey (2002), this chapter explores the diversity in attitudinal patterns to work/family articulation in seven countries (Portugal, Spain, Czech Republic, West Germany, Great Britain, France and Sweden). By establishing a country analysis as well as a cross-national one, the main objective is to understand the attitudinal diversities and contrasts which are developing in European society in relation to work/family articulation.

Wall, K. and Amâncio, L. (2007) *Família e género em Portugal e na Europa*. Lisboa: Imprensa de Ciências Sociais.

This book provides a cross-national analysis of attitudes to family life and gender roles and of work/life stress in seven European countries (Portugal, Spain, UK, France, Germany, Sweden and the Czech Republic).

Wall, K. (2008) 'I modelli di politiche relative ai congedi e l'articolazione lavoro/famiglia in Europa: una prospettiva comparative' ['Leave policy models and the articulation of work and family in Europe: a comparative perspective'], *Rivista Sociologia e Politiche Sociali*, Vol.II, No.I: 283-308 (special issue edited by I. Crespi and S. Bould on *Family, Gender and Work: policies and practices in the European context*).

This article analyses cross-national variations in Parental leave policy in 19 European countries. On the basis of comparative evidence describing leave arrangements and their connections to other work/family issues, it identifies six main leave policy models.

Wall, K. (forthcoming) 'Family change and family policy in Europe', in: S. Kamerman and A. Kahn (eds.) *Family Change and Family Policies in Southern Europe*. Oxford: Clarendon Press.

The chapter on Portugal analyses six main topics: family formation; family law; families and the division of labour (including analysis of employment and parenting policies); family income; families and social services; the politics and institutionalization of family policies.

Wall, K. and Escobedo, A. (forthcoming 2009) 'Portugal and Spain: two pathways in Southern Europe', in: P. Moss and S. Kamerman (eds.) *The Politics of Parental Leave: Children, Parenting, Gender and the Labour Market*. Bristol: Policy Press.

This chapter compares the development of leave policies in Portugal and Spain.

c. Ongoing research

WOUPS (Workers under pressure and social care (2007-2009)), coordinated by Claude Martin, CNRS/University of Rennes, in collaboration with ICS/University of Lisbon (K. Wall), University of Torino (C. Saraceno, M. Naldini), University of Utrecht (T. Knijn), University of Goteborg (U. Bjornberg), WSI (C. Klenner).

The aim of this research project is to understand how workers with long or atypical working hours reconcile work and family life. The project will look at the development of policies and policy-making in six different countries and carry out qualitative studies focusing on two types of workers and caring needs: parents with young children and workers caring for a dependent elderly relative.

Transnational care practices of refugees and working-class migrants living in Australia and Portugal: a comparative perspective 2008-2010, University of Lisbon and University of Western Australia.

The aim of this research is to explore the impact of distance on the experiences of working-class migrants and refugees living in Australia and in Portugal who care for ageing, disabled parents in their home countries. This research addresses the questions of their motivation to contribute to practical, emotional and personal care of their elderly parents back home, of their capacity (ability, opportunity) to assist primary caregivers, of the influence of cultural differences in expectations and obligation of care and notions of independence on the delivery of distant care, and of the structural constraints that shape the forms of this type of caregiving. Contact: Imerla@cyllene.uwa.edu.au

Council of Europe questionnaire on family policies (2008-2009), coordinated by Karin Wall and Fred Deven, with the collaboration of Lia Pappamikail, Mafalda Leitão and Sofia Marinho.

The aim of this project has been to build up a database on family policies (including a section on leave policy) in the member countries of the Council of Europe. The database includes 40 countries and will be online in June 2009. A first comparative report analyses policies in 39 countries.

2.23

Russian Federation

Zhanna Kravchenko

Population (UNDP)	2005	144.0 million
Total Fertility Rate (UNDP)	2000/5	1.3
GDP per capita (UNDP)	2005	10,845 PPP US\$
Female economic activity, 15+ (UNDP)	2005	54.3 per cent
As % male rate (UNDP)	2005	80 per cent
% of employed working part time (OECD/F)		
Men	2007	No data
Women	2007	No data
Gender employment gap (OECD/BB)	2004	No data
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	No data
With child aged 3-5 years	2005	No data
Global gender gap (WEF)	2008	42nd
Attendance at formal services (ECB)		
Children under 3 years	2006	No data
Children 3-5 years (inclusive)	2006	No data
NB The Russian Federation is a federal state		

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 during 12 months before the beginning of the leave, up to a ceiling of RUB23,400 (€535) per month.
- Funded by the employer and 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), unemployed women, students and military servants.

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. Paternity leave

- 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. Leave is a family entitlement.

Payment and funding

- Forty per cent of average earnings until child is 18 months, up to a ceiling of RUB7,194 (€165) per month and with a minimum payment of RUB1,799 (€40), also paid to unemployed. The payment is doubled for the second and each subsequent child. The payment is not taxable. Regional governments have the right to establish the amount of payment within these upper and lower limits. The payment is adjusted for inflation twice a year.
- There is no payment if the leave is extended to 36 months.
- 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 maximum and minimum levels set by the central government; there are no official statistics about regional variations in practice.

Eligibility

- Any caregiver, regardless of the attachment to the labour market, including 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 entitlements.

e. Other employment-related measures

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 older children. 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

- Mothers 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.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

The ability of the Russian state to spend on welfare and other support measures has been in decline for several decades. The government's commitment to providing social welfare was low before the transformation started, because other sectors received a higher priority status, and throughout the 1990s and early 2000s, arrears of wages, pensions and benefit payments became common. However it would be mistaken to reduce the transformation of social policy to mere cuts in funding and services. The system has undergone more complex and broader change.

In the 1990s, social policy was confronted by the overwhelming impoverishment of the population and the major role of public policies in preventing socio-economic risks was recognised. It was necessary to employ a comprehensive approach to transform the inherited system of social security and provision that was based on contradictory principles of both universal and work-related provision, and assumed a system of full employment and the dominance of the public sector in the economy. Social policy changes coincided with a transformation of the public administration system, which defined the responsibilities of the three levels of government, i.e. national, regional and local. With the large size of the country and the great number of actors involved in the process (the Russian Federation includes 89 regions), this process took a long time and is still being evaluated by both scholars and policy makers. The successes and failures of both reforms – social policy and administration – were strongly interconnected, and created a complex landscape of social policy governance.

The transformation of the Russian welfare system started with the creation of four non-governmental insurance funds intended to collect revenue and provide social security in four major risk situations causing temporary or permanent withdrawal from the labour market: retirement (the *Pension Fund*), unemployment (the *Employment Fund*), health (the *Mandatory Health Insurance Fund*) and other situations (the *Social Insurance Fund*). The Employment Fund was subsequently abolished in 2001, and its functions transferred to the Ministry of Labour and Social Development of the Russian Federation (currently Ministry of Healthcare and Social Development); all labour market policies are now financed from the state budget. Each fund has its specific mechanisms for collecting and distributing resources, but all are subject to common principles, for example: contributions are wage-related; employers contribute via a unified social tax that equals 26 per cent of their payments to employees; and there is a universal entitlement, including those groups of the population that are not and may never be part of the labour market, who are financed directly from the state budget (e.g. the state contributes to the Mandatory Health Fund for those who are not insured via employment contracts).

This background information is essential for understanding how Parental leave regulations are constructed and how accessible the benefits are to the population. The system of Parental leave regulations was established in its present form by 1989. The subsequent major transformation occurred in funding in the early

1990s, as outlined above. Further important changes took place in 2005-2007. First and foremost, the previous flat-rate benefit during paid Parental leave was changed to a) an earnings-related benefit for those who are insured, and b) a flat-rate benefit for those who for some reason are not (e.g. unemployed parents, students). This regulation was followed by guidelines about how the replacement rates should be calculated, establishing at the national level the maximum and minimum payments, within which regional governments were allowed to make their own arrangements in response to a federal law, in 2004, that recognised regional variations in socio-economic conditions by increasing the opportunities for regional governments to contribute to the revenues of funds and to participate in the process of their redistribution.

3. Take-up of leave

a. Maternity leave

Since all mothers are eligible, it is assumed all mothers take leave.

b. Paternity leave

There is no statutory leave entitlement.

c. Parental leave

Data are scarce and come from social surveys rather than official statistics. The Max Planck Institute reports that the average length of leave-taken by parents until their children were 18 months of age in 2004 was five to six months (Max Plank Gesellschaft, 2006⁴⁰), or roughly 30 per cent of the potential time. Russian data, obtained from a survey conducted in one of the Russian regions (Novgorodskaja oblast) in 2003, present a very different picture, suggesting an average length of leave of 15.5 months out of the available 18, and falling in length with each subsequent child (Arkhangel'skii et al., 2005⁴¹). There is no information on the use of leave by fathers.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Research on Parental leave is rare; means-tested elements of family policy and childcare provision has received the main attention. The analysis is usually done within the framework of feminist critique of the labour legislation; actual practice of

⁴⁰ Max Planck Gesellschaft (2006) *The contextual database of the Generations and Gender Program*. Available at: <http://www.demogr.mpg.de>

⁴¹ Arkhangel'skii, V.N., et al. (2005) *Demograficheskoe povedenie i ego determinatsiia: po resul'tatam sotsiologo-demograficheskogo issledovaniia v Novgorodskoi oblasti [Demographic behaviour and its factors: based on the results of a socio/demographic survey conducted in Novgorod oblast]*. Moskva: TEIS.

the taking up of Parental leave and relationships with employers has not been in the focus so far.

b. Selected publications from January 2006, including results from research studies

Alexandrova, A. and Struyk, R. (2007) 'Reform of in-kind benefits in Russia: high cost for a small gain', *Journal of European Social Policy*, Vol.17, No.2: 153-166.

Cook, L.J. (2007) *Postcommunist Welfare States: Reform Politics in Russia and Eastern Europe*. Ithaca, NY: Cornell University Press.

Teplova, T. (2007) 'Welfare state transformation, childcare, and women's work in Russia', *Social Politics: International Studies in Gender, State & Society*, Vol.14, No.3: 284-322.

Kravchenko, Z. (2008) *Family (versus) Policy. Combining Work and Care in Russia and Sweden*. Stockholm: Intellecta AB.

Doctoral dissertation, which presents an overview of official regulations for different elements of family policy in Russia, including Parental leave. The analysis also includes results of a survey (ISSP) investigating normative ideas about appropriate division of work and care, as well as evidence from a small-scale ethnographic study on everyday practices of reconciling work and care.

Kravchenko, Z. (2009) 'On public support for working parents in Russia', in: J. Aidukaite (ed.) *Poverty, Urbanity and Social Policy: Central and Eastern Europe Compared*. Hauppauge, NY: NOVA Science Publishers, pp.99-114.

This study explores the transformation of family policy from the early 1990s to the early 2000s, including changes in criteria for eligibility and levels of provision, as well as effects on poverty levels among families with children. It is focused on two elements of family policy – Parental leave regulations and financial transfers.

2.24

Slovenia

Nada Stropnik

Population (UNDP)	2005	2.0 million
Total Fertility Rate (UNDP)	2000/5	1.2
GDP per capita (UNDP)	2005	22,273 PPP US\$
Female economic activity, 15+ (UNDP)	2005	53.6 per cent
As % male rate (UNDP)	2005	80 per cent
% of employed working part time (OECD/F) ⁴²		
Men	2007	No data
Women	2007	No data
Gender employment gap (OECD/BB)	2004	No data
Employment rate for mothers (OECD/BB) ⁴³		
With child under 3 years	2005	No data
With child aged 3-5 years	2005	No data
Global gender gap (WEF)	2008	51st
Attendance at formal services (ECB)		
Children under 3 years	2006	29 (26) per cent
Children 3-5 years (inclusive)	2006	81 (66) per cent

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.

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

⁴² In 2007, eight per cent of employed men and 12 per cent of employed women worked part time (source: Slovenian Statistical Office).

⁴³ Economic activity rate (2005) for women with a child under three years=73 per cent; three to five years=87 per cent (source: Eurydice, 2009, *Tackling Social and Cultural Inequalities through Early Childhood Education and Care in Europe*: Figure 2.6).

ceiling, and the minimum is 55 per cent of the minimum wage. 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 €619 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 and funding' for insurance conditions for payment.

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). Fathers are required to take at least 15 days of full-time leave during the child's first six months.

Payment and funding

- During the first 15 days of the Paternity leave, 100 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 2.5 times the average wage in Slovenia (approximately €3,876 per month), with a minimum

payment of 55 per cent of the minimum wage (approximately €324 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 part 1a.

