

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

# 17<sup>th</sup> International Review of Leave Policies and Related Research 2021

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AUGUST 2021

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*The 17<sup>th</sup> International Review of Leave Policies and Related Research 2021 is dedicated to the memory of our esteemed friend and colleague Dr Christiane Rille-Pfeiffer (1968-2021).*



Christiane Rille-Pfeiffer was a Senior Researcher at the Austrian Institute for Family Studies at the University of Vienna. As a committed family sociologist, she was a keen observer and researcher of Austrian and international family policies for more than 20 years. She was a founding member of the *International Network on Leave Policies & Research*, and she made a key contribution to its development and to the dissemination of its publications. With her extensive knowledge and her critical and reflective perspective, Christiane Rille-Pfeiffer not only affected the development of family policy measures such as the Austrian childcare allowance, but also shaped the people who worked with her. We cherish her memory as a valued colleague, and we will continue to build upon her contributions to leave research. Most of all, we remember her as our brilliant and dignified friend.

# 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 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.

The review is based on country notes from each participating country, prepared by members of the network and edited by several 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 (including those relating to COVID-19); information on take-up of leave.

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; the relationship between leave and ECEC entitlements; and policy changes and developments since the previous review. We also include a technical appendix.

The **2021 review covers 47 countries**. These are: Argentina, Australia, Austria, Belgium, Bulgaria, Brazil, Canada, Chile, China, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Israel, Ireland, Italy, Japan, Korea, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, New Zealand, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America, and Uruguay.

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.

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

If citing the complete review, please do so as:

Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (2021) *International Review of Leave Policies and Research 2021*. 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.

Finally, we note our thanks to Hanno Hahn (FernUniversität in Hagen) for his research and editorial assistance in the production of this year's review.

## 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' or confusingly as in Iceland 'parental 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).

Although 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, Germany, 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 Bulgaria, Croatia, Czech Republic, Poland, Serbia 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.

#### **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.



# 3. Overview: Cross-Country Comparisons

## Sources used

The main sources used for the tables in this review are the country notes prepared by the members of the International Network on Leave Policies and Research, following a common format. Country notes are reviewed and revised each year by authors and editors. For 2021, all country notes have been edited by at least one of the five of the network's coordinators: Sonja Blum, Ivana Dobrotić, Gayle Kaufman, Alison Koslowski and Peter Moss. Lead editorship rotates, and for 2021 Alison Koslowski was lead editor.

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 in the country notes.

Currency conversion was carried on for a single day (21 June 2021) using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-sek.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-sek.en.html)

Please also refer to the technical appendix (section 5).

## Statutory Maternity leave: April 2021

Many 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 Québec), Ireland, and South Africa, where no period of leave is paid at a high earnings-related level; and the UK, where less than half the leave period is paid at a high earnings-related level.

Of the 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. Other countries without designated Maternity leave – Australia, Iceland, New Zealand, Norway, Portugal and Sweden – provide paid leave that women may or must 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.

The **period of post-natal Maternity leave** varies widely from just a few weeks to 12 months. In 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 rest of the country.

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 (not included in the table below) and after birth. In some countries, women can take more leave if they have a multiple birth, a higher order birth, or a medical complication.

Eight countries - Bulgaria, Chile, Croatia, Czech Republic, Israel, Poland, Serbia and the UK - 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 being in exceptional circumstances (such as serious illness). Maternity leave can also be transferred to fathers in some other countries, but only in specific and extreme circumstances (such as death or severe illness); the Slovak Republic is the exception here, in that only the maternity benefit can be transferred to fathers.

**Two approaches** to leave policy are emerging:

1. Most widespread is the traditional concept of a 'Maternity leave': intended only for women; linked to pregnancy, childbirth, and the first months of motherhood; and treated as a health and welfare measure. 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. Under this approach, women are entitled to more leave overall than men.
2. 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 as being for 'mothers only' and for 'fathers only.' For instance, Iceland offers 12 months' Parental leave: six months each for the mother and father (they may each transfer up to six weeks to the other). With the Icelandic model, 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. Other examples include New Zealand, Norway, Portugal, and Sweden.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well-paid	
Argentina <sup>1</sup>					
Private sector	■ ■ OB	8.0	2.0	2.0	None
Public sector	■ ■ OB	8.3	2.3	2.3	1
Australia <sup>2</sup>	□				
Austria	■ ■ ■ OB	1.9	1.9	1.9	1
Belgium	■ ■ ■ OB	3.3	3.3	3.3*	1
Brazil <sup>3</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>4</sup>	None

<sup>1</sup> Argentina: Leave includes a basic period of well-paid leave, plus a separate period of unpaid leave that women can apply for.

<sup>2</sup> Australia: the law only refers to 'Parental leave,' but it covers leave for mothers.

<sup>3</sup> Brazil: six months for some public and private sector employers; four months for others.

<sup>4</sup> Canada: low-income families can qualify for a higher benefit rate, up to 80 per cent of average insured earnings.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well-paid	
Québec	■■■	4.2	4.2	4.2*	2
Chile	■■■ TR OB	5.5	5.5	5.5*	3; 4
China <sup>5</sup>	■■■	2.7	2.7	2.7	1
Croatia	■■■ TR OB	6	6	6	3; 4
Cyprus	■■■ OB	3.7	3.7	3.7	1
Czech Republic	■■■ 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>6</sup>	None
France	■■■ OB	3.3 <sup>7</sup>	3.3	3.3*	1
Germany	■■■ OB	1.9	1.9	1.9	1
Greece					
Private sector	■■ OB	8.1	8.1	2.1*	None
Public sector	■■■ OB	3	3	3	1
Hungary	■■■ OB	5.6	5.6	5.6	None
Iceland <sup>8</sup>	□ OB				
Ireland	■■	9.3	6.0	×	None
Israel	■■■ TR OB	6.0	3.5	3.5*	1; 3
Italy	■■■ OB	4.7	4.7	4.7	1
Japan	■■■ OB	1.9	1.9	1.9	1
Korea	■■■ OB	3.0	3.0	3.0* (30 days)	1
Latvia	■■■	1.9	1.9	1.9	1
Lithuania	■■■	1.9	1.9	1.9	1
Luxembourg	■■■ OB	2.8	2.8	2.8*	1

<sup>5</sup> China: most provinces have (differently) extended the duration of Maternity leave; the most common extension is to 158 days.

<sup>6</sup> Finland: the proportion of earnings paid is reduced beyond a specified level.

<sup>7</sup> France: 26 weeks if the pregnant mother already has two children and 34 weeks if the woman is expecting twins.

<sup>8</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 chosen. Six months of 'birth leave' is reserved for women to take after birth, of which two weeks are obligatory.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well-paid	
Malta	■■■ OB	4.2	4.2	3.3	None
Mexico	■■■ OB	2.3	2.3	2.3	1
Netherlands	■■■ OB	2.8	2.8	2.8*	1; 5
New Zealand <sup>9</sup>	□				
Norway <sup>10</sup>	□ OB				
Poland	■■■TR OB	4.6	4.6	4.6	1; 3
Portugal <sup>11</sup>	□				
Romania	■■■ OB	4.2	4.2	4.2	None
Russian Fed.	■■■	2.3	2.3	2.3*	1
Serbia	■■■TR OB	11.2	11.2	11.2*	3
Slovakia <sup>12</sup>	■■■ OB	6.5	6.5	6.5*	1
Slovenia	■■■ OB	2.6	2.6	2.6*	None
South Africa	■■ OB	4	×	×	None
Spain	■■■ OB	3.7	3.7	3.7*	1; 4
Sweden <sup>13</sup>	□ OB				
Switzerland	■■■ OB	3.3	3.3	3.3*	None
United Kingdom	■■ TR OB	12	9	1.4	3
USA <sup>14</sup>	×				

<sup>9</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>10</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>11</sup> Portugal: the law does not refer to Maternity leave, only to 'Initial Parental leave,' part of which is reserved for mothers (six weeks for women after birth) with the remainder for parents to divide as they choose. This is included under Parental leave.

<sup>12</sup> Slovakia: father may be on Maternity leave at the same time as the mother, but only if caring for an older child.

<sup>13</sup> Sweden: obligatory for women to take two weeks' leave either before or after birth; to receive benefit, they must draw on their Parental leave benefit entitlement.

<sup>14</sup> USA: there is no separate Maternity leave, but parents may each take up to 12 weeks' unpaid leave for childbirth, or for the care of a child up to 12 months of age, as part of the federal Family and Medical Leave Act; employers with fewer than 50 employees are exempt. Six states, Washington D.C., and Puerto Rico provide some benefit payments to parents missing work around the time of childbirth.

Country	Summary of leave	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well-paid	
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 of the period paid, but either flat-rate or (if income-related) at less than 66 per cent of earnings for all or most of the period; ■■■: statutory entitlement, paid for all or most of the 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; 5 – part of leave can be taken at any time during a defined period after the birth. Does not include flexibility in using part of Maternity leave before or after birth.

## Statutory Paternity leave: April 2021

Just as Maternity leave is gender-specific, so too is the usual definition of Paternity leave, being an entitlement only for fathers, enabling them to take a short period of leave immediately following the birth of a child, often associated with providing help and support to the mother. Increasingly, same-sex partners of birth mothers and other co-parents can be included in this entitlement.

However, as Parental leave in several countries includes a period 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 12 months' leave after birth: six months for mothers, six months for fathers, and each parent may transfer six weeks to the other parent; there is, therefore, no Paternity leave *per se*, but six 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 12 months with the same name – 'birth leave' – the six 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), with payment dependent on collective agreements; plus a further 15 to 19 weeks' father's quota (about a third of the total Parental leave entitlement that only the father can use), which is well-paid from public sources; most of the Parental leave is a family entitlement.

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers (with some countries including to same-sex partners and other co-parents) and is in addition to Parental leave. For example, in Sweden there is a ten-day, temporary leave in connection with a child's birth or adoption, and this differs from the 90-day 'fathers' quota.' On this basis, **many countries have a statutory and designated Paternity leave** (plus the province of Québec in Canada). **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. **Duration of Paternity leave** can vary from just a couple of days to 16 weeks (Spain).

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 period during which the leave can be taken and regarding entitlements to additional time for multiple births. In three countries (Chile, Italy, and Portugal), it is obligatory for fathers to take some or all of their Paternity leave.



Country	Summary of leave	Length of post-natal leave (weeks unless specified)			Flexibility
		Total	Paid	Well-paid	
Argentina					
Private sector	■■■■	2 days	2 days	2 days	None
Public sector	■■■■	4 days	4 days	4 days	None
Australia <sup>15</sup>	■■	2	2	✗	3
Austria					
Private sec	✗				
Public sec	■	4	None <sup>16</sup>	None	None
Belgium	■■■■ OB	15 days	15 days	15 days*	2; 3
Brazil <sup>17</sup>	■■■■	1 or 4	1 or 4	1 or 4	None
Bulgaria	■■■■	15 days	15 days	15 days*	None
Canada	✗				
Québec	■■■■	5	5	5*	1
Chile	■■■■ OB	5 days	5 days	5 days	2; 3
China <sup>18</sup>	■■■■	7 to 30 days	7 to 30 days	7 to 30 days	None
Croatia	✗				
Cyprus	■■■■	2	2	2	3
Czech Republic	■■■■	1	1	1*	3
Denmark	■■■■	2	2	2*	3
Estonia	■■■■	30 days	30 days	30 days*	2; 3
Finland	■■■■	3	3	3 <sup>19</sup>	2; 3; 4
France	■■■■	14 days	14 days	14 days* <sup>20</sup>	3
Germany	✗ <sup>21</sup>				
Greece					
Private sec	■■■■	2 days	2 days	2 days	None
Public sec	■■■■	2 days	2 days	2 days	None
Hungary	■■■■	5 days	5 days	5 days	3; 4
Iceland <sup>22</sup>	✗				
Ireland	■■	2	2	✗	3

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<sup>15</sup> Australia: two weeks' payment for fathers taking Parental leave ('Dad and Partner Pay'), which are included under Parental leave; this is a statutory entitlement paid flat-rate.

<sup>16</sup> Austria: there is a paid 'family time' where fathers receive a 'family time bonus' of €700 (see report) – available for all (self) employed fathers, but this is not well-paid.

<sup>17</sup> Brazil: longer in public sector; shorter in private sector.

<sup>18</sup> China: there is no statutory entitlement nationally; the given numbers are for regional provisions that, since 2018, have existed in all provinces.

<sup>19</sup> Finland: paid at 70 per cent of earnings, but a proportion is reduced beyond a specified level. More leave is available to fathers, but only three weeks can be used while the mother is on leave.

<sup>20</sup> There is no ceiling on payment in the public sector.

<sup>21</sup> Germany: many fathers use some Parental leave entitlements directly after the birth which are exclusive to them, in a manner similar to Paternity leave.

<sup>22</sup> Iceland: the law does not distinguish separate Maternity, Paternity, and Parental leaves, referring only to 'birth leave,' six months of which is for mothers, six months for fathers, and each parent may transfer up to six weeks to the other.

Israel	■■	6 days	5 days	3 days	None
Italy	■■■ OB	10 days <sup>23</sup>	10 days	10 days	2; 3; 5
Japan	×				
Korea	■■■	3 to 5 days	3 days	3 days	3
Latvia	■■■	10 days	10 days	10 days	3
Lithuania	■■■	4	4	4*	3
Luxembourg <sup>24</sup>	× [ ]	2	2	2	
Malta					
Private sec	■■■	1 day	1 day	1 day	4
Public sec	■■■	5 days	5 days	5 days	3
Mexico	■■■	5 days	5 days	5 days	5
Netherlands <sup>25</sup>	■■■	6	6	6	3
New Zealand	■	2	×	×	3
Norway	■ <sup>26</sup>	2	×	×	2; 3 <sup>27</sup>
Poland	■■■	2	2	2	2; 3
Portugal <sup>28</sup>	■■■ OB	5	5	5	3
Romania	■■■	5 to 15 days <sup>29</sup>	5 to 15 days	5 to 15 days	3; 4
Russian Fed.	×				
Serbia	×				
Slovakia <sup>30</sup>	×				
Slovenia	■■■	4.3	4.3 <sup>31</sup>	4.3*	2; 4
South Africa <sup>32</sup>	■	10 days	10 days	10 days	
Spain	■■■	16	16	16*	2; 3; 4
Sweden	■■■	10 days	10 days	10 days*	3; 4
Switzerland	■■■	2	2	2*	2; 3
United Kingdom	■■	10 days	10 days	×	3
USA <sup>33</sup>	×				
Uruguay					
Public	■■■	10 days	10 days	10 days	None
Private	■■■	13 days	13 days	13 days	None

## Key:

**Summary of leave:** ✕: no statutory entitlement. ■: statutory entitlement but unpaid; ■■: statutory entitlement, some of the period paid, but either flat-rate or (if income-related) at less than 66 per cent of earnings for all or most of the period; ■■■: statutory entitlement, paid for all or most of the 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

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<sup>23</sup> Italy: a further one-day of optional Paternity leave can be taken if the mother agrees to transfer it from her Maternity leave. In addition, fathers may take three months' paid leave in exceptional circumstances, e.g. death or severe illness of the mother.

<sup>24</sup> Luxembourg: there is no statutory Paternity leave, although fathers can use ten days' well-paid leave due to 'extraordinary circumstances.'

<sup>25</sup> Netherlands: The length of leave is equivalent to six times the number of working hours per week per partner/father; for example, a full-time job of 38 hours per week gives a leave entitlement of 6 weeks, the length of leave shown in the table.

<sup>26</sup> Norway: whilst unpaid by the government, most employed fathers are covered by their individual employer or collective agreements.

<sup>27</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>28</sup> Portugal: the law does not refer to Paternity leave, referring only 'father's-only Parental leave.' It is included under Paternity leave because it is only for fathers.

<sup>29</sup> Romania: the statutory leave is granted for five days only, but ten extra days can be granted if the father has completed an infant care course for the first child.

<sup>30</sup> Slovakia: However, there is entitlement to a non-transferable maternity benefit that fathers can take while being on Parental leave (see country note for details).

<sup>31</sup> Slovenia: 30 days, paid at 100 per cent of average monthly earnings; 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).

<sup>32</sup> South Africa: there is no statutory Paternity leave yet, although fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave. However, a private bill was launched in 2018 to amend this gap in the provision.

