

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

International Review of Leave Policies and Related Research 2012

EDITED BY PETER MOSS, INSTITUTE OF EDUCATION UNIVERSITY
OF LONDON

JUNE 2012

Contents

1. Defining leave Policies

2. Cross-country comparisons

- Sources used
- Background data on countries
- Statutory Maternity Leave: April 2012
- Statutory Paternity Leave: April 2012
- Statutory Parental Leave (not including additional childcare leaves): April 2012
- Statutory other measures: April 2012
- Total statutory leave (including additional childcare leaves): April 2012
- Relationship between leave and ECEC entitlements: April 2012
- Changes and developments since April 2011
- Take-up of leave
- Research and publications since April 2011

3. Country notes

- Australia
- Austria
- Belgium
- Brazil
- Canada
- Croatia

- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Japan
- Lithuania
- Luxembourg
- The Netherlands
- New Zealand
- Norway
- Poland
- Portugal
- Russian Federation
- Slovenia.
- South Africa
- Spain
- Sweden

- Switzerland
- United Kingdom
- United States

1. Defining leave policies

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

a. Maternity leave

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

b. Paternity leave

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

c. Parental leave

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

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

d. Leave to care for children who are ill

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

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

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

2. Overview: cross-country comparisons

Sources used

The main sources used in this review of leave policies and research are country notes prepared by members of the international network on leave policies and research, following a common format; the author or authors of each country note are given at the start of the note. A country that has not been included in previous reviews – Brazil, Japan and Lithuania for 2012 – has a new country note prepared. For countries that have appeared in previous reviews, country notes are reviewed and revised each year by authors. All country notes are edited by one of the network's coordinators, Peter Moss.

The expertise and work of the authors is gratefully acknowledged.

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

Background data on countries

The 33 countries covered in this review include ten **federal** states, in some of which provinces or states have their own leave policies (e.g. Canada, Switzerland, United States). Twenty-two are **member states of the EU**.

Populations vary from less than half a million (Iceland, Luxembourg) to 317 million (United States). Most countries have a total period **fertility rate** that is below replacement level (at 2.1); only Iceland, Ireland, New Zealand and South Africa reach or surpass this level, though several others are close; 15 countries have a rate of 1.5 or lower.

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

Countries rank from first to 94th on the UN's **Gender Inequality index** (1st meaning low inequality), with the five Nordic countries in the top nine; **women in parliament** range from 9 per cent in Hungary and 10 per cent in Brazil to over 40 per cent in Finland, Iceland, Norway, Sweden and – highest of all – South Africa.

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

	Population (2011) millions	Total fertility rate (2011)	Income and equality(2011)		Gender inequality(2011)		Maternal employment rate(2008)		Employment patterns in couple families with child 0- 14 years (2008)		
			GNI per cap- ita (PPS\$)	Gini co- efficient	Gender of Inequality Index(rank)	per cent women in parl'ment	per cent with child under 3	3 to 5	2FTE	1FTE+ 1PTE	1FTE only
Austria F	8.4	1.4	35,719	29.1	16 th	28	58	67	18	43	31
Australia F	22.6	2.0	34,431	[35.2] ¹	18 th	28	NI	48	[21	38	31](2007)
Belgium F	10.8	1.8	33,357	33.0	12 th	39	65	67	32	35	23
Brazil F	196.7	1.8	10,162	53.9	80 th	10	NI	NI	NI		
Canada F	34.3	1.7	35,166	32.6	20 th	25	59	68	NI		
Croatia	4.4	1.5	15,729	33.7	27 th	24	NI	NI	NI		
Czech Rep	10.5	1.5	21,405	(25.8)	17 th	21	18	53	47	8	42
Denmark	5.6	1.9	34,347	(24.7)	3 rd	38	71	78	NI		
Estonia	1.3	1.7	16,799	36.0	30 th	20	27	74	49	7	38
Finland	5.4	1.9	32,438	26.9	5 th	43	52	76	52	10	33
France	63.1	2.0	30,462	(32.7)	10 th	20	59	71	38	24	29
Germany F	82.2	1.5	34,854	28.3	7 th	32	56	64	14	42	32
Greece	11.4	1.5	23,747	34.3	24 th	17	51	54	48	6	43
Hungary	10.0	1.4	16,581	31.2	39 th	9	16	52	39	4	45
Iceland	0.3	2.1	29,354	NI	9 th	43	NI	84	NI		
Ireland	4.5	2.1	29,322	34.3	33 rd	11	56	55	NI		
Italy	60.8	1.5	26,484	36.0	15 th	20	51	52	30	20	44
Japan	126.5	1.4	32,295	NI	14 th	14	30	48	[50 ²		48](2007)
Lithuania	3.3	1.5	16,234	37.6	29 th	19	60	66	61	8	22
Luxembourg	0.5	1.7	50,557	NI	26 th	20	63	59	24	35	37
Netherlands	16.7	1.8	36,402	(30.9)	2 nd	38	75	76	5	59	21

¹ Figures in brackets indicate no 2011 data; instead 2010 data used

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

N. Zealand	4.4	2.1	23,737	(36.2)	32 nd	34	45	61	[33	24	35](2006)
Norway	4.9	2.0	47,557	25.8	6 th	40	NI	NI	NI		
Poland	38.3	1.4	17,451	34.2	25 th	18	49	60	50	7	36
Portugal	10.7	1.3	20,573	(38.5)	19 th	27	68	71	64	7	24
Russian F F	142.8	1.5	14,561	42.3	59 th	12	NI	NI	NI		
Slovenia	2.0	1.5	24,914	31.2	28 th	11	75	78	76	6	15
S. Africa F	50.5	2.4	9,469	57.8	94 th	43	NI	NI	NI		
Spain	46.5	1.5	26,508	34.7	13 th	35	55	59	40	17	39
Sweden	9.4	1.9	35,837	25.0	1 st	45	72	81	[41	35	15](2007)
Switzerld. F	7.7	1.5	39,924	33.7	4 th	28	58	62	[8	40	24](2007)
U. Kingdom	62.4	1.9	33,296	(36.0)	34 th	21	54	58	21	40	27
USA F	313.1	2.1	43,017	40.8	47 th	17	54	63	62 ²		36
						OECD average	51	63	40	19	34

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

Key:

F: federal state

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

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

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

Employment rate, women with a child < 3 years: In principle, all women on maternity or on statutory paid maternity or parental leave (legal or contractual) are counted as employed. EU guidelines stipulate counting parents on parental leave as employees absent for other reasons: they should be counted as employed if the period of absence is less than 3 months or if they continue to receive a significant portion of

previous earnings (at least 50 per cent). However, national treatment of long or unpaid parental leave varies widely. For example, according to the OECD Family Database, 'many parents on parental leave in Austria (up to 2 years) are counted as inactive, while leave is technically unpaid (there is an income support benefit for all parents with a child not yet 30 months old. By contrast, many of the parents in Finland on home-care leave (which is often taken when the child is 1 to 3 years of age) are often included in the employment statistics'

Statutory Maternity Leave: April 2012

Twenty-six countries have a statutory and designated Maternity leave entitlement, all paid and most covered by earnings-related payments (between 60 and 100 per cent) – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings.

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

There is not much **flexibility** in Maternity leave, and taking leave is obligatory in 14 countries. Flexibility in use mainly takes the form of some choice about when women can start to take leave and how much of the leave period they can take before and after birth. Belgian mothers may take two weeks of Maternity leave as ‘free days’, spread over a period of time.

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

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

Two approaches to leave policy are emerging:

1. Most widespread is the traditional concept of a ‘Maternity leave’ intended only for women, linked to pregnancy, childbirth and the first months of motherhood and treated as a health and welfare measure. Other leave available to women, mainly Parental leave, is additional and available equally to women and men. So under this approach, women are entitled to more leave overall than men.

2. More recently emerging is a move away from the idea of a ‘Maternity leave’, either towards a birth-related leave for women, but which can be transferred, at least in part, to fathers; or towards dropping ‘Maternity leave’ altogether in favour of a generic ‘Parental leave’, usually with periods designated for ‘mothers only’ and ‘fathers only’. Thus Iceland offers nine months Parental leave, three months each for the mother and father and a further three months for the parents to divide as they choose; the only recognition of childbirth is the obligation for women to take two weeks leave after birth, with the possibility of an extended leave if a woman has suffered complications at or after giving birth.

Country	Summary of leave	Length of post-natal leave (months)			Flexibility
		Total	Paid	Well paid	
Austria	●●● OB	1.8	1.8	1.8	1
Australia	✗ ³				
Belgium	●●● OB	3.2	3.2	3.2*	1
Brazil	●●●	4 to 6 ⁴	4 to 6	4 to 6	None
Canada	●●●	4.2	4.2	✗	None
Québec	●●●	4.2	4.2	4.2*	1
Croatia	●●●TR OB	6	6	6	3; 4
Czech Rep	●●●TR	5.1	5.1	5.1*	1
Denmark	●●●	3.2	3.2	3.2*	None
Estonia	●●● OB	3.6	3.6	3.6	None
Finland	●●● OB	2.9	2.9	2.9 ⁵	None
France	●●●	3.0	3.0	3.0*	None
Germany	●●● OB	1.8	1.8	1.8	None
Greece					
Private sec	●●	8.1	8.1	2.1	None
Public sec	●●●	3.0	3.0	3.0	1
Hungary	●●●	5.5	5.5	5.5	None
Iceland	✗ ⁶				

³ Australia: The law only refers to ‘Parental leave’

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

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

Ireland	●●		9.3	5.5	5.5*	None
Italy	●●●	OB	3.7	3.7	3.7	None
Japan	●●●	OB	1.9	1.9	1.9	None
Lithuania	●●●		1.9	1.9	1.9*	1
Luxembourg	●●●	OB	1.9	1.9	1.9*	1
Netherlands	●●●	OB	2.3	2.3	2.3*	None
New Zealand	✕ ⁷					
Norway	✕ ⁸					
Poland	●●●TR	OB	5.6	5.6	5.6	1; 3
Portugal	✕ ⁹					
Russian Fed (2010)	●●●		2.3	2.3	2.3*	1
Slovenia	●●●	OB	2.6	2.6	2.6	None
South Africa	●●		4	4	✕	None
Spain	●●●TR	OB	4.7 ¹⁰	4.7	4.7*	1; 3; 4
Sweden	✕ ¹¹					
Switzerland	●●●	OB	3.2	3.2	3.2*	None
U.Kingdom	●●	TR	12.0	9.1	1.4	None
USA	✕ ¹²					

⁶ Iceland: The law does not distinguish separate Maternity, Paternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose. 3 months of 'birth leave' is reserved for women to take after birth.

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

⁸ Norway: The law does not distinguish separate Maternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose. 6 weeks of Parental leave is reserved for women to take after birth. This leave is included under Parental leave.

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

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

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

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

Key:

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

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

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

×: no statutory entitlement; in the case of Maternity leave, this includes countries that provide a mother's quota of Parental leave, but provide no additional leave to women in recognition of pregnancy and childbirth. ●: statutory entitlement but unpaid; ●●: statutory entitlement, paid but *either* at low flat-rate *or* earnings-related at less than 66 per cent of earnings *or* not universal; ●●●: statutory entitlement, paid for all or part of duration to all parents at 66 per cent of earnings or more, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at:

<http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>

*****: ceiling on earnings-related payment

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

Statutory Paternity Leave: April 2012

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

However, as Parental leave in a number of countries includes a period of time that only fathers can take (sometimes referred to as a 'father's quota'), **the distinction between Paternity leave and father-only Parental leave can be unclear and confusing**. A comparison of Iceland, Norway and Sweden provides an example of this complexity. Iceland, as noted above, offers nine months leave after birth, three months for mothers, three months for fathers and three months as a family entitlement to be divided between parents as they choose; there is, therefore, no Paternity leave *per se*, but three months of leave are available for the use of fathers only, to take as and when they choose (to add to the confusion, although the law covers all nine months with the same name – 'birth leave' – the three months for fathers is commonly referred to as 'Paternity leave'). Norway, by contrast, has two weeks Paternity leave (i.e. to be used at the time of birth) plus a further 12 weeks father's quota, a part of the Parental leave that only the father can use; most of the Parental leave is a family entitlement. Sweden also has Paternity leave (ten days) and a fathers' quota (60 days) as part of Parental leave.

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers and is in addition to Parental leave, e.g. it is the ten days leave for men in Sweden, not the 60 days. On this basis, **16 countries under review have Paternity leave**, plus the province of Québec in Canada and private sector workers in Greece; in two other countries, Luxembourg and South Africa, fathers can use another type of leave ('leave due to extraordinary circumstances' or 'family responsibility' leave) at the time of the birth of a child, but a separate Paternity leave does not exist.

With five exceptions, the **period of leave** varies from two to ten days and is usually **paid** on the same basis as Maternity leave. The exceptions are: Québec (but not the rest of Canada), which offers three to five weeks of leave, depending on the level of benefit taken; Finland, 18 days of Paternity leave with a further 12 'bonus' days for fathers who take the last two weeks of Parental leave; Lithuania, 4 weeks; Slovenia, 90 days, the longest period of leave of any country; and Spain, 15 days.

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

Country	Summary of leave	Length of post-natal leave (weeks)			Flexibility
		Total	Paid	Well paid	
Austria	×				
Australia	×				
Belgium	●●● OB	2	2	2*	3
Brazil ¹³	●●●	1 or 2	1 or 2	1 or 2	None
Canada Québec	×				
	●●●	3 or 5	3 or 5	3 or 5*	1
Croatia	×				
Czech Rep	×				
Denmark	●●●	2	2	2*	None
Estonia	●	2	×	×	None
Finland	●●●	3+bonus 4	3+bonus 4	3+bonus 4 ¹⁴	2; 3
France	●●●	2	2	2*	3
Germany	×				
Greece					
Private sec	●●●	2 days	2 days	2 days	None
Public sec	×				
Hungary	●●●	1	1	1	3
Iceland	×				
Ireland	×				
Italy ¹⁶	×				
Japan	×				
Lithuania	●●●	4	4	4*	None
Luxembourg	[●●●●]	[2 days]	[2 days]	[2 days]	None
Netherlands	●●●	2 days	2 days	2 days	3

¹³ Brazil: longer in public sector; less in private sector.

¹⁴ Finland: paid at 70 per cent of earnings, but proportion is reduced beyond a specified level

¹⁵ Iceland: The law does not distinguish separate Maternity, Paternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose.

¹⁶ Italy: Fathers may take 3 months paid leave in exceptional circumstances, e.g. the death or severe illness of the mother

New Zealand	●	2	×	×	3
Norway	●	2	×	×	None
Poland	●●●	2	2	2.0	None
Portugal ¹⁷	×				
Russian Fed (2010)	×				
Slovenia	●●	13	13 ¹⁸	2.0*	2; 3
South Africa	[●●●●]	[0.4]	[0.4]	[0.4]	None
Spain	●●●	3	3	3*	4
Sweden	●●●	2	2	2*	3
Switzerland	×				
U.Kingdom	●●	2	2	×	3
USA	×				

Key:

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

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

×: no statutory entitlement; ●: statutory entitlement but unpaid; ●●: statutory entitlement, paid but *either* at low flat-rate *or* earnings-related at less than 66 per cent of earnings *or* not universal; ●●●: statutory entitlement, paid for all or part of duration to all parents at more than 66 per cent of earnings, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at:

<http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>

*: ceiling on earnings-related payment.

¹⁷ Portugal: The law does not refer to Paternity leave, referring only 'Father's-only Parental leave'. This leave is included under Parental leave.

¹⁸ Slovenia: 2 weeks paid at 100 per cent of earnings; for the remaining period, social security contributions based on the minimum wage are paid for the hours not worked

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

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

Statutory Parental Leave and Childcare Leave: April 2012

These two types of leave are considered together here, though treated separately in the country notes. All EU member states must provide at least three months **Parental leave** per parent, to increase to four months by 2012 under the terms of Directive 2010/18/EU. The directive defines this leave as enabling men and women “to take care of (a) child until a given age”, so distinguishing this leave from Maternity leave, where the directive setting minimum standards was adopted as a health and welfare measure. No payment or flexibility requirements are specified in Directive 2010/18/EU, but Parental leave is defined as “an individual right and in principle non-transferable”, though the directive goes on to add that “Member States are allowed to make it transferable.”

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

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

Broadly, countries divide into those where the total *length* of post-natal 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 or more. The former includes Belgium, Canada, Croatia, Denmark, Greece, Iceland, Ireland, Italy, Japan, Luxembourg, New Zealand, Slovenia and the UK; the latter includes the Czech Republic, Estonia, Finland, France, Germany, Hungary, Lithuania, 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 and Australia, with leave lasting until a child’s second birthday, though in the latter case the second year requires an employer’s agreement.

Parental leave is a *family entitlement* in 12 countries, to be divided between parents as they choose (Austria, Canada, Denmark, Estonia, Finland, France, Germany, Hungary, New Zealand, Poland, Russia and Slovenia); an individual entitlement in 11 countries (Australia, Belgium, Croatia, Czech Republic, Greece, Ireland, Italy, Luxembourg, Netherlands, Spain and the United Kingdom); and mixed (part family, part individual entitlement) in four countries (Iceland, Norway, Portugal and Sweden). It should be noted, however, that countries where leave is an individual entitlements vary in whether unused entitlements can be transferred to a partner (e.g. in Croatia and Slovenia) or whether entitlements, if not used, are forgone.

A majority of countries (25) provide some element of *payment*; only Greece, Ireland, Spain and the UK make no payment. Payment policy varies considerably. In 13 cases (Austria, Australia, Belgium, Canada, Czech Republic, France, Italy, Japan, Luxembourg, Netherlands, New

Zealand, Poland and Russia) payment is either: flat-rate or set at a low earnings-related rate; not universal (e.g. means-tested); or paid at a high earnings-related rate but for less than 6 months. Twelve countries + Quebec pay an earnings-related benefit of more than two-thirds of normal earnings for 6 months or more; however, **all impose a ceiling on benefit payments**. In five cases – notably Austria, the Czech Republic, Estonia, France and Germany – parents on leave receive a general ‘childrearing’ benefit that is paid to *all* parents with young children, not just those taking leave.

Flexibility takes a number of forms, including:

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

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

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

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

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

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

Country	Summary of leave	Length of post-natal leave excluding childcare leave (months)			Individual/ family entitlement	Incentive for father to take	Flexibility
		Total	Paid	Well paid			
Austria	●●	▶▶24.0	[▶▶24.0] ¹⁹	×	Family	Bonus payment months if both parents apply	2; 5
Australia ²⁰	●●	24.0	4.2	×	Individual	×	×
Belgium	●●	8.0	8.0	×	Individual	×	1; 2; 6
Brazil	×						
Canada Québec	●●●●	8.1 5.8 or 7.4	8.1 5.8 or 7.4	8.1* 1.6 or 5.8*	Family Family	×	×
Croatia ²¹	●●●●+	6.0+bonus 2	6.0+bonus 2	6.0+bonus 2*	Individual, transferable	2 bonus months if father takes leave	1; 2; 5; 6; 7
Czech Rep	●●	36.0	[36.0]	×	Individual	×	7
Denmark	●●●	10.6	10.6	10.6*	Family	×	1; 3; 5
Estonia	●●●	▶▶36.0	[▶▶36.0]	[14.3*]	Family	×	2; 4

¹⁹ Austria: there are various payment options available, which link payment level to length of payment; one option available to some parents is payment at 80 per cent of earnings for 12-14 months.

²⁰ Australia: second 12 months of Parental leave subject to employer agreement. Payment limited to employees earning less than ceiling.

²¹ Croatia: in the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to leave until the child(ren) is 36 months old at 100 per cent of earnings; the ceiling for the period from 12 to 36 months is lower than for the first 6 months of Parental leave.

Finland	●●● +	6.1	6.1	6.1 ²²	Family	4 bonus weeks added to Paternity leave if father takes 2 weeks Parental leave	1; 2; 6
France	●●	▶▶36.0	[▶▶36.0]	×	Family	×	1; 6
Germany	●●●	▶▶36.0	[12.0+bonus 2][12.0+bonus 2*]		Family	2 month bonus if father takes leave	1; 3; 5; 7
Greece							
Private sec	●	8.0	×	×	Individual	×	2; 5; 6
Public sec ²³	●	24.0	×	×	Individual	×	5
Hungary ²⁴	●●● +	▶▶36.0	36.0	24.0*	Family	×	4
Iceland	●●● +	9.0	9.0	9.0*	Family & Individual	×	2; 5; 6
Ireland	●	6.0	×	×	Individual	×	2; 5; 6
Italy	●●	10.0+bonus 1	10.0+bonus 1	×	Individual	1 month bonus of father takes leave	2; 5; 6
Japan	●●	▶▶12.0+bonus 2	▶▶12.0+bonus 2	×	Individual	2 month bonus if both parents take full entitlement	7
Lithuania ²⁵	●●●	▶▶36.0	▶▶24.0	▶▶12.0*	Family	×	2; 3
Luxembourg	●●	12.0	12.0	×	Individual	×	1; 5
Netherlands ²⁶	●●	12.0	12.0	×	Individual	×	(2); 6
New Zealand	●●	12.0	3.2	3.2	Family	×	7
Norway	●●● +	13.2	13.2	13.2	Family & Individual	×	1; 3; 5; 6

²² Finland: Paid at 70-75 per cent of earnings, but proportion is reduced beyond a specified level.

²³ Greece: 3 months of leave is paid in the public sector in the case of a third or higher order child.

²⁴ Hungary: Post-natal leave includes two types of Parental leave, one with a flat-rate payment, the other with a higher earnings-related payment. In families with three or more children, a parent can take low paid leave until the youngest child is 8 years; this is not included in 'length of post-natal leave' column.

²⁵ Lithuania: 12 months of leave at full earnings up to a ceiling; or 24 months at a lower earnings-related level (60 percent for year 1, 40 per cent for year 2).

²⁶ Netherlands: no direct payment; parents taking leave are eligible to tax relief. Both parents are entitled to 6 months leave, but full-time workers must take leave part time, unless they get the agreement of their employer to full-time leave; in these cases, the leave period will be longer than 6 months.

Poland	●●	36.0	36.0 ²⁷	×	Family	×	2; 5; 7
Portugal ²⁸	●●● OB +	12.0+bonus 1	12.0+bonus 1	6.0+bonus 1	Family & Individual	1 month bonus if parents share 'Initial' leave; 2 weeks of 'father-only leave' obligatory	1; 3; 5
Russian Fed	●●	▶▶36.0	▶▶18.0*	×	Family	×	1
Slovenia	●●●	8.6	8.6	8.6*	Family, transferable	×	1; 2; 4; 5; 6; 7
South Africa	×						
Spain	●	▶▶36 ²⁹	×	×	Individual	×	2; 5; 7
Sweden	●●●	36.0 ³⁰	13.2	10.7*	Family & individual	Bonus using tax system	1; 2; 5; 6; 7
Switzerland	×						
U.Kingdom	● ³¹	6.0	×	×	Individual	×	5; 6
USA	× ³²						

Key:

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

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

²⁷ Poland: payment is means-tested

²⁸ Portugal: as 'Father-only Parental leave' runs concurrently with 'Initial Parental leave', the 12 months of Parental leave only runs, per family, to 11 months after birth.

²⁹ Spain: each parent is entitled to take leave until a child's third birthday

³⁰ Sweden: Paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g.a parent can take 5 paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months

³¹ United Kingdom: leave entitlement is 13 weeks per parent, but only 4 weeks of leave can be taken per year, i.e. to take the full 13 weeks means taking 4 weeks leave per year for 3 years.

³² USA: there is no separate Parental leave, but parents may take up to 12 weeks unpaid leave for childbirth or for the care of a child up to 12 months as part of the federal Family and Medical Leave Act; employers with less than 50 employees are exempt. Five states and Puerto Rica provide some benefit payments to parents missing work at around the time of childbirth.

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

✘: no statutory entitlement/no payment/ no incentive for fathers to take. ●: statutory entitlement but unpaid; ●●: statutory entitlement, paid but: at flat-rate or earnings-related at less than 66 per cent of earnings; or not universal (e.g. means tested); or at high earnings-related rate but for less than 6 months of leave; ●●●: statutory entitlement, paid for all or part of duration to all parents at 66 per cent of earnings or more, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>)

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

*: ceiling on earnings-related payment

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

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

Statutory other measures: April 2012

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

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

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

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

Thirteen countries (Brazil, Croatia, Estonia, Hungary, Ireland, Italy, Japan, Norway, Portugal, Russia, Slovenia, Spain and Switzerland) permit women to **reduce working hours to enable breastfeeding**. Women reducing their hours for this reason are entitled to earnings compensation, except in Japan and Switzerland. Earnings replacement is not usual in the 14 countries (Austria, Croatia, Estonia, Finland, France, Greece, Hungary, Japan, Netherlands, Norway, Portugal, Slovenia, Spain, and Sweden) that give parents the **right to work part-time hours** either because of their child's age or disability. In the Netherlands, all Dutch employees have the right to work part time, though employers may turn down an employee's request under specified conditions. In

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

Finally, in Australia, 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.

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

Czech Rep	●●● 9 days per illness	●●● 9 days per illness for relative at home	×	×	×
Denmark	×	×	×	×	×
Estonia	●●● 14 days per illness	×	●●●	●●● child with disability	×
Finland	●●(●) ³³ 4 days per illness	×	×	●● to end of 2 nd year at school	×
France	● 3 days per illness // ● 3 years for serious disability or illness	×	×	●● child with disability	×
Germany	●●● 25 days per year per family	● 10 days per illness + 6 months long-term care for 'care-dependent' relative	×	×	×
Greece Private sec Public sec	● 6-14 days per year per parent ●●● 22 days for certain medical conditions	● 6-14 days per year for dependent family members ●●● 22 days for spouse with certain medical conditions	×	●●● to 2½ years ●●● to 4 years	×
Hungary	●●● Unlimited to 14 days per family per year	×	●●●	●●● to 8 years if 3+ children	×
Iceland	×	×	×	×	● Employers required to support family/work balance
Ireland	●●● 3 days per year	● 65 weeks for dependent	●●●	×	×
Italy	● Unlimited to 3 years; 5 days per year for 3-8 year olds	●● Up to 2 years over working life for serious need in family	●●●	×	● until child is 6 or disabled child is 18
Japan	● 5 days per parent per year for child under CSA;	●● Up to 93 days for family members needing	●	● to 3 years	×

³³ Finland: length of leave is defined by law; level of payment is determined by collective agreements

	10 days if two or more children	constant care for 2 weeks or more			
Lithuania	● 2 weeks per worker with a child under 14 years	×	×	×	×
Luxembourg	●●● 2 days per child per year	×	×	×	×
Netherlands	●●● 10 days per year // ● 6 times working hours/week for life threatening illness	● 6 times working hours/week for life threatening illness of parent or partner	×	● all employees	×
New Zealand	●●● 5 days per year	●●● 5 days per year	×	×	● any carer
Norway	●●● 10-15 days per parent per child per year	×	●●●	● to 10 years	×
Poland	●●● 14 days per year per family	●●● 14 days per year for family member	×	×	×
Portugal	●● 15-30 days per year // ● 6-48 months for severely disabled or chronically ill child	● 15 days per year for close relative + 15 days for severely disabled or chronically ill spouse	●●●	● to 12 years	×
Russian Fed	●●● 45-60 days per year	No information	●●●	×	×
Slovenia	●●● 7-15 days per illness, longer in exceptional cases	●●● 7-15 days per illness for a spouse, longer in exceptional cases	●●●	●● to 3 years or longer if child with disability ³⁴	×
South Africa	●●● 3-5 days a year	×	×	×	×
Spain	● 2-4 days per illness per parent // ●●● unlimited for seriously ill child in hospital or needing treatment at home	● 2-4 days per illness per worker // ●● 2 years to care for a seriously ill relative	●●● ³⁵	● to 8 years or longer if child with disability	×

³⁴ Slovenia: social security contributions based on the minimum wage are paid for the hours not worked

³⁵ Spain: reduced hours until child is 9 to 12 months may be consolidated as full-time leave and added to Maternity leave

Sweden	●●● 120 days per child per year	×	×	● to 8 years	×
Switzerland	● 3 days per illness	×	●	×	×
U.Kingdom	● 'Reasonable time'	● 'Reasonable time'	×	×	● to 16 years and any carer
USA	● 12 weeks for a seriously ill child	● 12 weeks for a seriously ill spouse or parent	×	×	×

Key:

×: no statutory entitlement. ●: statutory entitlement but unpaid, including EU member states covered by *force majeure* measure in Parental leave directive; ●●: statutory entitlement, paid but *either* at low flat-rate *or* earnings-related at less than 66 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 66 per cent of earnings, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>)

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

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

Total statutory leave (including additional childcare leaves): April 2012

The table summarises (i) the total amount of post-natal statutory leave (Maternity, Paternity, Parental, Childcare) available in each country per family, as well as (ii) the total amount paid in any way, and (iii) the number of months of well paid leave, i.e. paid at two-thirds or more of earnings, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>).

It should be noted that total leave is not always the period of time after the birth of a child that parents in a family can take leave. In a few cases, both parents may take leave until their child reaches a certain age, e.g. in the Czech Republic, both mother and father could take leave until their child is 36 months old – so that the total leave available to the family is 72 months (36+36 months), but leave can only be taken up to 36 months after birth.

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

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

- a. **Countries providing earnings-related post-natal leave (at two-thirds or more replacement rate) of nine months or over:** the five Nordic countries, five countries from Central and Eastern Europe (Croatia, Estonia, Hungary, Lithuania and Slovenia), Germany plus Greece (private sector) and the Canadian province of Québec. In all of these cases, the earnings-related leave includes a period of Parental leave.
- b. **Countries providing four to six months of earnings-related post-natal leave, in all cases confined to Maternity leave:** includes a number of Continental Western European countries. Ireland comes here, although the effect of a ceiling on the earnings-related benefit is that the maximum payment is only €270 a week, showing the need to take account of levels of ceilings in assessing the generosity of national schemes.

c. Countries providing less than four months of earnings-related post-natal leave: includes five of the six mainly English-speaking countries (Australia, Canada, New Zealand, United Kingdom, United States), plus Austria, Czech Republic, Luxembourg, Netherlands, the Russian Federation, South Africa and Switzerland. It should be noted that Québec, which now has responsibility for its own leave policy, is on a par with the top group of countries; the rest of Canada offers up to 50 weeks of earnings-related leave, but at 55 per cent of earnings it falls just below the EC indicator criterion; it also has a rather low ceiling. The United States is the only country to provide no period of paid statutory leave of any kind.

Previous analysis has indicated a relationship between fathers' use of leave entitlements and the availability of well-paid 'father-only' leave – the more such leave there is, the more leave fathers take. The Table, therefore, includes (i) the total period of 'fathers-only' leave provided by each country, and (ii) the period of 'fathers-only' leave paid at two-thirds or more of earnings (though the qualification about ceilings on payments needs again to be borne in mind). As above, it counts Canada and Québec separately. Thirteen countries provide less than one month of father-only leave, while nine offer six months or more, with a median length of 2.3 months. Length of leave paid at two-thirds of earnings is much lower, only six countries offering more than two months (the three Scandinavian countries plus Iceland, Portugal and Spain).

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

Country	Total length of post-natal leave available to two-parent family (months)			Period of 'father-only' leave (months)	
	Total	Paid	Well paid	Total	Well paid
Austria	24.0	24.0	1.8 ³⁶	×	×
Australia	24.0	4.3	×	×	×

³⁶ Austria: there are various payment options available, one option available to some parents is payment at 80 per cent of earnings for 12-14 months; in this case, the total length of well-paid leave would increase to 15.8 months. Payment periods are extended if both parents use some of the benefit period.

Belgium ³⁷	35.7	35.7	3.7*	16.5	0.5*
Brazil ³⁸	4.5 to 6.5	4.5 to 6.5	4.5 to 6.5	0.25 to 0.5	0.25 to 0.5
Canada Québec	12.3 11.2 or 12.8	12.3 11.2 or 12.8	✗ 11.2 or 12.8	✗ 0.7 or 1.2	✗ 0.7 or 1.2
Croatia ³⁹	36.0+bonus 2	12.0+bonus 2	12.0+bonus 2*	3.0	✗
Czech Rep	72.0 [36]	36.0	5.1*	36.0	✗
Denmark ⁴⁰	14.3 [13.8]	14.3	14.3*	7.9	7.9*
Estonia	36.5	36.5	18.4*	0.5	✗
Finland ⁴¹	36.7+bonus 1 [36]	36.7+bonus 1	9.7+bonus 1*	0.7+bonus 1	0.7+bonus 1*
France	72.0 [36]	36.0	3.5*	36.5	0.5*
Germany	36.0	13.3+bonus 2	13.3+bonus 2*	✗	✗
Greece ⁴²					
Private sec	19.9	12.0	6.0	4.0	(2 days)
Public sec	60.0	12.0	12.0	24.0	✗
Hungary ⁴³	36.0	36.0	24.0*	(1 week)	(1 week)
Iceland ⁴⁴	15.0	9.0	9.0*	6.2	3.0

³⁷ Belgium: in addition to Parental leave, men and women are entitled to at least one year of time credit/career break paid at a low flat rate, and which may be taken for any reason including the care of a child

³⁸ Brazil: longer for some public and private sector employers; less for remainder.

³⁹ Croatia: in the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to improved leave, 36 months at 100 per cent of earnings, with no ceiling for 6 months of Maternity leave but with a ceiling for the subsequent period of leave, the ceiling reducing after 6 months.

⁴⁰ Denmark: each parent is entitled to 32 weeks of Parental leave, but the total period cannot exceed 32 weeks per family. Two weeks Paternity leave must be taken during the Maternity leave period.

⁴¹ Finland: total post-natal leave includes period of low paid Childcare ('Home care') leave. Maternity, Paternity and Parental leave paid at 70-75 per cent of earnings, but proportion is lower for higher earnings

⁴² Greece: total post-natal leave includes possibility of taking reduced hours working entitlement as a period of additional full-time leave. Total includes one period of Maternity leave; 2 periods (for mother and father) of Parental leave; and one period of flexible working entitlement taken as full-time leave

⁴³ Hungary: a parent with three or more children may take leave paid at a low flat rate until the 8th birthday of the youngest child

Ireland	15.7	6.0	6.0*	3.2	×
Italy	13.7+bonus 1	13.7+bonus 1	3.7	6.0+bonus 1	×
Japan	24.0+bonus 4	24.0+bonus 4	1.9*	12.0+bonus 2	×
Lithuania	36.9	24.9	12.9*	0.9	0.9
Luxembourg	13.8	13.8	1.8	6.0	×
Netherlands	14.3	14.3	2.3	6.0	(2 days)
New Zealand	12.5	3.2	3.2	0.5	×
Norway	37.7	13.2	13.2*	3.2	2.8
Poland	42.0	42.0	6.0	0.5	0.5
Portugal ⁴⁵	36.0+bonus 1 [35+bonus 1]	12.0+bonus 1 [11+bonus 1]	6.0+bonus 1	4.0	0.9
Russian Fed	36.0	18.0	2.3*	×	×
Slovenia	14.2	14.2	11.6*	3.0	0.5*
South Africa	4.4	4.4	4.4	(3-5 days)	(3-5 days)
Spain	72.0 [36]	5.1	5.1*	36.0	0.5*
Sweden ⁴⁶	36.4 [18]	16.2	13.2	2.3	2.3
Switzerland	3.2	3.2	3.2*	×	×
U.Kingdom	18.5	9.5	1.4	3.5	×
USA	×				

Key:

⁴⁴ Iceland: includes period of unpaid Childcare Leave after Parental leave.

⁴⁵ Portugal: fathers are entitled to four weeks 'Father's-only Parental leave', 2 weeks of which must be taken immediately after birth; to receive payment, parents must take 'Additional Parental leave' immediately after 'Initial Parental leave'. This means that the 'Father's-only Parental leave' will be taken at the same time as 'Initial Parental leave'.

⁴⁶ Sweden: Paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g.a parent can take 5 paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months

Total length of post-natal leave: sums the total amount of leave available to mothers and fathers in a two parent family, including Maternity, Paternity, Parental and Childcare leaves. However, the period of time during which at least one parent can be on leave may be less, for example because each parent is entitled to a period of Parental leave, but leave cannot exceed the child's third birthday (e.g. Czech Republic, Spain); or because part or all of Paternity leave must be taken during the mother's Maternity leave (e.g. Slovenia); in these cases, figures in square brackets [] indicate the maximum period of leave that can be taken in a family if both parents fully use their entitlements.

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

✘: no entitlement

*: ceiling on earnings-related payment

Relationship between leave and ECEC entitlements: April 2011

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

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

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

	Attendance rates at formal ECEC services (2008)		Child's age (months) at:			Gap between	
	0-2 years	3-5 years	end of leave (a)	end of well-paid leave(b)	start of ECEC entitlement(c)	(a)-(c)	(b)-(c)
Austria	12%	78%	24	1.8	● 5 years PT	36 months	58 months
Australia	29%	55%	24	4.3	×		
Belgium	48%	99%	34	4.0	● ● 2½ years	No gap	26 months
Brazil	NI	NI	6	6.0	×		
Canada	24%	57%	12	None	×		
Québec	NI	NI	13	13	×		

Croatia	NI	NI	12+bonus 2	12+bonus 2	×		
Czech Rep	2%	80%	36	5.1	×		
Denmark	66%	92%	13.9	13.9	●●6 months	No gap	No gap
Estonia	18%	89%	36	18	●18 months[*3 Years]	No gap	18 months
Finland	29%	74%	36	9.0+bonus 1	●●end Par.Leave	No gap	No gap
France	42%	100%	36	3.5	●3 years	No gap	33 months
Germany	18%	93%	36	13.3+bonus 2	●3 years PT	No gap	20 months
Greece	16%	47%	19-60	6-12	●5 years PT	41 months to no gap	48-54 months
Hungary	9%	87%	36	24	●birth[*3 years]	No gap	12 months
Iceland	55%	96%	15.2	9.0	×		
Ireland	31%	56%	15.7	6.0	●3¼ years PT	24 months	33 months
Italy	29%	97%	13.7+bonus 1	3.7	×		
Japan	28%	90%	12.0	1.9	×		
Lithuania	14%	66%	36.0	12.0	×		
Luxembourg	39%	86%	13.8	1.8	●3 years PT	22 months	34 months
Netherlands	56%	67%	14.3	2.3	●4 years PT	34 months	46 months
New Zealand	38%	94%	12.5	3.2	●3 years PT	24 months	33 months
Norway	51%	95%	36.7	12.2	●●12 months	No gap	No gap
Poland	8%	47%	41.1	5.1	●6 years PT	31 months	67 months
Portugal	47%	79%	36+bonus 1	6+bonus 1	●5 years	24 months	54 months
Russian Fed	NI	NI	36	2.3	NI		
Slovenia	34%	78%	14.2	11.5	●●end Par. leave	No gap	No gap
S.Africa	NI	NI	4	4	×	No gap	30 months
Spain	38%	99%	36	5.1	●3 years		
Sweden	47%	91%	18	13.2	●●12 months	No gap	No gap
Switzerland	NI	48%	3.2	3.2	×		
U.Kingdom	41%	93%	18.5	1.4	●3 years PT	18 months	35 months
USA (2005)	31%	56%	×	×	×		
Average(median)	31%	83%					

OECD average	30%	77%		
--------------	-----	-----	--	--

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

Note on source: a discrepancy for Slovenia has been drawn to the attention of the editor of the review, between the figure in the Table given for attendance rates at formal ECEC services for children under 3 years, based on the OECD Family Database – 31 per cent; and the figure for attendance produced by the Statistical Office of the Republic of Slovenia for 2008-9 – 49 per cent (http://www.stat.si/eng/novica_prikazi.aspx?id=2327). This is a large difference and the cause is not certain; one unconfirmed suggestion is that the OECD Family Database figure is based on EU-SILC data and that while EU-SILC is representative of the population on some important variables such as sex, age, education and region, it is not representative either of parents of pre-school children or the pre-school children themselves. Since EU-SILC data is widely used, this issue requires further examination, and the data for other countries should be used with caution.

Key:

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

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

Changes and developments since April 2011

Twenty two of the 33 countries covered by this review reported policy changes, proposals or discussions between April 2011 and April 2012. These developments varied in nature (e.g. whether they were changes introduced, changes agreed for later introduction, or proposals under discussion); also in their focus and significance, including whether they were, broadly speaking, improvements in leave and related policies or some form of 'cut back'.

Fourteen countries reported **changes introduced during the period since April 2011**. In 11 cases, these were **improvements**, including improved Maternity leave (Croatia, Poland), new or improved Paternity leave (Austria, but for public sector only, and Poland) and improved Parental leave (Belgium, Greece, Netherlands, Norway and Sweden). Germany introduced *Familienpflegezeit* (family caring time) for employees allowing employees to reduce their working time for up to two years to a minimum of 15 hours, if they need to care for a dependent relative; during this period employees are paid a lower income, though the reduction in income is less than the reduction in hours, and then repay the difference by receiving the same amount of reduced earnings for an equivalent period after returning to full-time employment. Although initially intended to be a legal entitlement, the *Familienpflegezeit* has instead been made available as an employment benefit dependent on individual contract or collective agreement.

Cut backs, all affecting payment for leave takers, were reported in four countries (Greece, Lithuania, Slovenia and Spain).

Two countries reported **changes agreed and to be introduced later**, both affecting fathers: a form of low paid Paternity leave in Australia and some amendments to the father's quota on Parental leave in Finland.

Finally, eight countries reported **policy proposals and discussions**, which had not (as yet) led to any policy changes. A father's quota is under discussion in Denmark; a cash-for-care scheme (a benefit of €100 rising to €150 from 2014 to be paid to parents who care for their 1- and 2-year-old children at home and do not make use of public ECEC services) has been proposed by the German government; legislation for a 4th month of Parental leave (in line with the new European directive) is under preparation in Ireland; a short period of paid Paternity leave and measures to safeguard the employment of women on Maternity leave have been put forward by the Italian government; and the Netherlands government has tabled a bill to improve Maternity and Parental leave and other leave arrangements.

Perhaps the most significant proposals are to be found in three other countries. The Finnish government is preparing a gender equality programme, which emphasises in its draft the development of tools for a more equal sharing of child care responsibilities and proposes "an increase of leave earmarked for fathers with a gradual progress towards the 6+6+6 model, a more flexible take-up of fathers' parental leave, and a possibility to care for the child at home supported by the parental benefit for a longer time than at present". The Norwegian government

has proposed a division of the Parental leave into three parts: 12 weeks for mothers, 20 weeks to be shared and 12 weeks for fathers. While the UK government has conducted a consultation on re-configuring leave policy. The consultation included: proposals to reduce the length of Maternity leave (currently 52 weeks) and pay (currently 39 weeks of which 6 weeks are paid at 90 per cent of woman's average earnings and 33 weeks at flat rate) to 18 weeks; and to reclassify the remainder of existing Maternity Leave as Parental Leave. Proposals for the new Parental leave included: four weeks of paid Parental leave exclusive to each parent to be taken in the first year (designed to incentivise greater involvement by fathers); and 30 weeks of additional Parental leave available to either parent - of which 17 weeks would be paid and could be broken in blocks between parents (to introduce more possibilities of flexible use).

In two countries, Italy and Portugal, proposals to improve access to ECEC services were reported.

Take-up of leave

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

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

EIRO (2004⁴⁷) 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 2005 survey in the UK, for example, found 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.

⁴⁷ European Industrial Relations Observatory (EIRO) (2004) *Family-related leave and industrial relations*. Available at: <http://www.eurofound.europa.eu/eiro/2004/03/study/TN0403101S.htm>

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 1 per cent of recipients are fathers in the Czech Republic; and the proportion of fathers taking Parental leave is 2 per cent in Finland and Poland, and 3 per cent in Austria. However, where Parental leave has both an individual entitlement element *and* is relatively well paid, fathers' use is higher – though not equal with use by mothers. This can be seen in the four Nordic countries in this study, where Parental leave meets these two conditions:

- **Denmark:** survey data show that among parents of children born in 2005, 24 per cent of fathers took Parental leave and 94 per cent of mothers. On average, mothers took 28 weeks of leave, and fathers eight weeks.
- **Iceland:** in 2008, 91 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 103 days leave compared to 178 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 (2006), in 2007 70 per cent of eligible fathers took more than five weeks.
- **Sweden:** 90 per cent of fathers of children born in 1998 took Parental leave at some stage before their child's 8th birthday, mainly starting when their children were 13 to 15 months of age. In 2010, 44 per cent of Parental leave benefit recipients were men, compared to 56 per cent who were women.

In all four cases, mothers continue to take more leave than fathers. The difference is greatest in Denmark (where fathers took only 6 per cent of all days of paid leave in 2005), followed by Norway (9 per cent). In Sweden, fathers take about just under a quarter of all days (23 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 7⁴⁸). Mothers take both their individual entitlement and the greater part of the family entitlement.

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

⁴⁸ Eydal, G.B. and Gislason, I.V. (2008) 'Paid Parental leave in Iceland – history and context', in: G.B. Eydal and I.V. Gislason (eds.) *Equal Rights to Earn and Care – Parental Leave in Iceland*. Reykjavik: Félagsvísindastofnun Háskóla Íslands, pp.15-44.

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, has had an immediate impact; the proportion of fathers taking leave has risen more than eight-fold from 3.3 per cent in 2006 to 25.7 per cent for children born in the third quarter of 2010. But while the new Parental leave law has been successful in raising the take-up of leave by fathers, a large majority, i.e. 76.2 per cent (2011), took no more than their individual two month entitlement.

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

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

Portugal: the five-day Paternity leave (introduced in 1999 and made obligatory in 2004) was used in 2000 by 11 per cent of fathers, increasing to 27 per cent in 2002 and to 36 per cent in 2003. The proportion of fathers taking this leave subsequently increased by about 2 per cent per year, to 45 per cent in 2007 and 2008 (take-up is underestimated as these statistics exclude employees with special social protections regimes, e.g. civil servants, bank workers). The same trends may be observed for the 15 additional Paternity leave days, also introduced in 1999; the proportion of fathers taking these days has risen from 4 per cent in 2001 to 37 per cent in 2008.

The same trends may be observed for the 15 additional Paternity leave days (the optional 'Daddy days' introduced in 1999). In 2001 only 4 per cent of fathers chose to take the 15 days and this increased to 14 per cent in 2002 and to 24 per cent in 2003. Since then, and up until the 2009 policy reform, take-up rates increased steadily: to 28 per cent in 2004, 30 per cent in 2005, 33 per cent in 2006, 37 per cent in 2007 and 2008.

Following the reforms in 2009, when 'Paternity leave' became 'father-only Parental leave' and ten days became obligatory, take-up of leave increased to 56 per cent for the 10 compulsory days and 47 per cent for the additional 10 days. In 2010 and 2011 take up increased again, first to 62 and then to 68 per cent for the 10 compulsory days and first to 52 and then to 57 per cent for the 10 optional days (percentages based on the number of fathers who take leave in relation to the number of births). If, again, take-up is calculated in relation to the total number of Initial Parental leaves granted, then the proportions in 2010 and 2011 increase to 79 and 81 per cent for the ten obligatory days and to 66 and 68 per cent for the ten optional days.

Data on take up of the new 'initial Parental leave' (replacing Maternity leave), which also came into effect in May 2009, points to an increasing take-up rate of the 'sharing bonus' by parents. In 2010, 80,494 initial Parental leaves (79 per cent of the total number of births) were granted and take up of the 'sharing bonus' (at least 30 days) increased to 20 per cent of these leaves; in other words, 16,361 fathers stayed at home for 30 or more consecutive days, on their own, during the five or six months of total 'initial parental leave'.

Québec: in 2006, 56 per cent of fathers in Québec took a period of Paternity and/or Parental leave; since the introduction that year of the new Parental leave scheme, this has risen to 79 per cent in 2011. Taking account of all forms of leave, the proportion of fathers absent from work for birth or adoption has increased from 67 to 80 per cent in Québec from 2005 to 2011, compared with 45 per cent to 55 per cent across the whole of Canada.

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

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

All these examples are of paid leave. The importance of payment can also be seen in Catalonia, where there 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.

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

Finally, there is also only very limited information on the use of flexible working options. German data suggest that more flexible leave options (e.g. to take a higher benefit over a shorter leave period and to work part time while on leave) are used by only a minority, with parents in former East Germany being more likely to take a higher benefit for a shorter period, reflecting a greater propensity among women in this part of Germany to work when they have young children. Recent survey data from the UK show that almost a quarter of employees with dependant children under six years have asked to work flexibly, rising to 36 per cent amongst women with a child under six years; most (81 per cent) requests were partly or fully accepted by employers. The Netherlands introduced a similar, though broader, right to request more flexible hours

in 2000. An evaluation after two and a half years found that 26 per cent of employees had wanted to work less (27 per cent for men, 24 per cent for women), the main reasons given by both men and women being to have more time for family or household duties (34 per cent) or to pursue hobbies and other private activities (30 per cent). Approximately half (53 per cent) of the employees who wished to reduce their working hours asked their employers; more than half (54 per cent) had their request fully granted, with a further 10 per cent partially agreed. In short, the legislation had contributed to about 9 per cent of workers reducing their hours.

To summarise on take-up:

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

Research and publications since April 2011

Country notes include an overview of publications on leave since April 2011 (a few earlier publications missing in earlier reviews are included), and brief outlines of ongoing research. The three new countries include some publications from before April 2011. The publications listed are supplied by the authors of the country notes, and do not claim to be necessarily a comprehensive and systematic literature review for the period; some publications, therefore, may have been missed and the international review's editor would welcome information about missing publications (details to peter.moss@ioe.ac.uk)

One hundred and thirty five publications are listed, many available in English and downloadable, with a brief description of each. The number of publications varies considerably between countries, implying different levels of policy interest and/or of researchers with an interest in work/life issues.

Thirty five ongoing research projects from 19 countries are reported on leave policies and related work-life issues, ranging from cross-national studies to studies undertaken for doctoral theses. No ongoing research is reported from 14 countries. As with publications, the international review's editor would welcome information about missing research projects.

Australia

Michael Alexander (Australian Institute of Family Studies), Gillian Whitehouse (University of Queensland) and Deborah Brennan (University of New South Wales)

April 2012

NB. Australia is a federal state.

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

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

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

A new system of labour regulation has been established under the Fair Work Act 2009, which put in place new employment regulations, the bulk of which came into effect on 1 January 2010. These regulations contain a set of ten national employment standards, some of which refer to parental leave and flexible working arrangements (see below). While additional employment entitlements may be included in enterprise-level collective agreements, the new national employment standards prescribe the minimum set of entitlements that must be adhered to in both awards and collective agreements. As part of the Fair Work Act 2009, the national independent workplace relations tribunal (Fair Work Australia) has replaced more than 1500 state and federal awards with 122 industry and occupation awards (known as Modern Awards).

The entitlements in relation to the birth or adoption of a child under Australian labour regulation are written in gender-neutral terms and are generally referred to as Parental leave, rather than Maternity or Paternity leave.

a. Maternity leave

There is no statutory entitlement to Maternity leave as such. However, see 1c for details of the unpaid Parental leave entitlement, which provides for up to 12 months leave for a parent with responsibility for care of a child following birth or adoption. Women may take up to six weeks of this leave prior to the expected birth. For births or adoptions after 1 January 2011, eligible mothers (or their partners) may receive payment for up to 18 weeks of this leave under the Government's Paid Parental Leave scheme (see 1c for details).

Historically, many female employees have had access to paid Maternity leave through industrial awards, workplace agreements, company policies, or legislation covering public sector employees. In a national survey conducted in November 2011, 55 per cent of female employees indicated they had access to paid Maternity leave in their main job (ABS Forms of Employment survey, November 2011, Cat No 6359.0, Table 9), although another 14 per cent of female employees indicated they were unsure or did not know if they had access to this entitlement. Organisational data indicate that the prevalence of paid Maternity leave has been increasing over recent years, with close to 55 per cent of large organisations (with 100 or more employees) surveyed by the Equal Opportunity for Women in the Workplace Agency (EOWA) in 2009-10 providing paid Maternity leave, compared with 36 per cent in 2002-03⁴⁹. The conditions attached to paid leave granted by these organisations (duration, level of income replacement and eligibility) vary significantly across employers as discussed below. Levels of access and eligibility periods may also vary within organisations, for example between permanent and non-permanent staff: among EOWA respondent organisations providing paid maternity leave, only 21 per cent made this available to casual employees (see footnote 1, p.2).

b. Paternity leave

At present, there is no general entitlement to paid Paternity leave but the unpaid Parental leave entitlement enables men to take three weeks leave immediately following the birth of the child, and to share the unpaid Parental leave entitlement (see 1c below) with their partners.

Some company policies and industrial agreements also provide paid Paternity leave for fathers. In response to a national survey in 2011, 46 per cent of male employees indicated they had access to paid Paternity leave in their main job (ABS Forms of Employment survey, November 2011, Cat No 6359.0, Table 9), although a substantial proportion of male employees (27 per cent) were unsure. Organisational data indicate that the prevalence of paid Paternity leave has been increasing over recent years: 32 per cent of large organisations responding to an earlier 2005 EOWA survey provided paid Paternity leave, compared with 15 per cent in 2001⁵⁰. The amount of paid leave that is granted varies significantly across employers (see later comments) and, as for paid Maternity leave, organisational policies may not deliver the same entitlement to all employees within the organisation.

c. Parental leave

Length of leave

- Twelve months (of unpaid leave) per parent, of which 18 weeks in the first 12 months can be supplemented with Parental Leave Pay under the government funded Paid Parental Leave scheme that commenced on 1 January 2011.
- Following the first 12 month period of leave, a parent can request to take up to another 12 months (of their own or of their partner's unused leave period). In effect, each family (whether a single parent or a couple) is entitled to 12 months unpaid leave for the primary carer (parents can share this role), which can be extended by another 12 months (using the entitlement of the other parent in the case of couples); this second 12 months is subject to employer agreement.

⁴⁹ EOWA (2011) *Paid Maternity Leave in 2011: the Business Case*. Available at: <http://www.eowa.gov.au/>.

⁵⁰ EOWA (2006) *Equal Opportunity for Women in the Workplace Survey 2005: Paid Paternity Leave*. Available at: <http://www.eowa.gov.au/>.

- Unpaid Parental leave can be taken sequentially with paid leave entitlements, such as employer provided Maternity/ Parental leave if it is available to the employee through their employment conditions. Other forms of paid leave such as annual leave and long service leave can also be used. However, for each period of paid leave used, the unpaid Parental leave entitlement is reduced by the same amount so that the maximum time available for Parental leave per family is still two years. The government funded 18 weeks Parental Leave Pay is designed to be paid during the unpaid Parental leave period: it does not reduce the duration of unpaid Parental leave available as it is an entitlement to pay rather than to leave.

Payment and funding

- The Government's Parental Leave Pay is equivalent to the federal minimum wage (currently \$589.30 per week or \$15.51 per hour [€464 per week or €12 per hour⁵¹]) for up to 18 weeks. This represents 50.2 per cent of full-time average ordinary time female earnings as at November 2011).
- Where additional 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. The average duration for paid Maternity leave among large organisations was recently reported as 9.7 weeks (EOWA 2011; see footnote 1). Payment is typically at 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

- Only one parent is entitled to access unpaid Parental leave at any particular point in time. The exception allowing some flexibility is immediately following the birth (or adoption) of the child, when parents may take concurrent unpaid leave for up to three weeks.
- Parental Leave Pay can also be transferred from one parent to the other where the primary carer for the child (i.e. the parent on leave) also changes.