- Funding as for Maternity leave.

Flexibility in use

- Seventy-five calendar days may be taken as full-time leave up to the child's third birthday. If they are taken as individual days, the length of the leave is equal to 70 per cent of the eligible calendar days.

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 contacts 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 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. 100 per cent of earnings based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave, up to a ceiling. 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 part 1a.
- Funding as for Maternity leave.

Flexibility in use

- One parent is entitled to take leave. 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.

- Parental leave may be taken as 520 days of a half-time leave combined with part-time work (half of the normal working hours per day). If Parental leave is taken half time, the benefit paid is reduced accordingly.
- 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 the birth of a child suffering from physical or mental impairment.
- Leave is extended by 30 days if parents already have 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

There is no statutory entitlement.

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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

The Parenthood Protection and Family Benefits Act (2001) was revised in May 2006. Maternity leave must now start 28 days prior to the expected delivery date (without the former possibility to start it 42 days before the delivery date), thus making the leave following childbirth longer. In order to enable more fathers to take paid Paternity leave, at least 15 days of full-time Paternity leave must be taken during a child's first six months (and not only during Maternity leave, i.e. till

the child's age of 11 weeks). The rest of the 75 days can be used up to the child's third birthday (before it could be used until the child reached eight years), which is intended to encourage fathers to devote more time to their very young children.

Since May 2006, the parent leaving the labour market in order to take care of four or more children has been 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.

In January 2007, two categories of persons were added to those entitled to Parental leave with wage compensation: 1) farmers, their household members and other persons who have farming as their only or main activity (profession), if covered by mandatory pension and invalidity insurance; and 2) unemployed persons included in public works. From the same date, a parent who is taking care of two children may extend the right to working part time, and having social security contributions based on the minimum wage paid from the state budget for the hours not worked, until the younger child reaches the age of six years.

3. Take-up of leave

a. Maternity leave

All insured mothers take Maternity leave.

b. Paternity leave

Sixty-three per cent of fathers took up to 15 days of Paternity leave in 2003 (when it was introduced), 72 per cent in 2004, some two-thirds in 2005, and about three-quarters in 2006-2008. Ten per cent of leave-takers took more than 15 days in 2006, and 15 per cent in 2008. 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 (Rener et al., 2005; Stropnik, 2005⁴⁴).

c. Parental leave

All mothers take Parental leave. In 2003, 2.2 per cent of fathers took a part of it, as compared to 0.75 per cent in 1995 and only 0.6 per cent in 1999. This shift may be attributed to higher awareness of fathers' rights following the introduction of Paternity leave. Use of leave has continued to increase, with five per cent of fathers taking Parental leave in 2006, and about 5.6 per cent in 2008. Given full

⁴⁴ Rener, T., Švab, A., Žakelj, T. and Humer, Ž. (2005) *Perspektive novega očetovstva v Sloveniji: vpliv mehanizma očetovskega dopusta na aktivno očetovanje* [The perspectives of new fatherhood in Slovenia: impact of parental leave on active fatherhood]. Ljubljana: Fakulteta za družbene vede, Univerza v Ljubljani. Stropnik, N. (2005) *Stališča prebivalstva kot odraz novih trendov v starševstvu in podlaga za preoblikovanje družinske politike v Sloveniji* [People's attitudes as a reflection of new trends in parenthood and the basis for reshaping of family policy in Slovenia]. Ljubljana: Inštitut za ekonomska raziskovanja.

wage compensation 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 (Stropnik, 2005). Since fathers usually take only part of the leave (if any at all), absence due to Parental leave keeps on threatening women's professional careers.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Apart from basic statistical data on Parental leave, the DIALOG project (<http://www.bib-demographie.de/ppa/IndexDialogStart.htm>; resulting in the IPPAS database covering 14 European countries) provides information for 2000 about attitudes among 20 to 64-year-olds towards the current Parental leave arrangements, personal experience and preferences and possible impact on fertility of improved Parental leave. Most research conducted since 2000 has been based on the IPPAS database. Recent analyses cover up to 14 European countries (Stropnik et al., 2006; Stropnik and Sambt, 2007; Stropnik et al., 2008).

In Slovenia, which has one of the lowest fertility rates in the world, research on leave is very important due to the possible positive effects of this policy on decisions to have more children. However, some relevant information needed for in-depth research is still missing. There are recent efforts to evaluate the impact on fathers' behaviour of introducing Paternity leave. Gender roles (fathers' take-up of Parental and Paternity leave, for instance) and equal opportunities on the labour market are of particular research interest.

b. Selected publications from January 2006, including results from research studies

Stropnik, N. (2006) 'Medgeneracijski transferji dohodkov' ['Inter-generational income transfers'], in: A. Črnak-Meglič (ed.) *Otroci in mladina v prehodni družbi* [*Children and Youth in the Transition Society*]. Ljubljana: Ministrstvo za šolstvo in šport and Urad Republike Slovenije za mladino / Maribor: Aristej, pp. 77-99. This chapter examines earnings compensation for Parental leave in the context of intergenerational transfers in Slovenia.

Stropnik, N., Sambt, J. and Kocourková, J. (2006) 'Preferences for improved Parental leave and higher child allowance', paper given at the *European Population Conference 2006*, Liverpool.

The paper is based on analysis of the International Population Policy Acceptance Survey database which covers 14 European countries. It shows to what extent

improved Parental leave arrangements for employed women and a substantial rise in child allowance are supported and considered to be priority family policy measures by women and men aged 20 to 49 years; and identifies factors determining these views. The results are explained in the context of policy arrangements at the time of the national surveys (2000-2003).

Stropnik, N. and Sambt, J. (2007) 'Parental leave and child allowances: attitudes, preferences and possible impact', *Revija za socialnu politiku*, Vol.14, No.3: 347-371. Available at:

<http://www.rsp.hr/ojs2/index.php/rsp/article/viewFile/714/670>

Comparing 14 European countries, this paper considers preferred alternative forms of Parental leave and child allowance; how much support exists for improved Parental leave arrangements for working women and a substantially higher child allowance; and what possible impact the improvements in these two measures may have on deciding to have children.

Kanjuro Mrčela, A. and Černigoj Sadar, N. (eds.) (2007) *Delo in družina – s partnerstvom do družini prijaznega delovnega okolja [Work and Family – in partnership towards a family-friendly work environment]*. Ljubljana: Fakulteta za družbene vede.

The book deals with work-life balance from the viewpoint of the changing roles and position on the labour market of men and women and argues that the resulting problems and risks can only be solved through dialogue between stakeholders (employees, employers, the state, etc.). It includes research on the economic impact of family-friendly policies for various stakeholders.

Voga, J. N. and Pristav Bobnar, E. (2007) *Očetovski dopust kot prispevek k novem očetovstvu in starševstvu [Paternity leave as a contribution to new fatherhood and parenthood]*. Ljubljana: Fakulteta za družbene vede. Available at: http://dk.fdv.uni-lj.si/magistrska/pdfs/mag_Voga-Pristav-Bobnar.PDF

This Master's thesis deals with changes in the family related to fatherhood and parental roles in the late modern society. While the modern family is still characterised by an asymmetric gender division of family roles and tasks, the phenomenon of new fatherhood is ever more evident in practice and is supported by policies in some countries that are compared and evaluated. There is evidence that the introduction of Paternity leave in Slovenia has contributed to a positive change in fathers' behaviour and to better acceptance of men fulfilling the father's role.

Stropnik, N., Sambt, J. and Kocourková, J. (2008) 'Preferences versus actual family policy measures', in: C. Höhn, D. Avramov and I. E. Kotowska (eds.) *People, Population Change and Policies: Lessons from the Population Policy Acceptance Study. Volume 1*. Berlin: Springer, pp. 391-410.

Attitudes and preferences regarding Parental leave and child allowance arrangements are compared with actual schemes. There is only a weak correlation between actual duration of Parental leave in different countries and people's evaluation of its sufficiency, which points to the importance of cultural norms, female employment patterns, and equal opportunities for understanding people's attitudes and expectations. No common pattern was found regarding the preferred mode of taking Parental leave.

Stropnik, N. and Šircelj, M. (2008) 'Slovenia: Generous family policy without evidence of any fertility impact', *Demographic Research*, Vol. 19, Special Collection 7: 1019-58. Available at: www.demographic-research.org/volumes/vol19/26/19-26.pdf

Though Slovenia has a relatively well-developed family policy, particularly Parental leave and early childhood education and care, almost no impact on fertility has ever been observed. Fertility has not reached replacement level since the end of the 1970s, and young women today achieve higher education than men and perceive motherhood as a drawback in the labour market. Almost all parents in Slovenia are employed full time, even those with small children, yet the traditional gender division of roles persists in the family.

Stropnik, N. (2008) 'Slovenia: discussant comments', in: P. Moss and M. Korintus (eds.) *International Review of Leave Policies and Related Research 2008 (Employment Relations Research Series No. 100)*. London: Department for Business, Enterprise and Regulatory Reform, pp.37-43. Available at: <http://www.berr.gov.uk/files/file47247.pdf>

Trying to answer the question of whether a three-year leave period is too long or not, Parental leave provisions in Hungary and Slovenia are compared, and major differences in the national contexts described. The reasons why Slovenia did not opt for a two- or three-year Parental leave are discussed.

Mirnik Hiti, E. (2008) *Starševstvo med trgom dela in enakimi možnostmi v Sloveniji [Parenthood between the labour market and equal opportunities in Slovenia]*. Ljubljana: Fakulteta za upravo.

This Master's thesis deals with parental insurance and the rights derived from it in Slovenia and some EU countries, the objective being to identify the countries with the best regulations and practices for work-family reconciliation.

2.25

South Africa

Lisa Dancaster, Tamara Cohen and Marian Baird

Population (UNDP)	2005	47.9 million
Total Fertility Rate (UNDP)	2000/5	2.8
GDP per capita (UNDP)	2005	11,110 PPP US\$
Female economic activity, +15 (UNDP)	2005	45.9 per cent
As % male rate (UNDP)	2005	58 per cent
% of employed working part time (OECD/F) ⁴⁵		
Men	2007	No data
Women	2007	No data
Gender employment gap (OECD/BB)	2004	No data
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	No data
With child aged 3-5 years	2005	No data
Global gender gap (WEF)	2008	22nd
Attendance at formal services (ECB)		
Children under 3 years	2006	No data
Children 3-5 years (inclusive)	2006	No data
NB. South Africa is a federal state, with nine provinces		

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.

⁴⁵ In 2008, 12 per cent of employed women worked less than 30 hours per week (source: Quarterly LFS by Stats SA).

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.

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 31 per cent to 59 per cent of earnings depending on level of earnings. It is for a maximum period of 17.32 weeks and application must be made eight weeks before the birth of the child. 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 contributes one per cent of the employee's earnings, up to a maximum of ZAR12,478 (€1,080) 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 her employer), she will only receive a benefit from the UIF if she receives less than her normal monthly salary from that source. The amount she would then receive from the UIF will cover the shortfall between the amount received from the outside source and her normal salary.

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.
- A survey (Elsley, 2007) 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 months.
- 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' (part 1e) for the Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child.

b. Paternity leave

There is no statutory leave entitlement, though fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave (see part 1e).

c. Parental leave

There is no statutory leave entitlement.

d. Childcare leave or career breaks

There is 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 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 three 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 antenatal 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 breastfeed 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 antenatal 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 breastfeeding workers and workers with family responsibilities.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

There have been no policy changes to the provision of Maternity or family responsibility leave for over ten years. However, on 14 February 2009 the Minister in the Presidency, Dr Manto Tshabalala Msimang, announced that legislation on Maternity and Paternity leave was in need of review with a focus on increasing

men's roles in parenting and recognising the need for an equal sharing of responsibilities between men and women. She has stated that fathers should be given two weeks Paternity leave and that paid Maternity leave should be considered, although no formal proposals have been drafted as at February 2009. She also noted in a speech to the National Gender Machinery on the 16 February 2009 that South Africa needed to question whether or not it had signed the ILO Convention on Workers with Family Responsibilities (it has not) and if not, to put this process on track for 2009. She is also driving the establishment of a separate ministry in parliament to focus on women's empowerment and transformation of gender relations and has launched a '50:50 campaign' aimed at increasing female representation in political processes and decision-making positions.

3. Take-up of leave

a. Maternity leave

There is no information on the take-up of Maternity leave.

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.

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

There is a shortage of research examining statutory leave entitlements in South Africa. There is no information on employee take-up of existing leave entitlements.

b. Selected publications from January 2006, including results from research studies

Dancaster, L. (2006) 'Work-life balance and the legal right to request flexible working arrangements', *South African Journal of Economic and Management Sciences*, Vol.9, No.2: 175-186.

