

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

# **13<sup>th</sup> International Review of Leave Policies and Related Research 2017**

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<sup>1</sup> Please note that this version contains some small corrections made to the country notes of Croatia, Finland and Sweden in November 2017.

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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 [www.leavenetwork.org](http://www.leavenetwork.org)). The content of the review is to the best of our knowledge correct at the time of going to press, but mistakes may occur. If you should have a query or find an error, we would be grateful if you would contact the country note authors as relevant and the editors. We recommend that readers consult the most recent version of the review where possible, as we are unable to retrospectively rectify errors found more than 12 months from going to press.

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 some information on publications and research. Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

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; and policy changes and developments since the previous review.

The 2017 review includes **2 new countries: Bulgaria and China**. Altogether, it covers 42 countries. Including the new countries, these are: Australia, Austria, Belgium, Bulgaria, Brazil, Canada, China, 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.

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:

Blum S., Koslowski, A. and Moss P. (2017) *International Review of Leave Policies and Research 2017*. 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 newborn child, and to be taken just before, during and immediately after childbirth.

### b. Paternity leave

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

### c. Parental leave

Leave available *equally* to mothers and fathers, either as: (i) a non-transferable individual right (i.e. both parents have an entitlement to an equal amount of leave); or (ii) an individual right that can be transferred to the other parent; or (iii) a family right that parents can divide between themselves as they choose. In some countries, Parental leave consists only of non-transferable individual entitlements; in other countries, it is an entirely family right; while in other countries, part of Parental leave is an individual right, the remainder a family right. It is generally understood to be a care measure, intended to give both parents an equal 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 may be available to both partners in same-sex partnerships.

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 seem like a variant of Parental leave (for example, currently in Croatia, Czech Republic, Poland, Portugal Spain, and the UK); in fact, this should be treated as transferable Maternity leave, since the father's use of leave derives from the mother's entitlement and her agreement to transfer part of that entitlement.

# 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 – Bulgaria and China – 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 2017, all country notes have been edited by three of the network’s coordinators: Sonja Blum, Alison Koslowski 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 ‘Relationship between Leave and ECEC Entitlements’ table and pages draw upon two comparative sources of demographic, economic and social data: the OECD Family Database and TransMonee. 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. For purposes of comparison, national currencies are also shown in euro. Currency conversion was carried on a single day (21st June 2017) and where possible the Yahoo Currency Converter was used, and for those countries not available with Yahoo, the XE Universal Currency Converter was used.

## Statutory Maternity Leave: April 2017

35 out of 42 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 31 countries, the average (mean) period of post-natal leave is 4.1 months. Six 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 and in Bulgaria (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, 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. This is also the case in Bulgaria, for the second half of the – very long – postnatal maternity leave period of twelve months. 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'. For instance, 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	
Australia <sup>1</sup>	□				
Austria	●●● OB	1.9	1.9	1.9	1
Belgium	●●● OB	3.3	3.3	3.3*	1
Brazil <sup>2</sup>	●●●	4 or 6	4 or 6	4 or 6	None
Bulgaria	●●● TR OB	12	12	12*	3
Canada	●●	3.5 to 4.2	3.5	× <sup>3</sup>	None
Québec	●●●	4.2	4.2	4.2*	2
China	●●●	2.7	2.7	2.7	1
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					

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

<sup>2</sup> Brazil: six months for some public and private sector employers; four 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.

Private sector	●●	OB	8.1	8.1	2.1	None
Public sector	●●●	OB	3	3	3	1
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	3.5	3.5*	1; 3
Italy	●●●	OB	3.7	3.7	3.7	1
Japan	●●●	OB	1.9	1.9	1.9	1
Korea	●●●	OB	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*	1
New Zealand <sup>7</sup>	□					
Norway <sup>8</sup>	□	OB				
Poland	●●●	OB	4.6	4.6	4.6	1
Portugal <sup>9</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*	6 to 6.5*	1
Slovenia	●●●	OB	2.6	2.6	2.6*	None

<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. Three months of 'birth leave' is reserved for women to take after birth, of which two weeks are obligatory.

<sup>7</sup> New Zealand: The law does not refer to Maternity leave, only 'paid Parental leave' (Primary Carer 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. Six 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> 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	●●	OB	4	✘	✘	None
Spain	●●●	TR OB	3.7	3.7	3.7*	1; 3; 4
Sweden <sup>10</sup>	□	OB				
Switzerland	●●●	OB	3.3	3.3	3.3*	None
U. Kingdom	●●	TR OB	12	9	1.4	3
USA <sup>11</sup>	✘					
Uruguay						
Private sector	●●●	OB	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>10</sup> Sweden: it is obligatory for women to take two weeks leave either before or after birth; to receive benefit, they must draw on their Parental leave entitlement.

<sup>11</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 2017

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. Increasingly, also same sex partners of birth mothers are explicitly provided for in this entitlement.

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 ten days of Paternity leave and a fathers' quota of 90 days, as part of its Parental leave.

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers (or in some countries also to same sex partners) and is in addition to Parental leave, e.g. it is the ten days leave for men in Sweden, not the 90 days 'fathers' quota'. On this basis, ***29 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. ***Paternity leave is generally paid***, 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.

Across countries, there are different dimensions of ***flexibility in the implementation of Paternity leave***. The most common forms of flexibility in Paternity leave policy are in relation to the time period during which the leave can be taken and with regard to entitlements to additional time for multiple births.

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 4	1 or 4	1 or 4	None
Bulgaria	●●●	15 days	15 days	5 days*	None
Canada Québec	× ●●●●	5	5	5*	1
China <sup>3</sup>	●●●	7 to 30 days	7 to 30 days	7 to 30 days	None
Croatia	×				
Czech Rep	×				
Denmark	●●●	2	2	2*	3
Estonia	●●●	2	2	2*	2; 3
Finland	●●●	9	9	9 <sup>4</sup>	2; 3
France	●●●	2.2	2.2	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>5</sup>				
Ireland	●●	2	2	×	3
Israel	●●	6 days	5 days	3 days	None

<sup>1</sup> Australia: Two weeks 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> China: There is no statutory entitlement nationally, the given numbers are for regional provisions that exist in nearly all provinces.

<sup>4</sup> Finland: Paid at 70 per cent of earnings, but proportion is reduced beyond a specified level.

<sup>5</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.

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 <sup>7</sup>	×				
Malta					
Private sec	●●●	1 day	1 day	1 day	4
Public sec	●●●	1	1	1	3
Mexico	●●●	1	1	1	5
Netherlands	●●●	2 days	2 days	2 days	3
New Zealand	● <sup>8</sup>	2	×	×	3
Norway	● <sup>9</sup>	2	×	×	2 <sup>10</sup>
Poland	●●●	2	2	2	2; 3
Portugal <sup>11</sup>	×				
Romania	●●	5 to 10 days	5 to 10 days	5 to 10 days	3; 4 <sup>12</sup>
Russian Fed.	×				
Slovakia	×				
Slovenia	●●●	7.1	7.1 <sup>13</sup>	3.6*	2; 3
South Africa <sup>14</sup>	×				
Spain	●●●	4.3	4.3	4.3*	3; 4
Sweden	●●●	10 days	10 days	10 days*	3; 4

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

<sup>7</sup> Luxembourg: there is no statutory paternity leave, although fathers can use two days well paid leave 'due to extraordinary circumstances'.

<sup>8</sup> New Zealand: the mother may transfer part of her leave payment to her partner on Paternity leave.

<sup>9</sup> Norway: Whilst unpaid by government, most employed fathers are covered by their individual employer or collective agreements.

<sup>10</sup> Norway: 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.

<sup>11</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>12</sup> Romania: The statutory leave is granted for five days only but additional time is granted if the father works in the military (by two days) and/or has completed and infant-care course (by five days).

<sup>13</sup> Slovenia: 7.1 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. From 2018, the leave will be lowered to 30 days, paid at a high earnings-related level.

<sup>14</sup> South Africa: there is no statutory Paternity leave, although fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave.

Switzerland	×				
U. Kingdom	●●	2	2	×	3
USA <sup>15</sup>	×				
Uruguay	●●●	10 days	10 days	10 days	None

**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.

<sup>15</sup> USA: 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.

## Statutory Parental Leave (not including additional Childcare Leave: April 2017)

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 16 non-EU countries in this review also provide Parental leave. The exceptions are Brazil, China, Mexico, South Africa, Switzerland (the only European country included in this review not to provide Parental leave, though not an EU member state), 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, although 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, Bulgaria, 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 11 countries, to be divided between parents as they choose (Austria, Bulgaria, 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, these are foregone (following 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 (29) provide some element of **payment**; only Greece, Ireland, Israel, Malta, Spain and the UK make no payment. Payment policy varies considerably. In 15 cases (Australia, Belgium, Bulgaria, Canada excluding Québec, Croatia, 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. 14 countries + Québec pay an earnings-related benefit of more than two-thirds of normal earnings for six months or more; however, all of them 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. Estonia offers two weeks of unpaid leave per year per parent until a child is 14 years; while in Hungary, parents with three or more children 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 full-time leave (or 24 months half-time leave or 60 months one-fifth-time 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. This career break entitlement includes a flat-rate payment under certain conditions (care of a young child, providing palliative care, attending a training course) 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 incl. 2 bonus to 35 incl. 7 bonus)	(▶▶14.0 incl. 2 bonus)	Family	Partnership bonus if parents share equally (60:40)	1; 2; 3; 5; 7b
Belgium	●● +	8.0	8.0	✗	Individual; non-transferable	✗	1; 2; 5; 6; 7a
Brazil	✗						
Bulgaria	●●	12	12	✗	Family	✗	4
Canada <sup>3</sup>	●●	8.1 to 8.4	8.1	✗	Family	✗	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 two weeks flat-rate payment if they take leave.

<sup>2</sup> Austria: Since 2017, there is either the income-dependent parental benefit (80 per cent of earnings for 12 to 14 months) or a flexible payment scheme ('Childcare benefit account'), where parents can distribute an overall sum of about €15,449 (if both parents participate, the other parent has to take at least 20 per cent of the overall duration) or €12,366 (if only one parent participates) over a specific time span.

Québec	●●●	7.4	7.4	5.8*	Family	✘	3; 5; 7a
China	✘						
Croatia <sup>4</sup>	●● +	8.0	8.0 to 16.0	✘	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 to 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.4 bonus)	12 (inc.2 bonus*) <sup>9</sup>	Individual; non-transferable	Additional leave if parents share	1; 2; 5; 7a

<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.

<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 six 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.

Greece <sup>10</sup>							
Private sec	●	+	8.0	×	×	Individual; non-transferable	×
Public sec	●	+	120 (5 years per parent)	×	×	Individual; non-transferable	×
Hungary <sup>11</sup>	●●●	+	▶▶36.0	▶▶36.0	24.0*	Family	×
Iceland	●●●	+	9.0	9.0	9.0*	Family & individual; non-transferable	×
Ireland	●		8.4	×	×	Individual; non-transferable	×
Israel	●		▶▶12.0	×	×	Individual; non-transferable	×
Italy	●●		11 (incl.1 bonus)	11 (incl.1 bonus)	×	Individual; non-transferable	Additional leave if parents share
Japan	●●●		▶▶14 (incl. 2 bonus)	▶▶14 (incl. 2 bonus)	12*	Individual; non-transferable	Additional leave if parents share
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
Lithuania <sup>12</sup>	●●		▶▶36.0	▶▶24.0	▶▶12.0*	Family	×
Luxembourg <sup>13</sup>	●●●		12.0	12.0	8.0	Individual; non-transferable	×

<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 three¾ months (private sector) or nine months (public sector); also three months of leave is paid in the public sector in the case of a third or higher order child.

<sup>11</sup> Hungary: Post-natal leave includes two types of Parental leave, one with a flat-rate payment (up to three years), the other with a higher earnings-related payment (up to two years, followed by flat-rate payment for third year). In the latter case, only the mother may take leave up to a child's first birthday. In families with three or more children, a parent can take low paid leave until the youngest child is eight 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 per cent for first year, 40 per cent for second year).

<sup>13</sup> Luxembourg: based on full-time employed parents taking option of full-time leave.

Malta								
Private sec	●		8.0	×	×	Individual; non-transferable	×	2; 5
Public sec	●	+	12.0	×	×	Family	×	2; 5
Mexico	×							
Netherlands <sup>14</sup>	●●		12.0	×	×	Individual; non-transferable	×	(2); (3); 5; 6; 7a
New Zealand <sup>15</sup>	●●●	+	4.2	4.2	4.2*	Family & individual; transferable	×	6
Norway	●●●	+	13.0	13.0 <sup>16</sup>	13.0*	Family & individual; non-transferable	'father's quota': 10 weeks, non-transferable	1; 2; 3; 4; 5; 6; 7b
Poland	●●●	+	7.4	7.4	7.4 <sup>17</sup>	Family	×	1; 2; 3; 4; 7a
Portugal <sup>18</sup>	●●●	+	6.0	6.0	×	Individual; non-transferable	See entry for Maternity leave, where there is additional leave if parents share	1; 3; 5.
Romania	●●●		12.0 to 24.0	12.0 to 24.0	12.0 to 24.0 <sup>19</sup>	Family & individual; non-transferable	Bonus month	5; 6; 7b.
Russian Fed	●●		▶▶36.0	▶▶18.0*	×	Family	×	1; 3; 4; 6
Slovakia	●●		▶▶36.0	[▶▶36.0]	×	Family	×	3; 6
Slovenia	●●●		8.6	8.6	8.6*	Individual;	×	1; 2; 3; 4; 5;

<sup>14</sup> Netherlands: parents are entitled to 26 times their weekly working hours; figure of 12 months based on both parents in a full-time job of 38 hours a week, which gives a leave period of 988 hours (=26 weeks or six months).

<sup>15</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.

<sup>16</sup> Norway: As of 1 January 2017, non-employed women receive a flat-rate payment of NOK61,120[€6,427] per child per month.

<sup>17</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>18</sup> Portugal: The leave in this table corresponds to what is referred to as additional Parental leave in the country note.

<sup>19</sup> Romania: Parents (usually mothers) can choose either a period of 12 or 24 months of parental leave (including bonus month), both paid at 85 per cent of earnings; for a child with a disability this extends to 36 months. Both mothers and fathers can benefit from a labour market insertion incentive.

					transferable		6; 7b.
South Africa	×						
Spain <sup>20</sup>	●	▶▶36	×	×	Individual; non-transferable	×	2; 6; 7a
Sweden <sup>21</sup>	●●●	▶▶18	15.9	12.9*	Family & individual; partly transferable		1; 2; 3; 5; 6; 7b
Switzerland	×						
U. Kingdom <sup>22</sup>	● <sup>23</sup>	8.3	×	×	Individual; non-transferable	×	2; 5; 6; 7a
USA	×						
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

<sup>20</sup> Spain: Each parent is entitled to take leave until a child’s third birthday.

<sup>21</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.

<sup>22</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>23</sup> United Kingdom: Leave entitlement is 13 weeks per parent, but only four weeks of leave can be taken per year, i.e. to take the full 13 weeks means taking four weeks leave per year for three 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>24</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.

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 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 2017

With four 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, 17 (Austria, Belgium, Bulgaria, 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 unlimited 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 (China, 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.

28 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 the care of a very dependent relative. Length, payment and other dimensions of leave also vary considerably.

26 countries of the 42 countries included in this year's review permit women to **reduce working hours specifically during their child's early months**. In most cases this is to permit (breast-)feeding of the child; 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, Slovenia, 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.

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. In Bulgaria, mothers of children under six have the right to ask for working from home. 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.

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

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	Breast-feeding <sup>1</sup>	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 minute break per 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	●●● 30 minute break per day if work up to 7.5 hours; 1 hour if work longer	×	×
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)	●●●	×	×
Bulgaria	●●● up to 60 calendar days per year	●●● up to 60 calendar days per year for family members (incl. children)	●●● 2 hours per day for full-time work, 1 hour per day for part-time	● Right to <i>request</i> when returning to work after leave	Right to work from home for mothers of children under 6
Canada	● 3 to 10 days in 3 provinces <sup>2</sup>	●● 8 to 28 weeks if 'significant risk of death' for family member	×	×	×

<sup>1</sup> This includes reduction in hours specifically referring to breastfeeding, as well as the right to reduce hours in the months immediately after Maternity leave (up to 12 months after the birth) with no specific reason given.

<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.

Québec	● 10 days per worker per year	● 10 days per worker per year	×	×	×
China	×	×	●●● 1 hour per day, 2 hours for multiple births	×	×
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	●●● 60-90 minute break per day	●● dependent relative with earnings re-allocation	×
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	×	●●● to 4 years	×

<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.

		conditions			
Hungary	●● unlimited to 14 days per family per year (according to age of child)	×	●●● two 1 hour breaks per day until child 6 months; one 1 hour break to 9 months	●● to 8 years if 3+ children	×
Iceland	×	×	×	×	employers required to support family/work balance on return from Parental leave
Ireland	●●● 3 days per year per parent	● or ●● up to 104 weeks for dependant	●●● adjust working hours	×	on return from Parental leave
Israel	●●● 8 days per parent per year from own sickness leave	●●● 6 days per year for spouse or parents from own sickness leave	●●● 1 hour per day until 4 months after ML; transferable to father	×	×
Italy	● unlimited to 3 years; 5 days per year for 3 to 8 year olds	●●● up to 2 years over working life for serious need in family	●●● 1-2 hours per day until child 12 months; transferable to 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	● 30 minutes twice a day until child 12 months	● to 3 years	×
Korea	● 90 days per parent per year, minimum 30 day	● 90 days per worker per year, minimum 30 days	×	×	×
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	×	●●● two 45 minute breaks per day or one 90	×	×

	seriously ill		minute break		
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	●●● One to three breaks per day of 60 to 20 minutes	●●● 20 to 35 hours per week until child is 16	teleworking for 12 months (renewable yearly)
Private sector	×	×	●●●	×	×
Mexico	×	×	●●● two 30 minute breaks per day until child six months old	×	×
Netherlands	●●● 2 times hours/week or ● 6 times working hours/ week	●●● 2 times hours/week or ● 6 times working hours/ week for care of parent or partner	●●● up to a quarter of working hours until child nine months old	×	hours and working from home
New Zealand	●●● 5 days per year	●●● 5 days per year	×	●	any worker
Norway	●●● 10 to 15 days per parent per child per year	× (not mentioned in country note)	● <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 until child 12 months; 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)	● 20-21 days for Rest leave + up to 5 paid free days for personal issues	●● 120 working days of Maternal risk leave	×	×
Russian Fed.	●●● 45 to 60 days per child per year	× (not mentioned in country note)	●●● once every 3 hours for 30 minutes.	● extra unpaid leave for some parents	×
Slovakia	●● 10 days per episode	●● 10 days per episode for a relative living at home	×	×	×

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

Slovenia	●●● 7 to 15 days per illness, longer in exceptional cases	●●● 15 days per illness for a spouse, longer in exceptional cases	●● 1 hour a day until child 18 months	●● to 3 years or longer if child with disability <sup>6</sup>	×
South Africa	●●● 3 to 5 days a year	●●● 3 to 5 days a year	×	×	×
Spain	●●● 2 to 4 days per illness per parent; 3 days public sector or ●●● unlimited for seriously ill child in hospital or needing treatment at home	●●● 2 to 4 days per illness per worker or ●● 2 to 3 years (for public sector) to care for a seriously ill relative	●●● 1 hour per day for nine or 12 months (public sector); can be transferred to father <sup>7</sup>	● between an eighth and a half to 12 years, or longer if child with disability	×
Sweden	●●● 120 days per child up to 12 years old per year	× (not mentioned in country note)	×	● reduced by 25 per cent up to 8 years.	×
Switzerland	●●● 3 days per illness episode per family	× (though 'customary' time-off for personal reasons should be granted)	●●● hours allowed depend on work.	×	×
U. Kingdom	● 'reasonable time'	● 'reasonable time'	×	●● paid time-off for both parents for ante-natal care	all employees
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)	● Reasonable break time in private place (larger employers only)	×	×
Uruguay Private Public	× ×	× ×	× ×	●●● to 5 months ●●● if breast-feeding	× ×

**Key:**

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

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

✘: 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.

## Total statutory leave (including additional childcare leaves): April 2017

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 mothers and fathers 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** offered in the countries (counting Canada and Québec, and the public and private sectors in Brazil and Greece separately) ranges from none to 132.1 months, while total paid leave ranges from none to 38.1 months. Applying the 66 per cent of earnings 'well-paid' standard the median length of leave seen across countries reduces, with four countries offering nothing and only 13 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, Bulgaria, Québec in Canada, Czech Republic, Denmark, Estonia, Finland, Germany, Hungary, Iceland, Japan, Lithuania, Norway, Poland, Romania, Slovenia and Sweden. In most 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 seven months of earnings-related post-natal leave, often confined to Maternity and a shorter Paternity leave:** includes a number of continental Western European countries, New Zealand (called Primary Carer leave) and Brazil.
- c. **Countries providing less than four months of earnings-related post-natal leave, often confined to Maternity leave:** includes five of the mainly English-speaking countries (Australia, Canada, Ireland, United Kingdom, United States), plus Belgium, China, France, Israel, Italy, Korea, Malta, Mexico, Netherlands, the Russian Federation, South Africa and Switzerland. It should be noted that Québec, which now has responsibility for its own leave policy, is on a par with the top group of countries; the rest of Canada offers up to 50 weeks of earnings-

related leave, but at 55 per cent of earnings it falls just below the EC indicator criterion; it also has a rather low ceiling. The United States is the only country to provide no period of paid statutory leave of any kind; 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 (although the qualification about ceilings on payments needs again to be borne in mind). Seven countries (Austria, Canada excluding Québec, Russia, Slovakia, South Africa, Switzerland and the USA) have no 'father-only' leave. Of the countries that do provide such leave, the range of the potential duration of leave is wide; from less than a week to three years. For the most important indicator - length of leave paid at two-thirds of earnings – only six countries offering more than two months (the Nordic states, plus Japan and Luxembourg).

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.

### 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.



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 <sup>1</sup>	24.0	35.0 (incl. 7.0 bonus)	14.0 (incl. bonus 2 for Parental leave)*	×	×
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
Bulgaria	36.0	24.0	12.0	1	×
Canada	12.0	11.6	×	×	×
Québec <sup>4</sup>	12.8	12.8	11.2	1.2	1.2
China	2.7	2.7	2.7	(7 to 30 days)	(7 to 30 days)
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*

<sup>1</sup> Austria: Flat-rate payment options are flexible over a certain time-span. There is also an income-dependent option available to some parents, with payment at 80 per cent of earnings for 12 to 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 and higher paid Parental leave or longer and 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.

Germany	72.0	28 (incl. 4 bonus)	14 (incl. 2 bonus)*	36.0	✘
Greece <sup>10</sup>					
Private sec	13.9	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	18.1	6.0	✘	4.7	✘
Israel	12.0	3.3	3.3	12.0	✘
Italy	14.8 (incl. bonus 1)	14.8 (incl. bonus 1)	3.8	7.1 (incl. bonus 1)	0.1
Japan <sup>13</sup>	26.0 (incl. bonus 2)	26.0 (incl. 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 <sup>14</sup>	13.9	13.9	9.9	6.0	4.0
Malta					
Private sec	12.2	4.2	3.3	(1 day)	(1 day)
Public sec	76.4	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	✘

<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.

<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 eighth 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> Luxembourg: based on full-time employed parents, taking the option of full-time leave.

Norway <sup>15</sup>	37.5	13.5	13.5*	2.8	2.3
Poland	48.5	36.5 <sup>16</sup>	12.5	1.5	0.5
Portugal <sup>17</sup>	37.0	13.0	7.0	4.0	0.9
Romania	24.0	24.0	24.0	1.25	1.25
Russian Fed.	36.0	18.0	2.3*	×	×
Slovakia	36.0	36.0	6.5*	×	×
Slovenia	12.7	11.9	0.8	1.7	0.8
South Africa	4.0	×	×	×	×
Spain <sup>18</sup>	72.0	4.7 to 5.1	4.7 to 5.1*	36.0	0.93*
Sweden <sup>19</sup>	36.5	16	13	3.3	3.3
Switzerland	3.7	3.3	3.3*	×	×
U. Kingdom	20.9	9.5	1.4	4.6	×
USA	×	×	×	×	×
Uruguay					
Public	3.1	3.1	3.1	(10 days)	(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>15</sup> Norway: Parents can opt for shorter and higher paid leave or longer and lower paid leave.

<sup>16</sup> Poland: 48.5 months paid if two or more children. Total leave calculations include bonus month.

<sup>17</sup> Portugal: Mothers can opt for shorter and higher paid Maternity leave or longer and lower paid leave. Fathers are entitled to four weeks 'Father's-only Parental leave', out of which two weeks 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>18</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>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 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 2017

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, Slovakia), to over 50 per cent in Belgium, Denmark, France, Iceland, Luxembourg, Malta, Netherlands and Norway, with a median rate among the 35 countries for which there is information of just under a third (32 per cent). **Attendance rates for children over three years** are uniformly much higher, but vary from under 60 per cent (Croatia, 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 37 countries for which there is information of 88 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.

25 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. In five countries (Austria, Bulgaria, Croatia, Hungary, Mexico), the entitlement includes a period of compulsory attendance at an ECEC service, usually for children aged five years and over. Only seven countries have entitlement before three years: at two and half years in Belgium, and at 12 months or younger or at the end of Parental leave in six 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, it emphasises the extensive lack of coordination between these two policy areas.

	Attendance rates at formal ECEC services		Child's age (months) at:			Gap between (months)	
	0-2 yrs(2014)	3-5 yrs(2014)	end of leave (a)	end of well-paid leave(b)	start of ECEC entitlement(c)	(c)-(a)	(c)-(b)
Australia	32%	67%	24	×	×	No ECEC entitlement	
Austria	19%	83%	24	14	● 5 years PT; OB	36	46
Belgium	55%	98%	11.3	3.3	●● 2½ years	18.7	26.7
Brazil	NI	NI	6	6	×	No ECEC entitlement	
Bulgaria	11%	82%	36	12	● 5 years; OB	24	48
Canada	NI	NI	12	None	×	No ECEC entitlement	
Québec	NI	NI	12.8	12.8	×		

China	NI	NI	2.8 <sup>1</sup>	2.8	×	33.2	33.2
Croatia	17%	57%	46	6	● 6 years PT; OB	26	66
Czech Rep.	6%	81%	72	24	● 5 years	No gap	18
Denmark	65%	96%	14.4	11.2	●● 6 months	No gap	No gap
Estonia	23%	90%	36.5	18.5	● 18 months[*3 years]	No gap	18
Finland	28%	74%	38.1	11.1	●● end Par.Leave	No gap	No gap
France	52%	100%	36	3.8	● 3 years	No gap	32.2
Germany	32%	97%	36	14	● 1 year [* <sup>2</sup> ]	No gap	No gap
Greece	14%	47%	14 to 132	6 to 12	● 5 years PT	46 to no gap	48 to 54
Hungary	15%	90%	36	24	● birth[*3 years]; OB from 3 years	No gap	12
Iceland	60%	96%	17	9	×	No ECEC entitlement	
Ireland	35%	79%	18.1	×	● 3¼ years PT	21	×
Israel	NI	98%	12	3.3	×	No ECEC entitlement	
Italy	24%	95%	14.8	3.8	×	No ECEC entitlement	
Japan	31%	91%	14	12	×	No ECEC entitlement	
Korea	36%	92%	27	3	×	No ECEC entitlement	
Lithuania	29%	83%	36	12	×	No ECEC entitlement	
Luxembourg <sup>3</sup>	55%	88%	14	10	● 3 years PT	22	26
Malta	55%	99%	12 to 76	3.3	●● 3 months <sup>4</sup>	No gap	No gap
Mexico	NI	81%	1.6	1.6	● 4 years; OB	46	46
Netherlands	56%	92%	14.8	2.8	● 4 years PT	33.2	45.2
New Zealand	42%	92%	12	4.2	● 3 years PT	24	31.8
Norway	55%	97%	37.5	13	●● 12 months	No gap	No gap
Poland	11%	74%	48	12.5	● 6 years PT	24	59.5
Portugal	48%	88%	36	6	● 5 years	24	55

<sup>1</sup> China: 2.8 months is the national minimum entitlement; many provinces offer longer periods of leave, most frequently up to 4.7 months.

<sup>2</sup> Germany: 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>3</sup> Luxembourg: based on full-time employed parents taking option of full-time leave.

<sup>4</sup> Malta: entitlement for children with parents in full-time employment or education.

Romania	12%	84%	24	24	×	No ECEC entitlement
Russian Fed	18%	82%	36	2.3	● 2 months <sup>5</sup>	No gap No gap
Slovakia	6%	73%	36	×	×	No ECEC entitlement <sup>6</sup>
Slovenia	40%	87%	12.7	12.7	●● end Par. leave	No gap No gap
S.Africa	NI	NI	4	×	×	No ECEC entitlement
Spain	38%	97%	36	5	● 3 years	No gap 31
Sweden	47%	94%	36.5	13	●● 12 months	No gap No gap
Switzerland	38%	48%	3.3	3.3	×	No ECEC entitlement
U.Kingdom	34%	94%	13.9	1.4	● 3 years PT	22.1 34.6
USA	28%	67%	×	×	×	No ECEC entitlement
Uruguay	NI	NI	3	3	×	No ECEC entitlement
OECD average	34%	84%				

Source: *Attendance rates at formal ECEC services*: OECD Family Database, Table PF3.2, available at:

[www.oecd.org/els/social/family/database](http://www.oecd.org/els/social/family/database). Except for the Russian Federation which is: TransMonee Database 2016, 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://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>

×: no well paid leave or no entitlement to ECEC; ●: entitlement, but only from three 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 three 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.

<sup>5</sup> There is no information available to confirm whether the entitlement to an ECEC place from two months of age can be met.

<sup>6</sup> There is no ECEC entitlement in Slovakia but children one year prior to compulsory education do not pay any fees. Children aged 4 and 5 have priority when applications are assessed.

## Leave Policy Changes: April 2017

From the 2017 Review of Leave Policies onwards, we organise the overview of policy changes in the included countries in table form (see below). The following table gives an overview of policy changes according to the different types of leave distinguished in our report, i.e. maternity leave, paternity leave, parental leave, as well as other statutory measures. We do not summarise changes in other policies at this point (e.g. childcare), so the reader can refer to the country notes for this. For these types of leave, **we distinguish whether a policy has newly been introduced** (marked by the symbol: ✓) **or whether a policy has been abolished** (x). Regarding the reforms of existing policies, we distinguish three types of change: If a change can be quantified, such as an increase in the replacement rate of a leave benefit or a reduction of leave duration, we will classify it as either expansion (↑) or cutback (↓). If a change cannot be easily quantified, such as a change in flexibility rules, we classify it as recalibration (o). The table only gives a brief list of changes, which are depicted in more detail in each respective country note.

Which **types of changes** have been reported in the 2017 Review of Leave Policies (i.e. policy changes enacted between April 2016 and June 2017)?<sup>1</sup> First, it is interesting to note that leave policy changes are constantly on the agenda. Of the 42 countries included in this year's review, the majority (28) report *some* policy change within the previous year, as compared with a minority of countries (14) reporting no change at all. However, it is important to note that **the majority of the reported policy changes do not affect our other comparative tables** (e.g. maternity leave, paternity leave, parental leave). In other words, these changes are often small and incremental, and only in a few cases, there is a change in the main parameters of the leave systems.

For maternity leave, overall 12 changes are reported; and also 12 changes are reported for paternity leave. For parental leave, with 8 changes less activity is reported; as is also the case with 10 changes for other leave measures. Generally, expansions are much more frequently reported than cutbacks or abolishments, but there are some notable exceptions. In Denmark for example, the self-employed are no longer covered under Maternity leave; and the gender-equality bonus in Sweden was abolished. Notable newly introduced measures include the establishment of Paternity leave in China, the Czech Republic, Ireland and Israel. The frequency with which a newly introduced Paternity leave is reported in this year's review may indicate a certain trend in this regard. Another notable change has taken place in Austria, with the newly introduced 'family time and partnership' bonus, plus the transformation of the childcare benefit into a flexible time account. Also in Japan, a package of leave reforms has been implemented, including a new short-term family care leave, in addition to improved flexibility and an increased benefit for long-term family care leave.

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<sup>1</sup> Later changes will be included in forthcoming reviews. For example, far-reaching changes of leave policies in the Czech Republic are under way, but they will only be in place from 2018 (and some still await the Senate's decision). And for many countries, there are on-going discussions about policy reforms, which have not been decided upon yet (e.g. Australia, Switzerland); these discussions are also portrayed in the policy changes sections of each country note.

**Summarising table: Overview of leave policy changes in 2017**

	<b>Maternity leave</b>	<b>Paternity leave</b>	<b>Parental leave</b>	<b>Other statutory leave measures</b>
Australia				
Austria			o childcare benefit variants ✓family time + partnership bonus	
Belgium	↑ increased duration and flexibilisation for self-employed			o time credit: unpaid leave suppressed; max. duration of paid care leave from 36 to 51 months
Brazil	↑ from 120 to 180 days in public sector	↑ from 5 to 20 days in public sector		
Bulgaria				
Canada (outside Quebec)	o 2-week waiting period reduced to 1 week	o 2-week waiting period reduced to 1 week		o 2-week waiting period reduced to 1 week (compassionate care leave)
China	↑ varying increases in length in 29 provinces x rewards for late childbirth	✓ introduced in several provinces (7-30 days)		
Croatia			↑ increased ceiling	
Czech Republic		✓ one-week paternity leave		
Denmark	↓ abolished coverage of self-employed			



Estonia				
Finland	✓ lump-sum compensation for leave expenses paid to employers	o opened to non-resident fathers when responsible for childcare and mothers' same-sex partners		
France				
Germany				
Greece				✓ leave to care for sick child (public sector)
Hungary				
Iceland				
Ireland		✓ 2 weeks		
Israel	↑ length increased	✓ 6 days		↑ reduced hours extended to fathers ↑ improved pay to care for sick child
Italy			o increased flexibility in use; benefit taken until child 3 years	
Japan			↑ eligibility criteria for fixed-term workers	✓ short-term family care leave o improved flexibility for long-term family care leave; ↑ benefit for long-term family care leave
Korea				

Lithuania				
Luxembourg			o options introduced on length and payment	
Malta		↑ increased length (public sector)		
Mexico	o easier transfer of leave from pre- to post-birth			
Netherlands				
New Zealand				
Norway			o simplifications	↑ ECEC
Poland <sup>2</sup>	↓ duration	o	o ↑ duration	o
Portugal		↑		
Romania	↑ benefits			
Russian Federation				
Slovak Republic	↑ benefits		↑ benefits	↑ ECEC
Slovenia		o 5 more income compensated days <sup>3</sup>		
South Africa	↑ benefits			
Spain		↑ increase from 2 to 4 weeks		
Sweden				X gender equality bonus

<sup>2</sup> Total period of leave after birth has not changed. Changes refer to 2016 (but were not reported in the previous review).

<sup>3</sup> According to the country note author, this change is a delayed implementation of the 2012 Act.

Switzerland				
United Kingdom				↑ ECEC
United States				
Uruguay		↑ Increase of statutory provision to include private sector		

**Key:**

✓: introduction, x: abolishment, ↑: expansion, ↓: cutback, ○: recalibration.

# Australia<sup>1</sup>

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**April 2017**

NB. Australia is a federal state.

**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. This has been an entitlement under federal industrial relations legislation since 1994. Another standard is the right to request flexible working arrangements (see below).

**Note on terminology:**

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. Similarly the entitlement to pay while on Parental leave (available since January 2011) is termed Parental Leave Pay, although the payment specifically for fathers or mothers' partners (including same sex partners) which has been available since January 2013 is termed Dad and Partner Pay.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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

### a. Maternity leave

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<sup>1</sup> Please cite as: Whitehouse, G., Baird, M., Brennan, D. and Baxter, J.A. (2017) 'Australia country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- 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 Parental leave (see 1c for details of the unpaid Parental leave entitlement under the Fair Work Act 2009). Entitlements to payment under the Paid Parental Leave Act 2010 are also covered in 1c.
- 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 as yet no evidence of significant change in access to employer-funded arrangements since the Paid Parental Leave Act 2010 and the subsequent commencement of government-funded Parental Leave Pay 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<sup>4</sup>, showing that 28 per cent of organisations in a sample of 441 employers had employer-paid Maternity leave entitlements in place, with provision varying considerably by sector (public vs private), organisational size and industry.
- 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 permanent, staff<sup>5</sup>. In the vast majority of organisations employer-paid Maternity leave was provided at normal rates of pay<sup>6</sup> (for further details see 2016 chapter).

## b. Paternity leave

- As with Maternity leave, there is no specifically designated 'Paternity' leave in Australia, with provisions for unpaid leave incorporated into the Parental leave entitlement (see 1c for details). An 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 AUD\$17.70[€12.01]<sup>7</sup> per hour or AUD\$672.70[€456.60] per 38 hours a week. This payment must be taken while on unpaid leave (available under the Fair Work Act unpaid Parental leave standard) and is non-transferrable.

<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.

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

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

<sup>7</sup> Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

- 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>. Differences in access to employer-paid Paternity leave also 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>.

### **c. Parental leave**

#### *Length of leave*

- A National Employment Standard in the Fair Work Act 2009 provides each working parent who meets the eligibility requirements with an entitlement to 12 months *unpaid* job protected Parental leave. This is an individual entitlement and (apart from the exception noted below) is available to a parent taking the 'primary carer' role for a child. The period can be extended by a further 12 months if the employer agrees – an employer has the right to refuse if the additional leave does not fit with the operational requirements of the business. 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. A couple cannot exceed a total of 24 months between the two working parents per birth, and all 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 six weeks before the expected date of birth of the child, or earlier if the 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*

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

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

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

- 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 AUD\$17.70[€12.01] per hour or AUD\$672.70[€456.60] per week) 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 per cent of average full-time adult ordinary time female earnings as at November 2016<sup>11</sup>. 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>.
- 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 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 a 2012 survey of employers<sup>14</sup>. Its incidence was thus considerably lower than employer-paid Maternity leave and somewhat lower than employer-paid Paternity leave (see 2016 chapter, for further details).
- 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. These contributions continue 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

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<sup>11</sup> Australian Bureau of Statistics (2017) *Average Weekly Earnings, Australia, November 2016*, 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 (2016) *2015-16. Annual Report*, p.79. Available at: [https://www.dss.gov.au/sites/default/files/documents/10\\_2016/dss\\_annual\\_report\\_2015-16.pdf](https://www.dss.gov.au/sites/default/files/documents/10_2016/dss_annual_report_2015-16.pdf)

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

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. A 2012 survey of employers indicated that this was most common for employer-paid Maternity leave, particularly in the public sector<sup>15</sup>.

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

- Employees in permanent positions and on fixed-term contracts (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. However, workers on fixed-term contracts are not entitled to return to the same job if their contract ends while they are on leave – that is, the employer is not required to extend the contract period by the amount of leave taken.
- Casual (hourly paid) 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.
- Self-employed workers (not classified as employees) and the unemployed are not covered by the provisions of the Fair Work Act 2009 and therefore do not receive unpaid parental leave under the Act. Self-employed workers, however, do have access to government-funded Parental Leave Pay.
- Unpaid leave can be accessed for up to 24 months by an employee couple in a spousal or de-facto relationship; same sex relationships are recognised for unpaid parental leave entitlements under the Fair Work Act 2009.
- To be eligible for the government-funded 18-week Parental Leave Pay, the primary carer (usually the mother) must be an Australian resident, in paid work, whether permanent, fixed-term or casual, and including 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 requirements as Parental Leave Pay, and is similarly available to those in self-employment. For children born or adopted after 1 March 2014,

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<sup>15</sup> *ibid.*, p.26.



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 AUD\$150,000[€101,800] per year or around 2.1x the average female, adult, ordinary, full-time earnings in November 2016<sup>16</sup>.
- The government-funded Parental Leave Pay can be taken in addition to 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 who is not a biological parent, 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 in work are not eligible for Parental Leave Pay or Dad and Partner Pay, but may be eligible for the Newborn Upfront Payment (currently AUD\$532.35 [€361.29] and Newborn supplement (dependent on family income and number of children, current maximum payment AUD\$1,595[€1,083] for a first 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*

- 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)*

- Employer-paid Parental leave, sometimes specified as paid Maternity, Paternity or Primary Carer leave, is available in some industrial instruments and 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**

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<sup>16</sup> Australian Bureau of Statistics (2017) *Average Weekly Earnings, Australia, November 2016*, Cat. No. 6302.0. Available at: <http://abs.gov.au>

### *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 working days of paid personal/carer's leave per year of service. In addition, all employees (including casuals) can access up to two working 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 ten 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.

### *Specific provision for (breast-)feeding*

- Neither federal nor State/Territory laws provide an explicit right to paid breaks for breastfeeding or to express milk at work. However, rights not to be discriminated against on the basis of sex exist in all Australian jurisdictions and explicitly or implicitly cover breastfeeding<sup>17</sup>.
- The Commonwealth Sex Discrimination Act 1984 (s7AA) expressly prohibits employers from treating women less favourably because of their breastfeeding or expressing of milk, or the imposition of an unreasonable condition or

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<sup>17</sup> Australian Human Rights Commission (2014) *Supporting Working: Pregnancy and Return to Work. National Review - Report*, p. 116. Available at: [https://www.humanrights.gov.au/sites/default/files/document/publication/SWP\\_Report\\_2014.pdf](https://www.humanrights.gov.au/sites/default/files/document/publication/SWP_Report_2014.pdf)

practice by an employer affecting all employees but likely to disadvantage such women.

#### *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 2016 (including proposals currently under discussion)**

While some changes to the federal government Paid Parental Leave scheme were included in a Bill presented to parliament in February 2017<sup>19</sup>, this legislation is no longer being pursued by the government.

In July 2018, a new Childcare Subsidy (CCS) will come into effect. The level of CCS will depend on family income and economic activity. With some exceptions, both parents (or a single parent) will be required to meet an activity threshold of at least eight hours per fortnight in order to be eligible for CCS. Approved alternatives to paid work include working unpaid in a family business, being self-employed, looking for work, volunteering or studying<sup>20</sup>. Families whose joint income exceeds \$350,000 will

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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)

<sup>19</sup> Social Services Legislation Amendment (Omnibus Savings and Childcare Reform) Bill 2017. Available at: [http://www.aph.gov.au/Parliamentary\\_Business/Bills\\_Legislation/Bills\\_Search\\_Results/Result?bld=r5798](http://www.aph.gov.au/Parliamentary_Business/Bills_Legislation/Bills_Search_Results/Result?bld=r5798)

<sup>20</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* Childcare 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)

not be eligible for CCS. While most families are expected to benefit from the new measures, there is concern that the activity requirements may preclude some families' access to the subsidy, especially given that mothers in Australia often return to work part-time after a period of leave<sup>21</sup>.

## 4. Take-up of leave

The most comprehensive sources of information on leave take-up rates in Australia remain the Baseline Mothers survey (2010), the Family and Work Cohort survey (first two waves 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 are again drawn on to provide an 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. 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-funded Parental Leave Pay) 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 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 2015-16 financial year 79,126 fathers or partners received payment under this scheme, with the vast majority (96 per cent) taking the full two

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<sup>21</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>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.

<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>

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 responding to the survey 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 almost six 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 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>.

Available data on Parental Leave Pay indicate that it is accessible to a high proportion of working parents, although it is particularly targeted at mothers, who are

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<sup>24</sup> Australian Government Department of Social Services (2016) *Annual Report 2015-16*, pp.78-9. Available at: [https://www.dss.gov.au/sites/default/files/documents/10\\_2016/dss\\_annual\\_report\\_2015-16.pdf](https://www.dss.gov.au/sites/default/files/documents/10_2016/dss_annual_report_2015-16.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.

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

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 2015-16 financial year 53.3 per cent of all mothers with new-borns 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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

#### **a. Recent selected publications**

Hewitt, B. with Baird, M., Baxter, J., Brady, M., Coles, L., Dickenson, J., Strazdins, L., Whitehouse, G., Xiang, N. and Yerkes, M. (2017) *Millennium Mums Report, Waves 1-5*, Institute for Social Science Research, The University of Queensland. Available: [http://www.issr.uq.edu.au/filething/get/41035/MillenniumMumsReport\\_DRAFT\\_DSS%20combined%20comments\\_clean\\_final.pdf](http://www.issr.uq.edu.au/filething/get/41035/MillenniumMumsReport_DRAFT_DSS%20combined%20comments_clean_final.pdf)

This report presents key findings from *Enhancing Mothers' Workforce Engagement in the Preschool Years*, an Australian Research Council Linkage project in partnership with the Department of Social Services, commonly referred to as the Millennium Mums (MM) project. The aims of the project were to examine women's expectations and experiences of returning to employment following the birth of a baby and during the preschool years, along with associated issues including childcare, father's leave taking arrangements, gender divisions of labour within the household and the health and wellbeing of mothers and children. A five-wave longitudinal survey was conducted based on a sample of mothers who gave birth to a child in late 2011. Chapters of the report address each of the issues identified above, using the longitudinal data to present a more detailed picture of the experiences of Australian parents than had previously been available.

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

<sup>32</sup> Australian Government Department of Social Services (2016), pp.78-9.

<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.

## **b. Ongoing research**

*Millennium Mums* (2013-2017). 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 early 2017. 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 2017**

NB. Austria is a federal state

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

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

*Payment and funding*

- 100 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. In 2014, the total expenditure on Maternity leave (i.e. maternity pay and the payment for operational support) was €461 million.

*Flexibility in use*

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<sup>1</sup> Please cite as: Rille-Pfeiffer, C., Dearing, H. and Schmidt, A.E. (2017) 'Austria country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)



- None.

*Regional or local variations in leave policy*

- None.

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

- All employed women are entitled to 16 weeks Maternity leave with 16 weeks payment (100 per cent of average income), except for short-time employed women and 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.
- For children born after 1 March 2017 fathers are entitled to a so-called “family-time bonus” (*Familienzeitbonus*), which is a monetary benefit for employed fathers who exclusively dedicate their time to their family within 91 calendar days after the birth of the child, i.e. interrupt their employment (in agreement with the employer) for a full-time leave period between 28 and 31 days. The family time bonus amounts to €22.6 per calendar day. However, if the father, at a later date, decides to receive the Childcare benefit, the benefit will be lessened by the amount of the family-time bonus he has received right after birth. There is no job protection during the take-up of the family time bonus.

**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*

### **For parents whose children are born *before* 1 March 2017:**

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.

### **For parents whose children are born *after* 1 March 2017:**

- Parents may choose between the flexible flat-rate Childcare benefit account and the income-related Childcare benefit.
- The existing four flat-tax payment options were replaced with a new flexible payment scheme (Childcare benefit account), where parents can distribute an overall sum of about €15,449 (if both parents take leave) or €12,366 (if only one parent takes leave) over a specific time span. The amount of the Childcare benefit can range between €33.88 and €14.53 per calendar day and depends on the duration the benefit is received. If only one parent uses the leave, he or she might consume the overall sum within a time span of 365 (with a daily amount of €33.88€) to 851 days (with a daily amount of €14.53). If both parents take-up the Childcare benefit (respecting a minimum duration of 61 calendar days per parent), the money is to be used within 456 and 1063 days. A parent may earn an additional €16,200 or 60 per cent of the previous income per year.
- The income replacement option, however, will stay in place.
- If parents share their leave in equal parts or 60:40, then each parent is entitled to a 'partnership bonus' payment of €500.
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2015 was €1.135 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).
- The parents can change the chosen Childcare benefit scheme once (i.e. the combination of daily amount and duration).
- 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 both parents can receive the Childcare benefit (however, the overall sum of the Childcare benefit stays the

same); 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)*

- In case of multiple births, the amount of the Childcare benefit via the "account" option (not the income replacement option) will be increase by 50 per cent for each additional child.
- In case of one of the two parents being prevented from using the Childcare benefit due to death, prison or other severe reasons, the available parent may use the full amount of the Childcare benefit, usually only available if both parents take leave.

*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 (average working week) 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.

There are two different forms of care leaves. Firstly, employees have a statutory right to take at maximum six months of family hospice leave (*Familienhospizkarenz*) for the purpose of nursing terminally ill family members or seriously ill children. If the leave is taken for ill children, it can be extended to nine months. Entitled family members are relatives in the direct ascending or descending line, including adoptive parents, partners and registered partners of a parent, and children living in a separate household. Secondly, since January 2014, if their employer agrees employees may take a long-term care leave (*Pflegekarenz*) to organise care or care for frail dependants/family members for a duration of three months (initially) per dependant. The minimum duration for this leave is one month. It can be extended from three to six months (per dependant) if the health status of the dependent person worsens substantially. Slightly different regulations apply for public sector employees. Self-employed persons are not eligible for the care leave models while unemployed persons are. Since January 2014, employees are entitled to a cash benefit (*Pflegekarenzgeld*) during long-term care leave or family hospice leave to care for sick children or dependants/family members respectively. Entitled family members are relatives in direct ascending or descending line, including siblings, adoptive parents, step-parents, step-children, partners or registered partners of a parent, and in-laws. It amounts to 55 per cent of net average income per calendar day. The maximum duration for the payment is six months per employee (or 12 months per dependent person, if the leave is shared). Low-income families may claim subsidies for family hospice leave, if the 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 per cent 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.
- Caregivers for frail or sick dependants/family members are entitled to work part-time (family hospice leave) or agree on a part-time arrangement with their employer (long-term care leave). For long-term care leaves, a minimum working time of ten hours per week is obligatory. Payment during both care leave models is calculated proportionately (under consideration of a minimum income threshold).

#### *Specific provision for (breast-)feeding*

- None.

## **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 eight weeks after birth). There is an entitlement to ECEC from five years of age, though only for part-time kindergarten (16 hours per week); attendance is obligatory. So there is a gap of three years between the end of leave and an ECEC entitlement, and a gap of 46 months between the end of the duration of the income replacement benefit (if this option is chosen) and an ECEC entitlement. 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 are close to 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 2016 (including proposals currently under discussion)**

In March 2017, the new regulations on the childcare benefit, the family-time bonus and a partnership bonus came into force; see 1c for more details.

## **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 two 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 10.99 per cent to 29.72 per cent (May 2016).

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 February 2017 refer to all parents during their first year of using the benefit: around 32 per cent opted for the long model (30+6 months), 26 per cent for the second model (20+4), six per cent for the model 15+3, six per cent for the flat rate 12+2 and around 29 per cent for the income related model 12+2.

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

In 2014, when the cash benefit for people on care leave (*Pflegekarenzgeld*) was introduced, a total of 2,323 people received this benefit. Of these beneficiaries, 54.2 per cent used the long-term care leave model (*Pflegekarenz*), 5.3 per cent used the same model working part-time (*Pflegekarenzteilzeit*), and 40.5 per cent used the family hospice leave model. The number of beneficiaries increased to 2,600 people in 2015<sup>2</sup>. Schmidt, Fuchs and Rodrigues (2016) report a take-up rate of 2.5 per cent based on estimates regarding the eligible number of employees<sup>3</sup>. The average duration of the long-term care leave model amounted to 82.6 days in 2014, i.e. slightly below the three months that this model allows for initially<sup>4</sup>. About two thirds of employees taking a care leave from work to care for a frail or sick dependants/family members (i.e. long-term care leave or family hospice leave) are women<sup>5</sup>.

### **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

#### **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-

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<sup>2</sup> BMASK (Bundesministerium für Arbeit, Soziales und Konsumentenschutz) (2015), Ein Jahr Pflegekarenzgeld [One year cash benefit for long-term care leave], Wien, available at [http://www.sozialministerium.at/site/Startseite/News/Ein\\_Jahr\\_Pflegekarenzgeld](http://www.sozialministerium.at/site/Startseite/News/Ein_Jahr_Pflegekarenzgeld) (accessed on 10 April 2017); Parlament 2015, Anfragebeantwortung der Anfrage Nr. 6489/J der Grünen betreffend Pflegekarenz und Pflegezeit [Parliamentary inquiry 6489/J on behalf of the Greens respective long-term care leaves], Wien 3.11.2015.

<sup>3</sup> Schmidt, A.E., Fuchs, M., Rodrigues, R. (2016) Juggling family and work – Leaves from work to care informally for frail or sick family members – an international perspective, Policy brief (September 2016), Vienna: European Centre for Social Welfare Policy and Research.

<sup>4</sup> Parlament 2015.

<sup>5</sup> Parlament 2015; AK NÖ (Kammer für Arbeiter und Angestellte für Niederösterreich), Analyse Familienhospizkarenz 2002-2012, Wien 2012.

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 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. Recent selected publications**

Schmidt, A.E., Fuchs, M., and Rodrigues, R. (2016) *Juggling family and work – Leaves from work to care informally for frail or sick family members – an international perspective*, Policy brief (September 2016), Vienna: European Centre for Social Welfare Policy and Research. Available at:

[http://www.euro.centre.org/data/1474279866\\_17410.pdf](http://www.euro.centre.org/data/1474279866_17410.pdf)

This Policy brief aims to draw some lessons for the design and improvement of care leave policies in selected countries (Austria, Germany, the Netherlands, France, Italy and Canada). Secondly, it highlights the challenges involved in implementing care leave regulations in practice. The findings in this Policy Brief are based on the in-depth examination of 22 existing care leave regulations in the six analysed countries. For the analysis, initially seven key policy objectives were defined which are deemed of particular relevance for improving reconciliation of employment and informal care for disabled, frail or sick relatives. These are caregivers' labour market attachment, universal coverage, legal security, flexibility, income security, social security, and gender equality. These also represent the dimensions against which the underlying rationales of care leave models are compared across countries. As a measure to relieve working carers for frail or sick relatives, the analysed leave models can be considered a unique form of support, especially in allowing carers to deal with a new situation at the (immediate) onset of a care need, and in caring for and spending time with dying relatives. However, the Policy brief also shows that in most cases care leaves do not exceed a few months, while the need for care and support frequently continues over several years.

Schiffbänker, H. and Bergmann, N. (2016) *Work-life Balance and Fathers in Austria? - Empirical Evidence at the Company Level*; In: Crespi, Isabella; Ruspini, Elisabetta (Eds.) *Balancing Work and Family in a Changing Society. The Fathers' Perspective*, pp. 113-128.

Against the background of changing formal care regulations in Austria, this contribution discusses the implementation of these policies at company level and its impact on men's care involvement. Two factors are seen relevant for fathers' to take up Parental leave and to realise a Work-Life-Balance (WLB) after re-entering labour market: an organisational culture that respects WLB issues as daily practice and where fathers are widely supported and a sector that is dominated by female employees with long experience in WLB-issues. The contribution demonstrates that for both, an organisational culture that puts WLB into practice and a sector with dominantly female employees, individual dispositions decide about if and how WLB is implemented at company level. It argues that more formalised equality policies like collective agreements and statutory standards with sanctions are needed to guarantee WLB in a broader perspective and to foster WLB as an issue also for men.

Schadler, C., Rieder, I., Schmidt E., Zartler, U. and Richter, R. (2017) *Key practices of equality within long Parental leaves*; *Journal of European Social Policy*, January 2017, pp. 1-13.

The birth of a child often reinforces an unequal division of employment and care work among heterosexual couples. Parental leave programmes that foster long leaves

tend to increase this inequality within couples. However, by investigating a particularly long Parental leave system, the article shows that specific practices enable parents to share care work equally. The ethnographic study includes interviews with heterosexual couples, observations in prenatal classes and information material available to parents. Specific sets of practices – managing economic security, negotiating employment, sharing information with peers and feeding practices – involved parents who shared care work equally and parents who divided care work unequally. Contingent on specific situated practices, the arrangement of care work shifted in an equal or unequal direction. Even within long Parental leaves, equality between parents was facilitated when economic security was provided through means other than income, when work hours were flexible, mothers had a close relationship to work, information on sharing equally was available and children were bottle-fed. Consequently, an equal share of care work is not the effect of solely structural, individual, cultural or normative matters, but of their entanglement in practices.

### **c. Ongoing research**

*Men and Reconciliation of Work and Family: Supporting the Path to Gender Equal Distribution of Parental Leave and Working Time (2015-2017).*

This EU project is supported by the European Union Program for "Rights, Equality and Union Citizenship" (2014-2020). It is coordinated by the Ministry of Labour, Social Affairs and Consumer Protection (project partners: BMGF, L&R, FORBA, social partners, AK, ÖGB and IV). The project pursues inter alia the target to identify promoting and hindering factors for a better reconciliation of work and family for men in Austria.

*Changing Families and Sustainable Societies: Policy Contexts and Diversity over the Life Course and Across Generations (Families And Societies) (2013-2017)* - funded by the European Union; Austrian partner: The 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>

**Laura Merla** (Université Catholique de Louvain)

**April 2017**

NB. Belgium is a federal state.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network 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)*

- 15 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.
- 12 weeks for self-employed mothers (with three weeks of compulsory leave).
- 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 €135 per day. Statutory civil servants receive full salary; contractual civil servants, as for private sector.
- Self-employed mothers receive €458 per week.
- Unemployed mothers: first month receive unemployment benefits + 19 per cent of previous earnings with a ceiling of €135 per day, then unemployment benefits + 15 per cent of previous earnings with a ceiling of €135 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.

<sup>1</sup> Please cite as: Merla, L. (2017) 'Belgium country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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. 12 weeks of paid leave).

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

- Mothers needing 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 benefit.

## **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*

- 100 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 €110 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*

- €721 per month net of taxes (€802 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 of the 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 €484 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 €172 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 paid 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 can only be taken to care for a child younger than eight years (or for a disabled child up to 21 years), to provide palliative care, and/or to care for a severely ill relative. 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 €654 per month (587€ after taxes). 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 51 months for care purposes. 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.

#### *Specific provision for (breast-)feeding*

- None reported.

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

The maximum period of paid post-natal leave available in Belgium is 51 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 2016 (including proposals currently under discussion)**

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.

In 2017, a series of reforms entered into force. These reforms include significant changes to the Time Credit system and Maternity Leave for self-employed mothers. The new Time Credit system is not strictly limited to paid leave for care or training reasons – the possibility to take unpaid time credit for other reasons has been suppressed. In addition, the total duration of paid time credit (as negotiated in sectoral or workplace agreements) for care reasons (for children, disabled children, severely ill relatives or palliative care) has been extended to 51 months. Maternity leave for self-employed mothers has been extended to 12 weeks and made more flexible. Unemployed mothers now have three weeks of compulsory leave (one week before birth and two weeks after birth). In addition, they are entitled to nine weeks of optional leave to be taken by blocks of seven days during the 36 weeks following birth. Each week of optional leave can be transformed into two weeks of part-time leave for women who go back to work on a part-time basis (max half-time, from the total of 18 weeks).