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

- Employees in permanent positions (full- or part-time) are eligible for the unpaid statutory provisions under the Fair Work Act 2009, provided they have 12 months continuous service with the same employer by the expected date of delivery.
- Casual employees are also eligible for the above entitlements provided that they have been engaged by a particular employer for a sequence of periods of employment during a period of at least 12 months and, but for the birth or adoption of a child, would have a reasonable expectation of continuing engagement.
- Twelve months unpaid Parental leave is not available to self-employed workers. According to a survey in 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 cent⁵².
- An employer can refuse the request for a second 12 month period of leave on 'reasonable business grounds'. Any agreement for an additional period of leave

⁵¹ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

⁵² Whitehouse G., Baird, M. and Diamond, C. (2005) *Parental Leave in Australia Survey*. Available at: <http://www.polsis.uq.edu.au/parental-leave/level1-report.pdf>

beyond the first 12 months will reduce the spouse or de facto partner's entitlement by an equivalent amount.

- To be eligible for the government funded 18 week Parental Leave Pay, the primary carer (usually the mother) must be in paid work and have: been engaged in work continuously for at least 10 of the 13 months prior to the expected birth or adoption of the child; and undertaken at least 330 hours of paid work in the 10-month period.
- The government funded Parental Leave Pay is restricted to those earning less than AU\$150,000 (€118,159) per year or 3.6 times average female annual earnings (or 2.4 times average female full-time earnings) and where possible, the benefit would be paid by employers, with the government pre-paying employers for the cost.
- The government funded Parental Leave Pay 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 Maternity or 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 caregiver (usually the father, but potentially a same-sex partner or grandmother) 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 Maternity or Parental leave, that entitlement cannot be withdrawn during the life of the agreement; the government-funded Parental leave scheme is in addition to any existing employment conditions.
- Those mothers not working (or not working for a sufficient period or hours to qualify for Parental Leave Pay) prior to the birth of a child would still be eligible for the existing baby bonus of AU\$5,437 (€4,283) – paid in 13 fortnightly instalments, and have access to family tax benefit B (primarily payable to single income families). These benefits of the social security system would no longer be available to those claiming the Parental Leave Pay.

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

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

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

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

d. Statutory childcare leave or career breaks

No statutory entitlement.

e. Other statutory employment-related measures

Adoption leave and pay

- The same statutory rights apply as to Parental leave when a child under 16 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 (ten days leave for a regular full-time employee). In addition, employees can access up to two days unpaid carer's leave for each 'permissible occasion' provided paid personal leave has not been exhausted. Personal/carer's leave includes 'sick' leave and may be taken because of a personal illness, or to provide care or support to a member of the employee's immediate family or household who is ill or injured, or in the case of an unexpected family emergency.

Flexible work arrangements

- One of the 10 new national employment standards contained in the *Fair Work Act 2009* provides parents with a statutory right to request flexible working arrangements. The arrangements 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.

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

The maximum period of government paid post-natal leave in Australia is just over 4 months, with payment at a flat rate; unpaid leave takes the total available up to 2 years, though the second 12 months is subject to employer agreement. There is no entitlement to ECEC, though governments have agreed to make available 15 hours a week of nursery education for one year before compulsory schooling (i.e. from age 5 years) from 2013 where parents want it. Levels of attendance at formal services for children under 3 are around the average for the countries included in this review and for OECD countries; but well below average for children over 3 years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

In the May 2011 budget, the Baby Bonus entitlement was reduced from AU\$5,437 (€4,283) to AU\$5,000 (€3,939) effective from 1 September 2012 as part of the Government's fiscal consolidation measures. It is to be maintained at that level until 30 June 2015.

The Australian Government introduced [legislation](#) into the Australian Parliament on 22 March 2012 to expand the Paid Parental leave scheme from 1 January 2013 with a new

entitlement for working parents: Dad and Partner Pay. Subject to the passage of legislation, Dad and Partner Pay will be available to eligible fathers and partners caring for a child born or adopted from 1 January 2013. Dad and Partner Pay will provide eligible working fathers or partners, including adopting parents and parents in same-sex couples, with two weeks of Dad and Partner Pay at the rate of the National Minimum Wage, currently \$589.30 (€464) a week before tax.

The Opposition parties in the Australian Parliament currently have a policy, which they took to the August 2010 election, to introduce a more generous paid Maternity leave scheme. The proposal is for 26 weeks paid Maternity leave at full replacement salary with no salary cap, paid for through a levy of 1.5 per cent on large businesses.

4. 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 was 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.⁵³
- A supplementary labour force survey collected information on employment and leave from mothers of children under two years of age (ABS, 2005⁵⁴). This survey will be repeated in November 2011, 11 months after the introduction of the Paid Parental Leave scheme.

More recent data will soon be available from the Paid Parental Leave Evaluation study (see section 5 below), however for this year we continue to draw primarily on information from *The Parental Leave in Australia Survey*.

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-February 2004), although very few leave-takers (around 4 per cent) used paid Maternity leave exclusively. 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

⁵³ This 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/>.

⁵⁴ Australian Bureau for Statistics (2005) *Pregnancy and Employment Transitions*, Cat. No. 4193.0).

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 fell 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 (*The 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.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

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

b. Selected publications since 2011 review

Baird, M. (2011) 'Paid parental leave policy and employer response', in: M. Baird, K.

Hancock and J. Isaac (eds.) *Work and Employment Relations - An Era of Change*. Sydney: The Federation Press.

This chapter examines employer and employer association submissions to the 2010 Senate inquiry into the Paid Parental Leave Bill. It highlights employer opposition to the requirement that employers administer the government-funded payments under the scheme, mainly due to concerns about additional administrative costs. Overall, however, it shows that employers supported the government-funded scheme in principle and noted the benefits to Australian working parents.

Whitehouse, G., Romaniuk, H., Lucas, N. and Nicholson, J. (forthcoming) 'Leave duration after childbirth: impacts on mental health, parenting and couple relationships in Australian two-parent families', *Journal of Family Issues*.

This article uses longitudinal data on Australian two-parent families to assess the impact of mothers' leave duration on their subsequent mental health, quality of parenting and couple relationships. The strongest finding was that mothers' psychological distress 2-3 years after the birth was lower among those who took more than 13 weeks paid leave or more than 26 (but not more than 52) weeks leave in total. Overall, the analysis underlined the complexity of the impact of leave duration and the need to consider workplace supports for maternal and family outcomes.

c. Ongoing research

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

Evaluation of the Paid Parental Leave scheme (2010-2014). Consortium led by Institute for Social Science Research, University of Queensland. Funded by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs. This is a comprehensive evaluation of Australia's new Paid Parental Leave scheme which commenced operation from 1 January 2011. The overall goals of the evaluation are to assess the implementation of the scheme during its first full year of operation as well as the impact of the scheme on the main policy aims (i.e. enhancements in maternal and child health and wellbeing, women's workforce participation and labour force attachment, gender equity and work/family balance). The evaluation comprises three phases: Phase 1 will establish baseline data, enabling later analysis of policy outcomes; Phase 2 will evaluate the implementation of the scheme; and Phase 3 will evaluate the outcomes of the scheme.

Data collection for Phase 1 was undertaken in the second half of 2010 and early 2011. A key component was a baseline survey of over 2,500 mothers of children born in late 2009 (approximately twelve months prior to the introduction of the new scheme). The survey was designed to establish patterns of paid and unpaid leave availability and uptake at this time, review attitudes and factors that influenced the use of leave in this context, identify patterns

of return to work for mothers who took leave, and assess general patterns of gender equity and work-life balance. In addition, Phase 1 included a set of in-depth interviews with mothers from groups underrepresented in the survey (e.g. those in precarious employment situations, Indigenous women, single mothers and culturally and linguistically diverse groups) and 20 interviews with employers to collect information about current practices and attitudes to the new policy. In 2011, analysis of Phase 1 research data commenced and Phase 2 data were collected. Phase 2 included a survey of 901 parents with a child born in mid-2011 (after the introduction of the scheme), a cross sectional survey of 502 employers, and interviews with 97 parents, 41 employers and 15 public servants involved in administering the new policy. Phase 3 data collection will commence in 2012. Phase 3 involves a longitudinal survey of mothers of babies born in late 2011 (two waves of data collection), a second cross sectional survey of employers, and a set of interviews and focus groups with beneficiaries and employers. Contact Bill Martin at w.martin@uq.edu.au

Austria

Christiane Rille-Pfeiffer (Österreichisches Institut für Familienforschung/Austrian Institute for Family Studies)

April 2012

NB. Austria is a federal state

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

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

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

Length of leave (before and after birth)

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

Payment and funding

- One hundred per cent of average income for the last three months of employment before taking leave for employees, with no ceiling. Freelance workers receive income-based maternity benefit; marginally employed self-insured women receive a flat-rate payment of €8.22 a day; while self-employed women who pursue a trade and farmers are eligible for 'operational support' (i.e. financial or other support to maintain their business) as a form of maternity benefits, but if no operational support is granted, they can claim a flat-rate payment of €26.97 a day. Eligible unemployed women or women receiving Childcare benefit are entitled to 180 per cent of previous unemployment benefit.
- Funded partly (70 per cent) from *Familienlastenausgleichsfond* (FLAF – Family Burdens Equalisation Fund), financed by contributions by employers based on their salary bill and from general taxes, and partly (30 per cent) from public health insurance. The total expenditure on Maternity leave in 2010 was €295 million.

Flexibility in use

- None.

Regional or local variations in leave policy

- None.

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

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

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

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

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

There is no statutory entitlement.

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

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

Length of leave (before and after birth)

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

Payment and funding

- A Childcare benefit is available to all families who meet the eligibility conditions, whether or not parents take Parental leave. Parents can choose between five payment options: four flat-rate and one income-related:
 - €436 a month for 30 months **or** for 36 months if both parents apply for the payment (30+6 option);
 - €624 a month for 20 months **or** 24 months (20+4 option);
 - €800 a month for 15 months **or** 18 months (15+3 option),
 - €1,000 a month for 12 months **or** 14 months for those earning less than €1,000 income a month (12+2 option);
 - 80 per cent of the last net income for 12 months **or** 14 months for those earning between €1,000 and €2,000 a month (12+2 income-related option).
- On any of the four flat-rate Childcare benefit options, a parent may additionally earn up to 60 per cent of the income they earned in the calendar year prior to the child's birth, up to a ceiling of €16,200 a year. For the earnings-related option, additional earnings may not exceed €6,100 a year
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2010 was €1,155 million.

Flexibility in use

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

Regional or local variations in leave policy

- None.

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

- All employees are entitled to take Parental leave.

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

- None.

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

- None.

d. Childcare leave or career breaks

- Employees have the possibility to take between 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, it is possible to receive a further training allowance from unemployment insurance funds (though the employee also has to meet the eligibility criteria for unemployment benefit and the employer has to recruit a substitute for the period of leave).

e. Other employment-related measures

Adoption leave and pay

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

Time off for the care of dependants

- Employees are entitled to take two weeks leave a year to care for sick children and one week of leave for other dependants/family members needing care, with full earnings replacement.
- Employees may take at maximum six months family hospice leave for the purpose of nursing terminally ill family members or very seriously ill children. If the leave is taken

for ill children, it can be extended to nine months. This leave is unpaid, but low-income families may claim subsidies, if such care leave causes financial distress.

Flexible working

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

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

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

3. Changes in policy since April 2011 (including proposals currently under discussion)

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

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

The Ministry has faced opposition to its intention to extend this entitlement to the private sector. The arguments mainly refer to problems being caused for small companies, when their male employees are on leave. Moreover, though the Minister for Women and the Civil Service would like the 'Papa-Monat' to be obligatory, others oppose making it compulsory.

4. Take-up of leave

a. Maternity leave

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

b. Paternity leave

No statutory entitlement.

c. Parental leave

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

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

The monthly official statistics (cross sectional data at one point in time) on Childcare benefit indicate a very low percentage of participating fathers. This is due to the fact that fathers mainly take shorter periods than mothers - they choose the shorter option more often than women, as the payment is higher than for the longer options - and therefore appear less often in the statistics. Looking at fathers who have taken any period of Childcare benefit, the percentage is much higher, varying between the different options from 12.57 per cent to 31.09 per cent (December 2011).

Recent data, for February 2012, from the Ministry of Economy, Family and Youth gives some indication of overall use of the five Childcare benefit options by mothers; with a very different profile to fathers, 66 per cent of mothers opted for the long model (30+6 months), 22 per cent for the second model (20+4), 3 per cent for the model 15+3, 2 per cent for the flat rate 12+2 and around 7 per cent for the income related model 12+2.

d. Other employment-related measures

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

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Research on Maternity leave is rare because the entitlement is so well established and widely accepted. 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, 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.

In general there have been a lot of evaluation studies on leave-related policy measures – especially on the Childcare benefit – in the last few years. This is due to the recently introduced legal obligation to evaluate the effects of new regulations within two years. Particular attention in these evaluation studies (but also as an issue for research in general) has been paid to the role of fathers and their participation in childcare. Recently, too, there are several evaluation studies on part-time work for parents.

b. Selected publications since April 2011

None reported.

c. Ongoing research

Evaluation of the childcare benefit (2008-2011). Austrian Institute for Family Studies (OIF). Funded by 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. Two reports based on quantitative studies with mothers and fathers have been submitted to the Ministry. The focus of the year 2011 will be on the recently introduced two new models, which are seen as notably relevant concerning the re-entry of mothers into the labour market as well as the participation of fathers. Contact: christiane.rille-pfeiffer@oif.ac.at.

More information available at:

http://www.bmwfj.gv.at/Familie/FinanzielleUnterstuetzungen/Kinderbetreuungsgeld/Documents/Endbericht_KBG-Reform_2008_Nov09.pdf; and

http://www.bmwfj.gv.at/Familie/FinanzielleUnterstuetzungen/Kinderbetreuungsgeld/Documents/KBG-Bericht_per_cent20Var_15+3_per_cent20AP_per_cent202009.pdf.

Belgium

Fred Deven (Kenniscentrum WVG) and Laura Merla ([Université catholique de Louvain](#))

April 2012

NB. Belgium is a federal state.

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

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

a. Maternity leave (*Moederschapsverlof / Congé de maternité*) (responsibility of the Federal Department of Employment 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 her baby is due; one week before and nine weeks after delivery are obligatory.
- Self employed mothers have 8 weeks.

Payment and funding

- Employees in the private sector: first month at 82 per cent of earnings plus 75 per cent for the remaining weeks with a ceiling of €94.87 per day. Public sector: statutory civil servants receive full salary; contractual civil servants, as for private sector.
- Funded from Federal Health Insurance, financed by employer and employee contributions and general taxation.

Flexibility in use

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

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

- All women employees are entitled to leave with earnings-related benefit.
- Self-employed workers can take Maternity leave but have a separate system which is 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 pre-natal leave, can take an extra week of post-natal leave, i.e. their Maternity leave is extended to 16 weeks.
- In the case of multiple births, the length of leave increases by four weeks (two weeks pre-natal and two weeks post-natal). 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 working days.

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 €103.72 per day).
- Funded as Maternity leave.

Flexibility in use

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

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

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

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

- None.

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

Length of leave (before and after birth)

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

Payment and funding

- €679.59 per month net of taxes (€756.19 before taxes).
- Funded as Maternity leave.

Flexibility in use

- Leave may be taken full time, half-time over six months or 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.
- Leave can be combined as follows: one month at full time + two months at half-time + five months at one-fifth.

Regional or local variations in leave policy

- The Flemish Community Government pays an additional benefit bonus during the first year. The regulation and the flat-rate payment somewhat differ for workers in the public, the private or the social profit sectors, but this additional payment is approximately €160 net per month for a full-time break, and €106 per month for a half-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, length of leave is increased for multiple births, e.g. each parent of twins gets 26 weeks.
- Parents of disabled children can take leave until their child's twenty-first birthday.
- The benefit is higher for lone parents who reduce their employment by a fifth (approximately €172 instead of €128 per month - before taxes - 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). 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. Payment varies according to age, civil status and years of employment (e.g. it is higher for those aged 51 years or older, for those employed for five years or more). The maximum for a full-time break is approximately €628 per month before taxes. The bonus for residents of the Flemish Community taking Parental leave also applies to this type of leave. Users who

extend their leave to care for a child younger than twelve 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.

- Workers over 55 years, who have at least 25 years of employment, have the right to reduce their hours by one-fifth or to half time; they must work these reduced hours for at least 6 months (one-fifth reduction) or 3 months (half-time reduction), but there is no upper limit on the length of time they can work reduced hours. They receive a low flat-rate payment while working reduced hours.
- For each company, there is a 5 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 are funded by the Federal social security system, which is financed by contributions from employers and employees.

e. Other employment-related measures

Adoption leave and pay

- At the time of adoption: 6 weeks for parents adopting a child under three years of age, and 4 weeks for parents adopting a child under 8 years of age., Parental leave: same regulations as for parents having their own children.

Time off for the care of dependants

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

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Belgium is 34 months (including full use of the time credit scheme), but most of this is low paid; leave paid at a high rate ends after Maternity and Paternity leave, at around 4 months after birth. There is an entitlement to ECEC from 2.5 years of age: from this age children can attend nursery school for 31.5 hours

per week during term time. So there is no gap between the end of Parental leave/time credit and an ECEC entitlement, but a substantial gap of more than 2 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above the average for the countries included in this review and for OECD countries, with universal coverage for children over 3 years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

There have been developments in the 'career break / time credit' (CB / TC) system in Belgium (see 2009 review for articles on these policies). By way of introduction, from the mid-1980s an innovative system of leave was developed in Belgium allowing not only parents to care for their young children but also other workers for any reasons. Several periods in the development of the career break system can be distinguished. First, various modifications were introduced which gradually improved the system from the perspective of the employees (1986-1991). Second, there was some retrenchment followed by some progress as a collective agreement was negotiated between the employers and trade unions in the National Labor Council (1991-1999). Third, the career break system received a further impetus (2000-2011) as the basic entitlement was expanded, e.g. more flexible options, becoming a right for employees in the private sector.

At present, this CB/TC system is under review in the context of budget deficits, and the need to adapt is a subject for political discussion at the federal level in Belgium. The new federal government, which finally took office in Autumn 2011, has decided already on a number of restrictions and cuts. Mostly to implement savings, the government has started to distinguish the so-called 'motivated' and 'non-motivated' CB/TC. The former refer to any periods taken for various types of care; no changes are proposed here.

But from 28th November 2011, changes are made for 'non-motivated periods' of CB/TB, which refers to longer periods of interrupting work for reasons such as taking long holidays, life reorientation or just for leisure or rest. One major change is to limit this right to a maximum of one year (or an equivalent period if leave is taken using a part-time formula). Secondly, the age condition for the right to work reduced hours is increased from 50 to 55 years, after a minimum of 25 years of work (previously 20 years), though some exceptions remain (e.g. workers involved in physically demanding work or enrolled in companies witnessing a major restructuring). A third major change affects pensions; until now periods of CB/TC were dealt with as equivalent to work for building up pension rights, but from 2012 onwards, periods of non-motivated CB /TC are no longer valid in this respect.

The overall impact is mostly that the process of previous decades of gradually extending rights and possibilities (e.g. greater flexibility) is halted; more restrictions may be decided later in 2012 during another round when additional budget savings are needed. At present, though, changes are limited to cutting down on some types of CB/TC possibilities that employers have objected to for some time (cf. too long, too early, too flexible, etc.).

At the same time, the federal government has also acted (in haste) to implement the EU Directive 2010/18 on Parental Leave. Given the long period of political deadlock at the federal level (with no government from late 2010 through most of 2011), it remained impossible to formally adopt the specific regulation for Parental leave to meet the requirements of the EU Directive (deadline early March 2012). At last, the federal government decided on 18 March 2012 to allow a fourth month of Parental leave, as an individual entitlement; the flat rate payment is extended to a fourth month of leave for parents of children born after 8 March 2012.

4. Take-up of leave

a. Maternity leave

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

b. Paternity leave

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

c. Parental leave

There is no information on what proportion of employees are *not* eligible for Parental leave. Most of the users are women, although the proportion of fathers among all leave-takers is slowly growing. From 2007 to 2011, the total number of users increased by 54 per cent. This means that in 2011 52,539 took some period of Parental leave, representing 2.1 per cent of all female workers and 0.7 per cent of all male workers during that year. The proportion of fathers among all takers of Parental leave increased from 9 per cent in 2002 to 28 per cent in 2011. Part-time leave options are the most popular, especially among men.

Approximately three quarters of leave takers use the one-fifth time option, suggesting that it is predominantly used as a flexibility measure.

d. Other employment-related measures

Between 2007 and 2011, the number of time credit users rose by 21.6 per cent. During this period full-time time credit leave decreased by 31.9 per cent and part-time time credit leave and one-fifth credit leave respectively increased by 21.2 per cent and 30.8 per cent. People aged 50 and over represent the majority of users, accounting for 66 per cent of expenditure, mostly using the scheme to adapt their working time by taking part-time leave. Time credit users in this age group are predominantly male, suggesting that men tend to use the time credit system as a form of flexible early retirement. By contrast, women tend to use it more to balance paid work and (child)care. In 2011, 62 per cent of all users were women.

In 2011, users of time credit represented 2.8 per cent of the workforce; 3.8 per cent of women in the workforce and 1.9 per cent of men in the workforce.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

There is no research on statutory leave entitlements, and only limited official information on take-up. Research has been focused on how parents have managed to take time off work or work more flexibly without recourse to legal entitlements, including the contribution of workplace policies and practices. There have been a number of publications documenting

the use of these entitlements based on administrative records showing an overall increase in use, mostly by women to maintain continuous employment when having children.

b. Selected publications since April 2011

Frans, D., Mortelmans, D. and Masquillier, C. (2011) *Financial consequences of career breaks. A latent model on register data. (WSE-Report 7-2011)*. Antwerp: Universiteit Antwerpen Centrum voor Longitudinaal en Levensloonderzoek. Available at: www.steunpuntwse.be/download/nl/6615435/pdf

The Belgian Career Break scheme, which allows employees to interrupt their careers temporarily while receiving a (limited) replacement income from the government, was first introduced in 1985, but little is known about the consequences of taking a career break. This paper reviews the existing literature, then applying multilevel growth modelling to the Belgian administrative database analyses the consequences for future wages of using the scheme.

Fusulier B. et al. (2011) *Articuler vie professionnelle et vie familiale. Etude de trois groupes professionnels: les infirmières, les policiers et les assistants sociaux*, Louvain-la-Neuve : PUL.

This book presents a comparative study of work-family balance in three professional groups in Belgium: nurses, police officers and social workers.

Hibo, S. (2011) *A salaire égal, répartition des tâches égale? Articuler vie professionnelle et vie familiale au sein de couples économiquement égaux*. Bruxelles: Femmes prévoyantes socialistes.

This study analyses work-family balance strategies of couples with similar earnings in Belgium.

Laurijssen, I. and Glorieux, I. (2011) 'Career Trajectories for Women After Childbirth: Job Quality and Work-Family Balance', *European Sociological Review*, doi: 10.1093/esr/jcr082 This article examines how women adjust their professional careers after first child birth. Reducing the hours of paid work is one way of reconciling work with family responsibilities. An alternative strategy consists of finding a job that integrates with family life more easily. Jobs with better opportunities for positive role-combination (i.e. work and family) are defined using the job demands-control model of Karasek. Using the longitudinal SONAR-data set on the transition from school to work in Flanders, Belgium, the article analyses how the career trajectories of young women (N = 809) change with family formation. The results suggest that women with children try to improve their work-family balance by changing the kind of jobs they work in. There were no indications, however, that mothers anticipate the future combination by choosing less demanding jobs. The largest decrease in job strain is realized by women who start working part-time. Part-time work as a combination strategy however, appears to be needed most in those jobs which offer few opportunities for successful combination.

Vandeweyer, J. (2011) 'Werkt loopbaanonderbreking? Arbeidsoriëntaties, tijdsbesteding en drukte bij loopbaanonderbrekers in Vlaanderen', *Tijdschrift voor Genderstudies*, Vol.14, No.4: 81-83.

This article summarizes Phd-research with the same title. The work orientations, time use and experiences of time pressure of 1,236 men and women with a career break are compared with working individuals from 20 to 49 years. Time credit and career break were introduced to increase the labour market participation and the quality of life. Both objectives were evaluated.

Vandeweyer, J. and Glorieux, I. (2011) 'Onthaasting en houding tegenover arbeid bij loopbaanonderbrekers in Vlaanderen', *Over.Werk. Tijdschrift van het Steunpunt WSE*, No.2: 27-32.

The work orientations, time use and experiences of time pressure of 1,236 men and women with a career break are compared with working individuals from 20 to 49 years. Time credit and career break were introduced to increase the labour market participation and the quality of life. Both objectives were evaluated.

Laurijssen, I. and Glorieux, I. (2012) 'Balancing work and family: A panel analysis of the impact of part-time work on the experience of time pressure', *Social Indicators Research*, DOI: 10.1007/s11205-012-0046-4. Available at : <http://www.springerlink.com/content/f81qw84ru3156113/>.

This article considers the consequences of work-family reconciliation, in terms of the extent to which the adjustment of the labour market career to family demands (by women) contributes to a better work-life balance. Using the Flemish SONAR-data, it analyses how changes in work and family conditions between the age of 26 and 29 are related to changes in feelings of time pressure among young working women. More specifically, by using cross-lagged models and synchronous effects panel models, it analyses (1) how family and work conditions affect feelings of time pressure, as well as (2) reverse effects, which may point to (working career) adjustment strategies of coping with time pressure. The results show that of all the considered changes in working conditions following family formation (i.e. having children), only the reduction of working hours seems to improve work-family balance (i.e. reduces the experience of time pressure). Part-time work is both a response to high time pressure, and effectively lowers time pressure. The effect of part-time work is not affected by concomitant changes in the type of paid work, rather, work characteristics that increase time pressure increase the probability of reconciling work with family life by reducing the number of work hours.

c. Ongoing research

None reported.

Brazil

Bila Sorj (Federal University of Rio de Janeiro)

April 2012

NB. Brazil is a federal state

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

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

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

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

Length of leave (before and after birth)

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

Payment and funding

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

Flexibility in use

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

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

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

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

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

b. Paternity leave (*Licença Paternidade*)

Length of leave (before and after birth)

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

Payment and funding

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

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

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

Time off for the care of dependants

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

Flexible working

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

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

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

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

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

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

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

- Extension of Paternity leave from 5 to 15-30 days.
- Paternity leave giving an employee the right to the whole period of Maternity leave, or for the rest of the period due to the mother, in the case of the mother's death, serious illness, abandonment of the child or exclusive care of the child by the father.
- Extension of Paternity leave from 5 to 30 days for the father when the mother does not get the extension of Maternity leave provided by the Employer-Citizen Programme.

- Job security for the father, from the confirmation of the pregnancy up to 4 months after the birth, when he is the sole source of family income. Another proposal also seeks to give job security, but without specifying the father as the only provider.
- Maternity benefit for the unemployed, to be covered by Social Security.
- Remunerated absence from work for a father or mother to accompany a physically handicapped child to therapy and/or medical treatment
- Remunerated absence from work to care for a sick child.
- Reduction of the working day for a parent or legal guardian of a child with a severe physical or mental handicap.

4. Take-up of leave

a. Maternity leave

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

b. Paternity leave

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

c. Parental leave and Parental benefit

No statutory leave entitlement.

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

a. General overview

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

b. Selected recent publications

Sorj, B. (2001) 'Child care as public policy in Brazil', in: M. Daly (ed.) *Care Work: The Quest for Security*. Geneva: International Labour Office.

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

Sorj, B., Fontes A. and Machado, D. (2007) 'Políticas e práticas de conciliação entre família e trabalho', *Cadernos de Pesquisa*, Vol.37, No.132: 573-594.

The aim of this paper is to discuss the problems related to the reconciliation of work and family responsibilities arising from the recent transformation of family structure and the labour market in Brazil. Based on data from the National Sample Household Survey of the

Brazilian Institute of Geography and Statistics, it outlines the changes in Brazilian families and participation of women in the labour market according to family composition. It shows the poor development of public services, which would allow the socialization of family care costs and which is harmful to female participation in the labour market, on a qualitative and quantitative basis.

Araújo C. and Scalon C. (2005) 'Percepções e atitudes de mulheres e homens sobre a conciliação entre família e trabalho pago no Brasil', in: C. Araújo and C. Scalon (eds.) *Gênero, família e trabalho no Brasil*. Rio de Janeiro: Editora FGV.

This chapter analyses the perceptions of men and women on the compatibility between paid jobs and family, from the standpoint of gender relations. Based upon the results of a survey carried out in Brazil in 2004, it examines whether there is a relationship between more egalitarian perceptions about gender and more egalitarian attitudes to household work. There is also an attempt to identify the significance of various factors (e.g. cultural, socioeconomic, and demographic) for the existence of values and routine practices that support more balanced and symmetrical marital relations.

OIT (ILO) (2009) *Trabalho e família: rumo a novas formas de conciliação com co-responsabilidade social*. Brasília: Secretaria Especial de Políticas para as Mulheres: PNUD. Available at: http://www.pnud.cl/areas/GobernabilidadDemocratica/2010/Informe_per_cent20trabajo_per_cent20y_per_cent20familia/informecompleto_portuques.pdf

With this report, the ILO and UNDP seek to address the issue of the reconciliation of family, personal and work life. With its focus on Latin America and the Caribbean, the most unequal region of the planet, the report argues that it is necessary to move towards the reconciliation of these spheres via co-responsibility, i.e. between men and women but also between families, states, markets and society in general.

c. Ongoing research

None reported.

Canada

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

April 2012

NB. Canada is a federal state

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

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

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

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

a. Maternity leave (*congé de maternité*)

Length of leave (before and after birth)

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

Payment and funding

- Fifteen weeks at 55 per cent of average insured earnings up to an earnings ceiling of CAN\$45,900 (€35,522⁵⁵) (i.e. a benefit payment ceiling of CAN\$485 (€376) per week).

⁵⁵ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

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 17-18 weeks leave.

- Funded from the federal EI fund, which is financed by contributions from employers (2.49 per cent of earnings in 2011) and employees (1.78 per cent); see 'regional or local variations' for additional contributions paid in **Québec**.

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 an earnings ceiling of CAN\$66,000 per year for 2012 (€51,107) 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 'special' plan, Maternity leave benefits are paid at 75 per cent of weekly income for 15 weeks, while under the 'basic' plan they are 70 per cent of weekly income for 18 weeks.
- These benefits are financed by contributions from employers and employees, who pay the standard contribution to EI, less a reduction but with a supplementary contribution to cover the higher benefits offered in the province. In total, employees and employers pay 4.669 per cent of earnings in **Québec** compared with 3.38 per cent in other parts of Canada, all up to a maximum insurable income of CAN\$66,000.

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

- Eligibility for job-protected leave varies between jurisdictions and is also different from the eligibility for payment of benefits. Except in **British Columbia, Québec** and **New Brunswick**, an employee must have been employed by the same employer for a minimum amount of time, varying from 13 weeks to 12 months. All but one jurisdiction, **Saskatchewan**, require this employment to be continuous. Eligibility requirements for benefits under the federal programme are 600 hours of continuous employment in the last 52 weeks. Until recently, most self-employed women were not eligible for benefits since they typically work under business or service contracts and therefore are not considered to have insurable employment. Moreover, many part-time workers do not have enough hours to qualify. As described below (see part 2), the recent introduction of Bill C-56 extends EI special benefits to the self-employed on a voluntary 'opt-in' basis.

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

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

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

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

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

Length of leave (before and after birth)

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

Regional or local variations in leave policy

- **Québec** offers up to five weeks after the birth. Paternity leave may be taken for three weeks at 75 per cent of average weekly income or for five weeks at 70 per cent up to an earnings ceiling of CAN\$66,000 (€51,107) per year. Funding as for Maternity leave.
- Fathers in **Québec** (including self-employed workers) are eligible if they have earned at least CAN \$2,000 (€1,549) in the 52 preceding weeks.

c. Parental leave (*congé parental*)

Length of leave (before and after birth)

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

Payment and funding

- Up to 35 weeks per family at the same rate as Maternity leave (55 per cent of average insured earnings up to an earnings ceiling of CAN\$45,900 (€35,543) (i.e., a benefit payment ceiling of CAN\$485 (€376) per week. Funding as for Maternity leave.
- Low-income families (less than CAN\$25,921 (€20,072) per annum) are eligible for a family supplement. In **Québec**, this supplement averaged CAN\$34.15 (€26.4) per family and 6.2 per cent of beneficiaries using Parental leave received this supplement.

Flexibility in use

- Benefit payments can be claimed by one parent or shared. They must be taken within 52 weeks of the birth. While on leave, a parent may earn CAN\$50 (€39) 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 (€58) 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. In some jurisdictions the amount of Parental leave depends on whether Maternity/pregnancy leave was taken – the maximum number of weeks that are

allowed for one person in almost all jurisdictions is 52, although **British Columbia** allows for an extension of Maternity leave that is not calculated into the 52 weeks. In three jurisdictions aggregate Parental leave cannot exceed the maximum of the allowed leave (i.e., no more than 37 weeks combined). In all other jurisdictions each parent may take the full Parental leave that is allowed (i.e., 37 weeks for each parent). Some jurisdictions require that leave is completed within 52 weeks.

- In **Alberta** if both parents work for the same employer, the employer is not obliged to grant leave to both employees at the same time.
- **Québec** offers a basic entitlement of seven weeks at 70 per cent of average insured income plus 25 weeks at 55 per cent, up to an earnings ceiling of CAN\$66,000 (€51,107) a year. There is also a 'special plan', which applies also to Maternity and Paternity leave, offering a shorter period of leave, 25 weeks, with higher benefits, 75 per cent of earnings. Leave can be taken at any time in the 70 weeks that follow birth. Funding as for Maternity leave.

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

- Eligibility for leave varies between jurisdictions and is also different from the eligibility for payment benefits. With the exceptions of **British Columbia, Québec** and **New Brunswick**, an employee must have been employed by the same employer for a minimum that ranges from 13 weeks to 12 months. All but one jurisdiction require this employment to be continuous. Some types of employees and employment are excluded: the specific details vary from jurisdiction to jurisdiction, but students, agricultural workers, workers in small businesses and workers in government employment creation programmes are often excluded.
- To be eligible for payment benefits, a parent must have worked for 600 hours in the last 52 weeks or since their last Employment Insurance claim. 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 (€1,549) in the 52 preceding weeks.
- **Québec** has less demanding eligibility conditions that allow more parents, including self-employed workers and students, to receive benefits; it no longer requires individuals to have worked 600 hours over the previous 52 weeks, but simply to have earned an insurable income of CAN\$2,000 (€1,549) Although nearly 80 per cent of full-time Canadian students are in the labour force, they are unlikely to work enough hours to qualify for federal EI leave benefits in Canada; by comparison, under QPIP, earning CAN\$2,000 over the previous year enables more students to access Parental leave benefits.

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

- In **Nova Scotia**, if the child for whom leave is taken is 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).
- In cases where a birth mother is ill during or after pregnancy, up to 15 weeks of federal sickness benefits can be received, resulting in a maximum of 65 weeks of benefits (15 weeks sickness, 15 weeks maternity and 35 weeks parental benefits).
- No additional benefits are provided in the case of multiple births; a court case challenging this policy was turned down in 2011.

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

- Some employers have a supplemental benefit plan that partially makes up the difference between federal EI parental benefits and the worker's salary; some also offer additional periods of leave. A survey of private companies in Québec in 2003 found that 36 per cent of union representatives and 46 per cent of HR managers said their companies offered supplementary leave or payments (Tremblay, 2012⁵⁶). A 2010 survey of mothers who gave birth in 2008 and received EI or QPIP benefits reported that one in five mothers received an additional top-up to their benefits from their employer (Marshall, 2010⁵⁷).

d. Childcare leave or career breaks

- None at national or provincial levels. In some collective agreements in the **Québec** public service, for example education, but also other sectors, it is possible to adopt a programme of deferred income, working four years at 80 per cent of earnings, followed by a one-year career break, again at 80 per cent of earnings. This is however part of a collective agreement, and not a labour law or regulation.

e. Other employment-related measures

Adoption leave and pay

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

Time off for the care of dependants

- **British Columbia** and **New Brunswick** allow three to five days of unpaid leave a year to care for immediate family members.
- In **Québec**, employees are allowed ten days of unpaid leave per year, which can be used for a sick child or other family member by the *Loi sur les normes du travail*. (Minimum employment standards law).
- In **Ontario**, employees are eligible for a maximum of 10 days of unpaid Personal Emergency leave per year, which can be used for a sick child or other family member. Employers that regularly employ 50 or fewer employees are exempt from this requirement.
- Nine jurisdictions have compassionate care leave provisions, which allow employees to take time off to care for or arrange care for a family member who "is at significant risk of death within a 26-week period". The length of leave is eight weeks within a 26-

⁵⁶ Tremblay, D.-G. (2012) *Conciliation emploi-famille et temps sociaux*. Québec: Presses de l'université du Québec.

⁵⁷ Marshall, K. (2010) 'Employer top-ups', *Perspectives on Labour and Income*. Vol. 11, No. 2. February: 5-12. Statistics Canada Catalogue no. 75-001-XPE.

week period; Compassionate Care benefits of up to six weeks can be claimed through Employment Insurance for this leave. To qualify for benefits, an employee must have worked 600 hours in the last 52 weeks and weekly earnings must decrease by 40 per cent. This leave, *inter alia*, allows parents to take time off to care for a sick child even after 52 months have passed since the birth or if leave periods have been exhausted.

Flexible working

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

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

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

3. Changes in policy since April 2011 (including proposals currently under discussion)

None reported.

4. 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

In 2009/2010, the number of Canadian mothers with a child under 12 months old decreased slightly to nearly 380,000. More than three-quarters (76.2 per cent) of these mothers had insurable income. Most (88 per cent) of this group received maternity or parental benefits from the federal EI programme or the QPIP. A substantial minority (23.8 per cent) were without insurable employment and therefore not eligible for Maternity or Parental leave benefits, full-time students (who do not meet hourly eligibility), paid workers (including self-employed individuals) who did not qualify, and those not previously employed⁵⁸.

Mothers who are eligible for maternity leave benefits tend to receive the full 15 weeks to which they are entitled. In 2009-2010, the average duration of maternity benefits was 14.6 weeks.

⁵⁸Human Resources and Skills Development Canada (2011) *Employment Insurance Monitoring and Assessment Report 2010*. Available at: http://www.hrsdc.gc.ca/eng/employment/ei/reports/eimar_2010/index.shtml

b. Fathers

The federal EI programme provides for Parental leave benefits that can be shared by the father and the mother. Data from Statistics Canada's 'Employment Insurance Coverage Survey' indicate however, that this measure has not been enough to increase fathers' participation significantly.

Data from the most recent Employment Insurance Monitoring and Assessment report indicate that when statistics from Québec and outside Québec are combined, the proportion of fathers who claimed or intended to claim parental benefits doubled from 15 per cent in 2005 to 30.1 per cent in 2009. These statistics mask the substantial differences between Québec, where 79.1 per cent of fathers took advantage of the Québec Parental Insurance Plan and fathers outside of Québec (for the latter, 12.8 per cent reportedly took or intended to take parental leave in 2009 compared with 10.4 per cent in 2008).

In **Québec**, take-up was already higher in 2004, with 22 per cent of fathers using some leave. The new Parental leave scheme, introduced in 2006, has had an impact on fathers' participation: in 2006, 56 per cent of fathers in Québec took a period of Paternity and/or Parental leave, rising in 2011 to 79 per cent. Taking account of all forms of leave, the proportion of fathers absent from work for birth or adoption has increased from 67 to 80 per cent in Québec from 2005 to 2011, and from 45 per cent to 55 per cent across the whole of Canada.

In 2009, the average period in **Québec** was seven weeks, with 69 per cent of fathers taking up only the reserved three to five weeks of Paternity leave; in the rest of Canada, fewer fathers took leave, but the average time taken was 13 weeks. Two-thirds (67 per cent) of Canadian men return to work less than one month after birth or adoption, compared to only 2 per cent of women; 17 per cent of fathers take one to five months of leave; and 10 per cent take six to 11 months compared to 12 and 33 per cent of women. Just over half of all mothers (51.5 per cent) take 12 months or more of leave, compared to only 4 per cent of fathers (Doucet et al., 2009; McKay et al., in press). In 2008/09 the number of fathers who shared the biological parental benefit with their partner increased by 3.6 per cent over the previous year. Almost 62 per cent of biological parental claims taken by men were shared with their partner. By comparison, only 6.4 per cent of women who established biological parental claims shared them with a partner.⁵⁹

In Quebec, a survey conducted in 2011 by the Quebec government (and Léger Marketing)⁶⁰ indicates that 75 per cent of fathers took the basic regime of 5 weeks leave (48 per cent of them saying because they wanted a longer leave), and 25 per cent took the special regime (49 per cent to have a higher income, 12 per cent because they needed to go back to work more quickly, and 12 per cent because this was the mother's choice). The fathers who take leave are somewhat more educated than average (33 per cent with university diploma), 40 per cent of them have a unionized job and in 50 per cent of cases it is for a first child. 56 per cent of fathers take leave mainly "to spend time with the mother", while 35 per cent of them say it is mainly "to spend time with the newborn child", 27 per cent to "take care of the newborn child". For the ones who only took paternity leave and no parental leave, they indicate it is because the mother is using it (73 per cent); otherwise, 68 per cent say they would have used some of it.

⁵⁹ Human Resources and Skills Development Canada (2010) *Employment Insurance Monitoring and Assessment Report 2009*. Available at:

http://www.hrsdc.gc.ca/eng/employment/ei/reports/eimar_2009/index.shtml

⁶⁰ Conseil de gestion de l'assurance parentale (2011) *Sondage auprès des Québécois ayant eu recours au Régime québécois d'assurance parentale (RQAP)*. Québec: MESS. 76 pages. http://www.cgap.gouv.qc.ca/publications/pdf/Rapport_RQAP_peres.pdf.

5. Research and publications on leave and other employment-related policies since April 2011

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 and parental benefits for fathers. 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. Additional information is provided in the Annual Employment Insurance Monitoring and Assessment reports which are based on administrative data on maternity and parental leave benefit claims paid under the EI program and exclude Québec claim information.

Most Canadian research providing information on leave policies is embedded in more general research on work-family balance, the links between Parental leave and maternal health, and fathers and their work-family balance. There is a growing body of literature that examines these issues in Canada and how workplace practices and cultures might provide more support and flexibility to parents and ensure optimal development in children. Within this research, there is some emphasis being given to fathers, including a large national study conducting research into the lives of diverse groups of Canadian fathers (*Supporting Fathering Involvement*, see part 4c). Some recent research in Québec addresses the use of Paternity leave and the impact of Parental leave on careers and organizations and the Board of the Québec parental leave regime has published in 2011 a survey on paternity and parental leave use (see note 8)

b. Selected publications since April 2011

Conseil de gestion de l'assurance parentale (2011) *Sondage auprès des Québécois ayant eu recours au Régime québécois d'assurance parentale (RQAP)*. Québec: MESS. Available at: http://www.cgap.gouv.qc.ca/publications/pdf/Rapport_RQAP_peres.pdf .

This publication presents descriptive statistics on the use of the paternity leave in Québec, motives for using one form or the other of leave (shorter or longer, i.e. 3 or 5 weeks), motives for taking part of the Parental leave or only Paternity leave, and satisfaction and possible problems with the leave in the work environment. The data is based on a survey done by Léger Marketing for the Québec Parental Leave Insurance Program.

Tremblay, D.G.-Gabrielle and Genin, É, (2011) 'Parental leave: An important employee right, but an organizational challenge', *Employee Responsibilities and Rights Journal*. DOI: 10.1007/s10672-011-9176-0. Available at:

<http://www.springerlink.com/openurl.asp?genre=article&id=doi:10.1007/s10672-011-9176-0>

Article on Parental leave in Québec, its usage and impact on careers, which finds that while use of Parental leave is widely accepted, there can be negative impacts on careers.

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

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

Tremblay, D.-G. (2012) 'Work-family balance: Is the social economy sector more supportive and if so, is this because of a more democratic management?', *Review of Social Economy*,

DOI: 10.1080/00346764.2011.632324. Available at:
<http://www.tandfonline.com/doi/abs/10.1080/00346764.2011.632324>.
Article comparing four sectors - police, social work, nursing and social economy - for organizational support to Parental leave and to work-family articulation.

c. Ongoing research

A comparison of work-family measures in three professional sectors in Québec and Belgium (2010-12). Diane-Gabrielle Tremblay, Bernard Fusulier and David Laloy (post-doc). Funded by the Canada Research Chair on the Socio-organizational Challenges of the Knowledge Economy (<http://www.telug.quebec.ca/chaireecosavoir/>) and CURA on work–life articulation over the life-course (Social Science Research Council of Canada).

Two books forthcoming on 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 leaves, mainly Parental leave. Contact :Diane-Gabrielle Tremblay at dgtrembl@telug.uqam.ca.

Engagement in work and work-life challenges for lawyers in Québec (2011-2012). Diane-Gabrielle Tremblay and Elena Moscova; funded by the CURA on work–life articulation over the life-course (Social Science Research Council of Canada).

This research analyzes the challenges for lawyers working in different professional contexts. Contact: Diane-Gabrielle Tremblay at dgtrembl@telug.uqam.ca; website: www.telug.uqam.ca/aruc-cura

Employers' practices related to maternity, parental, paternity and compassionate care leave (2012). Donna Lero, University of Guelph; Janet Fast, University of Alberta; and Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded by the Centre for Families, Work and Well-Being, University of Guelph.

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

Croatia

Ivana Dobrotić (University of Zagreb)

April 2012

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

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

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

Length of leave (before and after birth)

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

Payment and funding

- *Maternity leave*: 100 per cent of earnings, with no ceiling on payments.
- A parent who does not meet the condition of at least 12 months of continual insurance or 18 months of insurance with interruptions in the last 2 years receives 50 per cent of the 'budgetary base rate' of HRK3,326 per month (€440⁶¹); gross average earnings (2011) were HRK7,796.
- *Maternity exemption from work/maternity care for the child*: 50 per cent of the budgetary base rate per month
- Funded from general taxation.

Flexibility in use

- *Maternity leave*: after the compulsory Maternity leave period, the father of the child has the right to use the remaining period of Maternity leave, if the mother agrees.
- After the compulsory Maternity leave, a parent can use the remaining period of leave on a part-time basis, in which case the duration is doubled with compensation at half

⁶¹ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

the level of full-time leave; this part-time leave can continue until nine months after birth.

- *Maternity exemption from work/maternity care for the child:* from the 71st day, the mother can terminate the use of maternity exemption from work/maternity care for the child, in which case the father of the child has the right to use the remaining share of the unused leave, if the mother agrees.

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

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

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

- In cases of poor health or health risks for the mother and child, the pregnant mother is entitled to sick leave before birth for the duration of the risk ('sick leave due to illness and complications related to pregnancy'), in addition to Maternity leave. The mother is paid 100 per cent with a ceiling of HRK4,257 (€563) a month.
- Leave is extended in the case of premature births.
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

b. Paternity leave

No statutory entitlement.

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

Length of leave

- *Parental leave/parental exemption from work:* three months (90 days) per parent per child for the first and second born child; 15 months (450 days) per parent for twins, other multiple births and the third and every subsequent child. An extra two months can be taken if the father uses his three-month entitlement. Leave is an individual entitlement, but can be transferred from one parent to the other.
- *Parental care for the child:* from six months of age until the child turns one year of age, for the first and second born child; or until the child turns three years of age for twins, the third and every subsequent child

Payment and funding

- *Parental leave:* 100 per cent of average earnings for the first six months, with a ceiling of 80 per cent of the budgetary base rate (or eight months if Parental leave has been extended due to the father's use of at least three months of Parental

leave); 50 per cent of the budgetary base rate after the first six (or eight) months or if parents do not fulfil the condition of at least 12 months of continual insurance period or 18 months of insurance with interruptions in the last 2 years.

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

Flexibility in use

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

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

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

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

- Longer leave for multiple births and third or subsequent births (see 'length of leave').
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

d. Childcare leave or career breaks

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

e. Other employment-related measures

Adoption leave and pay

- In the case of employed/self-employed adoptive parents, one adoptive parent can exercise the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of: a) six months for adopted child under three years of age; b)

five months for adopted child aged three to five years; c) four months for adopted child aged five to 18 years. Adoption leave is extended for 60 days in the case of the adoption of twins or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties. After this period of leave, the adoptive parent of a child under three years of age has the right to Parental leave and all other rights of employed/self-employed parents. If the adopted child is over three years of age, the right to Parental leave until the child turns eight years of age is shortened by 30 days for every year the adopted child is older than three years. Payment is the same as for Maternity/Parental leave.

- In the case of other adoptive parents, one adoptive parent can exercise the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of: a) 12 months for adopted child up to three years of age, b) nine months for an adopted child aged three to five years, c) six months for adopted child aged five to eight years, d) four months for adopted child aged eight to 18 years. Adoption leave is extended for 60 days in the case of the adoption of twins or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties. Unused leave can be transferred to the other adoptive parent on resumption of employment/self-employment under the same condition as parental exemption from work/parental care for the child. Payment is at 50 per cent of the budgetary base rate.

Time off for the care of dependants

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

Flexible working

- During the first 12 months after the child's birth, mothers employed full time and who are breastfeeding are entitled to two hours absence from work (once a day for two hours or two times a day for one hour), paid at 100 per cent of the budgetary base rate, recalculated to the hourly rate. If an employed pregnant woman or mother breastfeeding her child works on a job that is harmful to her health and the health of a child she is breastfeeding, and if the employer has not provided for her another position within the company, she has the right to leave, at full earnings to be paid by the employer.
- After Parental leave, one of the employed/self-employed parents has the right to work shorter hours until a child turns three years of age if the child requires increased care due to its health and development, and only if Parental leave was fully used; paid at 50 per cent of the budgetary base rate (recalculated to the hourly rate, only for the hours outside the work).
- Employed or self-employed parents of a child with a serious developmental problem, including physical disability, have the right to take leave to care for the child or to work shorter hours until the child is eight years old. Parents can then work shorter hours, until the child finishes regular education. Payment during this period is: a) during leave

– 65 per cent of the budgetary base rate if beneficiary has 12 months of continual insurance period or 18 months of insurance with interruptions in the last 2 years, otherwise 50 per cent of the budgetary base rate; b) during shorter working hours – the difference in salary if the beneficiary has 12 months of continual insurance period or 18 months of insurance with interruptions in the last 2 years, otherwise 50 per cent of the budgetary base rate recalculated to the hourly rate.

Prenatal examinations (slobodan radni dan za prenatalni pregled)

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

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

The maximum period of paid post-natal leave available in Croatia is 12 months+2 bonus months; this is paid at 100 per cent of earnings up to a ceiling for Parental leave. There is no entitlement to ECEC at any age, though there it is obligatory for all 6 year olds to attend ECEC for at least 250 hours as preparation for school at 7. Levels of attendance at formal services are well below the average for the countries included in this review. There is no comparative information available on levels of attendance at formal ECEC services.

3. Changes in policy since April 2011 (including proposals currently under discussion)

In 2011 there were several changes in legislation. Obligatory Maternity leave was extended from 70 days to 98 days in order to harmonize with EU legislation; consequently obligatory maternity exemption from work/maternity care for the child were also extended, so that the mother now can only terminate the use of maternity exemption from work/maternity care for the child from the 71st day after childbirth, rather than the 43rd day.

Conditions for transmission of all leave rights (i.e. except for the obligatory period of Maternity leave) from one parent to another, if they are in different activity/working status, have been relaxed (e.g. parents do not have to share the same labour law status in order to transmit the rights related to childcare as before; the condition to work at least three months continuously was abolished as a precondition to transmit the unused share of parental exemption from work/parental care for the child from one parent to another).

Parental allowance for the additional two months of Parental leave - in those cases when the period of leave has been extended due to the father's use of at least three months of leave - was equalised with the amount of parental allowance paid during the first six months of Parental leave (i.e. 100 per cent of average earnings, with a ceiling of 80 per cent of the budgetary base rate; before the ceiling was set at 50 per cent),

4. Take-up of leave

a. Maternity leave

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

There is no official information on what proportion of women and men take Maternity leave. But, Labour Force Survey data show that on average, over the period 2002-2010, 88 per cent of all parents have used the entitlement to leave during the six months after childbirth (i.e. Maternity leave, maternity exemption from work and maternity care for the child); in 2010, it was 78.8 per cent.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Official data show how parental leave is also predominantly used by mothers. On average fathers account for 2 per cent of all Parental leave taken (last data available for 2010).

There is no official information on take-up rates. But, Labour Force Survey data for 2010 show that the take-up rate for mothers during the Parental leave period was 76.1 per cent for 6-12 months after childbirth, falling to 13.2 per cent during 12-24 months. The take-up rate for fathers was much lower – around 0.7 per cent in the first year.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Studies have addressed a range of issues including those related to fertility behaviour, family policy and childcare, the reconciliation of paid work and family life, as well as attitudes towards different gender issues.

b. Selected publications since April 2011

Akrap, A. (2011) 'Sektor zaposlenosti žena i fertilitet u Hrvatskoj' ['Sector of women's employment and fertility in Croatia'], *Društvena istraživanja*, Vol. 20, No. 1: 3-23

The primary purpose of this paper, in a special journal issue on fertility and women's employment, is to analyze the relationship between these two fields. The survey was conducted both quantitatively and qualitatively. The quantitative survey is based on a proportional quota sample of 1309 employed women, aged 20-39. The qualitative survey was conducted by using in-depth interviews with a sample of 20 participants. The survey shows that the sector of employment was an important reason for postponing pregnancy, especially in the commercial sector. The public sector (health and education) provides a certain stability with the lowest proportion of women not wanting children; while in the private sector (especially in financial services) the proportion of women who do not want children is considerably higher. The paper also shows a connection between atypical work hours, specifically overtime work, and a decrease in fertility; but there was no significant correlation between fertility and work during weekends.

Akrap, A. and Čipin, I. (2011) 'Usklađivanje poslovnog i obiteljskog života u Hrvatskoj: utjecaj na fertilitet' ['Combining work and family life in Croatia and their influence on fertility'], *Društvena istraživanja*, Vol. 20, No. 1: 47-68.

The paper, in a special journal issue on fertility and women's employment, investigates the infrastructure for combining family and work and what type of family models are preferred by employed women in Croatia. In the survey, based on a proportional quota sample of 1309 employed women aged 20-39, different statistical techniques were applied to find their

preferred family model and attitudes on women's labour market position. The results show that a large majority of employed women prefer the dual-earner model, where both parents have paid work outside of the household. Moreover, younger generations of women have more liberal views on women's position in the labour market. The authors conclude that the lack of possibility for part-time work in Croatia imposes a barrier for women who want to combine professional and family responsibilities.

Baran, J., Dobrotić, I. and Matković, T. (2011) 'Razvoj institucionaliziranog predškolskog odgoja u Hrvatskoj: promjene paradigme ili ovisnost o prijašnjem putu?' ['The development of the early childhood education and care in Croatia: paradigm change or path dependence?'], *Napredak: časopis za pedagoški teoriju i praksu*, Vol. 152, No. 3-4: 521-539.