This article discusses the UK right to request flexible working arrangements. It notes the gap in work-family research in South Africa and that research in South Africa on flexible working arrangements has focused mainly on flexible and atypical working arrangements as efficiency measures rather than as tools for enhancing work-life integration. It also highlights the need for integrated state policy on work and family in South Africa.

Benjamin, N. (2007) 'Mainstreaming gender standards in collective bargaining' in: *Bargaining Indicators 2007: A Collective Bargaining Omnibus*. Cape Town: Labour Research Service.

This chapter is part of an annual publication designed to assist trade unions in collective bargaining through the provision of information on collective bargaining outcomes on a range of wage and non-wage issues. The focus of this chapter is specifically on raising the gender standards for low-wage women workers.

Budlender, D. (2007) *Analysis of time use data on work/care regimes and macro data on the care diamond. South Africa Research Report Two*. Unpublished report for UNRISD Political Economy of Care Project. Available at: www.unrisd.org.

This report uses the 2000 Time Use Survey to estimate the value in time and money of unpaid care work and uses this information for comparisons with the value of paid care work, all paid work, GDP and taxation.

Budlender, D. and Lund, F. (2007) *Setting the context: South Africa Research Report One*. Unpublished report for UNRISD Political Economy of Care Work Project. Available at: www.unrisd.org.

This report gives an overview of the country, characteristics of poverty and inequality and main policy changes over the time of transition. It also gives socio-demographic trends and characteristics of household composition, fertility and mortality.

Elsley, T. (2007) 'Outcomes of collective bargaining in South Africa', in: *Bargaining Indicators 2007: A Collective Bargaining Omnibus*, pp 79-98. Cape Town: Labour Research Service.

This chapter focuses on an analysis of wage and non-wage bargaining outcomes in collective bargaining agreements. The sample included 31 bargaining councils out of an estimated 49 functioning bargaining councils in South Africa and collective agreements from 361 unique bargaining units that could be characterised as engaging in decentralised bargaining (bargaining outside of bargaining council structures), typically involving a single employer and one or more trade unions.

Benjamin, P. (2008) 'Informal work and labour rights in South Africa'. *Industrial Law Journal*, Vol.29: 1579.

This article explores the scope for the extension of labour rights to workers in the informal sector. In particular, it addresses the meaning of labour rights protection for self-employed and wage workers in informal work and the justifications for extending these rights to these categories of workers. It also examines the roles that public and private institutions could play in extending labour rights to informal workers.

Budlender, D. (2008) *The statistical evidence on care and non-care work across six countries (Gender Development Paper No 4)*. Geneva: UNRISD.

This paper summarises and compares findings from analysis of time use data from Argentina, Nicaragua, India, the Republic of Korea, South Africa and Tanzania for a project of the UN Research Institute for Social Development (UNRISD) on *Political and Social Economy of Care*.

Dancaster, L. and Baird, M. (2008) 'Is work-family integration adequately addressed in South African labour law?', *Industrial Law Journal*, Vol.29: 22–42.

The focus of this paper is on legislative options for the combination of work and care in South Africa. It highlights the inadequacy of legislative provisions governing leave options (leave for care emergencies, Maternity leave, Paternity leave and Parental leave) and flexible working arrangements. The inadequacy of work-family provisions in South African law is determined in the light of selected international comparators and the care needs (in particular HIV/AIDS care) that exist in South Africa. The paper also looks at drivers for increased state intervention in work-family policy in South Africa.

Posel, D. and Muller, C. (2008) 'Is there evidence of a wage penalty to female part-time employment in South Africa', *South African Journal of Economics*, Vol.76, No.3: 466–479. Available at: www.econrsa.org.

This paper investigates female part-time employment in South Africa using household survey data from 1995 to 2004. The data shows that women are over-represented in part-time employment, and that the growth in this employment has been an important feature of the feminisation of the labour force. In contrast to many studies of part-time work in other countries, this study found evidence of a significant wage premium for female part-time employment in South Africa.

Cohen, T. and Dancaster, L. (forthcoming 2009) 'Family responsibility discrimination litigation – a non-starter?', *Stellenbosch Law Review*, Vol.2.

This paper explores reasons for the failure of the 'family responsibility' provision of the Employment Equity Act to be used to argue cases for flexible working arrangements and proposes the introduction of positive laws regulating flexible working arrangements for South Africa.

Cohen, T. and Dancaster, L. (forthcoming 2009) 'The rights of employees with family responsibilities to request flexible working arrangements – the failings of the Employment Equity Act', in: O. Dupper and C. Garbers (eds.) *Equality in the Workplace*. Lansdowne: Juta.

This chapter on the failing of family responsibility discrimination litigation in South Africa is part of a collection of papers focusing on equality in the workplace following from a conference 'Equality in the Workplace: Reflections from South Africa and Elsewhere' at Stellenbosch Institute for Advanced Study, September 2008.

Lund, F. (2009) *The provision of care by non-household institutions, South Africa: South Africa Research Report 3*. Geneva: UNRISD. Available at: www.unrisd.org

This report focuses on the provision of care by non-household institutions, in particular the state, the private sector, and the organised social sector and uses this to assess the nature of the 'care diamond' and to reflect on central concepts in welfare regime theory.

Smit, R. (2009) 'Family policy in Southern African countries: Are working parents reaping any benefits?' Paper presented at the *International Conference on Parent Education and Parenting* held at the University of North Texas, Denton, Texas, USA, 12-14 February, 2009.

This paper examines family-related policies (Maternity leave, Paternity leave, Parental leave and childcare policies) that give *working parents* more choices in establishing a better fit between employment and family life in Southern African Development Community (SADC) member states. Policy recommendations are made to enhance the work/family life integration of working parents with young children.

c. Ongoing research

Organisational characteristics as determinants of work-family arrangements in South African organisations (2006-2009). Doctoral thesis by Lisa Dancaster, Health Economics and HIV/AIDS Research Division, University of KwaZulu Natal, Durban.

This PhD study, undertaken through the University of Sydney, aims to fill the existing gap in data on work-family arrangements in South African organisations by providing information on a range of such arrangements in over 300 organisations listed on the South African stock exchange. Contact: Lisa Dancaster at dancaste@ukzn.ac.za.

2.26 Spain

Anna Escobedo

Population (UNDP)	2005	43.4 million
Total Fertility Rate (UNDP)	2000/5	1.3
GDP per capita (UNDP)	2005	27,169 PPP US\$
Female economic activity, 15+ (UNDP)	2005	59.3 per cent
As % male rate (UNDP)	2005	84 per cent
% of employed working part time (OECD/F)		
Men	2007	3.8 per cent
Women	2007	20.9 per cent
Gender employment gap (OECD/BB)	2004	9% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	52.6 per cent
With child aged 3-5 years	2005	54.2 per cent
Global gender gap (WEF)	2008	17th
Attendance at formal services (ECB)		
Children under 3 years	2006	39 (19) per cent
Children 3-5 years (inclusive)	2006	91 (44) per cent

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 Immigration)

Length of leave (before and after birth)

- Sixteen weeks: six weeks 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 part 1e, *permiso de lactancia*, originally to support breastfeeding).

Payment and funding

- Hundred per cent of earnings up to a ceiling of €3,166 a month in 2009.
- A flat-rate benefit (€527.24 per month or €17.57 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.

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 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 part-time leave.
- 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)

- Employees in the public sector in Catalonia can choose between extending Maternity leave by 16 weeks or reducing working time by a third until the child is approximately 17 months old; both are paid.

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 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 remain paid by employers or the self-employed in the private sector.

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 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 the time of birth as a general rule (except when the specific regional government (*Comunidades Autónomas*) or institution regulates differently).
- Fathers can use Paternity leave part time with employer agreement.

Regional or local variations in leave policy

- A number of regional governments have improved entitlements (see part 2 below). 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 from 15 to 20 days for large families or households with a disabled person.
- Two more days are paid in the case of multiple birth (or adoption or fostering) or in case the child has a disability.
- 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).

- In the case of public employees in Catalonia (see above), 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 Labour and Immigration)

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 policy

- Since 2000, a number of regional governments have introduced flat rate benefits (see part 2 below). For example: in the Basque Country and Balearic Islands (€200 per month for mothers and €250 per month for fathers in 2008) and La Rioja (€250 per month); in Castilla-León (€527 per month in 2008, but restricted to families with an annual income below €30,000); in Navarre (when having a second child or a disabled child, €330 per month for one year, or until the child is three years in the case of large families); and in Castilla-La Mancha (employed women in the private sector can receive €600 per month up to €3,000 per year and men €900 per month up to €7,000 per year).

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 more than three 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.

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 place 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).
- 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 (*permiso por enfermedad grave de un familiar*) to care for a seriously sick 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).

- Each worker may take up to two years of leave (*excedencia por cuidado de un familiar*) or working hours reduced 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. The leave or reduced hours has been unpaid; but since mid- 2007, when the leave is to care for a person with assessed high dependency, the informal carer on leave can claim a payment of €487 per month. 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.
- 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.
- A number of regional governments have introduced payments to parents reducing their working hours. For example: Basque Country, Navarre, La Rioja, Balearic Islands, Galicia and Castilla-La Mancha and Castilla-León provide flat-rate payments to support this measure proportional to the working time reduction; public employees in Catalonia, both fathers and mothers, can reduce their working hours by one third for one year without reducing their earnings, following the end of Maternity and Paternity leave, that is approximately until a

child is 17 months old; similarly, they may 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.

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

The 2007 Spanish Gender Equality Law foresees measures such as balanced representation of women and men in politics, gender equality plans in public and private companies, and a generic right to work-life balance. The section on reconciliation of work, personal and family life orientates policies towards a better balance of family responsibilities between women and men. The main improvement is the introduction of a two-week Paternity leave paid by Social Security (with the commitment to reach four weeks by 2012); it is the first time that fathers have received an individualised entitlement paid by the social insurance system.

In 2007, a reform of leave arrangements in Spain was made in the framework of the Gender Equality Law (*Ley Orgánica 3/2007, para la Igualdad efectiva de mujeres y hombres*) followed by a new general law regulating work in the public sector (*Ley 7/2007, del Estatuto Básico de Empleado Público*) and a new law to regulate self-employment and its social protection (*Ley 20/2007, de 11 de julio, del Estatuto del Trabajo Autónomo*). Practical details from these laws have been incorporated into social security regulations in March 2009 (*RD 295/2009, de 6 de marzo, por el que se regulan las prestaciones económicas del sistema de la Seguridad Social por maternidad, paternidad, riesgo durante el embarazo y riesgo durante la lactancia natural*).

Coverage has been improved by lowering the previous eligibility conditions and the introduction of a flat rate maternity benefit for 42 days for employed mothers who do not meet contributory requirements needed for the normal Maternity leave benefit. Although Maternity leave is not extended in time, except in cases of hospitalisation of the baby, generalising the possibility to consolidate the old 'breastfeeding leave' as full-time leave will in practice enable women to extend Maternity leave by two to four weeks. Unpaid flexibility is also extended: unpaid working time reduction (now from one-eighth to a half of working time) can be used until the child is eight years in the private sector or 12 in the public sector, instead of six years old; and the unpaid family leave to care for ill relatives has been extended from one to two years in the private sector and three years in the public sector.

Groups advocating for gender equality (mainly women's groups, with support of trade unions, and men's groups) created a platform in 2005 to promote the new Paternity leave, but wanted it to be longer than the measure approved. This platform continues and aims now at developing a leave system with equal and non-transferable rights between men and women (*Platform for equal and non-transferable Parental leave*
www.nodo50.org/plataformapaternidad/en_about/about-us).

Some groups (e.g. parents in favour of breastfeeding and wanting to spend more time with babies, organisations of large families) are asking to extend Maternity leave from 16 week to six months, and launched in 2007 a legislative initiative that failed, as they had little representation in the Parliament and not much connection or support from trade unions.

Even though these legislative reforms continue to introduce many small improvements and detailed changes, they still do not address a number of key issues:

- Under usual conditions, the total duration of paid leave around birth (or adoption or fostering) by public social security is still only 18 weeks (16 for the mother and two for the father that can be used simultaneously), which is very short from the perspective of the baby's health and care.
- Unpaid Parental leave is used by few families (six per cent), and for short periods (six months on average).
- Atypical workers (temporary employees, the self-employed and others) are inadequately covered.
- Though fathers have a new opportunity to be involved in fathering at home for at least for two weeks, this is a short period to produce structural changes in attitudes and practices.
- Leave for usual children's illnesses is unsolved. Only two days are available for acute sickness or hospitalisation on behalf of employers.