Planned reforms that should come into force during the next months include the further flexibilisation of Parental leave with the new option to take it on a 1/10<sup>th</sup> basis, allowing parents to take a half-day off work every second week (for instance, to care for their children on Wednesday afternoons, when there is no school).

#### **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 one fifth 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 one fifth 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.

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

### **a. Maternity leave**

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

### **b. Paternity leave**

Following the extension to ten days, in 2002, a large majority of men used Paternity leave, up from 17,045 fathers in 2002 to 61,246 in 2008 (RIZIV/INAMI data); a comparative study estimated the take-up rate of Paternity leave in 2008 was approximately 68 per cent. Only about 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 eight 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 one per cent of men and four 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**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **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. Recent selected publications**

None reported.

### **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/rq/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 2017**

NB. Brazil is a federal state

## **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.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

## **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)*

- 120 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.
- In the event of the death of the mother, the spouse is entitled to Maternity leave. The payment duration of the benefit is then calculated according to the period to which the woman would still be entitled.
- Single adoptive fathers are entitled to Maternity leave.
- In homosexual couples, only one partner (man or woman) is entitled to Maternity leave.

<sup>1</sup> Please cite as: Sorj, B. (2017) 'Brazil country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

### *Payment and funding*

- 100 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 deductions.
- In case of miscarriage or legal abortion (on the grounds of rape, risk to the mother's life or a foetus with anencephaly), the Maternity benefit payment is paid for two weeks.
- 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[€367.32]<sup>2</sup>; nine per cent between BRL1,317.08[€367.32] and BRL2,195.12[€612.20]; and 11 per cent between BRL2,195.13[€612.20] and BRL4,390.24 [€1224.39], 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)*

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<sup>2</sup> Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

- Five consecutive calendar days in the private sector for birth or adoption of a child. Twenty calendar days in the Federal public sector. At state and municipal levels, entitlement to the additional period depends on the approval of the local authorities. 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.

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

- No statutory entitlement.

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

##### *Adoption leave and pay*

- Mothers in the private sector who adopt a child are entitled to Maternity leave of 120 consecutive days and full salary, equating the rule valid for biological mothers. Mothers in the public sector who adopt children are entitled to 180 consecutive days of leave and full salary, equating the rule valid for biological mothers.
- If the adoptive mother dies, the spouse can use the leave for the remaining time. This is also the case for homosexual couples.
- When the adoptive mother does not pay Social Security contributions, all the benefits of Maternity leave go to the adoptive father (on the condition that he pays Social Security contributions).

##### *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 dependant, 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.
- In the public sector, 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 dependant can be part of a collective agreement, but not a labour law or regulation.
- Public servants who accompany their relatives with disabilities in health-related activities are entitled to special working time, without having to

compensate the hours spend in caring; they receive full salary during this period.

#### *Flexible working*

- See section below.

#### *Specific provision for (breast-)feeding*

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

## **2. 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 2016 (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 five to 20 days for employees of companies that adhere to the Company-Citizen Programme (Programa Empresa-Cidadã). 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**

No statutory leave entitlement.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **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 dependant 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. Recent selected publications**

Cardoso de Albuquerque, R. (2017) A extensão do direito de salário maternidade e licença maternidade aos pais, aos casais homossexuais e as mães adotivas, *Âmbito Jurídico. com.br* (The extension of the right to Maternity salary and Maternity leave to adoptive fathers, homosexual parents and adoptive mothers). Available at: [http://www.ambitojuridico.com.br/site/index.php?n\\_link=revista\\_artigos\\_leitura&artigo\\_id=14979&revista\\_caderno=20](http://www.ambitojuridico.com.br/site/index.php?n_link=revista_artigos_leitura&artigo_id=14979&revista_caderno=20)

Moser, L. and Dal Prá, K.R. (2016) Os Desafios de Conciliar Trabalho, Família e Cuidados: evidências do “familismo” nas políticas sociais brasileiras (The Challenges of Conciliating Work, Family and Care: evidence of “familism” in Brazilian social policies). Available at: <http://revistaseletronicas.pucrs.br/ojs/index.php/fass/article/view/21923/15299>

### **c. Ongoing research**

None reported.

# Bulgaria<sup>1</sup>

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**April 2017**

NB. The Bulgarian country note is for the first time included in the 2017 International Review of Leave Policies & Research. This year, only Sections 1, 2 and 4 are included; the missing sections will be included from 2018 onwards.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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

### **a. Maternity leave (*otpusk poradi bremennost, ragdane I osinovyavane*) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)**

#### *Length of leave*

- 410 calendar days, from which 45 calendar days must be taken before the expected date of birth. Employers are obliged to accept women's request for Maternity leave.
- The first 135 days are obligatory for mothers, and these are divided into three periods:
  1. The first period includes 45 calendar days before the expected date of birth (pre-natal leave/ pregnancy leave). If a woman gives birth before the 45<sup>th</sup> day, the remaining days are added to the rest of the leave. If the delivery is delayed after the 45<sup>th</sup> day, the period is extended with a new medical statement until delivery. The total length of the pre-natal leave / pregnancy leave cannot exceed 93 days.
  2. The second period includes 42 days after childbirth (post-natal leave). Women are also entitled to these 42 days in case of stillbirth, death of child soon after birth or in case the child is given for adoption. In these cases, the post-natal leave can be extended if a medical examination proves that the woman's health and labour capacity are not fully recovered.
  3. The third period includes the remaining 48 calendar days until the 135<sup>th</sup> day. The post-natal leave is thus in total 90 calendar days after childbirth.

<sup>1</sup> Dimitrova, E., Kotzeva, T. and Ilieva, K. (2017) 'Bulgaria country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

### *Payment and funding*

- Women taking Maternity leave have the right to receive financial compensation if they have been insured at the National Insurance Institute for the risk of general illness and pregnancy for at least twelve months, i.e. they were employed and paid contributions for the risk of maternity. The financial compensation for the period of 410 calendar days is 90 per cent of the mean gross salary or the mean insurance income, which the woman has received in the last 24 months preceding the leave. The financial compensation cannot be lower than the minimum salary BGN420[€214.76]<sup>2</sup> in 2016; and there is a ceiling on payment equalling a monthly maximum insurance income of BGN2,600[€1329.48]. The same regulation applies for self-employed women.
- Funded by the National Social Security Institute through employer and employee contributions.

### *Flexibility in use*

- The first 135 days of leave are available only to mother since they aim to ensure mothers' care for children in the first months of life. The leave serves also for recovery of mother's health and labour capacity.
- With the agreement of the mother, after the child reaches six months and until the 410<sup>th</sup> calendar day, leave can be transferred to the father if he has been insured at the National Insurance Institute for at least twelve months. The financial compensation for this period is 90 per cent of average gross monthly earnings or the average insurance income that the father received in the last 24 months preceding the birth of the child. The financial compensation cannot be lower than the minimum salary, BGN420[€214.76] in 2016. The same regulation applies for self-employed men.
- In the situation in which a woman has not worked or has not paid social insurance for risk of general illness and pregnancy, she can receive a monthly benefit of BGN100[€51.13] until the child's first birthday. This is dependent on means-testing, with the income per family member being less than BGN400[€204.54]. The conditions and the procedure to receive these benefits are stipulated in the Family Allowance Law for Children.

### *Eligibility*

- Women with Bulgarian citizenship, who live in Bulgaria or those with foreign citizenship who have paid the social insurance for the risk of general illness and pregnancy in the last 12 months, (regardless of the country where social insurance has been paid).

*Variation in leave due to child or family reasons (e.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 leave for pregnancy, childbirth and child adoption and the financial compensations related to it end in case of stillbirth; death of child; if the child is given for adoption or the child is enrolled in a public childcare institution. The exact end of leave depends also on the medical statement that the mother is in a good health and can return to work.

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<sup>2</sup> Conversion of currency undertaken on 21<sup>st</sup> June 2017, using:  
<http://finance.yahoo.com/currency-converter>



- In case of child adoption the Maternity leave time is recalculated. It is equal to the difference between the length of the leave (410 calendar days) and the age of the child on the day of adoption.

**b. Paternity leave (otpusk po bashtinstvo) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)**

*Length of leave*

- 15 calendar days.

*Payment and funding*

- The financial compensation for the period of Paternity leave is 90 per cent of average gross monthly earnings or the average insurance income in the last 24 months preceding birth of the child. The regulation applies for self-employed men.
- Paternity leave is counted as work experience.
- Funded as for Maternity leave.

*Flexibility in use*

- None.

*Eligibility*

- The father has the right to use Paternity leave if the mother and the father are married or live in a shared household. The father can use it from the day when the new-born child is discharged from the hospital (there is no preposition as to whether it can be postponed to a later stage).
- The father can use 15 days of Paternity leave if he has paid social insurance for at least 12 months.
- The leave ends in case of the death of the child; divorce; if the child is given for adoption or the child is enrolled in a public childcare institution.

**c. Parental leave (otpusk za otgledane na dete do 2 godishna vazrast) (responsibility of the Ministry of Labour and Social Policy; National Social Security Institute)**

*Length of leave*

- Until the child is two years of age. Leave is a family entitlement.

*Payment and funding*

- A monthly benefit rate of BGN340[€173.86] in 2016.
- Parental leave is counted as work experience.
- Funded as for Maternity leave.

*Flexibility in use*

- If the mother decides not to use the paid Parental leave fully or in part, she is entitled to receive a partial financial compensation for the remaining period of

the leave set at 50 per cent of the normal monthly benefit for parents taking leave, i.e. BGN170[€86.93] per month for 2016. The same rule applies if the paid Parental leave is taken by another person who wants to return to work.

- The same condition applies for self-employed mothers in case they decide to start working and renew their social security payments before the end of the paid Parental leave.

#### *Eligibility*

- The parents or other leave-takers have paid social insurance for at least 12 months.
- The Parental leave cannot be used at the same time by the mother and the father or one of the grandparents.
- Parental leave ends if the child is enrolled in a public childcare institution; the rationale for this is that the leave is given to the mother in order to ensure her permanent care for the child. The leave also ends if the child is given for adoption.

*Variation in leave due to child or family reasons (e.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*

- With the agreement of the mother, paid Parental leave can be taken by one of the grandparents if s/he is employed, on condition that the grandparent has paid social insurance for at least 12 months regardless of when this payment was made.
- If the mother/adoptive mother of a child below the age of two years dies or gets seriously ill and she cannot take care of the child, the leave can be taken by the father. With the father's agreement, the leave can be transferred to one of the grandparents if s/he is employed and has a paid social security for the risk of pregnancy and general illness for at least 12 months
- If both parents of a child below the age of two years die and the child is not enrolled in a childcare institution, the paid Parental leave can be used by the guardian, and – with his or her agreement – by one of the biological grandparents of the child.

#### **d. Childcare leave or career breaks (neplaten otpusk za otgledane na dete do 8 godishna vazrast) (responsibility of the Ministry of Labour and Social Policy)**

- Unpaid *Childcare leave to care for a child up to eight years* can be taken by each parent for up to six months, from the second birthday of the child to no later than its eight birthday. It can be taken by both parents (though not simultaneously) if they are in employment and if the child is not placed in a publicly-funded childcare institution. Up to five months of this leave can be transferred to the other parent.
- The entitlement period is extended to one year in the case of a single parent or a guardian of a child whose parents both are deceased; the guardian can transfer any unused remaining portion or the whole period of the leave to any of the child's grandparents if they are in employment. The employer should be notified ten days in advance to leave uptake.
- The leave can also be partitioned and used as separate blocks of time, but no less than five days at a time. Like Maternity, Paternity and Parental leaves, this counts as work experience.

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

### *Adoption leave and pay*

- Adoption leave and pay for adopting a child under the age of two years (*otpusk poradi bremennost, ragdane I osinovyavane*) is available under the same conditions as for Maternity leave, but the period of leave is reduced by the difference between the full length of the leave period (410 days) and the child's age.
- Adoption leave for adopting a child between two and five years-old (*otpusk pri osinovyavane na dete ot 2 do 5 godishna vazrast*) is available for 365 days, and can be taken from the day of the child's arrival at home, but no later than the child's fifth birthday. An allowance is paid by the National Social Security Institute for the period of the leave at 90 per cent of average gross monthly earnings. Adoptive fathers may use the adoption leave in place of the adoptive mother with her consent, beginning not earlier than six months after the child's arrival, but no later than the child's fifth birthday. Single adoptive fathers are entitled to the same adoption leave and pay. The right to adoption leave and allowance expires if the child attends a childcare institution.
- Adoption leaves are counted as work experience.

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

- Leave to care for a sick family member, including a child (*otpusk pri vremenna nerabotosposobnost*) or to attend to a healthy child who has to stay at home due to quarantine in a childcare institution, can be taken for up to 60 calendar days per year. It is paid at 80 per cent of average gross monthly earnings. In fact, this is a special case of the general sick leave and requires medical papers issued by a GP to be presented to the employer.
- Leave to care for two or more children under 18 years (*platen otpusk za dve I poveche givi detsa*) is available to employed mothers subject to collective work agreement. Mothers with two children are entitled to two days of leave for every calendar year, and mothers with three or more children to four days per calendar year. Paid annual leave compensation is at 100 per cent. This leave can be postponed for use during the next calendar year, but no later than midyear.

### *Flexible working*

- On returning to work after childbirth or taking leave, the employed person may request a temporary change in the duration or the distribution of his/her working hours to facilitate reconciliation between work and family duties. The law obliges the employer to consider such a request and agree to it providing it is possible for the work organisation to accommodate this request.
- Employed mothers of children under six years of age have a legal right to work from home on request with the same or another employer. When the child turns six years, the mother who has been working from home should be restored to the same position she previously held or, if that position is no longer available, to an appropriate alternative, with her consent. Mothers of children under six years may work from home for another employer in which case they should be granted unpaid leave from their former employer and the right to return to the same or an appropriate alternative position after the entitlement to work from home expires (but no later than the child's sixth

birthday). The right may be used by the father if the mother is not in a position to benefit from it.

#### *Specific provision for (breast-)feeding*

- Absence from work for breastfeeding or feeding a child (otpusk za karmene i hranene na malko dete) is permitted for two hours per day (taken as one block or two separate blocks of one hour each) when a child is under eight months and the mother is working full-time (eight hours); or for one hour a day when a mother is working less than seven hours a day. In the case of multiple or pre-term births, absence of three hours per day is permitted to a full-time employed mother and two hours a day to a mother employed less than seven hours a day. When the child reaches eight months of age, paid absence for breastfeeding is reduced to one hour per day (two hours for multiple or pre-term births) and requires a supportive recommendation as for how long the child should be breastfed which is issued by a medical doctor and to be presented to the employer. The same legal right is guaranteed to adoptive mothers and mothers of stepchildren. Mothers can receive full remuneration for the (breast-)feeding leave of absence.

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

The maximum period of post-natal leave available in Bulgaria is 36 months, but well-paid leave only lasts for 12 months. Levels of attendance at formal services for children under three years are low and well below the average for OECD countries; but are only just below average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page. Pre-school education is obligatory for five- and six year-olds. According to the National Statistical Institute, the enrolment rate for children aged three to six in childcare institutions was 81 per cent in 2015/16.

## **3. Changes in policy since April 2016 (including proposals currently under discussion)**

No information provided (see start of country note).

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

### **a. Maternity leave**

The general Maternity leave of 135 days is obligatory and it is considered a recovery period for mothers and time for immediate childcare. This is documented by health authorities (GPs, hospitals).

According to the National Social Security Institute, in 2016, 479 fathers (less than one per cent of all beneficiaries) took up the period of Maternity leave from the sixth month until one year after childbirth. Overall, with the accumulated beneficiaries from the previous year, the total number of first year paid leave beneficiaries in 2016 was 107,402 (National Social Security Institute). There is not data available for the take-up of the second year of leave.

## **b. Paternity leave**

For those fathers who are entitled, the Paternity leave of 15 days is obligatory, with the aim of including the father in childcare immediately after the birth. According to the National Social Security Institute<sup>3</sup>, which pays Paternity leave, 20,385 fathers took paid leave in 2016, equivalent to approximately one-third of all children born that year (65,446 live births).

## **c. Parental leave**

According to the National Social Security Institute, there were 82,794 beneficiaries of Parental leave in 2016, which is 23 percentage points less than the beneficiaries of Maternity leave (107,402). There are no survey data on this topic, but possible reasons for this decline in take-up of leave during the second year after childbirth could be that well-paid and higher qualified mothers prefer to go back to their jobs and choose other options for childcare (babysitter, relatives, creches) rather than staying at home.

For mothers without paid social security, who may be entitled to a monthly social benefit for one year after the birth, the National Agency for Social Assistance reports that 16,291 mothers have received this social benefit in 2016<sup>4</sup>, or about one quarter of all mothers who gave birth that year. In 2016, 104 parents benefitted from the adoption leave.

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

No data available.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

No information provided (see top of country note).

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<sup>3</sup> See <http://www.noi.bg/benefits>.

<sup>4</sup> See <http://www.asp.government.bg/web/guest/godisen-otcet>.

# Canada<sup>1</sup>

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

**April 2017**

NB. Canada is a federal state.

**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 the 7 per cent of employees in federally regulated industries, resulting in 14 different legislated leave entitlements. Variations between jurisdictions hold implications for accessing and using (unpaid) legal entitled leave and therefore the two benefit programs. Overall, the federal wage-compensation benefit programme and provincial/territorial/federal legal 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 QPIP 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 are at the end of the Parental leave section.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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

The following table presents a comparison of benefits between the Canadian program and the Québec regime. In both programs, parents must pay premiums through insurable employment to qualify.

### **Comparison of Benefits: Canada (EI) and Québec (QPIP)**

<sup>1</sup> Please cite as: Doucet, A., Lero, D.S., McKay, L. and Tremblay, D.-G. (2017) 'Canada country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

	Canada EI	Québec Basic Plan	Québec Special Plan
<b>Eligibility</b> (in past year) <sup>1</sup>	600 hours	\$2,000 earnings	
<b>Self-employed workers</b>	If opted in the year before, with minimum \$6,888 in self-employed earnings	Automatically covered (Must have stopped working or seen a reduction of at least 40 per cent of usual income)	
<b>Waiting period</b>	1 week per couple	None	
<b><i>Weeks by wage-replacement rate (% of <u>gross earnings</u> during a qualifying period up to the Maximum Insurable Earnings level)</i></b>			
<b>Maternity</b> <sup>2,3</sup>	15 at 55%	18 at 70%	15 at 75%
<b>Paternity</b>	None	5 at 70%	3 at 75%
<b>Parental (shared)</b>	35 at 55%	32 (7 at 70% + 25 at 55%)	25 at 75%
<b>Total weeks per couple</b>	50	55	43
<b>Adoption (shared)</b> <sup>4</sup>	35 at 55%	(12 at 70% + 25 at 55%)	28 at 75%
<b>Low-income supplement</b> <sup>5</sup>	Up to 80%	Up to 80%	
<b><i>Adjusted annually:</i></b>			
<b>Maximum insurable earnings, 2017</b>	\$51,300/year	\$72,500/year	
<b>Maximum weekly benefit, 2017</b>	\$543	\$1,394	

Source: Adapted from “Employment Insurance Maternal and Parental Benefits,” Service Canada (2017) <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/maternity-parental.html> and “Québec Parental Insurance Plan,” Emploi et Solidarité sociale, Québec, [http://www.rqap.gouv.qc.ca/index\\_en.asp](http://www.rqap.gouv.qc.ca/index_en.asp)

Table Notes:

- 1) The 600 hours are of insurable employment in the 52 weeks before the claim is made (or since the last EI claim e.g. for unemployment, sick leave, or Compassionate Care benefits). In Québec, CAD\$2,000[€1,350]<sup>2</sup> must be earned in the fiscal year but an extension to 104 weeks is allowed if unable to work.
- 2) Only birth mothers (including surrogate mothers) are entitled to Maternity leave in both plans;
- 3) The benefit calculation for both programmes use a ‘best weeks’ formula to determine “average insurable earnings” up to the Maximum Insurable Earnings level for that year. EI uses previous 52 weeks; Québec uses past 26 weeks (an extension is granted if earnings were lower for certain reasons).
- 4) Only QPIP has a plan to adoptive parents;
- 5) The low-income supplement is for families with a net annual income of less than CAD\$25,921[€17,503]. The amount, up to 80 per cent, is calculated based on net family income, number of children and their ages.

### **a. Maternity leave (*congé de maternité*)**

*Length of leave (before and after birth)*

<sup>2</sup> Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

- 15 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.

#### *Payment and funding of two benefit programmes*

- 15 weeks of benefits at 55 per cent of average insured earnings up to an earnings ceiling of CAD\$51,300[€34,640] (i.e., a benefit payment ceiling of CAD\$543[€367] 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 week, which is treated as a 'waiting period'; this means that payment is available for 16 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 CAD\$100[€67.52] of insurable earnings, up to the maximum insurable earnings threshold (MIE) which is CAD\$51,300 [€34,640] in 2017. 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 CAD\$1.63[€1.10] per CAD\$100[€67.52] (for Québec residents at CAD\$1.27[€0.86] of insurable earnings in 2017); employer premiums were set at CAD\$2.28[€1.54] per CAD\$100[€67.52] of insurable earnings (for Québec Employers at CAD\$1.78 [€1.20]<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: CAD\$1.63[€1.10] per CAD\$100[67.53€] of insurable earnings up to a maximum of CAD\$51,300[€34,640] of earnings, or CAD\$836.19[€564.63] annually. See 'regional or local variations' for additional contributions paid in Québec. Maternity and Parental leave benefits are taxable.

#### *Flexibility in use of benefits*

- Under the EI program, pregnant mothers may start receiving benefits during the eighth week before their due date or delay receiving benefits until the actual week they give birth.
- 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.
- Maternity benefits may be combined with regular benefits in the event of job loss or with other Special benefits (Parental, sickness benefits, compassionate care benefits or benefits for parents of seriously ill children up to a maximum of 102 weeks with proof of eligibility for the latter benefits). However, eligibility and other rules sometimes result in reducing claim duration.

<sup>3</sup> Employment Insurance Maternal and Parental Benefits, Service Canada, 2017, <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/maternity-parental.html>

<sup>4</sup> 2017 Employment Insurance Premium Rate. Summary of the Actuarial Report on the Employment Insurance Premium Rate: <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/premium/rates2017.html>



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

- Eligibility and duration of leave entitlements vary across provinces and territories. The rules generally apply to all leave-taking types (Maternity, Paternity, Parental, Compassionate Care, etc.). See the table below under Parental leave.
- Québec offers benefits of 70 per cent of average weekly income up to an earnings ceiling of CAD\$72,500[€48,956] per year in 2017 for 18 weeks of Maternity leave; there is also no 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, 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 2017 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 CAD\$72,500[€48,956]<sup>7</sup> compared with 0.36 per cent of insurable income, up to a maximum of CAD\$51,300 [€34,640] as an EI premium in other parts of Canada.

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

- Eligibility for job-protected unpaid leave entitlement varies between Canada's 14 employment jurisdictions and is separate from the eligibility for payment of benefits under the two (federal and Québec) programs. The rules generally apply to all leave-taking types. See below under parental leave.
- Eligibility requirements for wage-compensation benefits under the federal program 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 CAD\$2,000 [€1,350] in the 52 preceding weeks.
- In 2006 when the QPIP program began, self-employed workers in Québec were included and became eligible for Maternity, Paternity, Parental and Adoption benefits if they had a minimum of CAD\$2,000[€1,350] in self-employment earnings in the previous year. 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 CAD\$6,888[€4,652] (in 2016) from self-employment in the reference

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

<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)

period of the previous 52 weeks<sup>8</sup>.

- There are no leave entitlements or benefits for parents who do not meet the eligibility criteria.
- Graduate and postdoctoral students who receive a scholarship from one of three large granting agencies can receive limited benefits from the agency. (Research/teaching assistant and postdoctoral employment contracts vary in being counted as insurable earnings.)

*Variation in leave due to child or family reasons (e.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 entitlement 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. See the table below.
- 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).
- Leave entitlements and benefits are offered per birth, not per child. Parents of multiple-birth infants follow the same entitlements and benefits as parents of singletons.

*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, often including coverage during the waiting period before benefits are provided.

## **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) entitlement*

- 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 CAD\$72,500[€48,956] per year. Funding as for Maternity leave.
- Fathers in Québec (including self-employed workers) are eligible if they have earned at least CAD\$2,000[€1,350] in the 52 preceding weeks.

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<sup>8</sup>Employment Insurance Maternal and Parental Benefits, Service Canada, 2017, <https://www.canada.ca/en/employment-social-development/programs/ei/ei-list/reports/maternity-parental.html>

## c. Parental leave (*congé parental*)

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

- 35 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 under the Employment Insurance system (55 per cent of average insured earnings up to an earnings ceiling of CAD\$51,300[€48,956] (i.e., a benefit payment ceiling of CAD\$543[€367] per week. Funding as for Maternity leave.
- Low-income families (i.e. with a net income of CAD\$25,921[€17,503] or less per annum) are eligible for a family supplement under the EI programme, up to a maximum of 80 per cent of average insurable earnings. The specific amount of benefits received depends on family net income and the number and ages of children in the family (under 18). Data are not available on the number of parental leave claimants who received the family supplement, however available evidence on the total number of claimants receiving any of the Special Benefits indicates a consistent decrease each year since 2001-2002 largely because the threshold for the family supplement has been constant since 1997 (at a net annual income of less than CAD\$25,921[€17,503] while average family income has risen. In Québec, this supplement averaged CAD\$37.32[€25.20] per family and 5.1 per cent of beneficiaries using Parental leave received this supplement.

### *Flexibility in use*

- 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 CAD\$50[€33.76] 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 of up to two years to claim parental benefits.
- Parental leave benefits can be combined with EI-covered sickness or compassionate care benefits or benefits for parents of critically ill children while on leave.
- Canadian Forces members ordered to return to duty while on Parental leave or whose Parental leave is deferred because 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 CAD\$72,500 [€48,956] 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.
- 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. Regional variations in eligibility for leave entitlement are noted in the next section.
- Differences in duration and some other rules for *unpaid* leave entitlement under 14 jurisdictional employment standards legislation (ten provincial and three territorial), are as follows<sup>9</sup>:

#### **Maximum Duration of Unpaid Leave Entitlement by Jurisdiction**

Note: Legal entitlements separate from benefit plans. Superscript numbers refer to the notes below (sources are in footnote 9)

<b>Employment Jurisdiction</b>	<b>Maternity Leave<sup>1</sup> (weeks)</b>	<b>Parental Leave<sup>1</sup> (weeks)</b>	<b>Adoption Leave<sup>1</sup> (weeks)</b>
Federal	17	37 <sup>4</sup>	37 <sup>4</sup>
Alberta	15	37 <sup>4</sup>	37 <sup>4</sup>
British Columbia	17	37 <sup>3,5</sup>	37 <sup>5</sup>
Manitoba	17 <sup>2</sup>	37 <sup>2,5</sup>	37 <sup>5</sup>
New Brunswick	17	37 <sup>4</sup>	37 <sup>4</sup>
Newfoundland and Labrador	17	35 <sup>5</sup>	52 <sup>5,8</sup>
Northwest Territories	17	37 <sup>5</sup>	37 <sup>5</sup>
Nova Scotia	17	52 <sup>3,5</sup>	52 <sup>5</sup>
Nunavut	17	37 <sup>5</sup>	37 <sup>5</sup>
Ontario	17	37 <sup>3,5</sup>	37 <sup>5</sup>

<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).

Prince Edward Island	17	35 <sup>4</sup>	52 <sup>4</sup>
Quebec	18 <sup>2,6</sup>	52 <sup>2,5,6</sup>	52 <sup>5</sup>
Saskatchewan	18	37 <sup>5,7</sup>	52 <sup>8</sup>
Yukon	17 <sup>2</sup>	37 <sup>2,4</sup>	37 <sup>4</sup>

Table Notes:

- 1) The jurisdiction is where you work, not where you live. 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. In Québec, the 52 weeks can be taken within a 70-week period with the employer's agreement.
- 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) In Québec, there is an entitlement to five days off work immediately following the birth, the first two of which are paid if employees have 60 days of continuous service. Since the 2006 start of QPIP benefits, Québec fathers are entitled to a Paternity leave of not more than five continuous weeks. This leave may 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/Paternity 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 requires 20 continuous weeks; Prince Edward Island requires 13 and Saskatchewan requires 20 continuous weeks in the 52 weeks preceding the requested leave. The federal jurisdiction and the Northwest Territories permit an employee to take the leave after six months of continuous service, and Manitoba after seven months. Alberta, Nova Scotia, the Yukon and Nunavut 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.

- To be eligible for payment benefits, a parent must have worked in insurable employment for 600 hours in the last 52 weeks or since their last Employment Insurance claim. Outside Québec, self-employed individuals are eligible if they registered in advance for the EI Special Benefit program, have paid premiums for at least one year, and earned a minimum of CAD\$6,888[€4,652] in 2016 for claims filed in 2017. Self-employed workers in Québec are automatically included in the program. They are eligible for 25 or 32 weeks if they have earned at least CAD\$2,000[€1,350] in the 52 preceding weeks.
- Eligibility for benefits 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 CAD\$2,000[€1,350]. 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 CAD\$2,000[€1,350] 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). As noted for Maternity benefits, no additional benefits are provided in the case of multiple births; a court case challenging this policy was rejected 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

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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.

in the public or quasi-public sectors and among larger private sector employers; typically are more accessible to higher income earners.

- Many universities have adopted a policy of “pausing the tenure clock” (extending the period before a mandatory tenure decision) for parents who take Maternity, Parental or Paternity leave.

#### **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 dependants*

- British Columbia and New Brunswick allow three to five days of unpaid leave a year to care for immediate family members.
- In Québec, employees are entitled to 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 entitled to 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 entitle 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 3 January 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 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 *inter alia* leave, 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 is entitled to 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.
- In Québec, a pregnant worker can qualify for workers’ compensation if no other suitable position is available at her workplace.

#### *Specific provision for (breast-)feeding*

- There are no provisions for breast/bottle-feeding leaves in Canada.

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

The normal maximum period of post-natal leave benefits available in Canada (Maternity and Parental leave benefits combined) is 50 weeks; (or in Québec, 11 months). There is no entitlement to ECEC at any age. Levels of attendance at formal (regulated) ECEC 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’ in the [cross-country comparisons](#) (at the front of this review / on the website).

In recent years, public awareness has grown about the lack of access to affordable, quality childcare, and especially the high cost of infant care. A recent OECD report found childcare costs in Canada to be among the highest among 35 OECD countries: “Across the OECD the average two-income family spends about 15 per cent of its net income on childcare. In Canada, the ratio is as high as 22.2 per cent of



net income”<sup>12</sup>. The costs are lower in Quebec, where the State contributes largely. Even those who can afford the high fees or who qualify for a provincial fee subsidy face long waiting lists for the limited spaces available in licensed childcare centres and regulated family home day care. For these reasons federal and provincial governments are being pressed to invest in early learning and childcare services. Some parent groups have also called for an extension of parental leave duration.

In 2006 a then-newly elected federal Conservative government cancelled bilateral agreements with the provincial and territorial governments to invest in early childhood services. Instead the federal government provided a taxable direct payment to parents, called the Universal Childcare Benefit (increased in 2015 from CAD\$100[€67.52] per month to CAD\$160 [€108.04] per child under six years, and adding CAD\$60[€40.51] for each child aged 6-17 years per month), and a tax benefit called the Canada Child Tax Benefit, for children under 18. Following a change in government in the fall of 2015, the Liberal government’s 2016 federal budget replaced these benefits with a single, enhanced, non-taxable Canada Child Benefit. The Canada Child Benefit<sup>13</sup> provides a maximum annual benefit of up to CAD\$6,400[€4,321] per child under the age of 6 and up to CAD\$5,400[€3,646] per child for those aged six through 17 (both benefits programs were in addition to a federal childcare expense deduction, which typically must be claimed by the parent with the lower net income).

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, from birth until 5 years old, as well as older children, before and after school. Under this programme, only families who can provide continual proof that both parents (or a lone parent) are working or studying qualify, and 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. While the vast majority of parents do not qualify for municipal childcare subsidies, the subsidies are a crucial resource for lower-income parents, including parents who are students, enabling them to complete qualifications and/or work at lower paying jobs. Notably, these parents are the ones less likely to qualify for parental leave entitlement and benefits. Levels of funding (and therefore access and wait list times) vary by municipality and province, and change over time; often, there are long waiting lists for a subsidy, except for Québec, where the system is different<sup>14</sup>.

Most provinces start publicly funded kindergarten when the child is five years old. In Ontario, since 2014, full-day kindergarten for children between three and six years of age became universally available. It is not a compulsory programme. This policy change has reduced the demand for daytime childcare for this age group (for four and five year-olds) although not for after school programs and summer care. Across the country, day care fees vary depending on provincial policies and market rates, with infant care being most expensive. Canada’s patchwork of provincial/territorial childcare policies remains difficult, limiting children’s access to high quality early childhood programs, and impacting on family income and women’s employment.

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<sup>12</sup> OECD (2016), *Society at a Glance 2016: OECD Social Indicators*, OECD Publishing, Paris. <http://dx.doi.org/10.1787/9789264261488-en>

<sup>13</sup> See <http://www.budget.gc.ca/2016/docs/plan/budget2016-en.pdf>

<sup>14</sup> Macdonald, D. and Friendly, M. (2014) *The Parent Trap: Childcare Fees in Canada’s Big Cities*. Ottawa: Canadian Centre for Policy Alternatives.

In Québec, there is a public day care programme, financed largely by the state, which initially offered day-care at CAD\$5[€3.38] a day. The February 2014 budget increased the amount parents pay for childcare, up from CAD\$7[€4.73] a day to CAD\$8[€5.40] a day starting September 2014. The price is now linked to parental income, taking into account the number of children in the family. As of 1 January 2017, the basic contribution is CAD\$7.75[€5.23] per day for families with a net income of CAD\$50,920[€34,383], increasing in brackets to a maximum daily rate of CAD\$21.25[€14.35] for families with a net income of CAD\$161,380[€108,970] or more. Fees are reduced by 50 per cent for a second child and remain at the basic amount of a third or later child<sup>15</sup>.

### **3. Changes in policy since April 2016 (including proposals currently under discussion)**

The current Liberal government, elected in autumn 2015, had a number of election commitments relevant to family income, the provision of more generous and flexible leave for caregivers and more flexible parental leave, and development of a long-term funding model to support a National Early Learning and Childcare Framework to be designed collaboratively with the provinces and territories. As well, the government committed itself to employing gender-based analysis of programs, policies, and budgets to improve gender equity. In 2016, the government amended the mandatory two-week waiting period for individuals or couples claiming Special Benefits (Maternity leave, Parental leave, compassionate care leave, sickness benefits) to one week per couple. CAD\$500 million [€337million] were allocated towards early learning and childcare. Public consultations were launched on options for changes to parental leave and compassionate care leave and benefits.

The 2017 Federal budget included the following announcements, all of which will require legislation prior to implementation:

- (1) A change to EI Maternity leave benefits that would allow mothers to begin to collect benefits as early as 12 weeks before their expected due date if they wish (a change from the standard of eight weeks that exists now).
- (2) An option to make EI parental benefits more flexible by allowing parents to choose to receive EI parental benefits over an extended period of up to 18 months at a lower benefit rate of 33 per cent of maximum insurable earnings. EI parental benefits will continue to be available at the existing benefit rate of 55 per cent over a period of up to 12 months.
- (3) Introduction of a new EI caregiving benefit of up to 15 weeks. The new benefit will cover a broader range of situations than the current Compassionate Care benefits, where individuals are providing care to an adult family member who requires significant support in order to recover from a critical illness or injury. Parents of critically ill children will continue to have access to up to 35 weeks of benefits, with additional flexibility to share these benefits with more family members.
- (4) A single, simpler, non-refundable Canada Caregiver Tax Credit to provide tax relief to caregivers of dependent relatives, including circumstances in which the relative does not live with their caregiver, as is commonly the case.
- (5) Amend the Canada Labour Code (which covers seven per cent of Canadian workers) to “give federally regulated workers the right to request flexible work arrangements from their employer, such as flexible start and finish times and

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<sup>15</sup> Government of Quebec. Daily day-care costs (8 March 2017). Available at: [Budget.finances.gouv.gc.ca](http://Budget.finances.gouv.gc.ca).

the ability to work from home, in addition to new unpaid leaves to better balance work and family”.

Budget 2017 also committed CAD\$7 billion [€4.7 billion] over a ten-year period to support and create more high quality, affordable childcare spaces across the country, including a portion of funds specifically for Indigenous children living on-and off-reserve.

#### 4. Take-up of leave

There is no source of information on unpaid take-up of leave entitlements. 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 the three 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 Employment and Social Development Canada (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 eight 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>16</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 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>17</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>18</sup>. Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two

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<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>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>18</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>

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

The most recent ESDC Employment Insurance Monitoring and Assessment report indicates that 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 benefit programme) of benefit coverage as follows. In 2015, 75.7 per cent of new mothers (those with a child aged 12 months or less) had recent insurable employment; of these, 87.2 per cent received Maternal or Parental leave benefits, compared with 80.0 per cent in 2014. According to EICS survey data, Québec had the second highest share of recent mothers with insurable employment, at 86.3 per cent, and the highest share of insured recent mothers who received Maternity or Parental leave benefits (98.7 per cent)<sup>19</sup>. In comparison, the share of new mothers in the rest of Canada with insurable employment who received Maternity or Parental benefits decreased by 3.9 per cent to 83.0 per cent in 2015, the lowest level since 2007.

Recent studies that look at receipt of benefits by programme<sup>20</sup> identify that, outside Québec, approximately 64 per cent of *all* mothers receive benefits and 36 per cent do not. About ten per cent have insurable employment but do not receive benefits and another ten per cent worked, but did not receive insurable earnings; the rest had no insurable earnings for the previous two years. In Québec, about 11 per cent of all mothers do not receive benefits, almost entirely due to not having insurable employment.

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 CAD\$429[€289.68] compared to CAD\$480[€324.12] per week for fathers following a birth<sup>21</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 23.4 per cent in 2010/2011 to 31.6 per cent in

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<sup>19</sup> Statistics Canada. Employment Insurance Coverage Survey, 2015. Reported in *The Daily*, Nov. 16, 2016.

<sup>20</sup> McKay, L., Mathieu, S., & Doucet, A. (2016). Parental-leave rich and parental-leave poor? Inequality in Canadian labour market based leave policies. *Journal of Industrial Relations*, 58(4), 543-562. Robson, J. (2017). *Parental Benefits in Canada: Which Way Forward?* Montreal: Institute for Research on Public Policy.

<sup>21</sup> Statistics Canada. Employment Insurance Coverage Survey, 2015. Reported in *The Daily*, 16 November 2016.

2014/15<sup>22</sup>. Previous years had shown a steady increase in the take-up rate of parental leave benefits among eligible fathers in Canada (excluding Québec), 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>23</sup>. Parental leave decreased from 11.0 per cent in 2011 to 9.4 per cent in 2012, recovering somewhat in 2014 and 2015. In 2015, for all provinces combined (i.e. including Québec), the proportion of fathers who claimed or intended to claim Parental leave was 30.0 per cent, up from 27.1 per cent in 2014<sup>24</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 11.9 per cent of recent fathers took or intended to claim parental leave in 2015, compared to 85.8 per cent of fathers in Québec. Evidence of the effects of the QPIP program are profound. Compared to 2005, the proportion of new fathers in Québec who claimed or intended to claim Parental/Paternity benefits has increased by 27.8 per cent, from 58.0 per cent to 85.8 per cent. Outside of Québec, the proportion of new fathers who claimed or intended to claim parental leave increased by only 1.2 per cent, from 10.7 per cent to 11.9 per cent.

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>25</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, more than tripling in number since the introduction of the plan: from 27.8 per cent in 2005 to 85.8 per cent in 2015<sup>26</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* in Québec, took an average of nine weeks of paid Parental leave compared to 28 weeks for women<sup>27</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

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<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> 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>24</sup> Statistics Canada (2016) *Employment Insurance Coverage Survey 2015*. Reported in *The Daily*, 16 November 2016.

<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>

<sup>26</sup> Statistics Canada. *Employment Insurance Coverage Survey, 2015*. Reported in *The Daily*, Nov 16, 2016.

<sup>27</sup> Unpublished data from Statistics Canada Special Surveys Division.

benefits for adopting mothers in the same period<sup>28</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 and/or Parental leave, rising in 2013 to 79 per cent<sup>29</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 2015 fathers receiving QPIP benefits took, in general, an average of nine weeks of benefits. Fathers who take Paternity and Parental benefits receive 17 weeks on average. The overall participation rate for fathers in the QPIP is 69 per cent and there is a 79 per cent presence of fathers in all birth or adoption files, according to QPIP data<sup>30</sup>.

## 5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### 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*<sup>31</sup>) have produced a report (Tremblay and Lazzari Dodeler, 2014). Finally, a book on fathers on parental leave alone includes Canadian research (see Doucet, 2016; Tremblay and Lazzari Dodeler, 2016). The Québec government published a report<sup>32</sup> to celebrate the ten-year anniversary of the Québec Parental Insurance Plan in late 2016 with contributions from Doucet, McKay and Tremblay.

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<sup>28</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>29</sup> Note that there is a minor discrepancy among sources; Statistics Canada (2015) *Employment Insurance Coverage Survey 2013* reports 83 per cent.

<sup>30</sup> Data obtained directly from the statistical services of the QPIP in April 2016.

<sup>31</sup> See [www.telug.ca/aruc-gats](http://www.telug.ca/aruc-gats)

<sup>32</sup> See [http://www.cgap.gouv.qc.ca/publications/pdf/RQAP\\_bilan\\_10ans.pdf](http://www.cgap.gouv.qc.ca/publications/pdf/RQAP_bilan_10ans.pdf)

## b. Recent selected publications

Doucet, A. and McKay, L. (2017) Parental Leave, Class Inequalities, and 'Caring With': An Ethics of Care Approach to Canadian Parental Leave Policy, in: Langford, R., Prentice, S. and Albanese, P. (eds.) *Caring for Children: Social Movements and Public Policy in Canada*. Vancouver: UBC Press.

Doucet, A. (2016) The ethics of care as practice, relational ontology, and social justice: The radical potential of fathers "home alone on leave", in: O'Brien, M. and Wall, K. (eds.) *Comparative Perspectives on Work-Life Balance and Gender Equality: Fathers on Leave Alone*, London: Springer Open, Pp. 11-28.

Doucet, A. (2016). 'The choice was made for us': SAHDs and relationalities of work and care, in Crespi, I. and Ruspini, E. (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)*, 75: 4-14.

Doucet, A. and McKay, L. (2016) Les deux politiques de régimes parentaux du Canada: un argument en faveur du congé réservé aux pères (Canada's two Parental leave policy regimes: An argument for dedicated leave time for fathers) *Retombées économiques et sociales du Régime québécois d'assurance parentale*, bilan de dix années d'expérience, Québec: Conseil de Gestion de L'Assurance Parentale.  
[http://www.cgap.gouv.qc.ca/publications/pdf/RQAP\\_bilan\\_10ans.pdf](http://www.cgap.gouv.qc.ca/publications/pdf/RQAP_bilan_10ans.pdf)

Mansour, S. and D.-G. Tremblay (2017, forthcoming). Work-family conflict/Family-work conflict, job stress, burnout and intention to leave in the hotel industry in Quebec (Canada): Family friendly practices as "resource caravan passageways, *International Journal of Human Resources Management*.

Mansour, S. and D.-G. Tremblay (2017, forthcoming). The mediating role of work engagement between psychosocial safety climate Passageways and Organizational Citizenship Behaviors: A Study in the Nursing and Health Sector in Quebec, *International Journal of Human Resources Development and Management*.

Mansour, S. and D.-G. Tremblay (2016). How the need for "leisure benefit systems" as a "resource passageways" moderates the effect of work-leisure conflict on job burnout and intention to leave: A study in the hotel industry in Quebec, *Journal of Hospitality and Tourism*, 27:4-11.

Mansour, S. and D.-G. Tremblay (2016). Workload, generic and work-family specific social supports and job stress: the mediating role of work-family and family-work conflict. *International Journal of Contemporary Hospitality Management*. 28(8): 1778-1804. Available at: <http://www.emeraldinsight.com/doi/pdfplus/10.1108/IJCHM-11-2014-0607>

McKay, L., Mathieu, S. and Doucet, A. (2016) Parental-leave rich and Parental-leave poor: Inequality in Canadian Labour Market Based Leave Policies, *Journal of Industrial Relations*, 58(4): 543-562.

Mathieu, S., McKay, L. and Doucet, A. (2016) Politiques du marché du travail, soutien aux soins parentaux et disparités sociales, (Labour Market Policies, Support

for Parental Caregiving, and Class Inequality), *Retombées économiques et sociales du Régime québécois d'assurance parentale*, bilan de dix années d'expérience, Québec: Conseil de Gestion de L'Assurance Parentale. Available at: [http://www.cgap.gouv.qc.ca/publications/pdf/RQAP\\_bilan\\_10ans.pdf](http://www.cgap.gouv.qc.ca/publications/pdf/RQAP_bilan_10ans.pdf)

Robson, J. (2017). *Parental benefits in Canada: Which way forward?* Institute for Research on Public Policy, Study No. 63. Available at: [www.irrp.org](http://www.irrp.org)

Tremblay, D.-G. and N. Lazzari-Dodeler (2016). Fathers on Leave Alone in Québec (Canada): the Case of Innovative, Subversive and Activist Fathers!, in: O'Brien, M. and Wall, K. (eds.) *Comparative Perspectives on Work-Life Balance and Gender Equality: Fathers on Leave Alone*, London: Springer Open, Pp. 69-87. <http://link.springer.com/book/10.1007/978-3-319-42970-0>

Tremblay, D.-G. (2016). Trade Unions and Work-Life Rights: The Challenge of Work-Life Interface in a Union Environment, *Employee Responsibilities and Rights Journal*, 28(3): 171-187.

### 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) or visit the 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), or visit the 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) or Andrea Doucet at [adoucet@brocku.ca](mailto:adoucet@brocku.ca)

# China<sup>1</sup>

**Fan Wu** (Department of Social Policy and Social Work, Nankai University)

**April 2017**

NB. There are 31 provincial administrative regions (including provinces, municipalities directly under the central government and autonomous regions) in mainland China. These provinces are subordinate to the leadership, authority and direction of the central government. The central government formulates national policies, which are binding nationally; while provincial local governments, in line with these central policies, can independently develop their own policies based on their respective conditions.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

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

### **a. Maternity leave (产假) (Responsibility of State Council at national level and Local People's Congresses at provincial level)**

*Length of leave (before and after birth)*

- 98 calendar days: 15 days before the birth and 83 days after the birth.
- Leave take-up is not obligatory.

*Payment and funding*

- 100 per cent of salary.
- Funded by the Maternity Insurance Fund for employees included in maternity insurance; and/or by work units (work units cover the gap if the maternity allowance is higher than the female worker's salary; and they pay the full benefit if the female worker did not participate in the maternity insurance).

*Flexibility in use*

- None

*Regional or local variations in leave policy*

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<sup>1</sup> Please cite as Wu, F. (2017) 'China country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

- National laws and regulations set the basic provisions for Maternity leave, such as the length of leave, its payment and funding. But provinces may develop their own regulations, in relation to their local conditions. On this basis, 29 provinces in mainland China (all, except for Xinjiang and Tibet) have extended the duration of Maternity leave to employees who comply with fertility laws and regulations (see below). This varies from extending leave from the national entitlement of 98 days to 128 days (Beijing, Shanghai, Jiangsu, Zhejiang, Hubei, Chongqing, Tianjin) to extending leave up to 190 days (Henan, Heinan); the most common extension is to 158 days (Hebei, Shanxi, Inner Mongolia, Liaoning, Jilin, Anhui, Jiangxi, Shandong, Hunan, Sichuan, Guizhou, Yunnan, Qinghai, Ningxia, Shaanxi).
- In Shanghai, there are two additional provisions. Female employees who are 28 weeks or more pregnant should receive a one hour break each day, paid at 80 per cent of earnings, and not work night shifts; and women who need to be exempted from work to protect their foetus can, upon presentation of a medical certificate, take foetus protection leave.

### *Eligibility*

- All female employees are entitled to 98 days of paid Maternity leave, whether they meet the requirements of fertility policies or not (see Section 3). Female staff who conform to fertility policies can (in most parts of the country) get a reward of extended paid Maternity leave or other additional social benefits on top of 98 days of Maternity leave (see 'regional or local variations' above).
- Women who are unemployed, flexibly employed or agricultural workers are not eligible for Maternity leave. Self-employed are not eligible.

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

- Female employees who suffer from dystocia can have an additional 15 days of leave.
- Female employees who have multiple births are entitled to an additional 15 of leave for each additional birth.
- In four provinces, female employees who still cannot work after the end of Maternity leave, due to physical problems or other difficulties can, with the approval of their work units, obtain additional leave. In Zhejiang, Jilin and Chongqing, leave can be extended to one year after birth (including statutory Maternity leave), with salary continuing to be fully paid (Zhejiang) or paid at 75 per cent or more (Jilin, Chongqing).

## **b. Paternity leave (陪产假) (Responsibility of State Council at national level and Local People's Congresses at provincial level)**

### *Length of leave*

- No statutory entitlement nationally.
- However, in all provinces, except Xinjiang and Tibet, Paternity leave is provided ranging from seven days (Shandong and Tianjin) to 30 days/one month (Yunnan, Gansu, Henan), with 15 days in most areas. In Anhui and Shaanxi, five and 15 days respectively can be added to Paternity leave if the husband and wife live in different places. Where Paternity leave is provided, fathers taking leave receive full earnings. All male employees who conform

with fertility policies are eligible. There is no legal requirement as to when the Paternity leave should be taken.

### **c. Parental leave**

- No statutory entitlement.

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

- No statutory entitlement.

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

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

- Currently, two provinces entitle an only child to leave (20 days per year in Henan and ten days in Fujian) to care for parents, if the parents have reached the age of 60 and are treated in hospital. Employees taking leave receive full earnings.

#### *Flexible working*

- See below.

#### *Specific provision for (breast-)feeding*

- During the period of breastfeeding (including bottle-feeding) for infants under one year, work units should not extend mothers' working hours or arrange night shifts for them. They should also arrange at least one paid hour of breastfeeding time during the working day for mothers during this period. Female employees who have had a multiple birth are entitled to another hour of paid breastfeeding time per day.
- In three provinces, additional breastfeeding leave can be applied for after the end of Maternity leave. In Shaanxi, if work units are unable to guarantee breastfeeding time and provide breastfeeding conditions due to special circumstances, three to six months of paid breastfeeding leave can be granted. In Hainan, after Maternity leave, work units can agree breastfeeding leave until the child's first birthday, paid at no less than 80 per cent of the employee's basic wage. In Guangxi, employees who have difficulty in nurturing infants after the Maternity leave ends can be granted six to twelve months of breastfeeding leave, paid at 80 per cent of earnings.

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

The maximum period of post-natal leave available in China is 12 weeks, as laid down by national regulations; but the period is extended in nearly all provinces, most frequently to 4.7 months. These leave periods are well paid. However, China is lacking in a system of formal ECEC services for children under three years, so informal care is dominant. According to the Third Survey of Chinese Women's Social Status from 2010, 99.9 per cent of children under the age of three years are taken care of by their families, with mothers as main caregivers accounting for 63.2 per

cent<sup>2</sup>. There is, therefore, a gap of over two and a half years between the end of well-paid leave and the start of kindergarten, during which families are required to take the responsibility for taking care of children. Participation of children aged three years or older in ECEC was 75 per cent in 2015, which is lower than the average for OECD countries<sup>3</sup>.

### **3. Changes in policy since May 2016 (including proposals currently under discussion)**

To give a brief historical overview, Maternity leave in China began in 1951, when the Labour Insurance Regulations of the People's Republic of China stipulated that female employees must be given a total of 56 days of prenatal and postnatal leave, with full earnings replacement. In 1988, Regulations Governing Labor Protection for Women Staff Members and Workers extended the length of Maternity leave from 56 days to 90 days. In 1995, the Labour Law of the People's Republic of China was formally implemented, prescribing that female staff must enjoy no less than 90 days of Maternity leave after the day of delivery, which legally guaranteed women the right to take Maternity leave. In 2012, Special Rules on the Labor Protection of Female Employees was implemented, which is now in place and described above.

Since 2010, China's 'one child' fertility policy has been adjusted; along with this, Maternity leave policy has also been adjusted. At the end of 2011, the policy of 'two-child policy for couples where either the husband or the wife is from a single-child family' (i.e. a policy of two children where both parents are only children) was implemented. At the end of 2013, the policy of 'two-child policy for couples where either the husband or the wife is from a single-child family' (i.e. a policy of two children where one parent is an only child) was implemented. Finally, in October 2015, the universal two-child policy was implemented<sup>4</sup>, following which the Chinese government in December 2015 made changes to Maternity leave and Paternity leave policies. The Population and Family Planning Law of the People's Republic of China was amended by stipulating that "the couples who bear children in line with the laws and regulations can get rewards of extended birth leave or other social benefits". Consequently, late marriage and late childbirth among citizens are no longer encouraged and rewarded with additional entitlements. Mothers of single children, mothers of two children and other families that conform to the policy are all now entitled to extended Maternity leave and other social benefits. As a result, a range of measures has been enacted by provinces since 2016, with the length of Maternity leave often being extended beyond 98 days, ranging from 128 days to one year. Paternity leave has also been introduced in different areas, ranging from seven to 30 days.

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

### **a. Maternity leave**

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<sup>2</sup> Research Group of the Third Survey of Chinese Women's Social Status (2011) 'The Main Data Report of the Third Survey of Chinese Women's Social Status', *Collection of Women's Studies*, 2011 (06): 5-15.

<sup>3</sup> Ministry of Education of the People's Republic of China (2016) *The Statistical Bulletin of National Education Development in 2015*. Available at: [http://moe.edu.cn/srcsite/A03/s180/moe\\_633/201607/t20160706\\_270976.html](http://moe.edu.cn/srcsite/A03/s180/moe_633/201607/t20160706_270976.html)

<sup>4</sup> In certain circumstances, couples can have more than two children, e.g. remarried couples, couples who have one or two children with disabilities, couples from ethnic minorities, or couples who legally adopt children.

According to the statistics of the Third Survey of Chinese Women's Social Status, in 2010 almost all mothers had taken Maternity leave; mothers with no Maternity leave accounted for only 1.9 per cent.

### **b. Paternity leave**

According to the Third Survey of Chinese Women's Social Status, nearly half (49.3 per cent) of fathers who had a child in 2010 did not have paid Paternity leave, nearly a third (31.9 per cent) had paid Paternity leave of one to seven days, 13.4 per cent had eight to 15 days and 5.4 per cent had paid Paternity leave of more than 15 days.

### **c. Parental leave**

No statutory leave entitlement.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General review**

Most leave-related research in China focuses on Maternity leave, mainly on the protection of the labour rights and interests of female workers, analysing the current situation and factors influencing Maternity leave. But in the past ten years, studies have also investigated Paternity leave. The existing research has two main perspectives: First, from the gender equality perspective, it emphasises that Paternity leave is beneficial to the establishment of gender equality in partnerships and the promotion of gender equality more generally; second, from the perspective of civil rights, Paternity leave is related to women's rights, early childhood care and education and male rights. Since the implementation of the 'universal two-child policy' in China in 2016, some scholars begin to analyse the relationship between Paternity leave and the policy, advocating that there should be a national law on Paternity leave to support the universal two-child policy.

### **b. Selected publications**

Huang Gui-xia (2015): State of factors in china's social protection for maternity: based on findings from the 3rd national survey on the status of Chinese women, *Collection of Women's Studies*, 5, pp. 103-111.

The research examines the status quo of women's maternity and the factors that influence the level of social protection for maternity, based on the findings of the third National Survey on the Status of Chinese Women. It shows that in the past ten years, the rate of women workers who enjoy granted Maternity leave has increased: 62.8 per cent of non-agricultural employment women enjoy more than 90 days of maternity leave when they born the last child, there is also an increase of the rate of women who take paid and/or subsidised leaves. However, the subsidy is still very low. Household registration, birth time, location and ownership of the unit pose a significant impact on women's availability of state maternity leave, the maternity

leave period of non-agricultural employment women with urban hukou (household registration) is significantly longer than that of those with rural hukou, and the protective level of the employees in the state-owned unit is higher than that of other units. In addition, household registration, regional and unit ownership pose a significant influence on prenatal income of non-agricultural female employment.

Li Xi-xia (2016): Development of Maternity Leave Systems in Selected Overseas Countries and Its Enlightenment to China, *Journal of Beijing Union University (Humanities and Social Sciences)*, 14 (1), pp. 100-106.

The paper analyses the Maternity leave, Paternity leave and Parental leave system both in Germany and Sweden, and compares them with China's maternity protection systems, which offers implications for China to improve the maternity protection system from three aspects. These include: to improve the value orientation of legislation for the birth maternity leave, to expand the scope of application of maternity leave system, and to establish the Paternity leave system.

Tang Fang (2016): Introspection on Female Labor Protection Legislation and Legal Perfection, *Journal of China Women's University*, 5, pp. 32-37.

The paper analyses the relationship between the maternity leave and the protection of women's rights and interests from the legislative level. It points out that there are some shortcomings of China's female workers labour protection legislation, which are the ignorance of the diversified needs of female workers, a neglect of equal protection for male reproductive labour rights, and a neglect of female workers and care for their children. They advocate that the policy should define scientifically the scope of female workers' labour protection, respect the subjectivity of women, improve the legal liability system, increase the illegal costs of employers, give male reproductive protection rights and establish children support labour system.

Li Xian-ling (2016): Discussion on the Implementation of Fertility Insurance Treatment under the New Situation, *Collection of Women's Studies*, 2, pp. 14-17.

China began to implement the 'universal two-child policy' from 1 January 2016, which is a major adjustment of China's family planning policy. The article combs the practice of foreign maternity insurance treatment, and puts forward some suggestions on improving the maternity insurance system in the new situation. The suggestions mainly includes four parts: to standardise the extension of Maternity leave and allowances source; to extend the number of Paternity leave days, and set Paternity allowance into the scope of maternity insurance; to change the capital raising model of maternity insurance fund, from enterprise-based payment pattern to the state, business and individual tripartite common burden; to insist on maternity insurance as an independent insurance in the process of merging maternity and medical insurance, to ensure that maternity insurance treatment do not reduce.

