

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

# **12<sup>th</sup> International Review of Leave Policies and Related Research 2016**

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# 1. Introduction

The **International Network on Leave Policies and Research** has been producing an annual review of leave policies and related research since 2005 (for earlier reviews, go to the network's website:[http://www.leavenetwork.org/archive\\_2005\\_2009/annual\\_reviews/](http://www.leavenetwork.org/archive_2005_2009/annual_reviews/)).

The review covers Maternity, Paternity and Parental leaves; leave to care for sick children and other employment-related measures to support working parents; and early childhood education and care policy. As well as policies, it provides information on publications and research.

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

The review also includes **definitions of the main types of leave policies**; and **cross-country comparisons**. These comparative overviews cover: each main type of leave; total leave available; the relationship between leave and ECEC entitlements; policy changes and developments since the previous review; and a summary of take-up of leave across countries.

The 2016 review includes **2 new countries: Korea and Romania**. Altogether, it covers 40 countries. Including the new countries, these are: Australia, Austria, Belgium, Brazil, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Ireland, Italy, Japan, Korea, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America, and Uruguay.

N.B. It was not possible to update and revise the country note for South Africa for the 2016 review; the country note for this country therefore, refers to April 2015.

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

If citing the complete review, please do so as:

Koslowski A., Blum S., and Moss P. (2016) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

## 2. Defining leave policies

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

### a. Maternity leave

Leave generally available to mothers only (except in a few cases where part of the leave can be transferred to other carers under certain circumstances). It is usually understood to be a health and welfare measure, intended to protect the health of the mother and new-born 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 (and increasingly same-sex partners), 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 discernible, all leave comes under a common umbrella term of 'Parental leave'. A further variant that is blurring distinctions is the possibility that part of Maternity leave can be transferred to the father, making it, in effect, a variant of Parental leave (for example, currently in Croatia, Czech Republic, Poland, Portugal, Spain, and the UK).

# 3. Overview: cross-country comparisons

## Sources used

The main sources used in this review of leave policies and research are the country notes prepared by the members of the **International Network on Leave Policies and Research**, following a common format. Two countries that have not been included in previous reviews – Korea and Romania – have had a new country note prepared. For countries that have appeared in previous reviews, country notes are reviewed and revised each year by authors. For 2016, all country notes have been edited by three of the network’s coordinators: Alison Koslowski, Sonja Blum and Peter Moss, who also record their thanks to Alexandra Macht for her invaluable editorial assistance.

The expertise and work of the country note authors is gratefully acknowledged.

In addition, the ‘*Background data on countries*’ table and pages and the ‘*Relationship between leave and ECEC entitlements*’ table and pages draw upon four comparative sources of demographic, economic and social data: the United Nations Development Programme’s annual Human Development Report, the OECD Family Database, TransMonee, and World Bank Data. Full details are given at the end of the table on each page.

General note: in the comparative tables which follow, a month is calculated to be 4.3 weeks; while 4 weeks would be 0.9 months.

## Background data on countries: 2016

The 40 countries covered in this review include 11 **federal** states, in some of which provinces or states have their own leave policies (e.g. Canada, Switzerland, United States). Twenty-five are **member states of the EU**; and 32 are **member states of the OECD**.

**Populations** vary from less than half a million (Iceland, Luxembourg, Malta) to 320 million (United States). Most countries have a total period **fertility rate** that is below replacement level (at 2.1); only Israel, Mexico and South Africa reach or surpass this level, though several others are close; 16 countries have a rate of 1.5 or lower.

**Per capita GDP** varies from under \$20,000 (Brazil, Mexico, Romania, South Africa, Uruguay) to more than \$45,000 in four countries (Luxembourg, Norway, Switzerland, United States), though this is no guide to the generosity of leave benefits (Switzerland and the United States have very modest or no leave entitlements). **Income inequality** is particularly high in Brazil, Israel, Mexico, Russian Federation, South Africa, United States and Uruguay, and lowest in the Nordic countries, Czech Republic, Romania and Slovakia.

Countries rank from 1<sup>st</sup> (Slovenia) to 97<sup>th</sup> (Brazil) on the UN's **Gender Inequality index** (1<sup>st</sup> meaning low inequality), while **women in parliament** range from 9 per cent in Brazil to 40 per cent or over in Belgium, Finland, Iceland, South Africa and Sweden.

Highest levels of **employment among women with pre-school children** are found in Denmark, Lithuania, Luxembourg, the Netherlands, Portugal and Slovenia; while the lowest rates are in the Czech Republic, Estonia, Hungary and Slovakia.

	Population (2014) millions	Total fertility rate (2013)	Income and equality		Gender inequality(2014)		Maternal employment rate (2013)	
			GDP/capita (2011PPS\$) (2013)	Gini co-efficient (2005-13) <sup>1</sup>	Gender Inequality Index(rank)	% of women in parliament	Youngest child aged 0-2 years	Youngest child aged 3-5 years
Australia <b>F</b>	23.6	1.9	42,831	34.0	19 <sup>th</sup>	30.5	51	72
Austria <b>F</b>	8.5	1.4	44,376	30.0	5 <sup>th</sup>	30.3	67	74
Belgium <b>F</b>	11.1	1.8	40,607	31.7	8 <sup>th</sup>	42.4	63	71
Brazil <b>F</b>	202.0	1.8	14,555	52.7	97 <sup>th</sup>	9.6	NI	NI
Canada <b>F</b>	35.5	1.6	41,894	33.7	25 <sup>th</sup>	28.2	67	71
Croatia	4.3	1.5	20,063	33.6	30 <sup>th</sup>	25.8	NI	NI

<sup>1</sup> Data refer to the most recent year available during the period specified.



Czech Rep	10.7	1.5	27,959	26.4	15 <sup>th</sup>	18.9	20	70
Denmark	5.6	1.7	41,991	26.9	4 <sup>th</sup>	38	75	80
Estonia	1.3	1.6	25,132	32.7	33 <sup>rd</sup>	19.8	24	79
Finland	5.4	1.8	38,846	27.8	11 <sup>th</sup>	42.5	51	78
France	64.6	2.0	36,154	31.7	13 <sup>th</sup>	25.7	61	73
Germany <b>F</b>	82.7	1.4	43,207	30.6	3 <sup>rd</sup>	36.9	51	70
Greece	11.1	1.3	24,540	34.7	29 <sup>th</sup>	21	49	47
Hungary	9.9	1.3	22,914	28.9	42 <sup>nd</sup>	10.1	11	63
Iceland	0.3	2.0	41,250	26.3	12 <sup>th</sup>	41.3	NI	NI
Ireland	4.7	2.0	44,931	32.1	21 <sup>st</sup>	19.9	60	54
Israel	7.8	3.0	30,927	42.8	18 <sup>th</sup>	22.5	64	71
Italy	61.1	1.4	34,167	35.5	10 <sup>th</sup>	30.1	52	54
Japan	127.0	1.4	35,614	32.1	26 <sup>th</sup>	11.6	NI	NI
Korea	49.5	1.2	32,708	NI	23 <sup>rd</sup>	16.3	NI	NI
Lithuania	3.0	1.6	24,483	32.6	23 <sup>rd</sup>	23.4	76	65
Luxembourg	0.5	1.6	87,737	NI	17 <sup>th</sup>	28.3	70	71
Malta	0.4	1.4	28,828	NI	46 <sup>th</sup>	13	NI	NI
Mexico <b>F</b>	123.8	2.2	16,291	48.1	74 <sup>th</sup>	37.1	34	42
Netherlands	16.8	1.7	44,945	28.9	7 <sup>th</sup>	36.9	74	75
N. Zealand	4.6	2.0	32,808	NI	32 <sup>nd</sup>	31.4	49	57
Norway	5.1	1.9	62,448	26.8	9 <sup>th</sup>	39.6	NI	NI
Poland	38.2	1.3	22,877	32.8	28 <sup>th</sup>	22.1	54	64
Portugal	10.6	1.3	25,596	NI	20 <sup>th</sup>	31.3	70	73
Romania	21.6	1.5	18,200	27.3	64 <sup>th</sup>	12	55	59
Russian <b>F F</b>	142.5	1.7	23,564	39.7	54 <sup>th</sup>	14.5	63	85
Slovakia	5.5	1.3	26, 263	26.6	33 <sup>rd</sup>	18.7	14	55
Slovenia	2.1	1.6	25,576	24.9	1 <sup>st</sup>	27.7	73	80
S. Africa <b>F</b>	53.1	2.4	12,106	65.0	83 <sup>rd</sup>	40.7	NI	NI
Spain	47.1	1.3	31,596	35.8	16 <sup>th</sup>	38	54	57
Sweden	9.6	1.9	43,741	26.1	6 <sup>th</sup>	43.6	NI	NI
Switzerld. <b>F</b>	8.2	1.5	54,697	32.4	2 <sup>nd</sup>	28.5	NI	NI
U. Kingdom	63.5	1.9	37,017	38.0	39 <sup>th</sup>	23.5	58	62
USA <b>F</b>	322.6	1.9	51,340	41.1	55 <sup>th</sup>	19.4	55	61
Uruguay	3.4	2.0	18,966	41.3	61 <sup>st</sup>	11.5	NI	NI

	OECD average	53	66
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**Sources:** *Population, income, inequality:* Human Development Statistical Tables, 2015 Human Development Report, UN Development Programme, Tables 3, 5, 8, 11, available at: <http://hdr.undp.org/en/2015-report>. *Fertility:* World Bank, Data, Fertility rate (total), births per woman, available at: <http://data.worldbank.org/indicator/SP.DYN.TFRT.IN/countries/1W?display=default>. *Employment:* OECD Family Database, Tables LMF1.2.C, available at: <http://www.oecd.org/els/family/database.htm>

**Key:**

**F:** federal state. **GDP per capita:** Gross Domestic Product in a particular period divided by the total population in the same period. **Gini coefficient:** a numerical measure of income 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:** 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. **NI:** No information

## Statutory Maternity Leave: April 2016

Thirty-three countries **have a statutory and designated Maternity leave entitlement**. Leave is paid in all these cases and mostly at a high earnings-related level (see 'Key' below for definition) for most or all of the duration of leave – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings. The main exceptions are Canada (excluding Quebec), Ireland, Slovakia, and South Africa where no period of leave is paid at a high earnings-related level; and Greece (private sector) and the UK, where less than half the leave period is paid at a high earnings-related level.

Of the seven countries that **do not have a statutory, designated and paid Maternity leave entitlement**, one – the United States – makes no provision nationally for paid leave for women at the time of pregnancy and childbirth, though the possibility of unpaid 'family and medical 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.

In Brazil, Greece and Uruguay, the **period of post-natal Maternity leave** differs for the public and private sectors; while in Canada, the province of Québec has a substantially different system to the remainder of the country. In the remaining 29 countries, the average (mean) period of post-natal leave is 3.9 months. Five countries (plus the private sector in Greece and the public sector in Brazil) have particularly long periods of leave, six months or more. The longest period of leave, 12 months, is found in the UK; much of this period is either unpaid or paid at a low flat rate. At the other extreme, four countries have less than two months of post-natal maternity leave.

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

The Czech Republic, Croatia, Israel, Poland, Spain and the UK, however, have introduced another dimension of flexibility: mothers may **transfer part of the Maternity 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).

**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; the obligatory nature of at least part of Maternity leave in many

countries reflects this orientation. 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.

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

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well paid	
Austria	●●●● OB	1.9	1.9	1.9	1
Australia <sup>1</sup>	□				
Belgium	●●●● OB	3.3	3.3	3.3*	1
Brazil <sup>2</sup>	●●●●	4 or 6	4 or 6	4 or 6	None
Canada	●●●	3.5 to 4.2	3.5	× <sup>3</sup>	None
Québec	●●●●	4.2	4.2	4.2*	2
Croatia	●●●● TR OB	6	6	6	3; 4
Czech Rep	●●●● TR OB	5.1	5.1	5.1*	1; 3
Denmark	●●●● OB	3.3	3.3	3.3*	None
Estonia	●●●● OB	3.7	3.7	3.7	None
Finland	●●●● OB	2.9	2.9	2.9 <sup>4</sup>	None
France	●●●● OB	3.3	3.3	3.3*	1
Germany	●●●● OB	1.9	1.9	1.9	1
Greece					
Private sector	●●●● OB	8.1	8.1	2.1	None
Public sector	●●●● OB	3	3	3	1

<sup>1</sup> Australia: The law only refers to 'Parental leave'.

<sup>2</sup> Brazil: 6 months for some public and private sector employers; 4 months for others.

<sup>3</sup> Canada: Low-income families can qualify for a higher benefit rate, up to 80 per cent of average insured earnings.

<sup>4</sup> Finland: The proportion of earnings paid is reduced beyond a specified level.

Hungary <sup>5</sup>	●●● OB	5.6	5.6	5.6	None
Iceland <sup>6</sup>	□ OB				
Ireland	●●	9.3	6.0	×	None
Israel	●●● TR OB	6.0	3.3	3.3*	1; 3
Italy	●●● OB	3.7	3.7	3.7	1
Japan	●●● OB	1.9	1.9	1.9	1
Korea	●●●	3.0	3.0	3.0*(30 days)	1
Lithuania	●●●	1.9	1.9	1.9*	1
Luxembourg	●●● OB	1.9	1.9	1.9*	1
Malta	●●● OB	4.2	4.2	3.3	None
Mexico	●●● OB	1.4	1.4	1.4	1
Netherlands	●●● OB	2.8	2.8	2.8*	None
New Zealand <sup>7</sup>	□				
Norway <sup>8</sup>	□ OB				
Poland <sup>9</sup>	●●● TR OB	4.6	4.6	4.6	1; 3; 4
Portugal <sup>10</sup>	□				
Romania	●●● OB	2.1	2.1	2.1	1
Russian Fed.	●●●	2.3	2.3	2.3*	1
Slovakia	●● OB	6 to 6.5	6 to 6.5*	×	1
Slovenia	●●● OB	2.6	2.6	2.6*	1

<sup>5</sup> Hungary: In addition to 24 weeks of Maternity leave, the period of high paid Parental leave (GYED) until 12 months after the birth can only be taken by the mother.

<sup>6</sup> Iceland: The law does not distinguish separate Maternity, Paternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose. 3 months of 'birth leave' is reserved for women to take after birth, of which 2 weeks is obligatory.

<sup>7</sup> 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'.

<sup>8</sup> 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, and this is obligatory. This leave is included under Parental leave.

<sup>9</sup> Poland: Women have the option to take the first 6 weeks paid at 100 per cent and the remaining 26 weeks paid at 60 per cent. The rest of the leave, after the first 14 weeks that are obligatory, is transferable to the father. Although the second 26 week period in the lower paid option is referred to as 'Parental leave', it is included under Maternity leave since it is an entitlement for the mother, who may choose to transfer some or all of it to the father.

<sup>10</sup> Portugal: The law does not refer to Maternity leave, only to 'Initial Parental leave', part of which is reserved for mothers (6 weeks for women to take after birth) with the remainder for parents to divide as they choose. This leave is included under Parental leave.

South Africa (2015)	●●	4	4	×	None
Spain	●●● TR OB	3.7	3.7	3.7*	1; 3; 4
Sweden <sup>11</sup>	□ OB				
Switzerland	●●● OB	3.7	3.3	3.3*	None
U. Kingdom	●● TR OB	12	9	1.4	3
USA <sup>12</sup>	×				
Uruguay					
Private sector	●●●	3.3	3.3	3.3	1
Public sector	●●● OB	3	3	3	1

### Key:

**Summary of leave:** ×: no statutory entitlement. □: there is only a parental leave provision. ●: statutory entitlement but unpaid; ●●: statutory entitlement, some period paid, but either at a flat rate or (if income-related) at less than 66 per cent of earnings for all or most of period; ●●●: statutory entitlement, paid for all or most of period at 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf> . TR: part of Maternity leave is transferable to the father in ordinary conditions. OB: part or all of the Maternity leave period is obligatory. **Maximum length of post-natal leave: Paid:** payment may be flat rate and/or earnings-related. The generosity of flat rate payments relative to individual earnings varies across and sometimes within countries. See country notes for more detailed information. **Well paid:** earnings-related payment at 66 per cent of earnings or above; ×: none well paid; \*: 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.

<sup>11</sup> 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.

<sup>12</sup> 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.

## Statutory Paternity Leave: April 2016

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

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

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers and is in addition to Parental leave, e.g. it is the ten days leave for men in Sweden, not the 60 days 'fathers' quota'. On this basis, ***23 countries have a statutory and designated Paternity leave***, plus the province of Québec in Canada; in two other countries, Luxembourg and South Africa, fathers can use another type of leave ('leave due to extraordinary circumstances' or 'family responsibility' leave) at the time of the birth of a child, but a separate Paternity leave does not exist. In two countries (Belgium and Italy), it is obligatory to take a (very) short period of Paternity leave. Paternity leave is generally paid, with the exception of New Zealand and Norway, and mostly at a high earnings-related level (see 'Key' below for definition) for the duration of leave – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings. However, most of the 13 weeks of leave in Slovenia is unpaid, while leave in the UK, like most of Maternity leave, is paid at a low flat rate.

The most common ***period of leave*** is two weeks. In four countries it is just one or two days. Four cases, however, have longer periods: Québec (but not the rest of Canada), which offers three to five weeks of leave, depending on the level of benefit taken; Finland, nine weeks; Lithuania, four weeks; and Slovenia, 70 days. Slovenia has, however, decided to replace the current 70 days of Paternity leave, with 30 days paid at a high earnings-related level, by 2018.

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

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

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

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

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

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

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

<sup>5</sup> Israel: Fathers may take time off work from the start of their spouse's labour until 24 hours after childbirth, but this is treated as sickness leave.



Italy	●●● OB	2 days <sup>6</sup>	2 days	2 days	3, 5
Japan	×				
Korea	●●●	3 to 5 days	3 days	3 days	3
Lithuania	●●●	4	4	4*	None
Luxembourg	[●●●]	[2 days]	[2 days]	[2 days]	None
Malta					
Private sec	●●●	1 day	1 day	1 day	4
Public sec	●●●	2 days	2 days	2 days	3
Mexico	●●●	5 days	5 days	5 days	5
Netherlands	●●●	2 days	2 days	2 days	3
New Zealand	● <sup>7</sup>	2	×	×	3
Norway	●	2	×	×	None
Poland	●●●	2	2	2	2; 3
Portugal <sup>8</sup>	×				
Romania	●●	5 days	5 days	5 days	3; 4 <sup>9</sup>
Russian Fed.	×				
Slovakia	×				
Slovenia	●●	10	10 <sup>10</sup>	2.8*	2; 3
South Africa (2015)	[●●●]	[0.7]	[0.7]	[0.7]	None
Spain	●●●	2.1	2.1	2.1*	3; 4
Sweden	●●●	10 days	10 days	10 days*	3; 4
Switzerland	×				
U. Kingdom	●●	2	2	×	3
USA <sup>11</sup>	×				

<sup>6</sup> Italy: a further 2 days Paternity leave can be taken if the mother agrees to transfer these days from her Maternity leave. In addition fathers may take 3 months paid leave in exceptional circumstances, e.g. the death or severe illness of the mother.

<sup>7</sup> New Zealand: the mother may transfer part of her leave payment to her partner on Paternity leave.

<sup>8</sup> Portugal: The law does not refer to Paternity leave, referring only 'Father's-only Parental leave'. This leave is included under Parental leave.

<sup>9</sup> Romania: Additional time is granted if the father works in the military (by 2 days) and/or has completed an infant-care course (by 5 days).

<sup>10</sup> Slovenia: 2.8 weeks paid at 90 per cent of earnings; for the remaining period, social security contributions based on the minimum wage are paid for the hours not worked.

<sup>11</sup> There is no separate Paternity leave, but fathers 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.

Uruguay	●●●	1	1	1	None
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**Key:**

**Summary of leave:** ✕: no statutory entitlement. ●: statutory entitlement but unpaid; ●●: statutory entitlement, some period paid, but either at a flat rate or (if income-related) at less than 66 per cent of earnings for all or most of period; ●●●: statutory entitlement, paid for all or most of period at 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at:

<http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf> . **OB:** part or all of the Paternity leave period is obligatory. **Maximum length of post-natal leave: Paid:** payment may be flat rate and/or earnings-related. The generosity of flat rate payments relative to individual earnings varies across and sometimes within countries. See country notes for more detailed information. **Well paid:** earnings-related payment at 66 per cent of earnings or above; ✕: none well paid; ✱: ceiling on earnings-related payment. **Square brackets [ ]** fathers may use another type of leave at the time of the birth of a child, but 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; 5 – can be extended in case of maternal incapacity or death.

## Statutory Parental Leave (not including additional Childcare Leave: April 2016)

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

Nine of the 15 non-EU countries in this review also provide Parental leave. The exceptions are Brazil, Mexico, South Africa, Switzerland (the only European country included in this review not to provide Parental leave), United States (which has a generic and unpaid ‘family and medical leave’ that is not applicable to private employers with less than 50 employees) and Uruguay.

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

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

Broadly, countries divide into those where the **total length of Parental leave** available is less than 15 months; and those where continuous leave is available for up to three years or more. The former include Belgium, Canada, Croatia, Denmark, Finland, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Malta, Netherlands, New Zealand, Norway, Poland, Portugal, Slovenia and the UK; the latter ‘long leave’ countries includes the Czech Republic, Estonia, France, Germany, Hungary, Lithuania, Russia, Slovakia and Spain. Sweden falls in between: paid leave is expressed in days (to emphasise that it can be taken very flexibly), roughly equivalent to 18 months if taken continuously, while each parent is also entitled to take unpaid leave until a child is 18 months. So, too, do Australia, Austria, Korea and Romania with leave lasting potentially until a child’s second birthday. Greece is also exceptional, with eight months in the private sector and 60 months per parent in the public sector. Note, too, that some countries supplement Parental leave with Childcare leave, so extending the period available (see below).

Parental leave is a **family entitlement** in 10 countries, to be divided between parents as they choose (Austria, Canada, Estonia, Finland, Hungary, Israel, Lithuania, Poland, Russia and Slovakia); an **individual entitlement** in 18 countries (Australia, Belgium, Croatia, Czech Republic, Denmark, France, Germany, Greece, Ireland, Italy, Japan, Korea, Luxembourg, Netherlands, Portugal, Slovenia, Spain and the United Kingdom); a **mixed entitlement** (part family, part individual) in five countries (Iceland, New Zealand, Norway, Romania and Sweden); while in Malta it is a family entitlement for workers in the public sector and an individual entitlement for private sector workers. In most cases, individual entitlements are non-transferable, so if not used by a parent are foregone (the ‘use it or lose it’ principle); but in the case of Croatia, Czech Republic, New Zealand, Slovenia and Sweden, some amount of unused entitlements can be transferred to a partner.

A majority of countries (28) provide some element of **payment**; only Greece, Ireland, Israel, Malta, Spain and the UK make no payment. Payment policy varies considerably. In 13 cases (Australia, Belgium, Canada excluding Québec, France, Italy, Korea, Netherlands, Russia and Slovakia) payment is either: flat-rate or set at a low earnings-related rate; not universal (e.g. means-tested); or paid at a high earnings-related rate but for less than six months. A similar number of countries + Québec pay an earnings-related benefit of more than two-thirds of normal earnings for six months or more; however, all except Finland impose **a ceiling on benefit payments**.

**Flexibility** takes a number of forms, including:

- a. the possibility to use all or part of leave when parents choose until their child reaches a certain age;
- b. the possibility of taking leave in one continuous block or several shorter blocks;
- c. 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);
- d. the option to take longer periods of leave with lower benefits or shorter periods with higher benefits;
- e. additional leave in the case of multiple births or, in a few cases, other circumstances;
- f. the possibility to transfer leave entitlements to carers who are not parents.
- g. the possibility for both parents to take all or some leave at the same time.

Of these flexibility options, all except (d) and (f) are reported by 14 or more countries; (d) and (f) are relatively uncommon.

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; however, experience has shown that such 'fathers' quotas' need to be well paid if to be widely used. Another approach is to offer some form of bonus (e.g. additional leave) if both parents take some Parental leave. Eight countries offer such a bonus. For example, Sweden has a 'gender equality bonus' that provides an economic incentive for families to divide Parental leave more equally; Germany extends paid leave by two months if fathers take at least two months of leave; Japan has a rather similar system, in which an extra two months of leave may be taken if both parents use some of their leave entitlement; and Portugal offers a bonus to families where the father shares part of the Initial Parental leave, formerly 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, France and Italy.

**Childcare leave** can usually be taken immediately after Parental leave, creating a continuous longer period of leave, even if the conditions (such as benefit paid) may not be the same. It is, however, much less common than Parental leave, being available in ten countries (Belgium; Croatia; Finland; Greece; Hungary; Iceland, New Zealand; Norway, Poland and Portugal), plus in the public sector in Malta. In most cases childcare leave is unpaid or low paid; 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). Childcare leave is captured in the table "Total Statutory Leave".

In addition to these countries, two other countries offer either a very limited period of leave for all families or an extended leave for certain types of family or else. Estonia offers two weeks of unpaid leave per year per parent until a child is 14 years; while parents with three or more children in Hungary can take leave until their youngest child is eight years old, with a flat-rate benefit.

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	Total amount of post-natal parental leave available to family <i>excluding</i> childcare leave (months)			Type of leave entitlement	Incentive for father to take	Flexibility
		Total	Paid	Well paid			
Australia <sup>1</sup>	●●	24.0	4.7	×	Individual; non-transferable	×	7b
Austria <sup>2</sup>	●●●	▶▶24.0	(▶▶14.0 inc. 2 bonus to 36 inc. 6 bonus)	(▶▶14.0 inc. 2 bonus)	Family	×	5; 7b
Belgium	●● +	8.0	8.0	×	Individual; non-transferable	×	1; 2; 5; 6; 7a
Brazil	×						
Canada <sup>3</sup>	●●	8.1 to 8.4	8.1	×	Family	×	7a
Québec	●●●	7.4	7.4	5.8*	Family	×	3; 5; 7a

<sup>1</sup> Australia: An individual can take a second 12 months of Parental leave subject to employer agreement, but the maximum period of leave is 24 months per family. The leave period of 12 months is an individual entitlement; but the payment is a family entitlement. Fathers entitled to additional 2 weeks flat-rate payment if they take leave.

<sup>2</sup> Austria: There are various payment options available, which link payment level to length of payment and provide a bonus payment if both parents share some paid leave; one option available to some parents is payment at 80 per cent of earnings for 12 to 14 months. The maximum duration of payment is 36 months (if both parents take up), while statutory parental leave is limited to 24 months.

<sup>3</sup> Canada: A supplement is payable to low income families taking Parental leave that increases payment to 80 per cent of insurable earnings. There are significant regional variances in leave between the jurisdictions.

Croatia <sup>4</sup>	●●● +	8.0	8.0 to 16.0	6.0	Individual; partly transferable	Higher payment for additional 2 months if both parents use	1; 2; 5; 6; 7a
Czech Rep <sup>5</sup>	●●●	▶▶36.0	[24.0 to 48.0]	[24.0*]	Individual; transferable	✗	3; 7a
Denmark <sup>6</sup>	●●●	11.1	7.4 to 14.7	7.4*	Individual; non-transferable	✗	1; 3; 5; 7a
Estonia	●●●	▶▶36.0	[▶▶36.0]	[14.5*]	Family	✗	2; 4
Finland <sup>7</sup>	●●● +	6.1	6.1-12.2	6.1	Family	✗	1; 2; 6
France <sup>8</sup>	●●	▶▶36.0	[▶▶36.0]	✗	Individual; non-transferable	Increased financial payments if both parents take some leave	1; 6; 7a
Germany	●●●	▶▶72	24 (inc. 2 bonus)	12 (inc. 2 bonus*) <sup>9</sup>	Individual; non-transferable		1; 2; 3; 5; 7a
Greece <sup>10</sup>							
Private sec	● +	8.0	✗	✗	Individual; non-transferable	✗	2; 5; 6
Public sec	● +	120 (5 years per parent)	✗	✗	Individual; non-transferable	✗	5

<sup>4</sup> 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.

<sup>5</sup> Czech Republic: Each parent can take leave until their child is 36 months but only one parent can receive Parental benefit, which is paid to all families whether or not leave is taken and until their child is 48 months. Benefit can be paid for the full period at a lower rate or for a shorter period at 70 per cent of earnings, though with a low ceiling.

<sup>6</sup> Denmark: Parents can opt for shorter, higher paid Parental leave or longer, lower paid leave; each parent is entitled to 32-46 weeks of Parental leave, but the total period cannot exceed 32-46 weeks per family.

<sup>7</sup> Finland: Paid at 70-75 per cent of earnings, but proportion is reduced beyond a specified level.

<sup>8</sup> France: If one child in family, payment made until child is 12 months old, if both parents share leave period; if two or more children, payment made until youngest child is 36 months old, if both parents share leave period.

<sup>9</sup> Germany: Earnings-related payment varies between 65 and 67 per cent.

<sup>10</sup> Greece: In addition to Parental leave shown here, parents can consolidate right to work reduced hours into fully-paid full-time leave of 3¾ months (private sector) or nine months (public sector); also 3 months of leave is paid in the public sector in the case of a third or higher order child.

Hungary <sup>11</sup>	●●● +	▶▶36.0	▶▶36.0	24.0*	Family	×	1, 4, 6
Iceland	●●● +	9.0	9.0	9.0*	Family & individual; non-transferable	×	1; 2; 5; 6; 7a
Ireland	●	8.4	×	×	Individual; non-transferable	×	2; 5; 6, 7a
Israel	●	▶▶12.0	×	×	Family	×	2: 7a
Italy	●●	11 (inc. 1 bonus)	11 (inc. 1 bonus)	×	Individual; non-transferable		1; 2; 5; 6; 7a
Japan	●●●	▶▶14 (inc. 2 bonus)	▶▶14 (inc. 2 bonus)	14*	Individual; non-transferable		2 (fathers); 7a
Korea	●●	24.0	24.0*	× (but see 'incentive for father to take')	Individual; non-transferable	3 months at 100% earnings if second parent takes leave	1; 2; 5; 7a
Lithuania <sup>12</sup>	●●	▶▶36.0	▶▶24.0	▶▶12.0*	Family	×	6
Luxembourg	●●●	12.0	12.0	×	Individual; non-transferable	×	1; 5
Malta							
Private sec	●	8.0	×	×	Individual; non-transferable	×	2; 5
Public sec	● +	12.0	×	×	Family	×	2; 5
Mexico	×						
Netherlands <sup>13</sup>	●●	12.0	12.0	×	Individual; non-transferable	×	(2); (3); 5; 6; 7a
New Zealand <sup>14</sup>	●●● +	4.2	4.2	4.2*	Family &	×	7a

<sup>11</sup> Hungary: Post-natal leave includes two types of Parental leave, one with a flat-rate payment (up to 3 years), the other with a higher earnings-related payment (up to 2 years, followed by flat-rate payment for 3<sup>rd</sup> year). In the latter case, only the mother may take leave up to a child's 1<sup>st</sup> birthday. 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. Parents can work after the child is six months of age and still receive benefit payments.

<sup>12</sup> Lithuania: 12 months of leave at full earnings up to a ceiling; or 24 months at a lower earnings-related level (70 percent for year 1, 40 per cent for year 2).

<sup>13</sup> Netherlands: No direct payment but parents taking leave are eligible to tax relief. Both parents are entitled to the equivalent of 6 months full-time leave, but full-time workers must take their leave part time, unless they get the agreement of their employer to full-time leave; so in the case of full-time workers taking part-time leave, the duration of leave will be longer than 6 months.

<sup>14</sup> New Zealand: 18 weeks of paid leave are an individual entitlement for either parent, who may transfer all or part of the leave payment to their partner.

					individual; transferable		
Norway	●●● +	12.9	12.9	12.9*	Family & individual; non- transferable		1; 2; 3; 5; 6; 7b
Poland	●●● +	7.4	7.4	7.4 <sup>15</sup>	Family	×	1; 2; 7a
Portugal <sup>16</sup>	●●● +	6.0 (inc. 1 bonus)	6.0 (inc. 1 bonus)	×	Individual; non- transferable	×	1; 3; 5.
Romania	●●●	12 or 24	12 or 24	12 or 24 <sup>17</sup>	Family & individual; non- transferable		5; 6; 7b.
Russian Fed	●●	▶▶36.0	▶▶18.0*	×	Family	×	1; 4
Slovakia	●●	▶▶36.0	[▶▶36.0]	×	Family	×	6
Slovenia	●●●	8.6	8.6	8.6*	Individual; transferable	×	1; 2; 4; 5; 6; 7a
South Africa (2015)	×						
Spain <sup>18</sup>	●	▶▶36	×	×	Individual; non- transferable	×	2; 6; 7a
Sweden <sup>19</sup>	●●●	36	15.8	12.8*	Family & individual; partly transferable	Bonus - tax system	1; 2; 5; 6; 7b
Switzerland	×						
U. Kingdom <sup>20</sup>	● <sup>21</sup>	8.3	×	×	Individual; non-	×	2; 5; 6; 7a

<sup>15</sup> Poland: The level of payment during Parental leave can be 80 per cent or 60 per cent of earnings, depending on choices made by the mother during Maternity leave; if a mother opts for 100 per cent payment during Maternity leave, Parental leave payment is 60 per cent; but if she opts for 80 per cent payment during Maternity leave, then Parental leave payment is also 80 per cent. Access to Parental leave also depends on the full six months of Maternity leave being taken.

<sup>16</sup> 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.

<sup>17</sup> Romania: Parents (usually mothers) can choose either a period of 12 or 24 months of parental leave, both paid at 85% of earnings; for a child with a disability this extends to 36 months.

<sup>18</sup> Spain: Each parent is entitled to take leave until a child's third birthday.

<sup>19</sup> 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.



			transferable		
USA	✘ <sup>22</sup>				
Uruguay	✘				

### Key:

**Summary of leave:** ✘: no statutory entitlement; +: period of additional ‘childcare’ or other leave available after end of Parental leave; this leave is not included in subsequent columns but is included in later table on ‘total statutory leave’; ●: statutory entitlement but unpaid; ●●: statutory entitlement, some period paid, but either at a flat rate or (if income-related) at less than 66 per cent of earnings for all or most of period; ●●●: statutory entitlement, paid for all or most of period at 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states’ progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf> **Total amount of post-natal parental leave available to family:** leave may be awarded as *either* (i) a period of time (e.g. 12 months) *or* (ii) until a child reaches a certain age (e.g. until a child’s third birthday). In the ‘total amount’ column, ► indicates (ii), e.g. in Austria leave is until a child reaches 24 months; in these cases, where the entitlement is ‘individual’, then each parent may take leave until the child reaches this age. Where there is no ► indicated, then leave is (i) and the total amount of leave available to *both* parents is given. **Paid:** payment may be flat rate and/or earnings-related. The generosity of flat rate payments relative to individual earnings varies across and sometimes within countries. See country notes for more detailed information. **Well paid:** earnings-related payment at 66 per cent of earnings or above. ✘: not paid or not well paid. ✱: ceiling on earnings-related payment. **Square brackets – [ ]** indicates all parents with a young child get a payment whether on leave or not. **Type of leave:** there are two dimensions here. First, leave can be a ‘family’ or an ‘individual’ entitlement; and an ‘individual’ entitlement can be non-transferable (i.e. if the individual does not use her/his entitlement, it is lost) or ‘transferable’ (i.e. the individual can transfer part or all of his or her entitlement to someone else, usually the other parent). **Incentive for father to take:** ‘Father’s quota’ indicates a basic individual entitlement that only fathers can use (i.e. non-transferable) and which is ‘well paid’ (see above for definition). ‘Bonus months’ indicates a period of paid leave additional to the basic paid entitlement, and which becomes available if the basic paid leave is shared by both parents (i.e. if each parent takes at least some of the basic paid leave); ✘: no incentive. **Flexibility:** 1 – leave can be taken full time or part time (i.e. option to work part-time or other reduced hours); 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

<sup>20</sup> United Kingdom: This does not include the recently introduced ‘Shared Parental leave’, which is actually a form of transferable maternity leave, whereby the mother can transfer most of her Maternity leave to a partner, if she so chooses. Only actual Parental leave is included, i.e. leave that is an individual and non-transferable right for each parent.

<sup>21</sup> 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. The newly introduced ‘Shared parental Leave’ is not included here as it is actually Maternity leave that the mother can choose to transfer to the father; it is included as such in the comparative table on Maternity leave.

<sup>22</sup> USA: There is no separate Parental leave, but parents may take up to 12 weeks unpaid leave for childbirth or for the care of a child up to 12 months as part of the federal Family and Medical Leave Act; employers with less than 50 employees are exempt. Five states and Puerto Rico provide some benefit payments to parents missing work at around the time of childbirth.

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; 7a – both parents can take all leave at the same time; 7b – both parents can take some leave at same time. Brackets indicate option requires employer agreement. Bracketed numbers indicate an option that can be taken with the employer's agreement.

## Statutory other measures: April 2016

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

With three exceptions, 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, 16 (Austria, Belgium, Croatia, Estonia, Germany, Greece, Hungary, Italy, Lithuania, the Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia and Sweden) specify an entitlement to leave of ten days or more per year to care for sick children, though the age range of children covered varies; for all of these countries, except Belgium, Greece, Italy and Lithuania, leave is paid and often at a high level of income replacement. In some cases, the length of leave decreases as children get older: for example, from being unlimited for a child under 12 months to 14 days a year for children from six to 12 years old in Hungary; or being without limit for a child under three years in Italy but five days a year per parent for a child aged three to eight years. Leave is shorter or unspecified and unpaid in the other member states.

Of the non-EU countries, Australia, Korea, 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 other countries, there is either no leave available (Iceland, Mexico, Uruguay); 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 ten days and/or unpaid (Canada, Israel, New Zealand, South Africa and Switzerland). In Japan, leave for ordinary illness is five days for a child under compulsory school age (or ten if there are two children of this age); but is considerably longer in the case of a child needing constant care for more than two weeks. Along with length, payment varies considerably.

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

Twenty countries (Austria, Belgium, Brazil, Croatia, Estonia, Finland, Germany, Hungary, Ireland, Israel, Italy, Japan, Mexico, Netherlands, Norway, Portugal, Russia, Slovenia, Spain and Switzerland) permit women to **reduce working hours specifically during their child's early months**. In most cases this is to permit breastfeeding; but in several cases it has become a general right that can be taken for any reason and/or by the father (e.g. Japan, Portugal, Spain). Women reducing their hours in this way are entitled to earnings compensation, except in Austria, Japan, Norway, Netherlands and Switzerland. In Spain, reduced daily hours can be consolidated into full-time leave, thus in practice extending Maternity leave between two to four weeks. If authors did not mention reduced hours in their country notes this may have been wrongly coded as no statutory entitlement. We will address this in the 2017 review. In the meantime, please contact country authors directly if this is of particular interest to you.

Finally, in Australia, Iceland, Ireland, Italy, Netherlands, 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 it if there is a clear business case for doing so. Portugal is the only country with **an entitlement to flexible working**; parents with children below 12 years (no age limit in the case of a child who is chronically ill or disabled living in the same household) are entitled to ‘flexible working’, which means that the employee may choose, within certain limits, when to start and finish daily work. In Iceland, employers are required 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.

Country	Leave to care for sick dependents		Reduced hours <sup>1</sup>		Right to request flexible work
	Children	Others	Breast-feeding	Other	
Austria	●●● 2 weeks per employee per year or ● 9 months for seriously ill child	●●● 1 week per worker per year or ● 6 months for terminally ill relative	90 minutes breastfeeding time off per working day	● to 7 years (larger employers)	×
Australia	●●● 10 days per worker per year	●●● 10 days per year for immediate family	×	×	● until child is 18; also all with caring responsibilities
Belgium	● 10 days per worker per year	● 10 days per year or ●● 1 to 12 months for severely ill family member or ●● 2 months for palliative care	a 30 min. break if they work up to 7.5 hours and 1 hour if they work more than 7.5 hours	×	×
Brazil	●●● up to 60 days per illness + 30 days unpaid (public sector only)	●●● up to 60 days per illness for spouse or family member + 30 days unpaid (public sector only)	●●●	×	×
Canada	● 3 to 10 days in 3 provinces <sup>2</sup>	●● 8 to 28 weeks if ‘significant risk of death’ for family member	×	×	×
Québec	● 10 days per worker per	● 10 days per worker per	×	×	×

<sup>1</sup> If authors did not mention reduced hours in their country notes this may have been wrongly coded as no statutory entitlement. We will address this in the 2017 review. In the meantime, please contact country authors directly if this is of particular interest to you

<sup>2</sup> Canada: A federal benefit lasting up to 35 weeks is available for parents with a critically ill child under 18 years of age; so far, only a few provinces have legislated for a matching leave period.

	year	year			
Croatia	●●● 20 to 60 days per illness per family	●●● 20 days for illness of spouse +7 days per year for serious illness of immediate family member	●●●	●● to 3 or 8 years for child needing extra care/developmental problem	×
Czech Rep	●● 9 days per illness	●● 9 days per serious illness for relative at home	×	×	×
Denmark <sup>3</sup>	●●● 1 to 2 days per illness	×	×	×	×
Estonia	●●● 14 days per illness per family	×	●●●	● up to 16 days additional unpaid annual leave	×
Finland	●●(●) <sup>4</sup> 4 days per illness for a child up to 10 years	×	×	●● to end of second year at school	×
France	● 3 days per year or ●● up to 3 years for serious disability or illness, with up to 310 days paid	●● up to 3 years for care of terminally ill relative with up to 310 days paid	×	●● child with disability	×
Germany	●●● up to a maximum of 25 days per year per worker	● 10 days per illness + 6 months long-term care for 'care-dependent' relative	There is a right for breastfeeding breaks	×	×
Greece Private sector	● 6 to 14 days per year per parent	● 6 to 14 days per year for dependent family members	×	●●● to 2½ years	×
Public sector	●●● 22 days for certain medical conditions	●●● 22 days for spouse with certain medical conditions	×	●●● to 4 years	×
Hungary	●● Unlimited to 14 days per family per year (according to age of child)	×	●●●	●● to 8 years if 3+ children	×
Iceland	×	×	×	×	● employers

<sup>3</sup> Denmark: No statutory entitlement to childcare leave or career breaks, dependent on collective agreement or individual contract.

<sup>4</sup> Finland: Length of leave is defined by law; level of payment is determined by collective agreements.

					required to support family/work balance
Ireland	● ● ● 3 days per year per parent	● ● up to 104 weeks for dependent	● ● ●	×	● on return from Parental leave
Israel	● ● ● 8 days per parent per year	● ● ● 6 days per year for spouse or parents	● ● ●	×	×
Italy	● Unlimited to 3 years; 5 days per year for 3 to 8 year olds	● ● ● Up to 2 years over working life at 3 days/month for serious need in family	● ● ● can be used by father in some circumstances	×	● until child is 6 or disabled child is 18
Japan	● 5 days per parent per year for child under CSA; 10 days if two or more children	● ● Up to 93 days over the lifetime of a family member with a serious illness or disability needing constant care for 2 weeks or more	● (NB.reduced hours can be used for any purpose)	● to 3 years	×
Korea	● 90 days per parent per year	●	×	×	×
Lithuania	● 2 weeks per year per worker with a child under 14 years	×	×	×	×
Luxembourg	● ● ● 2 days per child per year or 4 days to 52 weeks if child disabled or seriously ill	×	×	×	×
Malta Public sector	● up to 1 year per parent for care of disabled child	● up to 1 year per parent for care of spouse or parents	×	● ● ● 20 to 35 hours per week until child is 16 years old;	● ● ● teleworking for 12 months (renewable each year)
Private sector	×	×	×	×	×
Mexico	×	×	● ● ● 2 fully-paid 30 min. breaks per day until the child is six months old	×	×
Netherlands	● ● ● 10 days per year or	● ● ● 10 days per year for	×	● all employees	● right to work from

	● 6 times working hours/ week for life threatening illness	a partner or parent or ● 6 times working hours/ week for life threatening illness of parent or partner		(employer can refuse)	home
New Zealand	●●● 5 days per year	●●● 5 days per year	×	×	● any worker
Norway	●●● 10 to 15 days per parent per child per year	×	● <sup>5</sup>	● to 10 years	×
Poland	●●● 14 days per year per worker. 60 days if child < 8 years	●●● 14 days per year per worker for family member	×	×	×
Portugal	●● 30 days per family per year if child < 12 years + 15 days if child >12 years	● 15 days per year for close relative + 15 days for severely disabled or chronically ill spouse	●●● 2 hours per day for 1 year; can be taken by either parent	● to 12 years	● entitlement to work flexible hours until child 12 years
Romania	●●● 45 days per year for one child until the child is 7 years old (or 18 if disabled)	● between 1 to 5 days for personal circumstances concerning relatives.	×	×	×
Russian Fed.	●●● 45 to 60 days per child per year	×	●●● once every 3 hours for 30 min.	● extra unpaid leave for some parents	×
Slovakia	●● 10 days per episode	●● 10 days per episode for a relative living at home	×	×	×
Slovenia	●●● 7 to 15 days per illness, longer in exceptional cases	●●● 7 to 15 days per illness for a spouse, longer in exceptional cases	●● 1 hour a day until child is 18 months	●● to 3 years or longer if child with disability <sup>6</sup>	×
South Africa (2015)	●●● 3 to 5 days a year	×	×	×	×
Spain	●●● 2 to 4 days per illness per parent; 3 to 5 days public sector or ●●● unlimited for	●●● 2 to 4 days per illness per worker or ●● 2 years to care for a seriously ill relative	●●● 1 hour per day for 9 months or 12 months (public sect.); can be	● between an eighth and a half to 12 years or longer if child with	×

<sup>5</sup> Norway: This leave is paid by the employer.

<sup>6</sup> Slovenia: Social security contributions based on the minimum wage are paid for the hours not worked.

	seriously ill child in hospital or needing treatment at home		transferred to father <sup>7</sup>	disability	
Sweden	●●● 120 days per child up to 12 years per year	×	×	● reduced by 25% up to 8 years.	×
Switzerland	● 3 days per illness episode per family	×	● hours allowed depend on work.	×	×
U. Kingdom	● 'Reasonable time'	● 'Reasonable time'	×	● paid time-off for both parents for ante-natal care	● to 16 years and any carer
USA	● 12 weeks for a seriously ill child (medium or large employers only)	● 12 weeks for a seriously ill spouse or parent (medium or large employers only)	×	×	×
Uruguay Private Public	×	×	×	●●● to 5 months ●●● if breast-feeding	×

**Key:**

×: no statutory entitlement. ●: statutory entitlement but unpaid, including EU member states covered by *force majeure* measure in Parental leave directive; ●●: statutory entitlement, paid but *either* at low flat-rate (less than €1,000/month) *or* earnings-related at less than 66 per cent of earnings *or* not universal; ●●●: statutory entitlement, paid for all or part of duration to all parents at an earnings-related level or 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at:

<http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>; (+): indicates some leave available to care for adult relatives. **Right to request flexible work:** employer is not required to grant the request.

<sup>7</sup> Spain: Reduced hours until child is 9 to 12 months may be consolidated as two to four weeks of full-time leave.



## Total statutory leave (including additional childcare leaves): April 2016

The table summarises (i) the total amount of post-natal statutory leave (Maternity, Paternity, Parental, Childcare) available in each country per family, as well as (ii) the total amount paid in any way, and (iii) the number of months of well paid leave, i.e. paid for all or part of duration to all parents at high flat rate (€1,000/month or more) or 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>)

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

The **total amount of leave** (counting Canada and Québec, and the public and private sectors in Brazil and Greece separately) ranges from none to 72.5 months, while total paid leave ranges from none to 38 months. Applying the two-thirds earnings standard the median length reduces, with four countries offering nothing and only nine countries, plus the Greek public sector, offering 12 months or more.

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

- a. **Countries providing earnings-related post-natal leave (at two-thirds or more replacement rate) of nine months or over:** Austria, Québec in Canada, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Japan, Lithuania, Norway, Poland, and Romania. In all of these cases, the earnings-related leave includes a period of Parental leave. In most cases, too, the earnings-related payment is subject to a ceiling, above which no payment is made.
- 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, New Zealand and Brazil.
- c. **Countries providing less than four months of earnings-related post-natal leave:** includes five of the mainly English-speaking countries (Australia, Canada, Ireland, United Kingdom, United States), plus Belgium, France, Israel, Italy, Korea, Luxembourg, Malta, Mexico, Netherlands, the Russian Federation, Slovakia, Slovenia, 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; while Ireland is the only country with statutory leave that does not include any period of high income-related payment.

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 and the public and private sectors of Brazil, Greece, Malta and Uruguay separately. Six countries (Austria, Canada excluding Québec, Russia, Slovakia, Switzerland and the USA) have no 'father-only' leave. Of the 32 countries that do provide such leave, eight provide less than one month of father-only leave, while 12 (plus the public sector in Greece) offer six months or more. For the most important indicator - length of leave paid at two-thirds of earnings – the numbers are much lower, only six countries offering more than two months (the Nordic states, plus Japan).

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.

**Note on Table:** the '**total amount**' column sums the maximum leave available to mothers and fathers in a two parent family from Maternity, Paternity, Parental and Childcare/Time Credit, **including** any Parental leave bonus, leaves but **excluding** leave to care for sick children. As parents may take some of this leave concurrently (e.g. Paternity leave at the same time as Maternity leave), it does not indicate the child's age when all leave ends.

Country	Total amount of post-natal leave available to two-parent family (months)			Period of 'father-only' leave (months)	
	Total	Paid	Well paid	Total	Well paid
Australia	24.0	4.7	×	12.0	×
Austria	24.0	24.0	14.0 (inc. bonus 2 for Parental leave) <sup>1</sup>	×	×
Belgium <sup>2</sup>	11.3 plus Career break	11.3 plus Career break	3.3*	4.5	0.5*
Brazil <sup>3</sup>	4.2 to 6.5	4.2 to 6.5	4.2 to 6.5	0.2 to 0.5	0.2 to 0.5
Canada	12.0	11.6	×	×	×
Québec <sup>4</sup>	12.8	12.8	11.2	1.2	1.2
Croatia <sup>5</sup>	46.0	14.0	6.0	4.0	×
Czech Rep <sup>6</sup>	72.0	36.0	24.0*	36.0	×
Denmark <sup>7</sup>	14.4	14.4	11.2*	7.9	7.9*
Estonia	36.5	36.5	18.5*	0.5	0.5*
Finland <sup>8</sup>	38.1	38.1	11.1*	2.1	2.1*
France <sup>9</sup>	72.5	9.8 to 36.5	3.8*	36.5	0.5*
Germany	72.0	28 (inc.4 bonus)	14 (inc.2 bonus)*	36.0	×

<sup>1</sup> 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.

<sup>2</sup> Belgium: In addition to Parental leave, men and women are entitled to at least one year of time credit/career break (per working life) paid at a low flat rate.

<sup>3</sup> Brazil: Longer for some public and private sector employers; less for remainder.

<sup>4</sup> Québec: Parents can opt for shorter, higher paid leave or longer, lower paid leave.

<sup>5</sup> Croatia: In the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to improved leave, 36 months at 100 per cent of earnings, with no ceiling for six months of Maternity leave but with a ceiling for the subsequent period of leave, the ceiling reducing after six months.

<sup>6</sup> Czech Republic: Parents can choose to receive Parental benefit at 70 per cent of earnings until their child is 24 months, though with a low ceiling; or at a lower rate for a longer period.

<sup>7</sup> Denmark: Parents can opt for shorter, higher paid Parental leave or longer, lower paid leave; each parent is entitled to 32-46 weeks of Parental leave, but the total period cannot exceed 32-46 weeks per family.

<sup>8</sup> 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.

<sup>9</sup> France: Payment is made for six months to parents with one child or 12 months if both parents take a period of leave; or for 24 months to parents with two or more children or 36 months if both parents take a period of leave.

Greece <sup>10</sup>					
Private sec	19.9	12.1	6.1	4.1	(2 days)
Public sec	132.1	12.1	12.1	60.1	(2 days)
Hungary <sup>11</sup>	36.2	36.2	24.2*	(1 week)	(1 week)
Iceland <sup>12</sup>	17.0	9.0	9.0*	7.0	3.0
Ireland	17.7	6.0	×	4.3	×
Israel	12.0	3.3	3.3	12.0	×
Italy	14.8 (inc.bonus 1)	14.8 (inc. bonus 1)	3.8	7.1 (inc.bonus 1)	0.1
Japan <sup>13</sup>	26.0 (inc.bonus 2)	26.0 (inc.bonus 2)	13.9*	12.0	6
Korea	27.1	27.1	3.0* (or 6.0 if second parent takes Parental leave)	12.1	0.1 (or 3.1 if takes Parental leave after partner)
Lithuania	36.9	24.9	12.9*	0.9	0.9
Luxembourg	13.9	13.9	×	6.0	×
Malta					
Private sec	12.2	4.2	3.3	(1 day)	(1 day)
Public sec	76.3	4.3	3.3	4.2	(2 days)
Mexico	1.6	1.6	1.6	(5 days)	(5 days)
Netherlands	14.8	14.8	2.8	(5 days)	(2 days)
New Zealand	12.5	4.2	4.2	1 or 2 weeks	×
Norway <sup>14</sup>	37.5	13.0	13.0*	2.8	2.3
Poland	48.5	36.5 <sup>15</sup>	12.5	1.5	0.5
Portugal <sup>16</sup>	37.0	13.0	7.0	4.0	0.9

<sup>10</sup> Greece: Total post-natal leave includes possibility of taking reduced hours working entitlement as a period of additional full-time leave. Total includes one period of Maternity leave; two periods (for mother and father) of Parental leave; and one period of flexible working entitlement taken as full-time leave.

<sup>11</sup> Hungary: A parent with three or more children may take leave paid at a low flat rate until the 8<sup>th</sup> birthday of the youngest child.

<sup>12</sup> Iceland: Includes period of unpaid Childcare Leave after Parental leave.

<sup>13</sup> Japan: Each parent can take leave until a child is 12 months old, but this can be extended by two months if the leave is shared. The 26 months given here include the extra two months if leave has been shared.

<sup>14</sup> Norway: Parents can opt for shorter, higher paid leave or longer, lower paid leave.

<sup>15</sup> Poland: 48.5 months paid if two or more children.

	(inc.bonus 1)	(inc. bonus 1)	(inc. bonus 1)		
Romania	24.	24.0	24.0	1.25	1.25
Russian Fed.	36.0	18.0	2.3*	×	×
Slovakia	36.0	36.0	×	×	×
Slovenia	13.5	13.5	3.7	2.3	0.6
South Africa (2015)	4.2	4.2	0.2	(3 to 5 days)	(3 to 5 days)
Spain <sup>17</sup>	72.0	4.7 to 5.1	4.7 to 5.1*	36.0	0.5*
Sweden <sup>18</sup>	36.5	16	13	3.3	3.3
Switzerland	3.7	3.3	3.3*	×	×
U. Kingdom	20.8	9.5	1.4	4.5	×
USA	×	×	×	×	×
Uruguay					
Public	3.1	3.1	3.1	(7 to 10 days)	(7 to 10 days)
Private	3.5	3.5	3.5	(7 to 10 days)	(7 to 10 days)

### Key

**Total amount of post-natal leave available to two-parent family. Paid:** payment may be flat rate and/or earnings-related. The generosity of flat rate payments relative to individual earnings varies across and sometimes within countries. See country notes for more detailed information.  
**Well paid:** earnings-related payment at 66 per cent of earnings or above; ×: not paid or not well paid; \*: ceiling on earnings-related payment.

<sup>16</sup> Portugal: Mothers can opt for shorter, higher paid Maternity leave or longer, lower paid leave. Fathers are entitled to four weeks 'Father's-only Parental leave', two weeks of which must be taken immediately after birth; to receive payment, parents must take 'Additional Parental leave' immediately after 'Initial Parental leave'. This means that the 'Father's-only Parental leave' will be taken at the same time as 'Initial Parental leave'.

<sup>17</sup> Spain: Includes period of reduced working hours after Maternity leave, which can be consolidated to add two to four weeks of full-time leave.

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

## Relationship between leave and ECEC entitlements: April 2016

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 three years** vary from less than ten per cent (Czech Republic, Hungary, Poland, Romania, Russia, Slovakia), to over 50 per cent in Denmark, Iceland, Luxembourg, Malta, Netherlands and Norway, with a median rate among the 29 countries for which there is information of just under a third (30 per cent). **Attendance rates for children over three years** are uniformly much higher, but vary from under 60 per cent (Canada, Greece, Switzerland) to over 90 per cent (Belgium, Denmark, France, Germany, Iceland, Israel, Italy, Malta, Netherlands, New Zealand, Norway, Spain, Sweden and the UK), with a median rate among the 32 countries for which there is information of just over 82 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 many cases they will not be.

Twenty-five countries have an **entitlement to an ECEC service**, but in most cases - 18 countries - this is only from three years of age or later (this includes Estonia, Germany, Hungary and Russia, which have a legal entitlement at an earlier age, but shortage of places means the entitlement is not operational until around three years); entitlement in this group is often limited to a part-time place. Only seven countries have entitlement before three years: at 2½ years in Belgium, and at 12 months or younger or at the end of Parental leave in seven countries: Denmark, Finland, Malta, Norway, Slovenia and Sweden, with full-time places available in all cases except Finland, where this entitlement is not necessarily full-time. 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 12 to 66 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		Child's age (months) at:			Gap between	
	0-2 yrs (2013)	3-5 yrs (2012)	end of leave (total) (a)	end of well-paid leave(b)	start of ECEC entitlement(c)	(c)-(a) months	(c)-(b) months
Australia	NI	64	24	×	×	- No ECEC entitlement -	
Austria	19	84	24	14	●5 years PT; OB	36	46
Belgium	49	98	11.3	3.3	●●2½ years	18.7	26.7
Brazil	NI	NI	4.2 to 6.5	4.2 to 6.5	×	- No ECEC entitlement -	
Canada	NI	46	12	×	×	- No ECEC entitlement -	
Québec	NI	NI	12.8	11.2	×		
Croatia	18	61	46	6	●6 years PT; OB	26	66
Czech Rep.	4	76	72	24	●5 years	No gap	36

Denmark	67	97	14.4	11.2	●●6 months	No gap	No gap
Estonia	32	87	36.5	18.5	●18 months[*3 years]	No gap	No gap
Finland	27	74	38.1	11.1	●●end of Leave PT	No gap	No gap
France	50	100	72.5	3.8	●3 years	No gap	32.2
Germany	29	95	72	14	●1 year [* <sup>1</sup> ]	No gap	No gap
Greece	17	48	20 to 132	6 to 12	●5 years PT	40 to no gap	48 to 54
Hungary	16	88	36.2	24.2	●birth[*3 years]; OB from 3 years	No gap	12
Iceland	58	97	17	9	×	- No ECEC entitlement -	
Israel	NI	92	24	3.3	×	- No ECEC entitlement -	
Ireland	30	79	17.7	×	●3¼ years PT	21	×
Italy	23	95	14.8	3.8	×	- No ECEC entitlement -	
Japan	26	89	26	13.9	×	- No ECEC entitlement -	
Korea	34	87	27	3	×	- No ECEC entitlement -	
Lithuania	12	74	36.9	12.9	×	- No ECEC entitlement -	
Luxembourg	53	89	14	×	●3 years PT	22	×
Malta	57	100	12 to 76	3.3	●●3 months <sup>2</sup>	No gap	No gap
Mexico	NI	NI	1.6	1.6	●4 years; OB	46.4	46.4
Netherlands	54	94	14.8	2.8	●4 years PT	33.2	45.2
New Zealand	40	93	12.5	4.2	●3 years PT	23.5	33.2
Norway	54	96	37.5	13.0	●●12 months	No gap	No gap
Poland	9	69	48.5	12.5	●6 years PT	23.5	59.5
Portugal	45	89	37	7	●5 years	23	53
Romania	3 <sup>3</sup>	84	24	24	×	- No ECEC entitlement -	
Russian Fed	7	79	36	2.3	●2 months <sup>4</sup>	No gap	No gap

<sup>1</sup> Germany: Since May 2013, there is an entitlement to ECEC from 12 months of age, but the entitlement does not specify hours per day or per week; many services in Western Germany still offer only part-time hours, though full-time opening has remained the norm in Eastern Germany.

<sup>2</sup> Malta: Entitlement for children with parents in full-time employment or education

<sup>3</sup> Romania is represented in both the TransMonnee and the OECD databases – the percentages shown above refer to the latest data available from the TransMonnee (2015) for 2013/2014.

<sup>4</sup> There is no information available to confirm whether the entitlement to an ECEC place from two months of age can be met.

Slovakia	3	72	36	×	×	- No ECEC entitlement -
Slovenia	45	88	13.5	3.7	●●end Par. leave	No gap No gap
S.Africa (2015)	NI	NI	4	×	×	- No ECEC entitlement -
Spain	35	96	72	5	●3 years	No gap 31
Sweden	47	94	36.5	13	●●12 months	No gap No gap
Switzerland	38	46	3.7	3.3	×	- No ECEC entitlement -
U. Kingdom	35	96	20.8	1.4	●3 years PT	15.2 34.6
USA	NI	65	×	×	×	- No ECEC or leave -
Uruguay	NI	NI	3	3	×	- No ECEC entitlement -
OECD average	32	82				

Source: *Attendance rates at formal ECEC services*: OECD Family Database, Table PF3.2.A, available at: <http://www.oecd.org/els/family/database.htm>. Except for Croatia, Estonia and Russian Federation which are: TransMonee Database 2015, Table 5.1, available at: <http://www.transmonee.org>.

### Key:

**Well-paid leave**: earnings-related payment at 66 per cent of earnings or above, 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://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf> ×: no well paid leave or no entitlement to ECEC; ●: entitlement, but only from 3 years or older; ●●: entitlement from below 3 years of age. **PT**: entitlement is for 20 hours a week or less; **OB**: attendance obligatory; **\***: 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; **NI**: no information.



## Changes and developments since April 2015

In **Australia**, the government announced in December 2015 that it would reduce the potential duration of the existing Parental Leave Pay Scheme by reducing the number of weeks of government pay a parent could receive. The plan is to reduce it by the number of weeks of employer-paid parental leave where that is available. The 'Fairer Paid Parental Leave Bill' includes these changes plus a previously proposed amendment to remove the requirement that employers administer the delivery of Parental Leave Pay to their long-term employees. The changes are due to commence on 1<sup>st</sup> July 2016. From that date, also both Parental Leave Pay and Dad and Partner Pay will be counted in the definition of income for Commonwealth income support payments.

In **Austria**, an important change of the Parental leave payment scheme is under way. The government's reform draft of January 2016 foresees the replacement of the existing four flat-rate payment options by a new flexible payment scheme, where parents can distribute an overall sum of about €15,450 over a specific time span. If only one parent uses the leave, s/he shall be able to consume the overall sum within a time span of 365 to 851 days; if both parents take some leave, it shall be 456 to 1063 days. The income-replacement payment option of 14 months (if both parents take some leave), however, shall stay in place. Furthermore, the reform foresees a bonus payment of €1,000 if parents share their leave equally or 60:40. Also, an additional payment of €700 shall be paid if the father stays at home for exactly 32 days in the two months following the birth of a child (however, not combined with a job protection).

In **Belgium**, a series of reforms entered into force in 2015, including significant changes to the Time Credit system. In the new system, it is no longer possible to take a one-year *paid* time credit for reasons other than care (for children, disabled children, severely ill relatives or palliative care) and training. In addition, the total duration of paid time credit (as negotiated in sectoral or workplace agreements) is now limited to 36 months (48 months if leave is taken to care for disabled or seriously ill children). The minimum age to become eligible for the 'end of career' time-credit scheme is progressively raised to 60 years (instead of 55).

In **Estonia**, the formula for calculating Parental benefit while employed was changed in 2014. The new formula is more beneficial to working parents and may encourage more parents to take up work when receiving Parental benefit.

In **Finland**, the level of benefits during Parental and Paternity leave has been cut to some degree since the beginning of 2016. The index-related minimum benefits, also Maternity benefit and Homecare allowance, are slightly lower than in the previous year due to negative inflation. More importantly, the raised benefit level at 75 per cent of earnings during the first 30 days of Parental leave as well as during the first 30 days of Paternity leave taken after Maternity and Parental leave was abolished, and the benefits are paid at 70 per cent level during the whole benefit period. These changes are part of the government's austerity policy. As further austerity measure, the government has restricted the universal right to ECEC to 20 hours a week. Parents have to prove that they work or study full-time to get full-time services for their child/ren. The government also introduced a new measure, namely a €2,500 lump sum compensation of leave expenses to be paid to employers of leave-taking mothers after the mother returns to her job. The idea is to even out leave expenses between employers and thus improve women's position in the labour market.

In **Germany**, the German Constitutional Court declared the *Betreuungsgeld* (cash-for-care) legislation incompatible with federal law and since then *Betreuungsgeld* applications are no longer accepted. In some federal states of Germany, cash allowances are still granted (called '*Landeserziehungsgeld*'), though this benefit was ended in Thuringia in July 2015. (see section 1d). Since July 2015, 24 of the overall 36 months of Parental leave can be taken up to the child's eighth birthday; before only 12 months could be used in this way, though this needs the employer's approval if taken between the child's third and eighth birthday. Parents with children born since July 2015 can choose between *Elterngeld* and *ElterngeldPlus*. The latter allows parents to spread their leave to 24 (+4) months, in which case the monthly leave benefit is halved but due to the longer leave period overall benefit levels remain equal.

In **Hungary**, flexibility in Parental leave (both GYES and GYED) has been changed, to give parents the opportunity now to return to work when the child becomes six months old, while still receiving the same amount of payment for the duration of the leave period.

In **Iceland**, plans to restore the economic compensation and an extension to 12 months leave (with five for the mother, five for the father and two to be shared) will be fully implemented in 2022. The second one suggests that all children from 12 months old should be offered a place in preschools.

In **Ireland**, it was announced in January 2016 that a new statutory Paternity leave of two weeks, with a new Paternity Benefit paid at a similar rate to Maternity leave (currently €230 a week) - which was first announced in October 2015 and due to be introduced in September 2016 – will be covered under the Family Leave Bill. This Bill is also intended to consolidate current provisions regarding Maternity, Adoptive, Parental and Carer's leave into one piece of legislation. It was due to be published in 2015 but is still unpublished. The government that made this announcement was not re-elected in the February 2016 general election, and a new government has yet to be agreed.

In **Israel**, a new 'paternity leave' provision was proposed, allowing fathers to take 8 days of sickness leave and 3 days of vacation in one period immediately after childbirth.

In **Italy**, Parental leave can be taken on a part-time basis, for a few hours per day, up to a maximum of half the average daily hours worked in the year immediately preceding the start of Parental leave.

In **Japan**, there are increased deductions in childcare fees for low income, single parent families and those with more than one child.

In **Korea**, in October 2014, the 'daddy month' was introduced as was the option to take leave on a part-time basis at an increased payment rate (both options are discussed above, see section 1c). In January 2016, the 'daddy's month' was extended from one month to three months. From July 2015, the lump sum Parental leave payment made to employees returning to the same employer and remaining at work for six months increased from 15 per cent to 25 per cent when (s)he returns to work upon taking leave to encourage women to return to work. On 25 March 2016, all female workers who are within the first 12 weeks or beyond the 36th week of their pregnancies can reduce their working **hours** by two

hours a day without reduction in pay. This rule on shorter work hours for pregnant workers, previously applied only to companies with more than 300 employees, was extended to all businesses.

In **Luxembourg**, the Child-raising Allowance has been discontinued for children born after 1<sup>st</sup> June 2015; this decision was taken in 2014. The document explaining the reasons for the decision that this is part of the wider framework of the modernization of family policies. It is the first element of a set of legislative and regulatory changes to come, designed to achieve the following objectives: the promotion of employment including female employment, job retention and contribution, and through this, achieving even greater financial independence of parents and especially single mothers.

In **Malta**, as of January 2015, payment for the remaining four weeks was introduced, at the level of the national minimum wage. As of August 2015, Maternity leave is to be treated as vacation leave and paid accordingly for all educators working in schools and/or under school-work conditions.

In **The Netherlands**, the law on Modernizing Leave Arrangements and Working Times introduced from 1<sup>st</sup> January 2015 includes: the extension of Paternity leave by three days; the possibility to take up short-term and long-term care leave arrangements for household members other than a child or partner; and the possibility to take up long-term care leave not only in case of a life-threatening illness, but in all cases where long-term care is needed. In addition, The Flexible Working Act from 1<sup>st</sup> January 2016, enables employees not only to submit a request to work more or fewer hours, but it also entitles employees to ask for a change in working hours or to work from home.

In **New Zealand**, from 1<sup>st</sup> April 2016, the duration of paid Parental leave has been extended from 16 to 18 weeks. Further changes include: removing reference to 'Maternity leave' – this is now termed 'Primary Carer leave'; extending Parental leave payments to non-standard workers (such as casual, seasonal, and employees with more than one employer) and those who have recently changed jobs; providing the right to negotiate leave, where an employee is eligible for payment but has no entitlement to leave, during the period of the Parental leave payments; extending entitlements to 'primary carers' such as Home for Life parents, whangai, grandparents raising grandchildren in place of the parents, and others with permanent primary care arrangements; enabling employees to take their leave more flexibly, by mutual agreement with their employer (e.g. to take extended leave in more than one continuous period); extending unpaid leave to workers who have been with their employer for between 6 to 12 months; allowing a worker to resign and still receive Parental leave payments; introducing up to 40 hours working-time while on paid leave as 'keeping in touch' days; providing a new 'preterm baby' payment for eligible employees/self-employed who have had preterm babies and additional 'keeping in touch' days for eligible employees.

In **Norway**, following the election of a conservative government, from 1<sup>st</sup> July 2014 the mother's quota and the father's quota were reduced from 14 to 10 weeks, while the shared period was extended to 26/36 weeks. The rationale for this change in Parental leave design was to achieve more freedom of choice for parents.

In **Poland**, the introduction in 2016 of paid Parental benefit for students, unemployed, farmers and people working on contract for commission was announced by the government. The new allowance is paid on flat-rate and amounts to PLN1000 [€ 240] per month, paid for 12 months (i.e. the Maternity and Parental leave period) after the birth. The people entitled to the leave and allowance have the right to be employed part-time and in this case the allowance is reduced by half. Furthermore, from January 1st 2016, Maternity leave is now 20 weeks long and Parental leave is 32 weeks long, but the total period of leave after birth has not changed and remains at 52 weeks. Other changes in leave regulations include: paternity leave can be taken more in two parts during the first 24 instead of 12 months after birth; childcare leave can be taken until the end of calendar year in which the child turns 6 years old (instead of the period before the child's 5th birthday); parental leave can be used until the end of calendar year in which the child turns 6 years old; if parents chose to work during the leave, the leave is proportionally extended to for up to 64 weeks.

In **Romania**, a legislation adopted in March 2016 by the Senate has extended the paternity leave entitlement for fathers who have undergone an infant care course, to 15 days from the previous 10 that were available. In addition, this can be taken in the child's first 2 months of life, from the previous limit of 8 weeks.

In **Slovenia**, The Act Amending the Exercise of Rights to Public Funds Act, adopted in November 2015 and implemented from 1<sup>st</sup> January 2016, has partially annulled the financial consolidation measures, but has also introduced an additional condition for the abolishment of the rest of them. In 2016, paid Paternity leave lasts 20 days and will be extended by five days in the following two years, while the unpaid Paternity leave is reduced by 25 days a year. Consequently, there are 20 paid days and 50 unpaid days of Paternity leave in 2016.

In **Spain**, since January 1<sup>st</sup> 2016, all new retirement, widowhood and permanent disability pensions are increased by 5% for mothers of two children (biological, adopted and/or foster), 10% for those with three children and 15% for those with four or more children. All pensions are subject to a ceiling of €2,567 per month, but this ceiling can be increased by 50 per cent of this supplement. These increases do not apply in case of voluntary early retirement.

In **Sweden**, effective from 1<sup>st</sup> January 2016 the number of reserved paid leave months for each parent was increased from two to three. This change did not extend the length of existing leave. The parental leave benefit at the flat rate for parents not eligible to wage-related benefit has also been increased to SEK250 [€27].

In **Switzerland**, since January 2016, the Ordinance to the Loss of Earnings Compensation Act (LECO) has been modified for maternity leave. The rate of wage contributions for the financing of the fund, which covers Maternity insurance expenses as well as military, civil defence and civilian service allowances was reduced from 0.5% to 0.45%. This new rate applies until December 2020; it should ensure that the fund amounts to at least half of annual expenses, as prescribed by law. The rate will be reassessed at the end of this period.

In **Uruguay**, in January 2016, Maternity leave has been extended from five months to six months.

# Australia<sup>1</sup>

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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.

## **Note on federal and state industrial relations systems and awards:**

In Australia, the employment conditions of most employees are set by commonwealth legislation in combination with awards, collectively negotiated enterprise agreements and employer or company policies. Commonwealth legislation and modern awards (which are prescriptive documents determined by the national industrial tribunal) form a safety net of terms and conditions of work. In addition, unions and individual employees may negotiate conditions above this safety net, and companies may also provide employment conditions above the safety net. Terms and conditions for employees of the public service in each of the states of Australia (with the exception of Victoria) are set by the relevant state legislatures and relevant state awards and agreements.

The Fair Work Act 2009 (Commonwealth) provides ten National Employment Standards that prescribe the minimum set of entitlements for employees. One of these standards relates to unpaid Parental leave (which has been an entitlement under federal industrial relations legislation since 1994). Another standard is the right to request flexible working arrangements (see below).

Since 1990, leave entitlements in relation to the birth or adoption of a child under Australian labour regulation have been written in gender-neutral terms and the generic term Parental leave is used in preference to Maternity or Paternity leave. Gender neutrality also applies in relation to the entitlement to pay while on Parental leave (available since January 2011), although not for the payment (available since January 2013) specifically for fathers or mothers' partners (called Dad and Partner Pay).

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

### **a. Maternity leave**

- In Australia there is no statutory entitlement to leave that is specially designated 'Maternity' leave. Maternity (and Paternity) leave both fall under the definition of

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<sup>1</sup> Please cite as: Whitehouse, G., Baird, M., Brennan, D. and Baxter, J.A. (2016) 'Australia country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

Parental leave (see 1c for details of the unpaid Parental leave entitlement under the Fair Work Act). The Fair Work Act provides up to 12 months unpaid leave (and a job guarantee) for each eligible working parent with responsibility for care of a child at the time of a birth or adoption. That is, each parent is entitled to 12 months of unpaid parental leave per child. If one parent does not use part or all of the 12 months unpaid parental leave then the other parent has the right to request up to an additional 12 months. There is a limit of 24 months unpaid parental leave per child per couple. In terms of requesting the additional 12 months leave (or part thereof), the employer has the right to refuse if the leave does not fit with the operational requirements of the business.

- Women may take up to six weeks of this leave prior to the expected date of birth, or earlier if agreed with the employer. As explained in 1c, eligible mothers (or their partners) may also receive payment (Parental Leave Pay) for up to 18 weeks within the first year following the birth at a rate based on the national minimum wage under the current Paid Parental Leave scheme.
- Specific entitlements to Maternity leave payments may, however, be provided by employers. Access to employer-paid Maternity leave has been available to many female employees through industrial instruments, company policies or legislation covering public sector employees in Australia's federal, state or territory jurisdictions. The incidence and duration of these provisions have generally increased in recent years<sup>2</sup>, although there is no evidence of significant change in access to employer-funded arrangements since commencement of the Government-funded Paid Parental Leave scheme in 2011. Data from the 2010 Baseline Mothers survey and the first wave (in 2012) of the Family and Work Cohort survey, both conducted as part of the evaluation of the Paid Parental Leave scheme, indicate that just under half of respondents (mothers eligible for payment under the Paid Parental Leave scheme, or who would have been if it had been in place at the time of the survey) reported access to employer-paid Parental leave in 2010 and 2012<sup>3</sup>.
- Data from employers complements this picture. The Employers Impact Analysis survey, a 2012 survey of 441 employers who had been involved in delivering payment under the Paid Parental Leave scheme to at least one employee in July or August of 2012, provides an overview of the prevalence and distribution of employer-paid leave arrangements in Australia. Also conducted as part of the Paid Parental Leave scheme evaluation, this survey showed that 28 per cent of organisations in the sample had employer-paid Maternity leave entitlements in place, with provision varying considerably by sector (public vs private), organisational size and industry<sup>4</sup>. For example, while 87 per cent of public sector employers provided paid Maternity leave, this was the case for a little over one-half (54 per cent) of large private sector employers (those with 200 or more employees) and only 7 per cent of small private sector employers (those with fewer than 20 employees). Differences were also marked across industries, with Accommodation/Food Services, Construction and Wholesale Trade among those in which fewer than ten per cent of organisations provided paid Maternity leave.
- This survey also highlighted differences in access to employer-paid Maternity leave depending on employment contract, with organisations consistently less likely to make these provisions available to non-permanent (fixed-term or casual), compared with

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<sup>2</sup> For an overview of increases from 2005 to 2010 see Whitehouse et al. (2013) 'Employer-paid Maternity Leave in Australia: a Comparison of Uptake and Duration in 2005 and 2010' *Australian Journal of Labour Economics*, Vol.16 (3): 311-327, pp.314-5.

<sup>3</sup> Martin, B. et al. (2015a) Paid Parental Leave Evaluation: Phase 3 Report. Canberra: Department of Social Services, p.68, Table 3.4. Available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/programmes-services/paid-parental-leave-scheme/paid-parental-leave-evaluation-phase-3-report>

<sup>4</sup> *ibid.*, pp.17-19.

permanent, staff: 27 per cent of organisations in the public sector had paid Maternity leave provisions that were available to casual staff, while this proportion ranged from 22 per cent (for large organisations) to nil (for small organisations) in the private sector<sup>5</sup>. There was less variation in leave duration and pay rates: the average duration of employer-paid Maternity leave for permanent employees ranged from 13 weeks in the public sector to around 11 weeks in large and medium private sector organisations (numbers were too small to estimate duration in small private sector organisations), and in the vast majority of organisations employer-paid Maternity leave was provided at normal rates of pay.<sup>6</sup>

## b. Paternity leave

- As outlined in 1c below, the unpaid Parental leave entitlement provided in the Fair Work Act enables men to take up to 12 months unpaid Parental leave following the birth or adoption of a child for an unbroken period during which they take a 'primary carer' role. Fathers may also take up to eight weeks of this leave concurrently with their partner, within 12 months of the birth or adoption, with any concurrent leave taken deducted from their total 12 month entitlement to unpaid leave. Under the Paid Parental Leave scheme, partners taking a primary carer role may also be the recipient of all or part of the Parental Leave Pay entitlement.
- In addition, a specific entitlement to 'Dad and Partner Pay' was introduced in 2013. For births or adoptions after 1 January 2013, a father (or the mother's partner) may be entitled to up to two weeks' Dad and Partner Pay paid at a rate based on the national minimum wage (currently AU\$17.29 per hour or \$656.90 per 38 hour week [€11/438<sup>7</sup>]). This payment must be taken while on unpaid leave (available under the Fair Work Act unpaid Parental leave standard) and is non-transferrable.
- Employer-paid Paternity leave may also be available to some fathers and partners through company policies, industrial instruments or legislation covering public sector employees in Australia's various jurisdictions. Recent estimates of employers' provision of employer-paid Paternity leave were provided by the Employers Impact Analysis survey conducted in 2012. Overall 22 per cent of employers responding to this survey provided employer-paid Paternity leave, although – as with employer-paid Maternity leave – provision varied markedly by sector, organisational size and industry<sup>8</sup>. For example, while 77 per cent of employers in the public sector provided paid Paternity leave, this was the case for only 45 per cent of large private sector employers (those with 200 or more employees), and it was extremely rare (present in only four per cent of cases) among small private sector employers (those with fewer than 20 employees). As with employer-paid Maternity leave, provision was particularly low in some industries, below ten per cent of organisations in Accommodation/Food Services, Construction, Wholesale Trade and Retail Trade. Differences in access to employer-paid Paternity leave similarly varied by employment contract, with organisations consistently less likely to provide these benefits for non-permanent – especially casual – staff<sup>9</sup>. The average duration of employer-paid Paternity leave for permanent employees was considerably shorter than that for employer-paid maternity leave at around 2.5 weeks in public sector and large private sector organisations, with payment predominantly at normal wage rates<sup>10</sup>.

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<sup>5</sup> *ibid.*, p.23.

<sup>6</sup> *ibid.*, pp.23, 26.

<sup>7</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

<sup>8</sup> Martin et al. (2015a), pp.17-19.

<sup>9</sup> *ibid.*, p.23.

<sup>10</sup> *ibid.*, pp.23, 26.



## c. Parental leave

### *Length of leave*

- Under the relevant National Employment Standard in the Fair Work Act, each parent who meets the eligibility requirements is entitled to 12 months unpaid Parental leave. This is an individual entitlement. The period can be extended by a further 12 months if the employer agrees, with the limitation that a couple cannot exceed a total of 24 months between the two working parents per birth. The leave must be taken within 24 months of the child's birth. For the mother, the leave can start from the birth date or adoption of the child, or from up to 6 weeks before the expected date of birth of the child, or earlier if their employer agrees. When both members of a couple are entitled to unpaid Parental leave under the National Employment Standard, they can take eight weeks of this leave at the same time; this leave has to be taken within 12 months of the birth or adoption, and can be taken by the partner who is not the primary carer in separate periods, provided that each period is no shorter than two weeks (a stipulation that can be waived if the employer agrees).
- 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 may be paid during the unpaid Parental leave entitlement period: it does not reduce or extend the duration of unpaid Parental leave available as it is an entitlement to pay rather than to leave.

### *Payment and funding*

- Parental Leave Pay (provided under the Paid Parental Leave Act (2010)) is paid to eligible mothers at a rate based on the national minimum wage (currently AU\$17.29 per hour or \$656.90 per week [€11/438]) for up to 18 weeks following the birth or adoption of a child. In some circumstances it can be transferred to the father or other primary carer; the 18 weeks' pay is, therefore, a family entitlement that initially goes to the mother. It represents 49.5 per cent of average full-time adult ordinary time female earnings as at November 2015.<sup>11</sup> For mothers, Parental Leave Pay can be received during unpaid leave or while on paid leave, such as employer-paid Maternity leave or annual leave. Payment is funded from general revenue, with the majority of mothers (or designated primary carers) receiving it via their employer<sup>12</sup> and others receiving it directly from the Government. In the 2014-15 financial year, 70 per cent of Parental Leave Pay recipients received this Government-funded payment via their employer.<sup>13</sup> This was a slight decline on the previous year.
- Dad and Partner Pay is paid to eligible fathers/partners at the same rate as Parental Leave Pay (i.e. based on the national minimum wage). Unlike Parental Leave Pay, the two weeks' Dad and Partner Pay cannot be taken concurrently with other paid leave, it must be taken while on unpaid leave. Employers can top up Dad and Partner

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<sup>11</sup> Australian Bureau of Statistics (2016) *Average Weekly Earnings, Australia, November 2015*, Cat. No. 6302.0. Available at: <http://abs.gov.au>

<sup>12</sup> Employers are required to deliver the payment when it is for Australian-based employees who have worked with them for 12 months before the expected date of birth or adoption, who will be with them for their Parental Leave Pay period and who are expected to receive at least eight weeks of Parental Leave Pay.

<sup>13</sup> Australian Government Department of Social Services (2015) *2014-15. Annual Report*, p.70: [https://www.dss.gov.au/sites/default/files/documents/10\\_2015/dss\\_annual\\_report\\_print\\_version.pdf](https://www.dss.gov.au/sites/default/files/documents/10_2015/dss_annual_report_print_version.pdf)



Pay (for example, to employees' normal wage), and this does not affect eligibility to the payment.

- As noted in 1a and 1b, some employees also have access to employer provided paid leave. In some cases this is specifically designated 'Primary Carer' or 'Parental' leave rather than Maternity or Paternity leave. Paid Primary Carer leave was provided by 17 per cent of employers responding to the 2012 Employers Impact Analysis survey.<sup>14</sup> Its incidence was thus considerably lower than employer-paid Maternity leave and somewhat lower than employer-paid Paternity leave (see 1a and 1b). As with these forms of employer-paid leave, it was more common in large organisations and in the public sector, although duration and payment were similar to employer-paid Paternity leave entitlements: the average duration of employer-paid Primary Carer leave for permanent employees was around 2.5 weeks in the public sector and in large private sector organisations, and payment in almost all cases was at normal rates of pay.<sup>15</sup>
- In Australia retirement benefits are based on superannuation (paid by a mix of employee and employer contributions) and a publicly funded Age Pension. It is compulsory for employers to make contributions to eligible employees' superannuation funds; and additional voluntary contributions are encouraged through tax concessions. This applies when employees take most forms of paid leave. However, no superannuation contributions are made by the government while parents are on paid parental leave; and employers are not required to make superannuation contributions for parents on unpaid leave, unless those parents are making voluntary contributions to superannuation during this time.

#### *Flexibility in use*

- Under the National Employment Standard in the Fair Work Act, only one parent is entitled to access unpaid Parental leave at any particular time. The exception allowing some flexibility is that the parent who is not in the primary carer role can take concurrent unpaid leave for up to eight weeks during the 12 months following the birth or adoption, and this leave may be taken in separate periods at any time during the 12 months.
- Parental Leave Pay can also be transferred from one parent to the other where the primary carer for the child (i.e. the parent on leave) also changes and the recipient meets the eligibility criteria. This includes, in the case of separated parents, being able to transfer an unused portion of the parental leave pay to the child's other legal parent or the partner of that other parent, should they also meet the eligibility criteria.
- Unpaid Parental leave and Parental Leave Pay must be taken in one continuous period; starting from the birth date or later in the case of Parental Leave Pay, although the full Parental Leave Pay period must be completed by 12 months after the birth.
- Flexibility is sometimes available with employer-paid Maternity, Paternity and Primary Carer or Parental leave: while this is usually paid at the employee's normal pay rate, in some cases there are provisions to double the duration by taking the leave at half pay. This is most common for employer-paid Maternity leave. Among employers responding to the 2012 Employers Impact Analysis survey, more than three-quarters of those in the public sector offered 'half pay' arrangements to permanent employees eligible for employer-paid Maternity leave, while this was the case for eligible permanent employees in 61 per cent of large private sector organisations and 57 per cent of small private sector organisations<sup>16</sup>. The survey indicated that such arrangements were less prevalent for employer-paid Paternity and Primary Carer leave.

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<sup>14</sup> Martin et al. (2015a), p.17.

<sup>15</sup> Ibid., pp.23, 26.

<sup>16</sup> Ibid., p.26.

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

- Employees in permanent positions (full- or part-time) are eligible for the unpaid statutory leave provisions under the Fair Work Act 2009, provided they have 12 months continuous service with the same employer immediately before the date or expected date of birth, or the date of placement in the case of adoption.
- Casual employees are also eligible for the above entitlements provided that they have been engaged on a regular and systematic basis for at least 12 months and have a reasonable expectation of continuing regular employment.
- Twelve months unpaid Parental leave is not available to self-employed workers.
- An employer can refuse the request for an extension of unpaid Parental leave for a further period of up to 12 months on 'reasonable business grounds'. Any agreement for an additional period of leave beyond the first 12 months will reduce the other parent or 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 (this includes self-employment) and have been engaged in work continuously, with no more than an eight-week gap between any two consecutive working days, for at least ten of the 13 months prior to the expected birth or adoption of the child and undertaken at least 330 hours of paid work in the ten-month period. Eligibility for the government-funded two weeks' Dad and Partner Pay is based on the same employment requirements as Parental Leave Pay, and is similarly available to those in self-employment. For children born or adopted after 1 March 2014, claimants can count any Paid Parental Leave or Dad and Partner Pay periods taken in the 13 months prior to the birth or adoption towards this work test.
- Government-funded Parental Leave Pay is restricted to those individuals earning less than AU\$150,000 (€199.38) per year or around 2.2 times average female full-time adult ordinary time earnings in November 2015<sup>17</sup>.
- The government funded Parental Leave Pay can be taken in conjunction with other forms of paid leave to which the employee may be eligible (annual leave, long service leave, employer-funded Maternity or Parental leave) but must be taken before the employee returns to work and before the child's first birthday.
- Any unused portion of the Parental Leave Pay can be transferred to another primary caregiver (usually the father, but potentially a partner, including a same-sex partner) if they also meet the eligibility criteria; or in exceptional circumstances (such as a sole parent mother being unable to care for a child) the payment could be transferred to another primary carer such as a grandparent. The unused portion can also be transferred to the child's other parent or their partner, if they meet eligibility requirements, in the case of separated families.
- Where employees are covered by an existing industrial instrument that includes employer-paid Maternity, Paternity 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.
- Parents who are not eligible for Parental Leave Pay may be eligible for the Newborn Upfront Payment and Newborn supplement. This replaced the Baby Bonus, which was previously available to those not eligible for Parental Leave Pay. Eligibility is tied to eligibility for family payments, which are paid to low to middle income families in Australia.

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<sup>17</sup> Australian Bureau of Statistics (2016) *Average Weekly Earnings, Australia, November 2015*, Cat. No. 6302.0. Available at: <http://abs.gov.au>

*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. Mothers who use special Maternity leave (for example, due to a pregnancy related illness) are still entitled to the full 12 months unpaid Parental leave under the Fair Work Act.

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

- Paid Parental leave, sometimes specified as paid Maternity, Paternity or Primary Carer leave, is available in some industrial instruments and/or company policies. As explained earlier, these provisions are usually at full replacement salary and on this measure exceed statutory entitlements.

#### **d. Statutory childcare leave or career breaks**

- No statutory entitlement.

#### **e. Other statutory employment-related measures**

*Adoption leave and pay*

- The same statutory rights to unpaid Parental leave and Parental Leave Pay apply when a child under 16 years old is adopted, however Parental Leave Pay may not be available in cases where a child has been living with the adoptive parents prior to the adoption (for example with the formal adoption of a step-child).

*Time off for the care of dependants*

- Under the National Employment Standards of the Fair Work Act 2009 all employees (except casuals) have access to ten days of paid personal/carer's leave per year of service. In addition, all employees (including casuals) can access up to two days unpaid carer's leave for each 'permissible occasion' provided paid personal leave has not been exhausted. Paid 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. Similarly, unpaid carer's leave may be taken to provide care for an immediate family or household member due to illness, injury or an unexpected emergency.

*Flexible work arrangements*

- One of the 10 National Employment Standards contained in the Fair Work Act 2009 provides eligible parents with a statutory right to request flexible working arrangements. The range of employees entitled to request such arrangements currently includes employees with caring responsibilities, parents or guardians of children who are school age or younger, employees with a disability, employees aged 55 years or over and employees experiencing family violence or caring for a family or household member who is experiencing family violence. An employer must respond to a request within 21 days and may refuse the request only on 'reasonable business grounds'. While examples of 'reasonable business grounds' are provided in the

legislation these do not limit what might be included. The request is ultimately not enforceable by any third-party body.