The present Government gives priority to extending centre-based provision of early childhood education and care (ECEC), and there has been no coordination or connections made between legislation covering leave policy and ECEC services.

On the other hand, a connection has been made between leave policy and the 2006 Law to promote autonomy and care of dependants (*Ley 39/2006, de 14 de diciembre, de promoción de la autonomía personal y atención a las personas en situación de dependencia*). The law introduced in mid-2007 a new mechanism for the professionalisation of informal carers of highly dependent relatives, which includes a €487 monthly wage and social security protection. Users of the leave arrangements for family reasons will be able to apply for this benefit, if the relative they care for is assessed as highly dependent (*RD 615/2007, por el que se regula la Seguridad Social de los cuidadores de las personas en situación de dependencia*). However the logic is rather to activate and somehow to 'professionalise' housewives with low employment opportunities (on average in their fifties), rather than to give respite and affordable leave opportunities to employees. The law excludes children under three years from the definition of dependents, except those with severe handicaps or chronic illnesses. In the current economic recession the implementation of the dependency law is being slowed down, and some of the expected benefits delayed.

General national elections in March 2008 raised the debate on family policy. The programmes presented by all parliamentary political parties for the election campaign included for the first time proposals to improve Parental leave arrangements and ECEC services. These included: one month of Paternity leave

(PSOE, Socialist Party); six months Maternity leave + three months Paternity leave (left-wing/ Green coalition); one year of paid Parental leave at 50 per cent of previous earnings (centre Christian democrat coalition); and the creation of a Family Ministry to review family policy (Popular Party, main right-wing national party). Besides that civil groups are emerging in favour of family plurality and more support for families with children, with new demands such as longer paid leave to enable babies to spend longer at home, while protecting the family's employment and financial situation.

The Socialist Party won the elections with a working majority. Its social policy for families with young children is oriented towards services with a commitment to create 300,000 new ECEC places for children under three years. Its programme also includes extending Paternity leave by two weeks and unpaid part-time flexibility for parents working in the private sector until children are 12 years old. But it does not include any proposal to improve Parental leave. The introduction of an earnings-related well-paid and effective Parental leave scheme has an important part to play, as the wide range of low flat-rate benefits implemented by the regional governments offer unequal access, and cannot promote the principle of gender equality.

3. Take-up of leave

a. Maternity leave

Maternity leave benefit covered 71 per cent of the births in 2008 (author's own calculations based on data provided by the Social Security Institute and the Spanish Statistical Institute). Coverage has been improving since 1995 (the first year for which data are available) when it was 31 per cent. Increased coverage is due both to growing female employment and better coverage of atypical employment situations due to regulatory reforms. Fathers share some Maternity leave in less than two per cent of cases and in 27.5 per cent of adoption cases.

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 receive two weeks payment from Social Security, also covering the self-employed. Around 56 per cent of fathers of newborns have used the new measure in 2008 (author's own calculations). The number of men claiming Paternity leave benefits is 80 per cent of the number of women receiving Maternity leave benefits.

c. Parental leave

In 2007, 57 per cent of employees were eligible for Parental leave, which means around 55 per cent of fathers and 35 per cent of mothers with children under three years old.⁴⁶

In 2008, 32,038 people started some period of Parental leave; fathers made up eight per cent of users. This corresponds to six per cent of the births in that year, an increase since 1995 (the first year for which data are available) when it was 1.7 per cent. However it represents only about two per cent of children under three years old, a relevant age since leave can be taken until children reach three years.

Between 1989 and 2005 it has been estimated that 96 per cent of users have been mothers, with a median duration of 184 days, and four per cent fathers with 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 do not return to the same company, which means that in these cases the use of Parental leave is connected to a change of employment (Escobedo and Navarro, 2007).

Qualitative research indicates that users are mainly women after their Maternity leave ends, in some cases taking leave for a short period until a childcare arrangement is available (for example if the Maternity leave ends in May and a place in an early education nursery is only available in September), and in other cases for a longer period (Flaquer and Escobedo, 2009). But only 13 per cent of users took leave for more than one year in the period studied, 1989 to 2005.

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 can be seen from the high use made of the fully paid working time reduction of one-third of usual working hours for parents of children under one year old, available for public employees in Catalonia. Furthermore, this measure has evolved between 2003 and 2006 towards an equal use between men and women (Escobedo and Navarro, 2007).

Otherwise the use of unpaid working time reduction 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 them resumed full-time work after seven months, while one-third (11 per cent) remained on part-time employment after three years, when only two per cent of the employed mothers had the protected and reversible working time reduction

⁴⁶ Own estimate based on Labour Force Survey data from Eurostat and from the Spanish Statistical Institute taking into account that only employees with permanent contracts can fully benefit from Parental leave, i.e. self-employed, family and temporary workers are excluded. For non-national employees (14 per cent of all employees), an additional barrier may be that they need an employment contract to renew residence permission, but that they would be considered to be non-employed if on Parental leave.

on the same working contract they had had at the 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 old (Escobedo et al., forthcoming 2009).

Leave to care for dependent relatives has been available from 2001 onwards. It is estimated that between 2001 and 2005 about 9,000 employees used it (1,800 per year), of whom 82 per cent were women, with a median duration of 62 days, and 18 per cent men with an median duration of 55 days (Escobedo and Navarro, 2007).

Finally there are no data on the use of short leave in case of acute illness/accident of children or relatives, nor on other types of Career breaks. Employers have no obligation to keep records, and the government has no statistics as no payment is involved.

4. Selected publications from January 2006, including results from research studies

a. General overview

Leave arrangements are becoming 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. There has been a research fund on Social Protection since 2006, supporting research on leave arrangements. Until recently leave policy reforms have been adopted without evaluation of their impact on use and users; now more data and evaluation research are available. In addition, in 2006, the Ministry of Labour created a new continuous database with a sample of four per cent of all social security contributors with selected data on their work and social security affiliation life course (*Muestra Continua de Vidas Laborales*); results are starting to be published as shown below. The database is being improved and is now supplemented with tax and household data. It still provides limited information on leave arrangements; however, for the first time it does provide detailed information about unpaid Parental leave, leave to care for a relative, and working time reduction.

Otherwise, the few indicators published on a yearly basis since 1995 by the National Institute of Social Security provide little information (e.g. total social security expenditure by region and the number of administrative records initiated each year, with the per centage of those for fathers; but with no other information such as duration of leave, flexible use or characteristics of users). There is a clear data gap on the use and impacts of the various regional flat-rate benefits and full- or part-time additional schemes.

b. Selected publications from January 2006, including results from research studies

Escobedo, A. (2006) 'El sistema de licencias parentales para el cuidado de los menores' ['Leave arrangements for the care of minors], in: X. Roigé (ed.) *Familias de ayer, familias de hoy: Continuidades y cambios en Cataluña* [*Yesterday's families, today's families: continuity and change in Catalonia*]. Barcelona: Icaria – Institut Català d'Antropologia, pp.235-264
A historical overview of the regulation of leave arrangements in Spain.

Balaguer, I. and Arderiu, E. (2007) *Calidad de los servicios para la primera infancia y estimación de la demanda. Colección: Estudios, 53* [*The quality of early childhood services and an estimate of demand*]. Madrid: Ministerio de Trabajo y Asuntos Sociales.

The book gives an updated and critical overview on how early childhood education and care services are developing in Spain. It provides new research data on non-regulated provision, which has grown in the 2000s in a context of changing and decentralised regulation. The book estimates service demand for children under three years of age taking into account parental employment trends and use of leave arrangements.

Borràs, V., Torns, T. and Moreno, S. (2007) 'Las políticas de conciliación: políticas laborales versus políticas de tiempo', *Papers Revista de Sociología*, No.83: 83-96. The article reviews work and family reconciliation policies at company level, their limitations, and the stimulus that the European Employment Strategy has represented in Spain. The authors explore working time policies as explanatory drivers for reconciliation policies at company level.

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* [*Perspectives of leave policies for working parents and family reasons in Spain and the EU*]. Madrid: Spanish Social Security FIPROS Research Fund. Available at:

www.seg-ocial.es/stpri00/groups/public/documents/binario/097543.pdf Exploratory evaluation of the Spanish system of leave arrangements for family reasons in the context of the EU, based on statistical work using a social security affiliated sample (Continuous Sample on Working Lives 2004) and on a review of available documentation and administrative data.

Escobedo, A. and Navarro, L. (2007) 'Una evaluación del sistema de licencias parentales y por motivos familiares en España desde la perspectiva de género' ['Gender evaluation of leave arrangements for working parents and family reasons in Spain']. Working paper presented at the Working Group on Gender at the *Spanish Congress of Sociology*. Barcelona, 15 September 2007.

Gala, C. (2007) 'El seguro obligatorio de maternidad', in: M. Ysàs, M.J. Espuny, et al. (eds.) *Segona República i Món Jurídic*. Bellaterra: UAB – Cálamo Producciones Editoriales, pp.89-110.

Examines the origin and consolidation of Maternity leave insurance during the second Spanish Republic (1936-39).

Gala, C. (2007) *La conciliación de la vida laboral y familiar del personal de las entidades locales.* [The reconciliation of work and family life by public employees in local administration] *Estudios de Relaciones Laborales*, No.2. Barcelona: CEMICAL-Diputación de Barcelona (Consorti Estudis i Mediació de l'Administració Local, Diputació Barcelona).

This book is based on a study of the regulations and collective bargaining at the level of local administration all over Spain in the field of reconciliation of work and family life, which mostly relates to leave arrangements. (There is also a Catalan version focusing on the situation in Catalonia published as *Estudis de Relacions Laborals*, No.4. CEMICAL, Diputació de Barcelona.)

Sarasa, S., Baizán, P., González, M.J., Jódar, P. and Lapuerta, I. (2007) *Equidad distributiva en el acceso a los recursos de tiempo en España: El caso de las excedencias para atender a la primera infancia y a familiares dependientes.* Madrid: Spanish Social Security FIPROS Research Fund. Available at:

www.seg-ocial.es/stpri00/groups/public/documents/binario/113296.pdf

Report of research that analyses social inequality in access to time resources and policies in Spain, focusing on the case of unpaid Parental leave and unpaid leave to care-dependent relatives.

Escobedo, A. (2008) *Leave policies and public systems of care for children under three years old and their families in the European Union.* Bellaterra: Universitat Autònoma de Barcelona Departament de Sociologia, Facultat de Ciències Polítiques i de Sociologia.

Doctoral dissertation examining how, from the 1970s, gender-neutral family-related leave has been in development in Europe as a key element in emerging care and work arrangements in society. Earnings-related and individualised leave arrangements represent a societal option towards constructing a right to care and the development of a universal adult breadwinner-and-caregiver citizen, underpinning the emerging post-industrial family system.

Igareda, N. et al. (2008) *From maternity protection towards a care legislation.* Madrid: Spanish Social Security FIPROS Research Fund. Available at:

www.seg-ocial.es/stpri00/groups/public/documents/binario/115785.pdf

Final report of research – conducted from the perspective of law, philosophy and political science – to contrast the conceptualisation of motherhood and fatherhood in the leave policies and in Spanish society.

Pazos, M. (ed.) (2008) *Economía e igualdad de género: retos de la Hacienda Pública en el siglo XXI. Colección: Estudios de Hacienda Pública. [Economy and gender equality: challenges for the public finances in the 21st century].* Madrid: Instituto de Estudios Fiscales. Available at

www.ief.es/Investigacion/Temas/Genero/Libro_Genero.pdf

Contributions to a seminar organised by a research institute of the Spanish Ministry of Public Finances including analyses of Parental leave, early education and care policies, and gender equality, particularly based on Sweden and Spain, but with other international references.

Zufiaur, J.M., Meil, G., Moreno, M.C., Tobío, C. and Frades, J. et al. (2008) *Hacia un nuevo modelo de protección a las familias en España*. Madrid: Spanish Social Security FIPROS Research Fund. Available at: www.seg-social.es/Internet_1/Estadistica/Documentacion/FondodelInvestigacio48073/EstudiosFIPROS/estudios2007fipros/index.htm

This report presents and discusses the Spanish model of family policy, including services, leave arrangements and family benefits.

Flaquer, L. and Escobedo, A. (2009) 'The metamorphosis of informal work in Spain: family solidarity, female immigration and development of social rights', in: B. Pfau-Effinger, L. Flaquer and P. Jensen (eds.) *Formal and Informal Work: The Hidden Work Regime in Europe*. New York: Routledge, pp.143-168.