This paper presents the development of the early childhood education and care system in Croatia in the context of the ideological, institutional and legal framework within which the system has been growing. This development is related to two models of institutionalization of childcare in European countries. Croatia is characterized by a relatively early state regulation in this area and the plurality of stated functions. However, in practice the social function prevails over the pedagogical one and pre-school programmes are primarily treated as services for children of working parents. The system is still residual in terms of the importance it has in society as well as the proportion of the pre-school population covered. The transition period showed continuity from the previous organization. Certain changes were introduced concerning pluralism of providers, methods of financing and improvements of pedagogical quality standards, but these may be regarded as necessary adjustments of the existing policy instruments to the new circumstances, and not as changes of the development path.

Bartolac, A., Kamenov, Ž. and Petrak, O. (2011) 'Rodne razlike u obiteljskim ulogama, zadovoljstvu i doživljaju pravednosti s obzirom na tradicionalnost stava' ['Gender differences in family roles, satisfaction and perception of fairness with regard to the traditionality of gender attitudes'], *Revija za socijalnu politiku*, Vol. 18, No. 2: 175-194.

This paper explores the relationship between expressed attitudes towards gender roles and perceptions of realised family gender roles, together with satisfaction with partner performance of everyday family activities and the experience of equality in relationships. The study included 117 couples. The hypothesis about the difference between women and men in terms of attitudes towards partner and parental gender roles was confirmed. Women have more egalitarian attitudes than men, while in the realization of the roles partners do not differ. Traditional participants, unlike those with egalitarian attitudes, have lower levels of education, have lived longer with their partner and grew up in a smaller town. Men generally consider relationships to be more equitable than women; while men with egalitarian attitudes perceive the highest levels of equity in relationship.

Čipin, I. (2011) 'Obrazovanje i fertilitet zaposlenih žena u Hrvatskoj' ['Education and fertility of employed women in Croatia'], *Društvena istraživanja*, Vol. 20, No. 1: 25-46.

This paper, in a special journal issue on fertility and women's employment, investigates to what extent women's educational attainment is related to their fertility behaviour, especially the age of first birth and the final number of children. Multinomial logistic regression and other statistical techniques have been applied to data from a 2007 survey of a proportional quota sample of 1309 employed women in Croatia aged 20-39. The results show that there are differences in women's fertility according to their educational attainment, and educational attainment has a significant role in determining the timing of fertility. When applying pro-natal policy measures, it should be borne in mind that the highest difference between the actual and desired number of children is found among highly educated women.

c. Ongoing research

Indicators of Social Cohesion and Development of the Croatian Social Model (2007-2012).
Coordinated by S. Zrinščak, Faculty of Law, Department of Social Work, University of Zagreb. Funded by the Ministry of Science, Education and Sports.

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

Czech Republic

Jirina Kocourková (Charles University)

April 2012

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

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

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

Length of leave (before and after birth)

- Twenty-eight weeks: six to eight weeks before the birth and 20-22 weeks following birth.

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

- Seventy per cent of daily earnings up to a maximum payment of CZK31,837 (€1,259⁶²) per month.
- Payment is financed from sickness insurance contributions by employers and employees.

Flexibility in use

- Leave can be started six to eight weeks before birth.
- From the start of the seventh week after childbirth, either parent may use the leave, i.e. the mother may alternate with the father of the child, with no restriction on the frequency of alternation. If the father uses the leave, he must do so for at least 7 days.

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

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

⁶² Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

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

- In 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

No statutory entitlement.

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

Length of leave

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

Payment and funding

- A Parental benefit - *rodicovsky prispevek* - is available to all families who meet the eligibility condition whether or not they take Parental leave; as parents can work full time or part time while receiving parental benefit, it can be considered as a benefit to subsidise care costs, as well as a home care benefit for at-home parents.
- Parents can choose the period and amount of Parental benefit. The longest option is until the child is 48 months old; and the shortest option is until the child is 24 months old. The maximum amount is CZK11,500 (€455) per month and 70 per cent of previous monthly earnings. The total amount payable for the whole period is CZK220,000 (€8,700).
- While Parental leave can only be taken up to the child's third birthday, the Parental benefit is paid until the child's fourth birthday.
- Parental benefit is funded from general taxation.

Flexibility in use

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

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

- There are no special requirements; however, each parent has to ask for formal approval of the employer.
- Payment of parental benefit is conditional on not using a formal ECEC service for more than five days a month.
- Parents cannot use a publicly-funded childcare service for children under 2 years. For a 2-year-old child, they may use a publicly-funded childcare service for up to 46 hours a month, while other children can be placed in a childcare service without any limitation.

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

- In the case of a disabled child, a parent is entitled to Parental benefit at the basic rate of CZK7,600 (€301) until the child is seven years of age. If the child is diagnosed as suffering from a long-term disability the parent is entitled to Parental benefit at the lower rate CZK3,000 (€119) from 7 to 15 years of child's age.
- Parental benefit can be taken by grandparents or other persons where they provide day care for the child and the parents agree to transfer their entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

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

Time off for the care of dependants

- Employees can take leave to care for a sick relative at home (in all cases of illness for a child under ten years; otherwise, only in case of a serious illness). Leave is paid at 60 per cent of earnings up to a ceiling of CZK777 (€31) per day. A parent can take no more than nine days in one block of time, but there is no limit regarding the frequency of taking leave; parents are allowed to alternate with each other during the course of taking leave to care for a sick child.

Flexible working

- None.

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

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

3. Changes in policy since April 2011 (including proposals currently under discussion)

Since 2012 the selection of duration and payment options for the receipt of Parental benefit has been made more flexible. Each family parent is entitled to a total amount of benefit of CZK220,000 up to a child's 4th birthday; they can decide which parent receives the payment,

for how long and what amount. Parents can also, now, place a child under two years in a publicly-funded childcare service for up to 46 hours a month without losing Parental benefit, with no limitation on the use of these childcare services for older children; previously the use of publicly-funded childcare services while receiving Parental benefit was more restricted.

Since 2012, fathers wishing to use Maternity leave must do so for at least 7 days; before 2012, there was no condition related to the length of use.

4. Take-up of leave

a. Maternity leave

Nearly all mothers take Maternity leave.

b. Paternity leave

There is no statutory leave entitlement.

c. Parental leave

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

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

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

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

b. Selected publications since April 2011

None reported.

c. Ongoing research

None reported.

Denmark

Tine Rostgaard (Aalborg University)

April 2012

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

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

Note on terminology: *Graviditetsorlov* is the leave to be taken by the mother before birth, *Barselorlov* 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 *Barselorlov*, or literally Childbirth Leave, because they technically all originate from the same law on leave.

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

Length of leave (before and after birth)

- Eighteen weeks: four weeks before the birth and 14 weeks following birth. The first 2 weeks after birth are compulsory.

Payment and funding

- Full earnings up to a ceiling of DKK788 (€106⁶³) per working day before taxes for full-time employees and self-employed, or DKK3,940 (€530) weekly.
- Employees either receive a daily cash benefit under the sickness benefit scheme, which is the basic system available for all employees (and self-employed); or they receive full coverage of their former earnings from their employer if covered by a labour market agreement which gives this entitlement. (see ‘additional note’ for proportion receiving full earnings replacement).
- The sickness benefit scheme is funded by the state from general taxation, except for first eight weeks when municipalities bear half of the cost. 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. In the largest private leave fund, DA-Barsel, private

⁶³ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

employers pay DKK820 (€110) per year for each full-time employee and receive reimbursement of up to DKK155 (€21) per hour for up to 29 weeks; this means that female employees with a salary below DKK25,000 (€3,363) 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 DKK25,000 monthly has to be born by the employer.

- An overview in 2008 showed that many employers fail to claim reimbursement from the sickness benefit scheme, most likely because they forget it. Another problem is that leave must be taken up within the first 23 weeks after the birth of the child, in reality excluding many fathers from benefitting from the funded system, as many families prefer the father to take leave at the end of the leave period due to breastfeeding.

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 showed that in 2006 63 per cent of mothers received 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, 2007⁶⁴). (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 survey from 2006, 85 per cent of all fathers reported receiving full earnings during Paternity leave (Olsen, 2007).

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.

⁶⁴ Olsen, B.M (2007) *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 per cent20Barselorlov.pdf](http://www.sfi.dk/graphics/SFI/Pdf/Rapporter/2007/0729_Fleksibel%20Barselorlov.pdf)

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 full pay during parts of or the entire leave period. For example, most women employed in the private sector are covered by a labour market agreement which entitles them to full earnings for 4 weeks of Maternity leave before birth, 14 weeks of Maternity leave following birth, followed by up to 7 weeks of Parental leave.
- Ordinary pension payments from the employer are maintained only during this period of full earnings under labour market agreements - 4+14+7 weeks, i.e. in all 25 weeks - and not for any remaining period of leave. In order to compensate for this, the 2007 labour market agreement entitled women to an extra pension contribution of DKK1,335 DKK (€179) per month during the 14 weeks of employer paid Maternity leave, with two-thirds contributed by the employer.
- 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, 2007) as outlined under Maternity leave.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

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

Time off for the care of dependants

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

Flexible working

- None

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

The maximum period of paid post-natal leave available in Denmark is 14 months, if parents take the option of a longer Parental leave period with a lower benefit payment; leave at 100 per cent of earnings subject to a ceiling lasts for 11 months. There is an entitlement to ECEC from 6 months of age, so there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children under 3 years are well above the average for the countries included in this review and for OECD countries; and above average for children over 3. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

A new government consisting of Social-Democrats, the Social-Liberal Party and the Socialist-People's Party (Socialistisk Folkeparti) came to power in October 2011 after a general election. They had originally intended to introduce a three months father's quota, inspired by the other Nordic countries⁶⁵, although no proposals to introduce this quota have, as yet, been put forward.

4. Take-up of leave

a. Maternity leave

Nearly all mothers take Maternity leave. In a survey conducted in 2006 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 after birth, 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

⁶⁵ Ministeriet for Ligestilling og Kirke [Ministry for Equality and Church] (2012) *Redegørelse – Perspektiv- og handlingsplan 2012*. Available at: http://www.lige.dk/files/PDF/PHplan/PH-plan_2012.pdf.

colleagues, and several mentioned that the employer found it difficult to find a replacement (Olsen, 2007).

b. Paternity leave

Most (89 per cent) of fathers in the 2006 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, 2007).

c. Parental leave

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. these parents were on leave at the same time. Two-thirds (68 per cent) of two-parent families took all the 32 weeks of Parental leave to which they were entitled. Among single parents, 73 per cent took 32 weeks; as Olsen notes, this is interesting because single parents in the Nordic countries tend to take shorter leave periods, often due to the loss of income (Olsen, 2007).

Among the men, public employees 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, 2007) and this suggests that they have more difficulties taking leave and/or poorer rights.

The take-up of leave is related to the educational level of both men and women. In those families where the woman takes the greatest part of the leave, the mother tends to have a low educational level and the father is unskilled, or the reverse; in these families, women typically take 99 per cent of total Parental leave weeks. Self-employed workers, both men and women, tend in general to take fewer weeks of leave. This is confirmed in register data from Statistics Denmark, looking into couples who became parents in 2006. The higher the educational level of the father, the more Parental leave he 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, 2008⁶⁶).

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 data from the 2006 survey, there seems to be agreement on the division of leave between men and women; 98 per cent of women and 98 per cent of men stated that they and their partner agreed on how to divide the leave period. They also seem to agree on what is important to consider when dividing leave between parents; among the considerations that affect the division of leave weeks, couples mentioned: their work/educational situation (men 45 per cent, women 30 per cent), their finances (39/28 per

⁶⁶ 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>

cent), the child (32/25 per cent), desire to reconcile work and family life (28/27 per cent), equality between parents (22/8 per cent), and day care of the child (11/5 per cent) (Olsen, 2007).

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

The survey also revealed that 27 per cent of men and 42 per cent of women reported a lack of information on leave rights 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, 2007).

Looking across the entire leave period (Maternity, Paternity and Parental leave), recent statistics from March 2012 show an increasing tendency for only the mother to take leave; for example, only the mother took leave for 32 per cent of children born in 2010, compared with 28 per cent in 2009. On average, mothers take 314 days. Accordingly, the share of parents where both take up leave fell from 54 per cent to 49 per cent, with an average of 310 days. For 7 per cent of the children, only the father took leave, with an average of 56 days⁶⁷.

5. Research and publications on leave and other employment-related policies since April 2011

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 April 2011

Haas, L. and Rostgaard, T. (2011) 'Fathers' rights to paid parental leave in the Nordic countries: consequences for the gendered division of leave', *Community, Work and the Family*, Vol.14, No.2: 177-195.

This article evaluates the extent to which government-provided, paid Parental leave for fathers has the potential to bring about gender equality in division of leave. The focus of study is the Nordic countries, which have well-established, generous systems for providing fathers with opportunities to take wage-based leave. The article first describes the extent to which Parental leave policies in the Nordic nations have been established and implemented in a way that is likely to promote equal sharing of leave by fathers and mothers. Next, it proposes a method using fuzzy-set theory for evaluating features of gender equality incentives in the present Parental leave policies. Finally, it addresses the gendered

⁶⁷ Danmarks statistik (2012) *Dagpenge ved fødsel 2011, Nyt fra Danmarks statistik no 120, marts 2012*. Copenhagen: Danmarks statistik, .

consequences of Parental leave policies, and assesses how the configurations of features of Parental leave policy may contribute to the actual division of leave time between men and women in the Nordic countries. Findings contribute to the theoretical as well as empirical understanding of whether fathers' rights and use of parental leave – especially their entitlement to nontransferable leave (often called the father's quota) - can help bring about a gender egalitarian society in division of leave time.

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

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

The report, based on qualitative interviews, investigates male workers organized in the United Federation of Danish Workers and their reasoning for taking up leave.

c. Ongoing research

None reported.

Estonia

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

April 2011

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

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

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

Length of leave (before and after birth)

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

Payment and funding

- Hundred per cent of average earnings, calculated on employment in the previous calendar year, with no ceiling on payments. The minimum wage (€290 per month) is paid to mothers who did not work during the previous calendar year but have worked prior to the birth of a child.
- Funded from health insurance contributions. All employers and self-employed pay a payroll tax of 33 per cent for each employee; 13 per cent is for health insurance, 20 per cent for pension insurance).

Flexibility in use

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

- None.

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

Length of leave (before and after birth)

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

Payment and funding

- 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 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 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 of €2,143 per month, equivalent to three times average earnings. The minimum benefit paid to working parents is the minimum wage, €290 per month. For parents who are not on leave and not working, parental benefit is paid from the birth of the child at a flat rate of €278 per month until the child reaches 18 months of age.
- Childcare benefit (*lapsehooldustasu*) is a flat-rate payment of €38 per month, paid from the end of payment of parental benefit until the child reaches three years of age to both working and non-working parents (i.e. payment continues if a parent takes up employment).
- Both parental and childcare benefit are funded from general taxation.

Flexibility in use

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

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

- Fathers are eligible for parental benefit when their child has reached 70 days of age.

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

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

d. Childcare leave or career breaks

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

e. Other employment-related measures

Adoption leave (lapsendamispuhkus) and pay

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

Time off for the care of dependants

- Leave can be taken by either parent to care for a sick child under 12 years, with 80 per cent of earning replacement for up to 14 calendar days per episode of illness.
- Parents with a handicapped child may take one day of leave per month with full earnings replacement.
- A parent with a child under 14 years of age can take ten working days of unpaid leave per year.
- Parents may take a supplementary period of holiday: three days per year for a parent raising one or two children under 14 years and six days per year for a parent raising a child under three years, or three or more children under 14 years. There is a flat-rate payment of €4.25 per day.
- All payments funded from general taxation.

Flexible working

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

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

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

3. Changes in policy since April 2011 (including proposals currently under discussion)

No changes reported.

4. Take-up of leave

a. Maternity leave

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

b. Paternity leave

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

c. Parental leave

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

d. Other employment-related measures

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

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Leave policies and childcare arrangements have gained researchers' attention recently as the issues of demographic changes and work-life balance have emerged in the political arena. Previously, research on reconciliation of work and family life, including use of

Parental leave, focused mainly on women. No significant research has been done on employers' family-friendly policies.

b. Selected publications since April 2011

Karu, M. (2011) *Fathers and parental leave: slow steps towards dual earner/dual carer family model in Estonia (Dissertationes Sociologicae Universitatis, Tartuensis nr 6)*. Tartu: Tartu University Press. Available at:

http://dspace.utlib.ee/dspace/bitstream/handle/10062/18103/karu_marre.pdf?sequence=1

The aim of the dissertation is to analyse the division of childcare between men and women in Estonian society. The question is why does Estonian society move so slow towards dual earner/dual carer family model? The dissertation concentrates on the dual carer component of the model and on the division of care responsibilities between men and women. The dissertation is based on three interrelated, original studies focussing on different dimensions of Parental leave and its gender implications. The studies suggest that the lack of a gender equality perspective in Estonian policy making is partially due to the coercive ideology of gender equality in the Soviet Union and late acknowledgement of father's role in the family. Caring for a child is not part of the hegemonic masculinity in Estonia; men do not feel that their participation in childcare is expected or accepted and are afraid of negative consequences of atypical choice. The research also showed that different images of parenthood determine the understanding of parents' roles in child's development and influence fathers' intention to stay on Parental leave. From the point of view of the dual earner/dual carer model it is also significant to what extent the familization of fathers has led to the defamilization of mothers. When women continue being the main carers and fathers can step up or in when it is suitable for their masculine life-course, the current gender order and hegemonic masculinity will not be much questioned or challenged.

Karu, M. and Kasearu, K. (2011) 'Slow Steps towards Dual Earner/Dual Carer Family Model: Why Fathers do not Take Parental Leave', *Studies of Transition States and Societies*, Vol.3, No.1: 24-38. Available at: <http://www.tlu.ee/stss/wp-content/uploads/2011/06/vol3-issue-1-karukasearu.pdf>

The article looks at the transition of Estonian society towards a dual earner/dual carer family model and focuses on fathers' decisions regarding taking their Parental leave. Based on the theory of planned behaviour by Ajzen, data from 20 qualitative interviews with fathers of small children are analysed to explore the beliefs fathers have when it comes to Parental leave. The analysis distinguishes between two images of 'good parenting' that play a role in the fathers' intention to take Parental leave. First, there is an image of an outcome-oriented 'project manager' affected by failure anxiety; and second, there is a much more relaxed image of a 'good parent' as a 'companion' who values everyday contact and a close relationship with the child(ren).

Roosalu, T. (2012) *Taking care of children and work in Estonian society: running out of post-socialist time (Dissertations on Social Sciences, 58)*. Tallinn: Institute of International and Social Studies, Tallinn University. Available at: http://e-ait.tlulib.ee/200/1/roosalu_triin_dok

The dissertation analyses the time dedicated to children in different stages of childhood in the light of participation in the labour market, with the aim of comparing Estonia with other European and post-Soviet countries. It describes time spent on Parental leave, non-participation in the labour market and working part-time together with other family and work reconciliation strategies in Estonia and elsewhere. The author compares parents' participation in childcare during the first three years of a child's life, when they have a right to Parental leave, and later. Parental behaviour and choices are also examined in the framework of a typology of parenting style.

Karu, M. (2011) 'Parental leave in Estonia: Does familization of fathers lead to defamilization of mothers?', *NORA - Nordic Journal of Feminist and Gender Research*. DOI:

10.1080/08038740.2011.601466. Available at
<http://www.tandfonline.com/doi/abs/10.1080/08038740.2011.601466>

In comparison with its Nordic neighbours, the post-Soviet Estonia, with its fair share of deeply rooted gender stereotypes and dominant heteronormativity, does not live up to the dual earner/dual carer family model. Despite having developed a generous leave scheme modelled after the Nordic countries, the father's contribution to childcare remains almost non-existent, and progress towards equalizing the division of care has been slow. Using registry data, the current study shows that, in addition to fathers' low take-up of Parental leave, when the father does take leave, this does not always result in the immediate employment of the mother. Without some role reversal, the impact of the father's leave remains even more limited. The study also shows that the familization of fathers has less probability of leading to the defamilization of mothers if the mother was previously unemployed, of young age, or with four or more children.

c. Ongoing research

None reported.

The Ministry of Social Affairs has announced a call for tender for a study of family and work reconciliation policies in order to analyse and estimate possible impacts of policy alternatives, including the introduction of a 'daddy's month'. The study seeks to estimate costs of different policies to state and employers as well as the possible impact on fertility, gender equality and female employment. The study will start in May 2012 and will be finalized by May 2013.

Finland

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

April 2012

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

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

a. Maternity leave (*äitiysvapaa/moderskapsledighet*⁶⁸) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave (before and after birth)

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

Payment and funding

- Earnings-related benefit. During the first 56 days of leave, the payment is equal to 90 per cent of annual earnings up to €53,072, with a lower percentage for earnings above this level; after this initial period of leave, benefit is paid at 70 per cent of earnings up to €34,495, again with a lower percentage for higher earnings. Mothers not employed and those whose annual earnings are less than € 9,842 before the birth get a minimum flat-rate allowance of €22.96 a working day (€574 per month).
- Earnings-based benefits are funded by the sickness insurance scheme, financed by contributions from employers (73 per cent of the total cost) and employees (27 per cent). In 2012, employers pay 2.12 per cent of their total salary bill and employees 0.82 per cent of their taxable earnings; these percentages 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 entitled to family

⁶⁸ Names of the different types of leave are given in Finnish and Swedish. Finland is a bilingual country with a Swedish-speaking minority.

benefits is also entitled to leave. A woman is entitled to maternity benefit after her pregnancy has lasted 154 days.

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

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

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

- A brief made for the Committee on Parental Leave shows that 96 per cent of employees in the private sector are currently covered by collective agreements guaranteeing full pay for part of the Maternity leave; in most cases (66 per cent) the full pay is for three months. In public sector collective agreements, coverage is also high. During periods of full pay, the daily benefit is paid to the employer.

However, due to the high prevalence of fixed-term contracts for women of child-bearing age, a high proportion of women giving birth do not have an effective employment contract. This means that 42 per cent of mothers on Maternity leave receive pay from the employer.

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

Length of leave

- Eighteen working days, plus a further 24 'bonus' days (=four weeks) for fathers who take the last two weeks of Parental leave. The bonus days + two Parental leave weeks are called 'father's month' in the legislation since 2007 (even though the period now adds up to six weeks).

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 €34,495, with a lower percentage 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 while the mother is on Maternity or Parental leave, the 24 bonus days in one segment after the mother has ended her leave. The 'father's month', including the bonus days, can be taken within 180 days (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.

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

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

c. Parental leave (*vanhempainvapaa/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 €53,072, with a lower percentage for higher earnings. After this initial period of leave, the payment is 70 per cent of earnings up to €34,495, with a lower percentage for higher earnings. Minimum allowance as for Maternity leave.
- Funding as for Maternity leave.

Flexibility in use

- Each parent can take leave in two parts, of at least 12 days duration.
- Leave can be taken part time, at 40-60 per cent of full-time hours, but only if both parents take part-time leave and only with the employer's agreement. Benefit payment is half of the benefit for full-time leave.
- 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 €327.46 a month, with an additional €98,04 for every other child under three years and €63 for every other pre-school child over three years and a means-tested supplement (up to €175.24 a month). The average home care allowance per family in 2010 was €383 a month. Home care allowance is financed from municipal taxation with a state subsidy of 33 per cent of the costs. Some local authorities, especially in the Helsinki area, pay a municipal supplement to the home care allowance; in 2010, these supplements averaged €243 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

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

Flexible working

- Parents can work reduced working hours (partial childcare leave, *osittainen hoitovapaa/partiell vårdledighet*) from the end of Parental leave until the end of the child's second year at school. The employee is entitled to partial childcare leave if s/he has been working for the same employer for at least six months during the past 12 months. The employee should negotiate the reduction in hours with the employer, and the employer can refuse only if the reduced working hours would lead to serious disadvantages for the organisation – in that case, working hours must be a maximum

of 30 hours a week. Both parents can take partial childcare leave during the same period, but cannot take leave during the same time in the day. Employees taking partial childcare leave before the child's third birthday or during the child's first and second year at school are entitled to a partial home care allowance of €90.36 a month.

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

The maximum period of paid post-natal leave available in Finland is 36 months (including low paid Home Care leave). Parental leave at a high payment rate lasts for 9-10 months. There is an entitlement to ECEC from the end of the Parental leave, so there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children under 3 years are about the average for the countries included in this review and for OECD countries; but slightly below both averages for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

In autumn 2011 a so-called frame agreement was drawn up between the central employer and employee organisations and the government on income policy and certain social policy schemes. According to the agreement, the father's individual leave period will be lengthened by 12 days by dissolving the connection of the father's month to the father's taking the two last weeks of Parental leave. In effect, the number of the days available for the father remains the same as it has been (54 working days) but the Parental leave to be shared as the parents wish will be 12 days longer in families where the father takes his individual leave days. Of his 54 leave days the father can take at most 18 simultaneously with the mother. In addition, it has been agreed that the possibility to use the father's leave days will be extended until the child turns two years, whereas now it has to be used before the child is about 16 months old. The reforms will take effect in 2013.

The future of other leave issues mentioned in the present governmental programme - such as how the rights of employees returning from leave are ensured, or the level of leave benefits from the point of view of how they encourage fathers to take Parental leave - waits to be seen. The gender equality programme, which the government is preparing, emphasises in its draft from January 2012 the development of tools for a more equal sharing of child care responsibilities and proposes "an increase of leave earmarked for fathers with a gradual progress towards the 6+6+6 model, a more flexible take-up of fathers' parental leave, and a possibility to care for the child at home supported by the parental benefit for a longer time than at present" (for a description of the 6+6+6 model, see the presentation 'Finland' in the annual seminar 2011 and Country Note in the 2009 annual review, pp.168–169).

During spring 2012, a lively debate took place in the media and in the Parliament about cutting the child home care allowance period by one year, so it would last only until a child's second birthday. The media presented this suggestion as one of the proposals to be considered in the government's negotiations on budget cuts, held at the end of March. The reasons put forward for this proposed cut were both saving money and raising women's employment rate. The suggestion was criticised on the grounds that no savings would be made as the children now in home care would need child care services, which cost more both to the municipalities and to the state. It was also pointed out that the mothers who receive child home care allowance for the longest periods are those who have difficulty

finding employment, whose employment prospects are even worse in the present financial crisis and with jobs calling for low educational qualifications moving away from Finland. Overall, the proposal would not substantially increase the female labour force. In the media, officials at the Ministry of Finance agreed that cuts in the child home care leave period would not lead to savings without alterations in child care provision and admitted that they had also calculated possible savings on the assumption that the universal right to child care services would be restricted.

What happened here was that earlier proposals, made by the OECD (2005) and the State Secretary of the Ministry of Finance (2006), to cut leave entitlements and child care services emerged again as part of the discourse on the financial crisis. The Centre Party, now in opposition, made an interpellation, the strongest intervention available to opposition parties, before the government began negotiations on long-term changes in the state budget. The government rejected this interpellation as based on rumour, and did not make any cuts in leave schemes in the subsequent negotiations. However, economists continue to make proposals to cut the child home care allowance period.

4. Take-up of leave

a. Maternity leave

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

b. Paternity leave

Today, the great majority of fathers take Paternity leave. In 2010, 49,085 men did so; in the same year there were 60,421 births. The proportion of fathers taking Paternity leave has been increasing – from 46 per cent in 1993 and 63 per cent in 2000 to 82 per cent in 2010. In 2010, the average length of the leave taken was 15 working days. But only 12,309 fathers, i.e. about 20 per cent of all fathers, took the bonus Paternity leave period (i.e. they had also taken the last two weeks of the preceding Parental leave). However, the number and proportion of fathers taking the father's month has been rising, up from 6,000 in 2007 and 15 per cent in 2008.

Paternity leave is today taken by fathers irrespective of their socio-economic background, or that of their spouses⁶⁹. Fathers who take only Paternity leave tend to take slightly longer periods after the bonus leave was introduced in 2003⁷⁰. 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. Length of Paternity leave does not any more correlate with the father's age, education or income level or socio-economic status (footnote 2)

⁶⁹ 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

⁷⁰ 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 perhevapaisten 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

c. Parental leave

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

The arrangement, since 2003, under which there are bonus days of Paternity leave for fathers who take the last two weeks of Parental leave has increased the number of men taking Parental leave from 1,700 men in 2002 to 5,700 in 2005, 12,156 in 2009 and 13,950 in 2010 - 20 per cent of fathers. However, only 2.7 per cent of fathers took a longer parental leave. The average length of leave of fathers who take leave has fallen; from 64 working days in 2002 to only 21 in 2010. Three-quarters of fathers taking leave use a month or less, while only 1.5 per cent use at least four months. The most common length of leave taken by fathers is 42 days, which means that men take all days earmarked for fathers – but no more.

Although the father's month has become more popular lately, its contribution towards equalising parental responsibilities is called into question as, in a clear majority of families, the mother stays at home during the father's month because she plans to continue to care for the child at home supported by the home care allowance, and the father has had to take his leave within six months of the end of the Parental leave (footnote 2).

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 the father's month – but the leave periods they take are shorter than those taken by men with less education (footnote 3). Overall, Parental leave is shared more often in families where both spouses have a high level of education and middle-sized or good income. Sharing is also more common among men over 30 years of age, and working in the public sector. The socio-economic status of the father, size of his workplace or number of children does not correlate with sharing of Parental leave. Taking all factors into account, a father's take-up of Parental leave is most probable if he is over 30 years and does not consider himself to be the main provider of the family (footnote 2).

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 income⁷¹. Both bonus leave and longer Parental leave are more often taken by men if twins or triplets are born (footnote 3).

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 117 in 2007. This means that about 0.1 per cent of families with a new-born child used the new arrangement in its first five years. The use has not increased subsequently; in 2008, only 98 parents took this option, 113 in 2009, 120 in 2010, and only 85 in 2011 (information from the statistics unit of the Social Insurance Institution).

⁷¹ Lammi-Taskula, J. (2007) *Parental Leave for Fathers? Gendered Conceptions and Practices in Families with Young Children in Finland*. Helsinki: Stakes.

d. Childcare leave or career breaks

Almost all families (88 per cent) take advantage of the Home care allowance (HCA), at least for some time after Parental leave. Since 2006, statistics are available of use by women and men, showing that Home care leave is used almost entirely by women. In 97 per cent of all families where one of the parents has taken care of the child supported by this allowance (which is the case in most families), it was the mother; however, the share of fathers as carers has risen from two to three per cent in 2009. Earlier the share of fathers who took this leave was assessed, based on individual studies, to be 2 to 3 per cent (footnote 4).

In the long run, HCA has become less popular; the proportion of children aged 9 to 24 months taken care of at home supported by the HCA has dropped from 57 to 52 per cent (calculations of the Statistics Unit of the Social Insurance Institution). Recently the take-up has varied: at the end of 2007, the allowance was paid for 69,000 children under three years old, then 68,700 in 2008, but up again at 70,000 in 2009 and 2010 (www.kela.fi/statistics). HCA was paid to 87 per cent of families whose Parental leave ended in 2005, dropping to 84 per cent for 2006 but rising again to 88 per cent for 2007 and 2008.

Statistics also enable an assessment of take-up periods of HCA. In families paid this allowance at some point before their child turns three years⁷², periods taken have divided evenly during the past six years: 26-29 per cent take less than seven months, 22-25 per cent between seven and 12 months, 27-29 per cent between 13 and 24 months, and 18-25 per cent longer than 24 months (the maximum length being 26-27 months). The proportion for the longest periods has declined from 2003 to 2010 from 25 to 18 per cent while the proportion taking the shortest periods has risen from 26 to 29 per cent. The (few) male recipients of HCA earlier took less of the shortest and longest periods than their female counterparts, but the latest statistics shows that fathers took more of the shortest periods (30 per cent) and less of the longest periods (13 per cent) than earlier (calculations based on Statistical Yearbooks of the Social Insurance Institution 2004-2010).

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

Only 10 per cent of mothers giving birth in 2004 returned to employment or studies right after Parental leave: on average mothers stayed at home until their child was 24 months old. Just less than half (46 per cent) of mothers were employed when their child was two years old, also just under half were at home on care leave, either on HCA without a job waiting for them or already on Maternity or Parental leave with another baby. Some women at home were officially unemployed or combined home care of children with studying or part-time work (footnote 2).

A study based on register data shows that half of women who had their first child in 1999 took Maternity, Parental and Home care leave at most until their child was 18 months old; while almost 30 per cent stayed on leave for 36 months or longer, 10 per cent for almost five

⁷² These statistics exclude all families receiving Home care allowance where the person taking care of the child is not a parent; however, these families only comprise 2-3 per cent of all recipients.

years. For these mothers, the leave which started with their first-born child continued without a break with successive children⁷³.

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 10,365 in 2008; however, the number of families decreased to 9,995 in 2009 but was again 11,825 in 2010. Of these, only 37 per cent of families had a child under three years. The recent increase has happened among the parents of school children (from 6,545 to 7,462 families) but especially among the parents of younger children. Partial care leave for under three-year-olds has increased after a small decrease between 2007 and 2008; in 2009 it was paid for 3,449 families and in 2010 for 4,363 families, with 3.2 per cent of under-three-year-olds and 6.4 per cent of 7 to 8-year-old school children receiving partial home care allowance in 2010⁷⁴. 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 to 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 (footnote 2).

The use of private childcare allowance for under three-year-olds has remained quite stable: in 2010 4,403 families received private childcare allowance for a child under three while the figure was 4,395 in 2009 and 4,320 in 2007. Even this allowance is primarily used for the care of children over three years, where it has risen from 9,259 recipient families in 2007 to 9,595 families in 2010; 3.5 per cent of under-three-year-olds and 4.9 per cent of under-seven-year-olds received the allowance in 2010 (footnote 7).

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 HCA, therefore, seems to have become an income source for unemployed women; rather than functioning as an alternative to the use of childcare services, as intended, it also serves as an alternative to unemployment⁷⁵ (and footnote 2).

e. Other employment-related measures

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

⁷³ Haataja, A. and Hämäläinen, U. (2010) 'Viekö haikara tasa-arvon? Puolisoiden väliset tuloerot lapsiperheissä' ['Does the stork wash away gender equality? Income differences between spouses in families with children'], in: U. Hämäläinen and O. Kangas (eds.) *Perhepiirissä [In the family circle]*. Helsinki: Kela.

⁷⁴ National Insurance Institution (2011) *Statistical Yearbook 2010*. Available at:) www.kela.fi/statistics

⁷⁵ 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.

5. Research and publications on leave and other employment-related policies since April 2011

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

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

b. Selected publications since April 2011

Varjonen, S. (2011) *Äidin hoiva, jaettu vanhemmuus – ja vapaus valita. Perhevapaiden uudistamisen argumentointi 1970-luvulta 2000-luvulle [Mother's care, shared parenthood – and freedom to choose. Argumentation in Finnish parental leave reforms from the 1970s to the 2000s]* (Sosiaali- ja terveysturvan tutkimuksia 118). Helsinki: Kelan tutkimusosasto. The study examines long-term changes in the political discussion about Parental leave schemes in Finland, focusing on the ways in which the actors taking part in decision-making have argued their opinions on the issue. The data consists of parliamentary documents, documents of working groups, government and party platforms and statements of labour market organisations. In the 1970s, the discussion was polarised with the leftist discourse emphasising the father's role as a caregiver while the conservatives saw the mother as the principal caregiver. In the 2000s the main aims have been to level the costs of Parental leave more equally between the employers and to encourage fathers to take leave. Implementation of father's quotas has been suggested to improve gender equality, but employers and conservatives have seen the quotas as limiting parents' freedom of choice.

Parrukoski, S. and Lammi-Taskula, J. (2012) *Parental Leave Policies and the Economic Crisis in the Nordic Countries (THL Raportti 24/2012)*. Helsinki: National Institute of Health and Welfare. Available at: <http://www.thl.fi/thl-client/pdfs/c2223657-48f5-4e25-a9db-c532a15d6bcd>

The report presents up-to-date information about the impacts of the recent economic crisis on Parental leave policies in Denmark, Finland, Iceland, Norway and Sweden covering changes in legislation, take-up patterns, political and media debate and anticipated future changes in leave policies. Discussion about the restructuring of parental leave schemes is topical in all the Nordic countries. Questions on the agenda are related to the length of leave, the level of benefits, and flexibility of leave take-up. Although the Nordic countries can show the highest take-up of leave by fathers, unequal take-up of leave between mothers and fathers remains one of the most important issues to tackle. The economic turmoil starting with the US financial crisis in 2008 and continuing with the EU debt crisis has had effects also in the Nordic countries. Economic growth has slowed and pressures on public finances

have given reason to consider cuts in public spending. The developments have, however, been somewhat different in the different Nordic countries.

Gislason, I. and Eydal, G. B. (eds) (2011) *Parental Leave, Childcare and Gender Equality in the Nordic Countries (TemaNord 2011:562)*. Copenhagen: Nordisk Ministerrad. Available at: <http://www.norden.org/en/publications/publikationer/2011-562>

The report provides an overview of the situation and development of Parental leave and child care policies in the Nordic countries from a gender equality perspective as well as in relation to the well-being of children. In international comparisons, the Nordic countries are seen as forerunners in promoting the reconciliation of paid work and family life. There are, however, policy differences among these countries. Compared to the other Nordic countries, Finland stands out as providing less support for gender equality in family policy: the father's quota of Parental leave was introduced later and for a shorter duration, while the Home care allowance has encouraged mothers to stay longer at home with children.

c. Ongoing research

Women's and men's care and career choices in the insecure labour market (2008–2012). Johanna Närvi, doctoral study at the University of Tampere.

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

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

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

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

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

France

Jeanne Fagnani (University of Paris 1) and Danielle Boyer (Caisse nationale des allocations familiales)

April 2012

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

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

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

Length of leave (before and after birth)

- Sixteen weeks: at least 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 €3,031 a month. In the public sector, the leave is fully paid (i.e. there is no ceiling). In the private sector, some employers (particularly larger companies) pay in full, others do not.
- Funded from health insurance⁷⁶, financed by contributions from both employees and employers (respectively 2.35 per cent and 13.10 per cent of the total wage, including social contributions).

Flexibility in use

- Two weeks can be taken before or after birth

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

- All employees and self-employed workers.

⁷⁶ The present social security system, including statutory health insurance, officially came into being with the Ordinance of 4 October 1945 which aimed to cover all the so-called 'social risks'. In 1967 social security was separated into four branches: health insurance (which represents the largest share of expenditures devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

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 (11 working days).

Payment and funding

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

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.
- None.

c. Parental leave (*Congé parental*)

Length of leave

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

Payment and funding

- A childcare allowance - *Complément de libre choix d'activité*" (CLCA – Childrearing benefit paid by the social security scheme, the National Family Allowance Fund) – is available to all families who meet the eligibility condition whether or not they take Parental leave: the allowance is a flat-rate payment of € 566.01 per month. However, for 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): a flat-rate payment of € 801.39 per month in 2012, paid on condition that one parent stops working completely. However the duration is only for one year. Large families can choose between COLCA and CLCA.
- Both CLCA and COLCA are paid by the local CAFs (*Caisse des allocations familiales*), the Family Allowance funds. CAFs are financed by contributions from

employers⁷⁷ only, and not by employees unlike the Maternity and Paternity leaves that are funded from the health insurance scheme.

Flexibility in use

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

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

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

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

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

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

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

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

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

⁷⁷ Employers' contributions to the family branch of the Social security amount to 5.40 per cent of the total wages paid to their employees.

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; it is €42.20 per day for couples if one parent stops work completely, and €50.14 for a lone parent. A similar period of leave is possible for employees who need to care for a relative at the end of life, either a child or a parent living in the same house.

Flexible working

- No statutory entitlement. Employees in the public sector are entitled to work part time for family reasons.

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

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

3. Changes in policy since April 2011 (including proposals currently under discussion)

In February 2009 President Sarkozy announced a reform of the Parental leave scheme. Taking into consideration the detrimental effects that extended leave can have on women's professional careers, he proposed to reduce the duration of the leave from three years to only one. This reduction in time was to be offset by a significant increase in the amount of the benefit payment. Similar proposals, to move gradually in the direction of the Swedish scheme, had already been proposed in a number of reports and legislative initiatives over the previous decade. So far, still nothing has happened. The reforms have been strongly opposed by the family associations, represented by the UNAF (National Union of Family Associations). Perhaps more important, they were derailed because they would have led to a dramatic rise in demand for formal childcare arrangements, which the CNAF and local authorities would have been unable to meet in the short term (Fagnani and Math, 2011).

4. Take-up of leave

a. Maternity leave

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

b. Paternity leave

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

c. Parental leave and childrearing benefit

It is impossible to calculate the number of parents on Parental leave because employers are not required to provide information about take-up. Statistics are limited to CLCA, and it is not possible to find out how many recipients of CLCA are also on Parental leave.

Changes in the former APE since July 1994, which extended eligibility to parents with two children and introduced the option of part-time work from the beginning of the payment period, contributed to a dramatic increase in the number of recipients, reaching 581,000 in 2005 compared to 275,000 in 1995. The 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 110,000 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 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 CLCA 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.

The number of parents receiving CLCA has been decreasing since 2007, when it was 670 000, reaching 555,000 by the end of December 2010. Additionally, the proportion of the CLCA paid to parents who choose to work part-time during the leave has gone up (but this amount remains lower than the amount paid to those who stop working completely). This financial incentive has proven its efficiency and has sharply increased the number of recipients working part time while receiving the benefit.

The number of recipients for COLCA has remained very low and stable since its creation: 2,170 in December 2010.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Only a few studies recently have addressed this issue. In the context of high unemployment and increased casualisation of the labour market, leave policy and the wider issue of reconciling paid work and family life have been relegated to a secondary position on the policy agenda. Public opinion is more concerned with the pension and education systems and with the impact of the economic crisis on their professional situation.

b. Selected publications since April 2011

Boyer, D. (coord) (2011) 'Les bénéficiaires du complément de libre choix d'activité (CLCA)', in: *L'accueil du jeune enfant en 2010, données statistiques*. Paris: CNAF, Observatoire national de la petite enfance, pp.38-43.

Along with the increase in the amount of the allowance provided to those working part time, an increasing number of mothers have taken up the CLCA allowance and work part time. This article shows that the professional practices of the recipients before Parental leave play a crucial role in decisions made by mothers about their employment patterns during and after Parental leave. Those working part time during Parental leave are more likely to work part time after this period of leave.

Fagnani, J. and Math, A. (2011) 'The predicament of childcare policy in France: What is at stake?', *Journal of Contemporary European Studies*, Vol.19, No.4: 547–561.

This article investigates recent measures in childcare policies and also highlights the rationales that underpinned the reforms introduced in Parental leave policies since the 1990s. It puts them in the larger context of changing working conditions and the growth of mothers' employment.

Thévenon, O. (2011) 'Pourquoi reformer la politique d'accueil de la petite enfance en France? Comparaison avec les politiques d'autres pays de l'OCDE', *Revue d'Economie Politique*, Dalloz, Vol.121, No.5: 667-712.

Why reform pre-school childcare in France? In comparisons with other OECD countries, France is often cited as an example by its OECD partners for the success of its family policy. The main markers of this success are a high fertility rate combined with an above-average female employment rate and a relatively low proportion of children in poverty. This situation is due, in part, to France's generous system of cash benefits, tax breaks and pre-school childcare provision. But, childcare capacity in France is not sufficient to absorb increased demand resulting from the rising number of birth in recent years and the falling nursery school enrolment rates among under-threes. In addition, the three-year benefit entitlement granted to mothers of two or more children who leave the labour force is one of the reasons why the employment rate of mothers of three children in France is below the OECD average. This article discusses the potential advantages of expanding pre-school childcare provision

and combining it with a system of Parental leave that is shorter but more generous in financial terms than at present, the aim being to enhance the work-life balance, improve gender equality and keep families out of poverty. It estimates that the 'cost' of expanding childcare provision to cover all the children concerned represents around 0.5 per cent of GDP, an amount which is of the same order of magnitude as the additional wealth created by an increase in female labour force participation.

Boyer, D. and Ceroux, B. (2012) 'Le congé parental d'éducation dans les trajectoires professionnelles féminines', *L'e-ssentiel*, No.119 (February). Available at: <http://www.caf.fr/web/WebCnaf.nsf/VueLien/E-SSENTIEL119?opendocument>

A survey was conducted among 3000 women having at least two children, the youngest being aged 12 years old: the aim of the study was to investigate the professional practices of these mothers 12 years after having interrupted their job to take Parental leave. The authors show that a long period of leave frequently has detrimental consequences for women's professional careers, in particular a downgrading of their professional skills. This is all the more true when they have completely stopped work during Parental leave.

Fagnani, J. (2012) 'Recent reforms in childcare and family policies in France and Germany: What was at stake?', *Children and Youth Services Review*, Vol. 34, No.3: 509-516. Available at: <http://www.sciencedirect.com/science/article/pii/S0190740911003768>

Why did the German and the French governments introduce reforms in family and childcare policy over the last decade? What were the rationales underpinning these reforms and what were the key drivers of change? As well as addressing these questions, the article highlights a number of recurrent issues that help to illuminate and explain the differences that persist between France and Germany in spite of recent reform efforts. Finally, it evaluates the success of these policies and whether they have achieved their desired effects on mothers' employment patterns, especially those of qualified female workers.

Joseph, O., Pailhé, A., Récotillet, I. and Solaz, A. (2012) 'The economic impact of taking short Parental leave: evaluation of a French reform'. Documents de travail INED. Available at:

http://www.ined.fr/fichier/t_telechargement/46103/telechargement_fichier_fr_josephpailherecotilletcsolaz2012.pdf

Many young women leave the labour force when their children are born. Although this withdrawal is usually temporary, it can have repercussions on the rest of their careers. Parental leave entitlements (duration and the level of wage compensation) are of great interest for the labour market consequences of birth interruption, because they could be incentives to stop labour force participation. There is a growing debate in Europe about whether Parental leave should be short or long. The authors use the recent 2004 reform of Parental leave legislation in France to analyse the labour consequences of taking a short period of leave. Using data from the fourth round of the 'Generation 98 survey' (CEREQ), the paper reveals that, since the 2004 reform, more young women choose either to stop working completely or to work less after the birth of their first child. A strong polarisation according woman's education is observed for the part-time or full-time option of Parental leave. Although labour force participation is unaffected in the years following the birth, the impact on earnings is negative up to two years after the birth especially for the most educated who mainly chose the part-time allocation.

Ploux-Chilles A. (2012) *L'entrée en parentalité : déterminants, choix du congé et conséquences pour l'emploi (Dossier d'Etudes 149)*. Paris: CNAF.

This paper analyses entry into motherhood from different perspectives: what are the determinants of fertility intentions and their realisation (employment conditions, status of the partner, etc.)? Which role for family-friendly policies, with a particular attention on leave entitlements? The paper also analyses the consequences of a period on leave for subsequent return to work.

c. Ongoing research

Les pères en congé parental à temps partiel (2011-2012). Danielle Boyer, Caisse national des allocations familiales (CNAF). Funded by CNAF, Paris.

French fathers still represent a minority (3.7 per cent) of the recipients of CLCA, and most of them work part time while being provided with the CLCA. This research investigates the rationales of these practices and explores the reasons for fathers taking up this allowance. This research is based both on an analysis of statistical data from CNAF and on 20 in-depth interviews being conducted with fathers on leave and working part time. Contact Danielle Boyer at Danielle.boyer@cnaf.fr.

Germany

Sonja Blum (University of Vienna) and Daniel Erler (Familienservice)

April 2012

NB. Germany is a federal state.

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

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

a. Maternity leave (*Mutterschutz*) (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

Length of leave (before and after birth)

- 14 weeks: six weeks before the birth and eight weeks following the birth. It is obligatory to take the eight weeks leave after birth.

Payment and funding

- 100 per cent of earnings, with no ceiling on payments.
- Maternity leave benefits (*Mutterschaftsgeld*) are usually paid by the mother's health insurance (€13 per day) and the mother's employer, who covers the difference between the money provided by the health insurance and the mother's previous earnings. Hence employers bear most of Maternity leave benefit costs.
- Benefits for mothers with an income below €390 paid by the mother's health insurance alone and match their prior income.
- Mothers receiving unemployment benefits are also paid maternity leave benefits by their health insurer and match their unemployment benefit.
- Self-employed and non-employed women have no maternity leave benefit rights.

Flexibility in use

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so. But for the two months after birth no paid work is allowed for reasons of health protection.

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

- All women employees, including those employed part time, even if working below the statutory social insurance threshold.
- Self-employed workers are not eligible.

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

- In the case of multiple or premature births, the length of leave increases to 12 weeks after birth.
- In certain circumstances (e.g. death or chronic illness of the parent), other relatives living with the newborn child may receive the benefit.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*Elternzeit*) (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)

Length of leave

- Up to three years after childbirth. This is a family entitlement.

Payment and funding

- An income-related 'parental benefit' (*Elterngeld*⁷⁸) is paid for a period of 12 (+2) months, at a replacement rate of 67 per cent of a parent's average earnings during the 12 months preceding childbirth. It is paid to all parents who are not employed or who have reduced their employment hours. There is a ceiling of €1,800 per month on the benefit payment and the minimum payment, which is also available for parents without prior income, is €300. Since 2011 the long-term unemployed are no longer eligible for parental benefits, as it is now credited against social assistance payments.
- Parents with low average earnings of less than €1,000 per month receive an increased benefit: For every €2 their monthly earnings are below €1,000, their parental benefit increases by 0.1 per cent. For parents with high incomes, on the other hand, the income replacement rate is reduced: for every €2 their monthly earnings exceed €1,200, their parental benefit decreases by 0.1 per cent to a minimum rate of 65 per cent.
- Both parents are equally entitled to the parental benefit but if both parents take at least two months of leave, the overall length of benefit payment is extended to 14 months⁷⁹. Moreover, if another child is born within 24 months the parental benefit is increased by 10 percent.
- The *Elterngeld* is funded by the federal government, through general taxation.

Flexibility in use

- Instead of 12 (+2) months the parental benefit may be spread over 24 (+4) months. Then the monthly benefit level is halved, while the overall payment remains the same.
- Recipients of parental benefit may work up to 30 hours a week. Then, however, they only receive parental benefit for the *lost* income: That is, if a parent worked 40 hours

⁷⁸The term was originally *Erziehungsgeld* (childcare benefit), but was changed to *Elterngeld* (parental benefit) with the 2007 reform, following the intention to emphasise the shared parental responsibility of bringing up children, including that of fathers.

⁷⁹The benefits paid during the two months of obligatory Maternity leave following childbirth are included in the 12 (+2) parental benefit period, effectively reducing the actual benefit period available to both parents to 10 (+2) months.

weekly before taking parental leave, and continues working 30 hours thereafter, he or she only receives 67 per cent of the margin between the present and the former income. Parents have a legal right to part-time work since 2001, but if their company has less than 15 employees, the employer's consent is required.

- The final year of Parental leave may be taken up to a child's eighth birthday with the employer's agreement.
- Both parents are entitled to take leave at the same time and both can take up to two leave intervals.

Regional or local variations in leave policy

- Parental leave legislation is federal. However, four federal states (Bavaria, Baden-Württemberg, Thuringia, Saxony) pay a means-tested parental benefit extended to the third year of Parental leave, ranging from €200 to €350 per month and child.

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

- Parental leave: all parents gainfully employed at date of birth.
- Parental benefit: all parents not employed more than 30 hours a week.

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

- In case of multiple births the parental benefit is increased by €300 per month for each additional child.
- Grandparents are entitled to unpaid Parental leave if their child, i.e. the parent of their grandchild, is younger than 18 years or if the parent is still in education or vocational training.

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

- Many collective and individual company agreements allow parents to utilise their Parental leave entitlement within 12 years or, in the public sector, within 18 years after childbirth.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

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

Time off for the care of dependants

- In case of sickness of a child (below 12 years of age) parents may take up to ten days of leave, receiving 80 per cent of earnings from their health insurer with no ceiling. The maximum annual leave period that may be taken per family is 25 days.

- A relative of a care-dependent person is entitled to 10 days of short-term leave if that person has an unexpected illness, as well as six months of long-term care leave. Both entitlements are unpaid.
- A new *Familienpflegezeit* (family caring time) for employees was introduced in January 2012. For a period of up to two years, employees may reduce their working time to a minimum of 15 hours, if they need to care for a dependent relative. During this period employees are paid a lower income, though the reduction in income is less than the reduction in hours; employees repay the difference by receiving the same amount of reduced earnings for an equivalent period after returning to full-time employment. For example, if employees reduce their working time from 100 to 50 per cent for two years, they will receive 75 per cent of their income during that time and for a further two years after returning to full-time work again. The compulsory long-term care insurance covers additional pension contributions during the caring time if care is given for at least 14 hours and employment is limited to a maximum of 30 hours per week. *Familienpflegezeit* is not a legal entitlement, but an optional provision that is available if covered by an individual contract or collective agreement.

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Germany is 3 years, but most of this is unpaid; leave paid at a high rate runs for 12 months, plus two more months available if taken by the other parent. There is an entitlement to ECEC from 3 years of age, but it does not specify hours per day or per week; many services in Western Germany still offer only part-time hours, while full-time opening has remained the norm in Eastern Germany. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than 18 months between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are below the average for the countries included in this review and for OECD countries, but are above the averages for children over 3 years – though there remains a large difference between Western Germany (without Berlin) and Eastern Germany especially for children under 3 years (20 vs. 49 per cent in March 2011: national statistics). For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on [cross-country comparisons](#) page.

While there is currently no legal entitlement to ECEC for children under three years the *Kinderförderungsgesetz* (KiföG) law of 2008 foresees such an entitlement from 2013 onwards. Since the enactment of the *KiföG*, substantial efforts have been made to increase the traditionally very low supply of ECEC for children under 3 years in West Germany. For Germany as a whole, ECEC attendance for children under 3 years has risen from 9.5 per cent in 2000 to 25.2 per cent in 2011; the *KiföG* aims to create places for 35 per cent of children under 3 years by 2013.

3. Changes in policy since April 2011 (including proposals currently under discussion)

The *KiföG* law envisages the introduction of a ‘childcare benefit’ from 2013 for those parents who do not make use of ECEC services and choose to care for their under three year olds at home. Right from its announcement in 2008, this proposal has been – and still is – highly

contested in the political and societal arena and its actual realisation has remained uncertain for a long time. In 2011, however, the coalition parties in the government agreed to introduce a childcare benefit of €100 per month (rising to €150 from 2014) to be paid to parents who care for their 1- and 2-year-old children at home and do not make use of institutional childcare facilities. At the same time, the money may be used to use private childcare arrangements. Many details of the measure, however, remain unclear and the proposal is highly divisive and contested in the political arena. Family Minister Kristina Schröder announced a draft law by summer 2012, but it is still uncertain whether this policy measure will actually pass parliament.

From 1st January 2012, the *Familienpflegezeitgesetz* (family caring time law) has been introduced for carers of dependent relatives (see section 1e for details). Although initially intended by Family Minister Schröder as a legal entitlement, the *Familienpflegezeit* has instead been made available as an employment benefit dependent on individual contract or collective agreement.