- Modern awards and enterprise agreements are required to include provisions for employers to consult with employees over any proposed changes to rosters and ordinary working hours, and to consult genuinely with employees about the impact of changes on their family and caring responsibilities.

#### *Transfer to safe job*

- All pregnant employees, regardless of period of service, have the entitlement to be transferred to a safe job. If no safe job is available, an entitlement to 'paid no safe job leave' is available for those eligible for unpaid Parental leave, while those not eligible for unpaid Parental leave are entitled to 'unpaid no safe job leave'.

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

The maximum period of post-natal leave available for mothers and fathers/partners combined in Australia is 24 months, including up to 20 weeks paid by the Government at a flat-rate based on the national minimum wage (this is made up of the 18 weeks' Paid Parental Leave entitlement and the two weeks' Dad and Partner Pay entitlement). There is no entitlement to ECEC, although all Australian governments<sup>18</sup> agreed to work towards 15 hours a week of nursery education for one year before compulsory schooling (i.e. from around age five years) by mid-2013. While substantial progress has been made towards this goal it has not yet been achieved uniformly. Levels of attendance at formal services for children under three are around the average for the countries included in this review and for OECD countries; but well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

A change in the Government Paid Parental Leave scheme is expected following the Government's announcement that it would reduce the number of weeks the Government pays by the number of weeks of employer-paid parental leave where that is available. The 'Fairer Paid Parental Leave Bill', which includes these changes and a previously proposed amendment to remove the requirement that employers administer the delivery of Parental Leave Pay to their long-term employees, is currently before Parliament, with the changes due to commence on 1 July 2016. The rationale, according to the Government, is that mothers were 'double dipping' by receiving both government and employer parental leave pay. It is also claimed that the savings from the changes to the Paid Parental Leave Scheme would be used to offset changes in the child care scheme, but the introduction of those changes (see below) have now been delayed until 2018.

From 1 July 2016, both Parental Leave Pay and Dad and Partner Pay will also be counted in the definition of income for Commonwealth income support payments. That is, the amount that parents receive in income support payments will take into account their income from these payments, as well as any income they receive from other sources such as

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<sup>18</sup> National Partnership Agreement on Early Childhood Education, Council of Australian Governments, 29 November 2008. Available at: [http://www.aph.gov.au/About\\_Parliament/Parliamentary\\_Departments/Parliamentary\\_Library/pubs/rp/rp1314/QG/ChildhoodEducatAccess](http://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1314/QG/ChildhoodEducatAccess)

employment. This change will reduce overall the money families receive from the government.

Proposed changes to ECEC subsidies, due to be implemented in July 2018, will introduce a new Child Care Subsidy (CCS), subject to a family income and activity test. With some exceptions, both parents (or a single parent) will be required to work at least eight hours per fortnight in order to be eligible for CCS. As well as paid work, other approved activities include unpaid work in a family business, being self-employed, looking for work, volunteering or studying.<sup>19</sup> While most families are expected to benefit from this package, there is concern that the activity requirements may preclude some families' access to the subsidy, especially given that mothers in Australia often return to part-time work after a period of leave.<sup>20</sup>

## 4. Take-up of leave

Recent sources of data on access to and take-up of various types of leave for parenting purposes in Australia include the Baseline Mothers survey (2010), the Family and Work Cohort survey (first wave conducted in 2012) and two online surveys of fathers (conducted in 2013) – all of which were undertaken as part of the evaluation of the Paid Parental Leave and Dad and Partner Pay schemes. These sources, complemented with information from a recent Government report and a journal article that also utilises data from the 2005 Parental Leave in Australia survey, are drawn on for the following overview of leave take-up.

### a. Maternity leave

As explained earlier (1a), the term 'Maternity leave' is used in Australia primarily for employer-paid provisions. As a recent comparison of 2005 and 2010 survey data demonstrates, the take-up of these provisions increased markedly during this period<sup>21</sup>. However comparisons between the 2010 Baseline Mothers survey and the first wave of the Family and Work Cohort survey (2012) indicate that take-up and average duration of employer-paid Maternity leave did not change significantly over this two year period: in both years 46 per cent of mothers eligible for payments under the Paid Parental Leave scheme who reported they had access to at least one form of leave took some employer-paid Maternity leave, for an average duration of 3.7 months.<sup>22</sup> Employer-paid parental leave (as distinct from the government paid parental leave) is available to approximately 50 per cent of employed mothers and the duration available varies widely according to industry and employer size.

### b. Paternity leave

As noted in 1b, Australian fathers may have access to employer-paid Paternity leave as well as the Government-funded Dad and Partner Pay scheme which commenced in January 2013. Information on take-up of the former is available from an online survey of employed

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<sup>19</sup> The Government has indicated that exemptions to the activity test will be available for parents who 'legitimately cannot meet the activity requirements'. Australian Government Department of Education and Training (2016) *Jobs for Families* Child Care Package information sheet, p.2. Available at: [https://docs.education.gov.au/system/files/doc/other/key\\_changes\\_for\\_families.pdf](https://docs.education.gov.au/system/files/doc/other/key_changes_for_families.pdf)

<sup>20</sup> See, for example, Baxter, J.A. (2013) Employment characteristics and transitions of mothers in the Longitudinal Study of Australian Children. DSS Occasional Paper No. 50, DSS: Canberra.

<sup>21</sup> Whitehouse et al. (2013), p.319, Table 1.

<sup>22</sup> Martin et al. (2015a), p.70. Note that differences between figures presented here and take-up rates reported in the 2014 country note are primarily due to differences in population bases; for example the 46 per cent figure cited here is of those who reported they had access to at least one form of leave at the time.

fathers whose babies were born in September 2012 (prior to the introduction of the Dad and Partner Pay scheme). This survey, conducted as part of the evaluation of the Paid Parental Leave and Dad and Partner Pay schemes, showed that among the 1,115 respondents around 25 per cent reported taking some employer-paid Parental leave in the first six months after the birth; a figure that represents 81 per cent of those who reported having access to this form of leave.<sup>23</sup>

Turning to the Dad and Partner Pay scheme, the Australian Government has reported that in the 2014-15 financial year 70,785 fathers or partners received payment under this scheme, with the vast majority (96 per cent) taking the full two weeks' payment.<sup>24</sup> Data from an online survey of employed fathers with a baby born in April 2013 (after commencement of the Dad and Partner Pay scheme), also conducted as part of the evaluation of the Paid Parental Leave and Dad and Partner Pay schemes, shows that 36 per cent of the 1,208 respondents took Dad and Partner Pay in the first six months of their baby's life, with take-up of this Government-funded payment highest among those least likely to have access to other sources of leave payment (for example, the take-up rate was around 50 per cent among employees on casual contracts and self-employed workers).<sup>25</sup> This survey also showed that around one-quarter of working fathers had not heard of the Dad and Partner Pay scheme and that the overall take-up rate among those aware of the scheme was around 50 per cent.

### **c. Parental leave**

The entitlement to 12 months' unpaid Parental leave in the National Employment Standard under the Fair Work Act is available to and utilised by most working mothers: among respondents to the first wave of the Family and Work Cohort survey in 2012, 63 per cent of mothers eligible for payment under the Paid Parental Leave scheme took some unpaid Parental leave for an average period of 5.6 months. This was a slight increase since the Baseline Mothers survey in 2010, in which 60 per cent of respondents reported using this kind of leave for an average period of 5.8 months<sup>26</sup>. Take-up of unpaid Parental leave among fathers appears to be considerably lower. Among respondents to the online survey of employed fathers with a child born in September 2012 prior to the introduction of the Dad and Partner Pay scheme, only 6.4 per cent reported taking unpaid Parental leave in the first six months<sup>27</sup>. Fathers' use of unpaid Parental leave is likely to have increased following the introduction of the Dad and Partner Pay scheme as this payment is only accessible while on unpaid leave: preliminary evidence for this, based on matched survey data and in-depth interviews, is presented in the Final Report of the Paid Parental Leave scheme evaluation.<sup>28</sup>

Surveys conducted as part of the evaluation of the Paid Parental Leave and Dad and Partner Pay schemes also showed that the majority of mothers utilised more than one form of leave, with non-parental forms of leave accessed including paid annual leave, personal sick leave and long service leave: in both 2010 and 2012 around half of mothers eligible for payment under the Paid Parental Leave scheme took two or three forms of leave<sup>29</sup>. The online survey of fathers with a child born in September 2012 (prior to the introduction of the

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<sup>23</sup> Estimates from Martin et al. (2015b) *PPL Evaluation: Phase 4 Report*. Canberra: Department of Social Services, pp.106-109, Tables 7.1 and 7.2. Available at: <https://www.dss.gov.au/our-responsibilities/families-and-children/programmes-services/paid-parental-leave-scheme/paid-parental-leave-evaluation-phase-4-report>

<sup>24</sup> Australian Government Department of Social Services (2015) *Annual Report 2014-15*, pp.69, 71: [https://www.dss.gov.au/sites/default/files/documents/10\\_2015/dss\\_annual\\_report\\_print\\_version.pdf](https://www.dss.gov.au/sites/default/files/documents/10_2015/dss_annual_report_print_version.pdf)

<sup>25</sup> Martin et al. (2015b), p.123.

<sup>26</sup> Martin et al. (2015a), p.70.

<sup>27</sup> Martin et al. (2015b), p.109, Table 7.2.

<sup>28</sup> *ibid.*, pp.126-7. Note that the figures in Table 7.5 are based on samples used for propensity scoring and thus are not strictly equivalent to population estimates.

<sup>29</sup> Martin et al. (2015a), p.69, Table 3.5.



Dad and Partner Pay scheme) showed that around 50 per cent of these respondents reported using paid annual leave in the first six months after the birth of their child, although there is some evidence that the use of annual leave decreased somewhat after the introduction of Dad and Partner Pay<sup>30</sup>.

Since the introduction of Parental Leave Pay (under the Paid Parental Leave scheme) figures on the take-up of this entitlement indicate that it is accessible to a high proportion of working parents, although it is particularly targeted at mothers, who are the main users of the scheme. The 2012 Family and Work Cohort survey showed that among mothers eligible for payment under the Paid Parental Leave scheme, 84 per cent took some Parental Leave Pay, and that – of these – 97 per cent took the full 18 weeks, with the small group who did not take the full entitlement taking an average of 13 weeks<sup>31</sup>. Government figures add to this picture, indicating that in the 2014-15 financial year 50.4 per cent of all women who gave birth to or adopted a child during that period (158,145 mothers) received some Parental Leave Pay, and 97 per cent of families who accessed Parental Leave Pay took the full 18 weeks<sup>32</sup>.

#### **d. Other employment-related measures**

The 2012 Family and Work Cohort survey also provides some information on the take-up of a range of other employment-related measures by mothers. Among respondents to this survey (mothers eligible to receive payment under the Paid Parental Leave scheme) who had returned to work by the time their child was 12 months old, and whose job conditions had changed on their return to work, similar proportions (around 60 per cent) reported having used permanent part-time arrangements and flexible hours, while around one third reported using work from home arrangements.<sup>33</sup>

### **5. Research and publications on leave and other employment-related policies since April 2015**

#### **a. Selected publications since April 2015**

Baird, M. and Constantin, A. (2015) Analysis of the impact of the government's MYEFO cuts to paid parental leave. Available at:

[http://sydney.edu.au/business/\\_data/assets/pdf\\_file/0007/253258/Analysis\\_of\\_impact\\_of\\_new\\_PPL\\_cuts\\_W\\_And\\_WRG\\_12.01.2016.pdf](http://sydney.edu.au/business/_data/assets/pdf_file/0007/253258/Analysis_of_impact_of_new_PPL_cuts_W_And_WRG_12.01.2016.pdf)

This report assesses the impact of the Government's proposed amendments to the Paid Parental Leave Act if passed into legislation. The effect would be to reduce the number of weeks parental leave pay parents are eligible to claim if their employer also provides paid parental leave.

Baxter, J.A. & J.Renda (2015), Review of government initiatives for reconciling work and family life. AIFS Research Report No.34. Australian Institute of Family Studies, Melbourne.

This report presents a review of government initiatives that help families balance their work and family responsibilities, highlighting innovative ideas and including a discussion of international trends and themes. This review particularly focuses on government policies and approaches that address work and family issues for people with caring responsibilities for

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<sup>30</sup> Martin et al. (2015b), p.109, Table 7.2; p.127, Table 7.5.

<sup>31</sup> Martin et al. (2015a), pp.73, 75.

<sup>32</sup> Australian Government Department of Social Services (2015), p.70.

<sup>33</sup> Martin et al. (2015b), p.78, Table 4.6. Note that these figures are based on samples used for propensity scoring hence the estimates are not strictly equivalent to population estimates. Also the high proportions reported reflect the population base which is mothers whose job conditions changed on return to work.

children or the elderly. The report outlines some of the broader aims, approaches and considerations of governments in the area of work and family, and then reviews policies related to leave and return-to-work policies; child care, child payments and early childhood education; working hours and other aspects of employment; and governance, support and promotion of work–family initiatives.

Baxter, J.A. (2015). Child care and early childhood education in Australia. AIFS Facts Sheet. The report presents information about the types of child care used by children in Australia, highlighting how arrangements change as children grow, and how they vary for families of different characteristics. Different forms of child care are covered. These include formal child care, which is provided predominantly through long day care and outside-school-hours care, as well as early childhood education. It also includes informal child care, in which families rely on grandparents or other relatives, friends, neighbours or nannies to care for their children.

Baxter, J.A. & K. Hand (2016). Flexible child care: Key findings from AIFS Evaluation of the Child Care Flexibility Trials

There has been a recent policy focus in Australia on meeting the needs of parents who work non-standard or variable work hours and who may have difficulties finding care that supports such work hours. Interest in the extent to which child care is flexible enough to meet the needs of parents who work non-standard or variable hours led to the development of the Child Care Flexibility Trials, a project conducted by the Australian Government in 2013 and 2014. The Australian Institute of Family Studies (AIFS) was commissioned to undertake an evaluation of the trials and this paper provides a summary of the key findings from this evaluation.

## **b. Ongoing research**

*Millennium Mums* (2013-2016). Belinda Hewitt, Bill Martin, Gillian Whitehouse, Lyndall Strazdins, Marian Baird, Janeen Baxter, Mara Yerkes, Jane Dickenson and Sarah Hinde. Funded by the Australian Research Council.

The Millennium Mums project is a national cohort study of working mothers who had babies in October and November 2011. The project examines their experiences with leave from their employer and decisions about paid employment, as well as family life, health and wellbeing around the birth of their baby. The study began in 2012, as part of an evaluation of the introduction of the Australian Paid Parental leave scheme. Through additional funding from the Australian Research Council and co-funding from the Department of Social Services the additional survey waves will be conducted on an annual basis until 2015 with the project continuing to the end of 2016. The goal of the extension of the Millennium Mums project is to study changes in mother's work and family lives during their child's preschool years. Contact: Belinda Hewitt: [belinda.hewitt@unimelb.edu.au](mailto:belinda.hewitt@unimelb.edu.au)



# Austria<sup>1</sup>

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**April 2016**

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 Labour, Social Affairs and Consumer Protection)**

*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 €8.91 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 €52.69 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 from employers (4.5 per cent of each employee's salary bill) and from general taxes; and partly (30 per cent) from public health insurance. The total expenditure on Maternity leave (i.e. maternity pay and the payment for operational support) in 2014 was €461 million.

*Flexibility in use*

- None.

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<sup>1</sup> Please cite as: Rille-Pfeiffer, C. and Dearing, H. (2016) 'Austria country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

### *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 self-employed 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 Labour, Social Affairs and Consumer Protection)**

- 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 Labour, Social Affairs and Consumer Protection and Federal Ministry of Families and Youth)**

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

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

#### *Payment and funding*

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

- On any of the four flat-rate Childcare benefit options, a parent may additionally earn 60 per cent of the income they earned in the calendar year prior to the child's birth or at least €16,200 a year. For the earnings-related option, additional earnings may not exceed €6,400 a year.
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2014 was €1.099 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).
- 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).
- Both parents cannot take leave at the same time except for one month the first time they alternate leave; during this month only one of the two parents can receive the Childcare benefit; in that case Parental leave ends one month earlier (i.e. one month before the child's second birthday).

#### *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.
- There is no entitlement to take Parental leave for self-employed workers; however, they can claim Childcare benefit under the same conditions as applied to employees.

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

- None.

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

- None.

### **d. Childcare leave or career breaks**

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

### **e. Other employment-related measures**

#### *Adoption leave and pay*

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

#### *Time off for the care of dependants*

- Two weeks leave a year per employee to care for sick children under the age of 12 years, and one week 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. The reduction of working time must amount to at least 20% of previous working time. It is not possible to work part-time below 12 hours per week. 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 post-natal leave available in Austria is 24 months. As there are five payment options available, this is mostly paid at a low flat rate. However, there is one option available which is paid at 80 per cent of earnings over a 12-14 months 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 46 months between the end of well-paid leave (if this option is chosen) 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 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 2015 (including proposals currently under discussion)**

In April 2016, the Austrian government presented a reform for the parental leave payment scheme. The reform foresees the replacement of the existing four flat-tax payment options with a new flexible payment scheme, where parents can distribute an overall sum of about €15,449 over a specific time span. If only one parent uses the leave, he or she might consume the overall sum within a time span of 365 to 851 days. If both parents take some

leave, the money is to be used within 456 and 1063 days. The income replacement option, however, will stay in place. Parents will have the right to change the chosen duration of payment once. The aim of the measure is to make parental leave payments more flexible. Another part of the reform wants to strengthen gender equality in the division of leave. The reform will introduce a bonus payment of €1,000 if parents share their leave in equal parts or 60:40. At the same time, the reform-paper proposes the introduction of a so-called „Familienbonusgesetz“, which foresees an additional payment of €700 if the father stays at home for 28 to 31 days within the two months after birth. However, this measure implies a payment only and it is not combined with job protection.

## **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 11.20 per cent to 28.56 per cent (March 2015).

The official website of the Ministry of Families and Youth no longer reports on the use of the five Childcare benefit options *separately for mothers and fathers*. Therefore recent data for January 2014 refer to all parents during their first year of using the benefit: around 40 per cent opted for the long model (30+6 months), 26 per cent for the second model (20+4), 6 per cent for the model 15+3, 5 per cent for the flat rate 12+2 and around 21 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 2015**

### **a. General overview**

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

### **b. Selected publications since April 2015**

Dearing, H. (2016) 'Parental leave policies and the gender division of housework. Studying the association between different leave indicator and the unexplained gender gap in housework.' Working Paper No 1/2016. Vienna: Institute for Social Policy, Vienna University of Economics and Business. Available at:

[https://www.wu.ac.at/fileadmin/wu/d/i/sozialpolitik/WP\\_01\\_2016.pdf](https://www.wu.ac.at/fileadmin/wu/d/i/sozialpolitik/WP_01_2016.pdf)

This article relates parental leave policies in 21 European countries to the gender division of housework. As there are many ways of aggregating a set of leave policies, I study three one-dimensional indicators that refer to the total, well-paid and "fathers'-only" duration of leave, and three multidimensional indicators that combine these characteristics and account for the non-linear relation between the duration of leave and gender equality. With regard to the measure of housework, I draw on the European Social Survey for 2010 focusing on parents living with at least one child under the age of seven years. In order to account for the previous finding that housework is determined by individual characteristics, the paper exploits the so-called Blinder-Oaxaca decomposition. This method allows the partitioning of the mean differences in an outcome variable between two groups into a part that is "explained" by group differences in individual characteristics and an "unexplained" part. As it has been argued that this "unexplained" part can be a proxy for "other" determinants of the gap in housework, such as the institutional setting, I relate it to the leave policy of each country. The results depict a systematic relation between leave measures and the unexplained gender gap in housework. However, the nature of this relation depends largely on the specific indicator that is used. Whereas there is no relation, or even a positive one, between the duration of leave and the gender gap in housework, I find a negative relation for the multidimensional indicators and the duration of leave reserved for fathers. This suggests that it is in countries with more gender-egalitarian leave schemes – which reserve a considerable share of leave for fathers – that the unexplained gender gap in housework is smallest.

Dearing, H. (2016) 'Designing gender-equalizing parental leave schemes - what can we learn from recent empirical evidence from Europe?' *Journal of Family Research (Zeitschrift für Familienforschung)* (1) 2016.

The article relates parental leave policies in 21 European countries to the gender division of housework. As there are many ways of aggregating a set of leave policies, I study three one-dimensional indicators that refer to the total, well-paid and “fathers’-only” duration of leave, and three multidimensional indicators that combine these characteristics and account for the non-linear relation between the duration of leave and gender equality. With regard to the measure of housework, I draw on the European Social Survey for 2010 focusing on parents living with at least one child under the age of seven years. In order to account for the previous finding that housework is determined by individual characteristics, the paper exploits the so-called Blinder-Oaxaca decomposition. This method allows the partitioning of the mean differences in an outcome variable between two groups into a part that is “explained” by group differences in individual characteristics and an “unexplained” part. As it has been argued that this “unexplained” part can be a proxy for “other” determinants of the gap in housework, such as the institutional setting, I relate it to the leave policy of each country. The results depict a systematic relation between leave measures and the unexplained gender gap in housework. However, the nature of this relation depends largely on the specific indicator that is used. Whereas there is no relation, or even a positive one, between the duration of leave and the gender gap in housework, I find a negative relation for the multidimensional indicators and the duration of leave reserved for fathers. This suggests that it is in countries with more gender-egalitarian leave schemes – which reserve a considerable share of leave for fathers – that the unexplained gender gap in housework is smallest.

Schmidt, E. M., Rieder, I, Zartler, U, Schadler, C. and R. Richter (2015) Parental constructions of masculinity at the transition to parenthood: the division of parental leave among Austrian couples, *International Review of Sociology*, 25:3, 373-386.

Men and masculinity are considered a key factor in changing gender inequality at the transition to parenthood. Prior research on gendered division of parental leave concentrated on fathers’ perspectives. This paper includes perspectives of fathers and mothers who make use of parental leave in different ways and asks how masculinity is jointly constructed, how these constructions are linked to the use of parental leave, and if and how they are oriented towards hegemonic masculinity. The analysis is based on 44 qualitative interviews with 11 Austrian couples before and after birth when decisions concerning parental leave were made. Our case reconstructions reveal that parents considered parental leave a central element of masculinity as long as it suited fathers’ needs and circumstances permitted. The decisions for sharing parental leave were father-centred as both partners valued father’s leave higher than mother’s.

Gönenç, R., Guérard, B., Hassler, I., Wörgötter A. (2015), “Austria’s separate gender roles model was popular in the past, but is becoming a constraint for comprehensive wellbeing”, OECD Economics Department Working Papers, No. 1272, OECD Publishing, Paris.

<http://dx.doi.org/10.1787/5jrp2s53tqlp-en>

Austria has a model of “separate gender roles” in work, family and life arrangements which persists despite efforts to better balance these roles. Irrespective of their education level - which is higher for new generations than men’s - the majority of women with children withdraw fully or partly from the labour force until their children reach school age, and beyond. This pattern has provided the Austrian population with generally high quality family services, but buttressed gender inequalities, and deprived society from the activation of existing talent, and therefore from additional household incomes, fiscal revenues and potential output. Gender differences in life-time career and income paths, well-being, and participation patterns in public life generate increasing dissatisfaction in growing segments of society, among both women and men.

### **c. Ongoing research**

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

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

*Changing Families and Sustainable Societies: Policy Contexts and Diversity over the Life Course and Across Generations (FamiliesAndSocieties) (2013-2017).* Funded by the European Union. Austrian partner: Department of Sociology, University of Vienna.

The main objectives of this project are to investigate the diversity of family forms, relationships, and life courses in Europe; to assess the compatibility of existing policies with these changes; and to contribute to evidence-based policy-making. The project intends to extend the knowledge on how policies promote well-being, inclusion and sustainable societal development among families. See: <http://www.soz.univie.ac.at/forschung/drittmittelprojekte/>



# Belgium<sup>1</sup>

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**April 2016**

NB. Belgium is a federal state.

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

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

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

*Length of leave (before and after birth)*

- Fifteen weeks for employees. A woman can start to take her leave six weeks before her baby is due; one week before the due date and nine weeks after delivery are obligatory.
- Eight weeks for self-employed mothers.
- Unemployed mothers have the same rights as employees.

*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 €133 per day. Statutory civil servants receive full salary; contractual civil servants, as for private sector.
- Self-employed mothers receive €440.50 per week.
- Unemployed mothers: first month receive unemployment benefits + 19 per cent of previous earnings with a ceiling of €133 per day, then unemployment benefits + 15 per cent of previous earnings with a ceiling of €133 per day
- Funded from Federal Health Insurance, financed by employer and employee contributions and general taxation.

*Flexibility in use*

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

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<sup>1</sup> Please cite as: Merla, L. and Deven, F. (2016) ‘Belgium country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

- All women employees or women benefiting from unemployment benefits 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). Attempts have been made to compensate for this to some extent; for example, self-employed mothers can request 105 service vouchers to pay for household help (equivalent to about €900). But monitoring data have revealed that some self-employed mothers do not want to use this possibility, and that about one-fifth simply omit to request these service vouchers (within the deadline of fifteen weeks after giving birth).

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

- Mothers needing the full six weeks of pre-natal leave for health reasons can take an extra week of post-natal leave, i.e. their Maternity leave is extended to 16 weeks. The rest of pre-natal leave is not added to post-natal leave if they fall sick.
- In the case of multiple births, the length of leave increases by two weeks. Maternity leave can also be extended if the baby is hospitalised following birth.
- 'Social' parental leave. In the case of the death of the mother, or if the mother remains in hospital (after the first week after delivery) for more than a week and if the baby is at home, the father is granted the remaining weeks of the Maternity leave period. He is paid 60 per cent of his earnings in addition to the payment of the mother's maternity leave income.

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

*Length of leave*

- Ten working days; three days are obligatory.

*Payment and funding*

- One hundred per cent of earnings for three days paid by the employer; 82 per cent of earnings for the remaining period paid by Health Insurance up to a ceiling of €109.26 per day.
- Funded as Maternity leave.

*Flexibility in use*

- Fathers and co-parents (that is, same-sex partners) can take these two weeks during the first four months following the birth of their child.

*Regional or local variations in leave policy*

- Civil servants in the Walloon region receive 15 days, on the basis of their Collective Agreement.

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

- All male employees. Unemployed and 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. Leave is an individual entitlement.

*Payment and funding*

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

*Flexibility in use*

- Leave may be taken full time, half-time over eight months, or one day a week over 20 months.
- For half-time leave, the total duration of eight months can be split into blocks of time, with a minimum of two months. For one-fifth leave, the total duration of 20 months can also be split into blocks, with a minimum of five months.
- Leave can also be combined as follows: one month at full time + two months at half-time + five months at one-fifth.
- Leave may be taken up to the child's 12<sup>th</sup> birthday.
- Both parents can take leave at the same time.

*Regional or local variations in leave policy*

- The Flemish Community (i.e. the government in the Flanders area) pays an additional benefit bonus for a maximum of one year for Parental leave or Time Credit (see section 1d). The amount of this additional payment depends on the sector of employment (e.g. private, social profit or public) and the reduction of employment while taking leave. This additional benefit is largest for employees in the social profit sector, namely an additional €475.20 net per month for employees taking a full-time break (for Parental leave or, in the case of Time Credit, for care reasons); while for employees in the private sector it is €169.30 net per month (for Parental leave or, in the case of Time Credit, for any the reason for taking leave).

*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 with the employee. All employees in the public sector are eligible, regardless of the length of service.
- 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 parents*

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

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

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

#### **d. Childcare leave or career breaks**

- There is a Time Credit system (*Tijdskrediet / Crédit temps*), which applies to employees in the private sector; a rather similar scheme – 'career breaks' – applies in the public sector. All eligible workers have a basic right over their working lives to one year of this type of leave, taken full time, or 24 months taken half time or 60 months taken at one-fifth time.
- Leave taken under the Time Credit/career break system is only paid if taken to care for a child younger than eight years (or for a disabled child up to 21 years), to provide palliative care, to care for a severely ill relative and/or to do a training course. Payment varies according to age, civil status and years of employment (e.g. it is higher for those employed for five years or more). The maximum for a full-time break is approximately €641 per month. The bonus for residents of the Flemish Community taking Parental leave also applies to this type of leave.
- Employees need two years of previous employment with the same employer to be granted payment. There is a guarantee in principle to return to the workplace following a career break or time credit period.
- For each company, there is a five per cent threshold of employees who can use the Time Credit system at any one time; priorities are settled within the company according to certain rules (e.g. priority in the case of care for a severely ill family member).
- Payments to Time Credit users are funded by the Federal social security system, which is financed by contributions from employers and employees, and by the federal government.
- Collective agreements negotiated at sectoral or company level are permitted to extend the Time Credit period up to 36 months for care and/or training purposes, e.g. a worker can take 24 months to care and 12 months for training or 36 months for care or 36 months for training, and even up to 48 months for care provided to a disabled or seriously ill child. This maximum length of leave is applicable regardless of the leave being taken full or part-time.

#### **e. Other employment-related measures**

*Adoption leave and pay*

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

### *Time off for the care of dependants*

- Employees may take up to ten days of leave a year ‘for urgent reasons’ (*force majeure*) to deal with unexpected or sudden circumstances. The legislation defines ‘urgent’ as making it ‘obligatory and necessary’ to be present at home instead of being at work (e.g. such as illness, accident or hospitalisation of a member of the household). There is no entitlement to payment.
- For a severely ill family member, an employee can take full-time leave ranging from one to twelve months (and up to 24 months in the case of part-time leave). It must, however, be taken in blocks of one to three months. Benefits paid are under 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 36 months (including full use of the basic entitlement to Time Credit), but most of this is low paid; leave paid at a high rate ends after Maternity and Paternity leave at around four 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 two years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above EU and OECD averages, with universal coverage for children over three years of age.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

In 2015 a series of reforms decided by the federal government (2011-2014) entered into force. These reforms include significant changes to the Time Credit system. In the new system it is no longer possible to take a one-year paid time credit for reasons other than care (for children, disabled children, severely ill relatives or palliative care) and training. In addition, the total duration of paid time credit (as negotiated in sectoral or workplace agreements) is now limited to 36 months (48 months if leave is taken to care for disabled or seriously ill children). In addition, the minimum age to become eligible for the ‘end of career’ time-credit scheme is progressively raised to 60 years (instead of 55).

For the first time in Belgian political history, the current federal government is based on a coalition of two liberal parties (Open VLD and MR), one Christian-democrat party (CD&V) and one dominant Flemish nationalist party (N-VA), with only one French-speaking party, the MR, included - though the Prime minister comes from the latter party.

The Agreement of the Federal Government included number of intentions for reform related to:

- The progressive harmonisation of the time credit and career break systems in the private, public and non-profit sectors
- Increased control on the reasons for, and conditions of, the use of thematic leave, including Parental leave
- An action plan for gender equality in work-life balance, consisting of a policy to combat stereotypes, and the 'possibility' to encourage a more equitable use of leave schemes by mothers and fathers

Finally, this federal government also planned to examine the possibility of a 'career account' that will allow workers to cumulate 'vacation time' and or 'remuneration', and use them for a temporary interruption of his/her career, to facilitate the transition between two jobs, or to top-up one's pension benefits. Existing schemes such as time-credit and 'similar systems' would be integrated into this account.

Till now, no substantial changes or innovations were implemented. It seems that the federal Government in Belgium was more preoccupied with the poor socio-economic climate and budget deficits, as well as with terrorist threats. But at present a number of measures and changes are on the desk of members of the federal government. For example, the Minister for Employment drafted a law proposal to make work more 'workable' and flexible. It includes the option for employers to develop a 'career account' where employees could park holidays and extra hours over the years to be used at a later stage in their career. Employers could also extend the time credit with an extra three months for reasons of care. The concern for self-employed mothers to use their maternity leave has been acted upon by extending the optional weeks from five to nine weeks and extending the period for the take-up of maternity leave to 39 weeks.

## 4. Take-up of leave

Viewing the ongoing extension of flexibility of numerous types of leave, with some differences in remuneration and even duration according to various sectors of employment (private, public, education, etc.) it becomes increasingly difficult to provide accurate data of take-up rates in Belgium. Available statistics are mostly administrative and developed to fit the monthly payments of the users. The main source of information is the federal agency in charge of this RVA / ONEM<sup>2</sup>, but for a more detailed account see 'Studies/Etudes'.

The actual number of users according to the type of leave is especially blurred by the variations in the duration of leave. An increasing number of employees opts for a 1/5<sup>th</sup> a week leave, especially among older workers taking time credit / career break to facilitate the final years of their formal career. This also holds to a lesser extent for the take-up of parental leave, especially among fathers who continue to work but who 'soften' their involvement via this 1/5<sup>th</sup> a week leave. Such fathers are registered as leave takers for twenty months (instead of 4). The drawback of this flexibility is that it keeps users much longer in the annual statistics. We therefore invite readers to be very careful in their interpretation of the statistics we provide in this CN.

### a. Maternity leave

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<sup>2</sup> Available at: [www.rva/onem.be](http://www.rva/onem.be)

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

## **b. Paternity leave**

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

## **c. Parental leave**

There is no information on what proportion of employees are *not* eligible for Parental leave. In 2014, almost 57,300 employees used Parental leave, an increase of 26.4 per cent compared to 2007; 69 per cent were in the Flemish region, 23 per cent in the Walloon region and 8 per cent in the Brussels region. These figures suggest use of this leave is higher in the Flemish region. Part-time leave options are the most popular, especially among men. Almost three-quarters of leave takers use the one-fifth time option, suggesting that it is predominantly used as a flexibility measure. But the possibility of combining two or more types of leave (e.g. mixing some full-time and some part-time leave) is rarely used, on average by about 1 per cent of men and 4 per cent of women.

Most of the users of Parental leave are women, although the proportion of fathers among all leave-takers is slowly growing. In early 2014, the Study Unit of RVA / ONEM (the agency in charge of payments for employees taking some type of leave or Time Credit break) issued a more detailed account of developments over the decade from 2002 to 2012. The proportion of men taking Parental leave increased from 8.3 to 25.7 per cent, with some levelling-off by the end of the period (RVA/ONEM, 2014).

Relating the number of men using Parental leave to the total number of employees again suggests there are regional differences. In 2012, 1.8 per cent male workers in the Flemish region took Parental leave, compared to 0.9 per cent in the Walloon region and 0.8 per cent in the Brussels region.

## **d. Other employment-related measures**

In 2014, almost 69,000 public civil servants used the Career Break system, more than half on a part-time basis and about 30,000 on the basis of one day a week. The latter is increasingly used, up 29 per cent compared to 2007; while use of the full-time career break continues to fall.

In 2014, about 135,000 employees in the private sector made use of the Time Credit system, mostly via the one fifth formula (71 per cent). Overall, use increased by 20 per cent compared to 2007. Men take about a quarter of the total use of leaves, but mainly use the limited time reduction formula (reducing hours by a fifth a week) implying that they spread their use of leave over several years.

Employees aged 50 and over represent the majority of users of the Time Credit/Career break system, accounting for 67 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 system as a form of flexible early retirement (under the new rules, this will in future only be possible for workers over 55 years

of age). By contrast, women tend to use it more to balance paid work and (child) care. In 2010, 61 per cent of all users were women.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

There is no research on statutory leave entitlements, and only limited official information on take-up. At best, large-scale comparative information is provided on the basis of administrative statistics (see above) by the federal agency – RVA / ONEM - in charge of the regulation and monitoring of the various types of leave in Belgium. There have been a number of publications documenting the use of these entitlements based on these administrative records, showing an overall increase in use, mostly by women to maintain continuous employment when having children.

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. Some work has been initiated or commissioned by NGOs and stakeholders, such as the Flemish Family League ('*Gezinsbond*') or the socialist women's movement ('*Femmes Prévoyantes*') often aiming to promote a larger share of care by fathers. In 2013, for example, 364 fathers and 440 mothers having at least one child were questioned online. This sample was representative for sex, age, and educational level of the respondents (Vrints, 2014). With some focus on fathers, both were asked how they perceive their work-life balance, what kind of practical arrangements they developed and which changes they would still like to make.

### **b. Selected publications since April 2015**

Degavre F. and Merla L. (forthcoming 2016) 'Defamilialisation of whom? Re-thinking defamilialisation in the light of global care chains and the transnational circulation of care', in: M. Kilkey and E. Palenga-Möllnbeck (eds.) *Family Life in an Age of Migration and Mobility: Global Perspectives through the Life Course*. London: Palgrave Macmillan.

The purpose of this chapter is to raise two blind spots of the defamilialisation concept that need to be addressed in future research. Both relate to the twice paradoxical experience of female migrant workers engaged in transnational flows of care that include caregiving both in the North and in the South. First, while defamilialisation in the North partly relies on important flows of migrant care workers, defamilialisation is not fully accessible to migrant care workers themselves. And second, defamilialisation, usually defined as a universal women's issue and conceived within the borders of Nation States, does not sufficiently take into account the specific situation of migrant workers who continue to assume care responsibilities for relatives in the South, whose care needs are shaped within highly familialistic regimes.

RVA / ONEM (2016) *Jaarverslag 2015 – Volume 2 Indicatoren van de arbeidsmarkt en evolutietrend uitkeringen*. Brussels: RVA/ONEM.

Annual report 2015 of the federal agency in charge of payments for the various leave arrangements and for the Career Break/Time Credit system. Chapter 6 provides the take-up rates and other data for 2015, as well as a comparison with the situation in 2007.

Fusulier B. and Nicole-Drancourt C. (2015) « Retour sur l'impossible conciliation Travail/Famille », *Revue Interventions économiques* [En ligne], 53 | 2015. Available at : <http://interventionseconomiques.revues.org/2643>



In spite of institutional answers and public efforts to develop domestic services and support for working parents, no global and durable solution has emerged. In this paper the authors argue that this is because work-family balance measures do not sufficiently address the key question of the way productive and reproductive functions are organized in our societies. They show that the 'labour society' is structured around a certain conception of work-family balance that is currently destabilized by contemporary transformations.

### **c. Ongoing research**

Among Belgian universities, three research units in particular work on work-life balance issues and occasionally provide relevant information related to leave policies:

University of Antwerp, unit CELLO (Dutch acronym for Research Center for Longitudinal & Lifecourse Studies (<https://www.uantwerpen.be/en/rg/cello>)). Contact: Professor D. Mortelmans at [dimitri.mortelmans@uantwerpen.be](mailto:dimitri.mortelmans@uantwerpen.be)

Free University of Brussels, unit TOR (Tempus Omnia Revelat). Contact: Professor I. Glorieux, <https://www.vub.ac.be/TOR>

Catholic University of Louvain, Interdisciplinary Research Centre on Families and Sexualities (CIRFASE). Contact: Prof. Bernard Fusulier and Prof. Laura Merla <http://uclouvain.be/cirfase>

# Brazil<sup>1</sup>

**Bila Sorj** (Federal University of Rio de Janeiro)

**April 2016**

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.

## **Note on coverage of leave entitlements**

Leave entitlements in Brazil are primarily governed by the Labour Law (*Consolidação das Leis do Trabalho - CLT*), which applies to the whole country, but 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.

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

### **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 six months if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*). It may be taken from the eighth month of pregnancy.
- Six months in the federal public sector. At state and municipal levels, entitlement to the additional months 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, risk to the mother's life or a fetus with anencephaly), the maternity benefit payment is paid for two weeks.

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<sup>1</sup> Please cite as: Sorj, B. (2016) 'Brazil country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Funded for employees from contributions into a social security fund paid by employers and employees: employers pay 20 per cent of their salary bill; and employees pay on a sliding scale according to salary: eight per cent if under BRL1,317.08 [€345]; nine per cent between BRL1,317.08 and BRL2,195.12 [€576]; and 11 per cent between BRL2,195.13 and BRL4,390.24 [€1,152<sup>2</sup>], which is the upper limit for social security payments. Funded entirely by own contributions for self-employed workers and business owners.
- It does not affect pensions, contributions are paid by the state.

#### *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)*

- Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so.
- 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 ten 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; ten days in the public sector. In the private sector it can be extended to twenty days if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*).

#### *Payment and funding*

- Full earnings are paid by the employer under the provisions of labour legislation.
- It does not affect pensions

### **c. Parental leave**

- No statutory entitlement.

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<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

#### **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 one year old, Maternity leave is 120 days. For adoption in the age range one to four years, the leave is 60 days. From four to eight years, the period is 30 days. There is Paternity leave of five days after adoption, 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 which must decide that the employee's direct assistance to the sick person is essential and must be during working hours.
- Leave may be granted for up to 60 days at 100 per cent of earnings; after which a further 90 days of leave is possible, but with no payment. 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 six months.

### **3. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Brazil (for federal public sector workers) is six 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 years must maintain a suitable place, in which, up to the sixth 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. Levels of attendance at formal services for children under three are around the average for the countries included in this review and for OECD countries; but well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2015 (including proposals currently under discussion)**

The Project Legal Framework for Early Childhood was approved in 2016 (Law 13.257 / 2016). It determines a set of actions for the beginning of life, between zero and six years old. One of the innovations is the increase of paternity leave from 5 to 20 days for employees of companies that adhere to the Programa Empresa-Cidadã. (Company-Citizen Programme) The values of these 15 days more are paid by the company - and not by the Social Security Institute (INSS) as with mandatory paternity leave - and then are returned in the form of discount on income tax to be paid the following year.

## **4. Take-up of leave**

### **a. Maternity leave**

There is no information available, 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**

There is no information available (we can suppose that the take-up is very high).

### **c. Parental leave and Parental benefit**

No statutory leave entitlement.

## **5. Research and publications on leave and other employment-related policies since April 2014**

### **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 issue in the coming years.

### **b. Selected publications since April 2014**

None reported.

### **c. Ongoing research**

None reported.

# Canada<sup>1</sup>

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**April 2016**

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.

**Note on federal and provincial/territorial responsibility:** In Canada the federal government provides maternity and parental leave benefits to parents residing outside Québec through the Employment Insurance (EI) programme, funded by employers and employees and administered by the Department of Employment and Social Development Canada. Entitlement to job-protected leave from employment is granted in Labour laws that fall under the jurisdiction of the ten provinces and three territories (referred to below as ‘jurisdictions’) and the Canada Labour Code for employees in federally regulated industries, resulting in 14 different legislated leave entitlements. Variations between jurisdictions hold implications for accessing and using (unpaid) entitled leave and therefore the two benefit programmes. Overall, the federal wage-compensation benefit programme and provincial/territorial/federal entitlements to job-protected leave are two separate sets of rules. In 2011 self-employed parents outside Québec became eligible for federal benefits on an opt-in basis. In January 2006, the province of Québec launched a separate maternity, paternity and parental leave benefit programme for employed and self-employed workers called the Québec Parental Insurance Plan (QPIP). Details of the programme are given below under ‘regional or local variations in leave policy’. The information below refers, by default, to the two benefit programmes. Details regarding jurisdictional-based entitlement to unpaid, job-protected leave is at the end of the parental leave section

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

### **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.

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<sup>1</sup> Please cite as: Doucet, A., Lero, D.S., McKay, L. and Tremblay, D.-G. (2016) ‘Canada country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

### *Payment and funding*

- Fifteen weeks of benefits at 55 per cent of average insured earnings up to an earnings ceiling of C\$50,800 [€35,073]<sup>2</sup> (i.e., a benefit payment ceiling of C\$537 [€370] per week)<sup>3</sup>. Low-income families can qualify for a higher benefit rate, to a maximum of 80 per cent of average insured earnings.
- There is no payment for the first two weeks, which is treated as a 'waiting period'; this means that payment is available for 15 weeks out of 17-18 weeks leave.
- Administered under the federal EI fund, Maternity and Parental leave benefits are funded by premiums paid by employers and employees, based on a premium rate that applies to every C\$100 [€69] of insurable earnings, up to the maximum insurable earnings threshold (MIE) which is \$50,800 in 2016. The rates are set by the Employment Insurance Financing Board each year. Employers pay premiums that are 1.4 times those of employees. Employee premiums were set at C\$1.88 per C\$100 (Québec residents at C\$1.52) of insurable earnings in 2016; employer premiums were set at C\$2.63 per C\$100 of insurable earnings (Québec Employers at C\$2.13)<sup>4</sup>. Self-employed individuals outside of Québec who opt in to the EI program in order to be eligible for special benefits pay the same as employees: C\$1.88 per C\$100 of insurable earnings up to a maximum of \$50,800 of earnings, or C\$955.04 [€659]. See 'regional or local variations' for additional contributions paid in Québec. Maternity and Parental leave benefits are taxable.

### *Flexibility in use*

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so.
- Normally, Maternity benefits must end by 17 weeks after the week in which the mother was expected to give birth or actually gave birth. Maternity benefit receipt can be delayed/extended by the amount of time a new-born is hospitalized, but maternity benefits must be received within 52 weeks of the birth.

### *Regional or local variations in leave policy*

- There is no payment for the first two weeks, which is treated as a 'waiting period'; this means that payment is available for 15 weeks out of 17-18 weeks leave.
- Length of leave and entitlement vary across provinces and territories (see below)
- Québec offers benefits of 70 per cent of average weekly income up to an earnings ceiling of C\$71,500 [€49,365] per year for 2016 for 18 weeks of Maternity leave; there is also no two-week waiting period.<sup>5</sup> 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,

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<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

<sup>3</sup> Government of Canada (2015) Employment Insurance Maternity and Parental Leave Benefits. Available at: [http://www.esdc.gc.ca/en/ei/maternity\\_parental/index.page](http://www.esdc.gc.ca/en/ei/maternity_parental/index.page)

<sup>4</sup> Government of Canada (2015). *2015 Employment Insurance Premium Rate: Summary of the Actuarial Report on the Employment Insurance Premium Rate*. Available at: <http://www.esdc.gc.ca/en/reports/ei/premium/rates2015.page>

<sup>5</sup> Government of Québec (Emploi et Solidarité Social) (2013). Available at: [http://www.rgap.gouv.qc.ca/Index\\_en.asp](http://www.rgap.gouv.qc.ca/Index_en.asp)

while under the 'basic' plan they are 70 per cent of weekly income for 18 weeks.

- Benefits in Québec are financed by contributions from employers and employees and self-employed, 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 2016 contributions are 0.548 per cent for employees, 0.767 per cent for employers and 0.973<sup>6</sup> per cent for self-employed, up to a maximum insurable income of C\$71,500 [€49,365],<sup>7</sup> compared with 0.36 per cent of insurable income (up to a maximum of C\$50,800 [€35,073]) as an EI premium in other parts of Canada.

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

- Eligibility for job-protected unpaid leave varies between Canada's 14 employment jurisdictions and is separate from the eligibility for payment of benefits under the two (federal and Québec) programs (see below).
- Eligibility requirements for wage-compensation benefits under the federal programme are 600 hours of continuous employment in the last 52 weeks. Many part-time and non-standard (contract) workers do not have enough hours to qualify. For the Québec QPIP programme, workers are eligible if they earned at least \$2,000 in the 52 preceding weeks.
- In 2006, self-employed workers in Québec became eligible for maternity, paternity, parental and adoption benefits. Outside Québec, in 2010 EI special benefits (maternity, parental, sickness and compassionate care leave benefits) were extended to the self-employed on a voluntary 'opt-in' basis. Until implemented in 2011, most self-employed parents (outside Québec), especially women, were not eligible for benefits since they typically work under business or service contracts and therefore are not considered to have insurable employment. In order to receive maternity/parental benefits self-employed mothers/fathers outside of Québec must have registered one year previously, and qualify if they have reduced the amount of time devoted to their business by more than 40 per cent because of childbirth/caring, paid contributions to the regime, and earned at least C\$6,820 [€4,708] (in 2015) C\$2,000 [€1,468] from self-employment in the reference period of the previous 52 weeks<sup>8</sup>.

*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 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.

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<sup>6</sup> <http://www.rqap.gouv.qc.ca/quoi-de-neuf.asp?idDoc=140429>

<sup>7</sup> [http://www.csst.qc.ca/glossaire/Pages/salaire\\_maximum\\_annuel\\_assurable.aspx](http://www.csst.qc.ca/glossaire/Pages/salaire_maximum_annuel_assurable.aspx)

<sup>8</sup> Government of Canada (2013) *Qualifying for EI*. Available at: <http://www.servicecanada.gc.ca/eng/sc/ei/sew/eligibility.shtml>



## **b. Paternity leave (congé de paternité) (in Québec, the responsibility of the Ministry of Travel, Work and Social Solidarity)**

### *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 earnings or for five weeks at 70 per cent up to an earnings ceiling of C\$71,500 [€49,365] per year. Funding as for Maternity leave.
- Fathers in Québec (including self-employed workers) are eligible if they have earned at least C\$2,000 [€1,380] 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 C\$50,800 [€35,073] (i.e., a benefit payment ceiling of C\$537 [€370] per week. Funding as for Maternity leave.
- Low-income families (for families with a net income of C\$25,921 [€17,896] or less per annum) are eligible for a family supplement up to a maximum of 80 per cent of average insurable earnings. In Québec, this supplement averaged C\$36.82 [€25] per family and 5.2 per cent of beneficiaries using Parental leave received this supplement.

### *Flexibility in use*

- Fathers in Québec (including self-employed workers) are eligible if they have earned at least C\$2,000 [€1,380] in the 52 preceding weeks.
- Benefit payments can be claimed by either parent or shared if both parents qualify for up to a total of 35 weeks of benefits. Leave benefits are limited to use within 52 weeks after the birth. While on leave, a parent may earn C\$50 [€34] a week or 25 per cent of the weekly benefit, whichever is higher.
- Each of the 14 labour laws establishes rules regarding flexibility in use. See the notes under the table in the “Regional or local variations in leave policy” section below for details.
- Parents of a new-born or newly adopted child who is hospitalized for an

extended period have a window or up to two years to claim parental benefits.

- Parental leave benefits can be combined with EI-covered sickness or compassionate care benefits.
- Canadian Forces members who are ordered to return to duty while on Parental leave or whose Parental leave is deferred as a result of military requirements may receive benefits for an extended window of up to two years following their child's birth or adoption.

*Regional or local variations in leave policy*

- In terms of benefits, the Québec Parental Insurance Plan 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 C\$71,500 [€49,365] 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, but for benefits it is during the 52 weeks following birth.
- To qualify for (unpaid) maternity or Parental leave, an employee must normally have completed a specific period of continuous employment. However, some provinces - British Columbia, New Brunswick and Québec - do not require a specific length of service. Ontario requires 13 weeks of service; Newfoundland and Labrador and Prince Edward Island require 20 continuous weeks; and Saskatchewan requires 20 weeks in the 52 weeks preceding the requested leave. The federal jurisdiction permits an employee to take the leave after six months of continuous service, and Manitoba after seven months. Alberta, Nova Scotia and the three territories require 12 months of service. In addition, in all jurisdictions, a medical certificate must be provided or may be requested by the employer, and an employee must notify the employer, usually two to four weeks in advance (six weeks in Alberta), of his/her intent to take maternity or parental leave.
- Length of leave, flexibility of use, eligibility, and employment entitlements during leave (e.g., accrual of work benefits such as pensions) varies for unpaid leave between jurisdictions and is also different from the eligibility for payment benefits. Differences for *unpaid* leave entitlement under 14 jurisdictional employment standards legislation (federal, 10 provincial, and 3 territorial) are as follows<sup>9</sup>.

**Maximum Duration of Unpaid Leave by Employment Jurisdiction**

<b>Jurisdiction</b>	<b>Maternity Leave(1) (weeks)</b>	<b>Parental Leave(1) (weeks)</b>	<b>Adoption Leave(1) (weeks)</b>
Federal	17	37(4)	37(4)

<sup>9</sup> Sources, and for more information: Human Resources and Skills Development Canada (2006) *Labour Law Analysis, International and Intergovernmental Labour Affairs, Labour Program*, accessed Oct 29, 2009. Legislative references: Federal, Canada Labour Code: sections 206, 206.1(1) and 206.2; Alberta, Employment Standards Code: sections 46(1) and 50; British Columbia, Employment Standards Act: sections 50(1) and 51(1); Manitoba, Employment Standards Code: sections 54(1) and 58(1); New Brunswick, Employment Standards Act: sections 43(1) and 44.02(2) and (12.2); Newfoundland and Labrador, Labour Standards Act: sections 42, 43.2 and 43.5; Northwest Territories, Labour Standards Act: sections 31(2), 34(1) and 35.1; Nova Scotia, Labour Standards Code: sections 59(1) and 59B(1), (2) and (4); Nunavut, Labour Standards Act: sections 31(2), 34(1) and 35.1; Ontario, Employment Standards Act, 2000: sections 47(1) and 49(1); Prince Edward Island, Employment Standards Act: sections 20(1) and 22(1), (2) and (2.1); Quebec, An Act respecting labour standards: sections 81.2, 81.4 and 81.10; Saskatchewan, Labour Standards Act: sections 23(3), 29.1(2.1) and 29.2(2); Yukon, Employment Standards Act: sections 36(2) and 38(1) and (6).

Alberta	15	37(4)	37(4)
British Columbia	17	37(3),(5)	37(5)
Manitoba	17(2)	37(2),(5)	37(5)
New Brunswick	17	37(4)	37(4)
Newfoundland and Labrador	17	35(5)	52(5),(8)
Northwest Territories	17	37(5)	37(5)
Nova Scotia	17	52(3),(5)	52(5)
Nunavut	17	37(5)	37(5)
Ontario	17	37(3),(5)	37(5)
Prince Edward Island	17	35(4)	52(4)
Quebec	18(2),(6)	52(2),(5),(6)	52(5)
Saskatchewan	18	37(5),(7)	52(8)
Yukon	17(2)	37(2),(4)	37(4)

Notes for table:

- 1) A number of jurisdictions allow Maternity and/or Parental leave (for natural or adoptive parents) to be extended under certain circumstances, such as late births or health problems of the mother or child.
- 2) In all Canadian jurisdictions except Manitoba, Québec, Ontario and the Yukon, the combined duration of Maternity and Parental leave cannot exceed 52 weeks.
- 3) In the case of an employee who has taken maternity leave, the maximum parental leave is 35 weeks.
- 4) The Alberta legislation stipulates that there is no requirement to grant Parental leave to more than one parent at a time if both parents of a child work for the same employer. In the Yukon, parents who share a parental leave cannot normally take their leave at the same time, whether or not they work for the same employer. In the Federal jurisdiction, Alberta, New Brunswick and Yukon, parental leave may be taken by one parent or shared between two parents, but the total combined parental or adoption leave cannot exceed 37 weeks. In Prince Edward Island, parental or adoption leave may be taken by one parent or shared between two parents but in either case the combined leave cannot exceed 35 weeks of parental leave or 52 weeks of adoption leave.
- 5) A majority of jurisdictions, namely British Columbia, Manitoba, Newfoundland and Labrador, Northwest Territories, Nova Scotia, Nunavut, Ontario, Québec and Saskatchewan (with respect to Parental leave) permit both parents to take the full Parental or adoption leave. In the other jurisdictions, Parental leave can normally be shared between parents.
- 6) Effective January 1, 2006, in Québec an employee is entitled to a Paternity leave of not more than five uninterrupted weeks without pay at the time of the birth of his child. This leave must be taken at the earliest in the week in which the child is born and end no later than 52 weeks after the birth.
- 7) In Saskatchewan, an employee who is entitled to maternity or adoption leave may not take more than 34 weeks of parental leave.
- 8) In Newfoundland and Labrador, an eligible employee is entitled to 17 weeks of adoption leave, to which can be added 35 weeks of parental leave. In Saskatchewan, the primary caregiver of an adopted child is entitled to 18 weeks of adoption leave and 34 weeks of parental leave. The other parent may take up to 37 weeks of parental leave. In both provinces, an eligible adoptive parent may therefore take up to 52 weeks of cumulative leave.

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

- To qualify for (unpaid) maternity or Parental leave, an employee must normally have completed a specific period of continuous employment. However, some provinces - British Columbia, New Brunswick and Québec - do not require a specific length of service. Ontario requires 13 weeks of service; Newfoundland and Labrador and Prince Edward Island require 20 continuous weeks; and Saskatchewan requires 20 weeks in the 52 weeks preceding the requested leave. The federal jurisdiction permits an employee to take the leave after six months of continuous service, and Manitoba after seven months. Alberta, Nova Scotia and the three territories require 12 months of service. In addition, in all jurisdictions, a medical certificate must be provided or may be requested by the employer, and an employee must notify the employer, usually two to four weeks in advance (six weeks in Alberta), of his/her intent to take maternity or parental leave.
- See above for unpaid leave entitlement.
- To be eligible for payment benefits, a parent must have worked for 600 hours in the last 52 weeks or since their last Employment Insurance claim. Self-employed individuals are eligible if they registered for the EI Special Benefit program, have paid premiums for at least one year, and earned a minimum of \$6,820 [€4,708] in 2015 for claims filed in 2016. Self-employed workers in Québec are eligible for 25 or 32 weeks if they have earned at least C\$2,000 [€1,380] in the 52 preceding weeks.
- Eligibility is offered per birth, not per child under federal EI and in Québec. Parents of multiple-birth infants follow the same benefit programme as parents of singletons. 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 C\$2,000 [€1,380]. 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 C\$2,000 [€1,380] over the previous year enables more students to access Parental leave benefits.

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

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

*Additional note (e.g., if leave payments are 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, 2012).<sup>10</sup> 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, 2010).<sup>11</sup> Such supplementary payment options are more commonly found among employers in the public or quasi-public sector and among larger private sector employers.

#### **d. Childcare leave or career breaks**

- None at national or provincial levels. In some collective agreements in the Québec public service, for example in 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 unpaid, parental leave apply as for other parents except in four jurisdictions (see table above). 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. The EI programme offers parental leave benefits, but not maternity leave benefits for parents of newly adopted children. In Québec, adoption leave benefits 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 dependents*

- 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.
- All 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 commonly eight weeks within a 26-week period. On Jan 3, 2016, federal EI Compassionate Care benefits were extended from a maximum of six weeks in a 26-week period to a maximum of 26 weeks within a 52-week benefit period. The Canada Labour Code was also amended to provide a maximum duration of 28 weeks of compassionate

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<sup>10</sup> Tremblay, D.-G. (2012) *Conciliation emploi-famille et temps sociaux*. Québec: Presses de l'université du Québec.

<sup>11</sup> 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.

care leave within a 52 week period. (As yet, no provincial/territorial jurisdiction has amended its legislation to allow for this longer period of compassionate care 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 weeks have passed since the birth or if leave periods have been exhausted.

- In 2014, Ontario passed legislation allowing for 'Family Caregiver Leave' – up to eight weeks of unpaid, job-protected leave to provide care or support to a family member with a serious medical condition (but is not life threatening). To date, workers are not eligible for benefits under any government scheme while taking this leave.
- In December 2012 a new type of EI benefit was introduced, called, 'EI special benefits for Parents of Critically Ill Children'. It was created for parents of critically ill or injured children, and became available in June 2013. Under this provision, up to 35 weeks of EI benefits are available, and can be shared by parents to provide care or support to one or more critically ill children under the age of 18. The benefits are available to those who meet the existing eligibility requirements for EI special benefits, requiring 600 insurable hours during the qualifying period, and are also available to eligible self-employed individuals who have contributed to EI. Claimants must provide a medical certificate, attesting that the child is critically ill. Only a few provinces have amended their legislation so far to provide for a matching period of unpaid leave.

#### *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.

#### **4. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Canada is 43 weeks; this is paid at 55 per cent of earnings (or in Québec, 11 months can be paid at 75 per cent of earnings), up to a ceiling. There is no entitlement to ECEC at any age. Levels of attendance at formal services for children over three years are 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.

Since 2006, the federal government has provided a taxable direct payment to parents, called the Universal Child Care Benefit (increased in 2015 from C\$100 [€73] to C\$160 [€117] per child under six years, per month and adding C\$60 [€44] per child aged 6-17 years per month), and a tax benefit, the Canada Child Tax Benefit, for children under 18. Following a change in government in the fall of 2015, the federal budget introduced in 2016 will replace these benefits with a single, enhanced, non-taxable Canada Child Benefit. The Canada Child Benefit will provide a maximum annual benefit of up to \$6,400 per child under the age of 6 and up to \$5,400 per child for those aged 6 through 17.12.

Across the country, outside Québec, all other jurisdictions have provincially/territorially/municipally funded, municipally delivered, childcare subsidy programmes. These programmes subsidize childcare for young children, aged 0-4, as well as older children,

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<sup>12</sup> <http://www.budget.gc.ca/2016/docs/plan/budget2016-en.pdf>

before and after school. Under this programme, childcare must be provided by a school board or regulated childcare provider. Eligibility criteria are income-based and social, and, there are minimal fees and surcharges in some provinces. Levels of funding (and therefore access and wait list times) vary by municipality. Notably, the vast majority of parents do not qualify for municipal childcare subsidies and, among those who do, there are long waiting lists, the length of which and prioritization varies by municipality<sup>13</sup>. Most provinces start publicly funded kindergarten when the child is 5 years old. In Ontario, since 2014, full-day kindergarten for children 3.8 - 6.0 years of age became universally available. It is not a compulsory programme.

In Québec, there is a public day care programme, financed largely by the State, which initially offered day-care at 5 \$ a day. The February 20th 2014 budget increased the amount parents pay for childcare, up from C\$7 [€5.1] a day to C\$8 [€5.9] a day starting September 2014. The price is now linked to parental income, so there can be a variation of price up to 11 \$ a day.

### **3. Changes in policy since April 2015 (including proposals currently under discussion)**

The 2015 federal budget extended Compassionate Care benefits to care for a gravely ill family member at risk of dying from 6 weeks to 26 weeks (see section 1e). The newly elected Liberal government has announced plans to bring in changes to parental leave benefits in order to provide more flexibility to new parents, possibly extend duration of benefits to 18 months, and potentially include a designated period of paternity leave. As well, the Liberal government has announced plans to work collaboratively with the provinces and territories to develop a joint approach to expanding child care provision, based on a national framework and shared funding.

### **4. Take-up of leave**

There is no source of information on unpaid leave-taking. For receipt of leave benefits, there are three sources of information: a Statistics Canada national survey (the Employment Insurance Coverage Survey, EICS), Québec administrative data, and EI administrative data collected by The Employment Insurance Monitoring Commission. The EICS excludes 3 territories and parents living on First Nation reserves. It also asks mothers about leave directly and asks mothers about fathers use of leave. Fathers are not asked directly. Both the EICS and ESDC sources sometimes report national figures which obscure program differences. ESDC provides annual information on EI maternity and parental benefits, with some disaggregation (see below for mothers' use of benefits). In the most recent report, for 2014/15, of the 189,740 biological parental claims, 86 per cent were established by women, while 14 per cent come from men. Correspondingly, women received 92 per cent of the total amount of benefits and men received 8 per cent. When mothers and fathers share leave, the average weeks of parental leave used in 2014/15 was 22.6 for mothers and 10.6 for fathers. When they chose not to share, mothers took, on average 32.7 weeks of parental leave and fathers took 28.9 weeks.<sup>14</sup> In Québec, parents share and each takes part of the parental leave in 16 per cent of cases.

Using weeks and amounts of benefits claimed expressed per child (rather than per claim), analysis for 2014/15 indicates that, as in previous fiscal years, parents used almost all

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<sup>13</sup> Macdonald, D. and Friendly, M. (2014) *The Parent Trap: Child Care Fees in Canada's Big Cities*. Ottawa: Canadian Centre for Policy Alternatives.

<sup>14</sup> Employment and Social Development Canada (2016) *2014/15 EI Monitoring and Assessment Report*. Available at: <http://www.esdc.gc.ca/en/reports/ei/monitoring2015/index.page>

of the EI maternity and parental weeks to which they were entitled. So the vast majority of mothers in receipt of maternity benefits had an average duration of around 14.6 out of 15 weeks permitted. In 2014-15, the average duration of combined biological parental benefit claims per child was 32.5 weeks for parents who decided to share the parental benefits, and 32.1 weeks when parents did not share benefits. Mothers who received both Maternity and Parental benefits used 47.1 of the 50 weeks of combined benefits available, approximately 94.2 per cent of the full entitlement.<sup>15</sup>

In 2014/15 the number of Parental claims made by adopting parents was 1,580, a slight decrease over the previous year. The average duration of EI adoptive parental claims was 25 weeks per family, a decrease of 6.7 per cent from the previous year.<sup>16</sup> Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two headings: 'mothers' and 'fathers'. Readers should note that statistics are kept separately for those who claim EI benefits under the federal plan and individuals in Québec who receive maternity, paternity or parental benefits under the QPIP.

## Mothers

In 2014/15, 169,080 Canadian mothers (excluding those from Québec) claimed EI Maternity benefits, an increase of only 0.3 per cent from the previous year. EICS (survey data) are used to report national numbers (not by program) as follows. In 2014, 74.7 per cent of recent mothers (those with a child aged 12 months or less) had insurable employment; of these, 89.0 per cent received Maternal or Parental leave benefits. This means that approximately 64 per cent of all mothers, nationally, regardless of employment status, receive benefits and 36 per cent are excluded. According to EICS survey data, Québec had the third highest share of recent mothers with insurable employment, at 81.1 per cent, and the highest share of insured recent mothers who received maternity or parental leave benefits (94.5 per cent)<sup>17</sup>. The vast majority of mothers who receive maternity benefits (95.6 per cent) go on to receive Parental leave benefits.

As noted above, under EI, women comprised 86.4 per cent of those receiving biological Parental leave claims in 2014/2015, and 68.4 per cent of those who received Parental leave benefits following adoption. Women tend to receive parental benefits for longer periods than men. In 2014/15, the average duration of parental benefits following a birth was 32.1 weeks for women compared to 16.7 weeks for men. The average weekly Parental benefit for mothers was C\$429 [€296] compared to C\$480 [€331] per week for fathers following a birth<sup>18</sup>.

## Fathers

The most recent ESDC Employment Insurance Monitoring and Assessment report indicates that in 2014/15 fathers accounted for less than 14 per cent of those who claimed biological Parental leave benefits, a figure that has been fairly stable since 2010/11. In contrast, the proportion of fathers who claim Parental benefits following an adoption has increased from

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<sup>15</sup> Employment and Social Development Canada (2016) *2014/15 EI Monitoring and Assessment Report*. Available at: <http://www.esdc.gc.ca/en/reports/ei/monitoring2015/index.page>

<sup>16</sup> Employment and Social Development Canada (2016) *2014/15 EI Monitoring and Assessment Report*. Available at: <http://www.esdc.gc.ca/en/reports/ei/monitoring2015/index.page>

<sup>17</sup> Statistics Canada. Employment Insurance Coverage Survey, 2014. Reported in *The Daily*, Nov 23, 2015.

<sup>18</sup> Statistics Canada. Employment Insurance Coverage Survey, 2014. Reported in *The Daily*, Nov 23, 2015.



23.4 per cent in 2010/2011 to 31.6 per cent in 2014/15.<sup>19</sup> Previous years had shown a steady increase in the take-up rate of parental leave benefits among eligible fathers in Canada (excluding Québec), from 9 per cent in 2004 to 11 per cent in 2011, suggesting that more couples were sharing benefits. But this trend did not continue after 2011; outside Québec the percentage of fathers who claimed or intended to claim<sup>20</sup> Parental leave decreased from 11.0 per cent in 2011 to 9.4 per cent in 2012. In 2014, for all provinces combined (i.e. including Québec), there was a decrease in the proportion of fathers who claimed or intended to claim Parental leave: from 30.9 per cent in 2013 to 27.1 per cent in 2014<sup>21</sup>. These data obscure major differences in the take-up of Parental leave by fathers in and outside of Québec. Specifically, outside of Québec only 9.4 per cent of recent fathers took or intended to claim parental leave in 2014, a further decrease from 12.2 per cent in the preceding year.

Unfortunately, current data do not provide an accurate picture of the circumstances under which couples share parental leave and benefits. What data do exist suggest that fathers who share parental leave benefits with their spouse tend to receive 10.6 weeks of benefits while those who do not share benefits take on average 28.9 weeks of benefits<sup>22</sup>.

The introduction of the QPIP (Québec Parental Insurance Plan), which includes leave that is exclusively for fathers, has had a huge impact on the number of fathers claiming or intending to claim leave in Québec, almost tripling in number since the introduction of the plan: from 27.8 per cent in 2005 to 78.3 per cent in 2014.<sup>23</sup>

On average, fathers who receive benefits following a birth take significantly fewer weeks than women who receive benefits. According to Statistics Canada, in 2010 those Canadian fathers taking leave, *including* Québec, took an average of nine weeks of paid Parental leave compared to 28 weeks for women<sup>24</sup>. The trend has been for fathers to take fewer weeks each year (i.e., the average was 11 weeks in 2009, but only eight weeks in 2011); *excluding* Québec, fathers took an average of 18 weeks Parental leave benefits in 2009, 14 weeks in 2010 and 13 weeks in 2011. The most recent report indicates that biological fathers received an average of 16.7 weeks of parental benefits compared to 32.1 weeks for mothers in 2014/15. Adopting fathers received an average of 22 weeks of benefits compared to 26.7 weeks of benefits for adopting mothers in the same period.<sup>25</sup> The difference in numbers between data sources can be partly explained by the fact that Statistics Canada data include both biological and adoptive parents and are collected per calendar year rather than fiscal year.

In Québec, take-up of leave by fathers was already higher in 2004, with 22 per cent of fathers using some leave compared with nine per cent elsewhere in Canada. The Paternity and Parental leave scheme, introduced in 2006, has had a substantial impact on fathers' participation: in 2006, 69 per cent of eligible fathers in Québec took a period of Paternity

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<sup>19</sup> Employment and Social Development Canada (2016) *2014/15 EI Monitoring and Assessment Report*. Available at: <http://www.esdc.gc.ca/en/reports/ei/monitoring2015/index.page>

<sup>20</sup> The Employment Insurance Coverage Survey asks only mothers to report on "how many weeks of leave their partner intends to claim," Statistics Canada (2012) *Employment Insurance Coverage Survey*.

<sup>21</sup> Statistics Canada (2013) *Employment Insurance Coverage Survey 2012*. Reported in *The Daily*, November 15, 2013; Statistics Canada (2015) *Employment Insurance Coverage Survey 2013*. *The Daily*. January 19, 2015.

<sup>22</sup> Employment and Social Development Canada (2016) *2014/15 EI Monitoring and Assessment Report*. Available at: <http://www.esdc.gc.ca/en/reports/ei/monitoring2015/index.page>

<sup>23</sup> Statistics Canada. *Employment Insurance Coverage Survey, 2014*. Reported in *The Daily*, Nov 23, 2015

<sup>24</sup> Unpublished data from Statistics Canada Special Surveys Division.

<sup>25</sup> Employment and Social Development Canada (2016). *2014/15 EI Monitoring and Assessment Report*. Available at <http://www.esdc.gc.ca/en/reports/ei/monitoring2015/index.page>

and/or Parental leave, rising in 2013 to 79 per cent<sup>26</sup>. Some 60,000 fathers use the regime each year and of this number, two-thirds take the whole of the Paternity leave (three or five weeks, depending on the option chosen), while a third also take some Parental leave weeks. In 2013 fathers receiving QPIP benefits took, in general, an average of 9 weeks of benefits. Fathers who take paternity and parental benefits receive 13 weeks on average. The overall participation rate for fathers in the QPIP is 68 per cent and there is a 79 per cent presence of fathers in all birth or adoption files, according to QPIP data<sup>27</sup>.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

Most Canadian research providing information on leave policies is embedded in more general research on paid work and care work, the links between Parental leave and maternal health, and fathers and 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 some recent research in Québec that addresses the use of Paternity leave and the impact of Parental leave on careers and organizations. For example, the Board of the Québec Parental leave regime published in 2014 a new survey on paternity and parental leave use (see Conseil de gestion) and the CURA (Community-University Research Alliance) on Work-life Articulation over the Lifecourse (or *ARUC sur la gestion des ages et des temps sociaux* - [www.telug.ca/aruc-gats](http://www.telug.ca/aruc-gats)) have produced a report (Tremblay and Lazzari Dodeler, 2014). Finally, a forthcoming book on fathers on parental leave alone includes Canadian research (see Doucet, in press, 2016; Tremblay and Lazzari Dodeler, in press, 2016). The Québec government is preparing a report to celebrate the ten-year anniversary of the Québec Parental Insurance Plan in 2016 with contributions from Doucet, McKay and Tremblay.

### **b. Selected publications since April 2015**

Doucet, A. and McKay, L. (In press, 2016) "Parental Leave, Class Inequalities, and 'Caring With': An Ethics of Care Approach to Canadian Parental Leave Policy," in: R. Langford, S. Prentice, and P. Albanese (eds.) *Caring for Children: Social Movements and Public Policy in Canada*. Vancouver: UBC Press.

Doucet, A. (in press, 2016) 'The ethics of care as practice, relational ontology, and social justice: The radical potential of fathers "home alone on leave"', in: M. O'Brien and K. Wall (eds.) *Fathers on Leave Alone: Work-life Balance and Gender Equality in Comparative Perspective*. Dordrecht: Springer.

Doucet, A. (2016). "The choice was made for us": SAHDs and relationalities of work and care. In I. Crespi and E. Ruspini (Eds.), *Balancing Work and Family in a Changing Society: The Fathers' Perspective*. London: Macmillan.

Doucet, A. (2016) Is the stay-at-home dad (SAHD) a feminist concept? A genealogical, relational, and feminist critique. *Sex Roles (Special issue on Feminism and Families)*. Online first, Feb, 2016.

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<sup>26</sup> Note that there is a minor discrepancy among sources; Statistics Canada (2015) *Employment Insurance Coverage Survey 2013* reports 83 per cent.

<sup>27</sup> Data obtained directly from the statistical services of the QPIP in April 2016.

Mansour, Sari, & Diane-Gabrielle Tremblay (2015). Workload, generic and work–family specific social supports, family support and job stress: the mediating role of work-family and family-work conflict. Article accepté par la revue *International Journal of Contemporary Hospitality Management*. vol 28, no 7.

McKay, L., Mathieu, S. and Doucet, A. (in press, 2016) Parental-leave rich and parental-leave poor: Inequality in Canadian Labour Market Based Leave Policies” *Journal of Industrial Relations*, 58(4), September 2016, special issue on Care Work.

Tremblay, D.-G. & I. I. Ilima (2015). Work-Life Integration and Workplace Rights for Domestic Workers in Support to Elderly Persons; a Real Challenge in a Complex Working Environment. *Journal of Workplace Rights*. Sage Open.

Available at: <http://sgo.sagepub.com/content/5/2/2158244015584236.full-text.pdf+html>

Tremblay, D.-G. & N. Lazzari Dodeler (in press, 2016). Fathers on leave alone in Québec (Canada): the Case of Innovative, Subversive and Activist Fathers in: M. O'Brien and K.Wall (eds.) *Fathers on Leave Alone: Work-life Balance and Gender Equality in Comparative Perspective*. Dordrecht: Springer.

Tremblay, D.-G. & E. Mascova. (2015) « Conflict between professional engagement and temporal regimes of lawyers: the challenge of work-life permeability », **Revue Interventions économiques** [En ligne], 53 | 2015.

Available at: <http://interventionseconomiques.revues.org/2559>

Tremblay, D.-G. (2015). Conciliation emploi-famille et porosité des temps sociaux chez les avocats et les avocates : des stratégies de report et d'intensification pour arriver à concilier ? *Revue canadienne Femme et droit/Woman and the Law* Vol. 26 (2).

Tremblay, D.-G. (2015). Work-family balance for women lawyers today: a reality or still a dream? in Connerley, M. L. and Wu, J. (eds). (2016). *Handbook on Well-Being of Working Women*. The Netherlands: Springer and the International Society for Quality-of-Life Studies (ISQOLS). p. 345-359.

Tremblay, D.-G. and Lazzari Dodeler, N. (2015) *Les pères et la prise du congé de paternité/parental : une nouvelle réalité*. Québec: PUQ.

### c. Ongoing Research

*Employers' practices related to maternity, parental, paternity and compassionate care leave* (2013-2016). 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](mailto:dlero@uoguelph.ca)

*Vulnerable work and work-life challenges in Québec* (2013-2018). Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded by Social Sciences and Humanities Research Council of Canada.

This research analyses the work-life challenges for vulnerable workers such as those in the hospitality and restaurant industry, as well as airline stewards. Contact: Diane-Gabrielle Tremblay at [dgtrembl@teluq.ca](mailto:dgtrembl@teluq.ca); website: [www.teluq.uqam.ca/aruc-gats](http://www.teluq.uqam.ca/aruc-gats)

*A Longitudinal Study of the Impact of Fathers' use of leave provisions to care for infants (2016-2017)*. Andrea Doucet and Lindsey McKay. Brock University.

This research project is a follow-up study of couples in Ontario and Québec, in two different parental leave regimes, where fathers' took parental or paternity leave. Initially interviewed around the time of leave-taking, the second round of interviews investigates potential impacts of leave close to a decade later as well as conceptual and methodological issues with researching and assessing equality and care across time. Funded by the Canada Research Chairs program. Contact: [adoucet@brocku.ca](mailto:adoucet@brocku.ca)

*Fathers alone on parental/paternity leave in Québec (2015-2017)* Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded by Social Sciences and Humanities Research Council of Canada.

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

*Socioeconomic In/equalities in Parental Leave and Childcare Support for Families: Canada's Two Policy Regimes and the Care of Children (2015-2018)* Lindsey McKay (Brock University), Sophie Mathieu (Université de Montréal) and Andrea Doucet. (Brock University).

This research project analyses available data to examine socioeconomic in/equality in the receipt of financial support for the care of children. The first phase examines parental leave benefits and entitlements to care for children within and between Canada's two leave benefits programs (Quebec and a federal program), as well as under 14 different sub-national labour laws. International comparative work is also in process and collaborative opportunities from international colleagues are welcomed. Funded by the Canada Research Chairs programme. Contact: Lindsey McKay at [lindseymck@gmail.com](mailto:lindseymck@gmail.com) ([lmckay@brocku.ca](mailto:lmckay@brocku.ca)) or Andrea Doucet at [adoucet@brocku.ca](mailto:adoucet@brocku.ca)

# Croatia<sup>1</sup>

Ivana Dobrotić (University of Zagreb)

April 2016

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 average earnings, calculated on the average earnings on which health care contributions were paid during the 6 months prior to the leave, with no ceiling on payments.
- A parent who does not meet the condition of at least 12 months of continual insurance or 18 months of insurance with interruptions in the last two years receives 50 per cent of the 'budgetary base rate' of HRK3,326 per month [€442<sup>2</sup>]; gross average earnings in 2015 were HRK 8,055 [€1,070].
- *Maternity exemption from work/maternity care for the child*: 50 per cent of the budgetary base rate per month
- Funded from general taxation.
- Pension rights: employed parents on maternity leave maintain their pension insurance and the contributions are paid by the state on the level of maternity benefit;

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<sup>1</sup> Please cite as: Dobrotić, I. (2016) 'Croatia country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

unemployed and inactive parents entitled to maternity exemption from work/maternity care for the child have the right on pension insurance paid by the state until the child turns one year of age (if there is the second child born within this first year, the pension insurance based on the birth of the first child stops, and one-year pension insurance based on the birth of the second child begins)

#### *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 the level of full-time leave. The period of part-time leave taken after a child is six months cannot exceed the period of part-time leave taken before the child reaches this age; the maximum period of part-time leave is until nine months after birth.
- *Maternity exemption from work/maternity care for the child*: from the 71<sup>st</sup> day and in the case of the mother starting employment, 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 [€565] a month.
- Leave is extended in the case of premature births.
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

#### **b. Paternity leave**

- No statutory entitlement.

#### **c. Parental leave (*roditeljski dopust*) / parental exemption from work (*roditeljska poštuda od rada*) / parental care for the child (*roditeljska briga o novorođenom djetetu*) (responsibility of the Ministry of Social Policy and Youth)**

#### *Length of leave*

- *Parental leave*: four months (120 calendar days) per parent per child for the first and second born child; see 'variation in leave' below for third or higher order births. Leave is an individual entitlement, but two months can be transferred from one parent to the other.
- *Parental exemption from work/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 both parents use 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.
- Pension rights: employed parents on parental leave maintain their pension insurance and the contributions are paid by the state on the level of parental benefit (as there is a low ceiling for parental benefit, parents with higher salaries are left without an important part of their contributions); unemployed and inactive parents entitled to parental exemption from work/parental care for the child have the right on pension insurance paid by the state until the child turns one year of age (if there is the second child born within this first year, the pension insurance based on the birth of the first child stops, and one-year pension insurance based on the birth of the second child begins)

#### *Flexibility in use*

- *Parental leave*:
  - Leave is a personal right of both parents but one parent can transfer two months of their entitlement to the other, if they are both employed and if both parents agree and with written consent.
  - Parents can use their entitlement at the same time or consecutively. (Although this possibility was deleted in the new legislation, legal opinion holds that parents can still use leave that way as long as not explicitly forbidden by law).
  - Leave can be taken in the following ways: a) fully (in one period); b) partially (no more than two times per year, each time for no less than 30 days); c) part-time (duration is doubled and compensation is 50 per cent of the compensation for full-time leave).
  - Leave can be taken until the child turns eight years of age.
- *Parental exemption from work/parental care for the child*: if a parent terminates their leave due to employment/self-employment, the other parent has the right to use the unused share of the first parent's leave with that parent's consent.

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

- *Parental leave*: all employed and self-employed persons.
- *Parental exemption from work*: parents employed on a different employment basis (e.g. parents who are earning a second income on which contributions have been paid), farmers and unemployed parents.



- *Parental care for the child*: parents outside the labour system, due for example to retirement, incapacity or studying.

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

- Fifteen months (450 days) per parent for twins, other multiple births and the third and every subsequent child. This leave is transferable from one parent to another and paid at 50 per cent of the budgetary base rate.
- 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, and contributions for pensions and healthcare are not paid during that period.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- Employed/self-employed adoptive parents can take adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of six months per family for an adopted child under 18 years of age, paid as for Maternity leave. 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 parents of a child under eight years of age have the right to Parental leave of six months until the child turns eight years of age and all other rights of employed/self-employed parents.
- In the case of other adoptive parents (i.e. not employed or self-employed), one adoptive parent has the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of 12 months (regardless of the child's age). Adoption leave is extended for 60 days in the case of the adoption of twins, two or more children 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: for a child under three years, up to 60 days per family for each illness at 100 per cent of average earnings; for a child aged three to seven years, 70 per cent of average earnings (minimum of 25 per cent of budgetary base rate); for a child aged seven to 18 years, up to 40 days for each illness at 70 per cent of average earnings (minimum of 25 per cent of budgetary base rate); older child and co-resident spouse, up to 20 days for each illness at 70 per cent of average earnings, but only for serious medical conditions defined by regulation



(minimum of 25 per cent of budgetary base rate). Leave for children under the 18 years of age can be extended on the basis of medical committee decision, and can be used only if the other co-resident parent is in employment or if a parent lives alone with a child (e.g. single parents, divorced parents). All payments subject to a ceiling of HRK4,257 [€565] per month. It can be used on part-time basis.

- A worker has the right to seven days fully paid leave per year 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)

## **5. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Croatia is 12 or 14 months (depending on whether both parents use leave entitlements) for the first and second born child, or three years for twins, other multiple births and the third and every subsequent child; this is paid at 100 per cent of previous average earnings up to a low ceiling for Parental leave. There is an entitlement to ECEC a year before entering a primary school, for at least 250 hours as preparation for school; attendance is obligatory. Levels of attendance at formal services are well below the average for the countries included in this review. Croatia is not included in the

comparative data on ECEC attendance in the OECD Family Database. It does, however, appear in the TransMonEE Database covering countries in Central and Eastern Europe and the Commonwealth of Individual States; according to this Database, levels of attendance at formal services in Croatia for children under and over 3 years are below the average for the countries included in this review and OECD countries (for more details see Table 'Relationship between leave and ECEC entitlements').

### **3. Changes in policy since April 2015 (including proposals currently under discussion)**

None reported.

## **4. Take-up of leave**

### **a. Maternity leave**

There is no official information on what proportion of women and men take Maternity leave. Although there is the possibility for fathers to use part of Maternity leave (if mothers agree), official data show that Maternity leave is predominantly used by mothers. According to the latest information, for 2014, fathers used the transferred right in 0.4 per cent of cases. *Maternity exemption from work* is predominantly used by mothers, i.e. only 0.05 per cent of fathers exercised this right in 2014.

### **b. Paternity leave**

No statutory entitlement.

### **c. Parental leave**

There is no official information on take-up rates. Parental leave is also predominantly used by mothers. According to the latest official data, for 2014, fathers account for 4.88 per cent of all Parental leave taken.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

Studies have addressed leave policies, family policy and parenting support as well as child poverty.

### **b. Selected publications since April 2015**

Dobrotić, I. (2015). Work-Family Policies and the Position of Parents on the Labour Market, *Revija za socijalnu politiku / Croatian Journal of Social Policy*, 22 (3): 353-374 (in Croatian). The paper discusses variations in work-family policies and economic activity, particularly the parents' participation at the labour market in European countries. Discussion is centred on the question which schemes of work-family policies contribute to larger employment rates of parents and their better outcomes at the labour market. After a brief insight into the position of parents at the labour market in EU countries, particularly focusing on the gender differences and the differences between parents and childless individuals, the paper presents a detailed review of the results of the research dealing with the effects of different

institutional context, i.e. work-family policies, on the outcomes of the parents at the labour market. The final part of the paper contains a brief discussion about the implications of the presented results of comparative studies on the situation and the development of measures in the area of work-family policies in Croatia, which clearly indicate the need for reforms.

Dobrotić, I., Pećnik N., Baran J. (2015). *Parental needs and provision of support services to parents raising children in difficult circumstances*. Zagreb: Roda.

The book gives an overview of international and national policy framework in the area of family and parenting support, with specific focus on the position of parents who are raising children in difficult circumstances. It also gives an overview of evaluation studies of family and parenting support programs aimed at adolescent parents, parents from single-parent families, parents with disabilities, parents of children with developmental difficulties and lower socioeconomic status parents. It also presents results of research on the needs and support services for parents who are raising children in difficult circumstances in Croatia. The field research was conducted in 2015 using focus groups. Participants were parents of children with developmental difficulties, parents with disabilities, low socioeconomic status parents, parents from single-parent families, adolescent parents, and professionals.

Dobrotić, I. (2016). Crisis and Croatian welfare state: a new opportunity for welfare state retrenchment? In K. Schubert, V. de Paloma and J. Kuhlmann (Eds), *Challenges to European Welfare Systems*, pp. 301-324. New York: Springer.

This chapter identifies the main challenges of Croatian welfare state related to changing socio-demographic trends, low employment and activity rates, high poverty rates and scarce public resources, as well as the reforms aimed to address them in the crisis period. Among other areas of social policy, the chapter discusses reforms in the area of family policies. Focus is put on the character of the reforms and arguments behind the reforms, including the way the welfare programs were (re)balanced and (re)orientated in the crisis period. The chapter focuses mainly on the developments between 2008 and 2013, however, in order to better capture ongoing trends and understand the reforms, a previous developments are briefly discussed.

Matančević, J.; Bežovan, G. (2015). Private Initiatives, Governance and Service Delivery at Local Levels – New Developments within the Childcare Services in Zagreb. In M. Freise, Paulsen, W. Friedrich (eds) *Civil Society and Innovative Public Administration* 285-301 Baden-Baden Nomos

The paper discusses recent developments in ECEC governance in Zagreb, in particular the changing role of the nonprofits in policy making and provision of childcare services, as well as the emerging active role of parents and other relevant CSOs as new policy actors at local levels. It highlights the strengthened role of some prominent CSOs, most notably parents' associations, which serve as one of the rare example of mobilization of service users in advocacy regarding local welfare policies. Child care services was one of the first areas where welfare mix emerged and developed. Alongside with the growth of private non-profit initiative, there has also been a visible growth in the subsidies to private kindergartens from the local government. The new mix in providers that emerged posed new challenges to local welfare systems in terms of re-framing financial and regulatory frameworks of childcare policy, but also accentuating the need for the new culture of governance and for opening towards citizens and nonprofits in policy making.

Šučur, Z.; Kletečki Radović, M.; Družić Ljubotina, O.; Babić, Z. (2015) *Poverty and well-being of preschool children in Croatia*, Zagreb: UNICEF (in Croatian).

The research results on poverty and well-being of preschool children in Croatia are presented and discussed. Different aspect of child poverty are addressed such as living conditions and their health, the role of social transfers, informal and formal support. Among others the accessibility and affordability of ECEC for children living in at-risk-of-poverty is

discussed. The data showed that majority of children living in poverty do not have access to ECEC services, either as there is no ECEC programs in their area, either as these programs are not affordable to them. Moreover, many of them does not attend a mandatory pre-school program of 250 hours, a year before the entrance in primary school.

Vučković Juroš, T. (2015). Social Exclusion of Sexual Minorities in Croatia *Revija za socijalnu politiku / Croatian Journal of Social Policy*, 22 (2): 195-218 (in Croatian).

The paper discusses conflicted trends of Croatian society in the status of sexual minorities. On one hand, improvements in the status of sexual minorities could have been noted as early as in 1970s and 1980s. After a break in these positive trends in the 1990s, the status of sexual minorities was particularly improved in the 2000s. Nevertheless, many of these positive changes were not accompanied by changes in the hetero-normative and homophobic practices of the Croatian society. This becomes evident in the overview of selected aspects of social exclusion of sexual minorities in all four systems of social exclusion (the democratic and legal system, the labour market, the welfare system, and the family and community system) that is, in this paper, primarily based on the results of the 2012 EU LGBT study, and complemented with the results of recent Croatian LGBT-related studies.

### **c. Ongoing research**

*Women in the Labour Market - Gender Impact Assessment (GIA)*, NGO B.a.B.e – Be active. Be emancipated and the Faculty of Political Sciences, University of Zagreb, EU funded -IPA

The research aims to address the position of women in the labour market, particularly the problems inherent to work-family balance (e.g. the magnitude and determinants of work-family conflict and work-life conflict; accessibility, affordability and quality of ECEC and other services). Design of the study is based on combination of qualitative and quantitative methods including interviews with national policy actors, document analyses, analyses of existing statistical data, online/phone surveys with local governments, survey of households on representative national sample and interviews with service providers at local level. Along with scientific purpose the study also aims to provide both CSOs and public administration involved in gender and family policy-making the evidence needed for effective advocacy and policy-making. An important innovative part of the study is that it captures for the first time a huge regional differences in ECEC and other services availability, affordability and quality in Croatia.

# Czech Republic<sup>1</sup>

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April 2016

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

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

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

*Length of leave (before and after birth)*

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

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

- Seventy per cent of daily earnings up to a maximum payment of CZK31,740 [€1,171<sup>2</sup>] per month.
- Payment is financed from sickness insurance contributions by employers, paying 2.3 per cent of earnings.