Kuang Li-fen and Cheng Tong-shun (2016): The Protection of Women's Basic Rights under the 'two-child' Fertility Policy: based on the perspective of gender justice, *Journal of Tianjin's Administration Institute*, 18 (4), pp. 63-68.

The paper analyses the protection of women's rights under the "two-child" policy from the perspective of gender justice, it points out that Paternity leave is beneficial to the protection of women's basic rights: on the one hand, Paternity leave is good for taking care of the mothers and infants and Improving the relationship between husband and wife as well as enhance the husband's responsibility to the family; on the other hand, Paternity leave is benefit to improve the employment environment for women and reducing the employment discrimination caused by fertility. And it advocates that we need increase the supply of Paternity leave system, balance the fertility costs of both sexes, improve the public service system and legal relief system of "two-child" policy.

Li Yun-hua and Lei Wei-wei (2016): Research on the Maternity Protection System with Family Benefit, *Study and Practice*, 6, pp. 81-89.

The article analyses the main problems of the existing maternity insurance system in China, such as the narrower benefit side, the incomplete treatment project and unreasonable requirements for entitlement, then it points out that it is necessary to construct a family-based protection system that can improve family relations, reduce gender discrimination in labour force market, adjust population structure, and promote social security reform. The authors advocate that to build a family-based protection system, we need start from the family as a whole, take birth responsibility and family sentiment of all the family members into account and establish an autonomous selection and consultation mechanism among family members, as well as between employees and employers.

### **c. Ongoing research**

Chinese Women's Social Status Survey. National Women's Federation and the National Bureau of Statistics. Available at:

[http://www.china.com.cn/zhibo/zhuanti/ch-xinwen/2011-10/21/content\\_23687810.htm](http://www.china.com.cn/zhibo/zhuanti/ch-xinwen/2011-10/21/content_23687810.htm)

Since 1990, this survey has been conducted every ten years by the National Women's Federation and the National Bureau of Statistics. The sample is selected by the three-stage unequal probability (PPS) sampling method stratified by regional development; it includes Hong Kong, Macao and Taiwan. There are two types of questionnaire: a personal questionnaire and a community (village, neighbourhood) questionnaire. The personal questionnaire covers 18 to 64-year-old Chinese men and women, and uses household interview methods. The contents include: health, education, economy, social security, politics, marriage and family, lifestyle, legal rights and interests, gender awareness and attitudes, and includes early childhood education and care and female maternity protection. In order to analyse the social status of and changes among different groups of women, the survey also includes five other groups: children, elderly people, college students, people affected by migration, and high-level talent. The survey aims to comprehensively and objectively reflect the status and changes in the social status of Chinese women in the past decade and to explore the relationship between changes in social structure and women's social status.

China Family Panel Studies (CFPS). Peking University China Social Science Research Centre (ISSS). Available at: <http://www.iss.edu.cn/cfps/>

CFPS samples cover 25 provinces, cities and municipalities, with a size of 16,000 households. The survey covers economic activities, educational outcomes, family relations and family dynamics, population migration, health and many other research topics. There are four different questionnaires for community, family, adult, and children. The children questionnaire covers specific aspects of early childhood education and care, including their daily life, health and education. CFPS conducted an initial formal visit in 2010 and there are follow-up visits every two years, tracking and collecting the data at three levels: individuals, families and community. The survey covers all family members of the sample family. All baseline family members and their future bloodline or adopted children, defined by the baseline survey of 2010, will be members of the CFPS sample and be followed-up regularly.



# Croatia<sup>1</sup>

Ivana Dobrotić (University of Zagreb)

April 2017

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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

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

*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 six 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[€448]<sup>2</sup> per month; the gross average earnings in 2016 were HRK 7,752[€1,045]<sup>3</sup>.
- *Maternity exemption from work/Maternity care for the child*: 50 per cent of the budgetary base rate per month
- Funded from general taxation.

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<sup>1</sup> Please cite as: Dobrotić, I. (2016) 'Croatia country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 21<sup>st</sup> June 2017, using: <http://www.xe.com/currencyconverter>

<sup>3</sup> See: <http://www.dzs.hr/Hrv/publication/subjects.htm>

- 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; 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; they must be registered in the unemployment office, have health insurance and permanent residency (i.e. citizen or foreign citizen with permanent residency of at least three years in Croatia)
- *Maternity care for the child*: parents outside the labour system, due for example to retirement, incapacity or studying; they must have health insurance and five years residency (citizen or foreign citizen with permanent residency of at least five years in Croatia)

#### *Variation in leave due to child or family reasons (e.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[€574] 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 Demography, Family, Youth and Social Policy)**

*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<sup>4</sup> 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 two 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

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<sup>4</sup> The budgetary base rate amounts to HRK3,326[€448] per month.

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)*

- *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*

- 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.
- Regional/local variations: In 2016, the City of Zagreb introduced a cash-for-care scheme for parents of three or more children (they have the right to so called "parent-caregiver" status). Eligible are unemployed parents with at least one child of pre-school age, with Croatian citizenship and uninterrupted five-year residency in the City of Zagreb before the birth. Children cannot attend ECEC programmes if parents apply for this allowance. The allowance amounts to 520€ per month (ca. 65 per cent of average wage and 150 per cent of minimum wage) and it may be paid until the youngest child in the family turns 15.

#### **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 working 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 working 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 working 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[€574] 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.
- 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 two 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 two years, otherwise 50 per cent of the budgetary base rate recalculated to the hourly rate.

### *Specific provision for (breast-)feeding*

- 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 paid by the employer.

### *Prenatal examinations (slobodan radni dan za prenatalni pregled)*

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

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

The maximum period of 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 (flat-rate for self-employed parents who do not fulfil eligibility criteria, and unemployed or inactive parents). 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. This is only a preschool program of short duration. 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 three 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 2016 (including proposals currently under discussion)**

In 2016, the City of Zagreb introduced a cash-for-care scheme for parents of three or more children (they have the right to so called "parent-caregiver" status; see 1d for more details). It is the first measure of this type in Croatia, while its introduction was a clear expression of pre-election populism. The measure was introduced by the mayor of Zagreb in the pre-election campaign for parliamentary elections. He clearly stated through the campaign that if he wins, he plans to introduce this measure at national level. It also seems, that the measure was introduced to prevent further strikes of preschool educators who started to complain about working conditions (particularly to big educational groups in ECEC), so one of the conditions within this measure is that parents have to withdraw a child from the ECEC program, while simultaneously the city allowed to employ additional educators in childcare. Until 11 May 2017, 3,015 parents asked for this status (2,569 were approved, and others are still in procedure; around 10 per cent are fathers)<sup>5</sup>. While there is no reliable data, media reported that more than 1,200 children were withdrawn from ECEC. The

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<sup>5</sup> Data reported by the City of Zagreb at a roundtable attended by the author.

amount of allowance is attractive to parents of lower socio-economic status (it exceeds the minimum wage and parental benefits/allowances) and with precarious position at the labour market.

Currently, new amendments to The Maternity and Parental Benefits Act are discussed, which ask for the increase of parental benefits and Maternity/Parental allowances. The low level of parental benefits has been problematized by experts already for several years, and their increase was also a measure proposed by the working group who worked on the proposal of new family policy strategy under the 2011-2016 government. This government did not make a new proposal, but as a result the increase of parental benefits became one of the main measures advocated within the pre-election campaign of most political parties running for parliament. When the new government was formed in October 2016 that was one of the first proposals which went into the procedure. It is planned to increase the ceiling on parental benefit from 80 per cent to 120 per cent of the budgetary base rate (i.e. from HRK2,660 [€355] to HRK3,991 [€532] per month), and the flat-rate amount of parental allowance paid to inactive and unemployed parents from 50 per cent to 70 per cent of the budgetary base rate (i.e. from HRK1,663[224.34] to HRK2,328[314.05] per month). These changes should become effective in July 2017, and they will apply to all parents, regardless if they already exercise the rights. However, it seems that these changes are not going to apply to parents with precarious position at the labour market, i.e. to those who do not fulfil the insurance criteria. It was also stated that the further plan is to completely abolish ceiling on earnings-related Parental benefit, and that they are not going to abolish it now due to budgetary constraints.

## **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 2015, fathers used the transferred right in 0.3 per cent of cases. *Maternity exemption from work* is predominantly used by mothers, i.e. only 0.1 per cent of fathers exercised this right in 2015<sup>6</sup>.

### **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 2015, fathers account for 4.54 per cent of all Parental leave taken.<sup>7</sup>

## **5. Research and publications on leave and other employment-related policies since April 2016**

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<sup>6</sup><http://www.prs.hr/attachments/article/1923/lzvje%C5%A1%C4%87e%20o%20radu%20Pravobraniteljice%20za%20ravnopravnost%20spolova%20za%202015.pdf>

<sup>7</sup> Ibid.

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

Studies have addressed welfare state attitudes towards childcare, leave policies and active fathering.

### **b. Recent selected publications**

Dobrotić, I. and Vučković Juroš, T. (2016) Who Should Finance Childcare? Multilevel Analysis of 24 Countries, *Journal of Croatian Social Policy*, 23(3): 323-357.

This paper examines how the individual and country-level factors affect the childcare financing attitudes, particularly the effect of socialization in a particular welfare regime. This area of research is fraught with methodological and conceptual issues, including the over-reliance on Esping-Andersen's regime typology. Therefore, the authors also investigate whether a more family-policy-nuanced categorization of welfare regimes better accounts for the cross-country variations in childcare attitudes. Using the 2012 ISSP data, the authors conducted the multilevel analysis of 24 European countries, and while the effect of most predictors is generally consistent with the previous research, this study's most important finding is that the alternative Leitner's "Varieties of Familialism" typology better accounts for the cross-national variations in childcare attitudes than the classical Esping-Anderson's typology. This speaks of the importance of a programmatic approach in the welfare state attitudes analysis which links the public support for specific social programs to its unique characteristics.

Jugović, I. (2016) Beliefs about the Gender Division of Parental Leave and the Characteristics Associated with it, *Journal of Croatian Social Policy*, 23(3): 359-382.

The paper explores beliefs about Parental/Maternity leave and factors explaining these beliefs. The data was gathered on a nationally representative sample of people living in Croatia (N=1000). Participants were asked questions about their beliefs towards Parental leave take-up by the mother and the father, their socio-demographic data, attendance of religious services, partners' income disparity and gender-role beliefs. The results show that around 49 per cent of both men and women believe that it is solely the mother's responsibility to use the entire leave, an additional 27 per cent believe that the father should take some part of the leave, and around 24 per cent believe that parents should share the leave equally. Men and women who support more equally shared leave take-up attend religious services less often and hold more egalitarian beliefs about gender division of labour, but do not differ in partners' income disparity. These results imply that gender ideology theory is more applicable in the explanation of beliefs about the gender division of Parental leave compared to time-allocation theory. Results of the multinomial logistic regressions show that the strongest predictor of the belief about leave take-up is the gender-role belief. The less the participants believe that the gender division of labour should be traditionally divided, the more likely they are to support equally shared leave between parents. The implication of these findings is that shifts towards supporting gender egalitarian leave take-up will most likely not occur until the attitudes toward gender roles become more egalitarian in general.

Maskalan, A. (2016) In the Name of the Father: A Discussion on (New) Fatherhood, Its Assumptions and Obstacles, *Croatian Journal of Social Policy*, 23(3): 383-398.



Deliberation on the concepts of father and fatherhood and their literal and symbolic meanings makes the starting point of this paper. Furthermore, a short historical overview is combined with selected theories of fatherhood, which serve as a framework for placing the issues regarding modern fatherhood in the appropriate context. That context, it is concluded, rests on the historical interdependence of fatherhood, masculine identity and political power where traditional determinants of masculinity, such as aggressiveness and emotional detachment, represent a major obstacle to the fulfilling and positive father-child relationship. That relationship is partially discussed in relation to the concept of equal parental partnership, implying not only the new forms of fatherhood but the new forms of masculine identity as well. Unfortunately, there are still many obstacles to modern fatherhood, the most important one being gender inequality manifested through traditional male breadwinner and female child-rearer models. Subsequently data is provided on values and practices of Croatian men and women regarding childcare, that were collected and analysed in 2013 as part of the International Social Survey Programme (ISSP) and its survey on family and changing gender roles. The arising conclusion is that although many positive changes have been made the Croatian society has got a long way to go to both equal parenting and gender equality. Also, it is important to note that as a subject of political and legal controversy fatherhood cannot and must not be considered independently of the wider gender issues regarding motherhood, social status of men and women, as well as socio-economic assumptions of both fatherhood and motherhood.

### **c. Ongoing research**

None reported.

# Czech Republic<sup>1</sup>

**Jirina Kocourková** (Charles University)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 28 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*

- 70 per cent of daily earnings up to a maximum payment of CZK32640[€1,241]<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 calendar 270 days during the last two years.

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<sup>1</sup> Please cite as: Kocourková, J. (2017) 'Czech Republic country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

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

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

- In the case of multiple births, the length of leave is increased by nine weeks.
- When the child is 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[€437] per month; while taking benefit until a child is three years has a ceiling of CZK7,000[€266]. The maximum amount payable for the whole period is CZK220,000[€8,368].
- 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 46 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[€289] 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[€114] 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[€32] 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 1 January 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.

*Specific provision for (breast-)feeding*

- None.

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

The maximum period of paid post-natal leave available in the Czech Republic is 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 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, 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 2016 (including proposals currently under discussion)**

The Ministry of Labour and Social Affairs established in 2015 an expert committee on family policy, 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. Recently, the Czech Parliament has approved two changes in Parental benefit; however, these still need to be approved by the Senate, in order to be effective starting from 2018. First, it shall be possible to take up Parental benefit for a shorter period than up to the child's second birthday. The shortest period shall be six months, with the maximum payment of the same amount as the maximum payment for Maternity leave. Second, the maximum amount payable for the whole period shall remain CZK220,000[€8,368] for single childbirth but it shall increase to CZK330,000[€12,552] for multiple childbirth. It has been decided that one-week Paternity leave (of seven calendar days) – which can be taken within six weeks after the childbirth – will be introduced from 2018. Fathers will be entitled to the same conditions as mothers on Maternity 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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

Recently research on work-life balance has been undertaken in particular by the Department of Demography and Geo-demography 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. Recent selected publications**

Höhne, S., Kuchařová, V. (2016) Změny finančních nástrojů rodinné politiky v letech 2006-2015 a jejich potenciál měnit natalitní chování (Changes in the Financial Instruments of Family Policy 2006–2015 and their Potential to Change Fertility Behaviour) *Politická ekonomie*, 64 (7): 867-890.

The aim of this paper is to contribute to the discussion about the influence of family policy on family behaviour. The paper analyses the impact of parametric and system changes introduced in family and social benefits and tax reliefs in 2006-2015 on the income level of families with different demographic characteristics, and evaluates the potential of those changes to influence reproductive and partnership behaviour. The analytical part takes selected instruments of financial support to the family and shows the size of the financial provision families can claim depending on their previous earned income, to what extent that income is being compensated (family benefits), and how the net income is influenced (tax reliefs). Effects of the studied changes vary for different income categories and are more pronounced in the case of low-income families. This differentiation corresponds to the fertility by mother's education, which is tightly linked to the family's income. The analysis shows that certain instruments have the potential to influence family behaviour, however in diverse ways.

Kuchařová, V., Pečlová, K. (2016) Výzkum zájmu rodičů o motivační otcovskou dovolenou (Survey on attitudes towards the new motivational Paternity leave) Praha: VÚPSV. Available at: [http://praha.vupsv.cz/Fulltext/vz\\_411.pdf](http://praha.vupsv.cz/Fulltext/vz_411.pdf)

This monograph is an outcome of the “Public opinion survey on the new ‘motivational Paternity leave’ project that was carried out in 2015. Its goal was to examine the attitudes of parents in the Czech Republic to the introduction of the so-called ‘motivational Paternity leave’, which enables fathers to devote time to full-time childcare, while providing them with a salary compensation during this period. The questionnaire examined the preferred design of the leave with regard to the size of the salary compensation, form and conditions of take-up or the currently used practices of balancing work and family, especially in the case of fathers. The sample comprised parents of children up to the age of six. The survey showed that long-term patterns of opinion about the ideal form of childcare for small children still prevail, but compared to previous research there is greater support for the idea of sharing full-time childcare between parents. Financial and work reasons and the general attitude to the father and mother roles in the family play the most important role here. Parents expressed a relatively high interest in motivational Paternity leave - two thirds of respondents would like to take it up for sure and an equal part would do so under certain circumstances. However, more than a half of the respondents who expressed interest in motivational Paternity leave would prefer an irregular take-up by individual days, i.e. to “help to the mother in the case of need.” The main factor in the decision-making about whether to take up Paternity leave or not is the size of the salary compensation. Respondents who declared they would not consider using motivational Paternity leave were mostly concerned about the loss of the father’s employment or salary, but frequently also expressed the opinion that mothers were better preconditioned to take care of small children.

Höhne, S. (2017) “Změny v čerpání rodičovského příspěvku v demografických souvislostech” (Changes in Parental Allowance Take-up in a Demographic Context) *Demografie*, 59 (1): 5-22.

The article analyses data on Parental allowance recipients in the last 15 years, during which eligibility criteria and the system of payments considerably changed. It points out changes in the structure of recipients in demographic and other contexts (e.g. labour market, childcare). It is evident that the period of Parental allowance uptake is getting shorter; however, there continues to be an interest in using it up to the time a child reaches the age of three.

### **c. Ongoing research**

None reported.

# Denmark<sup>1</sup>

**Lotte Bloksgaard** (Aalborg University) and **Tine Rostgaard** (KORA – Danish Institute for Local and Regional Government Research)

**April 2017**

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

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

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

### **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 former earnings up to a ceiling of DKK4,245[€570]<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*

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<sup>1</sup> Please cite as: Bloksgaard, L. and Rostgaard, T. (2017) ‘Denmark country note’, in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>



- 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 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 months 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 2012, 84 per cent of the total 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 among the younger age groups, which means that still fewer (younger) workers are ensured pay during leave via a collective agreement<sup>4</sup>. Also fewer employees in the private sector are covered by collective agreements, only 74 per cent.

- 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> [€25.20] per hour for up to 31 weeks<sup>7</sup>; this means that female employees with a salary below DKK 30,000[€4,031] 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 DKK 30,000[€4,031] 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 1 April 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

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<sup>3</sup> Dagpengekommissionen (2015) Det danske arbejdsmarked. Arbejdspapir. København: Beskæftigelsesministeriet.

<sup>4</sup> See [http://www.ugebreveta4.dk/lo-om-15-aar-er-kun-hver-anden-medlem-af-en-fagforeni\\_20027.aspx?redir=newsletter&utm\\_campaign=guest\\_GammelA4\\_Ikkevalideret&utm\\_medium=nl\\_top&utm\\_source=newsletter\\_Morning&nlid=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=guest_GammelA4_Ikkevalideret&utm_medium=nl_top&utm_source=newsletter_Morning&nlid=NDQy&aid=20027)

<sup>5</sup> See [http://www.atp.dk/X5/wps/wcm/connect/dab/dk/index/beretbetal/bidragssatser#.Uz0e\\_\\_I\\_sIJ](http://www.atp.dk/X5/wps/wcm/connect/dab/dk/index/beretbetal/bidragssatser#.Uz0e__I_sIJ)

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

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

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

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

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 per cent in 2012 to 40 per cent 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)**

*Length of leave*

- Two weeks.

*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

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

<sup>11</sup> See [http://www.ugebreveta4.dk/maend-i-skurvognen-skal-ud-med-barnevognen\\_20405.aspx?redir=newsletter&utm\\_campaign=guest\\_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=guest_EU_Ekstralist_From_MorningNL&utm_medium=nl_top&utm_source=newsletter_Morning&nid=NjY5&aid=20405)

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 the fathers' take-up of Parental leave

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

(Bloksgaard, 2009<sup>13</sup>). Now, parents covered by this agreement are allowed to take Parental leave with pay within a year from the birth of the child.

- 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.
- Labour market negotiations in the Spring of 2017 resulted in additional rights for employees working in the industrial sector, who now have full wages during leave. This encompasses more than 500,000 employees working in the private sector.

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

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

#### **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 per sick spell to care for a sick child. Public employees are entitled to two days. 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

##### *Specific provision for (breast-)feeding*

- None reported.

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

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<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.

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 2016 (including proposals currently under discussion)**

In mid-2015 a new minority government based on the Liberal party, named Venstre, came into power. As of 2017, they joined in a coalition with two right-wing parties, the Conservatives and Liberal Alliance. Neither Venstre nor the new coalition government have made gender equality one of its main priorities. As an example, two major initiatives were abolished, including 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 only. Survey data from 2006 showed that 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 data are not available on the share of all fathers and mothers who take-up Parental leave. The data instead provides only the number of parents who receive a cash benefit during leave and for how long. Most mothers take some parental leave beyond the Maternity leave. Among mothers entitled to the cash benefit during leave the percentage, who only took Maternity leave was only 0.4 per cent.

Among fathers entitled to the cash benefit during leave, 45 per cent only took the two weeks of Paternity leave in 2014. This percentage has been constant since 2009. 36 percent of fathers with entitlements took parts of the parental leave and 14 per cent of fathers took no leave at all. Danish fathers on average only take 11 per cent of the

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<sup>14</sup> Olsen, B. M. (2007) *Evaluering af den fleksible barselorlov: orlovsreglerne set fra forældres, kommuners 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.

Parental leave period in total – a small increase since 2013 (10.7 per cent)<sup>16</sup> – but still considerably lower than in Sweden and Norway<sup>17</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 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>18</sup>. Fathers who were a member of a trade union representing academics (AS) in 2013 on average took 46.3 days compared to the on average 23.6 days which fathers took, who were member of a trade union representing manual work (LO)<sup>19</sup>.

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<sup>16</sup> Danmarks Statistik (2015) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2014*. 2015: 7, København: Danmarks Statistik.

<sup>17</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.

<sup>18</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>19</sup> LO (2016) Fakta om fædrebarsel. København LO.

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.

A recent proposal from the EU Commission about the introduction of a father's quota in the member states has met criticism from the present Liberal government based on the argument that families should have the freedom to choose themselves, but also among Social democratic politicians who argue that this interferes with the Danish labour market model<sup>23</sup>.

#### **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>24</sup>.

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>25</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 between 2007-2014,

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<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> <https://www.information.dk/telegram/2017/04/danske-ministre-saetter-foden-overfor-eu-orlov>,

<http://www.dr.dk/nyheder/politik/s-eu-gaar-alt-vidt-med-forslag-om-oeremaerket-barsel>

<sup>24</sup> Danmarks Statistik (2016) *Dagpenge ved fødsel 2015*. Nyt fra Danmarks Statistik, nr. 140.

<sup>25</sup> DR Nyheder (2014) 'Mænd i industrijob tager mere barsel'. 25.01.2014.



while mothers who have taken leave alone took 310 to 313 days over the same period<sup>26</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>27</sup>.

## 5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year

### 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. Recent selected publications

Borchorst, A. (2015) Mor, far, staten og småbørnene [Mom, Dad and the care of small children]. In: Borchorst, A. and Dahlerup, D. (eds.) *Før og efter stemmeretten. Køn, demokrati og velfærd*. Copenhagen: Frydenlund Akademisk, pp. 147-168.

Nielsen, L.P. (2016) *Empirical essays on child achievement, maternal employment, parental leave and geographical mobility*. PhD Thesis. Aarhus University.

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

Warming, K. (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 – *The Centre for Masculinity Studies* has been established at Aalborg University in the Spring of 2016. See <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, The Department of Political Science at Aalborg University.

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<sup>26</sup> Danmarks Statistik (2016) Dagpenge ved fødsel 2015. Nyt fra Danmarks Statistik, nr. 140.

<sup>27</sup> Warming, Kenn (2016) *"Diskrimination af forældre. Oplevelsen af diskrimination i forbindelse med graviditet og barselsorlov"*. Copenhagen: The Danish Institute for Human Rights.

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 (case law). The project 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 the framing of 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 as employees, in different job positions. Conducted in parts with Jonas Hjort, Columbia University. Contact: Nikolaj Harmon at [nikolaj.harmon@econ.ku.dk](mailto:nikolaj.harmon@econ.ku.dk).

*The Nordic Gender Network*, led by Professor Anne Grönlund at Umeå University - the network focuses on gender research, including research into parents' use of parental leave.

# Estonia<sup>1</sup>

**Katre Pall** (Ministry of Social Affairs)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 140 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*

- 100 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. (2017) 'Estonia country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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*

- 100 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. Self-employed or unemployed 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 (*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 €2,907 per month, equivalent to three times average earnings. The minimum benefit paid to working parents is the minimum wage, €470 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 €430 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 three 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 three 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 (€430 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 parents are eligible for parental and childcare benefits. Also, a parent's spouse, a person in custody of the child and adoptive person have right to parental and childcare benefits.
- Fathers are eligible for parental benefit when their child has reached 70 days of age.
- The actual caregiver of a child (none of the above-mentioned) 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.

*Variation in leave due to child or family reasons (e.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 or career breaks**

- No statutory entitlement; see section (e) below, for supplementary annual holiday entitlement.

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

*Adoption leave (lapsedamispuhkus) and pay*

- 70 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*

- 14 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 €22 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.

#### *Specific provision for (breast-)feeding*

- None.

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

## **3. Changes in policy since April 2016 (including proposals currently under discussion)**

The Ministry of Social Affairs has presented proposals to the government in March 2017 include merging Maternity leave and Parental leave into one Parental leave, as well as merging Maternity benefit, Paternity benefit, Parental benefit and Childcare benefit into one Parental benefit. The new Parental benefit would have a period designated for mothers only, a shared period and a 30-days period designated for fathers only. The overall benefit period would be prolonged to 605 calendar days. The benefit could be taken out until the child reaches three years of age. The government has agreed on the general principles and the Ministry of Social Affairs will start drafting the acts. The changes would take place gradually starting from 2019.

## **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>. Based on preliminary data of registration of births in 2016 around half of the fathers took the leave.

### **c. Parental leave**

No official statistics about take-up of leave are collected. In 2016, 9.3 per cent of the recipients of parental benefit were men (7.5 per cent in 2015, 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>.

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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:

#### d. Other employment-related measures

In 2015, 27 per cent of parents who received benefit for nursing a sick under 12 year old child (i.e. care leave certificates) were men (in 2014 this was 26 per cent and in 2013 also 27 per cent)<sup>5</sup>.

### 5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

#### 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. Recent selected publications

Turu-uuringute, A.S. (2016) *Soolise võrdõiguslikkuse monitoring* (Gender equality monitoring) Available at:

[http://sm.ee/sites/default/files/contenteditors/Ministeerium\\_kontaktid/Uuringu\\_ja\\_anal\\_uusid/Sotsiaalvaldkond/soolise\\_vordoiguslikkuse\\_monitooringu\\_raport\\_2016.pdf](http://sm.ee/sites/default/files/contenteditors/Ministeerium_kontaktid/Uuringu_ja_anal_uusid/Sotsiaalvaldkond/soolise_vordoiguslikkuse_monitooringu_raport_2016.pdf)

In the fall of 2016, the fifth gender equality monitoring was conducted in Estonia. In total 1,002 respondents aged 15-74 from across Estonia were questioned during a face-to-face survey. Topics covered were economic coping and economic dependency, differences in upbringing and teaching of boys and girls, roles within the family, work sphere and experience of unequal treatment at work, work-related opportunities for men and women, combining work and family life, roles and position of women and men in the society, women and men in politics, experiences of physical violence and awareness of the institution of the Gender Equality and Equal Treatment Commissioner.

Kurowska A. (2017) The impact of an unconditional parental benefit on employment of mothers: A comparative study of Estonia and Lithuania, *International Journal of Sociology and Social Policy*, 37 (1/2): 33 – 50.

The purpose of this paper is to solve the puzzle of the disproportionately lower employment rate of mothers of toddlers with relation to the employment rate of mothers of preschool and school-age children in Estonia. The research is based on the Most Similar System Design and compares Estonia with Lithuania. The applied methods include inferential statistics and microsimulation techniques, employing the OECD Benefits and Wages Calculator, the OECD Family Support Calculator and EUROMOD – the European tax-benefit microsimulation model.

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[http://pub.stat.ee/px-web.2001/I\\_Databas/Social\\_life/09Labour\\_market/13Work\\_and\\_family\\_life/13Work\\_and\\_family\\_life.asp](http://pub.stat.ee/px-web.2001/I_Databas/Social_life/09Labour_market/13Work_and_family_life/13Work_and_family_life.asp)

<sup>5</sup> Estonian Health Insurance Fund, based on the calculations of Ministry of Social Affairs.



The comparison revealed that the overwhelming majority of the crucial aspects of socio-cultural, economic and institutional conditions were more favourable for maternal employment in Estonia than in Lithuania. This explains the higher maternal employment rates both for mothers of pre-schoolers and school-age children in Estonia. However, one particular element of the institutional context targeted to the mothers of toddlers – the unconditional parental benefit – had an opposite character. This particular feature of the parental leave scheme was the only factor that could explain why the employment rate of mothers of toddlers is disproportionately lower than the employment rate of mothers of older children in Estonia and much lower than the employment of mothers of toddlers in Lithuania. This study complements previous research by providing evidence on the relative importance of universal parental benefit schemes in the context of other country-specific conditions for maternal employment, including the availability of institutional childcare. Furthermore, the results presented show that childcare regime typologies, at least those that characterize Eastern European countries, should be more sensitive to children's age.

### **c. Ongoing research**

None reported.

# Finland<sup>1</sup>

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For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 105 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 €1,426 and €57,101, with a lower percentage (32.5 per cent) for earnings above this level. Mothers not employed and those whose annual earnings are less than €1,425 get a minimum flat-rate allowance of €23.73 per working day (€593 per month). After this initial period of leave, benefit is paid at 70 per cent of annual earnings between €1,426 and €37,113, with a lower percentage for earnings above this level (40 per cent until €57,101 and 25 per cent above this). Those whose annual earnings are less than €1,426 before the birth get the minimum flat-rate allowance. In 2015, 11 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

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<sup>1</sup> Please cite as: Salmi, M., Närvi, J. and Lammi-Taskula, J. (2017) 'Finland country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 (2016) *Statistical Yearbook 2015*. Available at: [www.kela.fi/statistics](http://www.kela.fi/statistics)

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 68 per cent of the total cost) and employees (approximately 27 per cent) while the remaining 5 per cent is funded by the state. In 2017, employers pay 1.08 per cent of their total salary bill and employees 1.58 per cent of their taxable earnings; these percentages are subject to change in the state budget. The minimum flat-rate allowances and 0.1 per cent of the benefit expenditure are funded from state taxation.
- 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*

- 54 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 €1,426 and €37,113, with a lower percentage for earnings above this level (40 per cent until €57,101 and 25 per cent above this). Those whose annual earnings are less than €1,425 before the birth get the minimum flat-rate allowance. In 2014, three 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. The father is entitled to paternity benefit even if the parents do not live together, provided that the father is responsible for childcare. 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/föräldradighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)**

#### *Length of leave*

- 158 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 €1,425 and €37,113, with a lower percentage for earnings above this level. Those whose annual earnings are less than €1,425 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 five to 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rdledighet*) 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 €338.34 a month, with an additional €101.29 for every other child under three years and €65.09 for every other pre-school child over three years plus a means-tested supplement (up to €181.07 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 2015 was €419 a month. Home care allowance is financed from municipal taxation with a state subsidy of 25 per cent of the costs.
- In 2016, 23 per cent of local authorities paid a municipal supplement to the Home care allowance; these supplements averaged €152 a month per child, with a range from €72 to €252<sup>4</sup>. 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 €172.25 a month per child. An addition of up to €144.85 a month per child can be paid based on the size and income of the family. If the child is only entitled to 20 hours of early childhood education per week, the allowance is €63.38 a month and the addition is halved. In 2016, 43 per cent of municipalities paid a municipal supplement to the private day care allowance with a range from €50 to €360; these supplements averaged €220 a month per child in 2015. 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

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<sup>4</sup> Lahtinen, J. and Selkee, J. (2016) Varhaiskasvatuskyselyraportti II: hallinto, kuntalist, palveluseteli [Report on early childhood education survey II: administration, municipal supplements, service voucher]. Kuntaliitto, Helsinki.

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.

#### *Leave of absence to care for a family member or other close person*

- If an employee needs to be absent from work to care for a family member or other close person, the employer has to try to organise work so that the employee can be absent from work for a fixed time period. The employer and the employee agree on the length of the leave and other arrangements. Return to work has to be agreed on before the leave between the employer and the employee. If an agreement cannot be reached, the employee can, with reasonable grounds, interrupt the leave by announcing this to the employer a month before the return at the latest. The employee has to account for grounds of the absence and for interrupting it if the employer asks for it.
- No benefit or wage is paid during this leave.

#### *Special care allowance*

- An allowance for a parent who is not able to work on the following grounds:
  - because s/he has to engage in the hospital care of a child under seven, a severely ill child with ages between seven and 15 years-old, or in the rehabilitation of a child under 16.
  - because s/he cares at home for a severely ill child under 16, when home care is in connection to hospital care.
  - or because s/he has to be available during the school or day care assessment of a severely ill child.
- Both biological and adoptive parents are entitled to the allowance. It can also be granted to employees who care for the child of their spouse. During hospital care or rehabilitation the allowance can be paid to both parents if the child's physician considers the participation of both parents necessary. The allowance is not paid to parents who receive parental, sickness or unemployment benefit.
- The payment is equal to 70 per cent of annual earnings between €1,426 and €30,350, with a lower percentage (20 per cent) for earnings above this level. Employees whose annual earnings are less than €1,425 get a minimum flat-rate allowance of €23.73 per working day (€593 per month). The allowance is paid for at maximum 60 working days for hospital care or rehabilitation of same illness and for 60 working days for home care.
- Receiving the allowance does not entitle to a leave of absence from work.

#### *Flexible working*

- Parents of children under three years are entitled to a Flexible care allowance (*joustava hoitoraha/flexibel vårdenning*) 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 €160.80 a month if the weekly working hours are no more than 30 hours or 80 per cent of the normal full-time hours, and €241.19 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 vårddedighet*) 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 €96.89 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.

#### *Specific provision for (breast-)feeding*

- None. Breast-feeding leave is not considered necessary, as Maternity leave and Parental leave last until the child is nine to ten months old.

## **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 11.5 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 2016 (including proposals currently under discussion)**

The government's proposal of a €2,500 lump sum compensation of leave expenses to be paid to employers of leave-taking mothers was accepted in the parliament. The compensation is paid provided the employee has been employed for at least three months based on a one-year employment contract at the minimum, she works at least 80 per cent of the normal working hours, and the employer pays a wage for at least one month of the Maternity leave. The aim is to even out leave expenses



between employers and thus improve women's position in the labour market, to promote women's employment, to support creation of permanent employment, and to promote growth in female-dominated companies. However, the law does not presume the employee to return to the service of the same employer. Moreover, an ample third of mothers do not have an employment contract when starting their leave<sup>5</sup>, so this measure probably is not as effective as expected. The costs are funded with a raise of the employers' sickness insurance fee, so in this respect the law evens leave expenses between female dominated and male dominated branches. The law met much critique by unions and experts for not being an effective means to reach its aims and for ignoring temporary, part-time and precarious employment typical for young female employees.

Since March 2017, the leave entitlements of non-resident fathers and same-sex parents are improved. When a child's father is responsible for the care of the child, he is entitled to paternity benefit even if he does not live with the child's mother (earlier he was in similar cases only entitled to parental benefit). A mother's female spouse is entitled to paternity and parental benefit on the same grounds as a male spouse. Paternity benefit can be paid to the female spouse starting from the birth of the child and intra-family adoption is not required. The tripartite working group preparing the reforms also proposed that a non-resident parent who has shared custody of the child would be entitled to parental benefit, as well as a possibility to share the Parental leave between resident parent, non-resident parent and the spouse of the resident parent. However, these proposals were not included in the law.

After the Central Organisation of Finnish Trade Unions SAK had launched a proposal to renew the Parental leave and Home care allowance in April 2016 (see country note 2016), several other labour market organisations and all but one parties represented in the parliament have presented their models to reform the leave system. The National Coalition Party (the conservatives) adopted the SAK model in February 2017, and also the model of the Social Democratic party, presented in March 2017, is very similar to the SAK model. These models propose a two weeks' lengthening to earnings-based leave. The idea of the SAK model is to produce a 'gender-neutral' model where the 12 months' leave is symmetrically divided between the parents. However, as each parent would have only a three month's quota and could give half of his/her share to the other parent, the model would not change that much the present situation. Following the present take-up patterns, in practice mothers would take nine months of leave and fathers the three months quota at most. This would mean a two weeks' lengthening of Paternity leave. The Center party (today the prime minister's party) wants to lengthen the earnings-based leave with two months, directing the lengthening to Paternity leave. In the long run, the party also wants to extend Parental leave and give bonus days to parents who share the leave equally. The Center party also suggests that the parents could be on leave at the same time during the entire Parental leave provision (six months) while other models consider that the present three weeks of simultaneous leave are enough.

The Left Alliance and the Swedish People's Party stand for the 6+6+6 model of Parental leave, which was launched in 2006 by the authors of this country note (for a description of this model, see the presentation 'Finland' in the annual seminar 2011 and country note in the 2009 annual review, pp. 168–169). The Green Party also stands for it in the long run, but now presented a 'budget version', the 5+5+5 model

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<sup>5</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*, 79 (5): 543–552.

where both mothers and fathers would be entitled to a five months' quota and the third five months' sequence would be transferable between the parents. The 6+6+6 model is also supported by the Finnish Confederation of Professionals STTK.

The trade union confederation for affiliates for highly educated people Akava, which earlier supported the 6+6+6 model, now launched a model of their own where Paternity leave would be lengthened with less than a month while Parental leave, today used almost exclusively by mothers, would be lengthened with two months.

Confederation of Finnish Industries EK, the main financier of the leave system, also proposes a 12 month Parental leave to be symmetrically divided between mother and father. However, the EK model does not include any transferable leave section or a leave to be shared between the parents. Compared with the present take-up pattern, the EK model would shorten mothers' leave with three months while lengthening the fathers' quota with almost four months. In case the father would not use his six months' quota, the mother could continue taking care of the child supported by the Home care allowance, but only until the child is 18 months old. This would cut the totality of leave (with either an earnings-based or a flat-rate benefit) to a half of its present length.

Most of the models (those of SAK, the conservatives, the social democrats, the Greens, the Swedish People's Party, Akava and EK) aim at shortening the take-up of Home care allowance, expecting this way to improve the employment rate of mothers. This would be realised slightly differently in different models, the main idea being either a higher Home care allowance for a shorter period than today, or a lower allowance for roughly as long as today. The Center party wants to keep the length of the period unchanged but suggests a higher allowance for parents of under two-year-olds, and a lower allowance when the child has turned two. However, the THL Family leave study shows that there is reason to doubt that shortening the HCA period would raise the employment rate of mothers. Mothers who still take care of their youngest child at home after the child has turned two often have a low level of education and were usually unemployed before the child was born; an ample half of these mothers do not have a job to return to<sup>6</sup>. Thus many of these mothers would end up being unemployed, instead of employed if the HCA period would be cut.

With the exception of the EK model, all models include improved flexibility of leave take-up as to how long into the child's lifespan leave can be used, in what kinds of blocks it can be taken, and who other than a parent can use leave. In the EK model, both earnings-based leave and Home care allowance must be taken until the child is 18 months old; so a father could not take his Parental leave quota after the mother has taken hers and one year of Home care allowance, for example. Flexibility would be reduced from the current model wherein a father can use his Paternity leave until the child turns two.

The True Finns, one of the three parties comprising the present government, have declared that the present leave model is good, and the Home care allowance system will not be changed while they are in the government. Due to the resistance from the part of the True Finns, the government decided in April 2017 not to proceed with the leave reform. Even so, the policy situation regarding the leave system has improved:

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<sup>6</sup> Närvi, J. (2017) Äitien perhevapaat ja osallistuminen työelämään [Mothers' family leave and participation in working life]. In Salmi, M and Närvi, J (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, THL, Helsinki 2017.

today almost all parties have a reform model, while still at the end of last decade this was not the case.

## 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>7</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 allow for a different 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 THL study<sup>8</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 from 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. In 2015, again 80 per cent of fathers took the short 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>9</sup>. Since 2008, the average length of the leave taken while the mother is on Maternity or Parental leave has been 15 working days.

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>10</sup>. Fathers who took only Paternity leave tended to take slightly longer periods after the bonus leave was introduced in 2003<sup>11</sup>. Two-thirds of fathers took the whole three weeks Paternity

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<sup>7</sup> One to 18 days that can be taken while the mother is on leave.

<sup>8</sup> Salmi, M. and Närvi, J. (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, THL, Helsinki 2017.

<sup>9</sup> Analysis by Anita Haataja, Social Insurance Institution.

<sup>10</sup> Lammi-Taskula, J., Salmi, M. and Närvi, J. (2017) Isien perhevapaat [Fathers on family leave. In Salmi, M and Närvi, J (ed) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, THL, Helsinki 2017.

<sup>11</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 perhevapaiden kustannukset sukupuolten välisen tasa-arvon jarruina*

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>12</sup>. The reasons for not taking the short Paternity leave were most often the father's work situation, family economy or the father not being part of the working life.

### **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, and in 2015 the proportion jumped into 50 per cent of fathers when 27,491 fathers took the leave. The average length of leave taken by fathers after Parental leave has also risen from 21 days in 2012 and 2013 to 27 days in 2015.

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. 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.

According to the THL study, men over 30, men with good income, and men whose partners have good income, as well as fathers of firstborns, were more likely to take the father's month. In families where the mother had been employed before the child was born, also the mother's high employment status increased the likelihood of the father taking the father's month. The likelihood was halved if the father thought men to be mainly responsible for the family economy, or if the father had recently experienced unemployment. Fathers with children born in 2011 did not take the father's month most commonly (41 per cent) 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 (39 per cent). The spouse not having a job also hindered fathers from taking their leave quota (19 per cent). Work-related obstacles were also mentioned quite often (19 per cent). 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, family economy was mentioned more often than work-related reasons

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*työelämässä? [Do the choices and costs of family leave hamper gender equality in working life?]* Helsinki: Ministry of Social Affairs and Health.

<sup>12</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.

even by highly educated fathers. Hardly any father mentioned negative attitudes at their workplace as an obstacle.

In 2015, almost five per cent of fathers took Parental leave. Even if the number is low, it has doubled compared to earlier years when only one to three per cent of fathers took a longer Parental leave than the two weeks included in the father's month. The average length of fathers' Parental leave was 59 working days. Fathers with children born in 2011 more likely shared the Parental leave with the mother if they were over 30 and fathers of firstborns. The spouse's high education level had a significant if small effect to the likelihood of fathers sharing the Parental leave.

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, and 70 couples in 2015<sup>13</sup>.

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

Almost all families (89 per cent in 2015) take advantage of the Home care allowance (HCA) at least for some time after Parental leave. Since 2006, statistics are available of use by women and men, showing that 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.

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 47 per cent in 2015. 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 and 2015. At the same time the proportion of under three-year-olds taken care of and supported by the HCA has varied between 53 and 47 per cent. 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 2015: 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>14</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>15</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

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<sup>13</sup> See [www.kela.fi/kelasto](http://www.kela.fi/kelasto).

<sup>14</sup> Säkkinen, S. and Kuoppala, T. (2016) *Varhaiskasvatus 2015 [Early childhood education 2015]* Helsinki: THL Statistical Report 21/2016.

<sup>15</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.

periods again rose to 16 per cent but dropped again to 15 per cent in 2015 while the proportion of the shortest periods dropped to 29 per cent in 2014 but rose back to 30 per cent in 2015. The (few) male recipients of HCA took less of the longest periods than their female counterparts (12 per cent in 2015) but in 2014 the proportion of fathers taking HCA for longer than a year rose from 41 to 45 per cent, though dropping again to 42 per cent in 2015 (calculations based on Statistical Yearbooks of the Social Insurance Institution 2004–2015). In the long run, from 1999 to 2010, the median length of HCA periods has been ten months<sup>16</sup>. Only six per cent of fathers annually have been recipients of the HCA during the years 2006–2015. The THL study on parents who had a child in 2011, shows that it was most likely taken by fathers whose spouses had a high employment status and a high income.

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.

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>17</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, ten 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>18</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 per cent) 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>19</sup>. Thus, 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 study 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

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<sup>16</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 Työpapereita 43/2013.

<sup>17</sup> Calculations by Anita Haataja and Siru Keskinen, Social Insurance Institution.

<sup>18</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>19</sup> Haataja, A. and Juutilainen, V-P. (2014) *Kuinka pitkään lasten kotihoitoa? Selvitys äitien lastenhoitojaksoista kotona 2000-luvulla* [How long at home with children? A report on mothers' childcare periods at home in the 2000s], Kela Työpapereita 58/2014.

child/children when the child was two years old. One in four mothers of two-year-olds had already a younger child, and a majority (84 per cent) of them were at home taking care of the children while one in ten was employed. 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 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 and had a high-income level, if she has a high level of education, and if she had a permanent employment contract when the child was born. A mother is more likely to be still at home with the two-year-old if she is a blue-collar worker, has a low level of education, had a low-income level before the child was born, 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 issues where at-home mothers and at-work mothers differ were views on quality of day care services with 29 per cent of at-home mothers but only eight per cent of at-work mothers mistrusting the quality, and 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 almost doubles the probability of a mother still being at home with the two-year-old. However, the strongest predictor proves to be that the mother mistrusts the quality of day care services; this triples the probability of a mother still being at home with the two-year-old<sup>20</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

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<sup>20</sup> Närvi, J. (2017) Äitien perhevapaat ja osallistuminen työelämään [Mothers' family leave and participation in working life]. In Salmi, M. and Närvi, J. (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, THL, Helsinki 2017.

partial care leave. 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 this allowance while in 2013 only 10,927 under three-year-olds where 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, even if the numbers still are low. One in ten recipients of the Flexible care allowance were fathers<sup>21</sup>.

The THL study shows that of mothers with two-year-olds who had returned to employment, 28 per cent worked part-time (of all employed Finnish mothers with children below school-age, 18 per cent worked part-time in 2013<sup>22</sup>; in 2015 30 per cent of mothers to 1–2 year old children did so<sup>23</sup>). 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>24</sup>. The Partial childcare leave was used or planned more likely by mothers who had a valid employment contract before the child was born<sup>25</sup>. The rule that the employee can take Partial childcare leave only if s/he has been working for the same employer for at least six months during the past twelve months effectively hinders mothers from choosing the partial leave as many mothers have to find a new job after their family leave.

The use of the private day care allowance for under three-year-olds has remained quite stable: in 2015 4,209 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, her employment status and her possibilities and experiences in the labour market as well as how easy it is to

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<sup>21</sup> Information provided by Siru Keskinen, Social Insurance Institution.

<sup>22</sup> Sutela, H. (2015) Pitkät työajat hankaloittavat perheen ja työn yhteensovittamista [Long working hours complicate combining family and work]. Tilastokeskus, *Tieto & trendit* 4/2015, 50–57

<sup>23</sup> Pärnänen, A. & Kambur, O. (2017) Suomi–Ruotsi-vertailu: Pienten lasten äitien työssäolossa ei suuria eroja [Comparing Finland and Sweden: No big differences in employment of mothers to young children]. Tilastokeskus, *Tieto & trendit* 25.4.2017

<sup>24</sup> Salmi, M., Lammi-Taskula, J. and Mäntylä, E. (2016) Pienten lasten äidit osa-aikatyöhön? Poliitiikan 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>25</sup> Salmi, M., Närvi, J., Lammi-Taskula, J. and Mäntylä, E. (2017) Osa-aikaisten perhevapaiden ja osa-aikatyön käyttö, mahdollisuudet ja esteet [Take-up, possibilities and obstacles of partial childcare leave and part-time work]. In Salmi, M and Närvi, J (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, THL, Helsinki 2017.



find employment especially for women with a low level of education; but also the values and attitudes of the mother play a role. The leave schemes also seem to create two categories of women in which a) women with a stable position in the labour market, higher levels of education and better employment prospects have more options, being able to choose between a shorter or a longer family leave period (and between a period of part-time and full-time work), while b) 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, and reliant on 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, making room for mothers who identify with a strong mother as caregiver role, instead of the less socially-valued identity of the unemployed.

#### **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>26</sup>, 67 per cent of employed mothers and 52 per cent of employed fathers with children under ten 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 the 2003 level; they ask whether this is due to parents not daring to take leave in times of economic crisis and the general insecurity of working life.

In the THL family leave study, 77 per cent of mothers of two-year-olds who had returned to work, and 54 of fathers had taken temporary childcare leave during the past year. However, many of the fathers' spouses were still at home taking care of the two-year-old. In families where both parents were employed, 79 per cent of mothers and 74 per cent of fathers had taken leave to care for a child fallen ill. One in four mothers and one in three fathers worked at home while being on temporary childcare leave. This has grown much more common compared to year 2006, when only ten per cent of mothers and 12 per cent of fathers did so. The increasing use of mobile technology, more prevalent in many branches<sup>27</sup> could potentially explain this change.

### **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

<sup>26</sup> Sutela, H. and Lehto, A-M. (2014) *Työolojen muutokset 1977–2013 [Change of working conditions 1977–2013.]* Helsinki: Statistics Finland.

<sup>27</sup> Närvi, J. (2017) *Perhevapaat työpaikoilla ja työelämässä [Family leave at workplaces and in working life]*. In Salmi, M and Närvi, J (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, THL, Helsinki 2017.

## a. General overview

Research on statutory leave entitlements and on take-up is done at 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. Comparisons over time have been developed on the preconditions and obstacles faced in taking up leave. Recent research has compared leave schemes and their take-up and consequences in the Nordic countries; it has 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 leave take-up among immigrants.

## b. Recent selected publications

Salmi, M. and Närvi, J. (eds) (2017) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo* [Family leave, economic crisis and gender equality]. Raportti 4/2017, THL, Helsinki

The book reports on the findings of the THL family leave study 2013–2016. The book includes articles on the development of working life and parental leave policy; on the position of parents of young children in the labour market, and their experiences of job insecurity and livelihood; on mothers and fathers using and not using different forms of family leave; on how taking a leave is met in the workplaces and what are the consequences of leave take-up; on parents' interest in part-time work; on parents' opinions on how the parental leave system should be reformed; and on the new models presented by several instances to reform the system. Some of the findings have been presented in section 4 of this country note.

Hietämäki, J., Kuusiholma, J., Räikkönen, E., Alasuutari, M., Lammi-Taskula, J., Repo, K., Karila, K., Hautala, P., Kuukka, A., Paananen, M., Ruutiainen, V. and Eerola, P. (2017) *Varhaiskasvatus- ja lastenhoitoratkaisut yksivuotiaiden lasten perheissä – CHILDCARE-kyselytutkimuksen 2016 perustulokset*. [Early childhood education and care solutions in families with one-year-old children – basic results from the CHILDCARE-survey 2016] Työpapereita 24/2017, Terveystieteiden tutkimuskeskus ja hyvinvoinnin laitos.

The survey was conducted in ten municipalities in Finland in 2016 as part of the [CHILDCARE-project](#) funded by the Academy of Finland<sup>28</sup>. The results show that childcare solutions in families with young children are much more complex than is understood in the public discussion on the “freedom of choice”, i.e. a dualistic choice between child home care and use of day care services. Parents combined leave entitlements, flexibility of working hours, public and private services and informal help to cope with the everyday challenges of work-family reconciliation. Three in four one-year-old children were in home care, mostly with their mothers who receive the Home care allowance (HCA). One in four families received also the municipal HCA supplement. Main reasons given for home care were the young age of the child, the

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<sup>28</sup> See <https://www.jyu.fi/edupsy/en/research/projects/finnish-childcare-policies-in-equality-in-focus-childcare>

need of the parent (mother) to take a break from paid work, and doubts about the quality of services. One in five mothers did not have a job to return to. Participation in ECEC was more common when parents had a high education level. Public day care centres were the most popular EHEC services used, while private services were used more in big cities. The most important qualities for parents when selecting childcare services were the location and the atmosphere of the facility. Most parents (90 per cent) were satisfied with the professional care and the level of safety in the service they used. Four in five said their one-year-old often enjoys being in EHEC and more than 90 per cent said the child receives personal attention from the personnel.

Haataja, A., Airio, I., Saarikallio-Torp, M. and Valaste M. (eds) (2016) *Laulu 573566 perheestä. Lapsiperheet ja perhepolitiikka 2000-luvulla* [A song about 573,566 Families. Families and Family Policies in the 2000s]. Kela, Helsinki 2016.

The book includes articles, which are mainly based on a longitudinal register database. The data covers more than half of all mothers who have given birth between 1999 and 2010 and their families. The book with English summaries of the articles is available at <http://hdl.handle.net/10138/163822>. Articles concerning parental and childcare leave are shortly described (with English titles) below.

Haataja, A. (2016) '*Large and small reforms in family leaves and benefits for families with small children*' (pp. 36–79). The 1980s and first decade of the 2000s were important periods in terms of developing family leave and benefits policies. The article focuses on these reforms, especially in the 2000s. All separate family leave schemes were organised under a special section of the Contracts of Employment Act in 2001, even though the concept of 'family leave' was introduced already in 1998. The greatest reforms in the 2000s pertain to the introduction of fathers' individual rights for parental leave (father's month), part-time care leave schemes after parental leave and improvements in the public compensations paid to employers who pay full wages to their employees during Maternity leave or who pay full wage from the vacation time to their employees who have accumulated vacation during their Maternity and Parental leave. Additionally, Parental leave rights for LGBT-parents and other non-traditional families were developed with respect to traditional couples' rights, even though there still are some scarcities. There were also some principle reforms in entitlement rights with respect to earnings related to higher Parental leave benefits instead of only basic benefits. These reforms positively affected approximately 30,000 mothers during the first years of the 2000s.

Saarikallio-Torp, M. and Haataja, A. (2016) '*Fathers' use of family leave has become more common. Which fathers take family leave and which do not use it at all?*' (pp. 80–115). Fathers' first rights were introduced in the late 1970s and in the 1980s, but second wave to the reforms started not before 2003. The outcomes of the survey indicate that the share of the fathers in couples, who did not use any leave was 30 per cent for the cohort born in 2000. A majority of employed fathers used at least some part of the Paternity leave when the mother also was at home on Maternity/Parental leave. Since 2004 the share of fathers who did not use any leave started to fall. The share of fathers, who did not use any form of leave, stayed about 20 per cent until the latest cohort in the survey (children born in 2009 with follow-up until 2013), even though there were some smaller reforms in 2007 and 2009. The analyses showed that the new schemes for fathers were mainly used by fathers who had also used the traditional short Paternity leave. As outcomes, we found that those fathers who used the father's month differed from the fathers who did not take advantage of any type of family leave, especially based on their socio-economic status, but also with respect to their spouse's characteristics. Furthermore, more than a third of all fathers who did not use any leave option were employed in very small

male-dominated enterprises compared to fathers who made use of the fathers' month or Paternity leave.

Tervola, J. (2016) *'Parent at home, child in day care? Examining immigrant families' care choices in a Finnish policy context'* (pp. 160–180). Child home care is subsidised more generously in Finland than in any other Nordic country. Consequently, fewer children in all age groups attend day care. At the same time, previous international studies show unanimously that day care would contribute to the integration of children from immigrant or disadvantaged backgrounds. Based on previous evidence from Finland, immigrant families use the home care allowance for a much longer period than do native Finns. This study examines how often immigrant families make use of the Home care allowance sibling supplement paid for the home care of children older than three years of age. The result of the study contradicts previous results concerning children younger than three years of age. Most families with a native Finnish background use the home care sibling supplement (80 per cent), but immigrant families less so (36 per cent). When examining the take-up by mother's country of birth, families from typical refugee countries utilise the supplement the least. Controlling for the socio-economic background of the family did not change the result significantly. Thus most immigrant families opt to use day care services when the child is older than three years. The most convincing explanation for the result is the immigrant families' urge to contribute to the integration of their child.

Ylikännö, M., Hakovirta, M. and Salin, M. (2016) *'How to share family leaves between the mother and father? The attitudes in Finland and in other European countries.'* (pp. 226–247). Two of the articles compare attitudes towards Parental leave and two-earner model among Finnish and other countries utilizing ISSP 2012 survey data. In this article 21 European countries are compared concerning their attitudes regarding how Parental leave is divided between the father and the mother. Respondents were asked whether parents should be offered paid Parental leave. If they answered yes, they were further asked who should stay at home with the small child: the father or the mother, or whether the leave should be divided equally between both parents. The results show that of the countries being compared, Sweden and Russia represent the opposite ends of the scale: in Sweden, the vast majority of respondents were of the opinion that Parental leave should be equally divided between the father and the mother. In Russia, however, a clear majority of the respondents think that the mother alone should make use of Parental leave. In the Nordic countries, including Finland, attitudes are more egalitarian with respect to gender, while in the Eastern European countries mothers are clearly seen as the main caregivers in the family. Central European countries and Spain fall between these countries in terms of attitudes about the extent to which Parental leave should be divided equally between the father and the mother.

### **c. Ongoing research**

*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@jyu.fi](mailto:maarit.alasuutari@jyu.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 to fathers' use of 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>

**Danielle Boyer** (Caisse Nationale des Allocations Familiales) and **Jeanne Fagnani** (CNRS-IRES)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 16 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*

- 100 per cent of earnings, up to a ceiling of €3,269 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)*

- All employees and self-employed workers.

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<sup>1</sup> Please cite as Boyer, D. and Fagnani, J. (2017) 'France country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 4 October 1945 which aimed to cover all the so-called 'social risks'. In 1967 social security was separated into four branches: health insurance (which represents the largest share of expenditures devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

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

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

**b. Paternity leave (*Congé 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 took Parental leave. CLCA and COLCA continue to be paid to families with a child born before 1 January 2015, until the child is three years old, but since 1 January 2015, the CLCA/COLCA have been revised and replaced by 'PreParE' (*Prestation partagée d'éducation de l'enfant*). The benefit amount is income-related and dependent on whether the recipient works and, if so, for how long, i.e. for those on the lowest income level, €392.09 per month if not working; €253.47 per month if working less than half of full-time hours; and €146.21 per month if working 50 to 80 per cent of full time hours.
- 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 €638.96 per month 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)*

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<sup>3</sup> See <http://www.caf.fr/aides-et-services/s-informer-sur-les-aides/petite-enfance/assurance-vieillesse-du-parent-au-foyer-avpf>



- 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.

*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 €43.01 per day if one parent stops work completely; and €51.11 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.

*Specific provision for (breast-)feeding*

- None.