4. Take-up of leave

a. Maternity leave

There is a 100 per cent take-up as it is prohibited to work for eight weeks after birth.

b. Paternity leave

No statutory leave entitlement.

c. Parental leave and Parental benefit

The 2007 Parental leave reform had the explicit aim to raise the take-up of leave by fathers and recently published data by the Federal Statistics Office show that the proportion of fathers taking leave has risen more than five-fold from 3.3 per cent in 2006 to 25.7 per cent for children born in the third quarter of 2010. While slightly more than every fourth father takes parental benefit, there are regional variations amongst the federal states, from only 16.8 per cent in the Saarland to 33.4 per cent in Bavaria.

The new Parental leave law has, therefore, been successful in raising the take-up of leave by fathers, although a large majority, i.e. 76.2 per cent (2011), took no more than their individual two month entitlement (partner's months). The reform has also reduced the number of people taking more than one year of paid leave, which was a declared goal of the new law. In fact, in 2011 just 9.5 per cent of Parental leave takers made use of the option to prolong their paid leave to two years at 33.5 per cent of prior income.

Somewhat less clear is whether the switch from a flat-rate to an earnings replacement benefit has improved the economic situation of average leave-takers. Statistics show that almost half of all recipients merely received the minimum sum of €300 and among this group a substantial part would have probably been better off with the former leave entitlement, which guaranteed them €300 for two years instead of one. An additional 22.1 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.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

For decades, research on German leave policies was rather patchy, largely due to a lack of systematic data on the utilization and outcomes of leave measures. In recent years, however, research has been increasingly making use of longitudinal data like the German Socio-Economic Panel (GSOEP) and has been combining sociological and economic theories for an analysis of the effects of Parental leave legislation on household and individual behaviour. Indeed, the 2007 Parental leave reform may be partly seen as a reaction of policy makers to problems identified by empirical Parental leave studies.

b. Selected publications since January 2011

BMFSFJ (2011) *Familienreport 2011: Leistungen, Wirkungen, Trends*. Available at <http://www.bmfsfj.de/BMFSFJ/Service/Publikationen/publikationen,did=176198.html> 'Family Report' published by the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth; the report summarises new research results on family life in Germany, family policies, work-life balance, time use of families and child development. A special focus is laid on the parental benefit and fathers.

Geisler, E. and Kreyenfeld, M. (2011) 'Against all odds: Fathers' use of parental leave in Germany', *Journal of European Social Policy*, Vol.21, No.1: 88-89. Available at <http://esp.sagepub.com/content/21/1/88.full.pdf+html>

This paper studies fathers' Parental leave take-up in Germany between 1999 and 2005 (i.e. before the 2007 introduction of the parental benefit) and finds education and employment situation to be strong predictors. Fathers are more likely to take up leave if they have a partner with higher education and if they are employed in the public sector, as opposed to being employed on temporary working contracts.

Blum, S. (2012) *Familienpolitik als Reformprozess. Deutschland und Österreich im Vergleich*. Wiesbaden: VS Verlag für Sozialwissenschaften.

This book compares family policy reforms (Parental leave, childcare) in Germany and Austria during the last decade and explains the varying policy outputs.

Destatis (Statistisches Bundesamt) (2012) *Öffentliche Sozialleistungen Statistik zum Elterngeld. Gemeldete beendete Leistungsbezüge – 2011*. Wiesbaden: Destatis. Available at: <http://www.destatis.de>.

Official statistics on the utilisation of Parental leave entitlements in 2011, including time series data.

Gathmann, C. and Sass, B. (2012) *Taxing Childcare: Effects on Family Labor Supply and Children*, IZA Discussion Paper No. 6440, March 2012. Available at <http://ftp.iza.org/dp6440.pdf>

This study analyses the effects of the introduction of a homecare allowance (*Betreuungsgeld*) by the regional governments of Thuringia, East Germany (see 1c, 'regional or local variations'). It finds that parents responded to this new cash benefit by reducing their utilisation of public daycare and increasing childcare at home or informal childcare. Female labor force participation declined and the response was strongest for single parents and low-income households. The short-run effects on cognitive and non-cognitive skills were mixed, but were found to be negative for girls.

Geyer, J., Haan, P., Spieß, K. C. And Wrohlich, K. (2012) ‚Elterngeld führt im zweiten Jahr nach Geburt zu höherer Erwerbsbeteiligung von Müttern‘, *DIW Wochenbericht Nr. 9 2012*. Available at: http://www.diw.de/documents/publikationen/73/diw_01.c.393927.de/12-9-1.pdf
This article summarises the results of an evaluation study on the parental benefit conducted by the German Institute for Economic Research (DIW). It finds that, on the one hand, the labour market participation of mothers during the first twelve months after the birth of the child has decreased. On the other hand, however, mothers are now more likely to return to the labour market afterwards, especially those with comparatively low incomes and those living in Eastern Germany.

Schober, P.S. (2012) *Parental Leave Policies and Child Care Time in Couples after Childbirth* (SOEPpapers 434). Available at http://www.diw.de/sixcms/detail.php?id=diw_01.c.394462.de

Based on multilevel analysis of SOEP data, this research explores how different Parental leave reforms in West Germany impacted on the time mothers and fathers in couples spent on child care. The findings suggest that the extensions of the maximum period of low-paid or unpaid leave between 1986 and 1992 and the introduction of shorter well-paid leave and two 'daddy months' in 2007 indirectly affected maternal and paternal child care through changes in mothers' work return decisions. Even after controlling for these indirect effects and fathers' take-up of leave, the Parental leave extensions were directly associated with longer maternal care time on weekdays, whereas father involvement in childcare increased after the 2007 reform.

c. Ongoing research

None reported.

Greece

Evi Hatzivarnava Kazassi (Institute of Social Protection and Solidarity)

April 2012

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

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

Note on leave information: the information given below is based on: (i) leave arrangements **for employees in the private sector** that are covered by legislation and the National General Collective Agreements (NGCA) signed between the most representative national employers' organisations (SEV, GSEVEE, ESEE) and the General Confederation of Labour, which set the uniform minimum provisions for all workers in the private sector⁸⁰; (ii) leave arrangements **for public sector employees** that are covered by basic laws and the Code for Civil Servants and relevant legislation.

i. Private sector (responsibility of the Department of Labour and Social Security)

a. Maternity leave (Basic leave – Άδεια Μητρότητας; Special leave for the protection of maternity – Ειδική Άδεια για την Προστασία της Μητρότητας)

Length of leave (before and after birth)

- Basic leave: 17 weeks: eight weeks must be taken before birth and nine weeks after birth.
- Special leave: six months, granted after Basic Maternity leave and before the beginning of the use of flexible working (reduced hours of daily work).

Payment and funding

- Basic leave: 100 per cent of earnings, on the condition that these do not exceed those granted to insured persons who belong to the highest insurance class of the IKA (main insurance Body in Greece).
- Special leave: minimum daily wage agreed in the National General Collective Agreement, as well as social insurance coverage.

⁸⁰ Provisions on leave arrangements are also included in other kinds of Collective Labour Agreements (i.e. sectoral, professional, enterprise), which are signed between Employers and Confederations of large sub-sectors of the economy such as the bank sector or enterprises of the wider public sector such as the electricity company. Due to the fact that such Agreements cannot include worse provisions than the minimum standards included in the National General Collective Agreement, they usually have improved provisions for working parents.

- Basic leave: funded by the Social Security Fund and the Manpower Employment Organisation, which are financed on a tripartite bases (employers/employees/state). Special leave: funded by the Manpower Employment Organisation.

Flexibility in use

- Basic leave: none except for when leave can start: if birth takes place before the time envisaged, the rest of the leave can be granted after birth so long as the total time taken remains 17 weeks.
- Special leave: if the parent, with the employer's agreement, makes use of the right to take a continuous time off work instead of working reduced hours (see 1ie), then the 'special leave for the protection of maternity' is taken after this leave.

Eligibility

- Basic leave: to ensure full compensation, 200 working days during the previous two years are needed.
- Special leave: those insured in IKA-ETAM (the largest Social Insurance Fund).

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

- None.

b. Paternity leave (Άδεια Γέννησης Τέκνου)

- Two days paid leave at the time of the child's birth, funded by the employer.

c. Parental leave (Γονική Άδεια Ανατροφής)

Length of leave

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

Payment

- None.

Flexibility in use

- Leave may be taken up to the time the child turns six years.
- Leave may be taken in one or several blocks of time subject to agreement with the employer.

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

- All employees who have completed one year's continuous employment with their present employer.
- Employees that adopt or foster a child up to six years of age (it could be extended to eight years of age if adoption or fostering procedures are not finished before)
- Though the leave is for each child, it is necessary that one year of work in the same employer is completed after the end of the parental leave granted for the previous 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 parents

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- In the case of the death of one parent or the total removal of parental responsibility or non-recognition of a child, the amount of parental leave granted to the other parent is double.
- Parents with a disabled child do not get additional Parental leave, but are eligible for carer's leave (see 1ie below).

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

- None.

d. Childcare leave or career breaks

- A parent can take time off work with full payment, up to an estimated three and three-quarter months, as part of a scheme which also allows parents to work reduced hours. For more details, see 1ie, 'flexible working'.

e. Other employment-related measures

Adoption leave and pay

- For 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 (up to 18 years of age) need regular transfusion or dialysis or suffer from cancer or need a transplant: up to ten days per year paid leave, funded by the employer. Individual right
- Leave for parents due to the hospitalisation of a child (up to 18 years of age), which requires their immediate presence: up to 30 days per year unpaid leave on the condition that the parent has exhausted his/her normal Parental leave. Individual right.
- Leave for widows/ers or unmarried parents caring for children: in addition to other leave, six days per year paid leave. If the parent has three or more children the leave is eight days per year. The leave payment is funded by the employer.

Flexible working

- Parents are entitled to work one hour less per day for up to 30 months after Maternity leave, with full earnings replacement. This may be taken as: two hours less per day for the first 12 months and one hour less per day for another six months; or, with the employer's agreement, in block(s) of time of equal time value within the 30 months period after Maternity leave. This last option, of converting reduced hours into a block or blocks of leave, means that a parent can take a number of months off work, up to an estimated three and three-quarter months. This leave – titled 'alternative use of reduced hours as leave for the care of children' – is considered part of working time and paid 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 1id).

ii. Public sector (responsibility of the Department of Interior)

a. Maternity leave (Άδεια Μητρότητας)

Length of leave (before and after birth)

- Five months: two months must be taken before birth and three after birth. For every child after the third, the length of post-natal leave is extended by two.

Payment and funding

- Hundred per cent of earnings, with no ceiling in payment.
- Funded through general taxation.

Flexibility in use

- If birth takes place before the time envisaged, the rest of the leave can be granted after birth so long as the total time taken remains five months. If birth takes place after the time envisaged, the leave is extended until the actual birth date without any respective reduction in the after birth leave.

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

- Childbearing mothers who need special therapy and have exhausted their sick leave are granted paid childbearing leave.
- In case of multiple childbearing, maternity leave is extended by one (1) month

b. Paternity leave

No statutory entitlement.

c. Parental leave (Άδεια χωρίς αποδοχές)

Length of leave

- Up to two years per parent. Leave is an individual entitlement.

Payment and funding

- None, except for the case of three or more children where three months of the leave are fully paid by the employer and funded through general taxation.

Flexibility in use

- Leave may be taken at any time up to the time the child turns six years.

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

- An employee can use this leave if his/her spouse does not make use of the childcare leave at the same time (see 1iid below).
- In cases of separation, divorce, widowhood or birth without marriage, only the parent that cares for the child is entitled to this leave.

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

- In the case of three or more children, three months of the leave are paid.
- Parents with a disabled child do not get additional Parental leave, but are eligible for leave for the care of dependants (see 1iie below).

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

- None.

d. Childcare leave (άδεια ανατροφής or μειωμένο ωράριο εργασίας)

- A parent can take nine months of childcare leave with full payment as an alternative option to a scheme which allows parents to work reduced hours. 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 1iie– ‘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.

- Up to 22 days per year of paid leave for employees whose children or spouses need regular transfusion or periodic therapy or whose children suffer from severe mental handicap or Down's syndrome.
- Leave for employees with children or spouses with disability: one hour per day, paid.

Flexible working

- Parents are entitled to work two hours less per day if he/she has children of less than two years old and one hour less per day if he/she has children between two and four years old, with full earnings replacement. As mentioned above (1iid) there is an alternative option for this leave which is nine consecutive months off work after Maternity leave.
- Flexible working does not constitute a personal entitlement and can be used by either or both parents within the total entitlement period. A husband is not entitled flexible working if his wife is not working.
- For a parent who is unmarried, widowed, divorced or severely disabled flexible working is extended by six months. In the case of the birth of a fourth child, flexible working is further extended by two years.
- Adoptive parents of children up to the age of four are entitled to flexible working or alternatively childcare leave (see 1iid).
- An employee supporting a child or a husband/wife with a serious disability can work one hour less per day, with full payment.

All paid leave is funded through general taxation.

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

The maximum period of post-natal leave available in Greece is 60 months in the public sector and 19 months in the private sector; but leave paid at a high rate runs for only 6-12 months. There is an entitlement to ECEC at 5 years of age, and attendance is compulsory for the year before the beginning of elementary school (i.e. from around 5 years). So for most parents there is a gap between the end of post-natal leave and an entitlement to ECEC, reaching 4 years of more in most cases. Levels of attendance at formal services for children under and over 3 years are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

2011 was a year of acute economic crisis and austerity measures implemented within the framework of the memorandum between the IMF/ECB/EC and the Greek government signed in May 2010, which included strict rules regarding public spending on social policies. In February 2012, a new Memorandum was signed adopting the same approach with a priority on improving the competitiveness of business through cutting labour costs.

Though the existing Parental leave system remains for the moment intact, there have been dramatic developments in the system of collective bargaining and collective labour agreements, which have had and will have a serious impact on workers' rights, including Parental leave rights. With the Law 4046/14.2.12, and in spite of the agreement reached by

the social partners on the 3rd of February on maintaining the National General Collective Agreement (NGCA) 2010-2012, the following changes, amongst others, were brought about that seriously affect the autonomy and strength of collective labour bargaining between employers and employees:

- The minimum wage, by state intervention, was lowered by 22 per cent while for people below 25, it was lowered by 32 per cent. This will have an impact on all benefits that are related, in a direct or indirect way, to minimum wage like the maternity benefit, the unemployment benefits, the basic child benefits and the special leave for the protection of maternity.
- Reforms in the wage-setting system at national level will come about by mid-2012. The proposal is that wage rates set in the National General Collective Agreement will be replaced with a statutory minimum wage rate legislated by the Government in consultation with social partners.
- The labour arbitration system has been severely weakened since the right to have unilateral recourse to arbitration for the resolution of disputes related to collective agreements is abolished; while at the same time, arbitration is restricted only to basic salary and daily wage determination leading inevitably to more individual bargaining, thus strengthening significantly employers' power.
- The Workers' Social Fund (OEE -Ergatiki Estia) is to be closed down. This fund, solely financed by workers' and employers' contributions, provided social services to workers and their families (i.e. child care infrastructures, summer camps etc), and also secured (through the workers' contributions) the minimum financing of trade unions.

These changes have weakened the NGCA, an important collective mechanism for progress and change through the process of free collective bargaining, which has traditionally provided effective ways of protecting and promoting workers' rights, including the protection of working parents. At the same time, due to job cuts, dismissals, high unemployment, the conversion of full-time to part-time jobs, rotation, undeclared work and generally high employment insecurity, both leave entitlement and leave use have been negatively affected. According to information provided by the Greek Citizen's Ombudsman, work flexibility has been introduced without sufficient safeguards for the most vulnerable, or safeguards that had been introduced by law have not been effectively enforced. Especially working mothers returning from maternity leave have been offered part-time work and job shares, reducing their levels of pay. The International Labour Organisation has also observed, since May 2008, a constant and dramatic increase of complaints concerning unfair dismissals due to pregnancy or Maternity leave and sexual harassment (Report of the Committee of Experts on the Application of Conventions and Recommendations (Report III, Part IA), ILO, 2012).

A new law on Parental leave was voted by the Greek Parliament in April 2012 (articles 48-54, Law 4075/12). The law incorporates the EU Directive 2010/18 on Parental leave in the national legislation. According to the provisions of the law, the following main changes are introduced that concern all working people in the public or private sector:

- Parental leave is extended, so it can be taken until a child's 6th birthday (instead of 3½ years, as in the past).
- Parental leave lasts 4 months (instead of 3½ months, as in the past)
- Requests for Parental leave from parents of children with a disability or long-term illness or sudden illness and from single parents are dealt with as an absolute priority.
- In the case of death of a parent or total removal of parental responsibility or non-recognition of the child, the other parent is entitled to receive the double amount of Parental leave

- Working people that adopt or foster a child that is less than 6 years of age, are entitled to Parental leave which, under circumstances, could be extended until the child's 8th birthday.
- Special leave is introduced to cover the unplanned and serious needs of parents whose children suffer from serious illness needing regular therapy or hospitalisation.

Another development worth mentioning is a report on Special Leave for the Protection of Maternity, issued in March 2011 by the Citizen's Ombudsman (Cycle of Gender Equality) following a large number of complaints. The report identified administrative difficulties in delivering this provision, unequal treatment due to the exception of categories of working mothers (because of the conditions set in the provision and the way they are interpreted) and some other legal gaps. Some of the proposals suggested by the Ombudsman were accepted and dealt with by the relevant authorities while others are in abeyance.

Also, due to interventions of the Citizen's Ombudsman (Cycle of Gender Equality), Parental leave provisions that give equal access rights to both mothers and fathers but were not implemented for fathers in certain public sector occupations (i.e. the armed forces and the police) are now implemented in these occupations.

4. Take-up of leave

There is no information on take-up of the various types of leave. However, it is feared that due to economic crisis and high unemployment, take-up rates will be negatively affected in the private sector.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

There was little research in this area during 2011. During this year, research, publications and conferences mainly revolved around issues that were related to the financial crisis as well as immigration. Their focus was on the impact of these processes on work, work pay, work relations and work integration, as well as on social protection.

b. Selected publications since April 2011

None reported.

c. Ongoing research

None reported.

Hungary

Marta Korintus and Andrea Gyarmati (Institute for Social Policy and Labour)

April 2012

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

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

Note on terminology: the Hungarian names for two of the Parental leaves discussed in 1c – GYES and GYED – include the word *gondozas*, that is ‘care’. By contrast, GYET - available after the child is older than three (see 1d) - includes the word *nevelés*, that is ‘upbringing’. The Hungarian names for these three leaves (1c and 1d) literally refer only to the payment element, although in practice they cover leave and payment (e.g. GYES is *gyermekgondozási segély*, literally ‘childcare allowance’).

a. Maternity leave (*szulesi szabadsag*) (responsibility of the Ministry of National Resources)

Length of leave (before and after birth)

- Twenty-four weeks: up to four weeks before birth. However only mothers are entitled to take one type of Parental leave until the child’s first birthday (see 1c).

Payment (terheségi-gyermekügyi segély) and funding

- Seventy per cent of average daily earnings, with no ceiling on payments. In cases when there has been previous employment (i.e. the pregnant woman is eligible) but no actual income can be determined on the first day of eligibility (e.g. the pregnant woman is on sick leave for several months, or is self-employed and does not have an actual income), the payment is twice the amount of the official daily minimum wage. In this case, payment is made by the Treasury, not the National Health Insurance Fund.
- Funded from the National Health Insurance Fund, which is financed by contributions from employers, employees and general taxation; employers and employees both pay 6 per cent of gross earnings to the Health Insurance Fund. As well Maternity leave, this fund supports GYED (see ‘Parental leave’) and health provision.

Flexibility in use

- The start date can be between four weeks before birth and the birth itself.

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

- All women are entitled to 24 weeks unpaid maternity leave.

- Women employees and self-employed women with at least 365 days of previous employment within two years of the birth of a child are entitled to benefit payment for the period of Maternity leave.

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

- If the newborn is cared for in an institute for prematurely born infants for a year, the unused portion of the maternity leave can be taken up after the child is taken home.
- Adopting mothers are eligible
- Guardians who care for the child are eligible
- The father (birth or adoptive) is eligible if the mother dies or is not present in the household due to health-related reasons.

b. Paternity leave⁸¹

Length of leave

- Five days, to be taken during the first two months of the child's life.

Payment and funding

- Hundred per cent of father's average daily wage, with no ceiling on payments.
- Funded from the National Health Insurance Fund, which is financed by contributions from employers and employees.

Flexibility in use

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

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

- All employed fathers.

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

- 7 days in case of twins.

c. Parental leave (responsibility of the Ministry of National Resources)

There are two types of leave and benefit: (1) for non-insured parents, *Gyermekgondozasi sagely*, GYES; (2) for insured parents, *Gyermekgondozasi dij*, GYED. Both are family entitlements except for GYED up to the child's first birthday, which is an entitlement only for mothers.

⁸¹ Paternity leave has no separate name in Hungarian; it is just listed as one of the eligible reasons for leave days in the Code of Labour legislation.

Length of leave

- **GYES:**
 - a. Until the child's third birthday for parents not insured.
 - b. From the end of GYED (child's second birthday) until the child's third birthday, for insured parents.
- **GYED:** from the end of the Maternity leave period until the child's second birthday, for insured parents.

Payment and funding

- **GYES:** until the child's third birthday, a flat-rate benefit equal to the amount of the minimum old-age pension, HUF28,500 (€96⁸²) per month in 2012. For multiple births, two hundred per cent of this amount is paid in the case of two children, 300 per cent for three children, with similar increases for additional children.
- Funded by the Treasury from general taxation.
- **GYED:** benefit of 70 per cent of average daily earnings, up to a ceiling of 70 per cent of twice the minimum daily wage (HUF 130,200 (€439) per month in 2012. Funded from the National Health Insurance Fund, which is financed by contributions from employers and employees.

Flexibility in use

- A parent taking **GYES** cannot work until the child's first birthday, but can then work less than 30 hours a week, or unlimited hours if she/he works at home or has a disabled or permanently sick child while still receiving the full benefit until the child's third birthday.

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

- **GYES:** all parents. Foster parents and guardians are also eligible.
- **GYED:** only the mother may take this leave up to the child's first birthday. Otherwise either of the parents living with the child is eligible as long as she/he has been employed at least for 365 days within the two years before the birth of the child; however, only one parent can actually take GYED. Foster parents are not eligible.

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

- **GYES:** parents of a child 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 30 hours a week, or without limitation if the work is done in the home, after the child becomes older than three years of age.

⁸² Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

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 second and eighth birthday of the youngest child (*Gyermeknevelési támogatás*, GYET). Benefit payment as for GYES. The person taking up GYET can work less than 30 hours a week, or unlimited hours if the work is done in the home. GYES and GYED are intended to promote childbirth and support reconciliation of work and childrearing; GYET is considered an acknowledgement of parenthood as paid work.

e. Other employment-related measures

Adoption leave and pay

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

Time off for the care of dependants

- There is an entitlement to leave, the length of which depends on the age of the child: under one year – unlimited; 12-35 months – up to 84 days per child per year; 36-71 months – 42 days; six to 12 years – 14 days. Lone parents are entitled to a double period of leave. Leave is a family entitlement and a 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 to one one-hour break until a child is nine months old. The number of hours is doubled in the case of twins.

Job protection

Parents' employment cannot be terminated if they are on leave to care for their children.

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

The maximum period of paid post-natal leave available in Hungary is 3 years, but the last year is paid at a low flat rate; until 2 years, insured parents taking leave are paid at a high earnings-related level. There is an entitlement to ECEC (*óvoda*/kindergarten) from 3 years of age and it is compulsory to attend 4 hours a day from the age of 5 years. Children under three years are also entitled to an ECEC (*bölcsőde*/nursery) place, but there are not enough places; legislation is in place in both cases but implementation varies. So though by legislation, there is no gap between the end of Parental leave entitlement and the start of an ECEC entitlement, there is in practice due to a shortage of places in services for children under 3 years. Otherwise there is a one year gap between the end of well-paid leave and an entitlement to an ECEC place for three-year-olds. Levels of attendance at formal services for children under 3 years are well below the average for the countries included in this review and OECD countries; but above average for children over 3 years. For actual attendance

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

3. Changes in policy since April 2011 (including proposals currently under discussion)

A new law on the protection of families was passed in 2011 and came into force on 1 January 2012. In the same way as there is already separate legislation for child protection and adult social services, there is now separate legislation for families; it includes statements of principles and brings together or refers to items related to family protection in other legislation. It says that the state contributes to bringing up children. Working parents are eligible for state support for securing childcare during working hours and the state provides flexible services to help parents' employment. Parents are eligible for job protection and other benefits/services to help balance work and family life. Part-time work and atypical work are promoted.

As a result of the modifications in the legislation related to Parental leaves, fathers have become more visible as they are specifically mentioned in relation to eligibilities (e.g. see 1a for transfer of Maternity leave to fathers in certain circumstances).

4. Take-up of leave

a. Maternity leave

There are only statistics on the number of women receiving benefit. The average monthly number in 2010 was 27,289. It is thought that almost all eligible women take leave.

b. Paternity leave

The total number of fathers taking leave during 2010 was 21,932, using 109,501 days.

c. Parental leave

There are only statistics on the number of recipients of benefit. The average monthly numbers in 2010 were: 178,532, or 75.0 recipients per thousand women of fertile age, for GYES; 94,682, or 39.8 recipients per thousand women of fertile age, for GYED; and 39,275, or 16.5 recipients per thousand of women of fertile age, for GYET. There is no information on what proportion of parents take leave or how long they take. It is thought, however, that the number of fathers taking parental leave is very small; over the years, the number of male recipients of benefit has been between 1,000 and 3,000. There is no data available on the proportion of parents taking leave. An estimate can be made on the basis that about 12.6 per cent of children under three years were in childcare centres in 2010, so the remainder probably had a parent (predominantly mother) taking up one of the Parental leave options.

It is thought that mothers with higher education and better paid jobs take shorter periods of leave, especially as the last year of GYES is paid at a flat rate and because of the implications for careers of prolonged absence from work. Some indication of leave-taking is provided by data on the age of children entering *bolcsóde* (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 2010, the total number of sick leave days in Hungary was 27,854,000; 3.5 per cent of these were taken for sick children.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Work on issues concerning achieving work–life balance in families with children has been flourishing since 2009. The issues covered are comprehensive, ranging from demography to labour force participation, leave policies, cash benefits and childcare. The overall aim seems to be finding a good or acceptable solution to facilitating women’s return to work and expanding services for young children in a quite unfavourable economic, financial and societal situation created by the recent crisis.

b. Selected publications since April 2011

Drjenovszky, Zs. (2010) ‘Kismamák a munkahelyen, avagy hogyan számíthat a munkahely a nőkre a gyermekvállalást követően?’ [‘Mothers at work, or how to count on women at the workplace after having children?’], *Munkaügyi Szemle*, 2010/2: 95-102.

This study finds that Hungarian mothers do not want to go back to their workplace before their children are 2 or 3 years old even if they find the ideal childcare, because of traditional attitudes.

Blaskó, Zs. (2011) ‘Három évig a gyermek mellett - de nem minden áron. Közvélemény a kisgyermekes anyák munkába állásáról’ [‘Stay at home for three years – but not at all costs. Social values on maternal employment in Hungary’], *Demográfia*, 2011/1: 23-45.

Public opinion in Hungary has for long been against the employment of mothers with young children. In line with Parental leave policies that allow mothers to stay at home for three years and the scarcity of childcare for children under 3, the majority of the population tends to agree with the idea that a young child will suffer if his or her mother works. The study, based on interviews, concludes that the social norm of the “stay-at-home-mothers for three years” in Hungary is a flexible one, which is at least partly maintained by the lack of family-friendly work opportunities in the country and also by the serious shortage of available childcare for children under 3 years.

Fazekas, K. and Molnár, Gy. (eds) (2011) *Munkaerőpiaci Tükör [The Hungarian Labour Market – Review and Analysis. Effects of the Crises]*. Budapest: MTA

Közgazdaságtudományi Intézet [Institute of Economics, Hungarian Academy of Sciences]

This review contains a review of current developments in labour market and employment policy, as well as an in-depth analysis of one subject area within this topic. The publication details the characteristics of Hungarian labour market processes and their interrelations in an easily understandable, transparent structure based on the available statistics and on both theoretical and empirical research. In each chapter, there is an emphasis on the presentation and analysis of the labour market consequences of the economic crisis.

Reizer B. (2011) ‘A gyermekvállalás hatása a család jövedelmére Magyarországon’ [‘Impact of childbearing on the income of families in Hungary’], *Demográfia*, 2011./2-3: 160-176.

The aim of the paper is to describe to what extent the transfer system is able to compensate for decreased household income following childbearing, during Maternity leave. The results indicate that birth of the first child causes a 20 per cent decrease in the equivalent income of

households, furthermore that the decrease was less pronounced in those households which already had children prior to 2001.

Spéder, Zs. (2011). 'Ellentmondó elvárások között Családi férfiszerepek, apaképek a mai Magyarországon' ['Between contradictory expectations: Family related male and father roles in contemporary Hungary'], in: I. Nagy and T. Pongrácz (eds.) *Changing roles, report on the status of women and men, 2011*. Budapest: TÁRKI Zrt.-NEFMI., 207-229.

This study focuses on the expectations and norms of family-related male gender roles. The empirical analysis concentrates on three issues: 1. whether the classical male breadwinner role or rather a kind of involved partnership is expected from men; 2. how important is childbirth in the lives of women and men; 3. what kind of fatherhood is expected from men in Hungary. The study finds that the traditional "male breadwinner role" is deeply ossified in the expectation of Hungarian society.

Szociális statisztikai évkönyv 2010 [Yearbook of Welfare Statistics, 2010] (with CD-ROM) (2011). Budapest: Központi Statisztikai Hivatal, Budapest

This yearbook contains detailed data on social assistance, family benefits, child welfare provision, child protection, social benefits, basic social care and social day care, social work activities with accommodation, rehabilitative employment, sick pay, retirement allowances and the social and guardianship authority administration in 2010, with a detailed methodology.

c. Ongoing research

None reported.

Iceland

Thorgerdur Einarsdóttir and Gyda Margrét Pétursdóttir (University of Iceland)

April 2011

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

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

Note on terminology: the term *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 1d under the heading of 'Childcare leave', though it translates literally into 'Parental leave'. The type of leave referred to in 1c under the heading of 'Parental leave' is translated into English by the Icelandic Ministry of Welfare as 'parents' joint rights'.

a. Maternity leave (*faedingarorlof*) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Three months: one month may be taken before birth.

Payment and funding

- Eighty per cent of earnings for earnings lower than ISK200,000 (€1,245⁸³) per month, then 75 per cent of earnings over ISK200,000 up to a ceiling of ISK300,000 (€1,867) per month. 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 ISK82,184 (€512) per month; and for a mother working longer hours, at least ISK113,902 (€709). For those working less than 25 per cent of full-time hours and those outside the labour market the amount is ISK49,702 (€309). As a frame of reference, the minimum wage in Iceland is ISK165,000 (€1,027) per month and maximum unemployment benefits is ISK149,523 (€931). Others (including students) receive a flat-rate payment, ISK113,902 (€709).
- Funded by the Maternity/Paternity Leave Fund, which is financed by contributions from employers of 4.54 per cent of earnings; 1.08 per cent of this revenue goes to this Fund.

⁸³ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

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').
- The total of nine months leave (covering Maternity, Paternity and joint rights) can be used until 36 months after the birth.

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

- All women who have been in the workforce during the preceding 12 months, ending six 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 mother

- See 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 Welfare)

Length of leave

- Three months.

Payment 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 in the workforce during the preceding 12 months, ending six months prior to the child's birth.

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

- See 1c.

c. Parental leave (see note on terminology at the start of part 1) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Three months after birth.

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 36 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 (i.e. mothers) giving birth 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. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Iceland is 15 months, but well-paid Parental leave only lasts for 9 months. There is no entitlement to ECEC so there is a large gap between leave and ECEC entitlements. However, most municipalities offer ECEC for children under and over 3 years, and there are high attendance levels for both age groups, well above the average for the countries included in this review and OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

In 2008, 99.2 per cent of women applying for leave used the three months available. For more details see 3c.

b. Paternity leave

See 3c.

c. Parents' joint rights

In 2008, 90.9 per cent of fathers took a period of leave (paternity and/or parents' joint rights) for every 100 mothers taking some leave, and fathers took about a third of all days of leave taken by parents (an average of 103 days leave compared to 178 for mothers). Overall, 23 per cent of fathers took some of the parents' joint rights, and 17.3 per cent took less than their three months of designated Paternity leave; 93 per cent of mothers took some period of parents' joint rights.

In 2008, 33.6 per cent of men and 43.3 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

d. Other employment-related 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.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Research on leave and other employment-related policies is increasing in Iceland. Some studies include cross-national comparisons, which is reducing Iceland's previous knowledge gap in this area.

b. Selected publications since April 2011

Eydal, G.B. (2011) 'Childcare policies at a crossroads: the case of Iceland', in: A.T. Kjörholt and J. Qvotrup (eds.) *The modern child and the flexible labour market. Early Childhood Education and Care*. Basingstoke: Macmillan Palgrave, pp.38-57.

This chapter discusses developments in Icelandic childcare policies since the 1980s. It also discusses the influences of the economic crisis on these policies. In order to put the Icelandic policies into context, outcomes are compared to the other Nordic countries. Finally the chapter discusses the influences of the economic crisis on the policies.

Eydal, G.B. and Rostgaard, T. (2011) 'Day care schemes and cash for care at home', in: V.G. Gíslason and G.B. Eydal (eds.) *Parental leave, childcare and gender equality in the Nordic countries*. Copenhagen: Nordic Council of Ministers, pp. 65-108.

This chapter examines early education and care policies, both services and cash for care, in all the Nordic countries. It examines the aims of the legislation, rules of eligibility, organization and funding of the services, coverage and quality indicators. While the chapter focuses on the five Nordic countries, some comparison is made to the EU-average regarding outcomes.

Eydal, G.B. and Rostgaard, T. (2011) 'Toward a Nordic childcare policy – the political processes and agendas', in: V.G. Gíslason and G.B. Eydal (eds.), *Parental leave, childcare and gender equality in the Nordic countries*. Copenhagen: Nordic Council of Ministers, pp.147-178.

This chapter discusses the political process and agendas behind Nordic childcare policies. The main question is if the differences in Nordic childcare policies can be explained by different politics and if party politics matters.

Eydal, G.B. and Rostgaard, T. (2011) 'Nordic childcare: a response to old and new tensions?', in: B. Pfau-Effinger and T. Rostgaard (eds.) *Care between Work and Welfare in Europe*. Basingstoke: Macmillan Palgrave, pp.79-97.

This chapter discusses the recent developments in childcare policies in the Nordic countries and if they can be seen as a response to old tensions between facilitating labor market participation of both parents and the best interest of the child. Furthermore the chapter also examines if the latest developments in childcare policies have caused tensions in relation to freedom of choice and public interest in ensuring the participation of fathers in care.

Eydal, G.B. and Rostgaard, T. (2011) 'Gender equality re-visited: Changes in Nordic childcare policies in the 2000s', *Regional issue, Social Policy & Administration*, Vol.45, No.2: 161-179.

This article, in a special Nordic issue of the journal, provides an overview of Nordic policies on gender equality and of Nordic co-operation in policy making. The article then examines the implications of the most recent changes in childcare policies in the Nordic countries for the Nordic model and in particular the model of dual earner/dual carer.

Gislason, I. and Eydal, G. B. (eds.) (2011) *Parental Leave, Childcare and Gender Equality in the Nordic Countries* (TemaNord 2011:562). Copenhagen: Nordisk Ministerrad. Available at: <http://www.norden.org/en/publications/publikationer/2011-562>

The report provides an overview of the situation and development of Parental leave and child care policies in the Nordic countries from a gender equality perspective as well as in relation to the well-being of children. In international comparisons, the Nordic countries are seen as forerunners in promoting the reconciliation of paid work and family life. There are, however, policy differences among these countries. Compared to the other Nordic countries, Finland stands out as providing less support for gender equality in family policy: the father's quota of Parental leave was introduced later and for a shorter duration, while the Home care allowance has encouraged mothers to stay longer at home with children.

c. Ongoing research

Ingólfur V. Gíslason is undertaking a qualitative study among couples in which the male spouse has been unemployed for at least three months but the female spouse is actively employed. He is also participating in an international research project headed by Francine M. Deutsch studying couples that share housework and paid employment equally between themselves. Contact: Ingólfur V. Gíslason at ivg@hi.is.

Ireland

Eileen Drew (Trinity College, Dublin)

April 2012

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

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

a. Maternity leave (responsibility of the Department of Justice, Equality and Defence)

Length of leave (before and after birth)

- Forty-two weeks: at least two weeks must be taken before birth.

Payment and funding

- Eighty per cent of earnings (calculated by dividing gross earnings in the relevant tax year by the number of weeks worked), subject to a minimum of €217.80 per week and up to a ceiling of €262 a week for 26 weeks; the remaining 16 weeks is unpaid. Mothers who are already on certain social welfare payments are entitled to half-rate maternity benefit.
- Funded from the Social Insurance Fund, which is financed by contributions from employers and employees. Pay Related Social Insurance (PRSI) rates vary across different types of employment. However, the majority of employees pay at a rate of 4 per cent of earnings and employers at a rate of 10.05 per cent

Flexibility in use

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

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

- To be eligible for maternity benefit, an employee or self-employed woman has to meet certain conditions relating to payment of Pay Related Social Insurance (PRSI), for example to have been employed for 39 weeks during which PRSI was paid in the 12-month period before birth of the child.

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

- Fathers are entitled to maternity leave if the mother dies within 40 weeks of the birth. In these circumstances, the father is entitled to a period of leave, the extent of which

depends on the date of the mother's death. If the mother dies within 24 weeks of the birth he has an optional right to the additional maternity leave. If the mother's death is over 24 weeks after the birth, the father is entitled to leave until 40 weeks after the birth. The leave within 7 days of the mother's death.

- In the case of a child who is hospitalised the mother may postpone her maternity leave if she has taken 14 weeks (including at least 4 weeks since the baby was born) up to a period of 6 months with the agreement of the employer.

b. Paternity leave

No statutory entitlement.

c. Parental leave (responsibility of the Department of Department of Justice, Equality and Defence)

Length of leave

- Fourteen weeks per parent per child (i.e. an individual right).

Payment and funding

- 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 1e).

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

- Parental leave can be postponed for six months (to a date agreed on by both the employer and employee) if the granting of the leave would have a substantial adverse effect on the operation of the business.
- An employee who falls ill while on Parental leave and as a result is unable to care for the child may suspend the Parental leave for the duration of the illness following which period the Parental leave recommences.
- Provision for statutory codes of practice on the manner in which Parental leave and *force majeure* leave might be taken and the manner in which an employer can terminate Parental leave.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Forty weeks leave for adopting mothers or sole male adopters, with 24 weeks paid; payment and eligibility as Maternity leave. If the child is under three years of age at the time of adoption, unpaid Parental leave can be taken before the child reaches five years of age. However, if the child is aged between three and eight years at the time of adoption, the leave must be taken within two years of the adoption order.
- Sixteen weeks unpaid adoptive leave.
- Section 9 of the Act makes provision for splitting the period of adoptive leave and/or additional adoptive leave in the event of the hospitalisation of the adopted child, subject to the agreement of the employer.
- Section 10 provides for situations where an employee returns to work having postponed leave under Section 9 and is subsequently absent from work due to sickness.

Time off for the care of dependants- Carer's Leave

- Three days paid leave in any 12 consecutive months, up to a limit of five days in any 36 consecutive months (treated as *force majeure*).
- Employees with 12 months continuous service can take a maximum of 65 weeks unpaid 'Carer's leave' leave to provide full-time care for a dependant (e.g. a child with a severe disability), either in one continuous period or as several blocks of time. Employees may work up to ten hours per week while on this carer's leave, subject to certain income limits. An employee on Carer's leave may be entitled to a means-tested carer's benefit.

Flexible working

- Breastfeeding mothers can either adjust their working hours or, if breastfeeding facilities are provided at work, take breastfeeding breaks up until the child is 6 months old.

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

The maximum period of paid post-natal leave available in Ireland is 15 months, but most of this is unpaid; leave paid at a high rate runs for only 6 months. There is an entitlement to ECEC from 3¼ years of age, though only for part-time nursery education (15 hours a week for 38 weeks per year). So there is a substantial gap between the end of leave and an ECEC entitlement, and a gap of more than 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 are about the average for the countries included in this review and OECD countries; but well below the average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

The Department of Justice, Equality and Defence is currently preparing legislation to transpose Council Directive 2010/18 EU.

On 26 January 2012, a Parliamentary Question was directed to the Minister for Justice and Equality concerning the provision in the laws of other EU countries, including Britain, for fathers to share a portion of the mothers' Maternity leave. The Minister was asked if he will consider making a similar provision in Ireland. The Minister for Justice and Equality stated that Ireland is fully compliant with the requirements of the current EU Directive on Maternity Leave and that he had no proposals to transfer any portion of existing maternity leave for mothers. However he made the point that his Department is currently working on the transposition of the EU Parental Leave Directive which provides for 18 weeks of parental leave for both mothers and fathers; of which four weeks cannot be transferred between parents.

The Minister also noted that his Department is currently working in consultation with the Department of Jobs, Enterprise and Innovation on the consolidation of all existing family leave legislation into one Act. This will also provide an opportunity to examine the scope for improvement in current provisions in the area of maternity, adoptive, parental and paternity leave.

4. Take-up of leave

a. Maternity leave

A total of 50,451 women applied for maternity pay in 2008, the year in which the highest number of births was recorded in Ireland since 1896, with over 75,000 babies born; the difference between women applying and births is accounted for by women not eligible for Maternity leave. In 2009, the Irish Government paid out €327m to mothers on Maternity leave compared with €122.7m in 2004 (Department of Social and Family Affairs). This substantial increase is due to various reasons: more births, more women in the labour market and in-migration of women of childbearing age.

According to a national study of Pregnancy at Work conducted in 2007-2009⁸⁴, two-thirds of the 23,000 the mothers surveyed had been in employment. The sample was selected by the Department of Social and Family Affairs 1 (DSFA) from its database of recipients of the universal child benefit. Of these, 92 per cent of mothers took paid Maternity leave, while 41 per cent took unpaid Maternity leave, mostly in addition to paid leave. Taking combined paid and unpaid leave was related to the mother's ability to afford a period of unpaid leave. Women who were self-employed or who worked in temporary/casual jobs or part-time employment during pregnancy were less likely to take paid maternity leave.

Nearly half (48 per cent) of employed women received a top-up payment from their employer in addition to state maternity benefit. Receipt of such payments was higher among women who were already more financially secure. Nearly one-third (32 per cent) of the women surveyed who were in employment experienced problems around Maternity leave, the most common involved the timing or duration of leave, i.e. being pressurised into leaving work earlier or returning to work sooner than desired. The report concluded that the preferred option, among mothers who can afford it, would be for a longer period of maternity leave than the six months of statutory paid leave.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Based on the findings of the *Pregnancy at Work* study (footnote 1), only 18 per cent of women who had returned to work after childbirth in 2007-2009 had requested to take any Parental leave. However, the authors noted that since leave can be taken at any point until the child reaches eight years of age, more women may avail of this entitlement at a later stage. Almost one-fifth (19 per cent) of women who had applied for Parental leave had their request refused, or leave was granted not in the form originally requested. The study showed that take-up of (unpaid) Parental leave is linked to women's ability to afford it. Women with an unemployed partner were four times less likely to request Parental leave than women with a working partner, indicating the constraint on choice associated with the household's financial position, which is likely to characterise many households during a period of recession. Women with higher earnings were more likely to have requested Parental leave. No information was given in the report on fathers' take up of Parental leave

d. Other employment-related measures

There is no recent information on take-up, the latest data being from a survey in 2001.

5. Research and publications on leave and other employment-related policies since April 2011

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

⁸⁴ Russell, H., Watson, D. and Banks, J. (2011) *Pregnancy at Work: A National Survey*. Dublin: HSE Crisis Pregnancy Programme and the Equality Authority.

under review. Despite the introduction of Maternity leave and pay in 1994 there have been no specific studies on the use of this entitlement nor the take-up of carer's leave. More attention has been given to the Parental leave entitlement introduced in 1998. Most available research has focused on broad issues around reconciling work/family, including flexible working arrangements and childcare rather than leave per se.

b. Selected publications since April 2011

Drew, E. and Humbert, A. L. (2011) 'Who's minding the kids? Work and family issues among owners of small business enterprises in Ireland', in: C. Cooper and R. Burke (eds.) *Human Resource Management in Small Business: Achieving Peak Performance*, Cheltenham: Edward Elgar, pp. 236-258.

This chapter examines the relationship between work and family in the lives of entrepreneurs with dependent children in Ireland. It concentrates on the issue of how work/family strategies are gendered and whether these challenge or reinforce gender relations already prevalent in the employment sphere. Drawing upon a national survey, combined with interviews with entrepreneurs, the chapter reports on quantitative and qualitative responses in order to identify conflicts between family and business life, sacrifices made and behavioural responses to managing divisions of labour in the businesses and homes of respondents. Despite operating in autonomous organizations, Irish entrepreneurs exhibit a strong adherence to traditional gender roles in terms of their primary orientation. This is reflected in the adjustments made to reconcile family with entrepreneurial activity on the part of women; and the often punitive sacrifices in relation to family life, for example in working time schedules, exhibited by male entrepreneurs. Policy interventions aimed at encouraging more women to set up enterprises need to take account of the additional burdens placed on them and ensure family supports, such as affordable and flexible childcare, family-based leave and social security provision, alongside measures to provide access to finance, training and other requirements.

Fine-Davis, M. (2011) *Attitudes to Family Formation in Ireland: Results of the Nationwide Study*. Dublin: Trinity College Dublin and Family Support Agency. Available at: http://www.fsa.ie/fileadmin/user_upload/Files/2012_documents/Attitudes_to_Family_Formation_in_Ireland.pdf

This report, based on a study of a nationwide sample of 1,404 people in the childbearing age group (aged 20-49), explores people's attitudes to family formation in the context of changes in gender role attitudes and behaviour and the changing nature of the family. It also includes an exploration of people's attitudes to childcare, work-life balance and related social policies in relation to their attitudes to having children.

The results showed almost unanimous support for the universal provision of childcare and a national programme of childcare facilities for pre-school aged children. Most supported a policy for free pre-school education available to all children in the same way that primary education is. Given that such facilities do not exist at present and most parents have to pay a significant portion of their income on child care, there was strong support for tax concessions for child care costs. The vast majority felt that if people had to spend a lot on childcare they would be less likely to have more children. It is clear that choices regarding family size are being significantly influenced by child care costs.

Flexible working policies were also seen as relevant to childbearing decisions. Over 60 per cent felt that if people had flexible working conditions, this would make it more likely that they would have more children. In terms of new social policies, there was strong support for fathers to have a right to paid pPaternity leave. There was also moderate support for Maternity leave to be changed into leave for one or the other parent. The results also showed quite a high support for 'co-parenting'. Half of the sample felt that both men and women should ideally work part-time and co-parent. While this was the wish of many, part-

time working and job sharing were seen by some as leading to career disadvantages, particularly for men. Nevertheless, these attitudes signal a readiness for greater sharing of childcare between men and women.

Russell, H., Watson, D. and Banks, J. (2011). *Pregnancy at Work: A National Survey*. Dublin: HSE Crisis Pregnancy Programme and the Equality Authority. Available at:

http://www.crisispregnancy.ie/pub/Pregnancy_at_Work_A_National_Survey.pdf

This survey report describes the experiences of 2,300 women who had a baby between July 2007 and June 2009, including their experiences at work during their pregnancy, and examines patterns in Maternity leave taken and their return to employment. The authors conclude that an expansion in paid Maternity or Parental leave would benefit vulnerable mothers and their children. It would allow parents to care for their child for his or her first year, if they so choose, and reduce financial pressures for very early returns to work among lower income groups. Although cost-increasing measures may not be feasible during the current recession, the present system involving a significant element of unpaid leave leads to inequitable outcomes. Financial constraints and job insecurity may be forcing women to return to work earlier than they would like and earlier than is optimal for their child's development. The preferred option, among mothers who can afford it, is to take a longer period of maternity leave than the six months' statutory paid leave and to take a period of parental leave in the first two years of their child's life.

Drew, E. and Humbert, A. L. (2012) 'Men have careers, women have babies: unequal parental care among Irish entrepreneurs', *Community, Work and Family*, Vol. 15, No.1: 49-67.

This paper examines how entrepreneurial parents in Ireland negotiate their work and family roles, drawing upon a national survey of female and male entrepreneurs, to ascertain the degree to which entrepreneurship facilitates a more equitable sharing of domestic and caring tasks. Relatively few studies have examined familial and domestic task allocation in the context of entrepreneurship, as opposed to employment. The results suggest that mothers (and not fathers) adopted flexible working strategies; took on a disproportionate responsibility for caring and domestic labour; and experienced greater role conflict. Far from contradicting the prevailing findings of gender and employment issues, the study validates the gendered patterns of divergence between men and women and illustrates how they extend into entrepreneurship. Fathers worked significantly longer hours; their career trajectories were typically continuous, in full-time work, while mothers had more fragmented working patterns, reflecting absences for caring and adjustments such as part-time or working from home. It is still mothers, rather than fathers, who feel responsible for childcare arrangements, imposing time constraints on their pursuit of entrepreneurship. The study points to the need for policy interventions to encourage entrepreneurship alongside co-parenting through childcare provision/subsidies and equal treatment in access to family-related leaves.

Drew, E. and Humbert, A.L. (forthcoming 2013) 'Combining motherhood and entrepreneurship: strategies, conflict and costs', in: L. Kelly (ed.) *Women Entrepreneurship: New Management and Leadership Models*. Santa Barbara CA: Praeger.

The number of women entrepreneurs in Ireland is growing rapidly and they now represent over 15 per cent of business start-ups. However this is just half of the EU level of one in three. With the current slow-down in growth of the Irish economy, particularly in services where women are well represented, rising female entrepreneurship will be vital to ensure that Irish female labour force participation remains at the Lisbon target level.

The prevailing emphasis on women's under-performance in entrepreneurship has inferred that it is women who lack the essential motivation, skills, confidence and access to finance that are required to set up and run business ventures. The limited policy responses to address these have been less than successful in achieving gender parity since they presume that the answer lies in 'helping women to adapt', thereby ignoring the major power

imbalances that prevail in business life. To meet these challenges, it will require interventions that tackle the culture and context in which women entrepreneurs operate, including their current and disproportionate responsibility for parenting.

This chapter concentrates on the experiences of women entrepreneurs and how they relayed their responses to motherhood, sacrifice, and seeking to balance their business and family lives. It is based on an exploratory study of women entrepreneurs, using a qualitative approach through in-depth interviews, conducted in 2005, with 8 women entrepreneurs with dependent children. It outlines their experiences of doing entrepreneurship in what was then a fast-growing Irish economy. Drawing upon a body of international literature relating to gender and entrepreneurship, the paper uses the empirical interview data to discuss the costs, coping mechanisms and sacrifices made by these women in the context of motherhood.

c. Ongoing research

Who cares? Attitudes to family-related leave in Irish organisations (2009-2012). Eileen Drew, Gwen Daverth and Anna Watters, Trinity College Dublin.

This is an exploratory study of experiences of, and attitudes towards, family-related leave in Ireland. It involves a literature review, an online survey of 1,067 participants and three focus group sessions in six public, private and voluntary sector organisations. The study indicates that there is demand for improved policies on family-related leave, notably: the introduction of statutory paid Paternity leave; payment for Parental leave and being able to take this leave until children are 12 years old; and an extended duration of Maternity leave. There is also support for the transferability of some part of paid/unpaid Maternity leave entitlement to fathers/partners. In phase two, a further analysis of the survey data will be undertaken to establish working time schedules among parents, uptake of flexible working and childcare arrangements. It is also proposed to carry out a series of interviews with fathers and mothers in employment to elaborate on and validate the survey and focus group findings of phase one. Contact: Eileen Drew at edrew@tcd.ie.

Italy

Tindara Addabbo and Dino Giovannini (University of Modena and Reggio Emilia)

April 2012

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

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

a. Maternity leave (*Congedo di Maternità*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after birth)

- Twenty weeks (5 months): at least four weeks before the birth. It is obligatory for employees to take this leave.

Payment and funding

- Eighty per cent of earnings with no ceiling for salaried workers. For home helps, self-employed workers and agricultural temporary labourers, earnings are 80 per cent of conventional earnings determined each year by the law; for non-fixed term workers, maternity leave depends on accredited contributions, though each professional sector has the possibility to determine, with approval by the Ministry of Labour and of social policies, a higher ceiling, after considering income and contribution potential of the professional sector and compatibility with its financial.
- Funded by INPS (National Department for Social Welfare), financed by contributions from employers and employees at a rate that is related to the sector and to the type of contract (for example, in manufacturing it is 0.46 per cent of earnings for employers and 0.28 per cent for employees). Workers on Maternity leave may be paid direct by INPS or else by their employer, who is recompensed by INPS.

Flexibility

- For employees and workers enrolled in '*Gestione separata*'⁸⁵, 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

⁸⁵ The INPS enrolls in *Gestione separata* ('separate administration') workers who do not contribute to other forms of welfare and who do not have any type of pension, e.g. workers on a fixed-term research project.

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 the additional 20 per cent.

b. Paternity leave

No statutory entitlement.

Employed fathers, including those who are self-employed and enrolled in *Gestione separata*, may take three months paid leave following childbirth in the following circumstances: the mother's death or severe illness; the child being left by the mother; or the child being in the sole care of the father. An important verdict by the Tribunal of Florence extends the possibility of obtaining Paternity leave, paid at 80 per cent of earnings, to two months before childbirth. This means that the father can take the whole period of Maternity leave in certain circumstances, i.e. if the mother is a housewife or ill or, alternatively, if she is a self-employed worker who cannot take advantage, for various reasons, of the leave. The Tribunal is a civil court and its decision acts as an important precedent for other Tribunals, but is not automatically binding on them.

Conditions are the same as for Maternity leave.

c. Parental leave (*Congedo Parentale*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after child's birth)

- Six months for mothers and six months for fathers. Fathers taking three months Paternity leave (see 1b) are entitled to one month of additional 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 1b).

Payment (during the length of Parental leave) and funding

- Thirty per cent of earnings when leave is taken for a child under three years; unpaid if taken when a child is three to eight years, unless annual earnings are under

approximately 2.5 times the amount of minimum earnings (€14,891.50 in 2009), in which case parents are entitled to 30 per cent of earnings.

- Funded as Maternity leave.

Flexibility in use

- Leave can be taken at any time until a child is eight years old. There are two options for taking this leave: a single leave period up to a maximum of six months; or shorter leave periods amounting to a maximum of six months.
- It is possible for each parent 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. Circular letter B/12-5-2009 from the Department of Labour, Health, and Social Policies extends the right to fathers to make use of the leave indicated in the art. 40c, Act of Law n. 151/2001 (right to work reduced hours with full earnings compensation for the first 12 months after childbirth) if the mother is a housewife; previously this right was limited to fathers where the mother was self-employed. This change gives equal value to the domestic work of non-employed mothers as to paid work.
- Parental leave of three months, to be taken within the first year of the child, is available to workers enrolled with *Gestione separata* by the INPS.

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

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth (e.g. the length is doubled for twins, tripled for triplets).
- A lone parent may take ten months of leave.