Lapuerta, I., Baizán, P. and González, M.J. (2009) 'Tiempo para cuidar, tiempo para trabajar: análisis del uso y la duración de la licencia parental en España', in: V. Navarro (ed.) *La situación social en España*. V.III. Madrid: Biblioteca Nueva.

This paper analyses the extent to which individual characteristics, the workplace situation, and regional policies influence the use and duration of Parental leave in Spain, based on the Continuous Sample on Working Lives. The results suggest that the Spanish Parental leave scheme increases gender and social inequalities, as it reinforces gender role specialisation and supports the reconciliation of work and family life among workers with a good position in the labour market.

Escobedo, A., Navarro, L. and Flaquer, L. (forthcoming 2009) *Itinerarios laborales de madres y padres en hogares con menores de 3 años. análisis de cambios y discontinuidades a partir de la muestra continua de vidas laborales [Employment paths and trajectories for mothers and fathers living in households with under 3s]*. Madrid: Spanish Social Security FIPROS Research Fund.

The report is based on a longitudinal analysis between 2002-2006 of the Continuous Sample on Working Lives using an event history approach, and focuses on households with a first child born in 2003. It characterises patterns of employment continuity and discontinuity, including the use of leave arrangements and work-time reduction for childcare purposes or the use of unemployment benefits. It also includes a comparative analysis of the European Labour Force Survey on the employment impact of parenthood according to gender, educational attainment, number and age of children.

Wall, K. and Escobedo, A. (forthcoming 2009) 'Portugal and Spain: two pathways in Southern Europe', in: S. Kamerman and P. Moss (eds.) *The politics of parental leave policies: Children, parenting, gender and the labour market*. Bristol: Policy Press.

c. Ongoing research

Evaluation of the Catalan Law on conciliation of personal, family and labour life of the personnel working for the administration of the Government of Catalonia (2007-2009). Anna Escobedo, Universitat Autònoma de Barcelona.

The project examines the use of the supplementary measures introduced by the Catalan government in April 2002 in the public sector. A second stage is

envisaged, based on qualitative methodology and a more in-depth approach.
Contact: Anna.Escobedo@uab.es

Parents' reducing working hours: employment decisions after childbirth in Spain (2008-09). Irene Lapuerta, Universidad Pública de Navarra.

The aim is to analyse the transition from full-time employment to working time reduction after childbirth based on a large sample of parents who had a child between January 2005 and June 2007. An event history approach is used with a competing risk model whereby a person can make a transition to three different destinations: employment with time reduction; employment without time reduction or withdrawal from paid work. Contact: irene.lapuerta@unavarra.es

Does the regional context matter in Spain? The effects of flat rate benefits on parental leave use (2008-2009). Irene Lapuerta, Universidad Pública de Navarra.

The limited take-up of Parental leave in Spain has led some regions to provide flat-rate benefits with the objective of stimulating its use. The research analyses to what extent these regional policies explain the variation in Parental leave use in Spain. Contact: irene.lapuerta@unavarra.es

Estado de bienestar, políticas públicas e igualdad de género (2008-2010). Doctoral thesis by Carmen Castro at the Complutense University, Madrid.

This doctoral research is about Welfare States and Gender Equality, with a focus on how the combination leave policies, other work-family policies, labor market regulations and tax-benefit systems can help to identify welfare state patterns from a gender perspective. Contact: carmen@singenerodedudas.com

2.27

Sweden

Linda Haas, Anders Chronholm, Ann-Zofie Duvander and Philip Hwang

Population (UNDP)	2005	9.0 million
Total Fertility Rate (UNDP)	2000/5	1.7
GDP per capita (UNDP)	2005	32,525 PPP US\$
Female economic activity (UNDP)	2005	58.7 per cent
As % male rate (UNDP)	2005	87 per cent
% of employed working part time (OECD/F)		
Men	2007	9.5 per cent
Women	2007	19.7 per cent
Gender employment gap (OECD/BB)	2004	4% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	71.9 per cent
With child aged 3-5 years	2005	81.3 per cent
Global gender gap (WEF)	2008	3rd
Attendance at formal services (ECB) ⁴⁷		
Children under 3 years	2006	44 (27) per cent
Children 3-5 years (inclusive)	2006	92 (58) per cent

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

a. Maternity leave (*havandeskapspenning*) (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 if they work in jobs considered injurious or involving risk to the foetus. See footnote for Parental leave.

⁴⁷ The attendance rate in 2007 was 86 per cent for children aged one to five years; 78 per cent for children children aged one to three years and 98 per cent for four and five year olds (source: Skolverket).

b. Paternity leave (*pappadagar Ledighet och ersättning i samband med barns födelse*) (responsibility of the Ministry of Social Affairs)

Length of leave

- Ten days (+ 60 days = fathers' quota, see 'Parental leave'). 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 a ceiling of SEK321,000 (€29,862) per year (see footnote for Parental leave).
- Payments come from the Swedish Social Insurance Agency; employers and the self-employed make contributions for this purpose and the government meets any shortfall.

Flexibility in use

- 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, irrespective 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 for fathers of twins.

c. Parental leave (*föräldraförsäkring*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- Four hundred and eighty days of paid leave. Sixty days are reserved for the mother (*mammamånader* or a 'mother's quota') and 60 days reserved for the father (*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.
- In addition, each parent is entitled to take unpaid leave until a child is 18 months.

Payment and funding

- For eligible parents (see below), 390 days at 80 per cent of earnings up to a ceiling of SEK428,000 per year (€39,817) (2009); the remaining 90 days at a flat-rate payment of SEK180 a day (€17). A special formula has been introduced (1 January 2008), reducing earnings by three per cent before counting the 80 per cent of earnings. This applies to all parts of the parental insurance⁴⁸. Non-eligible parents receive SEK180 a day for 480 days.
- Funding as for Paternity leave.

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.

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 SEK180 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. 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 a day; for every further child, 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.

⁴⁸ The payment of all types of leave at 80 per cent of earnings is reduced by three per cent, so that the actual level received is 77.6 per cent of earnings.

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

- Parental leave pay has already been negotiated in collective bargaining agreements in the public sector and is becoming more commonplace in the private sector. A common collective agreement is that the employer pays ten per cent extra under the ceiling (i.e. workers receive 90 per cent of earnings) and up to 90 per cent above the ceiling (Lindquist and Wadensjö, 2005).⁴⁹

d. Childcare leave or career breaks

- In 2008, a municipal child-raising allowance (*vårdnadsbidrag*) was reinstated. Municipalities may provide a benefit of up to SEK3,000 (€279) 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 are 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).

Time off for the care of dependants

- 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; it is a family entitlement and it can be used to care for sick children. Sixty of these days also can 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, to care for a sick child if parents cannot miss work. The ten days '*pappadagar*' (see 1b) also come under this category of temporary Parental leave.

⁴⁹ Lindquist, G. S. and Wadensjö, E. (2005) *Inte bara socialförsäkringar – Kompletterande 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

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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

In 2006, an amendment to Parental leave legislation strengthened Parental leave rights by prohibiting employers from refusing an applicant a job on the grounds that the person wants to take leave in the future. An amendment to the Security of Employment Act in 2006 protects individuals on Parental leave from layoffs during their leave; notice of termination cannot begin until a parent has returned to work (Jämställdhets Ombudsmannen, 2006⁵⁰); this rule, however, does not apply to jobs that are considered to be short term.

In September 2006, a centre-right government was elected. This government introduced several changes in 2008. In January, a reduction of three per cent was applied to the benefit payment made for leave previously set at 80 per cent of earnings; this cost-cutting exercise effectively reduced the payment level to 77.6 per cent. The government also proposed a 'gender equality bonus' (*jämställdhetsbonus*) to offer an economic incentive for families to divide Parental leave more equally between the mother and the father of the child; this measure went into effect in July 2008. The bonus offers the parent who has stayed at home the longest a bonus when she/he goes back to work and the other parent uses the Parental leave. This also applies to parents who do not live together. The bonus is likely to encourage low (and medium) income fathers to take more Parental leave.⁵¹ Also in 2008, a municipal child-raising allowance (*vårdnadsbidrag*) was reinstated.

3. Take-up of leave

a. Maternity leave

Between 1994 and 2004, around 25 per cent of pregnant women took pre-birth leave for an average of 38 days (Reformerad Försäkring, 2005).⁵²

⁵⁰ JämO [Jämställdhetsombudsmannen - Gender equality ombudsman] (2006). Pappornas föräldraledighet ökar långsammare, January 17. Available at: www.jamombud.se.news.

⁵¹ Duvander, A.-Z. (2008) *Hur påverkar jämställdhetsbonus och vårdnadsbidrag barnfamiljernas ekonomi? [How will the Equality Bonus and Child-raising Allowance affect families' economic situations?]* Försäkringskassan, 2006-06-09.

⁵² *Reformerad försäkring [Reformed social insurance]* (2005) Statens offentliga utredningar [Official government reports], 2005:73.

b. Paternity leave

In 2004, about 80 per cent of fathers took Paternity leave, for an average of 9.7 days out of the ten days available (*ibid.*). It should be noted that only employed fathers are eligible for Paternity leave, and 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 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 (all children are entitled to a childcare place from 12 months of age).

Ninety per cent of fathers of children born in 1998 took Parental leave, mainly starting when their children were 13 to 15 months of age. Mothers, however, still take most Parental leave, although the proportion of total days used by men has been increasing. In 1987, fathers took about seven per cent of total Parental leave days that year; by 2008, it had increased to 21.5 per cent (Försäkringskassan, 2008⁵³). The introduction of a father's quota in 1995 (one month) and its extension in 2002 (to two months) have both led to more fathers taking more leave; the second month had a less dramatic effect than the first (Reformerad försäkring, 2005⁵⁴).

Fathers with more 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 but the foreign-born fathers who use leave use longer leave than Swedish-born fathers. 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 get more compensation as a result of collective bargaining. Fathers are more likely to take Parental leave for a first child (*ibid.*).

d. Other employment-related measures

Mothers are more likely than fathers to work part-time hours; 50 per cent of employed mothers with two children with the youngest being one to two years old worked part-time in 2005, compared to only seven per cent of employed fathers (Statistiska Centralbyrån, 2007⁵⁵). However, no official statistics are kept concerning whether parents working part time are using their entitlement to work reduced hours, or whether they were working in part-time jobs to begin with.

⁵³ Försäkringskassans årsredovisning 2008 [Annual report of Swedish Social Insurance Agency], 2008.

⁵⁴ Reformerad försäkring [Reformed social insurance] (2005) Statens offentliga utredningar [Official government reports] 2005:73.

⁵⁵ Statistiska Centralbyrån (2007) På tal om kvinnor och män [Talking about women and men]. Available at: www.scb.se

When temporary Parental leave is used to care for sick children, it is more often used by mothers (64.4 per cent of days taken in 2008) (Försäkringskassan, 2008).

4. Research and publications on leave and other employment-related policies since January 2006

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. During recent years the costs of providing payments for parents taking leave has also been in focus; as part of this debate, misuse of various insurance payments has been investigated, among them the payment to parents taking leave to care for sick children (see for example Engström et al., 2006, below).

b. Selected publications from January 2006, including results from research studies

Andersson, G., Hoem, J. and Duvander, A. (2006) 'Social differentials in speed-premium effects in childbearing in Sweden', *Demographic Research*, Vol.14: 51-70.

Research on the so called 'speed-premium' in Parental leave indicates evidence for a causal effect of this policy change on childbearing behaviour. In general, it shortened the interval between first and second births for parents with different levels of education. However, foreign-born parents did not change their fertility behaviour as much as Swedish-born parents.

Björklund, A. (2006) 'Does family policy affect fertility? Lessons from Sweden', *Journal of Population Economics*, Vol.19: 3-24.

Data on completed fertility of Swedish women born 1925-1958 are compared with women in six other European societies to investigate the impact of Parental leave as a type of economic incentive to bear children. Contrary to common belief, Swedish women's tendency to practise close spacing of children appears to be a long-term historical tendency, unrelated to leave policy which allows women to take leave without going back to work for a second child if children are born close together. Swedish fertility rates dipped below other nations' during economic downturns; it is posited that Parental leave policy where eligibility is based on a full year of prior employment reduces births in the short term; individuals wait until they can work to qualify for the most generous compensation. Over time, the steadily more generous Parental leave policy has not affected the negative impact education still has on women's fertility rates in Sweden.

Bygren, M. and Duvander, A. (2006) 'Parents' workplace situation and fathers' Parental leave use', *Journal of Marriage and Family*, Vol.68: 363-372.