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

## **3. Changes in policy since April 2016 (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 in 2013.

### **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 childcare allowance (CLCA/COLCA and PreParE), and it is not possible to find out how many recipients are also on Parental leave.

Research provides evidence that women make up 98-99 per cent of parents taking leave; there has been little change since the introduction of PreParE; in December 2016, only 4.4 per cent of benefit recipients were men. It also suggests that mothers who were in employment just before taking Maternity leave are more likely to claim childcare allowance *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 childcare allowance 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 childcare allowance 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 childcare allowance 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 a childcare allowance has been decreasing, falling from 670,000 in 2007 to 455,300 by the end of December 2015 and the majority of beneficiaries receive full rate childrearing benefit (55 per cent)<sup>4</sup>. The proportion of a childcare allowance 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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

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

### **b. Selected recent publications**

Boyer D (ed.) (2016) *L'accueil du jeune enfant en 2015, données statistiques, Observatoire national de la petite enfance, rapport 2016*. CNAF. Available at: [http://www.caf.fr/sites/default/files/caf/741/Accueil\\_jeune\\_enfant\\_2015.pdf](http://www.caf.fr/sites/default/files/caf/741/Accueil_jeune_enfant_2015.pdf)

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<sup>4</sup> Observatoire National de la Petite Enfance, CNAF, 2015.

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.

Boyer D, (2016) 'Les pères en congé parental à temps partiel en France: vers un modèle égalitaire?', *Revue des politiques sociales et familiales*, No.122. Available at: <http://www.persee.fr/web/revues/home/prescript/revue/caf>

This article examines how fathers part-time Parental leave cope with their role in the home. It shows that the arrangements made are still heavily based on gender-based ideas. In particular, fathers' behaviour is strongly influenced by their idea that the mother-child relationship takes precedence and that they are somehow less qualified in their relationships and in their educational role.

Boyer D, (2016) (coord) 'Exercice de la paternité et congé parental en Europe', *Revue des politiques sociales et familiales*, No.122. Available at: [http://www.persee.fr/issue/caf\\_2431-4501\\_2016\\_num\\_122\\_1](http://www.persee.fr/issue/caf_2431-4501_2016_num_122_1)

This publication is based on chapters about fathers taking Parental leave drawn from a recent book edited by Margaret O'Brien and Karin Wall, 'Fathers on Leave Alone', with five national examples chosen: pioneer character (Norway), rooted (Finland), innovator (United Kingdom), conventional (France) or audacious (Portugal) of their measures to involve fathers in parental leave. The collection of articles also includes three recent French studies focused on men working part-time, staying in the home, or in a single situation.

### **c. Ongoing research**

None reported.

# Germany<sup>1</sup>

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**April 2017**

NB. Germany is a federal state.

**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' and 'ElterngeldPlus' to Parental leave benefits.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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

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

*Length of leave (before and after birth)*

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

*Payment and funding*

- 100 per cent of earnings, with no ceiling on payments.
- Maternity leave benefits (*Mutterschaftsgeld*) are usually paid by the mother's health insurance (€13 per day) and the mother's employer, who – 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 are paid by the mother's health insurance alone and match their prior income.
- Mothers receiving unemployment benefits are also eligible to paid Maternity leave benefits by their health insurer, which match their unemployment benefit.

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<sup>1</sup> Please cite as: Reimer, T., Erler, D. and Blum, S. (2017) 'Germany country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- Self-employed and non-employed women receive no Maternity leave benefit if they have no public health insurance.

*Flexibility in use*

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so. 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 if they have no public health 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 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 (max. six weeks).
- In the case of giving birth to a disabled child, the length increases to 12 weeks after birth.
- In the case of a miscarriage after the third month of pregnancy.
- 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 (responsibility of the Federal Ministry of Family Affairs, Senior Citizens, Women and Youth)**

*Length of leave ('Elternzeit')*

- 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. It provides parents with employment protection rights during this period.

*Payment and funding ('Basiselterngeld' / 'ElterngeldPlus')*

- An income-related benefit is paid if a parent takes full-time or part-time leave. Parents can choose between (or successively combine) two types of leave benefit payments: (a) Basiselterngeld and (b) ElterngeldPlus.

(a) Basiselterngeld

- Replaces a proportion of former income, if parents take leave to care for their child/ren

- Duration: paid for a period of 12 (+2) months after the child is born.
- 'Partner months' (*Partnermonate*): two bonus months are paid if both parents take at least two months of leave.
- Income replacement rate: paid at a level of 65 per cent<sup>2</sup> of last years' net earnings<sup>3</sup> with a minimum of €300 per month and a maximum of €1,800 per month.
- Flexibility in use: Parents can choose to work part-time (up to 30 hours).
- Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *Basiselterngeld* benefit period available to employed mothers to ten months.

(b) ElterngeldPlus

- Replaces a proportion of the loss in income, if parents reduce their working hours to care for their child/ren.
  - Duration: paid for a period of 24 (+four) months and may be used in the first two years after childbirth.
  - Partnership bonus (*Partnerschaftsbonus*): four bonus months are paid if both parents work at least in four subsequent months in part-time with 25 to 30 hours a week.
  - Income replacement rate: paid at a level of 65 per cent<sup>4</sup> of last years' net earnings<sup>5</sup> for lost earnings due to part-time, at most 50 per cent of Elterngeld payments, i.e. between a range of €150 and €900.
  - Maternity leave benefits paid during the eight weeks of obligatory Maternity leave following childbirth are deducted, effectively reducing the actual *ElterngeldPlus* benefit period available to employed mothers to 22 months.
- Parental leave entitlements are individual entitlements and both parents can receive their Parental leave benefits at the same time.
  - Parents who are not working before birth are eligible to receive the minimum rate of €300 per month. Parents who are long-term unemployed are not eligible for additional payments with parental benefits, as it is now credited against social assistance payments.

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<sup>2</sup> Parents with a previous net income between €1,000 and €1,240 per month receive benefits at a rate of 67 per cent and parents with previous income from €1,240 and higher receive benefits at a 65 per cent rate up to the ceiling of €1,800 per month for the 'parental benefit' (*Elterngeld*) payment. Parents with a net income of less than €1,000 per month receive an increased benefit: for every €2 their monthly earnings are below €1,000, their parental benefit increases by 0.1 per cent. For parents with monthly incomes above €1,240, on the other hand, the income replacement rate is reduced: for every €2 their monthly earnings exceed this sum, their parental benefit decreases by 0.1 per cent to a minimum rate of 65 per cent.

<sup>3</sup> The net earnings are estimated with fixed social security reduction rates, calculated on the individual's former gross earnings.

<sup>4</sup> Parents with a previous net income between €1,000 and €1,240 per month receive benefits at a rate of 67 per cent and parents with previous income from €1,240 and higher receive benefits at a 65 per cent rate up to the ceiling of €1,800 per month for the 'parental benefit' (*Elterngeld*) payment. Parents with a net income of less than €1,000 per month receive an increased benefit: for every €2 their monthly earnings are below €1,000, their parental benefit increases by 0.1 per cent. For parents with monthly incomes above €1,240, on the other hand, the income replacement rate is reduced: for every €2 their monthly earnings exceed this sum, their parental benefit decreases by 0.1 per cent to a minimum rate of 65 per cent.

<sup>5</sup> The net earnings are estimated with fixed social security reduction rates, calculated on the individual's former gross earnings.

- 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 (at least €75 per child for *Basiselterngeld* or €37.50 for *ElterngeldPlus*).
- For parents of multiple births, a supplementary payment of either €300 (*Basiselterngeld*) or €150 (*ElterngeldPlus*) per month is paid per additional child.
- The *Basiselterngeld* and *ElterngeldPlus* are funded by the federal government, through general taxation.
- Mothers (or fathers if they are the main caregiver) receive pension credits for childrearing time (*Kindererziehungszeit*) even if they do not make use of Parental leave. For each child born after 1 January 1992, three years of childrearing (two years for children born beforehand) are recognised in the pension system. Each year of recognised 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* or combine both types of leave.
- Recipients of *ElterngeldPlus* 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 receives 65 per cent of the margin between the present and the former income in addition to her/his employment income.
- Both parents are entitled to take leave at the same time and both can take up to two leave intervals.

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

- Parental leave legislation is federal. However, 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 the date of birth.
- Parental benefit (*Basiselterngeld & 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 a net income equal to or less than €500,000 or a single parent with equal or less than €250,000 income.
  - citizens of the EU, EWR and Switzerland if they are employed in Germany or live in Germany (According to EU legislation).
  - citizens of other countries with a permanent residence permit or with a working contract in Germany. Asylum seekers are eligible after having lived in Germany for at least three years.



- Self-employed parents are eligible for leave and benefit, as are same-sex couples.

*Variation in leave due to child or family reasons (e.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-care entitlements (Landeserziehungsgeld):* until July 2015, a cash-for-care benefit (*Betreuungsgeld*) of €150 per month was 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. However, the German Constitutional Court declared the *Betreuungsgeld* legislation was incompatible with federal law.
- However, in two federal states, Bavaria and Saxony, cash-for-care allowances (*Landeserziehungsgeld*) are still granted, available from the 13<sup>th</sup> month after childbirth and until the child's third birthday. The benefits are paid in addition to other social benefits but not at the same time with Parental leave benefits.
- 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 €34,000 net household income (€31,000 for single parents; increasing for each additional child by €4,440). They are paid 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 second and/or the third year 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 as for Parental leave apply.

*Time off for the care of dependants*

1. 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.
2. 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.
  3. 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.
  4. *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.
  5. *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*

6. During three years after *Elternzeit*, a parent has the right to reduced working hours of 15-30 per week (calculated as monthly average). This applies to employers with more than 15 employees.
7. 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.

#### *Specific provision for (breast-)feeding*

- None.

## **2. 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 a legal entitlement to ECEC for all children from the age of one year (before then, the entitlement for all children, i.e. independent of an employment of the

parents, only began at three years of age). Thus, 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 do not offer opening hours that allow for a full-time employment (of both parents), while full-time opening has remained the norm in Eastern Germany. Levels of attendance at formal services for children under three years are at about the average for 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.

In 2016<sup>6</sup> nearly 720,000 children under the age of three were in childcare services, in contrast to an estimated demand of 780,000 places. A third (32.7 per cent; of children up to three years were in childcare services, 85.4 of those in centres (*Kindertagesbetreuung*) and 14.6 per cent in private homes (*Tagespflege*). 2.5 per cent of children up to one year old were in childcare services, 36.1 per cent of children between one and two years and 60.6 per cent of children between two and three years old. Still there is a considerably gap between East Germany and West Germany: Whereas in East Germany 66.2 per cent of children between one and up to two years old were in childcare facilities, the percentage in West Germany was 28.8 per cent.

### **3. Changes in policy since May 2016 (including proposals currently under discussion)**

A change in Maternity leave legislation was passed in 2017, to be implemented in January 2018 (with the exception of job protection after miscarriage and the extended leave for mothers with a disabled child, which are already effective since April 2017). The new legislation includes:

- longer Maternity leave period after birth for mothers with a disabled child (+four weeks).
- protection from job dismissal if employee has a miscarriage after the third month of pregnancy.
- Maternity leave protection now also applies for students, trainees, pupils, and homeworking women.
- employers' duty to assess the exposure to hazards for pregnant employees.
- work prohibition only in cases where hazards for pregnant women at their workplace cannot be managed by a new organization of the workplace.
- pregnant employees only have a working permission if such an assessment has been made and the results reveal no potential hazards (*'unverantwortbare Gefährdungen'*) to the employee.
- working hours after eight pm and on weekends have to be authorized.

## **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**

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<sup>6</sup> The exact reference date is 1 May 2016. Available at: <https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/KinderJugendhilfe/KindertagesbetreuungRegional.html>

No statutory leave entitlement.

### c. Parental leave and Parental benefit

In 2015, 24.1 per cent of mothers with children below the age of six years were on Parental leave (*Elternzeit*), compared to 1.5 per cent for fathers. The proportion of parents on Parental leave is higher when the youngest child is below the age of three years: 41.6 per cent of mothers, and 2.5 per cent of fathers<sup>7</sup>.

Parents with children born after 1 July 2015 are entitled to choose between *Elterngeld* and *ElterngeldPlus*. Among all Parental leave applications in the fourth quarter of 2016, 77.3 per cent concerned *Elterngeld* and 22.7 per cent *ElterngeldPlus*, from which six per cent were paid as part of the *Partnerschaftsbonus* regulation.

Among all monthly Parental leave benefit payments in the fourth quarter of 2016, 52.8 per cent were calculated on former earnings through gainful employment. In 26.1 per cent of all cases, payments were at the level of the minimum entitlement of €300, and 21.4 of payments were made on the basis of a wage replacement rate of up to 100 per cent of former earnings. Additional payments for several children in a family (*Geschwisterbonus*) were made in 22.1 per cent of all payments; payments for multiple births were received in two per cent of payments. The average (mean) wage replacement rate was €743 per month. Mothers received on average €605 and fathers €1,158. In this period, 7.7 per cent of all monthly Parental leave payments were received by fathers<sup>8</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>9</sup> show that the proportion of fathers taking parental benefit has risen significantly and steadily since its introduction in 2007. For births in 2014, parental benefit was taken up by 34.2 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 23 per cent in Saarland to 44.2 per cent in Saxony<sup>10</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 to

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<sup>7</sup> Destatis (2017) *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>8</sup> Destatis (2017) - own calculations. Data available at: <https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj.html>

<sup>9</sup> Statistisches Bundesamt [Federal Statistical Office] (2017) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im 4. Vierteljahr 2014 geborene Kinder [Statistics on parental allowance. Completed performance bonuses for children born in the fourth Quarter of 2014]*. 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>10</sup> Destatis (2017), *Elterngeld - Beendete Leistungsbezüge für Geburtszeiträume - Länder, Geburten, Väterbeteiligung am Elterngeld für im Jahr 2014 geborene Kinder [Completed Parental leave benefits for births in 2014]*. Available at: <https://www.destatis.de/DE/ZahlenFakten/GesellschaftStaat/Soziales/Sozialleistungen/Elterngeld/Tabellen/GeburtenVaeterbeteiligungJahr2014.html>

0.9 per cent of mothers); by contrast, only 6.1 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 2014 was 8.7 per cent<sup>11</sup>.

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

In the fourth quarter of 2016, there were 131,386 recipients of the cash-for-care benefit '*Betreuungsgeld*': 94.8 per cent of the monthly benefit was paid to mothers and 90.9 per cent are expected to receive payments for the maximum take-up period of 22 months<sup>12</sup>.

### **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

#### **a. General overview**

Since the implementation of new Parental leave legislation in 2007 many studies have been conducted to analyse accompanied changes in the gender division of labour between the sexes, i.e. Parental leave uptake and employment behaviour of parents. For the analyses often German panel data (German Socio-economic Panel) and data of the Federal Statistical Office are used.

#### **b. Recent selected publications**

Huebener, M. (2016) *Parental leave policies and child development: A review of empirical findings*, DIW Roundup 102. Available at:  
[http://www.diw.de/documents/publikationen/73/diw\\_01.c.546232.de/diw\\_roundup\\_102\\_en.pdf](http://www.diw.de/documents/publikationen/73/diw_01.c.546232.de/diw_roundup_102_en.pdf)

Parental leave policies are a major policy tool used across OECD countries to support families before and after child birth. There are large differences across countries in the amount and the duration of benefit payments as well as leave entitlement periods. Despite these differences, the shared goal of Parental leave policies is to reconcile family life and work, and support child development. While much research attention has been paid to the effects of parental leave policies on maternal labour supply, much less is known about their effects on child development and health. This DIW Roundup summarizes the international literature on parental leave policies and their impact on child outcomes. The literature suggests that the

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<sup>11</sup> Destatis (2017), own calculations. Data available at:  
<https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj.html>

<sup>12</sup> Destatis (2017). 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)

effects are small. However, research in this area is still relatively new and it is too early to draw conclusions about how the design of parental leave policies impacts on child development.

Mathias Huebener, M., Müller, K-U., Spieß, C.K. and Wrohlich, K. (2016) 'The Parental Leave Benefit: A Key Family Policy Measure, One Decade Later', *DIW Economic Bulletin*, No. 49: 571-578. Available at:

[https://www.diw.de/documents/publikationen/73/diw\\_01.c.548588.de/diw\\_econ\\_bull\\_2016-49-1.pdf](https://www.diw.de/documents/publikationen/73/diw_01.c.548588.de/diw_econ_bull_2016-49-1.pdf)

On January 1, 2017, the Parental leave benefit celebrated its tenth anniversary. Although its implementation was fervidly debated, it has become a widely accepted family policy measure. The impact it had on parental labour supply, the division of labour between parents, fertility, and indicators that reflect the well-being of parents and children have been examined from a variety of perspectives. A global evaluation of relevant economic studies shows that on average, when young families receive the Parental leave benefit as an earnings replacement benefit, their economic stability in the first year after childbirth increases. As a result of the Parental leave benefit, the employment rate of mothers decreased in the first year after childbirth, while it increased in the second year. The share of fathers who take Parental leave has clearly increased, while the effects on the division of labour within the family are inconclusive. Some evidence suggests that the Parental leave benefit can even have an effect on fertility. Little is known about its impact on child development. Overall, although the Parental leave benefit family policy measure has been successful in many areas, its targeted effects could be augmented by additional family policy reforms.

Welteke, C. and Wrohlich, K. (2016) *Peer Effects in Parental Leave Decisions*, DIW Discussion Papers, 1600. Available at:

[http://www.diw.de/documents/publikationen/73/diw\\_01.c.541543.de/dp1600.pdf](http://www.diw.de/documents/publikationen/73/diw_01.c.541543.de/dp1600.pdf)

This paper analyses to what extent Parental leave decisions of mothers with young children depend on the decisions made by their co-workers. The identification of peer effects, which are defined as indirect effects of the behaviour of a social reference group on individual outcomes, bears various challenges due to correlated characteristics within social groups and endogenous group membership. The paper aims to overcome these challenges by exploiting quasi-random variation in the costs of parental leave during a narrow window around a cut-off date, induced by a Parental leave benefit reform in Germany. The reform encourages mothers to remain at home during the first year following childbirth. Administrative linked employer-employee panel data enable us to assign a peer group to all individuals who work in the same establishment and occupational group. While there is a growing literature on peer effects, few studies look at peer effects in the context of parental leave decisions. The authors argue, however, that mothers with young children are particularly susceptible to peer behaviour at the workplace due to preferences for conformity with peer group behaviour as well as the career-related uncertainty that mothers face. The results suggest that maternal decisions regarding the length of parental leave are significantly influenced by co-worker decisions, in particular in situations with high uncertainty.

Bergemann, A. and Riphahn R.T. (2017) *Maternal Employment Effects of Paid Parental Leave*, SOEPpapers, 900. Available at:

[https://www.diw.de/documents/publikationen/73/diw\\_01.c.554240.de/diw\\_sp0900.pdf](https://www.diw.de/documents/publikationen/73/diw_01.c.554240.de/diw_sp0900.pdf)

The authors study the short, medium, and longer run employment effects of a substantial change in the Parental leave benefit programme in Germany. In 2007, a means-tested Parental leave transfer programme that had paid benefits for up to two years was replaced by an earnings-related transfer paying benefits for up to one

year. The reform generated winners and losers with heterogeneous response incentives. The study finds that the reform has speeded up the labour market return of both groups of mothers after benefit expiration. The overall time until an average mother with (without) prior claims to benefits returns to the labour force after childbirth declined after the reform by ten (eight) months at the median. The authors show that likely pathways for this substantial reform effect are changes in social norms and mothers' preferences for economic independence.

Huebener, M., Kuehnle, D. and Spiess, C.K. (2017) *Paid Parental Leave and Child Development: Evidence from the 2007 German Parental Benefit Reform and Administrative Data*, Discussion Papers, 1651. Available at:

[https://www.diw.de/documents/publikationen/73/diw\\_01.c.554402.de/dp1651.pdf](https://www.diw.de/documents/publikationen/73/diw_01.c.554402.de/dp1651.pdf)

This paper examines the effects of a substantial change in publicly funded paid Parental leave in Germany on child development and socio-economic development gaps. For children born before 1 January 2007, Parental leave benefits were means-tested and paid for up to 24 months after childbirth; for children born thereafter, Parental leave benefits were earnings-related and only paid for up to 14 months. Higher-income households benefited more from the reform than low-income households. The authors study the reform effects on children's language skills, motor skills, socio-emotional stability, and school readiness using administrative data from mandatory school entrance examinations at age six and a difference-in-differences design. They find no impact of the reform on child development and socio-economic development gaps. The effects are precisely estimated and robust to various model specifications and sample definitions. These results suggest that such substantial changes in Parental leave benefits are unlikely to impact children's development. The findings seem consistent with recent studies showing that temporary unrestricted transfers and maternal part-time employment have a limited impact on parental investments in their children.

Leitner, S. (2017) 'Reconciliation of Employment and Childcare in Austria, Germany and Iceland. Examples for Gender Equality in Family Life?', in: D. Auth, J. Hergenhan and B. Holland-Cunz (eds.) *Gender and Family in European Economic Policy. Developments in the New Millennium*, Springer. Available at: <https://link.springer.com/chapter/10.1007%2F978-3-319-41513-06>

This chapter starts with theoretical assumptions and empirical findings on gender equality effects of reconciliation policies. Thereafter, childcare provision and Parental leave schemes in Austria, Germany and Iceland are compared. While Germany and Austria may be classified as optional familialistic, with a choice between paid Parental leave and childcare services, Iceland follows a strong adult worker model with familizing and de-familizing policies in quick succession. Leave take-up rates of fathers and employment rates of mothers differ enormously between the three countries. This is due to differences in policy design with regards to father's quotas, benefit levels and the length of the leave as well as to the availability of high quality childcare services. The advantages and shortfalls of the three different models of reconciliation will be analysed from a gender equality perspective.

OECD (2017) *Dare to Share – Deutschlands Weg zur Partnerschaftlichkeit in Familie und Beruf [Dare to Share – Germany's path to more equal partnership within the family and in work-life]*. Paris: OECD Publishing. Available at:

<http://dx.doi.org/10.1787/9789264263420-de>

Looking at the German family policy path since the beginning of the 21<sup>st</sup> century, this report analyses German policy initiatives and their outcomes from an international comparative perspective. The report contains various policy proposals aimed at achieving a more balanced distribution of family and work responsibilities among women and men.

Unterhofer, U. and Wrohlich, K. (2017) *Fathers, Parental Leave and Gender Norms*, DIW Discussion Papers, 1657. Berlin: DIW.

Social norms and attitudes towards gender roles have been shown to have a large effect on economic outcomes of men and women. Many countries have introduced policies that aim at changing gender stereotypes, for example fathers' quota in Parental leave schemes. In this paper, we analyse whether the introduction of the fathers' quota in Germany in 2007, which caused a sharp increase in the take-up of Parental leave by fathers, has changed the attitudes towards gender roles in the grandparents' generation. To this end, the authors exploit a quasi-experimental setting of the 2007 reform and compare grandparents whose son had a child born before the 2007 reform to grandparents whose son had a child born after it. The results suggest that such policy programmes not only induce direct behavioural responses by the target group, but also have indirect effects on non-treated individuals through social interaction and can thus change attitudes towards gender roles in a society as a whole.

### **c. Ongoing research**

*Vergleichende Expertise zu bestehenden Regelungen und Reformideen des Elterngeldes in Europa [Comparing expertise on current European Parental leave policies and reform ideas]* (October 2016 – February 2017). Stefan Reuyß, SowiTra. Funded by the Friedrich Ebert Foundation

Literature review of Parental leave policies in Europe, empirical analysis of take-up rates of Parental leave and compiling of reform ideas. Contact: Stefan Reuyß:

[stefan.reuyss@sowitra.de](mailto:stefan.reuyss@sowitra.de)

*Care-Praxen von Vätern in Bayern. Fürsorgeverhalten und Paardynamiken bei der Nutzung des Elterngelds [Care practices of fathers in Bavaria. Care and couple dynamics during parental leave]* (2015-2018). Prof. Barbara Thiessen and Kathrin Peltz, Hochschule Landshut

This project analyses how fathers engage in childcare during and after Parental leave use and examines their motivation to take Parental leave. A particular focus is on couples' negotiation processes. Both quantitative and qualitative methods are applied. Contact: Barbara Thiessen at [barbara.thiessen@haw-landshut.de](mailto:barbara.thiessen@haw-landshut.de)



# Greece<sup>1</sup>

**Evi Hatzivarnava Kazassi** and **Maria Karamessini** (Centre for Gender Studies, Panteion University)

**April 2017**

**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.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

## **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).

<sup>1</sup> Please cite as: Hatzivarnava-Kazassi, E. and Karamessini, M. (2017) 'Greece country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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.

### *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 social insurance fund of all employees working under private law contracts. The leave is funded by IKA and OAED, the Manpower Employment Organisation which is, *inter alia*, the social insurance fund for income protection against unemployment.
- Special leave: minimum daily wage agreed in the National General Collective Agreement and lately determined by law, 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 1e), 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, irrespective of whether on a fixed term or permanent contracts.
- Special leave: those insured in IKA-ETAM (the largest Social Insurance Fund) with fixed term or permanent contracts.
- 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 working days at the time of the child's birth, paid 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 irrespective of the type of contract they have (full-time, part-time, fixed-term or any other type of contract).
- 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. So, though the employer cannot refuse Parental leave, he/she can negotiate with the employee to take it later if there other employees falling in the priority criteria that request the leave at the same time.
- Non-biological parents in same-sex couples are not eligible for 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*

- 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 section 1e 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 section 1e).

#### **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 working days per year per parent of unpaid leave if the parent has one child, up to eight working days if he/she has two children and up to 14 working 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 working 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 working days per year paid leave, funded by the employer. This type of leave is an 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 working days per year unpaid leave on the condition that the parent has exhausted his/her normal Parental leave. This type of leave is an individual right.
- Leave for widows/ers or unmarried parents caring for children: in addition to other leave, six working days per year paid leave. If the parent has three or more children the leave is eight working 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 1d).

## **ii. Public sector (responsibility of the Department of Interior)<sup>3</sup>**

### **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*

- 100 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.

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<sup>3</sup> The leave entitlements described in this section cover civil servants, employees of public entities and local government as well as any other employee in the above bodies not covered by special regulations.

## **b. Paternity leave (Άδεια Γέννησης Τέκνου)**

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

## **c. Parental leave (Άδεια χωρίς αποδοχές)<sup>4</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.
- 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 1d 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.
- Non-biological parents in same-sex couples are not eligible for 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*

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<sup>4</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 covers exclusively public sector employees, this leave safeguards the employees' rights (i.e. it is considered as working time that secures social security rights 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.

- 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 1e below).

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

- None.

#### **d. Childcare leave (άδεια ανατροφής or μειωμένο ωράριο εργασίας)**

A parent can take nine months of childcare leave with full payment as an alternative option to a scheme which allows parents to work reduced hours (see section 1e below). 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 illness: Up to four working days of paid leave per year if the employee has one child; up to five working days of paid leave per year if the employee has three or more children; up to six working days of paid leave per year if the employee is a single parent
- 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 working days of paid leave for one child, up to five working 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 working 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. The leave does not constitute a personal entitlement and can be taken by either parent or shared by both.
- 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 (section 1d) 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 section 1d).
- 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.

*Specific provision for (breast-)feeding*

- None.

## **2. 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 14 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 nearly four 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 OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2016 (including proposals currently under discussion)**

The only development that took place during this year was the introduction in the public sector of a leave to care for a sick child, extending an entitlement that was previously only available for employees of the private sector. For the former, the leave, though shorter, is paid (art.31, Law 4440/2016). Also, there were some other improvements in some areas of the public sector, as for example the military that has now adjusted their internal regulations to recent legislation, after a suggestion of the Citizen's Ombudsman.

However, it should be noted that in Greece the economic situation in general and the labour market in particular remained unstable in 2016 and early 2017. This context has not helped either new developments or the effective implementation of existing



legislation on leave. The unemployment rate is still high, although it has declined slightly from 24.7 per cent in 2015 (Q3) to 23.2 per cent in 2016 (Q3). The female rate for 2016 was 27.8 per cent, while the official database of the Ministry of Labour (ERGANI) reports that the rate of new hiring in 2016 (for part-time or short-term work) was 55 per cent.

The Citizen's Ombudsman, in its 2016 report, identifies a number of problems related to the implementation of the various kinds of leave for parents, which are very much related to the prevailing socioeconomic context:

The financial difficulty and the high levels of unemployment have a severe negative impact demoting, on the one hand, the weight and importance of equal treatment violations and discouraging, on the other hand, those that wish to assert their rights from doing so fearing a possible loss of their work position...In the private sector, the employers continue to treat pregnancy, motherhood and family as a burden...Generally, announcing a pregnancy is followed by the employer's efforts to get rid of the employee...Another observation is that complaints of these phenomena to the Labour Inspectorate do not often bring any results, even when there is a positive suggestion for the imposition of a fine because the employing enterprise does not exist anymore or because its existing debts will not make possible the payment of the fine(Citizens' Ombudsman, Gender and Labour Relations, Special Report 2016, p.125-126)

The Citizen's Ombudsman also notes that, although there has been a rich production of legislation, due to the incorporation of EU regulations, there has not been the necessary dissemination and consolidation of the legislation and its implementation, while at the same time the majority of citizens do not seem to be aware of the labour rights related to motherhood and the status of the parent.

Finally, leave policy proposals are included in the recently published National Action Plan for Gender Equality of the General Secretariat for Gender Equality (Athens: February 2017). Amongst the proposals, the following are included:

- Improvements in existing legislation.
- Better protection of pregnant women and mothers.
- Improvement of awareness amongst employees about the role of the Ombudsman, the Labour Inspectorate and the trade unions in the enforcement of leave rights and other related issues.
- Study for the development of a common framework for the protection of motherhood in both the public and private sector.
- Campaign for equal distribution of household responsibilities and the elimination of traditional stereotypes regarding the role of men and women at work and in the family
- Introduction of incentives for the use of Parental leave by men.
- Sensitisation of employers in issues of reconciliation between work and family life.
- Encouragement of family friendly enterprises.

The policy paper of the national social partners (GSEE, SEV, GSEVEE, ESEE AND SETE) on 'Reinforcing social dialogue with a view to effectively combating discrimination in the labour market prohibited by law' also stresses the need to enhance the measures taken to reconcile work and family and to share family responsibilities between men and women by encouraging, for example, the use of

Paternity leaves (2015 but published in English in 2016).

#### 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, 2015 or 2016), 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).

This lack of statistics is noted by the Committee of Experts on the Application of ILO Conventions and Recommendations, which asks the Greek government to provide information on the practical application of the provisions concerning leave entitlements for workers with family responsibilities under Act No. 3528/2007, Act No. 3986/2011 and Act No. 4075/2012, including statistical information on the extent to which men and women workers, respectively, make use of family-related leave entitlements both in the private and public sectors (Report of the Committee on the Application of International Labour Standards 2017 (I), p.401).

#### 5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

##### 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. Out of the five, three were focused on work-life balance, but none was exclusively focused on leave though including some questions and sections on this subject. Final research reports were publicised by only one project (see first two sources below) by the time this country note was updated.

##### b. Recent selected publications

Germotsi, V., Moskovakou, A. and Papayiannopoulou, M. (2016) *Report on Results of Fieldwork on Gender Equality in Labour Force: Work – Life Balance in Greek Industries*. Athens: KETHI (Center of Research for Gender Equality). Available in Greek only, at: <http://kethi.gr/ekthesi-efrimaton-erevnas-pediou-isotita-ton-fylon-sto-ergatiko-dynamiko-symfiliosi-tis-epangelmatikis-tin-ikogeniakiidiotiki-zoi-stis-ellinikes-viomichanies/>

Karamessini M., Skomba M. and Hatzivarnava, E. (2016). *Bibliographical Research and Policy Analysis regarding Work – Family/Private Life Balance*. Athens: Center for Gender Studies, Panteion University. Available in Greek only, at:

<http://kethi.gr/vivliografiki-episkopisi-ke-analysi-politikon-schetika-ti-symfiliosi-epangelmatikis-ke-ikogeniakisidiotikis-zois/>

Thanopoulou, M. and Tsiganou, I. (eds) (in press). *Women Between Work and Family During Crisis: Case Studies*, Athens: National Center for Social Research.

### **c. Ongoing research**

See above 5a.

# Hungary<sup>1</sup>

**András Gábos** (TÁRKI Social Research Institute)

**April 2017**

**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 for families with at least three children, after the youngest child getting 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’ (CSED – Csecsemőgondozási díj) in 2015.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

## 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)*

- 24 weeks: up to four weeks prior birth. Two weeks are obligatory.

*Payment (*csecsemőgondozási díj*) and funding*

- 70 per cent of actual average daily earning, 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). CSED is a gross income, being taxed by a 15 percent of PIT, but family tax credit can be applied.

<sup>1</sup> Please cite as: Gábos, A. (2017) ‘Hungary country note’, in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leave-network.org/lp\\_and\\_r\\_reports/](http://www.leave-network.org/lp_and_r_reports/)

<sup>2</sup> The name of GYES has been slightly modified (previously *Gyermekgondozási segély*) since 2016, while keeping the acronym.

- 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*

- 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 (and the birth is given no later than the 42nd day after the end of employment) 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, the receipt of GYES or GYED rather than their employment record makes them eligible for Maternity leave.

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

- 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*

- 100 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.

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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.

*Variation in leave due to child or family reasons (e.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)**

- 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.

#### *Length of leave*

- GYES: a) until the child's third birthday for parents who are not insured, or 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[€92]<sup>4</sup> per month in 2016. For multiple births, 200 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 calculated for the last 180 days prior the birth, up to a ceiling of 70 per cent of twice the minimum daily wage (HUF127,500[€412] per month in 2017; the amount of the benefit being max. HUF178,500[€577]). This is a gross amount, PIT and pension contribution are deducted, but family tax credit can be applied. Funding as for Maternity leave.

#### *Flexibility in use*

- A parent taking GYES cannot work until the child becomes 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: 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

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<sup>4</sup> Conversion of currency undertaken on 21st June 2017, using:  
<http://finance.yahoo.com/currency-converter>.

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. In this case, they are eligible 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 (HUF127,500[€412] per month in 2017), except those studying for MA or PhD for whom the payment is 70 per cent of the guaranteed minimum wage (HUF 89,250[€288] per month in 2017).
- Self-employed parents are eligible if they fulfil all criteria, e.g. in the case of GYED, that they have been insured before the birth.
- As same-sex couples are neither allowed to marry or adopt, they are not eligible for Parental leave as a couple; if one of the partners has a young child, she or he is eligible in her or his own right, but her or his partner is not.

*Variation in leave due to child or family reasons (e.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.
- GYED: The duration of the benefit lasts until the children's third birthday in the case of twins.

#### **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*

- *Gyermekápolási táppénz* is part of the sick-pay system, 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.

#### *Specific provision for (breast-)feeding*

- None reported.

## **2. 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 six 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-years-olds.

Levels of attendance in formal services for children under three years (nurseries and other similar forms of institutional care) are well below the average of OECD countries, but is above average for children over three years (in kindergartens). For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2016 (including proposals currently under discussion)**

Since January 2017, there have been some changes in the type of ECEC institutions. Former family day carers must decide whether to continue their activity as family day carers, or as so-called mini-nurseries or as formal nurseries. Furthermore, only children under the age of three years can attend these institutions; this change is related to the fact that kindergarten attendance is compulsory from three years of age in Hungary since September 2015. There is an incentive for workplace-related nurseries as well. The government plans an increase in nursery and other similar institutional places from 46,000 to 60,000 by 2020.

## **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 25,886 in 2015, which is 11.3 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<sup>6</sup> 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 2015 were: for GYES, 163,376, which is 71.4 recipients per thousand women of fertile age; for GYED, 85,970, or 37.6 recipients per thousand women of fertile age; and for GYET, 34,587, or 15.1 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 for 2015 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 2015, so the remainder probably had a parent (predominantly the mother) taking up one of the Parental leave options.

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

In 2016, the total number of paid leave days to care for a sick child was 1,290,400, which represented 5.7 per cent of all paid sick leave days<sup>7</sup>.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

Research and publications on leave and employment related policies have been scarce in 2016, as in the previous year.

### **b. Recent selected publications**

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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 3) and website: [https://www.ksh.hu/epolc/2015/szoc2015/pdf/szocevk\\_2015\\_03.pdf](https://www.ksh.hu/epolc/2015/szoc2015/pdf/szocevk_2015_03.pdf) - last accessed 17 March 2017.

<sup>6</sup> No data for 2015 are available yet.

<sup>7</sup> Own calculation based on monthly data published by the Hungarian Statistical Office.

Központi Statisztikai Hivatal [Hungarian Central Statistical Office] (2016) *Szociális statisztikai évkönyv 2016 [Yearbook of Welfare Statistics, 2016]*. Budapest: Központi Statisztikai Hivatal. Available at: <https://www.ksh.hu/polc>

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 childcare, social work activities and accommodation, rehabilitative employment, sick pay, retirement allowances and the social and guardianship authority administration in 2015, with a detailed methodology.

### **c. Ongoing research**

*Changing Families and Sustainable Societies: Policy Contexts and Diversity over the Life Course and Across Generations (Families and Societies) (2013-2017)*. Families and Societies 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 2017

**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.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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

### a. Maternity leave (*fæðingarorlof*) (responsibility of the Ministry of Welfare)

*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*

- 80 per cent of average total earnings for a twelve months period ending six months before birth, up to a ceiling of ISK500,000[€4,257]<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 ISK118,335[€1007] per month; and the minimum payment for a mother working 50-100 per cent of full time-hours is ISK164,003[€1,396] per month. For those working less than 25 per cent of full-time hours and those outside the labour market the amount is ISK71.563[€609] per month. Students (75-100 per cent of full-time studies) receive a flat-rate

<sup>1</sup> Please cite as: Eydal, G.B. and Gíslason, I.V. (2017) 'Iceland country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 21<sup>st</sup> June 2017, using: <http://www.xe.com/currencyconverter/convert>.

payment of ISK164,003[€1,398] per month. As a frame of reference, the minimum wage in Iceland in 2016 is ISK260,000[€2,217] per month.

- Funded by the Maternity/Paternity Leave Fund, which is financed from an insurance levy of 5.40 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 parents 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*) (responsibility of the Ministry of Welfare)**

#### *Length of leave*

- Three months to be taken within a 24 months' time span.

#### *Payment and funding*

- 80 per cent of average total earnings for a twelve months period ending six months before birth, up to a ceiling of ISK500.000[€4,257] per month. For maximum and minimum payments see 1a.

#### *Flexibility in use*

- Same as for Maternity leave, except that there is no obligatory period of two weeks' leave which fathers must take after birth.

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

- All biological or adoptive parents 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 the 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 (responsibility of the Ministry of Welfare)<sup>3</sup>**

*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 ISK 500.000[€4,257] 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)*

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<sup>3</sup> See above note on terminology in section 1.

- 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*

- There are no legal entitlements. The Equal Status Act instructs employers to do what they can to make it possible for employers to fulfil their responsibilities towards their families, but that is all. Most or all unions have negotiated a number of leave days when children are sick, but it is not thought that any union has negotiated a right to leave in the case of any other close relative being ill.

*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.

*Specific provision for (breast-)feeding*

- None.

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

## **3. Changes in policy since April 2016 (including proposals currently under discussion)**

The Icelandic parliament adopted changes to the law on Parental leave in December 2012, with a staged increase from nine 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[€5,110]) 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 2016 and proposed that all children from 12 months old should be offered a place in preschools. Neither report was debated in the Icelandic parliament prior to the parliamentary elections that took place in October 2016 and led to the formation of a new centre-right coalition government. In its platform there is no mention of an extension of leave but the restoration of the economic compensation to pre-crash level is to be fulfilled.

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

### **a. Maternity leave**

In 2013 (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 (see section 4c).

### **b. Paternity leave**

See 4c.

### **c. Parental leave (i.e. parents' joint rights)**

In 2013, 91.4 per cent of fathers took a period of leave (paternity and/or parents' joint rights) and took on average of 87.9 days leave (compared to 182.3 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, 15 per cent of fathers took some of the parents' joint rights, and 35.5 per cent took less than their three months of designated Paternity leave; 96.1 per cent of mothers took some period of parents' joint rights while 0.8 per cent used less than their three months.

In 2013, 33 per cent of men and 34 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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **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. Recent selected publications**

Ingólfssdóttir, E.S. and Gíslason, I.V. (2016) 'Gendered Solutions to the Care Gap Issue in Iceland', *NORA - Nordic Journal of Feminist and Gender Research*. The article is based on qualitative and quantitative research and throws light on the way Icelandic parents bridge the gap between the end of Parental leave and the time when children get a place in kindergartens. The solutions are obviously gendered as many more mothers than fathers adjust their participation in the labour market to bridge this gap. It is fairly obvious from the qualitative part of the study that even though parents adhere to the vision of gender equality pregnancy, birth and the first months after are bracketed. That period is somehow outside social realities, wholly and mainly for the mother and the child.

Eydal, G.B. and Gíslason, I.V. (2015) 'Iceland', in: C. L. Shehan (ed.) *The Encyclopaedia of Family Studies*. Hoboken, NJ: Wiley-Blackwell. An overview of the development in family policy and praxis in Iceland in the 20<sup>th</sup> and 21<sup>st</sup> centuries.

Gíslason, I.V. (2016) 'Fathers on Leave Alone in Iceland: Normal Paternal Behaviour?', in M. O'Brien and K. Wall (eds.) *Comparative Perspectives on Work-Life Balance and Gender Equality*. Springer International Publishing, pp.147-162. A qualitative study on how Icelandic fathers cope when, for one reason or another, they find themselves home with a child or children for a number of months. None of



the father interviewed experienced what he did as something extraordinary, it was a job that needed to be done and they gladly shouldered it and for the most part enjoyed their experience. None had experienced any negativity; on the contrary, people supported them and saw this as perfectly normal paternal behaviour.

### **c. Ongoing research**

*Paid parental leave, fathers and mothers: Reconciliation of work and family* (2013 - present). 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 (PhD student) at [aaa1@hi.is](mailto:aaa1@hi.is)

*Nordic Family Policies and Demographic Consequences 1990-2011*. 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)

# Ireland<sup>1</sup>

**Mary Daly** (University of Oxford) and **Michael Rush** (University College Dublin)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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

### **a. Maternity leave (responsibility of the Department of Justice and Equality)**

*Length of leave (before and after birth)*

- 42 weeks: at least two weeks must be taken before birth.

*Payment and funding*

- A weekly maternity benefit rate of €235 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.
- Maternity benefit is 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 the birth of the child.

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<sup>1</sup> Please cite as: Daly, M. and Rush, M. (2017) 'Ireland country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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.*

- 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 four weeks since the baby was born) up to a period of six months with the agreement of the employer.

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

- Members of the Civil and Public and Services Union (CPSU) and other public sector workers are entitled to 26 weeks Maternity leave at full payment.

## **b. Paternity leave (responsibility of the Department of Justice and Equality)**

*Length of Leave*

- Two weeks (which must be taken consecutively).

*Payment and Funding*

- A weekly paternity benefit payment of €235, funded from the Social Insurance Fund.

*Flexibility in use*

- Paternity leave may be taken at any time within the first 26 weeks following the birth or adoption of a child.

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

- The entitlement to Paternity leave extends to all employees (including casual workers), regardless of how long they have been working for the organisation or the number of hours worked per week.
- Paternity benefit is paid by the Department of Social Protection to people who have a certain number of paid PRSI contributions on their social insurance record. It is paid to an employee or self-employed person who is a relevant parent, which includes: the father of the child; the spouse, civil partner or cohabitant of the mother of the child; the parent of a donor-conceived child. In the case of an adopted child, the relevant parent may include the nominated parent in the case of a married same-sex couple or the spouse, civil partner or cohabitant of the adopting mother or sole male adopter.

### **c. Parental leave (responsibility of the Department of Justice and Equality)**

#### *Length of leave*

- Eighteen weeks per parent per child. Leave is an individual entitlement that cannot be transferred. The one exception is when parents 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.
- 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.
- An extension of the *force majeure* provisions includes persons in a relationship of domestic dependency, including same-sex partners.

#### *Variation in leave due to child or family reasons (e.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 section 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*

- 40 weeks of leave for adopting mothers or sole male adopters of children under eight years, with 24 weeks paid and 16 weeks unpaid; payment and eligibility as for 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.
- Adoptive leave and/or additional adoptive leave may be split in the event of the hospitalisation of the adopted child, subject to the agreement of the employer.
- New adoptive parents (other than the mother of the child) can get two weeks' statutory Paternity leave from employment or self-employment following the birth or adoption of a child.

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

- Three days of 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.

### *Specific provision for (breast-)feeding*

- None reported.

## **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 low flat rate lasts for only six months. Children are entitled to start ECEC from three years of age. However, there remains a substantial gap between the end of leave and an ECEC entitlement, and there is no well-paid leave. Levels of attendance at formal services for children under three years are about the average for OECD countries; but are below 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 2016 (including proposals currently under discussion)**

Following the Paternity Leave and Benefit Act (2016), paid Paternity leave was introduced from 1 September 2016. In March 2017, a new Single Affordable Childcare Scheme was announced, to be implemented in September 2017. This will provide means-tested subsidies for children aged between six months and three years. There is also to be a reduction in the age of children eligible to access to the Early Childhood Care and Education Scheme, from 39 to 36 months.

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

#### **a. Maternity leave**

According to the social protection statistics for 2016 (the latest year for which statistics are available), there were some 22,708 recipients of maternity benefit in 2014, and 21,687 for 2015<sup>2</sup>. The figures are considered to be generally static from year to year although there has been a fall from 23,947 in 2011 to 21,687 in 2015. It was estimated by the Department of Social Protection (July 2015) that there was a weekly average of 24,000 recipients at a cost of €254 million<sup>3</sup>.

According to a national study of Pregnancy at Work conducted in 2007-2009<sup>4</sup>, two-thirds of the 23,000 mothers surveyed were 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 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**

In the first six months of the new Paternity leave scheme, between September 2016 and February 2017, there were 8,558<sup>5</sup> Paternity leave applications awarded. The

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<sup>2</sup> Department of Social Protection (2016) *Statistical Information on Social Welfare Services, Third Annual Report 2016*. Dublin: Department of Social Protection.

<sup>3</sup> See [www.kildarestreet.com/wrans/?id=2015-07-16a.193](http://www.kildarestreet.com/wrans/?id=2015-07-16a.193)

<sup>4</sup> Russell, H., Watson, D. and Banks, J. (2011) *Pregnancy at Work: A National Survey*. Dublin: HSE Crisis Pregnancy Programme and the Equality Authority.

<sup>5</sup> Data supplied directly by the Department of Social Protection Statistics Unit.

reasons for the relatively low take up (as compared with Maternity leave awards) are being reported in the media as a combination of the newness of the scheme and an absence of 'wage top-ups' to the basic €235.00 paternity benefit for many fathers<sup>6</sup>.

### **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 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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **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 research 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. Recent selected publications**

None reported.

### **c. Ongoing research**

None reported.

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<sup>6</sup> See <http://www.irishtimes.com/business/personal-finance/why-aren-t-more-fathers-taking-paternity-leave-1.2953763>; <http://www.irishexaminer.com/ireland/fathers-slow-to-avail-of-paternity-leave-437425.html>





**Nadav Perez-Vaisvidovsky** (Ashkelon Academic College)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

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

### **a. Maternity Leave (תורוהו הדיל תפוקת), Tekufat Leida VeHorut, literally 'Birth and Parenthood Period') (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 14 weeks.

#### *Payment and funding*

- 100 per cent of earnings for the first 15 weeks, with a ceiling of five times the average salary (ILS47,715[€12,085]<sup>2</sup> per month). The remaining 11 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 who are working when on leave. However, maintaining a connection to the workplace (via email, phone calls and even occasional visits) is considered acceptable

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<sup>1</sup> Please cite as: Perez-Vaisvidovsky, N. (2016) 'Israel country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 21<sup>st</sup> June 2017, using: <http://www.xe.com/currencyconverter/convert>

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 15 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.
- 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 newborn 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 her spouse, as long as the following conditions are met:
  - The first six weeks after birth cannot be transferred.
  - Both the mother and her spouse 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.
  - Mothers in a same-sex relationship cannot transfer their leave to their (female) spouse.
  - One of the transferred weeks may be used by the spouse while the mother is at leave.

**b. Paternity leave (תוהבא תשפוח, Hufshat Abahut)**

- Fathers are entitled to be absent from work from the beginning of their spouse's labour and for six calendar days after birth. The first day and two last days are treated and remunerated as sickness leave; workers receive no pay for the first day, and 50 per cent of their daily pay for the other two days, unless covered by collective agreements providing better conditions, and these payments are deducted from each worker's annual allotment of sickness leave days. The second, third and fourth days are treated and remunerated as annual leave, offering full pay.

- Fathers that have not accumulated enough sickness leave or annual leave days are not entitled to this leave.

### **c. Parental leave (Tekufat Leida VeHorut, literally ‘Birth and Parenthood Period’) (responsibility of the National Insurance Institute)**

#### *Length of leave*

- Up to one year after childbirth for each parent. Leave is an individual entitlement.

#### *Payment and funding*

- None.

#### *Flexibility in use*

- 26 weeks: up to six weeks before the birth and the remainder following the birth. It is obligatory to take the first 14 weeks.
- Parents are not entitled to take leave at the same 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 half of the length of their employment with the current employer, up to a leave of one year for four years of employment.
- Eligibility is granted to the mother's spouse (and not necessarily to the child's father).
- Same-sex couples 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 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.
- Same-sex couples enjoy the same eligibility criteria.

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

- In case of the sickness of a child (below 16 years of age), each parent may use up to eight days each year out of their own allotted sick leave (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 days 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 are entitled to one paid hour of absence from work per day, in addition to break times defined by law. The father is eligible for this reduction if the mother is not using it.

#### *Specific provision for (breast-)feeding*

- None reported.

## **2. 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 3.5 months. There is no entitlement to ECEC. Demand for children under three years exceeds supply, and places in government for 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 centers, 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.

## **3. Changes in policy since April 2016 (including proposals currently under discussion)**

Last year saw several major changes in leave policy:

- Paternity leave was introduced in July 2016. The leave is six calendar days long, and is deducted from the fathers' sick leave and annual leave provision.
- Also in July, the 'Breastfeeding Hour' programme, giving mothers a one hour reduction in the work day, was expanded to fathers (on the condition that their spouses do not receive similar benefits) and renamed 'Parenting

hour'. Even before the change, the hour was available to non-breastfeeding mothers, but not to fathers.

- In August, remuneration for a child's sick leave was changed, to make it easier for parents to share caring for a sick child. In general, sick leave in Israel is not remunerated on the first day, paid at 50 per cent on the second and third days, and fully paid on further days. This has posed a problem for parents sharing a child's sick leave, as they would have begun the day count on each 'switch'. The new legislation states that the days are counted for both parents and not for each individually.
- Also in August, the name of the Maternity leave was changed from 'תשפוח' 'הדיל' (Hufshat Leida, literally 'Birth leave') to 'הדילו תורה תפוקת' (Tkufat Horut VeLeida, literally 'Parenting and Birth period').
- In March 2017, following a massive social media protest, the Maternity leave was extended from 14 to 15 weeks, and steps were made to encourage mothers to share the leave with fathers.

## **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.

### **Paternity leave**

No data exist on the use of the new Paternity leave program.

### **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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following.

### **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. Recent selected publications**

Bowers, L., & Fuchs, H. (2016). Women and Parents in the Labor Market – Israel and the OECD. Jerusalem: Taub Center. Available at: [http://taubcenter.org.il/wp-content/files\\_mf/womenandparents\\_eng.pdf](http://taubcenter.org.il/wp-content/files_mf/womenandparents_eng.pdf)

This study compares employment among women and the employment rights of parents following childbirth in Israel and the OECD. In recent decades, there has been an increase in employment rates among women – particularly among mothers with young children. With regard to payment rate and length of paid leave over a woman's lifetime, Israel performs better or similar to that of other OECD countries. However, when it comes to leave benefits for men and the design of parental leave benefits, Israel could learn from its OECD colleagues.

Perez-Vaisvidovsky, N. (2017) 'Fathers as Frauds: On the Criminalization of Fathers in the Parental Leave for Fathers Program in Israel', *Men and Masculinities*.

The criminalization of poverty, the process in which recipients of social security benefits are construed as frauds, is a well-documented phenomenon. Two aspects of this process are the use of stereotypes as a tool in fraud accusations and the targeting of marginalized populations. In this article, the author expands the gendered discussion of this phenomenon to men by examining the process of the construction of Israeli fathers wishing to take Parental leave as welfare frauds. He claims that this process is based on gendered assumptions that deny the possibility of fathers wishing to care for their children. The programme that allows fathers to share Parental leave experiences a high reported rate of fraud by fathers claiming Parental leave benefits. However, analysis shows that the evidence does not support these reports and that claims on fraud and abuse are the result of a tendentious interpretation of the data by bureaucrats. This tendentiousness is based, it is argued, on implicit assumptions about the nature of men. As this case shows, criminalization of benefit recipients can be targeted at non-marginalized or even privileged groups. This sheds new light both on the criminalization process and on the workings of the gendered power structure.

Yakhnich, L. (2016). "This is my responsibility": Parental experience of former Soviet Union immigrant parents in Israel. *International Journal of Child, Youth and Family Studies*, Vol.7, No.1: 1-26.

This qualitative study focuses on the parenting experience of immigrant parents from the former Soviet Union (FSU) in Israel. Seventeen in-depth open interviews with FSU immigrant parents were conducted. All participants had been living in Israel between one-and-a-half and five years and had adolescent children aged 11 to 17. The central theme that emerges from the interviews is the participants' sense of parental responsibility, which is based on four central components: control, involvement, discipline, and parental guidance. Immigration challenges the participants' abilities to fulfil their responsibilities as parents by exposing them and their children to cultural differences in child-rearing practices and language difficulties. Pressures of work and learning to live in a new culture may lead to a lack of emotional and physical availability to their children. Participants try to cope with these challenges by maintaining child-rearing practices used in the FSU. Many parents report this means of coping as unsuccessful and feel helpless and uncertain in tackling new parental dilemmas posed by immigration.

**c. Ongoing research**

None reported.

**Tindara Addabbo** (University of Modena and Reggio Emilia), **Valentina Cardinali** (INAPP – National Institute for Public Policy Analysis), **Dino Giovannini** (University of Modena and Reggio Emilia) and **Sara Mazzucchelli** (Catholic University of Milan)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network 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)*

- 20 weeks (five months): at least four weeks before the birth. It is obligatory to take this leave. Absence from work can take place before two months if pregnancy is considered to be "at risk", or the Territorial Department of Labour certifies that the job is incompatible with pregnancy.

*Payment and funding*

- 80 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 Institute for Social Security), 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

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<sup>1</sup> Please cite as: Addabbo, T., Cardinali, V., Giovannini, D. and Mazzucchelli, S. (2017) 'Italy country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)



recompensed by INPS. These contributions are directed to maintain pension rights.

- Pension contributions for women taking leave are made by INPS. Maternity leave periods outside an employment relationship are counted as social security contributions for retirement pensions, provided that the claimant has at least five years of employment and paid social security contribution at the time of her application.

#### *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 seventh 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 hospitalised, 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. It is obligatory to take leave.

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<sup>2</sup> 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.

### *Payment and funding*

- 100 per cent of earnings.

### *Flexibility*

- Leave can be used until five months after childbirth.

### *Eligibility*

- All employees and self-employed workers.

*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*

- 30 per cent of earnings when leave is taken for a child under six years; unpaid if taken when a child is six to 12 years.
- 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 12 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 who meet the requirements of the law can exchange their Parental leave for vouchers of €600 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. Fathers are not eligible.

*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.
- Same-sex couples 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 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*

- 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'.
- 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 as well, the father can work reduced hours.

#### *Specific provision for (breast-)feeding*

- None.

#### *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.

## **2. 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 a bonus month 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 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 2016 (including proposals currently under discussion)**

Article 1, paragraph 354 of Law 11 December 2016, no. 232 (Budget Law 2017) extended compulsory Paternity leave for fathers for births and adoptions into the calendar year 2017; but optional leave, where the mother could transfer up to two days of her Maternity leave to the father, was not extended and can only be used for births, adoption or custody up to 31 December 2016. The Decree also 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.

The Budget Law increased funding, first introduced by Law 92/2012, for working mothers to pay private carers, such as childminders and baby-sitters, or nurseries from €300 to €600 per month until 2018. This is an alternative to Parental leave benefit, and can be used by employees for six months and by self-employed workers for three months. However, the subsequent Law no. 49 of 20 April 2017 (conversion of the Decree Law no. 25/2017) abolishes payment by vouchers for private carers, leaving direct payment to nurseries as the only form of substitution for Parental leave benefit.

A new measure providing €1,000 a year for the first three years of life of the child has been introduced in 2017 to help parents to pay for childcare services. This is paid when parents are on Parental leave, but cannot be combined with the childcare payment substituting for Parental leave benefit or with the personal income tax deduction of childcare expenses. An important debate in Italy is the location and funding of work-life balance policies, and the link between them and industrial relations; second-tier, corporate or territorial bargaining is seen as the place where (with the use of special tax incentives) it is possible to apply work-life reconciliation measures.

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

### **a. Maternity leave**

Maternity leave is obligatory for employees. The most recent data (INPS, 2015) about the private sector shows that there were 195,278 beneficiaries of which were 11,678 fixed-term employees, 182,356 permanent workers and 1,244 seasonal workers and specifically 7,758 domestic workers. There is a specific regulation for the Agricultural sector in which the beneficiaries employed were 8,896, of which

8,787 had a fixed-term contract and only 109 as permanent workers. With regard to self-employed workers, in 2015 there were 15,027 beneficiaries, of which 4,989 in the craft sector, 8,797 in commerce and 1,241 in agriculture. Amongst professionals in 2015 there were 6,167 beneficiaries.

### **b. Paternity leave**

In 2015, there were 72,630 fathers who obtained compulsory Paternity leave and 9,582 fathers on optional leave (private sector employees, INPS, 2015).

### **c. Parental leave**

In 2015, Parental leave was used by 298,313 employees (20,699 with temporary contracts and 277,427 with permanent contracts); as with Maternity leave, the type of contracts varied regionally. According to the INPS data used for this analysis, 85 per cent of employees using Parental leave in 2015 were women and 15 per cent men.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **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. Recent selected publications**

Belmusto, M. (2016) *Pari opportunità. In azienda serve una rivoluzione [Equal Opportunities, there is a revolution in the company]*. Available at: <http://www.ingenero.it/articoli/pari-opportunita-in-azienda-serve-rivoluzione>.