*Flexibility in use*

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

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

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

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<sup>1</sup> Please cite as: Kocourková, J. (2016) 'Czech Republic country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

- Students are entitled to the benefit.

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

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

## **b. Paternity leave**

- No statutory entitlement.

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

*Length of leave*

- Both parents can take leave until the child's third birthday. Leave is an individual entitlement, but only one parent at a time 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. It can be considered as a home-care benefit for at-home parents, as well as – partly – a benefit to subsidise care costs, since parents can work full-time or part-time while receiving parental benefit (but access to publicly-funded childcare is then limited, see below).
- The period and amount of Parental benefit can be chosen from a number of options; the longest option is until the child is 48 months old and the shortest option is until the child is 24 months old. For example, the maximum amount if taking the 24 month option is 70 per cent of previous monthly earnings, with a ceiling of CZK11,500 [€424] per month; while taking benefit until a child is three years has a ceiling of CZK7,000 [€258]. The maximum amount payable for the whole period is CZK220,000 [€8,122].
- While Parental leave can only be taken up to the child's third birthday, the Parental benefit is paid until the child's fourth birthday.
- Parental benefit is funded from general taxation.

*Flexibility in use*

- The selected Parental benefit option may be changed after three months.
- Parents on leave can work, but not on the same job from which he/she is taking leave.
- 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 for leave; however, each parent has to ask for formal approval of the employer.
- Parents can choose the period and amount of Parental benefit on condition that at least one parent in a family is a person participating in sickness insurance.
- Payment of Parental benefit is conditional, where there is a child under two years, on parents not using a publicly-funded ECEC service for more than 45 hours a month. There is no limitation on service use for older children.

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

- In the case of a disabled child, a parent is entitled to Parental benefit at the basic rate of CZK7,600 [€280] per month until the child is seven years of age. If the child is diagnosed as suffering from a long-term disability the parent is entitled to Parental benefit at the lower rate of CZK3,000 [€110] from seven to 15 years of child's age.
- Parental benefit can be taken by grandparents or other persons where they provide day care for the child and the parents agree to transfer their entitlement.

#### **d. Childcare leave or career breaks**

- No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

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

*Time off for the care of dependants*

- Employees can take leave to care for a sick relative at home (in all cases of illness for a child under ten years; otherwise, only in case of a serious illness). Leave is paid at 60 per cent of earnings up to a ceiling of CZK855 [€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.
- Pensions: Currently pensions are treated according to Act No. 306/2008 Coll. that is effective from January 1, 2010. The Act introduced, in particular, measures implementing parametric changes of the basic pension insurance system. Compared to the legislation in effect prior to the adoption of the above Act, among the important approved changes is „a step-by-step extension of the insurance period needed to establish a right to an old-age pension from 25 to 35 years“, including non-contributory periods, or to 30 years without non-contributory periods. Non-contributory insurance periods include also the period of care of a child below four years of age, i.e. the whole period of take up Maternity leave and Parental leave.

## **6. 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 three years, but most of this is low paid; leave paid at a high earnings-related rate runs for only five 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 2015 (including proposals currently under discussion)**

An expert committee on family policy was established by the Ministry of Labour and Social Affairs in 2015 to propose new policies including leave arrangements and forms of childcare. This is part of the political programme of the new government established in 2014. In contrast to her conservative predecessors, the Social Democrat Minister of Labour and Social Affairs aims to develop the Czech family policy in line with EU recommendations. The proposal of the expert committee includes the following items. First, to increase flexibility in the use of Parental benefit by enabling the take up of Parental benefit for shorter period than up to the child's second birthday. Second, to introduce one-week Paternity leave that can be taken within six weeks after the childbirth. Third, to introduce a "three-month" bonus to motivate fathers to take Parental leave.

## **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. In 2015 5,100 men received Parental benefit, i.e. 1.8 per cent of all recipients. 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 2014**

### **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 2015**

Marhánková, J. Hasmanová, Štípková, M. (2015) Women as Care Managers: The Effect of Gender and Partnership Status on Grandparent Care for Grandchildren, *Sociologický časopis / Czech Sociological Review*. 51 (6): 929-958.

Grandparental care of grandchildren is a highly gendered institution, with women being more likely to participate in it than men. This article studies whether and why care by grandmothers and grandfathers is influenced by their family arrangement. Following previous research, the authors focus on the mediating role of grandmothers in the involvement of men in caring for their grandchildren. The combination of quantitative and qualitative data about grandparents with small grandchildren (under ten years of age) was used. The analysis revealed a strong positive impact of the presence of a partner on the engagement of men (but not women) in grandparental care. The qualitative analysis showed that the involvement of grandparents is shaped by the gender-specific notions of care competence and grandparental roles held by the participants and also by the kin-keeping activities of women. Grandmothers, compared to their male counterparts, are perceived as more capable of satisfying the needs of a small child. They also do more work on maintaining intergenerational family relationships and arranging care. They actively (sometimes in very sophisticated ways) involve their partners in the care of grandchildren.

Nešporová, O. 2015. "Flexibilní čerpání rodičovského příspěvku a sladování rodičovství s placenou prací." (Flexible use of Parental benefit and harmonisation of parenthood with paid work.) *Forum sociální politiky* 6/2015, pp.10-18.

The paper analyses two separate family measures in the Czech Republic: Parental leave and Parental benefit. All changes between 2006 and 2014 are presented with the particular focus on the main reform in 2008 when the flexibility in take up of Parental benefit was established. It was confirmed that the possibility of choice in the period and amount of Parental benefit motivates women to return to paid work earlier.

Kyzlinková, R., Šťastná, A. 2015. "Plánování rodičovství – přechod k otcovství u mužů v České republice." (Planned Parenthood – transition to fatherhood in the Czech Republic). *RELIK 2015: Reprodukce lidského kapitálu – vzájemné vazby a souvislosti* (Reproduction of Human Capital - mutual links and connections), November 12-13, 2015. Conference Proceedings.

In the paper circumstances of male transition between childlessness and the first child are discussed. Given that birth data from official statistics on men are considered to be incomplete and inaccurate in the Czech Republic, the extensive sample size survey carried out in the country – *Životní a pracovní dráhy 2010* (Life courses and work trajectories 2010) was used. The analysis consists of two main approaches: 1) the descriptive one shows via basic statistical methods main differences between childless men who want to be fathers and those who don't plan children in their future, and 2) the exploratory one uses multivariate statistical models to find out characteristics of men that increase prospects to have children. Main variables entering the analysis in our study are level of education, economical status, partner relationships' history, family of origin background, experience with own housing, experience with cohabitation with children.

## **c. Ongoing research**

None reported.

# Denmark<sup>1</sup>

**Lotte Bloksgaard** and **Tine Rostgaard** (Aalborg University)

**April 2016**

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.

**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.

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

### 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 two weeks after birth are compulsory.

*Payment and funding*

- All employees and self-employed persons are entitled to a daily cash benefit based on 100 per cent of former earnings up to a ceiling of DKK4,180 (€561<sup>2</sup>) per week before taxes for full-time employees and self-employed.
- The cash benefit scheme is funded by the state from general taxation, except for first eight weeks when municipalities bear half of the cost.
- According to the work contract full earnings may be paid during leave.

*Pension payments*

- The Danish pension system is based on three pillars: 1) A universal and tax-based public pension scheme, 2) occupational pensions which may be quasi-mandatory given the collective agreements, and 3) private pension savings.
- The public pension is not affected by taking leave. If full earnings are paid, pension payments to the occupational pension scheme are not affected by taking leave either. If

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<sup>1</sup> Please cite as: Bloksgaard, L. and Rostgaard, T. (2016) ‘Denmark country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

leave is awarded without full pay, occupational pensions are normally affected since payments from employer and employee are discontinued. The collective agreement may however specify that the employer must continue payments. Special conditions apply for employees working in the state and municipalities where the employer must continue payments to the occupational pensions. Payments to the private pension scheme are entirely covered by the employee who may/may not decide to continue payments.

#### *Flexibility in use*

- None.

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

- Eligibility to full compensation for an employee is based on a period of work of at least 120 hours in 13 weeks preceding the paid leave, i.e. regardless of partner's labour market situation. Workers with temporary contracts are excluded only if they are not eligible for unemployment benefit.
- Eligibility for the cash benefit for self-employed persons (including helping a spouse) is based on professional activity on a certain scale for at least six months within the last 12 month period, of which one month immediately precedes the paid leave.
- People 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 are eligible to the cash benefit.
- Unemployed people are entitled to cash benefits from unemployment insurance or similar benefits (activation measures).
- Students are entitled to an extra 12 months educational benefit instead of the Maternity leave benefit.
- People on sickness benefit continue to receive this benefit which is the same amount as the Maternity leave benefit.

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

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

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

- In Denmark leave is not only regulated via national legislation, but also via collective agreements in the labour market and agreements at company level. In 2011 about 75 per cent of the workforce was covered by such collective agreements<sup>3</sup>, and these workers receive compensation during leave from their employer up to their former earnings, i.e. their employer tops up the state benefit. However, the percentage of the Danish workforce that is covered by collective agreements is declining, especially

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<sup>3</sup> Ibsen, F. (2011) *Kollektiv handling: Faglig organisering og skift af fagforening [Collective action]*, Copenhagen: Nyt fra Samfundsvidenskaberne.

among the younger age groups, which means that still fewer (younger) workers are ensured pay during leave via a collective agreement<sup>4</sup>.

- To help employers finance the costs regarding compensation up to the workers' former earnings (see above), different leave reimbursement funds have been set up. In 1996 a leave fund was set up to reimburse private employers' leave costs, so that the cost for compensation was pooled. Several municipal employers set up identical funds in the following years, and in 2005 it was made obligatory for all municipal employers. Municipal employers pool the costs of employees' take-up of leave, so that a workplace with a predominance of female workers should not face higher costs.
- Since 2006, it has been obligatory for private employers also to be members of a leave fund. In the largest private leave fund, DA-Barsel, private employers pay DKK600<sup>5</sup> [€80] per year for each full-time employee and receive reimbursement of up to DKK187.55<sup>6</sup> [€25] per hour for up to 31 weeks<sup>7</sup>; this means that female employees with a salary below DKK30,000 [€4,030] per month will be able to receive full earnings for up to 31 weeks<sup>8</sup>, without direct cost to the employer. The additional cost of compensation for employees with higher salaries than DKK30,000 [€4,030] per month has to be borne by the employer. Depending on the industry in question, the funds also cover full or parts of the Parental leave, e.g. within the industrial sector each parent is as of 2016 entitled to coverage for five weeks, and in addition three weeks can be shared.
- A reimbursement fund was also set up in 2006 to cover self-employed who were reimbursed for the equivalent 31 weeks for women and 23 weeks for men. As of April 1<sup>st</sup> 2016, the fund is abolished and this group of employees is no longer covered, the argument being that it was too costly to cover such a small group sufficiently. This is considered by one of the major unions to represent a blow to gender equality, given that Denmark has a very low proportion of female self-employees already<sup>9</sup>.
- An evaluation in 2010 of the funds covering the private sector showed that around 100,000 companies were members of a fund. The report concluded that the funds seem to be beneficial for women - although employers did not believe that the fund had made them change their view on hiring women - and also that more men seemed to take up leave as a consequence of receiving payment during leave. Employers tended to be more positive towards men taking leave than earlier and generally were positive towards the fund. Around one third of employers were unaware of the possibility to receive reimbursement for 29 weeks – even in female dominated sectors - and therefore failed to claim such reimbursement. This was clearly related to whether or not employers paid wages during leave for their employees (COWI, 2010<sup>10</sup>). Statistics from the fund of the industrial sector shows an increase in men's percentage of the refunds for take-up of parental leave – from 17% in 2012 to 40% in 2015. This increase is explained with reference to larger flexibility in men's use of parental leave due to a removal of a clause in the collective agreement for this sector (cf. 1c Additional note)<sup>11</sup>

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

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<sup>4</sup> [http://www.ugebreveta4.dk/lo-om-15-aar-er-kun-hver-anden-medlem-af-en-fagforeni\\_20027.aspx?redir=newsletter&utm\\_campaign=quest\\_GammelA4\\_Ikkevalideret&utm\\_medium=nl\\_top&utm\\_source=newsletter\\_Morning&nid=NDQy&aid=20027](http://www.ugebreveta4.dk/lo-om-15-aar-er-kun-hver-anden-medlem-af-en-fagforeni_20027.aspx?redir=newsletter&utm_campaign=quest_GammelA4_Ikkevalideret&utm_medium=nl_top&utm_source=newsletter_Morning&nid=NDQy&aid=20027)

<sup>5</sup> [http://www.atp.dk/X5/wps/wcm/connect/dab/dk/index/beretbetal/bidragssatser#.Uz0e\\_I\\_sJ](http://www.atp.dk/X5/wps/wcm/connect/dab/dk/index/beretbetal/bidragssatser#.Uz0e_I_sJ)

<sup>6</sup> <http://www.dabarsel.dk/refusion/hvor-meget-kan-du-faa>

<sup>7</sup> <http://www.dabarsel.dk/refusion/hvor-laenge-kan-du-faa-refusion>

<sup>8</sup> <http://www.dabarsel.dk/refusion/hvor-laenge-kan-du-faa-refusion>

<sup>9</sup> <http://magisterbladet.dk/news/2016/februar/slutmedbarselsfondogudvidetloenstatistik>

<sup>10</sup> COWI (2010) *Evaluering af barseludligningsloven*. Copenhagen: Ministry of Employment.

<sup>11</sup> [http://www.ugebreveta4.dk/maend-i-skurvognen-skal-ud-med-barnevognen\\_20405.aspx?redir=newsletter&utm\\_campaign=quest\\_EU\\_Ekstralist\\_From\\_MorningNL&utm\\_medium=nl\\_top&utm\\_source=newsletter\\_Morning&nid=NjY5&aid=20405](http://www.ugebreveta4.dk/maend-i-skurvognen-skal-ud-med-barnevognen_20405.aspx?redir=newsletter&utm_campaign=quest_EU_Ekstralist_From_MorningNL&utm_medium=nl_top&utm_source=newsletter_Morning&nid=NjY5&aid=20405)

#### *Length of leave*

- Two weeks (to be taken in one block).

#### *Payment and funding*

- Payment and funding as for Maternity leave.

#### *Pension payments*

- Payments as for Maternity leave

#### *Flexibility in use*

- Leave can be taken during the first 14 weeks after birth.

#### *Eligibility*

- Employees and self-employed persons in a recognised partnership, including same-sex partnerships.
- Same provisions as for Maternity leave.

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

- All male employees covered by collective agreements receive full earnings during the Paternity leave. However, as earlier stated (cf. 1a Additional note) the percentage of the Danish workforce covered by collective agreements is declining, especially among the younger age groups.

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

#### *Length of leave*

- Each parent has a right to thirty-two weeks of parental leave. The right to leave is an individual entitlement; however, although each *parent* can take 32 weeks of leave, each *family* can only claim in total 32 weeks of leave cash benefit.

#### *Payment and funding*

- Payment and funding as for Maternity leave.

#### *Pension payments*

- Payments as for Maternity leave

#### *Flexibility in use*

- Between eight and 13 weeks can be taken later.
- Both parents can be on leave at the same time.
- Each parent can prolong their 32 weeks leave to 40 weeks (for all) or 46 weeks (only employed persons and self-employed people). In this case, 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 (though this extended benefit can only be claimed by one parent, as benefit is per family and not per parent).

- It is possible to return to work on a part-time basis, with a reduced benefit payment spread over this extended period of leave (e.g. a parent may work half-time and thus prolong the leave period from 32 to 64 weeks.) This is subject to agreement with the employer.

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

- As Maternity leave.

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

- None.

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

- All employees covered by collective agreements receive full earnings during part or all of the Parental leave period (a maximum coverage may be set in the agreements, though); see 1a additional note.
- From 2007, the industrial sector (representing 7,000 employers nationwide including production, service, knowledge and IT) introduced a paid father's quota in Parental leave. The entitlement was up to nine weeks Parental leave with payment. Three weeks of this Parental leave with pay for the father, three weeks for the mother and three weeks for the parents to share - the weeks for the mother and the father respectively were quotas and therefore lost if not used. Later agreements have prolonged the period to 4+4+3 weeks (5+5+3 for children born after July 2014<sup>12</sup>). In the 2012 agreement for the industrial sector, a clause was removed. This clause determined that pay during Parental leave was contingent on leave being taken immediately after the Maternity leave, i.e. the 15<sup>th</sup> week after birth. The clause reduced the flexibility of use considerably, especially in fathers' take-up of parental leave (Bloksgaard, 2009<sup>13</sup>). Now, parents covered by this agreement are allowed to take Parental leave within a year from the birth of the child with pay.
- As part of the labour market negotiations in Spring 2008, a similar Parental leave model was also introduced for employees working in the public sector. If both parents work in the state sector they were entitled to leave with full payment for 6+6+6 weeks parental leave - in all 14 weeks of Maternity leave and 18 weeks of Parental leave, all with full payment, a total of 32 weeks. Six weeks was earmarked for the mother, six weeks for the father and six weeks could be shared. As a part of the labour market negotiations in Spring 2015, fathers employed in the public sector got further one week earmarked with full payment, making a total of seven weeks.

#### **d. Childcare leave or career breaks**

No statutory entitlement. It is dependent on collective agreement or individual contract.

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<sup>12</sup> <http://kooperationen.dk/media/69502/CO-Industriens-Overenskomst-2014-2017.pdf>

<sup>13</sup> Bloksgaard, L. (2009) *Arbejdsliv, forældreskab og køn – forhandlinger af løn og barsel i tre moderne virksomheder* [Work-life, parenthood and gender – wage and leave negotiations in three modern Danish companies]. Aalborg: Aalborg University.

## **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*

- Most working contracts and labour market agreements include the right to take one day off to care for a sick child (per case of sickness). Public employees are entitled to two. Leave is paid.
- All employees may, depending on the assessment of the local municipality, be eligible for a care benefit (*Plejevederlag*) if they care for a terminally ill relative or close friend at home; the municipality decides the length and level of benefit payment. There is no entitlement to leave associated with this benefit.

### *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 six months of age, so there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children under and over three years are well 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 2015 (including proposals currently under discussion)**

Since mid-2015 a new minority government based the liberal party, Venstre, has been in power. The new government has not made gender equality one of its main priorities and has within 1 year abolished two major initiatives. This includes the reimbursement fund for self-employed, as described above and the requirement for small enterprises to produce gender based statistics.

## **4. Take-up of leave**

### **a. Maternity leave**

The present statistics on leave take-up do not provide data on the proportion of mothers using Maternity leave. However, in a survey conducted in 2006 among parents of children born in 2005, 99 per cent of mothers had taken Maternity leave<sup>14</sup>.

### **b. Paternity leave**

Statistics show that 60 per cent of Danish fathers of children born in 2011 used Paternity leave<sup>15</sup>.

### **c. Parental leave**

Regular statistics on the share of fathers and mothers who take-up Parental leave is not available. The data instead provides only the number of parents who receive a cash benefit during leave. Among fathers entitled to the cash benefit during leave, 45 per cent only took Paternity leave (i.e. 55 per cent did take some parental leave). This percentage has been constant since 2009. Among mothers entitled to the cash benefit during leave, the percentage who only took Maternity leave was only 0.4 per cent<sup>16</sup>. Statistics from 2014 show that Danish fathers on average only take 11 per cent of the Parental leave period in total – a small increase since 2013 (10,7 per cent)<sup>17</sup> – but still considerably lower than in Sweden and Norway<sup>18</sup>. An often quoted explanation for fathers' higher uptake of Parental leave in the neighboring countries, is the father's quota which is in place there.

While Denmark presently does not have a father's quota, in the period 1998-2002 a quota of two weeks with benefit or full pay depending on the work contract was in place. Recent analysis of register data of Parental leave take-up of more than 1 million fathers in the period 1990-2007, show that the introduction of the fathers' quota had a clear effect on fathers' take-up of leave. This is a period where various leave schemes were introduced, such as a low paid childcare leave, which mainly mothers took up, as well as the father's quota. Although the length of the quota was relatively short, not least in comparison with other Nordic countries, it had a significant effect on fathers' take-up.

The introduction of the quota initially sparked increased uptake of Parental leave among fathers, from 12 per cent of those becoming fathers in 1997 to 36 per cent of fathers in 2001, when at its height. From 2002, following the ending of the quota, there is a drop to 22 per cent of fathers. Interestingly, the number again begins to slowly increase after 2002. This development suggests that fathers increasingly take Parental leave, regardless of whether or not there is a legislated father's quota. The hypothesis is that this is partly due to the introduction of father's quota arrangements in some of the labour market agreements, which started to set in as of 2003. Another reason is believed to be the cultural shift in (male) attitudes to fatherhood and in men's role in childcare for the young child, which the introduction of the father's quota may have encouraged or at least supported.

The same increase in the fathers' share of total leave days taken can be noted since the introduction of the father's quota. The elimination of the father's quota in 2002 is followed by

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<sup>14</sup> Olsen, B. M. (2007) *Evaluering af den fleksible barselorlov: orlovsreglerne set fra forældres, kommuner og arbejdspladsers perspektiv*. Copenhagen: SFI - Det Nationale Forskningscenter for Velfærd.

<sup>15</sup> Danmarks Statistik (2012) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2011*. 2012: 8, København: Danmarks Statistik.

<sup>16</sup> Danmarks Statistik (2016) *Dagpenge ved fødsel 2015*. Nyt fra Danmarks Statistik, nr. 140.

<sup>17</sup> Danmarks Statistik (2015) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2014*. 2015: 7, København: Danmarks Statistik.

<sup>18</sup> Rostgaard, T. and Lausten, M. (2014) 'Gender equality incentive policies and their consequences for men and women's take up of parental leave in Denmark', in: G.B.Eydal and T.Rostgaard (eds.): *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Bristol: Policy Press.



a slight drop in the fathers' share, which has since increased; once again; this possibly reflects the increasing number of fathers who have gained a right to a father's quota through collective agreements as well as changing norms.

Further analysis shows that it is now more the well-educated fathers, working in public sector occupations and with well-educated partners who take Parental leave, presumably because they stand in a better situation in the labour market, they may have secured better leave rights and may also have a partner who is more eager herself to return to the labour market. This is despite growing interest across social divides among fathers for taking up leave, and we conclude that the present composition of statutory leave entitlements in Denmark positions fathers differently, working against the Nordic principle of universalism<sup>19</sup>.

As perhaps a consequence of the lack of a father's quota, qualitative studies show that often the parents do not in reality negotiate the division of Parental leave; instead leave is often perceived as 'for women' and thus automatically divided according to cultural assumptions of gender and parenthood<sup>20 21</sup>.

Traditional male work cultures at the workplace seem to play a role here. A recent survey conducted among the population in general showed that more than 50 per cent of the fathers who took less than three month leave in total (Paternity and/or Parental leave) mention 'if my employer had clearly indicated that my job situation would not be negatively affected' and 'if my work place had a tradition for male employees taking leave' as factors that may have made them take longer leave<sup>22</sup>. This indicates that Danish fathers' limited leave take-up may be explained by a fear of leave having negative consequences or not being seen as 'appropriate' for men in work life.

#### **d. Leave take-up in total**

In addition to the (relatively) limited statistics referred to above, the available statistics presenting the present leave situation look across the entire leave period (Maternity, Paternity and Parental leave) and the data are presented in this section. This data is based on how many parents receive a cash benefit during leave.

After the data for the period 2007-2010 showed an increase in the number of days that fathers take when both the mother and the father take up leave (not necessarily at the same time) – from 32 days on average in 2007 to 37 days in 2010 – the data for 2011-2013 show stabilization.

In families, where both the father and the mother took leave, the father took an average of 37 days of leave in both 2012 and 2013. In the few families where the fathers were the only parent to take parental leave, their leave take-up in 2014 was 53 days<sup>23</sup>.

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<sup>19</sup> Rostgaard, T. and Lausten, M. (2014) 'Gender equality incentive policies and their consequences for men's and women's take up of parental leave in Denmark', in: G.B.Eydal and T. Rostgaard (eds.) *Caring fathers in the Nordic welfare states: Policies and practices of contemporary fatherhoods*. Bristol: Policy Press

<sup>20</sup> Bloksgaard, L. (2013): "Uten fedrekvote i lovgivningen: Danske fedres forhandlinger om permisjon fra arbeidet". I Brandth, B. & Kvande, E. (red.) *Fedrekvoten og den farsvennlige velferdsstaten*. Oslo: Oslo Universitetsforlag, 194-210.

<sup>21</sup> Bloksgaard, L. (2014): "Negotiating leave in the workplace: leave practices and masculinity constructions among Danish fathers". In Eydal, G.B & Rostgaard, T. (eds.): *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Policy Press, 141-161.

<sup>22</sup> DJØF (2011) *Danskernes holdninger til barselsorlov*, Copenhagen: DJØF Publishing.

<sup>23</sup> Danmarks Statistik (2016) *Dagpenge ved fødsel 2015*. Nyt fra Danmarks Statistik, nr. 140.

The increase in later years in fathers' leave use may be (partly) explained by the removal of the clause in the collective agreement of the industrial sector, which leads to larger flexibility in leave use for employees covered by this agreement, especially fathers<sup>24</sup> (see section 1c).

Statistics indicate that mothers' leave take-up is stable. Mothers who have taken leave together with the father took between 292 and 297 days from 2007 to 2014; while mothers who have taken leave alone, took 310 to 313 days over the same period<sup>25</sup>.

A new report from The Danish Institute for Human Rights concludes that both mothers and fathers experience discrimination due to pregnancy and leave take-up – mothers to the largest degree<sup>26</sup>.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

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

### **b. Selected publications since April 2015**

Borchorst, Anette (2015). "Mor, far, staten og småbørnene" [Mom, Dad and the care of small children], i Anette Borchorst & Drude Dahlerup (red.)(2015). *Før og efter stemmeretten. Køn, demokrati og velfærd*. København: Frydenlund Akademisk, pp. 147-168.

Reinicke, Kenneth (2016) *De unge fædre* [The young fathers]. Århus: Århus Universitetsforlag.

Warming, Kenn (2016) "*Diskrimination af forældre. Oplevelsen af diskrimination i forbindelse med graviditet og barselsorlov*" [Perceived discrimination related to pregnancy and Parental leave] Copenhagen: The Danish Institute for Human Rights.

### **c. Ongoing research**

*CeMAS - Centre for Masculinity Studies* has been established at Aalborg University Spring 2016: <http://www.maskulinitet.aau.dk/cemas-centre-for-masculinity-studies/>. The objective of CeMAS is to produce critical, interdisciplinary knowledge about men and masculinities. Relevant social issues like men's risk behaviour at work, political radicalization, boys and education, men and violence, men's health, fatherhood and leave etc. will be studied in a masculinity perspective –generating new knowledge and broaden our understanding of these issues.

*The GRIP (Gender Regimes in Politics) project*: (2014-2017). Director Anette Borchorst, Department of Political Science, Aalborg University. This project, located primarily at Aalborg University, aims at identifying the exceptionalism of the Danish gender policy regime (in a Nordic context) from the 1880s until today with particular focus on the 1960s onwards. One project maps policies of Parental leave and equal pay across three arenas: the political (legislation and political debates), the labour market (collective agreements) and the judicial

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<sup>24</sup> DR Nyheder (2014) 'Mænd i industrijob tager mere barsel'. 25.01.2014.

<sup>25</sup> Danmarks Statistik (2016) Dagpenge ved fødsel 2015. Nyt fra Danmarks Statistik, nr. 140.

<sup>26</sup> Warming, Kenn (2016) "*Diskrimination af forældre. Oplevelsen af diskrimination i forbindelse med graviditet og barselsorlov*". Copenhagen: The Danish Institute for Human Rights.

(case law); it focuses on the role of feminist organizations and social partners in influencing these policies, with a further focus on Europeanization. The methodological approach is policy tracing and framing analysis. Contact: Anette Borchorst at: [ab@dps.aau.dk](mailto:ab@dps.aau.dk)

*Understanding the Labor Market Effects of Parental leave* (to December 2016). Post-doctoral project by Nikolaj Harmon, Copenhagen University. Funded by the Carlsberg Foundation.

The project aims to investigate how firms and employees react and are affected when men and women take up leave, in different branches and for employees in different positions. Conducted in parts with Jonas Hjort, Columbia University. Contact: Nikolaj Harmon at: [nikolaj.harmon@econ.ku.dk](mailto:nikolaj.harmon@econ.ku.dk)

# Estonia<sup>1</sup>

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

**April 2016**

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 expected date of birth. If less than 30 days leave are 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 (€390 per month) is paid to mothers who did not work during the previous calendar year but have worked prior to the birth of a child.
- Funded from health insurance contributions. All employers and self-employed pay a payroll tax of 33 per cent for each employee; 13 per cent is for health insurance, 20 per cent for pension insurance.

*Flexibility in use*

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

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

- All employed mothers are eligible for Maternity leave, including workers with temporary contracts if the contract lasts more than one month.
- Self-employed people qualify for maternity benefit on the same conditions as workers, even without taking up the leave.

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<sup>1</sup> Please cite as: Pall, K. and Karu, M. (2016) 'Estonia country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

- None.

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

*Length of leave (before and after birth)*

- Ten working days.

*Payment and funding*

- One hundred per cent of earnings, calculated by the employer, with a ceiling of three times average earnings for the next to last quarter from the quarter when the leave was used.
- Funded from general taxation.

*Flexibility in use*

- Can be taken during two months before or two months after the birth of a child.
- Can be taken in blocks, with a minimum of a day at a time.

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

- All employed fathers with permanent or temporary employment contracts.

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

- None.

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

*Length of leave*

- Until the child reaches three years. Leave is a family entitlement.

*Payment and funding*

- Two types of benefit are available to all families who meet the eligibility conditions, whether or not parents take Parental leave.
- Parental benefit (*vanemahüvitis*) is paid at 100 per cent of personal 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 €2,724 per month, equivalent to three times average earnings. The minimum benefit paid to working parents is the minimum wage, €430 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 (benefit rate) of €390 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 benefits are funded from general taxation.
- Pension credits for parents with children under 3 years (independent of parental leave or employment). There are two types of pension credits for parents, available simultaneously. The state pays social security contribution, calculated from minimum wage, to the first pension pillar (public pay-as-you-go system) during three years. Also, the state pays contributions to the second pension pillar (public contributions-based system) during 3 years; contributions are calculated from state average wage.

#### *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.
- Being on leave while receiving the benefits is not compulsory. When a parent takes up employment after the birth of a child, the parental benefit is reduced if the income from employment exceeds the benefit rate (€390 per month). Income exceeding the benefit rate is divided by two and deducted from the level of benefit. However, the maximum reduction of benefit is 50 per cent.
- Parents cannot be on leave together.

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

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

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

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

### **d. Childcare leave or career breaks**

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

### **e. Other employment-related measures**

#### *Adoption leave (lapsendamispuhkus) and pay*

- Seventy days of adoption leave per child for parents adopting a child under ten years at 100 per cent of average earnings, with no ceiling. 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*

- Fourteen calendar days per episode of illness 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 illness episode.
- Parents with a handicapped child may take one day of leave per month with full earnings replacement.
- A parent with a child under 14 years of age can take ten working days of unpaid leave per year.
- Parents may take a supplementary period of holiday: three days per year for a parent raising one or two children under 14 years and six days per year for a parent raising a child under three years, or three or more children under 14 years. There is a flat-rate payment, calculated from the minimum wage, of €20 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.

## **7. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Estonia is 36 months, half paid at a high earnings-related rate and the other half 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, not all municipalities are 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 2014 (including proposals currently under discussion)**

In 2014, the formula for calculating parental benefit while employed was changed. The new formula is more beneficial to working parents and may encourage more parents take up work when receiving parental benefit.

## **4. Take-up of leave**

### **a. Maternity leave**

There are no statistics on take-up of Maternity 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. In 2013 when Paternity leave payment was re-introduced, 38 per cent of fathers took leave; in 2014, about 41 per cent of the fathers took some leave and 46 per cent in 2015.<sup>2</sup>

### **c. Parental leave**

No official statistics about take-up of leave are collected. In 2015, 7.5 per cent of the recipients of parental benefit were men (9 per cent 2014 and 7.4 per cent in 2013)<sup>3</sup>.

From its introduction in 2004 until 2007, fathers' access to parental benefit was limited and they could take-up the benefit only after their child was six months old; the share of fathers using the benefit was very low, between one and two per cent between 2004 and 2006. In 2007 this restriction was removed and fathers could take up the parental benefit right after the end of Maternity leave (when child is 70 days old); subsequently the take-up by fathers increased slightly and has been around six to nine per cent since.

According to the Labour Force Survey (2010), 90.1 per cent of mothers and 5.4 per cent of fathers of children below eight years old reported that they had taken a Parental leave after the birth of their youngest child. Of those parents who reported taking leave, 35.2 per cent reported that they had taken two to three years, 27.5 per cent one-and-a-half to two years, 23.2 per cent one to one-and-a-half years, and 6.7 per cent six months to one year; only 7.4 per cent of parents were on leave less than six months.<sup>4</sup>

### **d. Other employment-related measures**

In 2013, 25 per cent of parents who received benefit for caring for a sick child (i.e. care leave certificates) were men<sup>5</sup>.

## **5. Research and publications on leave and other employment-related policies since April 2014**

### **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 2014**

Turk, P., Anniste, K., Masso, M., Karu, M., Kriger, T. (2015) Uuring soolise võrdõiguslikkuse seaduse rakendamisest töandjate seas ja indikaatorite väljatöötamine seaduse mõjude

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<sup>2</sup> Calculations by the Ministry of Social Affairs, using data from Statistics Estonia and Social Insurance Board.

<sup>3</sup> Social Insurance Board. <http://www.sotsiaalkindlustusamet.ee/statistika-ja-aruanded-3/>

<sup>4</sup> Statistics Estonia. Available at:

[http://pub.stat.ee/px-web.2001/I\\_Databas/Social life/09Labour market/13Work and family life/13Work and family life.a.sp](http://pub.stat.ee/px-web.2001/I_Databas/Social%20life/09Labour%20market/13Work%20and%20family%20life/13Work%20and%20family%20life.a.sp)

<sup>5</sup> Estonian Health Insurance Fund (2013) *Annual Report 2013*. Available at:

[https://www.haigekassa.ee/sites/default/files/annual\\_report\\_2013.pdf](https://www.haigekassa.ee/sites/default/files/annual_report_2013.pdf)



hindamiseks [in Estonian. An analysis of implementation of the gender equality act among employers]. Praxis Centre for Policy Studies <http://www.praxis.ee/tood/vordoiguslikkuse-seaduse-rakendamise/>

The study looks at the implementation of the Estonian Gender Equality Act from the perspective of employers. Awareness of employers regarding gender discrimination regarding parenthood, employees' rights before and after parental leave and equal treatment of pregnant employees is analysed. Study is based on a survey of 505 employers, complemented by focus group interviews. The study shows that awareness regarding the Act is relatively low and

### **c. Ongoing research**

Ministry of Social affairs is conducting research on employment related measures of parents of children less than 8 years. Research includes impact of parental leave policy and related benefits on parents' return to labour market. Research is to be completed in 2017.

# Finland<sup>1</sup>

**Minna Salmi, Johanna Närvi** and **Johanna Lammi-Taskula** (National Institute for Health and Welfare THL)

**April 2016**

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*<sup>2</sup>) (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 between €7,979 and €56,443, with a lower percentage for earnings above this level. Mothers not employed and those whose annual earnings are less than €7,979 get a minimum flat-rate allowance of €23.93 per working day (€598 per month). After this initial period of leave, benefit is paid at 70 per cent of annual earnings between €10,258 and €36,686, with a lower percentage for earnings above this level. Those whose annual earnings are less than €10,258 before the birth get the minimum flat-rate allowance. In 2014, 12 per cent of mothers received the minimum allowance. The proportion of recipients of minimum allowance has come gradually down from the maximum figure of 30 per cent in 1996.<sup>3</sup>
- Mothers are permitted to work while on Maternity leave (except for the obligatory two weeks before and after the birth) but receive only the minimum flat-rate allowance for the days they work. Working on Sundays does not affect the benefit.
- Earnings-related benefits are funded by the sickness insurance scheme, financed by contributions from employers (approximately 72 per cent of the total cost) and employees (approximately 28 per cent). In 2016, employers pay 2.12 per cent of their total salary bill and employees 0.82 per cent of their taxable earnings; these

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<sup>1</sup> Please cite as: Salmi, M., Närvi, J. and Lammi-Taskula, J. (2016) 'Finland country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Names of the different types of leave are given in Finnish and Swedish. Finland is a bilingual country with a Swedish-speaking minority.

<sup>3</sup> Social Insurance Institution (2015) *Statistical Yearbook 2014*. Available at: [www.kela.fi/statistics](http://www.kela.fi/statistics)

percentages are subject to change in the state budget. The minimum flat-rate allowances and 0.1 per cent of the benefit expenditure are funded from state taxation.

- Pension: Maternity leave accumulates the beneficiary's pension based on 117 per cent of the yearly earnings from which the leave benefit is calculated. These earnings accumulate the pension with 1.5 per cent a year. For an unemployed beneficiary or a student, the pension is accumulated as if the earnings were €718.92 a month.

#### *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 or EEA Member State, Switzerland or Israel, for at least 180 days immediately before the date on which their baby is due. The basic formula is that a person entitled to family benefits is also entitled to leave. A woman is entitled to maternity benefit after her pregnancy has lasted 154 days.

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

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

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

- A brief made for the Committee on Parental Leave shows that in 2010, 96 per cent of employees in the private sector were covered by collective agreements guaranteeing full pay for part of the Maternity leave; in most cases (66 per cent) the full pay is for three months. In public sector collective agreements, coverage is also high. During periods of full pay, the daily benefit is paid to the employer. However, due to the high prevalence of fixed-term contracts for women of child-bearing age, a high proportion of women giving birth do not have an effective employment contract; so only 42 per cent of mothers on Maternity leave receive pay from the employer.

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

#### *Length of leave*

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

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

- Earnings-related benefit. Benefit is paid at 70 per cent of annual earnings between €10,258 and €36,686, with a lower percentage for earnings above this level. Those

whose annual earnings are less than €10,258 before the birth get the minimum flat-rate allowance. In 2014, 3 per cent of fathers received the minimum allowance.

- Fathers are not permitted to work while on Paternity leave. Working on Sundays is permitted as the benefit is paid only for weekdays and Saturdays.
- Funding as for Maternity leave.
- Pension as for Maternity leave.

#### *Flexibility in use*

- One to 18 days can be taken in up to four blocks of time while the mother is on Maternity or Parental leave. Subsequently, all days or the remaining 36 days can be taken at most in two blocks. All 54 days can be taken until the child turns two years of age; and the child can be in day care between Parental leave/Home care leave and Paternity leave (if taken up later).
- Paternity leave is child-specific, so that the birth of the next child before the leave period has elapsed for the previous child does not cancel the father's unused leave entitlement; he can take 24 leave days based on the previous child during the Maternity or Parental leave period for the next child, but only in one segment.

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

- As for Maternity leave, but the father must also live with the child's mother. A single mother cannot use the Paternity leave herself.

*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/föräldraledighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)**

#### *Length of leave*

- One hundred and fifty-eight working days, to be taken after the end of Maternity leave. This is a family entitlement. The parents can share the leave between themselves as they wish but cannot be on leave at the same time.

#### *Payment and funding*

- Earnings-related benefit. Benefit is paid at 70 per cent of annual earnings between €10,258 and €36,686, with a lower percentage for earnings above this level. Those whose annual earnings are less than €10,258 before the birth get the minimum flat-rate allowance.

- Mothers and fathers are permitted to work while on Parental leave but receive only the minimum flat-rate allowance for the days they work. Working on Sundays does not affect the benefit.
- Funding as for Maternity leave.
- Pension 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 and at least for two months at a time, but only if both parents take part-time leave and take care of the child themselves. Benefit payment is half of the benefit for full-time leave. To get the partial benefit the mother and father have to make an agreement with their employer on part-time work.

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

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

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

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

#### **d. Childcare leave or career breaks**

- Childcare leave, referred to as 'Home care leave' (*hoitovapaa/ vardledighet*) can be taken from the end of Parental leave until a child's third birthday. This leave can be taken in two parts, the minimum length being one month. While taking leave, a parent can receive a Home care allowance (*kotihoidon tuki*) consisting of a basic payment of €341.27 a month, with an additional €102.17 for every other child under three years and €65.65 for every other pre-school child over three years plus a means-tested supplement (up to €182.64 a month). This Home care allowance can be paid to any parent – whether or not they are on 'home care leave' from their job – as long as their child is not in a childcare service provided or funded by the local authority. The average home care allowance per family in 2014 was €415 a month. Home care

allowance is financed from municipal taxation with a state subsidy of 33 per cent of the costs.

- In 2014, 27 per cent of local authorities paid a municipal supplement to the Home care allowance; these supplements averaged €153 a month per child, with a range from €50 to €264. The local authorities usually impose specific conditions on paying the supplement, most frequently that all children in the family below school age are taken care of at home.
- If a child under school age is taken care of in a private day care centre or by a private nanny or other person employed by the family and accepted by the local authority, the family is entitled to a private day care allowance (*yksityisen hoidon tuki*), which is €173.74 a month per child. An addition of up to €146.11 a month per child can be paid based on the size and income of the family. In 2014, 38 per cent of municipalities paid a municipal supplement to the private day care allowance; these supplements averaged €219 a month per child in 2013, with a range from €50 to €1,185. The local authorities usually impose specific conditions on paying the supplement, most frequently that the private day care is for over five hours per day.
- Pension: During Home care leave pension is accumulated as if the earnings were €718.92 a month. These earnings accumulate the pension with 1.5 per cent a year.

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

### *Time off for the care of dependants*

- Parents of children under ten years can take up to four 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 of children under three years are entitled to a Flexible care allowance (*joustava hoitoraha/flexibel vårdpenning*) if, after taking Parental leave, they work less than 80 per cent of the normal full-time hours in the respective field. The Flexible care allowance is €162.19 a month if the weekly working hours are no more than 30 hours or 80 per cent of the normal full-time hours, and €243.28 a month if the weekly working hours are no more than 22.5 hours or 60 per cent of the normal full-time hours. Flexible care allowance can be paid to both parents at the same time if they take care of the child in different hours of the day or different days of the week.
- 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 during the child's first and second year at school are entitled to a Partial home care allowance (*osittainen hoitoraha*) of €97.73 a month. Partial home care allowance is paid for only one child even if the family has more than one child entitled to the allowance. The allowance is not paid for a leave period shorter than one month.

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

The maximum period of paid post-natal leave available in Finland is 36 months (including low paid 'Home care leave'). The maximum period of high paid leave is 11 months after birth. As there is an entitlement to ECEC from the end of the Parental leave, there is no gap between leave and ECEC entitlements. However, from August 2016 on, the ECEC entitlement is restricted to 20 hours a week unless both parents work or study full-time. Levels of attendance at formal services for children under three years are about the average for the countries included in this review and for OECD countries; but below both averages for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

The level of benefits during Parental and Paternity leave has been cut to some degree since the beginning of 2016. The index-related minimum benefits, also Maternity benefit and Homecare allowance, are slightly lower than in the previous year due to negative inflation. More importantly, the raised benefit level at 75 per cent of earnings during the first 30 days of Parental leave as well as during the first 30 days of Paternity leave taken after Maternity and Parental leave was abolished, and the benefits are paid at 70 per cent level during the whole benefit period. These changes are part of the government's austerity policy. A raised benefit level (90 per cent of earnings) is now paid only during the first 56 days of Maternity leave. In that period the benefits are usually paid to the mother's employer as for most employees, the employer pays full wage during at least the first 56 days of Maternity leave. The cut of the benefit level during the first 30 days of Parental leave was justified by the increase not having worked as an incentive for fathers to take Parental leave, which seems to be true in the light of statistics. But for the cut of the same increase related to the first 30 days of Paternity leave taken after Maternity and Parental leave, this argument is not valid. On the contrary, the cut may become a disincentive for fathers to use this part of Paternity leave. There was no public debate on this cut before it was made.

As further austerity measures, the present government (a coalition of Center party, conservatives and True Finns), appointed in May 2015, has restricted the universal right to early childhood education and daycare services to 20 hours a week. Parents have to prove that they work or study full-time to get full-time services to their child/ren. Also, the children–adults ratio in ECEC groups for children over 3 has been raised, and a proposal to raise the fees for ECEC services by at most 22 per cent has been given to the parliament. However, realization of these policy changes is up to each municipality which means that availability, quality and price of ECEC services depends on where a family lives. The impairment of

quality and raise of fees of ECEC services may lead to more mothers staying a longer time at home with the child supported by the Home care allowance. Findings of the ongoing THL Parental leave study show that if a mother is not satisfied with ECEC services, she is three times more probably still at home when her youngest child is two years old.<sup>4</sup> In the services, the parents are most often dissatisfied with too big groups and too high fees.<sup>5</sup>

In May 2016, the government published its gender equality programme for 2016–2019. For the first time in 20 years, the programme does not include any proposals to reform Parental leave schemes. This is due to the government parties having different views on Homecare allowance and varying interest in developing Paternity leave (see Finland country note 2015). The only new policy measure introduced by the government is a €2.500 lump sum compensation of leave expenses to be paid to employers of leave-taking mothers after the mother returns to her job to even out leave expenses between employers and thus improve women's position in the labour market. However, an ample third of mothers do not have an employment contract when starting their leave<sup>17</sup>, so this measure probably is not as effective as expected. According to the government, the costs would be funded with a raise of the employers' sickness insurance fee, but details of this proposal are under preparation in a tripartite working group. One of the negotiators, trade union confederation of affiliates for highly educated people Akava, has made a competing suggestion where Maternity benefit would be paid at the raised 90 per cent level for 72 days instead of the present 56 days, and Paternity benefit level would be raised from the present 70 per cent to 90 per cent for 12 workdays. According to Akava, this would compensate the employers' expenses more accurately as the reimbursement would be related to the actual wage expenses instead of being the same lump sum to all employers as in the government's model. Moreover, Akava's model would cost less and encourage fathers to take Paternity leave.

Two days after the government's gender equality programme was published, two female ministers, Minister of Education and Minister of Foreign Trade representing the conservatives, published a proposal of their own where they suggest Parental leave to be lengthened and Homecare allowance period to be shortened or alternatively shared between the parents. They also want to encourage fathers to use a more substantial part of Parental leave. The ministers do not specify how this should be realised. The male Minister for Foreign Affairs and chair of the True Finns immediately reacted by declaring that the proposal is against the government programme and will not be realised. The ministers responsible for leave policy or gender equality have not taken part in the debate.

In April 2016, the Central Organisation of Finnish Trade Unions SAK launched a proposal, apparently inspired by the Swedish model, to renew the Parental leave and Home care leave. According to this proposal, mothers would get pregnancy benefit for five weeks, after which the parents would be entitled to 12 months' parental benefit to be split evenly between the parents. Three weeks could be taken while the other parent is also on leave. The 12 months' period includes a three months' quota for both mothers and fathers. The parent can transfer part of the remaining days to the other parent or to other family members. Even a father who does not live with the child's mother would be entitled to leave, and in case there is no father, the single mother could use the whole leave. On top of parental benefit, the parents would be entitled to Home care allowance for six months; even this period should be split evenly between the parents. The Parental leave days could be used until the child turns

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<sup>4</sup> Ongoing study by Minna Salmi, Johanna Närvi and Johanna Lammi-Taskula, [www.thl.fi/perhevapaatutkimus](http://www.thl.fi/perhevapaatutkimus). See section 5c below.

<sup>5</sup> Kekkonen, M. (2014) 'Perheiden lastenhoitojärjestelyt ja tyytyväisyys päivähoitopalveluihin' ['Childcare arrangements in families and satisfaction with daycare services']. In J. Lammi-Taskula and S. Karvonen (ed) *Lapsiperheiden hyvinvointi 2014* [Well-being of families with children 2014] THL, Helsinki 2014.



three and the Home care leave days until the child turns seven, and the leave days could be taken in short spells. The pregnancy benefit and the benefit for the first month of parental leave for both parents would be 90 per cent of previous earnings, thereafter 70 per cent. The benefits could be taken in halves whereby the leave period would be longer. The homecare allowance would be €800 a month for six months, but it could also be taken in a half for 12 months. The sibling supplement of the present homecare allowance would be abolished to discourage taking care of older siblings at home. All in all, the proposal has many advantages, compared with the present system, as to the flexibility of timing and users of leave but these can also be problematic to realise. Also, with the total amount of leave days remaining rather low, the advantage of the possibility to use the days until the child turns seven is not very significant considering that the child's need for care is greatest in the early years. Moreover, the proposal does not take into account the children's point of view. In case the father would not use his share of the leave, the child would be only 12 months old when the mother has used her share of the Parental and Home care leave with full benefits.

## **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. Very few mothers entitled to Maternity leave have been employed during the leave period.

### **b. Paternity leave<sup>6</sup>**

Paternity leave was reformed from the beginning of 2013 into a nine weeks leave which includes the former one to 18 days Paternity leave and the former six weeks father's month (that is the bonus Paternity leave days plus the last two weeks of the preceding Parental leave available for fathers between 2003 and 2012). Statistics for 2013 and 2014 allow a separate review of the take-up of the first 18 days of the new Paternity leave which can be taken while the mother is on Maternity or Parental leave (comparable with the old Paternity leave) and the remaining 36 days which are taken after the Parental leave. The analysis of the fathers' take-up of leave is based on the ongoing THL study<sup>4</sup> where the respondents had their child in 2011 and still used the entitlements of the old scheme. These findings are thus comparable with findings of earlier research.

Since the end of the 1990s, the great majority of fathers have taken the one to 18 days' Paternity leave, or, since 2013, the first one to 18 days of the Paternity leave. The proportion of fathers taking this leave increased from 40 per cent in 1990 and 76 per cent in 2000 to 84 per cent in 2012, with a slight drop to 83 per cent in 2013. A more significant drop took place in 2014 when only 78 per cent of fathers took this short period of Paternity leave. It remains to be seen how many fathers postpone taking their leave days but use them until the child turns two, how many fathers use only the days during Maternity or Parental leave, and how many use no leave at all. Preliminary analysis of the take-up statistics suggests that a shift towards leave take-up nearer the child's second birthday is taking place.<sup>7</sup> The average length of the leave taken while the mother is on Maternity or Parental leave was 15 working days both in 2012, 2013 and 2014.<sup>3</sup>

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<sup>6</sup> One to 18 days that can be taken while the mother is on leave.

<sup>7</sup> Analysis by Anita Haataja, Social Insurance Institution.

The earlier one to 18 days of Paternity leave was taken by fathers irrespective of their socio-economic background, or that of their spouses<sup>8</sup>. Fathers who took only Paternity leave tended to take slightly longer periods after the bonus leave was introduced in 2003<sup>9</sup>. Two-thirds of fathers took the whole three weeks Paternity leave; men who were more likely to take the whole leave included fathers of first-born children, students and entrepreneurs. Length of Paternity leave does not correlate any more with the father's age, education or income level or socio-economic status<sup>4</sup>.

**c. Parental leave and fathers' individual leave** (i.e. the days of Paternity leave to be taken after the Parental leave)

The 158 days of Parental leave is mostly taken by mothers. Almost all mothers take Parental leave whereas only two to three per cent of fathers took a longer Parental leave than the two weeks of the father's month over the years it was available. Less than one per cent of mothers entitled to Parental leave did not take the whole leave period even if the father did not take Parental leave in 2004–2007. Less than four per cent of mothers work to some extent during the leave period. Even if the popularity of the short Paternity leave is high, in 2013 only 18,366 fathers, i.e. about 32 per cent of all fathers, took the father's month (still the entitlement for families where the Maternity leave started before 1 January 2013) or the six weeks of the new Paternity leave to be taken after the Parental leave. In 2014 the proportion was higher, 34 per cent, when 19,299 fathers took Paternity leave after the (mother's) Parental leave. The average length of leave taken by fathers after Parental leave has also risen from 21 days in 2012 and 2013 to 28 days in 2014.<sup>3</sup>

The father's month, from 2003 to 2012, under which there were bonus days of Paternity leave for fathers who took the last two weeks of Parental leave, increased the number of men taking Parental leave from 1,700 in 2002 to 5,700 in 2005, 12,156 in 2009 and 18,716 in 2012 – 32 per cent of fathers. While the statistics available today still include fathers using leave within both the old and the new scheme, we cannot as yet say how many fathers took Parental leave in 2014. Although the father's month became gradually more popular, its contribution towards equalising parental responsibilities was called into question as, in a clear majority of families, the mother stayed at home during the father's month because she planned to continue to care for the child at home supported by the Home care allowance, and the father had to take his leave within six months of the end of the Parental leave<sup>7</sup>.

Men with high education, employed in the public sector in higher white-collar positions, and whose partners also have high education, were more likely to take the father's month – but the leave periods they took were shorter than those taken by men with less education<sup>4, 7</sup>. Fathers with children born in 2011 did not take the father's month most commonly because they thought the family economy did not allow it or because their spouse was taking care of the child supported by Home care allowance. The spouse not having a job also hindered fathers from taking their leave quota. Highly educated fathers more often than other fathers did not take father's month because of work pressure or nature of work, while family economy was more often the reason among blue-collar fathers. However, hardly any father mentioned negative attitudes at their workplace as an obstacle.<sup>4</sup> Overall, Parental leave is shared more often in families where both spouses have a high level of education and a

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<sup>8</sup> 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.

<sup>9</sup> 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.

medium or high income. Taking father's month is also more common among men over 30 years of age, and among men with only one child<sup>4</sup>.

The part-time option for taking Parental leave has not been popular. In 2003, the first year that it was available, 37 parents received the partial parental allowance, rising to 84 in 2004 and 117 in 2007. This means that less than 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; 30–40 couples used it between 2008 and 2014 ([www.kela.fi/kelasto](http://www.kela.fi/kelasto)).

#### **d. Childcare leave or career breaks**

Almost all families (89 per cent in 2014) take advantage of the Home care allowance (HCA) and Home care leave, at least for some time after Parental leave. Since 2006, statistics are available of use by women and men, showing that HCA is used almost entirely by mothers. In 98 per cent of all families receiving HCA, one of the parents takes care of the child and in 97 per cent of these families the carer is the mother.<sup>3</sup>

In the long run, HCA has become less popular; the proportion of children aged nine to 24 months taken care of at home supported by the HCA has dropped from 58 per cent in 2000 to 48 per cent in 2014. Recently the take-up has varied: HCA was paid to 87 per cent of families whose Parental leave ended in 2005, dropping to 84 per cent for 2006 but rising again to 88 per cent from 2007 on, and 89 per cent in 2014. At the same time the proportion of under three-year-olds taken care of and supported by the HCA has varied between 53 and 49 per cent<sup>3</sup>. The year-to-year variation of HCA take-up is probably due to variations in female labour force demand and in the composition of women giving birth. The decreasing popularity in the long run matches the growing proportion of young children attending childcare services from 2000 to 2014: while the proportion of under-one-year-olds in these services has dropped to less than one per cent, the proportion of one- and two-year-olds has risen from 35 to 41 per cent.<sup>10</sup>

Statistics also enable an assessment of take-up periods of HCA. In families paid this allowance at some point before their child turns three years<sup>11</sup>, periods taken have divided rather evenly during the past years: 26-30 per cent take less than seven months, 22-26 per cent between seven and 12 months, 27-29 per cent between 13 and 24 months, and 15-25 per cent longer than 24 months (the maximum length being 26-27 months). However, the proportion taking the longest period declined from 2003 to 2013 from 25 to 15 per cent while the proportion taking the shortest periods rose from 26 to 30 per cent. From 2013 to 2014 the proportion of the longest periods again rose to 16 per cent while the proportion of the shortest periods dropped to 29 per cent. This development is related to a considerable drop in the employment rate of mothers with children under three.<sup>12</sup> The (few) male recipients of HCA took less of the longest periods than their female counterparts (13 per cent in 2014) but in 2014 the proportion of fathers taking HCA for longer than a year rose from 41 to 45 per cent (calculations based on Statistical Yearbooks of the Social Insurance Institution 2004-2015). This probably is related to the rising unemployment rate of fathers with children under three.<sup>11</sup> In the long run, from 1999 to 2010, the median length of HCA periods has been ten months.<sup>13</sup>

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<sup>10</sup> Säkkinen, S. and Kuoppala, T. (2015) *Lasten päivähoito 2014 [Children in daycare 2014]* Helsinki: THL Statistical Report 28/2015.

<sup>11</sup> These statistics exclude 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.

<sup>12</sup> Statistics Finland, Labour Force Study, *Perheet ja työ 2013 [Families and work 2013]*.

<sup>13</sup> Aalto, A. (2013) *Katsaus osittaisen hoitorahan käyttöön 2000-luvulla [Review on the take-up of partial home care allowance in the 2000s]*. Helsinki: Kela Työpaperiä 43/2013.

Only six per cent of fathers annually have been recipients of the HCA during the years 2006–2014. The THL study<sup>4</sup> on fathers who had a child in 2011 shows that fathers' take-up of Home care leave supported by the HCA has the same pattern as that of the take-up of the father's month. It was most often taken by fathers whose spouses had academic education; fathers whose spouses had a low level of education took Home care leave much less frequently. The spouse's education level was the main predictor of fathers' interest in taking Home care leave, but fathers' own education also played a role: well-educated fathers took childcare leave significantly more often than fathers with a low level of education. Fathers took Home care leave more often with their first child than with the subsequent children, and fathers over 30 took childcare leave more often than younger fathers.

The fathers who answered the THL questionnaire in 2013 had taken some form of family leave and were thus more active leave users than the average father. Of these fathers, however, three in four say that they have not used Home care leave with HCA when their child is two years old, and will not use it. The main obstacle for taking the leave is the family economy, which 58 per cent of fathers mention hinders them from taking childcare leave. One in five fathers does not take the leave as their spouse does not have a job. Work-related reasons such as nature of work or work pressure were mentioned by only one in six fathers.<sup>14</sup> The debate on possible cuts to the HCA period in 2013–2014 (see Country report 2015) 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. Nine per cent of three to seven-year-olds (27,600 children) were taken care of at home as siblings of younger children receiving HCA.<sup>15</sup>

Only 10 per cent of mothers giving birth in 2004 returned to employment or studies right after Parental leave: on average mothers stayed at home until their child was 24 months old. Just less than half (46 per cent) of mothers were employed when their child was two years old, also just under half were at home on care leave, either on HCA without a job waiting for them or already on Maternity or Parental leave with another baby. Some women at home were officially unemployed or combined home care of children with studying or part-time work. The longest HCA periods were more often taken by mothers with a low level of education, over 40 years of age and with three or more children.<sup>7</sup>

A study based on register data shows that half of women who had their first child in 1999 took Maternity, Parental and Home care leave at most until their child was 18 months old; while almost 30 per cent stayed on leave for 36 months or longer, 10 per cent for almost five years. For these mothers, the leave which started with their first-born child continued without a break with successive children<sup>16</sup>. Another analysis based on the same data shows that 47 per cent of mothers who had their first child 1999–2006 have a second child within three years of the birth of the first child. However, less than half of these mothers (48 %) continue to a new Maternity leave direct from Home care allowance period with the first child, and an ample half of the mothers stop their Home care allowance period in between the children.<sup>17</sup>

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<sup>14</sup> [www.thl.fi/perhevapaatutkimus](http://www.thl.fi/perhevapaatutkimus)

<sup>15</sup> Calculations by Anita Haataja and Siru Keskinen, Social Insurance Institution.

<sup>16</sup> 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.

<sup>17</sup> Haataja, A. and Juutilainen, V.-P. (2014) *Kuinka pitkään lasten kotihoitoa? Selvitys äitien lastenhoitajaksoista kotona 2000-luvulla* [How long at home with children? A report on mothers' childcare periods at home in the 2000s], Kela Työpapereita 58/2014.

Thus it seems that, contrary to common beliefs, only a small majority of Finnish mothers stay at home on family leave for several years non-stop, and it is a minority that takes the maximum length of leave.

The THL survey made in 2013 of parents with a child born in 2011 shows that 46 per cent of all mothers were employed and 40 per cent were at home taking care of the child/children when the child was two years old. One in four mothers of two-year-olds were already on leave with a younger child. Of those mothers whose youngest child was the two-year-old, only 24 per cent were still at home taking care of the child supported by the HCA while 59 per cent were employed and 17 per cent did something else such as studying or else were unemployed. Further analysis indicated that a mother whose youngest child is the two-year-old is more likely to be employed if she was employed before the child was born, if she has a high level of education, and if she had a valid employment contract when the child was born. A mother is more likely to be still at home with the two-year-old if she was not employed before the child was born, she has a low level of education and not a valid employment contract, and has been unemployed during the past five years, and also if she has three or more children. This study also showed that when mothers' individual motivations for relying on the HCA are analyzed, the issue where at-home mothers and at-work mothers differ most was the mother's view on "mother's place": 59 per cent of at-home mothers think that mothers of young children should stay home, while only 35 per cent of at-work mothers think so. When the significance of the "mother care ideal" for the mother's activity is analysed together with the factors related to education and position in the labour market, both types of explanatory factors prove to be important. Level of education and labour market experiences still predict the mother's activity, but a traditional view on mother's place at home doubles the probability of a mother still being at home with the two-year-old.<sup>18</sup>

Earlier only a small number of families – 2,100 in 2003 – took advantage of Partial childcare leave. After the reform making parents of younger school children eligible for the Partial care allowance, the number of families increased and was 10,365 in 2008; the number then decreased to 9,995 in 2009 but was again 14,035 in 2013 (these figures describe the situation at the end of the year). Forty-three per cent of these families had a child under three years. The recent increase happened among the parents of school children (from 6,545 to 7,932 families), but especially among the parents of younger children. The take-up of Partial childcare leave for under three-year-olds increased after a small decrease between 2007 and 2008; at the end of 2009 it was paid to 3,449 families and in 2013 to 6,103 families, with 4.1 per cent of under three-year-olds and 6.8 per cent of seven to eight-year-old school children receiving the allowance in 2013. Partial childcare leave for under three-year-olds was mostly (94 per cent) used by mothers and was most usually taken (40 per cent) for not longer than six months; a third of the users took it for seven to 12 months and a quarter for more than 12 months. From 1999 to 2010, the median length of Partial care leave periods with children under three years was eight months. Partial care leave was taken more often by women with a high education level and high socio-economic status, less often by young mothers, perhaps because they are less likely to have permanent employment. In families with a child under three years, mothers almost always (80 per cent) took Partial care leave after a period of HCA taken after Parental leave; on average, the child was 18 months old when the mother started her partial care leave.<sup>12</sup> Thus partial care leave did not function as an alternative to HCA but as a transition from full-time HCA to part-time employment.

The new Flexible care allowance, available from the beginning of 2014, seems to be much more popular than the previous Partial care allowance for under three-year-olds. During the year 2014, 15,251 children (6 per cent of the age group) were taken care of supported by

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<sup>18</sup> Närvi, J. (2014) 'Äidit kotona ja työssä – perhevapaavalinnat, työtilanteet ja hoivaihanteet' ['Mothers at home and at work – leave choices, work situations and care ideals'] *Yhteiskuntapolitiikka*. Vol.79 No.5: 543–552. See also footnote 3.

this allowance while in 2013 only 10,927 under three-year-olds were taken care of supported by the Partial care allowance. During the year 2015, 17,300 families received Flexible care allowance compared to 15,800 families in 2014 and 11,300 families receiving Partial care allowance in 2013. Thus the popularity of the new part-time leave arrangement has risen with 53 per cent compared to the previous entitlement. One in ten recipients of the Flexible care allowance were fathers.<sup>19</sup>

The ongoing THL study shows that of mothers with two-year-olds who had returned to employment, 28 per cent worked part-time (of all Finnish mothers with children below school-age, 18 per cent worked part-time in 2013). A third of mothers still at home with the two-year-old planned to work part-time. Also one in three mothers were interested in working part-time but did not find it possible. The most common obstacle was family economy, but part-time work was also considered unsuitable in own work either because it would be difficult to arrange or because the mother thought she would have the same workload with less time and less pay.<sup>20</sup> The use of the private day care allowance for under three-year-olds has remained quite stable: in 2014 4,388 families received this allowance for a child under three years, while the figure was 4,470 in 2011 and 4,403 in 2010. Even this allowance is primarily used for the care of children over three years; 3.3 per cent of under three-year-olds and 4.6 per cent of under-seven-year-olds received the allowance in 2013.

The results of recent research confirm earlier findings that the length of leave periods taken by mothers depends on the mother's level of education and her possibilities and experiences in the labour market as well as how easy it is to find employment especially for women with a low level of education. 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 unemployment, giving also room to identifying with a strong mother care ideal instead of the socially less valued identity of the unemployed<sup>4, 7, 17, 21</sup>.

## e. Other employment-related measures

There are no annual statistics available on the take-up of temporary childcare leave to care for a child fallen ill. In the Quality of Work Life Survey from 2013<sup>22</sup>, 67 per cent of employed mothers and 52 per cent of employed fathers with children under 10 years had taken temporary childcare leave during the past 12 months, compared to 65 per cent of mothers and 52 per cent of fathers in 2003 and 72 of mothers and 56 of fathers in 2008. In families where both parents have full-time employment, 71 per cent of mothers and 60 per cent of fathers have taken temporary childcare leave, compared to 80 per cent of mothers and 68 of fathers in 2008. The researchers point out that the figures have dropped from 2008 back to

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<sup>19</sup> Information provided by Siru Keskinen, Social Insurance Institution.

<sup>20</sup> Salmi, M., Lammi-Taskula, J. and Mäntylä, E. (2016) Pienten lasten äidit osa-aikatyöhön? Poliittikan ja käytäntöjen ristiriitoja [More part-time work to mothers of young children? Contradictions of policy and practice] *Yhteiskuntapolitiikka*. Vol.81 No.2: 206–215. See also Section 5b below and [www.leavenetwork.org](http://www.leavenetwork.org) → Annual seminar 2015 → Presentations.

<sup>21</sup> 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.

<sup>22</sup> Sutela, H. and Lehto, A-M. (2014) *Työolojen muutokset 1977–2013 [Change of working conditions 1977–2013.]* Helsinki: Statistics Finland.

the 2003 level; they ask whether this is due to parents not daring to take this leave in times of economic crisis and insecure working life.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **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 leave and Home care leave and their connections with women's labour market participation, as well as on fathers' take-up of different forms of family leave, with ongoing research also developing comparisons over time of the preconditions and obstacles of leave take-up. 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 fathers' and mothers' reasons for leave-taking have been studied, as well as the consequences of leave-taking to the economic position of families. Qualitative research has been done on mothers' choices of care and career in the context of insecure working life, and on various factors affecting the timing of mothers' return to employment from family leave. Recently, register-based data have been used to study longitudinally the consequences of mothers' leave-taking for their career and wage development. Another recent study has focused on the consequences of the HCA for mothers, and recent research also covers leave take-up among immigrants.

### **b. Selected publications since April 2015**

Sihto, T. (2015) Choosing to Work? Mothers Return-to-Work Decisions, Social Class, and the Local Labor Market. *Nordic journal of working life studies*, Vol. 5, No.3: 23–40.

The aim of this study is to examine the ways in which social class shapes the return-to-work decisions of Finnish working-class and middle-class mothers, and how these decisions are structured by the constraints and opportunities mothers face in the local labor market. The focus of the study is in the local labor market in the city of Jyväskylä. The data consist of two semi-structured focus group interviews of 14 employed mothers of below school-age children. Using the framework of "gendered moral rationalities", the study shows that there are similarities in mothers' experiences, while the structural constraints mothers faced when deciding about the timing of returning back to work differ. The analysis highlights that the differences were not only dependent on social class but also on the situation in the local labor market. For working-class mothers, the most crucial issue was the financial strain that their staying at home caused to their families. For middle-class mothers, finding employment opportunities that would match their educational qualifications in the local labor market had been challenging which affected their timing of returning back to work. The article concludes that local labor market plays an important role in mothers' return-to-work decisions and should be explored further in differing geographical contexts.

Salmi, M., Lammi-Taskula, J. and Mäntylä, E. (2016) Pienten lasten äidit osa-aikatyöhön? Poliitikan ja käytäntöjen ristiriitaja [More part-time work to mothers of young children? Contradictions of policy and practice] *Yhteiskuntapolitiikka*. Vol.81 No.2: 206–215.

The article looks at mothers' part-time work in Finland where women work part-time less often than in other EU countries. Part-time employment is common only in few branches, and employers are not keen to offer part-time work as they find it difficult to arrange. Politicians on their part are worried about the low employment rate of mothers with young children and want to encourage them to work part-time instead of taking a full-time

homecare leave. For this purpose, a reform of the partial leave scheme was introduced in 2014 where a more generous flexible care allowance is offered to parents of children under three who work part-time. The combination of part-time leave and part-time work is also believed to solve problems of women's weaker position in the labour market compared to men. However, part-time work also entails risks such as smaller income and lesser possibilities to have an influence on one's work or develop one's career. The article analyses the views of mothers of young children on part-time work. The data is based on a survey from 2013 where 3029 mothers and 2161 fathers with a child born 2011 answered a web-survey. The analysis includes mothers for whom the child born 2011 is their youngest child (N=2,234). 59 per cent of the mothers had already returned to work, and 28 per cent of these mothers worked part-time. A third of mothers still at home with the two-year-old planned to work part-time. One in three of all mothers were interested in working part-time. They did not carry out this interest most commonly because of family economy, but part-time work was also considered unsuitable in own work either because the tasks would be difficult to arrange on a part-time basis or because the workload would be the same with less time and less pay.

Work insecurity, income and attitudes predict mothers' interest in part-time work. An employed mother works part-time more probably if she experiences work insecurity. Such experiences also diminish the probability not to consider part-time work while increasing probability to prefer full-time work. These findings suggest that part-time work is involuntary. On the other hand, a mother three times more probably works part-time if she thinks that mothers of young children should be at home. At-home mothers rule out part-time work more probably if they have present or previous experiences of low income, but experiences of work insecurity diminish probability to exclude part-time work. This suggests that a low-income mother does not want to work part-time but has to accept this alternative if she has experienced insecurity in her previous job. The findings suggest that if a mother has a job waiting for her after parental leave, she can choose to work part-time if she wants to. A mother searching for a new job after her leave more probably is in a situation where she cannot find desired part-time work. One in ten at-home mothers would like to work part-time but does not find it possible in her work. Being in favor of the mother care ideal more than doubles the probability of this assessment. These factors may prolong take-up of full-time homecare leave. The flexible care allowance may get at-home mothers to part-time work if they do not find full-time work and part-time work is available. However, it may also urge those mothers to work part-time who have a full-time job waiting for them.

Lammi-Taskula, J. (2016) Fathers on leave alone in Finland: negotiations and lived experiences in M. O'Brien and K. Wall, (ed) *Fathers on Leave Alone: Comparative Perspectives on Work-Life Balance and Gender*. Springer, forthcoming.

Interviews with seven fathers who have taken a longer leave (from two months to two years) show that negotiations with the spouse about leave are related to the position of both parents at the labour market, but also to ideas about the child's best interest. The interviews show that it is easier to negotiate the sharing of childcare responsibility in case the parents share similar ideals of what is best for their child. Also, agreement by the parents about gender equality as something positive is related to the sharing of leave. Many of the interviewed fathers had decided to take leave with their spouse already during pregnancy. All of them had reconsidered their priorities in life during leave, and the experience of being the primary caretaker of the child influenced their way of thinking about fathering and helped them to find their own, individual way of caring. Negotiations about longer leave at the workplace are testing the gendered limits of family friendliness: especially highly educated middle class fathers expect their employer to allow them also to be caring parents. As the leave periods were relatively long, the fathers learned many new skills during their time home alone with the child, taking full responsibility for a very young child. They were often able to take advantage of these skills when they returned to work: they were more patient,



more organized and more effective. This positive impact of parental leave may often remain invisible at the workplace level.

### **c. Ongoing research**

*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 one-year-olds, nine interviews with couples planning their wedding and other qualitative data. Contact: Aino Luotonen at [aino.luotonen@helsinki.fi](mailto:aino.luotonen@helsinki.fi)

*Families with children (2012–2016)*. Social Insurance Institute (Kela).

The research department of the Social Insurance Institute has organised 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 between 1999 and 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 Home care leave. A book on the findings of the project forthcoming 2016. Contact: Anita Haataja at [anita.haataja@kela.fi](mailto:anita.haataja@kela.fi)

*Family leaves, economic crisis and gender equality (2013–2016)*. Minna Salmi, Johanna Närvi and Johanna Lammi-Taskula, National Institute for Health and Welfare (THL).

Based on a survey of mothers and fathers with a child born in 2011, this study investigates the consequences of the economic crisis, which started in 2008, for mothers' and fathers' opportunities and obstacles for taking Parental and Home care leave. A comparison of the findings with those from similar survey data from 2001 and 2006 will bring out the changes in take-up and reasons for taking or not taking leave. The study asks if the economic crisis affected the duration of mothers' Home care leave, and if a long leave period is due to difficulties in finding employment. A special focus is on the possible connections of the economic crisis on fathers' choices to take or not take Parental leave: to what degree do the changing conditions of working life lead to growing work pressures that act as obstacles for fathers' take-up of leave. The study also investigates parents' assessments of the possibilities to combine part-time work and part-time leave as well as their ideas of how to develop the family leave schemes. On top of the survey, interviews are made at workplaces with personnel managers and male employees on fathers' take-up of leave and the impact of the economic crisis on experiences and practices of work organisations. Contact: Minna Salmi at [minna.salmi@thl.fi](mailto:minna.salmi@thl.fi)

*Fathers and parental leave reform – who were not reached by the reforms? (2014–2016)*. Miia Saarikallio-Torp and Anita Haataja, Social Insurance Institution.

The study investigates the profile of fathers who do not use any form of leave available to fathers, and asks has the profile of the non-users changed in the 2000s. Moreover, a comparison is made between couples who share parental leave and those where mothers use the bulk of the leave. Also the outcomes of sharing parental leave (income, couple stability) will be investigated longitudinally. The study is based on the Social Insurance Institute's data on families with children (see above) where the Institute's register data on

leave benefit receivers has been completed with data of the employment statistics of Statistics Finland. Contact: Miia Saarikallio-Torp at [miia.sarikallio-torp@kela.fi](mailto:miia.sarikallio-torp@kela.fi)

*Placing women? How locality shapes women's opportunities for reconciling work and care (2013–2017).* Tiina Sihto, doctoral study at the University of Jyväskylä.

This doctoral study explores the role of locality in the possibilities and obstacles women face in reconciling work and care. The study consists of research articles where the influence of various local processes, such as the local labour market and the local gender contract in combining work and care, are analysed in further detail. The interest is in the ways the local trajectories of women's work–care reconciliation differ from the country average – how local, even though always connected to national development, has its own distinctive nature. The focus of the study is on working women who have elderly relative(s) with care needs and/or child(ren) under school age. The data used comes from FLOWS research project (The Impact of Local Welfare Systems on Female Labour Force Participation and Social Cohesion, EU FP7, 2011–2014), consisting of both quantitative and qualitative data from the city of Jyväskylä. Contact: Tiina Sihto at [tiina.sihto@ju.fi](mailto:tiina.sihto@ju.fi)

*Finnish Childcare Policies: Inequality in Focus (2016-2020).* A research project funded by the Academy of Finland and conducted by the University of Jyväskylä, University of Tampere and THL (National Institute for Health and Welfare). The project analyses the dualistic model of Finnish childcare policies in relation to issues of equality between regions, families, parents, children and genders. Contact: Maarit Alasuutari at [maarit.alasuutari@ju.fi](mailto:maarit.alasuutari@ju.fi) and Johanna Lammi-Taskula at [johanna.lammi-taskula@thl.fi](mailto:johanna.lammi-taskula@thl.fi)

*Visible fathers: recognizing fathers' care responsibilities at workplaces (2016–2018).* A research and development project funded by the EU Commission's Rights, Equality and Citizenship (REC) programme and conducted by THL (National Institute for Health and Welfare), the Finnish Institute of Occupational Health and the Gender Equality Unit of the Ministry of Social Affairs and Health. The project studies the obstacles of fathers' parental leave in Finland focusing on fathers who do not take any leave; organises development work at workplaces; and runs a media campaign to get more fathers to take more parental leave. Contact: Johanna Lammi-Taskula at [johanna.lammi-taskula@thl.fi](mailto:johanna.lammi-taskula@thl.fi) and Johanna Närvi at [johanna.narvi@thl.fi](mailto:johanna.narvi@thl.fi).

# France<sup>1</sup>

**Jeanne Fagnani** (CNRS-IRES), **Danielle Boyer** (Caisse Nationale des Allocations Familiales) and **Olivier Thévenon** (Institut National d'Etudes Démographiques)

**April 2016**

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

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

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

*Length of leave (before and after birth)*

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

*Payment and funding*

- Hundred per cent of earnings, up to a ceiling of €3,218 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 insurance<sup>2</sup>, financed by contributions from both employees and employers. The total amount of this contribution is 15.45 per cent of gross pay, including all social contributions, with employees contributing 2.35 per cent and employers 13.10 per cent

*Flexibility in use*

- Two weeks can be taken before or after birth

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

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<sup>1</sup> Please cite as: Fagnani, J., Boyer, D. and Thévenon, O. (2016) 'France country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> The present social security system, including statutory health insurance, officially came into being with the Ordinance of 4th October 1945 which aimed to cover all the so-called 'social risks'. In 1967 social security was separated into four branches: health insurance (which represents the largest share of expenditures devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

- All employees and self-employed workers.

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

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

**b. Paternity leave (*Congé d'accueil à l'enfant* – literally 'leave for looking after a child') (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 1a).

*Flexibility in use*

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

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

- All employees and self-employed workers.

**c. Parental leave (*Congé parental*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)**

*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*

- Childcare allowances or childrearing benefits - *Complément de libre choix d'activité*" (CLCA) and *Complément optionnel de libre choix d'activité* (COLCA) – were previously available to all families who met the eligibility condition, whether or not parents take Parental leave. Since 1 January 2015, the CLCA/COLCA have been revised and replaced by 'PreParE' (*Prestation partagée d'éducation de l'enfant*, Childrearing shared benefit). CLCA and COLCA continue to be paid to families with a child born before 1 January 2015. The benefit amount is income-related (approximately €391 per month for PreParE) and dependent on working time (for CLCA/COLCA and PreParE)
- For parents with *two or more children* (under 20 years of age), CLCA and PreParE can be paid until a child is three years old. However, in the case of PreParE the payment can be made for a maximum period of 24 months to any one parent, which means that the remaining 12 months can only be received by the other parent, who must stop employment or reduce working hours.

- For parents with only *one child*, CLCA is paid until six months after the end of the Maternity leave. However, in the case of PreParE the payment is extended for a maximum period of 12 months, but only for six months to any one parent, which means that the remaining six months can only be received by the other parent, who must stop employment or reduce working hours.
- COLCA is available to large families (with at least three children): a flat-rate payment of approximately €800 is made on condition that one parent stops working completely. However the duration is only for one year. Large families can choose between COLCA and CLCA.
- CLCA, COLCA and PreParE are paid by the local CAFs (*Caisse des allocations familiales*), the Family Allowance funds that are part of the social security system and provide a wide range of benefits for families with children. CAFs are financed by contributions from employers only, amounting to 5.4 per cent of gross wages, and not by employees unlike the Maternity and Paternity leaves that are funded from the health insurance scheme.
- Non-employed parents (including those taking leave) receive pension credits for childrearing: '*Assurance vieillesse du parent au foyer*' (Avpf)<sup>3</sup>. Avpf is paid by the local CAFs (*Caisse des allocations familiales*) to guarantee retirement rights to people who stop or reduce their professional activity to take care of one or several children or a handicapped person. This allowance is means-tested.

#### *Flexibility in use*

- Parents taking leave may work between 16 and 32 hours per week.
- The fixed amount benefit can be received at full rate if the parent stops work completely, or at a partial rate if the recipient decides to work part time; so if parents work part time, the CLCA/PrePaRe payment is reduced. If both parents work part time, they can each receive CLCA/PreParE but the total cannot exceed one full CLCA/PrePaRe payment. For the higher allowance paid for large families (COLCA and increased PreParE), one parent must stop work completely.
- Parents can take part-time Parental leave simultaneously. If they take it on a full-time basis, parents can be provided with CLCA/PreParE successively (i.e. one parent receives the benefit at any one time).

#### *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/PreParE 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.
- Lone parents are entitled to the full period of PreParE.

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<sup>3</sup> <http://www.caf.fr/aides-et-services/s-informer-sur-les-aides/petite-enfance/assurance-vieillesse-du-parent-au-foyer-avpf>

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

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

#### **d. Childcare leave or career breaks**

- No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

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

*Time off for the care of dependants*

- Every employee is eligible for an unpaid leave (*Congé de présence parentale*) to care for a sick child under the age of 16 years. Legally, periods of leave cannot exceed three days per year (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 (AJPP)*: in cases of a serious disability or illness of a child under 20 years, every employee with at least one year of employment with an employer is entitled to paid leave to care for her/his child, or to work part time, for a period of up to three years. The allowance is paid for a maximum of 310 days over the three years period, and the level of the allowance depends on the duration of work in the enterprise and on the family structure; in couples, the amount is €42.97 per day if one parent stops work completely; and €51.05 for a lone parent. A similar period of leave is possible for employees who need to care for a relative at the end of life, either a child or a parent living in the same house.

*Flexible working*

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

## **8. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in France is three years, but most of this is low paid even in the case of the COLCA or 'increased PreParE'; leave paid at a high rate (Maternity leave) lasts for less than four months. Since 1989 there is an entitlement to ECEC from three 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 two-and-a-half years between the end of well-paid leave and an ECEC entitlement if we do not consider the large variety of other solutions on early childcare (childminders, EAJE). Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2015 (including proposals currently under discussion)**

None reported.

## **4. Take-up of leave**

### **a. Maternity leave**

Almost all mothers take up Maternity leave, which is obligatory, 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 have taken leave since its introduction 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. Research provides evidence that women make up 98-99 per cent of parents taking leave. It also suggests that mothers who were in employment just before taking Maternity leave are more likely to claim CLCA *if* they are entitled to Parental leave because they have a job guarantee. With high unemployment, most working mothers who are not entitled to Parental leave cannot take the risk of losing their job unless their partner has secure employment. Mothers are more likely to claim Parental leave and CLCA when they face demanding working conditions, for example atypical/non-standard working hours or 'flexible' hours imposed by employers. It has been hypothesised that one of the factors explaining the high take-up of these entitlements 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 full time are mostly blue-collar workers or employees with a stable job beforehand. Compared to fathers who do not take Parental leave, they are more likely to work in female-dominated sectors and to have partners with a higher level of education, a higher status job and higher earnings. Besides, the majority of fathers on Parental leave take it on a part-time basis.

The number of parents receiving CLCA has been decreasing, falling from 670,000 in 2007 to 492,800 by the end of December 2014 and the majority of beneficiaries receive full rate childrearing benefit (55 per cent)<sup>4</sup>. The proportion of the CLCA paid to parents who choose to work part-time during Parental leave has gone up, though it remains less than the amount paid to those who stop working completely. This financial incentive has, therefore, proven its efficiency and has sharply increased the number of recipients working part time while receiving the benefit.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

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

### **b. Selected publications since April 2015**

Boyer D (ed.) (2015) *L'accueil du jeune enfant en 2014. Données statistiques, observatoire national de la petite enfance*. Paris : CNAF. Available at:

[http://www.caf.fr/sites/default/files/caf/741/Accueil\\_jeune\\_enfant\\_2014.pdf](http://www.caf.fr/sites/default/files/caf/741/Accueil_jeune_enfant_2014.pdf)

This report coordinates and synthesizes all the scientific data on family-work balance in France, with extensive information on maternal employment and the usage of different types of ECEC service.

Legendre, E. and Lhommeau, B. (2016) 'Le congé de paternité: un droit exercé par 7 pères sur 10', *Drees, Etudes et Résultats n°957, mars*. Available at : <http://en.calameo.com/read/0024411967f2e87898d10>

This article shows that ten years after the implementation of Paternity leave, about seven eligible fathers out of ten take it up. Take-up is related to age, the employment conditions of the father and the employment of their partner. Most of fathers take all the days to which they are entitled, and half take Paternity leave during the week after the birth of their child.

### **c. Ongoing research**

*L'accompagnement associatif vers l'emploi des bénéficiaires du CLCA : l'invisibilité sociale en question* (2013-2014). Danielle Boyer, Caisse nationale des allocations familiales (CNAF) Paris et Melaine Cervera, Université Paris Est et CNRS

Some women do not find work after having received the CLCA, and the government has set up training courses to support these women to construct or to reconstruct an employment career. This research explores the reasons why some potential beneficiaries do not take up these courses. The research is based on 25 interviews with women who did not participate in training courses. The main results show that during Parental leave, these women promote a cult of autonomy. They develop this cult in their professional strategy, by not wishing help and so reinforce the unequal distribution of professional and family spheres inside the couple. Contact: Danielle Boyer at [danielle.boyer@cnaf.fr](mailto:danielle.boyer@cnaf.fr) and Melaine Cervera at [melaine.cervera@u-pem.fr](mailto:melaine.cervera@u-pem.fr).

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<sup>4</sup> Observatoire National de la Petite Enfance, CNAF, 2015.



# Germany<sup>1</sup>

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**April 2016**

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](#) page on website.

**Note on terminology:** German legislation (*Bundeselternzeit- und Elterngeldgesetz (BEEG)*) differentiates two dimensions of Parental leave: ‘*Elternzeit*’ refers to job protection rights and the right to work part-time; ‘*Elterngeld*’ & ‘*ElterngeldPlus*’ to Parental leave benefits

## 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)*

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

*Payment and funding*

- One hundred 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, which – if applicable – 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 per month 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*

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<sup>1</sup> Please cite as: Blum, S., Erler, D. and Reimer, T. (2016) ‘Germany country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so. During the period of Maternity leave after birth, however, no paid work is allowed for reasons of health protection.

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

- All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €450 per month). 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 births, the length of leave increases to 12 weeks after birth.
- In the case of premature births, the length of leave increases to 12 weeks after birth plus Maternity leave days before birth that could not be taken (at most 6 weeks).
- In certain circumstances (e.g. death or chronic illness of the parent), other relatives living with the new-born 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 for each parent, of which 24 months can be taken up to the child's eighth birthday. This is an individual entitlement and non-transferable.

*Payment and funding*

- An income-related benefit is paid; this is paid to parents who meet the eligibility conditions, whether or not they take Parental leave. The original 'parental benefit' (*Elterngeld*) is paid for a period of 12 months (see below for the level of payment); but if both parents take at least two months of leave, the overall length of benefit payment is extended to 14 months, i.e. a bonus of two months is paid (*Partnermonate* [Partner months]). Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual benefit period available to parents to 10 (+2) months. But parents with children born after June 2015 can choose between *Elterngeld* and *ElterngeldPlus*. The latter allows parents to spread their paid leave to 24 (+4) months (here the bonus months are called *Partnerschaftsbonus* [Partnership bonus] with the monthly leave benefit halved, so the total amount of benefit paid is the same as for *Elterngeld*).
- Parents receive an income-related payment up to a ceiling of €1,800 per month. The replacement rate is 100 per cent for those with a previous mean monthly net income over the preceding 12 months of €340, and this replacement rate falls as previous net income increases, i.e. by 0.1 per cent for every additional €2, e.g. a previous income of €600 is replaced at 87 per cent; €800 at 77 per cent. The replacement rate is 67 per cent for those with a previous income of between €1000 and €1240 per month;

while those with a higher previous income are paid at a 65 per cent rate up to the benefit ceiling.

- There is a minimum payment, which is also available for parents without prior income, of €300 (for *ElterngeldPlus* payments are between a minimum of €150 and a maximum of €900). Since 2011, the long-term unemployed are no longer eligible for parental benefit, as it is now credited against social assistance payments.
- There is a supplementary payment for parents with several small children (*Geschwisterbonus*): If there are two children under the age of three years, or three or more children under the age of six years in the household, the parental benefit is increased by 10 per cent (or a minimum of €75).
- The *Elterngeld* is funded by the federal government, through general taxation.
- Mothers (or fathers if they are the main childrearer) receive pensions credits for childrearing time (*Kindernerziehungszeit*) even if they do not make use of Parental leave. For each child born after 01.01.1992 three years of childrearing (two years for children born beforehand) are recognized in the pension system. Each year of recognized childrearing time entails a monthly pension increase of €28.14 in Western and €25.74 in Eastern Germany. Pension credits for childrearing are currently paid through Germany's contribution based pension system.

#### *Flexibility in use*

- Parents can choose between *Elterngeld* and *ElterngeldPlus*.
- 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 e.g. worked 40 hours weekly before taking Parental leave, and continues working 30 hours thereafter, s/he 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.
- Both parents are entitled to take leave and receive benefit at the same time and both can take up to two leave intervals.
- Parents with children born after June 2015 can choose between *Elterngeld* and *ElterngeldPlus*. The latter allows parents to spread their leave to 24 (+4) months, in which case the monthly leave benefit is halved but due to the longer leave period overall benefit levels remain equal. There are different possibilities for parents to combine *Elterngeld* and *ElterngeldPlus*. For instance, a single mother may take up seven months of traditional *Elterngeld* after giving birth, then take up part-time employment and choose between either receiving *Elterngeld* for another seven months or *ElterngeldPlus* for 14 months.
- With *ElterngeldPlus* it is now possible to postpone the take-up of up to 24 (+4) months of Parental leave to a period between the child's third and eighth birthday, and each parent can split his or her paid Parental leave into three phases. For comparison: *Elterngeld* is only paid for 12 (14) months and each parent can split the leave only into two phases. However, if the third phase lies between the child's 3<sup>rd</sup> and 8<sup>th</sup> birthday, employers may refuse their consent for 'urgent operational reasons'.

#### *Regional or local variations in leave policy*

- Parental leave legislation is federal. However, two federal states (Bavaria and Saxony) pay a means-tested parental benefit (*Landeserziehungsgeld*) extended to the third year of Parental leave, ranging from €150 to €300 per month and child. For more information, see 1d below.

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

- Parental leave (*Elternzeit*): all parents gainfully employed at date of birth.
- Parental benefit (*Elterngeld & ElterngeldPlus*):
  - all parents not employed more than 30 hours a week
  - parents have to live in the same household with the child
  - other persons who take over the care, when parents are ill, disabled or dead
  - adoptive parents and foster parents
  - parents with less than €500,000 net income or a single parent with less than €250,000 income.