Data from Statistics Sweden on couples' use of Parental leave in Stockholm in 1997 showed that fathers took less leave if they worked in the private sector and

in smaller workplaces. Fathers' leave-taking was greater when both fathers and their partners worked at workplaces where fathers had taken leave previously. They conclude that employers need to be considered when researching the gender-based division of childcare in Swedish families.

Duvander, A. and Andersson, G. (2006) 'Gender equality and fertility in Sweden: a study on the impact of the father's uptake of Parental leave on continued childbearing', *Marriage and Family Review*, Vol.39, No.3-4: 121-242.

This article examines the relationship between the father's and the mother's use of leave and the continued childbearing of a couple, based on longitudinal information on registered Parental leave use and childbearing of all intact partnerships in Sweden during 1988-99. The authors found a positive effect of a father's taking moderately long leave on a couple's second- and third-birth propensity, but no such effect of a father's taking very long Parental leave.

Engström, P., Hesselius, P. and Persson, M. (2006) *Överutnyttjande i tillfällig föräldrapenning för vård av barn [Misuse of temporary parental benefits for the care of children]*. IFAU-Institutet för arbetsmarknadspolitisk utvärdering [Institute for Labour Market Evaluation]: Rapport 2006:9. Available at: <http://www.ifau.se/upload/pdf/se/2006/r06-09.pdf>

This report analyses data on suspected cheating regarding the use of temporary Parental leave, used typically to care for sick children. A previous study found a lower rate, between six and ten per cent. This time parents' use of sick days was compared to attendance records at childcare and schools; if the child was in attendance and the parent took a sick day, misuse was recorded. The result shows that up to 22.5 per cent of the paid benefit probably is used by parents who do not follow the rules, with men more likely than women to misuse this benefit – 28 per cent compared to 19 per cent.

Amilon, A. (2007) 'On the sharing of temporary Parental leave: the case of Sweden', *Review of Economics of Households*, Vol.5:385-404.

This economic analysis uses 1999 government data from 34,416 households containing two employed parents and at least one child under 12, where at least one day of temporary leave was taken. Results showed more equal sharing of temporary leave in households where women had more socio-economic resources which appear likely to lead to their having more bargaining power; these resources included education, current income and future income. Since couples shared less when fathers' incomes were over the income ceiling for compensation, the researcher recommends the raising of the income ceiling to ensure more equal sharing of temporary Parental leave.

Carlson, L. (2007) *Searching for equality: sex discrimination, Parental leave and the Swedish model with comparisons to EU, UK and US law*. PhD thesis. University of Stockholm. Uppsala: lustus.

This law dissertation compares the Swedish approach to the problem of economic equality to the approaches found in EU, UK and US law. The focus is on describing the development of equal treatment and equal pay legislation that promotes economic independence of women through paid work as well as Parental leave policy that encourages men to do more unpaid family work. The role labour unions have played in both of these areas also is detailed.

Chronholm, A. (2007) 'Fathers' experience of shared Parental leave in Sweden', in: *Articuler vie familiale et vie professionnelle: une entrée par les pères. Recherches sociologiques et anthropologiques*, No.2, 2007. Louvain-La-Neuve: Université catholique de Louvain.

This article focuses on a study of fathers who had taken more than four months of paid Parental leave. It gives a description of both the background to their decision to take a long period of Parental leave and their experiences during their leave. The study showed that both parents wanted to share the leave and that many couples had decided to do so before the child was born. A majority of the fathers were very positive and stressed both the importance of getting a close relation to their child and the possibilities for the mother of the child to be able to get back to work or studies.

Duvander, A. and Evertsson, M. (2007) *Föräldradighet och arbetslivskarriär – en studie av mammors vägar i arbetslivet [Parental leave and careers – a study of mothers' progress in the labor market]*.

Demografiska rapporter 2007:3. Stockholm: Statistiska centralbyrån.

Using longitudinal data from the Swedish Level of Living Survey, 1974-2000, research on 1,459 women revealed that women take longer Parental leave with first and second children than they do with later children; women take longer leave when they have a less prestigious job and when they work in the public sector. Taking longer leave (19 months or more) was associated with women's lesser likelihood of being promoted to more prestigious jobs. Women were also less likely to be promoted after taking leave if they returned from staying home with a third or later child, if they had less education, and if they worked in the public sector. The study was not able to identify if employer attitudes played a role in women's likelihood of promotion after leave.

Haas, L. and Hwang, P. (2007) 'Gender and organizational culture – correlates of companies' responsiveness to fathers in Sweden', *Gender & Society*, Vol.21, No.1: 52-79.

This article investigates the influence of two ideologies about gender, the doctrine of separate spheres and masculine hegemony, on the responsiveness to fathers shown by Sweden's 200 largest corporations in 1993. 'Father friendliness' was measured with 16 items, many concerning fathers' access to Parental leave. Father-friendly companies had adopted values associated with the private sphere and prioritised women's entrance into the public sphere.

Meyer, A. (2007) *Studies on the Swedish parental insurance*. PhD thesis. Lund: Department of Economics, Lund University.

This dissertation contains three essays on different aspects of Swedish parental insurance. In the first, the sharing of temporary Parental leave is discussed from a gender perspective showing that men in general have stronger bargaining power than women. The second features a comparison of single and cohabiting mothers' use of temporary Parental leave, showing that single mothers with higher educational levels take less temporary Parental leave to improve their chances of advancement in the labour market. The third focuses on what influences parents' satisfaction with the sharing of Parental leave. If parents' labour market situation

largely influences the sharing of leave, they are less likely to be satisfied than if other reasons are given.

Månsdotter, A., Lindholm, L., and Winkvist, A. (2007) 'Paternity leave in Sweden – costs, savings and health gains', *Health Policy*, Vol.82: 102-115.

Analysing male mortality rates for men who took paid Parental leave in 1978, researchers found that men who took leave had a 16 per cent lower risk of death; men who took 31-60 days had a lower risk of 25 per cent, and men who took 61-90 days had a 29 per cent lower risk. Men who took more than 90 days did not have a lower risk. These findings controlled for age, income, education and country of birth. The researchers speculate that men taking leave may have more healthy lifestyles (e.g. decreased alcohol consumption) and lower divorce rates. The longer, healthier lives of men seem likely to offset the costs of the Parental leave programme.

Plantin, L. (2007) 'Different classes, different fathers? On fatherhood, economic conditions and class in Sweden', *Community, Work & Family*, Vol.10, No.1: 93-110.

A qualitative study of 30 couples found that parents under economic pressure – from being unemployed, involuntarily working part-time, as well as from instability in the labour market and cutback in welfare benefits – often choose to divide Parental leave in a traditional way, with the mother taking as much as she can, since fathers tend to make more money than mothers. Working-class fathers' lower likelihood of taking Parental leave is seen as a reaction to this economic pressure as well as differences in the social construction of fatherhood by class; middle-class fathers were more likely than working-class fathers to see fatherhood as a 'radical experience', a 'reflexive project', and an opportunity to develop themselves (an emphasis on government campaigns to urge fathers to take leave).

Almqvist, A.-L. (2008) 'Why most Swedish fathers and few French fathers use paid Parental leave: an exploratory qualitative study of parents', *Fathering*, Vol.6, No.3: 192-200.

An interview study of 20 French couples and 35 Swedish couples revealed that Swedish men tended to exhibit a 'child-oriented masculinity', and reported that how parents took leave was a matter for negotiation. French men, on the other hand, exhibited traditional 'hegemonic masculinity', and did not see taking leave as an option. In both settings, the family's economic situation played a role in how much leave men took.

Haas, L. and Hwang, P. (2008) 'The impact of taking Parental leave on fathers' participation in childcare and ties with children: lessons from Sweden', *Community, Work & Family*, Vol.11, No.3: 85-104.

This article investigates whether taking Parental leave is associated with fathers' greater responsibility for childcare and closer ties with children. The findings suggest that positive effects of leave-taking on fathers' participation in childcare occur more often when fathers have taken 90 days or more of leave.

Haas, L. and Hwang, C.-P. (2008) 'Trade union support for fathers' taking Parental leave in Sweden', Paper presented at the annual meeting of the *National Council on Family Relations*, Little Rock, USA.

This 2006 study of 254 local unions in large private Swedish companies suggests that one-fourth to one-third of unions are challenging the norm of the traditional (male) worker by promoting fathers sharing paid Parental leave, through prioritizing working fathers' concerns, educating fathers about legal rights, facilitating use of leave, and negotiating contracts offering additional compensation for leave-taking fathers. Unions more actively promoted fathers' participation in Parental leave when men dominated membership and leadership and when member activity and union responsiveness to members' concerns were high.

Klinth, R. (2008) 'The best of both worlds? Fatherhood and gender equality in Swedish Paternity leave campaigns, 1976-2000', *Fathering*, Vol.6, No.1: 20-38.

This qualitative study of material used in 13 national campaigns to promote fathers' taking Parental leave in Sweden (most waged by the National Social Insurance Office) examines how men are portrayed in terms of their 'identities, rights, and responsibilities as parents'. While results suggest that images of fathers in these campaigns have been progressive, only recently have these publicity efforts promoted a more radical shared responsibility of men for childcare (rather than freedom of choice).

Duvander, A. and Jans, A. (2009) 'Consequences of fathers' Parental leave use: evidence from Sweden', in: I. Söderling (ed.) *Finnish Yearbook of Population Research*, Helsinki: The Population Research Institute, pp.51-62.

Fathers' Parental leave use is often assumed to affect gender equality both at home and in the labour market, while in the home, fathers' Parental leave is expected to improve father-child contact later on in the child's life. In this study, using a survey carried out in 2003 with a sample of approximately 4,000 parents of children born in 1993 and 1999, the associations between fathers' Parental leave use and further adaption to family life and contact with children are investigated. The first research question is whether fathers who have used Parental leave are more likely to have shorter working hours during their children's first years compared to fathers who have not used the leave; the second question is whether the contact between separated fathers and their children is associated with the father's previous Parental leave use. The findings indicate that fathers' Parental leave is associated with both shorter working hours later in the child's life and more contact between separated fathers and their children.

2.28

United Kingdom

Margaret O'Brien and Peter Moss

Population (UNDP)	2005	60.2 million
Total Fertility Rate (UNDP)	2000/5	1.7
GDP per capita (UNDP)	2005	33,238 PPP US\$
Female economic activity, 15+ (UNDP)	2005	55.2 per cent
As % male rate (UNDP)	2005	80 per cent
% of employed working part time (OECD/F)		
Men	2007	9.9 per cent
Women	2007	38.6 per cent
Gender employment gap (OECD/BB)	2004	10% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	52.6 per cent
With child aged 3-5 years	2005	58.3 per cent
Global gender gap (WEF)	2008	13th
Attendance at formal services (ECB)		
Children under 3 years	2006	33 (5) per cent
Children 3-5 years (inclusive)	2006	89 (24) per cent

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

a. Maternity leave (responsibility of the Department for Business, Innovation and Skills⁵⁶)

Length of leave (before and after birth)

- Fifty-two weeks. A woman can start to take her leave from the beginning of the eleventh week before her baby is due.

Payment and funding

- Ninety per cent of woman's average earnings for six weeks with no ceiling + a flat-rate payment of £117.18 (approximately €150) for 33 weeks. The remaining 13 weeks are unpaid.

⁵⁶ See page 86 for discussion of responsibility of Department of Work and Pensions for maternity pay

Flexibility in use

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

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 and employed earners who have worked for their employer for 26 weeks, into the fifteenth week before 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 weekly earnings, with no ceiling, plus 33 weeks of flat-rate payment at £117.18 (€150) a week or 90 per cent of earnings, whichever is the lesser.
- Women who are not eligible for SMP (e.g. have recently left work, changed jobs, or are self-employed and have worked for 26 weeks out of the 66 preceding the expected week of childbirth) may be eligible for a Maternity Allowance of 39 weeks at the flat rate of £117.18.
- SMP is financed through National Insurance Contributions (NICs) from employers and employees. It is paid by employers who are reimbursed by HM Revenue & Customs.

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)

- Many employers' provisions 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 higher than the minimum Maternity pay (Hayward et al., 2007).

b. Paternity leave (responsibility of the for Department for Business, Innovation and Skills)

Length of leave

- Two weeks to be taken during the first eight weeks of the child's life.

Payment and funding

- Flat-rate payment of £117.18 (€130) a week.
- Funded as for Maternity leave.

Flexibility in use

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

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 or 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.