This article analyses the measures adopted by Italian firms in terms of equal opportunities, and detects critical points in the way some policies are designed. For instance, the policies devoted to the return of parents to work are often organized during Parental leaves (thus reducing the employee's time for care) and during Parental leaves one has to take into account that parents' wages are reduced by 70 per cent. The article proposes that firms integrate parents' decreased wages while they are on leave and start courses when workers return to paid work after taking leave. Moreover, there is a need to interweave these policies with a change in the gender culture of the firm, with an effort to incentivise fathers to take up leave and programmes devoted to parenthood.

Bramanti D., Meda S. And Rossi G. (2016) 'Invecchiare attivamente tra le generazioni: verso una società age friendly?' ['Active ageing between generations: towards an age friendly society?'], in: G. Rossi and E. Scabini (eds.) *L'allungamento della vita. Una risorsa per la famiglia, un'opportunità per la società [The lengthening*

*of life. A resource for the family, an opportunity for society*], Studi Interdisciplinari sulla famiglia [Interdisciplinary Studies on the Family], 28. Milan: Vita e Pensiero, 3–44.

The study explores the concept of active ageing and data are derived from a representative sample of Italian older adults aged 65-74 years (N=900). The aim is to identify elements of successful ageing in the light of intergenerational exchanges. A specific attention is devoted to identifying factors that may either boost or hinder wellbeing in later life. Wellbeing was investigated in relation to i) the goals attained by the older adults, ii) their values, iii) the material and/or relational resources they can rely upon, and iv) the norms and practices of exchange within their family and social networks. Three different profiles of ageing were found, together with remarkable differences between older adults prematurely withdrawn and elders still playing a pivotal role in their families and society. While the former tend to have a perception of self as older, the latter do not consider their age a problem. The presence of exchanges oriented to both a light sociability and to the intergenerational transmission of values and support is crucial for the older adults' sense of activity and satisfaction.

Brilli Y., Daniela Boca D. and Pronzato C. (2016), 'Does childcare availability play a role in maternal employment and children's development? Evidence from Italy', *Review of Economics of the Household*, Vol.14, No.1: 27-51.

This paper investigates the effects of public childcare availability in Italy on mothers' working status and children's scholastic achievements, using a newly available dataset containing individual standardized test scores of pupils attending the second grade of primary school in 2009–2010 in conjunction with data on public childcare availability. Its estimates indicate a positive and significant effects of childcare availability on both mothers' working status and children's language test scores. A percentage change in public childcare coverage increases mothers' probability to work by 1.3 percentage points and children's language test scores by 0.85 percent of one standard deviation; there is no effect on maths test scores. Moreover, the impact of a percentage change in public childcare on mothers' employment and children's language test scores is greater in provinces where childcare availability is more limited.

Brilli Y., Kulic N. and Triventi M. (2016) *Asili nido e diseguaglianze sociali in Italia [Nurseries and social inequalities in Italy]*. Available at:

<http://www.ingenero.it/articoli/asili-nido-e-diseguaglianze-sociali-italia>.

This paper analyzes the distribution of childcare services in Europe and its heterogeneity both in terms of the access to these services according to children's age (with a much lower supply for children under three years) and across regions in Italy (where services for children under three years are very unequally distributed across regions with a higher supply in Centre-North regions and a much lower supply in the Southern regions). The regional supply in the supply of services for three to six year olds has even increased due to the increase in private childcare provision in the centre north of the country. The data show clear regional differences, with a higher presence of nurseries in central and northern more than southern regions. Furthermore, disparities between regions have widened: the availability of services in fact has grown especially in the north-central regions, particularly for the increase in the number of private services for three to six year olds. The article analyses the impact of this increase on social and gender inequalities.

Calafà L. (2016) *Il congedo di paternità La conciliazione delle esigenze di cura, di vita e di lavoro [Paternity leave, Reconciliation of care needs, life and work]*. Turin: Giappichelli Editore, 41-62.

The contribution focuses on the regulatory treatment of Paternity leave, changed with the legislative Decree no. 80/15. Starting from a comparison with European Union law, the author considers the principle that governs the theme: as a suspension tool of the employment relationship, it refers to the principle of indifference of the leave to the employment contract; as a tool that conveys fundamental rights in the employment relationship, starting with the equality right, it refers to the principle of neutrality regarding the sex of the parent and protection of parenting work. In the conclusion, the author analyses the planned reforms in 2016 that lead to reflect on the model chosen by the legislature of the Jobs Act of equalizing the treatment of self-employed and employee.

Canal T. and Gualtieri V. (2016) *Mai così vicini. Uomini e donne a un anno dal Jobs Act [Never so close. Men and women a year after Jobs Act]*. Available at: <http://www.ingenere.it/articoli/uomini-donne-un-anno-jobs-act>, 28/09/2016

The paper analyses the effects of the crisis from a gender perspective a year after the implementation of the Jobs Act.

Carriero R. and Todesco L. (2016) *Indaffarate e soddisfatte. Donne, uomini e lavoro familiare in Italia [Busy and satisfied. Women, men and family work in Italy]*. Rome: Carocci.

The family work is of fundamental importance to people's daily life: in its absence, all the goods and services produced for free thanks to domestic activities and care would have to be purchased on the market. However, to do this work takes a long time, and this penalizes participation in the other daily living activities. Why does family work continue to fall mainly on women? To answer this question, still unresolved, the book empirically analyses various issues related to family work: the time dedicated by women and men, the changes in space, in time and along the life course of individuals, the contributions from children, domestic helpers and babysitters. It also examines the role played by the cultural and economic resources of individuals, by the perception of fairness and by the social context on the negotiation between partners about the family division of labour, as well as the effects of the latter on the psychic well-being. The research findings point to the peculiar Italian cultural context which leads many women to be busy but overall satisfied.

Del Boca, D., Monfardini, C. and See, S. G. (2016). 'Childcare and Child Outcomes: New Results and Policy Questions', *CHILD Working Paper 45*, October 2016, Collegio Carlo Alberto. Available at: <http://www.carloalberto.org/child-collegiocarloalberto/working-papers/>

This report summarizes the key findings of Work Package 6 in the EU-funded Families And Societies project 'Childcare and Child Outcomes'. The main objective was to explore childcare arrangements and the determinants and consequences of their usage for different families and different family members using an interdisciplinary child development process framework. Childcare arrangements refer to parental care, family members' care, public childcare, and private care, while child outcomes are from the economic, socio-demographic, and psychological dimensions. The factors affecting child development are related to the demographic aspects of the household (fertility and family structure); the socio-economic characteristics such as education, income, family background, and psychological traits (attitudes, personality, parenting styles); and the differences related to the cultural backgrounds of different countries of origin. To achieve this general objective, the authors focused on the following specific objectives: (1) to study how parental time allocation decision and income investment on children depend on family structure in different institutional contexts; (2) to analyse different dimensions of children outcomes and their determinants in terms of time and income investments and childcare decisions;



(3) to address gender differences (i.e., whether parents' characteristics and childcare have different impacts on the cognitive outcomes of girls and boys; (4) to study how different forms of parental and formal childcare influence children outcomes in migrant and native families; (5) to deepen the understanding of the motivations of parents for using a particular source of childcare; (6) to study families with disabled children in different countries of Europe concerning childcare and implications on well-being of all family members; and (7) to study the social and health implications of home care versus public day care in Finland, and to compare the results with other European countries addressing the association, if any, between specific childcare arrangements and later cognitive achievement of children. The study finds overall positive effects of early parental and non-parental care on child outcomes. The results regarding parental care indicate the role of family policies supporting both parents' investments as well as children themselves. The results regarding non-parental care show that both the availability and the quality of childcare matter, and that the impact on child outcomes is greater for children from disadvantaged backgrounds.

Del Boca, D., Pasqua, S. and Suardi, S. (2016) 'Childcare, Maternal Employment, and Children's School Outcomes: An Analysis of Italian Data', *European Journal of Population*, Vol.32, No.2: 211-229.

This paper analyses the impact of mothers' employment status and formal childcare attendance during early childhood on children's school grades later in life, controlling for socio-demographic factors. It uses the ISFOL-PLUS dataset for 2008, which provides information on each respondent's demographic characteristics, as well as a set of retrospective information on the individual's school grades at the end of junior high school, high school, and university, along with (in the 2008 wave only) information about the respondent's formal childcare attendance and mother's employment status when he or she was under age of three. The paper estimates the effects of maternal employment and childcare attendance on the probability that the respondent will have high grades at the end of high school. Since maternal employment and childcare attendance are likely to be endogenously determined, an instrumental variable approach is used. The results show that while having a mother who was working (during early childhood) had no significant effect on an individual's high school grades childcare attendance had a positive and significant effect. These results have potential policy implications. As maternal employment does not seem to negatively affect the development process of children, while childcare attendance appears to have a positive impact on academic achievement, policy makers should consider expanding the availability of childcare and promoting women's participation in the labour market.

Del Boca, D., Pronzato, C. and Sorrenti, G. (2016) 'When rationing plays a role: selection criteria in the Italian Early Childcare System', *Cesifo Economic Studies*, Vol.62, No.4: 752-775.

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 slots. 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 services in all regions. In conditions of excess demand, municipalities introduce selection criteria to give priority to families for whom access to public childcare appears to be more valuable. An analysis is made through simulations of the consequences of introducing different selection criteria, using a representative Italian sample of households with children under three years of age (European Survey on Living and Income Conditions), and the selection criteria employed by six representative Italian municipalities. The 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.

*INPS (2016) XV Rapporto annuale [X V Annual report], July 2016. Available at: [http://www.bollettinoadapt.it/wp-content/uploads/2016/07/INPS\\_rapporto\\_2016.pdf](http://www.bollettinoadapt.it/wp-content/uploads/2016/07/INPS_rapporto_2016.pdf)*  
This report analyses the (in)stability of employment and social protection, policies for the dependent population in Italy, the reform of the pension system and the labour market.

*Istat (2016) Annuario statistico italiano 2016 – Il mercato del lavoro [Italian Statistical Yearbook 2016 - The labor market]. Available at: <http://www.istat.it/it/archivio/194422>.*

The Italian Statistical Yearbook offers a detailed portrait of Italy and its evolution, favouring an integrated interpretation of the phenomena taking place. With its array of information and metadata, the Yearbook is for experts, policy makers and citizens an important tool to guide in the supply of data and sources.

*Istat (2016) Asili nido e altri servizi socio-educativi per la prima infanzia: censimento delle unità di offerta e spesa dei comuni [Nurseries and other socio-educational services for early childhood: Census of offered and expenditure units of the municipalities]. Available at: <http://www.istat.it/it/archivio/192188>.*

Istat presents for the first time the results of the Census of public and private units that provide social and educational services for young children. In the school year 2013/14 13,459 units that offer social and educational services for early childhood were surveyed: 35 per cent public and 65 per cent private. The places, around 360,314, cover 22.4 per cent of the potential population, namely children under three years living in Italy. Geographical differences are still strong. In Central and Northern Italy there is provision for 28.2 per cent of children under three years, while in the South only for 11.2 per cent.

*Istat (2016) Rapporto annuale 2016 – La situazione del Paese [Annual Report 2016 - The situation of the country]. Available at: <http://www.istat.it/it/archivio/185497>.*

The 24th edition of the Istat Annual Report develops the theme of the generations, thus contributing to the broader debate on the transformation of the country that Istat also promotes through the programme of events related to the celebrations of the 90th anniversary of its founding. In Chapter three, dedicated to the analysis of the labour market, Istat stresses the increase from 1993 to 2015 of part-time work amongst women and how it has contributed to the improvement of work-life balance, though during the crisis working women are increasingly subject to involuntary part-time work. Istat highlights the decrease in the last decades of the gender gap in participation to the labour market and analyses household composition in terms of working members.

*Istat (2016) Rapporto Bes 2016: il benessere equo e sostenibile in Italia [Bes report 2016: the equitable and sustainable well-being in Italy]. Available at: <http://www.istat.it/it/archivio/194029>*

Now in its fourth edition, the Bes report provides an integrated picture of the main economic, social and environmental phenomena that characterize Italy, through the analysis of a large set of indicators across 12 domains. This year's report has two major innovations: the inclusion of sustainable and equitable welfare indicators between the programming and evaluation tools of national economic policy, as required by the reform of the budget law, which came into force in September 2016; the approval, by the United Nations, of Agenda 2030 for the sustainable development

and the approval of 17 goals (SDGs), which outlines the worldwide guidelines of sustainable development in the coming years. Also in the current edition, there is a whole chapter devoted to work and work-life balance issues. In this regard Istat recognizes that the gender gap of women's participation to the labour market, which was decreasing during the crisis due to the decrease in men's employment, is currently increasing and that there is also an increase in involuntary part-time work and a lower quality of work for women. A decrease in the gap in employment rates between childless women and mothers has been detected though work-life balance remains worse for foreign and lower educated women.

Martino, E. M. (2016) 'Mother and Worker in Italy: is That Possible? The Impact of Children on Labor Market Participation and Subjective Poverty in Italy', CHILD Working Paper 47 October 2016, Collegio Carlo Alberto Available at: <http://www.carloalberto.org/child-collegiocarloalberto/working-papers/>

This paper aims at exploring how number of children affects maternal labour market behaviour and subjective poverty in Italy, using data from the ISTAT Birth Sample Surveys that allows the study of a large sample of mothers 18-26 months after giving birth. The paper first looks at the association between number of children and outcomes of interest by the OLS regression of a linear probability model and adopts a 2SLS specification using twin births as an instrument to assess the causal relation between the two variables; this identification strategy follows, among others, Rosenzweig and Wolpin (1980) and Angrist and Evans (1998) and presents some criticisms. Results show a significant negative impact of the number of children on maternal labour supply (in terms of both employment and participation) and a significant positive impact on perceived financial difficulties in the short run. Sample dimension allows some heterogeneity analysis to identify the most vulnerable groups in terms of risk of leaving the labour market or experiencing financial difficulties after childbirth, with the relevant policy implications.

Piazzalunga D. (2016) *Divario di genere nel mercato del lavoro. A che punto siamo [The gender gap in the labor market. Where are we?]*. Available at: <http://www.ingenere.it/articoli/divario-genere-mercato-lavoro-a-che-punto-siamo>, Starting with an analysis of the most recent data, the paper analyses the gender gap in the labour market, comparing Italy and the European Union.

Presidenza del Consiglio dei Ministri, Dipartimento Pari Opportunità (2016) *Esiti del monitoraggio quantitativo e qualitativo sull'impiego delle risorse erogate ai vari soggetti pubblici e privati per l'attuazione delle attività istituzionali e politiche di settore nell'ambito dell'Intesa conciliazione dei tempi di vita e di lavoro 2010*, Ufficio per gli interventi in materia di parità e pari opportunità. Available at: <http://www.pariopportunita.gov.it/esiti-del-monitoraggio-quantitativo-e-qualitativo-sullimpiego-delle-risorse-erogate-nellambito-di-intesa-conciliazione-2010/>

This official report analyses how public resources devoted to achieve a higher work-life balance have been used and to what extent they have contributed to improve the supply of childcare facilities or other services to ensure a better work-life balance in the regions of Italy involved.

Addabbo, T. (2017, forthcoming) 'Work and public policies: the interweaving of feminist economics and the capability approach', *Ekonomiaz. Revista vasca de Economía*, No. 91.

This paper start with an assessment on how the capability approach within a feminist economic framework can be used to analyse the determinants of gender inequalities and then to address public policies that are able to contrast them. To analyse public policies within a feminist economic framework and in the capability approach reference is made to the methodology proposed in Addabbo, Lanzi, Picchio (2010)

and a special focus is devoted on work that is analysed with reference to the indicators developed to measure it and in a feminist economics perspective (Picchio, 2003). Its link with other relevant dimensions of well-being is highlighted together with the extent of gender inequalities in its achievement. In this setting a selection of public policies is evaluated to uncover their effects on the capability of working and gender inequality in its development and in its conversion into observable functionings with a special focus on the role of childcare services.

Aloè E. (2017) *Conciliazione. Meno fondi più sperimentazione [Work-family reconciliation. Less funds more Experimentation]*. Available at: <http://www.ingenere.it/articoli/conciliazione-meno-fondi-piu-sperimentazione>.

This paper analyses the Report of the Equal Opportunity Department of the Italian National Government on the allocation of public funds (allocated on the basis of two Directives between State and Regions) to achieve a better work-life balance. A first important issue is the reduction in public resources: the first 2010 Directive allocated 40 million euros against 15 million allocate by the second 2012 Directive, therefore jeopardizing the extension of the policies to achieve the targets. Together with a cut in public funding, the paper highlights a step towards a privatization of the policies in terms of an increased involvement of private firms through the direct managing of welfare. However, the paper stresses the risk that this approach would have as it targets working women without the involvement of fathers, therefore producing a backward step in the achievement of equal opportunity in parental care and further negative effects on gender equity. Different results can be achieved also in relation to the type of authority (economic or social) that at regional level manages the resources and the communication effort provided. The paper reports the case of Piedmont region where in a first phase childcare supply has been extended and then been re-organized according to the needs expressed in the region; and the case of Lombardia region that has been able to promote co-funding by private institutions to increase the impact of work-life balance on the area by promoting 'work-life balance local coalitions'.

Arachi A. (2017) *Le 970 mila famiglie italiane dove lavora soltanto la donna [The 970,000 Italian families where only the woman works]*. Available at: <http://27esimaora.corriere.it/17-marzo-21/italia-che-cambia-970-mila-famiglie-italiane-dove-lavora-soltanto-donna-98d551ce-0e75-11e7-bc58-c287e833415a.shtml>,

According to the statistics reported in this paper, there are almost one million families in Italy in which only women work and husbands cannot find a job. Woman who are working outside the home, are also very busy at home with childcare and domestic chores (i.e. grocery shopping, doing the laundry, preparing meals). This is certainly a strong overload situation for women. There are also just over a million households where there are no members employed. These households are mainly located in the South (587,000 households), followed by the North (300,000), and central Italy (198,000).

Brilli, Y, Kulic N. and Triventi M (2017) 'Who cares for the children? Family social position and childcare arrangements in Italy, 2002–12', in: H.P. Blossfeld, N. Kulic, J. Skopek and M. Triventi (eds) *Childcare, Early Education and Social Inequality*. Cheltenham, UK/Northampton, MA: Edward Elgar.

The focus of this paper is on the social inequality in the use of childcare services for children aged below 24 months in Italy and its trend over time by using microdata from three waves (2002, 2005, 2012) of the Italian Survey of Births by the National Statistical Institute (ISTAT). The study confirms an increase in the use of formal childcare and heterogeneity in the distribution of childcare services across Italian regions (with a significantly lower coverage in the South of Italy) and analyse the

impact of parents' social position on the use of childcare services. Their multivariate analysis shows that on the type of dominant care father's occupation plays an important role but the most important role is played by mothers' education. Parental care has been found to be dominant as a form of childcare in families with low educated mothers and unemployed fathers. In the Centre-North of Italy over time highly educated mothers strongly increased the use of formal care for their children while participation to formal care increased to the same extent amongst different level of education for mothers living in the South thus leading to larger inequalities in the participation in formal childcare according to mothers' education level in the Centre-North compared to the South of Italy.

Cappadozzi T., Sabbadini L. L. and Spizzichino D. (2017) *Come le coppie si dividono il tempo [How couples divide the time]*. Available at:

<http://www.ingenere.it/articoli/come-coppie-dividono-tempo>

Analysing the data of the last Istat survey on time use, this paper explains what is changing in the life-time organization of men and women. In 2014 there is still a behaviour imbalance between the sexes in the management of working times, both unpaid domestic and care work and paid work; the asymmetry decreases in couples with children where the woman is 25-44 years old and both parents work; the care work is more equally shared than domestic activities.

Dagnino E., Nespoli F. and Seghezzi F.(2017) (eds.) *La nuova grande trasformazione del lavoro. Lavoro futuro: analisi e proposte dei ricercatori ADAPT [New great work transformation. Future work: analysis and proposals of the ADAPT researchers]*, ADAPT LABOUR STUDIES e-Book series no. 62. Modena: ADAPT University Press.

Available at:

[https://moodle.adaptland.it/pluginfile.php/28485/mod\\_resource/content/2/ebook\\_vol\\_62\\_GTL.pdf](https://moodle.adaptland.it/pluginfile.php/28485/mod_resource/content/2/ebook_vol_62_GTL.pdf)

The book contains articles published in the last two years and is aimed at analysing with an interdisciplinary approach the transformations that recently took place in the world of work and the role played by policies. There are three determinants identified as representing the new geography of work: technology, demographics and the environment.

Del Boca, D., Monfardini, C. and Nicoletti, C. (2017) 'Parental and child time investments and the cognitive development of adolescents', *Journal of Labor Economics*, Vol.35, No.2:, 565-608.

While a large literature has focused on the impact of parental investments on child cognitive development, very little is known about the role of the child's own investments alongside that of the parents. By using the Child Development Supplement of the Panel Study of Income Dynamics, the paper presents the cognitive production function of adolescents by using an augmented value-added model and adopts an estimation method that takes account of previously unobserved child characteristics. It finds that a child's own investments made during his/her adolescence, matter more than the mother's. The empirical results appear to be robust to several sensitivity checks.

Di Salvo T. (2017) *I papà italiani vorrebbero condividere la cura dei figli: 7 su 10 dicono sì al congedo di 15 giorni [The Italian dad would like to share childcare: 7 out of 10 say yes to the 15-day leave]*. Available at:

[http://27esimaora.corriere.it/17\\_marzo\\_15/i-papa-italiani-vorrebbero-condividere-cura-figli-7-10-dicono-si-congedo-15-giorni-b703edc8-09a6-11e7-bea9-dd891fb023c5.shtml](http://27esimaora.corriere.it/17_marzo_15/i-papa-italiani-vorrebbero-condividere-cura-figli-7-10-dicono-si-congedo-15-giorni-b703edc8-09a6-11e7-bea9-dd891fb023c5.shtml)

The paper analyses the results of the investigation launched by the Plan C co-Baby space of Milan in collaboration with associations and companies, to investigate the identity, the work-life, the models organization, and the wishes of the Italian Dad. From the data emerges the desire, especially among young fathers, to share the care of children. As women continue to be seen as primarily responsible, 70 per cent of dads would favour 15 working days statutory of Paternity leave in the first five months of their child's life. For dads, fatherhood has brought positive changes in their lives, a strong personal growth and an increase in many capacities, from time management to problem solving. Six out of ten fathers declare that becoming fathers did not result in a reduction of their careers and professional ambitions, also because it has not significantly altered their working time.

Gottardi, D. (2016) *Il congedo di maternità per le lavoratrici subordinate. La conciliazione delle esigenze di cura, di vita e di lavoro. Il rinnovato T. U. n. 151/2001 ai sensi del d. lgs. n. 80/2015* [The maternity leave for female employees. Reconciling the care needs, life and work. The renewed T. U. n. 151/2001 under d. lgs. n. 80/2015]

This paper analyses the latest innovations in terms of Maternity leave for employed women.

Pavolini E. and Saraceno C. (2017) *Decreto asili. Meglio che nulla, ma lontano dal necessario* [Decree on kindergartens. Better than nothing, but far from necessary]. Available at: <http://www.ingenero.it/articoli/decreto-asili-meglio-che-nulla-lontano-necessario>.

This paper analyses the draft decree on nurseries, acknowledging on one hand the important step in recognizing (within the integrated education system from birth until six years old) their educational role; but on the other hand, the limitation of nurseries still being considered an individual demand service that need co-funding from households, which (especially if in the middle income bracket) could find it difficult to contribute to the cost.

Zucaro, R. (2017) *Tutti i vantaggi dello smart working* [All the benefits of smart working]. Available at: <http://www.ingenero.it/articoli/tutti-i-vantaggi-dello-smart-working>.

It is called smart working, and agile work: it is a new concept of work that could meet considerable resistance. While it is discussed in Parliament, in this article the author analyses the positive aspects and problems.

### **c. Ongoing research**

*Early Childcare and Child Non-Cognitive Outcomes* [2016-in progress]. Daniela Del Boca, Enrica Maria Martino, Chiara Pronzato, CHILD - Collegio Carlo Alberto, Turin. This study analyses the impact of formal early childcare on a number of non-cognitive child outcomes, conditional on several socio-demographic characteristics of the household and the child. Non-cognitive skills were found to be particularly malleable at young ages and to positively affect cognitive ones, in addition to having direct positive impact on a number of later life outcomes. Using a newly available data set for Northern Italy, the study examines the impact of formal childcare on non-cognitive outcomes, such as attitudes to schooling, sociability, generosity and reciprocity, as well as strengths and difficulties identified among children born in 2006 at the end of the first year of primary school. The results of this research are likely to have important policy implications, since increasing availability of formal childcare can be an effective policy for improving subsequent child outcomes and reducing inequality among children from different backgrounds, in addition to facilitating maternal labor market participation. Contact: Enrica Maria Martino at

[enricamaria.martino@unito.it](mailto:enricamaria.martino@unito.it)

*Fertility, Maternal Employment and Household's Poverty* [2015-in progress]. Enrica Maria Martino, University of Turin, CHILD- Collegio Carlo Alberto, Turin.

Despite low fertility rate, Italy has the lowest rate of maternal employment in Europe after Greece and one of the highest poverty rates among children. This project aims at exploring the relation between household's choices in terms of fertility and labour supply and household's financial difficulties. It uses data from the Birth Sample Surveys collected by the Italian National Institute of Statistics that allows to study a particularly large sample of mothers 18-26 months after giving birth. First, the project analyses the association between number of children and maternal labour supply by a linear probability model and a 2SLS specification using twin births as an instrument to assess the causal relation between the two variables; this identification strategy follows, among others, Rosenzweig and Wolpin (1980) and Angrist and Evans (1998) and presents some criticisms, which are thoroughly discussed and addressed in a first paper of the project. The study also analyses the impact of maternal employment on household's poverty estimating a simultaneous equation model with endogenous shifting (Heckman, 1978), focusing on first parities. Results show a significant negative impact of the number of children on maternal labour supply (in terms of both employment and participation) and a significant positive impact on perceived financial difficulties in the short run. Sample dimension allows some heterogeneity analysis to identify the most vulnerable groups in terms of risk of leaving the labour market or experiencing financial difficulties after childbirth, with relevant policy implications. Contact: Enrica Maria Martino at [enricamaria.martino@unito.it](mailto:enricamaria.martino@unito.it)

*Intergenerational Family Solidarity across Europe (INTERFASOL) - SCH COST Action* [2013 – in progress]. 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.

*The Labor Cost of Motherhood and the Length of Career Break around Childbirth.*

[2016-in progress]. Enrica Maria Martino. CHILD - Collegio Carlo Alberto, VisitInps

The aim of this project is to analyse the effect of career breaks around childbirth on maternal labour market outcomes and the role of parental leave policies in affecting maternal labor supply, using access to newly available Italian administrative data including monthly information on dependent workers in the private sector. The study adopts an event study approach that accounts for individual fixed effects to explore the impact of childbirth on maternal earnings and labour supply at the extensive and intensive margin. It also exploits the introduction of a childcare subsidy conditional on early return to work as a quasi-experimental setting that allows estimation of the causal impact of the length of the career break around childbirth on maternal labour market performance (earnings, labour supply at the extensive and intensive margins, wage, career path) in the short and medium run. Preliminary results show that women experience more than 35 per cent loss in earnings after the birth of a child, mostly driven by a reduction in labour supply, and the loss is persistent up to three years after Maternity leave. The shorter leave induced by the introduction of conditional childcare subsidy increases maternal earnings only in the very short run. Contact: Enrica Maria Martino at [enricamaria.martino@unito.it](mailto:enricamaria.martino@unito.it)

*Men, work and family life* [2011-in progress]. Giovanna Rossi, Maria Letizia Bosoni and Sara Mazzucchelli, Università Cattolica del Sacro Cuore di Milano.

This 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 Professor Tina Miller (Oxford Brookes University, UK). Contact Maria Letizia Bosoni at: [marialetiziabosoni@unicatt.it](mailto:marialetiziabosoni@unicatt.it)

*Nuove frontiere del benessere: misurare e valutare il benessere relazionale nei luoghi di lavoro* [*New frontiers of wellbeing: measure and evaluate the relationship being in the workplace*]. [2014-in progress]. Sara Mazzucchelli and Maria letizia Bosoni, Catholic University of Milan.

The project, in agreement with Best Nest Ltd., aims to: 1) enhance and further develop cases of services / interventions that show a character of innovation and who have made a strong impact in Italian companies (among them the "progetto90giorni", conceived and produced by BEST NEST); and 2) carry out studies aimed at developing knowledge of people working in the company, evaluation of satisfaction with work-life balance measures already in place (if any) and, above all, the identification of needs/latent resources they can find appropriate and prompt answers. The methodology used is based on an original and innovative approach to the person's knowledge of their criteria of values in relation to work-life balance and their consequent behaviour. The technique favours a quantitative tool (questionnaire) online, divided into seven main areas aimed at reaching a large part of the workforce and adjustable area, depending on the specific nature and needs of different companies. In case of need for special investigations, the questionnaire tool can be supplemented by targeted focus group activities. The proposed methodology is aimed at the construction of measures (indices) able to assess relational wellbeing, with a specific focus on work-family relationship. Contact: Maria Letizia Bosoni at [marialetiziabosoni@unicatt.it](mailto:marialetiziabosoni@unicatt.it)

*Turning parenthood into a competitive advantage: the Improving Welfare Management Project* [2011-in progress]. Sara Mazzucchelli and Maria letizia Bosoni, Catholic University of Milan.

In recent year, different models of maternity management have emerged within Italian companies, with an increasing attention for maternal competencies. In this context, Improving Welfare Management Project is an innovative method of parenting enhancement (focused not only on maternity) with and within companies, born from a synergic action of different partners (Family Studies and Research University Center of the Catholic University of Milan, EDWIHR business consulting, Lexelent law firm and Niklas Events).The project aims at creating a new culture of parenting based on both behaviours and values, engaging all company levels. The aim is to understand how parenthood is perceived and managed in the company, in order to enhance it, turning it from a problem to a benefit for all the stakeholders (for the company, for the employees and their families and for all the community). The project is developed in steps: 1. Listening (contest analysis with managers and employees), 2. Diagnosis, 3. Planning and 4. Implementation of long term parenthood management strategies. Contact: Sara Mazzucchelli at [sara.mazzucchelli@unicatt.it](mailto:sara.mazzucchelli@unicatt.it)

*Talenti senza età. Analisi del potenziale delle donne in middle-late career e proposte di intervento* [*talent without age. Analysis of the potential of women in middle-late-career and proposals for action*]. [2011-in progress]. Claudia Manzi, Paola Castello,



Sara Mazzucchelli, Maria Letizia Bosoni, Semira Tagliabue, Mara Gorli and Fabio Paderi, Catholic University of Milan.

The project, commissioned and funded by D value - an association of companies that promotes diversity, talent and women's leadership for the growth of enterprises and the country - intends, through a methodology of quantitative investigation, to analyse the employment status of women aged 50-65 years; define the specific potential of women of this age group; locate the organizational aspects that support and promote it; and identify specific tools to enhance the performance and motivation of women in the age group examined. Contact: Claudia Manzi at [claudia.manzi@unicatt.it](mailto:claudia.manzi@unicatt.it)

*Work-life balance Policies and Outcomes in a gender and well-being perspective* [2016 - in progress]. Centre for the Analysis of Public Policies, Department of Economics Marco Biagi, University of Modena and Reggio Emilia, Modena Municipality, Centro Documentazione Donna.

This is a research project on well-being and gender budgeting, applied to the Municipality of Modena; it takes a special focus on work-life balance and the impact of local public policies on gender perspectives. Contact: Tindara Addabbo at: [tindara.addabbo@unimore.it](mailto:tindara.addabbo@unimore.it)

# Japan<sup>1</sup>

**Hideki Nakazato** (Konan University) and **Junko Nishimura** (Meisei University)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 14 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)*

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<sup>1</sup> Please cite as: Nakazato, H. and Nishimura, J. (2017) ‘Japan country note’, in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- All women employees are eligible for Maternity leave, but only those covered by the Employees' Health Insurance systems are eligible for Maternity benefit payment (*Shussan-teate-kin*). This means that women enrolled in the National Health Insurance system (including Special national health insurance societies) - such as self-employed women, or part-time or casual employees - are not eligible for Maternity Benefit.

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

- In the case of multiple births, Maternity leave can be taken from 14 weeks before birth.

## **b. Paternity leave**

- No statutory entitlement.

## **c. Parental leave (*Ikuji kyugyo*, 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*

- 67 per cent of earnings for the first 180 calendar days of Parental leave taken by each parent, up to a ceiling of JPY426,000[€3,430]<sup>2</sup>, with a minimum payment of JPY46,230[€372] a month and a maximum payment of JPY285,420[€2,298] per month; then 50 per cent of earnings with a minimum payment of JPY34,500[€277] a month and a maximum payment of JPY213,000[€1,715] per month. The average monthly earnings of permanent full-time female employees in 2014 was JPY256,600 [€2,066] whereas those of male counterparts was JPY343,200[€2,763].

<sup>2</sup> Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

- 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: 0.6 per cent of all wages by employers and 0.3 per cent by employees (with different rates for some specific industries); 6.875 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; and (2) it is not obvious that his/her employment contract will end before the child reaches one year and six months of age 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.
- Self-employed workers are not eligible, neither are same-sex couples.

*Variation in leave due to child or family reasons (e.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 by 'special adoption' (including those who are being given care by the worker before the completion of the adoption process) are treated in the same way as biological children for the purposes of Parental leave<sup>3</sup>.

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

- A short-term family care leave is available for up to five working days (to be taken as half the usual working hours per day) per parent per year for a child under compulsory school age (6 years) if the child is injured, ill or needing a health examination; or up to ten working days per year if there are two or more children of this age. The leave is unpaid.
- Longer family care leave can be taken for a spouse (including de facto), parents, children, parent-in-laws, grand parents, siblings, and grandchildren 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, which can be divided into three periods or less. This is paid at 67 per cent of earnings.

##### *Flexible working*

- 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.
- 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.

##### *Specific provision for (breast-)feeding*

- None.

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<sup>3</sup> 'Special adoption' refers to the case of children aged six years or younger whose relationship to their biological parents (as recorded on the family register) is ended through adoption. By contract, 'ordinary adoption' children keep their relationship to their biological parents on the family register; this form of adoption is intended to be used to secure an heir, not to provide care for children whose biological parents cannot do so.

### *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.
- Employers are prohibited treating employees disadvantageously for taking Parental or family care leave and are obliged to take measures to avoid actions by other workers that harm their working condition for these reasons.

## **2. 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), with 12 months well paid if both parents use six months leave; if fathers do not use their leave entitlement, the maximum period of well-paid leave is six 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 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 2016 (including proposals currently under discussion)**

Conditions for taking Parental leave for employees on a fixed-term have been relaxed. From 2017, the only condition is that it is not expected that the employment contract will end before the child reaches 18 months of age and will not be extended.

The range of children included for leave was extended from biological children and adoptive children by 'special adoption', to include children who are being cared for by a worker before the completion of the adoption process.

A short-term family care leave (up to five working days) can be taken from 1 January 2017. Also starting 1 January 2017, the range of family members covered by longer-term family care leave was extended to include grandparents, siblings and grandchildren who are not living with or supported by the worker. Use of this family care leave has become more flexible in that the maximum 93 days of leave can be divided into three periods; before, leave had to be taken in one continuous period for each subject family member. Starting August 2016, benefit payment for this leave was raised from 30 per cent of earnings to 67 per cent.

## **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>4</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>5</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 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).

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<sup>4</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>5</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>.

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 2015 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)<sup>6</sup>. A large proportion (81.5 per cent) of female workers who had given birth between 1 October 2013 and 30 September 2014 had started or applied for Parental leave by 1 October 2015. The proportion decreased by 5.1 percentage point from the previous year (86.6 per cent).

The proportion of men was much lower: 2.65 per cent of male workers whose spouse had given birth between 1 October 2013 and 30 September 2014 had started or applied for Parental leave by 1 October 2015. The proportion increased by 0.35 percentage points from the previous year (2.30 per cent).

Nearly a third (31.1 per cent) of female workers who returned to work from leave between 1 April 2014 and 31 March 2015 had taken ten to 12 months of leave; 27.6 per cent had taken 12 to 18 months. Among male workers who returned to work after taking leave in the same period, more than 80 per cent took less than one month of leave, and 56.9 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 Newborns 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 six months after the birth.

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

The 2015 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, 57.8 per cent; exemption from overtime work, 53.2 per cent; flexitime for childcare, 12.8 per cent; starting/finishing work earlier or later, 30.4 per cent; providing on-site childcare centre, 2.2 per cent; subsidizing childcare costs, 4.3 per cent; and telework, 2.3 per cent. Use of these measures in the workplaces providing each measure vary depending on the type of measure.

There are also differences between male and female workers: in 13.0 per cent of workplaces providing the reduced working hours measure only female workers used this measure, while in only 0.2 per cent both female and male workers used it; in 21.3 per cent of workplaces providing on-site childcare centres only female workers used them, while in 3.7 per cent both female and male workers used them; and in 13.0 per cent of workplaces providing the reduced working hours measure only female workers used this measure, while in only 0.2 per cent both female and male workers used it; in 10.7 per cent of workplaces providing starting/finishing work earlier or later measures only female workers took advantage of them, while in 0.8 per cent both female and male workers took advantage.

## **5. Research and publications on leave and other employment-related policies since April 2016**

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<sup>6</sup> Ministry of Health, Labour and Welfare, 2016, *2015 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/dl/71-27-03.pdf>.



Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **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. Recent selected publications**

Ishii-Kuntz M. et al. (2016) *Dansei no ikuji sanko wo sokushin suru yōin: ikuji kyūgyō shutokusha heno hiaringu kara mietekurukoto. [Factors affecting men's involvement in childcare: Findings from interviews with childcare leave-takers.]* Daiichi Seimei Zaidan.

This report explores factors encouraging fathers to take Parental leave, how fathers spend their time during the leave, and how they balance between work and family life after returning to workplace. Analyzing interviews of fathers who took Parental leave, the authors found that: (1) factors encouraging men taking Parental leave are father-friendly practices at workplace, fathering education, the existence of role models, strong parental identity, and skills for housework; (2) fathers experienced both happiness and stress during the leave, and reported the increased level of communication with their wives; and (3) many men improved time management skills and increased their work productivity after taking Parental leave. Based on the findings, the authors suggest policy implications to promote fathers' involvement in childcare and taking parental leave.

Kanno T. (2016) 'Kaisei ikuji kaigo kyūgyō hō no kyōka to kadai' ['The evaluation and challenges in amendment of the Childcare and Family Care Leave Act: Focusing on family care leave'], *Kikan Rōdōhō [The Quarterly of Labor Law]*, 253: 43-50.

This paper examines the 2016 amendment of the Childcare and Family Care Leave Act, focusing mainly on family care leave. The author affirms most of the 2016 amendment related to family care leave, such that the leave can be split into three terms within 93 days, and that a short-term family care leave can be taken on a half-day basis. However, the author raises a query about how the expansion in range of dependent family members for whom care leave may be taken is actually put into practice. The author points out that some difficulties may be caused in determining the eligibility of workers taking leave to care for family members who are neither living with nor dependent on them. In terms of amendment of Parental leave, the author assesses it to have been effective.

Nakazato H. (2017) 'Chichioya no ikuji kyūgyō shutoku no jōken to igi: Shutoku kikan betsu no tokuchō ni chūmoku shite' ['Factors affecting father's taking Parental leave and its impact on couple's career: Focusing on length of the leave'], in: S. Ikeda et. al. (eds.) *Ikuji Kaigo to shokugyō kyaria: Josei katsuyaku to dansei no katei seikatsu [Childcare, family care, and occupational career: Empowerment of women and family life of men]*. Tokyo: Japan Institute for Labour Policy and Training, 169-182.

This paper examines factors affecting fathers' taking of Parental leave and its impact on the couple's career. Analysing two sets of survey data, the author points out: (1) very few men take Parental leave, and most of the leave takers take less than a month; (2) the age at first childbirth among leave takers who took the leave for more

than a month is older compared to those who did not take the leave at all or those who took the leave for less than a month, suggesting that it is difficult for men to take Parental leave until they get stable career position and become financially stable; (3) family-friendly workplace practices enhance fathers' taking Parental leave, but their effects on short and long-term leave might differ; and (4) fathers taking Parental leave have positive impacts on their working hour after getting back to the workplace (they are shorter), and on their wives' full-time employment.

Nakazato H. (2017) 'Kokusai hikaku kara miru nihon no ikuji kyūgyō seido no tokuchō to kadai: Noruei, suēden, doitsu, porutogaru' ['Features and challenges in Japan's Parental leave system: A cross-national comparison among Japan, Norway, Sweden, Germany, and Portugal'], in: H. Nakazato et. al. (eds.) *Yōroppa no ikuji kaigo kyūgyō [Parental leave and family care leave system in Europe]*. Tokyo: Japan Institute for Labour Policy and Training, 1-17.

This paper compares Parental leave systems in Japan, Norway, Sweden, Germany, and Portugal, then discusses the distinctive features of Japan's Parental leave system. Cross-national comparisons are made along 15 dimensions, such as length of Maternity, Paternity, and Parental leave, the level of benefits paid, the maximum period that a mother or a father can receive leave benefits, the length of leave lost as a family if a father waives his right to take the leave, etc. Based on these comparisons, the author suggests implications for the reform of Japan's Parental leave system: the alignment between Parental leave and childcare systems, setting the length of leave lost as a family if a father waives his right to take leave, and raising leave benefits.

Nakazato, H. (2017) 'Fathers on Leave Alone in Japan: Lived Experiences of the Pioneers', M. O'Brien and K. Wall (eds.) *Comparative Perspectives on Work-Life Balance and Gender Equality: Fathers on Leave Alone*: Springer, 231-55.

Using interviews with six fathers who took Parental leave alone for a month or longer, this book chapter shows that, among various factors that facilitated taking leave, what all fathers had in common was a flexible attitude to gender roles and respect for their partner's career. The mothers' attitudes to gender roles and fathers' leave-taking also helped them make a decision that is uncommon in Japan. The study shows the effect of leave-taking by fathers; it seems to have expanded the career opportunity for the mothers through fathers' greater involvement in childcare and housework compared with average fathers in Japan. Overall, the fathers who met the criteria of participation in this study were found to be exceptional with very special resources including psychological ones such as a frontier spirit and an orientation towards gender equality, and practical ones such as the necessity of supporting their partner in continuing in full-time employment with a decent income.

### **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> (in 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. Available at: <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> (2001cohort) 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, childcare 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)

*Japanese Panel Survey of Consumers* (JPSC) (annually). Undertaken and funded by the Institute for Research on Household Economics. Available at: <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 (Ministry of Health and Welfare)<sup>2</sup>

April 2017

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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

### a. Maternity leave (출산전후휴가) (responsibility of the Ministry of Employment and Labour)

*Length of leave (before and after birth)*

- 90 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. It is obligatory to take leave.
- In the case of a miscarriage or stillbirth, five to 90 days leave is provided depending on the length of pregnancy.

*Payment and funding*

- 100 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 100 per cent of ordinary earnings by the Employment Insurance Fund with a ceiling of KRW1,350,000[€1,082]<sup>3</sup> 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>4</sup> pays for the first 60 days up to a ceiling of KRW2,700,000[€2,165]. If an employee's ordinary earnings are higher than the ceiling for the first 60 days, the employer must pay the difference between

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<sup>1</sup> Please cite as: Kim, H. (2017) 'Korea country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports](http://www.leavenetwork.org/lp_and_r_reports)

<sup>2</sup> The opinions expressed and arguments employed herein are solely those of the author and do not necessarily reflect the official views of the Ministry of Health and Welfare, Korea.

<sup>3</sup> Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

<sup>4</sup> The Employment Insurance (EI) does not cover government officials, teachers (in both public and private schools), 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 4 or less employees nor does it cover small construction firms.

the ceiling and the employee's ordinary earnings above the ceiling for that period. The definition of an SME varies across sectors; for 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, whether permanent or temporary workers, are eligible for Maternity leave; but to be eligible for the 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 (배우자 출산휴가) (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*

- 100 per cent of ordinary earnings for the first three days. The remaining two days are unpaid.
- Paid 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 whose spouse gave birth.

### **c. Parental leave (육아휴직) (responsibility of the Ministry of Employment and Labour)**

### *Length of leave*

- One year for each employed parent. Leave is an individual non-transferable entitlement.

### *Payment and funding*

- 40 per cent of ordinary earnings, with a minimum of KRW500,000[€400] a month and a ceiling of KRW1,000,000[€801] a month. This rises to 60 per cent of ordinary earnings for parents taking part-time Parental leave (see 'flexibility in use').
- In cases where both parents take Parental leave for the same child at different times, the allowance for the first three months of leave taken by the second parent increases to 100 per cent of ordinary earnings with a ceiling of KRW1,500,000 [€1,202].
- This so-called 'Daddy month' (아빠의 달) aims to encourage fathers to take Parental leave by providing higher benefits when both parents participate in Parental leave consecutively. The daddy month was just one month in October 2015 when it was first introduced, but was extended to three months in January 2016.
- Twenty-five per cent of the Parental leave benefit is paid as 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 in 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. The Parental leave benefit is 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.
- 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
- Self-employed workers are not eligible.
- Same-sex couples are not eligible, as same-sex marriage is not legally allowed.

*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 per year to take care of a family member on account of illness, accident, old age, etc. This must be taken in blocks of at least 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 in March 2016.

*Specific provision for (breast-)feeding*

- None.

## **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 family 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 2016 (including proposals currently under discussion)**

From the second half of 2017, the ceiling on the 'Daddy months' benefit will rise from KRW1.5 million [€1,202] to KRW2 million [€1,602] for parents with two or more children. The ceiling will remain the same for parents with only one child. A bill to extend the length of part-time Parent leave from one to two years is currently under discussion at the National Assembly.

## **4. Take-up of leave<sup>5</sup>**

### **a. Maternity leave**

In 2016, the number of employees taking Maternity leave was 89,833 (23 per cent of the total number of births), a slight decrease from 94,590 in 2015. The number of births decreased from 424,563 in 2015 to 393,674 in 2016. There are three main reasons why the rate of use of Maternity leave is low: female employment rates are low; many women giving birth are not employed; the coverage of Employment Insurance is limited (see footnote 3); and self-employed workers are not eligible.

### **b. Paternity leave**

No information.

### **c. Parental leave**

In 2016, 89,795 employees took Parental leave. This represents a slight increase on the number taking Parental leave in 2015 (87,339), even though the number of births decreased from 424,563 in 2015 to 393,674 in 2016. The proportion of male employees among the total number of employees taking Parental leave was 8.5 per cent (7,616) in 2016, more than 50 per cent higher than the proportion in 2015 (5.6 per cent; 4,872). This proportion has been rising in recent years, from 2.0 per cent in 2010.

The number of 'Daddy months' users more than doubled between 2015 and 2016, from 1,345 in 2015 to 2,703 in 2016, with the large majority of users (2,396 or 88.6 per cent) being male employees. The remainder were female employees whose husbands had taken Parental leave before them; when these female employees took leave after their husbands; they received the Daddy-months payment for three months and then normal Parental leave payment for the remaining months. The increased popularity of the 'Daddy months' can be attributed to the fact that the period was extended from one month to three months in January 2016, and possibly also changing attitudes towards men taking Parental leave. The number of employees taking part-time Parental leave increased by 34 per cent between 2015 and 2016, from 2,060 in 2015 to 2,761 in 2016. Male employees represented 13 per cent of all part-time Parental leave takers in 2016.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication

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<sup>5</sup> The numbers in this section relate to the number of employees taking leave covered by Employment Insurance.



or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

In 2008 and every year since 2011, the Ministry of Employment and Labour has conducted a survey on implementation of policies to support the work and family life balance (일가정양립 실태조사). 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 with five employees and more 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.

### **b. Recent selected publications**

Minki Hong (2017) 'Effects of Work-life Balance Policies: By Workplaces', *Monthly Labor Review*, February 2017, Issue 143. Korea Labour Institute: Sejong.

The paper empirically analyses labour market effects of the Parental leave scheme and flexible working programmes by workplace units using the Workplace Panel Survey by the Korea Labour Institute and administrative data of the Employment Insurance. The conclusions of the paper are as follows. Impact of Parental leave taking on financial performances in a company: there is no evidence that the use of Parental leave has a negative impact on a company's sales and labour cost, and it plays a slightly positive role in profit. The paper asserts that this can be more positively interpreted that Parental leave does not have a negative impact on profits, sales, or labour costs. Factors affecting the use of Parental leave and the likelihood of returning to the job: the paper concludes the higher the ratio of non-regular workers, the lower the take-up rate of Parental leave; the existence of a labour union leads to higher take-up of Parental leave; the larger the enterprise size, the higher the take-up of Parental leave. However, the number of female workers does not affect Parental leave taking. In terms of the likelihood of returning to the job, the paper estimates that the higher the ratio of non-regular workers, the lower the ratio of workers who return to the job and the existence of a labour union leads to higher number of workers who return to the job after leave taking. The paper asserts that this means job security and the bargaining power of workers are important factors in the use of Parental and return to the job after leave.

Impact of flexible working programs on working period after leave taking: working hour adjustment scheme (e.g. 8am-5pm, 9am-6pm or 10am-7pm) increases the total number of working years of female workers who took parental leave by 1.4 years.

Yoon, J. (2017) 'Effects of Work-life Balance Policies: By Workers', *Monthly Labor Review*, February 2017, Issue 143. Korea Labour Institute: Sejong.

The paper concludes by comparing female workers who gave birth December 2007 and January 2008 that the 2008 reform measure, in which the child's age up to which parents can apply to take Parental leave expanded from three to six years, contributed to increasing mother's participation in the labour market.

### **c. Ongoing research**

None reported.

# Lithuania<sup>1</sup>

**Ruta Braziene** (Lithuanian Social Research Centre, Institute of Labour and Social Research)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 18 weeks (126 calendar days; 70 calendar days before child birth and 56 calendar days afterwards).

*Payment and funding*

- 100 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.
- 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. Women taking Maternity leave receive pension credits to maintain their pension rights.

*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.

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<sup>1</sup> Please cite as Braziene, R. (2017) 'Lithuania country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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*

- In case of multiple or premature births or complicated baby delivery, 14 extra days are provided.

**b. Paternity leave (*tėvystės atostogos*) (responsibility of Ministry of Social Security and Labour)**

*Length of leave (before and after birth)*

- One month (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.
- Same-sex couples 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 (*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 three years of age is unpaid.
- Payment for either option is up to a ceiling of 3.2 times the average insured monthly income, currently €1,379.
- Funded as for Maternity leave.

*Flexibility in use*

- None.

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

- Parents are eligible for parental benefit if they have paid social insurance taxes at least for 12 months during the last 24 months; as social insurance is compulsory for all workers, self-employed workers are eligible.
- Same-sex couples 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 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.
- According to the Lithuanian Labour Code (2002), Article 278, paragraph 8: For the breast-feeding women, in addition to the general breaks to rest and eat in at least every three hours can be given a half-hour break for breastfeeding. Under the mother's request the breaks for breastfeeding may be joined and used for shortening of the working day. Breaks for breastfeeding are covered by the worker's average wage.

*Specific provision for (breast-)feeding*

- None.

## **2. 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 three years are below the average for OECD countries, but about 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 2016 (including proposals currently under discussion)**

The new Lithuanian social model (Labour relations and State social insurance legal administrative model) is still under the discussion<sup>2</sup>. This model is an in-depth reform of the whole Lithuanian social protection system. Several draft new laws have been presented for public consultation: the new Labour Code, Law on Employment protection, Law on Leave Policies, etc. All these draft laws are a component part of the new social model. The Law on Leave Policies would decrease social insurance contributions from 12 to three months during the last 24 months to be eligible for any type of leave benefits. One of the other major changes would reduce workplace protection in the case of Parental leave from 24 to four months.

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

### **a. Maternity leave**

According to the information provided by the Social Insurance Fund Board (SODRA), 100 per cent of employed women take up Maternity leave.

### **b. Paternity leave**

No information.

### **c. Parental leave**

According to the information provided by the Social Insurance Fund Board (SODRA), 78 per cent of women and 22 per cent of men took Parental leave in 2016.

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

No information.

## **5. Research and publications on leave and other employment-related policies since April 2016**

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<sup>2</sup> See <http://www.socmodelis.lt/modelis/> and <http://atvira.sodra.lt/lt-eur/>

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **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. Recent selected publications**

Vysniauskiene, S., Braziene, R., (2017). Evaluation of Family Friendly Policy in Lithuania. *Public Policy and Administration*, T.12. [IndexCopernicus; SocINDEX with Full Text; CEEOL; Current Abstracts; TOC Premier] (forthcoming)

Kurowska A. (2017) The impact of an unconditional parental benefit on employment of mothers: A comparative study of Estonia and Lithuania, *International Journal of Sociology and Social Policy*, 37 (1/2): 33 – 50.

The purpose of this paper is to solve the puzzle of the disproportionately lower employment rate of mothers of toddlers with relation to the employment rate of mothers of preschool and school-age children in Estonia. The research is based on the Most Similar System Design and compares Estonia with Lithuania. The applied methods include inferential statistics and microsimulation techniques, employing the OECD Benefits and Wages Calculator, the OECD Family Support Calculator and EUROMOD – the European tax-benefit microsimulation model. The comparison revealed that the overwhelming majority of the crucial aspects of socio-cultural, economic and institutional conditions were more favourable for maternal employment in Estonia than in Lithuania. This explains the higher maternal employment rates both for mothers of pre-schoolers and school-age children in Estonia. However, one particular element of the institutional context targeted to the mothers of toddlers – the unconditional parental benefit – had an entirely opposite character. This particular feature of the parental leave scheme was the only factor that could explain why the employment rate of mothers of toddlers is disproportionately lower than the employment rate of mothers of older children in Estonia and much lower than the employment of mothers of toddlers in Lithuania. This study complements previous research by providing evidence on the relative importance of universal parental benefit schemes in the context of other country-specific conditions for maternal employment, including the availability of institutional childcare. Furthermore, the results presented show that childcare regime typologies, at least those that characterise Eastern European countries, should be more sensitive to children's age.

### **c. Ongoing research**

None reported.

# Luxembourg<sup>1</sup>

**Nevena Zhelyazkova** (Université Paris Dauphine, France) and **Marianne Loutsch** (Inspection Générale de la Sécurité Sociale, Luxembourg) and **Marie Valentova** (LISER, Luxembourg)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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*

- 16 weeks: eight weeks before the birth and eight weeks after. It is obligatory to take this leave.

#### *Payment and funding*

- 100 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), although the proportion going towards Maternity pay cannot be differentiated.

#### *Flexibility in use*

- None.

#### *Eligibility*

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<sup>1</sup> Please cite as: Zhelyazkova, N., Loutsch, M. and Valentova, M. (2017) 'Luxembourg country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

8. All insured persons, including self-employed, who have belonged to a social security scheme for at least six months preceding the commencement of leave.

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

- In the case of premature or multiple births or breastfeeding, the length of post-natal leave can be extended to 12 weeks. If the birth takes place before the expected date, the part of the pre-natal period not taken is added to the post-natal period. If the birth takes place after the extended date, the post-natal period is still eight weeks.

## **b. Paternity leave**

- There is no statutory entitlement. Employees are entitled to 'leave due to extraordinary circumstances' (*congé extraordinaire*), which gives them the right to take two working 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*

- Parental leave is an individual entitlement and each parent can take between four and 20 months depending on their employment hours and the leave option they choose; see 'Flexibility in Use' for more detail.

### *Payment and funding*

- The benefit paid during Parental leave is calculated as a function of the income and hours worked on average during the 12 month period preceding the start of the leave and the leave option chosen, e.g. full-time workers taking the full-time leave option receive between €1922.96 per month (the minimum social wage) for six months leave and €3204.93 (the minimum social wage increased by two-thirds) for four months leave.
- More detailed information on the level of compensation for the different leave options is available at: <http://www.reforme-famille.public.lu/fr/conge-parental/revenu.html>
- Funded from general taxation.
- As with other income, replacement income is subject to the applicable social and wage taxation.

### *Flexibility in use*

- Parents may choose between different length and payment options depending on their employment situation:
  - Parents working 40 hours per week
    - Full-time leave of four or six months
    - Half-time leave of eight or 12 months
    - Fractioned leave: four months within a maximum period of 20 months



- Fractioned leave: one day per week for up to 20 months
  - Parents working 20 hours or more per week
    - Full-time leave of four or six months
    - Half-time leave of eight or 12 months
  - Parents working ten hours per week or on apprenticeship contracts
    - Full-time leave of four or six months
- Parents can take leave at the same time.

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

- Parents must be affiliated to the Luxembourg social security system at the time of the birth or of the reception of an adopted child and have been employed without interruption for at least 12 continuous months immediately preceding the beginning of the Parental leave. The same conditions apply for self-employed workers, who also belong to the Luxembourg social security system.
- Parents must be working for a minimum of ten hours per week.
- In the case of a change of employer during the 12 month period preceding Parental leave or during Parental leave, the leave may be granted subject to the agreement of the new employer.
- For parents on permanent contracts with a probationary period, the right to Parental leave cannot take effect and the leave may be requested only after the end of the probationary period.
- Parents whose spouse does not work can take leave but it must start within three weeks of the birth/adoption of the child.
- Same-sex parents 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 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 working 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 working 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*

- Upon return to work after Maternity leave breastfeeding mothers are entitled to breastfeeding breaks, which can be either two breaks each of 45 minutes or one break of 90 minutes. These breaks do not lead to any loss of pay.

#### *Specific provision for (breast-)feeding*

- See section 1a on variation in Maternity leave.

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

The maximum period of post-natal leave paid at a high flat rate in Luxembourg is 14 months (this refers to parents who are full-time employed and choose the full-time leave option; parents with other employment statuses and choosing other options may take longer, but lower paid, leave). 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 well paid leave and an ECEC entitlement. Levels of attendance at formal services are well above the average for OECD countries for children under three years and slightly above 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 2016 (including proposals currently under discussion)**

The reform of Parental leave was put before the Parliament on 16 January 2015. The goal was to improve reconciliation of family and professional life and to increase the proportion of families using leave<sup>2</sup>. The new law came into effect on 1 December 2016, introducing the new system described above giving parents more options in how they can take leave.

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

### **a. Maternity leave**

As Maternity leave is obligatory, all employed women should take up leave.