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

- Public sector employees receive 100 per cent of earnings during the first 30 days of leave.
- The law on Parental leave is due to be revised according to financial legislation passed in 2008 (*Legge finanziaria 2008*) with the aim of increasing payment and flexibility. A review is currently underway.

d. Childcare leave or career breaks

- None.

e. Other employment-related measures

Adoption leave and pay

- For adoptive and foster parents the same regulations for Maternity and Parental leave apply as for other parents. The period of Maternity leave does not depend on the age of the child adopted and must start within five months of entering the family; in case of international adoption, the leave can be taken also for overseas visits in connection with adoption. The Parental leave for adoptive and foster parents can be taken within eight years of the child entering the family and not after his/her eighteenth birthday; payment, generally, is 100 per cent of earnings for the first 30 days and 30 per cent for the following five months, if taken within three years of the entrance of the child into the family.

Time off for the care of dependants

- Without limit for a child under three years; five days a year per parent for a child aged three to eight years. Unpaid.
- Public or private employees are entitled to two years leave over the course of their entire working life in case of a serious need in their family, for example the disability of a child or other relative, even if not co-resident. This leave is paid. Fathers and mothers cannot take this leave at the same time. Law 4 November 183/2010 (*Collegato Lavoro*) changes the conditions for eligibility for leave - three paid days a month - for relatives of disabled person. Apart from parents, this leave cannot be taken by more than one relative.

Flexible working

- Until a child is 12 months old, women who are employees are entitled to work reduced hours (one hour less per day if working six hours a day or less; two hours less per day if working longer), with full earnings compensation. Fathers are entitled to use this benefit in certain conditions, for example: if the mother is self-employed or freelancer; if the mother opts not to use it; if the mother is not employed; or if the father has sole custody of the child. Home helps, domestic workers and autonomous workers are not entitled to reduced hours, but in this case too the father can work reduced hours.
- Employees (mothers and fathers) who have parental responsibility for a child under six years or a disabled child under 18 years have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so...[and must give] a written explanation explaining why'.

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

The maximum period of paid post-natal leave available in Italy is 15 months (including a bonus month if the father uses 3 months of Parental leave), and there is only around 4 months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children over 3 years attend ECEC from 3 years of age. However, despite being recognized as a social right for children and working mothers by Law 1044/1971, provision of ECEC for children under 3 years is much lower and very variable between different regions. Levels of attendance at formal services for children under 3 are about the average for the countries included in this review and OECD countries; but well above average for children over 3

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

3. Changes in policy since April 2011 (including proposals currently under discussion)

Reform of the labour market has been proposed by the government and is under discussion in the Italian Parliament. It re-introduces monitoring to avoid '*dimissioni in bianco*' ('white dismissals'), a practice used by firms to get rid of mothers at childbirth; the proposal is to extend the period from one to three years after childbirth during which time an employer has to communicate to the Ministry of Labour the dismissal of a parent to get it validated. Criticisms have been made about the new proposal regarding its difficult interpretation and implementation. Under discussion, also, is the type of sanction for employers who are proven to be using 'white dismissals'.

The proposed reform also introduces a 3 day period of compulsory 100 per cent paid Paternity leave to be used up to 5 months from childbirth. To cover the increase in public expenditure, the Fund to promote female and youth employment (art.24 Law 214/11) will be partially used. Though the introduction of a compulsory Paternity leave has been considered an important step, its very short length has been heavily criticized. During the discussion of the proposal in the Senate House, the number of compulsory days has even reduced to one day plus two that are not compulsory.

To promote female labour supply, the reform proposes a voucher system to be used for childcare by new mothers who will have the right to claim these vouchers from the end of compulsory Maternity leave up to 11 months after childbirth i.e. during the period of non-compulsory leave. Vouchers will be given by the National Department for Social Welfare (INPS) on the basis of means testing of household income and funding will again come from the Fund to promote female and youth employment (art.24 Law 214/11). During the discussion of the proposal in the Senate, the voucher initially aimed at covering baby sitter services has been extended to cover fees for public and private childcare services.

For more information, see http://www.lavoro.gov.it/Lavoro/PrimoPiano/20120323_Riforma_Mercato_Lavoro.htm.

Two proposals have been submitted by members of parliament to the Italian Parliament - one by a member of the Partito Democratico (PD) and the other by a member of the Popolo della Libertà (PDL) - to introduce 4 days of compulsory Paternity leaves, during which time fathers should be paid 100 per cent of their earnings by their employer if an employee or by their Social Security institution if self-employed. They are currently under discussion in the Italian Parliament (<http://www.camera.it/>).

The Cohesion Action Plan of the Ministry of Regional Cohesion aims, amongst other targets, at extending the availability of public child care services in the South of the country by creating 18,000 new places by 2015. Southern regions of Italy have lower than national average coverage for these services, so this plan aims at increasing coverage and quality (<http://www.ministrocoesioneterritoriale.it/>).

4. Take-up of leave

a. Maternity leave

Maternity leave is obligatory for employees. In 2010, according to administrative data of the National Department for Social Welfare, 380,237 employees used compulsory Maternity

leave; 9 per cent were temporary workers and 91 per cent permanent workers. Permanent workers using compulsory Maternity leaves are found more in the North of the country whereas those in temporary positions are found more in the South⁸⁶.

b. Paternity leave

No statutory entitlement.

c. Parental leave

In 2010, Parental leave was used by 286,380 employees (6.5 per cent with temporary contracts and 93.5 per cent with permanent contracts); as with Maternity leave, type of contracts varied regionally. According to the INPS data used for this analysis, 90 per cent of employee using Parental leave are women and 10 per cent male. All 28,809 self-employed users were women (footnote 2).

A 2011 survey by the National Institute for Statistics (Istat) on work/life balance also shows that the take up of Parental leave is much higher for mothers; 45.3 per cent of employed mothers with children under 8 years of age state that they have taken Parental leave at least once, compared with 6.9 per cent of fathers. Mothers who have used leave are also more likely to have taken up at least one month of continuous leave - 69.6 per cent against 19.8 per cent of fathers.

The take-up rate for Parental leave among fathers was much higher in the public sector where almost half had used some Parental leave at some point. Take-up of Parental leave is also much higher for more educated women: it reaches 49 per cent among women with high school or tertiary education compared with just under 30 per cent for women with secondary education. The take up of leaves is higher for women who are employees (51.7 per cent) and lower for self employed (17.1 per cent)⁸⁷.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

The literature analysed deals with the gender allocation of time and work life balance. The unbalanced distribution of time amongst Italian couples is confirmed and interesting analyses are performed to detect the factors related to a higher involvement of fathers in childcare. Attention is also paid to the new proposals for a law on Paternity leave and on good practices enacted at local level on work/life balance.

b. Selected publications since January 2010

Addabbo, T. and Favaro D. (2010) 'All'origine dell'inattività', in: *Perchè non lavori? I risultati di una indagine Isfol sulla partecipazione femminile al mercato del lavoro*. Roma: I libri del Fondo Sociale Europeo, pp.203-224.

⁸⁶ Coccia, G. and Mundo, A. (eds) (2011) *Rapporto sulla coesione sociale 2011: Ministero del Lavoro e delle politiche sociali*. Available at:

<http://www.lavoro.gov.it/NR/rdonlyres/35C0835B-ACFC-4794-8160-B9BBEB351581/0/RapportoCoesione1.pdf>

⁸⁷ Istat (2011) *La conciliazione fra lavoro e famiglia (Statistiche Report, 28-12-11)*. Available at: <http://www.istat.it/it/archivio/48912>

Addabbo and Favaro use multivariate analysis applied to data from the ISFOL (Italian Institute for the Development of Vocational Training for Workers) 2007 survey on women not active in the labour market to highlight the factors affecting non-participation and constraints on labour supply choice. The presence of children and of traditional gender roles in the family increase the probability of being inactive. However, the non-participation status is less likely to be voluntary in the South of Italy (where inactivity increases) and more likely to be connected to child care and difficulties in work/life balance.

Bergamante, F. (2010) 'Le ragioni dell'inattività di ritorno. Caratteristiche dell'esperienza lavorativa e work life balance', in: *Perchè non lavori? I risultati di una indagine Isfol sulla partecipazione femminile al mercato del lavoro*. Roma: I libri del Fondo Sociale Europeo, pp.109-144.

Reasons behind women's non-participation in the labour force are analysed by comparing a sample of women not in the labour force and a sample of women who are employed. Previous work experience is analysed with reference to the reasons for employment interruptions and to the degree of satisfaction with different dimensions of previous jobs. Amongst the factors affecting employment interruptions, the presence of children and their care play a crucial role. The strategies of work/life balance enacted in the family are also analysed in depth.

Brilli, Y., Del Boca, D. and Pronzato, C. (2011) *Exploring the impacts of public child care on mothers and children in Italy: does rationing play a role? (IZA DP 5918)*. Available at: <http://ftp.iza.org/dp5918.pdf>

This paper investigates the effects of public childcare availability in Italy on mothers' working status and children's scholastic achievements. It uses a newly available dataset containing individual standardized test scores of pupils attending second grade of primary school in 2008-09 in conjunction with data on public childcare availability. Public childcare coverage in Italy is scarce (12.7 percent versus the OECD average of 30 percent) and the service is 'rationed', each municipality allocating places according to eligibility criteria. The paper contributes to the existing literature taking into account rationing in public childcare access and the functioning of the childcare market. The authors' estimates indicate that childcare availability has positive and significant effects on both mothers' working status and children's language test scores. The effects are stronger when the degree of rationing is high and for low educated mothers and children living in lower income areas of the country.

Coccia, G. and Mundo, A. (eds.) (2011) *Rapporto sulla coesione sociale 2011: Ministero del Lavoro e delle politiche sociali*. Available at:

<http://www.lavoro.gov.it/NR/rdonlyres/35C0835B-ACFC-4794-8160-B9BBEB351581/0/RapportoCoesione1.pdf>

Chapter 2 of this report uses national sample survey data and INPS administrative data to analyse the use of Parental leave in Italy in 2010 by type of contract, gender and region.

Istat (2011) *La conciliazione fra lavoro e famiglia (Statistiche Report, 28-12-11)*. Available at: <http://www.istat.it/it/archivio/48912>

The statistics presented in this essay have been produced by using 2010 survey data from a section added to the Labour Force Survey. This document provides updated data on the allocation of time within Italian couples, confirming the unequal distribution of unpaid care labour by gender in Italy. They also reveal an imbalance between employees who wish to reduce their working time to devote more time to care work and economically inactive women who wish to enter the labour market if they could have more help with care work. Italy appears to be characterized also by a low degree of employment flexibility to assist employees to have a better work/life balance. The analysis contains data on the take-up of Parental leave by gender (see section 4c) and analyses the reasons behind the non-take-up of leave, including the availability of other support in child care (more often stated by fathers than mothers).

Prifti, E. and Vuri, D. (2011) *Employment protection and fertility: Evidence from the 1990 Italian reform*, (CHILD working papers n. 03/2011). Available at: <http://www.child-centre.unito.it/>

This paper analyses the effect on fertility decisions of Italian working women of Employment Protection Legislation (EPL) finding a positive effect of increased EPL, with a higher effect on low-earnings women.

Del Boca, D. (2012) *Troppo poco per le donne*. www.lavoce.info. 11-04-2012. Available at: <http://www.senonoraquando.eu/?p=9424>.

The author critically analyzes the current proposals for labour market reform in terms of its gender impact.

Del Boca D., Mencarini, L. and Pasqua, S. (2012) *Valorizzare le donne conviene, Ruoli di genere nell'economia italiana*: Bologna: Il Mulino.

This book discusses the positive impact of women's employment on growth and analyses the status of women's employment and gender inequalities in Italy and the policies leading to a higher female labour supply and to a reduction of gender inequalities in the Italian labour market.

Di Salvo, T. (2012) 'Dimissioni in bianco, così non va' [ww.ingenere.it](http://www.ingenere.it), 30-04-2012

The author comments upon the proposals presented by the Monti Government, as part of the larger labour market reforms, regarding the practice of 'white dismissals' by employers to get rid of working mothers at childbirth.

Gasbarrone, M. (2011) 'E noi faremo come la Svezia?', *In genere*, 13-01-2011. Available at: <http://www.ingenere.it/recensioni/e-noi-faremo-come-la-svezia>

The author analyses Fasano (2010) – a book on work/life balance in different European countries - to compare the Italian situation and describes alternative ways to improve work/life balance.

Canal, T. (2012) 'Paternità e cura familiare', *Osservatorio Isfol*, No.1: 95-111. Available at: [http://www.isfol.it/DocEditor/test/File/2012/Osservatorio per cent20isfol/05 per cent20Canal.pdf](http://www.isfol.it/DocEditor/test/File/2012/Osservatorio%20per%20cent20isfol/05%20per%20cent20Canal.pdf).

This article discusses factors affecting childcare by fathers. The data set used for this analysis is the ISFOL 2007 survey on women not active in the labour market. The analysis distinguishes between 'high care' and 'low care' fathers and estimates a logistic model to understand the factors affecting the probability of being a 'high care' father. These factors are connected to his partner's characteristics, mainly her labour market status, female models and socio-cultural environment.

Urzi Brancati, M.C. and Rocca, E. (2012) 'Lavoro e figli, una mappa dei congedi', *In genere*, 5-04-2012. Available at: <http://www.ingenere.it/articoli/lavoro-e-figli-una-mappa-dei-congedi>.

This article examines Parental, Maternity and Paternity leaves in Europe, how they work, their aims and their effects on mothers' employment, with reference also to the recent proposal by the government to introduce a 3 day compulsory Paternity leave in Italy.

Valentini, C. (2012) *O i figli o il lavoro*. Milano: Feltrinelli.

This book includes qualitative as well as quantitative evidence on the difficulties experienced by women, in different regions of Italy, who would like to keep their job while having children.

c. Ongoing research

There are actions on work-life policies in companies, such as the one carried out (from 2009 to 2011) by Variazioni srl in Tetrapak Packaging Solution Spa, in Atelier Aimée Spa, in non-profit firms - like Cooperativa Sociale Fior di Loto – and in public institutions such as Azienda Locale Sanitaria della Provincia di Mantova (Public Health Institution of Mantua province) (2010-12, still ongoing) to implement Law 53/2000 art.9. Actions aim at building networks within public and private organisations to improve work/life balance at local level. Available at:

http://www.provincia.mantova.it/cs_context.jsp?ID_LINK=41&area=37&id_context=3098&COL0003=1&COL0003=2); or at regional level as in Emilia Romagna,

<http://www.tempermettendo.info>.

The project - 'Riconciliare' - has been carried out from September 2009 to September 2011 by Variazioni srl in partnership with the District of Mantua, Mantua Chamber of Commerce, Crafts and Manufacturing, Health Service and trade associations, This project has been conducted with the aim of providing to mothers at risk of dismissal a set of services (e.g. psychological, support in choosing child care facilities) to help them in an active search for new work or training activities (www.riconciliare.it). These actions have allowed enterprises the possibility to experience innovative organizational practices, such as flexible working hours, incentives for the use of a 'Time Bank', and contracts of flexible and part-time telework (limited to 8-12 hours per week, only in the periods when the task can be performed at distance). Various forms of flexibility within contracts have been used to promote self management by workers, in special relation to goals and working schedules leading to a positive effect on the productivity of the firms involved in the projects as well as to improved interpersonal relations among employees and team-workers. Various programmes of maternity management support have been organized, in order to combine flexibility of work schedules with a range of support (psychological, motivational and professional) and services.

Japan

Hideki Nakazato (Konan University) and Junko Nishimura (Meisei University)

April 2012

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

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

a. Maternity leave (*Sanzen-Sango Kyugyo*) (responsibility of the Ministry of Health, Labour and Welfare)

Length of leave (before and after birth)

- Fourteen weeks: six weeks before the birth, the remaining eight weeks after birth, six weeks of which are obligatory.

Payment and funding

- Two-thirds of the mother's average daily earnings, a special wage index; the ceiling is only likely to affect a very small number.
- Funded from the Employees' Health Insurance system, financed by contributions from employees, employers, local government and the state.

Flexibility in use

- A woman can return 6 weeks after childbirth, if a doctor has confirmed the activities she will undertake will have no adverse effects on her.

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

- All women employees are eligible for Maternity leave, but only those covered by the Employees' Health Insurance systems are eligible for Maternity benefit payment (*Shussan-teate-kin*). This means that women enrolled in the National Health Insurance system (including Special national health insurance societies) - such as self-employed women, or part-time or casual employees - are not eligible for Maternity Benefit.

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

- In the case of multiple births, Maternity leave can be taken from 14 weeks before birth.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*Ikuji kyugyo*=child care leave) (responsibility of the Ministry of Health, Labour and Welfare)

Length of leave

- Leave can be taken until a child is 12 months old and is an individual entitlement. Leave can, however, be extended to 14 months if both parents share some of the leave (i.e. a bonus for sharing leave).
- A parent can also take Parental leave again when a child is between 12 and 18 months where (1) the child needs care for a period of two weeks or more due to injury, sickness, etc.; or (2) admission to a childcare centre has been requested but denied for the time being.

Payment and funding

- Fifty per cent of earnings, with a minimum payment of JPY38,950 (€393⁸⁸) a month and a maximum payment of JPY215,100 (€2,171) per month. The average monthly earnings of permanent full-time female employees in 2011 was JPY248,800 (€2,396) and not many women in their 20s and 30s will earn JPY430,000 (€4,339) per month, the earnings ceiling for calculating benefit payment (i.e. benefit payment at 50 per cent of earnings up to this ceiling, with no additional payments for earnings above it).
- The benefit payment is reduced if the benefit plus payment from the employer exceed 80 per cent of earnings.
- Funded from the Employment Insurance system, financed by contributions from employees, employers and the state.

Flexibility in use

- A parent must generally take Parental leave in one consecutive time period, except in the case of a father who has taken leave during the eight weeks following childbirth (i.e. during the Maternity leave period); in which case, the father can take another period of Parental leave after returning to work.
- Both parents can take leave at the same time, with both receiving benefit payments if they are both covered by Employment Insurance.

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

- Parental leave only applies to an employee employed on a fixed-term contract when he/she meets both the following conditions: (1) he/she has been employed by the same employer for a continuous period of at least one year; and (2) he/she is likely to be kept employed after the day on which his/her child reaches one year of age.
- Workers may be excluded if (1) employed by the employer for less than one year; or (2) their employment is to be terminated within one year (or six months if leave continues until the child reaches one year and six months of age); or (3) they work two days or less per week.

⁸⁸ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

- When a person covered by Employment Insurance takes Parental leave, he/she is eligible for a benefit payment if they have contributed to Employment Insurance for at least 12 months during the two years preceding the date on which the leave started, and if they have worked for 11 or more days in those months.

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

- None.

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

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Although there are no special leave provisions for adoption, adoptive children are treated in the same way as biological children for the purposes of Parental leave.

Time off for the care of dependants

- Family care leave can be taken for a spouse, elderly parents or other dependent 'subject family members' for each occurrence of a condition where the subject family member requires constant care for a period of two weeks or more due to injury, sickness, or physical or mental disability, with a limit of 93 days for each subject family member. This is paid at 40 per cent of earnings.
- A short-term family care leave is also available of up to five days per parent per year of unpaid leave to care for a child under compulsory school age (6 years) if the child is injured, ill or needing a health examination; or up to ten days per year if there are two or more children of this age.

Flexible working

- Women with a child under 12 months are entitled to unpaid breaks of at least 30 minutes twice a day; breaks are not specifically for breastfeeding, but can be used for other purposes, e.g. leaving early to pick up children from childcare centres.
- Until a child reaches the age of three years, parents have the right to reduce their normal working hours to six hours per day. There is no payment for working reduced hours. This does not apply to workers excluded by collective labour agreements (e.g. those employed for less than one year).
- Employers may not require an employee with a child below compulsory school age (1) to work more than 24 hours per month or 150 hours per year of overtime; or (2) work night shifts, i.e. between 22.00 and 05.00 – if the employee requests not to work these hours.

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

The maximum period of paid post-natal leave available in Japan is 14 months (including two months of bonus leave if the leave period is shared by parents), paid at half of normal earnings. There is no entitlement to ECEC. Levels of attendance at formal services for children under 3 years are about the average for the countries included in this review and OECD countries; but above average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

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

Statutory Maternity leave was first introduced in 1947. It was extended in 1985 (from six to eight weeks after birth, with compulsory leave from five to six weeks; and from six to ten weeks before birth for a multiple pregnancy) and in 1998 (from ten to 14 weeks before birth for a multiple pregnancy). Maternity benefit, financed by the Employees' Health Insurance system, began in 2002 with 60 per cent of the mother's average earnings, increased to two-thirds in 2007.

Statutory Parental leave (termed 'child care leave') was introduced in 1992. Workers were entitled to the leave only when their partners were not on leave or not at home as a primary carer of the child. Payments were introduced in 1995 at 25 per cent of an employee's average earnings. Other measures followed including: prohibition of disadvantageous treatment due to applying for or taking leave; extension of the child care leave period; and increasing levels of benefit payment. In the latest revision (2010 in effect), leave has become an individual entitlement, allowing a parent to take leave even when her/his partner is on leave or not in the labour force. Leave was also extended until a child becomes 14 months of age if both parents each take some leave. At the same time, the period of time parents can take to care for an injured or ill child was extended where there are two or more children in the family.

4. Take-up of leave

a. Maternity leave

The figures in this section are taken from the 2007 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*), based on a national sample of 6,160 private sector workplaces that employed five or more regular employees.

The average length of pre-natal Maternity leave taken by women who had single pregnancies from 1st April 2006 to 31st March 2007 was 42.1 days, with 72.2 per cent of them taking 42 or less days off and 26.0 per cent 43 to 98 days. The average length of post-natal leave taken was 54.5 days, with 77.2 per cent taking 56 days (8 weeks), 9.9 per cent 42 to 55 days, and 12.9 per cent 57 or more days.

b. Paternity leave

The figures in this section are taken from the 2008 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*), based on a national sample of 7,324 private sector workplaces that employ five or more regular employees.

Although there is no statutory Paternity leave, 36 per cent of the workplaces that were surveyed provided their workers with 'leave for childbearing of spouse' (*haigusha shussan kyuka*), which can be interpreted as non-statutory Paternity leave. Most, 91.7 per cent, of workplaces that have this provision entitle their workers to one to five days of leave; 82.8 per cent provide paid leave, and 4.2 per cent provide partially paid leave.

Just over half, 55.6 per cent, of male workers at workplaces that provided this leave and whose partners gave birth from 1 April 2007 to 31 March 2008 took leave.

c. Parental leave and childrearing benefit

The figures in this section are taken from the 2010 and 2011 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*).

Most, 87.8 per cent, female workers who had given birth between 1 October 2009 and 30 September 2010 had started or applied for Parental leave on 1 October 2010 or before. The proportion increased by 4.1 percentage point from the previous year (83.7 per cent).

The proportion of men was much lower: 2.63 per cent of male workers whose spouse had given birth between 1 October 2009 and 30 September 2010 had started or applied for Parental leave on 1 October 2010 or before. The proportion increased by 1.25 percentage points from the previous year (1.38 per cent).

A third, 32.4 per cent, of female workers who returned to work from leave between 1 April 2009 and 31 March 2010 had taken ten to 12 months of leave; 24.7 per cent had taken 12 to 18 months of leave, which is 7.8 per cent point more than the previous year. Most, 81.3 per cent, male workers who returned to work after taking leave in the same period, took less than one month of leave, and 35.1 per cent took less than five days.

The figures above do not take into account the number of female workers who quit their job before the birth of children. According to the 14th National Fertility Survey 2010, about 27 per cent of mothers who had given birth to their first child in 2005-09 remained in their job and 17 per cent of all mothers had taken Parental leave.

d. Other employment-related measures

The 2010 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*) shows the following proportion of workplaces provide other employment-related measures: reduced working hours - 54.3 per cent; exemption from overtime work - 49.9 per cent; flexitime for child care - 14 per cent; starting/finishing work earlier or later - 31.1 per cent; providing on-site childcare centre - 2.5 per cent; subsidizing child care costs - 5.9 per cent; and enhanced Parental (child care) leave - 13.0 per cent.

Take-up rates for these measures among workers who returned from Parental leave in workplaces providing each measure vary depending on the type of measure. There are also differences between male and female workers: 35.5 per cent of female workers used the reduced working hours measure, compared with only 1.1 per cent of male workers; 54.4 per cent of female workers used on-site childcare centres, compared with no men; and 56.2 per cent of male workers took advantage of flexitime, compared with 21.2 per cent of female workers.

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

a. General overview

Because of increasing concerns about work/life issues and declining fertility, a number of studies on 'work-life balance' policies and related provisions at work have been published during the last decade (2002-2011). Most research focuses on either the take-up or the effect of these policies and provisions, or on measures to promote implementation/take-up.

b. Selected recent publications

Literature has been selected that explicitly addresses Parental leave based on relatively large samples, with the exception of some more general work that has been influential.

Wakisaka, A. (2002) 'Ikuji-kyugyo seido ga shokuba de riyō-sareru tameno joken to kadai' ['Conditions and issues involved in utilizing childcare leave in the workplace] *Nihon rodokenkyu zasshi*, Vol.44, No. 6: 4-14

This article discusses the two different ways of substituting workers on Parental leave and their advantages and disadvantages for workplace productivity, based on interviews with workers who took Parental leave and their superiors, supplemented with survey data from a larger sample.

Terukazu, S. and Zhang, J. (2003) 'Ikuji-kyugyo seido ga josei no shussan to keizoku-shugyo ni ataeru eikyo ni tsuite: paneru deta ni yoru keiryō-bunseki' ['Impacts of parental leave on childbearing and job retention of women: an analysis of panel data'], *Kakeikeizai Kenkyu*, No. 59: 56-63.

Drawing on data from five waves of the Japanese Panel Survey of Consumers from 1993 to 1997, this article examines the effects of provision of Parental leave at a workplace on childbearing and job retention of women, and shows its positive effects.

Sato, H. and Takeishi, E. (2004) *Dansei no ikuji-kyugyo: Shain no niizu, kaisha no merito* [*Parental leave by men: Workers' needs and benefits for companies*]. Tokyo: Chuokoron-sha.

This book discusses obstacles to male workers' take-up of Parental leave using various data, and suggests specific measures to change workplaces so male workers can take Parental leave as they want.

Abe, M. (2005) 'Dare ga ikuji-kyugyo wo shutoku surunoka: Ikuji-kyugyo-seido fukyu no mondaiten' ['Who takes parental leave: Obstacles to the increase in take-up of parental leave'], in: Kokuritsu shakai-hosho jinko-mondai kenkyujo [The National Institute of Population and Social Security Research] (ed.) *Kosodate-setai no shakai-hosho*. Tokyo: Tokyo University Press, 243-264.

Drawing on data from 11 waves of the Japanese Panel Survey of Consumers, from 1993 to 2003, this chapter examines the characteristics of women who have taken Parental leave. The longer the duration of employment, the more likely women are to take Parental leave. Less years of schooling, a smaller company size, and part-time work are associated with a lower probability of leave take-up. It also shows that the salaries of those who returned from leave are higher than those who have not taken leave. The chapter concludes that only women who have enough or specific human capital can remain in their job with a higher salary.

Morita, M. (2008) 'Chichi-oya ha ikuji-kyugyo wo toritainoka?' ['Do fathers want to take parental leave?'], in: R. Yamato, S. Onode, and K. Nachiko (eds.) *Otoko no ikuji, onna no ikuji: Kazoku shakaigaku karano apurochi*. Kyoto: Showa-do, 181-205.

Based on interviews with fathers of children below school age in 2002, this chapter discusses their experiences and conditions in relation to taking Parental leave. Only two of them took Parental leave, and the most common reasons for not taking leave are 'lack of an established Parental leave system' and 'hesitating to cause a burden to workplaces'. The conditions that encourage fathers to take leave are an atmosphere at the workplace that encourages workers to take leave without hesitation and the security of salary and position while on leave. It also shows that some of the fathers do not want to take Parental leave regardless of conditions.

Ministry of Health, Labour and Welfare (2009) *21 seiki seinen-sha judan chosa kekka no gaikyo [Overview of the result from the Longitudinal Survey of Adults in the 21st century]*. Tokyo: Ministry of Health, Labour and Welfare.

This panel survey of people who were aged 20 to 34 years in October 2002, and their spouses, has been conducted since 2002 to provide the Ministry with the basic data to establish their policies including those addressing declining fertility. Based on the 6th wave survey held in 2007, this report shows that couples with one child are more likely to have their second one when there is an atmosphere at the mother's workplace that encourages workers to take Parental leave.

Yamaguchi, K. (2009) *Waku raifu baransu: jissho to seisaku teigen [Work-life balance: evidence and policy recommendations]*. Tokyo: Nihon keizai shimbun shuppan-sha.

This book examines what are the causes of difficulty in establishing work-life balance, proposes measures needed to establish such a balance, and provides policy recommendations. Drawing on data from the Japanese Panel Survey of Consumers, it shows that Parental leave provisions at the workplace positively affects the probability of a woman having a child, both directly and through increasing motivation to have a child.

Takeishi, E. (2011) *Chichi-oya no ikuji ni kansuru chousa kenkyu: Ikuji-kyugyo shutoku ni tsuite kenkyu houkoku-sho [Report on research on child rearing by fathers: take-up of parental leave]*, Tokyo: Kodomo mirai zaidan

This report draws on data from a survey of supervisors whose subordinates took Parental leave for longer than a month, and from interviews with women on career trajectories and men who took leave and their supervisors in 2010. It discusses the workplace conditions that encourage male workers to take Parental leave, the measures to restructure work allocation while leave is being taken, and perceptions of the effects of leave-taking on workplace productivity.

c. Ongoing research

Basic Survey of Gender Equality in Employment Management. (Annual survey). Ministry of Health, Labour and Welfare.

This annual survey is based on a national sample of 10,000 private sector workplaces that employ five or more regular employees. It provides nationally representative data on provision and uptake of Parental leave and other employment-related provision to help workers to reconcile their work with care of children and other dependent family members.

The National Fertility Survey. (Every five years). National Institute of Population and Social Security Research

This survey investigates the situation and issues regarding marriage, childbirth and child-rearing in Japan. Unlike the Basic Survey of Gender Equality in Employment Management, it covers those who quit their job before the birth of a child, therefore enabling the relationship between job retention and Parental leave for mothers to be examined.

Longitudinal Survey of Adults in 21st Century (Annual survey). Ministry of Health, Labour, and Welfare.

This panel survey of people who were 20 to 34-years-old in October 2002, and their spouses, has been conducted annually since 2002. The information provided includes job experience, marriage, childbearing and take-up of measures including Parental leave and shortened working hours for parents.

National Family Research of Japan (NFRJ) (2009-2013). Japanese Society of Family Sociology. Funded by Japanese Society for the Promotion of Science.

This consists of a series of nation-wide surveys of families based on random samples. The surveys were conducted in 1998, 2003 and 2008, with follow-up panel surveys being conducted from 2009 to 2013. The questionnaires cover take-up of Parental leave.

Japanese Panel Survey of Consumers (JPSC) (annually). Undertaken and funded by the Institute for Research on Household Economics.

This is an annual panel survey, since 1993, which now has four different cohorts of women and has been used to examine the effect of Parental leave take-up on job retention and childbearing.

Lithuania

Ruta Braziene (Kaunas University of Technology) and Giedre Purvaneckiene (Vilnius University)

April 2012

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

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

a. Maternity leave (*nėštumo ir gimdymo, motinystės atostogos*) (responsibility of the Ministry of Social Security and Labour)

Length of leave (before and after birth)

- The duration of maternity leave is 18 weeks (126 calendar days; 70 calendar days before child birth and 56 afterwards).

Payment and funding

- One hundred per cent of previous net earnings, up to a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 (€1,379⁸⁹).
- Funded from the Social Insurance Fund, which is funded by contributions from employers and employees. Self-employed people are obliged to pay social insurance contributions.

Flexibility in use

- None

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

- All employed mothers who have paid at least 12 months of social insurance contributions during the last 24 months are eligible for Maternity leave. Self-employed women qualify for maternity benefit on the same conditions as workers.

⁸⁹ Conversion of local currency into Euros undertaken on 10 June 2012, using <http://finance.yahoo.com/currency-converter/>

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

- In case of multiple or premature births or complicated baby delivery, 14 extra days are provided.

b. Paternity leave (*tėvystės atostogos*) (responsibility of Ministry of Social Security and Labour)

Length of leave (before and after birth)

- One month after childbirth.

Payment and funding

- As for Maternity leave.

Flexibility in use

- None.

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

- Fathers who have at least 12 months of social insurance during the last 24 months.

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

- None.

c. Parental leave (*vaiko priežiūros atostogos*) (responsibility of Ministry of Social Security and Labour)

Length of leave

- From the end of the maternity leave until the child is 3 years of age. Leave is a family entitlement.

Payment and funding

- Parents can choose between two options:
 - 100 per cent of net earnings until the child is 12 months;
 - 70 per cent of net earnings until the child is 12 months and 40 per cent of net earnings until the child is 24 months
- The last period of leave until the child is 3 years of age is unpaid.
- Payment for either option is made up to a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 (€1,379).
- Funded as for Maternity leave.

Flexibility in use

- All parents who have paid at least 12 months of social insurance contributions during the last 24 months are eligible for paid Parental leave.

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

- Parents are eligible for parental benefit if they have paid social insurance taxes at least for 12 months during the last 24 months.
- Grandfather, grandmother or any actual caregiver of a child (if parents do not use leave themselves) is eligible for Parental leave, but not for parental benefit.

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

- In the case of multiple births, the parental benefit increases according to the number of children, but not exceeding a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 (€1,379).

d. Childcare leave or career breaks

There is no statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- If a person adopts or takes foster care of newborn baby, she/he is entitled to maternity leave from the moment of adoption up to the child is seventy days of age. Maternity benefit is paid on the same grounds as to biological mother. Adoptive parents or foster caregivers have the same rights to parental leave and benefit as biological parents.

Time off for the care of dependants

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

Flexible working

- No statutory entitlement.

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

The maximum period of paid post-natal leave available in Lithuania is 24 months, but only the first year is paid at a high earnings-related rate; if the option for a second year of paid leave is taken, the second year is paid at a low earnings-related rate. There is no entitlement to ECEC at any age. Levels of attendance at formal services for children under 3 years are well below the average for the countries included in this review and for OECD countries; and below average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

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

Since January 2012, the maximum monthly benefit paid to working parents – the ceiling for the benefit – has been reduced to 3.2 times the average insured monthly income. Parental benefit was also reduced for parents taking the two year paid leave option: from 90 to 70 per cent until a child reaches 12 months and from 75 to 40 per cent for the child's second year.

4. Take-up of leave

a. Maternity leave

One hundred per cent of employed women take up Maternity leave.

b. Paternity leave

No information.

c. Parental leave

No information for mothers; for fathers, the only information is that 4.5 per cent take up some Parental leave.

d. Other employment-related measures

No information.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

The low fertility rate in Lithuania is regarded as a threat to the national security. Therefore demographical research was included among the tasks of the National Research Programme *Social Challenges to the National Security* by the Research Council of Lithuania. In the framework of this programme in 2010-2013 several research projects were completed or are being implemented, for example, *Gender inequality, public policy and the future of fertility in Lithuania* and *Fertility and family changes: factors, consequences, and possibilities to increase fertility*.

b. Selected publications since April 2011

Stankuniene V., Jasilioniene A. (2011) 'Changing fertility in Lithuania: New methods – New information. *Demography and Us: Information Bulletin*, No.3: 1-3.

Stankuniene V. (2011) 'General trends of fertility in Lithuania: 1999-2010', *Demography and Us: information Bulletin*, No.4: 6-8.

Bucaite-Vilke J., Purvaneckiene G., Tereskinas A. and Vaitkevicius R. (2012) *Gender Policy and the Future of Fertility*. monograph. Kaunas: Vytauto Ddidziojo universitetas.

Strekyte, A. (2011) 'Contemporary schemes of child care leave in Lithuania, Latvia and Estonia', *Demography and Us: Information Bulletin*, No.4: 9-12.

Tereskinas A. and Purvaneckiene G. (2012) 'The influence of reconciliation of work and family on the Lithuanian population's childbearing intentions', *Culture and Society, Journal of Social Research*, Vol.3, No.1: 51-67.

c. Ongoing research

Research in the framework of the project *Fertility and Family Changes, Factors, Consequences, and Possibilities to Increase Fertility* is ongoing.

Luxembourg

Nevena Zhelyazkova (Maastricht University) and Marianne Loutsch
(Inspection générale de la sécurité sociale, Luxembourg)

April 2012

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

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

a. Maternity leave (*congé de maternité*) (responsibility of the Ministry of Social Security)

Length of leave

- Sixteen weeks: eight weeks before the birth and eight weeks after. It is obligatory to take all 16 weeks.

Payment and funding

- Hundred per cent of earnings up to a ceiling equal to five times the minimum social wage in Luxembourg (€9,007.43 per month).
- The Maternity leave scheme is fully integrated into the National Health Fund and is funded in the same way as all sickness benefits, with costs shared between employers (30 per cent), employees (30 per cent) and the State (40 per cent). Payments come from the National Health Fund.
- To compensate for the costs of the integration of the Maternity leave into the National Health Fund from the beginning of 2011, the State is granting an additional annual sum of €20 million to the National Health Fund until 2013.

Flexibility in use

- None.

Eligibility

- All insured persons, including self-employed, who have belonged to a social security scheme for at least six months preceding the commencement of leave.

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

- In the case of premature or multiple births or breastfeeding, the length of post-natal leave can be extended to 12 weeks. If the birth takes place before the expected date, the part of the pre-natal period not taken is added to the post-natal period. If the birth takes place after the extended date, the post-natal period is still eight weeks.

b. Paternity leave

There is no statutory entitlement. Employees are entitled to 'leave due to extraordinary circumstances' (*congé extraordinaire*), which gives them the right to take two days off in the case of birth or adoption of a child. The leave is paid by the employer and covers 100 per cent of earnings.

c. Parental leave (*congé parental*) (responsibility of the Ministry of Family Affairs and Integration)

Length of leave

- Six months per parent (i.e. an individual right).

Payment and funding

- A flat-rate payment of €1,778 per month.
- Funded from general taxation.

Flexibility in use

- Parents may take 12 months leave on a half-time basis, subject to their employer's agreement, in which case the benefit paid is halved.
- Both parents cannot take leave at the same time. If both parents apply for the leave, the mother has priority. The first parent who takes the leave must take it following Maternity leave, except in the case of lone parents. The second period of leave may be taken by the other parent until the child is five years old.

Eligibility

- All employees are eligible if they have worked for at least one year with the same employer (for at least 20 hours per week), and if they take care of their child at home.

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

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Adoption leave (*congé d'accueil*) is eight weeks, extended to 12 weeks for multiple adoptions, paid at 100 per cent of earnings and available to all working persons in Luxembourg who have belonged to a social security scheme at least for the six months preceding the commencement of the leave

Time off for the care of dependants

- In the case of sickness of a child, parents with children younger than 15 years may take two days of leave per year per child (*congé pour raisons familiales*). Leave may be extended under certain circumstances; for example, in the case of a disabled child, to four days; and for a very serious and exceptional illness defined by law (such as cancer in its final state), up to 52 weeks in a reference period of 104 weeks. The leave is paid and funded by the National Health Fund (*La Caisse nationale de santé*).

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Luxembourg is 14 months, but most of this is low paid; leave paid at a high rate runs for only 8 weeks. There is an entitlement to ECEC from 3 years of age, though only for part-time nursery education usually consisting of daily morning sessions + 3 two-hour afternoon sessions per week. Attendance is obligatory from 4 years. So there is a substantial gap of nearly 2 years between the end of leave and an ECEC entitlement, and a gap of nearly 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above the average for the countries included in this review and OECD countries, both for children under and over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up leave.

b. Paternity leave

No statutory entitlement.

c. Parental leave

No information is currently available.

d. Other employment-related measures

There is no statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Nothing reported.

b. Selected publications since April 2011

None reported.

c. Ongoing research

Career interruptions due to child-birth or care, family leave policies and consequences for women's and men's career (2008-2012). Nevena Zhelyazkova, doctoral study at the Maastricht Graduate School of Governance. Funded by FNR Luxembourg.

The main aim of the research is to analyze how men and women in Luxembourg utilize the existing family leave policies and what the consequences for their careers are. The analysis is based on longitudinal data on the occupational careers of men and women who have experienced the birth of a child, to observe their work status before the birth of a child and to trace whether and for how long they choose to be on Maternity and Parental leave, as well as to observe whether they return to the labour force or commence a period of economic inactivity. With this approach, it is possible to identify prevalent patterns of usage of leave policies, as well as to compare work-family reconciliation strategies for different social groups. Contact: Nevena Zhelyazkova at nevena.zhelyazkova@maastrichtuniversity.nl

The Netherlands

Hanne Groenendijk (Ministry of Social Affairs and Employment) and Saskia Keuzenkamp (Sociaal en Cultureel Planbureau)

April 2012

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

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

a. Maternity leave (*zwangerschaps- en bevallingsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave (before and after birth)

- Sixteen weeks, 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 (€192.55).
- Funded from the unemployment fund, which is financed by employers contributing 4.15 per cent of employees' earnings.

Flexibility in use

- Leave can be started between six and four weeks before the expected date of delivery, but pregnant workers are not allowed to work between four weeks before the expected and six weeks after the actual date of delivery.

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

- All women employees.
- Self-employed women are entitled to a 16 weeks payment up to a maximum of 100 per cent of the statutory minimum wage (€1446.60 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 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. For example, a full-time job of 38 hours a week gives a leave entitlement of 988 hours (i.e. 26 weeks).
- Leave has to be taken part time; full-time is only possible when the employer agrees. So in the example given above, the worker would work 50 per cent of normal working hours (i.e. 19 hours) and take leave for the remaining 50 per cent, with leave lasting for 12 months. Other part-time options are possible, e.g. fathers often take only one day of Parental leave per week, which enables them to extend the period of leave over an even longer period.

Payment and funding

- All parents taking Parental leave are entitled to a tax reduction of €723 a month (i.e. half the statutory minimum wage a month in case of full-time leave) or €4.18 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 Collective Labour Agreement or (under certain conditions) by written agreement with the works council or staff representatives. In these cases, employees can be offered less than the statutory entitlement (for example, less payment, a shorter leave or no right at all) or more. For instance, in 10 per cent of the Collective Agreements made in 2009, Parental leave was partly paid, at between 40 per cent and 75 per cent of previous earnings (75 per cent of previous including the tax reduction referred to in 'payment and funding' above). However, since Parental leave has been doubled from 13 to 26 weeks (since 1 January 2009) payment sometimes is restricted to the first 13 weeks. This is for instance the case for local civil servants)⁹⁰.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Each parent is entitled to four weeks leave when a child is placed for adoption (or long-term fostering), with payment equivalent to Maternity leave.
- 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.

⁹⁰ Beeksmā, M en L. Junger-van Hoorn (2010) *Faciliteiten arbeid en zorg 2009 Een onderzoek naar cao-afspraken met betrekking tot arbeid-en-zorg-faciliteiten*. Den Haag, Ministerie van Sociale Zaken en Werkgelegenheid.

Time off for the care of dependents

- 'Short-term leave' up to a maximum of ten days a year can be taken to care for a sick child living at home, or a sick partner or parent. The employer is required to pay 70 per cent of the employee's earnings. All employees are eligible, subject to three conditions: first, an employer can refuse to grant the leave if the interests of the organisation might be seriously harmed; second, care must be necessary because of illness; third, care has to be provided by the employee involved.
- Employees with a child, partner or parent with a life-threatening illness are entitled to unpaid 'long-term leave' of up to six times their working hours per week. 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. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in the Netherlands per family is 14 months, but most of this is low paid; leave paid at a high rate runs for only 10 weeks. There is an entitlement to ECEC from 4 years of age, though only for part-time schooling (22 hours a week during school time). So there is a gap of nearly 3 years between the end of leave and an ECEC entitlement, and a gap of 3¾ years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 are well above the average for the countries included in this review and OECD countries (though this includes many 2 year olds attending part-time playgroups); but are below both averages for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

The Minister of Social Affairs, responsible for leave arrangements, sent a bill to Parliament in August 2011: *Wet houdende modernisering regelingen voor verlof en arbeidstijden* [Law on modernizing leave arrangements and working times. The bill includes: more flexibility in the uptake of Parental leave; an extension of the entitlement to employees starting in a job; and an entitlement to (short-term and long-term) care leave arrangements for household

members other than a child or partner. In case of hospitalisation of a newborn child, the Maternity leave will be extended to give an entitlement for at least ten weeks of leave from the moment that the child is discharged from the hospital. The bill is still under consideration in Parliament.

In Spring 2012 a new article has been added to the Act on Working times (*Arbeidstijdenwet*). This article is the implementation of European Directive 2010/18/EU aimed at a better protection of the position of the employee taking Parental leave. Furthermore, according to this article, an employee can ask the employer for a temporary change of working hours, immediately after the uptake of all of the Parental leave (maximum period of a year).

In February 2012, the Green Party and the Christian Democrats have proposed a bill to change the Working Hours Adjustment Act in order to stimulate flexible work. Employees should thus be entitled to ask the employer for a change in working hours, working times and working place. The bill is currently waiting to be discussed in Parliament.

The Life Course Savings Scheme (2006) will be abolished. Starting from 1 January 2013 a new savings scheme will take its place: the Vitality Scheme. The Life Course Savings Scheme was meant to facilitate saving for periods of unpaid leave. The new scheme will facilitate savings up to a maximum of € 20,000 not only to finance unpaid leave but for any use, e.g. further education, the start of a small business or expenses.

4. Take-up of leave

a. Maternity leave

No specific study has been done on the take up of Maternity leave. Because of the fact that all pregnant employees are entitled to (at least) 16 weeks of fully paid Maternity leave and are not allowed to work from four weeks before the expected date of confinement, take up of 100 per cent might be expected.

b. Paternity leave

An employee survey in 2004 found that 90 per cent of men entitled to Paternity leave took up some sort of leave: 51 per cent had taken the statutory Paternity leave, but most had taken holidays or leave accrued in lieu of pay⁹¹.

c. Parental leave

Figures from Statistics Netherlands show that in 2010, 122,000 female employees and 136,000 male employees (working 12 hours or more per week) were entitled to Parental leave. Of women eligible for Parental leave, 43 per cent took leave (of whom, 58 per cent had a paid leave as an effect of a collective agreements) for an average of 11 months and 10 hours a week. Of men eligible for Parental leave, 23 per cent took leave (of whom, 58 per cent had a paid leave) for an average of 14 months and 8 hours a week. The long periods of leave reflect the possibility in the Netherlands to take part-time Parental leave and to spread the leave over several months. During their period of leave, mothers worked on average 27 hours per week, fathers 37. For men the use of Parental leave has grown since 2001 from 10 per cent to 18 per cent in 2005 and 23 per cent in 2010; while for women, uptake - after

⁹¹ 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.

an increase from 35 per cent in 2001 to 43 per cent in 2005 and has fluctuated over the later years and was 43 per cent in 2010⁹².

The take-up of Parental leave is not only higher among women, but also among workers with intermediate and higher levels of education; the take-up among women with a higher level of education is 56 per cent whereas for women with a low level it is 17 per cent; the figures for men are 26 per cent and 8 per cent respectively. Women working full time (35 hours a week and more) more often take up leave than those working part time (12 to 24 hours a week): 55 per cent and 30 per cent respectively. Furthermore, twice as many women with a high personal income (€40-50,000 a year before tax) take up leave than women with a low personal income (€10-20,000): 60 and 31 per cent respectively⁹³.

As payment above the statutory minimum depends on collective agreements, take-up rates vary between sectors. Employees in the public sector and in the health care sector more often have paid Parental leave (with payment by the employer of up to 75 per cent of previous earnings) than employees in the private sector: 79 per cent and 25 per cent respectively⁹⁴.

In a comprehensive study on the position and participation of women from ethnic minorities in Dutch society (Keuzenkamp and Merens, 2006), attention is paid to the use of Parental leave by Turkish, Moroccan, Surinamese and Antillean working parents. Take-up is found to be much lower among Turkish, Moroccan and Antillean workers than among Surinamese and native Dutch workers. The two main reasons why respondents did not take up Parental leave are unfamiliarity with the entitlement and the fact that there was no need to use it (others took care of the children).

d. Other employment-related measures

Use of leave for short periods of care. In a special module added to the Dutch Labour Force Survey, employees who work at least 12 hours per week are asked about their take up of care leave and emergency leave. In 2011 218,000 women and 186,000 men took care of a sick child, parent or partner for a short period, and 33 per cent of the women and 37 per cent of the men took some sort of leave. Different kinds of leave were taken; 9 per cent of both men and women took 'short-term care leave' and 3 per cent of both men and women said they had taken 'emergency leave'. Moreover, 11 per cent of women and 15 per cent of men used part of their holidays⁹⁵.

Use of leave in longer periods of care. According to figures of National Statistics in 2011 202,000 women and 167,000 men took care of a sick member of their family on a regular basis and/or for a longer period; 15 per cent of the women and 16 per cent of the men who undertook such care took some sort of leave. Mostly this was 'short-term care' leave (5 per cent of both women and men), but also 2 per cent of the women and 3 per cent of men took holidays, 1 per cent of the women and 2 per cent of the men took up 'long-term care leave'

⁹² Centraal Bureau voor de Statistiek (2012) *Ouderschapsverlof; gebruik en duur*. Available at: <http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=72022ned&D1=0-4&D2=a&D3=0&D4=0,2-11&VW=T>

⁹³ Mooren, F. Van der and J. de Vries (2011) 'Vooral hoogopgeleide, voltijds werkende vrouw neemt ouderschapsverlof op', in: *Webmagazine, maandag 4 april 2011*, Den Haag, Centraal Bureau voor de Statistiek.

⁹⁴ Ewalds, D. (2010) 'Ouderschapsverlof in de marksector meestal niet betaald', in: *Webmagazine, woensdag 15 december 2010*, Den Haag: Centraal Bureau voor de Statistiek.

⁹⁵ Centraal Bureau voor de Statistiek (2012) *Werknemers; zorg voor ziek familielid en gebruik van verlofregelingen*. Available at: <http://statline.cbs.nl/StatWeb/publication/?VW=T&DM=SLNL&PA=71516ned&LA=NL>

and 1 per cent of both the women and the men took 'emergency leave' (statline.cbs.nl, see note⁶).

Employees with a longer working week more often took leave when family members were sick for a long period: 18 per cent for those working 35 hours or more, 13 per cent for those working 12 to 35 hours a week. If employees took care of a family member, it was mostly (71 per cent) an elderly parent. But leave to care for an elderly parent accounted for only 21 per cent of cases of leave-taking. Leave more often was taken for partners (28 per cent) and children (23 per cent). One in five employees had a need for leave, but did not take it⁹⁶.

An earlier survey (2006) reported that employees who took care of seriously ill relatives or friends and felt a need for leave but did not take it thought taking leave was not possible because of their work and (to a lesser extent) because of financial consequences. Also there was a lack of information on the statutory leave arrangements⁹⁷.

The Working Hours Adjustment Act

As is well known, many workers in the Netherlands work part time. The Netherlands Institute of Social Research has published three reports on part-time work in the Netherlands^{98 99 100}. 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.

Life Course Savings Scheme

The use of the Life Course Savings Scheme is still very low. Statistics Netherlands has published figures on the number of participants: about 230,000 in 2006 (the first year of the arrangement) and about 229,000 in 2010, that is 3.0 per cent of all employees¹⁰¹.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Nothing reported.

b. Selected publications since April 2011

De Meester, E. and Keuzenkamp, S. (2011) *Verlof vragen: De behoefte aan en het gebruik van verlofregelingen [Taking the time: Demand for and use of leave schemes at work]*. Den Haag: SCP. An extensive summary, in English, is available at:

⁹⁶ Vries, de J. (2010) 'Meeste werknemers nemen geen verlof op om voor ziek familielid te zorgen', in *Webmagazine, maandag 12 juli 2010*, Den Haag: Centraal Bureau voor de Statistiek.

⁹⁷ SZW (Sociale Zaken en Werkgelegenheid) (2006) *Beleidsdoorlichting Arbeid en Zorg*. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.

⁹⁸ Portegijs, W. and Keuzenkamp, S. (eds) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk [Part-time working in the Netherlands]*. Den Haag: Sociaal en Cultureel Planbureau.

⁹⁹ Portegijs, W. (ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken [A picture of part-time working]*. Den Haag: Sociaal en Cultureel Planbureau.

¹⁰⁰ Keuzenkamp, S. (ed.) *Deeltijd (g)een probleem. Mogelijkheden om de arbeidsduur van vrouwen met een kleine deeltijd baan te vergroten. (Working part-time: (nog) a problem?)* Den Haag: Sociaal en Cultureel Planbureau.

¹⁰¹ Centraal Bureau voor de Statistiek (2012) *Arbeidsrekeningen; arbeidsvolume naar bedrijfstak en geslacht*. Available at: <http://statline.cbs.nl/StatWeb/publication/?VW=T&DM=SLNL&PA=81108NED&D1=a&D2=0&D3=a&D4=0&D5=1,11,21,31,36-41&HD=110628-1651&HDR=G1,G2,T&STB=G3,G4>

http://www.scp.nl/english/Publications/Summaries_by_year/Summaries_2011/Taking_the_time.

This report, from the Netherlands Institute for Social Research (SCP), considers the need for and uptake of leave. Using data from the Dutch Labour Force Survey, analyses were made on the demand for and take up of leave among employees, the factors that determine the use of leave schemes and differences in the use of leave between women and men. One of the issues in the report is the discrepancy between the need for and uptake of leave, which is greatest in long-term care situations. Almost 20 per cent of employees who are providing long-term care to a sick close relative do not take leave although they say that they do need it. The circumstances at work are the biggest impediment for taking leave, both in long-term and short-term care situations: 46 per cent and 39 per cent respectively stated that their work did not allow them to take leave or that they did not wish to impose on their colleagues. Financial consequences are more often mentioned as an explanation for non-use of Parental leave.

c. Ongoing research

None reported.

New Zealand

Heather McDonald (Heathrose Research)

April 2012

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

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

Note on terminology: 'Parental leave' is used as a generic term to cover Maternity, Paternity and extended leave for new parents. For example, the first 14 weeks of paid leave after the birth, usually taken by the mother, is not termed 'Maternity leave' but 'paid Parental leave', and can be transferred to a spouse or partner.

a. Maternity leave (*paid Parental leave: see 'note on terminology'*) (responsibility of the Department of Labour with Inland Revenue as delivery agent for payment)

Length of leave (before and after birth)

- Fourteen weeks. A woman can start to take leave from six weeks before the expected date of delivery.

Payment and funding

- Payment is based on 100 percent of earnings, up to a ceiling of NZ\$458.82(€281¹⁰²) per week before tax. Payment is indexed annually by any percentage movement upwards in average ordinary time weekly earnings.
- Self-employed parents who make a loss or earn less than the equivalent of 10 hours pay at the highest rate of the minimum wage, receive a minimum rate of NZ\$130(€49) before tax per week. Payment is indexed annually as at 1 July each year, according to movements in the minimum wage.
- 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

¹⁰² Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

the right to take eight weeks leave after the expected date of birth, with the overall leave period extended accordingly.

- An employer and mother can agree for Maternity leave to start at any other time before the baby is due.
- The birth mother may transfer any or all of the payment for leave to an eligible spouse/partner (including de facto and same-sex partners).