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)

- A minority of employers' provisions go beyond the statutory minimum. For example, in 2007, 18 per cent of workplaces with five or more employees offered extra-statutory Paternity leave and 19 per cent provided higher than the minimum Paternity pay (Hayward et al., 2007)

c. Parental leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Thirteen weeks per parent per child (i.e. an individual right), with a maximum of four weeks leave to be taken in any one calendar year.

Payment

- None.

Flexibility in use

- Leave may be taken in blocks or in multiples of one week, up to four weeks per year.
- Leave may be taken up to the child's fifth birthday.

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 get 18 weeks leave, which may be taken until their child's eighteenth birthday. They may also take leave a day at a time if they wish.
- As the leave is per child, each parent of twins gets 26 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 by government as a 'fallback scheme' since the government's intention is that 'wherever possible employers and employees should make their own agreements about how Parental leave will work in a particular workplace'.⁵⁷ A survey in 2003 for the government found that employers in 11 per cent of workplaces provided Parental leave beyond the statutory minimum; this mainly involved increased flexibility in how leave could be taken, with only a quarter of the 11 per cent – three per cent of all workplaces – providing some payment (Woodland et al., 2003⁵⁸).
- Employers may postpone granting leave for up to six months 'where business cannot cope'.

d. Childcare leave or career breaks

There is no statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- One adoptive parent is eligible for 52 weeks' leave paid at a flat-rate payment of £117.18 (€130) a week for the first 39 weeks, and a further 13 weeks' unpaid leave. There is also a right to paid Paternity leave for the adopter not taking adoption leave.

Time off for the care of dependants

- Employees may take 'a reasonable amount of time off work to deal with unexpected or sudden emergencies and to make necessary longer term arrangements'.⁵⁹ The legislation does not define what is 'reasonable', 'since

⁵⁷ Department of Trade and Industry, *Parental leave, summary guidance*. Available at: <http://www.dti.gov.uk/employment/balancing-work-family-responsible/parental-leave/index.html>

⁵⁸ Woodland, S., Simmonds, N., Thornby, M., Fitzgerald R. and McGee A. (2003) *The Second Work-Life Balance Study: Results from the Employers' Survey*. London: Department of Trade and Industry.

⁵⁹ Department of Trade and Industry, *Frequently asked questions about time off for dependents*. Available at:

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 (mothers and fathers) who have parental responsibility for a child aged 16 and under, a disabled child under 18 years or who care for an adult 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 for 26 weeks. 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'.⁶⁰

2. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

Changes introduced in October 2006 extended the pay period of statutory Maternity and statutory adoption pay from six to nine months, in respect of parents whose children were due to be born or placed for adoption on or after 1 April 2007.

In April 2007, the right to request flexible working was extended to employees who care for an adult. In November 2007 an independent review of the benefits and costs of extending the current right to request flexible working to parents of older children (six to 17 years) was announced. Following recommendations from the Walsh Review (2008)⁶¹ the right to request flexible working has been extended to all parents of children aged 16 years and under (from 6 April 2009), despite earlier concerns about implementation in the economic downturn.

The government's stated ambition is still to introduce the following measures by the end of the current UK Parliament (i.e. no later than May 2010):

- extend statutory maternity and adoption pay to a full year;
- introduce a new right to allow fathers to take up to six months Additional Paternity leave during the child's first year, if the mother returns to work before the end of her Maternity leave (i.e. the father's right is conditional on the mother not using her full entitlement to Maternity leave). Some of this APL can be paid if the mother has some of her entitlement to maternity pay remaining at the time of her return to work. It will be the choice of the mother as to whether she takes up all her leave and pay entitlements or returns to work early. There have been

<http://www.dti.gov.uk/employment/balancing-work-family-responsible/time-off/index.html>

⁶⁰ 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>

⁶¹ Walsh Review (2008) *Right to request flexible working: a review of how to extend the right to request flexible working to parents of older children*. Available at: <http://www.berr.gov.uk/files/file46092.pdf>

a series of consultations on the detail of the scheme⁶², with the Government's most recent response to APL administration published in January 2008.⁶³

Implementation of APL continues to prove complex. The relevant government department announced, in March 2009, that it remains the Government's goal 'to introduce these changes (APL and the extension of paid Maternity leave) by the end of this Parliament. However the implementation date has not yet been decided. In the meantime to give employers some clarity and further time to make their preparations the Government has decided that these changes will not be implemented in April 2009 ... We will now start planning implementation for babies due on or after April 2010. This should not be taken to imply any timing decisions have been taken. It is simply a pragmatic approach.'⁶⁴

In April 2009 a national debate about Maternity, Paternity and Parental leave options has been stimulated by the proposals from the Equality and Human Rights Commission (2009) to radically overhaul leave provision.

3. Take-up of leave

a. Maternity leave

An analysis of the Millennium Cohort, a large sample of children born in 2000, indicates that 81 per cent of employed mothers took Maternity leave (rates were higher in Scotland) and that 83 per cent of these mothers had returned to work by nine to ten months after the birth of the cohort baby (Dex and Ward, 2007).

The extension to the period of Maternity leave in 2003 led to an increase in the length of leave-taken; the proportion of mothers taking 18 weeks leave or less fell from 42 per cent in 2002 to nine per cent by 2005, while the proportion of mothers taking five to seven months leave rose from a third to a half and the proportion taking more than nine months increased from nine per cent to one-quarter (Smeaton and Marsh, 2006). But recent analysis suggests that the amount of Maternity leave-taken by mothers has declined (La Valle et al., 2008). In 2007 the median duration of Maternity leave was 26 weeks, in contrast to a median of 31 weeks in 2002. In addition, a substantial minority (16 per cent) took less than the statutory minimum entitlement (i.e. less than 26 weeks).

As no statutory payment was available after 26 weeks of Maternity leave, financial considerations were most probably influencing maternal leave patterns. Longer durations of Maternity leave are found for mothers working in larger organisations, the public sector; those in professional and associate professional posts and in

⁶² DTI (2006) *Work and Families: choice and flexibility – Additional Paternity leave and pay*. Available at:

<http://www.dti.gov.uk/employment/workandfamilies/add-paternity-leave/index.html>

⁶³ BERR (2008) *Response to ALP Consultation*. Available at:

<http://www.berr.gov.uk/files/file44293.pdf>

⁶⁴ HMRC (2009) *Important information relating to Additional Paternity leave and pay*. Available at: <http://www.hmrc.gov.uk/statutory-notice/paternity-leave-pay.htm>

the top household income band. (La Valle et al., 2008). In general, a long Maternity leave period (i.e. between 30 and 40 weeks) is associated with having a better paid job, being in a workplace with more work-life balance policies, working for a large organisation, having more years of continuous service, and having a partner. The Millennium Cohort Study also found that those taking the shortest duration of Maternity leave were more likely to be lone mothers, those in low level occupations, with partners in low level occupations, and low qualified mothers (Dex and Ward, 2007).

The most recent survey data (La Valle et al., 2008) shows that 88 per cent of mothers who worked in the year before childbirth received some form of maternity pay. The largest group of mothers (41 per cent) had received the most generous pay package, that is, SMP combined with additional Occupational Maternity Pay (OMP) provided by the employer. OMP was most commonly paid by large private and public sector organisations, unionised workplaces, those offering a range of work-life balance provisions and to mothers with the highest earnings and those who worked full time. Mothers who received no maternity pay (12 per cent) were those in the least advantageous employment condition – elementary occupations, with an hourly gross pay below £5 (€5.5) and working fewer than 15 hours a week. These updated findings are in line with the earlier survey by Smeaton and Marsh (2006).

b. Paternity leave

The most recent nationally representative information on Paternity leave activity is provided by the proxy data given by mothers in the Maternity Rights 2007 Survey (La Valle et al., 2008). A fathers' survey is planned for 2009. This survey shows that 91 per cent of fathers took time off around the time of the baby's birth. The study did not distinguish between Paternity leave and other types of leave (e.g. annual leave). This utilization data is similar to earlier studies; for instance the Millennium 2000 Cohort showed that 93 per cent of employed fathers took some leave around the time of birth (45 per cent Paternity leave and 50 per cent annual leave) (Dex and Ward, 2007).

The 2007 Survey found that among fathers taking time off, the largest group (50 per cent) took ten days, the statutory Paternity leave entitlement; just under one-third (31 per cent) were off for fewer than ten days; and one-fifth (19 per cent) took more than ten days off. An employer's survey recorded that in 56 per cent of workplaces, fathers 'topped-up' their Paternity leave to take more than the statutory two weeks by utilising annual leave/holiday entitlements (Hayward et al., 2007).

More than two-thirds (67 per cent) of fathers were paid for all of the days that they took off work around the time of the baby's birth, 14 per cent were paid for some of the days and 19 per cent were not paid; 72 per cent of fathers in the top income group had all their leave paid for in contrast to 42 per cent of fathers with the lowest salary. Leave-taking duration was greater for high income fathers and men who were not self-employed.

c. Parental leave

Parental leave is not used widely, at least in the first 17 months of a child's life; and, if used, it is only taken for short periods. In 2005, 11 per cent of mothers had taken some Parental leave since the end of Maternity leave (up from eight per cent in 2002); more than half took just one week of unpaid parental leave, 12 per cent two weeks and a further 18 per cent three weeks or more. Eight per cent of fathers (who described themselves as entitled) had taken some Parental leave within 17 months of their child's birth, three-quarters for less than a week (Smeaton and Marsh, 2006).

d. Other employment-related measures

There is no national information on overall take-up of other employment-related entitlements, such as use of flexible working, as such data are not routinely collected. A 2002 survey found that 60 per cent of mothers and 52 per cent of fathers knew about the right to request flexible working, but only ten per cent of this group reported having used the entitlement (Hudson et al., 2004⁶⁵).

The results of the Second Flexible Working Employee Survey 2005 (Holt and Grainger, 2005⁶⁶) show that almost a quarter of employees with dependent children under six years have asked to work flexibly, rising to 36 per cent amongst women with a child under six years. Only around 11 per cent of these requests were declined, compared to 20 per cent before the law was introduced. A 2005 survey of maternity and paternity rights and benefits (Smeaton and Marsh, 2006) shows that 47 per cent of mothers work flexitime compared to just 17 per cent in 2002, and almost triple the number of new fathers now work flexibly. It also shows that the proportion of mothers who have changed their employer when returning to work has halved from 41 per cent in 2002 to 20 per cent.

Results from the latest Work-Life Balance Employee Survey (2006) indicate that nine per cent of employees stated that they had caring responsibilities for adults, with women more likely to have caring responsibilities at 12 per cent compared to men at nine per cent. Forty two per cent of employees stated that they were aware of the introduction of the right to request flexible working from 1 April 2007 (Hooker et al., 2006).

Results from the 2007 Work-Life Balance Employer survey show an across the board increase in the availability of flexible working arrangements – 95 per cent of workplaces had at least one provision, in contrast to 83 per cent in 2003 (Hayward et al., 2007). However, take-up had not increased at the same pace: 42 per cent

⁶⁵ Hudson, M., S. Lissenburgh and M. Sahin-Dikmen (2004) *Maternity and Paternity Rights in Britain 2002: Survey of Parents*. London: Department of Work and Pensions. Available at: <http://www.dwp.gov.uk/asd/asd5/ih2004.asp>

⁶⁶ Holt, H. and Grainger, H. (2005) *Results from the Second Flexible Working Employee Survey (Employment Relations Research Series Number 39)*. London: Department of Trade and Industry. Available at: <http://www.dti.gov.uk/employment/research-evaluation/errs/page13419.html>

of workplaces reported take-up of two or more flexible working practices, an increase from 36 per cent in 2003.

In terms of the right to request flexible working, 40 per cent of employers report receiving requests in the previous 12 months, with only nine per cent of these requests refused. The most frequently requested flexibility was to work part-time or reduced working hours for a limited period and the most frequent reason for refusal was the potential for work disruption (Hayward et al., 2007).

4. Research and publications on leave and other employment-related policies since January 2006

a. General overview

Most leave policies have been introduced relatively recently into the UK: Parental leave and time off for the care of dependants in 1999; adoption and Paternity leave and the right to request flexible working in 2003. There is, therefore, 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, first 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 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 from January 2006, including results from research studies

Brewer, M. and Paull, G. (2006) *Newborns and new schools: critical times in women's employment (DWP Research Report, No. 308)*. London: Department of Work and Pensions. Available at <http://www.dwp.gov.uk/asd/asd5>

This report investigates how and when differences develop in work behaviour between men and women, focusing on the period immediately after childbirth and during the initial years of family development; includes rate and speed of return to work among women after childbirth, and considers impact of maternity pay.