### **b. Paternity leave**

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<sup>2</sup> Cahen, C. (2016) Projet de loi portant réforme du congé parental. Available at: [http://www.chamber.lu/wps/PA\\_RoleEtendu/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/125/551/152540.pdf](http://www.chamber.lu/wps/PA_RoleEtendu/FTSByteServingServletImpl/?path=/export/exped/sexpdata/Mag/125/551/152540.pdf)

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>3</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 of Family and Integration was completed by the Luxembourg Institute for Socio-Economic Research<sup>4</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 analyses 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>5</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

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<sup>3</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)

<sup>4</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>5</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>

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 2016<sup>6</sup> although for 2016 the numbers reflect only the usage of the previous system, since superseded. The report provides information on number of users of leave, which shows a number of trends. The total number of users of Parental leave has increased markedly over the last fifteen years. At the end of 1999 only 1,433 parents were on Parental leave compared to 4595 at the end of 2015. In particular, the number of men using leave has increased dramatically, from only 90 at the end of 1999 to 1106 at the end of 2015. 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 24.1 per cent in 2015. Nevertheless, women remain the majority of leave users, as they have used on average 79 per cent of all leaves taken over the period 1999 - 2015.

Throughout the period 1999-2015, women were more likely than men to be using the first leave period available for the child, immediately after Maternity leave, while fathers were more likely to be using the second leave (each parent has a six month period of leave). On average for the period 1999-2015, 76.2 per cent of men using leave did so in the second leave period, while women more often used the first leave period. 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 2015, the total of first period leave takers has risen to 3417, whilst second periods leave takers now stood at 1,178. Put differently, the number of men taking the second period of leave had shot up from 30 to 957.

There is also a marked gender difference in using the leave full-time or part-time. Between 1999 and 2015, women taking leave were more likely to use it full-time (76.2 per cent on average) compared to men (40.2 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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year

#### **a. General overview**

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<sup>6</sup>Ministry of Family and Integration (2016) *Rapport d'Activité 2016*. Available at: [http://www.mfi.public.lu/publications/01\\_rapports-activite/rapp\\_act\\_2016.pdf](http://www.mfi.public.lu/publications/01_rapports-activite/rapp_act_2016.pdf)

Nothing reported.

## **b. Recent selected publications**

Karl, U., Ramos, A. C., Kühn, B., Karl, U., Ramos, A. C. and Kühn, B. (2017) 'Older Migrants in Luxembourg – Care Preferences for Old Age Between Family and Professional Services', *Journal of Ethnic and Migration Studies*, Vol.43, No.2: 270–286.

Based on biographic and qualitative network interviews with first-generation migrants from Portugal, Italy and Germany, aged now 65 years and older, the authors reconstruct their preferences for long-term care in old age ('hands-on' care). They regard the interviewees' assessment of their situation as ways of achieving agency by taking into consideration the formal and informal options for care. The results show that the care preferences of older adults are influenced by aspects associated with old age that are not specific for older migrants, and at the same time, by aspects that are strongly connected to the fact of being a migrant such as language, culture, and transnational orientation. There is a clear preference for paid care work. Challenges or even barriers in regards to care homes are related to language and culture, which lead to an anticipation of marginalisation and social isolation inside these institutions. Furthermore, it becomes evident that the different contexts of migration strongly correspond with class- specific social positioning.

## **c. Ongoing research**

*Evaluation of Parental Leave in Luxembourg: Focus on couples' strategies and the role of workplace characteristics (2017-2020)*. Marie Valentova, LISER, Luxembourg. FNR Core Project.

Given the increasing economic need for dual-earner couples, balancing the demands of family and work has become one of the most pressing issues for families with young children. Parental leave is one of the most important policies that aims to tackle this problem by facilitating employment for mothers and supporting the involvement of fathers in childcare. Evaluation of existing Parental leave policies helps to understand to what extent these objectives are met and how different segments of the eligible population respond to the policy. In the existing literature on Parental leave assessment, several gaps can be identified that leave room for innovative research. For example, there are only very few studies that analyse a couple's parental leave strategies. The role of employers' characteristics in the leave-taking strategies of individuals as well as couples also remains under researched. As regards the evaluation of the effect of Parental leave on labour market outcomes, the empirical evidence on the effect of Parental leave on the intensity of labour market participation and post-birth wages among fathers and mothers is limited, and there is little analysis of the heterogeneity of the policy responses across various subgroups of mothers and fathers.

This project aims at filling these gaps by addressing the following three research questions. First, how are the employer-level characteristics associated with joint couples' leave-taking strategies? Second, how has the introduction of Parental leave in Luxembourg affected the number of hours worked by mothers and fathers over five years following the birth of a child and was there heterogeneity in this effect across different subgroups of mothers and fathers depending on their workplace characteristics? Lastly, what was the effect of Parental leave-taking on mothers' and fathers' wages after the birth of a child, taking into account any workplace characteristics? We use the case study of Luxembourg because its Parental leave scheme has particular features that are relevant to tackling the aforementioned research objectives. Additionally, Luxembourg provides a unique longitudinal social

security database containing individual-, couple and company-level information, which allows us to analyse these issues and establish causal effects. Contact: Marie Valentova at [Marie.Valentova@liser.lu](mailto:Marie.Valentova@liser.lu)

# Malta<sup>1</sup>

Frances Camilleri-Cassar (University of Malta)

April 2017

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network 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*

- 18 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 26 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 payable under the terms of the Social Security Act.
- 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

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<sup>1</sup> Please cite as: Camilleri-Cassar, F. (2017) 'Malta country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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.

job. If for a valid reason, the position is no longer available, she is entitled to equivalent or similar work and conditions of employment.

- 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 four weeks of Maternity leave).
- The computation of the 0.3 per cent is based on the number of employed women, 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 three month, six 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)<sup>4</sup> (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)**

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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 four weeks in addition to the first 14 weeks as maternity benefit entitlement.



#### *Length of leave*

- Five working days after live and still birth.

#### *Payment and funding*

- 100 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.*

- 100 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)*

- 12 months per family. If both parents work in the public sector, they only receive 12 months shared between them.

#### *Payment*

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<sup>4</sup>Manual on Work-Life Balance Measures, November 2016. Available at: <https://opm.gov.mt/en/PublicService/Documents/Public%20Service%20Management%20Code/Manuals/Manual%20on%20Work-Life%20Balance%20Measures.pdf>

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six 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 12 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 12 months continuous service.
- Same-sex couples are eligible.

#### *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 12 months.

### **c. Parental leave (private sector, unless covered by Wage Regulation Orders<sup>5</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 six 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

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<sup>5</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). The reference to the 'private sector' benefits in this report covers 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&gotolD=452>

#### *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 12 months continuous service.
- Self-employed workers and same-sex couples are not eligible.

#### **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.

#### *Payment*

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six 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.
- Alternative work arrangement 'closer to home' is limited to a maximum of 26 weeks from birth confinement.
- Employees in the public sector may apply to work on a teleworking arrangement for 12 months (renewable every year).
- Women may take a maximum reduction for breastfeeding of one hour each working day without loss of payment, taken as one 60 minute interval or two 30 minute intervals or three 20 minute intervals per day.

### *Specific provision for (breast-)feeding*

- None.

## **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

### *Specific provision for (breast-)feeding*

- 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 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 well above the average for 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 2016 (including proposals currently under discussion)**

There was an increase in Paternity leave for fathers in the public sector, from two to five days. There was some discussion on the introduction of leave to care for sick children; however, employers in the private sector opposed the suggestion and no agreement has yet been reached.

### **4. Take-up of leave (public sector)<sup>6</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. No update of recent statistics is available.

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

There is no information available.

#### **c. Parental leave**

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**

253 women took up their entitlement to an unpaid career break, of up to five years in 2014; only seven 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**

In 2014, 1,234 women opted to work reduced hours, compared with 82 men. However, reduced hours need not necessarily be for reasons of childcare. No further updates are available.

### **4. Take-up of leave (Private sector)<sup>7</sup>**

<sup>6</sup> See <https://opm.gov.mt/en/PAHRO/ERM/Pages/Reports/Reports.aspx>

<sup>7</sup> Based on personal communication with the Department of Industrial and Employment Relations, Malta: <http://dier.gov.mt/en/Pages/home.aspx>

There is no information available.

## 5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### 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 five day Paternity leave (one day in the private sector) compared with 18 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. According to a normative male-breadwinner model, unpaid leave schemes are largely taken up by women; this leaves unchanged the basic gendered structure of society.

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 (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. Recent selected publications

PAHRO (2016) *Manual on Work-Life Balance Measures, November 2016*. Malta: Public Administration HR Office. Available at:

<https://opm.gov.mt/en/PublicService/Documents/Public%20Service%20Management%20Code/Manuals/Manual%20on%20Work-Life%20Balance%20Measures.pdf>

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.

### **c. Ongoing research**

The Public Administration HR Office (PAHRO) of the Office of the Prime Minister is currently working on the 2017 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 2017**

NB. Mexico is a federal state with 31 federal states and Mexico City.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 12 compulsory weeks: two to six weeks of pre-natal leave; and six to 10 weeks of post-natal leave.

*Payment and funding*

- 100 per cent of earnings, with no ceiling on payments for the standard period.
- Fifty per cent of earnings for a period not exceeding 60 days if Maternity leave is extended.
- Maternity leave is financed by social security on a tripartite basis: employers pay 70 per cent, employees 25 per cent and the federal government five per cent.
- Maternity leave periods are also taken into account in the calculation of old age and pension benefits.

*Flexibility in use*

- 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

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<sup>1</sup> Please cite as: Pérez, C. (2017) 'Mexico country note', in: Blum S., Koslowski A. and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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.



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 the 100 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. Women who are self-employed have a special and voluntary social security regime (*régimen voluntario*), which does not include Maternity leave insurance.
- Unemployed mothers do not have any Maternity leave benefit.
- Under current laws, same sex parents are not eligible for the Maternity leave, but a recent Supreme Court ruling determined that they can benefit from it.

*Variation in leave due to child or family reasons (e.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 – *Secretaría del Trabajo y Previsión Social*, at federal level)**

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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.

### *Length of leave*

- Five working days.

### *Payment and funding*

- 100 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 Maternity leave, Paternity leave only applies 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.
- Unemployed fathers do not have any Paternity leave benefit.
- Same sex parents are eligible for 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 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)*

- Many public agencies and academic institutions grant longer periods of Paternity leave than those contained in the Law of 2012, usually between ten and 15 days paid at full earnings. Recently, several institutions have joined this positive trend, such as the Ministry of Social Development, the Ministry of the Interior, the Ministry of Foreign Affairs, the Electoral Tribunal of the Federal Judiciary, the Federal Police, the National Workers' Housing Fund, the National Women's Institute, the Human Rights Commission of the Federal District, *El Colegio de la Frontera Sur*, the National Polytechnic Institute and the Government of Mexico City.

## **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 she receives the child. While the father is entitled to five working days.

#### *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.

#### *Specific provision for (breast-)feeding*

- None.

## **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. There is no information on levels of attendance at formal services for children under three years, but for children over three years attendance is just below 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 2016 (including proposals currently under discussion)**

During 2016, the Mexican Social Security Institute facilitated the transfer of weeks from pre-natal to post-natal; although the law already contained this possibility, bureaucratic procedures hindered the transfer. Likewise, the number of medical consultations required to obtain Maternity leave was reduced.

Otherwise, currently there are at least ten proposals concerning leave policy in Congress (both the House of Deputies and the Senate). Mainly, they propose to extend Maternity leave to 14 weeks and Paternity leave to ten days; one of the proposals is to extend Paternity leave to 21 days. Although all of them have been presented by the relevant parties, including the Institutional Revolutionary Party (PRI), National Action Party (PAN) 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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **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. Recent selected publications**

Lupica, C. (2016) Paternity and Parental Leave in Latin America and the Caribbean: Essential tools to promote greater participation of fathers in the care of children, *Masculinities & Social Change*, Vol.5, No. 2: 295-320.

This article presents some challenges arising from women entering the labour market and promoting greater involvement of men in caring for their children, in most countries of Latin America and the Caribbean. So that both partners have a paid job and, in turn, exercise their shared parental responsibilities, it is necessary to extend to male workers care entitlements that are not exclusively linked to the biological reproductive role of women: pregnancy, childbirth and lactation. In that sense, Paternity and Parental leaves are useful tools to advance from the world of work towards overcoming the old model of "the male breadwinner and female housewife." However, these important changes alone are not enough.

Rico, M.N. and Robles, C. (2016) *Políticas de cuidado en América Latina: forjando la igualdad* [Care policies in Latin America]. Santiago: CEPAL. Available at:

<http://www.cepal.org/es/publicaciones/40628-politicas-cuidado-america-latina-forjando-la-igualdad>

This report presents three key aspects of the regional debate on care policies. First, these policies must be linked to social protection systems. Second, they must respond to a focus on gender equality for those who require and provide care, promoting changes in the sexual division of the labour force. Third, regarding its multidimensional nature, integrated responses are needed.

OECD (2017) *Building an Inclusive Mexico: Policies and Good Governance for Gender Equality*. Paris: OECD. Available at: [http://www.keepeek.com/Digital-Asset-Management/oecd/social-issues-migration-health/building-an-inclusive-mexico\\_9789264265493-en#page1](http://www.keepeek.com/Digital-Asset-Management/oecd/social-issues-migration-health/building-an-inclusive-mexico_9789264265493-en#page1)

This review looks at gender equality in Mexico, examining what advances have already been made and exploring what needs to be done to close existing gender gaps in political, social and economic life and promote real social change. Among others issues, this document raises the relevance of improving work-life balance in both the public and private sectors, and of providing access to childcare facilities for children under the age of four years. It is also vital to extend Maternity leave to at least 14 weeks and increase Paternity leave from the current five days to at least eight weeks. These measures should be supported by incentives for fathers to take the leave. Reducing informal employment is another major challenge: although it affects nearly half of all men (49.7 per cent are in informal employment), it affects women more (57.2 per cent).

### **c. Ongoing research**

*The social politics of fatherhood in Mexico*. (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 in Mexico. 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 2017

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 16 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 at least four weeks before and six weeks after the birth.

*Payment and funding*

- 100 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. The leave can only be taken as one block of leave.

*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. (2017) 'Netherlands country note', in: Blum, S., Koslowski, A. and Moss, P., (eds.), 2017, *International Review of Leave Policies and Research 2017*. 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 ten weeks in case the child had to stay at the hospital for more than one week after birth (since 1 January 2015).
- Delegation of the leave to the partner in case the mother dies (since 1 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 January 2015)
- The government is considering to extend the period of leave by four 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 (four weeks before they have the child and 22 weeks after the adoption).

## **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 three days out of Parental leave (since 1 January 2015).

*Payment and funding*

- The two days are paid by the employer at 100 per cent of earnings, with no ceiling on payments; the three 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 in 2014 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 five days<sup>2</sup>. Research conducted among collective agreements renewed in 2015 shows a similar picture<sup>3</sup>.

- 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.

#### *Payment and funding*

- None.
- The uptake of unpaid Parental leave has no consequences for unemployment benefits. However, when an employee falls during the leave period, he/she cannot make claims for sickness payment while on leave; this insurance entitlement is restored once the leave period ends. The impact on pension depends on the specific pension agreement and collective agreement.

#### *Flexibility in use*

- Leave can be taken until a child is eight years old. Parents can take leave at the same time, if they choose.
- Parents are granted full flexibility in use unless take up conflicts with serious business needs.

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

- The Act Modernizing Leave Arrangements and Working Times (2015) no longer contains the requirement that employees need to have completed one year's continuous employment with their present employer. Hence, all employed parents are entitled to Parental leave, including same-sex couples.

#### *Variation in leave due to child or family reasons (e.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)*

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<sup>2</sup> de la Croix, J. et al. (2014) *Arbeid en Mantelzorg*. [Paid work and informal care] CAO onderzoek 2014. Den Haag: SZW.

<sup>3</sup> Been, W.M., Croix, J. de la and Junger-van Hoorn, E.C. (2016) *Arbeid en zorg 2015. Een onderzoek naar cao-bepalingen gerelateerd aan de Wet modernisering regelingen van verlof en arbeidstijden*. [Work and care 2015. A research on collective agreements related to the Act Modernizing Leave Arrangements and Working Times] The Hague: SZW.



- Collective agreements can only supplement legislation. A study found that, in 2015, 19 per cent of the 100 largest collective agreements in the Netherlands contained additional arrangements with respect to Parental leave: 16 collective agreements offered partly paid leave (payment varied between 25 and 75 per cent); two collective agreements extended the age of the child to 12 years; and one collective agreement extended the period of leave. Collective agreements that supplement legislation are mainly found in public administration and the health sector<sup>4</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 flexibly over a period of 26 weeks (four weeks before the child is placed and 22 weeks after), as long as it does not conflict with serious business needs; and no longer has to be taken in one block.
- 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 per year of two times the number of working hours per week 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 per year 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

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<sup>4</sup> Been, W.M., Croix, J. de la and Junger-van Hoorn, E.C. (2016) Arbeid en zorg 2015. Een onderzoek naar cao-bepalingen gerelateerd aan de Wet modernisering regelingen van verlof en arbeidstijden. [Work and care 2015. A research on collective agreements related to the Act Modernizing Leave Arrangements and Working Times] The Hague: SZW.

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 Flexible Working Act 2016, all employees who have completed six months continuous employment with their present employer have the right to increase, decrease or adjust their working hours and the right to work from home. These rights are, 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.
- Mothers returning to work after Maternity leave are entitled to breastfeed or pump breast milk during working hours until their child is nine months old, and to taking breaks of up to a quarter of their working hours. Employers are required to offer a suitable room and pay for these hours.

#### *Specific provision for (breast-)feeding*

- None.

## **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. Leave paid at a high rate runs for only 12 weeks maximum. 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 three  $\frac{3}{4}$  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 2016 (including proposals currently under discussion)**

An extension of Paternity leave is currently debated, and depending on the formation of the new government based on the election in March 2016, there may be a change in the length of this leave.

In May 2016, the government presented the agreement Innovation and Quality of Childcare (IKK). This agreement, between parents' representatives, childcare organisations and employees, aims to increase the quality of childcare, in particular for babies. The child:adult ratio for babies must increase from 4:1 to 3:1 and babies must be cared for by no more than two carers. The agreement also contains

measures to invest in special education for professionals taking care of babies within childcare centres. The measures should be implemented in 2018<sup>5</sup>.

## 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.

### a. 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 per cent)<sup>6</sup>.

### b. 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 ten 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>7</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 eight 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>8</sup>.

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<sup>5</sup> SER (2016) *Een werkende combinatie. Advies over het combineren van werken, leren en zorgen in de toekomst. [A working combination. Advice on the combination of work, learning and care in the future]* Analyse 16/08. The Hague: Social and Economic Council (SER)

<sup>6</sup> <https://www.cbs.nl/nl-nl/nieuws/2015/36/ruim-vier-op-de-vijf-prille-vaders-nemen-verlof>.

<sup>7</sup> Centraal Bureau voor de Statistiek (2014) *Ouderschapsverlof; gebruik en duur*. [Parental leave; use and duration] Available at:

[http://statline.cbs.nl/StatWeb/publication/default.aspx?DM=SLNL&PA=72022NED&D1=a&D2=1-2&D3=0-2&D4=\(I-9\)-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=(I-9)-I&HDR=G1%2cG3&STB=G2%2cT&VW=T). Available statistics do not yet allow an update on the use of Parental leave (SER, 2016)

<sup>8</sup> van der Moeren, F. and de Vries, J. (2011) Vooral hoogopgeleide, voltijds werkende vrouw neemt ouderschapsverlof op [Particularly highly educated, full-time employed women take up Parental leave], in: *Webmagazine, maandag 4 april 2011*, Den Haag: Centraal Bureau voor de Statistiek.

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>9</sup>.

Figures from 2015 indicate a gap between use and need for Parental leave. Among employees with a child under eight years in 2015, about a third (110.000 people) did not use Parental leave even though they needed it. The lack of payment (32 per cent), fear for career consequences (27 per cent) and unfamiliarity with the scheme (11 per cent) were the main reason for not taking up Parental leave<sup>10</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>11</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).

### c. Other employment-related measures

*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>12</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>13</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

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<sup>9</sup> Ewalds, D. (2010) 'Ouderschapsverlof in de marksector meestal niet betaald' [Parental leave in the private sector mostly unpaid], in: *Webmagazine, woensdag 15 december 2010*, Den Haag: Centraal Bureau voor de Statistiek.

<sup>10</sup> SER (2016) *Een werkende combinatie. Advies over het combineren van werken, leren en zorgen in de toekomst. [A working combination. Advice on the combination of work, learning and care in the future] Analyse 16/08*. The Hague: Social and Economic Council (SER)

<sup>11</sup> Keuzenkamp, S., Merens, A. (2006) *Sociale atlas van vrouwen uit etnische minderheden*. Den Haag: Sociaal en Cultureel Planbureau [*Social atlas of women from ethnic minorities*]. Available at:

file:///C:/Users/peter.moss/Downloads/Sociale\_atlas\_van\_vrouwen\_uit\_etnische\_minderheden.pdf.

<sup>12</sup> <http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=71516ned&D1=a&D2=a&D3=I&HDR=G1,G2&STB=T&VW=T>

<sup>13</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>

cent of employed women provided informal care in 2014 compared to 17 per cent in 2004; among male employees informal care increased from nine to 17 per cent<sup>14</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>15 16 17</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>18</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. However, requests to increase working hours are less common and not always granted<sup>19</sup>.

## 5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### 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 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. 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

<sup>14</sup> Josten, E., de Boer, A. (2015). Mantelzorg en betaald werk bij vrouwen en mannen.[Informal care and paid work among women and men] *Tijdschrift voor Arbeidsvraagstukken*, 31(4): 414-426.

<sup>15</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>16</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>17</sup> Keuzenkamp, S. (ed.) *Deeltijd (g)een probleem. Mogelijkheden om de arbeidsduur van vrouwen met een kleine deeltijdbaan te vergroten* [Working part-time: (not) a problem?] Den Haag: Sociaal en Cultureel Planbureau.

<sup>18</sup> Vlasblom, J.D., van Echtelt, P., de Voogd-Hamelink M. (2015) *Aanbod van arbeid 2014, Arbeidsdeelname, flexibilisering en duurzame inzetbaarheid*. [Supply of labour 2014, labour participation, flexibility and sustainable work] Den Haag: Sociaal en Cultureel Planbureau.

<sup>19</sup> Echtelt, P. Van, Schellingshout, R. & Voogd-Hamelink, M. de (2015). *Vraag naar arbeid 2015*. [Demand for labour 2015] Den Haag: Sociaal en Cultureel Planbureau.

(unlimited access and connectivity); and flexible employment relations<sup>20</sup>. Many organizations including the government (as an employer), embraced these ideas for new ways of working.

## **b. Recent selected publications**

Annink, A. (2016) 'From social support to capabilities for the work-life balance of independent professionals', *Journal of Management & Organization*.

This qualitative study aims to explain how social support enables independent professionals to achieve work-life balance. Face-to-face interviews were conducted with 50 independent professionals in the Netherlands, Spain, and Sweden. The interview data were analyzed from a capability approach, from which work-life balance is understood in terms of capabilities. The most important sources of social support for independent professionals appeared to be their partner, family, as well as work and nonwork-related friends who were able to provide emotional and instrumental support. However, the extent to which social support can be converted into capabilities is influenced by individual (gender and cohabitation), institutional (the ease of doing business and formal childcare), and societal factors (financial hardship and familialism). The cross-national comparison shows that the institutional and societal context may hinder or reinforce social support for work-life balance, resulting in different experiences across countries.

Been, W.M., Croix, J. de la and Junger-van Hoorn, E.C. (2016) *Arbeid en zorg 2015. Een onderzoek naar cao-bepalingen gerelateerd aan de Wet modernisering regelingen van verlof en arbeidstijden. [Work and care 2015. A research on collective agreements related to the Act Modernizing Leave Arrangements and Working Times]* The Hague: SZW: The Hague.

This report examines the 99 largest collective agreements in the Netherlands in relation to the Act on Modernizing Leave Arrangements and Working Times. It provides figures on the number and nature of collective agreements that include leave and working time.

Dulk, L. den and Peper, B. (2016) 'The impact of national policies on work-family experiences', in: T.D. Allen and L.T. Eby (eds.) *The Oxford Handbook of Work and Family*. Oxford: Oxford University Press.

Within this chapter, an overview is given of national work-family policies in Organization for Economic Cooperation and Development (OECD) countries and the changes in policy that have occurred across time. This is followed by a review of research that examines the impact of national policies on work-family outcomes. Research on this topic is increasing but scarce. Research to date suggests that policies are beneficial for the general contentment of working parents with the way they are able to combine work and family life, but are less effective in reducing experienced work-family conflict or time pressure

Dulk, L. den and Yerkes, M.A. (2016) 'Capabilities to combine work and family in the Netherlands: Challenging or reinforcing the one-and-a-half earner model?', *Japanese Journal of Family Sociology*, Vol.28, no. 2: 180-192.

In this article, the extent to which national-level work-family policies in the Netherlands enable various groups of working parents (men versus women, low versus highly educated, and dependent employees versus self-employed) to combine work and care is analysed. The paper presents a policy analysis using Sen's (1992) capability framework. Applying this perspective, we evaluate the

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<sup>20</sup> Baane, R., Houtkamp, P., Knotter, M. (2010) *Het nieuwe werken ontrafeld*. [Disentangling new ways of working, Bricks, Bytes & Behaviour], Assen: van Gorcum.

availability, accessibility and design of work-family policies in the Netherlands. Also the importance of collective agreements and the organizational context are taken into account. The analysis shows that current work-family policies and collective agreements in the Netherlands offer certain groups greater capabilities to reconcile work and care than others. Childcare policy offers less accessibility for the self-employed and flexible work arrangements enable women more than men to take on care tasks and work part-time. In addition, higher educated individuals have greater access to flexible work arrangements than lower-educated workers, but often use this flexibility to work more rather than reconcile work with care. Moreover, current care leave policies enforce rather than challenge existing socio-cultural norms, and alternatives to the one-and-a-half earner model remain limited.

SER (2016) *Een werkende combinatie. Advies over het combineren van werken, leren en zorgen in de toekomst. [A working combination. Advice on the combination of work, learning and care in the future] Analyse 16/08*. The Hague: Social and Economic Council (SER): The Hague. English summary available at:

<https://www.ser.nl/en/~media/files/internet/talen/engels/2016/combining-work-key-point.ashx>

This report discusses the advice of the Social and Economic Council of the Netherlands. Within the report the way people combine work, learning and care across the life course is examined, it draws conclusions and makes policy recommendations.

SCP (2016) *Aanbod van arbeid 2016. Werken, zorgen en leven op een flexibele arbeidsmarkt.*[Supply of labour 2016. Work, care and life on a flexible labour market] SCP: The Hague.

This report is based in the bi-annual panel study among workers in the Netherlands (employees and self-employed). Findings presented are based on data collected in 2014. Special attention is paid towards the combination of work and care (both childcare and informal care). An English summary is available in the report:

<file:///C:/Users/08234ldd/Downloads/Aanbod%20van%20Arbeid%202016.pdf>

Been, W.M., Lippe, T. van der, Dulk, L. den, Das Dores Horta Guerreiri, M, Kanjoo Mrčela, A. and Niemistö, C. (2017) 'European top managers' support for work-life arrangements', *Social Science Research*.

This study focuses on the conditions under which top managers support work-life arrangements, such as Parental leave. A factorial survey of 202 top managers in five European countries was conducted in 2012: the Netherlands, the UK, Finland, Slovenia and Portugal. Results show that top managers simultaneously consider multiple conditions in deciding upon their support for work-life arrangements, i.e. the costs involved, the return in terms of employee commitment, and the type of arrangement, having a preference for flexitime and telecommuting over leave policies and part-time hours. In addition, they favour work-life arrangements designed for all employees above work-life arrangements granted to specific employees. How top managers weigh certain conditions depends on the organizational and national context. The results imply that top managers support work-life arrangements both because they see it as a business case and because they follow social norms. Their personal characteristics, however, do not seem to explain their support for work-life arrangements.

Boer, A. de (2017) *Wie maakt verschil? Sociale ongelijkheid in condities en consequenties van informele hulp [Who makes a difference? Social inequality in conditions and consequences of informal help]*. The Hague/Amsterdam: SCP/VU.

This paper looks into the provision of informal care by men and women and the consequences of offering care across social groups regarding education, work, income, pension, wellbeing and health.

Roeters, A., Veerman, F. & Jaspers, E. (2017). *Gelijk verdeeld? Een verkenning van de taakverdeling bij LHB-stellen* [An equal division? An explorative study on the division of work among same-sex couples]. SCP: The Hague.

This upcoming study (to be published in June 2017) reports on the division of paid and unpaid work among same-sex couples.

### **c. Ongoing research**

*Investments in a sustainable workforce in Europe: causes and consequences in comparative perspective.* Prof. dr. Tanja van der Lippe, Utrecht University. Funded by the 7th Framework Program of the European Research Council.

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 counties: UK, Finland, Sweden, Germany, the Netherlands, Portugal, Spain, Hungary and Bulgaria. See: <http://www.sustainableworkforce.eu/>



# New Zealand<sup>1</sup>

**Heather McDonald** (Heathrose Research) and **Suzy Morrissey** (Victoria University of Wellington)

**April 2017**

**Note on terminology:** In the New Zealand country note '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' and 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 Leave to their partner/spouse.

For comparisons with other countries in this review on leave provision and early childhood education and care services please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

## **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)*

- Since 1 April 2016, 18 weeks. A primary carer can start to take leave from six weeks before the expected date of delivery.

*Payment and funding*

- 100 per cent of earnings, up to a ceiling of NZD\$527.72[€341]<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 ten hours pay at the highest rate of the minimum wage, receive a minimum rate of NZD\$152.50[€98] before tax per week. Payment is indexed annually as of 1 July for each year, according to upward movements in average weekly earnings.

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<sup>1</sup> Please cite as: McDonald, H. and Morrissey, S. (2017) 'New Zealand country note', in: Blum S., Koslowski, A. and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

- Funded from general taxation.

#### *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 six weeks before due date and a mother is entitled to eight 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 six 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 ten hours a week in the six 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 ten 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 ten 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 three 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 (five or ten working days) 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 continuously for at least an average of ten hours a week in the sixth 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 continuously 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 six 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.

#### *Specific provision for (breast-)feeding*

Employees are entitled to breaks to breastfeed but there is no requirement that these breaks should be paid<sup>3</sup>.

## **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 2016**

None (see 2016 edition for a number of previous changes).

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<sup>3</sup> Section 69Y from the Employment Relations Act 2000. Available at: <http://www.legislation.govt.nz/act/public/2000/0024/latest/DLM1940663.html>

## **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>4</sup>. Overall two-thirds of all women in paid work took up a period of leave around the birth/adoption of a child. The Government does not currently routinely collect data regarding take-up of leave.

### **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 ten per cent of employed mothers ineligible for leave. Eighty-three per cent of eligible women took paid statutory leave, averaging three months of leave. Of the remaining one-third of women who 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 (four per cent). Only one per cent of fathers reported taking statutory paid leave (which would have been transferred to them from the mother). Nearly half of fathers (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 three per cent of fathers reported taking any Parental ('extended') leave.

## **5. Research and publications on leave and other employment-related policies since April 2016**

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<sup>4</sup> Department of Labour, (2007) *Parental Leave in New Zealand; 2005/2006 evaluation*. Wellington; Department of Labour.

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

The Ministry for Women and The Treasury undertook a small research project in 2017. The researchers interviewed 49 employees in the public sector who had taken, or were currently on, Parental leave and examined the policies and procedures in place at 26 of the 28 core public sector departments. The research is due to be published at the end of April 2017<sup>5</sup>.

### **b. Recent selected publications**

Windelov, K. and PSA Policy Team (2017) *Partners and Parental leave – what do people do?* Centre for Labour, Employment and Work, Victoria University of Wellington.

In late 2016 the Public Service Association (a public sector union) asked their members about their experiences as partners of someone who had had a child. Of the 179 respondents, most had taken some form of leave around the birth, adoption or fostering of their child with paid annual leave being the most common leave type (39 per cent) and unpaid Parental leave being the least common leave type (7 per cent). After their return to work, partners continued to use leave, and make changes to their working arrangements for childcare purposes. They value this time with their newborns/families highly. Some are well supported by their employer to make changes and others are not. Many are dissatisfied with the amount and kind of leave and other arrangements available to them and would like to see more support from government and employers for partners.

### **c. Ongoing research**

Reilly, A. and Morrissey, S. (2017, forthcoming) Why New Zealand should introduce paid 'Dad and Partner Leave', *New Zealand Journal of Employment Relations*.

Suzy Morrissey is undertaking PhD research into paid Parental leave in New Zealand, examining the policy from a problematization perspective. This article will be the first publication from her research.

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<sup>5</sup> See <http://women.govt.nz/>

# Norway<sup>1</sup>

**Berit Brandth** and **Elin Kvande** (Norwegian University of Science and Technology)

**April 2017**

**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).

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).

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

## **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)**

#### *Length of leave*

- 13 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*

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<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.



- 100 per cent of earnings up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK92,576[€9,735]<sup>3</sup> per month), funded from general taxation.
- 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 NOK61,120[€6,427] 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.
- For multiple births or adoptions, the Parental leave period is prolonged by 5/7 weeks for each extra child. It means that parents to twins get 54/64 weeks and to triplets 59/69 weeks.

**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’ (+ten 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*

- The Paternity leave is flexible in a number of ways. First, it can be used by someone else who will assist the mother (i.e. grandparents) if the parents do not live together. Second, the law does not inform as to when the leave must be

<sup>3</sup> Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

taken other than “in connection with the birth”. This is normally interpreted as two weeks before or two weeks after. There is, however, an opportunity to move the leave if the situation requires it. Third, the leave may be split up. The father may for instance use a day or two to be present at birth, go back to work, and then take the rest when mother and child comes home. Fourth, it can be used by foster- or adoptive parents when taking over the care.

*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. (See flexibility above)

### **c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children, Equality and Social Inclusion)**

*Length of leave (before and after birth)*

- 46 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, ten weeks are for mothers and ten 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. NOK92,576[€9,735] per month (regulated on 1 May each year). Most employees are included in collective agreements where the employers pay the difference between wages and the cap.
- As of 1 January 2017, non-employed women receive a flat-rate payment of NOK61,120[€6,427] per child per month.
- 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. Both parents may choose to combine parental money with part-time work (for instance, each working half-time) at the same time. 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 data from 2011<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), or themselves being 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.

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<sup>4</sup> Kitterød, R.H., Halrynjo, S. and Østbakken, K. M. (2017) Pappaperm? Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor? Report 2017:2. Oslo: Institute for Social Research.

#### **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[€630] 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 leave reserved for mothers. 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 NOK61,120[€6,427] per month.

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

- Each parent of a child under 12 years has a right to: ten working days leave per child per year when children are sick, or 15 if they have more than two children. Single parents have the right to 20/30 days a year. For severely or chronically sick children, there are extended rights to leave until the child is 18 years old. Leave is paid by the employer at the same rate as sickness benefit, i.e. at 100 per cent of earnings.

##### *Flexible working*

- Parents have a right to part-time work to care for children, until children are ten years old. This is unpaid.

##### *Specific provision for (breast-)feeding*

- 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 January 2014 this leave is paid by the employer.

## **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 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 2016 (including proposals currently under discussion)**

The government has decided to give all children, who are one year old by November 2017, a right to a place in kindergarten. This is estimated to give 4,400 more children a place in kindergarten from autumn 2017. The government has proposed some simplifications in the Parental leave rules – for the most part these are administrative simplifications meant to make it easier to understand the rules.

A white paper (NOU 2017:6) which discusses public support for families with small children includes a number of new policy suggestions. In order to encourage equality between parents, the White Paper suggests that the Parental leave should be divided equally between the parents, except for three weeks before birth and six weeks after birth reserved for the mother. The rest of the 40 weeks should be divided in two equal parts, twenty weeks for the mother and twenty weeks for the father. In addition, it is suggested to give both parents individual rights to parental leave. The cash for care is suggested to be abolished and replaced by free kindergarten for all children between one and six years old. These suggestions are now being discussed by the political parties.

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

### **a. Maternity leave**

Nine out of ten mothers have the right to parental money; the remainder do not meet the eligibility conditions<sup>5</sup>. Mothers not eligible for parental money receive a one-off payment. This is a heterogeneous group of mothers, but with an overrepresentation of immigrant mothers<sup>6</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. There is no official, aggregated registration of the use of Paternity leave.

### **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

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<sup>5</sup> Grambo, A.C. and Myklebø, S. (2009) *Moderne familier – tradisjonelle valg. En studie av mors og fars uttak av foreldrepermisjoner*. Oslo: Nav.

<sup>6</sup> NOU 2017:6 Offentlig støtte til barnefamiliene.

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 ten weeks/50 days (effective from 1 July 2014), fathers' average uptake has also decreased to 47 days. Fathers take the number of father's quota days that corresponds to the number weeks granted by the rules. 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 and 2016. 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 shareable Parental leave is for the most part taken by mothers. Figures from register data show that 14 per cent of eligible fathers took less than the father's quota and only ten per cent took more in 2011<sup>7</sup>. As the quota became longer, fewer fathers took the sharable leave. Father's use of this leave is in part 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, fathers' sharing of the Parental leave also depends on their 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.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

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<sup>7</sup> See Kitterød, R.H., Halrynjo, S. and Østbakken, K. M. (2017) Pappaperm? Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor? Report 2017:2. Oslo: Institute for Social Research.

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. Recent selected publications**

Brandth, B., Halrynjo, S. and Kvande, E. (Eds.) (2017) *Work-Family Dynamics - Competing logics of regulation, economy and morals*. Routledge.

Brandth, B. and E. Kvande (2016) Masculinity and fathering alone. *Men and Masculinities*.

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.

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.

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.

Kitterød, R.H., Halrynjo, S. and Østbakken, K. M. (2017) *Pappaperm? Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor?* ISS report 2017:2. Oslo: Institute for Social Research.

Kvande, E. and B. Brandth (2016) Individualized, non-transferable Parental leave for European fathers: migrant perspectives. *Community, Work and Family*. 20(1): 19-34.

Kvande, E. and B. Brandth (2016) Les pères en congé en Norvège. Changements et continuités. *Revue des politiques sociales et familiales*. 122 (1-2):11-18.

Kvande, E. and B. Brandth (2017) Fathers on leave alone in Norway: changes and continuities. In O'Brien, M. and K. Wall (eds.) *Comparative Perspectives on Work-Life Balance and Gender Equality: fathers on leave alone*. London: Springer, pp. 29-44.

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 funded period of the project is over, and publications are forthcoming.

The objectives of this study has been 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).

*Care deficit, transnational fathers and the Norwegian care regime* (Brita Bungum and Elin Kvande), at the Department of Sociology and Political Science, NTNU.

This project takes as its starting point the normative ideas and institutional arrangements included in the Norwegian childcare regime as they are specified in two different care policies. These are: 1) The parental leave system, with a special quota for fathers, and 2) The cash for care system, which is meant to provide more time for parents to care for their children. While dual caring is becoming a dominant ideal and practice in Norway and the cash for care policy is used by a small percentage of Norwegian families, we observe an increase in the transfers to transnational families of the cash for care. This is a policy measure supporting fathers as earners but not as carers, and thus working counter to the original intention of the policies. Addressing this paradox, the research questions in this project are: 1) What tensions in institutional logics are conveyed when national policies are introduced in transnational families? 2) How do different policies influence fathers' care practices in transnational families?



# Poland<sup>1</sup>

**Anna Kurowska** (University of Warsaw) and **Piotr Michoń** (Poznań University of Economics)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 20 weeks in case of a single birth; no more than six weeks can be taken before the birth; it is obligatory for the mother to take 14 weeks.
- In the case of the death of a baby, the mother has the right to eight weeks of leave in total and to at least seven days after the death of a child.

#### *Payment and funding*

- 20 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 six weeks and at 60 per cent for the remaining 26 weeks; if she chooses the 80 per cent option, this will also 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[€129]<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*

- No longer than 21 days after birth, the mother-employee may 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

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<sup>1</sup> Please cite as: Kurowska A. and Michoń, P (2017) 'Poland country note', in: Blum, S., Koslowski, A. and Moss, P. (eds.) *International Review of Leave Policies and Research 2017*. 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 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

Parental leave).

- The mother can share this leave (80 per cent option) with the father according to the rules of Parental leave (see below).

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

- 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*

- 100 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.
- 34 weeks in case of multiple births.

*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 are also paid at 100 per cent, and the 26 weeks of the Parental leave benefit are paid at 60 per cent of the 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 that 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 six 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 the case of working parents, the leave can be proportionally extended up to 64 weeks. For example, if a parent combines half-time employment with the leave for eight weeks, the leave will be extended for an additional four 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 (including no provision for same sex couples).

#### **d. Childcare leave (*urlop wychowawczy*) (responsibility of the Ministry of Labour and Social Policy)**

##### *Length of leave*

- 36 months can be taken after Maternity leave. Parents can use the leave until the end of calendar year in which the child turns six years old. Out of this, 34 months are 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[€134] 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 PLN674[€158]. From 1 November 2017 the threshold will be PLN764[€179].
- Funded from general taxation.

### *Flexibility in use*

- Leave can be taken until the end of calendar year in which the child turns six 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 four 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 working parent can switch employment while on leave.

### *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 18 birthday. A means-tested payment of PLN400[€94] 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.

### *Specific provision for (breast-) feeding*

- Mothers who work at least 4 hours a day and breastfeed are entitled to breastfeeding breaks at work, which are included into the working time. The number of the breaks depends on the number of hours at work and the length of the break depends on the number of children. A mother of one child working full time would be allowed to two breaks per day of 30 minutes each.

## **f. Other non-employment-related measures**

### *Parental benefit*

- Since 1 January 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 (those not officially registered as unemployed) 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*

- 1000PLN[€235] per month.
- It is important to stress that if the maternity benefit or Parental leave benefit in a given month is lower than 1000PLN[€235] per month, the difference will be paid to the parents. It is especially important for low-paid parents who decide for the formula 100 per cent for 26 weeks or 60 per cent for 26 weeks. In the case of minimum wage earners their Parental leave benefit will be lower than 1000PLN, thus the difference will be covered by social insurance.

### *Length of the benefit payment*

- 52 weeks; 65 weeks for twins; 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 2016 (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[€235] 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 the benefit have the right to be employed part-time, in which case the allowance will be reduced by half.

From 1 January 2016 there is a change in the length of Maternity leave and Parental leave<sup>3</sup>. The “additional maternity leave” (six weeks) which was in use in 2015 has been included to the Parental leave. As a consequence: Maternity leave has changed from 26 weeks (as it was in 2015) to 20 weeks, and Parental leave has changed from 26 weeks (as it was in 2015) to 32 weeks. 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 six years old (instead of the period before the child’s fifth 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.

In addition, the mother can return to employment after this period only if the remaining part of the Maternity leave is transferred to (and used) by the father-employee or other member-employee from the closest family.

## **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 2014-2017 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

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<sup>3</sup> This change was unfortunately not mentioned in the 2016 review, but it included here now.

was 31,300 and 1,200 respectively. The drop in the number of men might be partly due to the 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).
- 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[€10] a day in 2005 to PLN72.58 [€17] in 2012 and to PLN 75.47[€18]. The main reason for this rise in the average payment is due to the increased level of 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[€28] per day, and in 2015 it was PLN121.68[€28.60]. 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; 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. Up until November 2016 637,000 parents took up the leave, but only 150,800 of them were men.

#### 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>4 5</sup>.
- 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>6</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>7</sup>; while in 2013 almost half of Polish society considered 12 months of leave (Maternity and Parental) after birth to be an effective tool for encouraging young people to have children<sup>8</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>9</sup>. Furthermore, analyses of multiple

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<sup>4</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>5</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>6</sup> Czapiński J. and Panek T. (eds.) (2011) *Diagnoza społeczna*. [Social Diagnosis]. Available at: <http://www.diagnoza.com/index.html>.

<sup>7</sup> CBOS (2012) *Polityka państwa wobec rodziny [State policy towards the family]* (No. BS/67/2012). Warszawa: CBOS.

<sup>8</sup> CBOS (2013) *O roli kobiet w rodzinie* (No. BS/30/2013) [The role of women in the family]. Warszawa: CBOS.

<sup>9</sup> Kurowska A. and Słotwińska-Roslanowska E. (2013), *Zatrudnienie a pierwsze i drugie urodzenia wśród kobiet w Polsce, Studia Demograficzne*, (Employment and the first and the second births among Polish women), vol. 163 (1): 37-51. Available at:



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>10</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>11</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>12</sup>.

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

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### 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. Recent selected publications

Czerniak-Swędziół J. (2016) The evolution of Parental leave. *Studia z Zakresu Prawa Pracy i Polityki Społecznej*: 49-62.

The latest amendment made to the Labour Code introduces significant simplifications to parental rights. It changes the persons who are entitled to Parental leave and how certain parts of Parental leave are used. Additional Maternity leave is now absorbed by Parental leave. The legislature has extended the period of the leave until the child reaches the age of six, which directly affects the amount of the Parental

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[https://www.researchgate.net/publication/266684882\\_Zatrudnienie\\_a\\_pierwsze\\_i\\_drugie\\_urodzenia\\_wsrod\\_kobiet\\_w\\_Polsce](https://www.researchgate.net/publication/266684882_Zatrudnienie_a_pierwsze_i_drugie_urodzenia_wsrod_kobiet_w_Polsce).

<sup>10</sup> Kurowska A. (2013), Ocena zasadności założeń reform urlopów i zasiłków związanych z opieką nad małym dzieckiem, *Problemy Polityki Społecznej. Studia i Dyskusje*, [Problems of Social Policy. Studies and Discussions] vol. 21(2): 155-170. Available at:

<http://www.problempolitykispolecznej.pl/images/czasopisma/21/Kurowska%20PPS%2021-13-12.pdf>.

<sup>11</sup> CBOS (2013a) Postawy prokreacyjne kobiet (No. BS/29/2013) [Attitudes to women's fertility] Warszawa: CBOS.

<sup>12</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.

leave. Therefore, at the moment Parental leave has now become more akin with childcare leave. The Labour Code has also introduced the potential to proportionally extend Parental leave in connection with the employee's annual leave at the same employer. Parental leave is granted at the written request of the employee, and submitted no less than 21 days before the commencement of the leave. The employee may opt out of the use of Parental leave at any time, with the consent of the employer, and return to work. An employee benefiting from Parental leave retains all of his/her employment rights, beyond the right to remuneration, which is replaced with the relevant provision of social insurance (maternity allowance). The Employee undertaking Parental leave is also protected against employment termination.

Kurowska, A. & Javornik, J., (2017) Work and Care Opportunities under Different Parental Leave Systems: Gender and Class Inequalities in Northern Europe, *Social Policy & Administration*, 51(4). Available at:

<http://onlinelibrary.wiley.com/doi/10.1111/spol.12316/full>

This article analyses public parental leave in eight northern European countries, and assesses its opportunity potential to facilitate equal parental involvement and employment, focusing on gender and income opportunity gaps. It draws on Sen's capability and Weber's ideal-types approach to analyze policies across countries. It offers the ideal parental leave architecture, one which minimizes the policy-generated gender and class inequality in parents' opportunities to share parenting and keep their jobs, thus providing real opportunities for different groups of individuals to achieve valued roles as parents. Five policy indicators are created using benchmarking and graphical analysis. Two sources of opportunity inequality are considered: the leave system as the opportunity and constraint structure, and the socio-economic contexts as the conversion factors. The article produces a comprehensive overview of national leave policies, visually presenting leave policy across countries. Considering policy capability ramifications beyond gender challenges a family policy cluster idea and the Nordic-Baltic divide. It demonstrates that leave systems in northern Europe are far from homogenous; they diverge in the degree to which they create real opportunities for parents and children as well as in key policy dimensions through which these opportunities are created.

### **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 Seul in June, 2017, and at the ESPAnet Annual Conference in Lisbon in September, 2017.

# Portugal<sup>1</sup>

**Karin Wall** and **Mafalda Leitão** (University of Lisbon)

**April 2017**

**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’ was replaced by the ‘Initial Parental leave’; ‘Paternity leave’ and optional Parental leave for fathers was replaced by ‘fathers-only Parental leave’ and a ‘sharing bonus’ was introduced (see below).

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

## **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)*

- 120 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*

- 120 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 four).
- Monthly payment corresponds to an average of all gross earnings during the first six months within the last eight months immediately prior to leave.

<sup>1</sup> Please cite as: Wall, K. and Leitão, M. (2016) ‘Portugal country note’, in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

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, 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 two per cent in Parental leave benefit.
- When the level of earnings is very low there is a minimum payment of €11.24, €8.99 or €9.27 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.
- The Leave legislation (2009) does not mention same-sex parental couples yet. However, same sex marriage was introduced in 2010, followed by same sex adoption in 2016.

*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 (€421.32 in 2017). The amount and duration of this benefit is €337.06 for 120 consecutive days and €269.64 (64 percent of IAS) for 150 consecutive days if parents do not share leave; if parents decide to share leave, benefit is paid at €337.06 for 150 consecutive days and €278.07 (66 per cent of IAS) 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*

- 25 working days, 15 of which are obligatory and must be taken during the first month after birth.

*Payment and funding*

- 100 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 15 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.
- The Law states that 15 days are compulsory and in principle these are enforced. The ATC (Authority for Labour Conditions) carries out inspections in the workplace and has had to provide new protocols and training for inspectors, who now have to be attentive to all aspects of parental leave uptake and not only maternity leave (enforced since 1976). The rapid increase in take-up rates over the last few years shows that the majority of fathers now take compulsory paternity 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 15 working days as well as to the ten optional working days just as long as they meet the income/flat rate criteria; daily payment is €11.24, corresponding to 80 per cent of 1/30 of IAS (€421.32 in 2017).

*Variation in leave due to child or family reasons (e.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 15 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*

- 25 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 two 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 (€338.44). Parents living in Portuguese islands (Madeira and Azores) are entitled to an uprating of two per cent.

### *Flexible working*



- 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 three 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.

#### *Specific provision for (breast-)feeding*

- Parents are entitled to two hours 'nursing' leave per day during the first year after the birth, with no reduction of earnings. It has been named 'breastfeeding or milkfeeding leave' (*dispensa para amamentação e aleitação*) to make it more gender neutral, since the worktime reduction may be used by mothers and fathers. The entitlement to be absent from is supported by the employer, since it does not imply a benefit paid by the social security system. However, mothers/fathers have to apply for it, and employers must accept it. 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.

## **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 four and a half 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 2016 (including proposals currently under discussion)**

Since April 2016 there were no major changes to Portuguese Parental leave legislation. The 2015 law which increased fathers' only obligatory Parental leave from ten to 15 working days only came into effect in March 2016 since it was dependent on State Budget approval.

The most recent proposal dates from April 2017 and comes from the Ministry of Work and Social Security which has announced a five-day increase in fathers'-only obligatory Parental leave, from 15 to 20 working days, yet without extending the total period of Fathers' only leave. This means that fathers will keep the same amount of their Fathers'-only Parental leave time (25 working days), but the balance between obligatory and optional leave will give fathers more obligatory time. Parental leave proposals presented in the Parliament by different political parties regarding Initial Parental/Maternity leave (see 2015 edition) were discussed but with no further results.

It is important to mention a recent recommendation by the State Justice Promotor regarding universal coverage for Parental benefit in the case of Father's only obligatory leave. This recommendation comes up in the context of some complaints regarding the fact that fathers are obligated by the State to take leave but might not be entitled to any payment for it. In fact payment is not granted to all fathers who are taking obligatory leave: companies do not provide payment because it is forbidden to work while on leave and Social Security only ensures payment to eligible fathers, thereby excluding those who do not meet both eligibility criteria: either a sufficient record of social contributions or low family income (flat rate benefit).

There are no definitive figures on the number of births for 2016 but there is an estimation of a slight increase in comparison with last year (about 87,126 births in comparison to 85,500 in 2015 and 82,367 in 2014). However, this will have no impact on the fertility rate, which is expected to remain one of the lowest in Europe. Low fertility persists but it has not been highlighted by the media nor by civil society as it was during the crisis years (2011-2014) when the birth rate dropped significantly (down from 101,381 births in 2010 to 82,367 in 2014).

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

### **a. Initial Parental Leave (formerly Maternity leave)**

After decreasing between 2011 and 2014 (down from 81,176 to 67,168) the total number of paid Initial Parental leaves seems to have reversed its downward trend

and increased slightly in 2015 (72,402) and in 2016 (73,891). These figures include: mothers and fathers with a sufficient record of social security contributions entitled to 80-100 per cent of earnings compensation (60,173); as well as mothers and fathers with no record or an insufficient record of social security contributions (13,718), who are only entitled to a flat-rate benefit (see 1a for benefit eligibility). The latter represented 18.5 per cent of the total number of paid Initial Parental leaves in 2016 (19.9 per cent in 2015). While the number of “regular” Initial Parental leaves (parents with a sufficient record of social security contributions) has been increasing over the last two years, the number of Social Initial Parental leaves (paid to parents with an insufficient record of social contributions) reveals a decrease since it was first introduced in 2008 (down from 16,887 in 2008 to 13,718 in 2016). The decrease that can be observed in the number of parents claiming this flat-rate benefit is likely to be related to some eligibility restrictions introduced in November 2010 in the context of the economic crisis which were mainly targeted towards flat-rate benefits.

In 2016, Parental leave benefit taken by mothers and fathers with a sufficient record of social security contributions (entitled to 80-100) represents 69 per cent, in relation to total number of births, while the flat-rate Parental benefit (mothers and fathers with no record or an insufficient record of social security contributions) represents 15.7 per cent in relation to total number of births. All in all, 84.8 per cent of mothers/fathers were eligible for Parental benefit in 2016.

## **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, 20,941 in 2015 and 22,919 in 2016. Put another way, in 2016 31 per cent 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 28.9 in 2015, 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 2016, 68.9 per cent (15,798) chose the longer leave period (six months paid at 83 per cent of earnings), compared to 58 per cent in 2010; while 31 per cent (7,121) 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 always taken up by mothers. The major leave-taking pattern is five months paid at 80 per cent of earnings (since it is taken without the sharing bonus); 46.4 per cent of mothers take the four months period paid at 100 percent of earnings. 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 (85.5 per cent), while the others 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 three main reasons: statistics exclude employees with special social protection regimes (e.g. civil servants, bank workers); some employees still do not fit eligibility criteria (they do not have a sufficient record of social contributions or their family income is not as low as required by the flat rate benefit); 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 the last two years - 2015 and 2016 - data show a new increase in father's only Parental leave which might be related not only to the increase in birth rates but also to the fact that father's only obligatory leave was highlighted by policy-makers (and the media as well) when it was increased from 10 to 15 working days. In 2015, 71.4 per cent of fathers used the ten obligatory days and 62.7 per cent of fathers took the ten optional days; in 2016, there is an estimation of 73.2 per cent and 63.2 per cent respectively; in 2014, the proportions were 68 and 59 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 estimated proportions in 2016 rate 86.4 per cent for the ten/fifteen obligatory days (84.4 in 2015), and 74.5 per cent for the ten optional days (74 in 2015).

### **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 1,215 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, 4,910 parents took this leave (in comparison with 3,315 parents in 2014, 2,447 in 2013 and 2,253 in 2012) which represents about seven per cent of all parents who were granted Initial Parental Leave. In 2016 there

is no significant change: 4,796 parents took this leave and most of them were mothers.

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

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### a. General overview

None reported.

### b. Recent selected publications

Wall, Karin & Leitão, Mafalda (2016) Fathers on Leave Alone in Portugal: Lived Experiences and Impact of Forerunner Fathers, in O'Brien, Margaret & Wall, Karin (Eds.) (2016). *Comparative Perspectives on Work-Life Balance and Gender Equality*. New York, USA: Springer, Life Course Research and Social Policies. Vol. 6.

Perista, Heloísa; Cardoso, Ana; Brázia, Ana; Abrantes, Manuel; Perista, Pedro; Quintal, Eudelina (2016) *Os Usos do Tempo de Homens e de Mulheres em Portugal. Policy Brief*. Lisboa: CESIS/ CITE.

Ramos, Vasco; Atalaia, Susana; Cunha, Vanessa (2016) *Vida Familiar e Papéis de Género: Atitudes dos Portugueses em 2014*. Research Brief 2016. Lisboa: ICS-ULisboa.

Cunha, Vanessa; Atalaia, Susana & Wall, Karin (2016). *Homens e Licenças Parentais: Quadro Legal, Atitudes e Práticas (Policy Brief II)*. Lisboa: Instituto de Ciências Sociais da Universidade de Lisboa/ Comissão para a Igualdade no Trabalho e no Emprego.

Wall, Karin; Cunha, Vanessa; Atalaia, Susana; Rodrigues, Leonor; Correia, Rita; Correia, Sónia; Rosa, Rodrigo (2016) *Livro Branco Homens e Igualdade de Género em Portugal*, Lisboa: CITE.

Wall, Karin & Leitão, Mafalda (2016) "Le congé paternel au Portugal: une diversité d'expériences", *Revue des Politiques Sociales et Familiales*, 122. Caisse nationale des Allocations familiales. Direction des statistiques, des études et de la recherche, Paris.

Cunha, Vanessa et al. (2016) *A(s) Problemática(s) da Natalidade em Portugal*, Uma Questão Social, Económica e Política. Lisboa: ICS.

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, between 2014 and 2015.

### 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)

*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).

*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.

For more information contact: [sofia.marinho@ics.ul.pt](mailto:sofia.marinho@ics.ul.pt) or visit the website: <http://www.ics.ul.pt/instituto/?ln=p&pid=222&mm=6&ctmid=2&mnid=1&doc=31809901190&sec=5>

# Romania<sup>1</sup>

**Alexandra Macht** (University of Edinburgh) and **Raluca Popescu** (University of Bucharest)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network 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*

- According to the Government Ordinance 158/2005 the length of the leave is 18 weeks (126 calendar days). This is made up of Birth leave ('concediul de sarcină') given prenatally, and Confinement leave ('concediul de lăuzie') given postnatally.
- Birth leave is given for a period of maximum nine 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.
- Mothers can take nine weeks before birth and nine weeks after, or the entire period of 126 days after the birth. The two periods can be compensated between one another according to the medical advice or to the beneficiary's preferences.

#### *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 six 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. 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.