<sup>33</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 of age, as part of the federal Family and Medical Leave Act; employers with fewer than 50 employees are exempt.

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 – leave can be taken at any time during a defined period after the birth; 4 – additional time for multiple births and large families; 5 – can be extended in the case of maternal incapacity or death.

## Statutory Parental leave (not including additional childcare leave): April 2021

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 parents '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.' In April 2019, the European Parliament adopted a directive of the European Parliament and of the Council on work-life balance for parents and carers and repealing Council Directive 2010/18/EU. After the Council formally approved the Directive, EU countries have three years to comply with them. The Directive also requires: ten working days of Paternity leave, paid at no less than the level of sick pay; two months of non-transferable, paid Parental leave; five days of annual carer's leave; and flexible working patterns.

Around half of the non-EU countries in this review also provide Parental leave. The exceptions are Argentina, Brazil, Chile, China, Mexico, Serbia, South Africa, Switzerland (the only European country included in this review not to provide Parental leave, though not an EU member state), and the United States (which has a generic and unpaid 'family and medical leave' that is not applicable to private employers with fewer than 50 employees).

Six countries (Australia, Iceland, New Zealand, Norway, Portugal, and Sweden) have Parental leave that subsumes either Maternity leave or Maternity and Paternity leave, 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; and 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 includes Belgium, Bulgaria, Canada, Croatia, Cyprus, 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 the two: 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 of age – this is similar in Latvia. So, too, is this the case in Australia, Austria, Korea, and Romania, with leave lasting potentially until a child's second birthday. Greece is also exceptional, with four months per parent 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 leaves (benefits) are a **family entitlement** in nine countries, to be divided between parents as they choose (Austria, Canada - Québec, Estonia, Finland, Hungary, Lithuania, Poland, Russia, and Slovakia); an **individual entitlement** in 20 countries (Australia, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, France, Germany, Greece, Ireland, Israel, Italy, Latvia, Japan, Korea, Luxembourg, Netherlands, Slovenia, Spain, and the United Kingdom); a **mixed entitlement** (part family, part individual) in seven countries (Iceland, New Zealand, Norway, Portugal, 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. In this column of the table, only entitlement to leave is taken into consideration, and not entitlement to any payments. For example, in Latvia, there is an independent entitlement to leave for both parents, but not to the accompanying payment, which is a family entitlement.

A majority of countries in the review (30) provide some element of **payment**; only Cyprus, Greece, Ireland, Israel, Malta, Netherlands, Spain, and the UK make no payment. Payment policy varies considerably and can include a **ceiling on benefit payments**.

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

1. 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);
2. the possibility of taking leave in one continuous block or several shorter blocks;
3. the option to take longer periods of leave with lower benefits or shorter periods with higher benefits (e.g. Greece);
4. the possibility to transfer leave entitlements to carers who are not parents;
5. the possibility to use all or part of leave when parents choose, until their child reaches a certain age;
6. additional leave in the case of multiple births or, in a few cases, other circumstances;
7. the possibility for both parents to take all or some leave at the same time.

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 'father's quotas' need to be well-paid if they are to be widely used. Another approach is to offer some form of bonus (e.g. additional leave) if both parents take some Parental leave. Eleven countries offer such a bonus. For example, 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). Similarly, in 2019 Canada introduced five or eight extra weeks of paid leave reserved for fathers/second parents, if Parental leave is shared between couples. Other countries with incentives for fathers to take leave are Austria, Croatia, France, Italy, Korea, Norway, and Romania.

**Childcare leave** can usually be taken immediately after Parental leave, creating a continuous, longer period of leave, even if the conditions (such as the benefit paid) may not be the same. It is, however, much less common than Parental leave (available in Belgium, Bulgaria, Croatia, Finland, Greece, Hungary, 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, effectively, blurring the distinction with Parental leave). Greece is also exception in that childcare leave is available after Maternity leave, and as Parental leave is unpaid, its use is very limited, while childcare leave which is fully compensated is widely used.



In addition to these countries, some 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 of age; 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. For more information on childcare leave, please consult the country notes.

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' part-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 (e.g. care of a young child, providing palliative care, or attending a training course).

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
Argentina	x						

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
Australia <sup>34</sup>	■ ■	24	4.7	✘	Individual; non-transferable	✘	7b
Austria <sup>35</sup>	■ ■ ■	▶▶24	▶▶24	14 incl. 2 bonus	Family	Partnership bonus if parents share equally (60:40)	1; 2; 3; 5; 7b
Belgium	■ ■ +	8	8	✘	Individual; non-transferable	✘	1; 2; 5; 6; 7a
Brazil	✘						
Bulgaria	■ ■	12	12	✘	Family	✘	4

<sup>34</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>35</sup> Austria: since 2017, there has been 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.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
Canada <sup>36</sup>	■ ■	8.1 to 15.9	8 to 15.9	✘	Family	5 to 8 extra weeks	3; 7a
Québec	■ ■ ■	7.4	7.4	5.8*	Family	✘	3; 5; 7a
Chile	✘						
China	✘						
Croatia <sup>37</sup>	■ ■ +	8	8 to 16	✘	Individual; partly transferable	Higher payment for additional 2 months if both parents use	1; 2; 5; 6; 7a
Cyprus	■	8.4 <sup>38</sup>	✘	✘	Individual; partly transferable	✘	2; 5; 6; 7a

<sup>36</sup> Canada: a supplement is payable to low-income (i.e., below the poverty line) families taking Parental leave, increasing payment to 80 per cent. There are regional variances in unpaid leave between jurisdictions. In 2019, Canada introduced extra weeks reserved for fathers/second parents, conditional upon parents sharing leave in the standard plan (shorter duration, higher benefit at 55 per cent) and extended plan (longer duration, lower benefit at 33 per cent).

<sup>37</sup> Croatia: in the case of twins, 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>38</sup> Cyprus: Parental leave can usually be taken for a minimum period of one week and a maximum period of five weeks, per calendar year.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
Czech Republic <sup>39</sup>	■■■	▶▶36	[6 to 36]	[19*]	Individual; non-transferable	✗	1; 3; 7a
Denmark <sup>40</sup>	■■■	7.4 to 14.8	7.4 to 14.8	7.4*	Individual; non-transferable	✗	1; 3; 5; 7a
Estonia	■■■	▶▶36	[▶▶14.5]	[▶▶14.5]	Family	✗	2; 4; 5
Finland <sup>41</sup>	■■■ +	8.2	8.2	8.2	Family & individual non-transferable (technically Paternity leave)	✗	1; 2; 6; 7b

<sup>39</sup> Czech Republic: each parent can take leave until their child is 36 months of age, but only one parent can receive Parental benefit, which is paid to all families, whether or not leave is taken when the child is between the ages of 12 and 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>40</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. It can be extended to 64 weeks if taken part-time, subject to agreement with employer.

<sup>41</sup> Finland: paid at 70 per cent of earnings, but proportion is reduced beyond a specified level. The duration of Parental leave is 158 working days, including Saturdays, so 158 days is 26.3 weeks. Nine weeks of 'Paternity leave' are available and are included here as a form of Parental leave, only three of which can be taken whilst the mother is on leave, the other six (or nine) weeks are for after the family Parental leave period.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
France <sup>42</sup>	■ ■	▶▶24 or 36 if shared between parents	[ ▶▶36]	✗	Individual; non-transferable	Longer period of financial payments if both parents take some leave	1; 6; 7a
Germany	■ ■ ■	72	28 incl. 4 bonus	14 incl. 2 bonus* <sup>43</sup>	Individual; non-transferable	Bonus leave if parents share	1; 2; 3; 4; 5; 6; 7a
Greece							
Private sector	■ +	8	✗	✗	Individual; non-transferable	✗	2; 5; 6
Public sector	■ +	120 (5 years per parent)	✗	✗	Individual; non-transferable	✗	5
Hungary	■ ■ ■ +	▶▶36	▶▶36	24*	Family	✗	1; 4; 6
Iceland	■ ■ ■ +	12	12	12*	six months individual;	✗	1; 2; 5; 6; 7a

<sup>42</sup> France: Parental leave is not paid, but there is a Parental leave benefit. They do not always overlap because eligibility conditions are different. See country note.

<sup>43</sup> Germany: earnings-related payment varies between 65 and 67 per cent.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
					each parent may transfer up to six weeks of their leave to the other		
Ireland	■	14.4 <sup>44</sup>	2.3	✘	Individual; non-transferable	✘	2; 5; 6; 7a
Israel	■	▶▶12	✘	✘	Individual; non-transferable	✘	2
Italy	■■	11 incl.1 bonus	11 incl.1 bonus	✘	Individual; non-transferable	Bonus leave if parents share	1; 2; 5; 6; 7a
Japan	■■■	▶▶14 incl. 2 bonus	▶▶14 incl. 2 bonus	12*	Individual; non-transferable	Leave can be taken over a longer period if parents share	2 (fathers); 7a

<sup>44</sup> Consists of one year of unpaid 'Parental leave' (26 weeks per parent) + 2.4 months of 'Parent's leave' (5 weeks per parent paid at a low flat rate). Both are individual, non-transferable rights equally available to both parents.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
Korea	■ ■	24	24*	6*	Individual; non-transferable	3 months at 100 per cent earnings if second parent takes leave	1; 2; 5; 7a
Latvia	■ ■	36	18 <sup>45</sup>	×	Individual; non-transferable	×	2, 3; 5; 7a
Lithuania <sup>46</sup>	■ ■	▶▶36	▶▶24	▶▶12*	Family	×	4; 6
Luxembourg	■ ■ ■	12	12	12	Individual; non-transferable	×	1; 3; 7a
Malta Private sector	■	8	×	×	Individual; non-transferable	×	2; 5
Public sector	■ +	12	×	×	Family	×	2; 5
Mexico	×						

<sup>45</sup> Only one parent can receive payment. If a parent chooses to receive the benefit up until a child's first birthday, payment is at 60 per cent of their salary. If a parent chooses to receive the benefit until the child is 18 months of age, they receive 43.75 per cent of their salary for this period.

<sup>46</sup> Lithuania: 12 months of leave at 77.58 per cent of previous earnings up to a ceiling; or 24 months at a lower earnings-related level (54.31 per cent for first year, 31.03 per cent for second year) up to a ceiling.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
Netherlands <sup>47</sup>	■	12	×	×	Individual; non-transferable	×	(1); (2); 5; 6; 7a
New Zealand <sup>48</sup>	■■■	12	6	6*	Family	×	2, 7a
Norway	■■■ +	13	13	13*	Family & individual; non-transferable	×	1; 2; 3; 5; 6; 7b
Poland	■■■ +	7.4	7.4	7.4 <sup>49</sup>	Family	×	1; 2; 3; 4; 7a

<sup>47</sup> Netherlands: parents are entitled to 26 times their weekly working hours; figure of 12 months based on both parents with full-time jobs of 38 hours per week, which gives a leave period of 988 hours (= 26 weeks or six months).

<sup>48</sup> New Zealand: the leave in this table corresponds to what is referred to as primary carer's, partner's and extended leave in the country note.

<sup>49</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.



Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
Portugal <sup>50</sup>	■■■ +	12	12	6	Initial Parental leave: family and partly transferable; Additional Parental leave individual, non-transferable	Bonus month if Initial Parental leave shared	1; 3; 5; 7b
Romania	■■■	»24	»24	»24* <sup>51</sup>	Family	1 month of paid leave is lost if only one parent takes leave	2; 6
Russian Fed.	■■	»36	»18*	×	Family	×	1; 4
Serbia <sup>52</sup>	×						
Slovakia	■■	»36	[ »36]	×	Individual	×	1; 2; 6; 7a
Slovenia	■■■	8.6	8.6	8.6*	Individual; transferable	×	1; 2; 4; 5; 6; 7a.

<sup>50</sup> Portugal: the leave in this table corresponds to what is referred to as Initial and Additional Parental leave in the country note. Length of leave includes bonus month for parents sharing Initial Parental leave.

<sup>51</sup> Romania: the period of paid leave is reduced by one month if both parents do not take at least one month of leave.

<sup>52</sup> Serbia: in the case of multiple births, or for the third and every subsequent child, parents are entitled to 20.2 months of leave.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
South Africa <sup>53</sup>	✘						
Spain <sup>54</sup>	■	» 36	✘	✘	Individual; non-transferable	✘	2; 6; 7a
Sweden <sup>55</sup>	■■■	» 18	15.9	12.9*	Family & individual; partly transferable	✘	1; 2; 3; 4; 5; 6; 7a; 7b
Switzerland	✘						
United Kingdom <sup>56</sup>	■	4.2	✘	✘	Individual; non-transferable	✘	2; 5; 6; 7a
USA	✘						

<sup>53</sup> The South African parliament passed a bill in 2017 for the introduction of at least ten days of Parental leave for employees who are also parents, and for at least ten consecutive weeks of Parental leave for an employee who is a commissioning parent in a surrogate motherhood agreement.

<sup>54</sup> Spain: each parent is entitled to take leave until a child's third birthday.

<sup>55</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 of age. In December 2017, a major commission on Parental leave published proposals for changes in Parental leave legislation – please see country note for details.

<sup>56</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.

Country	Summary of leave	Total amount of post-natal Parental leave available to family, <i>excluding</i> childcare leave (months)			Type of leave entitlement (leave only, not including payment)	Incentive for father to take (in addition to individual entitlement)	Flexibility
		Total	Paid	Well-paid			
Uruguay Public sector Private sector	✗ ■■■	✗ 3	✗ 3	✗ 3	✗ Family	✗ ✗	

**Key:**

**Summary of leave:** ✗: no statutory entitlement; +: period of additional childcare or other leave available after end of Parental leave (or in the case of Greece after the end of Maternity leave), this leave is not included in subsequent columns; ■: statutory entitlement but unpaid; ■■: statutory entitlement, some of the 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 the period; ■■■: statutory entitlement, paid for all or most of the period at 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010), *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at:

<http://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>)

**Total amount of post-natal Parental leave available to family:** leave may be awarded as **either** (i) a period of time (e.g. 12 months) **or** (ii) until a child reaches a certain age (e.g. until a child's third birthday). In the 'total amount' column, ► indicates (ii), e.g. in Austria leave is until a child reaches 24 months of age; 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 receive a payment, whether on leave or not.

**Type of leave:** there are two dimensions here. Firstly, leave can be a 'family' or an 'individual' entitlement; and, secondly, an 'individual' entitlement can be non-transferable (i.e., if the individual does not use their entitlement, it is lost) or 'transferable' (i.e. the individual can transfer part or all of their 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 the same time. Brackets indicate that the option requires employer agreement.

## Statutory other measures: April 2021

With four exceptions (China, Iceland, Mexico, Uruguay), countries include some provision to take **leave in the case of the illness of a child**. For European Union member states, the 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. In some cases, leave is allocated in the number of days in total in a given year; in others, it is allocated in terms of number of days per illness. Leave is often paid and often at a high level of income replacement, usually without an upper limit. In some cases, the length of leave entitlement decreases as children get older. Along with length, payment varies considerably.

Many countries also offer **additional leave entitlements to care for their family members**, in some cases for public sector employees only (e.g. Brazil, Malta). 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 the serious or terminal illness or care of a very dependent relative. There may be further provisions to care for dependants with disabilities (for these, please consult the country notes). Length, payment, and other dimensions of leave also vary considerably.

Legislation which entitles parents to **reduce working hours** specifically during their child's early months is reasonably common across the countries in the review. (1) In one case, directed particularly at the early months of the child, this is mostly to facilitate the **(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, and Spain). Parents who are allowed to reduce their working hours in this way are usually entitled to earnings compensation. In Spain, reduced daily hours can be consolidated into full-time leave, thus, in practice, extending Maternity leave by between two to four weeks. (2) In another case, parents have also right to reduce working hours (often going beyond the early months, and extending to parents with younger children), **to combine care work and (part-time) employment** (e.g. in Austria, Germany, Croatia, Finland).

Finally, in a few countries, parents have a legal **right to request flexible working** (often in specific form) from their employers (e.g. Australia, Italy, Lithuania). Typically, employers 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 the age of six have – in principle – the right to work from home. We may expect rights to work (partially) from home to be expanded in the aftermath of the COVID-19 pandemic. In Iceland, employers are required to make the necessary arrangements to enable employees 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.

The number of ■ indicates statutory entitlement and level of payment (see key at the end of the table).