*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*

- 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**

*Cash-for-childcare entitlements (Betreuungsgeld)*

For applications before 21 July 2015, a cash-for-care benefit (*Betreuungsgeld*) of €150 per month is paid to parents who care for their one and two-year-old children at home and/or do not make use of public childcare facilities (paid earliest from the 15th month to not later than the 36th month after childbirth). At the same time, the money may be used for private childcare arrangements, i.e. parents can use childcare services, as long as they are not publicly provided or publicly funded. On July, 21<sup>st</sup> 2015, the German Constitutional Court declared the *Betreuungsgeld* legislation incompatible with federal law and since then *Betreuungsgeld* applications are no longer accepted.

*Cash-for-care entitlements (Landeserziehungsgeld)*

In some federal states of Germany, namely Bavaria and Saxony, cash-for-care allowances are still granted (called '*Landeserziehungsgeld*'). In Bavaria, parents get income-related payments up to €150 for the first child (for 6 months), up to €200 for the second and up to €300 for the third and further children (for up to 12 months), capped at €25,000 net household income (€22,000 for single parents; increasing for each additional child by €3,140). The benefits are paid in addition to other social benefits, under the condition that parents take their children to health check-ups. In Saxony, parents receive *Landeserziehungsgeld* if they declare they will not use childcare facilities during the first three years after birth. Parents get income-related payments up to €150 for the first child, up to €200 for the second and up to €300 for the third and further children. Beginning at a net household income of €17,100 (€14,100 for single parents), payments are successively reduced.

#### **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) working parents with statutory health insurance (not parents with private health insurance) may each take up to ten days of leave per child (20 days for a single parent), receiving 80 per cent of earnings from their health insurer with no ceiling. The maximum annual leave period per working parent is 25 (50) days a year, even in case of three or more children.
- A relative of a care-dependent person is entitled to ten 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.
- Working mothers have a right to 60-90 minutes for breastfeeding per day. This time has to be fully paid. For homeworkers, 75 per cent of earnings have to be paid, at least €0.38 per working day.
- During pregnancy and during Parental leave mothers are protected by law against dismissal. Fathers are protected against dismissal during Parental leave, plus eight weeks before their leave period starts.
- *Pflegezeit (caring time)* entitles employees of care-dependent relatives to apply for up to ten days of paid leave (over a care-dependent's life-time) at 90 percent of their income. A medical certification of care-dependency is required and the wage replacement is financed by the public long-term care insurance. Moreover, employees of care-dependent relatives are entitled to take up to six month of full or partial unpaid caring time. During this period employees have the legal right to receive an interest-free loan from the Federal Office for the Family and Civil Engagement in order to compensate for their lost income. *Pflegezeit* does not require the consent of employers.
- *Familienpflegezeit (family caring time)* permits employees, for a period of up to two years, to reduce their working time to a minimum of 15 hours, if they need to care for a dependent relative. During this period employees are paid a lower income, though the reduction in income is less than the reduction in hours; employees repay the difference by receiving the same amount of reduced earnings for an equivalent period after returning to full-time employment. For example, if employees reduce their working time from 100 to 50 per cent for two years, they will receive 75 per cent of their income during that time and for a further two years after returning to full-time work again. The compulsory long-term care insurance covers additional pension contributions during the caring time if care is given for at least 14 hours and employment is limited to a maximum of 30 hours per week. Since January 2015 *Familienpflegezeit* is a legal entitlement for employees, if they continue to work for at least 15 hours per week.

#### *Flexible working*

- During three years after *Elternzeit*, a parent has the right to reduced working hours of 15-30 hours per week. This applies to employers with more than 15 employees.

## **9. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Germany is three years, but most of this is unpaid; leave paid at a high rate runs for 12 months, plus two more months if at least two months leave is taken by each parent. From August 2013, there has been an entitlement to ECEC from the age of one year (before then, the entitlement only began at three years of age). So there is no gap between the end of well-paid leave and an ECEC entitlement. The

entitlement, however, 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. However, it should be noted that despite substantial increases in ECEC provision in recent years, there still remains a large difference between Western Germany (without Berlin) and Eastern Germany, especially regarding provision for children under three years - 28.2 vs. 51.9 per cent in March 2015 (includes children in public (*Kinderkrippe*) and private (*Tagespflege*) day-care, both publicly funded) (Federal Statistical Office<sup>2</sup> 2015). At that date, levels of provision had, at 32.9 per cent overall, almost reached the 35 per cent level foreseen by the *KiföG*-law for the year 2013, but actual demand is considered to be still higher. Moreover, there are some indicators that the rapid quantitative expansion of ECEC services has not been accompanied by sufficient attention on the quality of services provided<sup>3</sup> (Tietze et al., 2012). Levels of attendance at formal services for children under three years are below the average for the countries included in this review and OECD countries; but well above the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2015 (including proposals currently under discussion)**

On July, 21<sup>st</sup> 2015, the German Constitutional Court declared the *Betreuungsgeld* (cash-for-care) legislation incompatible with federal law and since then *Betreuungsgeld* applications are no longer accepted. In some federal states of Germany, cash allowances are still granted (called '*Landeserziehungsgeld*'), though this benefit was ended in Thuringia in July 2015 (see section 1d). Since July 2015, 24 of the overall 36 months of Parental leave can be taken up to the child's eighth birthday; before only 12 months could be used in this way, though this needs the employer's approval if taken between the child's third and eighth birthday. Parents with children born since July 2015 can choose between *Elterngeld* and *ElterngeldPlus*. The latter allows parents to spread their leave to 24 (+4) months, in which case the monthly leave benefit is halved but due to the longer leave period overall benefit levels remain equal.

## **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**

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<sup>2</sup> Statistisches Bundesamt [Federal Statistical Office] (2014) *Betreuungsquoten der Kinder unter 6 Jahren in Kindertagesbetreuung am 01.03.2015 nach Ländern*. Available at: [https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Soziales/SozialeLeistungen/Kindertagesbetreuung/Tabellen/Tabellen\\_Betreuungsquote.html](https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Soziales/SozialeLeistungen/Kindertagesbetreuung/Tabellen/Tabellen_Betreuungsquote.html)

<sup>3</sup> Tietze, W., Becker-Stoll, F. Bensele, J., Eckhardt, A. G., Haug-Schnabel, G., Kalicki, B. Keller, H. and Leyendecker, B. (eds.) (2012) *Nationale Untersuchung zur Bildung, Betreuung und Erziehung in der frühen Kindheit [National Study on Education and Care in Early Childhood]*. Weimar/Berlin: verlag das netz. Executive summary available at: <http://www.nubbek.de/media/pdf/NUBBEK%20Broschuere.pdf>.

In 2014, nearly a quarter of mothers with children below the age of six years were on Parental leave (Elternzeit), compared with 1.2 per cent for fathers. The proportion of parents on Parental leave is higher when the youngest child is below the age of three years: 42 per cent of mothers, and two per cent of fathers<sup>4</sup>. Parents with children born after 1 July 2015 are entitled to choose between *Elterngeld* and *ElterngeldPlus*. Among all Parental leave applications in the third quarter of 2015, 86.2 percent concerned *Elterngeld* and 13.8 percent *ElterngeldPlus*; 3.4 percent were paid as part of the *Partnerschaftsbonus* regulation.

Among all monthly Parental leave benefit payments in the third quarter of 2015, 52.3 percent were calculated on former earnings through gainful employment. In 30.2 percent of all cases, payments were at the level of the minimum entitlement of €300, and 21.8 of payments were made on the basis of a wage replacement rate of up to 100 percent of former earnings. Additional payments for several children in a family (*Geschwisterbonus*) were made in 20.5 percent of all payments; payments for multiple births were received in 2.9 percent of payments.

In this same quarter, the average (mean) benefit payment was €715 per month. Mothers received on average €612 and fathers €1,248. In this period, 16.6 percent of all monthly Parental leave payments were received by fathers<sup>5</sup>.

The 2007 Parental benefit reform had the explicit aim to raise the take-up of leave by fathers, and recently published data by the Federal Statistics Office<sup>6</sup> show that the proportion of fathers taking parental benefit has risen significantly and steadily since its introduction in 2007. For births in 2013, parental benefit was taken up by 32 per cent of fathers (compared to 3.5 per cent of fathers in 2006, before the new legislation); however, there were substantial regional variations amongst the federal states, from only 20.1 per cent in Saarland to 41 per cent in Saxony<sup>7</sup>. The mean duration of Parental leave benefit use by fathers who took any leave benefits was 3.1 months (compared to mothers' mean of 11.6 months). The Parental benefit reform therefore has been successful in raising the take-up of leave by fathers, although 78.9 per cent took no more than their individual two month entitlement (compared with 0.9 per cent of mothers); by contrast, only 6.5 per cent of fathers in this period took 11-12 months of Parental leave benefits (compared with 90.1 per cent of mothers). The fathers' overall share of Parental leave benefit months for children born in 2013 was 8.2 per cent<sup>8</sup>.

The 2007 reform has also reduced the number of people taking more than one year of paid leave, which was a declared goal of the new law. In fact, from the parents of children born in the second quarter of 2013, just 11.65 per cent of Parental benefit recipients made use of the option to prolong their take-up to two years at 33.5 per cent of prior income.

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<sup>4</sup> Destatis (2016) *Personen in Elternzeit [Persons in Parental leave]*. Available at:

[https://www.destatis.de/DE/ZahlenFakten/Indikatoren/QualitaetArbeit/Dimension3/3\\_9\\_Elternzeit.html](https://www.destatis.de/DE/ZahlenFakten/Indikatoren/QualitaetArbeit/Dimension3/3_9_Elternzeit.html)

<sup>5</sup> Destatis 2016; own calculations. Available at:

<https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj.html>

<sup>6</sup> Statistisches Bundesamt [Federal Statistical Office] (2015) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im 2. Vierteljahr 2013 geborene Kinder [Statistics on parental allowance. Completed performance bonuses for children born in the second Quarter of 2013]*. Wiesbaden: Statistisches Bundesamt. Available at:

[https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj5229208143234.pdf?\\_\\_blob=publicationFile](https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj5229208143234.pdf?__blob=publicationFile)

<sup>7</sup> Destatis 2016: *Elterngeld - Beendete Leistungsbezüge für Geburtszeiträume - Länder, Geburten, Väterbeteiligung am Elterngeld für im Jahr 2013 geborene Kinder [Completed Parental leave benefits for births in 2013]*. Available at:

<https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Soziales/Sozialleistungen/Elterngeld/Tabellen/GeburtenVaeterbeteiligungJahr2013.html>

<sup>8</sup> Destatis (2016) own calculations. Data available at:

<https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj.html>

#### **d. Childcare leave or career breaks**

In the first quarter of 2015, there were 455,321 recipients of the cash-for-care benefit 'Betreuungsgeld'; 94.6 per cent of the monthly benefit was paid to mothers and 75.1 per cent are expected to receive payments for the maximum take-up period of 22 months<sup>9</sup>.

### **5. Research and publications on leave and other employment-related policies since April 2015**

#### **a. General overview**

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

#### **b. Selected publications since April 2015**

Adler, M. A., Lenz, K. and Stöbel-Richter, Y (2016) 'Germany', in: M. A. Adler and K. Lenz (eds.) *Father involvement in the early years.:An international comparison of policy and practice*. Bristol: Policy Press, pp.61-96.

Fatherhood is in transition, as men try to balance being both active and involved fathers while meeting the demands of the workplace. This book explores these challenges in the context of cross-national policies and the influences of these policies on the daily childcare practices of fathers. Highlighting the increasing interest in the enduring impact of early life experience, the contributors present the most up-to-date research on father involvement with young, preschool-age children in six countries — Finland, Germany, Italy, Slovenia, the United Kingdom, and the United States — offering insight into the effects of different national policies related to parenting in general and fathers in particular.

Bünning, M. (2015) 'What Happens after the "Daddy Months"? Fathers' Involvement in Paid Work, Childcare, and Housework after Taking Parental Leave in Germany', *European Sociological Review*, pp.1-11.

The German Parental leave reform of 2007 created a new incentive for men to take Parental leave by introducing 'daddy months': two months of well-remunerated leave exclusively reserved for fathers. Against the backdrop of the reform, this study examines how fathers' uptake of Parental leave affects the amount of time they spend on paid work, housework and childcare after the leave has ended. It investigates whether the effect of Parental leave differs by the length of leave taken and by whether fathers took the leave alone or at the same time as their partners. Using data from the German Socio-Economic Panel from 2006 to 2012 and Families in Germany from 2010 to 2012, the results of fixed-effects regressions indicate that fathers who took Parental leave subsequently reallocated their time from work to home. They reduced their working hours and increased their involvement in childcare even after short and joint periods of Parental leave. But only those who took more than two months of leave or were on leave while their partner was working subsequently increased their participation in housework. Hence, fathers increased their involvement in childcare after

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<sup>9</sup> Destatis (2016) 1.Quartal 2015: Betreuungsgeld für 455 321 Kinder [1st quarter 2015: Cash for childcare 455 321 children]. Available at: [https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2015/06/PD15\\_215\\_229.html](https://www.destatis.de/DE/PresseService/Presse/Pressemitteilungen/2015/06/PD15_215_229.html)



short leaves, whereas enhanced gender equality in couples' division of labour especially emerged after longer or solo leaves.

Del Boca, D. (2015) 'Childcare choices and child development', IZA World of Labor. Child development is the outcome of inputs from parents, formal and informal childcare providers, and schools. Especially when children are young, mothers' and fathers' care is the most valuable input. When both parents work, formal childcare is the best substitute, especially for children in low-income families. Informal childcare seems to contribute less to child development. Consequently, generous Parental leave policies as well as policies that promote affordable and high-quality formal childcare are likely to have a positive impact on children's abilities and outcomes in the near and long term.

Drahs, S., Schneider, U. and Schrauth P. (2015) *Geplante und tatsächliche Erwerbsunterbrechungen von Müttern [Planned and actual career breaks of mothers]*, DIW-Round-up, Berlin. Available at: [http://www.diw.de/sixcms/detail.php?id=diw\\_01.c.504516.de](http://www.diw.de/sixcms/detail.php?id=diw_01.c.504516.de) Based on data from the German Socio-Economic Panel (SOEP), this paper offers an overview on the patterns of mothers' career breaks. The paper shows that mothers frequently underestimate the actual length of their absence from paid employment. Moreover, mothers' working time after their return to work often evolves differently from mothers' original intentions.

Gangl, M. and Ziefle, A. (2015) 'The Making of a Good Woman: Extended Parental leave entitlements and mothers' work commitment in Germany', *American Journal of Sociology*, Vol.121, No.2: 511–563.

The authors investigate the relationship between family policy and women's attachment to the labour market, focusing specifically on policy feedback on women's subjective work commitment. They utilize a quasi-experimental design to identify normative policy effects from changes in mothers' work commitment in conjunction with two policy changes that significantly extended the length of statutory Parental leave entitlements in Germany. Using unique survey data from the German Socio-Economic Panel and difference-in-differences, triple-differenced, and instrumental variables estimators for panel data, they obtain consistent empirical evidence that increasing generosity of leave entitlements led to a decline in mothers' work commitment in both East and West Germany. They also probe potential mediating mechanisms and find strong evidence for role exposure and norm setting effects. Finally, they demonstrate that policy-induced shifts in mothers' preferences have contributed to retarding women's labour force participation after childbirth in Germany, especially as far as mothers' return to full-time employment is concerned.

**Höppner, J. (2015) *Das Betreuungsgeld und seine Inanspruchnahme*. Frankfurt am Main: Campus-Verl.**

The introduction of the cash-for-childcare (CFC) benefit in Germany was accompanied by a heated debate. While conservatives have been in favour of the benefit and see it as an instrument for freedom of choice between public and parental childcare, left-wing parties have been concerned about gender equality in general and gender-class effects in particular. The opponents of the CFC benefit have repeatedly argued that the 'Nordic model' of family policy should provide an example for German policy reforms. However, it is not known to the German public that all Nordic countries have implemented CFC benefits. Among the Nordic countries there are large differences in the take-up of the CFC benefit. While only a few Swedish parents use the benefit, it is still quite popular in Norway although take-up has decreased clearly since the introduction of the benefit. So far, there has been little research explaining the differences in the take-up of the CFC benefit in the two countries. The book argues that different development paths of family policy and differences in the influence of socio-economic characteristics on parental attitudes and behaviour regarding the distribution of paid work and care explain the variation of the take-up in Norway and Sweden. Moreover, the book deals with the future take-up of the CFC benefit in

Germany and its determinants. Overall, a rather high take-up can be expected since there are still many family policies in Germany that support the male-breadwinner-model. Nevertheless, it is likely that there will be rather high differences in the take-up between East and West Germany. The higher amount of public childcare and the more egalitarian attitudes towards gender roles and childcare in East Germany will lead to a lower take-up compared to the West of the country.

Huber, K. (2015) 'Moving to an Earnings-Related Parental Leave System: Do heterogeneous effects on parents make some children worse off?', *SOEPpapers* 791. Available at: [http://www.diw.de/sixcms/detail.php?id=diw\\_01.c.514979.de](http://www.diw.de/sixcms/detail.php?id=diw_01.c.514979.de).

Can moving to an earnings-related Parental leave system influence children's wellbeing and are heterogeneous effects on parents carried over to the entire family, making special groups of children worse off than others? To answer this question, this study exploits a large and unanticipated Parental leave reform in Germany as a natural experiment. By replacing a means-tested by an earnings-related system the reform affected different groups of families to a variable extent. The author detects significant negative effects on the personality of newborns whose families are subject to a non-positive change in the overall benefit amount compared to the pre-reform situation; but 2-3-year-old children belonging to the reform's winners improve their basic life skills and language skills.

Peukert, A. (2015) *Aushandlungen von Paaren zur Elternzeit. Arbeitsteilung unter neuen Vorzeichen?* [Negotiations of couples on Parental leave. New prospects for the gender division of labour?]. Wiesbaden: Springer VS (Geschlecht und Gesellschaft, Band 61).

This study analyses how couples organize childcare and negotiate childcare arrangements and how the new Parental leave policy affected a more gender equal division of labour in households.

Reimer, T. and Andernach, B. (2015) *Aktiviere Väter durch Elterngeld? Eine Untersuchung des Zusammenhangs von väterlicher Elterngeldnutzung und ihren Kinderbetreuungszeiten* [Parental leave and fathers' childcare: discerning the effects of the German *Elterngeld*]. Routinen der Krise - Krise der Routinen. Verhandlungen des 37. Kongresses der Deutschen Gesellschaft für Soziologie in Trier 2014, herausgegeben von Stephan Lessenich im Auftrag der Deutschen Gesellschaft für Soziologie

This study investigates - with panel data from the GSOEP (2002-2012) - the relationship between the implementation of a new Parental leave policy in Germany and fathers' time for childcare in the second year after childbirth. With a group comparison of German fathers with children before and after the new Parental leave legislation, the mean developments of fathers' time for childcare are examined. In a hierarchical negative binomial regression, the role of different factors are examined and successively controlled for: fathers' socio-economic factors, factors at their workplace and their partners' working time. It is found that German fathers' time for childcare for their children was significantly higher for fathers with children born after the Parental leave reform than for fathers with children born before 2007. In addition, the duration of fathers' Parental leave showed a positive relationship with their engagement. However, fathers' working time influences their time for childcare negatively, thereby pointing to a trade-off between fathers' work hours and their engagement in childcare. Also the partners' working hours affect fathers' childcare: the more time mothers spend at work, the higher is the engagement of fathers in childcare.

Schreyer, J. (2015) 'Teilzeiterwerbstätigkeit während des Bezugs von Elterngeld', [\*Zeitschrift für Familienforschung\*](#), Vol.27, No.1: 53-77.

Based on data collected in the "ifb-Berufsrückkehrstudie", the author examines what characteristics mothers have that take on part-time work while still receiving Parental leave benefits, as well as their reasons for doing so. Hypotheses for explaining this behaviour refer to the avoidance of negative consequences for mothers' careers and their aspirations for reconciling work and family. An early return to work is significantly more often connected

with reappointment to the previous workplace which, in turn, is meaningful for the avoidance of negative consequences for their careers. Moreover, self-employed women significantly more often resume part-time work after childbirth during the period of the provision of Parental leave benefits. On one hand, in comparison to employed women, self-employed women's employment is less secure and thus requires an early return to work. On the other hand, the former's flexible work schedule and the often reduced work hours allow them to reconcile work and family tasks. The data provides some evidence for the opportunity cost hypothesis, for the importance of professional constraints and also for the family-work reconciliation hypothesis. In sum, the reasons for part-time employment while receiving Parental leave benefits are multifaceted.

**Schober, P.S. and Zoch, G. (2015) 'Change in the Gender Division of Domestic Work after Mummy or Daddy Took Leave: An Examination of Alternative Explanations', *SOEPpapers 803*. Available at:**

**[https://www.diw.de/documents/publikationen/73/diw\\_01.c.519262.de/diw\\_sp0803.pdf](https://www.diw.de/documents/publikationen/73/diw_01.c.519262.de/diw_sp0803.pdf).**

**This study investigates how the duration of childcare leave taken by mothers and fathers relates to changes in couples' division of housework and childcare after postnatal labour market return in Germany. It explores whether take-up of childcare-related leave may impact the gender division of domestic work beyond the period of leave and examines three theoretical explanations: 1) development of domestic work skills, 2) bargaining power based on economic resources, and 3) adaptations in gender role or parenting identities. Using data from the German Socio-Economic Panel (1992-2012) on 797 and 762 couples with a first or second birth, respectively, we applied OLS regression models with lagged dependent variables in combination with Heckman selection correction. The results suggested that dual-earner couples where mothers took longer leaves experienced a greater shift towards a gender-traditional division of domestic labour after childbirth even in the medium-term after labour market return. The linear relationship and stronger effects on the division of childcare than for housework lent support to identity-based explanations. Paternal leave take-up was associated with a more equal division of housework and childcare after first births but not after second birth transitions. The relationship with the leave duration was less clear. In terms of explaining the mechanisms for fathers, the findings provided greatest support for explanations relating to domestic skills development possibly in combination with changes in fathering identities.**

Schreyer, J. (2015) 'Teilzeiterwerbstätigkeit während des Bezugs von Elterngeld' [Part-time employment during Parental leave benefit use], *Zeitschrift für Familienforschung*, Vol.27, No.1: 53-77.

Based on data collected in the 'ifb-Berufsrückkehrstudie', the author examines what characteristics mothers have who take on part-time work while still receiving Parental leave benefits, as well as their reasons for doing so. Hypotheses for explaining this behaviour refer to the avoidance of negative consequences for mothers' careers and their aspirations for reconciling work and family. An early return to work is significantly more often interconnected with the reappointment to the previous workplace which, in turn, is meaningful for the avoidance of negative consequences for their careers. Moreover, self-employed women significantly more often resume part-time work after childbirth during the period of the provision of Parental leave benefits. On one hand, in comparison to employed women, self-employed women's employment is less secure and thus requires an early return to work. On the other hand, the former's flexible work schedule and the often reduced work hours allow them to reconcile work and family tasks. The data hint at evidence for the opportunity cost hypothesis, for the importance of professional constraints and also for the family-work reconciliation hypothesis. In sum, the reasons of part-time employment while receiving Parental leave benefits are multifaceted.

**c. Ongoing research**

None reported.

# Greece<sup>1</sup>

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**April 2016**

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.

**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, SETE) and the General Confederation of Labour, which set the uniform minimum provisions for all workers in the private sector<sup>2</sup>; (ii) leave arrangements **for public sector employees** that are covered by basic laws and the Code for Civil Servants and relevant legislation.

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

### ***i. Private sector (responsibility of the Department of Labour, Social Security and Welfare)***

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

*Length of leave (before and after birth)*

- Basic leave: 17 weeks: eight weeks must be taken before birth and nine weeks after birth. It is obligatory to take leave.
- Special leave: six months, granted after the 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 IKA, the

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<sup>1</sup> Please cite as: Kazassi, E.H. and Karamessini, M. (2015) 'Greece country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> 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.

social insurance fund of all employees working under private law contracts. The leave is funded by IKA and OAED, the Manpower Employment Organisation who is, among other things, the social insurance fund for income protection against unemployment.

- Special leave: minimum daily wage agreed in the National General Collective Agreement, as well as social insurance coverage. It is funded by OAED.
- Maternity leave (both basic and special) is fully insured and gives entitlement to full pension rights.

#### *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).
- Self-employed women, who are directly insured in the Social Security Fund for the Self-Employed (OAEE) and the United Fund for the Self-Employed (ETAA) and who are fully covered for medical and pharmaceutical care at the time of the child's birth, are entitled to get a monthly payment for four months due to pregnancy and maternity. In the first case the benefit is €150 per month while in the second case it is €200 per month. The benefit is granted in a lump sum following an application by the insured mother after the date of birth. The payment is made by the above Funds from their own budgets. No other leave rights are available for self-employed parents.

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

- None.

#### **b. Paternity leave (Άδεια Γέννησης Τέκνου)**

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

#### **c. Parental leave (Γονική Άδεια Ανατροφής)**

##### *Length of leave*

- Four months per child for each parent. Leave is an individual entitlement that cannot be transferred.

##### *Payment and funding*

- None.
- Working parents taking Parental leave have full insurance coverage on the condition that they pay the full insurance contribution (of both the employee and the employer).

The Parental leave time is considered as a time of insurance for both the establishment of the pension right and the determination of the amount of pension.

#### *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.
- If both parents work for the same employer, they cannot take leave at the same time and must decide together who is to use the leave first and for how long. The law does not specify whether parents working for different employers can take leave at the same time, but as leave is unpaid it is unlikely that both parents would take it together.

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

- All employees who have completed one year's continuous or non-continuous employment with their present employer.
- Though the leave is for each child, it is necessary that one year of work with the same employer is completed after the end of any parental leave taken for a previous child.
- Leave is granted by the employer according to a set of priorities; requests for parental leave from parents of children with a disability or long-term illness or sudden illness and from single parents (due to the death of parent, total removal of parental responsibility or non-recognition of the child) are dealt with as an absolute priority.

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

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- In the case of the death of one parent or the total removal of parental responsibility or non-recognition of a child, the amount of Parental leave granted to the other parent is double.
- Parents with a disabled child do not get additional Parental leave, but are eligible for carer's leave (see 1ie below).

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

- None.

#### **d. Childcare leave or career breaks**

- A parent can take time off work with full payment, up to an estimated three and three-quarter months, as part of a scheme which also allows parents to work reduced hours. For more details, see 1ie, 'flexible working'.

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

- For parents who adopt or foster a child younger than six years of age (with an extension to eight years of age if adoption or fostering procedures are not finished), the same regulations for Parental leave apply as for other parents.

### *Time off for the care of dependants*

- Leave for children's sickness: up to six days per year per parent of unpaid leave if the parent has one child, up to eight days if he/she has two children and up to 14 days if he/she has more than three children. The leave is also granted for other dependent members of the family (e.g. a disabled spouse or adult children as well as disabled parents or unmarried sisters if their annual income is less than the basic income of an unskilled worker).
- Leave for visiting children's school: four days paid leave per year per parent 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 is a family right and both working parents have an independent right in the use of this leave after deciding who and for how long each will take the leave. If both parents are employees, they address a common declaration to their respective employers, specifying which parent is to use the entitlement; if parents plan to share it, they specify the period each one will use it within the total entitlement period. The entitlement is granted to fathers in cases where the mother is self-employed but not if she is not working. This may be taken as: two hours less per day for the first 12 months and one hour less per day for another six months; or, with the employer's agreement, in block(s) of time of equal time value within the 30 months period after Maternity leave. This last option, of converting reduced hours into a block or blocks of leave, means that a parent can take a number of months off work, up to an estimated three and three-quarter months. This leave – titled 'alternative use of reduced hours as leave for the care of children' – is considered part of working time and paid and funded by the employer with no ceiling on payment (funded by the employer).
- Adoptive parents of children up to the age of six are entitled to flexible working or a childcare leave (see 1id).

## ***ii. Public sector (responsibility of the Department of Interior)***

### ***a. Maternity leave (Άδεια Μητρότητας)***

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

- Five months: two months must be taken before birth and three after birth. It is obligatory to take leave.



### *Payment and funding*

- Hundred per cent of earnings, with no ceiling in payment.
- Maternity leave is fully insured and gives entitlement to full pension rights.
- 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 the case of multiple births, Maternity leave after birth is extended by one month for each additional child.
- For every child after the third, the length of post-natal leave is extended by two months.

### **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 (Άδεια χωρίς αποδοχές)<sup>3</sup>**

#### *Length of leave*

- Up to five years per parent. Leave is an individual entitlement that cannot be transferred.

#### *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.

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<sup>3</sup> Public sector workers are also eligible for the parental leave entitlement that applies to private sector employees (see above), since this leave is based on legislation that applies to both private and public sectors (Law 4075/12 that incorporates the EU Directive 2010/18 on Parental Leave). Unlike the unpaid parental leave that is exclusively for public sector employees, this leave is well protected since it safeguards the employees' rights (i.e. it is considered as work time that secures social security coverage and does not affect any other employee rights such as leave rights, professional advancement, pensions etc.) (The Citizen's Ombudsman, Annual Report 2014). The five year leave provision included in this section was introduced in 2011, as a minor provision in a multi-purpose Law; previously the period was two years. It is a provision that gives the opportunity to civil servants to use unpaid leave for 'serious personal reasons'. When the European Directive on Parental Leave was first introduced in Greece, an addition was made that allowed civil servants to use this leave as parental leave.

- Working parents taking Parental leave have full insurance coverage on the condition that they pay the full insurance contribution (of both the employee and the employer). The Parental leave time is considered as a time of insurance for both the establishment of the pension right and the determination of the amount of pension.

*Flexibility in use*

- Leave may be taken at any time up to the time the child turns six years.
- The law does not specify whether parents working for the public sector can take leave at the same time, but as leave is unpaid it is unlikely that both parents would take it together.

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

- An employee can use this leave if his/her spouse does not make use of the childcare leave at the same time (see 1iic below).
- An employee can make use of this leave even if his/her spouse is not working
- 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 (άρδεια ανατροφής ορ μειωμένο ωράριο εργασίας)**

A parent can take nine months of childcare leave with full payment as an alternative option to a scheme which allows parents to work reduced hours (see section 1iie below – ‘flexible working’). The leave is paid by the employer and funded through general taxation, and is granted after the 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. For a parent who is unmarried, widowed, divorced or has a severely disabled child, the leave is extended by one month. In the case of multiple births, an extra six month is provided for each additional child.

**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: Parents are entitled to one month of non-paid leave in case of hospitalization of their child due to illness or an accident that requires his/her presence
- 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 with a common declaration addressed to their respective employers. However, the leave cannot be taken simultaneously by both parents.
- 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. In case of multiple births, flexible working is extended by six months for each child after the one.
- 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.

## **10. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Greece is 72 months in the public sector and 16 months in the private sector; but leave paid at a high rate runs only for 12 months and six months respectively. There is an entitlement to ECEC at five years of age, and attendance is compulsory for the year before the beginning of elementary school (i.e. from around six years). So there is no gap between the end of post-natal leave and an entitlement to ECEC for public sector workers, but a gap of more than three years for workers in the private sector; there is a substantial gap, of four years or more, for all workers between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

No policy developments reported. However it should be noted that the economic situation in Greece during 2015 remained fragile and unstable, with the introduction of more austerity

measures. However, the unemployment rate showed a slight decline from 26.5 per cent in 2014 to 24.9 per cent in 2015 (the female rate for 2015 was 29.9 per cent). Unfortunately, there are (still) no available data from the Labour Inspectorate on flexible labour contracts in 2014 and 2015. However, the official database of the Ministry of Labour (ERGANI) reports that 55 per cent of new hires in 2015 were for part-time or short-term work. With regard to employee complaints related to the various types of leave, the Citizen's Ombudsman notes a small reduction in such complaints in 2015, which it attributes to the difficult economic situation of the country during this year. This may have generated the belief amongst employees that asserting their rights might prove fruitless since both public and private employers face much more serious problems (The Citizen's Ombudsman, Annual Report 2015).

As regards the content of complaints, in the public sector these were related mainly to problems with regard to the effective implementation of the European legislation on equal treatment at work among the various categories of employees of the public sector. The Citizen's Ombudsman also notes that it receives a large amount of complaints by public sector employees regarding information on their employment rights particularly in relation to the various types of Parental leaves. This shows the weakness of human resources departments to provide accurate and timely information, which often leads to the loss of rights due to expired deadlines for application. However, it is acknowledged that often the legislation is inadequately incorporated and raises questions in its implementation. Additionally, the bureaucracy and the understaffing of the public sector are factors that further hinder the provision of adequate and timely information to employees.

On the other hand, private sector employees are hesitant in asserting their rights because of the fear of losing their job or all their other rights since they acknowledge the difficult economic situation of their employers (The Citizen's Ombudsman, Annual Report 2015). On the positive side of developments, one should mention that with the Law 4325/2015 the provisions of previous laws on the suspension of civil servant employees were abolished and the suspended employees returned to their work. Amongst these, there were employees who should have been protected because of their maternity rights and for whom the Citizen's Ombudsman had raised a concern and had requested their exemption from the suspension decisions (The Citizen's Ombudsman, Annual Report 2014 and 2015).

#### **4. Take-up of leave**

There is no information on take-up of the various types of leave. Statistics provided by the Labour Inspectors' Authority record employees on leave by sex; but there is no information about how many employees are eligible but do not make use of their entitlement. It seems, however, that it is mothers who overwhelmingly use leave to which both parents are eligible. For example in 2013 (there are no available data for 2014 or 2015), out of the total number of employed women, 2.2 per cent of women but only 0.08 per cent of men made use of the paid childcare leave, while only 0.6 per cent of women and a negligible percentage of men made use of the non-paid Parental leave (Labour Inspectors' Authority, 2013 Annual Report).

### **5. Research and publications on leave and other employment-related policies since April 2015**

#### **a. General overview**

Under a call of proposals for a Programme of Academic Research within the framework of the Funding Mechanism of EEA 2009-2014, five research proposals were approved in the

area of Gender Equality and Work-Life Balance. The research projects are on-going. We lack information on the extent to which these research projects deal with the parental leave aspect of work-life balance.

### **b. Selected publications since April 2015**

Karamessini M. (2014) 'Structural crisis and adjustment in Greece: social regression and the challenge to gender equality', in: J. Rubery and M. Karamessini (eds.) *Women and Austerity: The Economic Crisis and the Future for Gender Equality*. London: Routledge, pp.165-185.

This chapter examines the impact of the crisis on women's employment status and their working rights, the welfare state, family models, family care, having children and female poverty.

Dalaka, E. (2015) 'Reconciliation of Work and Family/Personal Life: Legal Interventions regarding carers in Greece', *Κοινωνική Πολιτική*, No.3 (2015): 49-71 (in Greek)

This article examines the approach adopted by the Greek legal system, EU and other EU member states on reconciliation of work and family/personal life, particularly as regards employed carers of the elderly and of people with disabilities. It focuses on the leave provisions for this category of carers and makes suggestions on how to best deal with this issue.

### **c. Ongoing research**

See above 5a.

# Hungary<sup>1</sup>

**Márta Korintus** (General Directorate of Social Affairs and Child Protection) and  
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**April 2016**

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.

**Note on terminology:** the Hungarian terms for the two elements of the Parental leave arrangements discussed in 1c – GYES and GYED – include the word *gondozás*, that is 'care'. By contrast, GYET - available after the child gets older than three (see 1d) - includes the word *nevelés*, that is 'upbringing'. The Hungarian terms for these three leave arrangements (1c and 1d) literally refer only to the payment element, although in practice they cover both leave periods and cash benefits (e.g. GYES is *gyermekgondozást segítő ellátás*, literally 'allowance to support childcare'<sup>2</sup>). The payment related to 'Maternity leave' has been re-named as 'Infant care payment' in 2015.

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

### a. Maternity leave (*csecsemőgondozási díj*, CSED) (responsibility of the Ministry of Human Capacities)

*Length of leave (before and after birth)*

- Twenty-four weeks: up to four weeks prior birth. Two weeks are obligatory.

*Payment (csecsemőgondozási díj) 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 daily amount of the official minimum wage. In this case, the payment is made by the Treasury, not by the National Health Insurance Fund (NHIF).
- Funded by the NHIF (National Health Insurance Fund), which is financed through contributions from employers, employees and general taxation; employers and employees both pay six per cent of gross earnings.

*Flexibility in use*

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<sup>1</sup> Please cite as: Korintus, M. and Gábos, A. (2016) 'Hungary country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> The name of GYES has been slightly modified recently, while keeping the acronym.

- The starting date can be from four weeks prior to birth up to the birth itself.

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

- All mothers are entitled to 24 weeks unpaid Maternity leave.
- Employees and self-employed women with an employment record of at least 365 days within two years prior to the birth of a child are entitled to the benefit payment during the period of Maternity leave.
- Insured mothers having a second or third child while they are already receiving GYES or GYED, i.e. the receipt of GYES or GYED makes them eligible for Maternity leave rather than their employment record.

*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 new-born 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.
- 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 leave<sup>3</sup> (responsibility of the Ministry of Human Capacities)**

*Length of leave*

- Five days.

*Payment and funding*

- Hundred per cent of father's average daily wage, with no ceiling on payments.
- Funding as for Maternity leave.

*Flexibility in use*

- Leave can be taken during the first two months of the child's life.

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

- All employed fathers.

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

- Seven days in case of twins.

## **c. Parental leave (responsibility of the Ministry of National Capacities)**

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<sup>3</sup> 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.

There are two types of leave and benefit: (1) for non-insured parents, *Gyermekgondozást segítő ellátás* (GYES); and (2) for insured parents, *Gyermekgondozási díj* (GYED). Both are family entitlements, except for GYED up to the child's first birthday, which is an entitlement only for mothers.

#### *Length of leave*

- **GYES:**
  - a. Until the child's third birthday for parents who are 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 [€90<sup>4</sup>] per month in 2016. 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 (HUF155,400 [€494] per month in 2016). Funding as for Maternity leave.

#### *Flexibility in use*

- A parent taking **GYES** cannot work until the child is six months old, but can then work unlimited hours while still receiving the full benefit until the child's third birthday. If the parent takes up GYES and works, she/he can still access public childcare for children under three years (*bölcsőde*).
- A parent taking **GYED** can work unlimited hours after the child becomes six months old while still receiving the full benefit until the child's second birthday. If the parent takes up GYED and works, she can still access public childcare for children under three years (*bölcsőde*).

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

- **GYES:** all parents. 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 for at least 365 days within two years prior the birth of the child; however, only one parent at a time can actually take GYED. Foster parents are not eligible.
- **GYED:** women who would not be eligible under the above listed criteria but completed two semesters at a higher education institution recognised by the state within two years prior to the birth of the child. Eligibility in this case is for one year of payment, beginning at the birth of the child. They receive a payment equal to the minimum wage valid on the first day of their eligibility (HUF111,000 [€353] per month in 2016), except those studying for MA or PhD for whom the payment is 70 per cent of the guaranteed minimum wage (HUF77,700 [€247] per month in 2016).

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<sup>4</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, 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 parents*

- **GYES:** parents of a child with a long-term illness or disability can take leave until the child's tenth birthday (or even longer in discretionary cases); parents of twins are eligible until the children begin elementary school and receive a double payment.
- **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 and the child is older than three years.

#### **d. Childcare leave or career breaks**

Either of the parents in a family with three or more children under 18 years may take leave during the period between the third and eighth birthday of the youngest child (*Gyermeknevelési támogatás, GYET*). Benefit payment as for GYES. The person taking up GYET can work less than 30 hours a week, or unlimited hours if the work is done at home. While GYES and GYED are intended to promote childbirth and support reconciliation between work and childrearing, GYET is considered an acknowledgement of parenthood as paid work and consequently recipients are credited with social insurance contributions.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- The same regulations regarding Maternity and Parental leave apply for adoptive parents as for other parents.

*Time off for the care of dependants*

- There is an entitlement to leave, the length of which depends on the age of the child: under one year, unlimited; 12-35 months, up to 84 days per child per year; 36-71 months, 42 days; six to 12 years, 14 days. Lone parents are entitled to a double period of leave. Leave is a family entitlement and a sickness benefit is paid at 50 or 60 per cent of actual earnings up to a ceiling.

*Flexible working*

- Mothers are entitled to two paid 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.

## **11. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Hungary is three years (except for families with three or more children, where leave can be taken until a child is eight years); the last year is paid at a low flat rate, but until a child is two years old, insured parents taking leave are paid at a high earnings-related level. Attendance in ECEC (*óvoda*/kindergarten) from three years of age is compulsory (for at least four hours a day). Children under three years are also entitled to an ECEC service (*bölcsőde*/nursery) place if the parent studies full

time or if the child becomes 6 months old. However, there is a shortage of spaces in Hungary; while legislation is in place, implementation varies. So although, by legislation, there is no gap between the end of Parental leave entitlement and the start of an ECEC entitlement, such a gap exists in practice due to a shortage of places in nurseries. Otherwise there is a one year gap between the end of well-paid leave (GYED) and an entitlement for a kindergarten place for three-year-olds. The government has announced a plan for extensive development of ECEC places. Levels of attendance at formal services for children under three years are well below the average for the countries included in this review and OECD countries; but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2015 (including proposals currently under discussion)**

Flexibility in Parental leave (both GYES and GYED) has been changed, to give parents the opportunity now to return to work when the child becomes six months old, while still receiving the same amount of payment for the duration of the leave period.

## **4. Take-up of leave**

### **a. Maternity leave**

Statistics<sup>5</sup> are available only on the number of women receiving benefits. The average monthly number of mothers was 24,753 in 2014, which is 10,7 recipients per thousand women of fertile age. It is supposed that almost all eligible women take the leave.

### **b. Paternity leave**

The total number of fathers taking leave during 2014 was 21,914, using 109,382 days in total, i.e. most fathers taking leave used their full five-day entitlement.

### **c. Parental leave**

Statistics are available only on the number of recipients of the benefits. The average monthly numbers in 2014 were: for **GYES**, 158,985, or 69 recipients per thousand women of fertile age; for **GYED**, 83,701, or 36.3 recipients per thousand women of fertile age; and for **GYET**, 35,768, or 15.5 recipients per thousand of women of fertile age. There is no information on the proportion of parents taking leave, how long they take or on the number of fathers taking Parental leave. An estimate can be made on the basis that 0.3 per cent of children under one year, 11.9 per cent of those between one and two years, and 55.7 per cent of those between two and three years were in childcare centres in 2014, so the remainder probably had a parent (predominantly the mother) taking up one of the Parental leave options.

### **d. Other employment-related measures**

In 2014, the total number of paid leave days to care for a sick child was 952,000, which represented 4.4 per cent of all paid sick leave days.

## **5. Research and publications on leave and other employment-related policies since April 2015**

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<sup>5</sup> All statistics in this section are from the Hungarian Central Statistical Office (*Központi Statisztikai Hivatal*) Yearbook of Welfare Statistics (see section 5b) and website (<https://www.ksh.hu/?lang=hu>)

## a. General overview

Research and publications on leave and employment related policies have been scarce in 2015, as in the previous year.

## b. Selected publications since April 2015

Központi Statisztikai Hivatal [Hungarian Central Statistical Office] (2015) *Szociális statisztikai évkönyv 2014 [Yearbook of Welfare Statistics, 2014]* (with CD-ROM). Budapest: Központi Statisztikai Hivatal.

This yearbook contains detailed data on a wide range of welfare measures and services including: social assistance, family benefits, child welfare provision, child protection, social benefits, basic social care and child care, social work activities and accommodation, rehabilitative employment, sick pay, retirement allowances and the social and guardianship authority administration in 2014, with a detailed methodology.

Kapitány, B. and Zs. Spéder (2015) 'Gyermekvállalás' [Childbearing], in: J. Monostori, P. Őri and Zs. Spéder (ed.) *Demográfiai portré 2015 [Demographic Portrait, 2015]*, Budapest: KSH, Népeségtudományi Intézet, p. 41-56

The chapter discusses detectable trends in fertility in Hungary.

Makay, Zs. (2015) 'Családtámogatás, gyermeknevelés, munkavállalás' [Family support, child upbringing and employment], in: Monostori, J., Őri, P. and Spéder, Zs. (ed.): *Demográfiai portré 2015, (Demographic Portrait, 2015)*, KSH, Népeségtudományi Intézet, Budapest, 2015. p. 57-74.

The chapter outlines recent changes in available support for families with young children and in mothers' employment. The main findings show that about 1.9 per cent of the GDP is used for financially supporting families. About 62 per cent of this amount is for family benefits and about 35 per cent for CSED, GYES and GYED. Since 2011, the level of support through the tax system has also increased, making it possible for families with only one child also to access personal income tax deduction. About 10 per cent of women between the ages of 15-54 use GYES, GYED or GYET and are therefore considered economically inactive. The employment rate of 30-34 years-old women is 20 percentage points less than those of same aged men.

Simonovits, A. (2015) 'Társadalmilag optimális transzferek endogen termékenység esetén', [Socially optimal transfers for endogenous fertility] *Demográfia*, Vol.58, No.1: 7-26.

To compare the systems of child benefits and of family tax deductions, the author creates a model with endogenous fertility and basic income, also financed from proportional wage taxes. Pensioners are excluded but younger and older workers are distinguished: the former raise children and receive child benefits, while the latter do not. Through the balance equation, current average fertility depends on past average fertility. To have a socially optimal positive child benefit, past average fertility has to be less than 1. The deduction's efficiency is presumably lower than the benefit's and may even be lower than that of pure basic income.

Cukrowska-Torzewska, E. (2016) *Comparative analysis of the motherhood gap in employment and wages: the role of family policies and their interaction*, Budapest Working Papers on the Labour Market BWP – 2016/1. Budapest: Institute of Economics, Centre for Economic and Regional Studies, Hungarian Academy of Sciences. Available at:

<http://www.econ.core.hu/file/download/bwp/bwp1601.pdf>

The paper documents employment and wage gaps, which arise between mothers and childless women, for a set of 28 European countries. The role of family policies in explaining

these inequalities is then examined by looking at a single policy as well as childcare and leave policies interaction. The findings from the fixed effects model reveal that childcare coverage for small children and the length of Maternity and paid Parental leaves are important for explaining the size of the motherhood gap in employment. The impact of the leaves depends, however, on childcare availability: long Maternity leaves combined with high childcare coverage lead to a greater employment gap than when the coverage is low. The results do not prove that the interaction effect is present for the motherhood wage gap, which is found to be predominantly affected by the length of paid parental leave.

Murinkó L. and Szalma, I. (2016) 'Men's Fertility in Second Unions in Three European Countries: The Effect of Parenthood Status', *Finnish Yearbook of Population Research*, 50, 53-70. Available at: [http://demografia.hu/hu/letoltes/publikaciok/Murinko-Livia/Men%E2%80%99s\\_Fertility\\_in\\_Second\\_Unions\\_in\\_Three\\_European\\_Countries.pdf](http://demografia.hu/hu/letoltes/publikaciok/Murinko-Livia/Men%E2%80%99s_Fertility_in_Second_Unions_in_Three_European_Countries.pdf).

The paper investigates how fatherhood influences childbirth in the second union of men in three European countries. Data from the first wave of the Generations and Gender Survey for France (2005), Norway (2007/8) and Hungary (2004/5) was used. The analysis complements earlier literature by focusing on men, taking a comparative perspective, looking at change over time, considering both cohabiting and marital unions, and also differentiating between the effects of non-residential and (part- or full-time) residential fatherhood. Findings show that the probability of childbearing in the second union is the lowest if both partners already have child/ren and highest if neither of them are parents. Different results were found if only one of the partners has pre-union children in the three countries. Findings are discussed in view of demographic trends, family and gender role attitudes, and relevant family policies.

### c. Ongoing research

*Changing Families and Sustainable Societies: Policy Contexts and Diversity over the Life Course and Across Generations (FamiliesAndSocieties) (2013-2017)*. FamiliesAndSocieties Funded by the European Union. Hungarian partner: Centre for Social Sciences, Hungarian Academy of **Sciences (MTA TK)**.

The main objectives of this project are to investigate the diversity of family forms, relationships, and life courses in Europe; to assess the compatibility of existing policies with these changes; and to contribute to evidence-based policy-making. The project intends to extend the knowledge on how policies promote well-being, inclusion and sustainable societal development among families.

# Iceland<sup>1</sup>

Guðný Björk Eydal and Ingólfur V. Gíslason (University of Iceland)

April 2016

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 the [membership-list of members](#) page on website.

**Note on terminology:** The term *fæðingarorlof* (literally ‘birth leave’) is used in law to refer to paid maternity, paternity and parental leave. Sometimes the term *feðraorlof* (paternity leave) is used even though the law does not make such distinction between parental leave of fathers and mothers. The joint 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’. *Foreldraorlof* refers to the unpaid leave included in 1d under the heading of ‘Childcare leave’, though it translates literally into ‘Parental leave’. It should be noted that the Icelandic law does not discriminate on the basis of gender or sexual orientations. The law speaks about two parents regardless of sex is.

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

### a. Maternity leave (*fæðingarorlof*)

*Length of leave (before and after birth)*

- Three months to be taken within a 24 months’ time span: one month may be taken before birth. It is obligatory to take two weeks of leave following the birth.

*Payment and funding*

- Eighty per cent of average total earnings for a twelve months period ending six months before birth, up to a ceiling of ISK370,000 [€2,676<sup>2</sup>] per month. The minimum payment to a mother working shorter part-time hours, i.e. between 25 and 49 per cent of full-time hours, is ISK110,490 [€799] per month; and the minimum payment for a mother working 50-100 per cent of full time-hours is ISK153.131 [€1,107]. For those working less than 25 per cent of full-time hours and those outside the labour market the amount is ISK66,819 [€483]. Students (75-100 per cent of full-time studies) receive a flat-rate payment of ISK153,131 [€1,107]. As a frame of reference, the minimum wage in Iceland in 2016 is ISK260,000 [€1,880] per month.

<sup>1</sup> Please cite as: Eydal, G.B. and Gíslason, I.V. (2016) ‘Iceland country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

- Funded by the Maternity/Paternity Leave Fund, which is financed from an insurance levy of 5.90 per cent of wages paid by employers; 0.65 per cent of the revenue goes to this fund.
- Non-employed parents are not entitled to any pension credits while caring for their child. Employed parents taking leave maintain their pension entitlements (and in indeed all other entitlements) as if they were at work.

*Flexibility in use*

- After the two weeks of obligatory leave, the mother can choose to take leave on a full time or part-time basis. It is also possible to take leave in one continuous period or as several blocks of time (i.e. leave can be 'uninterrupted' or 'interrupted'). This has to be negotiated with the employer. Parents can be on leave together, partly or the whole period.

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

- All biological or adoptive fathers have individual non-transferable rights to three months paid Parental leave, regardless of sexuality or marital status. Parents that do not hold sole or shared custody of the child at birth need to have worked out the visiting rights with the custodial parent in order to be able to take paid 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 mother*

- In cases where there is only one parent (the other parent has died, in cases of artificial insemination or an individual adopts or takes a child in permanent foster), the parent has right to nine months paid parental leave. In special cases, if one of the parents is in prison or hospital or is incapable to take care of the child due to health reasons it is possible to transfer the rights of that parent to the other parent.
- Maternity leave can be extended by two months if the mother suffers from a serious illness in connection with the birth.
- See also 1c.

**b. Paternity leave (*fæðingarorlof*)**

*Length of leave*

- Three months to be taken within a 24 months' time span.

*Payment and funding*

- Eighty per cent of average total earnings for a twelve months period ending six months before birth, up to a ceiling of ISK370.000 [€2,676] per month. For maximum and minimum payments see 1a.

*Flexibility in use*

- Same as for Maternity leave, except there is no obligatory period of two weeks' leave, which mothers must take after birth.

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

- All biological or adoptive fathers have individual non-transferable rights to three months paid parental leave, regardless of sexuality or marital status. Parents that do not hold sole or shared custody of the child at birth need to have worked out the visiting rights with the custodial parent in order to be able to take paid 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 mother*

- See 1c.
- In cases where there is only one parent (the other parent has died, in cases of artificial insemination or an individual adopts or takes a child in permanent foster), the parent has right to nine months paid parental leave. In special cases, if one of the parents is in prison or hospital or is incapable to take care of the child due health reasons it is possible to transfer the rights to the other parent.

### **c. Parental leave** (see note on terminology at the start of part 1)

*Length of leave (before and after birth)*

- Three months after birth. These are in addition to the earmarked months (three for each parent) and can be divided between the parents as they like.

*Payment and funding*

- Eighty per cent of average total earnings for a twelve months period ending six months before birth, up to a ceiling of ISK370.000 [€2,676] per month. For maximum and minimum payments see 1a.

*Flexibility in use*

- The total of nine months leave (covering maternity, paternity and joint rights) can be used until 24 months after the birth.
- Parents can choose to take leave on a full time or part-time basis. It is also possible to take leave in one continuous period or as several blocks of time (i.e. leave can be 'uninterrupted' or 'interrupted'). This has to be negotiated with the employer. Parents can be on leave together, partly or the whole period.

*Regional or local variations in leave policy*

- None.

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

- Each parent is entitled to leave. See 1a and 1b for family circumstances

*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 miscarriage after 18 weeks, the parents are entitled to two sharable months and in the case of still birth after 22 weeks each parent is entitled to three months.

- In the case of multiple births, the length of leave increases by three sharable months for each additional birth; it can be extended by the same amount if the child suffers from a serious illness. Leave also increases if the child has to stay in hospital more than seven days after the birth by that amount of time up to four months.
- If the child is seriously ill or disabled in a way that demands more intensive parental care than is usual, the leave may be extended by up to seven months
- In cases where there is only one parent (the other parent has died, in cases of artificial insemination or an individual adopts or takes a child in permanent foster), the parent has right to nine months paid Parental leave. In special cases, if one of the parents is in prison or hospital or is incapable to take care of the child due health reasons it is possible to transfer the rights to the other parent.

#### **d. Childcare leave or career breaks (*Foreldraorlof*)**

- Each parent may take four months of non-transferable unpaid leave until the child is eight years old.

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

- Regulations on paid Parental leave apply if the child is younger than eight years when adopted.

##### *Time off for the care of dependants*

- The ILO convention (no. 156) on Workers with Family Responsibilities has been ratified.

##### *Flexible working*

- Employers are required by the *Act on Equal Status and Equal Rights of Women and Men* to make the necessary arrangements to enable men and women to balance family life and work, including the arrangement of work in a flexible manner and parents being able to take leave from work in case of serious or unusual family circumstances.

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

The maximum period of post-natal leave available in Iceland is 17 months, nine months of paid leave and two periods of four months of unpaid leave (see section 1d above). There is no legal entitlement to ECEC. However, most municipalities offer ECEC for children, but due to some gap still existing between the end of Parental leave and admission to preschools many parents opt for private child minders or similar solutions to bridge this gap. Levels of attendance at formal services for children under and over three years are 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 2015 (including proposals currently under discussion)**



The Icelandic parliament adopted changes to the law on Parental leave in December 2012, with a staged increase from 9 to 12 months with a 5+5+2 system. Following parliamentary elections in April 2013, a new coalition government came to power. This government deemed state finances to be in such a bad state that the extension of the leave period adopted in December 2012 could not be carried out. The law was therefore revoked.

In 2014 the government appointed two committees, on leave and ECEC. One was to examine the possibility of restoring economic compensation during Parental leave to the pre-2008 level and the eventual extension of the leave; while the other was to examine the possibility of increasing the capacity of preschools so that they can admit children once Parental leave is over. Both committees have now reported. The first reported in March 2016 and proposed the successive restoration of economic compensation (e.g. a ceiling of ISK600,000 [€4,339]) and an extension to 12 months leave, with five for the mother, five for the father and two to be shared, to be fully implemented in 2022. The second reported in May 2015 and proposed that all children from 12 months old should be offered a place in preschools.

## **4. Take-up of leave**

### **a. Maternity leave**

In 2012 (last year for which final figures are available), 99 per cent of women applying for leave used at least the three months available only to mothers. For more details see 4c.

### **b. Paternity leave**

See 4c.

### **c. Parental leave (i.e. parents' joint rights)**

In 2012, 92.7 per cent of fathers took a period of leave (paternity and/or parents' joint rights) and took on average of 87 days leave compared to 176 for mothers). This is a substantial drop in the number of days used by fathers before the economic crisis, which were around 100. In all probability this is due to the severe cuts in economic compensation. Overall, 14 per cent of fathers took some of the parents' joint rights, and 34.1 per cent took less than their three months of designated paternity leave; 96 per cent of mothers took some period of parents' joint rights while 1.1 per cent used less than their three months. In 2012, 30 per cent of men and 33 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

Research on leave and other employment-related policies have been relatively few in Iceland though there has been some slow increase. Some studies include cross-national comparisons, which is reducing Iceland's previous knowledge gap in this area.

### **b. Selected publications from 2015**

Eydal, G.B., Gíslason, I.V., Rostgaard, T. with Brandth, B., Duvander, A.-Z. and Lammi-Taskula, J. (2015) 'Trends in parental leave in the Nordic countries: Has the forward march of gender equality halted?', *Community, Work & Family*, Vol18, No.2: 167-181.

The aim of this article is to provide an overview of the development of parental leave in the Nordic countries in the last decade or so and explain the different approaches taken by individual countries in this regard. Focusing on recent developments, though mainly on the provision of a father's quota, we discuss whether we are actually witnessing a paradigm shift in some of these countries, i.e. a movement away from an emphasis on the dual earner/dual carer model and a reverting back to a more traditional family model approach where the mother is seen as the main parent. This change is commonly presented under the guise of it respecting the 'free choice' of individual families. Furthermore, the article asks why the changes in question have taken place and examines the positions of different political parties towards the issue. The article shows that the Nordic countries are developing somewhat different policies and the intra-Nordic gap in both policies and politics seems to be increasing rather than narrowing.

### **c. Ongoing research**

*Paid parental leave, fathers and mothers: Reconciliation of work and family (2013- ).* Guðný Björk Eydal, Ingólfur V. Gíslason. University of Iceland. Funded by the University of Iceland Research Fund and the Icelandic Equality Fund.

The aim of the project is to investigate through a survey how parents having a first child in 2009 have organized their work and the care of their child from birth until the age of three years. The parents are also asked about their labour market participation a year before birth. All parents of children born in Iceland in 2009 received a questionnaire and the survey was carried out in spring 2013. Such surveys have been conducted twice before; in 2001 it was conducted among parents of first-born children in 1997, and in 2007 among parents of first-born children born in 2003 (when the children were all three years or older). In the 2013 survey there were also questions regarding the influence of the economic crisis on how parents have organized work and care during the aftermath of the crises, since many parents in the group had made their plans regarding Parental leave before the cuts to the payments were made. Furthermore, qualitative interviews have been conducted among parents from Poland living in Iceland and parents who were born in Iceland in order to gain knowledge about their experience of the Icelandic paid Parental leave system. Contact: Guðný Björk Eydal at [ge@hi.is](mailto:ge@hi.is) or Ingólfur V. Gíslason at [ivg@hi.is](mailto:ivg@hi.is); Ásdís A. Arnalds is PhD student in the project, [aaa1@hi.is](mailto:aaa1@hi.is)

*Nordic Family Policies and Demographic Consequences 1990-2011.* Guðný Björk Eydal, University of Iceland, with Trude Lappegard from Statistic Norway and Ólöf Garðarsdóttir, University of Iceland. Funded by the Norwegian Research Council.

A data set is being created from existing register data from Statistics Iceland about fertility, labour market position, education, family position and incomes; and from the Birth Leave fund about the take-up of paid Parental leave by Icelandic parents. Contact: Ólöf Garðarsdóttir at [olofgard@hi.is](mailto:olofgard@hi.is)

Ingólfur V. Gíslason at the University of Iceland has undertaken 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. A paper is being written on the results. He is also participating in an international research project headed by Francine M. Deutsch studying couples who equally share housework and paid employment. Finally, he is involved in an international project headed by Karin Wall which studies fathers that have been at home with their child for at least a month while the mothers are working. Contact: Ingólfur V. Gíslason at [ivg@hi.is](mailto:ivg@hi.is)

# Ireland<sup>1</sup>

**Mary Daly** (University of Oxford)

**April 2016**

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*

- A weekly rate of €230 is paid to qualifying persons 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 4 per cent of earnings and employers 10.75 per cent.

*Flexibility in use*

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

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

- To be eligible for maternity benefit, an employee or self-employed woman has to meet certain conditions relating to payment of Pay Related Social Insurance (PRSI), for example to have been employed for 39 weeks during which PRSI was paid in the 12-month period before birth of the child.

*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.*

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<sup>1</sup> Please cite as: Daly, M. (2016) 'Ireland country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- 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 starts within seven 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 six months with the agreement of the employer.

## **b. Paternity leave**

No statutory entitlement.

## **c. Parental leave (responsibility of the Department of Justice, Equality and Defence)**

### *Length of leave*

- Eighteen weeks per parent per child. Leave is an individual entitlement that cannot be transferred, except where parents who are employed by the same employer in which case they can transfer a maximum of 14 weeks of their Parental leave entitlement to the other parent, subject to the employer's agreement. Both parents can take the leave at the same time.

### *Payment and funding*

- None.

### *Flexibility in use*

- Leave may be taken up to the child's eighth birthday, and up to 16 years in the case of children with disabilities and serious illness.
- An extension of the *force majeure* provisions includes persons in a relationship of domestic dependency, including same-sex partners. Same-sex partners are defined in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.
- Leave may be taken in separate blocks of a minimum of six continuous weeks or more favourable terms subject to employer's agreement.
- Parents can be on leave together, partly or the whole period.

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

- All employees who have completed one year's continuous employment with their current 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.
- Statutory codes of practice specify 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 of children under eight years, with 24 weeks paid; payment and eligibility as Maternity leave. If the child is under three years of age at the time of adoption, unpaid Parental leave can be taken before the child reaches five years of age. However, if the child is aged between three and eight years at the time of adoption, the leave must be taken within two years of the adoption order.
- Sixteen weeks unpaid adoptive leave.
- Section 9 of the Act makes provision for splitting the period of adoptive leave and/or additional adoptive leave in the event of the hospitalisation of the adopted child, subject to the agreement of the employer.
- Section 10 provides for situations where an employee returns to work having postponed leave under Section 9 and is subsequently absent from work due to sickness.

*Time off for the care of dependants*

- Three days paid leave per worker 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 minimum of at least 13 weeks up to a maximum of 104 weeks unpaid 'carer's leave' to provide full-time care for a dependant (e.g. a child with a severe disability), either in one continuous period or as several blocks of time. Employees may work up to ten hours per week while on this carer's leave, subject to certain income limits. An employee on carer's leave may be entitled to a means-tested carer's benefit.

*Flexible working*

- Breastfeeding mothers are entitled to adjust their working hours or, if breastfeeding facilities are provided at work, to take breastfeeding breaks up until the child is six months old.
- On return from parental leave, an employee may request a change in their working hours or pattern. Employers must consider such a request but are not required to grant it.

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

The maximum period of post-natal leave available in Ireland is 18 months, but most of this is unpaid; leave paid at a standard flat rate lasts for only six months. There is an entitlement to ECEC from 38 months, 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 nearly three years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under three years are about the average for the countries included in this review and OECD countries; but are well below the average for children over three years (mainly because of an early start in school). For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## 3. Changes in policy since April 2015 (including proposals currently under discussion)

Following the successful referendum in May 2015, the Marriage Act 2015 entitled same sex couples the right to marry without distinction as to their sex as provided for in Article 41.4 of the Constitution, from November 16, 2015. A new Children and Family Relationships Act was signed into law on 6 April 2015. It amended family law in Ireland to extend parental rights and responsibilities to non-traditional families. It simplifies adoption rights for the spouse or civil partner of a biological parent, and for a long-term domestic partner. It also addresses donor-assisted reproduction (sperm donation and egg donation).

It was announced in January 2016 that a new statutory Paternity leave of two weeks, with a new Paternity Benefit paid at a similar rate to Maternity leave (currently €230 a week) - which was first announced in October 2015 and due to be introduced in September 2016 – will be covered under the Family Leave Bill. This Bill is also intended to consolidate current provisions regarding Maternity, Adoptive, Parental and Carer's leave into one piece of legislation. It was due to be published in 2015 but is still unpublished. The government that made this announcement was not re-elected in the February 2016 general election, and a new government has yet to be agreed. Budget 2016 (announced in October 2015) extended the 'free pre-school year' to allow children take up a place from when they are 3 years old up until they are either 5 ½ years old or begin primary school.

## 4. Take-up of leave

### a. Maternity leave

According to the social protection statistics for 2014 (the latest year for which statistics are available), there were some 22,708 recipients of maternity benefit in 2014.<sup>2</sup> The figures are generally static from year to year. According to a national study of Pregnancy at Work conducted in 2007-2009<sup>3</sup>, two-thirds of the 23,000 the mothers surveyed had been in employment. The sample was selected by the Department of Social Protection from its database of recipients of the universal child benefit. Of these, 92 per cent of mothers took

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<sup>2</sup> Department of Social Protection (2015) *Statistical Information on Social Welfare Services, Annual Report 2014*. Dublin: Department of Social Protection.

<sup>3</sup> Russell, H., Watson, D. and Banks, J. (2011) *Pregnancy at Work: A National Survey*. Dublin: HSE Crisis Pregnancy Programme and the Equality Authority.

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 involving the timing or duration of leave, i.e. being pressurised into leaving work earlier or returning to work sooner than desired. The report concluded that the preferred option, among mothers who can afford it, would be for a longer period of maternity leave than the six months of statutory paid leave.

## **b. Paternity leave**

No statutory entitlement.

## **c. Parental leave**

Based on the findings of the *Pregnancy at Work* study (referred to earlier), only 18 per cent of women returning 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 2015**

## **a. General overview**

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 other types of leave (including 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 2015**

Daly, M. (2015) *ESPN Thematic Report on Social Investment Ireland*. Available at: <http://ec.europa.eu/social/keyDocuments.jsp?advSearchKey=ESPNSocInv&mode=advanceSubmit&langId=en&policyArea=&type=0&country=24&year=2015>

This report, produced under the annual reporting procedure of the EU's European Social Policy Network, assesses the extent to which a social investment approach prevails in Irish

social policy. In relation to matters relevant to the Network it concludes that while there is some movement on ECEC and this is generally in the direction of social investment, a social investment approach is not strong in this sphere in Ireland. Childcare remains extremely expensive, it has a strong social class gradient, is primarily private, makes it difficult for parents to make satisfactory arrangements and the gaps for the youngest cohort are notable. Parenting support is also very under-developed as a general service in Ireland, although there are measures for parents of the least-advantaged children as part of the Early Start education programme and also the Area-Based Child Poverty initiative. In regard to parental employment, work-life balance as a policy approach is under-developed in Ireland and there is no discernible movement in this direction with employment leave especially under-developed in comparison with other countries.

### **c. Ongoing research**

None reported.



# Israel<sup>1</sup>

**Nadav Perez-Vaisvidovsky** (Ashkelon Academic College)

**April 2016**

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

### **a. Maternity Leave (חופשת לידה, *Hufshat Leida* – literally 'birth leave') (responsibility of the National Insurance Institute)**

*Length of leave (before and after birth)*

- 26 weeks: up to six weeks before the birth and the remainder following the birth. It is obligatory to take the first fourteen weeks.

*Payment and funding*

- One hundred per cent of earnings for the first 14 weeks, with a ceiling of five times the average salary (ISL44,755 [€10,300<sup>2</sup>] per month). The remaining 12 weeks are unpaid.
- The benefit is paid by the National Insurance Institute, funded by contributions from employers, employees and the state. Employers pay 3.45 per cent of earnings and employees 0.4 per cent up to 60 per cent of average earnings; above which payment is 6.75 per cent and seven per cent respectively up to a ceiling.

*Flexibility in use*

- Women may use the first six weeks of leave before birth. The leave may be shortened to 14 weeks, but not by less than that.
- Working is formally not permitted while on leave, and the National Insurance Institute is entitled to revoke benefits for those found to be working when on leave. However, maintaining a connection to the workplace (via email, phone calls and even occasional visits) is considered acceptable for women. Enforcement of this regulation for men sharing their spouses' leave is much more stringent.

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

- All women are entitled to the first 14 weeks of leave (including job protection, if relevant), regardless of employment status.
- Only women who have worked with the same employer for a full year before birth are entitled to a full 26 weeks leave.

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<sup>1</sup> Please cite as: Perez-Vaisvidovsky, N. (2016) 'Israel country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

- Entitlement to benefits depends on prior participation in the labour force (and payment of social insurance) for ten out of 14 months or 15 out of 25 months prior to leave. Self-employed women 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*

- A mother who has been hospitalized during her leave for two weeks or more may extend her paid leave for the hospitalization period, up to four weeks, or split her leave so the hospitalization period will not be included.
- A mother whose baby has been hospitalized during the leave for two weeks or more may extend her paid leave for the hospitalization period, up to 20 weeks, or split her leave so the hospitalization period will not be included.
- In multiple child births, the mother is entitled to an additional three weeks of leave and benefits) for each child beyond the first.
- When the mother is unable to care for the new-born because of illness or disability, the full leave can be transferred to the father (and only to him). If both pass the eligibility criteria, benefits are then paid to the father, based on his income.
- The mother can transfer part of her leave to the father, as long as the following conditions are met:
  - The first six weeks after birth cannot be transferred.
  - Both the mother and the father must be eligible for leave and for benefits.
  - The minimum period to be transferred is 21 days.
  - The mother must return to work.
  - The mother has to provide written consent to transfer her leave.

## **b. Paternity leave**

- No statutory entitlement. But Fathers are entitled to be absent from work from the beginning of their spouse's labour until 24 hours after childbirth; this leave is treated and remunerated as sickness leave.

## **c. Parental leave (Also named חופשת לידה, *Hufshat Leida*)**

*Length of leave*

- Up to one year after childbirth for one of the parents. Leave is a family entitlement.

*Payment and funding*

- None.

*Flexibility in use*

- Only one of the parents may be on leave at a given time.
- Both parents can take up to two leave intervals.

*Regional or local variations in leave policy*

- None

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

- Parents are eligible to a leave period no longer than a quarter of the length of their employment with the current employer, up to a leave of one year for four years of employment.

*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*

- For adoptive parents the same regulations for Maternity leave apply as for other parents, as long as the adopted child is under 14 years of age.

*Time off for the care of dependents*

- In case of the sickness of a child (below 16 years of age), parents may use up to eight days each year out of their own allotted sick leave (totalling 18 days per year, paid by the employer from the second day at 50 per cent of earnings, 100 per cent from the fourth day). A single parent may use up to 16 days. In case of a malignant disease, the period of leave increases to 90 days (110 for a single parent).
- Parents of a child with special needs are entitled to 18 days out of their own sick leave (36 for a single parent).
- In case of the sickness of a spouse, workers may use up to six days per year (60 days for a malignant disease), out of their allotted sick leave.
- During the pregnancy of his spouse, a worker is entitled to use seven days of his allotted sick leave to attend medical examinations and treatments related to the pregnancy.
- A worker may use up to six days per year of his allotted sick leave to care for a parent over 65 years of age.

*Flexible working*

- During the first four months after the end of the Maternity leave, mothers employed full time and who are breastfeeding are entitled to one paid hour of absence from work per day, in addition to break times defined by law.

### **3. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave in Israel is 12 months, but most of this is unpaid; leave paid at a high rate runs for 3.25 months. There is no entitlement to ECEC. Demand for children under three years exceeds supply, and places in government regulated and subsidized care are hard to come by. So when the initial birth leave of 26 weeks ends, parents have difficulties finding places in regulated ECEC centres, especially when the leave

ends in the middle of the school year. Many parents, therefore, have to use the unpaid Parental leave, or else rely on family assistance or on expensive, unregulated private care. There is no comparative information on levels of attendance at formal services for children under three years; but attendance for children over three years is above 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.

#### **4. Changes in policy since April 2015 (including proposals currently under discussion)**

A Paternity leave of eight days has been promoted as a private Bill, with government support, and is now going through the legislative process. The proposed leave would be taken immediately after childbirth, five days considered as sickness leave, and the other three as paid vacation; the employer would be required to allow the worker eight consecutive days of leave. This proposal has been twice discussed and rejected (in 2009 and 2013), but is currently being promoted again as a private bill, but with government support.

Another private Bill, again with government support and currently in the legislative process, aims to expand the right to one hour of absence in the four months after Maternity leave (termed 'breastfeeding hour', see section 1e above) to fathers, renaming it to 'parenting hour'.

Such private Bills are very common in Israel, and the vast majority of them fail to complete the legislative process, even when enjoying governmental support. It is very probable that the same will happen with the two bills mentioned above.

### **4. Take-up of leave**

#### **a. Maternity leave**

All eligible women use Maternity leave as it is obligatory; as of 2010, women taking this leave account for 62 per cent of all women giving birth. Only 0.35 per cent of women receiving Maternity leave benefit transfer part of it to their spouse.

#### **b. Paternity leave**

No statutory leave entitlement.

#### **c. Parental leave**

No data exist on the use of the unpaid Parental leave.

### **5. Research and publications on leave and other employment-related policies since April 2015**

#### **a. General overview**

Research on Israeli leave policy is quite rare; few studies target this policy specifically, and as Israel is not a member state of the EU, and has only recently joined the OECD, few comparative studies include Israel in their sample. Leaves are generally understood by researchers within the context of wider family policy, which has in turn been understood as subject to the logic of the Israeli-Arab, and specifically the Israeli-Palestinian, conflict. The main role of women, according to this logic, is to 'fight the demographic battle', and they are

rewarded for fulfilling this role and can make claims to common resources based on its demands. This explains the then-generous Maternity leave of 12 weeks, introduced in 1952. Its stagnation for 55 years – and the minor expansions afterwards – are understood, again, within the general framework of family policy, now focusing on 'rewarding childbearing while neglecting childcare' policy, providing generous measures to pregnant women and to women seeking to become pregnant, but giving minimal support to parents after the children are born.

**b. Selected publications since April 2015**

None reported.

**c. Ongoing research**

None reported.

# Italy<sup>1</sup>

**Tindara Addabbo** (University of Modena and Reggio Emilia), **Valentina Cardinali** (Isfol, Institute for the Development of Vocational Training of Workers), **Dino Giovannini** (University of Modena and Reggio Emilia) and **Sara Mazzucchelli** (Catholic University of Milan)

**April 2016**

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 and Social Policies and (for public employees) Ministry of Economy and Finance)**

*Length of leave (before and after birth)*

- Twenty weeks (five months): at least four weeks before the birth. It is obligatory to take this leave.

*Payment and funding*

- Eighty per cent of earnings with no ceiling for salaried workers. For home helps, self-employed workers and agricultural temporary labourers, earnings are 80 per cent of conventional earnings determined each year by the law; for non-fixed term workers, Maternity leave depends on accredited contributions, though each professional sector has the possibility to determine, with approval by the Ministry of Labour, Health and Social Policies, a higher ceiling, after considering income and contribution potential of the professional sector and compatibility with its financial.
- Funded by INPS (National Department for Social Welfare), financed by contributions from employers and employees at a rate that is related to the sector and to the type of contract (for example, in manufacturing it is 0.46 per cent of earnings for employers and 0.28 per cent for employees). Workers on Maternity leave may be paid direct by INPS or else by their employer, who is recompensed by INPS. These contributions are directed to maintain pension rights.
- Pension contributions for women taking leave are made by INPS.

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<sup>1</sup> Please cite as: Addabbo, T., Cardinali, V., Giovannini, D. and Mazzucchelli, S. (2016) 'Italy country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

### *Flexibility*

- For employees and workers enrolled in '*Gestione separata*'<sup>2</sup>, 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 weeks after. The allowance is accorded to autonomous female workers from eight weeks before the birth to 12 weeks after; maternity leave, however, is not compulsory for this category. The Jobs Act provides that, in case of premature birth, which take place before the 7th month, the amount of leave not yet used before birth is in addition to that postpartum same.
- In case of a premature birth, the mother may take unused prenatal leave after the birth; and if the infant is hospitalized, the mother has the right to suspend the Maternity leave, taking up the leave again after the child is discharged.
- The mother can transfer two days to the father.

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

- All employees and self-employed women with social security membership, including workers enrolled in *Gestione separata*.

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

- In the case of multiple or premature births, the length of leave increases by 12 weeks.

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

- Public sector employees receive 100 per cent of earnings.
- In general national collective agreements guarantee 100 per cent of earnings, with employers paying the additional 20 per cent.

## **b. Paternity leave (*congedo di paternità*) (Ministry of Labour, Health and Social Policies)**

### *Length of leave*

- Two days. Fathers can take two additional days if the mother agrees to transfer these days from her Maternity leave allocation.

### *Payment and funding*

- One hundred per cent of earnings.

### *Flexibility*

- Leave can be used until five months after childbirth.

### *Eligibility*

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<sup>2</sup> 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.

- All employees

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

- Employed fathers, including those who are self-employed and enrolled in *Gestione separata*, may take three months paid leave following childbirth in the following circumstances: the mother's death or severe illness; the child being left by the mother; or the child being in the sole care of the father. An important verdict by the Tribunal of Florence extends the possibility of obtaining Paternity leave, paid at 80 per cent of earnings, to two months before childbirth. This means that the father can take the whole period of Maternity leave in certain circumstances, i.e. if the mother is a housewife or ill or, alternatively, if she is a self-employed worker who cannot take advantage, for various reasons, of the leave. The Tribunal is a civil court and its decision acts as an important precedent for other Tribunals, but is not automatically binding on them. Conditions are the same as for Maternity leave.

**c. Parental leave (*Congedo Parentale*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)**

*Length of leave (before and after child's birth)*

- Six months per parent. Leave is an individual entitlement and non-transferable.
- The maximum total length of leave per family is ten months unless the father takes at least three months of leave; in which case the total length of leave can be extended to 11 months and the father can extend his leave to seven months. During this period, parents receive pension credits so they do not suffer a reduced pension because of taking leave.

*Payment and funding*

- Thirty per cent of earnings when leave is taken for a child under six years; unpaid if taken when a child is six to twelve years according to the implementing decree of the Jobs Act (March 2015).
- Funded as Maternity leave.
- Pension contributions for parents taking leave are made by INPS.

*Flexibility in use*

- Leave can be taken at any time until a child is twelve years old.
- Leave can be taken as a single leave period up to a maximum of six months; or as shorter periods amounting to a maximum of six months.
- Leave can be taken on an hourly basis, up to half of the daily hours worked during the month immediately preceding the start of Parental leave. Workers cannot take 'hourly based leave' and another kind of permitted absence from work on the same day.
- Parents can take leave at the same time.
- From the end of Maternity leave until 11 months after the birth, mothers - mothers who meet the requirements of the law- can exchange their Parental leave for vouchers of €300 per month for use in reducing childcare costs. It is an experimental measure until 2018 and is realized as part of the annual budget defined by specific regulations.



*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.

**d. Childcare leave or career breaks**

- No statutory entitlement.

**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.

- Employees are entitled to two years leave over the course of their entire working life in the case of a serious need in their family, for example the disability of a child or other relative, even if not co-resident. The order of priority for taking leave is: husband/wife, parents, children, brothers and sisters of the person who needs care. During the period of leave, the applicant is entitled to receive an allowance of 100 per cent of their previous earnings, up to a ceiling of €47,351 per year.

#### *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) for breast feeding, 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'.

#### *Leave for women victims of gender violence*

- The victims of gender violence employed in the public or private sectors who have care responsibilities (as certified by municipal social services or anti-violence centres) may request leave from work for three months, with a right to full pay. For the same period they are also entitled to switch from full-time to part-time employment. The Italian National Institute of Social Security (INPS) produced an explanatory implementation statement on leave for women victims of gender violence in April 2016.

## **5. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Italy is 14 to 15 months (depending on bonus months if the father takes Parental leave), and there is only around four months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children attend ECEC from three 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 three years is much lower and very variable between different regions. Levels of attendance at formal services for children under three years are below the average for the countries included in this review and for OECD countries, but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

The Legislative Decree of 15 June 2015, no. 80 'Measures for reconciliation of the needs of care, life and work' implements Article 1, paragraphs 8 and 9 of the Law of 10 December 2014 no. 183. For Maternity leave, the Decree introduces two new provisions: a) in the case

of premature birth, the Maternity leave not taken before birth can be taken by the mother after the birth of the child; b) in the event of hospitalization of a new-born child, the mother has the right to request the suspension of Maternity leave and to take the leave, in whole or in part, from the date of the child's discharge. To return to work during the period of the child's hospitalization working mothers must still produce a medical certificate declaring the compatibility of his state of health with the resumption of work. This provision also applies in cases of adoption. In addition, the Decree specifies that maternity allowance is payable to mothers in professional occupations (female employees already benefit) even in cases of adoption or fostering. The Decree extends Paternity leave from covering only employees, to include self-employed workers. The Decree enables Parental leave to be taken on a part-time basis, for a few hours per day, up to a maximum of half the average daily hours worked in the year immediately preceding the start of Parental leave. It also extends the period during which leave can be taken in the case of children with severe disabilities and in the case of adoption, from eight years after birth to 12 years. Payment at 30 per cent of former earnings can now be taken until a child is six years, up from the previous three years.

## 4. Take-up of leave

### a. Maternity leave

Maternity leave is obligatory for employees. In 2012, according to administrative data referred to by Istat (2013), about 360,000 employees used Maternity leave; nine per cent were temporary workers and 91 per cent permanent workers.

### b. Paternity leave

As this was only introduced in January 2013, there is no information as yet on take-up of leave.

### c. Parental leave

In 2012, Parental leave was used by 285,000 employees (6.7 per cent with temporary contracts and 93.3 per cent with permanent contracts); as with Maternity leave, the type of contracts varied regionally. According to the INPS data used for this analysis, 89 per cent of employees using Parental leave in 2012 were women and 11 per cent men<sup>3</sup>. Analysis of the measure that allows women to exchange paid Parental leave for vouchers to use in childcare services, introduced by Law 92/2012 and operating on a trial basis in 2013-14, shows that only a third of the €20 million allocated for this policy has been spent<sup>4</sup>. It is still to be determined if this is due to the criteria for eligibility being too strict or to a low number of applications. The low number of vouchers can also in part be related to the application procedure to be followed by childcare institutions that has been considered too complex and to be accomplished within a very limited time leading to take-up by only a few institutions amongst those that are eligible<sup>4</sup>. Moreover, as stressed by Cardinali (2013a, b<sup>5</sup>), the measure's focus on women could lead to the reproduction of the already very unequal division of care responsibilities within Italian families.

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<sup>3</sup> Istat (2013) 'Rapporto sulla coesione sociale: anno 2013 - nota per la stampa' ['Report on Social Cohesion: year 2013 - Note for the press']. Available at [www.istat.it](http://www.istat.it)

<sup>4</sup> Prioschi, M. (2013) 'Flop dei bonus per l'asilo nido. Assegnato un terzo dei fondi', *Il Sole 24 Ore*, 28/07/2013, p.17.

<sup>5</sup> Cardinali, V. (2013a) 'Voucher per asili nido. Perché così non va' ['Voucher for nurseries. Why so wrong?']. *Ingenere* online. Available at: <http://ingenere.it/articoli/voucher-nidi-e-baby-sitter-perch-cos-non-va>; Cardinali V. (2013b) par. 4.2, 4.3, 4.4.1. in: Isfol (2013). *Rapporto di monitoraggio del mercato del lavoro 2012* [Monitoring report of the labor market 2012]. Roma: Isfol.

## 5. Research and publications on leave and other employment-related policies since April 2015

### a. General overview

The literature analysed relates to different topics: changes in family structure and its effects on childcare and child well-being; childcare supply (new models, fiscal sustainability, effects on child well-being); fatherhood and its intergenerational transmission; and public and private policies that foster work-life balance.

### b. Selected publications since April 2015

Bernardi, F., Boertien, D. (2015) 'Do parental separation and single motherhood strengthen intergenerational inequality in educational attainment? A decomposition analysis for Germany, Italy, the UK and the US', *Families and Societies, Working Paper Series 45*. Available at: <http://www.familiesandsocieties.eu/wp-content/uploads/2015/10/WP45BernardiBoertien2015.pdf>

This paper tests the hypothesis that parental separation and single motherhood amplify children's inequality in educational attainment by social background. This hypothesis lies on two premises a) parental separation and single motherhood are more common among low Socio-Economic Status (SES) families and b) they are also associated to worse educational outcomes for children. We argue that there is a third premise that is largely overlooked in the literature, namely that c) there is no heterogeneity by social background in the consequences of growing up in a non-intact family. If the third premise does not hold and the consequences are more negative for children of high SES parents, the overall aggregate contribution of parental separation and single motherhood is difficult to predict a priori. We test the hypothesis in four countries that differ in the prevalence and consequences of parental separation and single motherhood: Germany, Italy, the UK, and the US. We use an Oaxaca decomposition approach to calculate a 'counterfactual' estimate of inequality of educational attainment by social background in the absence of non-intact families. Overall, we find very little influence of family structure on the level of inequality of educational attainment by social background in the four countries considered.

Bettio, F. and Gentili, E. (2015) *Asili nido e sostenibilità finanziaria: una simulazione per l'Italia [Childcare for children aged less than 3 years old in Italy and fiscal sustainability. A simulation for Italy]*. Rome: Fondazione Brodolini. Available at: [http://www.ingenere.it/sites/default/files/ricerche/bettiogentili\\_asilinido\\_simulazione\\_italia\\_ottobre\\_2015.pdf](http://www.ingenere.it/sites/default/files/ricerche/bettiogentili_asilinido_simulazione_italia_ottobre_2015.pdf)

The study provides an analysis on the fiscal sustainability of an increase in the supply of childcare services in Italy. It analyses the possible employment outcomes of different hypothesised increases in the supply of these services.

Boccacin, L., and Bramanti, D. (2015) Active Ageing: from individualistic withdrawal to social generativity, *La Familia*, Universidad de Salamanca, No. 5 (2015): 111-128.

The concept of active ageing applies especially to the young old, i.e. people aged between 65 and 74 years. Through this contribution the authors aim to support the idea that a) there are different ways of dealing with the transition to the last phase of life, b) and that, if by focusing on active young old (65-74 yrs), a number of ways can be identified to live and make meaning of active ageing. Living longer corresponds in fact to a longer period of cohabitation (actual or 'at distance') of at least three generations (grandparents, children, grandchildren) and this enables mutual relational exchanges, whose presence or absence and subjective perception as positive or problematic have to do with the quality of life of older people and all the other generations. By analysing data concerning the 65-74-year-old European population gathered through the SHARE's wave 4, the authors are able to show different ways of experiencing, embodying and giving meaning to active aging: a)

'individualistic withdrawal'; b) 'competitive ambivalence'; c) 'social generativity'. This demonstrates that a) primary relations play a crucial role in enabling young old subjects (65-74 years) to give a sense to the transition they are experiencing and can therefore be defined generative; b) these generative relationships (at personal and family life level) give origin to forms of social generativity, thus excluding other forms of active ageing. We conclude, in accordance with the most recent international sociological and psycho-social literature, that active ageing cannot be limited to a generic activism or mainly aimed at the preservation of a vital and meaningful sense of self, nor to a compensatory aspect of the elders' lost social and relational centrality.

Boccacin, L. (2015) 'Nuovi modelli di analisi nei servizi alla persona e alla famiglia' ['New analytical models in services for individuals and families'], *La Famiglia*, vol. 49/259, pp.87 - 105 (19).

The paper aims to explore the concepts of social partnerships, social co-production and governance, in order to promote a comparison between current thought and ongoing research. The term 'partnership' refers to a structural configuration characterized by the co-presence of different social subjects - state, market and third sector - and by reciprocal and collaborative social action that seeks to achieve project goals and is based on the implementation of mostly medium- to long-term relations.

Bosoni, M.L. and Baker, S. (2015), The intergenerational transmission of fatherhood: a comparative study of the UK and Italy, *Families, Relationships and Societies*, Vol.2, No.4: 239-251.

This article explores the issue of intergenerational transmission of caring practices and parental style, focusing specifically on findings from various research studies on men and fathers in the United Kingdom and Italy. It considers the tension between change and continuity in the context of fathering/fatherhood and family practices through an intergenerational lens, it discusses key cultural differences and similarities between the two countries, and it critically examines the language and semantics of the 'new' fatherhood discourse.

Bramanti, D. (2015), 'Capitale sociale e ambiente amichevole: quali risorse per le famiglie con figli (0-13 anni)' ['Social capital and friendly environment: what resources for families with children'], *Sociologia e Politiche Sociali*, vol.18, No.2:130-151.

This paper presents findings from the Survey 'Aspects of daily life', conducted by ISTAT in 2012, which included a section dedicated specifically to families with children aged 0 to 13 years. Theoretically, the study refers to social capital, a key concept in relational sociology. Social capital is understood as the set of cooperative and trust-worthy relationships promoted by the families for their own wellbeing, and may be present to different degrees depending on a number of variables that refer to both the structural level (resources and constraints) and the referential level (values and goals of wellbeing). In this work, through a number of multivariate analyses, the author presents the analytical framework for the characteristics of the Italian families in different areas of life, which may be more or less friendly toward the needs of the families with respect to social capital.

Bulgarelli, D. and Molina, P. (2015) 'Early childcare, maternal education and family origins: differences in cognitive and linguistic outcomes throughout childhood', *Families And Societies Working Paper Series 41*. Available at: <http://www.familiesandsocieties.eu/wp-content/uploads/2015/08/WP41BulgarelliMolina2015.pdf>

Centre-based care in early childhood has been associated with better scores on linguistic and cognitive tests at later times. Nevertheless, there is a lack of consensus about the stability of these effects across the preschool and primary school stages. Furthermore, no data about the effects of early care have been reported from the Italian context. Using a cross-sectional design, this study analyses the effects of early childcare, maternal education and parental origin (native versus foreign) on the cognitive and linguistic outcomes of 175

three- to ten-year-old children, from a Northern Italian city. Analysis of the single effects of type of care, maternal education and parental origin on children's outcomes, showed no differences. When the interactions among these variables were explored, centre-based care appeared to play a protective role with respect to maternal education, whereas home-based care appeared to play a protective role with respect to parental origin. The importance of educational intervention and training for professionals to better support children's development will be discussed.

Del Boca, D. (2015) 'Paternità. Servono congedi più lunghi' [Paternity. Longer leaves are needed]. *Ingenere*, 20/11/2015. Available at: <http://www.ingenere.it/articoli/paternita-servono-congedi-piu-lunghi>

This article taking the lead from the evidence provided by applied research on the positive effect of fathers' investment not only on child development but also in terms of gender equity and better work-life balance achievement in the family, analyses the new norms on Paternity leaves and the reform proposal and highlights the need of having longer Paternity leaves.