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<sup>1</sup> Please cite as: Macht A., and Popescu R. (2017) 'Romania Country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

### *Flexibility in use*

- Mothers are required by law to take six 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 contribute to the social security system, no matter of the occupational status (employees; self-employed; unemployed; workers on short-term contracts).
- There are several stages for which mothers can opt for paid leave, supported by the social security system, such as medical leave, Maternity leave, Parental leave, temporary disability leave, invalidity pension, or if the mother is formally enrolled in higher education.
- In addition, maternity leave is also given to pregnant women who have stopped their social insurance contributions for objective reasons, beyond their control, 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 sixth 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 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 per cent of the average insured gross earnings over the last six 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*



- Five working days is the statutory leave. There is the possibility to expand to 8 working days if the father serves in the military, or 10 working days if the father has completed an infant care course.
- There isn't a ceiling on payment. The father is paid according to his wage and the leave is granted on the same basis as a rest leave ('concediu de odihnă').
- This is an individual and specific entitlement for the father, which is non-transferable to the mother.

#### *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. This is dependent on the father's place of work, whether it is in the public or private sector.

#### *Flexibility in use*

- Leave can be taken at any time during a defined period after birth.
- There is additional time for multiple births.

#### *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 eight 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 two extra days leave (a total of seven 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 with 10 days; the father can benefit from this increase only once. The course and certificate are prepared by the family physician, in maternity wards or by 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 creșterea copilului) (responsibility of the Ministry of Work and Social Justice)**

#### *Length of leave*

- Up to 24 months paid leave (or a total of three years of leave for a child with a disability).

#### *Payment and funding*

- Parents receive a monthly benefit of 85 per cent from the mean of their net income in the last 12 months of the last two years, but no less than 85 per cent of the basic minimum wage in the country. The minimum amount is in present RON1063[€231]<sup>2</sup>. There is no maximum amount.

#### *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 March 2012, at least a month from the total Parental leave available, will be granted to the parent who has 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 March 2012. The law is in accordance with EU regulation nr. 2010/18/UE, and 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 the child/ren; does not have state-incurred debts in the local budget for any of 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 which parent takes the leave: so if the mother takes the month of leave, then it is calculated according to the

<sup>2</sup> Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://www.xe.com/currencyconverter/convert/>

father's salary; if the father takes the leave then it is calculated according to the mother's salary.

- Parental leave and parental leave benefit is given for each birth, on a case-by-case basis, for each of the situations mentioned (adoption, placement, guardianship etc.). This can be taken by both parents, so either the mother or the father. The only leave exclusively given to the mother is pregnancy leave and confinement leave (the latter of which is issued for up to 126 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 parents*

- Leave for the care of a chronically sick child is an entitlement for parents until the child is seven years old; if the child is disabled; it is up until the child is 18 years old. Parents can choose between them, which one can receive the leave, as long as the parent who chooses to care for the child fulfils all of the eligibility criteria. Adoptive parents, foster parents and legally-named guardians can also apply for leave and receive the leave benefit.
- The Leave benefit is paid at 85 per cent of the earned income, and 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. The benefit is awarded on the basis of a certificate received from the family doctor (the equivalent of a GP) alongside with the child's birth certificate.

#### **d. Childcare Leave or career breaks (concediul de odihnă) (responsibility of the Ministry of Work and Social Justice)**

Currently in Romania, there are three types of paid leave: Rest leave<sup>3</sup> (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 three 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 five 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 (five days), the marriage of the employee's adult child (two days), the birth of the employee's child (five days; or prolonged to ten 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 (three days); the death of the employee's grandparents, brother or sister (one day), and for change of employee's work within the same professional unit and having to move residency to another town (five days).

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<sup>3</sup> 'Rest leave' is equivalent to 'annual leave' or 'vacation leave' in other systems.

Professional qualification leave can be taken in a paid or unpaid capacity, if agreed 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.

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

Labour market insertion incentive: This applies to both parents, and is given to whoever is taking Parental leave. If the father is taking Parental leave and returns to work with at least 60 days before the child is two years-old, then the insertion incentive is RON650 [€141]per month until the child is three years-old (or four years-old in the case of children with a disability) receive an incentive of RON531[€115] (representing 50 per cent of the national gross minimum wage) for the re-insertion on the labour force. The same amount will be received by those who have not contributed to the social security fund before birth, but have been enrolled in the labour force before the child reaches two years-old.

There is a supplementary benefit RON232.5[€50](representing 85 per cent of the national gross minimum wage) for twins, triplets or multiple pregnancy or for situations of more than one child in care (if the mother give birth before the age of two of the previous child). Benefits are paid to the parent who has taken the leave. 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.

##### *Specific provision for (breast-)feeding*

- According to the decree nr. OUG 96 (art. 10, alin 2, lit. b) adopted in 2003, mothers who are breastfeeding can take 120 working days of maternal risk leave, given at the end of the postnatal leave, as a continuation. The process entails undergoing an examination by a doctor working in occupational medicine within the CRM who delivers a “Report of evaluation of the potential risks in the workplace”. Once this report is finished the mother then delivers this to the GP to officially approve the breast-feeding leave request. This provision can follow after the mother finished the Parental leave.

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

The maximum period of post-natal leave available in Romania is two years (or three years for a child born with a disability). Considering the strong option of the Romanian Policy for parents to stay at home until the child is two years-old, the public system services for the new-born and up to two years-old group is underdeveloped, the additional support being predominantly informal, provided by grandparents and other relatives. Only 12.4 per cent of the children under the age of two are enrolled in crèches or kindergartens, but 41.5 per cent use informal care at this age. For the children aged three to five years the enrolment in formal care rises up to 84.2 per cent and the enrolment in informal care lessens at 58,63 per cent<sup>4</sup>.

Without sufficient coverage of childcare services for small children, there is a clear deficit of possibilities for parents to plan for their respective balance of work and family tasks. 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 2016 (including proposals currently under discussion)**

A new legislation was implemented, which came into effect from 1 July 2016 (Law nr.66/2016, Government Decision 449/2016). Changes include:

- discarding the former pay ceiling for the paid leave and the two different options of payment, if the parent have one year of leave or two years of leave. Currently the conditions are the same, indifferent of the length of leave and there is no ceiling for the amount paid.
- eliminating the former Social Index of Reference ISR of RON500[€108] and basing all the calculations on the national gross minimum wage. Since April 2016 there were two increases of the minimum wage: from 1 May 2016 it went up to RON1,250[€272] and from 1 February 2017 it stands at RON1,450[€315]

These increases of the minimum wage generated also two changes in the quantum of the benefits: raising the minimum parental indemnity to RON1,063[€231] and then to RON1,232[€268] (85 per cent of the national gross minimum wage); raising the incentive for work to 531 lei and then to RON650[€141] (50 per cent of the national gross minimum wage). The law was applied to mothers who have given birth after 1 July 2016 or mothers who find themselves on parental leave at that moment, until the child reaches two years of age.

A new legislation rectifying adoption leave was implemented on 12 August 2016. Parents who adopt are given an 'accommodation leave' the length of which is maximum one year, including the custody period and is paid with an amount of RON1,700[€369] (3.4 x the social indicator of reference of RON500[€108]) per month. The leave is given in the case of an adoption of a child older than two years of age (for younger children, the usual 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-

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<sup>4</sup> OECD Family Database.

limit of 40 hours per year – this can be used for attending administrative evaluations and obtaining the required adoption certificate. For international adoptions, children will be declared eligible for residency in Romania, after one year from when the adoption procedure begins, and not after two years as the previous legislation mentioned.

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

### **a. Maternity leave**

Since the first 42 days (post-birth) of Maternity leave are compulsory, all employed women should take up this leave.

### **b. Paternity leave**

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 30,335 in 2015 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 17.6 per cent.

### **c. Parental leave**

It is compulsory for parents to share 1 month out of the 24 months allowed; if this month is not taken up by the other parent, the Parental leave is shortened, with a loss of benefit payment for that months.

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

None reported.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **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.

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<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>

## **b. Recent selected publications**

Crusman O., Kohler I. (2016) Gender Mainstreaming and Work-Family Reconciliation. An Analysis of Family Policies in Romania and Germany, *The Romanian Journal of Society and Politics*, Vol.11, No. 2, pp. 49-74.

The paper investigates the role of gender mainstreaming in Romanian and German policies aimed at achieving work-family reconciliation, by using concepts from feminist policy analysis. The analysis shows that pre-existing policies and discourses on the economic situation, as well as the states' relationships with the EU have shaped and impeded the implementation process of gender mainstreaming in both countries. While Germany slowly moves towards more egalitarian policies, gender mainstreaming as a label and strategy did not reach successful outcomes. In Romania, gender mainstreaming has impacted work and family reconciliation strategies only indirectly, with the help of EU legislation support.

Avram S., Militaru E. (2016) Interactions between Policy Effects, Population Characteristics and the Tax-Benefit System: An Illustration Using Child Poverty and Child Related Policies in Romania and the Czech Republic, *Social Indicators Research*, Volume 128, Issue 3, pp. 1365–1385.

The paper investigates the impact of the Romanian and Czech family policy systems on the poverty risk of families with children. It focuses on separating out the effects of the policy design itself and the size of the benefits from the interaction between the policies and each population's characteristics. The authors find that the interactions between population characteristics, the wider tax benefit system and child related policies are pervasive and large. It is both the characteristics of the population and the wider tax-benefit environment that can dramatically alter the anti-poverty effect of a given set of policies.

## **c. Ongoing research**

Nothing reported.

# Russian Federation<sup>1</sup>

**Oxana Sinyavskaya** (National Research University - Higher School of Economics)

**April 2017**

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)*

- 70 calendar days before and 70 calendar days after childbirth.

*Payment and funding*

- 100 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 2017 the ceiling for social insurance contributions in 2015 was RUB670,000[€9,969]<sup>3</sup> and in 2016 RUB718,000 [€10,684]. From 1 January 2017, the ceiling is RUB755,000[€11,234]. Hence, the ceiling for the benefit will be  $(670,000+718,000)/730 \times 140 = \text{RUB}266,192$  [€3,960], 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 RUB57,802 [€860] 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  $7,500 \times 24/730 \times 140 = \text{RUB}34,521$

<sup>1</sup> Please cite as: Sinyavskaya, O. (2017) 'Russian Federation country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>.



[€13], where RUB7,500[€111] is a new level of minimum wage per month from 1 July 2016.

- 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 RUB613.14[€9.12] per month from February 2017, (this was RUB581.73 [€8.51] in 2016). They cannot receive unemployment benefits at the same time as receiving maternity benefits. As a comparison, in 2017 the amount of unemployment benefits established at the federal level, varies from a minimum of RUB850[€12.65] to a maximum of RUB4,900[€72.91] 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 2016/2017 academic year, a minimum amount of student benefit is RUB539[€8.02] per month, for students of primary and secondary vocational institutions, and RUB1,484 [€22.08] 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 2016-2017 in twenty 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.

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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, from July 2015 - Republic of Tatarstan, Belgorod, Rostov, Samara Regions, from July 2016 - Republic of Mordovia, Bryansk, Kaliningrad, Kaluga, Lipetsk, Ulyanovsk Regions.

*Variation in leave due to child or family reasons (e.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.
- In the case of complicated delivery, the length of leave increases to 86 days after birth.

## **b. Paternity leave**

- No statutory entitlement.

## **c. Parental leave (отпуск по уходу за ребенком) (responsibility of Ministry of 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*

- 40 per cent of average earnings during the two years preceding birth, paid until a child is 18 months, with a minimum payment of RUB 2,908,62[€43.27] per month for the first child from February 2016 to January 2017 and RUB3,065.69[€45.61] per month from February 2017, and of RUB5,817.24[€85.56] per month for the second and subsequent children from February 2016 to January 2017 and RUB6,131.37[€91.23] from February 2017. 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 2017 earnings in 2015-2016 are taken into account; including ceilings of RUB670,000[€9,969] in 2015 and of RUB718,000[€10,683] in 2016), 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 RUB23,120.66[€344.50]<sup>6</sup> per month in 2017.
- For employed parents with children between 18 and 36 months, a payment of RUB50[€0.74] 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

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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).

unemployment office as well as full-time students (mothers or fathers) is limited at the level of RUB11,634.50[€173.12] (in February 2016-January 2017) or RUB12,262.76[€182.46] (from February 2017) per month.

- Other unemployed or inactive parents are provided with the minimum payment (i.e. RUB2,908.62[€43.27] per month for the first child from February 2016 to January 2017 and RUB3,065.69[€45.61] per month from February 2017, and of RUB5,817.24[€86.56] per month for the second and subsequent children from February 2016 to January 2017 and RUB6,131.37[€91.23] from February 2017).
- 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 2016 were RUB2,909[€43.29] per month and RUB21,555[€320] respectively (and from February 2017 are RUB3,065.69[€45.61] and RUB23,120.66[€344.03]). 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 (three 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 2017, earnings in 2015-2016 are taken into account, including ceilings of RUB670,000 [€9,969] in 2015 and of RUB718,000 [€10.683] in 2016).

##### *Flexible working*

- Before Maternity leave or immediately afterwards, employed women are entitled to an annual paid vacation regardless of length of employment.
- 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 three years old, are established at regional level. In 2014, 16,300 women on leave with a child under three 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 2015-2016.

*Specific provision for (breast-)feeding*

- 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.

## **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 Individual States. According to this Database, levels of coverage of children under three years old by formal childcare in Russia declined from 2008 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). In 2014/2015, the enrolment ratio for children from birth until two years increased up to 18.02 per cent, which is still below its 2007 level (21.54 per cent).

## **3. Changes in policy since April 2016 (including proposals currently under discussion)**

None reported.

## **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 (GGS) 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. Recent selected publications**

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.

### **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 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 34 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*

- Seventy-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*

- 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 order to claim this maternity benefit, fathers have to care for the child personally and to pay a sickness insurance for a total of 270 days in the previous two years. During this time they are not allowed to work. In this case, maternity benefit is paid, after at least a period of six weeks from the birth.
- There is no provision for same sex parents to share leave.

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

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<sup>1</sup> Please cite as: Gerbery, D. (2017) 'Slovak Republic country note' in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)



- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 days, during the two years before the birth.

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

- Maternity leave is extended to 37 weeks for single mothers and 43 weeks in the case of multiple births.
- 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 €213.20 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.

#### **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 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 relating to Leave provision

*Specific provision for (breast-)feeding*

- None (but collective bargaining arrangements may differ)

*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 three 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 third one is where childcare is provided by kindergarten, established by municipality or local administrative authority, which is included in the official network of schools and school facilities. It is paid at the maximum level of €80. 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 implemented. 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 2016 (including proposals currently under discussion)**

Level of family benefits has been increased. Value of maternity benefit raised most significantly – to 75 per cent of daily assessment base (from May 1<sup>st</sup>). Amount of parental benefit has been increased too, but it still remains at a low level. There is, however, public commitment of the Minister of Labour, Social Affairs and Family to continue with improving its adequacy. In the area of childcare, new legislation has been approved. The amendment Act on Social Services No.448/2008 creates conditions for systematic development of childcare for the youngest children. The amendment Act extends the list of services (§12) by “service for reconciliation of work and private life in childcare facility for children under three years”. The act defines the conditions for such services, including maximum number of children per play room, required qualification of staff, material equipment of facilities, and obligation to report administrative data. It is for the first time since the early 1990s that provision of the childcare for the youngest children is explicitly defined legislatively (up to now, care for small children could be performed on the basis of trade licence - in the form of “au pair”, “daily centres”, etc.). And it is for the first time this type of services is included in a broader framework of social services. It is expected that new legislation will contribute to the development of childcare facilities for children from birth until two years of age, and to the improvement of their enrolment rate.

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

### **a. Maternity leave**

Nearly all mothers take Maternity leave as it is obligatory. Number of fathers on Maternity leave increases. In March 2017, 1,767 men receive maternity benefit and they represent seven per cent per cent of all recipients. Compared to previous year, the number has increased by 837 fathers.

#### **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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

#### **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. Recent selected publications**

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.

#### **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 publication on findings from the European Value Survey, which will offer 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 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 105 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*

- 100 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> (€323.55 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 (€323.55).
- 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

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<sup>1</sup> Stropnik, N. (2017) 'Slovenia country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 wherever referred to in this overview.

<sup>3</sup> The uprated average wage as of 2006 is used as the basis wherever referred to in this overview.

(approximately €324 to €618 per month), depending on the period they have been insured for in the last three years.

- Non-employed mothers/parents do not receive pension credits for childrearing, but employed parents (i.e. those who were receiving earnings compensation during the leave) do.”
- 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 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*

- 50 calendar days (about seven weeks) in 2017 and 30 calendar days (about four weeks) from 2018 on.

#### *Payment and funding*

- During the first 25 days in 2017 (and for the whole of 30 days from 2018 on) of the Paternity leave, 90 per cent of average monthly earnings (or other base on which Parental protection contributions were paid) during the 12 months prior to the leave, if those earnings/base exceeded the actual minimum wage (€804.96 in 2017), 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 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 payment will be returned to 100 per cent and 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, but employed fathers do.
- 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*

- 130 calendar days per parent. Leave is an individual entitlement.

#### *Payment and funding*

- As for the first 25 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, but employed parents do.
- 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 as individual working days, 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.

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<sup>4</sup> Social security contributions include pension credits.

- 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 for each of the parents.

#### *Specific provision for (breast-) feeding*

- 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 and care policy**

The maximum period of post-natal leave available in Slovenia is 12.7<sup>5</sup> months in 2017 (12.1<sup>6</sup> months from 2018 on). Post-natal 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 2016 (including proposals currently under discussion)**

In 2017, paid Paternity leave lasts 25 days and will be extended by five days in 2018, while the unpaid Paternity leave has been reduced by 25 days a year. Consequently, there are 25 paid days and 25 unpaid days in 2017, and starting from 2018 there will be only 30 paid days of Paternity leave.

Financial consolidation measures will be in force until the year that follows the year in which economic growth exceeds 2.5 per cent 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

<sup>5</sup> If the time that has to be used co-currently is excluded, the post-natal leave is 12.2 months.

<sup>6</sup> If the time that has to be used co-currently is excluded, the post-natal leave will be 11.6 months.

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 some 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 did not take more than 15 days of Paternity leave because their earnings were not (fully) compensated during the rest of it before 2016<sup>7</sup>. There are also obstacles from the employers' side<sup>8 9 10</sup>.

### c. Parental leave

Some fathers take Parental leave, but mothers take it more variably: some take the entire Parental leave allocation, some take a good portion of it, while very few do not take it (usually due to health reasons). The share of fathers taking some of the leave increased from around five per cent in the mid-2000s to almost seven per cent in 2012-2014<sup>11</sup>, but has decreased to below six per cent in 2016. 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<sup>12 13</sup>. Paternity leave provisions and fathers having the same entitlement

<sup>7</sup> Stropnik, N. and Kump, N. (2015) Paternity leave practices by fathers in Slovenia and assessment of determinants (journal article under review).

<sup>8</sup> Renner, 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.

<sup>9</sup> Stropnik, N. (2005), *Stališča prebivalstva kot odraz novih trendov v starševstvu in podlaga za preoblikovanje družinske politike v Sloveniji* [*People's attitudes as a reflection of new trends in parenthood and the basis for reshaping of family policy in Slovenia*], Ljubljana: Institute for Economic Research.

<sup>10</sup> Rakar, T., Stropnik, N., Boškič, 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>. Hrženjak, M. (Ed.), *Spremembe očetovstva: moški med delom in starševstvom* [*Changing fatherhood: men between employment and parenthood*], Ljubljana: Mirovni inštitut.

<sup>11</sup> MoLFSAEO (2017), '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/ujeljavljanje\\_pravic/statistika/druz\\_prejemki\\_zavarovanje\\_sv/#c18828\\_own\\_calculations](http://www.mddsz.gov.si/si/ujeljavljanje_pravic/statistika/druz_prejemki_zavarovanje_sv/#c18828_own_calculations).

<sup>12</sup> Rakar, T., Stropnik, N., Boškič, 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

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 the absence at work created due to Parental leave.

## 5. Research and publications on leave and other employment-related policies since April 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### a. General overview

Gender roles, work/family life balance and equal opportunities on the labour market are of particular research interest.

### b. Recent selected publications

Hrženjak, M. (Ed.) (2016). *Spremembe očetovstva: moški med delom in starševstvom [Changing fatherhood: men between employment and parenthood]*. Ljubljana: Mirovni inštitut. The topics covered by this research are: how men balance work and family; how the fathers' equal role in the family life has been encouraged; co-operation between fathers, employers and trade unions in the development of new strategies, and possibilities for work-life balance.

### c. Ongoing research

None reported.

# South Africa<sup>1</sup>

**Herman Kasselmann** (The Aurum Institute, NPC)

**April 2017**

NB. South Africa is governed as a constitutional democracy with a three-tiered interdependent governmental structure, i.e. National, Provincial and Local.

**Note on leave information:** Leave entitlement in the South African contexts is primarily through one main statute that applies to the whole country, namely, the Basic Conditions of Employment Act (BCEA) (Act No. 75 of 1997, as amended). Though there are nine provinces in South Africa, they do not have the authority to develop or amend any leave provision standards. The BCEA sets the minimum standards for leave provision in the country except for the following exclusions i.e.: The National Defence Force, National Intelligence Agency or SA Secret Service and workers who work less than 24 hours in a month.

There are two other mechanisms that can have an influence on leave determinations, and those are: A Collective Agreement (in terms of s213 of the SA Labour Relations Act (LRA), (Act 66 of 1995 as amended.) and Sectoral Determinations.

#### Collective Agreements

A collective agreement is a written agreement concerning terms and conditions of employment (or any other matter of mutual interest) concluded by one or more registered trade unions, on the one hand, and, on the other hand, one or more employers or one or more registered employers' organisations - s213 of the LRA.

#### Sectoral Determinations

A sectoral determination is not an agreement, it is a determination made by the Minister of Labour in terms of Chapter 8 of the BCEA - and, before making a sectoral determination for employees in an area or sector, the Minister of Labour is required to direct the Director-General: Labour to investigate conditions of employment in the sector or area concerned.

Please take note that collective agreements and sectoral determinations are indeed separate legal instruments governed by two different Acts, (the LRA and the BCEA), they have different purposes.

Lastly, it is to be noted that neither the LRA nor the BCEA make provision for the extension of a Collective Agreement to non-parties by means of the promulgation of a Sectoral Determination in terms of the BCEA.

The Minister of Labour in terms of the BCEA (as mentioned above) has to make, and has made, a number of sectoral determinations to make provision for unique circumstances in the following industries:

Contract Cleaning Sector, Civil Engineering Sector, Learnerships, Private Security Sector, Domestic Workers, Wholesale and Retail Sector, Children in the Performance Arts – no mentioning of leave provisions; the determination only refers to working hours. Also the Sectoral Determination for the Taxi Sector, Forestry Sector, Farm Worker Sector, Hospitality Sector, and the Ministerial Determination for Small Business Sector (for businesses with less than ten employees)

<sup>1</sup> Please cite as: Kasselmann, H. (2017) 'South Africa country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

The majority of these determinations contain leave provisions identical or a little better than those in the BCEA.

The leave provisions in the BCEA and Sectoral Determinations are minimum standards provided but these standards may be improved upon through two different modes. The first is that an employer can decide to increase the leave days that they want to give their employees. The condition is that the leave cannot be less than prescribed by the BCEA or the sectoral determinations. Many employers have also done this, i.e. leave policies of different employers indicate that employers are giving between 15 and 30 working days leave to employees. It is also practice that employers use leave as a retention and reward strategy in as far as they provide more leave to employees working longer for the employer and as an award they increase or provide a set number of days with a long service award.

The second mode of determining leave is the collective bargaining process, 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 or central 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. 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 specific to their environment.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

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

### **a. Maternity leave (responsibility of the Department of Labour)**

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

- In South Africa, employees have a statutory entitlement to four consecutive months of unpaid Maternity leave.
- The four months Maternity leave is compulsory and can only be less if a doctor certifies that an employee may return earlier.
- An employee may commence Maternity leave:
  - at any time from four weeks before the expected date of birth, unless otherwise agreed;
  - or 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.

#### *Payment and funding*

- Statutory Maternity leave is unpaid but there are benefits that can be claimed from the Unemployment Insurance Fund (UIF)<sup>2</sup>. If an employee has been contributing to the UIF, the employee will be able to claim benefits for a maximum period of 17.32 weeks or 4 months (s24 of the BCEA). This claim is subject to the number of credit days an employee has. If an employee has worked and contributed for 4 continuous years, the employee will be entitled to the full amount of credit days for payment over the whole period of Maternity leave.
- The UIF provides a graduated scale of benefits ranging from 30.8 per cent of previous earnings for contributors earning more than ZAR14,876[€1,019]<sup>3</sup> per month and up to 58.6 per cent of earnings for contributors earning less than ZAR150[€10.28] per month. Income tax is not payable on benefits received from UIF.
- Employers are not legally obliged to pay employees, but it is common practice amongst employers to provide some form of maternity benefits to employees while on Maternity leave. These benefits vary from employer to employer. Employers may expect the employee to sign a service agreement when they receive any maternity benefits.
- If an employee receives maternity benefits in terms of a collective agreement, contract of employment or any other legal means, the UIF benefit will only make up the shortfall between the benefit received and the normal monthly salary. This is done so that the total amount the employee will receive from the UIF and other sources cannot exceed the normal monthly salary. Employees must apply for Maternity leave benefits at a Labour Centre at least 8 weeks before the expected date of birth (s25 of the Unemployment Insurance Act).
- 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 combined contribution is ZAR29.44[€2.02] per month.
- The main exception is employees in National and Provincial Government. Public Service employees are entitled to four months Maternity leave under the terms of a July 2009 Determination on Leave of Absence 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.
- Companies still pay the pension and medical contribution for employees on Maternity leave.

#### *Flexibility in use*

- Women who have miscarriages or give birth to stillborn babies in their third trimester are entitled to six weeks' leave afterwards, regardless of whether they have already gone on Maternity leave (s.25 (4) of the BCEA).
- There is no distinction between live and still births in the granting of maternity benefits if the pregnancy has lasted at least 24 weeks.

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

<sup>2</sup> UIF payments are based on the number of 'credit days' an employee has accumulated in 4 years. An employee has to work 6 days to receive 1 credit day at the UIF. This means for every 6 days the employee works, s/he can claim 1 day's pay from the UIF. The employee would need to accumulate 238 credit days to receive the full benefit.

<sup>3</sup>Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>



- 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 (includes students and those on apprenticeships), public servants, and foreigners working on contract (who have a work permit and contribute to the Fund), employees who get a monthly state pension, and workers who only earn a commission. Non-residents and undocumented migrants will not qualify as they would not be contributing to the Fund.
- 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.
- Maternity Leave is not gender specific. S25 of the BCEA governs Maternity leave in South Africa and this act refers to the following:
  1. "An employee is entitled to ..."
  2. "An employee may commence Maternity leave ..."

Nowhere in the Act is "an employee" defined in gender terms, the Act is silent on identifying an employee as female. The result of this is that in the case of *Mia v State Information Technology Agency (Pty) Ltd*, the Labour Court in Durban, South Africa found 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.

The employer refused a male employee four months paid Maternity leave in line with company policy on the grounds that he was not female and that their policy does not govern birth by surrogacy (Van Bever Donker, K, 2015).<sup>4</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*

- *Premature Birth*: If the baby is born prematurely but after maternity pay has started, maternity payments will not be affected and will continue to be paid in the normal way. If an employee's baby is born before maternity pay has started, she must, inform her employer of the birth as soon as reasonably practicable thereafter.
- *Pregnancy related sickness*: If an employee is sick during her pregnancy before she starts her Maternity leave, the normal rules relating to notification procedures, medical certification, sick leave and sick pay entitlements, will

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<sup>4</sup> Van Bever Donker, K. (2015, December 1). Case Law: Maternity Leave for Men. Labour law for Managers: Practical Handbook, pp. C 35/001 - C 35/010.

apply. Where the employee is absent from work due to a pregnancy related illness at any time after the start of the 4th week before her child is due, employers may reserve their right to require the employee to start her maternity leave immediately. All other sickness will be dealt with under the employer's attendance and sickness management policies.

- *Sick Leave*: Maternity leave is not treated as absence due to illness. Employees are not entitled to receive sick pay, i.e. employees cannot be classed as 'off sick' during Maternity leave.

*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. Since January 2013, an employee falling under the Public Service Bargaining Council are entitled up to eight (8) working days pre-natal leave 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 (Department of Public Service and Administration, June 2015)<sup>5</sup>.
- 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 agreement.
- 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 agreement (Eisley, 2013)<sup>6</sup>.
- Employees are entitled to return to their specific post or comparable post they left before going on Maternity leave. It would be considered discriminatory to dismiss a woman for any reason related to her pregnancy. This right is protected in the unfair dismissal provisions of the Labour Relations Act.

## **b. Paternity leave**

- Within the South African legislation there is no statutory entitlement for Paternity leave.
- 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**

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<sup>5</sup> Department of Public Service and Administration. (June 2015). Determination and Directive on Leave of Absence in the Public Service, June 2015 (pg31). Pretoria: Government Printer.

<sup>6</sup> Last published report was in 2013 still only reflecting the 2012 survey. 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 (Government Gazette, 1998) and Eisley, T. (Ed.). (2013, March) Bargaining Monitor, Vol.27, No.179, from The Labour Research Service. 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)

- None (though some companies may provide such leave)

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

- None (though some companies may provide such leave)

#### **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 2015 Determination regulating leave in the Public Service. S4 of the Determination now also includes Surrogacy leave on the same terms as Adoptive leave. (Department of Public Service and Administration, June 2015). 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 (not including the birth mother); 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, 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 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 (Eisley, 2013).
- According to the Public Service Determination (Department of Public Service and Administration, June 2015) employees in the Public Service are permitted to utilise family responsibility leave as follows:  
With effect from 1 January 2013 employees are entitled to the following family responsibility leave benefits:
  - 5 working days family responsibility leave per annual leave cycle for utilisation if the employee's spouse or life partner gives birth to a child; or the employee's child, spouse or life partner is sick; and
  - 5 working days leave per annual leave cycle for utilisation if the employee's child, spouse or life partner or an employee's immediate family member dies.

- With effect from 20 May 2015 an employee who has a child(ren) with severe special needs shall be granted five (5) working days family responsibility leave per calendar year.
  - Severe special needs are defined as a child who has a mental, emotional or physical disability, certified by a medical practitioner, which requires health and related services of a type or amount beyond that required by children generally. For the purposes of this provision “child” means the employee’s son or daughter of any age. An application for family responsibility leave should be supported by reasonable proof to demonstrate the severe special needs of the employee’s child.
- 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 refers to the fact that if employees have used their family responsibility leave they can apply for available annual leave or apply for a further 184 calendar days to be utilised as unpaid leave. This is 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<sup>7</sup> 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 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. 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 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

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<sup>7</sup> Government Gazette (1998) Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child. Pretoria: Government Publishers.

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.

- The Code of Good Practice on Arrangement of Working Time 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.

#### *Specific provision for (breast-)feeding*

- None.

## **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 per cent - 66 per cent of earnings. There is no entitlement to early childhood education and care (ECEC) and the compulsory school age is seven years. The 2015 General Household Survey (Statistics South Africa, 2015)<sup>8</sup> indicates that approximately 33 per cent of children aged between birth and four years attended day-care or educational facilities outside their homes.

## **3. Changes in policy since April 2016 (including proposals currently under discussion)**

The Unemployment Insurance Amendment Act (Act 10 of 2016), has amended the Unemployment Insurance Act of 2001, and includes an increase in the level of maternity benefits and an extension of the coverage of benefits:

- The Act includes in s4(b) that maternity benefits must be paid at a rate of 66 per cent of the earnings of the beneficiary at the date of application, subject to the maximum income threshold set by the Minister.
- In s5(a) the accrual rate is provided as follows: "Subject to subsection (5), a contributor's entitlement to benefits in terms of this Chapter accrues at a rate of one day's benefit for every completed five days of employment as a contributor subject to a maximum accrual of 365 days benefit in the four year period immediately preceding the day after the date of ending of the period of employment in terms of this Chapter".
- Unemployment benefits must be paid to the unemployed contributor regardless of whether or not the contributor has received benefits within that four-year cycle, if the contributor has credits.
- There is no change to the maximum period of payment of maternity benefits (17.32 weeks).
- The Act describes the following amendments:
  - A contributor is not entitled to benefits unless she was in employment, whether as a contributor or not, for at least 13 weeks before the date of application for maternity benefits. [S9(b) of the Act]
  - This Act applies to all employers and employees, other than employees employed for less than 24 hours a month with a particular employer, and their employers. The Act does not apply to members of parliament, cabinet ministers, deputy ministers, members of provincial executive councils, members of provincial legislatures and municipal councillors. [S3(1) 7 (2)]

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<sup>8</sup> Statistics South Africa. (2015). *General Household Survey*. Pretoria: Stassa.

- S9(a) describes that a contributor who has a miscarriage or bears a still-born child in the third trimester will receive full maternity benefits.
- An application for maternity benefits must be made in the prescribed form at an employment office at any time before or after childbirth. Provided that the application shall be made within a period of 12 months after the date of childbirth [S10(a)].

## 4. Take-up of leave

### a. Maternity leave

The Quarterly Labour Force Survey 2016<sup>9</sup>, Quarter four indicates that there are 21,849,000 people employed in South Africa, 13,645,000 have access to Maternity/Paternity leave that equates to 62.45 per cent of employees that were entitled to some form of Maternity or Paternity leave in 2016 (Statistics South Africa, 2016). However, there are no available figures for the take up of Maternity leave.

### b. Paternity leave

There is no statutory leave entitlement. There is no information on the take-up of 'family responsibility' leave used for this purpose or for the take-up of Paternity leave provided for in collective agreements.

### c. Parental leave

There is no statutory leave entitlement. There is no information on the take-up of Parental leave provided for in collective agreements.

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

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### 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.

### b. Recent selected publications

Pienaar, H. & Sonnekus, E. (2016) Pregnancy and employment law. In A. Bosch (Ed). South African Board for People Practices Woman's Report 2016. Pp 14 – 23. Parktown, South Africa: SABPP.

Kimani-Murage, E. (2016) Better Maternity leave laws are needed to protect African mothers. In The Conversation, March 8, 2016. Available at:

<http://theconversation.com/better-maternity-leave-laws-are-needed-to-protect-african-mothers-55778#republish>

<sup>9</sup> Statistics South Africa. (2016). *Quarterly Labour Force Survey, Quarter 4, 2016*. Pretoria: Statistics South Africa.

Patel, Czerina. (2015) Will SA have more Parental leave soon? Available at:  
[http://www.groundup.org.za/article/will-sa-have-more-parental-leave-soon\\_3295/](http://www.groundup.org.za/article/will-sa-have-more-parental-leave-soon_3295/)

October 26, 2015). Father is a step closer to making Paternity leave a reality for SA  
dads. Available at:

<http://www.destinyconnect.com/2015/10/26/father-is-a-step-closer-to-making-paternity-leave-a-reality-for-sa-dads/>

### **c. Ongoing research**

None.

# Spain<sup>1</sup>

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**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network 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)*

- 16 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*

- 100 per cent of earnings up to a ceiling of €3,642.00 a month in 2016 and €3,751.20 in 2017.
- A flat-rate benefit (€532.51 per month or €17.75 per day) is paid for 42 calendar 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.

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<sup>1</sup> Meil, G., Lapuerta, I. and Escobedo, A. (2017) 'Spain country note' in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 employed women (employee or self-employed; working on open ended or fixed term contract; working full or part-time) are entitled to Maternity leave, but conditions must be met to qualify for the earnings-related Maternity leave benefit (non-eligible employees receive a flat-rate payment for 42 calendar days after delivery): the mother needs to be making social security contributions at the beginning of the leave; or be receiving an 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 to have had a previous period of social security contribution, and women between 21 and 26 need only 90 days in the previous seven years, or 180 days during their working life. This requirement is more flexible for women who work 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 fostering), or birth (or adoption or fostering) of a child with some disability, or birth (or adoption or fostering) into a large family, mothers have the right to two extra weeks of leave for a new child from the second one 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 to 14 calendar days (from 42 to 56 calendar days) for lone mothers, large families, multiple births or disabilities.
- In case of same sex parents, as is in case of adoption and foster care, partners have to agree which one takes Maternity and Paternity leave.

*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.
- 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 and those working for the regional government of Madrid have a right of up to ten calendar days.

**b. Paternity leave (*permiso de paternidad, permiso por nacimiento*) (responsibility of the Ministry of Labour and Immigration)**

*Length of leave (before and after birth)*

- Two days of Birth leave (*permiso por nacimiento*) for employees, except public servants, and four uninterrupted weeks of Paternity leave (*permiso de paternidad*) for all employed fathers, including self-employed, which can be taken at any moment till the end of the Maternity leave or just after following it. Public servants have right to four weeks Paternity leave to be taken just after birth of the child.

*Payment and funding*

- 100 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 four weeks 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 four weeks are considered as a whole, to be taken full-time from the time of the birth, 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. Since 2006, 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, which fulfils the new 2017 state standard. 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 after adoption) and from other cities. This latter improvement has been offset by the extension of Paternity leave from two to four weeks since January 1<sup>st</sup> 2017.

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

- All employees have the right to Birth leave (the self-employed are excluded, as this is provided by their 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 one 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, in order to encompass homosexual and lesbian couples; 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 who assume the sole custody of the child 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 17 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 because of the fiscal crisis. For example:

- Basque Country: €271.25 per month for families with an annual income below 20,000 euros per person (€228 for families with an annual income above the latter amount) in 2017, compared to €291 in 2011 for all families, regardless of the earnings. The amount of the benefit has not been updated since 2012 and income ceilings were introduced in 2015.
- La Rioja: €250 per month in 2017, 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 large families, which are those 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 given between 116 days (four months) and 260 days (nine months) from the Social Security credits per child (RD 1716/2012). The number of days will be increased gradually from 2013 to 2019 (with 217 days recognized in 2017), until all children reach the maximum limit of five years. 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 spent outside of 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 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 claiming 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; these include basic payment without benefits, and the process requires that the adoptive parents stay in the country of origin of the future adoptive child.

### *Specific provision for (breast-) feeding*

- During the first nine months after the child's birth (12 months in the public sector), employees (mothers or fathers) are entitled to one hour of absence during the working day without a loss of earnings; this part-time leave (*permiso de lactancia*) was originally to support breastfeeding. It is a family entitlement that can be used by either parent, but if both parents are working, only one can use it. Self-employed parents are excluded. The period can be divided into two half-hours or be replaced by a half-hour shortening of the normal working day, or by an equivalent period of 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 adoptions or fostering) the length of this leave increases proportionally. This absence is paid for by the employer.

### *Leave to care for sick children*

- 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 its use 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.

### *Flexible working*

- 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). Self-employed parents are excluded from this right.
- 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 less than six years or care for a disabled relative. Since 2012, they can consolidate this reduction in working time during the first year as a full-time leave, to extend in practice their Maternity or Paternity leave.

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

- Two days leave per employee, 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).
- Each employee 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, accidents or old age. In cases of chronic dependency, the informal carer on leave may receive a payment if he/she is co-resident, which varies depending on the region of residence, the relative's level of dependency recognised by a public agency, and the 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 payments, 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 a loss in earnings in the case of a very serious illness for 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.

## 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 or *permiso de lactancia*, see section 1e). 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 2016 (including proposals currently under discussion)

In the context of economic austerity and public funding cuts in Spain, additional support to parents taking leave is 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 was approved in 2009 to be implemented in 2011, but had been systematically postponed, took finally force since 1 January 2017. This is the most significant improvement during the period.

Since 1 January 2016, all new retirement, widowhood and permanent disability pensions are increased by 5 per cent for mothers of two children (biological, adopted and/or foster), 10 per cent for those with three children and 15 per cent 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

After a long period of continuous coverage increases (from 31 per cent in 1995 to 68 per cent in 2009) due to growing maternal employment and better attention of atypical employment situations, coverage is lower than previous years (62.2 percent in 2015) as a consequence of the economic crisis, which increases unemployment rates and atypical employment. 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 5c 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 was 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 at 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 (1.9 per cent in 2015).

In 2016, an average of 6,259 women per month were on leave because of a risk during pregnancy, with an average duration of 92.1 days, equivalent to 18 per cent of all live births in 2015. 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 6,259 in 2016), 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 for breastfeeding because of a potential risk (introduced in 2007) reached a mean of 62.5 per month in 2016. The mean number of days of leave was 134.6 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 56.8 per cent in 2015 (authors' own calculations based on the ratio number of fathers who took a leave to total number of births), 0.9 percentage points more 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 a decrease in births and in male employment, but began to increase after these dates, along with an increase in father's 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 17.7 per cent in 2016) 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 a lower quality in employment conditions<sup>2</sup>.

## **c. Parental leave**

In 2015, 36,195 people started some period of Parental leave (15.1 per cent more than in the previous year, approaching the maximum of 37,771 reached at the beginning of the economic crisis in 2008). This corresponds to 8.6 per cent of the

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<sup>2</sup> Flaquer, L., Escobedo, A. (2014). See section 5b in the 2015 Annual Review.



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 2.8 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 6.7 per cent of users, with 0.7 percentage points more than in 2014<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, employed at the time 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 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 from 1,114 in 2012 to 2,150 in 2016. However, the mean number of days of leave taken has risen sharply from 176.9 to 350.1, 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 days (Escobedo and Navarro, 2007). Since 2006, the number of users has grown, increasing to 9,369 new users in 2015 (compared with 3,332 in 2005). The proportion of new male users remained stable at around 15 per cent between 2010 and 2015.

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<sup>3</sup> Ministerio de Empleo y Seguridad Social (2016) *Anuario de Estadísticas del Ministerio de Empleo y Seguridad Social, 2015*. 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)

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 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year

### 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, flexibility in use or the 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 are currently trying to fill (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. Recent selected publications

Castro, C. (2016), "Potencialidad género-transformativa de las políticas públicas: el caso de los permisos por nacimiento en Europa" (Gender transformative potentiality

of public policies: the case of Parental leave in Europe), *ATLANTICAS- Revista Internacional de Estudios Feministas*, 1(1):108-140.

This article tackles some new directions in how social norms or expectations which are rooted in sexual differences can be encouraged or dissolved according to the orientation of the public policies. The article underlines the importance of considering the potentiality gender-transformative influence of public policy to account for the gender impact that it can have on social norms based on the sexual division of labour. The article employs a feminist approach to compare analytically the Maternity, Paternity and Parental leave systems of 27 European countries, with respect to public policies that promote equality during the time when women and men are caring for their children. The evidence found shows that not all the Parental leave policies influence the sexual division of the labour in the same direction; there are combinations of normative elements in the Parental leave systems of some countries that actually promote changes in gender roles, while other combinations based on stronger gender norms, are able to reinforce them even more.

Escobedo, A.; Meil, G. (2016), "Paternité et congés parentaux en France et en Espagne", in Agnes Martial (ed), *Pères en solitaire ? Ruptures conjugales et paternité contemporaine*, Presses de l'Université de Provence, Collection Penser le genre, Aix-en-Provence, pp.175-187 (<http://presses-universitaires.univ-amu.fr/peres-solitaire>) (A comparative analysis of paternal use of Parental leave in France and Spain)

This contribution presents a comparative analysis of the evolution of policies and their uses related to Paternal leave in Spain and in France, in the last decade. France and Spain had similarities in their leave systems from the point of view of the length of time offered and its distribution between men and women, up until 2013. The big difference is in the allowances associated with long Parental leave which are virtually absent in Spain. While the rhetoric of choice has been developed in both countries in terms of the employment of parents (focusing on mothers' especially) and childcare, and with better results in France than in Spain (in terms of the number of users, maternal employment and the stimulus to fertility), we analyze the extent to which the possibility of choice has been extended to fathers in the two countries. The French reform of Parental leave and their related allowances in 2014 confirms the interest and the growing social consensus to promote a better distribution of Parental leave between mothers and fathers. In the case of Spain, results from a 2012 representative survey on Parental leave are discussed. Compared to women, men take leave for shorter periods of time, for part-time rather than full time, and that is not so clearly linked to the end of Maternity leave, but mostly it happens during the first year of the child's life. Although fathers return to full-time work after the leave, they tend to work less hours than those who did not take a leave and devote also more time to childcare, showing that men's use of leave fosters improved gender equality practices, as it has also been shown in other countries.

Fernández-Cornejo, J.A, Escot, L., Del-Pozo, E. and Castellanos-Serrano, C. (2016), "Do Fathers Who Took Childbirth Leave Become More Involved in Their Children's Care? The Case of Spain", *Journal of Comparative Family Studies*, XLVII, 2, 169-191.

This article is based on a survey that we conducted among 1,130 couples with children 38 years old, in Madrid and its metropolitan area. This allowed us, in the first place to obtain an estimation of the take-up rate and duration of the different kinds of childbirth leaves that Spanish workers use when they have or when they adopt a child. In the second place, the participation of the father has been analysed in comparison to the mother's in 18 specific childcare activities. A measure for father involvement in childcare (relative to the mother) that included 14 non-playful activities of childcare, was built from there. Then, through a quantitative analysis with a path

analysis modelling program called Amos, we have obtained evidence that fathers who took more time-off later, tended to be more involved in the most routine childcare activities. Moreover, when considering other determinants of father's involvement in childcare, we can highlight the importance of having egalitarian gender attitudes, working in a family-friendly company, the net earnings, and the mother's working week. Most of these variables affect father's involvement in childcare directly and indirectly, through their effects on the duration of childbirth leave (which serves as a mediating variable). Finally, a specific determinant of the duration of childcare leave was the introduction of a 13-day Paternity leave in Spain.

Meil, Gerardo, Romero-Balsas, Pedro y Rogero-García, Jesús (2017) Fathers on Leave Alone in Spain: 'Hey, I Want to Be Able to Do It Like That Too', in M. O'Brien, K. Wall (eds.), *Comparative Perspectives on Work-Life Balance and Gender Equality. Fathers on Leave Alone*, Springer: Life Course Research and Social Policies 6, pp. 107-124

This book chapter analyses 1) the main characteristics of the evolution of the leave system in Spain, 2) the degree of knowledge by potential users of the costs and benefits associated with leave use and 3) the patterns of leave use. The empirical part of this work is based on the survey *El uso social de los permisos parentales 2012*, which was designed to analyze the above mentioned objectives. Results show that there is extended knowledge of the availability of the different leave mechanisms, but without a clear understanding of the costs and benefits associated with its use. Real use of the different leave mechanisms depends on their specific characteristics, in particular if income substitution is provided or not, the working conditions and according to gender.

Meil, G., Romero-Balsas, P. y Rogero-García, J.(2017) Why parents take unpaid Parental leave. Evidence from Spain, in Vida Cesnuytè, Detlev Lück and Eric D. Widmer (eds), *Family Continuity and Change. Contemporary European Perspectives*, Palgrave Macmillan Studies in Family and Intimate Life, pp 247-270.

This chapter discusses the experience of Spanish fathers on childcare leave while their partners worked. It first analyses administrative policy and the gradual recognition of men's right to childcare leave. No fewer than 65,000 men are estimated to have chosen this strategy over the last 10 years. The aim of the study was to ascertain what prompted these fathers' decision, the reactions to it in their social surroundings and their own experiences of undertaking childcare. To that end, 10 in-depth interviews were held with fathers who took at least 8 weeks of childcare leave while their partners returned to paid employment. Their replies show that taking on childcare individually is a powerful socialising tool for fathers in connection with this activity. The men themselves perceived that the experience fostered for themselves, not only a greater participation in caring for their children, but also it strengthened their parent-child emotional ties.

Meil, G.; Romero-Balsas, P (2016) Los permisos parentales para el cuidado de niños: percepción social y usos de los mismos entre los padres y las madres (Parental leave in Spain: Public opinions and use by fathers and mothers) in Tamayo, Silvia (ed), "La maternidad y la paternidad en el s. XXI", Granada: editorial Comares, pp. 235-258.

In Spain as in other countries, advances in Childcare leave policy have aimed to encourage leave-taking by both parents to favour the work-life balance and foster parents' joint involvement in childcare. Based on the survey *El uso social de los permisos parentales 2012*, specifically designed to analyse the use of Parental leaves, this study explored the conditioning factors and underlying motivations for leave-taking. Statistical studies (logistic regression and cluster analysis) showed that,

just as Maternity leaves are taken by most eligible mothers, leaves with high income replacement for men are taken by most eligible fathers. Unpaid leaves are used by a small minority, mostly women. The factors that primarily condition their use are the degree of job security and the level of schooling. The reasons for taking leave proved to be unrelated to the availability or otherwise of grandparents able to provide childcare. Rather, they are associated with both women's and men's desire to spend more time with their children, although fathers' reasons tend to be job-related as well.

Seiz, M ., Lapuerta, I., Martín-García, T., Monferrer, J, Jurado-Guerrero, T., González, M. J., Domínguez-Folgueras, M., Botía-Morillas, C., ., Amigot, P., and Abril, P. (2016), 'The transition to parenthood in Spain: adaptations to ideals', in Grunow, Daniela and Evertsson, Marie (eds), *Couples's Transitions to Parenthood: analysis Gender and Work in Europe*, Cheltenham: Edward Elgar.

This chapter explores parents' ideals about 'what's best for the child' during the first years of life and analyses how these ideals are shaped and restricted by the particular institutional context of the Spanish Parental leave system and its different constructions of parenthood and gender norms. The analysis draws on 136 individual in-depth interviews (women and their partners were interviewed separately) and 67 joint interviews (both women and men were interviewed together) with couples that were pregnant with their first child, residing in four major cities of Spain (Barcelona, Madrid, Pamplona and Seville) in 2011. The study reveals that there is not an articulated discourse from a gender perspective, neither an explicit critique to the institutional constraints of 'shared parenthood', despite parents' significant limitations to balance work and family demands. Couples in our sample are highly influenced by their particular context and available alternatives, and encounter difficulties to define their ideals about childcare. Many parents also perceive that workers (particularly men) are punished if they take some time off to take care of children. Unwritten social norms are very hard to break, and remain an important obstacle for shared parenthood, such as promoting strategic discrimination against women in the labour market.

### **c. Ongoing research**

*Fathers on Leave Alone in Spain* (2014-2017), 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 into the reasons why some men take a larger share of leave and the consequences of leave taking on fatherhood and work-family balance: 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 are father's perspectives influenced by mother's attitudes or their 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 on 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* (2014-2017). 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 the project website is <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 to analyse the phenomenon of effective inclusion of male workers in the 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"), the 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 the working environment of 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?* (2015-2018) 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 favours 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>

**Ann-Zofie Duvander** (Stockholm University), **Linda Haas** (Indiana University) and **C. Philip Hwang** (University of Gothenburg)

**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

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

### **a. Maternity leave (*graviditetsspänning*) (responsibility of the Ministry of Social Affairs)**

- It is obligatory for women to take two weeks leave before or after delivery; they can decide whether or not to take part of the paid parental insurance benefit during this period of leave. Pregnant women can take indefinite leave paid at 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).
- The Parental leave law §4 (under Maternity leave) states the right to breastfeed the child but there are no further details with regard to how often, how long and so on.

### **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 the mother is in the hospital, to stay over in the hospital in a family room after childbirth and/or to participate in childcare when the mother comes home.

#### *Payment and funding*

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<sup>1</sup> Please cite as: Duvander, A.-Z., Haas, L., and Hwang, P. (2017) 'Sweden country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 a literal translation to 'entitlement', which is considered gender-neutral.



- 77.6 per cent of earnings up to an earnings ceiling of SEK336,778[€34,485]<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 make contributions for this purpose and other social insurance purposes; employers pay 31.42 per cent on all employees' earnings. The government makes up for 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 spent in employment, but a person is required to have a sickness benefit qualifying income (SGI). Increasingly such an income is not possible, especially for individuals with a weak foothold on the labour market<sup>4</sup>.
- The benefit is gender neutral, and attributed to 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.

<sup>3</sup>Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

<sup>4</sup> Swedish Inspectorate for the Social Insurance 2016. Sickness benefit qualifying income. Report 2016:10. Stockholm, at [www.inspsf.se](http://www.inspsf.se). Swedish report with English summary.

- There is an extra pension supplement for the parent who earns the 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 has to reduce work, or who temporarily exits the labour market<sup>5</sup>.

#### *Payment and funding*

- 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 SEK447,783[€45,852] per year<sup>6</sup>; the remaining 45 days are paid at a flat-rate payment of SEK180[€18] a day. Parents not eligible to wage-related leave receive a flat rate of SEK250[€25.60] a day for 240 days.
- All Parental leave benefit, income related and flat rate, give pension credits.
- Funding as for Temporary Leave in Connection with Birth and Adoption.

#### *Flexibility in use*

- The length of leave is counted in calendar days (rather than weeks or months) to enhance flexibility of use. It is thus possible to use the benefit during weekends.
- 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)*

- The benefit requirements are both residence-based and employment-based in Sweden. All parents in Sweden 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[€25.60] a day for 240 days before the expected date of delivery or adoption, and a right to the sickness benefit qualifying income. 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

<sup>5</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>

<sup>6</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.

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*

- 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[€18] 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 ten 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>7</sup>.

#### **d. 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.

*Specific provision for (breast-) feeding*

- None.

*Time off for the care of dependants*

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<sup>7</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).

- 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 SEK336,778[€34,485] 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 care allowance (*vårdbidrag*) from the birth of the child until the child reaches the age of 19 years. Parents may receive a maximum of SEK9,333[€955] 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 SEK28,000[€2,867] yearly for extra costs, such as equipment or medicine.

#### *Flexible working*

- Until a child reaches the age of eight years or completes the first grade of school, parents have the right to reduce their normal working time by up to 25 per cent; there is no payment for working reduced hours.

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

The maximum period of paid post-natal leave available in Sweden is around 16 months, with 13 months paid at a high rate. There is an entitlement to ECEC from 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 2016 (including proposals currently under discussion)**

The earlier gender equality bonus was abolished for any days used after 31 December 2016.

## **4. Take-up of leave<sup>8</sup>**

### **a. Maternity leave**

In 2016, 27,210 individuals received Maternity leave, and 117,426 children were born the same year, indicating that approximately 23 per cent of pregnant women took Maternity leave for an average of 39 days.

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<sup>8</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).

## **b. Temporary leave at the birth or adoption of a child**

In 2016, 88,416 individuals took temporary Parental leave at the birth or adoption of a child this suggests that approximately 75 per cent of fathers, same-sex partners or other designated persons took this leave. Of all leave users, only 1.1 per cent were women. Only employed parents are eligible, but no figures exist on the proportion of eligible fathers using this leave. Users took on average 9.8 of the 10 eligible days.

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

Almost all families use paid Parental leave in Sweden. For children born until end of 2013 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 2015, the vast majority of women (88 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 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.<sup>9</sup> Fathers of children born in 2008 took on average 106 days of Parental leave during the eight years they could use the leave, and mothers took 342 days.

In 2016, 45 per cent of Parental leave benefit recipients were men, compared to 55 per cent who were women; though on average mothers took 89 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, and by 2016, it had increased to 26 per cent.

The percentage of couples that are sharing Parental leave fairly equally (40-60 per cent) is very slowly increasing, with 14.1 per cent of couples equally sharing leave for children born in 2013<sup>10</sup>. The average father received benefits of SEK643[€65] per day in 2016, while the average mother received benefits of SEK487[€49]<sup>11</sup>.

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<sup>9</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>10</sup> Försäkringskassan [Swedish Social Insurance Agency] (2013) *De jämställda föräldrarna [Equal parents]*. *Socialförsäkringsrapport 2013:8*. Available at: Försäkringskassan [Swedish Social Insurance Agency] (2013) *De jämställda föräldrarna [Equal parents]*. *Socialförsäkringsrapport 2013:8*. Available at: [https://www.forsakringskassan.se/wps/wcm/connect/8ec6c929-6f18-4e81-831f-cd4dbbaca98e/socialforsakringsrapport\\_2013\\_08.pdf?MOD=AJPERES](https://www.forsakringskassan.se/wps/wcm/connect/8ec6c929-6f18-4e81-831f-cd4dbbaca98e/socialforsakringsrapport_2013_08.pdf?MOD=AJPERES). For figures for children born after 2010 with personal communication with the Swedish Social Insurance Agency.

<sup>11</sup> Försäkringskassan [Swedish Social Insurance Agency] (2015) *Social insurance in figures 2016*. Available at: [www.forsakringskassan.se](http://www.forsakringskassan.se)

Fathers with higher education take more Parental leave, as do fathers whose partners have higher levels of education and higher income. Fathers taking no leave are more likely to have been born outside Sweden. Unemployed fathers generally take less leave than other fathers. Fathers who work in the public sector are more likely to take leave, perhaps because they more often get extra compensation as a result of collective agreements. Fathers are more likely to take Parental leave for a first child<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>12</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 dramatic effect than the first<sup>13</sup>.

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

Mothers are more likely than fathers to work (long) 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>14</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 62 per cent of all days taken in 2016<sup>15</sup>. On average mothers took 8.5 days and fathers 6.8 days, this being highly dependent on the age of the child, as most days are used during the first years, and after the Parental leave has ended.

### **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year

#### **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

<sup>12</sup> Anxo, D., Ericson, T. (2015) Self-employment and Parental leave. *Small Business Economics* 45 (4), 751-770).

<sup>13</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/>. See also Duvander, Ann-Zofie, and Mats Johansson (2014) Parental leave use for different fathers. A study of the impact of three Swedish parental leave reforms, pp- 349-369 in Rostgard, T. and Eydal, G. (Eds) *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Policy Press, and Duvander, Ann-Zofie, and Mats Johansson (2012) What are the effects of reforms promoting fathers' parental leave use? *Journal of European Social Policy*, 22, (3):319-330.

<sup>14</sup> Statistiska Centralbyrån (2013) *Allt fler mammor jobbar heltid*. Article 2013:31. Available at: [www.scb.se](http://www.scb.se)

<sup>15</sup> Försäkringskassan [Swedish Social Insurance Agency] (2015) *Social insurance in figures 2015*. Available at: [www.forsakringskassan.se](http://www.forsakringskassan.se)

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 (no longer available) 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 Parental leave is used during the child's preschool years).

## **b. Recent selected publications**

Bergqvist, C., Bjarnegård E., Zetterberg, P. (2016) When class trumps sex: The Social Democratic intra-Party struggle over extending Parental leave in Sweden. *Social Politics*, vol. 23 (2), 169-192.

This article relies upon interviews with policymakers to understand why Sweden did not extend the Parental leave quota in 2005. They conclude that some Social Democratic politicians decided to prioritize class interests over the goal of gender equality by not supporting the quota extension that would provide fathers' more non-transferable leave. This decision was made because they worried about losing the support of working class voters, who held more traditional viewpoints about the gendered division of labor for childcare.

Bergqvist, C., Saxonberg, S. (2016) The state as a norm-builder? The take-up of parental leave in Norway and Sweden. *Social Policy & Administration*.