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>57</sup>		Right to request flexible work
	Children	Others		Other	
Argentina					
Private sector	×	×	■■■ 2 30-minute breaks per day	×	×
Public sector	■■■ 20 days per worker per year	■■■ 20 days per worker per year	■■■ 2 one-hour breaks per day; or reduce working day by 2 hours	×	×
Australia	■■■ 10 days per worker per year	■■■ 10 days per year for immediate family	×	×	Yes, until child is 18 and all with caring responsibilities
Austria	■■■ 2 weeks per employee per year or ■ 9 months for a seriously ill child	■■■ 1 week per worker per year or ■ 5 months ■■ 4 weeks	■■■ 90-minute break per day	■ to 7 years (larger employers)	×

<sup>57</sup> This includes reduction in hours, specifically referring to infant (breast)feeding, 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.

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>57</sup>		Right to request flexible work
	Children	Others		Other	
Belgium	■ 10 days per worker per year	■ 10 days per year or ■■ 1 to 12 months for a severely ill family member or ■■ 2 months for palliative care	■■■ 30-minute break per day if working up to 7.5 hours; 1 hour if working longer	×	×
Brazil	[public sector only] ■■■ 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	■■■	×	×
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 (in principle <sup>58</sup> ) for mothers of children under 6
Canada	■ 3 to 10 days in 3 provinces <sup>59</sup>	■■ 8 to 28 weeks if 'significant risk of death' for family member	×	×	Federal workers only (1 of 14 labour law jurisdictions)
Québec	■ 10 days per worker per year	■ 10 days per worker per year	×	×	×
Chile	■■■ children under 1 year have length of leave determined by doctor; for	■■ 10 days per year to care for a disabled person	■■■ 1 hour daily to feed a child under 2 years	×	×

<sup>58</sup> Although there is this statutory right of remote working for mothers with children under the age of six, in practice this is non-applicable. This is because employers in the private sector refuse flexible or remote working, based on the argument that private sector jobs require strict working hours and physical presence. This affects the majority of young Bulgarian women who primarily work in this sector. See additional comments in the Bulgarian country note.

<sup>59</sup> Canada: a federal benefit lasting up to 35 weeks is available for parents with a critically ill child under 18 years of age; most provinces have legislated for a matching leave period.

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding <sup>57</sup>	Other	
	older children, 10 days of leave (or equivalent hours)				
China	✗	✗	■■■ 1 hour per day, 2 hours for multiple births and nursing leave (in Yuannan and Shaanxi)	✗	✗
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 with extra care/ developmental needs	✗
Cyprus	■ 7 days per year	■ 7 days per year	■ 1 hour per working day for 6 months	✗	✗
Czech Republic	■■ 9 days per illness	■■ 9 days per serious illness for relative at home	✗	✗	✗
Denmark <sup>60</sup>	■■■ 1 to 2 days per illness	✗	✗	✗	✗
Estonia	■■■ 14 days per illness per family	■■■ 7 calendar days for illness of a family member	■■■	■ up to 10 days' additional unpaid leave plus ■■ 3 to 6 days'	✗

<sup>60</sup> Denmark: no statutory entitlement to childcare leave or career breaks, dependent on collective agreement or individual contract.



Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding <sup>57</sup>	Other	
		■ 5 working days per year to care for a relative with a severe disability		supplementary holiday	
Finland	■■(■) <sup>61</sup> 4 days per illness for a child up to 10 years. Special care allowance up to 2.4 months for severe illness, hospitalisation or rehabilitation	□□ Leave of absence (unpaid) to take care of a family member (duration not specified)	×	■■ 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; employees entitled to work part-time for family reasons	×
Germany	■■■ up to a maximum of 25 days per year per parent	■ 10 days per illness + 6 months' long-term care for care-dependent relative	■■■ 60- to 90-minute break per day	■■ dependent relative with earnings re-allocation; right to reduced working hours for the 3 years following <i>Elternzeit</i>	×
Greece Private				■■■ to 2.5 years	×

<sup>61</sup> Finland: length of leave (4 days) is defined by law; level of payment is determined by collective agreements. An allowance of 70 per cent of earnings is paid if the parent cannot work because of the hospitalisation of a child under seven years of age, a severely ill child between seven and 15 years of age, or the rehabilitation of a child under 16 years of age.



Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>57</sup>		Right to request flexible work
	Children	Others		Other	
	(according to age of child) plus additional leave days		months; 1-hour break to 9 months	child turns 5, if 3+ children	
Iceland	✗	✗	✗	✗	Yes: employers required to support family/work balance
Ireland	■■■ 3 days per year per parent	■ or ■■ up to 104 weeks for dependent	■■■ adjust working hours	✗	Yes: 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 Maternity leave; transferable to father	✗	✗
Italy	■ unlimited to 3 years; 5 days per year for children aged 3 to 8	■■■ up to 2 years across entirety of working life for serious family need	■■■ 1 to 2 hours per day until child 12 months; transferable to father in some circumstances	✗	Yes: until child is 6 years old or, if child has disabilities, until 18
Japan	■ 5 days per parent per year for child under CSA; 10 days if 2 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	Yes: employees exempted from the entitlement to reduced hours to 3 years
Korea	■ 90 days per parent per year, minimum 30 days	■ 90 days per worker per year, minimum 30 days	■■■ 30 minutes twice a day until child 12 months	✗	✗

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>57</sup>		Right to request flexible work
	Children	Others		Other	
Latvia	■■■ 14 to 21 days per sickness episode for a child under 14	×	■■■ 30 minutes every three hours per child up to 18 months (father or mother can use the right)	■■■ Up to 3 days' additional annual leave ■ to 14 years	Yes: pregnant women, women in postpartum period, breast-feeding mothers, and workers with a child up to 14 (or 18 if child has a disability)
Lithuania	■ 2 weeks per year per worker with a child under 14 years	×	■■■ 30 minutes every three hours		Yes; all employees
Luxembourg	■■■ Up to 18 days per child per year (varies by age) or up to 52 weeks if child disabled or seriously ill	×	■■■ 2 x 45-minute breaks per day or 1 x 90-minute break	×	×
Malta	■ up to 1 year per parent for care of disabled child  ×	■ up to 1 year per parent for care of spouse or parents  ×	■■■ 1 to 3 breaks per day up to 1 hour in total  ×	■■■ 20 to 35 hours per week until child is 16  ×	Yes: teleworking for 12 months (renewable yearly)  ×
Mexico	×	×	■■■ 2 x 30-minute breaks per day	×	×

<sup>62</sup> Mexico: only exception is full-time leave paid at 60 per cent of earnings to care for a child under 16 years of age diagnosed with cancer, during the period the child is in hospital or in need of continuous treatment

Country	Leave to care for sick dependents		Reduced hours	Other	Right to request flexible work
	Children	Others	(Breast)feeding <sup>57</sup>		
			until child 6 months old		
Netherlands	<ul style="list-style-type: none"> <li>■ ■ ■ 2 x working hours/week per year</li> <li>■ 6 x working hours/week taken part-time per year where long-term care needed</li> </ul>	<ul style="list-style-type: none"> <li>■ ■ ■ 2 x working hours/week) per year or</li> <li>■ 6 x working hours/week taken part-time per year</li> </ul>	<ul style="list-style-type: none"> <li>■ ■ ■ up to 25 per cent of working hours until child 9 months old</li> </ul>	×	Yes: flexible hours and working from home for all employees if employer has 10+ employees
New Zealand	<ul style="list-style-type: none"> <li>■ ■ ■ 5 days per year</li> </ul>	<ul style="list-style-type: none"> <li>■ ■ ■ 5 days per year</li> </ul>	<ul style="list-style-type: none"> <li>■ right to request break</li> </ul>	×	Yes: any worker
Norway	<ul style="list-style-type: none"> <li>■ ■ ■ 10 to 15 days per parent of child(ren) under 12 years per year; 20 to 30 days for single parent</li> </ul>	<ul style="list-style-type: none"> <li>■ ■ ■ Up to 60 days if caring for terminally ill family member in the home; 10 days every year to care for sick parents or spouse/partner</li> </ul>	<ul style="list-style-type: none"> <li>■ ■ ■ 1 hour per day for child under 12 months</li> </ul>	<ul style="list-style-type: none"> <li>■ to 10 years</li> </ul>	×
Poland	<ul style="list-style-type: none"> <li>■ ■ ■ 14 days per year per worker</li> </ul>	<ul style="list-style-type: none"> <li>■ ■ ■ 14 days per year per worker</li> </ul>	<ul style="list-style-type: none"> <li>■ ■ ■ 2 30-minute breaks per day while breast-feeding continues</li> </ul>	×	Yes: in certain circumstances, e.g. a disabled or seriously ill child
Portugal	<ul style="list-style-type: none"> <li>■ ■ 30 days per year per family if child &lt;12 years; 15 days if child &gt;12 years</li> </ul>	<ul style="list-style-type: none"> <li>■ 15 days per year for close relative + 15 days for severely disabled or chronically ill spouse</li> </ul>	<ul style="list-style-type: none"> <li>■ ■ ■ 2 hours per day until child 12 months; can be taken by either parent</li> </ul>	<ul style="list-style-type: none"> <li>■ to 12 years</li> </ul>	Yes: entitlement to work flexible hours until child 12 years
Romania	<ul style="list-style-type: none"> <li>■ ■ ■ 45 days per year per family for chronically ill child under 7 (or 18 if living with a disability)</li> </ul>	×	<ul style="list-style-type: none"> <li>■ ■ ■ 2 1-hour breaks per day until child is 12 months old; or</li> </ul>	×	×

Country	Leave to care for sick dependents		Reduced hours (Breast)feeding <sup>57</sup>		Right to request flexible work
	Children	Others		Other	
			reduce working hours by two hours per day.		
Russian Fed.	■■■ 45 to 60 days per child per year depending on age of child	×	■■■ once every 3 hours for 30 minutes	×	×
Serbia	■■■ up to 15 days per illness episode for sick or injured family member younger than seven years of age or a family member older than seven years with severe developmental difficulties; up to 7 days per illness episode for the care of sick or injured family member older than seven years of age; up to 18 years of age in the case of a family member with severe health conditions	■■■ 5 working days per year	■■■ 90 minutes per day for child under 12 months	×	
Slovakia	■■ 7 days per illness; 15 days for children up to age 7 (unpaid longer leave is available)	■■ 7 days per illness for close family member (unpaid longer leave is available)	■■■ 2 x 30 minutes until child reaches 6 months, 1 x 30 minutes	×	Yes: Pregnant women and women and men taking care of children under 15 may ask

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding <sup>57</sup>	Other	
			until child reaches 12 months		for shorter working hours. Employers may decline the request due to serious operational reasons.
Slovenia	■■■ 7 to 15 days per illness, longer in exceptional cases	■■■ 15 days per illness for a spouse, longer in exceptional cases	■■ 1 hour per day until child reaches 18 months	■■ until 3 years, or longer if child lives with disability <sup>63</sup>	×
South Africa	■■■ 3 to 5 days per year	■■■ 3 to 5 days per 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 9 or 12 months (public sector); individual, non-transferable right of both parents <sup>64</sup>	■ until child is 12 years old, or longer if child lives with a disability	×
Sweden	■■■ 120 days per child up to 12 years old per year ■■■ Unlimited for seriously ill child	■■■ Benefit for care of closely related (adult) person who is seriously ill (100 days)	■■■ (duration not specified)	■ reduced by 25 per cent up to 8 years; extendable in case of special needs	×
Switzerland	■■■ 3 days per illness episode per family and max. 10 days per year	■■■ 3 days per illness episode and max. 10 days per year	■■■ 30 minutes to 1.5-hour break per day (depending on hours worked)	×	×

<sup>63</sup> Slovenia: social security contributions based on the proportional part of average earnings in the previous 12 months (at least on the minimum wage and up to 2.5 times the national average salary) are paid for the hours not worked.

<sup>64</sup> Spain: reduced hours until child is nine to 12 months of age may be consolidated as two to four weeks of full-time leave.

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	(Breast)feeding <sup>57</sup>	Other	
	■■■ 14 weeks (7 weeks per parent if 2 carers) to care for children after an accident / in case of serious illness <sup>65</sup>		during child's first year		
United Kingdom	■ 'reasonable time'	■ 'reasonable time'	×	■■ paid time off for both parents for antenatal care	Yes: 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	×	×	×	■■■ to 5 months	×
Private sector	×	×	×	■■■ minimum of 4 hours per day when baby is between 3 and 12 months	×
Public sector	×	×	×		

**Key:**

×: no statutory entitlement. ■: statutory entitlement but unpaid, including EU member states covered by *force majeure* measure in Parental leave directive; ■■: statutory entitlement, paid but *either* at low flat-rate (less than €1,000/month) *or* earnings-related at less than 66 per cent of earnings *or* not universal; ■■■: statutory entitlement, paid for all or part of duration to all parents at an earnings-related level of 66 per cent of earnings or more, the latter being an indicator used by the European

<sup>65</sup> Switzerland: As of July 2021.



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>

## Relationship between leave and ECEC entitlements: April 2021

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 of age** vary from less than 15 per cent (Bulgaria, Czech Republic, Mexico, Poland, and Slovak Republic), to over 50 per cent (Belgium, Denmark, France, Iceland, Israel, Korea, Luxembourg, Malta, Netherlands, and Norway), with a median rate among the 41 countries yielding data of just over a third (37 per cent). **Attendance rates for children over three years of age** are uniformly much higher, but vary from under 70 per cent (Croatia, Greece, Switzerland, and the US) to 95 per cent and over (Belgium, Denmark, France, Germany, Iceland, Ireland, Israel, Korea, Netherlands, New Zealand, Norway, Spain and the UK), with a median rate among the 43 countries for which there is information of 91 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: indeed, in many cases they will not be.

Thirty two countries have an **entitlement to an ECEC service**. In nine countries (Argentina, Austria, Bulgaria, Croatia, Cyprus, Czech Republic, Hungary, Luxembourg and Mexico), the entitlement includes a period of *compulsory* attendance at an ECEC service, usually for children aged four years and over. In 16 countries the entitlement is only from three years of age or later. A further eight countries have a clear entitlement for before three years of age: at two and half years in Belgium, and at 12 months or younger or at the end of Parental leave in seven countries: Denmark, Finland, Luxembourg, Malta, Norway, Slovenia, and Sweden, with full-time places available in all cases except Luxembourg (whose part-time entitlement is part of a multilingual education programme). In another seven countries – Estonia, Germany, Hungary, Latvia, Mexico, Romania, and Russia – there is a legal entitlement for the youngest age group, but it is reported that a shortage of places means that, to varying degrees, the entitlement is not fully operational until a later age; in the case an eighth country, Portugal, a recent reduction of the entitlement from four to three years cannot yet be fully met. It is only in six countries with an operational entitlement for the

youngest age group that there is no gap between the end of well-paid leave and the start of an ECEC entitlement: Denmark, Finland, Malta, Norway, Slovenia, and Sweden. Elsewhere, there are substantial gaps, which if combined with countries that have no ECEC entitlement, emphasises the extensive lack of coordination between these two policy areas.

	Attendance rates at formal ECEC services (2017)		Child's age (months) at:			Gap between (months)	
	0-2 years	3-5 years	end of leave(a)	end of well-paid leave(b) <sup>66</sup>	start of ECEC entitlement(c)	(c)-(a)	(c)-(b)
Argentina	NI	76%(2016)	8 to 8.3	2 to 2.3	■ 4 years: OB	40	46
Australia	40%	84%	24	×	×	No ECEC entitlement	
Austria	21%	89%	24	14	■ 5 years: PT & OB	36	46
Belgium	56%	98%	12	4	■ 2½ years	18	26
Brazil	23%	84%	4.2 to 6.5	4.2 to 6.5	×	No ECEC entitlement	
Bulgaria	9%	77%	36	12	■ 4 years: OB	24	48
Canada	No information		19-22	×	×	No ECEC entitlement	
Québec	No information		12.8	11.2	×	No ECEC entitlement	
Chile	22%	79%	5.6	5.6	×	No ECEC entitlement	
China	No information		2.8 <sup>67</sup>	2.8	■ 3 years	33.2	33.2
Croatia	19%	68%	36	6	■ 5 years: PT & OB	24	54
Cyprus	32%	86%	6	3.7	■ 4.8 years: OB	50	52.3
Czech Republic	8%	88%	36	24	■ 3 years: OB from 5	No gap	12
Denmark	55%	98%	18.1	10.7	■ 6 months	No gap	No gap

<sup>66</sup> Where bonus months given if leave shared, 'end of well-paid leave' includes these months. Both (a) and (b) give child's age if leave taken in one continuous period and full-time.