Del Boca, D., Pronzato, C. and Sorrenti, G. (2015) 'Does child care availability play a role in maternal employment and children's development? Evidence from Italy', *Families and Societies. Working Paper Series 47*. Available at:

<http://www.familiesandsocieties.eu/wp-content/uploads/2015/02/WP31BrilliEtAl2015.pdf>

This study explores the impact of selection criteria on the costs and benefits of early childcare for mothers' employment, child development, and municipalities' revenues by exploiting the selection criteria of different Italian municipalities in assigning childcare places. In Italy, only around 13 per cent of the demand for public childcare coverage is met, and the number of applications exceeds the number of places in childcare services in all regions. In conditions of excess demand, municipalities introduce selection criteria to give priority to families for whom access to public child care appears to be more valuable. The authors analyse through simulations the consequences of introducing different selection criteria, using a representative Italian sample of households with children under three years of age (EU-SILC), and the selection criteria employed by six representative Italian municipalities. Our results have interesting policy implications. The benefits for child outcomes and mothers' employment are stronger in municipalities where the selection criteria give priority to more disadvantaged households. However, in these contexts selected households are less able to contribute to the financial sustainability of the service.

Koslowski, A., McLean, C. and Naumann, I. (2015) 'Report on incentive structures of parents' use of particular childcare forms', *Families and Societies Working Paper Series 35*. Available at:

<http://www.familiesandsocieties.eu/wp-content/uploads/2015/04/WP35KoslowskiEtAl2015.pdf>

Parents across the European Union use a range of childcare arrangements. This working paper contributes to our understanding of the determinants and consequences of different childcare arrangements for different families and different family members. The paper has three aims. The first is to deepen understanding of the motivations of parents for using a particular source of childcare. The second is to set the scene for an exploration of the extent of policy implementation gaps between an administrative understanding of statutory childcare service provision and the actual experience of users of these services. Third, the report highlights where the policy community might benefit from improved data to address certain knowledge gaps around childcare use. This research employs a mixed methods approach, combining primary data collection in six countries (Germany, Hungary, Italy, Slovenia, Sweden, UK); reviews of the statutory childcare policies in these six countries; and a methodological critique of the available data on childcare use for those countries, including harmonized comparative survey data. The central aim is for this working paper to be used as a reference tool for further analyses.



Mazzucchelli, S. and Rossi, G. (2015) "'I'd like to but I can't': The Implementation of the Italian Act on Parental Leave', *Families, Relationships and Societies*, Vol. 4, No.2: 295-308. The male breadwinner family model has long been the hegemonic cultural model in Italy. This has defined family members' relationship with the employment system; the environment considered suitable for bringing up children; and the division of work within the family, with data on the allocation of time showing the persistence of a gendered unbalanced distribution of work. Within this context an attempt has been made to respond to the problem of reconciling work and family care. The main relevant policy is Act No. 53/2000. This article outlines the essential features of this law, analyses its implementation and identifies its strengths and weaknesses. The Italian case raises wider questions about the design of Parental leave policies, their impact on parenting practices and the gendering of care. Despite being rather advanced in comparison with other European Parental leave schemes, the measure introduced in 2000 in Italy actually fosters a 'short-leave male breadwinner' model, where the involvement of fathers in care is still very limited. It also confirms the centrality of women to domestic and care work, as well as their limited presence in the labour market, compared with other EU countries.

Nitsche, N., Matysiak, A., Van Bavel, J. and Vignoli, D. (2015) Partners' educational pairings and fertility across Europe, *FamiliesAndSocieties Working Paper Series 38*. Available at:

<http://www.familiesandsocieties.eu/wp-content/uploads/2015/06/WP38NitscheEtAl2015.pdf>

This paper provides new evidence on the education-fertility relationship by using EU-SILC panel data on 17 countries to investigate how couples' educational pairings predict their childbearing behaviour. We focus on differences in first, second and third birth rates between couples with varying combinations of partners' education. Our results show that there are indeed important differences in how education relates to fertility depending on the education of the partner. First, homogamous highly educated couples show a distinct childbearing behaviour, at least in some countries. They tend to postpone the first birth most and display the highest transition rates to second and third births subsequently. Second, contrary to what may be expected based on conventional economic models of the family, hypergamous couples with a highly educated man and a lower educated female partner display among the lowest second and third birth transition rates across the majority of countries. Our findings underscore the relevance of interacting both partners' education for a deeper understanding of the education-fertility relationship.

Oláh, L.S. (2015) 'Changing families in the European Union: trends and policy implications', *FamiliesAndSocieties Working Paper Series 44*. Available at: <http://www.familiesandsocieties.eu/wp-content/uploads/2015/09/WP44Olah2015.pdf>

**The paper discusses changes in family patterns in the European Union over the past fifty years and the policy implications of these trends. First, it addresses regional developments in family formation, with respect to childbearing and partnership patterns, and how these changes affect household structures in different European countries. Thereafter, it turns its attention to socio-economic trends, focusing especially on changes in women's labour force participation. It examines the linkages between these trends and the new family patterns, followed by a discussion on policies, mainly at the EU-level. In the brief conclusion we summarize the main policy challenges ahead. Throughout, we rely on data from the Eurostat Database, Eurobarometer, OECD Labour Force Statistics and the OECD Family Database.**

Riva, E. (2015) 'Familialism reoriented: continuity and change in work-family policy in Italy', *Community, Work and Family*, Vol.19, No.1: 21-42.

This article examines the process of policy-making in the work-family field in Italy and outlines the main changes in the way work-family policy has been framed and pursued. The overall objective is to investigate to what extent discourse has concurred to produce policy change. In this regard, following previous literature, the focus is on the kind of change in the three components of policy that have been brought about in the following domains: leave

schemes, childcare provision and flexible working arrangements. Insights from the Italian case deliver substantive inputs to international scholars, policy-makers and practitioners as regards the nature and extent of factors preventing change in national policy settings. In addition, results help to promote discussion and identify the ways and tools that could overcome the risk of policy failure and contribute to foster suitable and effective work–family strategies and policy frameworks.

Ruspini, E. and Tanturri, M.L. (2015) 'Father involvement with young children in contemporary Italy', in: M.A. Adler and K. Lenz (eds) *Father Involvement in The Early Years: An international comparison of policy and practice*. Bristol: Policy Press.

This is a chapter in an edited volume about fatherhood in transition, as men try to balance being both active and involved fathers while meeting the demands of the workplace. The book explores these challenges in the context of cross-national policies and the influences of these policies on the daily childcare practices of fathers. Highlighting the increasing interest in the enduring impact of early life experience, the contributors present the most up-to-date research on father involvement with young, preschool-age children in six countries—Finland, Germany, Italy, Slovenia, the United Kingdom, and the United States—offering insight into the effects of different national policies related to parenting in general and fathers in particular.

Senatori, I. (ed.) (2015) *Going Up the High Road: Rethinking the Role of Social Dialogue to Link Welfare and Competitiveness: Final Report*. Quaderni Fondazione Marco Biagi - Sezione Ricerche, 2.

This report outlines the main findings of the research project 'Going Up the High Road. Rethinking the Role of Social Dialogue to Link Welfare and Competitiveness', whose focus was on the implementation of occupational welfare schemes across Europe by means of social dialogue and emerged from a broader reflection on the shortcomings of the flexicurity approach in the current economic crisis. In the context of the crisis, many companies in the European Union have adopted labour flexibility and management strategies for the reduction of labour costs as the main driver for competition. In so doing, the ability of the European Social Model to operate as a policy framework has been called into question, along with the narrative construct of the European integration project. The research project sought to analyse the rationale and the functioning of occupational welfare schemes and to cast light on best practices. It was carried out by the Marco Biagi Foundation, at the University of Modena and Reggio Emilia (Italy), in close cooperation with The Institute for Social and Trade Union Research (Bulgaria), Tartu Ulikool (Estonia), Eotvos Lorand Tudományegyetem (Hungary), IRES Emilia Romagna (Italy), Università degli Studi di Trento (Italy), Universidad Carlos III de Madrid (Spain), Goteborgs Universitet (Sweden), and the Anglia Ruskin University (United Kingdom).

Bosoni, M.L., Crespi, I. and Ruspini, E. (2016) '*Between change and continuity: fathers and work-family balance in Italy*', in: I. Crespi and E. Ruspini E. (eds.) *Balancing Work and Family in a Changing Society: The fathers' perspective*. New York: Palgrave Macmillan, pp.129-142.

The chapter discusses the changing role of men and fathers and particularly fathers' work-family concerns in the Italian context. A review of international literature on fathers' identity and roles, on policies supporting fathers in work-family balance and an analysis of Italian national data (ISTAT Multipurpose Survey on Households) enables the authors to explore the transformation that affects fathering. The data confirm that although the time spent by fathers with children is increasing, there is still a considerable gap between the maternal and the paternal involvement. Parenting is still deeply gendered in terms of daily childcare activities, the relationship between care and paid work, discourses on what is appropriate and who has ultimate responsibility for nurturing and caring. The help offered by grandparents is crucial but does not challenge the gendered division of care. Data also suggest a strong relation between paternal and maternal job patterns, thus our hypothesis



that gender roles are relational and influenced by the family/couple structure seems confirmed.

Brighi, L. and Silvestri, P. (2016) 'Inefficiency in childcare production: Evidence from Italian microdata', *CAPP Working Paper no 135*, March 2016. Available at: [http://155.185.68.2/campusone/web\\_dep/CappPaper/Capp\\_p135.pdf](http://155.185.68.2/campusone/web_dep/CappPaper/Capp_p135.pdf)

The purpose of the paper is to study inefficiency in the production technology of the childcare service and to carry out a comparative analysis of public and private day-care centres. An empirical analysis on cross-section micro-data from a region of northern Italy has been conducted by using an input-distance function with a translog specification. Estimates of the multi-output production technology and input-oriented technical inefficiency are obtained in a stochastic frontier model with a half-normally distributed one-sided error. Heteroscedasticity has been modelled to investigate the determinants of inefficiency and estimate their marginal effects. We find that production exhibits increasing returns with an estimated elasticity of scale of 1.21. Separability between inputs and outputs is rejected at a 5 per cent level of significance. The average estimate of technical inefficiency is 10 per cent and public centres are more inefficient than private centres by 4.1 percentage points. The proportion of part-time children and the presence of mixed-age classrooms are significant determinants of inefficiency which equally affect both public and private centres.

Crespi, I. and Ruspini, E. (2016). *Balancing Work and Family in a Changing Society: The fathers' perspective*. New York: Palgrave Macmillan.

This book explores, with an international perspective, the changing roles of men and fathers in a global context and how contemporary fathers deal with the work-life balance. It also intends to discuss the social issues (but also tensions) associated with changing male and father identities and with the existing social and policy agendas. Both research and policy on balancing work and family life have tended to focus on mothers' lives. As a result, men's fathering roles and their struggle with work-life balance have often been neglected. This book explores how fathers fulfill their roles both within the family and at work and what institutional support could be of most benefit to them in combining these roles.

### **c. Ongoing research**

*Being a parent couple: the parental alliance pact within the family relationship web* (2013 - in progress). Sonia Ranieri, Rosa Rosnati, Raffaella Iafrate, Università Cattolica del Sacro Cuore di Milano.

On the basis of the concept of family as a social organisation, composed of several subsystems which exert reciprocal influence on each other, this research study aims to make an in-depth study of family relationships and the well-being of families with school-age children, taking into consideration the possible interconnections between the different relational contexts, and focusing on the role played by the parental alliance. In this study, parental alliance is not seen in terms of the division of tasks and agreement on educational methods, but refers to underlying relational dimensions such as support, the sharing of responsibility, respect, trust and reciprocal appreciation. The study involves the participation of 200 parent couples with children aged between six and eleven years. The tool used is a self-report questionnaire administered to both parents, which includes various scales validated in literature for investigating the constructs of interest, and a parenting alliance scale developed by the research team, which we intend to validate.

*Diversity Maturity in Italy, Survey on gender diversity in Italian companies* (2015-2016). Department of Research and Innovation ValoreD<sup>6</sup>

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<sup>6</sup> ValoreD the first association of large companies formed in Italy in order to support women's leadership in the corporate world with the mission to support and increase women's representation in top positions in major Italian companies through tangible and concrete actions.

How do Italian companies handle gender diversity issues? How, beyond the principles of equal opportunities, now widespread, do companies effectively organize to enhance and grow female talent, facilitate the reconciliation between private and professional life, removing the barriers that too often hinder the path of women's career? To understand what happens behind the figures and indicators, 62 companies have participated at this survey, answering a questionnaire divided into the four areas: governance and strategy; diversity of management tools; specific programmes and activities implemented; and measurement and monitoring. This research represents the first step towards greater integration of these issues into business operations, meeting the challenges posed by growing complexity and maximizing the benefits of diversity. Contact: Paola Castello at [ricerca@valored.it](mailto:ricerca@valored.it)

*Intergenerational Family Solidarity across Europe (INTERFASOL) - SCH COST Action* [2013]-[2016]. Italian research group: Camillo Regalia, Daniela Barni and Stefania G. Meda, Università Cattolica del Sacro Cuore di Milano. Funded by the European Commission. This is an Action that is promoted and sustained by the European Community with the aim of creating a multidisciplinary network for the realization of a research project to: a) investigate the intensity and the benefits of intergenerational family solidarity, focusing on exchange between elderly and adult generations; and b) explore the modalities and best practices for reinforcing intergenerational solidarity. The action is coordinated by Anne Marie Fontaine (University of Porto) and involves 23 European countries.

*Men, work and family life* [2011 - in progress]. Giovanna Rossi, Maria Letizia Bosoni and Sara Mazzucchelli, Università Cattolica del Sacro Cuore di Milano. The area of research on fatherhood provides an in-depth look at the theme of reconciliation between family and work from the point of view of the father within the research network Oxford Network of European Fatherhood Researchers (ONEFaR - <http://www.brookes.ac.uk/onefar/>), coordinated by Prof. Tina Miller (Oxford Brookes University, UK), with whom we have for years had a rewarding and solid collaboration.

*Politiche del Buon rientro [Good return policies]* (2015- ). Dino Giovannini and Tindara Addabbo, University of Modena and Reggio Emilia. Funded by the Hera Group. This research, carried out in the Emilia-Romagna Region, concerns *family-friendly policies* within organizational contexts, with specific reference to policies for a good return to work after Maternity leave. The focus of this study is an analysis of the effects produced by training interventions for female employees returning from leave in order to facilitate the process of returning to work. The interventions were intended to learn cross-cutting and *self-empowerment* competences not only to update knowledge and competences necessary to carry out one's working tasks. The project 'Buon Rientro' [*Good Return*] was shown to be a valid instrument to prevent the negative effects related to the return to work and to facilitate the well-being of female workers. A comparative analysis has been carried out comparing the group of workers in the Buon Rientro programme to those who did not have access to it, which showed positive outcomes for the enterprise and for the workers. Contact: Dino Giovannini at: [dino.giovannini@unimore.it](mailto:dino.giovannini@unimore.it)

*Povert  E Politiche Sociali In Emilia Romagna [Poverty and Social Policies in Emilia Romagna Region]* (2015-2016). Centre for the Analysis of Public Policies, Department of Economics Marco Biagi, University of Modena and Reggio Emilia. Funded by Emilia Romagna Region.

The research project aims at analyzing poverty in the Emilia Romagna region with special reference to the impact of social policies to reduce it and to the effect on childcare services of different fees policies. Contact: Professor Massimo Baldini at [massimo.baldini@unimore.it](mailto:massimo.baldini@unimore.it)

# Japan<sup>1</sup>

**Hideki Nakazato** (Konan University) and **Junko Nishimura** (Meisei University)

**April 2016**

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*, literally ‘prenatal and postnatal leave’) (responsibility of the Ministry of Health, Labour and Welfare)

*Length of leave (before and after birth)*

- Fourteen weeks: six weeks before the birth, the remaining eight weeks after birth, six weeks of which are obligatory.

*Payment and funding*

- Two-thirds of the mother’s average daily earnings, up to a ceiling that only affects a very small number.
- The benefit payment is tax-free and the recipients are exempted from social insurance contributions.
- Funded from the Employees’ Health Insurance system, financed by even contributions from employees and employers. The system includes a variety of insurers, and although there is a statutory requirement of (at least) equal contributions from employers and employees, contributions by employer can be higher by collective agreements etc. Depending on the type of insurers, the state subsidises a small proportion of payments and/or administrative expenses.

*Flexibility in use*

- A woman can return six 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

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<sup>1</sup> Please cite as: Nakazato, H. and Nishimura, J. (2015) ‘Japan country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

(*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*, literally ‘childcare leave’) (responsibility of the Ministry of Health, Labour and Welfare)**

*Length of leave*

- Leave can be taken by each parent until a child is 12 months old; it is an individual entitlement. Leave can, however, be extended until the child is 14 months old if *both* parents take some of the leave even though each parent is only entitled to 12 months after birth including the Maternity leave period. A typical situation might be that a mother takes leave until the baby is 12 months old (including 180 days at 67 per cent of earnings, the remainder at 50 per cent) and the father either starts leave on the same day that the mother finishes or starts his leave some time before and then returns to work when the baby becomes 14 months old. As another example, the mother could take six months leave after Maternity leave at 67 per cent of earnings, followed by the father taking another six months at 67 per cent of earnings, so using the right to take leave up to 14 months after birth if leave is shared.
- A parent already on leave can extend Parental leave up to 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*

- Sixty-seven per cent of earnings for the first 180 calendar days of Parental leave taken by each parent, up to a ceiling of JPY426,000 [€3,545<sup>2</sup>], with a minimum payment of JPY46,230 [€384] a month and a maximum payment of JPY285,420 [€2,375] per month; then 50 per cent of earnings with a minimum payment of JPY34,500 [€287] a month and a maximum payment of JPY213,000 [€1,772] per month. The average monthly earnings of permanent full-time female employees in 2014 was JPY256,600 [€2,135] whereas those of male counterparts was JPY343,200 [€2,856].
- The benefit payment is tax-free and the recipients are exempted from social insurance contributions.
- 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: 0.85 per cent of all wages by employers and 0.5

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<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

per cent by employees (with different rates for some specific industries); 4.4 per cent of the benefit payments are subsidized by 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 all of the following conditions: (1) he/she has been employed by the same employer for a continuous period of at least one year; (2) he/she is likely to be kept employed after the day on which his/her child reaches one year of age; and (3) it is not obvious that his/her employment contract will end by two days before the child's second birthday and will not be extended.
- Workers may be excluded if (1) employed by the employer for less than one year; or (2) their employment is to be terminated within one year (or six months if leave continues until the child reaches one year and six months of age); or (3) they work two days or less per week.
- When a person covered by Employment Insurance takes Parental leave, he/she is eligible for a benefit payment if they have contributed to Employment Insurance for at least 12 months during the two years preceding the date on which the leave started, and if they have worked for 11 or more days in those months.
- A parent is eligible for the benefit payments even when she/he works for 80 hours or less during each payment period (a month). The payments, however, are reduced according to the extent that the total of the earnings and the benefit payments exceed 80 per cent of the earnings before leave.
- A parent who is financially dependent on a spouse who pays pension contributions is exempted from paying pension contributions, but is entitled to a pension in his/her own right.

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

- None.

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

- None.

#### **d. Childcare leave or career breaks**

- No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- Although there are no special leave provisions for adoption, adoptive children are treated in the same way as biological children for the purposes of Parental leave.

#### *Time off for the care of dependants*

- A short-term family care leave is available for up to five days per parent per year for a child under compulsory school age (six years) if the child is injured, ill or needing a health examination; or up to ten days per year if there are two or more children of this age. The leave is unpaid.
- Family care leave can be taken for a spouse, elderly parents or other dependent 'subject family members', including a child, for each occurrence of a condition where the subject family member requires constant care for a period of two weeks or more due to serious illness or disability, with a limit of 93 days over the whole lifetime of each subject family member. This is paid at 40 per cent of earnings.

#### *Flexible working*

- Women with a child under 12 months are entitled to unpaid breaks of at least 30 minutes twice a day; breaks are not specifically for breastfeeding, but can be used for other purposes, e.g. leaving early to pick up children from childcare centres.
- Until a child reaches the age of three years, parents have the right to reduce their normal working hours to six hours per day. There is no payment for working reduced hours. This does not apply to workers excluded by collective labour agreements (e.g. those employed for less than one year).
- Employers may not require an employee with a child below compulsory school age (1) to work more than 24 hours per month or 150 hours per year of overtime; or (2) work night shifts, i.e. between 22.00 and 05.00 – if the employee requests not to work these hours.

#### *Measures to promote leave policy effective in workplaces*

- Under the Act on the Advancement of Measures to Support Raising the Next Generation of Children (introduced as a legislation of specified duration in 2003, and revised in 2014 to be effective from 2015 to 2025), employers were obliged to establish (or to make an effort to establish) action plans for 2015-2025 for improving the employment environment to support balancing work and child raising. Under the 2003 Act, employers with more than 100 employees are obliged to establish action plans; while employers with fewer employees are obliged to make an effort to establish plans. The Government grants certificates to employers whose action plans and achievement meets nine conditions; this allows them to use a certification mark called 'Kurumin', and provides them with preferential tax treatment. These conditions includes: at least one male employee took Parental leave during the period of the plan; and the Parental leave take-up rate for female employees during the period of the plan is 75 per cent or over. These conditions are relaxed for smaller companies. Under the revised act, the Government grants a special certificate with a certification mark called 'Platinum Kurumin' to employers whose achievements meet higher conditions, including a leave take-up 13 per cent or over among male employees whose partner has given birth. The employers with this special certificate are exempted from establishing action plans, and instead obliged to announce their achievements more than once a year.

## **6. Relationship between leave policy and early childhood education and care policy**

The maximum period of well-paid post-natal leave available in Japan is 14 months (including two months of bonus leave if the leave period is shared by parents), which nearly eight months for mothers and six months for fathers; if fathers do not use their leave entitlement, the maximum period of well-paid leave is just under eight months. Leave can be extended up to 18 months where admission to a childcare centre has been requested but denied for the time being. There is no universal entitlement to ECEC although there is an obligation on local authorities to estimate the demand and supply of ECEC for children from birth to school age (6 years) and to make a plan to close the gap through the approval process for various types of ECEC providers. They also match the childcare needs of each family to providers and subsidise childcare fees. Parents can apply for a childcare place for their children from birth to school age where the child needs care because the parents are working (expanded to part-time work or other non-standard work styles in the new scheme that started in April 2015), seeking jobs, studying, training, etc. However, there is a significant shortage of childcare places especially in large cities. Levels of attendance at formal services for children under three years are slightly below the average for the countries included in this review and OECD countries; but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2015 (including proposals currently under discussion)**

There have been no changes in the leave scheme and no major changes in the ECEC scheme that started in April 2015. However in 2016, there has been an increased deduction of the fees to childcare providers for low income, single parent families, or families with more than one children.

## **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*)<sup>3</sup>, based on a national sample of 6,160 private sector workplaces that employed five or more regular employees. There are no more recent data available; because part of Maternity leave is obligatory, it is assumed that there are few variations in take-up. The average length of pre-natal Maternity leave taken by women who had single pregnancies from 1 April 2006 to 31 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 2011 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)<sup>4</sup>, based on a national sample of 4,097 private sector workplaces that employ five or more regular employees. Although there is no statutory Paternity leave, 46.8 per cent of the workplaces that were surveyed provided their workers with 'leave for childbearing of spouse' (*haigusha shussan kyuka*), which can be

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<sup>3</sup> Ministry of Health, Labour and Welfare, 2008, *2007 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-19.html>

<sup>4</sup> Ministry of Health, Labour and Welfare, 2012, *2011 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-23r.html>



interpreted as non-statutory Paternity leave. The proportion increased from the same survey in 2008 by 10.8 percentage point. Most workplaces (88.9 per cent) that have this provision entitle their workers to one to five days of leave; 77.6 per cent provide paid leave, and 4.2 per cent provide partially paid leave. The proportion of workplaces that provide paid leave decreased by 5.2 percentage point from 2008 survey (82.8 per cent).

Just over half (52.9 per cent) of male workers at workplaces that provided this leave and whose partners gave birth from 1 April 2009 to 31 March 2010 took leave.

### **c. Parental leave**

The figures in this section are taken from the 2012<sup>5</sup> and 2014<sup>6</sup> Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*). A large proportion (86.6 per cent) of female workers who had given birth between 1 October 2012 and 30 September 2013 had started or applied for Parental leave by 1 October 2014. The proportion increased by 3.6 percentage point from the previous year (83.0 per cent). The proportion of men was much lower: 2.3 per cent of male workers whose spouse had given birth between 1 October 2012 and 30 September 2013 had started or applied for Parental leave by 1 October 2014. The proportion increased by 0.27 percentage points from the previous year (2.03 per cent).

A third (33.8 per cent) of female workers who returned to work from leave between 1 April 2011 and 31 March 2012 had taken ten to 12 months of leave; 22.4 per cent had taken 12 to 18 months. Among male workers who returned to work after taking leave in the same period, 75.4 per cent took less than one month of leave, and 41.3 per cent took less than five days. The figures above do not take into account the number of female workers who had quit their job before the birth of children. According to the first Longitudinal Survey of New-borns in the 21st Century (2010 cohort), about 36.6 per cent of mothers who had given birth to their first child in 2010 remained in their job 6 months after the birth.

### **d. Other employment-related measures**

The 2014 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, 57.9 per cent; exemption from overtime work, 54.6 per cent; flexitime for child care, 11.4 per cent; starting/finishing work earlier or later, 29.7 per cent; providing on-site childcare centre, 1.9 per cent; subsidizing child care costs, 4.5 per cent; enhanced Parental (child care) leave, 7.1 per cent; and telework, 2.0 per cent.

The latest figures for take-up rates for these measures among workers who returned from Parental leave to workplaces providing each measure are from The 2010 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)<sup>7</sup> and 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.

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<sup>5</sup> Ministry of Health, Labour and Welfare, 2013, *2012 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/dl/71-24c.pdf>

<sup>6</sup> Ministry of Health, Labour and Welfare, 2015, *2014 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/dl/71-26r-03.pdf>

<sup>7</sup> Ministry of Health, Labour and Welfare, 2011, *2010 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/dl/71-22d2.pdf>



## 5. Research and publications on leave and other employment-related policies since April 2015

### a. General overview

There were more publications that explicitly focused on Parental leave or other specific measures during this period than for previous years, including ones published in English. However, they were not necessarily based on data for the current leave scheme.

### b. Selected publications since April 2015

Asai, Y. (2015) 'Parental leave reforms and the employment of new mothers: Quasi-experimental evidence from Japan', *Labour Economics*, Vol.36, Issue C: 72-83.

This article examines the changes in job continuity of new mothers following an increase in cash benefits provided during Parental leave, while holding the duration of leave fixed. Analysing the Japanese Employment Survey in 1997 and 2002, the author finds little evidence that the reforms increased the job continuity of Japanese mothers. Based on the results, the author discusses that the reforms should be accompanied by family policies to increase support for working mothers not only around childbirth, but also during the period of childrearing.

Brinton, M. and Mun, E. (2015) 'Between state and family: managers' implementation and evaluation of parental leave policies in Japan', *Socio-Economic Review*.

This paper examines Japanese human resource managers' implementation and interpretation of employees' taking Parental leave. Based on in-depth interviews with human resource managers in 25 large firms, the authors find that managers' implementation of leave policy and evaluation of leave-takers are influenced by the workplace norms connected to firm-specific internal labour markets and dominant cultural templates of household gender relations. The authors call attention to the meso-level of a firm, such as the role of managers, to theorize linking policy to outcomes.

Hatanaka, T. (2015) 'Ikujikyugyo shutoku ni okeru shotoku hoshō seido no yakuwari' ['The role of the income security system in the use of Parental leave policy'] *The annual of the Institute of Economic Research, Chuo University*, Vol.46: 755-767.

This paper examines the usage of Parental leave and the receipt of Parental leave benefits. Analysing the Japanese Employment Survey in 2007 and 2012, the author finds that the percentage of women who use Parental leave has decreased, while the percentage of women who continue working without using Parental leave has increased. The author also finds that among men who took Parental leave, only 20 per cent of them were eligible for Parental leave benefits, suggesting that their length of leave is quite short. In addition, the average salary of the men who took Parental leave was higher than that of men who did not.

Mun, E. (2015) 'Workplace matters: The use of parental leave policy in Japan', *Work and Organizations*, Vol.42, No.3: 335-369.

This article examines the use of Parental leave policy in Japanese firms, taking into account the organizational context. Analysing panel data on more than 500 large Japanese firms from 2001 to 2009, the authors find greater utilization of Parental leave policies in firms that have a higher representation of women in managerial positions and that include human resource executives on the corporate board. These findings suggest that aspects of the organizational climate and firm-internal legitimation of policies make a significant difference even when the policy benefits are held constant.

Young, M. A. and Peng, I. (2015) 'Diverging paths? A comparative look at childcare policies in Japan, South Korea and Taiwan', *Social Policy & Administration*.

This paper compares state policies to support childcare in Japan, South Korea and Taiwan, using fuzzy set ideal type analysis to determine the nature of institutional arrangements with respect to labour, money and time provisions. The authors find that all three countries increased their financial support for childcare during the first decade of the 2000s. However, the financial supports differ in focus; in Japan, much of the increase has taken the form of financial support for the family to care for their children; Korea has strengthened policy to support the family's use of care services; and Taiwan has provided financial support primarily in the form of leave provisions. The authors suggest that, despite these differences among the countries, childcare policies in East Asia are premised on competing ideas and, therefore, result in ambivalent policy measures.

### c. Ongoing research

*Basic Survey of Gender Equality in Employment Management.* (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/toukei/list/71-23.html> (Japanese)

This annual survey is based on a national sample of 10,000 private sector workplaces that employ five or more regular employees. It provides nationally representative data on provision and uptake of Parental leave and other employment-related provision to help workers to reconcile their work with care of children and other dependent family members.

Contact: Equal Employment Policy Division, Equal Employment, Children and Families Bureau (+81+3-5253-1111: ext. 7837)

*The National Fertility Survey.* (Every five years). National Institute of Population and Social Security Research. <http://www.ipss.go.jp/pr-ad/e/eng/06.html>

This survey investigates the situation and issues regarding marriage, childbirth and child-rearing in Japan. Unlike the Basic Survey of Gender Equality in Employment Management, it covers those who quit their job before the birth of a child, therefore enabling the relationship between job retention and Parental leave for mothers to be examined.

*Longitudinal Survey of Newborns in the 21st Century* (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/english/database/db-hw/vs03.html> (2001 cohort) and <http://www.mhlw.go.jp/toukei/list/27-22.html> (2010 cohort)

This panel surveys of children who were born in January and July 2001 (2001 cohort) and May 2010 (2010 cohort), and their families, has been conducted annually since 2001 and 2011 respectively. The information provided includes parents' job status, child care and take-up of measures including parental leave and shortened working hours for parents, and use of childcare services. Contact: Longitudinal Survey Office, Statistics and Information Department at [c-cohort@mhlw.go.jp](mailto:c-cohort@mhlw.go.jp)

*Longitudinal Survey of Adults in the 21st Century* (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/toukei/list/28-9.html> (2002 cohort). <http://www.mhlw.go.jp/toukei/list/28-24.html> (2012 cohort)

This panel surveys of people who were 20 to 34-years-old in October 2002 and 2012, and their spouses, has been conducted annually since 2002 and 2012 respectively. The information provided includes job experience, marriage, childbearing and take-up of measures including Parental leave and shortened working hours for parents. Contact: Longitudinal Survey Office, Statistics and Information Department at [s-cohort@mhlw.go.jp](mailto:s-cohort@mhlw.go.jp)

*Japanese Panel Survey of Consumers* (JPSC) (annually). Undertaken and funded by the Institute for Research on Household Economics. <http://www.kakeiken.or.jp/en/JPSC/jpsc.html>

This is an annual panel survey, since 1993, which now has four different cohorts of women and has been used to examine the effect of Parental leave take-up on job retention and childbearing. Contact: [info@kakeiken.or.jp](mailto:info@kakeiken.or.jp).

# Korea<sup>1</sup>

Hyunsook Kim<sup>2</sup>

April 2016

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.

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

### a. Maternity leave (responsibility of the Ministry of Employment and Labour)

*Length of leave (before and after birth)*

- Ninety calendar days: a minimum of 45 days must be taken after birth. In the case of a delayed birth additional days are provided to guarantee 45 days leave after the birth; however, additional days in excess of the 90 days are not paid.
- In the case of a miscarriage or stillbirth, 5 to 90 days leave is provided depending on the length of pregnancy.

*Payment and funding*

- One hundred per cent of ordinary earnings (i.e. for contractually agreed working hours regardless of bonuses and/or overtime pay) at the time of taking leave paid by the employer for the first 60 days and one hundred per cent of ordinary earnings by the Employment Insurance Fund with a ceiling of KRW1,350,000 [€1,037] for the last 30 days.
- For the first 60 days employer pay maternity leave, but to reduce the financial burden on small and medium sized enterprises (SMEs), the Employment Insurance Fund<sup>3</sup> pays for the first 60 days up to a ceiling of KRW2,700,000 [€2,074<sup>4</sup>]. If an employee's ordinary earnings are higher than the ceiling for the first 60 days, the employer must pay the difference between the ceiling and the employee's ordinary earnings above the ceiling for that period. The definition of an SME varies across sectors; for

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<sup>1</sup> Please cite as: Kim, H. (2016) "Korea country note", in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Hyunsook Kim is an analyst in the OECD Social Policy Division. The opinions expressed and arguments employed herein are solely those of the author and do not necessarily reflect the official views of the OECD or of its member countries.

<sup>3</sup> The Employment Insurance (EI) does not cover government officials, teachers (both in public and private school), part-time workers working less than 60 hours per month nor domestic workers. EI also does not cover businesses in the agriculture, forestry, fishery, and hunting sectors with 5 or less employees nor does it cover small construction firms.

<sup>4</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

example, in the manufacturing sector the enterprise must have no more than 500 employees, and in the construction sector no more than 300 to be considered as an SME.

- The Employment Insurance Fund for Maternity leave benefit is financed mainly by employers' and employees' contribution with a small amount of government subsidy.

#### *Flexibility in use*

- Maternity leave can be taken from 45 days before the expected date of delivery. Women who have previously experienced or risk a miscarriage can take the first 45 days at any time for medical reasons.

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

- All women employees are eligible for Maternity leave, whether permanent or temporary workers, but to be eligible for maternity benefit from the Employment Insurance Fund employees must have been insured for 180 days prior to the commencement of Maternity leave; for those not entitled to the benefit, the employer must pay for the first 60 days.

*Variation in leave due to child or family reasons (e.g. multiple or premature birth; 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 Maternity leave increases to 120 days.

### **b. Paternity leave (responsibility of the Ministry of Employment and Labour)**

#### *Length of leave*

- Three to five days – in order to give some flexibility to the employer.

#### *Payment and funding*

- One hundred per cent of ordinary earnings for first three days.
- Funded by the employer.

#### *Flexibility in use*

- Leave can be taken within thirty days after child birth

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

- All employees.

### **c. Parental leave (responsibility of the Ministry of Employment and Labour)**

#### *Length of leave*

- One year for each employee. Leave is an individual non-transferable entitlement.

#### *Payment and funding*

- Forty per cent of ordinary earnings, with a minimum of KRW500,000 [€384] a month and a ceiling of KRW1,000,000 [€768] a month. This rises to 60 per cent of ordinary earnings for parents taking part-time Parental leave (see ‘flexibility in use’).
- In the case that one parent (usually the mother) takes Parental leave first and then the other parent (usually the father) takes Parental leave, the allowance for the first three months of leave for the second parent is 100 per cent of ordinary earnings with a ceiling of KRW1,500,000 [€1,152]. This so-called “Daddy’s month (아빠의 달)” aims to encourage fathers to take Parental leave by providing higher benefit when both parents participate in taking leave consecutively. This daddy’s month was just one month in October 2015 when it was first introduced, but was extended in January 2016 to three months.
- Twenty-five per cent of the Parental leave benefit is paid in a lump sum if the employee returns to the same employer upon expiry of leave and works for more than six months for the same employer afterwards. From July 2015, the amount increased from 15 per cent to 25 per cent when (s)he returns to work upon taking leave to encourage women to return to work.
- Funded from the Employment Insurance Fund.

#### *Flexibility in use*

- Leave can be taken until the child reaches the age of eight years or the second grade in elementary school.
- Leave can be split once, i.e. it can be taken for two separate periods.
- Instead of taking Parental leave on a full-time basis, employees can reduce their working hours; this is called Reduced Working Hours during Childcare Period. Reduced working hours must be a minimum of 15 hours per week and cannot exceed 30 hours per week, and are regarded as part-time Parental leave, and thus subject to Parental leave benefit paid in proportion to the number of working hours.
- Employees can divide Parental leave into one period of full-time leave and one period of reduced working hours; or two periods of full-time Parental leave; or two periods of reduced working hours. However, the total period of leave taken cannot exceed one year. The Korean government proposed to the National Assembly the bill that the length of part-time Parental leave can be extended to two years in 2015.
- Both parents can take leave at the same time, subject to the agreement of both employers. If both parents take leave at the same time, only one parent receives the Parental leave benefit.

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

- Employers can refuse to grant Parental leave to employees who have not worked continuously for their firm for one year.
- In order to receive the Parental leave payment, employees must have been insured for at least 180 days prior to the commencement of Parental leave and take at least 30 days leave consecutively

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

- None

#### **d. Childcare leave or career breaks**

- None

## **e. Other employment-related measures**

### *Adoption leave and pay*

- The same Parental leave regulations apply in case of adoption.

### *Time off for the care of dependants*

- Employees can take up to 90 days' unpaid leave a year to take care of a family member on account of illness, accident, old age, etc. This must be taken in blocks of 30 days.

### *Flexible working*

- All female workers who are within the first 12 weeks or beyond the 36th week of their pregnancies can reduce their working hours by two hours a day without reduction in pay. This rule on shorter work hours for pregnant workers, previously applied only to companies with more than 300 employees, was extended to all businesses.

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

The maximum period of paid post-natal leave available in Korea is 27 months. From 2013 onwards, a childcare subsidy is available to all children aged five years or younger who wish to attend any type of formal ECEC facility regardless of income level. Levels of attendance at formal services for children under and over three years are slightly above the OECD average. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons page](#).

## **3. Changes in policy since April 2013 (including proposals currently under discussion)**

In January 2014, the period during which Parental leave can be taken was extended from up to six years after birth for children who do not attend elementary school to eight years after birth or in the second year of elementary school. Compulsory schooling starts at age 6.

In October 2014, the 'daddy month' was introduced as was the option to take leave on a part-time basis at an increased payment rate (both options are discussed above, see section 1c). In January 2016, the 'daddy's month' (아빠의 달) was extended from one month to three months.

On 25 March 2016, all female workers who are within the first 12 weeks or beyond the 36th week of their pregnancies can reduce their working hours by two hours a day without reduction in pay. This rule on shorter work hours for pregnant workers, previously applied only to companies with more than 300 employees, was extended to all businesses.

## **4. Take-up of leave<sup>5</sup>**

### **a. Maternity leave**

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<sup>5</sup> The numbers in this section relate to the number of employees taking leave covered by Employment Insurance.

Since 2002 when the Employment Insurance started to pay the Maternity leave allowance, the number of employees taking Maternity leave has increased on average by 12 per cent per year, rising from 22,711 (4.6 per cent among the total number of children born) in 2002 to 95,259 (22 per cent among the total number of children born) in 2015.

#### **b. Paternity leave**

There is no information available.

#### **b. Parental leave**

Since 2002 when the Employment Insurance started to pay the Parental leave benefit, the number of employees taking Parental leave has increased on average by 29 per cent per year, rising from only 3,763 (0.8 per cent of the number of new born children) in 2002 to 87,339 (20 per cent of new born children) in 2015.

The proportion of male employees among the total number of employees taking Parental leave in 2015 was only 5.6 per cent, but the number has increased substantially since 2011 when the Parental leave benefit changed from a flat-rate payment of KRW500,000 [€384] per month to an earnings-related payment of 40 per cent of ordinary earnings up to a ceiling of KRW1,000,000 [€768] per month.

### **5. Research and publications on leave and other employment-related policies since April 2013**

#### **a. General overview**

In 2008 and every year since 2011, the Ministry of Employment and Labour conducted a survey on implementation of policies to support the work and family life balance. The Ministry questionnaire covers gender discrimination, maternity protection and measures in the workplace to reconcile of work and family life, and the survey includes about 1,000 employers sampled by size, type of industry and region. While the survey is confined to employers, not employees, it gives an idea of how people are using the different types of leave and other means that support the work and family life balance.

In November 2014, the Ministry of Employment and Labour conducted survey among 1000 fathers who took Parental leave and 500 mothers and fathers who took part-time Parental leave. The survey's findings on full-time Parental leave taking included:

- The main concerns related to the choice of taking leave included: the loss of income (42 per cent of the fathers), negative effects on future career progression (19 per cent); the impact on the workload of colleagues (13 per cent); and, negative attitudes against fathers taking leave (10 per cent).
- Fifty-two per cent of the male respondents reported that they were the first male employee who took Parental leave in their firm.
- In response to the question 'what is the most desirable measure to encourage fathers' leave taking?', the respondents identified strong support from the highest management level (CEO level), raising awareness of fathers' leave taking, the need to change attitudes among middle management, and the desirability to hire replacement workers.

#### **b. Selected publications since April 2014**

None reported.

**c. Ongoing research**

None reported.



# Lithuania<sup>1</sup>

**Ruta Braziene** (Kaunas University of Technology) and **Giedre Purvaneckiene** (Seimas, Lithuanian Parliament)

**April 2016**

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)*

- Eighteen weeks (126 calendar days; 70 calendar days before child birth and 56 calendar days 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 €1,380. It has not increased since 2013.
- Women on Maternity leave receive pension credits to maintain their pension rights.
- 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.

*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*

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<sup>1</sup> Please cite as: Whitehouse, G., Baird, M., Brennan, D. and Baxter, J.A. (2016) 'Australia country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- In case of multiple or premature births or complicated baby delivery, 14 extra days are provided.

**b. Paternity leave (*térvystés atostogos*) (responsibility of Ministry of Social Security and Labour)**

*Length of leave (before and after birth)*

- One month (28 days) 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*

- Until the child is three 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 up to a ceiling of 3.2 times the average insured monthly income (currently at €1,379).
- Parents on Parental leave receive pension credits to maintain their pension rights.
- Funded as for Maternity leave.

*Flexibility in use*

- None.

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

- Parents are eligible for parental benefit if they have paid social insurance taxes at least for 12 months during the last 24 months.

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

- In the case of multiple births, the parental benefit increases according to the number of children, but not exceeding a ceiling of 3.2 times average insured monthly income, currently €1,379.
- Grandfather, grandmother or any actual caregiver of a child (if parents do not use leave themselves) is eligible for Parental leave, but not for parental benefit.

#### **d. Childcare leave or career breaks**

No statutory entitlement.

#### **e. Other employment-related measures**

*Adoption leave and pay*

- If a person adopts or takes foster care of new-born 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.

## **7. Relationship between leave policy and early childhood education and care policy**

The maximum period of post-natal leave available in Lithuania is three years, 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 and over three years are 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 2015 (including proposals currently under discussion)**

Currently, the new Lithuanian social model (Labour relations and State social insurance legal administrative model) is under the discussion<sup>2</sup>, involving an in-depth reform of all Lithuanian

<sup>2</sup> <http://www.socmodelis.lt/modelis>

social protection systems. As part of the new social model, several new draft laws have been presented for public consultation, including the new Labour Code, a Law on Employment Protection, and a Law on Leave Policies. The proposed Law on Leave Policies decreases social insurance contributions from 12 to three months during the previous 24 months in order for a parent to be eligible for any type of leave benefits. Another proposed change is that workplace protection for a worker who has taken Parental leave will be reduced from 12 to four months.

## **4. Take-up of leave**

### **a. Maternity leave**

According to the information provided by the Social Insurance Fund Board (SODRA), one hundred per cent of employed women take up Maternity leave.

### **b. Paternity leave**

There is no information available.

### **e. Parental leave**

According to the information provided by the Social Insurance Fund Board (SODRA), 74 per cent of women and 26 per cent of men took Parental leave in 2015. According to the data provided by the Social Insurance Fund Board (SODRA)<sup>3</sup>, 71 per cent of time was taken by mothers and 29 per cent by fathers.

### **f. Other employment-related measures**

There is no information available.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

The low fertility rate in Lithuania is regarded as a threat to the national security. Therefore demographic 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 2015**

None reported.

### **c. Ongoing research**

None reported.

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<sup>3</sup> <http://atvira.sodra.lt/lt-eur>

# Luxembourg<sup>1</sup>

**Nevena Zhelyazkova** (Maastricht University) and **Marianne Loutsch** (Inspection générale de la sécurité sociale, Luxembourg) and **Marie Valentova** (LISER, Luxembourg)

**April 2016**

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 this leave.

#### *Payment and funding*

- One hundred per cent of earnings up to a ceiling (currently €9614.82 per month) equal to five times the minimum social wage in Luxembourg.
- The Maternity leave scheme is fully integrated into the National Health Fund and is funded in the same way as all sickness benefits, with funding shared between employers (30 per cent), employees (30 per cent) and the State (40 per cent). More specifically, Maternity leave payments are funded from contributions made specifically to cover benefits for sick leave. In 2014, the state contributed 40 per cent of the cost of these benefits; the non-state contributions (amounting to 60 per cent of the cost) were 0.5 per cent of earnings, equally divided between employers and employees (i.e. 0.25 per cent of earnings each), though the proportion going towards Maternity pay cannot be differentiated.

#### *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.

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<sup>1</sup> Please cite as: Zhelyazkova, N., Loutsch, M. and Valentova, M. (2016) 'Luxembourg country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

- In the case of premature or multiple births or breastfeeding, the length of post-natal leave can be extended to 12 weeks. If the birth takes place before the expected date, the part of the pre-natal period not taken is added to the post-natal period. If the birth takes place after the extended date, the post-natal period is still eight weeks.

## **b. Paternity leave**

- There is no statutory entitlement. Employees are entitled to 'leave due to extraordinary circumstances' (*congé extraordinaire*), which gives them the right to take two days off in the case of birth or adoption of a child. The leave is paid by the employer and covers 100 per cent of earnings.

## **c. Parental leave (*congé parental*) (responsibility of the Ministry of Family Affairs and Integration)**

### *Length of leave*

- Six months per parent. Leave is an individual entitlement.

### *Payment and funding*

- A flat-rate payment of €1,778 per month
- Funded from general taxation.
- Parental leave is exempt from contributions and taxations, except for sickness and long term care contributions (€ 68 in total). The pension contribution is financed by the State.

### *Flexibility in use*

- Parents may take 12 months leave on a half-time basis, subject to prior agreement with the employer, 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 or adoption leave. The second period of leave may be taken by the other parent until the child is five years old. The same rules apply in case of adoption.
- Single parents are only entitled to one period of Parental leave (i.e. 6 months), but they do not have to take it immediately after Maternity leave.

### *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. Self-employed persons are eligible for Parental leave if they have been self-employed for at least one year for at least 20 hours per week.
- Every parent has the right to Parental leave even if the other parent is not working, unless the non-working parent is receiving the child-raising allowance (*allocation d'éducation*). The child-raising allowance has been discontinued for children born after 1.6.2015. This allowance was an alternative to Parental leave payment, and was available to every person in Luxembourg raising a child at home and not working or working with an income below a certain threshold; parents had to choose between

Parental leave payment and this allowance. The child-raising allowance in 2015 was €485.01 per month, paid for two years; the total payment was equivalent to Parental 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 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. This leave applies for adopting a child not yet admitted to the first year of primary school.
- Eligibility for adoption leave is the same as for Maternity leave, except both men and women have the right to use 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 terminal state), up to 52 weeks in a reference period of 104 weeks. The leave is paid and funded by the National Health Fund (*La Caisse nationale de santé*).

*Flexible working*

- None.

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

The maximum period of paid post-natal leave available in Luxembourg is 14 months, but most of this is low paid. Leave paid at a high rate runs for only eight weeks. There is an entitlement to ECEC from three years of age, though only for part-time nursery education. This usually consists of daily morning sessions + three two-hour afternoon sessions per week. Attendance is obligatory from four years. So there is a substantial gap of nearly two years between the end of leave and an ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above the average for the countries included in this review and OECD countries (both for children under and over three years). For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### 3. Changes in policy since April 2015 (including proposals currently under discussion)

The child-raising allowance has been discontinued for children born after 1 June 2015; this decision was taken in 2014. The document<sup>2</sup> explaining the reasons for the decision that this is part of the wider framework of the modernization of family policies. It is the first element of a set of legislative and regulatory changes to come, designed to achieve the following objectives: the promotion of employment including female employment, job retention and contribution, and through this, achieving even greater financial independence of parents and especially single mothers.

The programme of the government 2013-2018<sup>3</sup> announced that Parental leave would be evaluated against its three objectives: the health of the new born child, reconciling work and family activities for men and women, and the labour market. Based on the results of the evaluation the government may reform the leave legislation to make it more flexible and to improve the reconciliation of family and professional life and to increase the proportion of fathers who use this benefit. The reform of parental leave was put forward to the Parliament on 16th January 2015. The goal is to improve reconciliation of family and professional life and to increase the proportion of families using leave.<sup>4</sup>

### 4. Take-up of leave

#### a. Maternity leave

As Maternity leave is obligatory, all employed women should take up leave.

#### b. Paternity leave

No statutory entitlement.

#### c. Parental leave

Presently there is only limited information on the proportion of eligible parents using Parental leave. The first available source of take-up rates is the evaluation of Parental leave in Luxembourg completed by KPMG in November 2002<sup>5</sup>. The estimated proportion of potential beneficiaries who used their right to Parental leave in 1999-2001 (the two years following the introduction of Parental leave in Luxembourg) was 30 per cent: 5.3 per cent of eligible fathers and 68 per cent of eligible mothers. These figures included both Luxembourgish residents and cross-border workers. However, the report does not make it clear exactly how these figures have been estimated. In December 2013 a report for the Luxembourg Ministry

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<sup>2</sup> Chambre des Deputes (2014) *Projet de Loi. Session Ordinaire 2014-2015*. Available at: [http://www.chamber.lu/wps/PA\\_RoleEtenduEuro/FTSByteServletImpl/?path=/export/exped/sexpdata/Mag/189/337/138386.pdf](http://www.chamber.lu/wps/PA_RoleEtenduEuro/FTSByteServletImpl/?path=/export/exped/sexpdata/Mag/189/337/138386.pdf)

<sup>3</sup> Luxembourg Government (2013) *Programme Gouvernemental*. Available at: <https://www.gouvernement.lu/3322796/Programme-gouvernemental.pdf>

<sup>4</sup> Cahen, C. (2016) *Projet de loi portant réforme du congé parental*. Available at: [http://www.chamber.lu/wps/PA\\_RoleEtendu/FTSByteServletImpl/?path=/export/exped/sexpdata/Mag/125/551/152540.pdf](http://www.chamber.lu/wps/PA_RoleEtendu/FTSByteServletImpl/?path=/export/exped/sexpdata/Mag/125/551/152540.pdf)

<sup>5</sup> KPMG Assurance Advisory Luxembourg(2002) *Etude d'évaluation de l'impact du congé parental au Grand-Duché de Luxembourg [Evaluation study of the impact of Parental leave in the Grand Duchy of Luxembourg]*. Available at: [http://www.gouvernement.lu/salle\\_presse/actualite/2002/12/23biltgen/dossier.pdf](http://www.gouvernement.lu/salle_presse/actualite/2002/12/23biltgen/dossier.pdf)



of Family and Integration was completed by the Luxembourg Institute for Socio-Economic Research<sup>6</sup>. This report presents figures for Parental leave take-up among mothers and fathers of single children who were born between 1999 and 2007. The analysis are based on data from social security administrative records covering years 1999-2012. The Parental leave take-up rate is notably higher among mothers than among fathers as expected. The average for the observed period is 46.3 per cent among mothers compared to 10.6 per cent among fathers. Analysing Parental leave take-up by year shows an increasing tendency both among mothers and fathers. Fathers tend relatively more than mothers to take part-time Parental leave: 34 per cent of fathers who took leave opted for the part-time mode, compared to 19 per cent of mother. Fathers also take the second Parental leave period more often than mothers. Only about 1.5 per cent of mothers of a single child who took Parental leave took the second leave period, whereas for fathers this proportion was notably higher at 35 per cent.

The report also provides results regarding couples' strategies with respect to Parental leave uptake. Only eligible couples (i.e. couples where both the mother as well as the father were eligible for Parental leave) were selected for part of the analysis. The data revealed that 49 per cent of all analysed couples did not make use of Parental leave. Out of all couples, 39 per cent opted for the strategy where the mother takes Parental leave and the father does not. Eight per cent chose the strategy where both parents take leave. The least used strategy was the one where father takes Parental leave and mother does not (about four per cent of analysed couples).

Another source of information is a study that investigates the work-family trajectories of parents working in Luxembourg, who had a child in 2003 and who were eligible to take Parental leave<sup>7</sup>. The analysis shows that 13 per cent of the eligible fathers who had a child in 2003 used Parental leave before their child turned five years of age (this being the maximum period within which Parental leave can be taken). In comparison, 66 per cent of mothers who were eligible used their right to Parental leave. The majority of mothers who took Parental leave used it immediately after their Maternity leave ended.

The annual report of the Luxembourg Ministry of Family and Integration provides a complete overview of the usage of the Parental leave covering 1999 to 2014<sup>8</sup>. This shows a number of trends. The total number of users of Parental leave has increased markedly over the last thirteen years. At the end of 1999 only 1,433 parents were on Parental leave compared to 4,256 at the end of 2014. In particular, the number of men using leave has increased dramatically, from only 90 at the end of 1999 to 1,050 at the end of 2014. The increased participation of men in Parental leave is also evident in the increasing share of male users (calculated as the percentage of all leave users who are male) from 6.3 per cent at the end of 1999 to 24.7 per cent in 2014. Nevertheless, women remain the majority of leave users, as they have used on average 79.4 per cent of all leaves taken over the period 1999 - 2014.

Throughout the period 1999-2014, women were more likely than men to be using the first leave period available for the child, immediately after Maternity leave, while fathers were more likely to be using the second leave (each parent has a six month period of leave). On

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<sup>6</sup> Valentova, M., Bia, M. (2013) *Le congé parental chez les parents d'enfant unique. Analyse du recours au congé parental par les mères et les pères d'enfant unique, et de son impact sur l'engagement des mères sur le marché du travail. Rapport rédigé pour le compte du ministère de la Famille et de l'Intégration*. Liser, Luxembourg.

<sup>7</sup> Zhelyazkova, N. (2013) *Parental leave within the broader work-family trajectory: What can we learn from sequence analysis? (UNU-MERIT Working Paper No 2013-049)*. Available at: <http://www.merit.unu.edu/publications/wppdf/2013/wp2013-049.pdf>

<sup>8</sup> Ministry of Family and Integration (2014) *Rapport d'Activité 2014*. Available at: [http://www.mfi.public.lu/publications/01\\_rapports-activite/rapp\\_act\\_2014.pdf](http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2014.pdf)

average for the period 1999-2014, 80.8 per cent of men using leave did so in the second leave period, compared with only 6.5 per cent of women leave-users. Moreover throughout that period, the uptake of second leave periods increased, as both parents in more families took their entitlement. In 1999, 1,383 parents took the first period of leave, compared with only 50 second period leave takers. By 2014, the total of first period leave takers had risen to 3,128, whilst second periods leave takers now stood at 1,128. Put differently, the number of men taking the second period of leave had shot up from 30 to 928.

There is also a marked gender difference in using the leave full-time or part-time. Between 1999 and 2014, women taking leave were more likely to use it full-time (62.9 per cent on average) compared to men (56.4 per cent on average). The general trend for both genders has been an increase in the percentage of part-time users and a decrease in the percentage of full-time users.

#### **d. Other employment-related measures**

There is no information available.

### **5. Research and publications on leave and other employment-related policies since April 2015**

#### **a. General overview**

Nothing reported.

#### **b. Selected publications since April 2015**

Nothing reported.

#### **c. Ongoing research**

Nothing reported.

# Malta<sup>1</sup>

**Frances Camilleri-Cassar** (University of Malta)

**April 2016**

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<sup>2</sup>**

### **a. Maternity and special Maternity leave (responsibility of Ministry of Social Dialogue, Consumer Affairs, and Civil Liberties)**

#### *Length of leave*

- Eighteen weeks: six weeks must be taken following the birth, while a further eight weeks can be taken before or after birth. A further period of up to four weeks may be taken, immediately after the take-up of 14 weeks. It is obligatory to take six weeks following the birth.
- Special Maternity leave is granted when suitable alternative work and/or work hours (in terms of health and safety during pregnancy or during the twenty-six weeks starting from the date of confinement) are not possible. In such instances, the mother is granted leave, up to the time-limit stipulated by the statutory Maternity leave.

#### *Payment and funding*

- For Maternity leave, 100 per cent of earnings for 14 weeks with no ceiling on payments, followed by a flat-rate payment equivalent to the statutory minimum wage (€166,26 per week) for the final four weeks. During the special Maternity leave, an allowance is paid, equivalent to the rate of sickness benefit.
- Women on Maternity leave or special Maternity leave are entitled to all rights and benefits which may accrue to other employees of the same class or category of employment at the same place of work, including the right to apply for promotion. Furthermore, the mother is entitled to return to the same job. If for a valid reason, the position is no longer available, she is entitled to equivalent or similar work and conditions of employment.

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<sup>1</sup> Please cite as: Camilleri-Cassar, F. (2016) 'Malta country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> There is a distinction between policies in the public sector and those pertaining to the private sector and which do not fall under the Wages Council Wage Regulation Orders (WRO). Policies under the WRO include employees engaged in a contract of service in the private sector, and are outside the scope of this report.

- With the exception of bonuses or allowances related to performance or production, all automatic or fixed allowances specifically incorporated in the pay package should not be deducted during such leave.
- Funded by employers (public or private), except for the final four weeks paid at minimum wage level, which is funded by the government, via the department of Social Security.
- The Maternity Leave Trust Fund was implemented in July 2015 with the aim of addressing discrimination against the employment of women in the private sector. Although employment law prohibits gender discrimination at the stage of recruitment, employers in the private sector are often wary of employing women, due to the possibility of pregnancy and payment for maternity leave. The Trust Fund will be financed through contributions by private companies.
- The premium contribution is calculated at 0.3 per cent of the basic wage of all employees, and the amount collected will go into the Trust Fund. Private employers will receive a refund from the Maternity Leave Trust Fund for wages paid to women during their 14 weeks maternity leave. The new policy will not change the system of payment to women on maternity leave (i.e. full wage for the first 14 weeks paid by the employer, and a flat rate paid by the government for the remaining 4 weeks of maternity leave).
- The computation of the 0.3 per cent is based on the number of women engaged in employment, the annual basic wage, probability of maternity, probability of women who exit the labour market before/during/after pregnancy, and the number of women working in private sector. The Trust Fund will be calculated on a 3-month, 6-month or 12-month reimbursement system (yet to be established) by the government to employers after their payment of maternity leave.

#### *Flexibility in use*

- None, except for eight weeks of leave that can be taken before or after birth.

#### *Eligibility*

- All employees and self-employed women<sup>3</sup>.

*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 those cases where, owing to a pathological condition arising out of confinement, an employee is unable to resume duties at the end of the maternity leave, she will be entitled to a further period of absence of up to five weeks, which are deducted from her paid sick leave. Any period of absence in excess of the paid sick leave entitlement is considered sick leave without pay.

### **b. Paternity leave (public sector)**

#### *Length of leave*

- Two days after birth.

#### *Payment and funding*

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<sup>3</sup> A self-employed woman who has recently given birth is eligible for Maternity Leave Benefit; this benefit is paid for 4 weeks in addition to the first 14 weeks as maternity benefit entitlement.

- One hundred per cent of earnings with no ceiling on payments.
- Funded by the government (as employer).

*Flexibility in use*

- Must be taken up within fifteen days of the birth.

*Eligibility*

- All employees.

**b. Paternity leave (private sector)**

*Length of leave*

- One working day.

*Payment and funding.*

- Hundred per cent of earnings with no ceiling on payments.
- Funded by the employer.

*Flexibility in use*

- None.

*Eligibility*

- All employees.

*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.*

- Two days leave in the case of multiple births.

**c. Parental leave (public sector) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)**

*Length of leave (before and after birth)*

- Twelve months per family. If both parents work in the public sector, they only receive 12 months shared between them.

*Payment*

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under 6 years of age. Credits are due for the first three children, even if parent does not return to employment. Any credits for the fourth child and onwards (if required) will be awarded provided parent returns to employment for the same number of years of credits to be awarded.

*Flexibility in use*

- Parental leave may be taken in one continuous period of twelve months or in continuous periods of four, six, or nine months.
- Four months may be broken down in periods of one month at a time and taken until the child is eight years old, and may be granted on a full-time or a part-time basis.
- Leave may be shared between the parents if both are public sector employees.
- Parents cannot be on leave together.

#### *Eligibility*

- At least twelve months continuous service.

#### *Variations in leave policy*

- Public officers in the positions of head, director or assistant-director are eligible to four months unpaid parental leave instead of the twelve months.

### **c. Parental leave (private sector, unless covered by Wage Regulation Orders<sup>4</sup>) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)**

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

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

#### *Payment*

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under 6 years of age. Credits are due for the first three children, even if parent does not return to employment. Any credits for the fourth child and onwards (if required) will be awarded provided parent returns to employment for the same number of years of credits to be awarded

#### *Flexibility in use*

- Leave may be taken in blocks of one month, up to the child's eighth birthday.
- Parents cannot be on leave together.

#### *Eligibility*

- At least twelve months continuous service.

### **d. Childcare leave or career breaks (public sector)**

- A one-off five-year career break can be taken until a child is eight years old.

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<sup>4</sup> 31 sectors in the private sector fall under WROs, including: hospitals and clinics, construction, private cleaning services, printing and publishing, seamen, hotels and clubs, etc. Workers covered by Wage Regulation Orders have their own legal entitlements which are amended regularly (e.g. hours of work). Reference to 'private sector' benefits in this report, cover only non-WRO workers. For more information see <https://dier.gov.mt/en/Legislation/Pages/Wage-Regualtion-Orders.aspx>; and also <http://www.justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=452>

### *Payment*

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under 6 years of age. Credits are due for the first three children, even if parent does not return to employment. Any credits for the fourth child and onwards (if required) will be awarded provided parent returns to employment for the same number of years of credits to be awarded.

### *Flexibility in use*

- The five years must be taken in one continuous block, and may be reduced by multiples of three months.
- If the five years are not fully used, the outstanding leave may be taken up for the care of another child/children.
- The career break may be shared by both parents if both are employees in the public sector.

### *Eligibility*

- All employees in the public sector. However, female employees must undertake six months employment either after Maternity or Parental leave, or else immediately after the career break.

#### **d. Childcare leave or career break (private sector)**

- No statutory entitlement, any career break being at the discretion of the employer.

#### **e. Other family-employment related measures (public sector)**

##### *Adoption leave and pay*

- The same as Maternity leave.

##### *Time off for the care of dependants*

- Public sector workers may apply for up to one year of unpaid leave to care for elderly parents, disabled children or spouses.

##### *Flexible working*

- Employees in the public sector with one year of service may apply to work flexi-time for 12 months. This is renewable every year, with a full-time salary and other benefits. Employees may work different time schedules in winter and summer.
- Employees in the public sector may apply to work reduced hours (i.e. between 20 and 35 hours per week) until their children are 16 years old, with pro-rata payment.
- Employees in the public sector may apply to work on a teleworking arrangement for 12 months (renewable every year).

#### **e. Other family-employment related measures (private sector)**

##### *Adoption leave*

- Four months unpaid leave, until the child is eight years old, which may be used in one-month blocks.

#### *Reduced hours*

- Pro-rata benefits must be based on existing full time working conditions.

#### *Flexible working*

- None

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

The maximum period of post-natal leave available in Malta is 76 months for public sector workers who use Parental leave and career breaks; or just under one year for private sector workers. In both cases, most of the leave period is unpaid, with leave paid at a high rate for just over three months. There is an entitlement to free attendance at ECEC services for children from three months of age who have a parent in full-time education or employment. Consequently, there is no gap between the end of paid leave and an ECEC entitlement (for parents in full-time public sector employment or education). However, all children are entitled to attend ECEC from three years of age irrespective of whether the parent is economically active, or a stay-at-home parent. Levels of attendance at formal services are above the average for the countries included in this review and OECD countries, both for children under and over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

Statutory Maternity leave increased from 16 to 18 weeks in January 2013, with 14 weeks paid at 100 per cent of earnings. As of January 2015, payment for the remaining four weeks was introduced, at the level of the national minimum wage. As of August 2015, Maternity leave that includes August is to be treated as vacation leave and paid accordingly for all educators working in schools and/or under school-work conditions.

## **4. Take-up of leave (public sector)<sup>5</sup>**

### **a. Maternity leave**

In 2014, 600 women took up their entitlement to 14 weeks of paid maternity leave. However, the number fell substantially – to 431 women - for the remaining low-paid four weeks of Maternity leave.

### **b. Paternity leave**

There is no information available.

### **c. Parental leave**

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<sup>5</sup> <https://opm.gov.mt/en/PAHRO/ERM/Pages/Reports/Reports.aspx>



There is a clear gender gap in the take-up of unpaid Parental leave in 2014, with only 13 men taking leave compared with 473 women.

#### **d. Childcare leave and Career breaks**

Two hundred and fifty-three women took up their entitlement to an unpaid career break, of up to five years in 2014; only 7 men opted for the benefit.

A study of social policy in Malta finds that unpaid family leave is synonymous with career regression, and interruption in national insurance contributions. This in turn perpetuates women's financial dependence on men and increases the feminisation of poverty in old age (see Camilleri-Cassar, 2005). Until leave-to-care policies can offer financial compensation for loss of earnings, and are modified to allow time for the equal sharing of care between women and men, gender inequality will persist, both in the workplace and domestic sphere in Malta.

#### **e. Other family-employment related measures**

1,234 women opted to work reduced hours in 2014, compared with 82 men. However, reduced hours need not necessarily be for reasons of childcare.

### **4. Take-up of leave (Private sector)<sup>6</sup>**

There is no information available.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

Malta's leave schemes are based on a clear division between the public and private sectors, with employees in the public sector having more favourable conditions. They also assume and sustain a male breadwinner system. They are patchy, and have done little to change father practices. Leave policies couched by the state as family friendly, fall disproportionately on women, while men's employment is undisturbed by their transition into fatherhood. Most fathers in Malta are unable to shoulder the loss of income, and loss in retirement pension due to interrupted national insurance contributions during their unpaid leave. Admittedly, it makes economic sense that a clear majority of care-leave takers are women in a male breadwinner regime.

One of the most obvious of gender inequalities is the two day Paternity leave (one day in the private sector) compared with eighteen weeks Maternity leave. Such discriminatory practices supported by the State can only broaden the gender gap, and reinforce traditional family patterns of a male breadwinner ideal type in Malta. Typical of a male breadwinner model, unpaid leave schemes are taken up largely by women, which leaves the basic gendered structure of society untouched.

A study of social policy in Malta finds that unpaid family leave is synonymous with career regression, and interruption in national insurance contribution that in turn perpetuate women's financial dependence on men and increase the feminisation of poverty in old age

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<sup>6</sup> Personal communication with the Department of Industrial and Employment Relations, Malta.  
<http://dier.gov.mt/en/Pages/home.aspx>

(see Camilleri-Cassar, 2005 in section 5). Until leave policies can offer financial compensation for loss of earnings, and are modified to allow time for the equal sharing of care between women and men, gender inequality will persist, both in the workplace and domestic sphere in Malta.

Research and publications are patchy and consist largely of a few newspaper articles by employers' associations lamenting the (un)fairness to employers for having to pay for maternity leave. Other than that publications are mainly annual reports by government departments such as the Public Administration HR Office of the Prime Minister or short comments uploaded on line by law firms in Malta. Statistics that would provide a clear picture of the take-up of leave policies for drawing up leave policies that are effective in Malta are dated or not available.

#### **b. Selected publications since April 2015**

PAHRO (2014) *Family Friendly Measures Report 2013*, Public Administration HR Office, Malta.

The report provides data on the take-up of family-friendly measures in the public administration of Malta. Data is broken down by gender, and salary scale and presents some analysis of employee work-family needs.

Camilleri-Cassar, F. (2015) *Country fiches on gender equality and policy developments*, European Network of Experts on Gender Equality.

#### **c. Ongoing research**

The Public Administration HR Office of the Office of the Prime Minister is currently working on the 2015 Annual Report of Family-Friendly measures. Other than that, information on ongoing research is not available.

# Mexico<sup>1</sup>

Cándido Pérez (Early Institute<sup>2</sup>)

April 2016

NB. Mexico is a federal state with 32 federal states.

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](#) page on website.

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

### a. Maternity leave (*licencia de maternidad, seguro de maternidad*) (responsibility of the Ministry of Labour and Social Welfare – *Secretaría del Trabajo y Previsión Social*, at federal level)

*Length of leave (before and after birth)*

- Twelve compulsory weeks: six weeks before birth and six weeks following birth.

*Payment and funding*

- One hundred per cent of earnings, with no ceiling on payments for the standard period.
- Fifty per cent of earnings for a period not exceeding sixty days if Maternity leave is extended.
- Maternity leave is financed by social security (*Seguro de maternidad*) on a tripartite basis: employers pay 70 per cent, employees 25 per cent and the federal government five per cent. However, the payment made by social security depends on the amount of contributions that have been paid by both the employer and the employee, such as pension or retirement contributions. Therefore, the exact payment can be complicated to work out.
- Maternity leave period is also taken into account in the calculation of old age and pension benefits.

*Flexibility in use*

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<sup>1</sup> Please cite as: Pérez, C. (2016) 'Mexico country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Early Institute is a Mexican Think Tank constituted by a group of social scientists and lawyers who develop applied research and consultancy mainly to analyze and inform public policies on childhood. In particular they contributed to the preparatory work for the introduction of Paternity leave in Mexico in 2012.

- By specific request of an employee, up to four of the six weeks of Maternity leave before birth can be transferred after birth. This requires a formal statement from a doctor, and takes into consideration the employer's view and the type of work the employee performs.
- Maternity leave is extended for the time necessary in the event that the employed woman is found unable to work due to pregnancy or childbirth.

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

- Employees must have contributed to social security for at least 30 weeks in the 12 months before the date on which the Maternity leave starts. When the employed woman does not meet this requirement, it is the responsibility of the employer to pay hundred per cent of the earnings. Employees must not perform any paid work during pre- and post-natal periods.
- Only women employees in the formal economy are eligible for Maternity leave. About 60 percent of all employed women have no access to social security since they work in the informal economy. Furthermore, the self-employed have a special and voluntary social security regime (*régimen voluntario*), which does not include Maternity leave insurance, so they do not have any 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*

- If the child is born with any kind of disability or requires hospital care, leave can be up to eight weeks after birth; although, the mother must show a medical certificate to claim this extension.

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

- For public employees, Maternity leave is one month before expected delivery date and two months after birth, paid at 100 per cent of earnings.
- The 2006 National Survey on the Dynamics of Household Relations<sup>3</sup> revealed that 2.4 million women had faced some form of employment discrimination, of those, 1.1 million stated that they were asked to take a pregnancy test as a requirement for entry to work. Furthermore, more than 99,000 reported that they had been laid off, had not had their contracts renewed, or had their wages lowered when they got pregnant. Since 2012, it is illegal for employers to request a 'certificate of not being pregnant' (*certificado médico de no embarazo*) as a condition of new employment, permanence of employment or promotion. It is strictly prohibited to dismiss an employee or coerce her to resign for being pregnant, changing her marital status or childcare arrangements. However, pregnancy discrimination is widespread and most cases remain unpunished, with the majority of instances not even being reported.

## **b. Paternity leave (Permiso de paternidad) (responsibility of the Ministry of Labour and Social Welfare)**

*Length of leave*

- Five days.

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<sup>3</sup> INEGI (2006) *Encuesta Nacional sobre la Dinámica de las Relaciones en los Hogares [National Inquiry into the Dynamics of Relationships in the Home]*, ENDIREH: México.

### *Payment and funding*

- One hundred per cent of earnings, paid by the employer.
- Paternity leave period is also taken into account in the calculation of old age and pension benefits.

### *Flexibility in use*

- None.

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

- As with Maternity leave, Paternity leave only relates to parents in the formal economy, so does not apply to about 60 per cent of male employees, who have no access to social security.

### *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*

- Paternity leave can be extended in cases of serious illness of the child or death of the mother.

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

- In recent years, some government agencies have implemented extra Paternity leave, including the National Women's Institute (INMUJERES), the Ministry of Social Development (SEDESOL), the Federal Electoral Tribunal, the Federal Police and the National Workers Housing Fund Institute (INFONAVIT) all of which grant ten days of Paternity leave. In the case of employees of the Mexico City Government, Paternity leave is extended to 15 days.

## **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, the mother is entitled to six weeks of paid leave, after the day that the mother receives the child.

### *Time off for the care of dependants*

- No statutory entitlement.

### *Flexible working*

- Mothers can have two fully-paid breaks per day, up to half an hour each, to (breast) feed their child (*periodo de lactancia*), until the child is six months old. These breaks should be in a proper and hygienic place designated by the employer, or, if this is not possible, the mother's working day should be reduced by one hour.

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

The maximum period of paid post-natal leave available in Mexico is six weeks, paid at a high income-related level. Attendance at ECEC is compulsory from four years of age, but there is no entitlement for younger children. So there is a substantial gap of nearly four years between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under three years are well below the average for countries included in this review and all OECD countries, but for children over three years attendance is above the OECD average and similar to the average for 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 2015 (including proposals currently under discussion)**

Nowadays, there are at least five proposals in Congress (both the House of Deputies and the Senate). Mainly, the proposals extend Maternity leave to fourteen weeks and Paternity leave to ten days; one of the proposals tries to extend Paternity leave to twenty-one days. Although all of them have been presented by the relevant parties, including the Institutional Revolutionary Party (PRI) and the Party of the Democratic Revolution (PRD), none have been approved.

## **4. Take-up of leave**

### **a. Maternity leave**

Maternity leave benefit covered 19.7 per cent of the 2,586,287 births in 2011 (author calculations based on data provided by the Mexican Social Security Institute, the Institute for Social Security and Services for State Workers and the National Institute of Statistics and Geography).

### **b. Paternity leave**

There is no information available.

### **c. Parental leave and Parental benefit**

No statutory entitlement.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

Leave arrangements are not yet a research topic in Mexico. The impact of the leave arrangements on gender and social equality in the labour market and on fertility decisions is an unexplored field. There are some studies in the field of Law that have examined maternity leave as a starting point to promote Paternity leave, but these are still nascent.

## **b. Selected publications since April 2015**

Berlinski S., Schady N. (eds.) (2015) *The Early Years*, Inter-American Development Bank. Available at: <http://www.palgraveconnect.com/pc/doi/10.1057/9781137536495>.

The *Early Years* analyzes the development of Latin American and Caribbean children and makes a compelling case for government intervention in what is instinctively a family affair. This book describes policies for young children in all the regions, and offers suggestions for improving public policy. Related to leave policies, the authors conclude that although policies of mandated leave are feasible and desirable in Latin America and the Caribbean, they are difficult to implement because of the large proportion of workers in the informal sector (more than 50 percent in both countries), where such mandated leave could not be enforced.

Aranda, P., Castro Vásquez, M. C. (2016) El campo de la agroindustria en el noroeste de México y la salud de sus jornaleras: una propuesta de estudio [The agricultural business industry in northwestern Mexico and the health of female farmworkers: a proposal for study]. *Salud Colectiva*, 12(1), 55-70.

This article seeks to outline the export-oriented agricultural business industry structure in North-Western Mexico, so as to analyse the vulnerability conditions of female farm-workers in terms of their access to health services and the medical attention they receive. Using a qualitative approach, focus groups and interviews were carried out with farm-workers and subject experts pertaining to academia and civil society. The primary results demonstrate a lack of access to health services and social security (including Maternity leave) and describe the main actors and their positions regarding farm-workers' vulnerability.

## **c. Ongoing research**

*The social politics of fatherhood in Mexico and Spain*. (2015-16). Cándido Pérez, doctoral study at Universidad Anáhuac México Norte, Estado de México, México.

The research investigates the role of public policies on paternal involvement in early childhood comparing Mexico and Spain. The analysis focuses on policies related to early childhood, particularly Maternity leave, Paternity leave and Parental leave, as well as early childhood education and care centres for children under four years old. The study seeks to determine whether public policies implemented in recent years facilitate the development of dual-earner models or reinforce the caring mother model. Contact: [cperez@earlyinstitute.org](mailto:cperez@earlyinstitute.org).

# The Netherlands<sup>1</sup>

**Laura den Dulk** (Erasmus University Rotterdam)

**April 2016**

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

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

### **a. Maternity leave (*zwangerschaps- en bevallingsverlof*) (responsibility of Department of Social Affairs and Employment)**

*Length of leave (before and after birth)*

- Sixteen weeks. Leave must start four weeks before birth and up to six weeks can be taken before the birth, with ten weeks to twelve weeks after the birth. If the birth is later than the expected date of delivery, the longer benefit period preceding childbirth is not deducted from the benefit period after childbirth. It is obligatory to take the whole period of leave.

*Payment and funding*

- Hundred per cent of earnings up to a ceiling equivalent to the maximum daily payment for sickness benefit (€202.17).
- 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 date, and six weeks after the actual date of delivery.

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

- All female employees.
- Self-employed women are entitled to a sixteen weeks payment up to a maximum of 100 per cent of the statutory minimum wage (€1524.60 a month before taxes for those aged 23 years and older).

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<sup>1</sup> den Dulk, L. (2016) 'Netherlands country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)



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

- Additional leave up to 10 weeks in case the child had to stay at the hospital for more than one week after birth (since 1<sup>st</sup> January 2015).
- Delegation of the leave to the partner in case the mother dies (since 1<sup>st</sup> January 2015).
- Flexible take up of the last part of the leave (6 weeks after birth the mother can spread the remaining leave over 30 weeks) (since 1<sup>st</sup> January 2015)
- The government is considering to extend the period of leave by 4 weeks in case of multiple birth.
- Adoptive or foster parents are entitled to 4 weeks, which they can use flexibly over a period of 26 weeks (4 weeks before they have the child and 22 weeks after the birth).

## **b. Paternity leave (*kraamverlof*) (responsibility of Department of Social Affairs and Employment)**

*Length of leave*

- Two working days immediately around the birth of a child and 3 days out of parental leave (since 1<sup>st</sup> January 2015).

*Payment and funding*

- The two days are paid by the employer at hundred per cent of earnings, with no ceiling on payments; the 3 days are unpaid leave.

*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)*

- Collective agreements may contain supplementary or restrictive arrangements with respect to the two days paid paternity leave. Research among the 100 largest collective agreements indicate that 12 collective agreements offer only one day paternity leave while 15 collective agreements offer longer leave, mostly 5 days<sup>2</sup>.

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<sup>2</sup> de la Croix, J. et al. (2014) *Arbeid en Mantelzorg*. [translation missing] CAO onderzoek 2014. Den Haag: SZW.

- See 1c.

### **c. Parental leave (*ouderschapsverlof*) (responsibility of Department of Social Affairs and Employment)**

#### *Length of leave*

- Twenty-six times the number of working hours per week per parent per child. For example, a full-time job of 38 hours a week gives a leave entitlement of 988 hours (i.e. 26 weeks). Leave is an individual, non-transferable entitlement.
- Leave has normally to be taken part-time; full-time is only possible when the employer agrees. So in the example given above, the worker would work 50 per cent of normal working hours (i.e. 19 hours) for 12 months. Other part-time options are possible, e.g. fathers often take only one day of Parental leave per week, which enables them to extend the period of leave over an even longer period.

#### *Payment and funding*

- None. Between 2009 and 2014 parents were entitled to a parental leave tax credit of 50 per cent of the statutory minimum wage. Nowadays, this entitlement no longer exist.

#### *Flexibility in use*

- Leave can be taken until a child is 8 years old. Parents can take leave at the same time, if they choose.
- 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). Also, 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)*

- Collective agreements can supplement legislation. In 2014, 25% of the 100 largest collective agreements in the Netherlands contained additional arrangements with respect to parental leave: 15 collective agreements offered partly paid leave (payment varied between 25 and 75%); 3 collective agreements extend the age of the child to 12 years; 7 collective agreements offered full-time leave. Collective

agreements that supplement legislation are mainly found in public administration and the health sector<sup>3</sup>.

#### **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 used flexible over a period of 26 weeks (4 weeks before they have the child and 22 weeks after).
- For adoptive parents the same regulations for Parental leave apply as for other parents.

##### *Time off for the care of dependants*

- Short-term leave up to a maximum of ten days a year can be taken to care for a sick child living at home, a sick partner or parent, other household members or friends. 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 are also entitled to unpaid long-term leave of up to six times their working hours per week to be taken part-time (i.e. 12 weeks at half of the working hours). With the agreement of the employer long-term care leave can also be taken full time or less hours per week over a longer period to a maximum of 18 weeks. The right is conditional: an employer can refuse the leave if the organisation's interests are seriously harmed.
- In addition, a reasonable amount of time off work 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.
- Recently, the law on Modernizing Leave and Working Times, submitted by the Minister of Social Affairs in August 2011 (TK 2010/2011), was accepted by parliament. This law includes the possibility to take up (short-term and long-term) care leave for household members other than a child or partner; the possibility to take up long-term care leave not only in case of a life threatening illness, but in all cases that long-term care is needed. This extension is related to the idea that (older) people should be able to live at home as long as possible and care is provided more and more by family and friends.

##### *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

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<sup>3</sup> de la Croix, J. et al. (2014) *Arbeid en Mantelzorg*. [translation missing] CAO onderzoek 2014. The Hague: Ministry of Social Affairs and Employment.

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. Since 1st January 2016, this law is replaced by the Flexible Working Act. This Act includes next to the right to adjust the number of working hours also the right to work from home and to adjust working hours.

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

The maximum period of post-natal leave available in the Netherlands per family is nearly 15 months, but most of this is unpaid (except for a tax reduction) and involves part-time leave; full-time leave paid at a high rate runs for only 10 weeks. There is an entitlement to ECEC from four years of age, though only for part-time schooling (22 hours a week during school time). So there is a gap of nearly three 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 three years are well above the average for the countries included in this review and OECD countries (though this includes many two year olds attending part-time playgroups); but are below both averages for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

The law on Modernizing Leave Arrangements and Working Times [Wet moderniserende regelingen voor verlof en arbeidstijden] came into force on 1<sup>st</sup> January 2015. This law replaces the Work and Care Act introduced in 2000. The law includes: the extension of Paternity leave by three days; the possibility to take up short-term and long-term care leave arrangements for household members other than a child or partner; and the possibility to take up long-term care leave not only in case of a life-threatening illness, but in all cases where long-term care is needed. This last proposed extension is related to the idea that (older) people should be able to live at home as long as possible; care, in these cases, is provided more and more by family and friends. The current government is considering to make paternity leave fully paid for all 5 days. The Working Hours Amendment Act [Wet Aanpassing arbeidsduur] (2000) has been replaced by the Flexible Working Act [Wet Flexibel Werken] from 1<sup>st</sup> January 2016. This new law enables employees not only to submit a request to work more or fewer hours, but it also entitles employees to ask for a change in working hours or to work from home. The same conditions and regulations apply as was the case for the reduction or increase of working hours (see 1e).

## **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**

In 2013, 83 per cent of fathers entitled to Paternity leave used the leave; the majority extended their leave by also taking annual leave (60%)<sup>4</sup>.

### c. Parental leave

Figures from Statistics Netherlands show that in 2013, 124,000 female employees and 124,000 male employees (working 12 hours or more per week) were entitled to Parental leave. Out of the women eligible for Parental leave, 57 per cent took leave for an average of 12 months and 10 hours a week; among the men eligible for Parental leave, 23 per cent took leave for an average of 16 months and eight 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 29 hours per week, while fathers 39 hours. For men, the use of Parental leave has grown since 2003 from 15 per cent to 18 per cent in 2007, and to 23 per cent in 2013; while for women, uptake increased from 42 per cent in 2003 and 2007, to 57 per cent in 2013<sup>5</sup>.

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 respectively<sup>6</sup>.

As payment above the statutory minimum depends on collective agreements, take-up rates vary between sectors. Employees in the public sector and in the healthcare 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 respectively<sup>7</sup>.

In a comprehensive study on the position and participation of women from ethnic minorities in Dutch society, published in 2006, attention is paid to the use of Parental leave by Turkish, Moroccan, Surinamese and Antillean working parents<sup>8</sup>. Take-up was 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 were 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

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<sup>4</sup> <https://www.cbs.nl/nl-nl/nieuws/2015/36/ruim-vier-op-de-vijf-prille-vaders-nemen-verlof>.

<sup>5</sup> Centraal Bureau voor de Statistiek (2014) *Ouderschapsverlof; gebruik en duur*. [translation missing] Available at:

[http://statline.cbs.nl/StatWeb/publication/default.aspx?DM=SLNL&PA=72022NED&D1=a&D2=1-2&D3=0-2&D4=\(1-9\)-I&HDR=G1%2cG3&STB=G2%2cT&VW=T](http://statline.cbs.nl/StatWeb/publication/default.aspx?DM=SLNL&PA=72022NED&D1=a&D2=1-2&D3=0-2&D4=(1-9)-I&HDR=G1%2cG3&STB=G2%2cT&VW=T)

<sup>6</sup> van der Moeren, F., de Vries, J. (2011) Vooral hoogopgeleide, voltijds werkende vrouw neemt ouderschapsverlof op [translation missing], in: *Webmagazine, maandag 4 april 2011*, Den Haag: Centraal Bureau voor de Statistiek.

<sup>7</sup> Ewalds, D. (2010) 'Ouderschapsverlof in de marksector meestal niet betaald' [translation missing], in: *Webmagazine, woensdag 15 december 2010*, Den Haag: Centraal Bureau voor de Statistiek.

<sup>8</sup> Keuzenkamp, S., Merens, A. (2006) *Sociale atlas van vrouwen uit etnische minderheden*. Den Haag: Sociaal en Cultureel Planbureau. A summary in English will be available at: <http://www.scp.nl/english/publications/summaries>

*Use of leave for short periods of care.* In 2013, 232,000 women and 200,000 men took care of a sick child, parent or partner for a short period, and 32 per cent of the women and 38 per cent of the men took some sort of leave. A large proportion used their annual holiday leave (45 per cent of men taking some kind of leave and 41 per cent of women); of those taking leave, 24 per cent of men and 29 per cent of women used short-term care leave<sup>9</sup>.

*Use of leave in longer periods of care.* According to figures of National Statistics, in 2013 443,000 employees (245,000 women and 198,000 men) took care of a sick member of their family on a regular basis and/or for a longer period; 17 per cent who undertook such care took some sort of leave. Mostly they used short-term care leave (35 per cent), but also many employees use their holidays to care for a seriously ill relative (31 per cent of employees taking some form of leave use their annual leave)<sup>10</sup>. The proportion of employees helping a sick or aged loved one with household tasks or personal care, increased between 2004 and 2014 from 13 to 19 per cent. This increase was visible among both female and male employees: 23 per cent of employed women provided informal care in 2014 compared to 17 per cent in 2004; among male employees informal care increased from 9 to 17 per cent<sup>11</sup>.

*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<sup>121314</sup>. It is clear that part-time work is very popular (and for women even almost natural). Most Dutch employees are satisfied with their amount of working hours, suggesting that part-time work is in most cases voluntary<sup>15</sup>. Research indicates that in general employers are positive towards part-time working on all occupational levels and employers rarely reject a request to reduce working hours. Requests to increase working hours are less common and not always granted, however<sup>16</sup>.

## 5. Research and publications on leave and other employment-related policies since April 2013

### a. General overview

Recently, working time options and attention to the combination of paid work and care received renewed attention from policy makers, resulting in several research reports. This renewed attention is related to two trends. Firstly, the reforms of the welfare state and in particular spending cuts in the healthcare sector will mean that the government is putting

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<sup>9</sup><http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=71516ned&D1=a&D2=a&D3=l&HDR=G1,G2&STB=T&VW=T>

<sup>10</sup> <http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=71516ned&D1=0-16,78-93&D2=a&D3=a&HDR=G1,G2&STB=T&VW=T>

<sup>11</sup> Josten, E., de Boer, A. (2015). Mantelzorg en betaald werk bij vrouwen en mannen.[translation missing] *Tijdschrift voor Arbeidsvraagstukken*, 31(4): 414-426.

<sup>12</sup> Portegijs, W., Keuzenkamp, S. (eds) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk* [Part-time working in the Netherlands]. Den Haag: Sociaal en Cultureel Planbureau.

<sup>13</sup> Portegijs, W. (ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken* [A picture of part-time working]. Den Haag: Sociaal en Cultureel Planbureau.

<sup>14</sup> Keuzenkamp, S. (ed.) *Deeltijd (g)een probleem. Mogelijkheden om de arbeidsduur van vrouwen met een kleine deeltijd baan te vergroten* [Working part-time: (not) a problem?] Den Haag: Sociaal en Cultureel Planbureau.

<sup>15</sup> Vlasblom, J.D., van Echtelt, P., de Voogd-Hamelink M. (2015) *Aanbod van arbeid 2014, Arbeidsdeelname, flexibilisering en duurzame inzetbaarheid*. [translation missing] Den Haag: Sociaal en Cultureel Planbureau.

<sup>16</sup> Echtelt, P. Van, Schellingenhout, R. & Voogd-Hamelink, M. de (2015). *Vraag naar arbeid 2015*. [translation missing] Den Haag: Sociaal en Cultureel Planbureau.

more pressure on citizens to provide informal care and to do voluntary work. To enable workers to do so, the minister aims to ease the combination of work and care by offering flexible ways of working, as well as affordable and high quality childcare. In addition, an equal division between men and women of unpaid work at home should help to increase women's time in paid employment. However, in 2012 and 2013 childcare costs have increased for parents, due to budget cuts. In 2014, this has been reversed somewhat but the quality of childcare seems to be the focus of policy makers<sup>17</sup>. Secondly, the attention to flexible work arrangements, as a solution for increasing care responsibilities, is related to the introduction of ICT and communication technology. This inspired organizations to look at possibilities to introduce new ways of working (in Dutch: *Het Nieuwe Werken* or *HNW*) such as: time/spatial flexibility or the possibility to work from home, flexible office spaces (*flexplekken*) and flexible working hours; output management and sharing information (unlimited access and connectivity); and flexible employment relations<sup>18</sup>. Many organizations including the government (as an employer), embraced these ideas for new ways of working.

## **b. Selected publications since April 2015**

Lippényi, Z., van der Lippe, T. (2015). Aanvragen van zorgverlof. De rol van de arbeidsorganisatie [Asking for care leave. The role of the organization]. *Tijdschrift voor Arbeidsvraagstukken*, 31(4): 452-467.