Casebourne, J., et al. (2006) *Employment rights at work: survey of employees 2005 (Employment Relations Research Series, No. 51)*. London: Department of Trade and Industry. Available at: <http://www.dti.gov.uk/employment/research-evaluation/errs/page13419.html>

This report examines employees' awareness, knowledge and exercise of their employment rights as well as where employees go to seek information and advice about their rights at work.

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: Department of Trade and Industry.

This report is the third in the series, and examines employee take-up of work-life balance practices and the impact of employer provision.

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.dti.gov.uk/employment/research-evaluation/errs/page13419.html>

This report presents results from the latest in a government-commissioned series of surveys of parents, beginning in 1979, including parents' use of Maternity, Paternity and Parental leave, both statutory and additional benefits provided by employers.

Dex, S. and Ward, K. (2007) *Parental care and employment in early childhood (Working Paper Series No. 57)*. Manchester: Equal Opportunities Commission. Available at:

<http://www.eoc.org.uk/Default.aspx?page=15568>

This report presents results on maternal and paternal employment and caring behaviours for a nationally representative sample of babies born between September 2000 and December 2001. It provides evidence of child well-being gains where fathers take leave.

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 (BERR). Available at: <http://www.berr.gov.uk/files/file42645.pdf>

This report is the third in the series, and examines employer awareness, provision and attitudes to work-life balance arrangements. Reports of employee take-up (flexible working patterns and leave behaviour) at workplace level are also covered.

Tanaka, S. and Waldfogel, J. (2007) 'Effects of Parental leave and working hours on fathers' involvement with their babies: evidence from the UK Millennium Cohort Study', *Community, Work and Family*, Vol.10, No.4: 409-426.

Using the UK Millennium Cohort Study, the analysis finds that taking leave and working shorter hours are related to enhanced father involvement with the baby. Four specific types of paternal activities are investigated: being the main caregiver; changing diapers; feeding the baby; and getting up during the night.

La Valle, I., Clery, E. and Huerta, M.C. (2008) *Maternity rights and mothers' employment decisions (Department for Work and Pensions Research Report No. 496)*. London: Department for Work and Pensions. Available at:

<http://www.dwp.gov.uk/asd/asd5/rports2007-2008/rrep496.pdf>

The report presents the results of the latest study in the Maternity Rights Survey series, which has monitored take-up of maternity benefits and mothers' post-birth employment decisions since the late 1970s.

Government Equalities Office (2009) *Flexible working: benefits and barriers. Perceptions of working parents*. London: Government Equalities Office. Available at: <http://www.equalities.gov.uk>.

Using an online survey with a representative sample of working parents of children under 16 years in Great Britain, the report presents parents' views on the benefits of flexible working and the barriers against use. The majority of parents feel their relationship with their children would improve if they could work flexibly, but two-thirds expressed concern about requesting flexible working from employers. General awareness of the right to request flexible working was low.

Hegewisch, A. (2009) *Flexible working policies: a comparative review*. London: Equality and Human Rights Commission. Available at: www.equalityhumanrights.com

UK flexible working policies are compared to those in several countries, with a special focus on France, Germany and the Netherlands whose approach is universal with flexible working rights open to all employees. Access to flexible working in these countries is more likely to be governed by collective bargaining and workplace agreements than in the UK, where, the author suggests, the 'soft' legislative framing of the right to request contributes to its gendered pattern of use.

Equality and Human Rights Commission (2009) *Working Better Phase 1 Report: Meeting the changing needs of families, workers and employers in the 21st century*. London: Equality and Human Rights Commission. Available at: <http://www.equalityhumanrights.com/en/publicationsandresources/Pages/WorkingBetter.aspx>

A policy analysis of UK flexible working patterns and Maternity, Paternity and Parental leave in an international context using new financial estimates, parental survey data and expert evidence. The report includes a set of recommendations, supported by cost estimates, for a three stage radical overhaul of leave provision in the UK to 2020 with a goal of increasing take-up by low earners and introducing a more holistic approach to Parental leave, with equal access for both parents.

Biggart, L. and O'Brien, M. (forthcoming 2009) *Fathers' working hours: parental analysis from the third work-life balance employee survey 2006 and maternity and paternity rights and benefits: survey of parents 2005 (Employment Relations Occasional Paper)*. London: Department for Business, Innovation and Skills.

An analysis of fathers' working hours and use of flexible work options in the Third Work-Life Balance Employee Survey (2006) and the Maternity and Paternity Rights and Benefits Survey of Parents (2005). Findings show an increase in fathers' adoption of flexible working options since the First Work-Life Balance Survey 2000 baseline, but little change in the diversity of flexible options used.

O'Brien, M. (forthcoming 2009) 'Fathers, Parental leave policies and infant quality of life: international perspectives and policy impact', *Annals of the American Academy of Political and Social Science*, Vol. 624 (July).

A comparative analysis of fathers' patterns of leave-taking across 24 countries, including the UK, between 2003 and 2007, which presents a new typology of father-care sensitive leave models.

2.29

United States

Sheila B. Kamerman and Jane Waldfogel

Population (UNDP)	2005	299.8 million
Total Fertility Rate (UNDP)	2000/5	2.0
GDP per capita (UNDP)	2005	41,890 PPP US\$
Female economic activity, 15+ (UNDP)	2005	50.8 per cent
As % male rate (UNDP)	2005	77 per cent
% of employed working part time (OECD/F)		
Men	2007	7.6 per cent
Women	2007	17.9 per cent
Gender employment gap (OECD/BB)	2004	12% points
Employment rate for mothers (OECD/BB)		
With child under 3 years	2005	54.2 per cent
With child aged 3-5 years	2005	62.8 per cent
Global gender gap (WEF)	2008	27th
Attendance at formal services (ECB)		
Children under 3 years	2006	No data
Children 3-5 years (inclusive)	2006	No data
NB United States is a federal state		

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, \$262 (approximately €198) a week on average in 2003) 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 before and six to eight weeks after. TDI programmes cover about a quarter of the labour force.
- California is 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\$840 (€634) a week in 2004) 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 (€8) a year for this benefit while the estimated average additional cost is \$46 (€35).
- 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. New Jersey has also enacted a paid family leave law (see details in part 2).

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. Changes in leave policy since 2006 and other related developments (including proposals currently under discussion)

No changes in leave policy at federal level have taken place recently or are currently under discussion; it was not discussed during the campaigns for the Presidency. A number of states, however, have taken initiatives.

The Washington State legislature enacted a comprehensive paid family leave law (see part 1) in April, 2007. In March 2008, New Jersey became the third state in the United States to offer paid family leave for all its workers, after California and Washington. The legislation will extend 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 \$502 (€379) a month to cover leave to care for a newborn, adopted or foster child, or sick child, parent, spouse, or partner. The measure will be financed by employee payroll deductions that will cost every worker in New Jersey a maximum of 64 cents a week, or US\$33 a year starting on 1 January 2009. All workers who contribute to the programme will have the opportunity to draw benefits starting 1 July 2009. The New York State legislation, also building on its TDI policy, is proposing similar but less generous legislation, replacing half of prior wages up to a maximum of \$170 (€128) a week.

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.

3. 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 recipients (Ross Phillips, 2004⁶⁷). About 80 per cent of working parents between the ages of 18 to 54 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 (Commission on Family and Medical Leave, 1996⁶⁸; Waldfogel, 2001⁶⁹; Cantor et al., 2001⁷⁰). Thus though the law provides de facto Parental leave entitlements,

⁶⁷ 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.

⁶⁸ 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.

⁶⁹ Waldfogel, J. (2001) 'Family and Medical Leave: evidence from the 2000 surveys', *Monthly Labor Review*, September: 17-23.

⁷⁰ 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.

studies have found that it has had generally small effects on leave usage by new mothers (Ross, 1998⁷¹; Waldfogel, 1999⁷²; Han and Waldfogel, 2003⁷³) and no discernible effects on leave usage by new fathers (Han and Waldfogel, 2003). 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.

4. Research and publications on leave and other employment-related policies since January 2006

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

b. Selected publications from January 2006, including results from research studies

Lovell, V. (2007) *Maternity leave in the United States: paid parental leave is still not standard, even among the best U.S. employers*. Washington, DC: Institute for Women's Policy Research. Available at: <http://www.iwpr.org/pdf/parentalleaveA131.pdf>

Nearly one-quarter of the 100 best employers for working mothers provide only four or fewer weeks of paid Maternity leave and half provide six weeks or less, using data provided by the Working Mother Media Inc. and *Working Mothers'* magazine. Nearly half provide no Paternity leave or leave for adoption.

Nepomnyaschy, L. and Waldfogel, J. (2007) 'Paternity leave and fathers' involvement with their young children: evidence from the ECLS-B', *Community, Work and Family*, Vol.10, No.4: 425-451. The article examines the associations between fathers' leave-taking and fathers' involvement with their children nine to ten months post-birth. The authors find that fathers who took longer leaves immediately after the birth are more involved with their infants nine to ten months later.

⁷¹ 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.

⁷² Waldfogel, J. (1999), 'The impact of the Family and Medical Leave Act', *Journal of Policy Analysis and Management*, Vol.18, No.2: 281-302.

⁷³ Han, W.-J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography*, Vol.40, No.1: 191-200.

Han, W.-J., Ruhm, C., Waldfogel, J. and Washbrook, E. (2008) 'The timing of mothers' employment after childbirth', *Monthly Labor Review* Vol.131, No.6: 15-27.

The article uses data from the ECLS-B, a new nationally representative sample of over 10,000 children born in 2001, to examine variation in the timing of women's post-birth employment. The authors examine how mothers' employment post-birth varies by their race/ethnicity, family structure, education level, age, and prior birth history.

Levine, L. (2008) *Leave benefits in the United States: CRS report for Congress (updated 7 May 2008)*. Washington DC: Congressional Research Service. Available at:

http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1526&context=key_workplace

This report reviews federal statutes that pertain directly or indirectly to employer provision of leave benefits, with particular attention to family and medical leave policies in the USA, the direct costs to businesses and estimates of potential gains to employers. The report concludes that workers with a greater need for leave – parents with very young children – are the least likely to have access to leave.

Han, W.-J., Ruhm, C. and Waldfogel, J. (forthcoming 2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*.

The paper utilises data from the June Current Population Survey (CPS) Fertility Supplement merged with data from other months of the CPS to describe trends in parents' employment and leave-taking after birth and analyse the extent to which these behaviours are associated with Parental leave policies. The period examined – 1987 to 2004 – is one in which such policies were expanded at both the state and federal level. The main finding is that increased leave has increased the amount of time that new mothers and fathers spend on leave, with effects that are small in absolute terms but large relative to the baseline for men and much greater for college-educated women than for their counterparts with less schooling.

Annex 1

A formal network of experts on leave policies and research

Purposes of the network

- The exchange of information about leave policies adopted in individual countries and by international organisations.
- The cross-national analysis of such policies.
- The exchange of information about research on leave policies, including findings and conclusions.
- Providing a forum for the cross-national discussion of issues and trends in policy and research.
- Providing a source of regularly updated information on policies and research.

Terms of reference of the network

The network will pay particular attention to employment-related policies intended to support parents and others with care responsibilities (including for adult relatives); including Maternity, Paternity and Parental leave, leave to care for sick or disabled relatives, and entitlements to work reduced hours. But attention will also be paid to policies available to the whole population to improve work/life balance, such as 'career breaks' and 'time accounts'.

The scope of its work will include:

- the background, rationale and implementation of policies;
- the form they take and the assumptions and values that underlie them;
- their use (both overall and among different subgroups of the population) and what factors influence use;
- their consequences (benefits and costs) for individuals, families, employers and the wider society;
- how employers and workplaces respond to workers taking leave, and manage in their absence; and
- the relationship of leave policies to other policy areas (e.g. the provision of services for children and their families).

Activities

The basic activity of the network is *an annual seminar*, organised by the members of the network. Attendance will be open to all network members, though consideration will need to be given to some 'rationing' of attendance if demand gets too high.

Other activities will be built onto this annual seminar. There are many possibilities, including for example:

- A *regular publication* containing updated information on leave policies and research, and a selection of papers (both from annual seminars and other papers reproduced with authors' permission).
- The development of a *network website*, including regularly updated information on leave policies and research (e.g. a bibliography of publications).
- Using the network as a means to develop *cross-national research proposals*.
- *Other events and activities*, e.g. seminars on more specialist issues, supporting the preparation of special journal issues and edited book volumes.

Participation

The network is open to researchers, policy makers and others from both particular countries and international organisations. The main condition is expertise and interest in the subject, and a willingness to contribute to the work of the network.

Annex 2

Network members at April 2009

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