<sup>67</sup> China: 2.8 months is the national minimum entitlement; many provinces offer longer periods of leave, most frequently up to 4.7 months.

	Attendance rates at formal ECEC services (2017)		Child's age (months) at:			Gap between (months)	
	0-2 years	3-5 years	end of leave(a)	end of well-paid leave(b) <sup>66</sup>	start of ECEC entitlement(c)	(c)-(a)	(c)-(b)
Estonia	29%	91%	36	19	■ ■ 18 months	No gap	?No gap
Finland	31%	80%	36	11.5	■ ■ end Parent.leave	No gap	No gap
France	56%	100%	36	3.7	■ 3 years	No gap	2.2
Germany	37%	95%	36	14	■ ■ 1 year <sup>68</sup>	?No gap	?No gap
Greece	23%	65%	14 to 72	6 to 12	■ 4 years PT	34 to no gap	36 to 42
Hungary	16%	92%	36	24	■ ■ birth: OB from 3	?No gap	?No gap
Iceland	60%	97%	20	12	×	No ECEC entitlement	
Ireland	32%	98%	23.6	×	■ 3¼ years PT	18.6	×
Israel	56%	99%	12	3.5	×	No ECEC entitlement	
Italy	30%	94%	16	5	×	No ECEC entitlement	
Japan	30%	91%	14	14	×	No ECEC entitlement	
Korea	56%	95%	27	9	×	No ECEC entitlement	
Latvia	31%	93%	37.9	1.9	■ ■ 18 mths	No gap	?16.1
Lithuania	25%	85%	36	12	×	No ECEC entitlement	
Luxembourg <sup>69</sup>	63%	88%	14.8	14.8	■ 1 year PT: OB from 4	21.2	25.2
Malta	55%(2014)	94%	12 to 75.3	3.3	■ ■ 3 months <sup>70</sup>	No gap	No gap

<sup>68</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>69</sup> Luxembourg: based on full-time employed parents taking the option of 4 months full-time leave. The maximum flat-rate payment is high and has, exceptionally, been counted as well-paid leave.

<sup>70</sup> Malta: entitlement for children with parents in full-time employment or education.

	Attendance rates at formal ECEC services (2017)		Child's age (months) at:			Gap between (months)	
	0-2 years	3-5 years	end of leave(a)	end of well-paid leave(b) <sup>66</sup>	start of ECEC entitlement(c)	(c)-(a)	(c)-(b)
Mexico	4%	84%	2.3	2.3	■ ■ birth: OB	33.7	33.7
Netherlands	59%	95%	16.2	4.2	■ 4 years PT	31.8	43.8
New Zealand	50%	95%	12	6.0	■ 3 years PT	24	30
Norway	56%	97%	37	13	■ ■ 13 months	No gap	No gap
Poland	10%	82%	48	12	■ 3 years	No gap	24
Portugal	37%	91%	36	6	■ 3 years	12	42
Romania	17%	82%	24	24	■ ■ birth	?No gap	?No gap
Russian Federation	19%	83%	36	2.3	■ ■ 2 months <sup>71</sup>	?No gap	? No gap
Serbia	No information		36	11.2	×	No ECEC entitlement	
Slovakia	1%	75%	36	13	×	No ECEC entitlement	
Slovenia	41%	90%	12.2	12.2	■ ■ end Par. leave	No gap	No gap
South Africa	NI	17%(2015)	4	×	×	No ECEC entitlement	
Spain	36%	97%	36	5.5	■ 3 years	No gap	30.5
Sweden	47%	94%	18	13	■ ■ 12 months	No gap	No gap
Switzerland	38%(2014)	50%	3.7	3.7	×	No ECEC entitlement	
U. Kingdom	38%	100%	13.9	1.4	■ 3 years	22.1	34.6
USA	28%(2011)	66%	×	×	×	No ECEC entitlement	
Uruguay	No information		2.8	2.8	■ 4 years	45.2	45.2
OECD average	35%	87%					

<sup>71</sup> There is no information available to confirm whether the entitlement to an ECEC place from two months of age can be met.

Source: *Enrolment rates in early childhood education and care services, 0- to 2-year-olds*; and *Enrolment rates in early childhood education and care services and primary education, 3- to 5-year-olds*: OECD Family Database, available at: <http://www.oecd.org/els/family/database.htm>.

**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 of age or older; ■■: entitlement from below 3 years of age. PT: entitlement is for 20 hours per week or less. OB: attendance is obligatory. ■ or ■■ indicates the existence of an entitlement that cannot be met due to shortage of places. N.B., in these cases, data on gaps appears in italics preceded by '?' ('*?no gap*') and refers to the entitlement on paper, and not the actual availability of services.

## Leave policy changes: April 2021

The table below is available from the 2017 Annual Review onward. It gives a quick overview of larger policy changes in the included countries. For more information about those changes we point to the individual country notes.

The 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 readers can refer to the country notes for this. For the four types of leave, **we distinguish where a policy has newly been introduced** (marked by symbol: ✓) **or where 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 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).

For 2021, as the previous year, it is important to note that we refer here to the **regular leave policy changes**. For special leave policies enacted under the **COVID-19 pandemic**, please consult the supplementary sections in the country notes.

Which **types of changes** have been reported in the 2021 Review of Leave Policies (i.e. policy changes enacted in the year up to April 2021)?<sup>72</sup> In this year's edition of the leave review, 47 countries are included. Of those, 25 report *some* policy change (while the rest reports continuity across all types of leave), which seems roughly similar as in previous years. Some of the enacted changes are small, others target specific groups, and a few transform the main parameters of national leave systems.

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<sup>72</sup> Later changes that are under way but not yet enacted will be included in forthcoming review(s). In many countries, there are also on-going discussions about policy reforms, which have not been decided upon yet; these discussions are portrayed in the policy changes sections of each country note.

For Maternity leave, 10 countries report changes; also 10 for Paternity leave; and 13 for Parental leave. Changes in 9 countries concern other statutory leave measures. Compared to previous years, there was thus in 2020/21 a comparatively strong focus on reforming Paternity leave measures.

When it comes to qualifying the changes, a few **measures were newly introduced**, particularly in the area of other statutory measures. This included the introduction of **care leaves** in Belgium, as well as Switzerland; and newly introduced rights to take leave in the case of children with (serious) illnesses (e.g. in Greece). New **paternity leaves** were introduced in the Netherlands and Switzerland.

Regarding the reform of existing measures, **expansionary measures** are most widespread. As indicated above, the 2020/21 period indicates particular attention on expanded **Paternity leave** rights, including in Belgium, Estonia, France, and Spain. We also see benefit increases, e.g. concerning Maternity leave in Bulgaria, Chile, or Lithuania. Outright **retrenchment** measures seemed rarer even than in previous years; it remains to be seen whether austerity becomes a stronger driving force in leave policies after the immediate crisis responses to the pandemic.

### Overview of leave policy changes in 2020/21

	Maternity leave	Paternity leave	Parental leave	Other statutory leave measures
Argentina				
Australia			o increased flexibility	
Austria				
Belgium		↑ Paternity leave		✓ care leave
Brazil				



Bulgaria	↑ benefit increase			
Canada				
China				
Chile	↑ benefit height		↑ benefit height	↑ expansion SANA law
Croatia				
Cyprus				
Czech Republic				
Denmark	✓ re-instatement of collective reimbursement fund for self-employed		✓ re-instatement of collective reimbursement fund for self-employed	
Estonia		○ + 20 days; ✓ 30 days of benefit to self-employed or non-active fathers	○ parental benefit payment x childcare benefit	
Finland				
France		↑ 28 days from 1 July 2021		
Germany <sup>73</sup>			↑ Parental leave periods for early births ↑ weekly working hours threshold	✓ special regulations due to Covid-19

<sup>73</sup> Changes effective as of 1 September 2021.

			↓ maximum income threshold ↓ eligibility period of part-time Parental leave	
Greece				↑ days of paid leave for public sector employees whose spouse/child suffers from serious illnesses or mental disability can go up from 22 to 32 days  ✓ paid 6-day leave for the care of a child suffering from serious disability (public sector)  ✓ paid leave for a spouse/child who suffers from cancer and needs regular treatment (2 days per treatment) (public sector)
Hungary				
Iceland			↑ 2 months for mothers ↑ 2 months for fathers	

			o Parents may transfer up to 6 weeks to the other	
Ireland			↑ Extended duration of parental leave to 26 weeks per parent (previous 22 weeks)  ↑ Extended duration of parent's leave to 5 weeks per parent (previous 2 weeks)	
Israel				
Italy		↑ Paternity leave (from 7 to 10 days)		
Japan				
Korea	↑ including artists			✓ payment for 10 days family care leave
Latvia				
Lithuania				
Luxembourg				
Malta				
Mexico				
Netherlands		✓ up to 5 weeks at 70% earnings		

New Zealand			↑ length of paid leave	
Norway				
Poland				
Portugal				
Romania		↑ extended to certain public sector workers	↑ benefits for adoptive parents	
Russian Federation	↑ minimum and maximum payments		↑ minimum and maximum payments	
Serbia				
Slovakia	↑ benefit height		↑ benefit height	o sick care leave ✓ long-term sick care leave
Slovenia	↑ higher minimum compensation	↑ higher minimum compensation	↑ higher minimum compensation	↑
South Africa				
Spain		↑ 4-week prolongation		
Sweden				
Switzerland		✓ 2 weeks		✓ care leave
United Kingdom				
United States				
Uruguay				

**Key:** ✓ introduction, x abolishment, ↑ expansion, ↓ cutback, o recalibration

## Total amount of 'well-paid' leave available to parents in first 18 months of a child's life: April 2021

The aim of this table is to capture the extent to which parenting-related leave is compensated in a way that is related to wages or not, and to highlight the gender gap in this type of leave. We recognise that there is disagreement over what might constitute 'well-paid' leave, with many arguing that this would be 100 per cent of wages. In some cases, parts of leave are paid at 100 per cent of wages, and then different percentages are used for other parts of leave. For consistency with other tables, and with other years of the Review, the definition of well-paid used here is 66 per cent of earnings or more (or a flat-rate of more than €1000 per month), 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>)

To the extent that 'well-paid' leave is synonymous with wage-related maintenance intent, then the amount of such leave reduces the opportunity cost for mothers, but also for fathers, to take leave. This arguably contributes to a reduction in leave-taking decisions driven by economic factors. It should be noted that in some countries, ceilings on wage-related payments can significantly impact on how helpful payments are to parents, particularly in the case of a lack of recent uprating.

In the table below, column (a) indicates well-paid leave that is available to the family, technically available to either parent, but not specifically to either the father or the mother. In some cases, leave shown here can be transferred between parents where there is mutual agreement. This is exclusive of parent-specific leaves mentioned in columns (b) and (c). In some cases, leave is an individual entitlement, but the payment is a family entitlement and, so, this is considered as leave available to the family and not to a specific parent. Column (b) indicates the period of 'father-only' (including other non-birth parents) well-paid leave. This includes Paternity leaves but also non-transferable individual entitlements to Parental leave, including sharing bonuses. Column (c) indicates the period of 'mother-only' well-paid leave, which is usually for the birth mother. This includes Maternity leave and non-transferable elements

of Parental leave. There is often very similar provision available for adoptive parents, which is mentioned in full detail in the country notes.

As parents may take some of this leave concurrently, the total amounts do not indicate the child's precise age at the end of well-paid leave. In some countries, it may be possible to take longer leaves, but at a lower payment, and this is not indicated in this table. Only post-birth leave is included in this table. A month is calculated to be 4.3 weeks; while 4 weeks would be 0.9 months. # indicates a ceiling on payments. Where there is 100 per cent replacement rate, this is indicated.

Country	Well-paid leave available as family entitlement (months) (a)	Period of 'father-only' well-paid leave (months) (b)	Period of 'mother-only' well-paid leave (months) (c)
Argentina	0	2 days (private sector)/5 days (public sector)(100% earnings)	2 (private sector)/2.3(public sector) (100% earnings)
Australia	0	0	0
Austria	12	2 (extra days of Parental leave)	1.9 (100% earnings)
Belgium	0	0.45 #	3.3
Brazil	0	0.2 or 0.9	4 or 6 (private or public)
Bulgaria	0	0.5 #	12 # (with possibility to transfer 6 months to father)
Canada Québec	0 1.6 – 5.8 (7 – 25 weeks)	0 0.69 – 1.15 (3 – 5 weeks)	0 3.5 – 4.2 (15 – 18 weeks)
Chile	0	1.15	5.5
China	0	0.2 to 1	2.7
Croatia	4 (with both parents' agreement) # (low) (100% earnings)	2 # (low) (100% earnings)	8 (6 with 100% earnings and no ceiling, then 2 with # (low))
Cyprus	0	0.45	3.7
Czech Republic	6 # (leave is an individual entitlement but only one parent at a time is entitled to the benefit)	0.2 #	5.1 #
Denmark	7.4 # (leave is an individual entitlement, but the benefit is	0.45 # (100% earnings) <sup>74</sup>	3.3 # (100% earnings)

<sup>74</sup> Collective agreements do include provision for well-paid 'father-only' leave, please see country note.

	a family entitlement) (100% earnings)		
Estonia	14.5 # (100% earnings)	1 # (100% earnings)	3.7 (100% earnings)
Finland	6.2 #	2 #	2.9
France	0	0.45 (# in private sector) (100% earnings)	3.3 (100% earnings) (# in private sector)
Germany <sup>75</sup>	12 #	2	1.9 (100% earnings)
Greece	Private sector 3.6 (100% earnings) Public sector 9 (100% earnings) (Childcare leave rather than Parental leave)	2 days (100% earnings) (both private and public)	private sector: 2 # (100% earnings) public sector: 3 (100% earnings)
Hungary	24 #	0.2 (100% earnings)	5.6
Iceland	0	6 #	6 #
Ireland	0	0	0
Israel	0	3 days (100% earnings)	3.5 # (100% earnings)
Italy	0	10 days (100% earnings)	4.7
Japan	0	6 #	7.9 #
Korea	6 (if 3 months taken by second parent)	3 days' Paternity leave (100% earnings) + 3 months Parental leave # (100% earnings)	3 Maternity # (100% earnings) + 3 Parental #
Latvia	0	0.33	1.9
Lithuania	12 #	0.9 # (77.58% earnings)	1.9 (77.58% earnings)

<sup>75</sup> Germany: the leave in columns (a) and (b) is paid at a replacement rate of between 65 and 67 per cent.



Luxembourg	0	4	2.8 Maternity # (high) 100% earnings + 4 Parental
Malta	0	1 day/5 days (both sectors 100% earnings)	3.3 (100% earnings)
Mexico	0	0.2 (100% earnings)	2.3 (100% earnings)
Netherlands	0	1.4 (70 to 100% earnings)	2.8 # (100% earnings)
New Zealand	6 # (100% earnings)	0	0
Norway	4.2 (80% earnings; or 3.7 at 100%)	4.4 (80% earnings; or 3.4 at 100%)	4.4 (80% earnings; or 3.4 at 100%)
Poland	7.4 (80% earnings; may be lower if takes higher paid Maternity leave option#)	0.5 (100% earnings)	4.6 (80% earnings; 100% earnings possible but lower Parental leave payment#)
Portugal	4.6 (80% earnings; or 3.6 at 100%; includes sharing bonus)	1.2 (100% earnings)	1.4 (100% earnings possible)
Romania	23 (85% earnings)	0.4 (100% earnings) plus 1 sharing bonus	4.2
Russian Fed	0	0	2.3 (100% earnings)
Serbia	0	0	11.2 (100% earnings)
Slovakia	0	6.4	6.5 #
Slovenia	8.6 # (100 % earnings)	1 # (100% earnings)	3.6 (100% earnings)
South Africa	0	0.45	0
Spain	0	3.7 # (100% earnings)	3.7 # (100% earnings)
Sweden	9.8 # (transferable Parental leave)	3.3 #	3 #
Switzerland	0	0.46 #	3.3 #

United Kingdom	0	0	1.4
USA	0	0	0
Uruguay	0	public sector, 0.45 months; private sector, 10 – 13 days (100% earnings)	public sector, 3.1 months; private sector 3.3 months (100% earnings)

**Key:**

# See country note for full information with regard to ceiling amount.

# 4. Country Notes: April 2021

# Argentina<sup>1</sup>

**Patricia Debeljuh and Constanza Ginestra** (IAE Business School, Family-Work Balance Research Center (CONFyE) – *Universidad Austral*)

**April 2021**

N.B. Argentina Federation is a federal state, comprising 23 provinces and an autonomous city, Buenos Aires.