This paper examines how organizational and work-related factors affect the application for care leave within organizations. The authors use the Labour Demand Panel [Arbeidsvraagpanel] 2011 of the Dutch Social and Cultural Planning Office (SCP). Findings indicate that work autonomy and part-time work substitute the need for care leave. Care-friendly organizational culture and employee representation facilitates applying for care leave. Applying for long-term care leave was not related to the organizational factors included in this study, except for having a work council present in the organization.

Verbakel, E. (2015) Mantelzorgers in Europa. De rol van betaalde arbeid, generositeit van de gezondheidszorg en nationale normen omtrent zorggedrag [Informal caregivers in Europe: The role of paid work, generosity of formal health care and national health care norms]. *Tijdschrift voor Arbeidsvraagstukken*, 31(4): 468-489.

This study uses the European Quality of Life Survey (2012) to investigate the question why some people are providing informal care and others do not. Findings suggest a negative relation between the amount of paid work and (intensive) informal care. Generosity of the health care system was negatively related to the *intensity* of informal care giving, while a strong family norm had a positive relation. Both factors were not related to the odds of providing care or not.

Portegijs, W., Boer, A. de & Merens, A. (2015) Mij een zorg? Zorgvisies van de overheid en burgers vergeleken [Who cares? A comparison of care ideals of government and citizens]. *Tijdschrift voor Arbeidsvraagstukken*, 31(4): 494-509.

This paper analyses the ideals of the government regarding care for children and the elderly, and how these policies are related to the care ideals of citizens. Successive governments have developed professional childcare as an important labour market instrument enabling parents to remain active on the labour market. Regarding elderly care, the government tries to stimulate informal care, provided by the family rather than by professionals. These policy principles contrast with the preferences of citizens who are somewhat reluctant to use formal childcare and who see care for ill parents mainly as a task for the government.

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<sup>17</sup> Merens, A., van den Brakel, M.(eds.) (2014). *Emancipatiemonitor 2014*. [translation missing] Den Haag: Sociaal en Cultureel Planbureau/Centraal Bureau voor de Statistiek.

<sup>18</sup> Baane, R., Houtkamp, P., Knotter, M. (2010). *Het nieuwe werken ontrafeld*. [Over Bricks, Bytes & Behavior], Assen: van Gorcum.

Yerkes, M., den Dulk, L. (2015) Arbeid-en-zorgbeleid in de participatiesamenleving. Een vergroting van de mogelijkheden? [Work and care policy in the 'big' society: an expansion of capabilities?] *Tijdschrift voor Arbeidsvraagstukken*, 31(4): 510-528.

Based on the capabilities approach (Sen, 1992), this article assesses the extent to which current national-level work-life policies in the Netherlands enable various groups in society (men and women, lower and higher educated, employees versus self-employed) to reconcile work and care. The availability, accessibility and design of policies are examined, next to the role of collective agreements and the organizational context. The findings of this policy analysis indicate that childcare policy offers decreased accessibility for the self-employed, and flexible work arrangements enable women (more than men) to take on care tasks and to work part-time. In addition, higher educated workers appear to have greater access to flexible work arrangements than lower educated workers (although they use this flexibility to work more rather than to combine work and care). Moreover, current policies rarely challenge existing social-cultural norms or offer alternatives to the one-and-a-half-earner family model.

Josten, E., de Boer, A. (2015) *Concurrentie tussen mantel zorg en betaald werk* [Competition between informal care and paid work]. SCP: The Hague.

This report examines the growth of informal caregiving in the Netherlands (1996-2012), whether the decision to offer informal care depends on the hours in paid work and whether informal care giving results in the reduction of working hours or poorer health. A summary in English is available at:

[file:///C:/Users/08234lidd/Downloads/Concurrentie%20tussen%20mantelzorg%20en%20betaald%20werk%20\(1\).pdf](file:///C:/Users/08234lidd/Downloads/Concurrentie%20tussen%20mantelzorg%20en%20betaald%20werk%20(1).pdf).

de Klerk, M. et al. (2015) *Informeel hulp wie doet er wat. Omvang, aard en kenmerken van mantelzorg en vrijwilligerswerk in de zorg en ondersteuning in 2014* [Unpaid help: who does what? Extent, nature and characteristics of informal care and voluntary care and impact in 2014]. SCP: The Hague.

This study reports on a large scale survey conducted in 2014 on who is giving what kind of informal care in the Netherlands. It shows that flexible working hours and supportive managers, are the most important sources for people providing informal care. Those providing informal care make little use of existing leave policies; they prefer to take up annual leave. A summary in English is available at:

[file:///C:/Users/08234lidd/Downloads/Informeel\\_hulp%20\(1\).pdf](file:///C:/Users/08234lidd/Downloads/Informeel_hulp%20(1).pdf).

Been, W., den Dulk, L., van der Lippe, T. (2016) Dutch top managers and work-life arrangements in times of economic crisis. *Community, Work and Family*, 18(1): 43-62.

This paper reports on an interview study conducted early 2008 and the second half of 2011, investigating the considerations of top executives in 13 Dutch organizations towards working time options (such as parental leave, reduction of working hours, short-term care leave and working from home). Findings indicate that the top executives in this study support working time options because: either they find it intrinsically important; it is a statutory requirement to do so; or they perceived it as beneficial for the organization from a cost-benefit perspective. Furthermore, results indicate that between 2008 and 2011, when the economic crisis hit and was followed by a period of recession, executives became more cost-aware in their considerations concerning working time options. Although they did not stop providing working time options, they did impose more conditions on employees' use of such arrangements in order to reduce potential costs.

Plantenga, J., Remery, C. (2014) *Literatuurstudie Mannen, zorg en werk* [Literature review men, care and work]. Utrecht: Universiteit Utrecht.

This literature review looks into opportunities and barriers for men, in combining work and care responsibilities. The review includes a discussion on existing research on the use of various types of leave in the Netherlands, showing that between 2004-2013 the take up of



parental leave by men increased to almost a quarter, for eligible fathers. In addition, people who provide informal care tend to use annual leave rather than short- or long-term care leave.

Annink, A., den Dulk, I. (2014) *De positie van vrouwelijke ZZP'ers in Nederland. State of the art paper.* [The position of female own-account workers in the Netherlands] Rotterdam: Erasmus Universiteit Rotterdam.

Annink, A., den Dulk, L., Steijn, B. (2015) Work-family state support for the self-employed across Europe. *Journal of Entrepreneurship and Public Policy*, 4(2): 187–208.

Annink, A., den Dulk, L., Steijn, B (2016). Work–Family Conflict among Employees and the Self-Employed Across Europe. *Social Indicators Research*, 126(2): 1–23.

### **c. Ongoing research**

*Self-employment and work-life balance.* Anne Annink, doctoral study at Erasmus University Rotterdam.

The aim of the study is to examine the work-life balance of self-employed persons in Europe, a changing but neglected group of workers in work-life research. The study will make use of the European Social Survey to investigate the work-life balance of the self-employed in differing policy contexts before and during the economic crisis. The study includes mapping of leave policies for self-employed. Contact: Anne Annink at [annink@fsw.eur.nl](mailto:annink@fsw.eur.nl).

Investments in a sustainable workforce in Europe: causes and consequences in comparative perspective. Prof. dr. Tanja van der Lippe, Utrecht University.

Sustainable Workforce is an innovative, quantitative research project that investigates the role of organizations in creating a sustainable European workforce. The project will analyse and collect new longitudinal cross-national comparative data on the causes and consequences of organizational investments in human and social capital, work-life policies, work flexibility, long-term employability of older employees, and flexibility in nine European countries: UK, Finland, Sweden, Germany, the Netherlands, Portugal, Spain, Hungary and Bulgaria. <http://www.sustainableworkforce.eu/>.

# New Zealand<sup>1</sup>

**Heather McDonald** (Heathrose Research) and **Suzy Morrissey** (Victoria University of Wellington)

**April 2016**

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.

**Note on terminology:** 'Parental leave' is used as a generic term to cover Primary carer and Partner and extended leave for new parents and eligible carers. For example, the first 18 weeks of paid leave after the birth, usually taken by the mother, was previously termed 'Maternity leave' is now termed 'Primary carers leave' and the payment (termed 'Parental leave payment') is now accessed under a separate entitlement. The 'Parental leave payment' can be transferred to a spouse/partner. A new group of primary carers are now eligible in their own right and they can transfer to their partner/spouse.

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

### a. Primary Carer leave (*paid Parental leave: see 'note on terminology'*) (responsibility of the Ministry for Business, Innovation and Employment, with the Inland Revenue as delivery agent for payment)

*Length of leave (before and after birth)*

- From 1<sup>st</sup> April 2016, eighteen weeks. A primary carer can start to take leave from six weeks before the expected date of delivery.

*Payment and funding*

- One hundred per cent of earnings, up to a ceiling of NZ\$516,85 [€329,32<sup>2</sup>] 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\$147,50 [€93,95] before tax per week. Payment is indexed annually as of 1<sup>st</sup> July for each year, according to upward movements in average weekly earnings.
- Funded from general taxation.

<sup>1</sup> Please cite as: McDonald, H. and Morrissey, S. (2016) 'New Zealand country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

### *Flexibility in use*

- Primary Carer 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 Primary Carer leave early, she has the right to take eight weeks leave after the expected date of birth, with the overall leave period extended accordingly.
- An employer and mother can agree for Primary Carer leave to start at any other time before the baby is due. Usually leave commences 6 weeks before due date and a mother is entitled to 8 weeks leave after birth where her doctor or employer direct her to take leave early. The leave may be extended accordingly, but the payment is only extended where the child is 'pre-term'. This means that a mother may have longer primary carer leave e.g. 20 weeks, but will only receive 18 weeks payment (unless pre-term payment applies). Any additional leave is extracted of the total period of extended leave.
- The primary carer is the birth mother who is pregnant or has given birth or her eligible partner/spouse who she may transfer any or all of the payment for leave to (including *de facto* and same-sex partners) or a person other than the biological mother or her spouse/partner, who takes permanent primary responsibility for the care, development and upbringing of a child who is under 6 years.
- An employee is able to perform up to 40 hours of paid work for their employer during their Parental leave payment period, if that work is performed on 'keeping-in-touch days'. These are agreed between employer and employee, and able to be used from 28 days after the date on which the child is born.
- Where an employee is not entitled to Primary carer's *leave*, but is entitled to Parental leave *payments* (e.g. they may have multiple employers, work casually or on a seasonal basis), they may request a period of 'negotiated carer leave'.

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

- The person who is the child's primary carer and who has worked for the same employer for at least an average of 10 hours a week in the 6 or 12 months immediately before the expected date of delivery, is eligible for Parental leave.
- An employee meets the eligibility for Parental leave payment if they have been employed for at least an average of 10 hours a week for any 26 of the 52 weeks preceding the expected date of delivery.
- Self-employed persons similarly meet the eligibility for Parental leave payments where they have been self-employed for at least 10 hours a week for any 26 of the 52 weeks preceding the expected date of delivery.
- Any eligible primary carer is entitled to these provisions, irrespective of whether her/his partner/spouse is eligible for any entitlements.

### *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*

- A person eligible for Parental leave payments is also entitled to an additional payment – the preterm baby payment – of up to 13 weeks where their child is born alive before the end of the 36<sup>th</sup> week of gestation (depending on the number of weeks it is born prior to the 36<sup>th</sup> week).
- An employee who receives a preterm baby payment may also work up to a total of 3 hours multiplied by the number of weeks in the payment period, in addition to the 'keeping in touch' days available during the Parental leave payment period.

- Where an eligible mother has a child who is subsequently adopted, both the adoptive parent/s and the birth-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 Primary carer's leave, for reasons connected with the pregnancy (e.g. for ante-natal checks).

**b. Partner's leave (previously termed *Paternity/partner leave*: see 'note on terminology') (responsibility of the Ministry for Business, Innovation and Employment)**

*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 may take partner's leave if they are the spouse or partner of the primary carer in respect of a child, and they have worked for the same employer for at least an average of 10 hours a week in the 6 or 12 months immediately before the expected date of delivery. If they have met the hours test, in the six months immediately before the baby's expected due date, they 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. Extended leave (responsibility of the Ministry of Business, Innovation and Employment)**

*Length of leave*

- Up to 26 or 52 weeks leave may be taken in the 12 months after birth, including any Primary Carer ('paid Parental') leave taken; Partner ('Paternity/partner') leave is additional. Leave is a family entitlement.

*Payment and funding*

- None (also no pension credits).

*Flexibility in use*

- Leave may be shared by both eligible primary carer and their eligible partner/spouse. They can take their leave at the same time or consecutively.
- Extended leave may be taken as one or more periods of extended leave and can be started following Primary carer, Partner's leave or after a period of return to work. However, the right to the leave ends when the child is six months or one year old or six months or one year after the employee becomes the primary carer of a child, depending on the length of leave applicable.

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

- Extended leave of 26 weeks is available to employees who have worked for the same employer for an average of at least ten hours a week, in the 6 months immediately before the baby's expected due date or the date a parent assumes the care of a child under six years old that they intend to adopt.
- Extended leave of 52 weeks is available to those employees who have worked for the same employer for 12 months. Where one partner is only eligible for 26 weeks, they are not able to use more than that length of the extended leave entitlement, but when combined with a partner eligible for 52 weeks, the longer leave period is available to that partner.

*Variation in extended 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.
- Note that Parental leave including payments are also available to eligible permanent primary carers other than the biological parents and formal adoptive parents.

*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/ spouse/partner's/dependant's illness.

### *Flexible working: the right to request and the duty to consider*

- All employees have the statutory right to request a variation to their hours of work, days of work or place of work. A request can be made at any time, for any purpose or reason and there are no limits on how many requests can be made in any period. Furthermore, there is no requirement for an employee to tell an employer the reason for the request. 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 decision 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 post-natal leave available in New Zealand is 12 months but most of this is unpaid. Leave is paid at an earnings-related rate for only 18 weeks. There is an entitlement to ECEC from three years of age, though only for part-time nursery education (for a maximum of six hours attendance a day and 20 hours a week). So there is a two-year gap between the end of leave and an ECEC entitlement, and a gap of over two and a half years between the end of paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015**

The duration of paid Parental leave has been extended from 16 to 18 weeks from 1<sup>st</sup> April 2016. Further changes introduced from the same date include:

- Removing reference to 'Maternity leave' – this is now termed 'Primary Carer leave'.
- Extending Parental leave payments to non-standard workers (such as casual, seasonal, and employees with more than one employer) and those who have recently changed jobs.
- Providing the right to negotiate leave, where an employee is eligible for payment but has no entitlement to leave, during the period of the Parental leave payments.
- Extending entitlements to 'primary carers' such as Home for Life<sup>3</sup> parents, whangai,<sup>4</sup> grandparents raising grandchildren in place of the parents, and others with permanent primary care arrangements.
- Enabling employees to take their leave more flexibly, by mutual agreement with their employer (e.g. to take extended leave in more than one continuous period).
- Extending unpaid leave to workers who have been with their employer for between 6 to 12 months.
- Allowing a worker to resign and still receive Parental leave payments.
- Introduction of up to 40 hours working-time while on paid leave as 'keeping in touch' days.
- Providing a new 'preterm baby' payment for eligible employees/self-employed who have had preterm babies and additional 'keeping in touch' days for eligible employees.

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<sup>3</sup> A state child-welfare programme involving a permanent fostering arrangement.

<sup>4</sup> Maori customary adoption arrangement.

## **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<sup>5</sup>. Overall two-thirds of all women in paid work took 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 did 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: an 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 (46 per cent) took less than a week of leave and another 38 per cent had up to two weeks of leave.

### **c. Parental leave**

Over half of mothers (57 per cent) surveyed in 2005/06 who took paid leave, also took some unpaid Parental ('extended') leave. 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 2015**

### **a. General overview**

Currently, there is no research being undertaken on leave or related areas in New Zealand.

### **b. Selected publications since April 2015**

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<sup>5</sup> Department of Labour, (2007) *Parental Leave in New Zealand; 2005/2006 evaluation*. Wellington; Department of Labour.

None reported.

**c. Ongoing research**

Suzy Morrissey is undertaking PhD research into paid Parental leave in New Zealand, examining the policy from a problematization perspective, but has not published any research to date.



# Norway<sup>1</sup>

**Berit Brandth** and **Elin Kvande** (Norwegian University of Science and Technology)

**April 2016**

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.

**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).

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

### 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 leave<sup>2</sup>. 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*

- Thirteen weeks: three weeks before the birth and ten weeks following birth. It is obligatory to take six weeks leave after birth for health reasons.

#### *Payment and funding*

- Hundred per cent of earnings up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK530,222 [€57.071<sup>3</sup>] a year), funded from general taxation.

<sup>1</sup> Please cite as: Brandth, B., Kvande, E. (2015) 'Norway country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> 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.

<sup>3</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

- Parents who for a temporary period are not employed in order to care for children below school age, may receive some pension credits. Parental leaves are not affected by any reduction in pension credits as leaves are wage compensated.

*Flexibility in use*

- None. If the baby is born before the estimated delivery date (e.g. so that the mother uses less than her three weeks pre-birth leave), the remaining time cannot be transferred to after the birth and is therefore lost.

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

- All women employed for six of the last ten months prior to delivery are eligible for leave and also those who have earned at least half the basic national insurance benefit payment over the previous year. In addition, non-employed women receive a one-off payment of NOK46,000 [€4,951] per child. This payment is also given when the child is adopted.

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

- If the mother or child is ill and hospitalised after delivery, leave payment can be postponed.

**b. Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour and Social Affairs)**

*Length of leave (before and after birth)*

- Two weeks after birth – ‘daddy days’ (+10 weeks = father’s quota, see section 1c).

*Payment*

- ‘Daddy days’ are unpaid by government; payment depends on individual or collective agreements and most employed fathers are covered by such agreements.

*Flexibility in use*

- None.

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

- All employed fathers have the right to leave, but payment is negotiated and paid by the employer.

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

- Leave can be transferred to someone else if the father does not live with the mother, since the purpose of the leave is to assist the mother.

### **c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children, Equality and Social Inclusion)**

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

- Forty-six or 56 weeks depending on payment level (see 'payment and funding' below) + a further three weeks before birth, i.e. a total of 49/59 weeks. Of the post-natal period, 10 weeks are for mothers and 10 weeks are for fathers (*fedrekvoten* or 'father's quota'). The remaining 26 or 36 weeks is a family entitlement and may be taken by either mother or father. See 'flexibility' below for options available to parents.

#### *Payment and funding*

- Parental money may either be taken for 49 weeks at 100 per cent of earnings or for 59 weeks at 80 per cent of earnings, up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK540,408 [€58,167] a year).
- Non-employed women receive a flat-rate payment of NOK46,000 [€4,951].
- Funded from general taxation.

#### *Flexibility in use*

- For the family entitlement part of leave, it is possible to choose a longer period of leave (36 weeks) paid at 80 per cent of earnings, or a shorter (26 weeks) paid at 100 per cent.
- After the first six weeks, it is possible to postpone parts of the parental money period, as long as it is taken during the first three years after birth and the parent receiving the money is employed full time during the postponement period. Hospitalisation and vacation may also qualify for postponement.
- After the first six weeks, it is also possible for one or both parents to combine all or part of the parental money period with part-time work. If parents take less than the full benefit payment, this will prolong the period of parental money. If both parents choose to combine parental money with part-time work (for instance, each working half-time) this will result in a longer period. A written agreement from the employer is required 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 (ten weeks) is not transferable to the mother, except in certain circumstances: if the father is ill or otherwise unable to care for the child or if the mother and father do not live together.
- Father's quota 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 three-year period to use it. They can also choose whether to take the quota as part-time leave, also whether to split it or use it in one block. This flexible use requires agreement with the employer.
- The family entitlement part may also be taken as one block of time, as part-time or split into shorter blocks of time.
- Both parents may take leave at the same time, except during the period of obligatory leave for the mother (i.e. three weeks before birth and six weeks after). During the period of the father's quota, there is no requirement for what mothers can do (i.e. both parents may be on leave together). Taking leave at the same time shortens the period of paid leave.

#### *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 family entitlement and father's quota are somewhat different. The father can use the 26/36 weeks of paid leave (the family entitlement) even if the mother is not eligible; but the mother is required to take up work or study (at least 75 per cent of full-time hours). For the father's quota, there is no requirement that eligible mothers (employed for six of the last ten months prior to birth) go back to work. According to a report published in 2009<sup>4</sup>, 87 per cent of fathers were eligible. Most of the remainder were not eligible because the mother was not entitled to leave (being, for example, a student or unemployed).
- Self-employed workers are eligible for the same leave benefits as employees.

*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, the parental money period 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.
- Single mothers who are eligible for Parental leave will automatically receive the ten weeks father's quota. However, and if the parents agree, they may apply for the non-residential father to use the father's quota.

#### **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 between one and two years old 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 NOK6,000 [€645] per month. Children who use ECEC on a part-time basis receive a reduced benefit (e.g. if parents do not use a place, they receive 100 per cent of the benefit; if they use a place for up to 20 hours a week they receive 50 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 apply 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. Parents adopting children from abroad who are not eligible for Parental leave receive a cash benefit of NOK46,000 [€4,951].

*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

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<sup>4</sup> Grambo, A.C., Myklebø, S. (2009) *Moderne familier – tradisjonelle valg. En studie av mors og fars uttak av foreldrepermisjoner*. Oslo: Nav.

extended rights to leave until the child is 18 years old. Leave is paid by the employer at the same rate as sickness benefit, i.e. at 100 per cent of earnings.

### *Flexible working*

- The Work Environment Act grants all breastfeeding mothers the right to breastfeeding breaks of up to one hour per day for children under one year old. From 1<sup>st</sup> January 2014 this leave is paid by the employer.
- Parents have a right to part-time work to care for children, until children are ten years old. This is unpaid.

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

The maximum period of post-natal leave available in Norway is just over three years. About two years of this is unpaid (except for recipients of 'cash-for care', see section 1d, but they may not use publicly-funded ECEC services or only part time). Leave paid at a high earnings-related rate runs for 13 months. There is an entitlement to ECEC from one year of age, supposed to be available on a full-time basis at kindergartens. So there is no gap between the end of leave and an ECEC entitlement in theory. However, a child must be born before the 1<sup>st</sup> September to be guaranteed a place in the autumn (start of the school year). Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

Following the election of a conservative government, from 1<sup>st</sup> July 2014 the mother's quota and the father's quota were reduced from 14 to 10 weeks, while the shared period was extended to 26/36 weeks. The rationale for this change in Parental leave design was to achieve more freedom of choice for parents. The government has proposed to increase the degree of transferability that is possible in Parental leave, with the father's work situation being a justification for transferring his leave quota to the mother. The four weeks of non-obligatory post-natal leave reserved for the mother could also be transferred to the father. This proposal has been sent out for consultation and received much opposition. Comments from the major social partners have been negative.

## **4. Take-up of leave**

### **a. Maternity leave**

Nine out of ten mothers have the right to parental money; the remainder do not meet eligibility conditions. These figures are based on data from a survey<sup>4</sup>.

### **b. Paternity leave**

The share of fathers who take time off work around the birth of the child is approximately the same as for the father's quota, 89 per cent. This figure includes fathers taking time off work in various ways, including Paternity leave but also annual leave and other options. These survey data are not recent.

### **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 later showed that about 90 per cent of eligible fathers take leave of some length<sup>4</sup>. More recent comparable figures are hard to obtain as fathers now take their leave over several statistical periods and NAV (Norwegian Labour and Welfare Administration) no longer calculates the take-up rate. Comparable figures are also hard to obtain because of changes in the way statistics are presented and because the leave length changes all the time.

Figures based on public records in 2011 show that 18 per cent of the Parental leave days were taken by fathers. With every expansion of the father's quota, fathers have increased their uptake the following year. During 2012, 21 per cent of the fathers took exactly 12 weeks (60 working days), compared with only 0.6 per cent in 2011. The 'father's quota' increased from ten to 12 weeks between these two dates. In 2013 fathers took 46 days parental leave on average, and in 2014, 49 days. With the reduction of the quota's length to 10 weeks/50 days (effective from 1<sup>st</sup> July 2014), fathers' average uptake decreased to 47 days.

As the father's quota was lengthened, flexible use increased. In 2014, 25 per cent of eligible fathers took their father's quota part time, combining leave and work. This figure was slightly reduced in 2015. Also as the quota has lengthened, parents rarely stay home together for the whole period, but it is quite common to stay home together part of the time.

The sharable Parental leave is for the most part taken by mothers and has in practice become a Maternity leave. In 2012, only 15 per cent of fathers took any of this part of Parental leave (i.e. in addition to the father's quota). As the quota has become longer, fewer fathers take the sharable leave. Father's use of this leave is dependent on the mother and her willingness to share: mothers who have invested in education and have strong ties to working life (e.g. work full-time and have higher-status work) are thus most likely to share. This means that fathers are more likely to take some Parental leave, when mothers have: a high level of education, high income and work status, and full-time employment.

However, some characteristics of the father are also associated with use of leave. Although social class differences are small, the father's level of education has some influence, particularly on the length of the leave. The eligible fathers least likely to use the quota are fathers with long working hours, in managerial positions or with a wife who works part time. Moreover, father's sharing of the Parental leave also depends on his own relationship to work. Fathers must sometimes negotiate with their employers when they want to take more leave than the father's quota, and the view that Parental leave is really for mothers is to be found among some employers. Fathers therefore may experience their jobs as a hindrance to taking more leave.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

Research is constantly being undertaken. It is dispersed across many institutions in Norway, including a substantial part in the form of masters, doctoral or other small-scale studies.

### **b. Selected publications since April 2015**

Brandth, B. (2015) The co-location of home and work in two generations of farmers: what effects on fathering practices? *Families, Relationships and Societies*.

Brandth, B., Kvande E. (2015) Fathering and flexible parental leave. *Work, Employment and Society*. 30(2): 275-290.

Brandth, B., Kvande E. (2015): Parental leave and classed fathering practices. In Rostgaard, T., Eydal G. (eds) *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Policy Press, pp. 121-140.

Brandth, B., Kvande E. (2016) Fedrekvoten som en del av likestillingspolitikken: Er jobben gjort? [The father's quota as part of gender equality politics. Is the job done?] In Halrynjo S., Teigen M. (eds) *U/Likestilling i arbeidslivet*. Gyldendal Akademisk.

Bye, T. L., Kvande E. (2016): Fedre mellom to omsorgsregimer. Arbeidsinnvandreres møte med den norske fedrekvoten. [Fathers between two care regimes. Immigrant workers meet the Norwegian father's quota] *Norsk Statsvitenskapelig Tidsskrift*, 2.

Børve, H., Kvande E. (2015): The Nordic model in a global company situated in Norway. In: *Sustainable Development in Organizations. Studies on Innovative Practices*. Edward Elgar Publishing, pp. 240-261.

Ellingsæter, A.L. (2015). Making, Unmaking and Remaking: The Evolution of Nordic Cash for Childcare Schemes, In Engelstad F., Hagelund A. (eds.) *Cooperation and Conflict the Nordic Way : Work, Welfare, and Institutional Change in Scandinavia*. De Gruyter Open, pp. 262 – 280.

Ellingsæter, A. L., Duvander, A. Z. (2016). Cash for childcare schemes in the Nordic welfare states: diverse paths, diverse outcomes. In *European Societies: The Official Journal of the European Sociological Association*, pp. 70-90.

Gislason, I., Eydal, B. B., Brandth, B., Duvander, A-Z., Lammi-Taskula, J., Rostgaard, T. (2015) Trends in parental leave in the Nordic countries: Has the forward march of gender equality halted? *Community, Work and Family*. 8(2):167-181.

Halrynjo, S., Kitterød R. H. (2016) Fedrekvoten - norm for fedres permisjonsbruk i Norge og Norden. En litteraturstudie. [The fathers' quota - norm for fathers leave use in the Nordic countries. A literature review]. ISS report.

Halrynjo, S., Kitterød R. H. (2016) Deling av foreldrepermisjon: Konsekvenser for arbeid-familietilpasning og velferd i Norge og Norden. En litteraturstudie. [Sharing the parental leave: Consequences for work-family dynamics and wellbeing in the Nordic countries]. ISS report.

Østbakken, K. M. (2016) Kontantstøtteordningen: omfang og effekter på sysselsetting i Norge og Norden. [The cash-for-care benefit. Extent of use and effects on labour supply in the Nordic countries]. ISS report.

### **c. Ongoing research**

*New theoretical perspectives on the Nordic model of work-family reconciliations* (2012-2016). Berit Brandth, Elin Kvande and Sigtona Halrynjo, Norwegian University of Science and Technology (NTNU).

The objectives of this ongoing study are to develop new theoretically informed understandings and perspectives on the Nordic model of work/family adaptations, to contribute to new empirical knowledge on work/family adaptations through examination of possibilities and dilemmas within three empirical research contexts and to situate the

Norwegian model in an international context through international collaboration and a comparative book project. Contact: Elin Kvande at [elin.kvande@svt.ntnu.no](mailto:elin.kvande@svt.ntnu.no) and Berit Brandth at [berit.brandth@svt.ntnu.no](mailto:berit.brandth@svt.ntnu.no).

*'De andre fedrene'. Om farskap og maskulinitet blant minoritetsetniske menn i likestillingslandet. ['The other fathers'. Fathering and masculinity among minority ethnic men]* (2012-2015). Anette Hoel, doctoral study at Norwegian University of Science and Technology (NTNU). Contact Anette Hoel at [anette.hoel@svt.ntnu.no](mailto:anette.hoel@svt.ntnu.no).

*Balansen mellom jobb og hjem - og fedrekvotens innvirkning på denne, sett i et likestillingsperspektiv [The balance between work and family: the impact of the father's quota]* (2012-2015). Kristine Smeby, doctoral study at Norwegian University of Science and Technology (NTNU). Contact: Kristine Smeby at [Kristine.Smeby@svt.ntnu.no](mailto:Kristine.Smeby@svt.ntnu.no).

*Familiepolitiske ordninger: Fedrekvote, deling av foreldrepermisjon mellom mødre og fedre og kontantstøtte* [Family policies: Father's quota, parental leave to be shared between mothers and fathers and cash for care] (2015). Ragni Hege Kitterød and Sigtona Halrynjo, Institute for Social Research. The aim of the project is to produce an inventory of research on the effects of family policy in the Nordic countries.

Contact: Ragni Hege Kitterød at [hege.kitterod@samfunnsforskning.no](mailto:hege.kitterod@samfunnsforskning.no) and Sigtona Halrynjo at [sigtona.halrynjo@samfunnsforskning.no](mailto:sigtona.halrynjo@samfunnsforskning.no).



# Poland<sup>1</sup>

**Piotr Michoń** (Poznań University of Economics) and **Anna Kurowska** (University of Warsaw)

**April 2016**

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 weeks; it is obligatory for the mother to take 14 weeks.
- In the case of the death of a baby, eight weeks leave is given.

*Payment and funding*

- Twenty weeks at 80 per cent or 100 per cent of average earnings for 12 months before the birth, with no ceiling on payments. If the mother chooses to take the 100 per cent option, any Parental leave taken afterwards will be paid: at 100 per cent for the first 6 weeks and at 60 per cent for the remaining 26 weeks; if she chooses the 80 per cent option, it too will be paid at 80 per cent.
- Funded from the Social Insurance Fund, financed by contributions by employees (2.45 per cent of earnings) and self-employed workers (PLN550 [€125]<sup>2</sup>) per month, with some additional finance from the State to cover pension contributions. There is no contribution from employers.

*Flexibility in use*

- Two weeks before the start of the leave, the mother has to declare if she wants to take the 80 per cent option, i.e. an option of combined Maternity and Parental leave, for the total of 52 weeks of leave (see Parental leave). 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)*

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<sup>1</sup> Please cite as: Michoń, P. and Kurowska A. (2016) 'Poland country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

- Insured workers, 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, the 'Maternity leave' part, which is 20 weeks for one birth, is extended to 31 weeks for twins, 33 weeks for triplets, 35 weeks for quadruplets and 37 weeks for quintuplets.

## **b. Paternity leave (*urlop ojcowski*) (responsibility of the Ministry of Labour and Social Policy)**

*Length of leave*

- Two weeks.

*Payment and funding*

- One hundred per cent of average earnings for 12 months before birth, with no ceiling on payments.

*Eligibility*

- Insured workers, 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 the 24 months after the birth of a child. The leave can be taken in two separate parts.

## **c. Parental leave (*urlop rodzicielski*) (responsibility of the Ministry of Labour and Social Policy)**

*Length of leave*

- 32 weeks per family. This is a family entitlement.

*Payment and funding*

- Payment depends on the payment option chosen by the mother taking Maternity leave. If during Maternity leave she opts to be paid at 100 per cent of earnings, the six weeks of parental leave is also paid 100%, and 26 weeks of the parental leave benefit is paid at 60 per cent of average earnings for 12 months before the birth, with no ceiling on payments; but if she opts for 80 per cent of earnings, the Parental leave benefit is paid at the same level.
- Funding as for Maternity leave.

*Eligibility*

- Insured workers, including all employees and self-employed men and women covered by social security insurance at the start of leave.

- Parental leave can be taken only if the 20 weeks of Maternity leave have been taken. This means the father's right to Parental leave depends on the mother's eligibility for, and use of Maternity leave.

#### *Flexibility in use*

- The parents have to decide during the three weeks after birth if they want to use the Parental leave directly after the Maternity leave.
- The 32 weeks period can be taken as one continuous period of leave or as several periods (but not more than four), each not shorter than eight weeks and each period immediately after another. However, up to 16 weeks of Parental leave can be used in the time which is not immediately after the previous part of the leave. Parents can use the leave until the end of calendar year in which the child turns 6 years old.
- Parental leave can be combined with part-time working (maximum half of full-time hours), with payment proportional to the working time.
- In case of parents working during the leave, the leave will be proportionally extended to for up to 64 weeks. For example: If a parent combines half-time employment with the leave for 8 weeks, the leave will be extended for an additional 4 weeks of full-time leave.
- Both parents can take leave at the same time

*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.

#### **d. Childcare leave (*urlop wychowawczy*) (responsibility of the Ministry of Labour and Social Policy)**

##### *Length of leave*

- Thirty six months after Maternity leave. Parents can use the leave until the end of calendar year in which the child turns 6 years old; 34 months is a family entitlement, with one month as an individual entitlement for the mother and another month for the father.

##### *Payment and funding*

- A parental allowance (Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego) of PLN574 [€131] per month is paid for 24 months to parents taking leave as a supplement to family benefit, if monthly household income per capita does not exceed PLN539 [€123].
- Funded from general taxation.

##### *Flexibility in use*

- Leave can be taken until the end of calendar year in which the child turns 6 years old
- Parents can take leave in one continuous period or in up to five separate blocks. However, if parents choose to take a part paid parental leave (see parental leave) not immediately after a previous part then they have a right only to 4 separate parts of childcare leave.
- Parents can take leave together for up to four months.
- Both parents have individual, non-transferable right to one month of the leave.

- During the 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*

- The basic payment can be extended to 36 months where there is more than one child or to 72 months if a child is disabled.
- 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 means-tested payment of PLN400 [€91] per month is made in these cases and the payment period can be extended up to 72 months.

## **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 dependents*

- 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.

## **f. Other non-employment-related measures**

*Parental benefit*

- Since January 1, 2016 individuals who are not eligible to receive maternity benefit will be able to eligible for parental benefit. The benefit is therefore addressed particularly to unemployed persons, students and people working on civil law contracts. However, also inactive mothers and fathers will be eligible for this benefit. The benefit is not means-tested.

*Eligibility*

- The first 14 weeks of parental benefit are available only for mothers.

### *Payment*

- PLN1000 [€228]per month.
- It is important to stress that if the maternity benefit or parental leave benefit in a given month is lower than PLN1000 per month, the difference will be paid to the parents. It is especially important for low-paid parents who decide for the formula 100% for 26 weeks/ 60% for 26 weeks. In case of minimum wage earners their parental leave benefit will be lower than PLN1000, thus the difference will be covered by social insurance.

### *Length of the benefit payment*

- 52 weeks; 65 weeks for tweens; 67 weeks for triplets; 69 weeks for quadruplets; 71 weeks if five or more children were born.

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

The maximum period of paid post-natal leave available in Poland is four years, but most of this is means-tested and low paid; leave paid at a high rate runs for twelve months. There is no entitlement to ECEC, but it is compulsory to attend ECEC for one year before the compulsory school age. Since 2016, the compulsory school education starts when the child turns 7 years old (a recent reform was abolished by the new government). Therefore, since last year the childcare gap increased from two to three years between the end of leave and ECEC entitlement and from four to five years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are 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 the cross-country comparisons page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

The introduction in 2016 of paid Parental benefit for students, unemployed, farmers and people working on contract for commission was announced by the government. It is questionable if it can be called Parental leave but the new solutions has been introduced. The new allowance is paid on flat-rate and amounts to PLN1000 [€228] per month, net. The allowance is not means-tested and is paid for 12 months (i.e. the Maternity and Parental leave period) after the birth. The people entitled to the leave and allowance have the right to be employed part-time and in this case the allowance will be reduced by half.

From January 1<sup>st</sup> 2016 there is a change in the length of Maternity leave and Parental leave. The "additional maternity leave" (6 weeks) which was in use in 2015 has been included to the Parental leave. As a consequence: Maternity leave is 20 weeks (was 26 in 2015), and Parental leave is 32 weeks (was 26 in 2015). It is noteworthy that the total period of leave after birth has not changed and remains at 52 weeks. The minor changes in the leave regulations include:

- The Paternity leave can be taken during the first 24 instead of 12 months after birth; and it can be taken in two parts.
- The Childcare leave can be taken until the end of calendar year in which the child turns 6 years old (instead of the period before the child's 5<sup>th</sup> birthday)
- Similarly the Parental leave can be used until the end of calendar year in which the child turns 6 years old.

- The change related to work during the Parental leave: in case of parents working during the leave, the leave will be proportionally extended to for up to 64 weeks. For example: If a parent combines half-time employment with the leave for 8 weeks, the leave will be extended for an additional 4 weeks of full-time leave.

## 4. Take-up of leave

### a. Maternity leave

- The Social Insurance Institution (Zakład Ubezpieczeń Społecznych) collects data on Maternity, Parental and Paternity leave benefits. It must be stressed that the data on Maternity leave benefit and Parental leave benefit collected for 2012 -2013 and 2014-2015 are not comparable, because until 2014 the data were only collected for employers with more than 20 employees.
- According to ZUS, in 2012, the Maternity leave benefit was paid (for at least one day) to 526,000 individuals, of which 360,600 were women and 165,500 were men. In 2014 427,000 mothers took at least one day of Maternity leave and 245,500 took 'additional Maternity leave'; for men it was 31,300 and 1,200 respectively. The drop in the number of men may be partly due to longer Paternity leave and other new provisions introduced during the year 2014.
- In 2015, 671,300 individuals took Maternity leave or additional Maternity leave (in 2014 it was 631,200), the number of 'leave benefit days' in 2015 was 100,1089,000 (in 2014 it was 95,372,000).
- ZUS data on Maternity leave benefit payments include the number of days paid to all recipients. This has been rising, probably due to the increase in the number of births since 2004 and changes in the regulations: from 2,226,200 days in 2004 to 4,262,400 in 2010 and 5,544,500 in 2013. The increase in the number of days observed in 2013 might be due to the increase of leave days available to parents.
- The average payment has risen from PLN42.49 [€9.72] a day in 2005 to PLN72.58 [€16.61] in 2012 and to PLN 75.47 [€17.27]. The main reason for this rise in the average payment is increased earnings in Poland.

### 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 eight months, the number of fathers taking leave was 14,200, implying an increasing take-up rate. In 2014, 129,400 fathers took at least one day of Paternity leave. Between January 2014 and December 2014 the number of fathers receiving the Paternity leave benefit increased from 9,500 to 14,100 per month. However the highest take-up rate was reported in August (20,900), September (23,600) and October (20,900).
- In 2014, 129,400 fathers took advantage of the Paternity leave benefit; in 2015, it was 148,429 fathers.
- Additionally, the average payment in 2014 was PLN119.43 per day [€27.24], and in 2015 it was PLN121.68 [€27.87]. The data suggest that well-paid professionals take leave in the popular holiday season.

### c. Parental leave

- In 2013, a new leave option was introduced, enabling mothers to choose between 26 weeks at 100 per cent of earnings (then 26 weeks at 60 per cent) or 52 weeks at 80 per cent of earnings; leave can be transferred to fathers after 14 weeks. The first beneficiaries of these new regulations received their allowances in July (women) and

late August 2013 (men).

- It is important to note that between July 2013 and January 2014, data were collected only for employers with more than 20 employees. Among these employees, the number of parents who received the Parental leave benefit (i.e. who took advantage of the new leave option) rose from around 6,200 in July to around 77,500 in January 2014. The vast majority were mothers who accounted for 99 per cent of all beneficiaries in September 2013, and 98.5 per cent in January 2014. However, the number of fathers taking at least part of the Parental leave rose from 200 in September 2013 to 1,100 in January 2014.
- In 2014, 315,800 parents took the Parental leave benefit, of which 310,600 were women and 5,200 (i.e. 1.65 per cent) were men.
- In 2015, 357,613 parents took Parental leave benefit. In January 2016, 138,900 parents have already taken Parental leave, however only 8.6 per cent (i.e. 12,000) of them were fathers.

#### d. Childcare leave (*urlop wychowawczy*)

- There are no regular and coherent government statistics and analyses on the use of Childcare leave and Childcare allowances. Particularly the available official statistics do not show the incidence of Childcare leave among parents entitled to take leave, the proportion of parents who receive Childcare allowance, or the average duration of leave; and despite the fact that fathers are entitled to Childcare leave since 1996, no data about their take-up are collected.
- A representative, although already outdated picture of take-up of Childcare leave comes from analyses of data collected in the second quarter of 2005 using a module added to the Labour Force Survey<sup>3 4</sup> (see previous country report for Poland).
- In the largest Polish survey *Diagnoza Społeczna*, published in 2011 and in 2013, the respondents were asked to select a solution that would facilitate the reconciliation of work and family responsibilities<sup>5</sup>. In 2011, a longer Maternity 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). In 2013, it was 24 per cent and 19 per cent respectively. However, in comparison to 2011, in 2013 other answers were on the top of the ranking: flexible working time (indicated by more than half of women and men), childcare facilities for children below the obligatory school age and higher Childcare leave benefit. It seems that after the changes in the leave policy the respondents now stress the need for developing childcare facilities (the participation rate is rather low in Poland) and increasing the allowances for those who care for children at home. However, the most important change is in the social attitude towards flexible working time. The comparison of men's and women's responses leads to the conclusion that women are more interested in the development of childcare facilities, while for men childcare allowance is a tool for reconciling work and family life.
- Similarly, a long Maternity leave or Childcare leave is often discussed as a tool for encouraging people to have more children. In 2012, 27 per cent of Poles indicated 'longer maternity leaves' as a tool to achieve this aim<sup>6</sup>; while in 2013 almost half of Polish society considered 12 months of leave (Maternity and Parental) after birth to

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<sup>3</sup> 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.

<sup>4</sup> Matysiak, A. (2007) 'Organizacja czasu pracy i opieki' ['Work and care'], in Kotowska I.E., Sztanderska U., and Wóycicka I. (eds.) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne [Economic and educational activities and family]*, Scholar Publishing Company.

<sup>5</sup> Czapiński J. and Panek T. (eds.) (2011) *Diagnoza społeczna [rok]*. Available at: <http://www.diagnoza.com/index.html>.

<sup>6</sup> CBOS (2012) *Polityka państwa wobec rodziny [State policy towards the family]* (No. BS/67/2012). Warszawa: CBOS.

be an effective tool for encouraging young people to have children<sup>7</sup>. By the same token, Polish society does not consider 'Paternity leave' to be an important policy tool. It is worth noting, however, that academic studies show that the Maternity leave extensions that have taken place in the past in Poland did not influence childbearing among Polish women<sup>8</sup>. Furthermore, analyses of multiple conditions for childbearing in Poland and socio-economic context of recent changes undermine the chances for the recent reform to bring significant change in fertility rates in Poland<sup>9</sup>.

- Nevertheless, the extension in 2013 of Maternity leave, and introducing six months of 'Parental' leave, gained much support in Polish society; 91 per cent of adult Poles rated it beneficial<sup>10</sup>. But most people (58 per cent) did not think men were interested in taking the 'Parental' leave part. After the extension of Maternity leave, two other measures to support reconciling work and family have considerable support: flexible working hours (55 per cent of men and 57 per cent of women); and childcare facilities for children under 7 years (33 per cent of men and 37 per cent of women)<sup>11</sup>.

## 5. Research and publications on leave and other employment-related policies since April 2015

### a. General overview

Recent years have brought a rising interest in childcare related issues. Studies of the 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.

### b. Selected publications since April 2015

Kurowska, A. (2015) Zmiany dostępu do opieki nad dzieckiem w wieku poniżej trzech lat w polskich gminach przed wejściem w życie „ustawy żłobkowej” i po jej wdrożeniu [Changes in the availability of nurseries before and after the introduction of the childcare reform in 2011], *Problemy Polityki Społecznej. Studia i Dyskusje*, vol. 30 (3):119-139. Available at:

<http://www.problempolitykispolecznej.pl/images/czasopisma/30/PPS-30-119-139.pdf>.

Kurowska A., Myck M. and Wrohlich K. (2015) Making Work Pay: Increasing Labour Supply of Secondary Earners in Low-Income Families with Children, *IZA DP*, No. 9531. Available at: <http://ftp.iza.org/dp9531.pdf>

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<sup>7</sup> CBOS (2013) O roli kobiet w rodzinie (No. BS/30/2013) [The role of women in the family]. Warszawa: CBOS.

<sup>8</sup> Kurowska A. and Słotwińska-Roslanowska E. (2013), Zatrudnienie a pierwsze i drugie urodzenia wśród kobiet w Polsce, *Studia Demograficzne*, vol. 163 (1): 37-51. Available at: [https://www.researchgate.net/publication/266684882\\_Zatrudnienie\\_a\\_pierwsze\\_i\\_drugie\\_urodzenia\\_w\\_srod\\_kobiet\\_w\\_Polsce](https://www.researchgate.net/publication/266684882_Zatrudnienie_a_pierwsze_i_drugie_urodzenia_w_srod_kobiet_w_Polsce).

<sup>9</sup> Kurowska A. (2013), Ocena zasadności założeń reform urlopów i zasiłków związanych z opieką nad małym dzieckiem, *Problemy Polityki Społecznej, Studia i Dyskusje*, vol. 21(2): 155-170. Available at: <http://www.problempolitykispolecznej.pl/images/czasopisma/21/Kurowska%20PPS%2021-13-12.pdf>.

<sup>10</sup> CBOS (2013a) Postawy prokreacyjne kobiet (No. BS/29/2013) [Attitudes to women's fertility] Warszawa: CBOS.

<sup>11</sup> Czapiński, J. and Panek, T. (2013) Diagnoza społeczna 2013: warunki i jakość życia Polaków' [Social Diagnosis 2013: conditions and quality of life of Poles], Quarterly of the University of Finance and Management in Warsaw (special issue), vol.7.



### **c. Ongoing research**

Since May 2015 Anna Kurowska (University of Warsaw) has been carrying out research on the impact of parental leave and childcare leave reforms in Poland, on the capabilities of mothers and fathers. The study is part of the RECAP project (Work-family reconciliation from the Capability Approach perspective) financed by National Science Centre in Poland (grant number: 2014/13/D/HS4/03645). Partial results of this project will be presented at IAFFE Annual Conference in Ireland in June, 2016, at the INLPR seminar in Madrid, and at the ESPAnet Annual Conference in Rotterdam in September, 2016.

# Portugal<sup>1</sup>

**Karin Wall** and **Mafalda Leitão** (University of Lisbon)

**April 2016**

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.

**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 optional Parental leave for fathers has been replaced by ‘fathers-only Parental leave’ and a ‘sharing bonus’ was introduced (see below).

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

### **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 42 calendar 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.
- If parents decide to divide the 30 days of the fifth month of initial parental leave, in order to stay at home simultaneously (each for a maximum of 15 days), payment remains at 80 per cent of earnings for each parent (see flexibility in use point 4).
- Monthly payment corresponds to an average of all gross earnings during the first six months within the last eight months immediately prior to leave. Previously this monthly payment would have included holidays, Christmas or other extra benefits, but as from 2012 the government decided to exclude these benefits from that average. Therefore,

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<sup>1</sup> Please cite as: Wall, K. and Leitão, M. (2016) ‘Portugal country note’, in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

now parental benefit corresponds more closely to previous monthly earnings, whereas before it could be significantly above. Nevertheless, while on leave parents continue to receive more than when they are working, since they are exempt from paying taxes (social security contributions and IRS) during the leave period. Parents continue to accrue pension credits and other entitlements during the leave period.

- Parents living in Portuguese islands (Madeira and Azores) are entitled to an uprating of 2 per cent in parental leave benefit.
- When the level of earnings is very low there is a minimum payment of €11.18 per day (social parental benefit, see eligibility).
- 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').
- Non-employed parents receiving either social parental benefit or unemployment benefit can claim pension credits regarding their leave period; apart from these two situations, non-employed parents are not eligible to paid leave or to pension credits for childrearing.

#### *Flexibility in use*

- Mothers have the option to take up to 30 days of Initial Parental leave before birth; six weeks (42 calendar 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 period) 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*);
  - 4) during the fifth month, parents can share a maximum of 30 days in order to stay at home together but each parent can only stay at home with the other parent for a maximum of 15 days. Therefore, this option of staying at home together will imply a shortening of the total amount of leave time, from five to four and a half months, or from six to five and a half months (the latter is for cases where parents meet the gender criteria for sharing, which allows for the bonus).
- When parents want to take leave at the same time and both work for the same employer in a small company, the employer must give his agreement.
- Initial Parental leave of 120 or 150 days can be divided between parents, but cannot be taken at the same time by both parents except in the case just mentioned above: a maximum of 30 days during the fifth month can be divided between the parents (15 days for each), so that they can stay home together.
- Working is not permitted while on paid leave.
- Single parents cannot use the other parent's entitlement.

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

- All female employees 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 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 2015). The amount and duration of this benefit is €335 for 120 consecutive days and €268 for 150 consecutive days if parents do not share leave; if parents decide to share leave, benefit is paid at €335 for 150 consecutive days and €276 for 180 consecutive days.

- Father's eligibility to use or to share Initial Parental leave is the same as mothers however it depends on the mother working or being eligible for other reasons (e.g. low family income, unemployment benefit). For example, if the mother is not eligible at all, the working father can only take his Father's-only Parental leave of 15 obligatory and 10 optional working days (see 1b); if the mother works but the father does not and is not eligible for other reasons (e.g. low family income, unemployment benefit) the mother is still eligible for initial parental leave.
- The sharing bonus only applies if both parents work or are eligible for other reasons (e.g. have a low family income, receive unemployment benefit).
- Self-employed workers, who contribute to social security and unemployed women/men receiving unemployment benefit.
- Eligibility does not differ for leave and for 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 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 five working days, fifteen of which are obligatory and must be taken during the first month after birth.

*Payment and funding*

- One hundred per cent of gross earnings with no ceiling.
- Parents living in Portuguese islands (Madeira and Azores) are entitled to an uprating of 2 per cent in parental leave benefit.
- Non-employed parents receiving either social parental benefit or unemployment benefit can claim pension credits regarding their leave period; except for these two

situations, non-employed parents are not eligible either to leave, payment or pension credits for childrearing.

#### *Flexibility in use*

- Five of the fifteen obligatory days must be taken consecutively immediately after birth; the other ten days must be taken during the first month after birth; the other ten optional days must be taken while the mother is on Initial Parental leave.

#### *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 fifteen working days as well as to the ten optional working days; daily payment corresponds to 80 per cent of 1/30 of IAS (the IAS is €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 fifteen 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 the 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. Parents living in Portuguese islands (Madeira and Azores) are entitled to an uprating of 2 per cent in parental leave benefit.
- Non-employed parents receiving either social parental benefit or unemployment benefit can claim pension credits regarding their leave period; except for these two situations, non-employed parents are not eligible either to leave, payment or pension credits for childrearing.

#### *Flexibility in use*

- Leave may be taken up to the child's sixth birthday.
- Leave can be taken in the following ways: a) on a full-time basis for three months; b) on a half-time basis for a period of 12 months per parent; or c) on an alternating basis (i.e. working half-time or full-time up to a maximum of three months full-time equivalent per parent).
- If the three months are taken as unpaid Parental leave, they can be taken by both parents at same time; but paid leave can only be taken by one parent at a time.
- However, when both parents work for the same employer, the employer has a right to postpone the leave of one of the parents.

#### *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 known as 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; this means that all of the employee's rights and guarantees are suspended, but the 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. Non-employed parents are not eligible either to leave, payment or pension credits.

#### **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, including the sharing bonus) 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; an additional 15 days per year can be taken to care for a sick child above the age of 12 (if older than 18 years, 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 a child under the age of 12 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). Employees 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; the maximum payment per month is equivalent to two times the amount of IAS (€838.44). Parents living in Portuguese islands (Madeira and Azores) are entitled to an uprating of 2 per cent.

### *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 may also apply for a five-hour reduction in the working week, as long as the other parent is employed.
- Parents are entitled to four hours leave per school term to go to their children's school until children reach 18 years of age, with no reduction of earnings.
- Adopting parents are entitled to miss work (up to three times) in order to be present at meetings related to the adoption.
- Fathers are entitled to leave work (up to three times) to accompany their spouses in pre-natal appointments.
- Parents with children below 12 years (no age limit in the case of a child who is chronically ill or disabled living in the same household) are entitled to 'flexible working' which means that the employee may choose, within certain limits, when to start and finish daily work. Employees may work up to six consecutive hours and up to ten hours daily as long as the normal weekly hours of work are fulfilled. Both parents are entitled to this 'flexible working schedule for an employee with family responsibilities'.
- Also where there are children below 12 years (no age limit in case of a child who is chronically ill or disabled living in the same household), one of the parents (or both for alternative periods of time) is entitled to half-time work after taking Additional Parental leave ('half-time work for an employee with family responsibilities'). Half-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. Half-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).

- Parents working half-time or in a flexible working regime, cannot be penalized in their evaluation and career progression.
- Parents with children below 3 years of age are entitled to teleworking (working from home). If their function fits this working regime and the company has resources, employers cannot oppose this option.

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

The maximum period of total post-natal leave available in Portugal is three years (including two years of unpaid 'childcare leave' and six months at 25 per cent of previous earnings). Leave paid at a high rate lasts for up to six months, depending on the gender sharing of leave. Since 2009, there is an entitlement to ECEC from five years of age, in nursery education available for eight hours a day. So there is a gap of around two years between the end of leave and an ECEC entitlement, and of 4½ years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under three years are above the average for the countries included in this review and for OECD countries; and around average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

In 2014, there were no changes in the leave scheme but there was a major debate on the persistence of low fertility (down from 101,381 births in 2010 to 96,856 in 2011; 89,841 in 2012 to 82,787 in 2013 and to 82,367 in 2014). As president of the Social Democrat Party, the Prime-Minister<sup>2</sup> decided to request an independent commission to elaborate a wide study on fertility promotion in order to have a basis for a national plan on this subject. Results were reported in 2014 and the main proposals were focused on family benefits and tax deductions, work and family life reconciliation and parental leaves. In what concerns the latter, the report proposes: full salary replacement of mothers' half-time work one year after parental leave (mothers would be replaced by an unemployed person receiving unemployment benefit, so that mother and company would not have further salary costs; the state would pay 50 per cent of salary to the mother, and the company would pay the unemployed person half of the mother's salary); daily work reduction (between two to four hours) either for the mother or father up to the child's six birthday, with a minimum paid at 50 per cent of salary flexible and simultaneous share of parental leave on a half-time basis (e.g. each one of the parents works 20 hours per week, while the other is on leave).

Regarding crèches and pre-school services, the report highlights the importance of flexible timetables adapted to parents' work schedules, and creating more after-school clubs and activities during holidays periods, while also defending half-time crèche timetables and prices (which do not exist in Portugal or at least are not common), as well as a maximum daily hours' period for children under three years. The report was considered by opposition parties as suggesting good proposals but also as relating to a more traditional vision of family and work-life based on mothers' half-time work and their primary role in childrearing, thus defending the dual-earner female half-time role.

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<sup>2</sup> The government elected in June 2011 has a majority in Parliament due to a centre-right wing coalition.



In September 2015, one month before national government elections, some changes were introduced by the government regarding the leave scheme, alongside other employment related measures (Law n° 120/2015):

- a. The obligatory “father’s-only parental leave” was increased from 10 to 15 working days. However, this change was subject to the approval of the state budget which only came into effect in March 2016 under the new government (coalition government with the socialist party supported by two left-wing parties) which took over after the October elections.
- b. Other measures approved by the former centre right wing coalition include: a) giving parents the option to take Initial Parental leave together during the fifth month of leave, so that each parent can stay home together with the other parent for a maximum of 15 days. This change does not represent any additional cost for the state since the fifth month is split between both parents with the same 80 per cent of replacement; b) parents with children under the age of twelve, working half-time or in “flexible working” regimes, must not be penalized in their career evaluation and progression; parents with children under the age of three are entitled to teleworking, depending on job compatibility and company resources; parents with children under three are also exempted from adaptability work and bank hours (an extra four hours per day, up to a maximum of sixty hours per week), if they do not state their agreement in writing.

Meanwhile in November 2015, a public petition was submitted to parliament defending six months of maternity leave for mothers, in accordance with World Health Organization recommendations concerning exclusive breastfeeding for at least six months. This online petition was initially led by one mother, but soon got thousands of signatures. It is currently under discussion side-by-side with other ongoing proposals from three left-wing political parties (BE, PCP-PEV and PAN), which also support mothers’ and babies’ rights to exclusive breastfeeding for six months. Among their several proposals the following are highlighted:

- a) A first proposal supports 150 days of initial parental leave paid at 100 per cent (currently paid at 80 per cent or at 100 in case of gender sharing) or 180 days at 80 per cent independently of gender sharing (currently paid at 80 per cent, but only in case of gender sharing); 180 days paid at 100 per cent or 210 days paid at 83 per cent in case of gender sharing (BE).
- b) Another proposal supports the extension of mothers’ only obligatory leave from 6 to 9 weeks; of fathers’ only leave up to 60 days (30 obligatory and 30 optional); initial parental leave up to 180 days paid at 100 per cent (if mother only) or up to 210 days paid at 100 per cent if the father takes his optional 30 days of leave after the mother; it also asks for a new leave in case of premature babies or new-born internment (PCP-PEV).
- c) A third proposal claims a gradual increase of initial parental leave in order to achieve a one year leave in 2021: 183 days paid at 100 per cent in 2016 which will increase to 274 days paid at 80 per cent as from 2019 and to 365 days paid at 60 per cent as from 2021. Leave could be shared or taken simultaneously by both, according to parents’ decision. It also proposes an increase in “father’s only parental leave”: 20 compulsory working days, ten of which immediately after birth, plus 15 optional days to take while the mother is on leave (PAN).

Work and family reconciliation is also on the agenda, and one of the proposals is the extension of the two hours’ reduction per day up until the child’s second birthday (currently it is up to the child’s first year) (BE). Another proposal comes from the Medical Order, which has recently announced that it intends to create a public petition regarding the daily work-time reduction up to the child’s third birthday, which could be claimed by one of the parents,

independently of breastfeeding. In July 2015, the former centre-right wing coalition government approved the universal entitlement to ECEC for children from four years of age (currently five years of age) as from 2016. In April 2016, the new government announced that universal entitlement would be from three years of age from 2020.

There are no definitive figures on the number of births for 2015 but there is an estimation of a slight increase for the first time in the last five years (about 85,500 births in comparison to 82,367 in 2014). However this will have no impact on the fertility rate, which is expected to be one of the lowest in Europe, as well as in the rest of the world.

## **4. Take-up of leave**

### **a. Initial Parental Leave (formerly maternity leave)**

After decreasing for the last four years (down from 81,176 in 2011 to 75,590 in 2012; then from 69,531 in 2013 to 67,168 in 2014), the total number of paid Initial Parental leaves has increased to 72,402 in 2015. These figures include: mothers and fathers with a sufficient record of social security contributions entitled to 80-100 per cent of earnings compensation (58,019); as well as mothers and fathers with no record or an insufficient record of social security contributions (14,383), who are only entitled to a flat-rate benefit (see 1a for benefit eligibility). The latter represented 19.9 per cent of the total number of paid Initial Parental leaves in 2015. Until 2014 there has been a slight decrease in the number of parents claiming this flat-rate benefit, firstly introduced in 2008 (16,887 in 2010, 16,378 in 2011, 15,887 in 2012, 14,651 in 2013 and 14,190 in 2014). This is mainly due to some eligibility restrictions introduced in November 2010. In 2015, social parental benefit slightly increased to 14,383.

In 2015, Parental leave benefit taken by mothers and fathers with a sufficient record of social security contributions (entitled to 80-100) represents about 67.9 per cent, in relation to total number of births. In what concerns the flat-rate parental benefit (mothers and fathers with no record or an insufficient record of social security contributions) it represents about 16.8 per cent in relation to total of births. All in all, 84.7 per cent of mothers/fathers were eligible to parental benefit in 2015.

### **b. Initial Parental Leave and Sharing Bonus**

Since it came into effect in May 2009, data on the sharing bonus shows a strong initial increase in take-up in 2009 and 2010 (from 596 fathers who shared Maternity leave in 2008 to 16,426 fathers sharing Initial Parental leave in 2010). After this initial period, there has been a slow but steady increase in the take-up of the sharing bonus: 17,036 fathers staying on their own for 30 or more days during the five or six months of Initial Parental leave in 2011; 17,744 parents in 2014 and 20,941 in 2015. Put another way, in 2015, 28.9 of Initial Parental Leaves were taken with the sharing bonus (meaning that the father took at least 30 days of leave alone, without the mother, or *vice versa*), compared with 26.4 in 2014 and 20.1 in 2011.

Initial Parental leave taken with the sharing bonus has to be shared between both parents. Although only the first six weeks have to be taken by the mother, in practice nearly all parents divide the leave between themselves by allocating four or five months to the mother and one month (the last month of Initial Parental leave, when the mother goes back to work) to the father. Among these couples, in 2015, 65.3 per cent (13,682) chose the longer leave period (six months paid at 83 per cent of earnings), compared to 58 per cent in 2010; while 34.7 per cent (7,259) preferred the five months' option paid at 100 per cent of earnings. This would seem to indicate that parents are choosing to stretch the period of leave to six months

even if they receive a slightly lower level of earnings compensation. By contrast, parents receiving social parental benefit still tend to share the shorter period of five months.

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 four months (49.3 per cent) and the other half for five months (50.7 per cent). However, there is a difference between mothers receiving parental benefit and mothers receiving social parental benefit (see 1a); the latter tend to opt for the four months period (87 per cent), while the others mainly take the five months period.

### **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. The proportion of fathers who took Paternity leave then increased by about two per cent per year: 37 per cent in 2004, 39 per cent in 2005, 41 per cent in 2006, 45 per cent in 2007 and 2008. These percentages are based on the number of fathers who take leave in relation to the number of births; but in relation to the number of women eligible for Maternity leave, the proportion of fathers taking five days Paternity leave had increased to 62 per cent in 2008. It should also be noted that take-up is underestimated as these statistics exclude employees with special social protection regimes (e.g. civil servants, bank workers).

The same trends may be observed for the 15 additional Paternity leave days (the optional 'Daddy days' introduced in 1999). In 2001 only four per cent of fathers chose to take the 15 days and this increased to 14 per cent in 2002 and to 24 per cent in 2003. Since then, and up until the 2009 policy reform, take-up rates increased steadily: to 28 per cent in 2004, 30 per cent in 2005, 33 per cent in 2006, 37 per cent in 2007 and 2008. In 2009, when Paternity leave became Father-only Parental leave and ten days became obligatory, take-up of leave increased to 56 per cent for the ten compulsory days and 47 per cent for the additional ten days. Take-up of the obligatory leave is not at 100 per cent for two main reasons: statistics exclude employees with special social protection regimes (e.g. civil servants, bank workers) and the labour inspection services only recently began to control take-up of leave by fathers (making for lack of implementation by some employers). Until 2011, take-up increased steadily. Between 2012 and 2014 there were no increases in take-up, while births were also decreasing. In 2015, there was an increase in father's only parental leave which might be mainly related to an increase in birth rate. In 2015, there is an estimation of 71 per cent of fathers using the ten obligatory days and 62 per cent of fathers taking the ten optional days; in 2014, the proportions were 68 per cent and 59 per cent, respectively.

These percentages are 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 estimate proportions in 2015 increased to 84 per cent for the ten obligatory days, and to 74 per cent for the ten optional days.

### **d. Additional Parental leave (formerly Parental leave)**

Take-up of Additional Parental leave is still low, even if it has increased since a new 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 2015, 4,944 parents took this leave (in comparison with 3,315 parents in 2014, 2,447 in 2013 and 2,253 in 2012) which represents about 7 per cent of all parents who were granted Initial Parental Leave. It is mainly taken by mothers (4,406) in comparison with fathers (538).

## 5. Research and publications on leave and other employment-related policies since April 2015

### a. General overview

None reported.

### b. Selected publications since April 2015

Escobedo, A and Wall, K. (2015) Leave policies in southern Europe: continuities and changes. *Community, Work and Family*, vol. 18(2): 218-235.

This article addresses the challenge of reviewing Southern European welfare states by analysing how developments in leave policies are generating common or divergent trends across Portugal, Spain, Italy and Greece. These societies offer a mixture of family patterns and family policies. Over the last decade they have developed significant work–family arrangements both in terms of parental leave and early education childcare services. The four countries have been moving in the direction of longer paid leave and the promotion of paternal leave, allowing for family diversity and new gender-equality incentives. Besides these common trends, the four countries also reveal differences enabling them to shift towards alternative leave models, such as the one-year gender-equality-oriented model or the choice-oriented leave model. However, for the time being, taking into account take-up rates and the impact of the economic crisis, the four countries conform to what we have characterised as an ‘extensible early return to work’ leave model. Leave policies are reviewed in Greece, Italy, Portugal and Spain mainly between 2004 and 2014, drawing on data from the Annual Reviews of the Leave Policies and Research Network, Eurostat and the OECD Family Database.

Wall, K. (ed.) (2016) *Relatório 2014-15 do OFAP - Observatório das Famílias e das Políticas de Família [Annual Report 2016 of The Observatory of Families and Family Policies]*. Lisbon: ICS and CIES. Available at: [www.observatoriofamilias.ics.ul.pt](http://www.observatoriofamilias.ics.ul.pt)

This report maps changing family forms and analyses developments in family policies in Portugal, in 2014 and 2015.

Wall, K. e Correia, S. 2015. Portuguese Report. In-depth analysis of three family policy changes in Portugal. Eurofound Project: Families in the economic crisis: mapping policy responses in 5 European Member States. Available at: [www.observatoriofamilias.ics.ul.pt](http://www.observatoriofamilias.ics.ul.pt)

Wall, K., Correia, S. (2015) Changes in Family policies since 2010: Country overview Portugal. Eurofound Project: Families in the economic crisis: mapping policy responses in 5 European Member States. Available at: [www.observatoriofamilias.ics.ul.pt](http://www.observatoriofamilias.ics.ul.pt)

Rego R. (2015) Portugal: Signes contradictoires dans le Portugal en crise (Contradictory signs of the impact of the crisis in Portugal), *Chronique Internationale de l'IRES*, N° spécial "Variations de la conciliation vie familiale-vie professionnelle dans l'OCDE (Special edition "Diversity in work-family balance in OECD countries), 152", 162-174.

### c. Ongoing research

*The double postponement: men and women coping with childbearing intentions in their late 30s and early 40s (2012-2015)*. Vanessa Cunha (coordinator), ICS University of Lisbon, Filomena Mendes, University of Evora.

Funded by the National Foundation for Science and Technology. This research project intends to produce a further questioning in relation to childbearing intentions within the framework of contemporary postponement and decision-making processes, and specifically regarding the transitions to the first and the second child in cohorts that are coming close to the end of reproductive life. There are three aims that will be pursued within a life course perspective: to identify the mechanisms that are engendering those postponements and how they entail coping with and reshaping childbearing intentions throughout the life course; to understand the chain of decision-making processes that triggers the childbearing postponement, and the resulting balance of gains and costs for one's life; and to clarify if the gender gap concerning the childbearing agenda turns into a gender trap by jeopardizing childbearing intentions of one or both. The research relies on two methodological approaches: a qualitative one based on in-depth interviews with men and women aged between 35 and 45, in order to understand how they cope with the transitions to the first and second child; and a quantitative one, regarding the analysis of data from the Census 2011 and 2001, to portray the current demographic trends concerning postponement, childlessness and one-child families in Portugal, outlining major changes in a period of a decade. Contact: Vanessa Cunha at [Vanessa.cunha@ics.ul.pt](mailto:Vanessa.cunha@ics.ul.pt)

*Network on fathers on leave alone and gender equality* (2013-2015). Karin Wall (coordinator), ICS, University of Lisbon.

Drawing on the above project ('Changes in Parental leaves and their impact on men's experiences of leave') in Portugal, a small network of researchers from the international leave network (Spain, U.K., Sweden, Finland, Norway, Iceland, France, Switzerland, Canada, Portugal, Japan) are carrying out similar in-depth interviews in order to provide a comparative cross-national analysis of the impact of leave taken up by fathers, in a solo manner, on gender equality and family life. A Book (edited by Margaret O'Brien and Karin Wall) will be published in the Springer Life Course Series in 2016: "Comparative perspectives on work-life balance and gender equality: fathers on leave alone" Contact: Karin Wall at [karin.wall@ics.ulisboa.pt](mailto:karin.wall@ics.ulisboa.pt)

*Changes in Parental leaves and their impact on men's experiences of leave* (2012-2016). Karin Wall (Coordinator), Sofia Marinho and Mafalda Leitão. ICS, University of Lisbon. Funded by EEA Grants Programme Area 14 (mainstreaming gender equality and promoting work-life balance).

This qualitative research project draws on in-depth interviews with fathers who took up the sharing bonus introduced in the 2009 leave policy reform. The project is part of a wider project on Men's Roles in a Gender Equality Perspective as from February 2014 (to 2016).

*Sharing and negotiating Parental Leave: the father, mother and employers' perspectives* (2013-2017). Mafalda Leitão, doctoral study at Instituto de Ciências Sociais [Institute of Social Sciences], University of Lisbon (2013-2017).

*(IM)BALANCE: Impact of Work-Family Conciliation on Parenting and Children's Development* (on-going). Paula Mena Matos, Faculty of Psychology and Education Sciences, University of Porto. Contact: [pmmatos@fpce.up.pt](mailto:pmmatos@fpce.up.pt)

*Co-parenting reconfigurations after breakups: negotiation dynamics and public policies on shared parenting responsibilities* (on-going). Sofia Pappámikail Marinho, Institute of Social Sciences, University of Lisbon. Contact: [sofia.marinho@ics.ul.pt](mailto:sofia.marinho@ics.ul.pt)  
<http://www.ics.ul.pt/instituto/?ln=p&pid=222&mm=6&ctmid=2&mnid=1&doc=31809901190&sec=5>.

*Work-Family balance and couple's emotional dynamics* (on-going). Marisa Matias, Faculty of Psychology and Education Sciences, University of Porto. Contact: [marisa@fpce.up.pt](mailto:marisa@fpce.up.pt)  
<http://www.fpce.up.pt/cpup/english/index.html>.

*Intentions to have children: does work-family balance play a role?* (on-going) Margarida Lacerda, Marisa Matias, Faculty of Psychology and Education Sciences, University of Porto. Contact: [marisa@fpce.up.pt](mailto:marisa@fpce.up.pt)

*(Co)Balance of work and family: Multiple roles impact in parenting* (on-going) Joana Vieira, Paula Mena Matos, Frederick Lopez, Faculty of Psychology and Education Sciences, University of Porto. Contact: [pmmatos@fpce.up.pt](mailto:pmmatos@fpce.up.pt)

# Romania<sup>1</sup>

**Alexandra Macht** (University of Edinburgh) and **Raluca Popescu** (University of Bucharest)

**April 2016**

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 (*concediul de maternitate*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)**

#### *Length of leave*

- Eighteen weeks (126 days). These are made up of Birth leave (or prenatal leave) and Confinement leave (*concediu de lăuzie*; postnatal leave).
- Birth leave is given for a period of maximum 9 weeks (63 days) before the birth, exclusively for pregnancy and not for any other ailments which can happen during pregnancy, or are unrelated to the pregnancy.
- Confinement leave is also given for a period of maximum 9 weeks (63 days) after the birth. These periods can be compensated between one another according to the medical advice or to the beneficiary's options.

#### *Payment and funding*

- There is no ceiling for Maternity leave. Maternity benefits are calculated at 85 per cent of the mean monthly gross income obtained in the last 6 months before the date the maternity leave is taken, and on which individual contributions towards social insurance have been established (in the previous 12 months which comprise the yearly benefits stage).
- Maternity benefits are not taxed, according to the regulation of Article 42 from the Fiscal Code. The only thing which is retained from maternity benefits is the individual contribution towards social insurance (also known as CAS), including pension credits. Maternity benefits are integrally supported from the state's budget for social insurance.

#### *Flexibility in use*

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<sup>1</sup> Please cite as: Macht A., and Popescu R. (2016) 'Romania Country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Mothers are required by law to take 6 weeks (42 days) of post-natal leave, out of the available eighteen weeks of maternity leave. The remaining 12 weeks (84 days) can be renounced, if not needed.
- Birth leave and confinement leave can complement each other, according to the recommendations of the family doctor, the beneficiaries' choice and to individual circumstances (i.e., giving birth at a different date than expected). For the protection of the mother's and the baby's health, employers are forbidden to allow their employees to take up their previous employment, in less than the 42 days which determine the compulsory postnatal leave.
- The leave is determined according to the legislation in the Code of Work from 2012 (updated in 2015), and is prescribed on request by the family physician according to a medical letter received from the gynaecologist, during the present calendar month.
- In the situation where the mother dies during birth or during her post-natal leave, the remainder of the leave is transferable to the father of the child.

#### *Eligibility*

- Maternity leave is given to women who are Romanian or EU citizens and have their residency in Romania; and who have fulfilled at least 1 month out of their benefits contributions in the last 12 months prior to the month in which maternity leave was given.
- In addition, maternity leave is also given to pregnant women who have stopped their social insurance contributions, but who are giving birth in the preceding 9 months from the date they have stopped contributing towards social insurance.

*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*

- Mothers with disabilities are covered by the social insurance benefit, upon request of maternity leave beginning from the 6th month of pregnancy.
- If the child is born dead, or if the child dies during the Confinement leave, the maternity benefit is for the entire duration of the leave.
- According to Law nr. 25 from 2004, in the Code of Work, pregnant women and mothers can also take Maternal risk leave for the protection of their own and their child's health and safety. The Maternal risk benefit is completely supported with funds from the Unique National Fund of Health Insurances (F.N.U.S.S). Benefit is 75% of the average insured gross earnings over the last 6 months. The maternal risk leave is complementary to maternity leave (the mother can take both).

#### **b. Paternity leave (*concediul de paternitate*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)**

##### *Length of leave*

- 5 days.

##### *Payment and funding*

- Paternity leave benefit is paid from the employment fund of the professional unit, and is equal to the wage equivalent to the period taken. This benefit is also available to self-employed fathers if they paid the contribution to the corresponding fund.
- The father can choose from a legal benefit equal to that of the mother's postnatal leave, or can gain a benefit calculated according to his basic pay and his seniority bonus pay, offered by the professional unit where the father is employed.



### *Flexibility in use*

- None.

### *Eligibility*

- The beneficiary needs to be insured within the state system of social insurance. This applies to self-employed fathers too, as long as they are paying social insurance. Paternity leave is granted upon request, during the first 8 weeks from the child's birth, and after the beneficiary presents the child's birth certificate, which stipulates his role as the child's father.
- Men who are undergoing compulsory military training at the time of their child's birth, are entitled to 2 extra days leave (a total of 7 days).
- If the father has gained a certificate upon completion of an infant care course, demonstrating basic care knowledge, the length of the paternity leave is increased for up to 10 days; the father can benefit from this increase only once. The course and certificate are prepared by either a family physician, maternity wards or other health state services or private consultancies which are recognized by the state. The condition of implementing the uptake of an infant care course to complement a paternity leave, tries to increase the father's knowledge and involvement in caring for the infant, since fathers are expected by policy makers to be less skilled in infant care. However, the usual practice is for couples to take these courses together, and men's participation is increasing especially in urban areas.

## **c. Parental leave (*concediul parental/pentru cresterea copilului*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)**

### *Length of leave*

- 12 or 24 months paid leave (or a total of 3 years of leave for a child with a disability).

### *Payment and funding*

- According to the government amendment nr. 111 from 2010, for children born after 1<sup>st</sup> January 2011, there are several options of parental leave and benefit for parents:
  - a) Parental leave to raise a child up until the child is 1 year old (or 3 years if the child is disabled), as well as a monthly benefit of up to 85 per cent of the mean of net income, gained in the last 12 months; this can't be less than RON600[€132] or more than RON3,400 [€752]<sup>2</sup>.
  - b) Parental leave to raise a child up until the child is 2 years old, as well as a monthly benefit of up to as well as a monthly benefit of up to 85 per cent of the mean of net income, gained in the last 12 months; this can't be less than RON600[€132] or more than RON1,200 [€265].

### *Flexibility in use*

- The Parental leave law nr. 210 from 1999, was adopted as a compensating necessity for fathers, who do not receive the same rights, benefits and leave as mothers, except for special circumstances in which they can substitute them. According to amendment nr. 57 from 2012, for children born on or after 1<sup>st</sup> March 2012, at least a month from the total parental leave available, will be granted to the parent who has

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<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

not solicited the right to leave. For example, if the mother is the one who has requested parental leave, a month out of this period, will be given to the father (being deducted from the mother's leave). In the time during which the father is on his compulsory parental leave, the mother can either return to work or can opt for unpaid leave.

- If the father does not take the compulsory month of parental leave, then the mother is entitled to only 11 months of parental leave, which makes the payment of the insertion incentive to be conditioned by mother returning to work before the child is 11 months old (if the mother exceeds this time limit she will not receive an insertion incentive).
- Since LGBT rights are not recognized in Romania, there is no provision for same sex parents.
- Mothers who return to work from parental leave, cannot be dismissed in the first 6 months (this is also known as 'the grace period'); the 'grace period' can only be revoked if the mother engages in illegal behaviours (i.e. fraud)
- In the case in which both parents are entitled to parental leave, it is compulsory that the parent who has not requested the right to leave, to undergo at least one month of leave out of the total period of leave. This law applies similarly to adoptive parents, from 1<sup>st</sup> March 2012. The law is in accordance with EU regulation nr. 2010/18/UE, which aims to improve work-life balance and to promote gender equality.

### *Eligibility*

- The parental leave benefit is awarded if the parent fulfils the following criteria: is a Romanian citizen; or a foreign citizen, with a residency in Romania; is living together with own child/ren; does not have state-incurred debts towards the local budget for the goods owned in his/her property.
- The parental leave benefit for the month that can be given to the other partner is calculated according to the father's income. Parental leave benefit for that month that can be exchanged, is not calculated according to the father's wage in situations where: the other parent does not fulfil eligibility criteria for parental leave; it is a single-parent family; the beneficiary is not requesting parental leave, but only the insertion incentive; the beneficiary returns to work and requests an insertion incentive with at least 3 months before the child turns 1 year old, or with at least 6 months before the child is 3 years old, if the child is disabled.
- The Parental leave and its benefit is given for each birth, on a case-by-case basis, for each of the situations mentioned (adoption, placement, guardianship etc.).
- Parental leave for adoption is given on a non-transferable basis to parents who: have children born from the 1<sup>st</sup> March 2012; and for people who have adopted a child, have their child/ren in a placement, or have been named legal guardian/s, also beginning with the 1<sup>st</sup> March 2012.

*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 towards the care of a sick child is granted for the care of a sick child up until the child is 7 years old; if the child is disabled, it is up until the child is 18 years old. Parent can choose which one of them is to receive the benefit, as long as the chosen parents fulfils all the eligibility requirements. Socially insured adoptive parents, foster parents and legally named guardians can also receive this benefit. The benefit is awarded on the basis of a medical certificate and the child's birth certificate, and is paid at 85 per cent, at the basic leave calculation. The benefit towards the care of a sick child is awarded for 45 days per year for one child; if there are surgical

complications or additional health problems, the extent of the medical leave can be prolonged at the discretion of the child's respective doctor.

#### **d. Childcare leave or career breaks (*concediul de odihna*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)**

- Currently in Romania, there are 3 types of paid leave: rest leave (paternity leave is included here), professional qualification leave and medical leave (maternity leave is included here).
- An annual *Rest leave* is guaranteed to all employees; of a minimum length of 20 working days according to the Code of Work, or 21 working days according to the applicable collective work contract; for disabled employees there is an additional 3 days on top of the 21 days allocated. During leave, the employee receives a leave benefit, which cannot be less than the basic wage, or less than the permanent benefits and bonuses for that respective period, which are mentioned in the individual work contract. The benefit for Rest leave is paid by the employer with at least 5 working days before the commencement of the leave. According to the Code of Work, paid free days – which are not included in the rest leave period – are given in the case of special family circumstances agreed through the law and through the collective work contract; these days include: employee's own marriage (5 days), the marriage of the employee's adult child (2 days), the birth of the employee's child (5 days; or prolonged to 10 days if the employee participated in an infant care course), the death of the employee's partner, the child's, the parents' or parents-in-law (3 days); the death of the employee's grandparents, brother or sister (1 day), and for change of employee's work within the same professional unit and having to move residency to another town (5 days).
- *Professional qualification leave* can be taken in a paid or unpaid capacity, by agreement with the employer.
- *Medical leave and social insurance health benefits* given to ensured employees include: medical leave and benefit towards temporary work incapacity, caused by unusual diseases or accidents outside of the workplace; medical leave and benefit towards the prevention of sickness and recuperating work capacity, as a result of situations resulting from work-place accidents or professional diseases; medical leave and benefit for maternity, for the care of a sick child, and maternal risk leave and benefit.
- For any other personal problems, employees are entitled to unpaid leave.

#### **f. Other employment-related measures**

- *Insertion incentive*: parents returning to work before the child age of 2 years (3 years for disabled children) receive a RON500 [€110] incentive for the re-insertion on the labour force, regardless of the lengths of their parental leave (1 or 2 years). The same amount will be received by those who have not contributed to the social security fund before birth, but have found a job in the period of leave, in order to encourage employment. For example:
  - a) if the parent opted for a 1 year period leave and returns to work when the child has 7 month, he/she will receive the incentive for another 17 months (until the child is age of 2).
  - b) Or, if the parent opted for a 2 year period leave and returns to work when the child has 1 year and 4 months, he/she will receive the incentive for another 8 months (until the child is age of 2).
- For children with a disability, the monthly benefit and the insertion incentive is given for the whole period of leave, until the child is 3 years old.

- The level of monthly benefits is increased to RON600 [€132], beginning with the second child (this applies to babies born out of a twin, triplet or multiple pregnancy).
- Benefits are government-funded and the payments and leave requests are the responsibility of respective local Agencies for Payment and Social Inspection.

#### *Adoption leave and pay*

- Same as for parental leave; although Adoption leave does not equate Maternity leave, since the mother has not given birth to the child. The benefit begins from the day in which the adoption was legally accepted.

#### *Time off for the care of dependants*

- See section 1d.

#### *Flexible working*

- None.

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

The maximum period of post-natal leave available in Romania is 2 years (or 3 years for a child born with a disability). There is no functional system of ECEC services for the 0-3 year's age group<sup>3</sup>, as care for small children is predominantly informal, being provided by parents, relatives and friends. Without sufficient coverage of childcare services for children from 0 and 6 (7) years there is a clear deficit of possibilities for parents to plan for their respective balance of work and family tasks. Only 10 per cent of the children under the age of 3 are enrolled in crèches or kindergartens. Over 40 per cent of Romanian children are involved in informal care arrangements. In many cases, children are staying at home with their parents, grandparents or other relatives, as an alternative to the lack of resources and services. Levels of attendance at formal services are above the average for the countries included in this review and OECD countries, both for children under and over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

From March 2016, a legislation adopted by the Senate has extended the paternity leave entitlement for fathers who have undergone an infant care course, to 15 days from the previous 10 that were available. In addition, this can be taken in the child's first 2 months of life, from the previous limit of 8 weeks. The initiative states that fathers can make use of paternity leave multiple times (rather than just for once, for the first child), in an effort to eliminate discrimination between the children of the same family.

The Work Committee of The Chamber of Deputies is subjecting the current parental leave and respective benefits to a structural change. The Senate adopted the law in September 2015, but it will be implemented beginning with the 1st of July 2016. Changes include: the current pay ceiling of RON3400 [€752] per month will be discarded; mothers will receive a

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<sup>3</sup> Matei, A. (2014) Developing ECEC in Romania: between Perceptions and Social Realities. *Revista Romaneasca pentru Educatie Multidimensionala [The Romanian Journal for Multi-dimensional Education]*, vol. 6(2): 111-118.

monthly benefit of 85 per cent from the mean of their net income in the last 12 months of the last 2 years, but no less than 85 per cent of the basic minimum wage in the country<sup>4</sup> (the Social Index of Reference ISR is eliminated, which was at the moment of a value of RON500); mothers won't need to choose between 1 or 2 years of parental leave because they will both be subsidized (until the child's second birthday); if they wish to return to work earlier they will receive a 'insertion incentive', if they decide to come to work earlier – this premium consists of 50 per cent of the minimum benefit (i.e. 85 per cent of the net minimum wage). This law applies to mothers who have given birth and find themselves on parental leave from the 1st July 2016, until the child reaches 2 years of age; however, either the mother or the father can make use of the benefit. This law is meant to increase birth rates for middle class parents.

Adoption procedures will be simplified and will include 'Accommodation leave', paid at RON3,300 [€730], to shorten the time period required for adoption. The accommodation leave will take a maximum of 90 days and will be accompanied by a benefit paid monthly during the period in preparation for adoption, to one of the partners of the adoptive family, who brings in a taxable income. The value of the benefit is scaled up to the social indicator of reference of 6.8 ISR, which translates into RON3,330 [€730] per month - presently the sum is at RON500 [€110]. The leave is given in the case of an adoption of a child older than 2 years of age (for younger children, the usual legislation regarding parental leave applies). In addition, people who want to adopt a child will have the right to take time off from work in the time-limit of 40 hours per year, for attending administrative evaluations and obtaining the required adoption certificate. For international adoption, the child will be declared eligible, after one year of beginning the adoption procedure, and not for 2 years as it stands now.

## **4. Take-up of leave**

### **e. Maternity leave**

Since the first 42 days (post-birth) of maternity leave are compulsory, all employed women should take up leave.

### **f. Paternity leave**

No statutory entitlement. Statistical data released by the Ministry of Work<sup>5</sup> show an increase in the number of fathers taking up paid leave and incentive for work, from 26.517 in 2012 to 29.427 in 2014 (latest available data) in the context of a constant fertility rate (1.5 new-borns per woman). The increase is also evident in the percentages represented by the total number of leave beneficiaries, which for fathers has increased from 16.6% per cent to 21.1%.

### **g. Parental leave**

It is compulsory for parents to share one month out of the 12 allowed; if this month is not taken up by the other parent, parental leave is shortened to 11 months, with a loss of benefit payment for that month. Even if parents can choose from one of the two options depicted in section 1.c., the majority choose the second, almost two third of them taking paid leave for 2 years, even if the maximum threshold is smaller. More than half of them take the minimum

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<sup>4</sup> The basic minimum wage in the country, according to which the benefit is calculated, is currently at RON 1,050 [€234] per month; starting from 1<sup>st</sup> of May 2016 this will increase to RON 1,250 [€279] per month.

<sup>5</sup> Ministry of Labor (2008-2014), *Rapoarte statistice privind activitatea în domeniul asistenței sociale* [Statistical reports of activities in the social work area], available at: <http://www.mmuncii.ro/j33/index.php/ro/2014-domenii/familie/politici-familiale-incluziune-si-asistenta-sociala/725>.

amount of RON600 [€132], compared with only 7% of parents choosing the first option. Additionally, the parents choosing the second option do not start working before the 2 year leave. On the contrary, the parents choosing the first option with shorter leave (only 1 year) also go back to work earlier, and represent almost 90% of the insertion incentive receivers<sup>6</sup>.

#### **h. Other employment-related measures**

None reported.

### **4. Research and publications on leave and other employment-related policies since April 2015**

#### **a. General overview**

There seems to be scarce academic research published, apart from the data released by the Ministry of Work and the National Institute of Statistics. From the point of view of the legislation, the situation is at the moment in a state of fluctuation, with a number of governmental revisions aiming to improve the system of social services in Romania.

#### **b. Selected publications since April 2015**

Popescu, R. (2015). The Evolution of the financial support for family in Romania after the economic crisis. *Journal of Community Positive Practices*, nr.1: 93-106.

This paper aims to analyse the configuration of the family support system and its evolution in the recent years. The analysis covers the financial transfers, due to insufficient data about the system of services and the lack of comparability between them. The research target is to look at the state's support for the widespread family, not for particular categories or specific situations in which family could live. After a general evaluation of the financial effort, a closer view on four specific instruments of support is taken: the state allowance for children, the family allowance, and the paid maternity and parental leave together with incentive for work. The analysis reveals a minimal family protection; all indicators examined showing the same pattern: low level of transfers in a decreasing trend for most aspects.

Matei, A. (2014) Developing ECEC in Romania: between Perceptions and Social Realities. *Revista Romaneasca pentru Educatie Multidimensionala [The Romanian Journal for Multidimensional Education]*, vol. 6(2): 111-118.

One of the key policies that aims to enable parents to achieve a better work–life balance is to increase childcare support. But for many families childcare is no longer a simplistic choice between care provided by a family member (usually the mother) and non-family care (Janta, 2014). There are research studies showing that the majority of mothers prefer to care for their young children themselves – almost invariably up to the age of three, very often up to school age, and in some cases all the way up to school-leaving age (Hakim, 2009). In line with the EU strategies for 2020 and the need for an integrated approach to Early Childhood Education and Care (ECEC) the article provides a diagnosis of the situation in Romania on the development of ECEC. In addition to a literature review of the Romanian situation in the EU context, the first part of the article analysed the main drivers for ECEC development in Romania. The second part of the article shows the results of quantitative and qualitative research studies developed by the author on the topic of the article as a researcher at the INCSMPS (National Scientific Research Institute for Labour and Social Protection). Results show that ECEC arrangements are related to age of the child, parents' preferences, and labour market opportunities. Childcare provision cannot be developed in isolation and should

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<sup>6</sup> Same source as above.

be explored in the context of other systems that interact with the care of children and the family unit.

**c. Ongoing research**

Nothing reported.