This article is based on interviews with 60 parents in Oslo and Stockholm. It suggests that Norway and Sweden have different national ideas regarding caring for children. In Norway, fathers are expected to be partly involved in childcare, and children can be cared for by parents or professionals. In Sweden, fathers are expected to be more equally involved in childcare, and children are seen as best cared for by parents and professionals. Given these differences, national differences in fathers' leave use would be expected, with Norwegian men taking less than Swedish men.

Duvander, A.Z., Haas, L., Thalberg, S. (2017) Fathers on leave alone in Sweden: Toward more equal parenthood? in *Comparative perspectives on work-life balance and gender equality*, edited by M. O'Brien and K. Wall. Springer, pp. 125-145.

This chapter presents results from interviews with sixteen fathers in Stockholm who have taken substantial Parental leave, revealing details about leave decision-making, their experiences and outcomes.

Evertsson, M. (2016) Parental leave and careers: Women's and men's wages after parental leave in Sweden. *Advances in Life Course Research*, vol. 29: 26-40.

This articles uses population register data to study wages, up to eight years after individuals become parents for the first time. Longer leaves seem to lower women's wages more than shorter leaves. For men, the negative impact is more immediate, but increases less with time. This finding suggests that mothers' lower wages following leave are not related to a human capital depreciation. Men who take leave may suffer lower wages because they are seen as less committed workers

Haas, L., Hwang, C.-P. (2016) 'It's about time!' Company support for fathers' entitlement to reduced work hours in Sweden, *Social Politics*, vol. 23 (1): 142-167.

This article uses a mixed-methods approach to investigate the development of the working-hours policy for parents in Sweden and how well fathers' right to a 30-hour work week is implemented in large private companies. Low company support appeared to be related to a lack of institutional pressure, a lack of cultural support for

equal parenthood and the persistence of a gendered workplace culture.

Lee., S., Duvander, A.Z., Zarit, S. (2016) How can family policies reconcile fertility and women's employment? Comparisons between South Korea and Sweden. *Asian Journal of Women's Studies*, vol.22(3): 269-288.

Sweden has a higher fertility rate than South Korea, partly because Swedish social policy provides stronger support for dual-earner families. Policies need to support parents of all social classes and provide subsidized childcare and well-paid Parental leave for all.

### **c. Ongoing research**

*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. One paper has been submitted to a journal's special issue, and is titled "Policy is not enough." 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 Frisén, 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) and **Rahel Aina Nedi** (University of Zurich)

**April 2017**

NB. Switzerland is a federal state.

**Note on federal, cantonal and communal government:** Switzerland is a federal state with three political levels: the communes, the cantons and the Confederation. In principle, family policy follows the principles of federalism and subsidiarity: the Confederation cedes responsibility for many areas of family policy to the cantons and the communes, insofar as they are able to perform these tasks, and retains an ancillary and enabling role. The Swiss Constitution defines the areas of responsibility of the Confederation. Pursuant to art 116 of the Swiss Constitution, in fulfilling its tasks, the Confederation shall take due account of the needs of the family and may legislate on family allowances; this article also 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, a referendum is mandatory.

Note on Leave Policies in Private Law v. Public Law: The information provided in this report refers, unless explicitly stated, to the rules applicable for persons working under private law contracts. Leave policies in the public sector of the Confederation, the cantons and the communes may vary considerably.

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network website.

<sup>1</sup> Please cite as: Valarino, I. and Nedi, R. A. (2017) 'Switzerland country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

# 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, namely the Federal Social Insurance Office)

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

- Statutory leave is 14 weeks, starting on the day of delivery<sup>2</sup>. It is obligatory to take eight weeks leave. In practice however, many collective agreements provide for 16 weeks paid leave.
- Between the 9<sup>th</sup> and 16<sup>th</sup> week after birth, women covered by the Employment Act cannot be compelled to return to work. However, only 14 weeks are covered for payment by the statutory Maternity leave insurance.
- Employed women can be exempt from work before birth for medical and health reasons and in this case, salary payment continues for a limited period of time, provided the employment relationship has lasted for or was concluded no longer than three months prior, and that the employee has proved her incapacity to work, which is usually done through a medical certificate.

### *Payment and funding*

- The Maternity compensation covers eighty per cent of earnings for 98 days, i.e. 14 weeks, up to a ceiling of CHF196[€180]<sup>3</sup> per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350[€6,765] the Maternity compensation in that case amounts to CHF 5,880[€5,412] (CHF 196 x 30 days). The annual income ceiling for employed and self-employed workers is CHF88,200[€81,187].
- The leave is funded by the Loss of Earnings Compensation fund, which also provides benefits for people carrying out military service, civil defence or civil 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*

- In principle, there is no flexibility in leave and compensation, the claim for compensation starts on the day of the delivery.
- However, if the new-born child has to stay at least for three weeks in the hospital and a medical certificate has been presented, mothers can choose to start the Maternity compensation upon the child's arrival at home. Following case law, employers are obliged to pay the salary during these weeks until the Maternity compensation takes over.

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<sup>2</sup> In previous Country Notes, the length of statutory leave reported was 16 weeks. The right not to return to work up to 16 weeks after giving birth is guaranteed by the Employment Act. However the Employment Act does not apply to all companies and all workers (it excludes for instance home workers and public administrations). As of 2017, we therefore report 14 weeks of statutory Maternity Leave.

<sup>3</sup>Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

*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's) and who are paid a salary; women who are benefiting from unemployment, sickness, accident or invalidity allowances are also entitled to Maternity compensation.
- For Maternity compensation, 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.
- If the Maternity compensation criteria are not met, a mother may have a claim against her employer for continued payment of salary based on art. 324a of the Swiss Code of Obligations<sup>4</sup>. Moreover, certain cantons provide for specific maternity benefits for mothers who do not meet the federal eligibility criteria.

*Variation in leave due to child or family reasons (e.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. This is only available to birth mothers.

*Regional, local and sectorial differences in leave policy*

- In the canton of Geneva, all working mothers are granted 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 by federal dispositions.
- The canton of Fribourg has an additional Maternity contribution targeted at all resident mothers including adoptive and for stay-at-home mothers, meaning women who have not been previously attached to the labour market. The daily allowance of CHF32.50[€29.50] is paid over 98 days (equivalent to CHF975[€897] per month during 3.2 months) if the income is below CHF 2,475[€2,278] for single mothers or CHF3,300[€3037] for both parents. The income ceiling is increased by CHF350[€322] for each additional child living in the same household.
- 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 or even variation for multiple births, as in the canton of Jura. A minority of cantonal employers grant four additional weeks for mothers who are breastfeeding, bringing their leave up to twenty weeks. Employees working for the Confederation are entitled to 16 weeks of Maternity leave. Maternity compensation for this period corresponds to 100 per cent of the salary.

*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

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<sup>4</sup> Bundesgesetz betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünfter Teil: Obligationenrecht [Federal Act on the Amendment of the Swiss Civil Code (Part Five: The Code of Obligations)], SR 220.

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.

## b. Paternity leave

- No explicit statutory entitlement.
- Article 329 paragraph three of the Code of Obligations specifies 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. That provision is considered the gateway for a short Paternity leave<sup>5</sup>. The length of the Paternity leave can be regulated through the mutual agreement of the parties involved in the employment relationship, a collective agreement or the standard employment contract. If nothing is regulated, custom and practice will determine the length. Some legal authorities consider between one and two days as an appropriate length for Paternity leave<sup>6</sup>.
- It is unclear whether or not the employer has to pay the employee during Paternity leave in the absence of a provision in the collective agreement, the standard employment contract or an agreement by both parties<sup>7</sup>. To be on the safe side, employers are advised to pay their employee's Paternity leave days.
- There is no representative national data on the number of days-off granted to fathers and data on if they are paid. Approximately half of the employed population is covered by a collective labour agreement in Switzerland. It is estimated that 27 per cent of collective labour agreements provide 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>8</sup>.
- Nowadays, all public employees working for the Confederation or the cantons are entitled to paid Paternity leave. The length varies generally between three days and three weeks<sup>9</sup>.

## 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>10</sup>. Many cantonal public employers also grant unpaid Parental leaves - ranging from a few days up to 24 months –

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<sup>5</sup> Pärli, K. (2016), *Eltern im Arbeitsverhältnis [Parents in the Employment Relationship]*, FamPra.ch 2016, p. 933 ff.

<sup>6</sup> Rehbindler, M. and Stoeckli, J.F. (2010), *Art 319–330b OR. Der Arbeitsvertrag: Der Einzelarbeitsvertrag [Art 319–330b CO. The Employment Contract: The Individual Employment Contract]*, Berner Kommentar, Bern: Schulthess, art. 329 no. 20; Subilia, O., and Duc, J.L. (2010), *Droit du travail, éléments de droit suisse*, Lausanne: Schulthess Press, art. 329 no. 15.

<sup>7</sup> Streiff, U./ von Kaenel, A./ Rudolph, R. (2012), *Arbeitsvertrag, Praxiskommentar zu Art. 319-362 CO [Employment Contract, commentary of art. 319–362 OR]*, 7th edn., Zürich: Schulthess, art. 329 no. 12.

<sup>8</sup> Swiss Federal Council (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: <https://www.bsv.admin.ch/bsv/de/home/sozialpolitische-themen/familienpolitik/vereinbarkeit/eltersurlaub.html>, p. 12 ff.

<sup>9</sup> For an overview see Pärli (Fn 5), p. 949 ff.

<sup>10</sup> Swiss Federal Council (FN 8), p. 14.

but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants)<sup>11</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 reformed Parenting Credit system, regulated in art. 52f of the Ordination to the Federal Old Age and Survivor's Insurance, was implemented in January 2015<sup>12</sup>.

#### d. Childcare leave or career breaks

- No statutory entitlement.

#### e. Other employment-related measures

##### *Adoption leave and pay*

- There is not yet an explicit statutory federal entitlement. However, a parliamentary initiative from 2013 demanding the introduction of 12 weeks adoption leave pay has been accepted and a draft regulation is currently being processed<sup>13</sup>.
- Currently, Adoption leave is subject to the involved parties' agreement or to the collective employment agreements. The applicable collective agreement for the Swiss Federal Railways grants for instance ten days Adoption leave<sup>14</sup>. If nothing is regulated, the right to take a few days off for adoption can be based on Art. 329 paragraph three of the Code of Obligations<sup>15</sup>.
- Some cantons<sup>16</sup> have implemented gender neutral adoption allowances for all 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 of the salary. Such cantonal allowances are provided only if one of the parents interrupts his/her employment. For each birth or adoption, parents in the canton of Vaud are also awarded a unique contribution of CHF1,500[€1,380] The canton of Fribourg provides a flat-rate

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<sup>11</sup> Swiss Federal Council (FN 8), p. 15 f. ; 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>, p. 14 ff.

<sup>12</sup> Verordnung über die Alters- und Hinterlassenenversicherung (AHVV) [Ordination to the Federal Old Age and Survivor's Insurance], SR 831.101

<sup>13</sup> Parliamentary Initiative Romano Marco, 13.478.

<sup>14</sup> Available at [http://gav.arbeitsrechtler.ch/SBB\\_GAV\\_2015.pdf](http://gav.arbeitsrechtler.ch/SBB_GAV_2015.pdf).

<sup>15</sup> Cardinaux, B. (2015). *Leistungen bei Vaterschaft: eine Aufgabe des Staates? [Paternity benefits: a task of the state?]*, in: Belser, E. M. and Waldmann, B. (eds.), *Mehr oder weniger Staat? Festschrift für Peter Hänni zum 65. Geburtstag* [more or less state? Commemorative publication for Peter Hänni for his 65<sup>th</sup> anniversary]. Berne: Stämpfli Press, p. 456.

<sup>16</sup> More information can be found in the corresponding cantonal laws, the following page contains a link to all cantonal online legislation catalogues: <http://www.lexfind.ch>.

benefit for adoptive mothers of CHF32.50[€29.92] per day (equivalent to CHF975[€897] per month) paid during 3.2 months.

- In the public sector, at present, about half of the cantons offer their employees paid adoption leave between two days and 16 weeks<sup>17</sup>.

#### *Specific provision for (breast-)feeding*

- During the child's first year, the time taken by mothers to breastfeed or express milk during a working day, counts as working time. Salary payment is mandatory within the following limits: for a working day of up to four hours, 30 minutes minimum; for a working day over four hours, 60 minutes minimum; for a working day over seven hours, 90 minutes minimum<sup>18</sup>.

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

- Following art. 36 paragraph three of the Employment Act<sup>19</sup>, 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 suits them best), unless the condition of the child demands the presence of both parents. This leave is also meant to support single parents or working parents in order to organise prolonged childcare, if that is needed. Salary payment is granted on the basis of art. 324a of the Code of Obligations that provides for wage continuation in the case the employee is prevented from working by personal circumstances for which he or she is not at fault such as illness<sup>20</sup>. Nevertheless, for that provision to apply, the employment relationship must have lasted for more than three months or have been concluded three months prior.
- Art. 324a of the Code of Obligations remains applicable to parents of seriously ill children who have to care for them for a prolonged yet limited period of time. In the first year of service, the employer must pay at least three weeks salary; in the following years, the length will depend on what is the customary practice of the canton.

#### *Flexible working*

- There is no statutory entitlement to reduced or flexible working hours for employed parents. However, the Employment Act 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.

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<sup>17</sup> For more information see Pärli (Fn 5), S. 953.

<sup>18</sup> Art. 60 Verordnung 1 zum Arbeitsgesetz (ArGV 1) [Ordination 1 to the Employment Act], SR 822.111.

<sup>19</sup> Bundesgesetz über die Arbeit in Industrie, Gewerbe und Handel, Arbeitsgesetz, ArG [Federal Employment Act on work in the industry, trade and commerce], SR 822.11.

<sup>20</sup> Portmann, W./Rudolph, R (2015), *Basler Kommentar Obligationenrecht I [Basel Commentary of the Code of Obligations I]*, 6th edn., Basel: Helbing Lichtenhahn Press, art. 324a no. 47.

- 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>21</sup>.
- The Confederation grants its employees the right to reduce their working time by 20 per cent, however the lowest part-time work allowed in comparison to 100 per cent is 60 per cent<sup>22</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 three and a half months, all paid at a high rate of income replacement, with the possibility of 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 2016 (including proposals currently under discussion)**

Several proposals are currently under discussion to improve Maternity protection. One of them concerns maternity allowances when the new-born child has to stay at least for three weeks in the hospital. Currently, upon presentation of a medical certificate, mothers may choose to start their Maternity compensation only upon the child's arrival at home. However because of the ban on employment during the first eight weeks after delivery, mothers may face economic uncertainty in this difficult period. Following up on previous postulates and a report from the Federal Council, the Committees for Social Security and Health (CSSH) of the Council of States submitted a Motion in August 2016 to address this issue. The Motion proposes that payment of maternity allowances be prolonged by the length of hospitalization of the child, from a minimum of 21 days after birth, up to a maximum to be determined. Payment of these allowances would be granted to women who remain employed after the end of Maternity leave. The Federal Council gave a positive recommendation to the Motion in October 2016 and it was accepted by the Council of States in December 2016. The Motion still needs to be approved by the National Council.

Two Interpellations (questions asked by MPs to the Federal Council) submitted in March 2016 by Socialist MPs concerning the job protection of young mothers and their return to work were filed in June 2016. Drawing on several cases reported by unions, these Interpellations called attention to situations where employers fired mothers after their return from Maternity Leave and at the end of the job protection period (16 weeks after birth). In its response, the Federal Council acknowledged this

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<sup>21</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)].

<sup>22</sup> Art. 60a of the Bundespersonalverordnung (BPV) [Federal Personnel Ordination (FPO), SR 172.220.111.3.

problem and informed about several dimensions on which progress should be made, notably informing and promoting good practices among companies, raising awareness and changing mentalities about employed mothers' contribution to the economy, and disincentivizing measures, such as the increase of penalties for employers who discriminate against and even dismiss mothers due to their maternity.

Another modification concerns the rare and tragic situations when the mother dies after giving birth to a child. A Green Liberal MP submitted in 2015 a Parliamentary Initiative in order to enable the father to benefit from Maternity allowances (14 weeks paid at 80 per cent of salary) in this event. In June and August 2016 respectively, the Committees for Social Security and Health (CSSH) of the National Council and of the Council of States accepted this initiative. The CSSH of the National Council will elaborate a draft Act.

Regarding Adoption Leave, after several unsuccessful proposals submitted in the past years, a parliamentary Initiative submitted by a Christian-Democrat MP in December 2013 finally reached a majority in both chambers in 2015. Adoptive parents (mothers and fathers) of children under four years will be granted 84 days of leave to share between them, paid at 80 per cent of salary and financed through the Loss of Earnings Compensation Act (as for Maternity Leave). The CSSH from the National Council is currently drafting a law and will submit it for vote to both chambers of Parliament.

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 (but without any indication of financial compensation), was rejected by 134 votes against 55 in the National Council in September 2016. The main argument put forward by the Federal Councillor against the proposition was that increasing childcare services (and not leave policies) had been set as a political priority in the field of work-family balance measures.

Another Parental Leave proposition, which had been submitted in June 2015 by a Conservative Democratic Party MP also failed finding a majority. This Parliamentary initiative proposed a Parental Leave of up to 14 weeks to complement the existing Maternity Leave (maximum 28 weeks in total). In March 2017, the National Council followed the recommendation of the CSSH and rejected the proposal by 112 votes against 71. The main arguments against the proposal were the financial burden for the welfare state, the preference for social partner solutions and scepticism about leaves' effects for gender equality.

Several parliamentary interventions submitted in June 2015 requested the Federal Council to produce scientific reports about the current offer and demand for Parental and Paternity leaves in Switzerland and their potential economic effects. The Federal Council recommended to reject these proposals, but the votes are pending at the National Council.

In June 2016 a new parliamentary initiative in favour of a Parental Leave was submitted by a Green Liberal MP. The proposal aims to replace the current Maternity Leave by a Parental Leave, which would include 14 weeks of maternity allowances (same as in Maternity Leave) and in addition, 14 weeks of Paternity allowances for the father. Paternity allowances would be subject to the employment of both parents. This proposal will be put to vote in the National Council.



Finally, a popular initiative in favour of Paternity Leave is underway. In May 2016 a committee composed of national umbrella associations representing unions, as well as men, women and family associations launched an initiative entitled “For a reasonable Paternity Leave – to benefit the whole family”. The initiative requests to modify the Constitution in order that the Confederation receives the mandate to institute a Paternity insurance of four weeks minimum (paid and financed the same way as Maternity insurance). If 100.000 valid signatures supporting the text are collected until November 2017, the proposed constitutional amendment 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>23</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 July) benefited from allowances; rising to 57,920 in 2006; 64,090 in 2008; 71,610 in 2010; 77,630 in 2014 and 79,640 in 2015<sup>24</sup>.

In 2015, the average amount of the daily indemnities granted to mothers was CHF122[€112] per day, well below the ceiling of CHF196[€180]. According to Sottas and Millioud, 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. 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>25</sup>.

### b. Paternity leave

There is no explicit statutory leave entitlement in private law. On a federal level, according to the Human Resource Centre of the Confederation, since the

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<sup>23</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 available administrative data provide information for calendar years. For this reason, the average length of leave is under-estimated because some recipients receive part of their allowances in one year and the rest in another.

<sup>24</sup> In 2015, the Swiss Statistical Office has changed its way of counting recipients for Loss of Earnings Compensation allowances. The figures reported in previous Country Notes to 2015 edition, are therefore different. A yearly evolution is available at this link: <http://www.bsv.admin.ch/themen/eo/00051/index.html?lang=fr>.

<sup>25</sup> Aepli, D. C. (2012) *Wirkungsanalyse. Mutterschaftschädigung [Analysis of effects. Maternity benefits]*. 95. Available at: [http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,Inp6lONTU042l2Z6ln1acy4Zn4Z2qZpnO2YUq2Z6gpJCEdIB2hGym162epYbg2c\\_JjKbNoKSn6A--](http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,Inp6lONTU042l2Z6ln1acy4Zn4Z2qZpnO2YUq2Z6gpJCEdIB2hGym162epYbg2c_JjKbNoKSn6A--)

introduction of Paternity leave of ten days, there has been a 100 per cent take-up of Paternity leave<sup>26</sup>.

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

No statutory leave entitlement.

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

There is growing research on Maternity, Parental or Paternity leave, especially in relation to leave entitlements which are available in public administrations and for common practices and/or needs in the private sector. However, there is a lack of representative statistics on private company policies<sup>27</sup> and on the proportion of working men and women who can benefit from such policies and who take advantage of them.

### **b. Recent selected publications**

Cardinaux, B. (2015). Leistungen bei Vaterschaft: eine Aufgabe des Staates? [*Paternity benefits: a task of the state?*], in: Belser, E. M. and Waldmann, B. (eds.), Mehr oder weniger Staat? Festschrift für Peter Hänni zum 65. Geburtstag [*more or less state ? Commemorative publication for Peter Hänni for his 65<sup>th</sup> anniversary*]. Berne: Stämpfli Press, pp. 451–467.

In this article the author presents the current benefits for fathers after the birth or adoption of a child in Switzerland. The author examines inter alia the possibility for parents to reduce work after the birth of a child – an option that has been introduced by the Confederation in 2013 – and Paternity as well as Adoption leave for fathers in private law. In the author's view, the provision of childcare places and flexible employers for working hours is more important than Paternity and Parental leave policies. In his opinion leave systems cannot help to improve family-work balance and should thus not have a priority in politics. However, if leave a policy is to be introduced, then it should be a Paternity and not a Parental leave one. Otherwise, according to the author, there is a risk that the leave is predominantly taken up by women, who then in turn risk being discriminated on the employment market, as employers fear that women will fall out.

Ecoplan. (2016). *Conditions de travail favorables à la famille : Que font les cantons/communes ?* [*Supportive working conditions for families : What are cantons and communes doing?*] Bern: Confédération Suisse - Secrétariat d'Etat à l'économie SECO.

This report was mandated by the State Secretariat for Economic Affairs. It presents the actions taken and policies adopted as of 2016 by cantons and communes to

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<sup>26</sup> Swiss Federal Council (Fn 8), p. 14, footnote 45.

<sup>27</sup> The previously mentioned platform was discontinued 1 January 2017.

promote work-family balance in the private and public sectors. In particular the working conditions granted to civil servants are compared. The provision of flexible working hours, maternity, paternity, adoption, and unpaid leaves, as well as breastfeeding time and leave to care for sick children and ECEC services are reviewed.

Girardin, N., Bühlmann, F., Hanappi, D., Le Goff, J.-M., & Valarino, I. (2016). Transition to Parenthood in Switzerland: Between Institutional Constraints and Gender Ideologies. In D. Grunow & M. Evertsson (Eds.), *Couples' Transitions to Parenthood: Analysing Gender and Work in Europe* (pp. 146-170): Edward Elgar Publishing.

The study analyses the way parenthood and gender roles are represented and anticipated by parents expecting their first child. The study highlights gender norms about paid and care work, that together with conservative family policies motivate most of expectant mothers to wish to work part-time or even stop working, while their partners will continue to work full time. In particular the short Maternity Leave, inexistent Parental or Paternity Leaves, as well as the expensive and scarce childcare services are highlighted as forming part of the constraining institutional setting for parents-to-be in Switzerland.

Liebig, B. & Oechsle, M. (eds) (2017): *Fathers in Work Organizations. Inequalities and Capabilities, Rationalities and Politics*, Opladen/Berlin/Toronto, Barbara Budrich Publishers/Columbia University Press.

This book analyses the role of work organizations when it comes to the realization of an active fatherhood. Firstly, it deals with barriers for active fatherhood and the related mechanisms of inequality. Which aspects of discrimination and social closure do fathers face today if they assert a claim for active fatherhood, and with what kind of barriers are they confronted? Secondly, the capabilities of fathers are addressed. Which is their possible scope of action, who are the relevant actors, and what is the effect of policies and programs on producing changes in organizational learning with respect to fatherhood?

Liebig, B., Peitz, M. & Kron, Ch. (Hg) (2016): *Väterorientierte Massnahmen in Unternehmen und Verwaltungen der Schweiz. Ein Handbuch*, Meiring, Rainer Hampp Verlag.

The book discusses and analyses father-friendly policy measures adopted and implemented at the company level in Switzerland. The authors discuss the reasons why fathers may not use policy measures such as part-time work and tele-work. The authors point to the obstacles men are facing on the way to a more active paternity, and in this context it also addresses the role of superiors and colleagues. In particular, the contributions of this book offers numerous practical examples and valuable information on the implementation of father-oriented measures in companies and administrations.

Pärli, K. (2016). Eltern im Arbeitsverhältnis [*Parents in the employment relationship*] *FamPra.ch*, pp. 933–955

The role of parents in the employment relationship is a relatively new topic in Swiss Employment Law. For this reasons, the author examines protective provision in statutes and collective agreements for parents. The article also contains a chart with an overview of the current Maternity and Paternity leave lengths for public employees in the cantons. The author reaches the conclusion that parents enjoy only a very poor protection in Swiss Employment Law which has an impact on birth rates and in the long run also on the funding of the Swiss social security system.

Perrenoud, S. (2015). *La protection de la maternité, etude de droit Suisse*,

international et européen [*Maternity protection. Study of Swiss, International and European law*], Berne: Stämpfli Press.

In this PhD thesis, the author examines the protection of maternity. The first part starts with the defining the concept of 'maternity' and 'maternity protection' and explains why that event needs to be protected. In the second part follows an overview of the history of maternity and of the measures adopted in International Public Law, European Law and Swiss Law. In the last part suggestions to amend the current system in Switzerland, such as the introduction of an adoption, Parental and Paternity leave are presented.

Valarino, I. (2016). Parental and Paternity leave proposals in Switzerland: Do they promote gender equality? *Lives Working Papers, 2016*(53). doi:10.12682/lives.2296-1658.2016.53

This article analyses the Parental and Paternity leave policy proposals submitted from 1995 to 2014 by members of the Swiss Parliament and their potential implications for gender equality. Content analysis results show that only few proposals – stemming from left-wing political actors – would create incentives for fathers to use these leaves and would therefore promote gender equality. On the contrary, several proposals would produce further gender inequalities, or create inequalities based on social class or citizenship. The article discusses future challenges for leave policy development in Switzerland from a gender equality perspective.

Valarino, I. (2016). Les congés parentaux en Suisse: révélateurs de politiques et de représentations genrées. In J.-M. Le Goff & R. Levy (Eds.), *Devenir parents, devenir inégaux. Transition à la parentalité et inégalités de genre* (pp. 235-261). Zürich: Seismo.

This book chapter analyzes the way parenthood is framed in Switzerland at the institutional level. First current leave policies are presented and compared with other industrialized countries, revealing the delayed and gendered leave scheme in Switzerland. Second, the lack of Parental and Paternity leave policies in Switzerland is analyzed through a discourse analysis of Swiss French press articles on this topic. Results show that through the media coverage of leave policies, representation of a more gender equal parenthood and family models is promoted, but that fathers tend to be represented as secondary parents. The study concludes that gendered parenthood norms and gendered leave policies are two dimensions that contribute to the persistence of gendered division of paid and unpaid work in Swiss families.

Valarino, I. (2016). Fathers on Leave Alone in Switzerland: Agents of Social Change? In M. O'Brien & K. Wall (Eds.), *Comparative Perspectives on Work-Life Balance and Gender Equality: Fathers on Leave Alone* (pp. 205-230). Cham: Springer International Publishing.

### **c. Ongoing research**

*Vaterschafts- und Elternurlaub, eine rechtsvergleichende Studie [Paternity and Parental Leave, a comparative law study](2015–) by Rahel Aina Nedi. .*

In Switzerland, Maternity leave enjoys statutory recognition. On the other hand, for employees working under private law contract, there is no statutory Paternity or gender neutral Parental leave recognition. Nonetheless, both Paternity and Parental leave are hot topics in current politics. Against this background, the current legal system in Switzerland is examined in this thesis. Furthermore, leave legislations in Germany, Sweden and the United Kingdom are compared with the aim of suggesting a possible model for Swiss legislation. Contact Rahel Nedi at rahel.nedi@rwi.uzh.ch

*State, Family or Market Responsibility? A Comprehensive Study of Attitudes Toward Care Policies (2017-2018)* by Isabel Valarino, Guest researcher at the Autonomous University of Madrid, International Labour Organisation, and University of Lausanne. Funded by the Swiss National Science Foundation (Project n° P300P1\_171457 ).

The research comprises three studies that analyse care policy attitudes and their social determinants. The first study analyses attitudes toward leave entitlements for parents and their social determinants in 27 OECD countries and focuses on preferences regarding the length of paid leave, the division of leave between the mother and the father and the financing source of leave expenses. Another study analyses attitudes toward care responsibility for children and the elderly. Different patterns of preferences regarding the care provision and payment for these two populations are identified. The last study will analyze qualitatively individual attitude formation by focusing on Paternity leave implementation in Switzerland, a measure that does not exist but is high on the political agenda. 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 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services, please see the [cross-country tables](#) at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the [members](#) page on the Leave Network 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)*

- 52 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*

- 90 per cent of woman's average earnings for six weeks with no ceiling + a flat-rate payment of either GBP£140.98[€160]<sup>2</sup> or 90 per cent of average gross weekly earnings (whichever is lower) for the next 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. (2017) 'United Kingdom country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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 21<sup>st</sup> June 2017, 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) as described above.
- 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 GBP£140.98[€160] or 90 per cent of average gross weekly earnings (whichever is the lowest). Women who have recently left work, changed jobs, or are self-employed may be eligible for this payment. To qualify, they must have worked for 26 weeks out of the 66 preceding the expected week of childbirth, and have earned at least GBP£30[€34] per week on 13 of these weeks. Self-employed women must complete a national insurance claim Class2 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*

- Since 5 April 2015, employed mothers have had 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)<sup>3</sup> 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 and does not include the period of 90 per cent of earnings as with Statutory Maternity Pay, 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 GBP£140.98[€160]) during the first 37 weeks. The remaining 13 weeks of the first year are unpaid.

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<sup>3</sup> See <https://www.gov.uk/shared-parental-leave-and-pay>

- In order to qualify for SPL, an individual will need to meet a length of service qualifying criterion (current 26 weeks service with the same employer by the 15<sup>th</sup> 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 GBP£390[€442] in total in 13 of the 66 weeks) and be working for the same employer when they want to take leave. 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.
- Married couples (including same sex couples), civil partners, joint adopters, the child's other parent, and partners living with the parent and the child – who share responsibility for the child – are all eligible for Shared Parental Leave.

*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>4</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 (a week is the same amount of days that you normally work in a week).

### *Payment and funding*

- Flat-rate payment of GBP£140.98[€160] a week, or 90 per cent of average weekly earnings, if that is less.
- Funded as for Maternity leave, with employers able to claim back some or all of the payments from the HM Revenue and Customs.

### *Flexibility in use*

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<sup>4</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)



- 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.
- The leave must be taken in one go.

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

- You must be an employee
- 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 or those earning less than GBP£113[€128] per week do not have a supplementary benefit if they cannot access SPP.

*Variation in leave due to child or family reasons (e.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).
- You get the same amount of leave for multiple births.

*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 lightly 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*

- 18 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)<sup>5</sup>.

<sup>5</sup> See <https://www.gov.uk/parental-leave>

### *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>6</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 GBP£140.98[€160] a week, or 90 per cent of average weekly earnings if this is less, for the first 39 weeks; the final 13 weeks' are unpaid. There is also a right to paid Paternity Leave for an adopter not taking adoption leave (if they meet the eligibility criteria).

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

- Employees may take 'a reasonable amount of time off work to deal with unexpected or sudden emergencies affecting a dependant and to make

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<sup>6</sup> BIS 2014 Ibid.

necessary longer term arrangements'<sup>7</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>8</sup>.

*Specific provision for (breast-)feeding*

- None.

*Antenatal appointments and care*

- 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 two adoption appointments.

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

The maximum period of paid post-natal leave available in the UK is 20 months but most of this is unpaid or low paid; leave paid at a high rate is only available for six weeks of Maternity Leave. There is 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). This is set to increase to around 30 hours a week for 38 weeks in England and parts of Wales in September 2017 and in Scotland by 2020. There are no plans for expansion 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

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<sup>7</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>8</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>

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 2016 (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 April 2015. Shared Parental Leave has a similar maternal transfer design as APL<sup>9</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 (one 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).

Chair of the All Party Parliamentary Group APPG on fatherhood, David Lammy MP had submitted a parliamentary question asking "How many and what proportion of eligible men have taken up shared parental leave since it was introduced?" The Government responded by saying that it does not hold information on the take-up of Shared Parental Leave since it was introduced in December 2014 for the parents of children due or placed for adoption from 5 April 2015. Based on a small sample of the data provided to HM Revenue & Customs by employers, the Government estimate that around 6,000 employees claimed either statutory Shared Parental Pay or Additional Paternity Pay (the predecessor to Shared Parental Pay) in 2015/16.<sup>10</sup>

During 2017 the Women and Equalities Committee called for representations from interested stakeholders on issues including shared parental leave (with the main focus on the gender pay gap) in advance of an evidence session with Secretary of State for Women and Equalities. In addition The Women and Equalities Committee held a national consultation including parliamentary evidence sessions on fathers and the workplace in 2017. Unfortunately a surprise announcement of a General Election for 8 June 2017 has stalled reporting on the work of these parliamentary committees.

In April 2017 following recommendations in the 2016 Budget the government is introduced Tax-Free Childcare across the UK to help working parents with the cost of childcare<sup>11</sup>. Working parents of children, who will be aged under four years on 31 August 2017, can apply through a new digital childcare service for Tax-Free Childcare and receive a government top-up of GBP£2[€2.27] for every GBP£8[€9.08]

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<sup>9</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.

<sup>10</sup> APPG (All Party Parliamentary Group) on Fatherhood Fathers policy briefing: January-March 2017 (unpublished)

<sup>11</sup> <https://www.gov.uk/government/news/tax-free-childcare-launches-today-for-children-under-four>

that they pay into their Tax-Free Childcare account. All parents of disabled children (under 17 years old) can also apply for Tax-Free Childcare from April 2017. To qualify parents must be working and each earning at least GBP£120[€136] a week (on average) and not more than £100,000 each a year. Parents cannot use Tax-Free Childcare at the same time as they receive childcare vouchers, Universal Credit or tax credits<sup>12</sup>.

The existing scheme Employer-Supported Childcare will remain open to new entrants until April 2018 to support the transition between the schemes. In addition, parents of two-three year olds, will be eligible for a 30 hours free childcare place (increased from 15 hours) from September 2017, and can apply through the childcare service and start arranging a place with their childcare provider. In addition working parents of three and four-year-olds living in England will also be entitled to the new 30 hours free childcare offer, worth around GBP£5,000[€5,676] per child. Parents need to apply online and to open a special account: this could be a barrier to some parents. Parents pay into this account, and for every 80p[91 cents] they pay in the government pays in a further 20p[23 cents] (hence the 'tax-free' designation). Money is paid from this account to the childcarer.

Childcarers must be registered with Ofsted and must sign up for the scheme. Centre-based care will probably find this easy, but childminders might be less likely to do this: some are not registered (illegal) but many may not want the extra bureaucratic burden, especially when there is no benefit for them, only for the parents. (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. It should be noted that all political party manifestos for the 2017 election include reference to leave policies.

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

The UK Government does not routinely collect data for take-up of leaves. This section relies on the most recent publicly available national data: the Maternity and Paternity Rights and Women Returners Survey 2009/10<sup>13</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

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<sup>12</sup> <https://childcare-support.tax.service.gov.uk/>

<sup>13</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>

government's Fourth Work-life Balance (WLB4) Employee Survey (2012)<sup>14</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. The Millenium Cohort Study and Growing up in Scotland surveys, which follow representative cohorts of children born via interviews with their parents also provide some indication of leave take-up.

### **a. Maternity leave**

According to the 2009/10 survey, the mean length of Maternity leave taken by women increased from 32 weeks in 2006 to 39 weeks in 2008; that is by approximately two months in the space of two years. The Work and Families Act 2006 policy goal of lengthening utilization of paid Statutory Maternity leave (SMP) and Maternity allowance (MA) from 26 weeks to 39 weeks was successful. However, results show that the remaining period of unpaid leave (i.e. weeks 40 to 52) was less attractive to mothers: just under half (45 per cent) made use of this leave. Duration of maternity pay and length of Maternity leave taken are positively associated, particularly for economically disadvantaged women. Those taking the shortest 'paid' leaves (up to 39 weeks of Maternity Leave) were low-earners, part-time workers and the self-employed; while those taking the longest leave were: high earners and those in full-time employment.

The Maternity and Paternity Rights and Women Returners Survey 2009/10 did not collect systematic data on the exact timing of women's return to work but by 12-18 months after childbirth, three out of four (77 per cent) mothers had returned to employment. As in previous surveys mothers' decision to return to work was mainly motivated by economic considerations. The factors with the strongest association with returning to work included: employer size and sector, duration of pre-birth job, type of maternity pay received, family structure and mothers' educational levels.

The overwhelming majority of mothers who had worked before childbirth had received some type of maternity pay: 42 per cent of mothers received Statutory Maternity Pay (SMP) only; 32 per cent received SMP and Occupational Maternity Pay (OMP), the most generous pay package; four 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>15</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 five 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. Analysis of Scottish cohort data (Growing up in Scotland) for 2011 found that 78 per cent of fathers took

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<sup>14</sup> See [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)

<sup>15</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>.

some type of leave soon after the birth of their child and that this was more likely to be Paternity leave than annual leave<sup>16</sup>. 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 nine 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>17</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 employees taking the full 26 weeks. This equates to less than half a per cent of workplaces overall.

Based on a small sample of the data provided to HM Revenue & Customs by employers, the Government estimate that around 6,000 employees claimed either statutory Shared Parental Pay or Additional Paternity Pay (the predecessor to Shared Parental Pay) in 2015/16.<sup>18</sup>

### **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

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<sup>16</sup> Scottish Government, (2015), *Fathers in the Early Years: how do they balance their work and family life?*, Scottish Government Publication.

<sup>17</sup> Gordon H. and Szram J. (2013) 'Paternity leave experiences of NHS doctors',. *Clinical Medicine*, Vol.13, No.5:426-30.

<sup>18</sup> APPG on Fatherhood Fathers policy briefing: January-March 2017.

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>19</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 eight 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 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

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<sup>19</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.



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 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

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. Recent selected publications**

O'Brien, M. and Twamley K. (2017) 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. A related chapter can be found:

O'Brien M and K Twamley (2017) Le congé supplémentaire de paternité au Royaume-Uni: Un échange de dons entre père et mère ? *Revue des politiques sociales et familiales* n° 122 – 1er trimestre.

Huskinson, T., Hobden, S., Oliver, D., Keyes, J., Littlewood, M., Pye, J. and Tipping, S. (2016). *Childcare and early years survey of parents: 2014 to 2015* (DFE-00064-2016). London: DfE.

The report, and our further analysis of the data, show a strong relationship between the use of formal childcare (i.e. care that has to be paid for) and income. For preschool children, the relationship is particularly strong for day nurseries and childminders. These are just the sorts of care that the tax-free childcare could be used to pay for. However the bureaucratic burdens of setting up a government Gateway account and an account for the payments, both online, may deter the lowest income parents from claiming. The above report (table C2.19) shows that the receipt of Government funded hours of free childcare was strongly related to household income, with the lowest income households having a much lower take-up rate. There is a danger that this same inequality will be found for receipt of tax-free childcare.

Kaufman, G. (2017) Barriers to equality: why British fathers do not use parental leave, *Community, Work and Family*.

This study investigates reasons for non-use of APL. We find four main reasons: financial costs, gendered expectations, perceived workplace resistance, and policy restrictions. First, most fathers emphasized the role of finances in their leave decisions, sometimes taking annual leave for their second week because statutory pay was not enough. Second, both mothers and fathers largely assumed that mothers would take longer Maternity leave due to gender differences in earnings and a greater emphasis on maternal over paternal bonding. Third, fathers felt that their workplaces would not be fully supportive of longer leave. Fourth, APL provides low pay and little flexibility. Gender plays a prominent role in each of the four themes. We discuss implications for Shared Parental Leave (SPL), which recently went into effect. Based on our findings, SPL is unlikely to be effective.

### **c. Ongoing research**

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. This mixed method study will examine love, choice and gender equality and their relations with one another through an empirical study of parent couples taking different Maternity and Paternity leave patterns. The first part is a survey on parental leave decisions conducted with expectant parents recruited in antenatal clinics in England. The second part follows a subsample of the survey participants 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/>

*Making Room for Dad: Shared Parental Leave & Contemporary Fatherhood* project has been funded by the British Academy / Leverhulme, 2015-2017. Dr Emma Banister (Manchester University) and Dr Ben Kerrane (Lancaster University). The study aims to explore the experiences of a small group of men, as they become fathers for the first time.

Available at: <http://www.research.mbs.ac.uk/makingroomfordad>

# United States<sup>1</sup>

**Shirley Gatenio Gabel** (Fordham University) and **Gayle Kaufman** (Davidson College)

**April 2017**

NB. United States is a federal state.

**Note on United States leave policy:** There is no statutory right to any of the types of leave or other statutory measures covered in the other country notes in this review. 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 their regular schedule. 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.

For comparisons with other countries in this review on leave provision and early childhood education and care services please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network website.

## **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*

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<sup>1</sup> Please cite as: Gatenio Gabel, S., Kaufman, Gayle (2017) 'United States country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

- California was the first state to implement a comprehensive paid family leave (PFL) law in 2004, covering all private sector employees. Some public sector employees are covered and self-employed persons can opt in. PFL allows covered employees regardless of gender to take up to six weeks of a partially paid leave (55 per cent of earnings up to a maximum of USD\$1,173 [€1,050]<sup>2</sup> a week in 2017) following childbirth, adoption or care of a seriously ill child, grandchild, parent, parent-in-law, grandparent, spouse or domestic partner. This is in addition to the State Disability Insurance (SDI) programme that provides up to six weeks of a partially paid leave at 55 per cent of earnings and may be taken by mothers during or after pregnancy. Additional weeks can be granted with proper physician certification in cases of difficult pregnancies.
- These benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase.
- Hawaii provides up to four weeks of leave per year for childbirth, adoption or care of an employee's child or care of a seriously ill child or family member to either parent 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 USD\$594[€531] in 2017<sup>3</sup>.
- 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\$633[€566] a week in 2017 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 2015 was US\$516[€461]. It covers all private sector employers, and some public employees<sup>4 5</sup>.
- On 4 April 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 in addition to 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[€156] 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 that must begin one to four weeks prior to the expected delivery date. A female employee who adopts a minor

<sup>2</sup>Conversion of currency undertaken on 21<sup>st</sup> June 2017, using: <http://finance.yahoo.com/currency-converter>

<sup>3</sup> <https://labor.hawaii.gov/dcd/files/2013/01/17Wbase.pdf>.

<sup>4</sup> [http://lwd.dol.state.nj.us/labor/fli/worker/state/FL\\_SP\\_calculating\\_benefits.html](http://lwd.dol.state.nj.us/labor/fli/worker/state/FL_SP_calculating_benefits.html).

<sup>5</sup> [http://lwd.dol.state.nj.us/labor/forms\\_pdfs/tdi/FLI%20Summary%20Report%20for%202015.pdf](http://lwd.dol.state.nj.us/labor/forms_pdfs/tdi/FLI%20Summary%20Report%20for%202015.pdf)

- five years old or less is entitled to the same leave benefits as a mother who gives birth.
- 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 USD\$89[€79] per week and a maximum of USD\$817 [€731] per week in 2017. It covers all private sector employers, and some public employees. In February 2017, the average weekly benefit was USD\$525 [€470] for caregiving<sup>6</sup>.
- District of Columbia passed the Universal Paid-Leave Amendment Act in December 2016, which provides eight weeks for Parental leave, six weeks for family care, and two weeks for own serious health condition. The Act covers all private sector employers covered by the D.C. Unemployment Compensation Act. Self-employed individuals can opt in. From 1 March 2019, covered employers will be required to contribute 0.62 per cent of the annual salary for each of its covered employees to the Universal Paid Leave Fund. Beginning in 2020, the paid leave program would pay out USD\$242 million [€216 million] in benefits per year. The benefit is up to USD\$1,000[€895] per week. Beginning in 2021, the maximum of benefit will be increased annually to account for inflation<sup>7 8</sup>.

*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.
- 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>9</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)*

- 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

<sup>6</sup> <http://www.dlt.ri.gov/lmi/pdf/tdi/1216.pdf>.

<sup>7</sup> <http://www.helioshr.com/2017/02/the-dc-universal-paid-leave-amendment-act-review/>.

<sup>8</sup> <http://www.nationalpartnership.org/research-library/work-family/paid-leave/state-paid-family-leave-laws.pdf>.

<sup>9</sup> Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

have access to paid family leave through their employers<sup>10</sup>. Only 12 per cent of private sector employees do<sup>11</sup>.

- Federal FMLA exempts private employers and non-profit organisations with less than 50 employees (all public sector employees are covered).

#### *Flexible working*

- None.

#### *Specific provision for (breast-)feeding*

- The Fair Labor Standards Act, amended by the Affordable Health Care Act in 2012, requires that an employer with 50 or more employees must provide its hourly workers: a reasonable break time for an employee to express breast milk for her nursing child up to one year after the child's birth; and a place, other than a bathroom, that is private and free from intrusion to be used by an employee to express breast milk.
- The Fifth Circuit of the federal Court of Appeals recently decided that discriminating against a female employee because she is lactating or seeking to express breast milk may constitute sex discrimination under the Pregnancy Discrimination Act and Title VII of the Civil Rights Act.

## **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 2016** (including proposals currently under discussion)

Newly elected President Donald Trump has promised to introduce legislation to make paid Parental leave available in the United States although details of his proposal remain lacking. In his first official address to Congress in 2017, President Trump stated: "My administration wants to work with members in both parties to make childcare accessible and affordable, to help ensure new parents have paid family leave, to invest in women's health." Of interest is his inclusive approach to paid family leave that goes beyond maternal leave. His previous leave proposals included six weeks of paid Maternity leave only and were to have been paid through unemployment benefits to parents by employers.

On 7 February 2017 Senator Kirsten Gillibrand reintroduced the Family Act, which had been first introduced by Sen. Gillibrand and Rep. DeLauro in 2013 and reintroduced in 2015. This act would provide up to 12 weeks of paid leave for the birth or adoption of a new child, to care for a sick child, partner, or parent, or to care for oneself. Workers on leave would receive 66 per cent of their wages, up to a

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<sup>10</sup> Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

<sup>11</sup> U.S. Department of Labor (2015, June) DOL Fact Sheet – Family and Medical Leave.

maximum of USD\$4.000[€3,581] per month. Funding for the program would come from a small tax of 0.2 per cent of wages collected from employers and employees.

#### 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>12</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>13 14</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 2016

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

##### a. General overview

Since US government leave policy has historically been under-developed, there has been relatively little research conducted. As more states create their own programs, however, more research is likely to appear. 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. Recent selected publications

Adema, W., Clarke, C., & Frey, V. (2016). Paid Parental leave and other supports for parents with young children: The United States in international comparison. *International Social Security Review*, 69(2), 29-51. The United States has been falling behind the rest of the OECD in many social and economic indicators by not adequately investing in children, fathers and mothers. Given the significant pay-offs to these family supports, this article focuses on issues of reconciling work and care commitments for families with young children, and in particular, on paid Parental leave policies within the OECD and the United States.

Andres, E., Baird, S., Bingenheimer, J. B., & Markus, A. R. (2016). Maternity leave access and health: A systematic narrative review and conceptual framework development. *Maternal and Child Health Journal*, 20(6), 1178-1192. This study investigated both the correlates of Maternity leave utilization in the US and the

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<sup>12</sup> Klerman, J. A., Daley, K., & Pozniak, A. (2013). *Family and Medical Leave in 2012: Technical report*. Washington, D.C.: Abt Associates.

<sup>13</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>14</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.

related health benefits for mother and child. The literature generally confirms a positive, though limited correlation between Maternity leave coverage and utilization. Likewise, longer Maternity leaves are associated with improved breastfeeding intentions and rates of initiation, duration and predominance as well as improved maternal mental health and early childhood outcomes. However, the literature points to important disparities in access to Maternity leave that carry over into health outcomes.

Asfaw, A., & Colopy, M. (2017). Association between parental access to paid sick leave and children's access to and use of healthcare services. *American Journal of Industrial Medicine*, 60(3), 276-284. Using the child sample of the National Health Interview Survey data, the study examined the association between parental access to paid sick leave (PPSL) and children's use of preventive care and reduced likelihood of delayed medical care and emergency room (ER) visits. The results indicated that PPSL may improve children's access and use of healthcare services and reduce the number of ER visits.

Baum, C. L., & Ruhm, C. J. (2016). The effects of paid family leave in California on labor market outcomes. *Journal of Policy Analysis and Management*, 35(2), 333–356. Using data from the 1997 cohort of the National Longitudinal Survey of Youth (NLSY-97), this study examines the effects of California's paid family leave program (CA-PFL) on mothers' and fathers' use of leave during the period surrounding child birth, and on the timing of mothers' return to work, the probability of eventually returning to pre-childbirth jobs, and subsequent labor market outcomes. The results indicate that CA-PFL raised leave use for both the average covered mother and the corresponding father. Rights to paid leave are also associated with stronger and longer employment probabilities for mothers nine to 12 months after birth because of increased job continuity among those with relatively weak labor force attachments. The study also finds positive effects of California's program on hours and weeks of work during their child's second year of life.

Burtle, A., & Bezruchka, S. (2016). Population health and paid Parental leave: What the United States can learn from two decades of research. *Healthcare*, 4(2), 30. Multidisciplinary Digital Publishing Institute. Available at: <http://www.mdpi.com/2227-9032/4/2/30/htm>.

This document is intended as a critical review of the present evidence for the association between paid Parental leave and population health. The authors concluded that Parental leave policies that support all working families by providing parents the opportunity to be with their new-born for an appropriate length of time should be considered as a population health priority in the United States.

Byker, T. S. (2016). The economics of gender paid Parental leave laws in the United States: Does short-duration leave affect women's labour-force attachment? *The American Economic Review*, 106(5), 242-246.

Using monthly longitudinal data from the Survey of Income and Program Participation, the study estimates the impact of paid leave laws in California and New Jersey on women's labour-force outcomes around childbirth. The author found that paid leave laws are associated with a substantial increase in labour-force attachment in the months directly around birth. While US-style short-duration leave is unlikely to change prolonged exits from the labour force, findings imply that paid leave laws influence some women to stay more attached to jobs, particularly low-skilled women.

Curtis, E. M., Hirsch, B. T., & Schroeder, M. C. (2016). Evaluating workplace mandates with flows versus stocks: An application to California paid family leave. *Southern Economic Journal*, 83(2), 501-526.



Quarterly Workforce Indicators (QWI) provide county by quarter by demographic group data on the number and earnings of new hires, separations, and recalls (extended leaves). The QWI is used to examine the effects of California's 2004 paid family leave (CPFL) program, comparing outcomes for young women in California to those for other workers within and outside of California. CPFL had little effect on earnings for young women, but increased effects for separations, hiring, and worker-mobility.

Raabe, P. H., & Theall, K. P. (2016). An analysis of paid family and sick leave advocacy in Louisiana: Lessons learned. *Women's Health Issues*, 26(5), 488-495. As has happened elsewhere, opposition from businesses and Republican legislators blocked the passage of paid family and sick leave bills in the state. Communicating about the important health and other benefits of paid family and sick leaves, and developing support for state-wide policies is a long term process but one that is important. The Louisiana initiative provides insights for paid leave advocacy elsewhere.

Reed, J., & Vandegrift, D. (2016). *The Effect of New Jersey's Paid Parental Leave Policy on Employment*. MPRA Paper No. 74794. Available at: <https://mpra.ub.uni-muenchen.de/74794/>.

Paid Parental leave policy remains a continuing source of controversy in the United States. This paper evaluates the critics' claim that paid family leave entitlements under the New Jersey family leave law that took effect in 2009 reduces employment. Findings suggest that employment was reduced by 3.3 percent overall and employment reductions among women, people of childbearing age, and more highly skilled workers are relatively larger. Little evidence is found that family leave mandates have any employment effects for unskilled workers.

Silver, B. E., Mederer, H., & Djurdjevic, E. (2016). *Launching the Rhode Island Temporary Caregiver Insurance Program (TCI): Employee experiences one year later*. Report submitted to the US Department of Labour. Available at: <http://www.dlt.ri.gov/tci/pdf/RIPaidLeaveFinalRpt0416URI.pdf>.

This report is based on a 2015 survey of Rhode Island employees who had access to TDI and had life event (including childbirth) that qualified for TCI. The report focuses on awareness, leave experiences (type, reason, and length), satisfaction with leave, impact of leave, and barriers to taking leave.

Skiba, M. (2016). Barefoot, Pregnant and (Not Very) Happy: Management and Healthcare Reasons for Paid Parental Leave in the US. *The Journal of Business Diversity*, 16(1), 115-123.

This paper provides a brief overview of the FMLA's flaws, why it is now necessary to correct them, and primarily concentrate on issues related to the birth of a child versus adoption and dependent care coverage as provided in the Act. The paper reviews recently proposed legislation and recommendations for future improvements.

Susser, P., & Ziebarth, N. R. (2016). Profiling the U.S. sick leave landscape: Presenteeism among females. *Health Services Research*, 51(6), 2305–2317.

Using the 2011 Leave Supplement of the American Time Use Survey (ATUS), a representative and comprehensive database on sick leave in the US, the study found that 35 percent of US full-time employees lack access to paid sick leave. Low-income employees, service sector employees, and those in poor health have the lowest coverage rates. The authors estimate that each week up to three million US employees- mainly women with children in low-wage sector jobs - do not take sick leave and engage in presenteeist behaviour.

Tominey, E. (2016). Female labour supply and household employment shocks: Maternity leave as an insurance mechanism. *European Economic Review*, 87, 256-271.

Using the US Family and Medical Leave Act, the study finds that mothers eligible for Maternity leave return to work sooner in response to a paternal shock, with the conditional probability of being in work 49 per cent higher than in households with no unpaid Maternity leave. Further evidence is provided on the insurance role of unpaid Maternity leave through (i) no significant interaction between paid Maternity leave and the paternal shock and (ii) smoothing of consumption effects of the shock for households covered by unpaid leave.

Zagorsky, J. L. (2017). Divergent Trends in US Maternity and Paternity Leave, 1994–2015. *American Journal of Public Health*, 107(3), 460-465.

The study created a publicly available ecological long-term series for measuring Parental leave from 1994 to 2015 by using the Current Population Survey, which interviews about 60,000 randomly selected households monthly. From 1994 to 2015, the author observed no national impact on Maternity or Paternity leave after implementation of state laws that provided paid leave. About half (51.1 per cent) of employees on Maternity or Paternity leave during 2015 received paid time off. The typical woman on Maternity leave was older, more likely married, more likely non-Hispanic White, and more educated than the typical woman who gave birth.

### **c. Ongoing research**

None reported.

# Uruguay<sup>1</sup>

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**April 2017**

For comparisons with other countries in this review on leave provision and early childhood education and care services please see the cross-country tables at the front of the review (also available individually on the Leave Network website). To contact authors of country notes, see the members page on the Leave Network 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)*

- 13 weeks: up to six weeks can be taken before the birth, one week of which must be taken at this time.

*Payment and funding*

- 100 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 female 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. (2017) 'Uruguay country note', in: Blum S., Koslowski A., and Moss P. (eds.) *International Review of Leave Policies and Research 2017*. 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)*

- 14 weeks: up to six weeks can be taken before the birth. It is obligatory to take the full period.

*Payment and funding*

- 100 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 female 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*

- 100 per cent of earnings with no ceiling on payments.
- As for Maternity leave.

*Flexibility in use*

- None.

*Eligibility*

- All male 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)*

- Ten calendar days (since January 2016). Employed workers are entitled to a leave of absence of thirteen days from the day of birth. The first three days are in the responsibility of the employer with regards to payment (Law 18.345), and the next ten are paid by the Social Security system (Law 19.161). In the case of self-employed workers, they are entitled to ten calendar days leave.

*Payment and funding*

- 100 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 male 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 (including same sex couples). 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.

### *Specific provision for (breast-)feeding*

- *None*

## **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 2016** (including proposals currently under discussion)

None.

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

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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.

### **a. Maternity leave**

Data on Maternity leave show a steady increase in the period 2011-2015, from 14,264 users in 2011 to 16,533 users in 2015. However, no significant impact is observed from the new law Nr.19161. The observed increase in 2015 compared to 2013 is 6.4 per cent. This means that when it comes to the first two years 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 was 8,799 in 2014<sup>4</sup> and 14,256 in 2015. It shows an increase of 62.13 per cent compared to the previous year. Although the number is lower than women who took Maternity leave in the same year, there is a shortening of the gap compared to 2014.

### **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**

During 2014 there were 6,288 users of part-time parental care allowance, of which 2.6 per cent were fathers<sup>5</sup>. During 2015, users grew to 8,054 which represents an increase of 28.6 per cent compared to the previous year. In this case, fathers represent 1.24 per cent.<sup>6</sup>

## **5. Research and publications on leave and other employment-related policies since April 2016**

Please be aware that this is not intended to be a comprehensive list of all publications or research in this area for this country. If you are aware of a publication or research that could be listed in this section, please contact the country note author(s) so that they can include it for the following year.

### **a. General overview**

None reported.

### **b. Recent selected publications**

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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> Own elaboration based on data provided by the Social Security Institute (BPS)

<sup>5</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>6</sup> Own elaboration based on data provided by the Social Security Institute (BPS).

None.

### **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 other care policies which have been recently implemented. Related to parental care allowance (the right to work part-time after Maternity leave), the project includes a representative survey of the potential users of these permits to be implemented in the second half of 2017. The aim of the survey is to describe the profile of users, and analyse the effect of government intervention in the practices and representations of care. It will inquire into the barriers perceived by users and non-users to make use of these leaves and care allowance, the views of women and men on legal changes, and variations in care practices and care work distribution among other dimensions.

The general objective of the project is to analyse the changes and continuities which exist between the practices and representations of gender relationships, particularly in the distribution of domestic work and care, for men and women in three generations. Added to the aforementioned, a qualitative research was carried out during 2016, involving 49 interviews to women and men (36 women and 13 men) of different socioeconomic levels. The project includes as well an analysis of the different child-care policy instruments which existed between 1955 and 2016 in Uruguay. Contact: Karina Batthyány at: [karinabatthyany@cienciassociales.edu.uy](mailto:karinabatthyany@cienciassociales.edu.uy)