The leave system is heterogeneous across the country. Different entitlements are offered depending on the sector (public or private) and on the province. Moreover, access to different types of social protection benefits (including leave) is determined by participation in the formal labour market. Consequently, a significant proportion of workers in the informal economy, in small companies or working as self-employed, are excluded from these benefits. The information included in this report is based on the provisions regulated in the National Law 20.744 on Contract of Employment (1974)<sup>2</sup>, which sets minimum standards. In some cases, these benefits are supplemented by collective bargaining agreements or private sector initiatives.

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.

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<sup>1</sup> Please cite as: Debeljuh, P. and Ginestra, C. (2021) 'Argentina Country Note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

<sup>2</sup> *Ley de Contrato de Trabajo*. Available [here](#).

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

### **a. Maternity leave (*Licencia por maternidad*) (responsibility of the National Social Security Administration - ANSES)**

#### ***i. Private sector***

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

- 12.8 weeks (90 days). 30 to 45 days of pre-natal leave and 45 to 60 days of post-natal leave. It is obligatory to take leave from 30 days before the birth and for 45 days after.
- After Maternity leave, mothers can access an unpaid leave of absence (*período de excedencia*) that lasts either three or six months.

##### *Payment and funding*

- 100 per cent of earnings, with no upper limit on payment.
- Funded by ANSES, the National Social Security Administration, which is mostly financed by the federal government.

##### *Flexibility in use*

- Women are allowed to work up to 30 days before the child is due.
- After Maternity leave, mothers can opt to return to employment or start an unpaid leave of absence (*período de excedencia*) of three or six months.
- In the event of a pre-term delivery, the entire period of leave that has not been used will be added to the post-natal leave period to complete the 90 days.

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

- Registered employees and domestic workers with at least three months in employment at the time of starting the leave,

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

- In the case of a child with Downs Syndrome, paid Maternity leave is extended by six months.

- There is no additional entitlement for multiple births.

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

- There are variations in eligibility established by collective bargaining agreements in each sector. For example, the Agrarian Labour Law (2011)<sup>3</sup> establishes that temporary staff are covered under the same conditions as permanent staff.
- Basic provisions can be enhanced by private employers' practices. Thanks to the work that the Family and Business Conciliation Center (CONFyE)<sup>4</sup> has been developing since 2009, many companies from the private sector have identified the need to adopt new work-life practices. Evidence from CONFyE shows promising initiatives for mothers such as:
  - The gradual reduction of working hours leading up to delivery<sup>5</sup>.
  - The extension of Maternity leave, usually two or three extra months paid by the company<sup>6</sup>.
  - The provision of similar Maternity leave to adoptive mothers<sup>7</sup>.
  - Soft landing: mothers are allowed to gradually return to employment, with reduced working hours while receiving full pay. The scheme varies across companies, but typically part-time work starts after the end of Maternity leave with four or five working hours per day. Companies also provide mothers with soft-landing policies in the case of children with disabilities and adoption<sup>8</sup>.
  - Flexible working arrangements: working wholly or partly from home, combined if desired with time in the office<sup>9</sup>.
  - Time for mothers to spend with children during the first days of school<sup>10</sup>.

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<sup>3</sup> *Régimen de Trabajo Agrario (2011)*. Available [here](#).

<sup>4</sup> CONFyE has published five guides compiling the private sector good practices to support maternity, paternity and care of dependents with actions that go beyond the law provisions. Available [here](#).

<sup>5</sup> Debeljuh, P. y Ordóñez, M.E.: *Hacia la integración familia – trabajo: guía de buenas prácticas (2019)* IAE Publishing, Buenos Aires, p. 163.

<sup>6</sup> *Idem*, p. 164.

<sup>7</sup> Debeljuh P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas (2013)* IAE Publishing, Buenos Aires, p. 148.

<sup>8</sup> Debeljuh P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas (2011)* IAE Publishing, Buenos Aires, p. 112.

<sup>9</sup> Debeljuh P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas (2011)* IAE Publishing, Buenos Aires, p. 122.

<sup>10</sup> Debeljuh P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas (2013)* IAE Publishing, Buenos Aires, p. 153.

- Infrastructure facilities: Lactation rooms are also provided by companies offering the possibility of continuing breastfeeding while working<sup>11</sup>. Additionally, some companies offer exclusive parking spaces for pregnant or breastfeeding mothers (this is especially important in big cities such as Buenos Aires)<sup>12</sup>.
- Some companies offer nursery services in their facilities for employees' children (from 45 days to 4 years old)<sup>13</sup>.

**ii. Public sector** (under *Collective Labor Agreement for Public Employment*<sup>14</sup>)

*Length of leave (before and after birth)*

- 100 calendar days. 30 days of pre-natal leave and 70 days of post-natal leave. It is obligatory to take leave, though the 30 days prior to childbirth can be reduced with medical authorisation.
- After Maternity leave, mothers can access an unpaid leave of absence (*período de excedencia*) that lasts either three or six months.

*Payment and funding*

- 100 per cent of earnings, with no upper limit on payment.
- Funded by ANSES, the National Social Security Administration, which is mostly financed by the federal government.

*Flexibility in use*

- None

*Regional or local variations in leave policy*

- See 'Additional note' below for provincial variations in length and payment.

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<sup>11</sup> Debeljuh P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas (2011)* IAE Publishing, Buenos Aires, pp. 146-150.

<sup>12</sup> Debeljuh P. y Destéfano, A.: *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas (2015)*, IAE Publishing, Buenos Aires, p. 184.

<sup>13</sup> Debeljuh P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas (2013)* IAE Publishing, Buenos Aires, p. 189.

<sup>14</sup> *Convenio Colectivo de Trabajo General para la Administración Pública Nacional (2006)*. Available [here](#).

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

- All public sector employees 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; single parent); or delegation of leave to person other than the mother*

- In the case of multiple births, mothers are entitled to an extra ten days.
- From the third child, women receive ten more days per pregnancy.

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

- The collective agreements that regulate teacher conditions of employment offer benefits that, in most cases, enhance those recognized in the Collective Labour Agreement. Maternity leave for teachers varies according to the province, with a minimum of 84 days in Jujuy and a maximum of 210 days in Tierra del Fuego.
- The same occurs within provincial public employment, which varies from a minimum of 90 days in six provinces to a maximum of 210 days in Tierra del Fuego.

## **b. Paternity leave (*Licencia por paternidad*) (responsibility of the employer)**

### ***i. Private sector***

*Length of leave*

- Two calendar days.

*Payment and funding*

- 100 per cent of earnings, with no upper limit on payment.
- Funded by employers.

*Flexibility in use*

- None. Leave must be taken immediately after birth.



## *Eligibility*

- All registered employees are eligible.
- Informal 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; single parent); or delegation of leave to person other than the mother*

- None.

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

- Some sectors have improved the Paternity leave entitlements offered by Law 20.744 on Contract of Employment (1974)<sup>15</sup>. For instance, the Agrarian Labor Law (2011)<sup>16</sup> recognizes a paid Paternity leave of 30 consecutive days, to be taken between 45 days before childbirth and 12 months after birth.
- Basic provisions can be enhanced by private employers' practices. Evidence from CONFyE<sup>17</sup> shows promising initiatives mainly related to the extension of Paternity leave. In some cases, fathers can take up to 40 days with full pay after childbirth.<sup>18</sup> Flexible working arrangements may also be offered, such as part-time work during the first month after birth without earnings reduction or one hour off during the first 30 days after returning to work, together with soft-landing policies for fathers of children with disabilities and adoptive fathers<sup>19</sup>.
- The private sector is making progress in offering fathers the same benefits as are already provided for mothers. For example, some companies provide financial support through reimbursement of the costs associated with childcare up to preschool age; and some companies provide hours or days off work when children start school, which originally was a benefit granted to mothers<sup>20</sup>.

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<sup>15</sup> *Ley de Contrato de Trabajo*. Available [here](#).

<sup>16</sup> *Régimen de Trabajo Agrario* (2011). Available [here](#).

<sup>17</sup> CONFyE has published five guides compiling the private sector good practices to support maternity, paternity and care of dependents with actions that go beyond the law provisions. Publications available [here](#).

<sup>18</sup> Debeljuh, P. y Ordóñez, M. E.: *Hacia una responsabilidad compartida: guía de buenas prácticas (2017)* IAE Publishing, Buenos Aires, p. 159.

<sup>19</sup> Debeljuh, P. y Destéfano, A.: *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas (2015)* IAE Publishing, Buenos Aires, p. 175.

<sup>20</sup> *Idem* p. 174.

## ***ii. Public sector***

### *Length of leave*

- The Collective Labor Agreement for Public Employment<sup>21</sup> that regulates employment in the National Public Administration provides a leave of five working days for fathers.
- In provincial public employment, while some regions do not offer any Paternity leave (Formosa and Santiago del Estero), most provinces offer 15 days; La Rioja grants fathers 30 days.
- Paternity leave for teachers varies between two and 25 days depending on the province.

### *Payment and funding*

- 100 per cent of earnings, with no upper limit on payment.
- Funded by employers.

### *Flexibility in use*

- None. Leave must be taken immediately after birth.

### *Eligibility*

- All registered employees 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; single 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.

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<sup>21</sup> *Convenio Colectivo de Trabajo General para la Administración Pública Nacional* (2006). Available [here](#).

## e. Other employment-related measures

### *Adoption leave and pay*

- No statutory entitlement. In the public sector, adoption leave is provided for mothers (100 calendar days) and fathers (30 calendar days) in national public administration. Elsewhere, some collective bargaining agreements covering teachers and provincial public sector employees provide leave for both parents, with great variations between provinces, e.g. 30 days in Tucumán and a maximum of 180 days in four provinces.

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

- No statutory entitlement.
- In the public sector, 20 days paid leave per parent per year is available for the care of a family member who is ill or injured; 30 days paid leave is available for workers with young children in the event of the death of a child's mother, father or guardian.
- In the private sector, some companies provide leave, for example allowing parents to take ten paid days of leave for sick children<sup>22</sup>. In the case of children with disabilities, some companies offer eight paid hours per month to accompany children to medical appointments<sup>23</sup>. Some companies offer assistance for family emergencies such as the care of a child with a serious illness; this can be financial assistance, a special paid leave, psychological assistance for the family group, or bereavement support<sup>24</sup>.

### *Flexible working*

- None.

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

- In the private sector, every working mother has the right to take two breaks of 30 minutes each day, for one year after birth. The time devoted to breastfeeding is considered part of the working day and,

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<sup>22</sup> Debeljuh, P. y Destéfano, A.: *Hacia una empresa familiarmente responsable: guía de buenas prácticas (2011)* IAE Publishing, Buenos Aires, p. 122.

<sup>23</sup> Debeljuh, P. y Destéfano, A.: *Hacia la responsabilidad familiar corporativa: guía de buenas prácticas (2013)* IAE Publishing, Buenos Aires, p. 148.

<sup>24</sup> Debeljuh, P. y Destéfano, A.: *Hacia un nuevo pacto entre trabajo y familia: guía de buenas prácticas (2015)* IAE Publishing, Buenos Aires, pp. 217-227.

therefore, is paid. It is a widespread practice to have lactation rooms in workplaces.

- In the public sector, every working mother has the right to take two breaks of one hour a day, for one year after birth, with the option of reducing the working day by two hours. In provincial public employment, there are some variations, e.g. breaks or reductions in the working day may vary from three months after Maternity leave to five years.

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

The maximum period of post-natal leave is eight months or just over eight months (depending on sector) but most of this is unpaid, with well-paid leave only available for less than three months. Attendance at kindergarten is compulsory for 4 and 5-year-olds, so there is a gap of almost four years between the end of well-paid and an entitlement to Early Childhood Education and Care (ECEC).

Argentina is not included in the comparative tables on ECEC enrolment produced for the OECD Family Database.

Article 179 of the Law 20.744 on Contract of Employment (1974)<sup>25</sup> requires the provision of care services in the workplace for companies with fifty or more employed women. However, this law has not yet been implemented and, therefore, companies are not obliged to offer this benefit. In many cases, instead of providing their own nurseries, companies contribute to the cost of workers' childcare or make arrangements with nearby childcare centres.

ECEC for children under four years is offered in a variety of (mostly private) institutions, such as nurseries (*salas cunas, prejardines, jardines maternas*), kindergartens and child development centres (*centros de desarrollo infantil o centros de cuidado comunitario*). The expansion of national child development centres (Law 26.233) has enabled some progress in providing children with care and education. These centres have been created to promote the healthy development of children from 45 days to 3 years of age; they can be public or privately owned, and the period of a child's attendance is agreed with parents<sup>26</sup>. Argentina has also launched the National Early Childhood Plan to guarantee nutrition, early stimulation

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<sup>25</sup> *Ley de Contrato de Trabajo*. Available [here](#).

<sup>26</sup> OIT, UNICEF, PNUD, CIPPEC (2018). *Las políticas de cuidado en Argentina. Avances y desafíos*. Available [here](#).

and healthcare for the most vulnerable children (aged 0 to 4). As of 2014, only 32 per cent of the 3.3 million children up to four years of age in the country attend ECEC institutions.<sup>27</sup>

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

Policy discussions are underway to create an integrated care system. In October 2020, the Ministry of Women, Gender and Diversity issued Resolution 309/2020 creating a committee to draft legislation for a comprehensive care system, which should guarantee an integrated and federal system of care that promotes gender equality, contributes to the recognition, redistribution, socialization and remuneration of care, and considers the diversity of needs of people who require care.

Meanwhile, bills under study in Congress propose to extend Paternity leave by ten to 15 days or more, encouraging more involvement of fathers in childcare.

In August 2020, a Teleworking Law was passed, which regulated homeworking, incorporating a clear gender perspective and highlighting the importance of care. Teleworkers who provide care for children under the age of 13 years or for disabled or older adults who require specific care will have the right to have work schedules that are compatible with their care responsibilities, as well as to have breaks in their working day. Any act, conduct, decision, retaliation or obstruction from the employer that violates these rights will be presumed discriminatory and liable to sanctions<sup>28</sup>.

### **Policy response to the Covid-19 pandemic up to end of April 2021**

#### *Childcare and schools*

- Childcare centres and schools have been closed for 46 weeks up to April 2021.

#### *Parental leave*

- There is no statutory entitlement.

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<sup>27</sup> PNUD, ILO, UNICEF, UNFPA, CIPPEC (2014). *Diálogos sobre Políticas de Cuidado en la Argentina*. Available [here](#).

<sup>28</sup> *Boletín Oficial Argentina* ([August 2020](#)).

### *Other measures for parents and other carers*

- Decree 207 (March 2020)<sup>29</sup> provided that, for the duration of school closures (Resolution 108/2020 Ministry of Education), absence from work is justified for adults who have child care responsibilities at home. Only one parent per household can use this provision. This Decree also mandated the suspension of the duty to attend the workplace for a period of 14 paid days for workers over 60 years of age, unless they are considered essential personnel, as well as pregnant employees and workers included in the risk groups defined by the national health authority.
- Cash transfers have been increased, equivalent to an additional payment of the Universal Child Allowance and the Universal Pregnancy Allowance, for 4.3 million people (approximately \$14 billion Argentine pesos). Both programmes prioritize women in households as recipients. Beneficiaries of these social programmes also received in-kind support, such as debit cards for food expenses (*Tarjeta Alimentar*)<sup>30</sup>.
- Emergency Family Income was introduced by Decree 310/2020 as an exceptional non-contributory monetary benefit to compensate for the loss of or serious reduction in income of people affected by the health emergency, including parents taking leave because of school closures. Benefits are granted to unemployed people, informal workers and domestic workers. It is paid to a member of the family, giving priority to women. According to data from the Ministry of Economy, as of June 2020, 57 per cent of those who have received the Emergency Family Income were women<sup>31</sup>.
- The private sector has offered assistance with medical and psychological consultations for employees and their families, and also training workshops on topics such as work-family reconciliation, the challenges of distance learning, well-being, health care and emotion management for employees and their family members.
- Before the pandemic, employers granted an hour's lunch break. In the context of increased homeworking, companies arranged for their employees to have two hours off at midday so that they would have time both to cook and eat lunch.