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

- Expectant mothers who have worked for the same employer for an average of at least ten hours a week, and at least one hour in every week or 40 hours in every month, in the six or 12 months immediately before the expected date of delivery.
- Self-employed mothers who have been self-employed a minimum of ten hours a week in the six or 12 months immediately before the baby's expected due date are eligible.

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

- Where an eligible mother has a child who is subsequently adopted, both the adoptive parent/s and the mother may access the leave and payment.
- In certain circumstances (e.g. death of the mother), the spouse/partner may receive the payment.
- Special (unpaid) leave of up to ten days can be taken by a mother before Maternity leave, for reasons connected with the pregnancy (e.g. for ante-natal checks).
- Different eligibility rules apply for junior doctors and teachers in state schools where multiple employments may be a feature, or a requirement of training.

b. Paternity leave (*paternity/partner leave*: see 'note on terminology') (responsibility of the Department of Labour)

Length of leave

- One or two weeks depending on eligibility.

Payment and funding

- No direct payment, although an eligible spouse/partner can transfer their entitlement of the statutory payment.

Flexibility in use

- Leave can be taken at any time in the period between 21 days before the expected date of delivery and 21 days after the actual date of birth.
- If agreed between an employee and employer, leave can start at any other time.

Eligibility

- Employees who have worked for the same employer for an average of at least ten hours a week, and at least one hour in every week or 40 hours in every month, in the six months immediately before the baby's expected due date are eligible for one week of leave. A spouse/partner who meets the hours' requirements and has worked for the same employer for 12 or more months is entitled to two weeks leave.

- Self-employed workers who have been self-employed for a minimum of ten hours a week in the six or 12 months immediately before the expected date of delivery.

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

Length of leave

- Up to 52 weeks leave may be taken in the 12 months after birth, including any Maternity (‘paid parental’) leave taken; Paternity (‘paternity/partner’) leave is additional. Leave is a family entitlement.

Payment and funding

- None.

Flexibility in use

- Leave may be shared by both eligible parents. They can take their leave at the same time or consecutively.
- Extended leave is taken as continuous leave and can be started following Maternity, Paternity/partners leave or after a period of return to work; however the right to the leave ends when the child is one year old or one year after the parent has assumed the care of a child they intend to adopt.

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

- Extended leave is available to employees who have worked for the same employer for an average of ten hours a week, and at least one hour in every week or 40 hours in every month, in the 12 months immediately before the baby’s expected due date or the date a parent assumes the care of a child under six years old they intend to adopt.
- Extended leave is not available to those with less than 12 months employment with the same employer.

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

- None.

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

- Some collective agreements allow parents to access additional provisions, usually payments and longer leave periods; they are most commonly found in the public sector. These agreements are in addition to and cannot override statutory provisions overall.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Spouses/partners intending to adopt have the same leave entitlement as other parents. Eligible spouses/partners who are jointly adopting a child under the age of six years can nominate which parent will receive the payment.

Time off for the care of dependants

- After the first six months of continuous employment, an employee may take up to five days of sick leave per year, at 100 per cent of earnings from their employer with no payment ceiling. This leave can be used in the case of the employee's or a dependant's illness.

Flexible working: the right to request and the duty to consider

- Employees who have the care of another person and have been employed by their employer for a minimum of six months have the right to request a variation to their hours of work, days of work or place of work. When making a request, the employee must explain how the variation will help them better care for the person concerned. Employers have a duty to consider a request and are able to refuse a request on one or more of the recognised business grounds or if it conflicts with a collective employment agreement. An employee can make a formal complaint only where they consider an employer has made a wrong determination about their eligibility to apply for flexibility or where the employer has not complied with the statutorily described process for considering a request.

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

The maximum period of paid post-natal leave available in New Zealand is 12 months but most of this is unpaid; leave paid at a high rate runs for only 14 weeks. There is an entitlement to ECEC from 3 years of age, though only for part-time nursery education (for a maximum of 6 hours attendance a day and 20 hours a week). So there is a 2 year gap between the end of leave and an ECEC entitlement, and a gap of nearly 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

The Minister of Women's Affairs announced in a speech in March 2012 that '[t]he Government intends to extend the right to request flexible work to all employees', irrespective of their reasons for seeking flexible arrangements. No timeframe has been set for introducing this change.

4. Take-up of leave

Mothers, fathers and employers were surveyed in 2005/06 about their experiences of using leave around the birth/adoption of a child. Overall two-thirds of all women in paid work take-up a period of leave around the birth/adoption of a child.

a. Maternity leave

A 2005/06 evaluation of the experiences of mothers, fathers and employers using Parental leave found eight in ten women in paid work six months before their expected date of delivery were eligible to take Maternity leave; at the time of the survey, self-employed parents were not entitled to paid leave and the Department of Labour estimated their inclusion would still leave approximately 10 per cent of employed mothers ineligible for leave. Eighty-three per cent of eligible women took paid statutory leave, averaging three months of leave. Of the remaining one-third of women who do not take statutory leave, two-thirds took no leave at all (evenly divided between those who were eligible and ineligible) and one-third took other types of leave. Take-up of leave is affected by awareness of the provisions available, decision-making about whether to exit or remain in the workforce, and how many children are already in the family.

Just over a fifth (22 per cent) of mothers took paid leave only. The remaining 78 per cent took paid leave in combination with one or more other types of leave, e.g. annual leave, sick leave. Where this leave was also paid, mothers typically used this leave before they began Maternity leave

b. Paternity leave

In 2005/06 most fathers – 82 per cent – were found to take some sort of leave around the birth of a child. Typically, however, fathers took paid leave such as annual leave (58 per cent) or other employer paid leave (21 per cent) rather than unpaid Paternity leave (4 per cent). Only 1 per cent of fathers reported taking statutory paid leave (which would have been transferred to them from the mother). Nearly half of fathers took less than a week of leave (46 per cent) and another 38 per cent had up to two weeks leave.

c. Parental leave

Over half of mothers surveyed in 2005/06 who took paid leave, also took some unpaid Parental ('extended') leave (57 per cent). On average they returned to work when their baby was six months old. A total of 3 per cent of fathers reported taking any Parental ('extended') leave.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Currently, there is no research being undertaken on leave or related areas in New Zealand..

b. Selected publications since April 2011

Baker, M. (2011) 'Key issues in paid parental leave policy', *Policy Quarterly*, Vol.7, No. 3: 56-63.

This article, framed within a comparative and feminist political economy perspective, compares paid Parental leave programmes in two countries with similar welfare regimes: New Zealand and Canada. It is argued that delivering benefits through a social insurance model, as in Canada, could elevate benefit levels for some workers but fewer women employees would tend to qualify. Benefits of short duration, as in New Zealand, and those with a low wage-replacement rate tend to discourage employment equity for women. Long-term unpaid leave creates similar problems for employment equity outcomes. The article concludes that policy parameters matter, yet the two countries share similar gender equity concerns relating to parental employment and paid leave.

Callister, P. and Galtry, J. (2011) 'Paid parental leave policy – a response to Maureen Baker', *Policy Quarterly*, Vol.7, No. 4: 69-71.

This article argues that Baker's article (above) failed in its aim to advance debates about paid Parental leave in New Zealand because: 1) it does not adequately engage with recent national and international literature; 2) it lacks new empirical evidence; 3) its theoretical basis is confused; and 4) no clear, new policy directions are promoted.

Carroll-Lind, J. and J. Angus (2011) *Through their Lens: an inquiry into non-parental education and care of infants and toddlers*. Wellington: Office of the Children's Commissioner. Available at:

http://www.occ.org.nz/data/assets/pdf_file/0017/8108/CC_Through_their_lens_21032011.pdf

The Children's Commissioner has a statutory responsibility to be an independent advocate for children and to investigate matters affecting them. With the infant and toddler age group having the fastest growing number of enrolments in childcare in New Zealand, this inquiry was initiated to assess the impact of formal childcare for under-two year olds on child well-being. The child perspective underpins the report, which makes a number of recommendations including to review policy across paid Parental leave and childcare provisions. The aim of such a review would be to tip the incentives and supports towards parental and extended family care of very young infants. Other recommendations focus on improving quality standards for infant care services.

Department of Labour (2011) *Review of flexible working arrangements in New Zealand workplaces – survey findings*. Wellington: Department of Labour. Available at:

<http://www.dol.govt.nz/er/bestpractice/worklife/research/flexibility2010/index.asp>

This report sets out results from quantitative and qualitative surveys conducted during 2010 by the Department of Labour on the operation of Part 6AA of the Employment Relations Act 2000. Part 6AA sets out provisions for the right to request flexible working arrangements for eligible employees. Seventy percent of employers report having some or all of their employees working flexibly and 76 per cent of these report they incurred no costs associated with providing flexible work arrangements. Of those who reported they did incur costs, a majority said those costs were reasonable. While 55 per cent of employees reported that their requests for flexible work were related to their caring responsibilities (55 per cent), a significant proportion of requests were for other reasons. Overall 74 per cent of employers and 75 per cent of employees said that the legal right to request flexible work arrangements should be available to all employees.

Department of Labour (2012) *Review of Part 6AA: Flexible Working Arrangements*.

Wellington: Department of Labour. Available at:

<http://www.dol.govt.nz/er/bestpractice/worklife/flexiblework/part-6aa/>

The review, which was required under the 2008 legislation and reported to Parliament, found no reported problems with the operation of Part 6AA and that the provision had not changed the widespread practice of employers and employees developing formal and informal flexible work arrangements. Awareness of the provision had declined between 2008 and 2010 and some groups of employees had little or no access to flexible work due to, for example, limited bargaining power, the culture of the workplace, and operational constraints within

some workplaces. The report outlined potential options to improve the operation and effect of the provisions: retaining the status quo, extending the provisions to all employees (not just those with caring responsibilities), further work to remove or reduce the current six-month tenure requirement of those making requests. All options include further awareness raising measures.

St. John, S, Familton, A. and Dale, M.C (2011) 'Paid parental leave in New Zealand: catching up with Australia?', in: M.C.Dale, M. O'Brien and S. St. John (eds.) *Left Further Behind 2011: How policies fail the poorest children in New Zealand*. Auckland: New Zealand Child poverty Action group. Available at:

<http://www.cpag.org.nz/assets/sm/upload/d4/ei/sg/g4/LFBDec2011.pdf>

This chapter contrasts New Zealand's paid Parental leave and parental tax credit schemes with the Australian paid Parental leave and 'Baby Bonus' schemes. Australia's more generous and 'child' focused policies contrast with New Zealand's approach based on whether parents are 'deserving' through their paid work contributions. They highlight the exclusions from any entitlement to assistance from either paid Parental leave or the parental tax credit for welfare beneficiaries and superannuitants who are caring for newborns.

c. Ongoing research

None reported.

Norway

Berit Brandth and Elin Kvande (Norwegian University of Science and Technology)

April 2012

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

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

Note on terminology: there is no single agreed name for Maternity or Parental leave. The Work Environment Act 2005 (the responsibility of the Ministry of Labour), which grants leave but not money, uses the name *svangerskapspermisjon* (pregnancy leave) for the leave before birth, *fødselspermisjon* (birth leave) for the six weeks after and *foreldrepermisjon* (Parental leave) for the remaining leave period. The Ministry of Children, Equality and Social Inclusion, which grants the money for leave, refers to *foreldrepengeperioden* (parental money period).

a. Maternity leave (*svangerskapspermisjon* and *fødselspermisjon* – see note on terminology) (responsibility of the Ministry of Children, Equality and Social Inclusion)

NB. There is no separate Maternity leave¹⁰³. The information below is for that part of Parental leave reserved for women before and after birth; it is treated separately here, but is in effect part of the longer *foreldrepengeperioden* (parental money period).

Length of leave

- Nine weeks: three weeks before the birth and six weeks following birth.

Payment and funding

- Hundred or 80 per cent of earnings (see 1c).
- Funded from general taxation.

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.

¹⁰³ Leave of up to 12 weeks is available for pregnant women who must quit work because of chemical, biological or physical hazards and if the employer is unable to offer alternative work. It is paid at the same rate as sickness benefit.

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

- All women employed for six of the last ten months prior to delivery are eligible for leave and who have earned at least half the basic national insurance benefit payment over the previous year. Non-employed women receive a one-off payment of NOK35,263 (€4,642¹⁰⁴).

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

- If the mother or child is ill and hospitalised after delivery, leave payment can be postponed.

b. Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- Two weeks after birth – ‘daddy days’ (+ twelve weeks = father’s quota, see 1c).

Payment

- ‘Daddy days’ are unpaid by government; payment depends on individual or collective agreements.

Flexibility in use

- None.

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

- All employed fathers have the right to leave, but payment is negotiated and paid by the employer.

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

- Leave can be transferred to someone else if the father does not live with the mother, since the purpose of the leave is to assist the mother.

c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children, Equality and Social Inclusion)

Length of leave (before and after birth)

- Forty-seven or 57 weeks depending on payment level (see ‘payment and funding’ below). Of these, nine weeks are for mothers (included in 1a above, under Maternity

¹⁰⁴ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

leave) and twelve weeks are for fathers (*fedrekvoten* or 'father's quota'). The remaining 26 or 36 weeks is a family entitlement and may be taken by either mother or father. See 'flexibility' below for options available to parents.

Payment and funding

- Parental money may either be taken at 100 or 80 per cent of earnings, up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK437,286 a year, €57,564). If taken at 100 per cent of earnings, the length of leave is reduced by ten weeks.
- Non-employed women receive a flat-rate payment of NOK35,263 (€4,642).
- Funded from general taxation.

Flexibility in use

- Family entitlement: it is possible to choose a longer period of leave (36 weeks) paid at 80 per cent of earnings, or a shorter (26 weeks) paid at 100 per cent.
- After the first six weeks, it is possible to postpone parts of the parental money period, as long as it is taken during the first three years after birth and the parent receiving the money is employed full time during the postponement period. Hospitalisation and vacation may also qualify for postponement.
- After the first six weeks, it is also possible for one or both parents to combine all or part of the parental money period with part-time work; if parents take less than full benefit payment, this will prolong the period of parental money. If both parents choose to combine parental money with part-time work, for instance each working half-time, this will not result in a longer period. A written agreement from the employer is demanded in both cases. There is also a requirement that the mother has returned to employment or study for the father to take leave.
- Father's quota: this period of leave (twelve weeks) is not transferable to the mother, except in certain circumstances, e.g. if the father is ill or otherwise unable to care for the child or if the mother and father do not live together.
- 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 eligibility rules for the father's quota and the shared parental money period are somewhat different:
- The father can use the 26/36 weeks of paid leave even if the mother is not eligible; but the mother is required to take up work (at least 75 per cent of full-time hours) or study on a full-time basis. For the father's quota, there is no requirement that mothers go back to work, but the mother must have been employed for six of the last ten months prior to birth.

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

- Family entitlement: when more than one child is born, parental money is increased by seven weeks for each child (with 80 per cent pay) or five weeks with 100 per cent pay. If the child dies during the Parental leave period, parents will receive payment for six weeks of the period that is left.

d. Childcare leave or career breaks

- Each parent has the right to one year of unpaid leave after the parental money period.
- Parents with a child aged 12-36 months are entitled to receive a cash benefit ('cash-for-care' scheme) on condition they do not use publicly funded ECEC service. The full benefit is NOK3,303 (€435) per child per month. Children who use ECEC on a part-time basis receive a reduced benefit (e.g. if parents use no place, they receive 100 per cent of the benefit; if they use a place for 17-24 hours a week they receive 40 per cent of the full benefit). The main criterion for eligibility, therefore, is not parental employment status, but parents not using a particular service.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children, except for the nine weeks of Maternity leave. The whole period, with the exception of the father's quota, may be taken by either parent. In addition, parents adopting children from abroad receive a cash benefit of NOK35,263 (€4,642).

Time off for the care of dependants

- Each parent of a child under 12 years has a right to ten days leave per child per year when children are sick, or 15 if they have more than two children. Single parents have the right to 20/30 days a year. For severely or chronically sick children, there are extended rights to leave until the child is 18 years old. Leave is paid by the employer at the same rate as sickness benefit.

Flexible working

- The work environment act grants breastfeeding mothers the right of breastfeeding breaks of until one hour per day. The law does not grant the right to paid breaks, but collective agreements ensure pay in many branches of the industry.
- Parents have a right to part-time work to care for children, until children are ten years old.

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

The maximum period of post-natal leave available in Norway is around 3 years, but 2 years of this is unpaid; leave paid at a high rate runs for just over 13 months with 80 per cent wage compensation. There is an entitlement to ECEC from 1 year of age, supposed to be available on a full-time basis at kindergartens. So there is no gap between the end of leave and an ECEC entitlement in theory. However, if the child is born right after admission date,

there might not be a place available. Levels of attendance at formal services for children under and over 3 are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

From 1 July 2011 the Parental money period was extended to 47/57 weeks with 100/80 per cent of earnings. Of these, the father's quota consists of 12 weeks. From the same date, fathers who are eligible for parental money may take Parental leave for 12 weeks if the mother receives a disability benefit and thus is unable to return to work or education after the birth.

From August 1, 2012 the 'cash-for-care' scheme will be revised. Parents with a child aged 12 to 24 months will be entitled to receive a cash benefit on condition they do not use publicly funded ECEC service. The full benefit will be NOK3,303 (€435) per child per month for the oldest children in this group - 19-23 months - and NOK5,000 (€658) for the youngest - 13-18 months. This will replace the current scheme, which includes children from 12 to 36 months.

The present government has proposed a division of the Parental leave into three parts: 12 weeks for mothers, 20 weeks to be shared and 12 weeks for fathers. It has now been passed in parliament.

The father's quota is a much debated issue; for instance, while the present government has an increased father's quota as a goal, the Conservative Party wants to do away with it. Different models of Parental leave are always discussed: There has also been a heated debate on breastfeeding versus expansion of the father's quota; groups who argue for prioritising breastfeeding want more leave for mothers and oppose suggestions that Parental leave be divided into three equal parts.

4. 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 records¹⁰⁵.

b. Paternity leave

The take-up rate is approximately the same as for the father's quota (89 per cent), but this figure includes fathers taking time off work in various ways, including Paternity leave but also annual leave and other options.

c. Parental leave

In the years prior to the introduction of the father's quota less than four per cent of fathers took some Parental leave. Only a few years later, the take-up rate was over 70 per cent (representative sample – own research from 1997), and data from public records (2003) show that 89 per cent of fathers take leave. After the extension of the father's quota to six

¹⁰⁵ Danielsen, K. and Lappegård, T. (2003) 'Tid er viktig når barn blir født - om ulik bruk av lønnet fødselspermisjon, *Samfunnsspeilet* 5, Statistisk sentralbyrå

weeks in 2006, figures based on public records in 2007 show that 70 per cent of eligible fathers take more than five weeks. More and more fathers take six weeks (Norwegian Labour and Welfare Administration).

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 father's 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.

Moreover, father's sharing of the 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.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

There is constant research being undertaken. It is dispersed across many institutions in Norway and quite a bit of it is in terms of doctoral work or small studies.

b. Selected publications since April 2011

Ellingsæter, A.L.(2011) 'Symmetriske foreldreskap-politisk forhindringer' ['Symmetrical parenting – political obstacles'], *Tidsskrift for samfunnsforskning*, Vol.52, No.1: 3-32. This article discusses different political obstacles, such as the cash for care system, for the development of more equality between parents.

Kotsadam, A. and H.Finseraas (2011) 'The state intervenes in the battle of the sexes: Causal effects of paternity leave' *Social Science Research*, Vol.40, No.6: 1611-1622. Do family policies influence attitudes and behaviour or are they merely reflections of pre-existing attitudes? This article considers the implementation of the Norwegian daddy quota - 4 weeks of Parental leave reserved for the father - as a natural experiment, and examines the long-run causal effects on attitudes toward gender equality, on conflicts and sharing of household labour, and on support for public childcare. Respondents who had their last born child just after the reform report an 11 per cent lower level of conflicts over household division of labour and that they are 50 per cent more likely to equally divide the task of washing clothes than respondents who had their last child just before the reform.

Bringedal, K. and Lappegård, T. (2012) 'Likere deling av foreldrepermisjonen' ['More Equal sharing of the Parental leave'], *Samfunnspeilet*. Available at: <http://www.ssb.no/Samfunnsspeilet/utg/201201/02/>.

Bringedal, K. and Lappegård, T. (2012) 'Småbarnsforeldre sier ja til fedrekvote' ['Parents say yes to fathers' quota'] *Samfunnsspeilet*. Available at: <http://www.ssb.no/Samfunnsspeilet/utg/201201/03/>

Kitterød, R.H. and Bringedal, K.H. (2012) 'De fleste små barn går i barnehage' ['The majority of toddlers attend day-care'], *Samfunnsspeilet*. Available at: <http://www.ssb.no/utg/201201/01/>

c. Ongoing research

'De andre fedrene'. Om farskap og maskulinitet blant minoritetsetniske menn i likestillingslandet. ['The other fathers'. *Fathering and masculinity among minority ethnic men*]. Anette Hoel, doctoral study at Norwegian University of Science and Technology (NTNU).

Contact Anette Hoel at anette.hoel@ntnu.no.

Balansen mellom jobb og hjem - og fedrekvotens innvirkning på denne, sett i et likestillingsperspektiv [*The balance between work and family - the impact of the father's quota*]. Kristine Smeby, doctoral study at Norwegian University of Science and Technology (NTNU).

Contact: Kristine Smeby at Kristine.Smeby@svt.ntnu.no

The flexibility of the father's quota in a multicultural Norway (2011-2014). Berit Brandth and Elin Kvande, Department of Sociology and Political Science, Norwegian University of Science and Technology.

Since the father's quota was launched two decades ago it has been extended in length several times and made available for larger groups of fathers. At the same time it has become more flexible. Generally, Nordic welfare state institutions have aimed to establish guidelines for people's conduct even in the private family realm, the father's quota being one of the most dramatic examples. One may ask whether the recent emphasis on flexibility means that this idea's time has come and gone. The call for free choice for families in current political debates may threaten the existence of the father's quota altogether. In light of the alleged paradigm shift and diversification of discourses in the field of work/family adaptations internationally, the research asks what are the various discourses and frameworks for understanding flexibilization of policies within the Nordic model. To what extent is neo-liberal ideology the dominant framework, or is social investment thinking making its mark? Can perhaps flexibility be seen as the solution for accommodating a heterogeneous population in terms of ethnicity and class background? Can it be understood as a 'helping hand' for fathers to handle a long leave? Contact: Berit Brandth at Berit.Brandth@svt.ntnu.no.

Poland

Piotr Michoń (Poznań University of Economics) and Irena E. Kotowska
(Warsaw School of Economics)

April 2012

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

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

a. Maternity leave (*urlop macierzyński*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave (before and after birth)

- Twenty-four weeks, of which 14 weeks is obligatory: up to two weeks can be used before the expected date of birth. Four weeks are referred to as 'additional Maternity leave'.
- Eight weeks in the case of baby's death.

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 (but not employers), with some additional finance from the State to cover pension contributions.

Flexibility in use

- The non-obligatory part of Maternity leave can be combined with part-time working, with payment proportional to the working time.
- After the obligatory period of 14 weeks leave, the remaining entitlement can be transferred to the father.

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

- Insured employees, including all employees and self-employed women covered by social security insurance at the start of leave.

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

- In the case of multiple births, leave is extended to 37 weeks for twins, 39 weeks for triplets, 41 weeks for quadruplets and 43 weeks for quintuplets. Six weeks of this supplementary leave for multiple births is referred to as 'additional Maternity leave'.

b. Paternity leave

Length of leave

- Two weeks.

Payment and funding

- Hundred per cent of average earnings for 12 months before birth, with no ceiling on payments.

Eligibility

- Insured employees, including all employees and self-employed men covered by social security insurance at the start of leave.

Flexibility in use

- It can be taken any time during 12 months after the birth of a child.

c. Parental leave (*urlop wychowawczy*) (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*) is paid to parents taking leave as a supplement to family benefit. A sum of PLN400 (€93¹⁰⁶) per month is paid if monthly household income per capita does not exceed PLN552 (€128). 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.

¹⁰⁶ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

- During the Parental leave period, parents may be employed and claim parental allowance, if working does not prevent them from caring for their children. A parent working while on leave can be employed by a different employer.

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

- Employees with a work record of at least six months.

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

- Leave may be extended for another 36 months if a child is disabled or chronically ill and requires care, but can be taken no later than the child's eighteenth birthday. A payment of PLN583 (€135) per month is made in these cases and the payment period can be extended up to 72 months.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children.
- Parental allowance is paid if the adopted child is seven years old or younger.

Time off for the care of dependants

- An employee can take leave of up to 14 days per year to provide personal care for a family member, paid at 80 per cent of earnings.
- An employee can take leave to care for a child up to eight years of age (14 years if the child is disabled or chronically ill) in the case of an unforeseen closure of a nursery school, kindergarten, or school; or the illness or childbirth of the spouse caring permanently for the child. This leave is also paid at 80 per cent of earnings for up to 60 days.

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Poland is nearly 3½ years, but most of this is means-tested and low paid; leave paid at a high rate runs for only 5 months. There is no entitlement to ECEC, but it is compulsory to attend ECEC (for one year) or to enter school from 6 years. So there is a gap of some 2½ years between the end of leave an ECEC entitlement and over 5 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 years are well below the average for the countries included in this review and for OECD countries. For

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

3. Changes in policy since April 2011 (including proposals currently under discussion)

Poland is in the middle of changes in leave policy, starting in 2010, when 'additional Maternity leave' of two weeks and Paternity leave of one week were introduced. These were increased to four weeks (six weeks in the case of multiple births) and two weeks respectively on 1 January 2012. Maternity leave will be further extended in 2014. The financial crisis, with its consequences for the public budget, has not affected this process of changes. There were reductions in spending on many governmental programmes but not for the ones related to leave policy.

4. Take-up of leave

a. Maternity leave

There are no regular statistics on use of Maternity leave, though it is obligatory to take leave. Data on maternity allowances provided by the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) refer to the number of days paid and cannot be used to calculate the number of users. It is likely that, due to the increase in the number of births since 2004, the number of mothers on Maternity leave in Poland also increased, and the number of days of Maternity leave used in a year has been rising: from 22,262 days in 2004 to 29,999 in 2007, 35,125 in 2008, 39,608 in 2009, to 42,624 in 2010; in 2011, it fell back to 41,594, due to a decline in the number of births..

The average payment has risen from PLN42.49 (€10) a day in 2005 to PLN72,58 (€17) in 2012. The main reason for this rise in the average payment is increased earnings in Poland.

There is no information on the number of fathers who take a period of Maternity leave.

b. Paternity leave

Statutory leave entitlement was only introduced in 2010. The first data on take-up indicate that 16,600 out of 100,000 entitled fathers took advantage of the leave in the 12 months up to August 2011; in the next 8 months, the number of fathers taking leave was 14,200, implying an increasing take-up rate.

c. Parental leave

There are no regular and coherent government statistics on the use of Parental leave and parental allowances. Statistics show the number of parents taking leave declined from 336,000 in 1993 to 139,000 in 2000; a major reason for this fall was the rapid decline in fertility, the number of births dropping from 547,700 in 1990 to 378,300 in 2000. Another source shows that the number of persons returning to work from Parental leave and unpaid leave declined steadily from 49,000 in 2000 to 41,000 in 2002 and 35,000 in 2005.

Other statistics refer to the monthly average numbers receiving 'parental allowance', the supplement to family benefit paid to parents taking Parental leave: these have declined from 164,000 persons in 2000 to 63,000 in 2003. Reforms of family benefits implemented in 2004 increased the numbers to 140,000 in 2005 but they fell back to 130,668 in 2006, 126,178 in 2007, 125,100 in 2008 and 121,200 in 2009. The average amount of the 'parental allowance'

has also been decreasing in recent years, from PLN403.56 (€94) per month in 2005 to PLN381.90 (€89) in 2008; but in 2009, there was a small increase to PLN385.88 (€90).

Summing up, the available official statistics do not show the incidence of Parental leave among parents entitled to take leave, the proportion of parents who receive parental allowance, or the average duration of leave; and despite the fact that fathers are entitled to Parental leave since 1996, no data about take-up are collected.

A more precise picture of take-up of Parental leave comes from analyses of data collected in the second quarter of 2005 using a module added to the Labour Force Survey (Kotowska and Baranowska, 2006; Matysiak, 2007¹⁰⁷). 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; according to the National Statistics Office, in 2010-11 20,174 two-year-olds were in nursery, compared to 192,588 children three-year-olds who were in kindergarten. These figures for attendance at ECEC are low compared to other EU Member States. In addition, no childcare subsidies are offered to families. The estimated cost of childcare to a minimum income earner ranges from 23 per cent of earnings to 82 per cent and for a person with an average monthly income from 8.5 per cent to 30 per cent. Childcare is therefore less

¹⁰⁷ Kotowska I.E. and Baranowska, A. (2006) *Praca a obowiązki rodzinne w 2005 r.* [Work and family in 2005, Information and Statistical Analyses]. Warsaw: Central Statistical Office; Matysiak, A. (2007) 'Organizacja czasu pracy i opieki' ['Work and care'], in: I.E. Kotowska, U. Sztanderska and I. Wóycicka (eds.) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne* [Economic and educational activities and family]. Scholar Publishing Company.

affordable to single and/or minimum income families and/or for families with more than one child requiring childcare.

If one also takes into account the rather inflexible work arrangements and the limited provision of part-time work, it is clear there are strong incompatibilities between work and parenthood in Poland. The family policy can be labelled as an 'imposed home care' model: employed parents have mostly to rely on themselves and support of relatives to ensure childcare. In the 2005 survey, nearly 45 per cent of mothers of children below three years of age, who were not in work, state that difficulties in reconciling work and care for small children were the main reason for their decisions to stay out of the labour market. At the same time, nearly one-third of mothers could not find a job.

In the largest Polish survey *Diagnoza Społeczna*, published in 2011, the respondents were asked to select a solution that would facilitate the reconciliation of work and family responsibilities (Czapiński and Panek, 2011). Even though the length of Maternity leave has increased in recent years, longer leave was most often given as the best solution for reconciling work and family life, both by women (26 per cent) and men (20 per cent). The next most frequently cited solution was flexible working time (26 per cent women, 23 per cent men), followed by 'better opportunities for outside home care for young children (up to 7 years)' (16 per cent of respondents). One in ten of both women and men chose prolongation of paid Parental leave as the best method.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Recent years have brought a rising interest in leave policies and work–family arrangements both in research and public discourse. Studies of developments in family life and changes in family policy in Poland have been carried out, often taking a comparative perspective and referring to EU policy. Labour market developments and their possible impacts on family behaviours, as well as the effects of leave policies on employment careers, have also received attention. Moreover, in studies on reconciling work and family life, gender issues and the role of employers are increasingly under consideration.

Another important development in research on family policy is an increasing use of sample surveys designed to study opinions on existing policy measures, the use of these measures and support for different policy options.

b. Selected publications since April 2011

Czapiński J. and Panek T. (eds.) (2011) *Diagnoza społeczna [rok]*. Available at: <http://www.diagnoza.com/index.html>

The Social Diagnosis is a panel-based project in which households and their occupants aged 16 years and over are regularly returned to in order to gather data on the households and the attitudes, mind-sets and behaviours of their members. It provides large-scale survey information on living conditions in Poland. Part of the 2011 survey was devoted to the problem of reconciliation of work and family life.

Smóder, A. (2012) 'Flexible forms of work as a tool for work-life balance', *Polityka Społeczna*, No 1.

The article examines the issue of Work-Life Balance and argues that flexible forms of work can become an important tool in building this balance. However, these forms are not used in

Poland on a large scale. One of the major obstacles in this regard is limited knowledge on this subject, both among workers and employers.

c. Ongoing research

None reported.

Portugal

Karin Wall and Mafalda Leitão (University of Lisbon)

April 2012

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

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

Note on terminology: a new Labour Law came into effect in May 2009 and major changes were introduced in leave policy (see details in 2009 review). 'Maternity leave' has been replaced by the 'Initial Parental Leave'; 'Paternity leave' and 15 days optional Parental leave for fathers has been replaced by 'fathers-only Parental leave' (20 days) and a 'sharing bonus' was introduced (see below).

a. Initial Parental leave (*licença parental inicial* – formerly 'Maternity leave', see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

Length of leave (before and after birth)

- One hundred and twenty or 150 calendar days, depending on payment level (see 'payment and funding' below). It is obligatory for the mother to take 45 days (six weeks) following the birth; the remaining period may be divided between parents by mutual agreement. An extra 30 days ('sharing bonus') is available if both parents share the leave. See 'flexibility' below for options available to parents.

Payment and funding

- One hundred and twenty days at 100 per cent of earnings or 150 days at 80 per cent of earnings, with no ceiling on payments, if parents do not meet the gender sharing criteria; or 150 days at 100 per cent of earnings or 180 days at 83 per cent of earnings, with no ceiling on payments, if parents meet the gender sharing criteria.
- When level of earnings is very low there is a minimum payment of €11.18 per day.
- Funded by the Social Security system, financed by contributions to social security from employers and employees. The total amount of this contribution is 34.75 per cent of the employee's gross monthly salary. Employers contribute 23.75 per cent and employees 11 per cent. Additionally funded from general taxation for cash benefits where there is no record of contributions or insufficient contributions, e.g. social parental benefit (see 'eligibility').

Flexibility in use

- Mothers have the option to take up to 30 days of Initial Parental leave before birth; 45 days immediately after birth are obligatory for mothers ('mother's-only Initial Parental leave', *licença parental inicial exclusiva da mãe*).
- Initial Parental leave may be taken in the following ways: 1) the mother (or the father, after the mother's obligatory 45 days) may take all 120 days at 100 per cent of earnings or all 150 days at 80 per cent of earnings, i.e. there is no sharing of leave; 2) parents may divide between themselves 150 days at 100 per cent of earnings on condition the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or *vice versa*); 3) parents may divide between themselves 180 days at 83 per cent of earnings on condition the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or *vice versa*).

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

- All employees – female or male – with a record of six months (continuous or intermittent; the latter is only possible if the period without contributions is below six months) of insurance contributions. Mothers and fathers who have no record of contributions or insufficient contributions are entitled to a monthly benefit ('social parental benefit'), but only if their family income is below 80 per cent of the Index of Social Support (€419.22 in 2011). The amount and duration of this benefit is €335 for 120 consecutive days and €268 for 150 consecutive days if parents do not meet the sharing criteria; if parents meet the sharing criteria, benefit is paid at €335 for 150 consecutive days and €276 for 180 consecutive days.
- Self-employed workers who contribute to social security and unemployed women/men receiving unemployment benefit.

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

- In the case of multiple births, the leave period is extended by one month for every additional child.
- In case of death/mental illness/physical incapacity of the parent who is taking leave at the moment, the other parent is entitled to the (remaining) leave to which the other parent would otherwise be entitled (this is called: 'initial parental leave to be taken by one of the parents in case of the other parent's impossibility'). A minimum of 30 days leave is granted to the father in case of mother's death/mental/physical incapacity.
- A working grandparent is entitled to 30 days leave following the birth of a grandchild to an adolescent still living at home.
- In cases of poor health or health risks for the mother and child, the pregnant mother is entitled to receive maternity benefits before birth for as long as the period of risk lasts (this leave is called 'health risk leave during pregnancy'). This leave does not reduce the 120, 150 or 180 days of Initial Parental leave.

b. ‘Father’s-only Parental leave’ (*licença parental exclusiva do pai* – formerly ‘Paternity leave’, see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

Length of leave

- Twenty working days, 10 of which are obligatory and must be taken during the first month after birth.

Payment and funding

- One hundred per cent of earnings with no ceiling.

Flexibility in use

- Five of those ten days must be taken consecutively immediately after birth.

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

- As Initial Parental leave. Fathers who have no record of or insufficient contributions are entitled to the obligatory paid leave of ten working days as well as to the ten optional working days (daily payment corresponds to 80 per cent of 1/30 of IAS (IAS = €419.22 per month) .

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

- The ten obligatory days will be increased by two days for every additional child in case of multiple births; the same for the ten optional days which father can take while the mother is on initial parental leave.

c. ‘Additional Parental leave’ (*licença parental complementar* – formerly ‘Parental leave’, see note on terminology) (responsibility of the Ministry of Solidarity and Social Security)

Length of leave

- Three months per parent. Leave is an individual entitlement.

Payment and funding

- Twenty-five per cent of average earnings for three months for each parent, but only if taken immediately after the Initial Parental leave
- Payment can only be made to one parent at a time.

Flexibility in use

- 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

- None.

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

- If the three months are taken as unpaid Parental leave they can be taken by both parents at same time. However, when both parents work for the same employer, the employer has a right to postpone the leave of one of the parents.

d. Childcare leave or career breaks

- After Additional Parental leave, and only if this leave has been taken, one of the parents may take up to two years of 'childcare leave' (*licença para assistência a filho* – formerly 'Special Parental leave') on a full-time basis, extended to three years when there is a third or subsequent child. The leave is unpaid. However, unlike 'Additional Parental leave', which is an individual entitlement, this special leave can only be taken by one parent who must prove that the other partner is employed or incapable of working. Moreover, while parents on 'Additional Parental leave' continue to be considered as employees with full rights and guarantees as if they were working (for example, they continue to be entitled to holidays which they can take at the end of the leave period), in the case of 'childcare leave' (and of leave to care for handicapped or chronically ill children), there is a suspension of the work contract: all rights and guarantees are suspended but the worker's right to return to his/her job is safeguarded. The period of childcare leave is also taken into account in the calculation of old age and invalidity pensions.

e. Other employment-related measures

Adoption leave and pay

- In cases of adoption of a child less than 15 years old, the adopting parent is entitled to leave on the same conditions (length and payment) as for Initial Parental leave. If there are two adopting parents, the leave may be divided between them. In case of multiple adoptions leave will be extended by 30 days for every subsequent child adopted. In case of death of the adopting parent, leave may be transferred to the spouse, who can take as an alternative a minimum of 14 days leave.

Time off for the care of dependants

- Up to 30 days per year can be taken to care for sick children under the age of 12 years, with no age limit in the case of a child who is chronically ill or disabled; plus 15 days per year to care for a sick child above age 12 (if older than age 18 the child must belong to same household). This is a family entitlement to be divided between parents as they choose, and is paid at 65 per cent of earnings. Both entitlements are increased by one day for every second and subsequent child. If the child under the age of 12 years is in hospital care, this entitlement lasts for as long as the child is in hospital.

- Up to 15 days unpaid leave per year to care for a spouse or a close relative (parents, grandparents, siblings, even if not living in the same household). Workers in the public sector are entitled to five-sixths of their earnings.
- An extra 15 days unpaid leave per year to care for a severely handicapped or chronically ill spouse.
- Grandparents are also entitled to take leave from work in order to substitute parents in caring for sick children; they may take the same number of days parents are entitled to or take the remaining days that parents have not taken from their leave entitlement.
- When there is a severely handicapped or chronically ill child, including adopted children and living-in stepchildren, one of the parents is entitled to six months leave (*licença para assistência a filho com deficiência ou doença crónica – leave to care for a handicapped or chronically ill child*), which may be extended to four years. This leave can only be taken by one of the parents and it is paid at 65 per cent of earnings, with a maximum payment per month equivalent to two times the amount of IAS (2 x €419.22). (see 1b).

Flexible working

- Parents are entitled to two hours ‘nursing’ leave per day during the first year after birth, with no reduction of earnings (*dispensa para amamentação e aleitação – leave to breastfeed or to feed*). These two hours of nursing leave can be a family entitlement if mothers do not breastfeed their child. In this case, leave may be taken by one parent, either the mother or the father, usually in two different periods: one hour in the morning and one hour in the afternoon (unless negotiated otherwise with the employer). Parents may also share the nursing leave by taking one hour each per day. In cases of multiple births, leave is increased by 30 minutes for every child. Where mothers are actually breastfeeding, the two hours reduction can last for as long as the child is breastfed.
- If there is a handicapped or chronically ill child below one year of age, one of the parents (as long as the other is employed) may also apply for a five-hour reduction in the working week.
- Parents are entitled to four hours leave per school term to go to their children’s school until children reach 18 years of age, with no reduction of earnings.
- Adopting parents are entitled to miss work (up to three times) in order to be present at meetings related to the adoption.
- Fathers are entitled to miss work (up to three times) to accompany their spouses in pre-natal appointments.
- Parents with children below 12 years (no age limit in the case of a child who is chronically ill or disabled living in the same household) are entitled to ‘flexible working’ which means that the employee may choose, within certain limits, when to start and finish daily work. Employees may work up to six consecutive hours and up to ten hours daily as long as the normal weekly hours of work are fulfilled. Both parents are entitled to this ‘flexible working schedule for an employee with family responsibilities’.
- Also where there are children below 12 years (no age limit in case of a child who is chronically ill or disabled living in the same household), one of the parents (or both for alternative periods of time) is entitled to part-time work after taking Additional Parental leave (‘part-time work for an employee with family responsibilities’). Part-time work can be taken on the following basis: working half-time during five days a week or working three full days per week. Employers and employees can agree on another basis. Part-time work may be extended up to two years (three years in the case of third and subsequent child, four years in the case of chronically ill or disabled child).

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

The maximum period of total post-natal leave available in Portugal, including two years of 'child care leave', is 3 years, but most of this is low paid or unpaid. Leave paid at a high rate lasts for up to 6 months, ending after 'Initial Parental leave' (5-6 months after birth, depending on gender sharing of leave). Since 2009, there is an entitlement to ECEC from 5 years of age, in nursery education available for 8 hours a day. So there is a gap of around 2 years between the end of leave and an ECEC entitlement, and of 4½ years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are above the average for the countries included in this review and for OECD countries; and around average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

The agenda of the new government (a centre-right wing coalition government elected in June 2011) does not propose any changes in leave policies. However, it recognizes the importance of the issue of work/family balance and the need to increase the number of places in services for children below age 3. It proposes to do this by changing the legislation regulating crèches in order to allow the latter to increase the number of children per classroom: up to 10 children per room below age 1 (formerly 8), up to 14 children per room between age 1 and 2 (formerly 10) and up to 18 children per room between age 2 and 3 (formerly 15).

Some parliamentary groups (Left Wing Bloc) are proposing changes in the leave system, namely an increase in father's compulsory leave from 10 to 15 days and an increase in earnings compensation for the initial Parental leave (100 per cent for 6 months instead of 83 per cent).

4. Take-up of leave

a. Initial Parental Leave (formerly maternity leave)

The total number of paid Initial Parental leaves has remained stable: 80,484 in 2010 (for a total of 101,381 births, take-up of 79.4 per cent) and 81,300 in 2011 (for an estimated 97,112 births, take-up of 84 per cent). These figures include: mothers and fathers with a sufficient record of social security contributions, entitled to 80-100 per cent of earnings compensation; as well as mothers and fathers with no record or an insufficient record of social security contributions, who are only entitled to a flat-rate benefit (see 1a for benefit eligibility). The latter represent 20 per cent of the total number of paid Initial Parental leaves. There has been an increase in the number of parents claiming this flat-rate benefit introduced in 2008 (16,008 in 2011, up from 7,257 in 2008).

b. Initial Parental Leave and Sharing Bonus

In 2011, 79 per cent of Initial Parental leaves were taken without the gender sharing bonus and 21 per cent was divided between both parents with entitlement to the sharing bonus (meaning that the father took at least 30 days of leave alone, without the mother, or *vice versa*).

Initial Parental leave taken without the gender sharing bonus is nearly all taken by mothers, with half of the leave taken for a period of 4 months (52 per cent) and the other half for 5 months (48 per cent).

Initial Parental leave taken with the “sharing bonus” has to be shared between both parents. Although only the first six weeks have to be taken by the mother, in practice nearly all parents divide the leave between themselves by allocating 4-5 months to the mother and one month (the last month of Initial Parental leave, when the mother goes back to work) to the father. Among these couples, 59 per cent (9,919) in 2011, compared to 58 per cent in 2010, chose the longer leave period (6 months paid at 83 per cent of earnings), while 41 per cent (6,800) preferred the 5 months option (paid at 100 per cent of earnings). This would seem to indicate that parents are choosing to stretch the period of leave to six months even if they receive a slightly lower level of earnings compensation.

Data on the ‘sharing bonus’ since it came into effect in May 2009 shows a strong initial increase in take-up in 2009 and 2010 (from 596 fathers who shared maternity leave in 2008 to 16,391 fathers sharing Initial Parental leave in 2010); then only a slight increase in 2011, with 16,719 fathers staying at home for 30 or more days, on their own, during the five or six months of leave. This represents 21 per cent of all Initial parental leaves, up from 20 per cent in 2010.

c. ‘Father’s-only parental leave’ (formerly “Paternity leave”)

Since 2002 there has been a steady increase in the take-up of Paternity leave. The five day Paternity leave (introduced in 1999 and made obligatory in 2004) was used in 2000 by 11 per cent of fathers, increasing to 27 per cent in 2002 and to 36 per cent in 2003. Since then, the proportion of fathers who take Paternity leave has increased by about 2 per cent per year: 37 per cent in 2004, 39 per cent in 2005, 41 per cent in 2006, 45 per cent in 2007 and 2008. These percentages are based on the number of fathers who take leave in relation to the number of births; but in relation to the number of women eligible for Maternity leave, the proportion of fathers taking five days Paternity leave had increased to 62 per cent in 2008. It should also be noted that take-up is underestimated as these statistics exclude employees with special social protection regimes, e.g. civil servants, bank workers.

The same trends may be observed for the 15 additional Paternity leave days (the optional ‘Daddy days’ introduced in 1999). In 2001 only 4 per cent of fathers chose to take the 15 days and this increased to 14 per cent in 2002 and to 24 per cent in 2003. Since then, and up until the 2009 policy reform, take-up rates increased steadily: to 28 per cent in 2004, 30 per cent in 2005, 33 per cent in 2006, 37 per cent in 2007 and 2008.

In 2009, when ‘Paternity leave’ became ‘father-only Parental leave’ and 10 days became obligatory, take-up of leave increased to 56 per cent for the 10 compulsory days and 47 per cent for the additional 10 days. In 2010 and 2011 take up increased again, first to 62 and then to 68 per cent for the 10 compulsory days and first to 52 and then to 57 per cent for the 10 optional days (percentages based on the number of fathers who take leave in relation to the number of births). If, again, take-up is calculated in relation to the total number of Initial Parental leaves granted, then the proportions in 2010 and 2011 increase to 79 and 81 per cent for the ten obligatory days and to 66 and 68 per cent for the ten optional days.

d. ‘Additional Parental leave’ (formerly Parental leave)

Take-up of Parental leave is still low even if it has also increased since payment was introduced in 2009 (at 25 per cent of average earnings, if taken immediately after the Initial Parental Leave). In 2009 only 1,251 parents took paid ‘Additional Parental leave’, more

women (804 mothers, 66 per cent of the total) than men (411 fathers, 34 per cent). In 2010 1,851 parents took paid 'Additional Parental leave', but women took an increased share at 83 per cent. In 2011, 2041 parents (2.5 per cent of all parents who were granted Initial Parental leave) took this leave and women's share again increased (1,734 mothers, 85 per cent of all taking this leave).

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Most research has been on the broad question of the reconciliation of work and family life rather than specifically on leave policy, though most studies include information on such policies.

b. Selected publications since April 2011

Ferreira, V. (2009) 'The Socialization of Motherhood Costs: Looking for New Strategies', in: I. Trapenciere, E.M. Tiit and J. Trost (eds.) *Family on the Crossroads*. Riga: University of Latvia, Institute of Philosophy, pp.72-83.

This chapter analyses the costs of Maternity and Paternity leave for individuals, employer organizations and the State.

c. Ongoing research

Workcare Synergies: Mapping work-care orientations for gender equality in private and public contexts- Dissemination of Synthesized Framework Programme Research Findings (2011-2012). Anália Cardoso Torres (coordinator), Bernardo Coelho / Isabel Sousa. Funded by the European Union 7th Framework Programme.

The project will collect, select and prepare relevant findings from different existing EU Framework Programme projects in the form of (theme-specific and target-group oriented) discussion materials and other dissemination tools (e.g. film, newsletter, folder, poster, homepage, etc.) to make existing research findings available to NGOs, policy makers, trade unions, labour representatives, regional organizations and services, companies, other local actors, interested parties, etc. in local dissemination events and summarize material and discussion results for publication. Altogether, local dissemination events will present relevant research findings from 20 research projects within the EU Framework Programmes and initiate their discussion in a local context. All deal with questions of work-care, i.e. how families in different societal frameworks and settings combine their work and (child-)care responsibilities. More information available at:

<http://workcaresynergies.eu/work-care-and-gender-equality-in-private-and-public-contexts/>

Changes in parental leaves and their impact on men's experiences of leave (2012-2014).

Karin Wall (Coordinator), Sofia Marinho and Mafalda Leitão. ICS, University of Lisbon.

This qualitative research project draws on in-depth interviews with fathers who took up the 'sharing bonus' introduced in the 2009 leave policy reform (see Section 1a.).

Russian Federation

Zhanna Kravchenko (Södertörn University)

April 2012

NB. The Russian Federation is a federal state.

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

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

a. Maternity leave (отпуск по беременности и родам) (responsibility of Ministry of Healthcare and Social Development)

Length of leave (before and after birth)

- Seventy calendar days before and 70 calendar days after childbirth.

Payment and funding

- One hundred per cent of average earnings during 12 months before the beginning of the leave, up to a ceiling of RUB36,563 (€899¹⁰⁸) per month.
- Employed women with a work record of less than six months receive the minimum wage of RUB4,611 (€113) a month.
- Unemployed women are entitled to a payment in the amount of RUB465.20 (€11) per month.
- Funded by the employer and/or Social Insurance Fund, which is largely financed from employers' contributions, supplemented by transfers from the federal budget and the Mandatory Health Insurance Fund.

Flexibility in use

- None.

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

- All insured women (including self-employed) and military personnel.

¹⁰⁸ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

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

- In 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 RUB14,625 (€360) per month and with a minimum payment of RUB2,326 (€57). The minimum payment is increased to RUB4,651 (€105) for a parent on leave with a second and all subsequent children, up to a ceiling of RUB9,303 (€229).
- For employed parents with children between 18 and 36 months, a payment of RUB50 (€1) per month is also provided. Women who became unemployed while on parental leave because their employer closes down and do not receive unemployment benefits are also eligible.
- Unemployed women are provided with the minimum payment (i.e. RUB2,326 (€57) for one child, RUB4,651 (€114) for all subsequent children) only if they became unemployed because their employer closes down during 12 months prior to them registering as unemployed.
- The payments are not taxable.
- Funded by the Social Insurance Fund for insured workers, and from the state budget for those who are not insured, e.g. students, unemployed.

Flexibility in use

- Parents taking leave may work part time.

Regional or local variations in leave policy

- The 89 regional governments can determine the level of payment within the maximum and minimum levels set by the central government (currently between RUB2,326 (€57) and RUB14,625 (€360)). There is further scope for regional variations, e.g. regional governments may provide additional payments from regional budgets; or link payments to the order of births, increasing payments with each subsequent child; or target special groups of the population; and/or make these payments means-tested. Regional governments may also vary the period of payment: they may increase the payment during the first 18 months or during the period between 18 and 36 months.

For instance, in 2011 St Petersburg city administration provided additional payments to all parents during the first 18 months after birth of RUB2,116 (€52) after the birth of a first child, and RUB2,730 (€67) after the birth of a second or subsequent child. These amounts were increased for certain families (i.e. single mothers, families with children with disabilities and parents in the military service) by RUB2,389 (€59) and RUB2,730 (€67) respectively.

In Moscow, on the other hand, the city administration introduced additional payments for parents of children between 18 and 36 months: RUB1,600 (€39) to all families, RUB2,400 (€59) to parents in the military service, RUB3,200 (€79) to single mothers/fathers.

- 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 entitlement.

e. Other employment-related measures

Additional payments

- A lump-sum payment in the amount of RUB465.20 (€11) to mothers who registered themselves at the local healthcare centre at the early stage of pregnancy (earlier than 20 weeks).
- A lump-sum payment in the amount of RUB12,405 (€305) related to childbirth. The size of the payment may vary in the regions, increasing with the increase of the order of births and/or targeting special types of families, i.e. single mothers, families with children with disabilities, families of men in the military service.
- The payments are provided by the employer (for employed women), husband's employer (unemployed women) or the Social Security Fund through the local social assistance centre (*управление социальной защиты населения*) if both parents are unemployed.

Adoption leave and pay

- The same regulations as for other parents, without pre-birth paid leave.

Time off for the care of dependants

- The length of paid leave to care for a sick child under the age of 15 years varies according to the previous employment record of the parent and the age of the child. For a child under the age of seven years, up to 60 days leave may be taken per year, with 45 days for 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

- Before Maternity leave or immediately afterwards, employed women are entitled to an annual paid vacation regardless of length of employment.
- Mothers of children younger than 18 months are entitled to take breaks during work to rest and feed their children, with no reduction of earnings. These should be taken not less than once every three hours, and for no less than 30 minutes.
- Employees with two and more children under the age of 14, parents of disabled children under the age of 18, and single parents with children younger than 14 may establish a collective agreement with the employer and receive annual unpaid leave of up to 14 days.
- All regulations are established in the Labour Code and costs are carried by employers.

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

The formal entitlement to ECEC is established in the Federal law 'On education' No. 3266-1 from 10.07.1992, art.5. The law guarantees access to free early childhood education provided in state and municipal facilities in accordance with state educational standards. By the Edict of the Government of the Russian Federation No. 666 from 24.09.2008, children between 2 months and 7 years old are entitled.

There is no comparative information available on levels of attendance at formal ECEC services. According to national statistics, in 2006, 57.6 per cent of all children were enrolled in ECEC, with the highest enrolment rate in the North-western Federal District, 72.6, and the lowest in rate of 40.4 in the Southern Federal District.¹⁰⁹ ECEC provision can be made on a full-time basis (12 hours per day), reduced basis (8-10 hours), extended basis (14 hours), short-time basis (3-5 hours) and 24 hour basis.¹¹⁰ The majority of services are provided on a full-time or reduced basis, with only 11.9 per cent on a short-time basis and 3.5 per cent on the 24-hours basis.¹¹¹ The Presidential Decree No. 599 from 09.05.2012 established the goal to provide an opportunity for enrolment to 100 per cent of children between 3 and 7 years old by 2016.

The maximum period of post-natal leave available in the Russian Federation is 3 years, but the last 18 months is paid at a very low flat rate, and most of the first 18 months is paid at a relatively low rate; only during the first 10 weeks after birth is leave paid at a high rate. However, as there is an entitlement to ECEC from 2 months of age, there is no gap between

¹⁰⁹ Statistika rossiiskogo obrazovaniia (2012). *Doshkol'noe vospitanie*. Available at: <http://stat.edu.ru/>.

¹¹⁰ Rosstat (2011) *Statistical Yearbook*. Data provided for 2009. Online, available at [http://www.gks.ru/wps/wcm/connect/rosstat/rosstatsite/main/publishing/catalog/statisticCollections/doc_1135087342078], accessed 10 May 2012.

¹¹¹ Rosstat (2011)

the end of high paid leave and an ECEC entitlement, at least in theory. There is, however, no official data on waiting lists or other indicators of unmet demand to show if this entitlement to ECEC from a very early age can be implemented in practice.