# Russian Federation<sup>1</sup>

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**April 2016**

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 Labour and Social Protection)**

*Length of leave (before and after birth)*

- Seventy calendar days before and 70 calendar days after childbirth.

*Payment and funding*

- Hundred per cent of average earnings, calculated on basis of employment during the 24 months before taking leave<sup>2</sup>. There is a ceiling for maternity benefits based on the ceiling on earnings for social insurance contributions established by the state on an annual basis, the actual number of worked days and the length of the leave.
- For women applying for a leave in 2016 the ceiling for social insurance contributions in 2014 was RUB624,000 [€8,558]<sup>3</sup> and in 2015 RUB670,000 [€9,189]. From January 1<sup>st</sup> 2016, the ceiling is RUB718,000 [€9,848]. Hence, the ceiling for the benefit will be  $(624,000+670,000)/730 \times 140 = \text{RUB}248,164$  [€3,403], where 730 is the maximum standard number of working days over two years and 140 is the length of the leave. It corresponds to the RUB53,890 [€739] per month. If the woman worked less than 730 days, the actual number of days she worked is used in the calculation. The minimum amount of maternity benefit cannot be lower than  $6,204 \times 24/730 \times 140 = \text{RUB}28,555$  [€391], where RUB6,204 [€85] is a new level of minimum wage per month from 1<sup>st</sup> January 2016.

<sup>1</sup> Please cite as: Sinyavskaya, O. (2016) 'Russian Federation country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> In 2013 women had a choice as to how they could calculate their benefits; either based on one year of incomes or based on two years of income. From 2014, all benefits are calculated on the basis of their income for the two years prior to taking maternity leave.

<sup>3</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>



- Funded by the Social Insurance Fund, which is largely financed from employers' contributions, supplemented by transfers from the federal budget.
- Unemployed women who have lost their jobs due to the closure of their workplace during the preceding 12 months, and who are registered at the unemployment office, can receive Maternity leave benefits at the level of RUB581.73 [€7.97] per month from February 2016, (this was RUB543.67 [€7.45] in 2015). They cannot receive unemployment benefits at the same time as receiving maternity benefits. As a comparison, in 2016 the amount of unemployment benefits established at the federal level, varies from a minimum of RUB850 [€11.65] to a maximum of RUB4,900 [€67.20] per month<sup>4</sup>; this is financed and administered by regional authorities.
- Full-time students receive the benefit included in their amount of student benefit (funded by the Federal budget). For the 2015/2016 academic year, a minimum amount of student benefit is RUB487 [€6.67] per month, for students of primary and secondary vocational institutions, and RUB1,340 [€18.47] for university students. Not all students receive the same payment; the conditions and the size of the benefit are regulated by each educational institution.

### ***Flexibility in use***

- None.

### ***Regional or local variations in leave policy***

- Regional authorities (the Russian Federation has 85 regions) can introduce additional payments during the period of Maternity leave. For instance, the Moscow government increases benefits for officially registered unemployed mothers discharged on grounds of closing down of business during the 12 months before they registered at the unemployment office.
- There are no official statistics about regional variations in practice.
- According to the legislation Maternity leave is paid by employers; however, in 2015-2016 in ten regions of the Russian Federation<sup>5</sup> Maternity leave was paid by regional / local Social Insurance Fund offices.

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

- All insured women (including registered self-employed) and military personnel.
- Unemployed women discharged on grounds of the closing down of a business during the 12 months before registration at the unemployment office.
- Full-time students.
- Women who have adopted a child, if they belong to any of the categories listed above.

*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 84 days before the birth, and to 110 days after.

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<sup>4</sup> Minimum and maximum amounts of unemployment benefits are the same since 2009.

<sup>5</sup> From July 2011 – Karachayev-Circassian Republic, Nizhny Novgorod Region; from July 2012 – Astrakhan, Novgorod, Kurgan, Novosibirsk, Tambov Regions, Khabarovsk Territory; from January 2015 – Republic of Crimea and Sevastopol.

- In the case of complicated delivery, the length of leave increases to 86 days after birth.

### **c. Paternity leave**

- No statutory entitlement.

### **c. Parental leave (отпуск по уходу за ребенком) (responsibility of Ministry of Labour and Social Protection)**

#### ***Length of leave***

- Until three years after childbirth. Leave is a family entitlement, which can be taken by only one person.

#### ***Payment and funding***

- Forty per cent of average earnings during the two years preceding birth, paid until a child is 18 months, with a minimum payment of RUB2,718.34 [€37.28] per month for the first child from February 2015 to January 2016 and RUB2,908.62 [€39.89] per month from February 2016, and of RUB5,436.67 [€74.57] per month for the second and subsequent children from February 2015 to January 2016 and RUB5,817.24 [€79.79] from February 2016. There is a ceiling for Parental leave payments based on the ceiling for social insurance contributions established by the state on an annual basis. The amount is calculated by taking 40 per cent of the ceiling for these social insurance contributions for a selected two year period (for leaves calculated in 2016 earnings in 2014-2015 are taken into account; including ceilings of RUB624,000 [€8,558] in 2014 and of RUB670,000 [€9,189] in 2015), divided by 730 (the maximum standard number of working days over two years) and multiplied by 30.4 (the average number of calendar days per month). The maximum payment is RUB21,554.82 [€295.64]<sup>6</sup> per month in 2015.
- For employed parents with children between 18 and 36 months, a payment of RUB50 [€0.68] 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.
- For unemployed people, who have lost their jobs *during* Parental leave because their employer has closed down during the 12 months prior to them registering as unemployed, Parental leave benefit is calculated on basis of their earnings during 12 months before their unemployment. These unemployed people have to choose either to receive unemployment benefit or Parental leave benefit. The maximum payment for unemployed mothers who have lost their jobs due to the closure of their workplace during the preceding 12 months and who are registered at the unemployment office as well as full-time students (mothers or fathers) is limited at the level of RUB10,873.36 [€149.14] (in February 2015-January 2016) or RUB11,634.50 [€159.58] (from February 2016) per month.
- Other unemployed or inactive parents are provided with the minimum payment (i.e. RUB2,718.34 [€37.28] per month for the first child from February 2015 to January 2016 and RUB2,908.62 [€39.89] per month from February 2016, and of RUB5,436.67 [€74.57] per month for the second and subsequent children from February 2015 to January 2016 and RUB5,817.24 [€79.79] from February 2016).

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<sup>6</sup> Minimum and maximum values can be increased to regional coefficients established by law, for regions with higher level of costs of living (e.g. the Far North or Far East regions).

- If a woman has a right for paid Parental leave benefits and Maternity leave benefits (e.g., if she is pregnant with a second child), she has to choose which benefit to get. The payments are not taxable, since they are social benefits. However, women get minimum pension rights during this period (on a minimum wage basis).
- Payments for insured workers are funded by the Social Insurance Fund and for those who are not insured (e.g. students, unemployed) - from the federal budget.

### **Flexibility in use**

- **Parents taking leave may work part-time.**

### *Regional or local variations in leave policy*

- The 85 regional governments can increase the federal level of Parental leave benefits within the minimum and maximum levels set by the central government, which in 2015 were RUB2,718 [€37.28] per month and RUB19,856 [€272] respectively (and from February 2016 are RUB2908.62 [€39.89] and RUB21,554.82 [€295.64]. 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. For instance, Moscow government has introduced additional payments for some categories of unemployed women, single parents, families with both parents unemployed, families with many (3 or more) children, poor families. Furthermore, regional governments are encouraged to introduce additional payments for care of a child between 18 and 36 months.
- There are no official statistics about regional variations in practice.

### **Eligibility**

- Any insured caregiver (in proportion to previous earnings).
- Uninsured mothers or fathers (at a minimum level)

### ***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**

#### ***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 (or under the age of 18 in case of children with disability or HIV, or severely sick children),

varies according to the previous employment record of a parent/carer and the age of the child. Sick leave for taking care of a sick child can be taken by any relative (mother, father or grandparents). For a child under the age of seven years, up to 60 days leave may be taken per year, with 45 days for a child aged seven to 14 years old (up to 15 days per time). For instance, a family with two children, one below seven years and another between seven and 14 years old, can get up to 105 days of sick leave per year. 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, under a ceiling for social insurance contributions for a selected two year period (for leaves calculated in 2016, earnings in 2014-2015 are taken into account, including ceilings of RUB624,000 [€8,558] in 2014 and of RUB670,000 [€9,189] in 2015).

### ***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 years, parents of disabled children under the age of 18 years, and single parents with children younger than 14 years, may receive annual unpaid leave of up to 14 days.
- Mothers of children under 18 years old, working in rural areas can get one additional unpaid day off per month.
- Written agreement of an employee with children below three years (or below five years in the case of single parents) should be obtained for her/him to work overtime, during weekends, or for business trips.
- All regulations are established in the Labour Code and costs are carried out by employers.

### ***Vocational training / re-training***

- Special programs aimed at vocational guidance, training/re-training of women on leave with children under 3 years old, are established at regional level. In 2014, 16,300 women on leave with a child under 3 years old received vocational training and 16,700 women received vocational guidance from local employment offices (in 2013, there were 13,300 women and 13,200 women, correspondingly). There is no data on the number of women in vocational training/re-training for 2015.

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

The maximum period of post-natal leave available in the Russian Federation is three years, but the last 18 months are unpaid, and most of the first 18 months are paid at a relatively low rate; only the first 10 weeks after birth are paid at a relatively high rate. Officially, there is an entitlement to ECEC from two months of age, which means there is no *de jure* gap between the end of the well-paid leave and an ECEC entitlement. The government officially supports the development of formal childcare for children from three to seven years old; however, there are no statistics on formal childcare use or on waiting lists for children under one year old. At the regional level, additional restrictions can be introduced on the child's registration / entry to kindergarten, based on child's age (e.g., places in kindergartens can be limited to children older than two or three years). The Russian Federation is not included in the

comparative data on ECEC attendance in the OECD Family Database. It does, however, appear in the TransMonEE Database covering countries in Central and Eastern Europe and the Commonwealth of Independent States. According to this Database, levels of coverage of children under three years old by formal childcare in Russia declined from 2005 to 2010; then levels increased slightly in 2012/2013, at 17.8 per cent, which was higher than in many Central European countries but below the average for OECD countries (for more details see Table 'Relationship between leave and ECEC entitlements'). In 2013/2014, the enrolment ratio for children aged 0-2 declined again and became 17.1 per cent according to the TransMonEE Database (this is two times smaller than the average enrolment for OECD in 2013). There is no information available for 2014/2015.

### **3. Changes in policy since April 2015 (including proposals currently under discussion)**

According to new pension laws adopted at the end of 2013, from 1 January 2015 four periods of leave up to 18 months each (six years in total) can be included in the length of insurance seniority used for calculating pension benefits (i.e. employment records for the period during which contributions to the state pension fund have been made). This is an addition to the two periods (three years in total) permitted by the previous law. Furthermore, parental leaves provide different number of points depending on the birth order. Caring for the first child gives 1.8 points for each full year (up to 1.5 years); caring for the second child – 3.6 points for each year, and caring for the 3<sup>rd</sup> and 4<sup>th</sup> children – 5.4 points. If a person was employed during his/her parental leave, she can choose what number of points to use for his/her pension benefit calculation.

### **4. Take-up of leave**

#### **a. Maternity leave**

Although it is not obligatory, it is assumed that almost all eligible women take Maternity leave.

#### **b. Paternity leave**

There is no statutory entitlement.

#### **c. Parental leave**

No recent information is available. Since benefits for caring for a child from birth to 18 months are available for both insured and uninsured persons (and can be combined with part-time employment), it can be assumed that take-up is 100 per cent. According to Rosstat data, in 2014, the number of insured people on paid Parental leave to care for a child under 18 months was 2,466,921; the number of uninsured people receiving benefit for caring for a child under 18 months was 1,600,482.

### **5. Research and publications on leave and other employment-related policies since April 2015**

#### **a. General overview**

Research on reconciliation of work and family life is still sparse in Russia, mostly due to lack of survey data or statistics. However, there is a growing interest in these issues motivated by an increase in the ageing population and the implementation of the current population policy

of the Russian government, which was launched in 2007. Recently, more studies have appeared which draw on the relationship between female employment, fertility and family policy measures (including childcare use); these studies use data from the Russian Longitudinal Monitoring Survey (RLMS), the Generations and Gender Survey (GGG) or the European Social Survey (ESS).

The main methodological problem of all the studies trying to analyse the effect of recent policies on fertility and female employment in Russia, is that several measures were introduced simultaneously; hence, it is impossible to estimate the sole impact of extended coverage and of the increased reimbursement level of Parental leave allowances on fertility or employment. Another problem relates to the size of the samples, since the number of women with small children in particular, is quite limited in nationally representative samples.

## **b. Selected publications since April 2015**

Biryukova S., Sinyavskaya O., Nurimanova I. (2016) *Estimating effects of the 2007 family policy changes on probability of second and subsequent births in Russia*. Available at:

[https://www.hse.ru/org/hse/wp/prepfr\\_SOC](https://www.hse.ru/org/hse/wp/prepfr_SOC)

From 2007 to 2014 total fertility rate in Russia increased from 1.42 to 1.75. To what extent this growth is related to a package of family policy measures introduced in 2007? Although the maternity (family) capital program is the most well-known innovation of the 2007 reform, we argue that the new rules of monthly childcare allowance assignment is its another major component. Since all measures were introduced simultaneously, it is only possible to estimate their cumulative effect on subsequent fertility behavior. Using panel Russian Generations and Gender Survey data collected in 2004, 2007 and 2011, this study assesses how family policy changes introduced in 2007 were related to the fertility behavior in Russia in recent years. We find a statistically significant increase in the chances of having second and subsequent births in September 2007 to Summer 2011 in comparison with the period of Summer 2004 to September 2007. We interpret that as a cumulative effect of the 2007 policy changes. We acknowledge that the observed effects might be related only to the calendar shifts in fertility behavior and further data and studies are needed to make any conclusions about completed fertility of the cohorts affected by 2007 family policy measures.

Slonimczyk F., Yurko A. (2015) Assessing the impact of the maternity capital policy in Russia, *Demographic Review*, no.3: 30–68.

With declining population and fertility rates below replacement levels, Russia is currently facing a demographic crisis. Starting in 2007, the federal government has pursued an ambitious pro-natalist policy. Women who give birth to at least two children are entitled to 'maternity capital' assistance (\$11,000<sup>7</sup>). In this paper, we estimate a structural dynamic programming model of fertility and of labour force participation in order to evaluate the effectiveness of the policy. We find that the program increased long-run fertility by about 0.15 children per woman.

Shpakovskaya L. (2015) How to be a Good Mother: The Case of Middle-Class Mothering in Russia. *Europe-Asia Studies*, vol. 67(10): 1572-1586.

Contemporary motherhood in Russia is a complex discursive field. A mother is supposed to possess significant knowledge in such domains as medicine, pediatrics, child psychology and nutritional science. She must also be a competent consumer of goods and services for children in order to conform to common understandings of 'good' motherhood. In the Russian context, parenthood is semantically more associated with motherhood, a legacy of Soviet gender policy and of contemporary Russian gender culture. The mother is perceived as the primary parent and the spokesperson acting on behalf of the child in his or her best interests. The actualization of a mother's identity represents a powerful symbolic and

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<sup>7</sup> The authors intentionally recalculated the currency in US dollars.

discursive instrument of legitimization of women's activity in the public sphere. Motherhood gives Russian women, especially those from lower classes, resources to improve their social status and to apply for numerous, albeit low, social allowances and benefits. At the same time, we know rather little about the way motherhood is produced on the subjective level and what discursive practices are at work in the process of Russian women becoming mothers.

### **c. Ongoing research**

In 2016, a research and study group on "Family-friendly social policy, female employment and living standards of families with children" was established, within the grant of the HSE Academic Fund Program. The group consists of students and researchers, who analyse policies aimed at women with children in different countries, in relation to observed fertility rates. In addition, the group studies the impact of childbirth on women's employment, their incomes, and the overall well-being of families with children in Russia.

# Slovak Republic<sup>1</sup>

Daniel Gerbery (Comenius University)

April 2016

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

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

### a. Maternity leave (*materská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)

*Length of leave (before and after birth)*

- Thirty-four weeks: six to eight weeks of pre-natal leave; and 26 to 28 weeks of post-natal leave.

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

- Sixty-five per cent of daily earnings calculated based on the previous year. There is a ceiling of 1.5 times the national average monthly wage. If Maternity benefit is lower than Parental allowance (see 1c below), then an additional payment is made to cover the difference.
- Payment is made from sickness insurance contributions, collected by the Social Insurance Agency and by employers and employees (each of whom pay 1.4 per cent of earnings). Self-employed workers pay 4.4 per cent of declared earnings.

*Flexibility in use*

- It is obligatory to take this leave.
- Leave can start from six to eight weeks before birth.
- Fathers can claim maternity benefit, but the mother's agreement is required (provided that the mother doesn't receive maternity benefit or parental allowance). In this case, maternity benefit is paid, after at least a period of six weeks from the birth.

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

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 days, during the two years before the birth.

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<sup>1</sup> Please cite as: Gerbery, D. (2016) 'Slovak Republic country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)



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

- Maternity leave is extended to 37 weeks for single mothers and 43 weeks in the case of multiple births.
- In the case of foster carers, there are twenty-eight weeks (31 weeks for single persons, 37 weeks for persons caring for at least two new-born children).
- In the case of a stillbirth, the mother is granted a maximum of 14 weeks of Maternity leave.

#### **b. Paternity leave**

- No statutory entitlement. There is an option for the father to take maternity benefit after six weeks from the birth (see 1a).

#### **c. Parental leave (*rodičovská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)**

*Length of leave*

- Until the child reaches three years.
- Leave is a family entitlement, which only one parent may use.
- If the child has a long-term health problem or disability, the age limit increases to six years.

*Payment and funding*

- A Parental allowance (*rodičovský príspevok*) of €203.20 per month is available to all families who meet the eligibility condition whether or not they take Parental leave; parents can work full time or part time while receiving parental benefit. Only one parent is entitled to Parental allowance.
- Parental allowance is funded from general taxation. The period of caring for a child (up to the age of 6 years, when the compulsory education begins) is covered by pension contributions, which are paid by the state.

*Flexibility in use*

- None.

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

- The provision of regular care for at least one child up to the age of three years (or six years in the case of a child with a long-term health problem or disability).
- Residence or temporary stay of an eligible person in the Slovak Republic.
- Parental allowance is provided from the birth of the child, if parents are not eligible for maternity benefit.
- Parental allowance is not provided to parents if their older child (up to three years or older child up to six years if s/he has a long-term health problem or disability) has been removed from their personal care, and the Local Office of the Labour, Social Affairs and Family provides an allowance to a foster parent for that 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*

- Parental leave and Parental allowance can continue until a child is 6 years old if the child has a long-term health problem or disability.
- Parental allowance is increased by 25 per cent per child in the case of multiple births; it is halved if older children do not present compulsory attendance at school.
- Parental allowance is reduced by 50 per cent, if any child under parental responsibility displays absenteeism from compulsory education.

#### **e. 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 ten days of leave per episode either to care for a sick relative at home (including a sick child) or to take care of a child under the age of ten years for other reasons, e.g. if the child's school is closed. They receive an earnings-related benefit (*ošetrovné*) paid at a low ceiling for a maximum of ten calendar days. There is no limit to the numbers of episodes tolerated, as long as these do not exceed the maximum number of 10 days per year.

*Flexible working*

- None.

*Other measures*

- A Childcare allowance (*Príspevok na starostlivosť o dieťa*) is available to cover some of the costs of childcare. It is provided to one of the parents (or foster parents) if they work or take part in secondary or tertiary education. The allowance is provided in two forms. The first is where childcare is provided by official providers, where it is paid up to the level of officially declared costs, with a ceiling of €280 per month. The second is where childcare is provided by other persons or relatives where it is paid at the level of €41.10 per month, without the need to declare childcare costs. The allowance is paid up to the age of three years (or six years in the case of a child with a long-term health problem or disability).

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

Slovakia belongs to the OECD countries with the lowest employment rate of mothers. ECEC services in Slovakia favour older children, with the highest enrolment rates among four and five-year-old children. This reflects the upper age limit for Parental leave, but

also a shortage of places in kindergartens; with limited capacity, kindergartens prefer older children who should be in the process of preparation for compulsory education. At the moment, massive investments into ECEC services for young children, based mainly on EU funds, are prepared for implementation. The maximum period of paid post-natal leave available in Slovakia is three years, but this is paid at a low earnings-related level or at a flat rate. There is no entitlement to ECEC during this three-year period. Levels of attendance at formal services for children under three years are very low, well below the average for the countries included in this review and for OECD countries; levels of attendance for children over three years are much higher, but still below both averages. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3. Changes in policy since April 2015 (including proposals currently under discussion)**

None reported.

### **4. Take-up of leave**

#### **a. Maternity leave**

Nearly all mothers take Maternity leave as it is obligatory.

#### **b. Paternity leave**

There is no statutory leave entitlement.

#### **c. Parental leave**

There is no information on Parental leave use. Parental leave allowance is paid to all families. The number of men receiving Parental allowance is extremely low.

### **5. Research and publications on leave and other employment-related policies since April 2013**

#### **a. General overview**

Recently, policy-oriented research on child raising, work-life balance, supply and use of pre-school institutional care, has been undertaken in particular by the Institute for Labour and Family Research, which is affiliated to the Ministry of Labour, Social Affairs and Family. Relevant research has been conducted at the Institute for Sociology of the Slovak Academy of Science, as well as at the Department of Sociology at the Faculty of Philosophy of Comenius University in Bratislava within the international research project *International Social Survey Programme* (ISSP). Important contributions to the study of population attitudes toward family, care, gender equality and related issues were published by the non-governmental Institute of Public Affairs.

#### **b. Selected publications since April 2013**

Bianchi, G. (ed.) (2013) *Kontexty ľudskej reprodukcie na Slovensku* [Contexts of human reproduction in Slovakia]. Institute for Research in Social Communication, Slovak Academy of Sciences: Bratislava

The report pays attention to the political, cultural, institutional and media contexts of human reproduction. In addition, it applies psychologically- and sociologically-driven perspectives in the analysis of partnership and parenthood trajectories.

Filadelfiová, J., Gerbery, D. (2015) *Potreby rodín s maloletými deťmi* [Needs of families with young children]. Institute for Labour and Family Research: Bratislava.

The report brings analytical findings from the empirical survey focused on families with pre-school children. The attention is paid to their attitudes toward barriers of parenthood, opinion on causes of differences between the ideal and real numbers of children, their needs and the role of family policy measures.

Gerbery, D. (2016) Rodinná politika na Slovensku v komparatívnej perspective [Slovak family policy in comparative perspective] *Slovak Statistics and Demography*, 3, (in press).

The article focuses on the identification of the position of the Slovak family policy in relation to the family policies in other EU countries using hierarchical cluster analysis. Macro-data on family policies from the OECD database and the Eurostat are used in the analysis. Interpretation of results takes into account previous research findings and up-to-date policy reforms.

Hofreiter, R., Chorvát, I., Kaščáková, A. (2012) *Rodina, práca a rodové roly: ISSP Slovensko 2012* [Family, work and gender roles: ISSP Slovakia 2012]. Faculty of Arts, Matej Bel University: Banská Bystrica.

The report contains the overview of main findings from the International Social Survey Programme, module "Family, work and gender roles" that was carried out in 2012 in Slovakia.

Chorvát, I., Džambazovič, R. (eds) (2015) *Rodina na Slovensku v teórii a vo výskume* [Family in Slovakia in theory and research]. Stimul: Bratislava.

The book offers up-to-date analyses of reproductive and family behaviour in Slovakia, its transformation and increasing variability. It also focuses on division of domestic labour within the households in Slovakia, looking at distribution of unpaid work, causes of its unequal distribution between men and women.

Kika, M., Martinkovičová, M. (2015) Neplatená práca v slovenských domácnostiach [Unpaid work in Slovak households]. *Sociológia – Slovak Sociological Review*, vol.47, p. 474-503.

The article offers an empirical analysis of the extent and structure of unpaid work within the households in Slovakia. Authors identify crucial economic and non-economic determinants of the incidence of unpaid work in the terms of motives and attitudes of family members.

Scharle, A. (ed.) (2010) *Manka goes to work. Public childcare in the Visegrad countries 1989 – 2009*. Budapest Institute for Policy Analysis: Budapest.

This book offers data and analysis on day care for children in the Visegrad countries with three aims: to assess the current situation in the region, to identify the limitations on increasing capacity in day care and to share any lessons learnt from government interventions in the area during the past twenty years. The book is a collection of papers that describe and explain the evolution of day care services, or more generally, family policy in the Czech Republic, Hungary, Poland and Slovakia.

### **c. Ongoing research**

The Institute for Labour and Family Research represents one of the most important actors in the field of family policy research. Currently, the Institute implements several research projects aiming at reconciliation of work and family life, gender equality, as well as quality of social services.

The Institute for Sociology of the Slovak Academy of Science is now preparing a new wave of the European Value Survey, which will bring new data on population attitudes towards family, family behaviour and aspiration, work-life balance preferences, division of labour within households and other family-policy related issues.

The Institute for Research in Social Communication of the Slovak Academy of Sciences is involved in projects related to human and social reproduction, its institutional context and population preferences.

# Slovenia<sup>1</sup>

**Nada Stropnik** (Institute for Economic Research, Slovenia)

**April 2016**

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 (*materinski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)**

*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 15 days of leave.

*Payment and funding*

- One hundred per cent of average basic income on which Parental leave contributions were paid during the 12 months prior to the leave; the last of these 12 months is defined as the penultimate one before the month of the first application for leave. Not all income on which the contributions were paid is counted into the basic income (e.g. in-work benefits and other income received in addition to basic earnings). If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage<sup>2</sup> (€323.54 a month) is taken into account for the missing period.
- Normally there is no ceiling. But currently - and until the year following the year in which economic growth exceeds 2.5 per cent of the GDP and the annual increase in the employment rate in the age group 20-64 years exceeds 1.3 percentage points - the ceiling is two times the average wage<sup>3</sup> (approximately €2,863 per month); the minimum is 55 per cent of the minimum wage (€323.54).
- Women who are not insured at the time when the leave starts, but who have been insured for at least 12 months in the last three years before the start of Maternity leave, receive 55 to 105 per cent of the minimum wage (approximately €324 to €618 per month), depending on the period they have been insured for in the last three years.
- Non-employed mothers/parents (i.e. those who did not receive earnings compensation during the leave) do not receive pension credits for childrearing.

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<sup>1</sup> Stropnik, N. (2016) 'Slovenia country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> The uprated minimum wage as of 2006 is used as the basis.

<sup>3</sup> The uprated average wage as of 2006 is used as the basis.

- Funded partly from Parental protection insurance that forms part of social security insurance; contributions to Parental protection insurance are 0.1 per cent of gross earnings for employees and the same for employers. In 2008, Parental protection insurance covered 11 per cent of leave costs (estimated); the remaining funds came from general taxation.

*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)*

- The person has to be covered by Parental protection insurance (which is part of the social security) just prior to the first day of the leave. This insurance covers all workers, both employees and self-employed.

*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 (80 days or fewer) can be delegated to the father or another person (who nurses and cares for a child 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 (and father'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.

**b. Paternity leave (*očetovski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)**

*Length of leave*

- Seventy calendar days (ten weeks) in 2016, fifty days (about seven weeks) in 2017 and thirty days (about four weeks) from 2018 on.

*Payment and funding*

- During the first 20 days (in 2016; 25 days in 2017; and for the whole of 30 days in 2018) of the Paternity leave, 90 per cent of average earnings based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave, if those earnings exceeded the actual minimum wage (€790.73 in 2016), and up to a ceiling of two times the average wage in Slovenia (approximately €2,863 per month). The payment increases to 100 per cent for a father earning up to the minimum wage, with the same ceiling. Not all income on which Parental leave contributions were paid is counted towards the basic earnings (e.g. in-work benefits and other income received in addition to basic earnings). If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage (€323.55 a month) is taken into account for the missing period.
- For the remaining 50 days (in 2016; 25 days in 2017) the father is paid social security contributions based on the minimum wage (approximately €129 per month). For

fathers not insured at the time the leave starts, but who have been insured for at least 12 months in the last three years before the start of the leave, see section 1a.

- In the year following the year in which economic growth exceeds 2.5 per cent of the GDP and the annual increase in the employment rate in the age group 20-64 years exceeds 1.3 percentage points, the ceiling will be returned to its normal amount of 2.5 times the average wage in Slovenia.
- Non-employed fathers (i.e. those who did not receive earnings compensation during the leave) do not receive pension credits for childrearing.
- Funding as for Maternity leave.

#### *Flexibility in use*

- The first 15 days of paid leave and the whole of unpaid leave may be taken as individual working days, but in that case the length of the leave is equal to 70 per cent of the eligible calendar days.
- The first 15 days of paid leave may be taken as full-time or part-time leave during the child's first six months; the rest of paid leave may be taken as full-time or part-time leave until the child completes the first grade of primary school. The unpaid days of leave may be taken as a full-time leave up to the child's third birthday. However, a father may exceptionally take the first 15 days of leave until the child is one year of age: if he adopted the child after the age of six months, if he was continuously absent due to professional reasons, if the child was continuously and full-day in an institution, or if paternity was determined later on.

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

- As for Maternity leave.
- 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; according to the Centre for Social Work's opinion, he has evidently shown no intention to care for the child or is otherwise neglecting his parental responsibilities, or according to the physician's certificate, he is not able to nurse and care for the child.
- The father is not entitled to the first 15 days of Paternity leave if he uses 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 father*

- If the father does not use Paternity leave, the following persons are entitled to it: mother's husband or cohabiting partner, partner of either sex in the registered same-sex partnership, and other persons if nursing and taking care of the child. The same applies to the spouse, cohabiting partner or partner in the registered same-sex partnership of the person using Maternity leave.

### **c. Parental leave (*starševski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunities)**

#### *Length of leave*

- One hundred and thirty calendar days per parent. Leave is an individual entitlement.

#### *Payment and funding*



- As for the first 15 days of Paternity leave (see 1b).
- 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.
- Non-employed mothers/parents (i.e. those who did not receive earnings compensation during the leave) do not receive pension credits for childrearing.
- Funding as for Maternity leave.

#### *Flexibility in use*

- The mother is allowed to transfer 100 days of her entitlement to the father (30 days are the mother's exclusive right), while the father is allowed to transfer all 130 days of his parental leave to the mother.
- The parents have to agree upon the use of Parental leave in writing 30 days prior to the expiry of Maternity leave. If the parents cannot reach agreement 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.
- At least 185 days have to be taken as a continuous full-time or part-time leave; in the case of part-time leave being taken, the duration of leave is not extended proportionately. Up to 75 days may be taken at any time until the child completes the first grade of elementary school, full-time or part-time, but not more than twice a year, with each section lasting at least 15 days. If taken part-time, the length of the leave is equal to 70 per cent of the eligible calendar days.
- Parents can combine Parental leave (20 hours per week for the mother, 20 hours per week for the father) and take it at the same time.
- In rare cases, where the father is unknown and his entitlement cannot be transferred to the mother, a lone mother is entitled to all 260 days of Parental leave.

#### *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 or adoption of multiple children, Parental leave is extended by 90 days for each additional child. It is also extended by 90 days in the case of a birth of a child in need of special care.
- Leave is extended by 30 days if parents already have at least two children who have not yet completed the first grade of primary school; by 60 days if they have three such children; and by 90 days if they have four or more such children.
- Additional leave for premature or multiple births or if parents have two or more younger children is a family entitlement, i.e. the parents must decide which of them will take the leave.
- Another person who actually nurses and cares for a child is entitled to Parental leave, reduced by the number of days the mother and the father have already used.
- If the mother is 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 with the mother's and the father's consent.

#### **d. Childcare leave or career breaks**

- No statutory entitlement.

#### **e. Other employment-related measures**

##### *Adoption leave and pay*

- All adoptive parents have the same entitlements to Parental leave as other parents (see section 3).

##### *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 the individual's average earnings in the preceding calendar year. 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<sup>4</sup> based on the proportional part of 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 until the younger child completes the first grade of elementary school (and not only until it reaches the age of six years), with social security contributions paid based on the proportional part of the minimum wage for the hours not worked. One year of this entitlement is a non-transferrable right of each of the parents.
- Breastfeeding mothers who work full-time have the right to a break during working time lasting not less than one hour a day, until their child is 18 months. Payment amounting to a proportion of the minimum wage is made until the child is nine months old; during the remaining period, only social security contributions are paid, based on the proportional part of the minimum wage.

##### *Other*

- A parent leaving the labour market in order to take care of four or more children – and who has been insured for Parental leave or an active job searcher for at least 12 months in the last three years - is entitled to have social security contributions (based on the minimum wage) paid from the state budget, until the youngest child completes the first grade of primary school.

## **2. Relationship between leave policy and early childhood education**

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<sup>4</sup> Social security contributions include pension credits.

## and care policy

The maximum period of post-natal leave available in Slovenia is 14.2 months. Leave paid at a high earnings-related rate runs for nearly a year. 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 three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### 3. Changes in policy since April 2015 (including proposals currently under discussion)

The Act Amending the Exercise of Rights to Public Funds Act, adopted in November 2015 and implemented from 1<sup>st</sup> January 2016, has partially annulled the financial consolidation measures, but has also introduced an additional condition for the abolishment of the rest of them.

Since the increase in GDP exceeded 2.5 per cent in 2014, the delayed revised Paternity leave regulation started to be implemented. In 2016, paid Paternity leave lasts 20 days and will be extended by five days in the following two years, while the unpaid Paternity leave is reduced by 25 days a year. Consequently, there are 20 paid days and 50 unpaid days of Paternity leave in 2016. In 2017 there will be 25 paid days and 25 unpaid days, and starting from 2018 there will be only 30 paid days of Paternity leave.

The financial consolidation measures will be in force until the year that follows the year in which economic growth exceeds 2.5% of GDP and the annual increase in the employment rate in the age group 20-64 years exceeds 1.3 percentage points. This relates to the paternity/parental leave compensation rate (now at 90 per cent instead of 100 per cent of the basis, if that basis exceeds the minimum wage) and the ceiling set for the maternity/paternity/parental payment (now 2 times the average wage, instead of 2.5 times the average wage).

## 4. Take-up of leave

### a. Maternity leave

As Maternity leave is obligatory, all employed women should take up leave.

### b. Paternity leave

Roughly four in five fathers take up to 15 days of Paternity leave, while less than one in five leave-takers take more than 15 days. 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<sup>5</sup>. There are also obstacles on the employers' side<sup>6</sup>.

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<sup>5</sup> Stropnik, N. and Kump, N. (2015) Paternity leave practices by fathers in Slovenia and assessment of determinants (journal article under review).

<sup>6</sup> Rener, T., Švab, A., Žakelj, T., and Humer, Ž. (2005) *Perspektive novega očetovstva v Sloveniji: vpliv mehanizma očetovskega dopusta na aktivno očetovanje* [Perspectives of new fatherhood in Slovenia: Influence of the paternity leave mechanism on active fathering], Ljubljana: Univerza v Ljubljani, Fakulteta za družbene vede. Stropnik, N. (2005) *Stališča prebivalstva kot odraz novih trendov v starševstvu in podlaga za preoblikovanje družinske politike v Sloveniji* [People's attitudes as a reflection of new trends in parenthood and the basis for reshaping of family policy in Slovenia],

### c. Parental leave

All mothers take Parental leave. The share of fathers taking some of the leave has been slowly increasing, from around 5 per cent in the mid-2000s to almost seven per cent in 2012-2014<sup>7</sup>. Considering the full wage compensation (until the end of May 2012) while taking leave, the reasons for low participation of fathers may be found in the traditional division of tasks within the family, attitudes in the society (not the declared ones but rather those that rule people's behaviour), the absence of a positive image of the father who takes over more family responsibilities, and employers' expectations of their male employees.

Paternity leave provisions and fathers having the same entitlement to Parental leave as mothers, do not significantly influence mothers' earlier return to work after their leave period. Since fathers usually take only part of the leave (if any at all), women's professional careers continue to be affected by absence due to Parental leave.

## 5. Research and publications on leave and other employment-related policies since April 2015

### a. General overview

Gender roles, work/family life balance and equal opportunities on the labour market are of particular research interest.

### b. Selected publications since April 2015

Scambor, E., Hrženjak, M., Bergmann, N., and Holter, Ø. G. (2015) Men's share of care for children and professional care. *Studia Humanistyczne AGH*, vol. 14(2): 53-71.

The *Study on the Role of Men in Gender Equality (2011-2012)* shows a remarkable change in men's participation in care for children and domestic work in certain parts of Europe. Especially in Northern countries of Europe, men became more involved in care-giving roles between 2005 and 2010 while in the same period of time, decreases in men's share were reported especially for some Southern and Post-socialist countries with low share rates. On the other hand one can observe the growing under-representation of men in professional care work. Data indicate that in the past decade this already heavily feminised sector has experienced a further decline of the participation of men. Based on intersectional analysis, the paper discusses most relevant factors associated with men's larger involvement in care for children and professional care. The variation of men's share runs both between and within countries, with socio-economic position as one important variable.

Stropnik, N., and Humer Ž. (2016). 'Slovenia', in Adler M.A. and Lenz K. (eds.), *Father involvement in the early years: An international comparison of policy and practice*. Bristol: Policy Press, pp. 127-156.

Slovenia is an example of a post-socialist welfare state with a dual-earner gender regime. There is a mismatch between fathers' egalitarian attitudes and their traditional behaviour in

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Ljubljana: Institute for Economic Research. Rakar, T., Stropnik, N., Boškić, R., Dremelj, P., Nagode, M. and Kovač, N. (2010) *Raziskava o vplivih veljavnih ukrepov družinske politike na odločanje za otroke [Research on the impact of family policy measures on deciding to have children]*, Ljubljana: Social Protection Institute of the Republic of Slovenia. Available at <http://www.irssv.si/publikacije/leto-2010/index.html>.

<sup>7</sup> MoLFSAE0 (2013) 'Statistika – Družinski prejemki, zavarovanje za starševsko varstvo' [Statistics – Family benefits, parental protection insurance], Ljubljana: Ministry of Labour, Family, Social Affairs and Equal Opportunities. Available at [http://www.mddsz.gov.si/si/uveljavljanje\\_pravic/statistika/druz\\_prejemki\\_zavarovanje\\_sv/#c18828](http://www.mddsz.gov.si/si/uveljavljanje_pravic/statistika/druz_prejemki_zavarovanje_sv/#c18828).

daily practice. Fathers prefer to play a supportive role in daily childcare tasks and responsibilities, which translates into less care work and responsibility. Men's participation in child care appears to be optional and they can choose which work they want to do and when. The basic care for babies remains mothers' work, while fathers become more involved with somewhat older children. Men are more involved in enjoyable, less routine childcare, such as conversation, reading, listening, playing and educational activities. While the division of care and paid work continues to be gendered, recent policies encouraging fathers to be more involved with young children may have helped support an increase in active fathers. The statutory provisions for fathers in Slovenia are quite comprehensive and well-designed, but employers have to offer more flexibility and understanding for increased father involvement.

### **c. Ongoing research**

'Fathers and employers in action'

Topics: how men balance work and family; encouraging fathers' equal role in the family life; co-operation between fathers, employers and trade unions in the development of new strategies and possibilities for work-life balance. This one-and-a-half-year project is coordinated by Živa Humer from The Peace Institute – Institute for Contemporary Social and Political Studies, and will be completed in summer 2016.

# South Africa<sup>1</sup>

Lisa Dancaster and Tamara Cohen (University of Kwa Zulu Natal)

April 2015 (not updated for 2016)

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

<sup>1</sup> Please cite as: Dancaster, L. and Cohen, T. (2015) 'South Africa country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2015*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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, but there is provision for maternity payment for eligible employees from the Unemployment Insurance Fund (UIF). This is for contributors only. Payment for Maternity leave is on a sliding scale ranging from 38 per cent to 60 per cent of earnings depending on level of earnings with a maximum income threshold of ZAR14,872 [€1,027<sup>2</sup>] per month. It is for a maximum period of 17.32 weeks and application must be made eight weeks before the birth of the child. The amount of maternity benefit received from the UIF depends on the credit that has built up from working. Credits are accumulated at a rate of one day per six days worked. Hence, to gain maximum credit for the full period of maternity pay it is necessary to have worked continuously for four years. Payment of maternity benefits does not reduce the amount of payment for other benefits that an employee is entitled to claim from the Fund (namely illness, unemployment and death benefits). Unemployment insurance benefits for Maternity leave are not subject to taxation. If an employee continues to receive maternity pay from her employer, the maternity benefit in terms of UIF may not be more than the remuneration she would have received if she had not been on Maternity leave.
- Compulsory contributions to the UIF are made by employers and employees on a monthly basis and each contribute one per cent of the employee's earnings, up to a maximum of ZAR14,872 [€1,110] per month i.e. the maximum combined contribution is ZAR297.44 [€22] 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.
- 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.

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<sup>2</sup> Conversion of local currency into Euros undertaken on 1-5 June 2015, using <http://finance.yahoo.com/currency-converter/>

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

- The Unemployment Insurance Act (UIA) and Unemployment Insurance Contributions Act apply to all employers and employees, except for 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.
- The BCEA regulating Maternity leave specifically excludes employees of the South African National Defence Force (SANDF), the National Intelligence Agency (NIA) and the South African Secret Service (SASS).
- The UIA excludes public servants. The regulation of Maternity leave and maternity pay for these employees is regulated by the Determinations reached in the Public Service Bargaining Council (see 'additional note' below).
- Independent contractors and self-employed women are not eligible for Maternity leave or maternity pay.
- Entitlement to maternity pay is determined by an employee's status as a contributor and is not affected by whether or not her partner is working.
- There are differences in terms of eligibility for Maternity leave (BCEA) and maternity payments (UIA). But both Acts require an employee to be working for more than 24 hours a month in order to receive Maternity leave and maternity pay.
- A recent labour court decision<sup>3</sup> held that the failure of an employer to grant maternity leave to a male employee in a duly registered civil union following the birth of a child through a surrogacy agreement, constituted unfair discrimination.

*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 are entitled to four months Maternity leave and can apply for an additional 184 calendar days of unpaid leave<sup>4</sup>.
- An employee falling under the Public Service Bargaining Council may take up to eight working days per pregnancy to attend medical examinations. The Determination does not specifically state that these absences are paid but it could be interpreted to be so given the wording of the Determination in general.
- A 2012 survey of wage agreements collected from trade unions, bargaining councils and sectoral determinations - covering a diverse range of industries and over 900 bargaining units - showed that employers offered Maternity leave ranging from the statutory minimum of four months in sectoral determinations to 5.1 months in bargaining council agreements<sup>5</sup>. The percentage of employers offering maternity pay (as a percentage of basic wage) ranged from 20 per cent in sectoral determinations to 47.7 per cent in bilateral agreements.

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<sup>3</sup> MIA v State Information Technology Agency (Pty) Ltd (D312/2012)[2015] ZALCD 20 (26 March 2015).

<sup>4</sup> Determination and Directive on Leave of Absence in the Public Service, August 2012

<sup>5</sup> Labour Research Service. (2013) *Bargaining Monitor*, Vol.27, No.179: 1-19. Available at: [http://www.lrs.org.za/docs/LRS\\_BM\\_Strategic%20Bargaining%20in%202013.pdf](http://www.lrs.org.za/docs/LRS_BM_Strategic%20Bargaining%20in%202013.pdf).



- See also ‘flexible working’ (section 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 section 1e). This leave is available to both mothers and fathers and nothing in the legislation restricts this leave from being taken by both parents at the same time. Alternatively a father can use this leave while his wife is on maternity leave.

## **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 the adoption of a child. There is, however, a right to claim unemployment insurance benefits for time off work for adoption purposes. Only one parent can make application for adoption benefits and the child adopted must be under two years of age. The failure to provide statutory adoption leave means that if an employer refuses to grant an employee adoption leave it effectively nullifies the provision of adoption payment from the UIF.
- Employees in the public service are entitled to leave of 45 working days when adopting a child under the age of two years by virtue of the July 2007 Determination regulating leave in the public service. Although this determination does not explicitly state that this leave is fully paid, it can be assumed to be so by virtue of the fact that contract workers are entitled to fully paid adoption leave in this Determination. These employees are permitted to extend this leave by 184 calendar days of unpaid leave.

### *Time off for the care of dependants*

- An employee in the private sector is entitled to family responsibility leave when the employee’s child is born; when the employee’s child is sick; or in the event of the death of the employee’s spouse or life partner, or the employee’s parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling. This leave is fully paid by the employer and is available for a maximum period of three days in a 12 month period (five days for domestic workers). An employee must have been employed for longer than four months and work at least four days per week in order to qualify for this leave. This leave is an individual entitlement that cannot be shared by spouses in the event that one spouse elects not to use his/her leave.
- Evidence from a 2012 survey<sup>4</sup> found that employers offered improvements on the three day statutory minimum period of family responsibility leave ranging from 3.8 days to 4.3 days.
- Employees in the public service are permitted to utilise five days family responsibility leave for the birth of a child of a spouse or life partner, or in the event of the sickness of a child, spouse or life partner. They are entitled to utilise up to five days leave per annual leave cycle for the death of a spouse, life partner, child or immediate family

member. Total family responsibility leave cannot exceed five days. The Determination does not stipulate that this leave is paid but it can be assumed to be so by virtue of the fact that the Determination specifically permits a further 184 calendar days to be utilised as unpaid leave if an employee has exhausted their family responsibility leave, subject to the approval of the Head of Department.

- By virtue of a Ministerial Determination regulating conditions of employment in small businesses, employers who employ fewer than ten employees are permitted to reduce the amount of annual leave granted to an employee by the amount of family responsibility leave granted to that employee.

### *Flexible working*

- No general statutory entitlement.
- Codes of Good Practice are guidelines for employers and do not have the status of legislation. The Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child provides that employers must consider granting rest periods to employees who experience tiredness associated with pregnancy and should also consider that tiredness associated with pregnancy may affect an employee's ability to work overtime. It also states that arrangements should be made for pregnant and breastfeeding employees to be able to attend ante-natal and post-natal clinics during pregnancy and after the birth of the child and recommends that arrangements be made for employees who are breastfeeding to have breaks of 30 minutes twice a day to breast feed or express milk for the first six months of a child's life. It further recommends that employers identify and assess workplace hazards to the pregnant mother and/or to the foetus and consider appropriate action. The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices adds that an employer should provide reasonable accommodation for pregnant women and parents with young children, including health and safety adjustments and ante-natal care leave.
- The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices requires employers to endeavour to provide "an accessible, supportive and flexible environment for employees with family responsibilities". This is specified to include "considering flexible working hours and granting sufficient family responsibility leave for both parents". In addition, the Code of Good Practice on Arrangement of Working Time states that the design of shift rosters must be sensitive to the impact of these rosters on employees and their families and should take into consideration the childcare needs of the employees. It adds that arrangements should be considered to accommodate the special needs of workers such as pregnant and breast-feeding workers and workers with family responsibilities.

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

The maximum period of paid post-natal leave available is four months, paid at 38-60 per cent of earnings. There is no entitlement to ECEC and compulsory school age is seven years.

The 2013 General Household Survey<sup>6</sup> indicates that approximately 46.3 per cent of children aged between birth and four years attended day-care or educational facilities outside their homes.

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<sup>6</sup> Statistics South Africa (2013) General Household Survey, 2013: Statistical Release P0318. <https://http://www.statssa.gov.za/publications/P0318/P03182013.pdf>

### **3. Changes in policy since April 2014 (including proposals currently under discussion)**

The Unemployment Insurance Amendment Bill, having been passed by the Cabinet, is currently in the National Assembly and is expected to be approved by Parliament this year. The proposed amendments to the Unemployment Insurance Act include an increase in the level of maternity benefits and an extension of the coverage of benefits: the Bill stipulates that maternity benefits must be paid at a rate of 66 per cent of earnings subject to a maximum threshold set by the Minister; and credits towards maternity (and other unemployment) benefits should accrue at a rate of one day per four days worked rather than the present rate of one day per six days worked. There is no change to the maximum period of payment of maternity benefits (17.32 weeks).

The amendments further propose: a qualifying period of 13 weeks before a contributor may claim maternity benefits (this does not apply to any of the other types of unemployment benefits); the extension of unemployment benefits to cover learners undergoing learnership training, civil servants and foreign workers who are within South Africa; that a contributor who has a miscarriage or bears a still-born child in the third trimester will receive full maternity benefits (up from the current position of six weeks); and removing the amendments the requirement to make an application for maternity benefits eight weeks before the expected date of childbirth (the time limit has been deleted).

### **4. Take-up of leave**

#### **a. Maternity leave**

The 2014 Quarterly Labour Force Survey<sup>7</sup> indicates that 54.1 per cent of employees had access to some form of Maternity or Paternity leave in 2014.

#### **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 2014**

#### **a. General overview**

There is a shortage of research examining statutory leave entitlements in South Africa, and little information on employee take-up of existing leave entitlements.

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<sup>7</sup> Statistics South Africa (2014) *Quarterly Labour Force Survey, Quarter 3, 2014: Statistical release P0211*. <https://www.statssa.gov.za/Publications/P0211/P02113rdQuarter2014.pdf>.

## **b. Selected publications since April 2014**

Dancaster, L. (2014) 'State Measures Towards Work-Care Integration in South Africa', in: Z. Mokomane (ed.) *Work-Family Interface in Sub-Saharan Africa*. Dordrecht: Springer, pp.177-194.

Due to various factors such as the high prevalence of HIV and AIDS, fragmented family structures, the notable absence of fathers in families and the increased labour force participation of women, South Africa is facing the crisis of care. Despite this, issues around the combination of work and care have remained largely absent from the government's policy agenda. This chapter examines the adequacy of current legislative measures for work-care integration in the country and provides recommendations for change within the legal framework to address work-care integration.

Dancaster, L and Baird, M. (2015 forthcoming) 'Predictors of the adoption of work-care arrangements: A study of South African firms', *International Journal of Human Resource Management*.

This paper presents the findings of a study on predictors of the adoption of 23 different work-care arrangements in South African organisations. The findings show that the level of adoption of work-care arrangements in South African organisations is low. Organisational size and female presence in senior managerial positions are found to be associated with the greater adoption of work-care arrangements. Other variables tested include trade union density and female leadership in trade unions, female composition in the organisation and foreign ownership.

## **c. Ongoing research**

*Fathers' use of leave in South Africa (2014-16)*. Lisa Dancaster and Tamara Cohen (University of Kwa Zulu Natal). Funded by the National Research Foundation.

This quantitative study examines fathers' use of leave in South Africa for the purposes of the birth or ill-health of their children. It examines employment characteristics, family circumstances and biological indicators as variables predicted to impact on the use of leave by fathers in South Africa. The project is expected to be completed at the end of 2016.

# Spain<sup>1</sup>

**Anna Escobedo** (University of Barcelona), **Gerardo Meil** (Autonomous University of Madrid) and **Irene Lapuerta** (Public University of Navarre)

**April 2016**

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

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

### a. Maternity leave (*Permiso y prestación por maternidad*) (responsibility of the Ministry of Labour and Social Security)

*Length of leave (before and after birth)*

- Sixteen weeks: six weeks are obligatory and must be taken following the birth, while the remaining ten weeks can be taken before or after birth.

*Payment and funding*

- One hundred per cent of earnings up to a ceiling of €3,606.00 a month in 2015 and €3,642.00 in 2016.
- 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 (unchanged since 2010).
- 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*), with an additional contribution paid to cover unemployment. In the case of public servants, all contributions are paid by their employer.

*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 (non-eligible employees receive

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<sup>1</sup> Escobedo, A.; Meil, G. and Lapuerta, I. (2016) 'Spain country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

a flat-rate payment for 42 days after delivery): the mother needs to be making social security contributions at the beginning of the leave; or be receiving unemployment contributory benefit; or be 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 need 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. Self-employed mothers are exempt 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, 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.
- If the baby dies, Maternity leave is not reduced.
- If the mother dies, the father can take the Maternity leave entitlements, independently of the mother's previous employment situation and entitlements.
- 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 or partly transferred, so both parents may share full or part-time leave simultaneously.
- The non-contributory benefit is extended by 14 days (from 42 to 56 days) for lone mothers, large families, multiple births or disabilities.

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

- Employed and self-employed pregnant women and mothers breastfeeding babies less than nine months old are entitled to be relocated to another workplace if working conditions are not compatible with women in such circumstances or it is a risk for the baby. If this is not possible or cannot be reasonably required, the working contract or activity has to be interrupted, and leave can be taken with payment of 100 per cent of earnings. Such leave correspondingly lasts until the beginning of Maternity leave or until the baby reaches the age of nine months.
- By consolidating breastfeeding leave, mothers can in practice extend Maternity leave by two weeks (if stated in the collective agreement or agreed at company level) or four weeks (for civil servants) (see section 1e).
- A number of regional and local governments have improved entitlements for public sector employees. For example, women working for the municipality of Madrid have a right of up to eight additional weeks of maternity leave.

**b. Paternity leave (*permiso de paternidad, permiso por nacimiento*)  
(responsibility of the Ministry of Labour and Immigration)**

*Length of leave (before and after birth)*

- Fifteen calendar days: two days of Birth leave (*permiso por nacimiento*) and thirteen days of Paternity leave (*permiso de paternidad*).

#### *Payment and funding*

- One hundred per cent of earnings, paid by the Social Security Fund with the same ceiling as for Maternity leave. In the case of public servants, all contributions are paid by their employer.
- Paternity leave is funded as Maternity leave, however Birth leave is still paid by employers.

#### *Flexibility in use*

- The two days of Birth Leave (*permiso por nacimiento*) have to be used at the time of birth. Fathers who need to travel for 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 taken during or immediately after the end of Maternity leave and on a full-time or part-time basis. This does not apply in the public sector, where the 15 days are considered as a whole, to be taken full-time at birth time, as a general rule (except when the specific regional government or institution - *Comunidades Autónomas* - regulates differently). Fathers who use Paternity leave part-time need their employer's agreement.

#### *Regional or local variations in leave policy*

- A number of regional and local governments have improved entitlements for public sector employees. For example, in Catalonia they 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. The same applies for male employees of the municipality of Madrid (collective agreement, 2012-2015, though the leave has to be taken at birth or adoption) and other cities.

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

- All employees have the right to Birth leave (the self-employed are excluded, as it is provided by employers).
- All employed fathers or partners (employees and self-employed) fulfilling contributory requirements (i.e. at least 180 days in the previous seven years, or 360 days during working life) are entitled to Paternity 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 father*

- Leave is extended by two extra days per child from the second onward, in the case of multiple births (or adoption or fostering) or if the child has a disability; and from 15 to 20 days for large families or households with a disabled person.
- The entitlement is gender neutral to encompass homosexual and lesbian couples, where this leave can be taken by the member of the couple who did not use the Maternity leave (or most of it) (see 1e below).
- In the above-mentioned case of public employees in Catalonia, lone mothers can use the extra month for fathers at the end of Maternity leave.

*Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents*

- See 'regional or local variations' for improved conditions offered by some regional governments or municipalities for their employees.

### **c. Parental leave (*Excedencia por cuidado de hijos*) (responsibility of the Ministry of Employment and Social Security)**

*Length of leave (before and after birth)*

- Each parent is entitled to take leave until three years after childbirth. Leave is an individual right. During the first year, return to the same job position is protected. After the first year, job protection is restricted to a job of the same category.

*Payment and funding*

- None. Since 2011 all employees taking leave are credited with social security contributions for the whole period, which affects pension accounts, health cover and new Maternity or Paternity leave entitlements. However, unemployment benefits and sickness leave are excluded.

*Flexibility in use*

- There are no limits to the number of periods of leave that can be taken until the child is three years old, with no minimum period required.

*Regional or local variations in leave policy*

- Since 2000, seven out of seventeen regional governments - *Comunidades Autónomas* - have introduced flat-rate benefits (Navarre in 2000; Castile and León in 2001; Basque Country and Castile-La Mancha in 2002; La Rioja in 2003; and, finally, Balearic Islands and Murcia in 2008). However, these benefits have been reduced or abolished since 2010 as a consequence of the fiscal crisis. For example:
  - Basque Country: €271.25 per month for mothers or fathers in 2016, compared to €291 in 2011 (the amount of the benefit has not been updated since 2012).
  - La Rioja: €250 per month in 2016, 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).
  - Balearic Islands abolished benefits in 2010; Murcia in 2011; Castilla-León and Castilla-La Mancha in 2012; and Navarre in 2013.

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

- All employees. 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)*

- The period of job-secured leave is extended to 15 or 18 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.

#### *Pension credits*

- For the calculation of the retirement or permanent disability pension, parents who have left employment, voluntarily or not, between the ninth month before birth (third in case of adoption or fostering of a minor) and the sixth year after, are recognized with between 116 days (four months) and 260 days (nine months) Social Security credits per child (RD 1716/2012). The number of days has been increasing gradually from 2013 to 2019 (with 191 days recognized in 2016), with a maximum of five years for all children. These credits apply not only for calculating the aforementioned pensions, but also for all other Social Security benefits (except for the minimum payment period) and covers only the period not in employment. It applies also to all births, either after or before the Law took force. Only one of the parents has the right to these pension credits; in case of dispute, it is being attributed to the mother.

#### **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 older children with additional needs (e.g. disabilities, international adoptions).
- Either parent can benefit from the Maternity leave entitlement in the case of an adoption.
- Public employees involved in an international adoption have the right to two months of paid leave; this includes 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 by the employer. The entitlement is extended to four days if travelling is required for work. 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 the earnings (subject to the same ceiling as Maternity leave) 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. 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; if they have joint custody, it is the one who makes the claim first.
- Each worker may take up to two years of leave (*excedencia por cuidado de un familiar*) or reduce working hours by between an eighth and a half (*reducción de jornada por cuidado de un familiar*) to take care of a dependent relative (up to the 'second degree of consanguinity or affinity') due to severe illness, disability, accident or old age. In cases of chronic dependency, the informal carer on leave may receive a payment if co-resident, which varies depending on region of residence, relative's level of dependency recognised by a public agency, and household income (e.g. in the case of Navarre, one of the regions with the highest benefits, the payments are between €60 and €542.85 per month in 2016). The payment is claimed by the dependent relative. Workers taking leave are credited with social security contributions, which affect pension accounts, health cover and new leave entitlements, for the first year of full-time or part-time leave.
- Public employees can extend the unpaid leave to care for a relative for up to three years, with the whole period credited with social security contributions and related social protection benefits. Furthermore, they can work half-time for up to one month without loss of earnings in the case of a very serious illness of a first degree relative (child, partner or parent including in-laws); they can also benefit from extra flexibility in working time, as do parents of children under 12 years.

### *Flexible working*

- During the first nine months after the child's birth (12 months in the public sector), employed mothers or fathers are entitled to one hour of absence during the working day without loss of earnings, which is paid by employers; this part-time leave (*permiso de lactancia*) was originally to support breastfeeding. It is a family entitlement that can be used by either employed parent, but if both parents are working, only one can use it. 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, or by the equivalent time on full-time days. The public sector and many collective agreements allow for a full hour shortening of the normal working day. By consolidating this entitlement, families can in practice extend Maternity (or Paternity) leave by two to four weeks (depending on the terms established by collective or company agreements). In the case of multiple births (or multiple adoption or fostering) the length of this leave increases proportionally.
- The law also guarantees that employees can postpone their annual holidays and use them after maternity or paternity leave, so they do not lose them.
- 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 twelfth year or to look after a disabled child (*reducción de jornada por guarda legal*). 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, unemployment benefits and new leave entitlements). In addition, public employees have guaranteed some working time flexibility to adapt (for example, to school hours).

- Since 2000, a number of regional governments have introduced payments to parents reducing their working hours. For example: Basque Country, Navarre, La Rioja, Galicia, Castilla La Mancha or Castilla-León have provided flat-rate payments to support this measure proportional to the working time reduction, though Navarre has abolished these payments in 2011 and Castilla-Leon and Castilla La Mancha in 2012. Since 2002 public employees in Catalonia (both fathers and mothers) can reduce their working hours by a third with a 20 per cent earnings reduction, or by a half with a 40 per cent earnings reduction, if they have a child under six years or care for a disabled relative. Since 2012, they can consolidate this reduction in working time during the first year as full-time leave, to extend in practice their Maternity or Paternity leave.

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

The maximum period of post-natal leave available in Spain is three years, but most of this period is unpaid; leave paid at a high rate ends after Maternity and Paternity leave (around five months after birth, including the consolidation of reduced working hours related to the Breastfeeding leave (*permiso de lactancia*, see 1e section on flexible working). The 2006 Spanish Education Law (*Ley Orgánica de Educación*), modified in 2013 by the Law for the Improvement of Educational Quality (*Ley Orgánica para la Mejora de la Calidad Educativa*), provides an entitlement to ECEC from three years onwards, and nearly all children over this age attend early education. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of approximately 2½ years between the end of well-paid leave and this *de facto* entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

In the context of economic austerity and public funding cuts in Spain, additional support to parents taking leave provided by regional governments (Autonomous Communities) has been severely reduced (see sections 1c and 1e). The proposal to increase Paternity leave from two to four weeks, which had been approved in 2009 to be implemented in 2011, has been postponed for a further year until January 2017 (*Disposición Final Undécima Ley 48/2015, de 29 de octubre*, BOE 260, October 30<sup>th</sup>, 2015, modifying the 9/2009 Paternity leave law).

Since January 1<sup>st</sup> 2016, all new retirement, widowhood and permanent disability pensions are increased by 5% for mothers of two children (biological, adopted and/or foster), 10% for those with three children and 15% for those with four or more children, to acknowledge or somehow compensate for the loss of earnings associated to motherhood over the life course with less availability to perform paid work. All pensions are subject to a ceiling of €2,567 per month, but this ceiling can be increased by 50 per cent of this supplement. These increases do not apply in case of voluntary early retirement.

## **4. Take-up of leave**

### **a. Maternity leave**

Maternity leave benefit covered 64.7 per cent of the 427,595 births in 2014 (authors' calculations based on data provided by the Social Security Institute and the Spanish Statistical Institute). Coverage is slightly lower than the previous years, after a long period of continuous increase (from 31 per cent in 1995 to 68 per cent in 2009) due to growing maternal employment and better coverage of atypical employment situations. It is worth highlighting that in the context of crisis and very high general unemployment, maternal employment is hardly diminishing while female activity rate in central adult age groups has sharply increased. According to the survey 'The social use of leave in Spain, 2012' (see section 5.c in the 2014 Annual Report), 80 per cent of mothers aged 25 to 60 who were in paid employment when pregnant, benefited from Maternity leave, with this percentage higher among younger women than among older ones (89 per cent for those aged less than 40 and 72 per cent for older women). This result is very close to that obtained using official statistics: 85.6 per cent of mothers, who were active in the labour market in the moment of the birth of the child, benefited from Maternity Leave in 2014 (authors' own calculations). Fathers share some Maternity leave in around one-quarter of adoption cases (27.5 per cent in 2005), but less than 2 per cent of all such leaves (1.8 per cent in 2014).

In 2015, an average of 6,464 women per month were on leave because of risk during pregnancy, with an average duration of 92.1 days, equivalent to 1.51 per cent of all live births in 2014. Since 2008 (the first year for which there are available take-up data) there is a steady increase in the number of women who take this kind of leave, from 2,546 per month to 6,464 in 2015), while the average number of days of leave taken has decreased (from 120 to 92.1 in the same period). The mean number of women per month taking leave during breastfeeding because of risk (introduced in 2007) has decreased once again to 60.4 in 2015, a tendency which can be observed since 2009, when it reached a maximum of 100.8 women per month. The mean number of days in leave has increased slightly to 134.4 days.

## **b. Paternity leave**

Most fathers are eligible for Paternity leave according to the Labour Force Survey data. While Paternity leave was restricted to two days (*permiso por nacimiento* i.e. Birth leave) paid by employers, there was no information on take-up rates. But from March 2007, fathers have received a 13 days payment from Social Security funds, and coverage was 55.4 per cent in 2014 (authors' own calculations based on the ratio number of fathers who took a leave to total number of births), 0.7 percentage points less than the previous year. The total number of fathers who took Paternity leave decreased by 16.4 per cent between 2010 and 2014, due mostly to the decrease in births and male employment. However, according to the survey 'The social use of leave in Spain, 2012' (see section 5c in the 2014 Annual Report), the take-up rate among those eligible for Paternity leave is much higher: 74 per cent of men who became fathers after the introduction of this leave and were working at that time report having used it.

Those who were working when they fathered a child and did not take it, are mostly men who work without contract or are self-employed. The difference between take-up rates can be attributed to the high proportion of unemployment among young adults (the proportion of unemployed men aged 30 to 34 years increased from 9.2 per cent in 2008, to 25.9 percent in 2012, and was still 20.3 per cent in 2015) and to the fact that the Social Security Institution does not register the Paternity leave of some public servants.

On the other hand, the coverage rate amongst eligible fathers has shown a positive trend in spite of the crisis: from 63.8 per cent in 2008, to 76.7 per cent in 2011 (applying an estimation model to the registered social security data), which could be explained both by a

genuine interest in taking Paternity leave and by the fact that male employment has been reduced in sectors and groups with lower quality employment conditions<sup>2</sup>.

### **c. Parental leave**

In 2014, 31,435 people started some period of Parental leave (10.8 per cent more than in the previous year, but 10.7 per cent less than in 2010). This corresponds to 7.4 per cent of the births in that year, but still higher than in the recent past (in 1995 it was only 1.7 per cent). However, this represents only 2.3 per cent of children under three years old; the age is relevant since leave can be taken until children reach three years. Fathers made up 6 per cent of users, with 0.5 percentage points more than in 2013<sup>3</sup>.

According to the survey 'The social use of leave in Spain, 2012'<sup>4</sup>, only 0.5 per cent of men aged 25 to 59 who were working when they became fathers made use of Parental leave, compared to 10.4 per cent of women. In most cases leave was taken for the first child (69 per cent); and women mostly took it just after Maternity leave (64 per cent) for a maximum of one year (85 per cent), and most commonly for six months or less (46 per cent), i.e. until a childcare arrangement was available. After leave, all men returned to a full-time job, but only 55 per cent of women did so, while a third returned to part-time job or part-time leave (35 per cent) and only seven per cent gave up paid work altogether or lost their jobs (three per cent).

### **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 and gender-equal use of the fully-paid working time reduction of one-third of usual working hours, for parents of children under one year old; this was available for public employees in Catalonia between 2002 and 2012 (see section 3 in the 2013 Annual Report).

Otherwise the use of unpaid working time reductions is limited. According to the survey 'The social use of leave in Spain, 2012', 19.9 per cent of women and 1.8 per cent of men aged 25 to 59 years, who were working when they became parents made use of the right to reduce their working hours. As in the case of Parental leave, most working time reduction is taken for the first child (61 percent among those with two or more children) and, among women, mostly taken just after Maternity leave (55 per cent) or during the first year of the child (79 per cent). Men reduce their working hours mostly for less than one year (72 per cent), while women tend to do it for a rather longer period of time (61 per cent for more than one year).

According to the [Spanish Social Security Statistics](#)<sup>5</sup>, the number of parents who have taken the leave to care for seriously ill children, introduced in 2011, has increased slightly from 1,114 in 2012 to 1,665 in 2015. However, the mean number of days of leave taken has risen sharply from 176.9 to 361.3 during this period.

Unpaid leave to care for dependent relatives has been available from 2001 onwards. Between 2001 and 2005 about 9,000 employees have used it: 82 per cent were women, with a median duration of 62 days, and 18 per cent were men with a median duration of 55

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<sup>2</sup> Flaquer, L., Escobedo, A. (2014). See section 5b in 2015 Annual Review.

<sup>3</sup> Ministerio de Empleo y Seguridad Social (2016) *Anuario de Estadísticas del Ministerio de Empleo y Seguridad Social, 2014*. Available at:

<http://www.empleo.gob.es/es/estadisticas/contenidos/anuario.htm>

<sup>4</sup> Meil, G. (2014) See sections 5b and 5c in the 2014 Annual Report.

<sup>5</sup> [http://www.seg-social.es/Internet/1/Estadistica/Est/Otras/Prestaciones\\_de\\_la\\_Seguridad\\_Social/index.htm](http://www.seg-social.es/Internet/1/Estadistica/Est/Otras/Prestaciones_de_la_Seguridad_Social/index.htm)

days (Escobedo and Navarro, 2007). Since 2006, the number of users has grown, increasing to 8,176 new users in 2014 (compared with 3,332 in 2005). The proportion of new male users remained stable at around 15 per cent between 2010 and 2014.

The Statistical Yearbook of the Ministry of Labour does not provide details on the duration, nor on the extent to which the leaves to care for dependent relatives are connected to the benefit for informal carers, introduced since the 2006 Spanish Law to support dependents. In January 2016, 35.9 per cent of all benefits provided under this law were used for paying informal family carers (351,393 benefits, 5.2 per cent less than one year ago). However, it seems difficult to link care leave to benefits, which usually require a long administrative process.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

Leave arrangements have become a research topic in Spain, particularly their use by mothers and fathers, and their impact on gender and social equality in the labour market, and on fertility decisions. Fathers' use of leave arrangements is presently a main research focus, as is leave in the organisational context of the workplace and companies.

Since 2006, a fund on Social Protection has supported research on leave arrangements and the Ministry of Labour created a continuous database with a sample of four per cent of all social security contributors, including selected life-course data on work and social security (*Muestra Continua de Vidas Laborales, MCVL* [the Continuous Sample on Working Lives]), supplemented with tax and household data. The Ministry still provides limited information on leave arrangements, but has allowed researchers to produce detailed information about unpaid leaves such as Parental leave, leave to care for a relative, and working time reductions.

Otherwise, the indicators published on a yearly basis since 1995 by the National Institute of Social Security provide updated information on paid leaves (e.g. total social security expenditure by region and the number of administrative records initiated each year, with the percentage of those for fathers), but with no information on other items such as duration of leave, flexible use or characteristics of users. There is a clear data gap on the uses and impacts of the various regional flat-rate benefits and full-time or part-time additional schemes, which research projects have contributed to filling (see Lapuerta in Spain country note, sections 5b and c, of the 2013 Annual Review).

There is increasing research interest in the benefits addressed to long-term dependants and family informal carers 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. Further research is needed in this area.

### **b. Selected publications since April 2015**

Abril, P., Amigot, P., Botía-Morillas, C., Domínguez-Folgueras, M., González, M. J., Jurado-Guerrero, T., Lapuerta, I., Martín-García, T., Monferrer, J. y, Seiz, M. (2015) 'Ideales igualitarios y planes tradicionales: análisis de parejas primerizas en España' ['Egalitarian ideals and traditional plans: analysis of first-time parents in Spain'] *Revista Española de Investigaciones Sociológicas*, No.150: 39-58. English and Spanish versions available at: [http://www.reis.cis.es/REIS/PDF/REIS\\_150\\_01\\_ENGLISH1428568078325.pdf](http://www.reis.cis.es/REIS/PDF/REIS_150_01_ENGLISH1428568078325.pdf)

This study analyses first-time heterosexual parents' childcare plans, examining how gender attitudes, parenthood ideals and institutional constraints influence childcare plans in the first months of the child's life. It is based on a sample of 68 dual-earner couples who were expecting their first child in 2011. The analysis reveals that most couples aim to maintain a dual-earner model in which both parents are employed after the transition to parenthood. However, when difficulties balancing work and family are anticipated, women show a greater predisposition to adapt their working lives to childcare needs. Men, in contrast, exhibit much greater resistance to making important employment-related adjustments, due to their fear of being penalized in the workplace or to their particularly strong work orientation.

Castellanos-Serrano, C. (2015) *Evaluación de políticas públicas: los regímenes económicos matrimoniales y los sistemas de permisos parentales. Efectos sobre el régimen de bienestar desde la perspectiva de género* [Evaluation of Public Policies: Marital Property Regimes and Parental Leave Systems. Effects on Welfare Regime from the Gender Perspective]. Doctoral Thesis. Complutense University of Madrid, Department of Applied Economics III (Economic Policy). Available at:

[http://www.ucm.es/data/cont/docs/85-2016-01-17-Castellanos%202015%20\(1\).pdf](http://www.ucm.es/data/cont/docs/85-2016-01-17-Castellanos%202015%20(1).pdf).

This thesis analyses two Spanish public policies that regulate family relationships: the regulation of the types of cohabitation of couples and the parental leave system. It analyses the effects of these two policies on both parents' commitment to childcare, on their commitment to paid and unpaid work and on their income level. It also examines the gender bias and impacts of both public policies and the designs that would allow for the reduction of gender bias according to empirical evidence. The policy evaluation combines quantitative and qualitative methods within an international and historic approach. It is mainly based on the "Survey on the use of parental leave and its consequences for employment" (EUPPCL 2012), as well as on official national and international secondary sources, legal texts and interviews with key stakeholders. The results show that the design of the parental leave system not only affects the participation in childcare, but also the participation in the labour market and earnings. In fact, it is confirmed that the 2007 reform, which introduced paternity leave of 13 days, has caused fathers to use more days of non-transferable and fully-paid parental leave while they hardly use the other kinds of parental leave. Equal, non-transferable and fully-paid leave is, therefore, a relevant tool for reducing gender-specific division of work, strengthening parental bonds in the long term, favouring economic independence of mothers and reducing the risk of poverty.

Castro-García, C. (2015) *Modelos de Bienestar, Igualdad de Género y Permisos de Nacimiento en un contexto de crisis del Modelo Social Europeo* [Models of welfare, gender equality and birth leave in the crisis context of the social European model]. Doctoral Thesis. Universidad Pablo de Olavide, Seville.

This thesis explores some of the causes that sustain unequal power relations between men and women in Europe. The main contribution is through the concept and an indicator of the gender-transformative potential of public policies, based on an assessment of their impact on transforming the 'social norm' and the gender division of labour, from the perspective of a 'universal caregiver' society. This concept is developed based on a comparative analysis of leave policies - including Maternity, Paternity and Parental leaves - in 27 European countries (EU25 plus Iceland and Norway). The findings show that the most positive gender-transformative potential would be to guarantee a real change in male behaviour through equal, non-transferable and fully-paid Parental leave.

Castro-García, C., Pazos, M. (2015) Parental leave and gender equality in Europe. *Feminist Economics*.

This article uses data from 2008–10 to analyse parental leave policies in twenty-one European countries and their influence on men's behaviour. It examines entitlement characteristics, such as non-transferability, duration, payment, compulsory period, and other policies to assess their effect on the proportion of leave, men use out of the total parental

leave in each country. The findings, which suggest that a large majority of men take non-transferable and highly-paid leave, and a small minority take other types, provide the basis for developing the Parental Leave Equality Index (PLEI). PLEI ranks countries by the degree to which parental leave policies reinforce or diminish the gendered division of labour. Results indicate that although Iceland's parental leave policies do the most to advance gender equity, no country has equal, non-transferable, and well-paid leave for each parent. This policy arrangement would be a precondition to men's and women's equal participation in childcare.

Escobedo, A., Wall, K. (2015) Leave policies in Southern Europe: continuities and changes (Portugal, Spain, Italy and Greece). *Community, Work and Family*, vol.18 (2): 218–235.

This contribution addresses the challenge of reviewing Southern European welfare states by analysing how developments in leave policies are generating common or divergent trends across Portugal, Spain, Italy and Greece. These societies offer a mixture of family patterns and family policies. Over the last decade they have developed significant work–family arrangements both in terms of parental leave and early education childcare services. The four countries have been moving in the direction of longer paid leave and the promotion of paternal leave, allowing for family diversity and new gender-equality incentives. Besides these common trends, the four countries also reveal differences enabling them to shift towards alternative leave models, such as the one-year gender-equality-oriented model or the choice-oriented leave model. However, for the time being, taking into account take-up rates and the impact of the economic 20 crisis, the four countries conform to what we have characterised as an ‘extensible early return to work’ leave model. Leave policies are reviewed in Greece, Italy, Portugal and Spain mainly between 2004 and 2014, drawing on data from the Annual Reviews of the Leave Policies and Research Network, Eurostat and the OECD Family Database.

Escobedo, A., Meil, G. (2016) “Paternité et congés parentaux en France et en Espagne” In: Martial, A. (2016) *Des pères «en solitaire»? Ruptures conjugales et paternités contemporaines*. Aix-en-Provence: Presses Universitaires de Provence, pp. 150-161.

This book chapter provides a comparative analysis of the evolution of leave policies for fathers in Spain and France up to 2013. Although the two neighboring countries have very different historical trajectories in the development of the welfare state and social policies, until 2013 they have some similarities in the provision on parental leave from the perspective of available time and its distribution of use between men and women, even though significantly better supported by public resources and more widely used in France than Spain. The increasing male use of paternal leave, however, indicates in both countries the emergence of new paternity practices and more diverse family configurations. While the rhetoric of choice has been developed in the two countries (with considerably more success in France and Spain), unpaid or flat rate benefits limit choice for both fathers and mothers. This explains the relative success of part-time leave arrangements. Part-time leave appears to be a compromise solution to balance innovative parenting and the need to ensure the maintenance of wage income at home in both societies.

Fernández-Cornejo, J.A., Escot, L., Kabubo-Mariara, J., Kinyanjui Kinuthia, B., Eydal, G.B., Bjarnason, T. (2015) Gender differences in young adults' inclination to sacrifice career opportunities in the future for family reasons: comparative study with university students from Nairobi, Madrid, and Reykjavik. *Journal of Youth Studies*, vol. 19 (4): 457–482.

This article addresses the question of, to what extent young people show an inclination to accept some sacrifice in their career progression in the future in order to reach a better work–family balance. Data come from a survey conducted among a sample of 2,383 university students who attended three universities: University of Nairobi, University of Iceland, and Complutense University of Madrid. After building a set of indicators about career and family involvement aspirations of respondents, and after conducting a statistical and regression analysis, this research shows that young women (on average) still have a



greater predisposition than young men to make sacrifices in the future in their working careers in order to achieve a better work–family balance. Moreover, having a high degree of leadership aspirations and belonging to an egalitarian household tend to reduce the inclination to sacrifice career opportunities, whereas having a high inclination to be involved in childcare in the future and having the perception of a future work–family conflict tend to increase it. Gender attitudes have a differential effect on female and male students: having traditional gender attitudes tends to increase the inclination to sacrifice career opportunities, in the case of female students and to reduce it in the case of male students.

González, M.J., Jurado, T. (eds.) (2015) *Padres y madres corresponsables: una utopía real* [Jointly responsible mothers and fathers: a real utopia], Madrid: Los libros de la Catarata. This book is inspired by an apparent paradox of human behaviour. Young people increasingly identify themselves with egalitarian values and, instead, when they are living with a partner, tend to reproduce an unequal distribution of tasks, which becomes worse with the arrival of the first child. This contradiction between ideals and practices is the essence of the "real utopia" that arises here. It is a utopia because many political changes are needed to enable a family model, where both members of the couple are employed and take care of children at different stages of their lives, without either lagging behind in their careers, or temporally leaving the labour market, or reducing working hours. Some couples try to reach this utopia in their families by sharing responsibilities in housework and caring, despite the difficulties in reconciling work with personal life. Family policies can be a good tool to reduce the tension between ideals and practices, although and as we shall see in this book, are not the only condition that could turn utopia into reality.

Kuronen, M.; Kröger, T.; Antón-Alonso, F.; Cucca, R.; Escobedo, A.; Jensen, P.H. & Sabatinelli, S. (2015) The Relationships Between Local and National Childcare Policies – A Comparison of Nordic and Southern European Cities. (119-134) In: Kuronen, M. & Kutsar, D. (2015) *Local Welfare Policy Making in European Cities*, Social Indicators Research Series 59, Springer.

The chapter compares the childcare systems in the 11 European cities, looking particularly at whether the childcare provision in these cities follows national provision levels or not and how they interrelate to the provision of paid parental leave. Then focuses on analyzing the relationships between local and national childcare policies in four European cities: Bologna (Italy) and Terrassa (Spain) from Southern Europe, and Jyväskylä (Finland) and Aalborg (Denmark) from the Nordic countries. The availability and use of childcare services are analyzed, as are other factors influencing the possibilities and obstacles of labour market participation for mothers with young children. The aim of this analysis is to demonstrate the significance of local welfare Systems in their socio-cultural context and to understand the scope that local authorities have to draft local policies and thus to divert from national policy definitions. Local policy making also brings rigid welfare regime categories into question.

Meil, Gerardo (coord.) *Capítulo 3: Familia*, 289-402, in: Torres, C. (ed.) España 2015. Situación Social. Madrid: CIS. [Family Chapter 3, in España 2015. Social Situation]

The Family chapter within this 2015 handbook on Spanish social situation, covers a broad analysis on family structure and change conducted by 13 Spanish family sociologists, with expertise in different specific fields (e.g. demography, family values and family models, work and family strategies including parental leave, divorce and custody, families and the life course). Family has a prominent role in this Social Situation in Spain in 2015, which has gathered 15 chapters and the contribution of 160 Spanish researchers.

Meil, G., Rogero-García, J. (2015) Does paternal childcare replace grandparental support in the work - family balance? *Family Science*, 6(1): 31-37.

Fathers' participation in childcare has been on a steady rise in recent years. This article explores whether such growing involvement is replacing grandparents' caring role or whether the two are complementary. The data used here were drawn from the *Survey on the*

*use of parental leave in Spain*, whose coverage included 1125 working parents living with their likewise working partners and children under the age of 13 years. The results suggest that paternal and grandparental childcare tend to be more substitutional than complementary. The analysis also shows that a significant portion of dual-earner households do not routinely rely on grandparents for childcare, and that paternal and maternal grandparents do not replace but rather complement each other.

Rogero-García, J. and García-Sainz, C. (2016). Caregiver Leave-Taking in Spain: Rate, Motivations, and Barriers. *Journal of Aging & Social Policy*, vol. 28 (2): 98–112.

This paper aims to (1) determine the rate of (full- and part-time) caregiver leave-taking in Spain, (2) identify the reasons conducive to a more intense use of this resource, and (3) ascertain the main obstacles to its use, as perceived by caregivers. All 896 people covered by the sample were engaging in paid work and had cared for dependent adults in the last 12 years. This resource, in particular the full-time alternative, was found to be a minority option. The data showed that legal, work-related, family and gender norm issues are the four types of factors that determine the decision to take such leaves. The most significant obstacles to their use are the forfeiture of income and the risk of losing one's job. Our results suggest that income replacement during a leave would increase the take-up of these resources. Moreover, enlargement of public care services would promote the use of leave as a free choice for caregivers.

### **c. Ongoing research**

*Fathers on Leave Alone in Spain (2014-2016)*, Gerardo Meil (coordinator), Department of Sociology, Universidad Autónoma de Madrid. Funded by the Spanish Ministry of Science and Innovation.

The research focuses on use by fathers of any kind of leave to care for children while the mother returns to paid work for at least one month. A first objective is to examine fathers' negotiations and experiences of leave taking 'alone' in dual earner families with a child under 3 years. Research will tap the reasons why some men take a large share of leave and the consequences of leave taking on fatherhood and work-family life. Are the new measures tailored to their needs and preferences, in terms of work-family balance and well-being? What are the factors that promote or hinder men's take up of leaves? How father's perspectives are influenced by mother's attitudes or workplace cultures? What is the impact of leave, in particular of stay-at-home-alone fathering, when the mother returns to work, on family dynamics and the father-child bond? And what is its impact on men's professional career? This study is part of a collaborative research project 'Fathers on Leave Alone' coordinated by Prof. Karin Wall and Prof. Margaret O'Brien, which adopts a comparative perspective among several industrialized countries. Contact: Gerardo Meil at [gerardo.meil@uam.es](mailto:gerardo.meil@uam.es).

*The role of men in family dynamics from an international perspective (2014-2016)*. Teresa Martín-García (coordinator), Center for Human and Social Sciences (CCHS), Spanish Council for Scientific Research (CSIC). Funded by the Spanish Ministry of Science and Innovation.

This project aims to analyze the role of men in family dynamics, with special emphasis on fertility. The first objective is to assess the differences in family formation/dissolution (cohabitation, marriage, divorce) and fertility (delay, number of children, infertility) and its related characteristics between men and women, explaining what distinguishes their family and reproductive choices, preferences and behavior at the individual level. The second objective is to study the relevance of gender (in)equality in such decisions, taking into account the institutional and contextual aspects of (in)equality and specifically the parental leave and childcare policies. Contact: Teresa Martín at [teresa.martin@cchs.csic.es](mailto:teresa.martin@cchs.csic.es) and project website <http://www.menrolesproject.com/>.

*Shared-responsibility woman-man in caring from the perspective of companies: Organizational culture and corporate responsiveness towards men who want to reconcile* (2015-2017), José Andrés Fernández Cornejo and Lorenzo Escot (coordinators), Department of Economy at the Universidad Complutense. Funded by the Spanish Ministry of Science and Innovation.

This research aims at analysing the phenomenon of effective inclusion of male workers in work-life balance policies of companies. That is, its objective is the analysis of the shared-responsibility (between men and women in caring) from the perspectives of organizations. To do so, firstly, the researchers will carry out an analysis of changing trends in men's and women's time use in Spain, using data from the official national time use survey (TUS, "Encuesta de Empleo del Tiempo-EET"), labour force survey, (LFS, "Encuesta de Población Activa-EPA") and the Spanish Quality of Working Conditions Survey ("Encuesta de calidad de vida en el trabajo-ECVT"). Secondly, the analysis will be focused on working environment in businesses through a qualitative analysis. This will consist of a series of focus groups with fathers with small children (employed in a range of companies); and semi-structured interviews with the same group and with HR managers. This analysis is essentially aimed at understanding the experiences and perceptions of respondents about barriers they may encounter when men try to balance work and life. Thirdly, a quantitative analysis will be conducted based on two surveys: one of them of working fathers with small children; the other one, of a sample of Human Resource managers. The purposes of these surveys are to better understand: what the needs of male workers are in the work-life balance domain; what kind of work-life balance policies are applied by organizations; to what extent these policies effectively include male workers; the organization-culture regarding work-life balance; what might be "good practices" that encourage men to use the reconciliation practices; and what are the costs and benefits for companies of men achieving work-family balance. Contact: José Andres Fernández Cornejo at [jafercor@ccee.ucm.es](mailto:jafercor@ccee.ucm.es).

*Working time, paternity and childhood. How can business policies promote father involvement in care and maintain gender equality?* (2015-2017) Teresa Jurado (coordinator), Department of Sociology II at Universidad Nacional de Educación a Distancia (UNED), in cooperation with researchers in other Spanish Universities (UDIMA, UPF, UPO and UPNA). Funded by the Spanish Ministry of Economy and Competitiveness.

The objective of this project is to analyze the employment context in order to understand in which types of enterprises, under which circumstances and due to which reasons, a family responsible management of human resources without gender bias is found. Firstly, we will test how far the results from a previous qualitative study can be generalized. Secondly, a scheme will be elaborated of the features of the enterprises which favour work-family balance for their male employees. Finally, human-resources managers in this type of enterprise will be interviewed. This study intends to identify the degree of diffusion of equal-sharing couples in the Spanish society, their socioeconomic characteristics, and the existence of good practice among enterprises, with respect to work-family balance and its feasibility from a perspective of profit and competitiveness. Contact: Teresa Jurado at [tjurado@poli.uned.es](mailto:tjurado@poli.uned.es).

# Sweden<sup>1</sup>

**Linda Haas** (Indiana University) and **Ann-Zofie Duvander** (Stockholm University) and **C. Philip Hwang** (University of Gothenburg)

**April 2016**

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 (*graviditetsspenning*) (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 77.6 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, the Swedish Social Insurance Agency is likely to grant eligibility of up to 50 days of leave during the last 60 days of pregnancy paid at 77.6 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)<sup>2</sup>**

#### *Length of leave*

- Ten days. Designed to be used to attend delivery, to care for other children while mother is in hospital, to stay over in the hospital in a family room after childbirth and/or participate in childcare when the mother comes home.

#### *Payment and funding*

- 77.6 per cent of earnings up to an earnings ceiling of SEK333,750 [€35,611<sup>3</sup>] per year (see section 1c for information regarding eligibility and further details). Payments come from the Swedish Social Insurance Agency. Employers and the self-employed

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<sup>1</sup> Please cite as: Duvander, A.-Z., Haas, L., and Hwang, P. (2016) 'Sweden country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Referred to as 'Paternity leave' in reviews before 2014; now revised to provide literal translation of entitlement, which is gender-neutral.

<sup>3</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

make contributions for this purpose; employers pay 31.42 per cent on all employees' earnings, of which approximately 2.2 per cent is earmarked for 'parental insurance'. The government makes up any shortfall.

#### *Flexibility in use*

- Leave can be used at any time during the first 60 days after childbirth.

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

- All employees are eligible, regardless of time in employment.
- The benefit is gender neutral, being for the second parent or another close person if the second parent is unknown.

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

- Leave is increased in the event of multiple births (e.g., doubled in the case of twins).

### **c. Parental leave (*föräldraförsäkring*) (responsibility of the Ministry of Social Affairs)**

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

- Each parent is entitled to take full-time leave from work until their child is 18 months old, regardless of whether or not they are using paid benefits.
- Parents are eligible to 240 days each, and days may be transferred between them (except the days reserved for each parent).
- 195 days per parent are wage-based (see below). For children born 2016 or later, 90 of these 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'). The remaining 105 wage-based days for each parent can be transferred to the other by signing a consent form.
- 45 days per parent of the 480 total days (240+240) are paid at a minimum level (see below). These can also be transferred to the other parent by signing a form.
- Starting with children born from 1 January 2014, either form of paid leave can be used up until the child turns 12 years old (though only 96 days can be used after the child turns four years old). For children born before this date, parents may use the paid leave up until a child's eighth birthday or until the end of the first school year.
- There is an extra pension supplement for the parent who earns least income during the child's first four years. This supplement to the pension-qualifying amount for years with small children is aimed to compensate the parent who takes the largest responsibility for childcare and therefore reduce work, or temporary exits the labour market<sup>4</sup>.

#### *Payment and funding*

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<sup>4</sup> Swedish Pension Agency (2014) Orange report 2014. Annual report of the Swedish Pension System. Stockholm. Available at: <https://secure.pensionsmyndigheten.se/download/18.3c07b8ed14fbd77cd57cd1/1446806348928/Orange+Report+2014+eng.pdf>

- For parents eligible for wage-related benefit (see below), 195 days of leave are paid at 77.6 per cent of earnings, up to an earnings ceiling of SEK445,000 [€47,501] per year<sup>5</sup>; the remaining 60 days are paid at a flat-rate payment of SEK180 a day [€19]. Parents not eligible to wage-related leave receive a flat rate of SEK250 [€27] a day for 480 days.
- All parental leave benefit, income related and flat rate, give pension credits.
- 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 SEK50 [€5] tax-free each, per day, for every day that the parent who has taken the leave the shortest time takes leave past their reserved days (90). The bonus applies only to the 390 days of wage-related leave, after the three reserved months are used by both parents (i.e. 210 days). When parents share the leave equally the bonus is worth a maximum of SEK10,500 [€1,122] tax free.