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<sup>29</sup> Decreto 207, Marzo 2020. Available [here](#).

<sup>30</sup> UNDP, COVID-19 Global Gender Response Tracker. Argentina. Available [here](#).

<sup>31</sup> UNDP, COVID-19 Global Gender Response Tracker. Argentina. Available [here](#).

## **4. Uptake of leave**

### **a. Maternity leave**

There is no information available.

### **b. Paternity leave**

There is no information available.

### **c. Parental leave**

There is no information available.

# Australia<sup>1</sup>

**Gillian Whitehouse** (University of Queensland), **Marian Baird** (University of Sydney), and **Jennifer Baxter** (Australian Institute of Family Studies)

**April 2021**

N.B. 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 federal legislation in combination with awards, collectively negotiated enterprise agreements, and employer or company policies. Federal (Commonwealth) legislation and modern awards (which are prescriptive documents covering specific industries and determined by the national industrial tribunal) form the 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 public service employees in each of the states of Australia (except from Victoria) are set by the relevant state legislatures, as well as 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:**

In Australian legislation 'Parental leave' is used as an overarching, gender-neutral term for leave entitlements in association with the birth or adoption of a child, rather than a separate entitlement in addition to Maternity and Paternity 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

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<sup>1</sup> Please cite as: Whitehouse, G., Baird, M. and Baxter, J.A. (2021) 'Australia country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>



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**

- In Australia, there is no statutory entitlement to 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. Employer-paid Maternity leave, usually at wage replacement level, is available to many female employees through industrial instruments, company policies, or legislation covering public sector employees in Australia's federal, state, or territory jurisdictions.
- Surveys vary on whether questions are asked specifically about Maternity, Paternity, or Parental leave at the workplace, and employer terminology is not consistent. While earlier country notes have included estimates from various surveys on the prevalence of employer-paid Maternity leave, we only report estimates for employer-paid Parental leave here (see 1c).

### **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 at a rate based on the national minimum wage: currently AUD\$19.84 [€12.54]<sup>2</sup> per hour or AUD\$753.80 [€476.46] per 38-hour week (before tax). This payment must be taken while on unpaid leave (such as the unpaid Parental leave available under the Fair Work Act) or while not working and is not transferrable to the mother. Dad and Partner Pay is therefore effectively ring-fenced for fathers or same-sex partners.

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<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-aud.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-aud.en.html)

- 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. As noted above, we only report estimates for employer-paid Parental leave in this year's country note (see 1c).

### **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 but (apart from the exception noted below) cannot be taken by both parents simultaneously. If both parents are entitled to this leave, they could each take 12 months sequentially, with a maximum of 24 months available for a working couple per birth. If one parent takes less than their entitlement, the other parent can extend their leave by an equivalent amount (up to 12 months extra, if their partner takes no leave). Such an extension is only possible 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. 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).
- Paid leave entitlements, such as employer-provided Parental leave if available to employees through their employment conditions, and other forms of paid leave, such as annual 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 working couple is still two years. The government-funded 18 weeks' Parental Leave Pay 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*

- 18 weeks of Parental Leave Pay is available under the Paid Parental Leave Act 2010, but this is a payment only and does not extend leave duration.
- Parental Leave Pay is paid to eligible mothers at a rate based on the national minimum wage (currently AUD\$19.84 [€12.54] per hour or AUD\$753.80 [€476.46] per week) for up to 18 weeks following the birth or adoption of a child. In circumstances where the father or the other primary carer provides the majority of daily care for the baby, the payment can be transferred. It represents 48.3 per cent of average full-time, adult, ordinary-time female earnings as of November 2020, and 41.8 per cent of average full-time, adult, ordinary-time male earnings.<sup>3</sup> Parental Leave Pay can be received during unpaid leave or while on paid leave, such as employer-paid Parental leave or annual leave. Payment is funded from government general revenue, with the majority of mothers (or designated primary carers) receiving it via their employer<sup>4</sup> and others receiving it directly from the government. In the 2019-20 financial year, 68.7 per cent of Parental Leave Pay recipients received this government-funded payment via their employer.<sup>5</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 (such as the statutory entitlement to unpaid Parental leave) or while not working. Employers can supplement Dad and Partner Pay (for example, to employees' normal wage) and this does not affect eligibility for the payment.
- As noted in 1a and 1b, some employees also have access to employer-provided paid leave. The Australian Workplace Gender Equality Agency (WGEA), which records provision of 'Primary Carer' and 'Secondary Carer' paid Parental leave by private sector organisations with 100 or more employees, reported that 52.4 per

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<sup>3</sup> Australian Bureau of Statistics (2021) *Average Weekly Earnings, Australia, November 2020*, Cat. No. 6302.0. Available at: <https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/average-weekly-earnings-australia>

<sup>4</sup> Employers are required to deliver the payment when it is for Australia-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>5</sup> Australian Government Department of Social Services (2020) *Annual Report, 2019-20*, 76. Available at: [https://www.dss.gov.au/sites/default/files/documents/10\\_2020/01720\\_dss\\_ar\\_2020.pdf](https://www.dss.gov.au/sites/default/files/documents/10_2020/01720_dss_ar_2020.pdf)

cent of these organisations provided paid primary carers' leave to women and men for an average duration of 10.9 weeks in 2020.<sup>6</sup> The majority (83.6 per cent) offered full pay in addition to the government scheme.<sup>7</sup> The same survey showed that 46.4 per cent of these organisations provided secondary carers' leave for women and men, for an average duration of 2 weeks.<sup>8</sup>

- For earlier estimates of access to employer-provided Parental and primary carer leave not limited to large employers, see 2016 and 2017 country notes, which cite data from a survey of employers conducted in 2012.
- 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. These arrangements disadvantage women, the main recipients of Parental leave and pay entitlements.

#### *Flexibility in use*

- Unpaid Parental leave under the National Employment Standard in the Fair Work Act must be taken in one continuous period, except as noted in the following.
- Where both parents are eligible for the 12-months unpaid Parental leave entitlement, they cannot access leave at the same time except for a period of up to eight weeks, when the parent who is not the primary carer can take leave concurrently with the primary carer. These eight weeks may be taken in separate periods any time during the first 12 months.
- Prior to 1 July 2020, Parental Leave Pay had to be taken in one continuous period (see section 3 for new arrangements).
- Parental Leave Pay can 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.

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<sup>6</sup> Workplace Gender Equality Agency (WGEA), Data Explorer. Available at: [http://data.wgea.gov.au/industries/1#carers\\_content](http://data.wgea.gov.au/industries/1#carers_content)

<sup>7</sup> Ibid.

<sup>8</sup> Ibid.

- Flexibility is sometimes available with employer-paid 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.

*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 and to return to that same job, 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 if they have been employed 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 employed couple in a spousal or de-facto relationship<sup>9</sup>: 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 and meet the requirements of a work test. The work test requires engagement in work continuously, with no more than a 12-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, with at least 330 hours of paid work undertaken in the ten-month period. This work can be in permanent, fixed-term or casual positions, and includes self-employment. The permitted gap between working days was increased from eight to 12 weeks from 1 January 2020, allowing more parents employed casually, seasonally or with breaks in employment (such as teachers,

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<sup>9</sup> Co-residency is not specified as a requirement in the legislation. However, as leave cannot be taken simultaneously and must be taken in a continuous block (apart from the exceptions noted earlier) it would be difficult for a non-co-resident couple to share the leave.

academics, jockeys, journalists) to meet the eligibility criteria for Parental Leave Pay.

- Fathers' or partners' 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, 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 the work test.
- Government-funded Parental Leave Pay is restricted to those individuals earning less than AUD\$150,000 [€94,810.69] per year, equivalent to 1.85 times the average full-time, adult, ordinary-time female earnings in November 2020.<sup>10</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, or employer-funded 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 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\$570 [€360.28] and a Newborn supplement paid for up to 13 weeks (dependent on family income and number of children, with a current maximum payment of AUD\$1,709.89 [€1,080.77] for a first child).

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<sup>10</sup> Australian Bureau of Statistics (2021) *Average Weekly Earnings, Australia, November 2020*, Cat. No. 6302.0. Available at: <https://www.abs.gov.au/statistics/labour/earnings-and-work-hours/average-weekly-earnings-australia>.

*Variation in leave due to child or family reasons (e.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 if the pregnancy ends within 28 weeks of the expected date of delivery otherwise than by the birth of a live child. 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 and Secondary 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**

*Adoption leave and pay*

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

*Time off for the care of dependants*

- Under the National Employment Standards of the Fair Work Act 2009 all employees (except casuals) have access to ten days of paid personal/carer's leave per year of service. 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.
- 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. Unpaid

carer's leave may be taken to provide care for an immediate family or household member due to illness, injury, or an 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, that is parents or guardians of children who are school age or younger, as well as employees with a guardian or child 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, so explicitly or implicitly cover breastfeeding.<sup>11</sup>
- A survey of private organisations with 100 or more employees indicated that 72 per cent reported providing breastfeeding facilities in 2020 but did not provide details on the nature of the facilities.<sup>12</sup>
- The Commonwealth Sex Discrimination Act 1984 (s7AA) expressly prohibits employers either from treating women less favourably because of their breastfeeding or expressing of milk, or the imposition of an unreasonable condition or practice by an

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<sup>11</sup> Australian Human Rights Commission (2014) 'Supporting Working: Pregnancy and Return to Work,' *National Review - Report*: 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)

<sup>12</sup> Workplace Gender Equality Agency (WGEA), Data Explorer: [http://data.wgea.gov.au/industries/1#carers\\_content](http://data.wgea.gov.au/industries/1#carers_content)



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'.
- From 1 January 2020, a Dangerous Jobs provision has been introduced for women working in areas such as mining or heavy manufacturing, so that the date they stop work is no longer calculated as the expected date of birth, but as the date at which work stopped due to safety reasons. Parental Leave Pay recipients still have to meet the work requirements prior to the date of stopping work.

## **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.

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; however, they are well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

Improving access to 15 hours of quality nursery education for children in the year before compulsory schooling (i.e. from around age five) has been a government priority over recent years, through the National Partnerships Agreements.<sup>13</sup>

In July 2018, a new Childcare Subsidy (CCS) came into effect, with a key objective being to simplify the previous subsidy system that comprised of two different payments. This is a separate payment to Parental Leave Pay. Eligibility to CCS depends on family income, the

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<sup>13</sup> For information about universal access, the national partnerships and links to information about jurisdictional approaches to child care see <https://www.dese.gov.au/universal-access-early-childhood-education>

activity level of both parents, and the type of service used. Family income determines how much of the childcare fee is subsidised, with the subsidy rate highest (85 per cent) for lower income families (up to AUD\$69,390 [€43,859.43]), increasing in steps up to a subsidy rate of zero for the highest income families (family income of AUD\$353,680 [€223,550.98] or more). Using this rate, CCS is calculated as a percentage of childcare fees, up to a maximum rate cap established for each service type. With some exceptions, both parents (or a single parent) are required to meet an activity threshold of at least eight hours per fortnight in order to receive CCS. Further, the number of hours of activity beyond this threshold determines the level of subsidy; in two parent families it is the lower of the two parents' activity hours that matters. For example, a total of eight to 16 hours of approved activity per fortnight is associated with a maximum of 36 hours of care being subsidised per child per fortnight. If the approved activity total is more than 48 hours per fortnight, the child's care can be subsidised for up to 100 hours per fortnight. Parents can use more than the amount of care they are subsidised, but they will pay the full fee to the child care service for amounts beyond what is subsidised.

Being in paid work is an approved activity. Being on paid or unpaid Parental leave also counts as an approved activity. However, parents who have left work but are not on any form of leave need to meet the activity test through other means in order to access CCS, for example through study or volunteering. Other approved activities include working unpaid in a family business, being self-employed, looking for work, volunteering, or studying.<sup>14</sup>

There are exemptions to the activity test as part of the Child Care Safety Net. Through this, low income families (less than AUD\$69,390 [€43,859.43] per year) can access 24 hours of subsidised care per child per fortnight, without having to meet the activity test. There are some other exemptions to the activity test through the Child Care Safety Net that give vulnerable families access to up to 100 hours of subsidised care per fortnight.<sup>15</sup>

### **3.Changes in policy since April 2020 (including proposals currently under discussion)**

Following changes introduced in February 2020, from 1 July 2020 recipients of Parental Leave Pay were able to split the 18-week

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<sup>14</sup> Australian Government, Department of Education and Training: <https://www.education.gov.au/child-care-subsidy-activity-test>. For more information about the childcare package, see <https://www.education.gov.au/new-child-care-package-families-2-july-2018>

<sup>15</sup> Australian Government, Department of Education and Training: <https://www.education.gov.au/child-care-subsidy-combined-family-income>

entitlement into one block of 12 weeks (the Paid Parental Leave period to be taken in the first 12 months after the birth or adoption), with the remaining 6 weeks (30 Flexible Paid Parental Leave days) available for use at any time within the first two years. Flexible Paid Parental Leave days can be used singly or in blocks of the recipient's choosing. They can also be transferred to another eligible carer, with more than one transfer permitted.

## **Policy response to the Covid-19 pandemic up to end April 2021**

### *Childcare and schools*

- There have been no mandated national closures of ECEC services, however underutilisation of services related to Covid-19 led to some services closing. There were significant concerns about the viability of the ECEC sector as a whole, which led to changes in federal government funding of the ECEC sector. The temporary funding changes are described below.
- Responsibility for schools lies with the six state and two territory governments in the Australian federation. Schools largely remained open in some form across all these jurisdictions during Covid-19. In some but not all jurisdictions, parents were asked to keep children at home where possible and school lessons were conducted online, with schools only open for children in certain circumstances (e.g. in the state of New South Wales, schools were open for children whose "parents who had no other options"). Some short-term closures were managed through extending school holidays (e.g. the state of Victoria extended school holidays by one week to allow children to remain at home from 24 March 2020). Approaches varied across jurisdictions and continue to change with ongoing responses to the pandemic.

### *Parental leave*

- Parents retained pre-existing entitlements to parental leave; no additional support measures were adopted.
- Changes to the implementation of the Paid Parental Leave Scheme were made to allow time spent on the JobKeeper Payment scheme (which ends 28 March 2021, see below) to count towards the Paid Parental Leave work test.<sup>16</sup>

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<sup>16</sup> Australian Government Department of Social Services (2020), 55.

### *Other measures for parents and other carers*

- No specific regulations for parents/carers to work reduced/flexible hours were adopted. However, during the Covid-19 closedown, working from home was encouraged for all non-essential workers. A survey conducted by the Australian Institute of Family Studies (AIFS) in May-June 2020 showed that the proportion of people who always worked from home increased from 7 per cent (pre Covid-19) to 60 per cent.<sup>17</sup>
- While there are no specific regulations on time off work for carers due to Covid-19, Australia's Fair Work Commission introduced temporary provisions in industrial instruments to allow employees who are prevented from working due to a requirement to self-isolate or government restrictions on non-essential businesses to access up to 2 weeks' unpaid pandemic leave, or longer if the employer agrees. The leave applies to all employees including casuals: there is no accrual period required, and no pro-rata reduction for part-time employees. Additionally, employees covered by these temporary provisions can take their accrued annual leave at half-pay to double their time away from work, provided their employer agrees.<sup>18</sup> A claim to provide paid pandemic leave to health and community workers required to self-isolate during the coronavirus crisis was adjourned by the Fair Work Commission.
- Regarding income replacements, there were no specific provisions made for parents. However, the federal government implemented two temporary schemes, both initially due to end in September 2020: a 'Coronavirus supplement' for those receiving income support payments<sup>19</sup>; and a program through which businesses adversely affected by Covid-19 could receive funds to pay eligible employees \$AUD1,500 [€948.11] / fortnight (JobKeeper).<sup>20</sup> The Coronavirus supplement was extended to December 2021, and then again to March 2021 although at lesser amounts and subject to tightening eligibility conditions. The JobKeeper payment was also extended to

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<sup>17</sup> Hand, K., Baxter, J., Carroll, M. and Budinski, M. (2020) *Families in Australia Survey: Life during COVID-19. Report No.1: Early Findings*. Melbourne: Australian Institute of Family Studies. Available at: <https://aifs.gov.au/publications/families-australia-survey-life-during-covid-19>

<sup>18</sup> Further information on these provisions is available at: <https://coronavirus.fairwork.gov.au/coronavirus-and-australian-workplace-laws/temporary-changes-to-workplace-laws-during-coronavirus/unpaid-pandemic-leave-annual-leave-changes-in-awards>

<sup>19</sup> Further information on the Coronavirus supplement is available at: <https://www.servicesaustralia.gov.au/individuals/services/centrelink/coronavirus-supplement>

<sup>20</sup> Further information on the JobKeeper scheme is available at: <https://www.business.gov.au/Risk-management/Emergency-management/Coronavirus-information-and-support-for-business/JobKeeper-Payment-for-employers-and-employees>.