3. Changes in policy since January 2010¹¹² (including proposals currently under discussion)

One of the most significant policy initiatives realized as a part of demographic policies is the introduction of 'maternal capital' in 2007. With the birth of a second and higher order children, mothers (families) became entitled to a payment of RUB250,000 (€6,150). The payment is annually adjusted to inflation and in 2012 is RUB387,640 (€9,536). Regional governments are encouraged to introduce additional payments.

The payment can be used when the child is 3 years old; as a result the first payments were initiated in 2010. The payment can be used in several ways: 1) to improve family housing conditions, i.e. paying directly for construction, reconstruction or a part of bank loan for purchasing accommodation under the condition that children's property rights will be established; 2) to pay for child/ren's education (preschool, school, higher education); 3) to contribute to mother's retirement insurance. In essence, the latter is aimed to compensate for mother's career break as all social security payments are not taxable and therefore are not accounted in calculation of pension.

The payment is managed by the Pension Fund, which has reported that since 2007 3.4 million families have registered their right to receive the payment. It remains to be seen whether this policy measure will in fact increase fertility or simply affect the timing of births that would have occurred even without the 'maternal capital'. It is also yet to be seen how it will affect the wellbeing of families with children. Since 2010, of 257,000 families who have already decided how they will use the payment, around 92 per cent have chosen to pay housing loans, 7.8 per cent child/ren's education, and 0.3 per cent mother's retirement insurance¹¹³.

4. 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 entitlement.

c. Parental leave

Data are scarce and come from social surveys rather than official statistics. The Max Plank 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 months¹¹⁴, or roughly 30 per cent of the potential time.

¹¹² Policy developments are given since the 2010 review since the country note was not updated in 2011.

¹¹³ The Pension Fund of the Russian Federation (2012) *Press release, 23 January, 2012*. Available at: http://www.pfrf.ru/press_center/41439.html.

¹¹⁴ Max-Plank-Gesellschaft (2006) *The Contextual Database of the Generations and Gender Program*. Available at: <http://www.demogr.mpg.de>.

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 child¹¹⁵. There is no information on the use of leave by fathers.

4. Research and publications on leave and other employment-related policies since January 2010

a. General overview

With a few exceptions, research specifically focused on Parental leave is rare; means-tested elements of family policy and childcare provision received more attention. However, research has placed Russia in the broader context of East European countries demonstrating the embeddedness of Parental leave provisions in the system of gender and family relations (Robila 2012a, b).

Most of the research on family policy in general, and leave policies in particular, is concerned with the effect they have on work and care reconciliation, and on fertility intentions and behaviour. For instance, while Kravchenko (2012) examines the role of institutionalized public financial transfers and services from the perspective of everyday care practices, Ovcharova (2010) draws attention to the effect they have on alleviating poverty of families with children. When analysing the effectiveness of leave provisions on women's attachment to labour market and fertility, Gerber and Perelli-Harris (2012) demonstrate that they played a more important role during the post-Soviet turbulent economic transformation than during the period of Soviet planning economy. Rotkirch and Kesseli (2012), also concerned with the effect of policies on reproductive norms and practices, reveal that discrepancies between the desired and actual number of children are partly determined by perceptions of policy design.

Research on early childhood education and care explores the results of the changes that took place in the system of public education and social norms on division of responsibilities for childcare between the private and public providers. Gradskova (2012) discusses the role of public ECEC in contemporary educational discourses, the embeddedness of these discourses in understanding of children's well-being and the efforts of public authorities to promote this well-being. Sätre (2012) illuminates the prospects for new market-based forms of care provision that can potentially relieve women's double burden, and explores how masculinity and femininity are constructed through organization of care practices in the context of highly competitive market economy. Finally, while statutory entitlements for fathers do not exist and most of research is focused on the effect leave provisions have on mothers' social practices, Sizova (2012) explores the policy efforts directed specifically toward fathers, including provisions for care, with a special attention to similarities and differences with other European countries.

b. Selected publications since January 2010

Gradskova, Y. (2012) 'Supporting genuine development of the child: public childcare centers versus family in Post-Soviet Russia', in: H. Carlbäck, Y. Gradskova and Zh. Kravchenko (eds.) *And They Lived Happily Ever After: Norms and Everyday Practices of Family and*

¹¹⁵ 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.

Parenthood in Russia and Eastern Europe. Budapest: Central European University Press, pp.165-184.

Kravchenko, Zh. (2012) 'Everyday continuity and change: Family and family policy in Russia', in: H. Carlbäck, Y. Gradszkova and Zh. Kravchenko (eds.) *And They Lived Happily Ever After: Norms and Everyday Practices of Family and Parenthood in Russia and Eastern Europe*. Budapest: Central European University Press, pp. 185-206.

Ovharova, L. (ed.) (2010) *Determinanty reproduktivnogo povedeniia naseleniia i factory semeinogo neblagopoluchiia: rezul'taty penel'nykh issledovaniia* (collective monograph). Moskva: Moskovskii obschestvennyi nauchnyi fond.

Robila, M. (2012a). 'Family policies in Eastern Europe: A Focus on Parental Leave'. *Journal of Child and Family Studies*, 21(1), 32-41

Robila, M. (2012b). 'Family policies in international perspectives'. *Special Section Editorial, Journal of Child and Family Studies*, 21(1), 1-3

Rotkirch, A. and K. Kesseli (2012) 'Two children puts you in the zone of social misery: childbearing and risk perception among Russian women', in: H. Carlbäck, Y. Gradszkova and Zh. Kravchenko (eds.) *And They Lived Happily Ever After. Norms and Everyday Practices of Family and Parenthood in Russia and Eastern Europe*. Budapest: Central European University Press, pp. 143-164.

Sizova, I.L. (2012) "'Novoe ottsovstvo" v svete traditsii i innovatsii semeinoi politiki v Evrope' ["'New fatherhood" in the light of tradition and innovation in family policy in Europe'], *Zhurnal sotsiologii i sotsial'noi antropologii*, Vol.15, No.1: 86-102.

Sätre, A-M. (2012) 'Gendered experiences in entrepreneurship, family and social activities in Russia', in: H. Carlbäck, Y. Gradszkova and Zh. Kravchenko (eds.) *And They Lived Happily Ever After. Norms and Everyday Practices of Family and Parenthood in Russia and Eastern Europe*. Budapest: Central European University Press, pp. 297-318.

Gerber, T. and Perelli-Harris, B. (forthcoming 2012) 'Maternity leave in turbulent times: effects on labor market transitions and fertility in Russia, 1985-2000'. *Social Forces*

c. Ongoing research

None reported.

Slovenia

Nada Stropnik (Institute for Economic Research, Slovenia)

April 2012

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

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

a. Maternity leave (*porodniški dopust*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave (before and after birth)

- One hundred and five calendar days (15 weeks): four weeks (28 days) before the birth and 11 weeks following birth. It is obligatory to take leave.

Payment

- Hundred per cent of average earnings, based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave. If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage is taken into account for the missing period. There is no ceiling, and the minimum is 55 per cent of the minimum wage. 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 €420 to €801 per month), depending on the period they have been insured for in the last three years.
- Funded partly from Parental leave insurance that forms part of social security insurance; contributions to Parental leave insurance are 0.1 per cent of gross earnings for employees and the same for employers. In 2008, Parental leave insurance covered 11 per cent of leave costs (estimated); the remaining costs came from the state budget.

Flexibility in use

- The part unused before the birth may be claimed after childbirth if the birth took place before the envisaged date.

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

- See 'payment' for insurance conditions for payment.

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

- Leave can be delegated to the father or another person (who nurses and cares for a child in accordance with the decision of the Centre for Social Work or the judgement or provisional order of the court) if the mother dies, abandons the child or is incapable of living and working independently.
- The father or one of the grandparents is also entitled to Maternity leave with the mother's consent in cases where the mother who gives birth to the child is younger than 18 years and has the status of an apprentice, a pupil or a student. In that case, Maternity leave lasts 77 days less the age of the child (in days) when the father or the grandparent commences Maternity leave. The father is entitled to Maternity leave if he actually nurses and cares for the child.

b. Paternity leave (*očetovski dopust*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- Ninety calendar days (about 13 weeks). The first 15 days may only be taken as full-time leave during the child's first six months.

Payment and funding

- During the first 15 days of the Paternity leave, 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 €3,865 per month), with a minimum payment of 55 per cent of the minimum wage (approximately €420 a month). For the remaining 75 days the father is paid social security contributions based on the minimum wage (approximately €169 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 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 contact

with the child; or the child lives with the mother or another person and the father does not nurse or care for the child.

- The father is not entitled to the first 15 days of Paternity leave if he uses Maternity leave.

c. Parental leave (*dopust za nego in varstvo otroka*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- Two hundred and sixty calendar days (about 37 weeks) per family.

Payment and funding

- As for the first 15 days of Paternity leave, i.e. 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 (as for Paternity leave). For persons not insured at the time the leave starts, but who have been insured for at least 12 months in the last three years before the start of leave (Maternity, Paternity or Parental, whichever taken first), see 1a.
- Funding as for Maternity leave.

Flexibility in use

- 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 a 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

No statutory entitlements.

e. Other employment-related measures

Adoption leave and pay

- One hundred and fifty calendar days (about 21 weeks) for a child aged one to four years; 120 days (about 17 weeks) for a child aged four to ten years. Payment and eligibility as for Parental leave.

Time off for the care of dependants

- An insured person is entitled to take leave to care for an immediate co-resident family member (spouse and children, own or adopted) who is ill. Generally, seven working days of leave may be taken for each episode of illness per family, but 15 working days may be taken for a child of up to seven years of age or a moderately, severely or very severely mentally and physically disabled child. Exceptionally, if required due to the health condition of the sick family member, the period may be extended to 14 and 30 working days, respectively, or longer in extreme cases (up to six months).
- Leave is paid at 80 per cent of average earnings over the preceding 12 months. It cannot be lower than the guaranteed wage (approximately €238) or higher than the wage which the person would receive if he/she were working.

Flexible working

- A parent who is taking care of a child below the age of three years, or of a child below the age of 18 years with a severe physical disability or a moderate or severe mental disability, has the right to work part time. The hours worked must be equal to or longer than half full-time working hours. There is no payment, but social security contributions based on the minimum wage are paid for the hours not worked.
- A parent who is taking care of two children may extend the right to work part time, with social security contributions paid based on the minimum wage for the hours not worked, until the younger child reaches the age of six years.
- Breastfeeding mothers who work full time have the right to a break during working time lasting not less than one hour a day. Payment is the same as for Parental leave.

Other

- A parent leaving the labour market in order to take care of four or more children is entitled to have social security contributions (based on the minimum wage) paid from the state budget until the youngest child reaches the age of ten years.

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

The maximum period of continuous paid post-natal leave available in Slovenia is 14 months, and leave paid at a high rate runs for just over 11 months. There is an entitlement to ECEC from the end of Parental leave available on a full-time basis in centres. So there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 years are around the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

In June 2012, the Public Finance Balance Act came into force, introducing austerity measures, after discussion in preceding months. These measures include a decrease in the payment for Parental and Paternity leave from 100 to 90 per cent of the earnings on which Parental leave contributions were paid during the 12 months prior to leave being taken, for parents earning more than €762 a month; those earning less will still receive 100 per cent. The ceiling is also lowered from 2.5 times to 2 times the average wage in Slovenia.

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up leave.

b. Paternity leave

About three-quarters of fathers took up to 15 days of Paternity leave in 2006-2008, and just over eighty per cent in 2009 and 2010. Fifteen per cent of leave-takers took more than 15 days in 2008, 19 per cent in 2009 and 21 per cent in 2010. Research suggests that most fathers do not take more than 15 days of Paternity leave because their earnings are not fully compensated during the rest of it. There are also obstacles on the employers' side.

c. Parental leave

All mothers take Parental leave. About 5.6 per cent of fathers took a part of this leave in 2008, and about 6.3 per cent in 2009 and 2010. Considering the full 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. Since fathers

usually take only part of the leave (if any at all), absence due to Parental leave continues to affect women's professional careers.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Gender roles (fathers' take-up of Parental and Paternity leave, for instance), work/family life balance and equal opportunities on the labour market are of particular research interest.

b. Selected publications since April 2011

Čelebič, T. (2012) *Predšolska raven izobraževanja v Sloveniji in mednarodna primerjava z državami EU [Pre-school education in Slovenia and its international comparison with the EU countries]* (IMAD Working Paper Series, Vol. XXI, Working Paper No. 4/2012). Ljubljana: Institute of Macroeconomic Analysis and Development. Available at:

http://www.umar.gov.si/fileadmin/user_upload/publikacije/dz/2012/dz04-12.pdf. An English Summary available at:

http://www.umar.gov.si/fileadmin/user_upload/publikacije/dz/2012/DZ_04-2012_Summary.pdf.

The main purpose of the working paper is to present information on early childhood education and care in Slovenia, with comparisons to other member states in the EU. The working paper presents data from the year 2000 up to the most recent year for which information is available.

c. Ongoing research

None reported.

South Africa

Lisa Dancaster (University of Sydney) and Tamara Cohen (University of Kwa Zulu Natal)

NB. South Africa is a federal state.

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

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

Note on leave information: leave entitlement in South Africa is primarily governed by one main statute that applies to the whole country, namely, the Basic Conditions of Employment Act (BCEA). Individual provinces (of which there are nine in South Africa) do not have authority to amend these provisions. By virtue of the authority given to the Minister of Labour in terms of the BCEA, a number of sectoral determinations have been made to cater for the unique circumstances in the following industries: forestry, farm workers, domestic workers, hospitality, children in performing arts, learners employed on a learnership agreement in terms of the Skills Development Act (75 of 1997), wholesale and retail, private security, contract cleaning, civil engineering, small business (less than ten employees) and the taxi sector. The majority of these agreements contain leave provisions identical to those in the BCEA. Only where these sectors provide for leave that is different from that stipulated in the BCEA is it noted here.

The leave provisions in the BCEA and Sectoral Determinations are minimum standards that can be improved upon through collective bargaining, usually in statutory forums called bargaining councils. Information/data on leave provisions in bargaining council agreements is difficult to obtain as there does not appear to be an accessible database housing the agreements of all the bargaining councils in South Africa. Bargaining Council Agreements are also not necessarily a reliable indicator of employer provision because bargaining councils do not exist for all the industrial sectors in the country and even in those sectors that do have bargaining councils, not all employers in the industry are necessarily members of the bargaining council or are covered by the scope of the collective agreements reached there.

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 contribute 1 per cent of the employee's earnings, up to a maximum of ZAR12,478 (€1,186¹¹⁶) per month i.e. the maximum combined contribution is ZAR249.56 (€24) per month. Most employees entitled to statutory Maternity leave are also entitled to receive maternity benefits from UIF. The main exception is employees in national and provincial government. However, public service employees are entitled to four months Maternity leave under the terms of a July 2007 Determination on leave in the public service; although this does not explicitly state that leave is fully paid, it can be assumed to be so by virtue of the fact that contract workers are entitled to fully paid Maternity leave in this Determination.
- If a contributor also receives cash benefits from another source (for example, from her employer), she will only receive a benefit from the UIF if she receives less than her normal monthly salary from that source. 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.
- Contributors are entitled to claim six weeks of unemployment insurance benefits in the event of a miscarriage during the third trimester of pregnancy.

Flexibility in use

- An employee may commence Maternity leave: i) at any time from four weeks before the expected date of birth, unless otherwise agreed; or ii) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.

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

- An employee is not eligible for statutory Maternity leave if working for less than 24 hours a month for her employer.
- Independent contractors and self-employed women are not eligible.

¹¹⁶ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

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

- 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 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 7 per cent of agreements specifically provided for additional unpaid Maternity leave of about two months¹¹⁷.
- About 5 per cent of the Bargaining Council Agreements and 3 per cent of enterprise level agreements provide on average between 25 per cent and 33 per cent of payment towards Maternity leave by employers (Benjamin, 2007).
- See also 'flexible working' (1e) for the Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child.

b. Paternity leave

No statutory entitlement. Fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave (see 1e).

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- There is no statutory leave for adoption of a child. There is, however, a right to claim unemployment insurance benefits for time off work for adoption purposes. Only one parent can make application for adoption benefits and the child adopted must be under two years of age. The failure to provide statutory adoption leave means that if an employer refuses to grant an employee adoption leave it effectively nullifies the provision of adoption payment from the UIF.
- Employees in the public service are entitled to leave of 45 working days when adopting a child under the age of two years by virtue of the July 2007 Determination regulating leave in the public service. Although this determination does not explicitly state that this leave is fully paid, it can be assumed to be so by virtue of the fact that

¹¹⁷ Elsley, T. (2007) 'Outcomes of collective bargaining in South Africa', in: *Bargaining Indicators 2007: A Collective Bargaining Omnibus*. Cape Town: Labour Research Service, pp 79-98. .

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 ante-natal and post-natal clinics during pregnancy and after the birth of the child and recommends that arrangements be made for employees who are breastfeeding to have breaks of 30 minutes twice a day to breast feed or express milk for the first six months of a child's life. It further recommends that employers identify and assess workplace hazards to the pregnant mother and/or to the foetus and consider appropriate action. The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices adds that an employer should provide reasonable accommodation for pregnant women and parents with young children, including health and safety adjustments and ante-natal care leave.
- The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices requires employers to endeavour to provide "an accessible, supportive and flexible environment for employees with family responsibilities". This is specified to include "considering flexible working hours and granting sufficient family responsibility leave for both parents". In addition, the Code of Good Practice on Arrangement of Working Time states that the design of shift rosters must be sensitive to the impact of these rosters on employees and their families and should take into consideration the childcare needs of the employees. It adds that

arrangements should be considered to accommodate the special needs of workers such as pregnant and breast-feeding workers and workers with family responsibilities.

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

The maximum period of paid post-natal leave available is 4 months, paid at 31-59 per cent of earnings. There is no entitlement to ECEC and compulsory school age is 7 years. There is no information on levels of attendance at formal services for children under or over 3 years.

3. Changes in policy since April 2011 (including proposals currently under discussion)

None reported.

4. 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.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

There is a shortage of research examining statutory leave entitlements in South Africa, and no information on employee take-up of existing leave entitlements.

b. Selected publications since April 2011

Ndumo, M. (2011). 'Towards a comprehensive regulation of work and family responsibilities in the Lesotho labour market: A case study of the banking sector', *Industrial Law Journal*, Vol. 32: 1546–1575.

This article highlights the weaknesses in the legal regulation of workers with family responsibilities in Lesotho, discussing the results of a survey of corporate responses in the banking sector in the country. It also discusses and examines the applicable regional and international frameworks. The article covers legislative provisions for the regulation of work

and family responsibilities in South Africa and gives an overview of four selected countries in Southern and East Africa.

Smit, R. (2011) 'Family-related policies in southern African countries: Are working parents reaping any benefits?', *Journal of Comparative Family Studies*, Vol. 4, No1: 15-36.

This paper examines the extent to which countries in the Southern Africa Development Community (SADC) provide for maternity health protection and Maternity leave. The author organises the 15 member states of SADC into five clusters depending on their level of provision. She also examines Paternity and Parental leave in the countries, noting that only four of the SADC countries provide short-term job protected Paternity leave and none of the countries provide statutory Parental leave.

Cohen, T. (2012) 'The Efficacy of international standards in countering gender inequality in the workplace', *Industrial Law Journal*, Vol. 33:19-35.

This paper considers the obstacles to gender equality encountered by women in the workplace with particular reference to the quest for decent work and the difficulties faced in balancing work and family responsibilities. It questions the efficacy of international and regional standards in countering such obstacles and concludes that the successful fulfilment of international and regional policies and conventions promoting gender equality rests upon the capacity of national authorities to implement them.

c. Ongoing research

Organisational Characteristics as Determinants of Work-Family Arrangements in South African Organisations (2006-). 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 surveying a range of such arrangements in over 300 organisations listed on the South African stock exchange. Results of the survey can be found at <http://www.heard.org.za/news/work-family-arrangements-in-sa-organisations>.

Spain

Anna Escobedo (University of Barcelona) and Gerardo Meil (Autonomous University of Madrid)

April 2012

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

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

a. Maternity leave (*Permiso y prestación por maternidad*) (responsibility of the Ministry of Labour and Immigration)

Length of leave (before and after birth)

- Sixteen weeks: six weeks are obligatory and must be taken following the birth, while the remaining ten weeks can be taken before or after birth. By consolidating an entitlement to reduced working hours, mothers can in practice extend Maternity leave by two to four weeks (see 1e *permiso de lactancia*, originally to support breastfeeding).

Payment and funding

- Hundred per cent of earnings up to a ceiling of €3,230 a month.
- A flat-rate benefit (€532.51 per month or €17.75 per day) is paid for 42 days to all employed women who do not meet eligibility requirements.
- Financed by social insurance contributions from employers and employees. As a general rule, employers pay 23.6 per cent of gross earnings and employees pay 4.7 per cent to cover common contingencies which include pensions, sickness and leaves (*contingencias comunes*). An additional contribution is paid to cover unemployment.

Flexibility in use

- The start date for taking leave before birth can vary.
- Mothers, including those who are self-employed, may take leave part time except for the six weeks following birth.

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

- All employed women are entitled to Maternity leave, but conditions must be met to qualify for the earnings-related Maternity leave benefit (all employees can receive a flat-rate payment for 42 days after delivery): for example, the mother needs to be making social security contributions at the beginning of the leave; or be receiving unemployment contributory benefit; or in the first year of the Parental leave, *and* have contributed to social security at least 180 days in the previous seven years, or 360 days during working life. Women under 21 years do not need any previous period of

social security contribution, and women between 21 and 26 only 90 days, in the last previous seven years, or 180 days during working life. This requirement is more flexible for women working part time. On the other hand self-employed mothers are exempted from paying social security contributions while on Maternity leave.

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

- In the case of multiple births (or multiple adoption or foster), or birth (or adoption or foster) of a child with some disability, working mothers have the right to two extra weeks of leave per newborn child from the second onward, and the family benefits from an additional lump sum benefit.
- In the case of a premature birth or infant hospitalisation, Maternity leave is extended up to 13 weeks.
- Employed mothers have the right to transfer up to ten of their 16 paid weeks of Maternity leave to the father on condition that they take six weeks after giving birth, that their partner fulfils contributory requirements, and that the transfer does not endanger their health. Leave can be completely transferred or partly transferred, so both parents share full or part-time leave simultaneously.
- The non-contributory benefit is extended from 42 to 57 days for lone mothers, large families, multiple births or disabilities.
- If the mother dies, the father can take the Maternity leave entitlements, independently of the mother's previous employment situation and entitlements.
- If the baby dies, Maternity leave is not reduced.

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

- Employees in the public sector in Catalonia can choose between extending Maternity leave 16 weeks or reducing working time by a third until the child is approximately 17 months old; either option is paid.
- Risk during pregnancy and breastfeeding: employed and self-employed pregnant women and mothers breastfeeding babies less than 9 months old are entitled to be relocated to another workplace if working conditions are not compatible with women in such circumstances or it is a risk for the baby. If this is not possible or cannot be reasonably required, the working contract or activity has to be interrupted, and leave can be taken with payment of 100 per cent of earnings. Such leave correspondingly lasts until the beginning of Maternity leave or until the baby reaches the age of 9 months.

b. Paternity leave (*permiso de paternidad, permiso por nacimiento*) (responsibility of the Ministry of Labour and Immigration)

Length of leave (before and after birth)

- Fifteen days.

Payment and funding

- One hundred per cent of earnings, paid by the Social Security Fund with the same ceiling as for Maternity leave.
- Financed by social insurance contributions from employers and employees, except for the first two days that are paid by employers in the private sector or the self-employed.

Flexibility in use

- The first two days have to be used at the time of birth (*permiso por nacimiento* i.e. birth leave). Fathers who need to travel in their work have two extra days, paid by the employer (this does not apply in the public sector).
- The 13 days of Paternity leave (*permiso de paternidad*) can be used during or immediately after the end of Maternity leave. This does not apply in the public sector, where the 15 days are considered as a whole, to be taken at birth time as general rule (except when the specific regional government (*Comunidades Autónomas*) or institution regulates differently).
- Fathers can use Paternity leave part time with employer's agreement.

Regional or local variations in leave policy

- A number of regional governments have improved entitlements. For example, public sector workers in Catalonia receive five days at birth (as birth leave), and a month of Paternity leave that has to be taken at the end of Maternity leave.

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

- All employees fulfilling contributory requirements (i.e. at least 180 days in the previous seven years, or 360 days during working life).

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

- Leave is extended from 15 to 20 days for large families or households with a disabled person.
- Two more days are paid in the case of multiple births (or adoption or fostering) or if 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 above-mentioned case of public employees in Catalonia, lone mothers can use the extra month for fathers at the end of Maternity leave.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents

- See 'regional or local variations' for improved conditions offered by some regional governments for their employees.

c. Parental leave (*Excedencia por cuidado de hijos*) (responsibility of the Ministry of 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 policy¹¹⁸

- Since 2000, a number of regional governments have introduced flat-rate benefits. However, the amounts of these benefits have been reduced since 2009 as a consequence of the fiscal crisis. For example:
 - Basque Country, €271.25 per month for mothers or fathers in 2012 (compared to €291 in 2009);
 - La Rioja, €250 per month in 2012, but restricted to families with an annual income below €40,000 or €50,000 in case of large families (the amount of the benefit remains stable since it was introduced, but the income ceiling has been increased);
 - Castilla-León, €3,000 for a period of six months (before it was €7,381 for one year; but also restricted to families with an annual income below €30,000; or €3,750 in case of lone parent families with an annual income below €18,000 in 2012);
 - Navarre, when having a second child or a disabled child, €396.31 per month for one year, or until the child is three years in the case of large families in 2012 (in 2009 it was €416);
 - Castilla-La Mancha, lone parents can receive €600 per month up to €3,000 and men €1,200 per month up to €10,000).

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

- All employees, though employees on temporary contracts can only claim leave that is shorter than their contract period. Unemployed and self-employed workers are not eligible.

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

- Social security contributions are credited for a longer period (from 30 to 36 months) in families with three or more children or with two children one of whom has a disability.

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents

- If both parents work for the same company, the employer can put restrictions on both parents using leave at the same time if this is justified for production reasons.
- In the public sector the job position is protected for two years, and in the third year within the same municipality.

¹¹⁸ Information update provided by Irene Lapuerta in the framework of her research on impact of regional parental leave benefits in Spain (see the ongoing research section).

- 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 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 per event (*permiso por enfermedad grave de un familiar*) to care for a seriously ill child or for other family reasons (serious illness, hospitalisation or death of a relative to a second degree of consanguinity or affinity), paid for by the employer. The entitlement is extended to four days if travelling is required for work (e.g. the workplace is in a different municipality). However there is no agreement on what 'serious illness' means. For public sector employees this entitlement is extended to three days (five days if travelling is required) for the care of first degree relatives (e.g. partner, children or parents, including in-laws).
- Parents are entitled to full-time or part-time leave (with a minimum reduction of 50 per cent of working time) to take care of a seriously ill child under 18 years old during the period the child is in hospital or in need of continuous treatment at home (with certification by the public health service); 109 types of illness are included. The scheme is paid at 100 per cent of regulatory basis from sickness insurance, with previous contributory requirements as for Maternity and Paternity leave. This entitlement is extended to parents working part time, in which case leave must be at least equivalent to 25 per cent of full-time hours. The leave is an individual right, but only one of the parents is entitled to take leave at any one time; but parents can alternate the use of it on a monthly base. In case of divorce, when there is no agreement, the parent with legal custody has the right to take this leave and if they have joint custody, it is the one who makes first claim.
- Each worker may take up to two years of leave (*excedencia por cuidado de un familiar*) or reduce working hours by between an eighth and a half (*reducción de jornada por cuidado de un familiar*) to take care of a dependent relative (up to the 'second degree of consanguinity or affinity') due to severe illness, disability, accident or old age. In such cases, the informal carer on leave may receive a payment, between €300 and €520.69 per month. The payment is claimed by the dependent relative, and its amount depends on the relative's level of dependency. Workers taking leave are credited with social security contributions, which affect pension accounts, health cover and new leave entitlements, for the first year of full-time or part-time leave. Otherwise informal carers are credited with the equivalent of €162.49 as social

security and training contributions. These amounts were fixed in 2010, and have not been updated in 2011.

- 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, or 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. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Spain is 3 years, but most of this period is unpaid; leave paid at a high rate ends after Maternity and Paternity leave (around 5 months after birth). The 2006 Spanish education law (Ley Orgánica de Educación) provides an entitlement to ECEC from 3 years onwards, and nearly all children over 3 years attend early education education. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than 2½ years between the end of well-paid leave and this *de facto* entitlement. Levels of attendance at formal services for children under 3 and over 3 years are above the average for the countries included in this review. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

In the present context of severe economic recession and public funding cutbacks in Spain, the removal of additional measures to parents taking leave provided by regional governments (Autonomous Communities) have been announced and are under discussion. Such regional benefits have already been reduced or else income ceilings have been increased (see 1c). The proposed increase in Paternity leave from 2 to 4 weeks has been postponed once again.

4. Take-up of leave

a. Maternity leave

Maternity leave benefit covered 67 per cent of the 486,575 births in 2010 (author's calculations based on data provided by the Social Security Institute and the Spanish Statistical Institute). Coverage is the same as the previous year, remaining stable after a long period of continuous increase (from 31 per cent in 1995) due to growing female employment and better coverage of atypical employment situations due to regulatory reforms. Fathers share some Maternity leave in around one-quarter of adoption cases (27.5 per cent in 2005), but less than 2 per cent of births (1.8 per cent in 2011).

Additionally in 2011, an average of 4,853 women per month were on leave because of risk during pregnancy, with an average duration of 105 days: 0.13 per cent of all life births in 2011. In the first months of 2012, this number increased to 5,115 women per month while the average number of days taken decreased to 100 days. In fact, since 2008 (the first year for which there are available take-up data, there is a steady increase in the number of women who take this kind of leave (from 2,546 per month in 2008 to 5,115 in 2012), while the average number of days of leave taken has decreased (from 120 to 100 in the same period). Roughly the same tendency, though with much lower figures, can be observed with the leave during breastfeeding since it was introduced in 2007: the number of women on leave increased from 85 per month in 2008 to 132 in the first months of 2012, while the number of days in leave decreased from 132 to 98.

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 funds, which also covers the self-employed; 57 per cent of fathers received the benefit in 2010 (author's own calculations), two percentage points more than in 2009, consolidating the trend to improved coverage. Yet in 2011 the absolute number of fathers who took Paternity leave decreased by 2.2 per cent; the reasons for this decrease are not clear. A significant proportion of employed fathers are still reluctant to benefit from this measure, so that the number of men claiming Paternity leave benefits in 2011 was equivalent to 83 per cent of the number of women receiving Maternity leave benefits.

c. Parental leave

In 2010, 34,812 people started some period of Parental leave (3 per cent more than in 2009). This corresponds to 7.2 per cent of the births in that year, a slight increase of 0.3 percentage points, after a continuous growth since 1995 (the first year for which the data are available, when it was 1.7 per cent). However, it represents only 2.5 per cent of children

under three years old, a relevant age since leave can be taken until children reach three years. Fathers made up 4.5 per cent of users, a slightly higher proportion as in 2009 (2009 Statistical Book of the Ministry of Labour).

Between 1995 and 2005, it has been estimated that 96 per cent of users have been mothers, with a median duration of 184 days, and 4 per cent fathers with a median duration of 172 days; 36 per cent of fathers and 26 per cent of mothers used this unpaid Parental leave for less than three months. Eleven per cent of user mothers and 25 per cent of user fathers did not return to the same company, which means that in these cases the use of Parental leave was connected to a change of employment¹¹⁹. 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 a nursery is only available in September), but in other cases for a longer period. However, only 13 per cent of users took leave for more than one year in the period studied in this research up 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 particular measure has evolved between 2003 and 2006 towards equal use between men and women.

Otherwise the use of unpaid working time reductions is limited. It has been estimated that 32 per cent of formally employed mothers having a first child in 2003 reduced their working time during some period in the following three years. Half of this 32 per cent resumed full-time work after seven months, while one-third (11 per cent) remained in part-time employment after three years; only 2 per cent of the employed mothers were using their job-protected and reversible entitlement to working time reduction and were on the same working contract they had at birth. This can be explained by the high rate of temporary employment in Spain and by the fact that employers have incentives when hiring a mother with a child under two years old¹²⁰.

Leave to care for dependent relatives has been available from 2001 onwards. Between 2001 and 2005 about 9,000 employees used it, of whom 82 per cent were women, with a median duration of 62 days, and 18 per cent men with a median duration of 55 days. Since 2006 the number of users has grown, increasing to 6,136 new users in 2010 (compared with 3,332 in 2005). The proportion of new male users remains stable at around 18 per cent.

The Statistical Yearbook of the Ministry of Labour does not provide details on duration nor to what extent these leaves to care for dependent relatives are connected to the new benefit for informal carers introduced since the 2006 Spanish Law to support dependents. It is, however, known that the total number of leave users was 40,948 in 2010, of whom 6.5 per cent were men. In April 2011, 47.5 per cent of all benefits provided under the Spanish Law to

¹¹⁹ Escobedo, A and Navarro, L. (2007) *Perspectivas de desarrollo y evaluación de las políticas de licencias parentales y por motivos familiares en España y en la Unión Europea: Informe de resultados de la Muestra Continua de Vidas Laborales*. FIPROS. Ministerio de Trabajo. Available at: www.seg-social.es/prdi00/groups/public/documents/binario/097543.pdf

¹²⁰ Escobedo, A., Navarro, L. and Flaquer, Ll. (2008) *El impacto de la maternidad y la paternidad en el empleo. Itinerarios laborales de madres y padres en hogares con menores de tres años. Análisis de cambios y discontinuidades a partir de la Muestra Continua de Vidas Laborales*. Available at: FIPROS: <http://www.seg-social.es/stpri00/groups/public/documents/binario/119803.pdf>

support dependents were used for paying informal family carers (409,522 benefits, 31 per cent more than one year ago), covering 57 per cent of the recognised cases of dependency. The Social Security system had formalised 156,352 specific conventions with family carers, of which 6.9 per cent were men and one-third were 50 to 60 years old (SAAD Statistics); it is not known, however, how the remaining benefits paid to family carers, are used.

Finally, there are no data on the use of short leave taken in cases 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.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

Leave arrangements have become a research topic in Spain, particularly the use of leave arrangements by mothers and fathers, and their impact on gender and social equality in the labour market and on fertility decisions. Since 2006, a research fund on Social Protection has supported research on leave arrangements. In addition, in 2006 the Ministry of Labour created a continuous database with a sample of 4 per cent of all social security contributors and including selected life course data on work and social security (*Muestra Continua de Vidas Laborales, MCVL* [the Continuous Sample on Working Lives]), supplemented with tax and household data. It still provides limited information on leave arrangements; however, for the first time it does provide detailed information about unpaid Parental leave, leave to care for a relative, and working time reductions.

Otherwise, the indicators published on a yearly basis since 1995 by the National Institute of Social Security provide updated information (e.g. total social security expenditure by region and the number of administrative records initiated each year, with the percentage of those for fathers), but with no information on other items such as duration of leave, flexible use or characteristics of users. There is a clear data gap on the uses and impacts of the various regional flat-rate benefits and full-time or part-time additional schemes. Some complementary research projects are currently under way, orientated to fill in some of these gaps.

There is increasing research interest in the new benefits addressed to long-term dependent and family informal carers. These have been implemented since 2007 onwards, in the framework of a new public care system for the support of dependency and autonomy, primarily for the elderly but also covering adults and children with severe dependency.

b. Selected publications since April 2011

Lapuerta, I., Baizán, P. and González, M. J. (2011): 'Individual and institutional constraints: an analysis of parental leave use and duration in Spain', *Population Research and Policy Review*, Vol.30, No.2:185-210.

This paper analyzes the extent to which individual characteristics, the workplace situation, and regional policies influence the use and duration of Parental leave in Spain. The research is based on a sample of 125,165 individuals, and 6,959 Parental leaves covered in the MCVL (see above). A simultaneous equations approach is used to analyse the determinants of the use (logistic regression) and duration (event history analysis) of Parental leave, which allows for endogeneity and censored observations to be controlled. The results suggest that the Spanish Parental leave scheme increases gender and social inequalities, insofar as it reinforces gender role specialization, and only encourages the reconciliation of work and

family life among workers with a good position in the labour market (i.e. educated employees with a high and stable work status).

Meil, G. (2011) 'El uso de los permisos parentales por los hombres y su implicación en el cuidado de los niños en Europa' ['Parental leave take up by men and childcare in Europe'], *Revista Latina de Sociología*, No.1: pp.61-97. Available in:

<http://revistalatinadesociologia.com>.

During the last decade, policy developments in the field of Parental leave have tended to promote actively men's use of this kind of leave as a way for promoting a greater gender equality. Using the European Working Conditions Survey 2005, in particular the sub-sample of fathers with children less than 8 years old, this article analyses the research question: is men's use of Parental leave related to greater involvement in childcare and housework? Based on a binomial logistic regression, controlling for different aspects of work conditions, family situation and educational level, results show a positive relationship between men's use of Parental leave in the year previous to the survey and daily childcare and housework involvement. Men's use of Parental leave seems then to be an effective mechanism of men's socialization in care activities.

Escobedo, A., Flaquer, Ll. and Navarro, L. (2012) 'The social politics of fatherhood in Spain and France: a comparative analysis of parental leave and shared residence', *Ethnologie française*, 2012/1, Vol. 42: 117-126. DOI : 10.3917/ethn.121.0117

The article provides a comparative analysis of policy developments on leave for fathers and on joint custody in Spain and France in the last decade. These two types of measures have been selected because they are both widely recognised as main instruments to promote new fathering styles and consequently more gender equality in the European Union. While the rhetoric of choice has been developed in both countries in relation to maternal employment and childcare, with better results in France than in Spain, it remains to be seen to what extent choice will also be extended to fathers.

Escot, L., Fernández-Cornejo, J. A., Lafuente, C. and Poza, C. (2012) 'Willingness of Spanish men to take maternity leave: do firms' strategies for reconciliation impinge on this?', *Sex Roles*. DOI 10.1007/s11199-012-0142-6. Available in:

<http://www.springerlink.com/content/e313t0m5v28n0484/>

The main idea proposed in this article is that organizations that provide facilities for reconciling working and family life among their employees - family-friendly companies - not only make it easier for mothers to combine work and family, but also for fathers. Consequently, working in this type of environment may stimulate the father's involvement in childcare. For the case of Spain, based on a sample of 3,094 males originating in the Spanish macro Survey of Quality of Life in the Workplace of 2007 (*VI Encuesta Nacional de Condiciones de Trabajo*), an indicator of a family-friendly company was constructed. From this indicator, as well as other socio-labour variables that appear in the survey, a descriptive statistical analysis and a multivariate logistic regression analysis was conducted in order to know, first, if working in this type of workplace exerts a positive effect on male workers' willingness to take Maternity leave; and, second, what is the effect on this willingness of some other relevant socio-labour variables (age, university education, non-working partner, working in public administration and high net monthly earnings). Findings indicated that age, having a non-working partner and having a high income men are factors reducing male workers' inclination to ask for leave; while, conversely, working in family-friendly companies makes it more likely that males will take leave.

Lapuerta, I. (2012) *Employment, Motherhood and Parental Leaves in Spain*. Doctoral thesis: Universitat Pompeu Fabra, Barcelona.

This PhD thesis analyses the effectiveness of the Parental leave system in Spain to facilitate the reconciliation of work and family life and to promote gender equality. Accordingly, the first chapter explores the individual and institutional factors that influence the use and

duration of full-time Parental leave, with special emphasis on the characteristics that influence male participation. The second chapter delves into differences at the regional level and evaluates the impact of policies developed by five Autonomous Communities on the utilization of full-time Parental leave; this helps clarify which combination of policy characteristics encourages the use of this resource. Finally, the third chapter examines the determinants of mothers' transitions from full-time employment to part-time Parental leave following the birth of their first child, while accounting for all other alternatives: full-time Parental leave, part-time work and inactivity or unemployment. The empirical analysis is based on the MCVL (2005-2008 waves). The conclusions are that, first, the Spanish Parental leave system, far from encouraging use by men, actually accentuates already existing gender inequalities in society; and second, it also strengthens social inequalities, since its access is essentially restricted to workers who already enjoy privileged positions in the labour market.

Lapuerta, I. (forthcoming): '¿Influyen las políticas autonómicas en la utilización de la excedencia por cuidado de hijos?' ['Do regional policies influence parental leave use?'], *Revista Española de Investigaciones Sociológicas*.

This article analyzes the impact of the policies on Parental leave implemented by five Autonomous Communities: Navarra, Castilla y León, Basque Country, Castilla La Mancha and La Rioja. The research adopts a quasi-experimental design, which is known in the public policy evaluation area as difference-in-difference. The analysis is based on a sub-sample from the MCVL (wave 2006), composed by 94,493 people who were entitled to Parental leave in the 1996-2006 period. The results show a positive effect on parental leave take-up rates of regional policies in Navarra and Castilla y León and confirm the relevance of benefit levels versus other design characteristics. However, none of these policies have effects on men's use of Parental leave, even in the case of those Autonomous Communities that have implemented positive discrimination measures.

Lapuerta, I (forthcoming) 'Is part-time parental leave an alternative? First-time mothers' employment decisions after childbirth in Spain', in: T. Martín-García (ed.) *Spain and Italy: as similar as Thought? A comparative reflection on living arrangements and family relationships*. London: Springer.

This chapter examines the labour market transitions mothers make in Spain after having their first child, with special attention paid to part-time Parental leave (also known as 'reduced working hours'). Until now, most studies have largely neglected this option, and those that do include part-time Parental leave have not usually distinguished it from part-time work. This results in a lack of knowledge about the causal mechanisms behind mothers' employment decisions and, even more seriously, the confounding of two choices with very different constraints, especially in Southern Europe where part-time jobs have very poor employment protection, social benefits and earnings. Using a competing risk event history analysis, this chapter attempts to clarify these issues. The results show that only those mothers with middle-range wages, very high job security and working in the private sector have part-time Parental leave as a real labour market alternative in Spain; while those in more vulnerable positions in the labour market appear to be pressured into part-time work or, more frequently, withdraw from the labour market altogether.

c. Ongoing research

The social use of Parental leave (2009-2012). Gerardo Meil (coordinator), Cristina García, M^a Angeles Luque and Luis Ayuso, Department of Sociology and Department of Business Organizations of the Universidad Autónoma de Madrid and Universidad de Málaga. Funded by the Spanish Ministry of Science and Innovation.

The research focuses on use of Parental leave; awareness of the existence and characteristics of the different Parental leave programmes; and decision-making processes in couples before applying for Parental leave. Consequences for family dynamics,

professional careers, and quality of life will be analysed. The research is based on 20 in-depth interviews with both men and women who are taking Parental leave at the time of the interview, as well as people who took Parental leave in the past. The analysis of these in-depth interviews will be used to design a representative survey of 4,000 people of working age (25 to 60) living in Spain. Contact: Gerardo Meil at gerardo.meil@uam.es

Lone fathers: fatherhoods in new forms of family life (France, Spain) (2009-2012).

Coordinated by Agnès Martial (Centre Norbert Elias, CNRS) with the participation of French research institutions (Institut National d'Etudes Démographiques, Laboratoire Triangle) and the University of Barcelona (Xavier Roigé; Anna Escobedo). Funded by CNRS (France). In France and Spain, recent policies have sought to encourage men's involvement in fatherhood, promoting the norm of co-parenthood after divorce or separation; but one of the most problematic aspects of family transitions (increasing rates of divorce and separation, growing numbers of single-parent families and stepfamilies) is the decline of father-child relations. This research programme is based on quantitative and qualitative studies, and one work package within the overall project deals with leave arrangements and lone parenthood. To what extent do regulations or agreements cover lone motherhood or fatherhood in Spain and France? Is joint custody a stimulus for male use of leave arrangements? Is it associated with specific use patterns of leave or work-family arrangements? Contact: Agnès Martial at agnes.martial@univmed.fr

Corresponsabilidad antes y después del nacimiento del primer hijo en España [Co-responsibility before and after the birth of a first child in Spain] (2010-2012). Coordinated by Teresa Jurado, UNED. Funded by the Spanish Ministry of Equality.

Spanish case study in the framework of an international research project, whose aim is to analyse how dual-earner couples share and negotiate unpaid family work, particularly the care of children. The cross-county comparison will facilitate the study of the influence of institutional contexts. The research will be based on a combination of quantitative and qualitative methods, including 30 qualitative interviews conducted in three Spanish cities before and after birth of a first child. Contact: Teresa Jurado at tjurado@poli.uned.es.

An evaluation of the introduction of the 13 days Paternity leave. Has it fostered a higher degree of co-responsibility (between men and women) in the caring of child? 2011- 2012.

Lorenzo Escot (coordinator), José Andrés Fernández-Cornejo, Rocío Albert, Juan Ignacio Cáceres, Cristina Castellanos, María del Rosario Cintas, Elena Olmedo, María Teresa Palomo, Carlos Poza, Eva María Del Pozo y M^a Lina Vicente. Universidad Complutense de Madrid, Universidad San Pablo CEU, Universidad Antonio de Nebrija, and ESIC. Funded by Instituto de la Mujer and Ministerio de Sanidad, Política Social e Igualdad.

This study aims to evaluate the effects of the introduction of 13 days Paternity leave in Spain (e.g. utilization of the leave; promoting greater involvement of fathers in child care; change in gender attitudes). It will first conduct a quantitative analysis, with micro-data from the Spanish Labour Force Survey, about the effect of the introduction of Paternity leave in 2007 on take-up rates, and the profile of men who took leave. Then it will conduct a representative survey of 1,000 couples with children under 7 years from the Community of Madrid, in order to study in more detail: how the child care was organized; who took leave, for how long and what types of leave (Maternity leave, Paternity leave, Parental leave, vacation days etc.); when the child was born (before or after 13 days Paternity leave was introduced); the socio-labour characteristics of partners; their gender attitudes; the problems or barriers that they faced when trying to reconcile care and professional activities; and how fatherhood/ motherhood affected their careers. Contact: Lorenzo Escot at loren@ccee.ucm.es and José-Andrés Fernández-Cornejo at jafercor@ccee.ucm.es.

Sweden

Linda Haas (Indiana University), Ann-Zofie Duvander (Stockholm University), and Anders Chronholm (Skövde University)

April 2012

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

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

a. Maternity leave (*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. See footnote for Parental leave.

b. Temporary leave in connection with a child's birth or adoption (*tillfällig föräldrapenning i samband med barns födelse eller adoption*) (responsibility of the Ministry of Social Affairs)¹²¹

Length of leave

- Ten days. Designed to be used to attend delivery, care for other children while mother is in hospital, stay over in the hospital in a family room after childbirth and/or participate in childcare when the mother comes home.

Payment and funding

- Eighty per cent of earnings up to an earnings ceiling of SEK330,000 (€36,979¹²²) per year (see 'Parental leave' for reduction of payment to 77.6 per cent).
- Payments come from the Swedish Social Insurance Agency. Employers and the self-employed make contributions for this purpose; employers pay 31.42 per cent on all employees' earnings, of which 2.2 per cent is earmarked for 'parental insurance'. The government meets any shortfall.

¹²¹ Referred to as 'Paternity leave' in earlier reviews; revised here to provide literal translation of entitlement, which is gender-neutral

¹²² Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

Flexibility in use

- Leave can be used at any time during the first 60 days after childbirth.

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

- All employees are eligible, 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 in the event 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 each parent and cannot be transferred (often called *mammamånader* or a 'mother's quota'; and *pappamånader* or a 'father's quota,'). Out of the remaining 360 days half are reserved for each parent; if days are transferred from one parent to another, the parent giving up his or her days must sign a consent form.
- There is a right to leave from work of 18 months for each parent from the time the child is born and including any days used with parental leave benefit.

Payment and funding

- For eligible parents (see below), 390 days at 80 per cent of earnings up to an earnings ceiling of SEK440,000 (€49,305) per year¹²³; the remaining 90 days at a flat-rate payment of SEK180 a day (€20). A special formula, introduced in January 2008 and applied to all parts of parental insurance, reduced earnings by 3 per cent before calculating the 80 per cent payment. Non-eligible parents receive SEK180 a day for 480 days.
- Funding as for Temporary Leave in Connection with Birth and Adoption.
- A 'Gender Equality Bonus' (*jämställdhetsbonus*) offers an economic incentive for families to divide Parental leave more equally between the mother and the father. Both parents receive 50 SEK (€5.6) each per day for every day they use the leave equally. The bonus applies to the 390 days of earnings-related leave after the two reserved months are used by each parent (i.e. 270 days). When parents share the leave equally the bonus is therefore worth a maximum of SEK 13,500 (€1,513). The bonus, also available for parents who do not live together, is likely to encourage low (and medium) income fathers to take more Parental leave.

¹²³ The ceiling for Parental leave is higher than for temporary leave in connection with a child's birth or adoption to encourage use of Parental leave by fathers.

Flexibility in use

- The length of leave is counted in days (rather than weeks or months) to enhance flexibility of use.
- Paid and unpaid leave can be combined to enable parents to stay at home longer.
- Paid leave can be taken at any time until a child's eighth birthday or the end of the first school year.
- Parents can take paid leave full time, half-time, quarter-time or one-eighth time, with the length of leave extended accordingly (e.g. one day of full-time leave becomes two days of half-time leave and four days of quarter-time leave).
- Parents can take leave in one continuous period or as several blocks of time. An employee taking Parental leave has the right to stay away from work for a maximum of three periods each year.
- Two parents can take up to 30 days of leave at the same time, until the child reaches one year of age. These days have been labelled "double days" (*dubbeldagar*).

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

- All parents are entitled to paid Parental leave, but paid leave at 80 per cent of earnings requires parents to have had an income of over SEK180 (€20) 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.

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

- Parental leave pay has been negotiated in collective bargaining agreements in the public sector and is commonplace in the private sector. A common collective agreement is that the employer pays 10 per cent extra under the ceiling (i.e., workers receive 90 per cent of earnings) and up to 90 per cent above the ceiling¹²⁴.

¹²⁴ 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

d. Childcare leave or career breaks

- In 2008, a municipal child-raising allowance (*vårdnadsbidrag*) was reinstated. Starting in 2009, municipalities may choose whether or not to provide a benefit of up to SEK3,000 (€335) per month for parents with a child aged one to three years who do *not* use publicly-funded childcare services and for whose child 250 days of Parental leave have already been used. The allowance cannot be used simultaneously with Parental leave and is conditional on the other adult in the household (not necessarily the other parent) working or studying.

e. Other employment-related measures

Adoption leave and pay

- Cohabiting adoptive parents get five days each at the time of adoption; a single adoptive parent gets ten days, considered to be part of temporary (paid) Parental leave (*tillfällig föräldraledighet*) (see below). Adoptive parents may use the Parental leave up until the child is ten years old.

Time off for the care of dependents

- Temporary Parental leave (*tillfällig föräldrapenning*) is available at 120 days per child per year for children under the age of 12, and for children aged 12 to 15 with a doctor's certificate. This is paid at 80 per cent of earnings, up to an earnings ceiling of SEK330,000 (€36,979) per year; 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. The ten days of temporary parental leave associated with birth or adoption (see 1b) also come under this category of temporary Parental leave.
- Parents of children who are sick or functionally disabled for more than six months can elect to receive the care allowance (*vårdbidrag*) from the birth of the child until the child reaches the age of 19 years. The maximum amount parents can receive per year is SEK110,000 (€12,326).

Flexible working

- Until a child reaches the age of eight years or completes the first grade of school parents have the right to reduce their normal working time by up to 25 per cent; there is no payment for working reduced hours.

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

The maximum period of paid post-natal leave available in Sweden is around 16 months, with 13 months paid at a high rate. There is an entitlement to ECEC from 1 year of age, available on a full-time basis in centres or at licensed family day carers (or part-time if parents are not employed). So there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are well above the average for the countries included in this review and for OECD countries; and above average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

Since 1 January 2012, the Gender Equality Bonus has been simplified. Between 2008-2011, the bonus was paid out as a tax reduction after parents applied for it, but now it is paid out automatically with Parental leave benefits in the form of tax-free income.

At the same time, 'double days' were introduced into Parental leave, permitting parents to be at home together on leave for up to 30 days during their child's first year.

4. Take-up of leave

a. Maternity leave

In 2010, 20 per cent of pregnant women took pre-birth leave for an average of 39 days¹²⁵.

b. Temporary leave at the birth or adoption of a child

In 2010, about 73 per cent of fathers took this leave (footnote 5). Only employed parents are eligible, but no figures exist on the proportion of eligible fathers using this leave.

c. Parental leave and childrearing benefit

Almost all families use paid Parental leave in Sweden today. Although it is possible to use this benefit until a child reaches the age of eight years or 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).

In 2010, the vast majority of women (93 per cent) and men (98 per cent) who took Parental leave were entitled to benefits at the earnings-related compensation level vs the low flat-rate level. Foreign-born parents, especially mothers, are more likely than native-born parents to have access to only the low-flat-rate level (footnote 5).

For children born in 2001, parents used 92 per cent of the 360 days that are paid at a high earnings-related rate, and 69 per cent of the days that are paid at a low flat-rate level. Parents of foreign background are less likely to use all their days than native Swedes¹²⁶.

Ninety per cent of fathers of children born in 1998 took Parental leave at some stage before their child's 8th birthday, mainly starting when their children were 13 to 15 months of age. In 2010, 44 per cent of Parental leave benefit recipients were men, compared to 56 per cent who were women (footnote 5). Mothers, however, still take most Parental leave, although the proportion of total days used by men has been increasing: in 1987, fathers took about 7 per cent of all Parental leave days used in that year; by 2010, it had increased to 23.1 per cent¹²⁷.

¹²⁵ Försäkringskassan [Swedish Social Insurance Agency] (2011). *Social insurance in figures 2011*. Available at: www.forsakringskassan.se.

¹²⁶ Försäkringskassan [Swedish Social Insurance Agency] (2010) *Outnyttjad föräldrapenning [Unused parental leave]*. Socialförsäkringsrapport 2010:14. Available at: www.forsakringskassan.se.

¹²⁷ Försäkringskassan [Swedish Social Insurance Agency] (2011) *Föräldrapenning, län och kommun [Parental benefits, counties and municipalities]*. Available at: <http://statistik.forsakringskassan.se/portal/page/portal/intstat/bof/ffs/fplankom>

Since fathers earn higher salaries than mothers on average, fathers received 29 per cent of the total amount of Parental leave benefits paid out in 2010. The average father received benefits of SKK603 (€68) per day in 2010, while the average mother received benefits of SKK454 (€51)⁵.

In 2010, 20,342 women received the Gender Equality Bonus (because their partners took more than their 60 day quota of leave), while 4,306 men did. This is estimated to be 55 per cent and 58 per cent respectively of all those eligible⁵.

Fathers with higher education take more Parental leave, as do fathers whose partners have higher levels of education and higher income. Fathers taking no leave are more likely to have been born outside Sweden but the foreign-born fathers who do use leave on average take a longer period of 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 more often get extra compensation as a result of collective agreements. Fathers are more likely to take Parental leave for a first child¹²⁸. Fathers in the 19-34 age group take more days of leave than older fathers⁵.