#### *Flexibility in use*

- The length of leave is counted in days (rather than weeks or months) to enhance flexibility of use.
- Parents can take paid leave days 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 cannot work while on paid or unpaid leave, unless they are taking the leave part-time.
- Paid and unpaid leave can be combined to enable parents to stay at home longer.
- Parents can take leave in one continuous period or in several blocks of time. An employee taking Parental leave has the right to stay away from work for a maximum of three periods each year. Many employers allow for more periods.
- Both parents can take up to 30 days of paid leave at the same time, until the child reaches one year of age. These days have been labelled 'double days' (*dubbeldagar*). Parents cannot use any of the mother's quota or father's quota when using double days. Parents must use the remaining 105 wage-based days that each are entitled to, if they want to stay home at the same time.

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

- All parents are entitled to paid Parental leave. Paid leave at 77.6 per cent of earnings requires parents to have had an income of over SEK250 [€24] a day for 240 days before the expected date of delivery or adoption. A parent remains qualified to receive the same compensation for Parental leave if an additional child is born or adopted within 30 months of the birth or adoption of an earlier child. This is economically significant mainly to parents who reduce working hours (and income) after the first child, since it keeps them at a higher benefit level. This is commonly referred to as the 'speed premium'.
- Self-employed persons contribute to the social security system with a separate tax and are eligible for the same leave benefits as employed persons.
- Parents are entitled to paid Parental leave even if their partners are 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 parents*

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<sup>5</sup> 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.

- Families with multiple births are entitled to additional paid leave (in the case of twins, an additional 90 days at 77.6 per cent of earnings and an additional 90 days at a flat rate of SEK180 [€19] a day). For each additional child in a multiple birth, parents are entitled to an additional 180 days at 77.6 per cent of earnings.
- In case of sole custody, the parent with custody receives all parental leave days (i.e., 480 days). However, in most cases of parents who are living apart, parents share joint-custody and thus both share rights to leave.

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

- Additional 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 of income above the ceiling<sup>6</sup>.

## **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 föräldrapenning*) (see below). Benefits are conditional on the child being under 10 years old at adoption, and leave can only be used up until the child is 10 years old, or 12 years old if in the parents' custody from 2014 and onwards.

### *Time off for the care of dependants*

- Temporary Parental leave (*tillfällig föräldrapenning*) is available at 120 days per child, per year, for children under the age of 12 years, and for children aged 12 to 15 years with a doctor's certificate. This is paid at 77.6 per cent of earnings, up to an earnings ceiling of SEK333,750 [€35,693] per year; it is a family entitlement and it can be used to care for sick children. Sixty of these days can also be used to stay home with young children if the regular caregiver is sick. Since 2001, it can be offered to someone outside the family if they are an eligible person in the social insurance system. The ten days of temporary parental leave associated with birth or adoption (see section 1b) also come under this category of Temporary Parental leave.
- Parents whose children are sick or functionally disabled for more than six months can apply for a care allowance (*vårdbidrag*) from the birth of the child until the child reaches the age of 19 years. Parents may receive a maximum of SEK9,271 [€992] per month for extra care obligations, such as paying for a caregiver or as compensation for reduced work hours. In addition, parents can receive a maximum of SEK 27,750 [€2,959] yearly for extra costs, such as equipment or medicine.

### *Flexible working*

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<sup>6</sup> Lindquist, G. S., 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](http://www.regeringen.se/sb/d/5225/a/52073).



- 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 one year of age, available on a full-time basis in centres or at licensed family day carers to employed parents (or part-time if parents are not employed). Consequently, there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

The number of reserved paid leave months for each parent was increased from two to three by Parliamentary vote in 2015 (effective from 1st January 2016). This change did not extend the length of existing leave.

The municipal childrearing allowance (vårdnadsbidrag) that had been in place since 2008 was abolished by Parliamentary vote in 2015 (effective from 1st February 2016).

The parental leave benefit at the flat rate for parents not eligible to wage-related benefit was increased from SEK225 [€24] to SEK250 [€27].

## **4. Take-up of leave<sup>7</sup>**

### **a. Maternity leave**

In 2014, 22 per cent of pregnant women took pre-birth leave for an average of 41 days. Both numbers represented a slight increase from 2013.

### **b. Temporary leave at the birth or adoption of a child**

For all children born in 2014, 75 per cent of fathers, same-sex partners or other designated persons took this leave. Only employed parents are eligible, but no figures exist on the proportion of eligible fathers using this leave. Men took on average 9.2 of the 10 eligible days.

### **c. Parental leave and childrearing benefit**

Almost all families use paid Parental leave in Sweden today. Until recently it has been possible to use this benefit until a child reaches the age of eight years or after the first school year is ended. However, the majority of parents have taken the main part of the leave before their children reach the age of two years (all children are entitled to an ECEC place from 12 months of age).

In 2014, the vast majority of women (87 per cent) and men (96 per cent) who took Parental leave were entitled to benefits at the earnings-related compensation level as opposed to the

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<sup>7</sup> Information on take-up was obtained from Försäkringskassan [Swedish Social Insurance Agency] (2015) *Social insurance in figures 2015*. Available at: [www.forsakringskassan.se](http://www.forsakringskassan.se).



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 payment.

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 Swedes. The great majority of fathers of children born in 2004 (88.3 per cent) took Parental leave at some stage before their child's eighth birthday, mainly starting when their children were 13 to 15 months of age. Fathers of children born in 2003 took on average 91 days of Parental leave during the eight years they could use the leave, and mothers took 342 days<sup>8</sup>.

In 2014, 45 per cent of Parental leave benefit recipients were men, compared to 55 per cent who were women; though on average mothers took 94 days and fathers 39 days during that one year. So mothers still take more Parental leave, although the proportion of total days used by men has slowly increased: in 2000, fathers took about 12 per cent of all Parental leave days used in that year; by 2014, it had increased to 25 per cent. The percentage of couples that are sharing Parental leave fairly equally (40-60 per cent) is very slowly increasing, with 12.7 per cent of couples equally sharing leave for children born in 2010<sup>9</sup>. The average father received benefits of SEK634 [€68] per day in 2014, while the average mother received benefits of SEK474 [€51]<sup>10</sup>.

In 2012, the Gender Equality Bonus was received for 151,138 children. In these cases both parents had used more than their 60 reserved days; this represented 56 per cent of parents eligible for the bonus, up slightly from 54 per cent in 2011. On average, women received SEK3,600 [€384] in bonus compared to SEK4,800 [€512] for men<sup>11</sup>. On average, women and men each received the bonus for 14.5 days in 2012<sup>10</sup>. A Social Insurance Agency study conducted in 2013 concluded that many new parents poorly understood the policy and how it can be used.<sup>12</sup> Double days (which parents can use to be home together during the first year) were used for about 35 000 children in 2013<sup>11</sup>. This is almost one-third of all children born in Sweden that year.

Fathers with higher education take more Parental leave, as do fathers whose partners have higher levels of education and higher income. Fathers taking no leave are more likely to have been born outside Sweden. Unemployed fathers generally take less leave than other fathers. Fathers who work in the public sector are more likely to take leave, perhaps because they more often get extra compensation as a result of collective agreements. Fathers are more likely to take Parental leave for a first child<sup>9</sup>. Self-employed fathers take 27 fewer leave days than wage-earning fathers. Mothers who are self-employed take 46 fewer days than wage-earning mothers, but the proportional difference is much less for mothers than fathers.<sup>13</sup>

The introduction of a father's quota in 1995 (one month) and its extension in 2002 (to two months) both led to more fathers taking more leave; though the second month had a less

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<sup>8</sup> Försäkringskassan [Swedish Social Insurance Agency] (2010) *Outnyttjad föräldrapenning [Unused parental leave]*. Socialförsäkringsrapport 2010:14. Available at: [www.forsakringskassan.se](http://www.forsakringskassan.se).

<sup>9</sup> Försäkringskassan [Swedish Social Insurance Agency] (2013) *De jämställda föräldrarna [Equal parents]*. Socialförsäkringsrapport 2013:8.

<sup>10</sup> Försäkringskassan [Swedish Social Insurance Agency] (2015) *Social insurance in figures 2015*. Available at: [www.forsakringskassan.se](http://www.forsakringskassan.se).

<sup>11</sup> [www.forsakringskassan.se](http://www.forsakringskassan.se)

<sup>12</sup> Försäkringskassan [Swedish Social Insurance Agency] (2014) *Låg kunskap om jämställdhetsbonus [Low knowledge about equality bonus]*. Available at: [www.forsakringskassan.se](http://www.forsakringskassan.se).

<sup>13</sup> Anxo, Dominique, Thomas Ericson (2015) Self-employment and parental leave. *Small Business Economics* 45 (4), 751-770).

dramatic effect than the first. The introduction of the Gender Equality Bonus had no similar effects during its first 18 months<sup>14</sup>.

More than one third of Swedish municipalities have decided to offer the child-raising allowance. However, relatively few parents appear to take advantage of this benefit. During 2011, only 2.9 per cent of children ages one to three years had parents who received this benefit<sup>15</sup>. The vast majority (92 per cent) of the parents who applied for the allowance were women; 40 per cent of applicants had foreign backgrounds (compared to 27 per cent of parents in Sweden generally). Since 2016 the allowance is abolished.

#### **d. Other employment-related measures**

Mothers are more likely than fathers to work part-time hours (34 hours or less per week); 22 per cent of all mothers with children 0-17 worked part time in 2012, compared to only five per cent of employed fathers<sup>16</sup>. Part-time employment among mothers has declined during the last 10 years. No official statistics are kept concerning how many parents working part time are doing so by exercising their entitlement to work reduced hours. Temporary Parental leave to care for sick children, is more often used by mothers, who took 63 per cent of all days taken in 2014<sup>17</sup>.

### **5. Research and publications on leave and other employment-related policies since April 2015**

#### **a. General overview**

The research conducted during the three decades of Swedish Parental leave has mainly focused on comparing mothers' and fathers' use of Parental leave, as a major issue has been the unequal sharing of Parental leave days between women and men. Over time, the impact of Parental leave on various outcomes, notably fertility, has received increased attention. Recent research has involved evaluations of the gender equality bonus and home care allowance. In addition, more attention is paid to flexibility in leave use (for example, how long parents stay at home during the child's first year and how much the Parental leave is used during the child's preschool years).

#### **b. Selected publications since April 2015**

Duvander, A. Z. and Ellingsaeter, A. L. (2016) Cash for childcare schemes in the Nordic welfare states, *European Societies*. This paper analyses the history and development of the 'cash for childcare' scheme as a contested social policy in the Nordic countries.

Duvander, A. Z. and Johansson. M. (2015) Reforms in the Swedish parental leave system and their effects on gender equality, *Working paper*, 2015:2. Stockholm: Swedish Social Insurance Inspectorate. Findings showed that the first reserved month for fathers (but not the second month) was associated with parents' sharing care of sick children more equally, but this was mainly due to mothers' taking fewer days rather than fathers taking more days.

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<sup>14</sup> 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/>.

<sup>15</sup> Försäkringskassan (2013) *Vårdnadsbidrag*. Socialförsäkringsrapport 2013:9.

<sup>16</sup> Statistiska Centralbyrån (2013) *Allt fler mammor jobbar heltid*. Article 2013:31. Available at: [www.scb.se](http://www.scb.se)

<sup>17</sup> Försäkringskassan [Swedish Social Insurance Agency] (2015) *Social insurance in figures 2015*. Available at: [www.forsakringskassan.se](http://www.forsakringskassan.se)

First-time mothers with relatively low-income experienced an income boost after the second reserved month for fathers was instituted. However, other mothers' incomes were not affected and the first reserved month did not have a similar effect.

Eydal, G., Gíslason, I., Rostgaard, T., Duvander, A. Z., Brandth, B., Lammi-Taskula, and J. (2015) Trends in parental leave in the Nordic countries, *Community, Work and Family*, vol. 18 (2): 167-181. This article provides an overview of parental leave policy in the Nordic countries and addresses whether recent policy changes are moving societies back to a less egalitarian family model.

Kaufman, G. and Bernhardt E. (2015) Gender, work and childbearing, *Community, Work and Family*, vol. 18 (1): 1-18. Using data from the Young Adult Panel Study, this article investigates whether gender role attitudes affect men's and women's likelihood of making adjustments to work following parental leave. Holding egalitarian attitudes was more likely to lead to fathers making work changes than it did mothers.

Wissö, T. and Plantin L. (2015) Fathers and parental support in everyday life, *Families, Relationships and Societies*, vol. 4 (2): 267-280. This qualitative study focuses on the informal support fathers receive for their parenting from friends and co-workers. This included support for taking parental leave.

Swedish Social Insurance Inspectorate (2016) Höjd grundnivå i föräldrapenningen. Har uttaget av föräldrapenning påverkats? [Increased minimum level in parental leave benefit] Inspektionen för socialförsäkringen 2016:1. The report investigates the change in usage pattern caused by the increased flat rate level in the 2000s and indicate increase in parental leave use among mothers with low income (summary in English).

Mussino, E. and Duvander A. Z. (2016). Use It or Save It? Migration Background and Parental Leave Uptake in Sweden, *European Journal of Population*. The study investigates the differences in uptake of parental leave between native and immigrant mothers, and the connection to labour-market attachment. The results indicate that immigrant mothers use more parental leave benefit the first year after their child's birth, but then fewer in the second year compared with native mothers. The differences diminish when labour-market activity is controlled for. Additionally, after a time in Sweden, immigrant mothers use leave more similarly to how native mothers do.

Anxo, D. and Ericson T. (2015) Self-employment and parental leave, *Small Business Economics*, 45 (4): 751-770. The study compares the leave use between employed and self-employed women and men. Both self-employed women and men use parental leave to a lesser extent than employed counterparts.

### **c. Ongoing research**

*Nordic Family Policy and Demographic Consequences (2012-2015)*. Trude Lappegård, Statistics Norway and Ann-Zofie Duvander, Stockholm University. Funded by the Norwegian Research Council.

The overall objective of this project is to advance understanding of the link between Nordic family policy and demographic behaviour (i.e., continued childbearing and family stability) and life-course earnings. There are three sub-goals: (1) develop more comprehensive insights into the consequences of use of the parental leave policy for demographic behaviour and life-course earnings, examining the effect of individual take-up of parental leave as well as the allocation between parents, (2) consider the effects of specific changes, or so-called 'critical junctures' in family policy (i.e., the introduction of the fathers' quota within the parental leave policy and the introduction of the childcare cash benefit), (3) expand the

analyses of the effects of family policy by examining the importance of regional variations and possible effects of cultural, structural and economic contexts. Contact: Ann-Zofie Duvander at [ann-zofie.duvander@sociology.su.se](mailto:ann-zofie.duvander@sociology.su.se).

*Organizational Culture and Gender Equality* (2009-present). Linda Haas, Indiana University and C. Philip Hwang, University of Gothenburg. Funded by the Swedish Council for Working Life and Social Research.

This project studies in-depth the process of organizational change and resistance to change in five Swedish-owned large private companies, with a predominant male workforce, selected to represent a range of support for fathers taking leave. Managers and fathers were interviewed to understand how the workplace culture impacted fathers' leave-taking. Two papers are in process, one contrasting white-collar and blue-collar fathers' experiences with parental leave uptake, and the second on managerial perspectives on fathers' leave-taking. Contact: Linda Haas at [lhaas@iupui.edu](mailto:lhaas@iupui.edu).

*The Gothenburg Longitudinal Study of Development (GoLD)* (1982-present). C. Philip Hwang and Ann Frisé, University of Gothenburg; Michael Lamb, University of Cambridge. Funded by the Swedish Council for Health, Working Life and Welfare.

The Gothenburg Longitudinal study of Development (GoLD) began in 1982, with the latest wave being conducted in 2015. The overall aim was to investigate cross-generational patterns of work and family issues as well as identity and personality development in early adulthood. This has included investigating possible long-term effects of father involvement, in particular fathers taking advantage of the Swedish Parental leave policy enabling both fathers and mothers to stay at home and care for their infant. Researchers doing work based on the data from GoLD have the unique possibility of following the same individuals, from a variety of socio-economic backgrounds, over more than thirty years, from early childhood into adulthood, with data obtained from participants and their parents. So far the project has generated over thirty published papers. Contact: C. Philip Hwang at [philip.hwang@psy.gu.se](mailto:philip.hwang@psy.gu.se).

# Switzerland<sup>1</sup>

Isabel Valarino (University of Lausanne)

April 2016

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.

*Note on Swiss federal, cantonal and communal government:* Switzerland is a federal state with three political levels: communes, cantons and the Confederation. Family policy follows the principles of federalism and subsidiarity: the Confederation cedes responsibility for all areas of family policy to the cantons and communes, insofar as they are able to perform these tasks, and retains a purely ancillary and enabling role. The Swiss Constitution defines the areas of responsibility of the Confederation. Article 116 stipulates that, in fulfilling its tasks, the Confederation shall take due account of the needs of the family and may legislate on family allowances; this article provides the legal basis for maternity insurance.

Family policy may be organised very differently from one canton to the other. Various cantons have also set up special family commissions. In their respective areas of responsibility (e.g., schools, childcare), many cantons and communes also implement family policy measures. Many non-governmental organisations are in part subsidised by the state and carry out specific tasks related to family policy. The division of responsibilities among political levels and the number of actors involved is, therefore, complex. For instance, each political level intervenes in early childhood education and care: for example, though most childcare services stem from the market, they are regulated and partially subsidized by the communes and/or the cantons. Finally, the federal level is also involved through a temporary programme, which subsidizes new childcare initiatives and the creation of additional places for pre-school children.

The Swiss political system is a direct democracy: through referendums and initiatives, citizens may challenge any law passed by parliament and propose amendments to the federal constitution. In the case of an amendment proposed to the federal Constitution, referendum is mandatory.

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

### 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)*

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<sup>1</sup> Please cite as: Valarino, I. (2016) 'Switzerland country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Sixteen weeks, starting on the day of delivery. It is obligatory to take eight weeks leave.
- After this period and until the 16<sup>th</sup> week after birth, women can only be employed with their consent. Only 14 weeks are paid; the two additional weeks are unpaid.
- Employed women can be exempted from work before birth for medical and health reasons upon presentation of a medical certificate; in this case, full-salary payment continues for a limited period of time.

#### *Payment and funding*

- Eighty per cent of earnings for 98 days (14 weeks), up to a ceiling of CHF196 [€180<sup>2</sup>] per day which is equivalent to a monthly income of CHF7,350 [€6,756] for employees or an annual income ceiling for self-employed workers of CHF88, 200 [€81,075].
- 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 paying 0.225 per cent of earnings (0.45 per cent of earnings in total).
- Maternity Leave allowances are considered as income, and taxed accordingly. The period spent on Maternity Leave counts for the establishment of pension credits.

#### *Flexibility in use*

- None.

#### *Regional or local variations in leave policy*

- 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 CHF32.50 [€29] is paid over 98 days (equivalent to CHF975 [€896] 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.
- Additional means-tested maternity benefits may exist on cantonal levels<sup>3</sup>. For instance, in Fribourg a single mother may receive CHF1,650 [€1,516] per month for up to one year (or CHF2,200 [€2,022] if she is married or cohabiting). In Vaud, mothers may receive a monthly allocation of CHF300 [€275] minimum for six months to reach minimal income.

#### *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.

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<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

<sup>3</sup> There is no documentation available for all cantons.



*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 for 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.

## **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 is 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.’<sup>4</sup>). However, the existence, length and payment of 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 national data on the number of days-off granted to fathers and if they are paid. It is estimated that 27 per cent of collective labour agreements provide for at least one day of paid Paternity leave and/or give access to an unpaid Parental leave, ranging between three months and two years<sup>5</sup>. Approximately half of the employed population is covered by a collective labour agreement in Switzerland.

## **c. Parental leave**

- No statutory entitlement.
- There is some indication that a minority of companies in the private sector grant employees unpaid Parental leaves<sup>6</sup>. A majority of cantonal public employers also

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<sup>4</sup> Carruzzo, P. (2009) *Le contrat individuel de travail. Commentaire des articles 319 à 341 du Code des obligations [The individual work contract: Commentary on articles 319 to 341 from the Code of Obligations]*. Zürich: Ed. Schulthess.

<sup>5</sup> Office fédéral des assurances sociales (2013) *Congé de paternité et congé parental. Etat des lieux et présentation de divers modèles [Paternity and parental leave. Status and presentation of various models]*. Available at: <http://www.bsv.admin.ch/aktuell/medien/00120/index.html?lang=fr&msg-id=50638>.

<sup>6</sup> 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 – Balancing work and family. Survey of the measures granted by

grant unpaid Parental leaves - ranging from one to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants)<sup>7</sup>.

- The years spent out of the labour market in order to care for children under 16 years old are credited for old-age pension to the parent who was the main carer during this time (it is split between parents, if both were equally responsible). The amount corresponds to three times the amount of the minimum annual retirement pension. It increases the average annual income from which the retirement pension is calculated (up to a ceiling) when individuals reach retirement age. This Parenting Credit system was implemented in January 2015.

#### **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 cent<sup>8</sup>. Such cantonal allowances are provided only if one of the parents interrupts his/her employment. The canton of Fribourg provides a flat-rate benefit for adoptive mothers of CHF32.50 per day (equivalent to CHF975 [€896] per month) paid during 3.2 months.

##### *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 benefits 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

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private and public employers of the Lake Lemman region], 48. Available at: [http://www.rezonance.ch/fs-search/download/Rapport\\_per\\_cent20Via2\\_per\\_cent2014.12.2004.pdf?version\\_id=621040](http://www.rezonance.ch/fs-search/download/Rapport_per_cent20Via2_per_cent2014.12.2004.pdf?version_id=621040)

<sup>7</sup> 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* [Public administrations granting attractive jobs for parents – A comparison of parental leave schemes at the Confederation, cantons and municipalities]. Available at: <http://www.equality.ch/f/publications.htm> ; 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* [Maternity allowances and parliamentary initiatives about parental leaves and benefits (paternity leave, parental leave and adoption leave) : report on the current situation at the federal administration, the cantons and several municipalities] Available at: <http://www.equality.ch/f/publications.htm>.

<sup>8</sup> Possibly, such provisions are also proposed in other cantons, but there is no overall documentation available.



by the Code of Obligations as parents have a legal obligation to care for their dependent children; although 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 taken by mothers to breastfeed or express milk during a work day, counts as work time. Salary payment is mandatory within the following limits: for a work day of up to four hours, 30 minutes minimum; for a work day over four hours, 60 minutes minimum; for a work day over seven hours, 90 minutes minimum.
- 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 hours<sup>9</sup>.

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

The maximum period of paid post-natal leave available in Switzerland is just over 3.2 months, all paid at a high rate of income replacement, with an additional two weeks of unpaid leave. There is no entitlement to ECEC at any age and no information on levels of attendance at formal services for children under three years. For children over three 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 2015 (including proposals currently under discussion)**

Only one change in policy has taken place since April 2015. It concerns Maternity Leave. Since January 2016, the Ordinance to the Loss of Earnings Compensation Act (LECO) has been modified. The rate of wage contributions for the financing of the fund, which covers Maternity insurance expenses as well as military, civil defence and civilian service allowances was reduced from 0.5% to 0.45%. This new rate applies until December 2020; it should ensure that the fund amounts to at least half of annual expenses, as prescribed by law. The rate will be reassessed at the end of this period.

Many policy proposals are pending. Concerning Maternity Leave, in June 2015 a Socialist MP submitted a Postulate on pre-birth work interruption and pre-birth leave for pregnant

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<sup>9</sup> 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. [Babies and Bosses – Reconciling Work and Family Life. Summary version of the OECD comparative study on New Zealand, Portugal and Switzerland : Swiss aspects (Vol. 1f)].

women. The Council of States accepted the Postulate in September 2015. The Federal Council will therefore produce a report with the aim to assess how frequently pregnant employed women go on medical leave before giving birth, for how long, for what reasons, and the rate of income replacement they receive during this period. The possibility to introduce a pre-birth leave should also be evaluated, taking as examples the instruments adopted in other European countries. The LECA currently prevents women from taking Maternity Leave and receiving benefits before the birth of the child. Upon presentation of a medical certificate, employed women can take a leave for medical reasons before birth. However the payment of the salary during this leave is not guaranteed; it depends on the seniority of the employee in the company, on collective agreements, and on the duration of absence for other illness episodes that occurred before the pregnancy.

In June 2015, a Green Liberal MP submitted a Parliamentary Initiative in order to modify the legal framework so that the father can benefit from Maternity allowances (14 weeks paid at 80% of salary) in the event the mother dies after giving birth. The Committee for Social Security and Health (CSSH) will evaluate and make a voting recommendation before the proposition is submitted to Parliament.

Two Interpellations submitted in March 2016 by Socialist MPs concern the job protection of young mothers and their return to work. Drawing on several cases reported by unions, they call attention to situations where employers fired mothers after their return from Maternity Leave and the end of the job protection period (16 weeks after birth). These MPs raise the question of the frequency of such practices and the possibilities to improve job protection or to sanction such practices. Responses from the Federal Council are pending.

In the past years, several proposals have been submitted in favour of Adoption Leave, which is still non-existent at the Federal level. For instance a Cantonal Initiative submitted by Neuchâtel proposed to extend Maternity Leave Allowances (following LECA principles) to adoptive mothers. This proposal was rejected by the Committees for Social Security and Health (CSSH) from the National Council and the Council of States in March and September 2015, respectively. This rejection was mainly due to the fact that another Parliamentary Initiative, submitted by a Christian-Democrat MP in December 2013, was already under study. According to this proposal, adoptive parents (mothers and fathers) of children under four years would be granted 84 days of leave to share between them, paid at 80% of salary. The leave would be financed through the Loss of Earnings Compensation Act, as for maternity allowances. The CSSH from the National Council is currently drafting a law and will submit it for vote to both chambers of Parliament.

Following the trend observed in the past 10 years, Parental and Paternity Leaves continue to be the object of propositions and discussions in the Parliament, yet without any consensus among political actors. A Motion submitted in 2014 by a Green MP in favour of a Parental leave of 18 months, of which at least six months could be taken by the father, is pending. There is no indication whether the leave would be paid or not. The Federal Council gave a negative recommendation but the Motion will be submitted to the National Council for vote.

Three proposals submitted in 2014 were filed. Two Motions stemming from the Liberal Party aimed to introduce the possibility for parents to share the existing Maternity Leave benefits. In March 2016, they were filed after two years of abeyance (standard procedure). The third proposal, submitted by a Christian-Democratic MP, was in favour of a two-week paid Paternity leave. It was rejected in April 2016 at the National Council by 97 votes against 90 votes and 5 abstentions. The main arguments from the majority were that agreements between social partners for Paternity Leave solutions should be privileged, that welfare state expenses should not be increased and that family formation is a private responsibility

In June 2015, a new parliamentary initiative entitled “Parental Leave. A global solution to complement the existing Maternity Leave” was submitted by a Conservative Democratic Party MP. It proposes that a Parental Leave of up to 14 weeks (following the same principles as the LECA benefits in case of maternity) is adopted to complement the existing Maternity Leave (maximum 28 weeks in total). The modalities of Parental Leave, such as eligibility rules, flexibility and uptake deadline are expressed in open terms. In the event the proposal was to be accepted, the drafting of the concrete law would be left to the Federal Council. The evaluation and recommendation from the Committee for Social Security and Health (CSSH) from the National Council is pending.

Recently, several parliamentary interventions have demanded that reports are produced about the demand for and the effects of Paternity and Parental Leave insurances. A Green MP requested in June 2015 that a study about employed men’s access to paid and unpaid leave in Switzerland be conducted. In August the Federal Council recommended to reject this Motion. The National Council has not yet voted. In June 2015 as well, three female MPs (from the Green Liberal Party, the Christian Democratic People’s Party and the Conservative Democratic Party) submitted a similar Postulate demanding that a cost-benefit analysis be conducted by the Federal Council about long-term economic consequences. They argued that many different models of Paternity and Parental Leaves were submitted in Parliament in the past few years and that more evidence was needed in order to evaluate them. They asked that potential consequences for labour market participation of men and women, tax revenues, social insurances, social welfare and amortization of education expenses be estimated. The Federal Council recommended to reject these postulates, but the votes are pending at the National Council.

Finally, in April 2016 a labour union (Travail.Suisse) has announced that it will launch a popular initiative entitled “For a reasonable Paternity Leave – in favour of the whole family”. The proposal is in favour of 20 days of paid Paternity Leave financed through the Loss of Earnings Compensation fund (as for Maternity Leave). Details about leave modalities will be provided in a press conference at the end of May 2016. If the initiates collect 100.000 valid signatures within 18 months, the proposed law will be submitted to national vote.

## 4. Take-up of leave

### a. Maternity leave

Approximately 70 per cent of women giving birth meet the eligibility criteria for maternity allowances and benefit from them. It is estimated that the majority of recipients take up the maximum length of paid leave (98 days)<sup>10</sup>. 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, 31,110 mothers (this figure is for six months only, since the law came into force on 1<sup>st</sup> July) benefited from allowances; rising to 57,920 in 2006; 64,090 in 2008; 71,610 in 2010; 72,890 in 2012; and 77,630 in 2014.<sup>11</sup>

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<sup>10</sup> Sottas, G., Millioud, P. (2008) ‘Allocations pour pertes de gain en cas de maternité - premier aperçu’. [Loss of Earning Compensation Allowances for maternity – First overview] *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.

<sup>11</sup> In 2015, the Swiss Statistical Office has changed its way of counting recipients of Loss of Earnings Compensation allowances. The figures reported in Country Notes previous to 2015 are therefore different. The yearly evolution is available under this link: <http://www.bsv.admin.ch/themen/eo/00051/index.html?lang=fr>

In 2014, the average amount of the daily indemnities granted to mothers was CHF121 [€111] per day, well below the ceiling of CHF196 [€180].

According to Sottas and Millioud<sup>10</sup>, in 2006 80 per cent of leave recipients were married, 15 per cent single and five per cent divorced. The majority of recipients were employees (83 per cent); 14 per cent were self-employed and three per cent inactive (eligible because they previously received unemployment, health or disability benefits).

Employed women tend to take a longer Maternity leave than the legal minimum of 14 paid weeks following childbirth. A recent survey conducted with 335 employed women who had had a child in the last five years, revealed that over 60 per cent of them had taken leave that exceeded 14 weeks<sup>12</sup>. But for only half of them, this additional leave was paid by the employer, while for 37 per cent of the sample this leave was unpaid<sup>12</sup>.

## **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 2015**

## **a. General overview**

There is little research on Maternity, Parental or Paternity leave, except for some research on special Paternity and Parental leave entitlements available in public administrations and on common practices and/or needs in the private sector. However, no representative statistics are available on the proportion of working men and women who can benefit from such policies and who take advantage of them.

The Federal Department of Home Affairs and the Federal Department of Economic Affairs provide a 'Work-Family life conciliation' online platform, gathering information (in French, German and Italian) about cantonal and communal work-family objectives and instruments: <http://www.berufundfamilie.admin.ch/informationsplattform/index.html?lang=fr>. The data cover cantonal and communal pre-school and school-age childcare services and 'family friendly' working conditions offered by public employers and promoted in the private sector. Information about instruments and legal frameworks, covering a wide range of leaves and flexible working arrangements, are available and updated annually.

## **b. Selected publications since April 2015**

Travail.Suisse. (2015). La population votante suisse est clairement en faveur du congé paternité [*The Swiss population is clearly in favour of Paternity leave*] [Press release]. Available at:

[http://travail-suisse.ch/system/uploads/attached\\_files/3473/original/LINK\\_Institut\\_Report\\_Travail\\_Suisse\\_Vatersch](http://travail-suisse.ch/system/uploads/attached_files/3473/original/LINK_Institut_Report_Travail_Suisse_Vatersch)

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<sup>12</sup> Aeppli, D. C. (2012) *Wirkungsanalyse. Mutterschaftentschädigung [Analysis of effects. Maternity benefits]*. 95. Available at:

[http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,Inp6l0NTU042l2Z6ln1acy4Zn4Z2qZpnO2Yuq2Z6gpJCEdIB2hGym162epYbg2c\\_JjKbNoKSn6A--](http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,Inp6l0NTU042l2Z6ln1acy4Zn4Z2qZpnO2Yuq2Z6gpJCEdIB2hGym162epYbg2c_JjKbNoKSn6A--)

[aftsurlaub\\_2015.pdf?1440308511](#).

The labour union Travail.Suisse, which is lobbying in favour of the implementation of a paid Paternity Leave in Switzerland, published results from a survey on attitudes toward this measure. The survey was conducted by a market research institute. It is based on a representative sample of Swiss residents aged 18-74 (N=861). Findings show that over 80% of respondents (strongly) support a federal statutory paid paternity leave. Support is observed especially among younger generations (18-29 and 30-44 cohorts), mothers, respondents from the French-speaking part of Switzerland and higher educated respondents. The survey shows heterogeneous preferences regarding the length of paternity leave: 16% want one week or less, 42% prefer two weeks, 24% want four weeks, and 18% prefer six weeks or more.

Schubarth, K. (2015). L'allocation de maternité a dix ans. [*Maternity allowances are ten years old*] *Sécurité sociale CHSS*, 3/2015, 159-162.

This article reviews the history, achievements and limitations of Swiss Maternity insurance 10 years after it came into force (2005). Maternity insurance is said to have become a central element of work-family life policies and its expenses have continuously increased since the implementation. This is notably due to high labor market participation of mothers in Switzerland, especially among highly qualified women who yield higher salaries. The article also highlights current limitations of Swiss maternity insurance and provides a comparison with other European countries. For instance, women who give birth pre-term receive insufficient protection. While they can delay the start of paid maternity leave to the day the child leaves hospital, they are not systematically entitled to their salary during this period (between the birth and the child's arrival at home). Also, pregnant women who are prevented to work for medical reasons may also not receive salary during this period, depending on previous absence from work for health reasons and seniority in the company. Finally the author notes that debates in Parliament mainly concern parental, paternity and adoption leaves - measures which are not yet implemented in Switzerland.

Liebig, B., Gottschall, K., & Sauer, B. (Eds.). (2016). *Gender Equality in Context. Policies and Practices in Switzerland*. Opladen: Barbara Budrich Publishers.

Taking Switzerland as a case study, the authors critically reflect on the state of gender equality in different policy areas such as education, family and labour. The collection of articles reveals how gender policies and cultural contexts interact with social practices of gender (in)equality. For instance, a chapter compares gender equality policies in Swiss, German and Austrian federal administrations, and maps the maternity, parental and paternity leaves implemented in these countries. Another chapter analyses the effects of childcare policies in Switzerland and highlights their effects on maternal and paternal rate of labour market participation. They find these effects depend on the childcare services implemented at the local level, which vary by region.

### **c. Ongoing research**

*Familienfreundliche Organisationen und Vaterschaft, Voraussetzungen, Barrieren und Effektivität von Massnahmen [Family friendly organizations and fatherhood, conditions, obstacles and efficiency of measures]* (2013-2016). Brigitte Liebig and Martina Peitz. University of Applied Sciences Northwestern Switzerland. Funded by the Swiss National Science Foundation (Abt. I; Projekt-ID. 100017\_146106/1).

This mixed methods research analyses nine large and medium-sized companies in Switzerland certified as 'family friendly'. The study explores the opportunities offered to employees to balance work and family lives and fathers' use of such measures. The analysis assesses their efficiency in terms of gender equality outcomes, as well as the obstacles which may prevent their use by men. The analysis is based on expert interviews, an online survey and qualitative interviews with employees. Contact Brigitte Liebig at [brigitte.liebig@fhnw.ch](mailto:brigitte.liebig@fhnw.ch).

*Attitudes toward parental leave policies. Switzerland in comparison with four industrialized countries (2015-2016).* Isabel Valarino, Department of Sociology, Stockholm University. Funded by the Swiss National Science Foundation (Project n° 158920).

This mixed methods research project in sociology aims to explore parental leave policy preferences in five industrialized countries (Austria, the US, Sweden and Switzerland) with a particular focus on the Swiss case. Drawing on welfare state and gender theoretical perspectives, this research explores individuals' representations of the ideal leave length for employed parents, the best leave uptake division between the mother and the father, as well as the preferred financing source for covering these social expenses. Using data from the 2012 International Social Survey Programme, policy preferences across the selected countries are analyzed taking into account micro- and macro-social variables. In addition, in order to understand in-depth the meaning attributed to leave policies in the Swiss context, focus group and interview data are analyzed. Contact Isabel Valarino at [Isabel.Valarino@unil.ch](mailto:Isabel.Valarino@unil.ch).

# United Kingdom<sup>1</sup>

**Margaret O'Brien** (University College London), **Alison Koslowski** (University of Edinburgh)

**April 2016**

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

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

### a. Maternity leave (responsibility of the Department for Business, Innovation and Skills)

*Length of leave (before and after birth)*

- Fifty-two weeks. A woman can start to take her leave from 11 weeks before the beginning of the week the baby is due. It is obligatory to take leave during the two weeks after childbirth.

*Payment and funding*

- Ninety per cent of woman's average earnings for six weeks with no ceiling + a flat-rate payment of either GBP139.58 [€181<sup>2</sup>] or 90 per cent of average gross weekly earnings (whichever is lower) for 33 weeks. The remaining 13 weeks are unpaid.
- This payment is administered by employers. Medium and large employers can claim back 92 per cent from the Exchequer and small employers can claim back 103 per cent. This is done through reductions to the amount of National Insurance Contributions paid by employers to HM Revenue & Customs.

*Flexibility in use*

- The mother can opt to start her leave at any point from 11 weeks before the beginning of the week the baby is due until the baby is born.
- Mothers can choose to return to employment from two weeks after childbirth (or four, if they work in a factory).
- Up to ten 'Keep In Touch' days can be worked during the period of statutory maternity leave without it affecting Maternity leave or pay.

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<sup>1</sup> Please cite as: O'Brien, M., and Koslowski, A. (2016) 'United Kingdom country note', in Koslowski, A., Blum, S. and Moss, P., (eds) *International Review of Leave Policies and Research 2016* *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> Conversion of local currency into Euros undertaken on 23rd June 2016, using <http://finance.yahoo.com/currency-converter/>



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

- All women employees are eligible for 26 weeks 'Ordinary Maternity Leave' plus a further 26 weeks of 'Additional Maternity Leave' (AML). Women employees who have worked for their employer continuously for 26 weeks, up to the fifteenth week before the week the baby is due, and who meet a minimum earnings test, are eligible for 'Statutory Maternity Pay' (SMP) consisting of six weeks' payment at 90 per cent of average gross weekly earnings (with no ceiling), plus 33 weeks of flat-rate payment at GBP139.58 [€181] a week or 90 per cent of average gross weekly earnings, (whichever is the lesser).
- Reasons for ineligibility for SMP include: being exclusively self-employed, not satisfying the continuous employment rule, or having a still born baby before the 24th week of pregnancy (DWP, 2015).
- Women who are not eligible for SMP may be eligible for a Maternity Allowance (MA) of 39 weeks at the flat rate of GBP139.58 [€181] or 90 per cent of average gross weekly earnings (whichever is the lowest). Women who have recently left work, changed jobs, or are self-employed may be eligible for this payment. To qualify, they must have worked for 26 weeks out of the 66 preceding the expected week of childbirth, and have earned at least GBP30 [€39] per week on 13 of these weeks. Self-employed women must complete a national insurance claim Class 2 NICs through Tax Self-Assessment (DWP, 2015).

*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*

- For births after 5th April 2015, employed mothers have the right to transfer all Maternity leave to the father, except for the two weeks of obligatory leave, i.e. up to 50 weeks. This period of leave is termed Shared Parental Leave (SPL) and replaces a similarly designed instrument, which was called Additional Paternity Leave (APL), under which mothers could only transfer leave to partners after 20 weeks. Unlike APL, there is no requirement for a woman to return to employment before the father can begin taking SPL. Instead, the mother must commit to a return to employment date in the future, when she will end her Maternity Leave.
- SPL can only be taken in one week (seven day) blocks of time. It cannot be taken in a day mode or on a flexible part-time basis, although parents can take alternating weeks and there is provision for parents to take leave together.
- Each parent can alter leave arrangements up to three times (in continuous or discontinuous blocks) before the end of week 52 (unpaid from week 40). Employers are only legally obliged to agree to continuous block arrangements.
- Statutory Shared Parental Pay is available for eligible employees meeting prescribed qualifying requirements, although income replacement levels will not be any greater than the current Maternity Leave provision, i.e. partners taking statutory Shared Parental Leave will be paid at the lesser of 90 per cent of earnings, or the flat rate of £139.58 [€181]). The remaining 13 weeks of the first year are unpaid.
- In order to qualify for SPL, an individual will need to meet a length of service qualifying criterion (likely to be 26 weeks service with the same employer by the 15th week before the expected week of childbirth), have a partner who meets an economic activity test (have worked for 26 weeks out of the 66 weeks before the expected week of childbirth and have earned at least GBP30 [€39] per week for 13 of these weeks – at least £390 in total) and be working for the same employer when they want to take leave. These tests replicate existing ones (for paternity leave and maternity allowance) and the government expects them to be well-understood.



Permission is not required from employers. If an employee meets the continuous employment test and the other parent or partner meets an economic activity test, the employee is entitled to SPL.

- Entitlements for adopters and intended parents in surrogacy cases are more closely aligned with the rights available to birth parents, e.g. no qualifying period for leave; enhanced pay to 90 per cent of earnings for the first six weeks; and time off to attend introductory appointments. Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay.

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

- Some employers make additional provisions that go beyond the statutory minimum. For example, in 2013, 13 per cent of workplaces paid occupational maternity pay, a slight decrease since 2007<sup>3</sup>. Additional contributions are more common in large establishments, public administration and defence, the public sector and those with a union presence.

## **b. Paternity leave (responsibility of the Department for Business, Innovation and Skills)**

*Length of leave*

- One or two weeks.

*Payment and funding*

- Flat-rate payment of GBP139.58 [€181] 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.

*Flexibility in use*

- It cannot start until the baby is born, and must finish within 56 days of the baby's birth or within eight weeks of the due date, if the baby is born prematurely.

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

- Employees must meet three conditions: they are the biological father of the child or also the child's adopter 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.
- Reasons for ineligibility for SPP are the same as for employees claiming SMP. As there is no Paternity Allowance (equivalent to Maternity Allowance, MA), self-employed fathers do not have a supplementary benefit if they cannot access SPP.

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<sup>3</sup> Department for Business, Innovation and Skills (2014) *The Fourth Work-Life Balance (BIS Research Paper No184)*. London: Department for Business, Innovation and Skills. Available at: [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/398557/bis-14-1027-fourth-work-life-balance-employer-survey-2013.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/398557/bis-14-1027-fourth-work-life-balance-employer-survey-2013.pdf)

*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)*

- Some employers go beyond the statutory minimum; 27 per cent of employers with five or more employees offered a longer period of paternity leave than the statutory minimum, increasing from 18 per cent of workplaces found in 2007. However, an uplift in extra paternity leave pay has not happened, reducing slightly to 17 per cent from 19 per cent of employers in 2007<sup>4</sup>. Additional contributions are more common in large establishments, the public sector and those with a union presence. Employment sector differences were not significant, except that employers in the hotel and restaurant, and the health and social work industries were least likely to offer paternity leave pay enhancements.

### **c. Parental leave (responsibility of the Department for Business, Innovation and Skills)**

*Length of leave*

- Eighteen weeks per parent per child. Leave is an individual, non-transferable entitlement.
- Only four weeks of leave may be taken in any one calendar year, unless an employer agrees otherwise (i.e. the 18 weeks cannot be taken in one continuous period of time).

*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 unless the employer agrees otherwise.
- Leave may be taken up to the child's 18<sup>th</sup> 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*

- As the leave is per child, each parent of twins is entitled to 36 weeks.

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

- The statutory scheme is referred to as a ‘fall-back 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’<sup>4</sup>.
- 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*

- Providing they meet the eligibility criteria, an adoptive parent (or one of the parents in a joint adoption) is eligible for 52 weeks’ adoption leave paid at a flat-rate payment of GBP139.58 [€181] a week, or 90 per cent of average weekly earnings if this is less, for the first 39 weeks; the final 13 weeks’ are unpaid. There is also a right to paid Paternity Leave for an adopter not taking adoption leave (if they meet the eligibility criteria).

*Time off for the care of dependants*

- Employees may take ‘a reasonable amount of time off work to deal with unexpected or sudden emergencies affecting a dependant and to make necessary longer term arrangements’<sup>5</sup>. 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*

- All employees 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’<sup>6</sup>.

*Antenatal appointments and care*

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<sup>4</sup> BIS 2014 Ibid.

<sup>5</sup> 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>

<sup>6</sup> Department of Trade and Industry, *Frequently asked questions about time off for dependents*. Available at: <http://webarchive.nationalarchives.gov.uk/20070603164510/http://www.dti.gov.uk/employment/workandfamilies/flexible-working/faq/page21615.html> .

Pregnant employees are permitted paid time off for antenatal care. Fathers are permitted time off to attend 2 antenatal appointments, but it does not have to be paid time off. Potential adopters are allowed time off to attend 2 adoption appointments.

## **8. Relationship between leave policy and early childhood education and care policy**

The maximum period of paid post-natal leave available in the UK is 20 months but most of this is unpaid or low paid; leave paid at a high rate is only available for six weeks of Maternity Leave. There is a universal entitlement in England, Scotland, Wales and Northern Ireland to free ECEC from three years of age though only for part-time nursery education (15 hours a week for 38 weeks or 570 hours per year in England, 600 hours per year in Scotland, 10 hours a week during term-time in Wales, and two and a half hours of free childcare every day during term-time in Northern Ireland). Two year olds whose parents pass a means test or qualify through their benefit or legal status also have a similar entitlement. So there is a gap of between four and 16 months between the end of leave and a universal ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and the same entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

By 2016, UK parental leave arrangements have become complex and most published research evidence relates to the pre-2015 policy environment. Under the terms of the Children and Families Act 2014, Shared Parental leave has replaced Additional Paternity Leave for parents of children born after 5<sup>th</sup> April 2015. Shared Parental Leave has a similar maternal transfer design as APL<sup>7</sup> but enables the transfer to occur from two weeks rather than 20 weeks after birth (four weeks for manual workers), and offers a little more flexibility in use. Early anecdotal evidence is showing a very low take up of SPL by fathers and co-parents (1 per cent of eligible fathers) and, in addition, here is public discussion about discrimination against fathers, with respect to their lack of access to occupational maternity leave enhancements. A further consultation on SPL was announced in the recent national budget, in connection with allowing more access to grandparents, with other measures to "support working people" (March 2016).

Key measures Budget 2016 (p.41) from [www.gov.uk](http://www.gov.uk):

1.136 To support families in this Budget, government will launch a consultation in May 2016 on how to implement its commitment to extend Shared Parental Leave and Pay to working grandparents. The consultation will also cover options for streamlining the system, including simplifying the eligibility requirements and notification system, and will explore the potential to make better use of digital technology.

1.137 The government will work with the Behavioural Insights Team to look at new ways to support parents in choosing how and when to return to work.

1.138 From early 2017, the government is introducing Tax-Free Childcare to help working parents with the cost of childcare, ensuring more parents who want to can go out to

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<sup>7</sup> Baird, M. and O'Brien, M. (2015) 'Dynamics of parental leave in Anglophone countries: the paradox of state expansion in the liberal welfare regime', *Community Work and Family*. Vol. 18, No.2: 198-217.

work or increase the number of hours they work. Tax-Free Childcare will be rolled out in such a way that allows the youngest children to enter the scheme first, with all eligible parents brought in by the end of 2017. The existing scheme Employer-Supported Childcare will remain open to new entrants until April 2018 to support the transition between the schemes. This will sit alongside doubling the free childcare entitlement from 15 hours to 30 hours a week for working families with three and four year olds from September 2017 (see section 1a).

Due to devolved government, England, Scotland, Wales and Northern Ireland each have distinct education systems, including early childhood education and care. However, the UK Government retains responsibility for areas such as labour market policies (including leave policies) and the tax system. Consequently it becomes more challenging to integrate education, care and labour market policies, as they are managed by different administrations. In the 2016 Scottish Parliament Elections, explicit mention of leave is made in the Scottish National Party (SNP) manifesto, and the Scottish Conservative Party manifesto, but not the Scottish Labour Party manifesto. The two biggest parties in the Scottish Parliament Elections are now the SNP and the Conservatives. No mention of Parental leave was made in 2016 Welsh Assembly Election campaign material. In the 2016 Northern Ireland Assembly Elections there was no mention in the DUP manifesto and the DUP remain the largest party, but extensive promised policies in the Sinn Fein manifesto.

## 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<sup>8</sup>. This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provides a detailed, statistically representative, updated picture of Maternity and Paternity leave, Statutory Maternity and Paternity Pay (SMP and SPP), Occupational Maternity and Paternity Pay (OMP and OPP) and Maternity Allowance (MA). It assesses the impact of changes brought about as a result of the Work and Families Act 2006, and examines mothers' return to work decisions alongside the availability of family friendly employment practices. Telephone interviews took place with 2,031 mothers and 1,253 fathers who had worked in the 12 months prior to the birth of their child, 12 to 18 months after the birth. A further source is the UK government's Fourth Work-life Balance (WLB4) Employee Survey (2012)<sup>9</sup>, which was carried out in early 2011, though this survey was not as focused on early parenthood as the Maternity and Paternity Rights and Women Returners Survey.

### a. Maternity leave

According to the 2009/10 survey, the mean length of Maternity leave taken by women increased from 32 weeks in 2006 to 39 weeks in 2008; that is by approximately two months in the space of two years. The Work and Families Act 2006 policy goal of lengthening utilization of paid Statutory Maternity leave (SMP) and Maternity allowance (MA) from 26 weeks to 39 weeks was successful. However, results show that the remaining period of unpaid leave (i.e. weeks 40 to 52) was less attractive to mothers: just under half (45 per cent) made use of this leave. Duration of maternity pay and length of Maternity leave taken are positively associated, particularly for economically disadvantaged women. Those taking the shortest 'paid' leaves (up to 39 weeks of Maternity Leave) were low-earners, part-time

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<sup>8</sup> 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: <https://www.gov.uk/government/publications/maternity-and-paternity-rights-and-women-returners-survey-200910-rr777>.

<sup>9</sup> [http://www.esds.ac.uk/doc/7112/mrdoc/pdf/7112\\_employee\\_survey.pdf](http://www.esds.ac.uk/doc/7112/mrdoc/pdf/7112_employee_survey.pdf)

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<sup>10</sup>.

## **b. Paternity leave**

The 2009/10 survey showed that 91 per cent of fathers took time off around the time of their baby's birth. Of those taking time off, 49 per cent took statutory Paternity leave only, 25 per cent statutory leave plus other paid leave, 18 per cent other paid leave only and 5 per cent unpaid leave. Those taking statutory paternity leave were most likely to take the statutory two weeks (50 per cent); 34 per cent took less than two weeks and 16 per cent more than two weeks. The odds of taking Paternity leave were significantly higher for men working in the public sector and where there were family friendly arrangements available in the workplace.

Recent analysis of Scottish cohort data (Growing up in Scotland) for 2011 found that 78% of fathers took some type of leave soon after the birth of their child and that this was more likely to be paternity leave than annual leave. The information is reported by mothers and so might not be directly comparable with other studies. Some employers 'topped up' statutory Paternity leave payment: 39 per cent of fathers received full pay for less than two weeks, 33 per cent for two weeks and 9 per cent for more than two weeks. Large private and public sector organisations were most likely to give full payment for longer periods of paternity leave. Small and medium size private sector employers were most likely to pay the minimum statutory rate.

Studies profiling the characteristics or experiences of fathers taking APL are rare in the UK. A survey of UK doctors found that while a majority took Paternity leave, only 3 per cent reported taking APL (Gordon and Szram, 2013<sup>11</sup>). Government analysis of AP's introduction in 2011 (BIS, 2014) showed that overall, 64 per cent of employers were aware of these changes, increasing to 80 per cent of large employers: one per cent of employers had some male employees who had taken APL over the last two years (one per cent of small employers, three per cent of medium employers and eight per cent of large employers). Of those establishments who had employees take APL, only 15 per cent had experienced

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<sup>10</sup> 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>.

<sup>11</sup> Gordon H. and Szram J.(2013) 'Paternity leave experiences of NHS doctors', *Clinical Medicine*, Vol.13, No.5:426-30.

employees taking the full 26 weeks. This equates to less than half a per cent of workplaces overall.

### **c. Parental leave**

Provision and take-up of statutory Parental leave data are not systematically reported in the 2009/2010 survey. Instead paid and unpaid informal Parental leave is reported on as a form of family-friendly arrangement. Findings show that in their first post-birth job five per cent of mothers used 'fully paid' Parental leave, one per cent 'partly paid' Parental leave and five per cent unpaid Parental leave. For employed fathers, 17 per cent used 'fully paid' Parental leave, six per cent 'partly paid' Parental leave and seven per cent unpaid Parental leave. Although the data are not comparable with the 2006 survey<sup>14</sup>, they do suggest a rise in uptake of Parental leave by mothers and fathers in the post-natal period.

Findings from the Fourth Work-life Balance (WLB4) Employee Survey (2012) show that only 11 per cent of parents with a child under six years had reported taking Parental leave. Employers were asked whether they were aware of the increase in the amount of unpaid parental leave that parents can take from 13 weeks to 18 weeks, which came into force in March 2013 under the Parental Leave Directive (2010/18/EU). A third of employers (33 per cent) –covering 57 per cent of the workforce in establishments with five or more employees – were aware of the increase in unpaid parental leave. It is noted that fieldwork for the survey took place from May to September 2013, clearly quite soon after the changes came into effect.

Across all employers surveyed, around one in seven (14 per cent) had at least one employee that had taken unpaid parental leave to look after their children in the previous 12 months. This incidence of unpaid parental leave is unchanged from WLB3 (also 14 per cent). Take-up of parental leave was less common than that of maternity or paternity leave and has remained unchanged since WLB3.

### **d. Other employment-related measures**

Information on take-up of other employment-related entitlements, such as use of flexible working, is taken from survey evidence since there is no requirement for employers to report on this. Results from WLB4 show that 79 per cent of employees stated that they were aware of the right to request flexible working, a significant increase from the baseline period in 2006 where only 42 per cent of employees stated that they were aware of its introduction (Hooker et al., 2006<sup>12</sup>). At both time periods the awareness of the right to request flexible working was lower in those employed in routine and manual occupations.

In 2011, 22 per cent of employees reported requesting a change to working arrangements in the last two years (most commonly, women, parents and those with caring responsibilities). From employees perspectives, requests were not accepted in 13 per cent of cases. For a further 8 per cent, the outcome was uncertain. Although the methodology was different, this refusal rate is higher than that reported by employers in an earlier survey (40 per cent of employers report receiving requests in the previous 12 months, with only nine per cent of these requests refused (Hayward et al., 2007).

Between WLB2 and WLB3, the reported levels of take-up had grown as flexible working was becoming more established. In 2013 flexible working was more widely established and mature with at least one form of flexibility available in nearly all organisations. Since WLB3 in

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<sup>12</sup> 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.



2007 there have not been great increases in employers reporting either take-up or availability of flexible working, except for the take-up of working reduced hours for a limited period. In this survey, flexible working was more likely to be available and taken up in larger organisations, in the public sector, in establishments where there was a higher proportion of female workers, and establishments where there was a union presence. These employers were also more likely to offer more forms of flexibility.

Overall, 40 per cent of employers offering any flexible working practices had received at least one request to work flexibly in the last 12 months, the same proportion as reported in WLB3 (most common in female dominated sectors). Most employers (75 per cent) who had received requests to change working patterns in the last 12 months, reported that the proportion they had been able to accept had stayed the same over the last 12 months, 19 per cent reported an increase and three per cent a decrease. These are similar proportions to those reported by employers in WLB3. As in WLB3, most establishments (91 per cent) had accepted all requests with only nine per cent turning any down and the majority of these only turning down one request. The major reason was that most establishments (65 per cent) had not received any requests for flexible working from men in the last 12 months. It is noted that just over half (56 per cent) of employers who had turned down requests for flexible working in the past 12 months stated that at least three-quarters of the flexible working requests rejected were made by men. As reported in the WLB3 employee survey, male employees are therefore less likely to make a request and more likely to be turned down when they do. According to the Fourth Work-life Balance (WLB4) Employee Survey (2012), 30 per cent of employees with an ill child had worked flexibly – most commonly reported for those employees in the private sector and in professional/ managerial occupations.

Availability of flexible working in small, private sector or male-dominated establishments is lower than average. These organisations were also least likely to be aware of the extension of the Right to Request in 2009. Given that the Right to Request is soon to be extended to all employees, these findings indicate where publicity and resources should be focused to make employers aware of the upcoming change.

## **5. Research and publications on leave and other employment-related policies since April 2015**

### **a. General overview**

Most leave policies have been introduced relatively recently into the UK: Parental leave and time off for dependants in 1999; adoption and Paternity Leave and the right to request flexible working in 2003. There is limited research on these statutory entitlements, and also only limited official information on take-up, with none on unpaid leave entitlements. The longest established entitlement is Maternity leave and pay (introduced in 1976) and there have been a number of studies over time (in 1979, 1988, 1996, 2002 and 2005) looking at the use of this entitlement and showing how this has increased as more women use leave to maintain 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**

Mauricio Avendanoa, Lisa F. Berkmanb, Agar Brugiavinid, Giacomo Pasinid (2015) *The long-run effect of maternity leave benefits on mental health: Evidence from European countries.*



This paper examines whether maternity leave policies have an effect on women's mental health in older age. We link data for women aged 50 years and above from countries in the Survey of Health, Ageing and Retirement in Europe (SHARE) to data on maternity leave legislation from 1960 onwards. We use a difference-in-differences approach that exploits changes over time within countries in the duration and compensation of maternity leave benefits, linked to the year women were giving birth to their first child at age 16 to 25. We compare late-life depressive symptom scores (measured with a 12-item version of the Euro-D scale) of mothers who were in employment in the period around the birth of their first child to depression scores of mothers who were not in employment in the period surrounding the birth of a first child, and therefore did not benefit directly from maternity leave benefits. Our findings suggest that a more generous maternity leave during the birth of a first child is associated with a reduced score of 0.38 points in the Euro-D depressive symptom scale in old age.

Baird, M. and O'Brien, M. (2015) 'Dynamics of parental leave in Anglophone countries: the paradox of state expansion in the liberal welfare regime', *Community Work and Family*. Vol. 18, No.2: 198-217.

This paper evaluates Parental leave policies across six Anglophone countries (Australia, Canada, Ireland, New Zealand, the UK and the USA) to assess system fit with a liberal welfare regime classification. The focus is on comparison within welfare regime classification (rather than between regimes), enabling complexity and variation to be explored. The comparative policy analysis uses national government 15 and international Organization for Economic Cooperation and Development data sources with case studies of policy change between 2004 and 2014 in Australia and the UK. Evidence suggests that contrary to market-oriented, liberal welfare regime predictions, there has been an expanding role of the state in developing parental leave policies, extending their duration and increasing the payment level. With the exception 20 of the USA, parental leave provision, predominately maternal in focus, is embedded in the state policies of contemporary liberal welfare countries.

Sara Connolly, Matthew Aldrich, Margaret O'Brien, Svetlana Speight, Eloise Poole (2016) Britain's slow movement to a gender egalitarian equilibrium: parents and employment in the UK 2001–13.

This article examines the working lives of British couple families across the first decade of the millennium using EU Labour Force Survey data (2001–13) taking a multiple equilibria approach. Some growth in dual full-time earners, increased working hours of mothers in part-time employment and a growing proportion of households with 'non-standard' working patterns are all identified, suggesting both a convergence and greater diversity in economic provisioning within parent couple households. Household employment patterns remain strongly associated with maternal education and family size but are becoming less sensitive to the age of the youngest child. The dual full-time earner model is growing in significance for British parents of young children but a new gender egalitarian equilibrium has not yet been reached.

Donnelly, Rory (2015) Gender, careers and flexibility in consultancies in the UK and the USA: a multi-level relational analysis.

Management consultants are a core group of knowledge workers, and interest in their work and the organisational environment in which they operate has intensified. However, the role of policies at a national and organisational level in influencing gender regimes in this field of work remains unclear. This paper examines the organisation of careers and flexibility from the perspective of management consultants from the UK and US offices of two case study firms. The findings cast light on the role of macro- and meso-level policies together with the characteristics of the occupation and its client-focus in gendering careers and flexibility. These outcomes point to the need for the structures and policies supporting women and

flexible working in these types of firms to be modified accordingly, particularly given that these firms make recommendations to clients nationally and internationally.

Equality and Human Rights Commission EHRC (2016) Pregnancy and maternity discrimination Report.

The Equality Act 2010 legislation prohibits pregnancy and maternity discrimination. This study examined the prevalence and nature of pregnancy discrimination and disadvantage in the workplace with representative samples of UK employers and mothers. The majority of employers (84%) felt it was in their interests to support pregnant women and those on maternity leave. Despite this, half of employers (51%) considered at least one of the statutory rights relating to pregnancy and maternity unreasonable (in particular enhanced protection from redundancy during OML and the accumulation of annual leave during maternity leave). One in five mothers (20%) said they experienced harassment or negative comments related to pregnancy or flexible working from their employer and/or colleagues. One in 12 mothers (8%) said they were treated with less respect by their line manager. Report available at: <https://www.equalityhumanrights.com/en/managing-pregnancy-and-maternity-workplace/pregnancy-and-maternity-discrimination-report>

Kadar-Satat, G. and Koslowski, A., (2015) Fathers in the Early Years: How do they balance their work and family life? Scottish Government Report available at: <http://www.gov.scot/Publications/2015/06/1262/0>

This is a report of the key findings and recommendations following a research project exploring how working fathers in Scotland balance their work and family life. The focus is on fathers with children under the age of 5 years, who live in a two-parent dual-earner household wherein their partner is also in employment. This research investigates what support fathers might benefit from in the workplace in order to reach their full professional potential and be able to fully engage in family life to the extent they want.

Lloyd, Eva (2015) Early childhood education and care policy in England under the Coalition Government

This paper reviews developments in policy on early childhood education and care – early years – under the Coalition Government in England. Three factors came to define the Coalition's performance and record in this area: ambivalence about the rationales for the two areas of early education and childcare; a disconnect between early years and other social welfare policy approaches; and the dominant influence on policy of a political belief in market operations as the favoured delivery model for early years services. Successive early years policy documents also reflected the Coalition's shifting position on young children's rights and interests in relation to early childhood education and care (ECEC).

Gemma Mitchell (2015) *Encouraging Fathers to Care: The Children and Families Act 2014 and Shared Parental Leave*

The Coalition Government has recently added to the plethora of legislation introduced to help people better reconcile their paid work and caring commitments, The Children and Families Act 2014. This act introduces a right to 'shared parental leave' (by inserting chapter 1B into part 8 of the Employment Rights Act 1996), and is contained in The Shared Parental Leave Regulations 2014. The conclusion of this article is that the scheme of shared parental leave, now enshrined in the legislation, is unlikely to encourage fathers to provide care. It is argued that shared parenting will not be achieved because the legislation continues to prioritise the caring role of mothers, even though the long period of transferable leave symbolically recognises the caring role of 'other parents'. Elements analysed are eligibility requirements, the limited level of statutory remuneration and the need for maternal consent to access shared parental leave. As a result of these issues, it is unlikely that shared parental leave will increase the number of men taking leave to provide care, since the leave provision is a 'sound-bite legislation'. This is because the 2014 Act appears to provide

parents with choice over how the leave is taken, but in reality, the discretion continues to remain with employers.

O'Brien, M. and Twanley, K. (2016, in press) *Fathers Taking Leave Alone in the UK - a Gift Exchange between Mother and Father?* In M. O'Brien and K. Wall (eds) *Fathers on Leave Alone: Comparative Perspectives on Work-Life Balance and Gender Equality* Springer.

This chapter examines the experiences of British fathers who took up to six months Additional Paternity Leave (APL) during the child's first year after the mother returned to work before the end of her maternity leave. The qualitative study explores couples' negotiations and experiences of leave divisions, drawing on the proposition that intimacy is a mediating factor in gender and parenting roles. The accounts portray how, despite men's lack of formal individual entitlement to leave, they tended to be positioned as the decision makers in taking leave. Women's structural agency, as higher earners and as holders of the policy entitlement, was often underplayed. Drawing on Hochschild's writings on the 'gift economy' of couples, the authors suggest that couple negotiations around APL can be conceptualised as a form of gift exchange.

Helen Woolnough and Jane Redshaw (2016) *The career decisions of professional women with dependent children: What's changed?*

The purpose of this exploratory qualitative study was to investigate anticipated and real career decisions made by two cohorts of professional women in the UK at differing stages of the lifespan. Career decisions made by two cohorts of professional women following the birth of their first child at different stages of the lifespan and satisfaction with these choices in retrospect were investigated. Data analysis followed a thematic approach, and comparisons between the two cohorts were made. The study revealed much similarity between the two cohorts. The decisions women make regarding whether to return to work or not and the extent to which they are satisfied with their working arrangements are constrained by similar individual and organisational factors despite the 15-20 year gap. Although mothers in the UK now experience strengthened legislation concerning maternity benefits and entitlements and there have been advances in flexible working, progress in relation to supporting women in reconciling work and home life when they return to work is arguably limited. This paper offers insights into the extent to which the career decisions made by professional women following the birth of their first child and satisfaction with these choices in retrospect have changed (or not) among two cohorts of professional women (15-20 years apart). The findings stress the importance of understanding the complex issues faced by mothers in the workforce and providing appropriate organisational support.

### **c. Ongoing research**

*Families and Societies* (2013-17) University of Edinburgh, University of Liverpool and London School of Economics. Funded by the EU's Seventh Framework programme.

These UK universities are partners in a European project, *Families And Societies – Changing families and sustainable societies: Policy contexts and diversity over the life course and across generations*. The main objectives of the project are: to investigate the diversity of family forms, relationships, and life courses in Europe; to assess the compatibility of existing policies with family changes; and to contribute to evidence-based policy-making. Website at: <http://www.familiesandsocieties.eu/>

*Choice, gender equality and love in early parenthood*. Katherine Twamley, UCL Institute of Education – Social Science Research Unit. Funded by the British Academy, Leverhulme Early Career Fellowship. The study will examine love, choice and gender equality and their relations with one another through research an empirical study of parent couples taking different maternity and paternity leave patterns. This longitudinal qualitative will follow 30

couples from pregnancy until 13 months after the birth of the child, using interviews and multi-modal (multimedia) diary entries.

See Katherine's blog: <https://bothsidesnowblogdotcom.wordpress.com/author/twamleyk/>

*Flexible shared parental leave: Shaping infant feeding decision in the UK* (2015-16). Delyth Wyndham, University of Chester. Supported by the University of Chester Tom Mason Memorial Scholarship.

This study explores how shared parental leave may shape infant feeding decisions in the UK. Employing a mixed methods approach, the longitudinal research focuses upon the transition month parents with infants born in April 2015 who were the first eligible for flexible leave. The study aims to take a snapshot of contemporary infant related leave patterns and highlight what, if any, impact the option of flexible shared parental leave has on how infants across the country are fed. Contact: Delyth Wyndham at [d.wyndham@chester.ac.uk](mailto:d.wyndham@chester.ac.uk)

# United States<sup>1</sup>

**Linda Haas** (Indiana University) and **Shirley Gatenio Gabel** (Fordham University)

**April 2016**

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.

**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 new-born 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 Labour is responsible for FMLA. In addition, five states and one territory offer all or some employees the statutory right to partly compensated leaves for family reasons. These areas cover 23 per cent of the US population.

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

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

- Federal FMLA: up to 12 weeks in a 12 month period. Leave is an individual entitlement (for those who are eligible – see below).

### *Payment and funding*

- Federal FMLA: unpaid.

### *Flexibility in use*

- Federal FMLA may be taken in one continuous period or divided into several blocks of time.

### *Regional or local variations in leave policy*

- *California* was the first state to implement a comprehensive paid family leave law in 2004, covering all private sector employees. Some public sector employees are covered and self-employed persons can opt in. The state uses the Temporary

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<sup>1</sup> Please cite as: Haas, L., Gatenio Gabel, S. (2016) 'United States country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

Disability Insurance (TDI) programme to provide up to six weeks of a partially paid leave (55 per cent of earnings up to a maximum of US\$1,104 [€1,014<sup>2</sup>] a week in 2015) following childbirth, adoption or care of a seriously ill child, grandchild, parent, parent-in-law, grandparent, spouse or domestic partner. These benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase. Average weekly benefit in 2015 was US\$535 [€491].

- *Hawaii* provides up to four weeks of leave per year for childbirth or care of a seriously ill child or family member to workers employed at least six months in companies with 100 or more employees. Compensation is available through the TDI program, funded by employees and employers, equivalent to 58 per cent of average weekly wages, up to a cap of US\$510 [€468].
- *New Jersey* implemented paid family leave in 2009. The legislation extends the state's existing TDI system (which previously provided paid maternity leave) to provide workers with up to 12 weeks of benefits at 66 per cent of prior wages up to US\$604 [€555] a week in 2015 to cover leave to care for a new-born, adopted or foster child, or seriously ill family member. The measure is financed by employee payroll deductions. Average weekly benefit for family care in 2012 was US\$487 [€447]. It covers all private sector employers, and some public employees.
- On April 4, 2016, *New York State* enacted what is touted to be the most comprehensive paid family leave program in the nation. When fully phased-in, employees will be eligible for 12 weeks of paid family leave when caring for an infant, a family member with a serious health condition or to provide family caretaking when a family member is called to active military service. Benefits will be phased-in beginning in 2018 at 50 per cent of an employee's average weekly wage, capped to 50 per cent of the state-wide average weekly wage, and fully implemented in 2021 at 67 per cent of the state-wide average weekly wage. This program will be funded entirely through a nominal payroll deduction costing 45 cents a week in year one and growing to 88 cents in year four. Employees are eligible to participate after having worked for their employer for six months. The proposed New York state paid family leave program will be an expansion of the existing Temporary Disability Insurance (TDI) program that provides up to six weeks for all women employees for childbirth, paid at 50 per cent of wages to a cap of US\$175 [€160] a week. This is managed through the TDI program, funded by employees and employers.
- *Puerto Rico's* Working Mothers Act, enacted in 1942, provides an eight-week Maternity leave at 100 per cent of earnings.
- *Rhode Island's* paid family leave law went into effect in 2014. The legislation extended the state's existing TDI programme to provide four weeks paid leave to care for a new-born child or a family member with a serious health condition. The programme is financed by employee payroll deductions and pays a minimum of US\$74 [€68] per week and a maximum of US\$770 [€707] per week. It covers all private sector employers, and some public employees.
- In addition, localities such as *San Francisco* and *Washington, D.C.* have passed paid family leave legislation.

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

- Federal FMLA covers all employees working for a covered employer (see 'additional note' 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.

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<sup>2</sup> Conversion of currency undertaken on 23<sup>rd</sup> June 2016, using <http://finance.yahoo.com/currency-converter>

- Because of the qualifying conditions, only about 58 per cent of workers in private firms are eligible for federal FMLA, with lower coverage for low-wage workers, workers with young children, and working welfare recipients<sup>3</sup>.

*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)*

- Federal FMLA exempts private employers and non-profit organisations with less than 50 employees (all public sector employees are covered).
- The majority of US workers lack access to paid family leave from any source. The 2011 American Time Use Survey provided detailed information on employees' access to paid family leave, through statutory provision in the states that provide paid leave, collective bargaining agreements or individual workplace policies. Twenty-eight per cent of employees indicated they had access to paid leave for childcare, while 43 per cent had access to leave to care for an ill family member. Only 13 per cent of workers in the United States have access to paid family leave through their employers.<sup>4</sup> Only 12 per cent of private sector employees do<sup>5</sup>.

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

There is no statutory entitlement to leave or ECEC. Levels of attendance at formal ECEC services for children under three years are above average for the countries participating in this review and for OECD countries, but below average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

Candidates for the Democratic nomination for US President (to be elected in November 2016) advocate paid family leave for 12 weeks. Proposed methods of financing and implementation differ among the candidates. In March 2015, the 'Family and Medical Leave Insurance Act' was reintroduced by Democrats Senator Kirsten Gillibrand of New York (Senate Bill 786) and Representative Rosa DeLauro of Connecticut (HR 1439). This would create a national paid family and medical leave insurance programme, providing up to 12 weeks of partially-paid leave for reasons covered by the FMLA. Eligibility for benefits would be based on the work history or 'work credit' requirements of Social Security Disability Insurance. This legislation would compensate workers for 66 per cent of earnings, up to an income ceiling. Unlike the FMLA, all workers would be covered, regardless of company size. It would be funded by employee's and employer's contributions, and collected in an

<sup>3</sup> Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

<sup>4</sup> Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

<sup>5</sup> U.S. Department of Labor (2015, June) DOL Fact Sheet – Family and Medical Leave.



independent trust-fund within the Social Security Administration (SSA). Benefits would be administered by a new Office of Paid Family and Medical Leave within SSA. This bill has been sent to committees but has made no progress since first being introduced in 2013<sup>6</sup>. In 2015, Senate Republicans introduced an alternative to paid family leave: The Family Friendly and Workplace Flexibility Act (SB803) would allow private sector employees to put overtime toward paid leave, rather than earning extra compensation. The bill is sponsored by Sen. Mitch McConnell, Sen. Kelly Ayotte and Sen. Johnny Isakson.

In 2015, President Obama signed a presidential memorandum to provide federal workers with six weeks of paid leave for caregiving, and called on Congress to pass legislation allowing federal employees who qualify for FMLA leave to substitute any available paid leave for any leave without pay for either the birth, adoption, or foster care placement of a child. Representative Carolyn Maloney of New York introduced H.R. 532: Federal Employees Paid Parental Leave Act of 2015. A similar bill was introduced by Senator Brian Schatz in the Senate (SB 2033). The bills would not provide employees with additional leave time; rather they would simply allow new parents who are federal employees – both fathers and mothers – to receive pay during a portion of their 12 weeks of FMLA leave. Both bills have been sent to committees for deliberation; no vote has been scheduled.

In 2015, state leave proposals advanced in New York, Connecticut, Colorado and Ohio. Washington passed paid family leave in 2007; it was scheduled to go into effect in 2009 but it has not yet been funded. It would provide up to five weeks of paid leave for employees who have worked at least 680 hours during the last year, for a business with 50 or more employees. In 2015, the US Department of Labor awarded US\$1 million [€919,222] in grant money to help states conduct studies regarding the feasibility of establishing paid leave programs. The President's 2016 budget proposed \$1 million [€919,222] in additional funding.<sup>7</sup>

## 4. Take-up of leave

A 2012 survey found that only 16 per cent of US workers eligible for the federal FMLA took leave for any covered reason. Of these, about half took it for their own illness; 21 per cent took it for reasons related to a new child; and the remainder took it to care for an ill family member (which could be a spouse or child)<sup>8</sup>. Though the law provides *de facto* Parental leave entitlements, studies have found it has had generally small effects on mothers' likelihood of taking time off from work at childbirth<sup>9 10</sup> and little or no effects on time off by new fathers<sup>9 10</sup>. This suggests 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 2015

### a. General overview

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<sup>6</sup> [www.congress.gov](http://www.congress.gov)

<sup>7</sup> US Department of Labor (2015, June) *DOL Fact Sheet – Family and Medical Leave*.

<sup>8</sup> Klerman, J. A., Daley, K., & Pozniak, A. (2013). *Family and Medical Leave in 2012: Technical report*. Washington, D.C.: Abt Associates.

<sup>9</sup> Han, W.-J. and Waldfogel, J. (2003) Parental leave: The impact of recent legislation on parents' leave-taking. *Demography*, vol.40 (1): 191-200.

<sup>10</sup> Han, W.J., Ruhm, C., Waldfogel, J. (2009) Parental leave policies and parents' employment and leave-taking. *Journal of Policy Analysis and Management*, vol.26 (1): 29-54.



Since US government leave policy has historically been underdeveloped, there has been relatively little research conducted. As more states create their own programs, however, more research is likely. The effects of parental leave on parental and child health, employment and life choices by gender are being studied in the United States across several disciplines including health and medicine, business, economics and other social sciences.

## **b. Selected publications since April 2015**

Aiken, A., Garrett, C., Hewitt, B., Keogh, L., Hocking, J., Kavanaugh, A. (2015) The Maternal Health Outcomes of Paid Maternity Leave. *Social Science and Medicine*, vol. 130 (April): 32-41. A comprehensive review of research uncovered seven studies on the impact of paid maternity leave on maternal health, conducted in six different countries. Studies conducted at the individual level found benefits, while studies conducted at the policy level did not. Leave length also seemed to have an impact on benefits.

Baird, M., O' Brien, M. (2015) Dynamics of parental leave in Anglophone countries. *Community, Work & Family*, 18(2): 198-217. This paper evaluates parental leave policies across six Anglophone countries (Australia, Canada, Ireland, New Zealand, the UK and the USA) to assess system fit with a liberal welfare regime classification. The focus is on comparison within welfare regime classification (rather than between regimes), enabling complexity and variation to be explored. The comparative policy analysis uses national government and international Organization for Economic Cooperation and Development data sources with case studies of policy change between 2004 and 2014 in Australia and the UK. Evidence suggests that contrary to market-oriented, liberal welfare regime predictions, there has been an expanding role of the state in developing parental leave policies, extending their duration and increasing the payment level. With the exception of the USA, parental leave provision, predominately maternal in focus, is embedded in the state policies of contemporary liberal welfare countries.

Blithe, Sarah Jane (2015) *Gender-Equality and Work-Life Balance: Glass Handcuffs and Working Men in the U.S.*, Routledge: Abingdon & New York.

Pressure to achieve work-life "balance" has recently become a significant part of the cultural fabric of working life in United States. A very few privileged employees tout their ability to find balance between their careers and the rest of their lives, but most employees face considerable organizational and economic constraints which hamper their ability to maintain a reasonable "balance" between paid work and other life aspects—and it is not only women who struggle. Increasingly men find it difficult to "do it all." Women have long noted the near impossibility of balancing multiple roles, but it is only recently that men have been encouraged to see themselves beyond their breadwinner selves. *Gender Equality and Work-Life Balance* describes the work-life practices of men in the United States. The purpose is to increase gender equality at work for all employees. With a focus on leave policy inequalities, this book argues that men experience a phenomenon called "the glass handcuffs," which prevents them from leaving work to participate fully in their families, homes, and other life events, highlighting the cultural, institutional, organizational, and occupational conditions which make gender equality in work-life policy usage difficult. This social justice book ultimately draws conclusions about how to minimize inequalities at work

Columbia Business School (2016) *Assessing Rhode Island's Temporary Caregiver Insurance Act: Insights from a Survey of Employers*. This report examines how Rhode Island's Temporary Caregiver Insurance (TCI) law, adopted in 2013 and effective from January 1st 2014, impacted small and medium-sized employers in the manufacturing and food service sectors. One year after TCI was implemented, researchers found that the program had few significant effects on employers, particularly in terms of productivity or perceptions of employee morale, cooperation or attendance. Most Rhode Island employers

said they felt supportive (61 per cent) or neutral (15 per cent) toward the law, and just 24 per cent opposed it.

Das, T., Polachek, S. (2015) Unanticipated Effects of California's Paid Family Leave Program. *Contemporary Economic Policy*, vol.33 (4): 619-635. Young women experienced higher labour force participation rates, but also higher unemployment rates and a longer duration of unemployment, compared to young men and older women in California, and compared to others in states that have not adopted paid family leave.

Evertsson, M., Grunow, D., Aisenbrey, S. (2016) Parental leave and careers: Women's and men's wages after parental leave in Sweden. *Work, Employment & Society*, 30(2): 291-308. This article assesses the impact of discontinuous work histories on young women's occupational mobility in Germany, Sweden and the US. Women with continuous work histories are compared with those with gaps due to family leave, unemployment, or other reasons. The German Life History Study, the Swedish Level of Living Survey and the US National Longitudinal Survey of Youth are used to estimate Cox regression models of the transition rate to downward or upward occupational mobility. The results indicate that US women face increased downward mobility with increasing duration of both family leave and unemployment. German women with unemployment experience are also more likely to encounter downward mobility while in Sweden, family leave experience reduces the chances of upward mobility.

Kerr, S.P. (2016) Parental Leave Legislation and Women's Work: A Story of Unequal Opportunities. *Journal of Policy Analysis and Management*, 35 (1):117-144. U.S. federal and state family leave legislation requires employers to provide job-protected parental leave for new mothers covered under the legislation. In most cases the leave is unpaid, and rarely longer than 12 weeks in duration. This study evaluates disparities in parental leave eligibility, access, and usage across the family income distribution in the United States. It also describes the links between leave-taking and women's labor market careers. The focus is especially on low-income families, as their leave coverage and ability to afford taking unpaid leave is particularly poor. This study shows that the introduction of both state and federal legislation increased overall leave coverage, leave provision, and leave-taking but did not reduce gaps between low- and high-income families' eligibility, leave-taking, or leave length.

Matos, K. (2015) *Paid Time Off, Vacations, Sick Days and Short-Term Caregiving in the United States: 2014 National Study of Employers*. New York: Families and Work Institute. This national study of over 1,000 private and public sector employers, found only 36 per cent offered at least five days off with pay to care for a mildly ill child, down from 45 per cent two years earlier.

Pragg, B., Knoester, C. (2015) Parental Leave Use among Disadvantaged Fathers. *Journal of Family Issues*, December: 1-29. Results from the longitudinal Fragile Families and Child Well-being Study (N=2,233), revealed that the vast majority of unmarried, cohabiting, employed fathers (who were disproportionately low-income and minority) took parental leave (of any sort) but rarely for more than one week. Taking longer leaves was associated with more father engagement at one year and after five years.

Rubin, R. (2016) Despite potential health benefits of maternity leave, US lags behind other industrialized countries, *JAMA - Journal of the American Medical Association*, 315 (7): 643-645. This Medical News & Perspectives article reports on maternity leave in the United States compared with other industrialized countries and how these practices affect the health of new mothers and their infants.

Spring, J., Toumbeva, T., Matthews, R. (2015) Family-friendly organizational policies, practices, and benefits through the gender lens, in Mills M. (ed.) *Gender and the work-family*

*experience*, Springer, pp.226-249. This chapter reviews the literature on gender differences in awareness of the availability of family-friendly benefits, offered by the US government (FMLA) and employers. When it comes to the FMLA, men are less likely than women to use it and are much less aware of its availability. Experimental studies that ask individuals (usually college students) to evaluate leave-takers have found them to react more negatively to men who seek leave to care for a newborn, in comparison to women who seek leave.

Stearns, J. (2015) The Effects of Paid Maternity Leave: Evidence from Temporary Disability Insurance. *Journal of Health Economics*, vol.43: 85-102. In 1978, the federal government began to require states with Temporary Disability Insurance (TDI) programs to provide wage replacement benefits to pregnant women, which mothers could use for pre-birth or post-birth paid leave. TDI paid maternity leave reduced early births by 7% and low birth weight births by 3%. Positive impacts were even greater for children of unmarried and black mothers.

Wiatrowski, W. J. (2015) Pay protection during temporary absences from work: what we know and what we don't know. *Monthly Labor Review*, September: 1-17. Available at: <http://www.jstor.org/stable/monthlylaborrev.2015.09.003>. This article explores the range of benefits available for pay protection and looks at how certain unique plans are treated in the BLS statistics. Further, the article examines the uses of sick leave and other pay protection plans, especially for family leave issues. What is known about various pay protection benefits is identified, as is a series of unknowns: issues related to pay protection that aren't currently identified in BLS surveys.

### **c. Ongoing research**

None reported.

# Uruguay<sup>1</sup>

**Karina Batthyány and Valentina Perrotta** (Universidad de la República)

**April 2016**

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 (public sector) (*Licencias por maternidad y por paternidad*) (Instituto de Seguridad Social)**

*Length of leave (before and after birth)*

- Thirteen weeks: up to six weeks can be taken before the birth, one week of which must be taken at this time.

*Payment and funding*

- One hundred per cent of earnings with no ceiling on payments.
- Funded from general taxation.

*Flexibility in use*

- None, except for five weeks of leave that can be taken before or after birth.

*Eligibility*

- All public sector employees.

*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 or disability, the leave is extended to 18 weeks.

### **a. Maternity leave (private sector) (*Subsidio por maternidad*) (Instituto de Seguridad Social)**

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<sup>1</sup> Please cite as: Batthyány, K. and Perrotta, V. (2016) 'Uruguay country note', in: Koslowski A., Blum S. and Moss P. (eds.) *International Review of Leave Policies and Research 2016*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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

- Fourteen weeks: up to six weeks can be taken before the birth. It is obligatory to take the full period.

#### *Payment and funding*

- One hundred per cent of earnings with no ceiling on payments. For employees, this is based on average earnings in the six months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- Funded by the Social Security system, which is financed by contributions; for sickness and maternity benefits, three to six per cent of employee earnings and five per cent of payroll from employer, plus earmarked proceeds of certain taxes.

#### *Flexibility in use*

- If labour occurs before the expected date, the mother starts leave immediately and post-natal leave is extended to complete the 14 weeks, or eight weeks after the originally scheduled delivery date.

#### *Eligibility*

- All employees.
- Self-employed workers who are covered by the Social Security system, with no more than one employee.
- Other self-employed workers who pay Social Security contributions.

*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 illness resulting from pregnancy or childbirth, the mother is entitled to an extension of pre- or post-natal leave.

### **b. Paternity leave (public sector) (*Licencia por paternidad*) (Instituto de Seguridad Social)**

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

- Ten calendar days.

#### *Payment and funding*

- One hundred per cent of earnings with no ceiling on payments.
- As for Maternity leave.

#### *Flexibility in use*

- None.

#### *Eligibility*

- All public sector employees.

*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 (private sector) (*Inactividad Compensada por Paternidad*) (Instituto de Seguridad Social)**

*Length of leave (before and after birth)*

- Seven calendar days.

*Payment and funding*

- One hundred per cent of earnings with no ceiling on payments. For employees, this is based on average earnings in the six months before taking leave. For self-employed workers, this is based on average earnings over the 12 months before taking leave.
- As for Maternity leave, funded by the Social Security system, which is financed by contributions; for sickness and maternity benefits, three to six per cent of employee earnings and five per cent of payroll from employer, plus earmarked proceeds of certain taxes.

*Flexibility in use*

- None.

*Eligibility*

- All employees
- Self-employed workers who are covered by the Social Security system, with no more than one employee.
- Other self-employed workers who pay Social Security contributions.

*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**

- No statutory entitlement.

**d. Childcare leave or career breaks**

- No statutory entitlement.

**e. Other family employment-related measures**

*Adoption leave and pay*

- For workers in the public sector, six consecutive weeks paid at full earnings from the time the child is placed with the adoptive parents. If both parents are working in the public sector, one parent can take this leave, while the other may take ten working days of leave. In the private sector, workers can take three days of paid leave.

#### *Time off for the care of dependents*

- No statutory entitlement.

#### *Flexible working*

- Workers in the private sector may work part-time from the end of Maternity leave until their child is six months old; this may be used interchangeably and alternately by mothers or fathers, with full earnings compensation ('parental care allowance').
- Mothers in the public sector may work part-time, but only if they are breastfeeding. This lasts as long as needed by the baby, but usually goes until the baby is 12 months old.

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

The maximum period of post-natal leave is around three months, paid at a high earnings-related level. There is no entitlement to ECEC and since 2009 compulsory school age has been four years old. Through the first two years of life, ECEC provision is almost totally private as the supply of public care is scarce. Attendance in 2012 was 3.1 per cent for children under 12 months, 12.5 per cent for one to two-year-olds and 45 per cent for two to three-year-olds<sup>2</sup>. Levels of attendance at formal services for children under three are around the average for the countries included in this review and for OECD countries; but well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2015 (including proposals currently under discussion)**

Law N°19161, approved in November 2013, extended Maternity leave from 13 to 14 weeks and Paternity leave from three to seven days for workers in the private sector. In addition, this law extended coverage to more groups of workers, in particular self-employed workers paying Social Security contributions. Before these changes, only employees were eligible for these leaves. Moreover, this law created the possibility for mothers or fathers to work part-time with payment, from the end of Maternity leave until their child reaches six months, which was extended from five months to six months in January 2016.

### **Take-up of leave**

#### **a. Maternity leave**

Data on maternity leave show a steady increase in the period 2011-2014, from 14,264 users to 16,281 users. However, no significant impact is observed from the new law N°19161. The observed increase in 2014 compared to the previous year is 5%. This means that when it

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<sup>2</sup> Ministerio de Desarrollo Social (2014) Cuidados como Sistema Propuesta para un modelo solidario y corresponsable de cuidados en Uruguay.

comes to the first year of implementation, the new legislation has not involved a significantly important increase by comparison to previous years.<sup>3</sup>

### **b. Paternity leave**

The number of men taking Paternity leave (8,799 in 2014, according to the latest data available<sup>4</sup>) is much lower than the number of women taking Maternity leave.

### **c. Parental leave**

There is no statutory leave entitlement.

### **d. Childcare leave and career breaks**

There is no statutory leave entitlement

### **e. Other family-employment related measures**

In the first four months following the introduction in 2013 of the right to work part-time after maternity leave until a child is five months, there were 3,106 women users and 65 men, comprising 2.1 per cent of all users.

## **Research and publications on leave and other employment-related policies since April 2005**

### **a. General overview**

None reported.

### **b. Selected publications since April 2015**

In October 2015, CEPAL published “Avanzando en la corresponsabilidad en los cuidados. Análisis de las licencias parentales en el Uruguay” [Advancing responsibility in care. An analysis of parental leave in Uruguay]. This paper discusses the use and profile of users of maternity and paternity leave and care allowance in the first year of implementation of law nr. 19.161.

### **c. Ongoing research**

The Gender Sociology Area of the Sociology Department (Social Sciences Faculty - University of the Republic) coordinated by Karina Batthyány, is working on a project whose aim is to evaluate the impact of various state measures on the gender division of labour, including extension of Maternity and paternity leave and others care policies recently implemented. Related to parental care allowance (the right to work part-time after Maternity leave), the project will describe the profile of users, and analyse the effect of government intervention in the practices and representations of care. It will inquire into the views of women and men on law changes, and variations in care practices and care work distribution

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<sup>3</sup> Batthyány, K., Genta, N., Perrotta, V. (2015) Avanzando hacia la corresponsabilidad en los cuidados. Análisis de las licencias parentales en el Uruguay. CEPAL, Serie Asuntos de Género, N°128.

<sup>4</sup> Ídem.



among other dimensions.  
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