- early January and then March 2021, also paid at lesser amounts each extension. In addition, some local governments facilitated food supplies to vulnerable populations impacted by Covid-19 restrictions.
- The dramatic fall in numbers of children in ECEC led to some service closures and widespread concern about the viability of the sector. Measures taken by the Government were included in the Relief Package (6 April to 12 July), the Transition Payment (13 July to 27 September 2020), and the Recovery Package (28 September to 31 January 2021).
  - The Relief Package suspended the usual form of child care assistance (the Child Care Subsidy and Additional Child Care Subsidy) that is paid to services to subsidise families' ECEC use based on each child's eligibility. Services were subsidised through weekly payments – the amount services received was based on fees charged in a fortnight in February 2020. It was intended services would also access other measures in place to support ECEC services, or businesses more generally, through the pandemic. **Through these arrangements, services were to provide ECEC to families free of charge.** To receive Government assistance, ECEC services needed to remain open, and they were advised to prioritise care to children of essential workers, vulnerable and disadvantaged children, and previously enrolled children.
  - During the period of the Transition Payment, ECEC services returned to normal funding arrangements, such that parents were to again pay for child care subsidised through the Child Care Subsidy. Services also received a Transition Payment equal to 25 per cent of the average weekly fees charged by their services during a reference fortnight. The Recovery Package (28 September to 31 January 2021) involved the extension of access to the Transition Payment for jurisdictions with continuing Covid-19 impacts.
  - With the reintroduction of the Child Care Subsidy, and paid child care from July 2020, parents' subsidy entitlement was again subject to the income and activity test, but activity test exemptions are in place until April 2021 for those whose work has continued to be impacted by Covid-19.

#### 4. Take-up of leave

Take-up rates for Australia's government-funded Paid Parental Leave and Dad and Partner Pay schemes are presented below for the most recent year, based on data from the Australian Government Department of Social Services. Take-up rates for the unpaid Parental leave entitlement under the National Employment Standard in the Fair Work Act are based on estimates from a 2017 Australian Bureau of Statistics survey. Given limited data on take-up rates for employer-paid Parental leave, this is not included here (see 2018 and earlier country notes for estimates based on surveys conducted between 2010 and 2015).

### **a. Maternity leave**

As explained earlier (1a), the term 'Maternity leave' is not used in Australia for the legislated entitlements to unpaid Parental leave or Parental leave payments. It is still used in some instances in employer-paid schemes but (as noted above) we are not reporting the take-up of employer-paid arrangements due to data limitations.

### **b. Paternity leave**

As with employer-paid Maternity leave, we are not reporting the take-up of employer-paid Paternity leave schemes due to data limitations. Regarding the government-funded Dad and Partner Pay scheme, the Australian Government has reported that in the 2019-20 financial year 92,343 fathers or partners received payment under this scheme, with the vast majority (96.9 per cent) taking the full two weeks' payment.<sup>21</sup> The number of fathers taking advantage of the Dad and Partner Pay scheme represents an estimated 27 per cent of all fathers in the same year.<sup>22</sup>

### **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 mothers working as employees. A 2017 survey conducted by the Australian Bureau of Statistics (the Pregnancy and Employment Transitions survey) showed that among women with a child under two years of age, who were working as an employee while pregnant and did not permanently leave their job before the birth, 65 per cent took unpaid leave, with a median duration of 18 weeks.<sup>23</sup> (This survey has been conducted every sixth year since 2005, hence the 2017 figures are the most recent available.)

Available data on Parental Leave Pay indicates that it is accessible to a high proportion of working parents, although it is particularly targeted at mothers, who are the main users of the scheme. Government figures indicate that in the 1 July 2019 to 30 June 2020 financial year, 51.1 per

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<sup>21</sup> Australian Government Department of Social Services (2020), 76.

<sup>22</sup> This estimate is based on projections of persons aged 0 for June 2020 from Australian Bureau of Statistics (2013) *Population Projections, Australia, 2012 (base) to 2101*, Cat. No. 3222.0, Table B9. It follows the method of estimating mothers' uptake of Parental Leave Pay in Australian Government Department of Social Services (2020), 76.

<sup>23</sup> Australian Bureau of Statistics (2018) *Pregnancy and Employment Transitions, Australia, Nov 2017* Cat. No. 49130. Available at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4913.0>

cent of all mothers with new-borns received some Parental Leave Pay (an decrease from 53.8 per cent the previous year), and 96.6 per cent of families who accessed Parental Leave Pay took the full 18 weeks (the same percentage as the previous two years).<sup>24</sup>

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

The Australian Bureau of Statistics Pregnancy and Employment Transitions survey conducted in 2017 also provides some information on the use of flexible working arrangements by women with a child under two years of age, who had returned to the same employer after the birth of a child and were working at the time of the survey. Among this group, 83 per cent had used flexible arrangements to assist with the care of a child. The most frequently accessed arrangement was part-time work (58 per cent), while 29 per cent reported having worked from home.<sup>25</sup>

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<sup>24</sup> Australian Government Department of Social Services (2020), 76.

<sup>25</sup> Australian Bureau of Statistics (2018) *Pregnancy and Employment Transitions, Australia*, Cat. No. 49130. Available at: <https://www.abs.gov.au/ausstats/abs@.nsf/mf/4913>

# Austria<sup>1</sup>

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**April 2021**

N.B. 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 Social Affairs, Health, Care 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; expectant mothers are prohibited from working during this time.

*Payment and funding*

- Maternity benefit (*Wochengeld*): 100 per cent of average net income for the last three months of employment before taking leave for employees, with no upper limit. Freelance workers receive an income-based maternity benefit: self-employed women who work in a trade or agriculture are eligible for 'operational support' (i.e. financial or other support to maintain their business) as a form of

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<sup>1</sup> Please cite as: Schmidt, E.-M. and Schmidt, A.E. (2021) 'Austria country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>



maternity benefits. If no operational support is granted, they can claim a flat-rate payment of €56.87 per day. Marginally employed, self-insured women receive a flat-rate payment of €9.61 per day. Eligible, unemployed women are entitled to 180 per cent of previous unemployment benefit (with the latter corresponding to 55 per cent of previous net income). Expectant mothers receiving the childcare benefit are entitled to 100 per cent of the childcare benefit if their Maternity leave starts before the childcare benefit ends.

- Funded by multiple sources: 70 per cent by the 'Family Burden Equalisation Fund' (FLAF – *Familienlastenausgleichsfond*) which is financed by contributions from employers (4.5 per cent of each employee's salary bill); by general taxes; and by public health insurance (30 per cent). In 2019, total expenditure on Maternity leave (i.e. maternity pay and the payment for operational support) was €517 million.

#### *Flexibility in use*

- None.

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

- None.

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

- All employed women are entitled to 16 weeks of Maternity leave with 16 weeks' payment (100 per cent of average income), except for short-term employed women and self-employed workers who are eligible for Maternity leave only if they have a voluntary affiliation with the statutory social health insurance (SHI). Unemployed women are only eligible for maternity payment if they have completed three months' continuous employment or have been affiliated to the statutory SHI for 12 months within the last three years.
- Expectant mothers receiving the childcare benefit are entitled to 100 per cent of the childcare benefit if their Maternity leave starts before the childcare benefit ends. If the income-related childcare benefit has already ended and expectant mothers have not started to work again or are still on Parental leave (see 1c for details), they are not entitled to maternity payment.

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

- 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 the case of premature births, multiple births, or births by Caesarean section, women remain eligible for 12 weeks after birth (in exceptional cases, 16 weeks).

## **b. Paternity leave (responsibility of Federal Ministry of Social Affairs, Health, Care and Consumer Protection)**

*Length of leave (before and after birth)*

- Since March 2017, fathers are entitled to a so-called 'family-time bonus' (*Familienzeitbonus*), which is a monetary benefit for employed fathers who dedicate their time to their family, i.e. interrupt their employment (in agreement with the employer) for a full-time leave period between 28 and 31 days (within 91 calendar days) after the birth of the child.
- Since September 2019, all employed fathers who live in the same household with mother and child have a legal claim to a month of job-protected Paternity leave (if they were employed for at least 182 calendar days before the 'family time'). These fathers are protected against dismissal four months before, during and four weeks after the 'family-time.' Before, fathers' employers had to agree to a father's 'family time' and only employees in public services had a legal claim to take Paternity leave for up to four weeks.
- Other collective agreements may provide a few days of special leave for fathers immediately after the birth of a child, during which time fathers receive full earnings replacement.

*Payment and funding*

- The family-time bonus amounts to €22.60 per calendar day. However, if the father later decides to receive the childcare benefit, the benefit (but not the duration) will be lessened by the amount of the family-time bonus he received directly after the birth.
- Funded by the FLAF; see 1a for more details. In 2019, total expenditure on family-time bonus was €870,000.

## **c. Parental leave (*Elternkarenz*) (responsibility of Federal Ministry of Social Affairs, Health, Care and Consumer Protection and Federal Ministry for Women, Family, Youth and Integration in the Federal Chancellery)**

*Length of leave (before and after birth)*

- This leave lasts until the child reaches two years of age. The entitlement is per family.

### *Payment and funding*

- A childcare benefit is available to all families who meet the eligibility conditions, whether or not parents take Parental leave.
- Parents can choose between the flexible flat-rate childcare benefit account and the income-related childcare benefit. The flexible flat-rate benefit (childcare benefit account) enables parents to distribute an overall sum of about €12,366 (if only one parent receives the benefit) or €15,449 (if both parents receive the benefit) over a chosen time span, calculated in days. If only one parent applies for the childcare benefit, he or she might spend the overall sum across a period from 365 days (at a daily amount of €33.88), up to a maximum of 851 days (at a daily amount of €14.53). If both parents receive and share the childcare benefit (respecting a minimum of 20 per cent non-transferable days of all childcare benefit days requested), the money can be used within a timespan between 456 days (at a daily amount of €33.88) and 1,063 days (at a daily amount of €14.53).
- The income-related childcare benefit refunds 80 per cent of net income in the previous six months, for 365 days (if only one parent receives the childcare benefit) and up to 426 days after the birth (if both parents share the childcare benefit). The amount of the income-related option ranges up to a maximum of €66 per calendar day (€2,000 per month).
- Although calculated in calendar days, the childcare benefit is paid out monthly.
- For the flat-rate childcare benefit account, a parent may additionally earn 60 per cent of the income he or she earned in the calendar year prior to the child's birth, or at least €16,200 per year. For the income-related option, additional earnings may not exceed €6,800 a year.
- In case of employed parents, the length of the childcare benefit does not have to correspond to that of Parental leave. However, health insurance corresponds to receiving the childcare benefit and ends even if the parent might still be on Parental leave.
- If parents share their childcare benefit at a minimum ratio of 40:60, then each parent is entitled to a 'partnership bonus' payment of €500. Thus, together they receive a total of €1,000.
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2019 was €1,23 million.

### *Flexibility in use*

- Parental 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 spanning at least two months).

- The two parents cannot take Parental leave simultaneously, 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 this case, Parental leave ends one month earlier (i.e. one month before the child's second birthday).
- The parents cannot change their chosen childcare benefit option. Within the flat-rate childcare benefit account, they can change the duration once (which may lead to back payment or repayment demands). If parents choose the income-related option and one parent does not fulfil the employment or income requirements (i.e. was not employed or earnings were not high enough), he or she receives a childcare benefit of €33.88 per calendar day, which corresponds to the daily amount paid in the shortest duration of the childcare benefit account.

*Regional or local variations in leave policy*

- None.

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

- All employed parents are entitled to take Parental leave, regardless of their parental status (i.e. as biological, adoptive, or foster parents), partnership status, or sexual orientation. In addition, only legal residence in Austria is required (not citizenship) in order to obtain leave.
- There is no entitlement to take Parental leave for self-employed parents; however, they can claim both the childcare benefit options under the same conditions as applied to employees.
- All parents with a legal residence in Austria, regardless of their employment status and their citizenship, are entitled to receive the flat-rate childcare benefit account.
- In the case of parents living separately, but sharing custody of the child, both parents are eligible to receive and share the childcare benefit, in the same way as parents living together. There are no specific provisions for single 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 parent)*

- In the case of multiple births, the amount of the childcare benefit account (not the income-related childcare benefit) is increased by 50 per cent for each additional child.
- In the case of one of the two parents being prevented from using the childcare benefit due to death, a prison sentence, or other extreme circumstances, the available parent may use the full

amount of the childcare benefit account (not the income-related childcare benefit).<sup>2</sup>

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

- Each parent has the possibility of postponing three months of Parental leave, up until the child's seventh birthday (or school entry).

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

- Employees have the possibility of taking between two and 12 months off for private reasons (e.g. further education or family reasons). It is based on labour legislation, a mutual agreement between employer and employee, and is unpaid: it is, therefore, not a statutory entitlement. This 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 must meet the eligibility criteria for unemployment benefit and the employer must recruit a substitute for the duration of the leave).

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

- Since January 2019 parents employed in Austria are entitled to an additional '*Family Bonus Plus*' (tax credit) of up to €1,500 per child, every year until the child's 18th birthday. After the child's 18th birthday, a reduced Family Bonus Plus totalling €500 is granted annually, provided that family allowance is received for this child. The recipient of the family allowance and the person paying support money for the child can claim it. For children in the EU/EEA region or Switzerland, the Family Bonus Plus is indexed (increased or decreased) and thus adjusted to the price level of the country of residence.

*Adoption leave and pay*

- For adoptive and foster parents, the same regulations for Parental leave and the childcare benefit apply as for other parents.

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<sup>2</sup> Lone parents who do not yet receive alimony may receive the childcare benefit account (N.B. not the income-related childcare benefit) extended by a further 91 days. After divorce/separation, custodial parents should receive alimony from their former spouses – if they do not, or the ex-partner does not pay, childcare benefit is extended.

### *Time off for the care of dependants<sup>3</sup>*

- Two weeks' (average working week) leave per year, per employee to care for sick children under the age of 12, and one week for other dependants/family members needing care, with full earnings replacement. This regulation also applies for adoptive and foster parents of sick children. A leave can be taken for a partner's child only if the child lives in the same household. Accompanying a child under the age of 10 years during an inpatient stay at the hospital is also possible. If a medical certificate is requested by the employer, costs of the certificate need to be borne by the employer.
- If the child's main carer falls sick or becomes unavailable (e.g. grandmother), parents are also entitled to stay at home with their child (based on the respective law *Urlaubsgesetz §16*).
- There are two different types of longer care leave. Firstly, employees have a statutory right to take a maximum of six months' family hospice leave (*Familienhospizkarenz*) for the purpose of nursing terminally ill family members. If the leave is taken for severely ill children, it can be extended to nine months. The leave for care of severely ill children may be renewed twice (i.e. in total up to a maximum of 27 months). Eligibility is the same as for the care allowance (*Pflegekarenzgeld*) described below.
- Secondly, if their employer agrees, employees who have worked with their employer for three preceding months<sup>4</sup> may take long-term care leave (*Pflegekarenz*). This leave allows caregivers to organise (formal) care or provide (informal) care for frail dependants/family members for a duration of three months (initially) per dependent. The minimum duration for this leave is one month. It can be extended from three months to six months (per dependent) if the health status of the dependent person worsens substantially. While in general the employer has to agree to this type of leave, a new regulation was introduced as of 1<sup>st</sup> January 2020 within this model: It foresees a right to a care leave for two weeks with possibility for extension for another two weeks. The right to care leave is granted only in enterprises with more than five employees.
- Slightly different regulations apply for public sector employees, but self-employed persons are not eligible for these care leave models. Employees are entitled to a cash benefit (*Pflegekarenzgeld*) during long-term care leave or family hospice

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<sup>3</sup> See also:

[https://www.sozialministeriumservice.at/Finanzielles/Pflegeunterstuetzungen/Pflegekarenz\\_und\\_-teilzeit/Pflegekarenz\\_und\\_-teilzeit.de.html](https://www.sozialministeriumservice.at/Finanzielles/Pflegeunterstuetzungen/Pflegekarenz_und_-teilzeit/Pflegekarenz_und_-teilzeit.de.html) (official information in German)

<sup>4</sup> Exceptions to the minimum working time with their employer apply for seasonal workers.

leave to care for sick children or dependants/family members respectively. Eligible family members are relatives within the 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 (funded from FLAF, see section 1a). Since 2017, care by relatives has also become accounted for under inheritance law in Austria. People who have personally provided unpaid, intensive care for a close relative for at least six months in the three years before the relative's death may receive a financial compensation after the relative's death under this regulation.