The introduction of a father's quota in 1995 (one month) and its extension in 2002 (to two months) both led to more fathers taking more leave; the second month had a less dramatic effect than the first. The introduction of the Gender Equality Bonus has had no similar effects during its first 18 months¹²⁹.

Only about half of Swedish municipalities have decided to offer the child-raising allowance. Relatively few parents appear to take advantage of this benefit. A study of 96 municipalities who instituted the allowance in 2009 found that only 2,298 parents in 2009 received allowance in 2009¹³⁰, accounting for 1.9 per cent of all children ages 1 to 3 years in these municipalities. The vast majority (91 per cent) of the parents who applied for the allowance were women; 30 per cent of applicants had foreign backgrounds (compared to 25 per cent in Sweden generally).

d. Other employment-related measures

Mothers are more likely than fathers to work part-time hours (34 hours or less per week); 45 per cent of employed mothers with two children, the youngest being one to two years old, worked part time in 2009, compared to only 7 per cent of employed fathers¹³¹. A recent study of 20,000 parents found that 28 per cent of mothers but only 2 per cent of fathers of children aged 2 to 7 years chose to work reduced hours (30-36) because they had children; no distinction is made in this study between parents who have used their entitlement to work part time and those who have come to working part time through other routes¹³². Moreover, no official statistics are kept concerning how many parents working part time are doing so by exercising their entitlement to work reduced hours.

¹²⁸ Försäkringskassan [Swedish Social Insurance Agency] (2009) *Försäkringskassans årsredovisning [Annual report]*, 2009.

¹²⁹ Duvander, A. and Johansson, M. (2012) *Ett jämställt uttag? Reformen inom föräldraförsäkringen [Equal use? Reforms within parental leave insurance]* Rapport 2012:4. Inspectorate of Social Insurance. Available at <http://www.inspsf.se/>

¹³⁰ Statistiska Centralbyrån. (2010) *Nyttjande av kommunalt vårnadsbidrag [Use of the municipal child-raising allowance]*. Available at: www.scb.se/statistik/.../BE9999_2010A01_BR_BEFT1102.pdf

¹³¹ Statistiska Centralbyrån (2010) *På tal om kvinnor och män [Talking about women and men]*. Available at: www.scb.se

¹³² Larsson, J. (2012) *Studier i tidsmässiga välfärd – med fokus på tidsstrategier och tidspolitik för småbarnsfamiljer [Studies in Temporary Welfare – focusing on time strategies and time politics for families with small children]*. Doctoral thesis: Department of Sociology, University of Gothenburg.

When temporary Parental leave is used to care for sick children, it is more often used by mothers (64 per cent of days taken in 2010) (footnote 5).

Parents are increasingly using the care allowance (*vårdbidrag*), where children have longer-term illness or disability, and today it is paid for 45,788 children.

5. Research and publications on leave and other employment-related policies since April 2011

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. Currently evaluations of the gender equality bonus and home care allowance are ongoing.

b. Selected publications since April 2011

Almqvist, A-L., Sandberg, A. and Dahlgren, L. (2011) 'Parental leave in Sweden: Motives, experiences, and gender equality amongst parents', *Fathering*, Vol. 9, No. 2: 189-206. This study of 16 heterosexual couples from four Swedish municipalities suggests that more extensive campaigns to encourage fathers to take leave resulted in higher leave use in municipalities where that occurred. Fathers taking more leave exhibited a greater child orientation and participated more in childcare - though not necessarily housework - after they had returned to work; fathers taking less leave, participated less in household work. Lack of male networks was suggested as a possible reason why rural men take less leave.

Celstrand, S. (2011) *Från idé till politisk verklighet: Föräldrapolitiken i Sverige och Danmark [From idea to political reality: Parental politics in Sweden and Denmark]*. Doctoral thesis: University of Gothenburg, also published by Boréa (Umeå).

This dissertation seeks to explain why Swedish Parental leave policy developed in a gender neutral direction, offering fathers' non-transferable rights to Parental leave, while Danish Parental leave policy instead has focused on women's rights, permitting women to take all of the leave period. It claims that Swedish women ('idea carriers') were the driving force behind the development of gender neutral Parental leave, and that they were successful in convincing policymakers that the solution to the problem of traditional gender roles was to develop gender-neutral leave policy. Danish women on the other hand were not successful in this respect. The author applies the concept of 'path dependency' to explain why Swedish and Danish Parental leave policies have remained on their respective trajectories for the past several decades.

Gislason, I. and Eydal, G. B. (eds.) (2011) *Parental leave, childcare and gender equality in the Nordic countries*. Tema Nord 2011:562. Copenhagen: Nordic Council of Ministers.

Available at: <http://www.norden.org/en/publications/publikationer/2011-562>

One chapter in this book describes the development of parental insurance in all five Nordic nations and explains how it was intended to decrease discrimination against women in the labor market and encourage more egalitarian sharing of childcare by fathers and mothers after the leave was over. Another chapter evaluates the effects of Parental leave and early childhood and education programs on Nordic children, concluding that such programs contribute to children's well-being in several ways.

Haas, L. and Rostgaard, T. (2011) 'Fathers' rights to paid parental leave in the Nordic

countries: consequences for the gendered division of leave', *Community, Work & Family*, Vol. 14, No. 2: 177-195.

Relying upon research by members of the International Network for Leave Policies and Research, this article explores to what extent government-provided, paid Parental leave and quotas for fathers could bring about equality in the division of leave between men and women. It focuses on the pioneers in the field, the Nordic countries - the first nations to offer fathers Parental leave and introduce quotas. The article describes the extent to which Parental leave policies have been established and implemented in a way that is likely to promote equal sharing of leave. Differences in policy-making goals and political agendas are evident in the features of gender equality incentives contained in the Parental leave schemes across the Nordic countries. Then, the article evaluates the impact of particular configurations of gender equality incentives in present Parental leave policies for the actual division of leave time between men and women. The inter-country comparison of leave features and take-up suggests that the father's quota is the most successful policy feature for increasing and maintaining a high level of take-up of Parental leave. Other policy features such as universal coverage, long spells of leave in addition to the father's quota, high compensation, flexibility, and other incentives to take leave may contribute to the encouragement of fathers taking leave and may help fathers negotiate leave-taking at the workplace and with partners. However, results suggest that it is the presence of the father's quota that independently creates the success of Iceland, Norway and Sweden in involving fathers in the early care of their young children.

Lundqvist, Å. (2011) *Family Policy Paradoxes: Gender Equality and Labour Market Regulation in Sweden, 1930–2010*. Bristol, UK: Policy Press.

This book provides a detailed historical analysis of the unique political processes involved in bringing about policies promoting the goals of gender equality and family well-being in Sweden. Lundqvist's major claim is that steady progress toward these goals is due to the important role played by 50 different government commissions between 1929 and 2006. These commissions, staffed by academics and researchers knowledgeable about family and gender issues, helped lay the groundwork for reforms by recommending solutions to important social problems and by promoting a political consensus about what direction policy reforms should take. Targeting the interlinked problems of low birth rates, families' overreliance on single earners and society's need for economic growth, the key solution has been to increase mothers' participation in paid employment and their status in the labour market. Policies like paid Parental leave and heavily subsidized early childhood education and care were developed to do this. Men were also challenged to participate more in childcare from birth on because politicians accepted the commission reports' premise that achieving gender equality in the labour market required transforming gender relations in the family. While there has been continuity in policy reform, Lundqvist also discusses 'family policy paradoxes', where rhetoric has outstripped policymaking or policies have targeted competing goals for family life.

Duvander, A. (2012) 'Leave policies' development in Sweden', in: S. Parrukoski and J. Lammi-Taskula (eds.) *Parental leave policies and the economic crisis in the Nordic countries* (National Institute for Health and Welfare no 24:2012, Helsinki). Available at: <http://www.thl.fi/thl-client/pdfs/c2223657-48f5-4e25-a9db-c532a15d6bcd>

The paper is in the report of a conference on the economic crisis, held in Helsinki in November 2011.

Duvander, A. and Johansson, M. (2012) *Ett jämställt uttag? Reformen inom föräldraförsäkringen [Equal use? Reforms within parental leave insurance] Rapport 2012:4*. Inspectorate of Social Insurance.

This report is based on a study of first-time parents' use of Parental leave the year just before and just after 3 major reforms in Parental leave were put into place to increase fathers' use of leave: the first non-transferable month for fathers' use in 1995, the second

month in 2002, and the Gender Equality Bonus in 2008. While the first reserved month resulted in an overall average increase of first-time fathers taking 10 more days of leave than formerly, the researchers conclude that perhaps the most important effect of the first reserved month was that the vast majority of all fathers began to use Parental leave days. This probably contributed to a developing norm where fathers participate more in childcare earlier in a child's life. Fathers with low income, lower secondary education and fathers born abroad used Parental leave to a lesser extent than others before the first reserved month was introduced. It was these groups of fathers who increased their use most after the first reform, meaning that group differences in fathers' leave use were smaller after the first reform.

The second reform, the second reserved month for fathers, increased first-time fathers' average use of leave by a lesser average amount: six days. However, together the two reserved months appear to have had a broader significance, establishing a norm of shared responsibility for children. By 2008 (the date of the third reform, the Gender Equality Bonus), approximately one in four of all first-time fathers did not use a single day of Parental leave during the first 24 months after their child's birth, a relatively stable proportion since the introduction of the first reserved month. At the same time, the proportion of fathers using longer periods of Parental leave had increased substantially; the proportion of fathers using more than 90 days of Parental leave had increased from 10 per cent at the introduction of the first reserved month to 23 per cent by 2008. The analysis does not reveal any significant effect on Parental leave use of the introduction in 2008 of the Gender Equality Bonus, for either mothers or fathers. This result may be due to a complicated system for receiving these bonuses (based as it was until 2012 on a lagged tax credit); the bonus has also received relatively little attention in the media and public debate.

Duvander, A. and Olsson, S. (2012) 'Nyanlända invandras användning av föräldrapenning' ['Newly arrived immigrants' use of parental leave'], in: *Förmån och fälla – nyanländas uttag av föräldrapenning [Advantages and pitfalls – newly arrived immigrants' use of parental leave]* (Statens Offentliga Utredningar 2012:9). Stockholm: Fritzes.

This is an exploratory study of newly arrived immigrant men's and women's use of Parental leave. Comparisons are made between immigrants from EU member states, from other countries and Swedish-born parents. Immigrants who arrive with children and immigrants who have children during their first years in Sweden were both studied. The results show that immigrant mothers often use many days of Parental leave during their first year in Sweden but that this is a temporary pattern. Also a large group of immigrant parents use no leave. Immigrants receive much lower compensation than Swedish-born parents, probably because they have difficulties receiving income-related benefits.

Larsson, J. (2012) *Studier i tidsmässig välfärd – med fokus på tidsstrategier och tidspolitik för småbarnsfamiljer [Studies in Temporary Welfare – focusing on time strategies and time politics for families with small children]*. Doctoral thesis: Department of Sociology, University of Gothenburg.

Parents' right to reduced work hours is one provision of parental insurance that receives little research attention. This research study involving 20,000 parents found that 28 per cent of mothers but only 2 per cent of fathers of children aged 2 to 7 years chose to work reduced hours (30-36) because they had children. Most of the fathers were well-educated professionals. In-depth interviews with part-time working fathers suggested several factors that promote fathers' use of this unpaid benefit: higher income, unconventional attitudes about consumption and maintaining a certain level of material living, partner support and acceptance in the workplace. Fathers' part-time work holds much promise in reducing work-family conflict.

Tunberger, P. and Sigle-Rushton, W. (2011) 'Continuity and change in Swedish family policy reforms', *Journal of European Social Policy*, Vol. 21, No. 3: 225-237.

This research analyses the potential impact of three recent policy changes on the employment and childcare choices of Swedish parents – the Gender Equality Bonus, the tax deduction for domestic services and the child-raising allowance for parents who stay home to care for children. A simulation method is used to analyse after-tax household income for eight hypothetical Swedish couples (using 2008 statistics). The results show that the Gender Equality Bonus makes it financially worthwhile or at least cost free for couples to share Parental leave more equally where partners have similar incomes and less costly when there is a gender wage gap. However, they concluded that even without the Bonus, couples tend to lose little money if fathers share Parental leave. Couples could afford to use the domestic worker tax deduction to hire a child minder in all but the lowest income-earning groups (without dipping below what is considered the poverty line), but that relying upon a private child minder would significantly lower family income regardless of whether the woman worked full- or part-time. The child-raising allowance reduces the economic costs for mothers to stay home, especially if they earn a great deal less than their partners. But the most economically advantageous model for couples of all income levels is where both parents work full time and use public childcare, or when one works full time and the other works long part-time hours and they use public childcare. They conclude that the recent policy changes appear to target different socio-economic groups (e.g., the child-raising allowance seems appealing to some lower-income immigrant women) and overall these policies do not seem to be taking Sweden off the path toward a dual breadwinner/dual caregiver society.

c. Ongoing research

Work, Family and Society (2011-2014). Linda Haas, Indiana University, and Philip Hwang, Göteborg University. Funded by the Swedish Council for Working Life and Research. A qualitative study in six Swedish companies, three more father-friendly than the others, has recently been completed with the aim of learning more about companies' motivations for supporting fathers taking Parental leave and what aspects of company culture still discourage fathers from taking leave. This study, titled 'Organizational Culture and Gender Equity', took between 2008-2011, and included interviews with personnel officers, mid-level managers, as well as focus groups with fathers. 'Work, Family and Society' is a new stage of this study and involves interviewing fathers from these companies, together with their partners, to learn more about how fathers' and mothers' workplaces affects decisions about leave taking. Contact: Linda Haas at lhaas@iupui.edu.

Switzerland

Isabel Valarino (University of Lausanne)

April 2012

NB. Switzerland is a federal state.

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

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

Note on Swiss federal, cantonal and communal government: Switzerland is a federal state with three political levels: communes, cantons and the Confederation. Family policy follows the principles of federalism and subsidiarity: the Confederation cedes responsibility for all areas of family policy to the cantons and communes, insofar as they are able to perform these tasks, and retains a purely ancillary and enabling role. The Swiss Constitution defines the areas of responsibility of the Confederation. Article 116 stipulates that, in fulfilling its tasks, the Confederation shall take due account of the needs of the family and may legislate on family allowances; this article provides the legal basis for maternity insurance.

Family policy may be organised very differently from one canton to the other. Various cantons have also set up special family commissions. In their respective areas of responsibility (e.g., schools, childcare), many cities and communes also implement family policy measures. Many non-governmental organisations are in part subsidised by the state and carry out specific tasks related to family policy. The division of responsibilities among political levels and the number of actors involved is, therefore, complex. For instance, each political level intervenes in early childhood education and care: for example, though most childcare services stem from the market, they are regulated and partially subsidized by the communes and/or the cantons. Finally, the federal level is also involved through a temporary programme, which subsidizes new childcare initiatives and the creation of additional places for pre-school children.

The Swiss political system is a direct democracy: through referendums and initiatives, citizens may challenge any law passed by parliament and propose amendments to the federal constitution. In the case of an amendment proposed to the federal Constitution, referendum is mandatory.

a. Maternity leave (*Allocation de maternité*) (responsibility of the Federal Department of Home Affairs, Federal Social Insurance Office)

Length of leave (before and after birth)

- 98 days (fourteen weeks) of leave: the entitlement starts on the day of delivery. It is obligatory to take eight weeks leave.
- Absence from work is mandatory during the first eight weeks following birth.

- Employed women can be exempted from work before birth for medical and health reasons upon presentation of a medical certificate; in this case, full salary payment continues for a limited period of time.

Payment and funding

- Eighty per cent of earnings, up to a ceiling of CHF196 (€163¹³³) per day which is equivalent to a monthly income of CHF7,350 (€6,121) for employees or an annual income ceiling for self-employed workers of CHF88,200 (€73,449).
- The leave is funded by the Loss of Earnings Compensation fund, which also provides benefits for people carrying out military service, civil defence or civilian service. It is financed by equal contributions from employees and employers (each pay 0.5 per cent of earnings).

Flexibility in use

- None.

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

- All employees; self-employed workers; women working in their husbands' or partners' businesses or that of a family member and who are paid a salary; women benefiting from unemployment, sickness, accident or invalidity allowances.
- Women must have a record of nine months of contribution to the Old Age and Survivors Insurance; and must have worked for a minimum of five months during the nine months preceding birth.

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

- None.

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

- Maternity leaves are often supplemented by collective agreements, which grant full wage replacement and/or extended lengths of leave (approximately two additional weeks, i.e. sixteen weeks of paid Maternity leave). Companies, which often take out private supplementary insurance for such cases, cover these expenses.
- The Confederation, cantonal public employers and communes are not subject to the basic legislation, but to specific regulations of their own. However, these regulations generally provide more generous maternity benefits to their employees, i.e. 16 weeks of leave at full earnings. A minority of cantonal employers grant four additional weeks for mothers who are breastfeeding, bringing their leave up to twenty weeks.
- In the canton of Geneva, all working mothers are granted 112 days (sixteen weeks) of Maternity leave, paid at eighty per cent of earnings. A cantonal Loss of Earnings Compensation fund pays for the two additional weeks, which are not covered for by federal dispositions.
- The canton of Fribourg has a maternity allowance targeted at all resident mothers, including adoptive and home-making mothers. The daily allowance of CHF38.20 (€32)

¹³³ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

is paid over 98 days (equivalent to CHF1,140 per month during 3.2 months). Working mothers who receive less than this amount through the federal entitlement will be entitled to the difference through this cantonal insurance.

b. Paternity leave

No statutory entitlement.

Article 329 of the Code of Obligations (CO) mentions that the employer 'must allow the employee the customary hours and days off work' in addition to vacation leave, which are generally understood as time-off granted to employees for personal reasons (e.g. 'family-related events, such as birth or adoption, decease of close family members, marriage of the employee, etc.'¹³⁴). However, the existence, length and payment of a Paternity leave depends on the parties involved and social partners through the establishment of individual agreements, standard employment contracts, collective employment contracts, or well-established common practices (even if not written) in a company or a branch. Regarding payment during these days off, it is generally understood that time off for the birth of a child should be paid; this is, however, not mandatory.

There is no representative survey on the number of days off granted to fathers on a national scale and if they are paid. However, there are some indications that the majority of collective labour agreements grant a minimum of one day off (the day of birth)¹³⁵, and that it is predominantly paid for at 100 per cent by employers. Several small-scale research studies show that, increasingly, private companies and public administrations grant employees five days of paid Paternity leave (with full earnings compensation). More rarely, companies grant two or three weeks of paid Paternity leave and sometimes allow employees to take one or two additional unpaid weeks. This leave is generally to be taken at the birth of the child, but sometimes a longer time frame is given (e.g. during the child's first year).

c. Parental leave

No statutory entitlement.

There is some indication that a minority of companies in the private sector grant employees unpaid Parental leaves¹³⁶. A majority of cantonal public employers also grant unpaid Parental leaves - ranging from 1 to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants)¹³⁷.

¹³⁴ Carruzzo, P. (2009) *Le contrat individuel de travail. Commentaire des articles 319 à 341 du Code des obligations*. Zürich : Ed. Schulthess

¹³⁵ Canning Wacker, N., & Dalla Palma, S. (2005) ; Pro Familia Suisse (2001) *Familles et entreprises. Résultats de l'enquête effectuée auprès des entreprises suisses*. Bern : Pro Familia Suisse ; Pro Familia Suisse (2011) *Was Männer wollen! Studie zur Vereinbarkeit von Beruf und Privatleben*. Available at: http://www.sg.ch/home/staat_recht/recht/gleichstellung.Par.0018.DownloadListPar.0001.File.tmp/104868_ProFamilia_Studie_per_cent2009022011.pdf.

¹³⁶ Canning Wacker, N., & Dalla Palma, S. (2005) *Concilier activité professionnelle et famille. Enquête sur les mesures proposées aux employé-e-s par les organisations privées et publiques de l'arc lémanique*, [Electronic Version], 48. Available at: http://www.rezonance.ch/fs-search/download/Rapport_per_cent20Via2_per_cent2014.12.2004.pdf?version_id=621040.

¹³⁷ Fuchs, G. (2004) *Les administrations publiques, pourvoyeuses d'emploi attractifs pour les parents – Comparaison des régimes de congé parental de la Confédération, des cantons et des municipalités*. Available at : http://www.vs.ch/Press/DS_18/PUBL-2007-03-27-11717/fr/Administrations_publices_F_CSDE_Gesine_Fuchs_Bale_per_cent202004.pdf; Fuchs, G. (2008) *Prestations en cas de maternité et initiatives parlementaires sur les congés et prestations offerts aux parents (notamment congé paternité, congé parental et congé d'adoption): rapport sur la situation actuelle dans l'administration fédérale, les cantons et quelques municipalités* Available at : <http://www.equality.ch/f/publications.htm>

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- There is no federal statutory entitlement. Adoption leave is subject to employers' agreement or to collective labour agreements; for example, approximately one third of public cantonal employers grant paid adoption leaves; but often for shorter periods than maternity leaves. Some cantons have implemented gender neutral adoption allowances for working parents, available to only one of the adoptive parents; the cantons of Vaud and Geneva entitle adoptive parents to 14 and 16 weeks of pay, respectively, at 80 per cent¹³⁸. Such cantonal allowances are provided only if one of the parents interrupts his/her employment.

Time off for the care of dependants

- Parents are entitled to three days per illness episode in order to care for their sick child upon presentation of a medical certificate. When two persons share parental responsibilities, only one should benefit from this provision (parents should decide who benefits from the leave for sick children, depending on the solution which suit them best). This leave is understood as time granted for lone parents or working parents in order to organise prolonged childcare if that is needed. Salary payment is suggested by the Code of Obligations as parents have a legal obligation to care for their dependent children; although salary payment seems to be a common practice, it is not mandatory.
- The same article should in principle be applicable to parents of seriously ill children who have to care for them for a prolonged period. However, there is no guarantee of salary payment in these cases.

Flexible working

- During the child's first year, the time spent breastfeeding on the company's site is considered as work time and half of the time spent breastfeeding out of the company's site is considered as work time. 'Work time' means that time spent breastfeeding is not considered as a rest period; it must not be compensated for by additional working time and should not be deducted from vacation and overtime hours. However, salary payment during the time spent breastfeeding is not mandatory.
- There is no statutory entitlement to reduced or flexible working hours for employed parents. However, the Employment Law states that the employer should take into account the employee's 'family responsibilities' when fixing work and rest hours. Family responsibilities are defined as the education of children up to 15 years old and the charge of other family members or close members in need of care.
- Some collective labour agreements specifically include the right to reduced working hours for parents and there is some indication that a significant proportion of companies allow flexible working hours¹³⁹.

¹³⁸ Such provisions are possibly also proposed in other cantons, but there is no overall documentation available.

¹³⁹ See Bühler, S. (2004), *Bébés et employeurs - Comment réconcilier travail et vie de famille. Version abrégée de l'étude comparative de l'OCDE portant sur la Nouvelle-Zélande, le Portugal et la Suisse : aspects suisses* (Vol. 1f). Berne: Secrétariat d'Etat à l'économie.

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

The maximum period of paid post-natal leave available in Switzerland is just over 3.2 months, all paid at a high rate of income replacement. There is no entitlement to ECEC at any age and no information on levels of attendance at formal services for children under 3 years. For children over 3 years, levels of attendance are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

A 2007 parliamentary initiative, which demands the ratification of the Convention No.183 on the protection of maternity of the International Labour Organisation (ILO), has been accepted by the Committees for Social Security and Health of both Parliamentary chambers. The Swiss law fulfils the Convention, with the exception of the payment of employed mothers' breastfeeding breaks which is currently not guaranteed by the Swiss Employment Act (EmpA). During the consultation procedure (ended in August 2011), some cantons, right-wing parties, economic organizations and unions expressed their opposition to ratification and EmpA amendment; the majority of cantons, parties and unions were favourable. In February 2012, the Federal Council recommended ratification of the ILO Convention and amending the Ordinance to the EmpA (and not the EmpA itself) by regulating payment for breastfeeding breaks. The committee for Social Security and Health of the National Council (lower house of the federal parliament) will examine this issue and ratification will be submitted to both Chambers. A decision should be reached during 2012, and if it is accepted, it will still be subject to optional referendum.

The Federal Council (federal government) has been systematically opposed to the introduction of Parental leave policies. It has, however, recently agreed (September 2011) to produce a report on a tax-deductible private Parental leave insurance (as well as an evaluation of other proposals). The report should be published by the end of 2012. This private Parental leave insurance proposal comes from a national men's and fathers' association, and was promoted by an inter-party MP group (Socialist, Christian-Democrats, Radical-Liberal, Swiss People's Party MP were involved). The proposal was also deposited as a motion at the National Council and has yet to be considered. Three other proposals must also be examined by the Parliament. One proposes a two week paid Paternity leave to be taken at birth. Another proposes a 'leave credit' of 20 days per parent to be used until the child's fourth anniversary. The third proposes to enable fathers (only those serving in the army) to transform their military service benefits into paternity benefits the year of birth of the child or the year after.

In March 2012, a far more ambitious Parental leave proposal (24 weeks of paid parental leave) was rejected by the National Council by 101 votes against 64. This proposal was put forward in March 2011 by the Green parliamentary group, who took up a Parental leave model developed by the Federal Coordination Commission for Family Affairs (FCCF). The FCCF is an advisory commission of the Federal Department of Home Affairs whose mandate is to inform, coordinate and propose voting recommendations as well as new policy measures. In a 2010 report, the FCCF provided an overview of family needs in Switzerland, of existing Swiss policies and of leave schemes developed in other countries. It proposed the following model for Switzerland: six months of leave, paid at 80 per cent of earnings, including individual entitlements of four weeks for each parent and a common family entitlement of sixteen weeks to be shared. The leave was designed flexibly: to be used until

the child's first day of school; to be used in several blocks of time and part-time; and to be used concurrently by parents if they both work part-time. The cost of this leave scheme was estimated at CHF1.1-1.2 billion (€916-€999 million), approximately double the cost of current maternity benefits. Two funding options were assessed: increasing employee and employer contributions; or increasing the Value Added Tax.

Finally, in December 2011 a Christian-Democrat MP made an intervention pointing out the increasing gap between Switzerland and the European Union (EU) regarding family policies. She asked whether the Federal Council was considering adapting to the 4 months Parental leave EU Directive (2010/18/UE). The Federal Council answered that the overview report on Parental leave schemes was first to be issued.

In 2007, a parliamentary initiative in favour of a new Constitutional article on family policy was put forward. The Committees for Social Security and Health (CSSH) of both chambers gave positive recommendations and proposed an amendment project which focuses on reconciliation of work and family life: 'The Confederation and the cantons encourage measures enabling the reconciliation of family life and wage work or training activities. Cantons provide in particular an appropriate offer of extra-familial and extra-school childcare structures' (Project, Federal Constitution, Art. 115a, section 2). The consultation procedure revealed that the majority of invited participants (cantons, parties, civil associations) were favourable to the new article. The Federal Council also gave a positive recommendation, with small changes proposed. Following the National Council's vote in March 2012, the Committee for Social Security and Health of the Council of the States will examine the current state of the project. If an agreement is reached among the two Chambers, the new Constitutional article will be submitted to the Swiss electorate in an obligatory referendum.

This new Constitutional article project explicitly mentions the need to create early childhood services but does not do so for Parental or other types of leave. This was noted by some cantons, parties and associations during the consultation procedure.

4. Take-up of leave

a. Maternity leave

Approximately 70 per cent of women giving birth meet the eligibility criteria of maternity allowances and benefit from them¹⁴⁰. The number of recipients has been increasing since Maternity leave was introduced, probably because of an increase both in births and female employment. In 2005, 28,102 mothers (this figure is for six months only – the law came into force on the 1st of July) benefited from allowances; in 2006, 54,769; in 2007, 56,381 mothers; in 2008, 60,394 mothers; in 2009, 64,051; and in 2010, 67,329¹⁴¹. It is estimated that the majority of recipients take up the maximum length of leave (98 days)¹⁴².

In 2010, the average amount of the daily indemnities granted to mothers was CHF115.50 per day¹⁴³, far from the ceiling of CHF 196.

According to Sottas and Millioud (2008), in 2006, 80 per cent of leave recipients were married, 15 per cent single and 5 per cent divorced. The majority of recipients were

¹⁴⁰ Sottas & Millioud, p. 306 for 2006.

¹⁴¹ <http://www.bsv.admin.ch/dokumentation/zahlen/00093/00434/index.html?lang=fr>

¹⁴² Sottas, G. and Millioud, P. (2008) 'Allocations pour pertes de gain en cas de maternité - premier aperçu', *Sécurité sociale*, Vol. 5: 304-307. The administrative data available provide information for calendar years. For this reason, the average length of leave is under-estimated because some recipients receive part of their allowances on one year and the rest on another.

¹⁴³ This figure was obtained by dividing the total maternity leave expenditures in 2010 (CHF638 millions) by the number of daily indemnities (5,521,593).

employees (83 per cent); 14 per cent were self-employed and 3 per cent inactive (eligible because they previously received unemployment, health or disability benefits).

b. Paternity leave

No statutory leave entitlement.

c. Parental leave and Parental benefit

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2011

a. General overview

There is little research on Maternity leave benefits and leave uptake by women, though there will soon be a report available on the effects of Maternity leave implementation (see 'ongoing research'). There is some research on special Paternity and Parental leave entitlements available in public administrations and on common practices and/or needs in the private sector. Here again, research literature is either not totally up to date (the most recent data for cantonal entitlements for civil servants are 2008), partial (surveys on reconciliation measures in private companies concern only specific cantons), or non-existent. For instance, to my knowledge, there exists no overall view of collective agreements or standard work contracts that grant paid Paternity leaves or unpaid Parental leaves to employees. No representative statistics are available either on the proportion of working men and women who can benefit from such policies and who take advantage of them.

The Federal Department of Home Affairs and the Federal Department of Economic Affairs provide a 'Work-Family life conciliation' online platform gathering information (in French, German and Italian) about cantonal and communal work-family objectives and instruments: <http://www.berufundfamilie.admin.ch/informationsplattform/index.html?lang=fr>. The data cover cantonal and communal pre-school and school-age childcare services and 'family friendly' working conditions offered by public employers and promoted in the private sector. Information about instruments and legal frameworks, covering a wide range of leaves and flexible working arrangements, are available and updated annually.

b. Selected publications April 2011

None reported.

c. Ongoing research

Analysis of maternity allowances outcomes (2012). Funded by the Federal Social Insurance Office.

This study on the effects of Maternity leave implementation addresses three lines of questioning: the effects of maternity insurance on (young) women's and mothers' employment and activity; whether the federal Maternity leave has curtailed pre-existing more generous schemes, and whether the savings to these schemes due to the implementation of a federal maternity insurance have been reinvested in extended maternity (or paternity) benefits; and financial and administrative effects. Results should be available by August 2012.

Do parental leave policies challenge gender relations? Representations of parental leave policies in Switzerland (2009-2013). Isabel Valarino, doctoral thesis at the Institute of Social Sciences, University of Lausanne.

This research analyses the emergence and problematisation of Parental and Paternity leaves in the Swiss political and media spheres, as well as in work organisations. A case study in a public work organisation granting discretionary leave benefits and interviews with fathers benefiting from such policies will be conducted. The research is scheduled to finish at the end of 2013. Contact: Isabel Valarino at Isabel.valarino@unil.ch.

United Kingdom

Margaret O'Brien (University of East Anglia) and Peter Moss (Institute of Education University of London)

April 2012

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

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

a. Maternity leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave (before and after birth)

- Fifty-two weeks. A woman can start to take her leave from 11 weeks before the beginning of the week the baby is due.

Payment and funding

- Ninety per cent of woman's average earnings for six weeks with no ceiling + a flat-rate payment of either £135.45 (€159¹⁴⁴) or 90 per cent of average gross weekly earnings (whichever is lower) for 33 weeks. The remaining 13 weeks are unpaid.
- Financed by National Insurance Contributions (NICs) from employers and employees. It is paid by employers who can claim back an average of 93 per cent from HM Revenue & Customs (the taxation agency) and small employers can claim back 103 per cent.

Flexibility in use

- The mother can opt to start her leave at any point from 11 weeks before the baby is due until the baby is born.
- Mothers can choose to return to employment from two weeks after childbirth.
- Up to ten 'Keep In Touch' days can be worked without affecting Maternity leave or pay

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

- All women employees are eligible for 26 weeks 'Ordinary Maternity Leave' (OML) plus a further 26 weeks of 'Additional Maternity leave' (AML). Women employees who have worked for their employer continuously for 26 weeks, into the fifteenth week before the week the baby is due, and who meet a minimum earnings test, are eligible for 'Statutory Maternity Pay' (SMP) consisting of six weeks' payment at 90 per cent of

¹⁴⁴ Conversion of local currency into Euros undertaken on 8 June 2012, using <http://finance.yahoo.com/currency-converter/>

average gross weekly earnings, with no ceiling, plus 33 weeks of flat-rate payment at £135.45 (€159) a week or 90 per cent of average gross weekly earnings, whichever is the lesser.

- Women who are not eligible for SMP (e.g. have recently left work, changed jobs, or are self-employed) may be eligible for a Maternity Allowance (MA) of 39 weeks at the flat rate of £135.45 (€159) or 90 per cent of average gross weekly earnings, whichever is the lowest, e.g. if they 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

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

- After the first twenty weeks the mother can transfer the remaining Maternity leave to her partner (husband, biological father, civil partner) if she returns to employment. This is termed Additional Paternity Leave (APL), and is for a minimum of 2 weeks and a maximum of 26 weeks; APL cannot be claimed in the first twenty weeks after the child is born and must end no later than the child's first birthday. Fathers taking APL can be paid for a maximum of 19 weeks at the flat rate of £135.45 (€159) or 90 per cent of their average earnings, whichever is the lower figure; such payment – the Additional Statutory Paternity Pay (ASPP) - is only available during the period that the mother would be entitled to payment for Maternity leave, i.e. between 20 and 39 weeks after the child is born. If he takes APL after the 39 week period, it will be unpaid¹⁴⁵.
- Fathers must give their employer 8 weeks' notice that they wish to take APL and ASPP. They must have worked continuously for their employer for 26 weeks by the end of the fifteenth week before the start of the week the baby is due and remain employed into the week before the leave is due to start.
- In the event of the mother's death, the father may start his entitlement to APL and ASPP immediately (even if the death occurs within 20 weeks of the child's birth) and the maximum period of ASPP is extended to 39 weeks. APL may be extended until the child's first birthday.
- Fathers can change the dates later if needed, as long as they give 6 weeks' notice. If they do not, and the employer cannot accommodate the change, the father will have to take the leave on the dates he originally told his employer.

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

- Many employers make additional provisions that go beyond the statutory minimum. For example, in 2007, 53 per cent of workplaces with five or more employees offered extra-statutory Maternity leave and 16 per cent provided additional payments (Hayward et al., 2007¹⁴⁶).

¹⁴⁵ For more information on APL, see Department for Business, Innovations and Skills (2011) *Pregnancy and Work: what you need to know as an employee for babies due on or after 3rd April 2011*. London: BIS. Available at: <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/p/10-1168-pregnancy-and-work-employee>.

¹⁴⁶ Hayward, B., Fong, B. and Thornton, A. (2007) *The Third Work–Life Balance Employer Survey: Executive Summary (Employment Relations Research Series No.86)*. London: Department for Business (DBERR). Available at: <http://www.berr.gov.uk/files/file42645.pdf>.

b. Paternity leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Two weeks.

Payment and funding

- Flat-rate payment of £135.45 (€159) a week, or 90 per cent of average weekly earnings if that is less.
- Funded as for Maternity leave, with employers able to claim back some or all of the payments from the HM Revenue and Customs HMRC.

Flexibility in use

- It cannot start until the baby is born, and must finish within 56 days of the baby's birth or within 8 weeks of the due date if the baby is born prematurely.

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

- Male employees who meet three conditions: they are the biological father of the child or the mother's husband, partner or civil partner; they expect to have responsibility for the child's upbringing; they have worked continuously for their employer for 26 weeks ending with the fifteenth week before the baby is due and remain employed at the time of the child's birth.

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

- In the case of premature births, the period in which leave can be taken is extended until eight weeks after the child was due (that is the requirement to finish paternity leave within 56 days of the baby's birth is not applicable).

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

- A minority of employers go beyond the statutory minimum; in 2007, 18 per cent of workplaces with five or more employees offered additional Paternity leave and 19 per cent additional Paternity pay (Hayward et al., 2007¹⁴⁷).

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) up to the child's fifth birthday, with a maximum of four weeks leave to be taken in any one calendar year.

¹⁴⁷ Hayward, B., Fong, B. and Thornton, A. (2007) *The Third Work–Life Balance Employer Survey: Executive Summary (Employment Relations Research Series No.86)*. London: Department for Business (DBERR). Available at: <http://www.berr.gov.uk/files/file42645.pdf>

Payment

- None.

Flexibility in use

- Leave may be taken in blocks or in multiples of one week, up to and for no more than 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 in shorter periods e.g. 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 as a 'fallback scheme' since the intention is that 'wherever possible employers and employees should make their own agreements about how Parental leave will work in a particular workplace'¹⁴⁸.
- Employers may postpone granting leave for up to six months where leave-taking would cause significant disruption to the business.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- One adoptive parent is eligible for 52 weeks' leave paid at a flat-rate payment of ££135.45 (€159) a week, or 90 per cent of average weekly earnings if this is less, for the first 39 weeks; the final 13 weeks' are unpaid. There is also a right to paid Paternity leave for an adopter not taking adoption leave.

¹⁴⁸ Department of Trade and Industry, *Parental leave, summary guidance*. Available at: <http://webarchive.nationalarchives.gov.uk/+/http://www.dti.gov.uk/employment/balancing-work-family-responsible/parental-leave/index.html>

Time off for the care of dependants

- Employees may take ‘a reasonable amount of time off work to deal with unexpected or sudden emergencies affecting a dependant and to make necessary longer term arrangements’¹⁴⁹. The legislation does not define what is ‘reasonable’, ‘since this will vary with the differing circumstances of an emergency’ (ibid.). Emergencies are specified as including ‘if a dependant falls ill or has been injured or assaulted’ or ‘to deal with an unexpected disruption or breakdown of care arrangements’ or ‘to deal with an unexpected incident involving the employee’s child during school hours’. There is no entitlement to payment.

Flexible working: the right to request and the duty to consider

- Employees who have parental responsibility for a child aged 16 and under, a disabled child under 18 years or who care for a spouse, partner, civil partner, relative or other adult living with them have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours or work flexitime). Employees need to have worked for their employer continuously for 26 weeks before applying. Employers have a legal duty to consider these requests and may refuse them only ‘where there is a clear business ground for doing so ... [and must give] a written explanation explaining why’.¹⁵⁰

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

The maximum period of paid post-natal leave available in the UK is 18 months, but most of this is unpaid or low paid; leave paid at a high rate is only available for 6 weeks of Maternity leave. There is an entitlement to ECEC from 3 years of age though only for part-time nursery education (15 hours a week for 38 weeks per year). So there is an 18 month gap between the end of leave and an ECEC entitlement, and a gap of nearly 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on [cross-country comparisons](#) page.

3. Changes in policy since April 2011 (including proposals currently under discussion)

A national consultation on leave policy - *Consultation on Modern Workplaces: flexible parental leave, flexible working, annual leave and equal pay* - was announced after the 2010 general election, published in May 2011¹⁵¹ and closed in August 2011. The consultation included proposals to reconfigure UK’s leave system: to reduce the length of Maternity leave (currently 52 weeks) and pay (currently 39 weeks of which 6 weeks are paid at 90 per cent of woman’s average earnings and 33 weeks at flat rate) to 18 weeks; and to reclassify the

¹⁴⁹ Department of Trade and Industry, *Frequently asked questions about time off for dependents*. Available at: <http://webarchive.nationalarchives.gov.uk/+http://www.dti.gov.uk/employment/balancing-work-family-responsible/time-off/index.html>

¹⁵⁰ 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>

¹⁵¹ Department for Business, Innovation and Skills (2011) *Modern Workplaces*. Available at: <http://www.bis.gov.uk/news/topstories/2011/May/modern-workplaces>; see also <http://discuss.bis.gov.uk/modernworkplaces/visualisation/>

remainder of existing Maternity Leave as Parental Leave. Proposals for the new Parental leave included: four weeks of paid Parental leave exclusive to each parent to be taken in the first year (designed to incentivise greater involvement by fathers); and 30 weeks of additional Parental leave available to either parent - of which 17 weeks would be paid and could be broken in blocks between parents (to introduce more possibilities of flexible use). With respect to flexible working, the Consultation included proposals to replace the existing statutory employee 'Right to request' and employer 'Duty to consider' with a new statutory Code of Practice. In addition the government sought views on whether flexible working should be extended to all employees, not only those with caring responsibilities.

Over the past year a range of views (from the business sector, mothers' groups, fathers' groups, and child welfare organisations) have been expressed about leave policy, which will be reported on publication of the Government response; this has been delayed, but it is expected later in 2012 in the context of a new Children and Families Bill. Details of the Bill were included in the Queen's Speech May 2012, which signals key legislation in the forthcoming year¹⁵². The broad aim of this wide-ranging piece of legislation, of which the reform of Parental leave is only one component, is to

break down barriers stopping parents and carers getting the support they need - making it easier for parents to share caring responsibilities; giving families more choice and control over specialist special educational needs care; and supporting the most vulnerable children, including those in care or whose parents have separated.

The main ambition of the Bill with respect to parental leave is 'Legislating to give parents access to flexible parental leave; so that where they want to, mothers and fathers can share caring responsibilities in a way which best fits their needs.'

4. Take-up of leave

This section relies on the most recent publicly available national data: the Maternity and Paternity Rights and Women Returners Survey 2009/10 (Chanfreau et al., 2011¹⁵³). This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provides a detailed, statistically representative, updated picture of Maternity and Paternity leave, Statutory Maternity and Paternity Pay (SMP and SPP), Occupational Maternity and Paternity Pay (OMP and OPP) and Maternity Allowance (MA). It assesses the impact of changes brought about as a result of the Work and Families Act 2006, and examines mothers' return to work decisions alongside the availability of family friendly employment practices. Telephone interviews took place with 2,031 mothers and 1,253 fathers who had worked in the 12 months prior to the birth of their child, 12 to 18 months after the birth. The findings from another important survey- the 4th Work-life Balance Survey of Employees will be available later in 2012.

a. Maternity leave

According to the 2009/10 survey, the mean length of Maternity leave taken by women increased from 32 weeks in 2006 to 39 weeks in 2008; that is by approximately two months in the space of 2 years. The Work and Families Act 2006 policy goal of lengthening utilization of paid Statutory Maternity leave (SMP) and Maternity allowance (MA) from 26

¹⁵² Queen's Speech to Parliament, 09 May 2012. Available at:

<http://www.publications.parliament.uk/pa/ld201213/ldhansrd/text/120509-0001.htm>.

¹⁵³ Chanfreau, J., Gowland, S., Lancaster, Z., Poole, E., Tipping, S. and Toomse, M. (2011) *Maternity and Paternity Rights and Women Returners Survey 2009/2010* (Department of Work and Pensions Research Report No 777). Available at: <http://research.dwp.gov.uk/asd/asd5/rrs-index.asp>

weeks to 39 weeks was successful. However, results show that the remaining period of unpaid leave (i.e. weeks 40 to 52) was less attractive to mothers: just under half (45 per cent) made use of this leave. Duration of maternity pay and length of Maternity leave taken are positively associated, particularly for economically disadvantaged women. Those taking the shortest leaves were low-earners, part-time workers and the self-employed; while those taking the longest leave were: high earners and those in full-time employment.

The Maternity and Paternity Rights and Women Returners Survey 2009/10 did not collect systematic data on the exact timing of women's return to work but by 12-18 months after childbirth, three out of four (77 per cent) mothers had returned to employment. As in previous surveys mothers' decision to return to work was mainly motivated by economic considerations. The factors with the strongest association with returning to work included: employer size and sector, duration of pre-birth job, type of maternity pay received, family structure and mothers' educational levels.

The overwhelming majority of mothers who had worked before childbirth had received some type of maternity pay: 42 per cent of mothers received Statutory Maternity Pay (SMP) only; 32 per cent received SMP and Occupational Maternity Pay (OMP), the most generous pay package; 4 per cent received OMP only; 11 per cent received Maternity Allowance only; and 11 per cent of mothers received no maternity pay. The last group, who received no maternity pay, had the least advantageous employment conditions. These updated findings are in line with the earlier survey by Smeaton and Marsh (2006¹⁵⁴).

b. Paternity leave

The 2009/10 survey showed that 91 per cent of fathers took time off around the time of their baby's birth. Of those taking time off, 49 per cent took statutory Paternity leave only, 25 per cent statutory leave plus other paid leave, 18 per cent other paid leave only and 5 per cent unpaid leave. Those taking Paternity leave were most likely to take the statutory two weeks (50 per cent); 34 per cent took less than 2 weeks and 16 per cent more than two weeks. The odds of taking Paternity leave were significantly higher for men working in the public sector and where there were family friendly arrangements available in the workplace.

Some employers 'topped up' statutory Paternity leave payment: 39 per cent of fathers received full pay for less than 2 weeks, 33 per cent for 2 weeks and 9 per cent for more than 2 weeks. Large private and public sector organisations were most likely to give full payment for longer periods of paternity leave. Small and medium size private sector employers were most likely to pay the minimum statutory rate.

c. Parental leave

Provision and take-up of statutory Parental leave data are not systematically reported in the 2009/2010 survey. Instead paid and unpaid *informal* Parental leave is reported on as a form of family-friendly arrangement. Findings show that in their first post-birth job 5 per cent of mothers used 'fully paid' parental leave, 1 per cent 'partly paid' parental leave and 5 per cent unpaid parental leave. For employed fathers, 17 per cent used 'fully paid' parental leave, 6 per cent "partly paid" parental leave and 7 per cent unpaid parental leave. Although the data are not comparable with the 2006 survey¹¹, they do suggest a rise in uptake of Parental leave by mothers and fathers in the post-natal period.

¹⁵⁴ Smeaton, S. and Marsh, A. (2006) *Maternity and Paternity Rights and Benefits: Survey of Parents 2005 (Employment Relations Research Series, No.50)*. London: Department of Trade and Industry. Available at: <http://www.berr.gov.uk/files/file27446.pdf>.

d. Other employment-related measures

Information on take-up of other employment-related entitlements, such as use of flexible working, is taken from survey evidence since there is no requirement for employers to report on this. The latest national government Work-Life Balance surveys are still from 2006/2007 although a new survey, the 4th Work-life Balance Survey of Employees, will be published later in 2012.

Results from the 2006/2007 Work-Life Balance Employee Survey indicate that 9 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 9 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., 2006¹⁵⁵). There was a general 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 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 9 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 2010

a. General overview

Most leave policies have been introduced relatively recently into the UK: Parental leave and time off for dependants in 1999; adoption and Paternity leave and the right to request flexible working in 2003. There is, 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, 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 since January 2010

Chanfreau, J., Gowland, S., Lancaster, Z., Poole, E., Tipping, S. and Toomse, M. (2011) *Maternity and Paternity Rights and Women Returners Survey 2009/2010* (Department of Work and Pensions Research Report No 777). Available at: <http://research.dwp.gov.uk/asd/asd5/rrs-index.asp>

¹⁵⁵ Hooker, H., Neathy, F., Casebourne, J. and Munro, M. (2006) *The Third Work-Life Balance Employees Survey: Executive Summary, Employment Relations Research Series No.58*. London: DTI.

A nationally representative survey of Maternity, Paternity and Parental leave rights, provision and uptake, based on a national sample of mothers and fathers 12 to 18 months after childbirth.

Daly, M. (2011) 'What adult worker model? A critical look at recent social policy reform in Europe from a gender and family perspective', *Social Politics*, Vol.18, No.1: 1-23.

This paper analyses the theoretical and empirical basis of the argument that European welfare states are in the process of creating an adult worker model. It is suggested that the adult worker formulation is under-specified. A framework incorporating four dimensions - the treatment of individuals vis-à-vis their family role and status for the purposes of social rights, the treatment of care, the treatment of the family as a social institution, and the extent to which gender inequality is problematized - is developed and then applied. The empirical analysis reveals a strong move towards individualization as social policy promotes and valorizes individual agency and self-sufficiency and shifts some childcare from the family.

Smith, A. and Koslowski, A. (2011) 'Working Fathers in Europe: Earning and caring', *European Sociological Review*, Vol.27, No.2: 230-245.

Trends in paternal time in employment and child care are analyzed using ECHP data across 14 EU countries between 1994-2001. Findings show that fathers who spend more time with their children earn more per hour and work fewer hours per week, on average, than those who spend less time with their children: that is, employed fathers who spend most time with their children also experience the most favourable labour market outcomes

c. Ongoing research

None reported.

United States

Sheila B. Kamerman and Jane Waldfogel (Columbia University)

April 2011

NB. United States is a federal state.

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

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

Note on leave policy: there is no statutory right to any of the types of leave or other statutory measures covered in country notes. The federal Family and Medical Leave Act (FMLA) provides leave for a variety of reasons including: childbirth or the care of a newborn child up to 12 months; for the placement and care of an adopted or foster child; for the care of a seriously ill child, spouse or parent; or for a serious health condition of the employee that makes him/her unable to work for more than three consecutive days. The federal Department of Labor is responsible for FMLA. Details of FMLA are given below:

Length of leave (before and after birth)

- Up to 12 weeks in a 12 month period.

Payment and funding

- Unpaid.

Flexibility in use

- FMLA may be taken in one continuous period or divided into several blocks of time.

Regional or local variations in leave policy

- Five states (California, Hawaii, New Jersey, New York, Rhode Island) and Puerto Rico have Temporary Disability Insurance (TDI) programmes, sometimes referred to as cash sick leave benefits. These provide workers with partial compensation (about the same level as unemployment insurance benefit, i.e. about half of earnings) to replace loss of earnings caused by short-term non-job-related disability and mostly cover ten to 12 weeks of absence from work around the time of childbirth, including four weeks before and six to eight weeks after. TDI programmes cover about a quarter of the labour force.
- *California* was the first state to enact a comprehensive paid family leave law. Beginning in July 2004, the state provides all workers covered by the state's Temporary Disability Insurance (TDI) programme (described below) with up to six weeks of a partially paid

leave (55-60 per cent of earnings up to a maximum of US\$1,101 (€882¹⁵⁶) a week in 2011) following childbirth, adoption or care of a seriously ill child, parent, spouse or domestic partner. These benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase. It costs a minimum wage-earner an additional \$11.23 (€9) a year for this benefit while the estimated average additional cost is \$46 (€37).

- 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. Funding is by worker payroll contributions. In 2007 there were 72,500 beneficiaries including 22,100 parents of newborn and newly adopted children; 46,800 workers with a serious health condition; and 3,600 workers caring for seriously ill family members.
- *New Jersey* has also enacted a paid family leave. The legislation extends the state's existing Temporary Disability Insurance (TDI) system to provide workers with up to 12 weeks of TDI benefits at two-thirds of prior wages up to \$572 (€458) a month in 2011 to cover leave to care for a newborn, adopted or foster child, or sick child, parent, spouse, or partner. The measure is financed by employee payroll deductions that cost every worker in New Jersey a maximum of 64 cents a week, or US\$33 (€26) a year, in 2009. All workers who contribute to the programme have the opportunity to draw benefits starting 1 July 2009.
- *Minnesota, Montana and New Mexico* have active At-Home Infant Care policies providing low-income working parents who choose to have one parent stay home for the first year of a newborn or adopted child's life, with a cash benefit offsetting some portion of the wages forgone.

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

- FMLA covers all employees working for a covered employer (see below) and who have worked for that employer for at least one year (even if not for a continuous period) and for at least 1,250 hours over the preceding 12 months.

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

- None.

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

- Private employers and non-profit organisations with less than 50 employees are exempt (all public sector employees are covered).

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

There is no statutory entitlement to leave or ECEC. Levels of attendance at formal ECEC services for children under 3 years are average for the countries participating in this review; but well below average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

¹⁵⁶ Conversion of local currency into Euros undertaken on 3 May 2011, using <http://finance.yahoo.com/currency-converter/>

3. Changes in policy since April 2011 (including proposals currently under discussion)

None reported.

4. Take-up of leave

Because of the qualifying conditions, only about 58 per cent of workers in private firms are eligible for FMLA, with lower coverage for low wage workers, workers with young children, and working welfare recipients¹⁵⁷. 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^{158 159 160}. Thus though the law provides de facto Parental leave entitlements, studies have found that it has had generally small effects on leave usage by new mothers^{161 162 163 164} and little or no effects on leave usage by new fathers (footnotes 9 and 10). The fact that the law extended coverage but had so little impact on usage suggests that there are limits to the extent to which families are willing and able to use unpaid leave.

5. Research and publications on leave and other employment-related policies since April 2011

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

¹⁵⁷ 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.

¹⁵⁸ 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.

¹⁵⁹ Waldfogel, J. (2001) 'Family and Medical Leave: evidence from the 2000 surveys', *Monthly Labor Review*, September: 17-23.

¹⁶⁰ 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.

¹⁶¹ 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.

¹⁶² Waldfogel, J. (1999), 'The impact of the Family and Medical Leave Act', *Journal of Policy Analysis and Management*, Vol.18, 2: 281-302.

¹⁶³ Han, W.-J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography*, Vol.40, 1: 191-200.

¹⁶⁴ Han, W.J., Ruhm, C., and Waldfogel, J. (2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*, Vol.26, 1: 29-54.

b. Selected publications since April 2011

Rossin-Slater, M., Ruhm, C., and Waldfogel, J. (2011) *The Effects of California's Paid Family Leave Program on Mothers' Leave-Taking and Subsequent Labor Market Outcomes* (NBER Working Paper No. 17715). Available at: <http://www.nber.org/papers/w17715.pdf>.

This paper provides the first comprehensive analysis of the causal effects of California's PFL program on new mothers' leave-taking and subsequent labour market outcomes, using data from the March Current Population Survey (CPS) from 1999-2010. To isolate the causal effects of PFL from other factors, the authors implement an approach in which the leave-taking outcomes of employed mothers with children who are less than one year old (the treatment group) are compared to outcomes of three control groups, before and after the implementation of PFL in 2004. The analysis provides robust evidence that California's PFL program more than doubled leave use, increasing it from around three weeks to six or seven weeks for the typical new mother. The growth in leave-taking is especially large for relatively disadvantaged mothers. In particular, the estimates indicate that non-college educated, unmarried, Hispanic, and black treatment group mothers increased average time on leave from between one and two weeks to between four and seven weeks. By contrast, college-educated, married, and non-Hispanic white mothers were predicted to use six to seven weeks of paid leave after implementation of California's PFL program, versus three to five weeks before it. Thus, the California paid leave programme substantially reduced previous disparities in leave-taking.

c. Ongoing research

Work-Family Policies and Child and Family Well-Being (2006-2012). Jane Waldfogel, and Wen-Jui Han, Columbia University; Christopher Ruhm, University of Virginia). Funded by National Institute of Child Health and Development.

The focus of this study is how public policies affect parental employment and care arrangements for children, and how these, in turn, affect outcomes for children, youth, and families. Data are used from the CPS to trace the effects of public policies on parental employment decisions in the months surrounding a birth. They are also using data from the ECLS-B (and the U.K. counterpart, the Millennium Cohort Study) to examine paternity leave-taking and its impact on father involvement.