### *Flexible working*

- Parents are entitled to work part-time until the child's seventh birthday (or school entry) 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 (*Elternteilzeit*). The reduction in working time must amount to at least 20 per cent of their previous working time. It is not possible to work part-time for fewer than 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, as well as the right to return to full-time employment. Parents working in companies with fewer than 20 employees may enter into an agreement regarding part-time work with their employer, up until the child's fourth birthday.
- Parents are protected against dismissal until their child's fourth birthday if they work part-time under the entitlement outlined above. During the remaining period of part-time work (i.e. until the child's seventh birthday or school entry) they are protected against dismissal without cause.
- 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). In September 2019 a law was passed which grants employees the right to take a part-time care leave for two weeks from 1st January 2020 onwards, with possibility for extension of another two weeks. For long-term care leave, a minimum working time of ten hours per week is obligatory. Payment during both care leave models is calculated proportionately (and while considering the minimum income threshold, in alignment with the lower limit of the unemployment benefit scheme).

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

- Mothers are entitled to 'nursing' leave of 45 minutes per day out of 4.5 - 8 working hours. If a mother works 8 hours or more, she is entitled to a daily nursing leave of two times 45 minutes (or one break of 90 minutes).

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

The maximum period of post-natal Parental leave available in Austria is 24 months. 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 leave ending and ECEC entitlement beginning, and a gap of 46 months between the end of the income replacement benefit (if that option is chosen) and any ECEC entitlement.

Levels of attendance at formal services for children under the age of three years are below the average for the countries included in this review and for OECD countries. However, they are close to the average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

### **Policy response to the COVID-19 pandemic up to end April 2021**

#### *Childcare and schools*

- ECEC has not been closed but officially was open for parents who needed it. However, during the first weeks of the pandemic most of the parents did not use ECEC and institutions were only open on demand. In particular, children from key workers were welcomed, i.e. people working in critical infrastructure (food, energy, health, social and public services, traffic, telecommunication).
- Schools were closed from 16 March 2020 until the end of April/mid May. They were re-opened step by step as of 04 May 2020 for those who were finishing their school career in 2020 (about 100,000 pupils). On 18 May 2020 all pupils of compulsory school age started again (about 700,000 children). From 02 June 2020 onwards all non-



compulsory upper grades and vocational training schools opened again. All classes were divided in two groups and only 50 per cent were taught at once (in shifts).

- In September 2020 schools started regularly with strict hygiene rules (like strictly separated classes and groups, wearing masks inside and/or outside classrooms, no music or sport lessons, etc).
- Schools were closed from 17 November 2020 to 06 December 2020 and after Christmas holidays from 07 January 2021 to 24 January 2021 due to a nationwide lockdown, as well as after Easter 2021.
- Afterwards and in between, some schools remained closed and adopted distance learning strategies while some established shift learning at school. Since 08 February 2021, all pupils must agree to be tested using rapid antigen tests on a regular basis (twice a week and then later on three times a week) if they want to attend school.

#### *Parental leave*

- Regular leave options were accessible. For children born in 2021, parents can claim income-related childcare benefit based on their income tax assessment for 2019 instead of 2020, if this would entail a higher allowance rate.
- Since 15 April 2020 parents can claim a special compensation for hardships for families (*Corona Familienhärteausgleich*) when they receive family allowance (*Familienbeihilfe*), live in the same household with their child(ren) and when their main residence is in Austria. Families can receive up to €1,200 per month for three months at the longest, depending on income and kind of hardship (short-time work, unemployment, etc). As of 15 February 2021, in total, 200 Million EUR have been provided by the funds for the special compensation for hardships for families in need. In sum, benefits amounting to 120 Million EUR have been disbursed to 90,000 families (as of 24 February 2021).
- As of 01 November 2020 and until 09 July 2021, employers can agree to special leave (*Sonderbetreuungszeit*) of up to four weeks for employees who must care for children up to the age of 14 years or for disabled or elder people; this can be taken on a weekly, daily or half-day basis. Thus, only employed parents had access to this special leave. They have to make an agreement with their employer who has to continue salary payment and can claim for one-third of the resulting costs.

#### *Other measures for parents and other carers*

- The special leave regulation also applies in case of care for a relative for whom a privately paid assistant ("24-hour carer") is no longer available. These assistants are primarily migrants from Austria's neighbouring countries who have been facing difficulties in entering the country due to the COVID-19 crisis.

- The special leave is granted for caregivers of people with disabilities independent of the age of the person cared for. The special leave regulation applies if care is provided voluntarily at home or if the institution (e.g. day care) where the disabled person is usually cared for is temporarily closed. Similarly, people with disabilities who have a personal assistant who is not available due to the crisis, may be cared for using the special care leave regime, regardless of whether the caregiver lives in the same household or not.
- In September 2020, families received a special single benefit of €360 per child in the household together with regular family allowance. In 2021, families who receive social insurance are going to receive a single additional bonus of €200 per child in the household.

## 4. Uptake of leave

### a. Maternity leave

It is obligatory for employees to take Maternity leave and almost all mothers are eligible (see section 1a); the take-up of leave, therefore, corresponds to the number of births.

### b. Paternity leave

Statistics<sup>5</sup> on take-up of 'family time' show an increase in numbers of fathers that claim family time. Currently, in about 8 per cent of all births, fathers receive the 'family time bonus' during their paternity leave.

### c. Parental leave

Data show that almost all eligible (i.e. formerly employed) mothers – between 93 and 96 per cent – took up Parental leave in the final years of the previous scheme. Since replacing the Parental leave benefit with the new childcare benefit in 2002, there has only been information on parents' uptake of the benefit. As there are no official statistics on the uptake of Parental leave, it is difficult to know how many fathers currently take it. Some studies address this issue, but the percentages vary significantly depending on the population under study.

Regarding the number of women and men taking up the childcare benefit, it is crucial to keep in mind the difference to Parental leave, i.e. both parents who are on leave and parents who are not on leave alike are able to receive the new childcare benefit. Further, parents are able to decouple the duration of leave from the duration of receiving the childcare benefit, e.g. they might be on leave up to 24 months but might

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<sup>5</sup> Official data ('Kompetenzzentrum Kinderbetreuungsgeld') based on all applications; authors' computations.

receive the childcare benefit for a shorter period of time (e.g. 12 months income-based benefit) or a longer period of time (e.g. if receiving the flat-rate childcare benefit) (see 1.c.).

Recent statistics on the flat-rate childcare benefit<sup>6</sup>, which was chosen by nearly two thirds of all parents, show that 36 per cent of these parents applied for 28 or more months and 25 per cent chose about 24 or more months. On the contrary, 35 per cent of all parents applied for the income-based model paid for 12 to 14 months. Despite access to equal sharing, 89 per cent of the principal recipients of the flat-rate childcare allowance were mothers only. This share is significantly lower in the income-based model, in which fathers also applied for childcare allowance in 30 per cent of all cases. On average, however, fathers claimed about 4.5 per cent of all days taken off for childcare in Austria<sup>7</sup>. Recent evaluations of the reform in 2017<sup>6</sup> suggest that over the past four years, the share of fathers claiming childcare allowance has even slightly decreased.

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

The number of beneficiaries of the cash benefit for people on care leave (*Pflegekarenzgeld*) has been steadily increasing since 2014 when it was introduced. In 2020, 3,205 people used this paid leave model compared to 2,323 in 2014 when the model was introduced. In total in 2020, a benefit was granted 3,394 times, of which 48 per cent used the long-term care leave model (*Pflegekarenz*); 3 per cent used the same model working part-time (*Pflegekarenzteilzeit*); and 49 per cent used the family hospice leave model.<sup>8</sup>

A study to evaluate the long-term care leave (*Pflegekarenz*) was published by the Federal Ministry of Labour, Social Affairs, Health and Consumer Protection (under the government in place from 2017 to 2019). The evaluation shows that two thirds of care leavers are women. Caregivers who take a leave have a relatively low income and live in

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<sup>6</sup> Official data ('Kompetenzzentrum Kinderbetreuungsgeld') based on all applications; authors' computations.

<sup>7</sup> Rechnungshof Österreich (Ed.) (2020): *Leistungen nach dem Kinderbetreuungsgeldgesetz. Bericht des Rechnungshofes*. Rechnungshof Österreich. Wien (BUND, 2020/24). Online: [https://www.rechnungshof.gv.at/rh/home/home/004.684\\_Kinderbetreuungsgeld\\_2.pdf](https://www.rechnungshof.gv.at/rh/home/home/004.684_Kinderbetreuungsgeld_2.pdf).

<sup>8</sup> Information on 2020 provided by the BMGSPK (Bundesministerium für Gesundheit, Soziales, Pflege und Konsumentenschutz); Data for 2014 from 'Parliamentary inquiry 6489/J on behalf of the Greens respective long-term care leave' Parliament (2015), ('Anfragebeantwortung der Anfrage Nr. 6489/J der Grünen betreffend Pflegekarenz und Pflegeteilzeit') (2015); Information directly provided by the Ministry of Health, Social Affairs, Care and Consumer Protection

municipalities with a smaller population size. The study presents a detailed analysis of the labour market situation of caregivers before and after using the care leave.<sup>9</sup>

Schmidt, Fuchs, and Rodrigues (2016) report an uptake rate of 2.5 per cent, based on estimates regarding the eligible number of employees<sup>10</sup>, while Nagl-Cupal and colleagues (2018)<sup>11</sup> report a take-up rate of 5 percent among main caregivers. 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>12</sup> About 70 per cent of employees taking leave from work to care for frail or sick dependants/family members (i.e. long-term care leave or family hospice leave) are women.<sup>5</sup> Reconciliation works only to a limited extent, according to a qualitative study carried out in 2015/2016.<sup>13</sup>

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<sup>9</sup> Klotz, J. and Scharf, R. (2020) *Studie zur Vereinbarkeit von Beruf und Pflege bei NutzerInnen von Pflegekarenz/-teilzeit: Integrierte Evaluierung durch Registerforschung und Befragung von NutzerInnen. Sozialpolitische Studienreihe, Band 27.* Vienna: Ministry of Labour, Social Affairs, Health and Consumer Protection.

<sup>10</sup> Schmidt, A.E., Fuchs, M. and Rodrigues, R. (2016) *Policy brief: juggling family and work – leave from work to care informally for frail or sick family members – an international perspective.* Vienna: European Centre for Social Welfare Policy and Research.

<sup>11</sup> Nagl-Cupal, M., Kolland, F., Zartler, U., Mayer, H., Bittner, M., Koller, M., Parisot, V. and Stöhr, D. (2018) *Angehörigenpflege in Österreich. Einsicht in die Situation pflegender Angehöriger und in die Entwicklung informeller Pflegenetzwerke.* Wien: BMASGK.

<sup>12</sup> Parlament (2015).

<sup>13</sup> Sardadvar, K. and Mairhuber, I. (2018) 'Employed family carers in Austria: the interplay of paid and unpaid work – beyond 'reconciliation',' *Österreichische Zeitschrift für Soziologie*, Vol.43, 61-72.

# Belgium<sup>1</sup>

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**April 2021**

N.B. 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, but one week before the due date and nine weeks after delivery are obligatory.
- 12 weeks for self-employed mothers; one week before the due date and two weeks after delivery are obligatory.
- Unemployed mothers have the same rights as employees.

*Payment and funding*

- Employees in the private sector: the first month at 82 per cent of earnings, plus 75 per cent for the remaining weeks with an upper limit of €146.98 per day (in 2020). Statutory civil servants receive their full salary, and contractual civil servants are paid as per the private sector.

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<sup>1</sup> Please cite as: Fusulier, B. and Mortelmans, D. (2021) 'Belgium country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

- Self-employed mothers receive €499.54 per week (or €249.77 per week when taken part-time).
- Unemployed mothers: in the first month they receive unemployment benefits + 19.5 per cent of previous earnings with an upper limit of €146.98 per day, after which they receive unemployment benefits + 15 per cent of previous earnings with an upper limit of €146.98 per day.
- Funded through 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 the 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.
- Self-employed mothers are entitled to nine weeks of optional leave to be taken in blocks of seven days during the 36 weeks following birth. Each week of optional leave can be converted into two weeks of part-time leave, where women want or need to go back to work on a part-time basis (for up to 18 weeks).

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

- All female employees or women on unemployment benefits are entitled to leave with an earnings-related benefit payment.
- Self-employed workers can take Maternity leave but have a separate system, which is less advantageous than the system for employees. They have 12 weeks (instead of 15) and only three of those are compulsory. The allowance is also limited to a fixed amount (€485/week) which is lower than the upper limit set for employees (€715/week).
- No differences apply to same-sex couples. Only their labour market position determines their benefit access, not the gender composition of their couple, nor its institutional bond (married or unmarried).
- For non-citizens/immigrant workers, their labour market status determines their benefit eligibility. An individual must have been working as an employee for a minimum of 120 days, plus paying social security contributions. For temporary workers, the minimum is 400 hours of work across 6 months.

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

- Mothers who need 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. However, the remainder of their pre-natal leave is not added onto their 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 is provided in the case of the death of the mother, or if the mother remains in hospital (for longer than a week after delivery) and if the baby is at home. Then the father or co-parent is granted the remaining weeks of the Maternity leave, and paid 60 per cent of his earnings in addition to the payment of the mother's Maternity leave benefit.

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

*Length of leave*

- Fifteen working days.<sup>2</sup>

*Payment and funding*

- 100 per cent of earnings for the first three days paid by the employer, then 82 per cent of earnings for the remaining period

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<sup>2</sup> Belgium was one of the first OECD countries to introduce Paternity leave (two days in 1961, with guaranteed pay by the employers, extended to three days in 1963).

paid by Health Insurance – there is an upper limit of €120.52 per day as of March 2020.

- Funded in the same way as Maternity leave.
- paid by Health Insurance – there is an upper limit of €120.52 per day as of March 2020.
- Funded in the same way as Maternity leave.

#### *Flexibility in use*

- Fathers and co-parents (i.e. same-sex partners) can take these 15 days (from 1 January 2021) 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, based on their Collective Agreement.

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

- All male employees are eligible, but unemployed are not.
- From 1 May 2019, self-employed people are entitled to ten days' Paternity leave within four months of their child's birth. Self-employed people may take this leave in whole days or half days. The allowance amounts to a total of €816.30. Those who choose to take eight days (or fewer) will receive 15 free service vouchers.
- No differences exist for same-sex couples. Their labour market position determines their eligibility, as opposed to the gender composition of the couple, or their marital status.
- For non-citizens/immigrant workers, their labour market status is what determines their eligibility. One needs to be working as a Belgian employee when the child is born.

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

- €765.33 per month after taxation (€851.59 before taxation).
- Funded in the same way as Maternity leave.

### *Flexibility in use*

- Leave may be taken full-time, part-time (50 per cent) over eight months, one day per week (20 per cent) over 20 months, or a half day a week (10 per cent) over 40 months.
- For part-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 part-time + five months at one-fifth.
- Leave may be taken up until 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 Flanders) pays an additional benefit bonus (encouragement benefit / *aanmoedigingspremie*) for a maximum of one year for Flemish care 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 payment is highest for employees in the social profit sector, namely an additional €514.38 net per month for employees taking a full-time break (for Flemish care leave or, in the case of Time Credit, for care reasons); while for employees in the private sector it is €205.92 net per month (for Parental leave or, in the case of Time Credit, for the reason the leave was taken). This benefit is not applied in the case of a 10 per cent Parental 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 (in practice, this can refer to: the child's biological mother and/or biological father; the person with whom the child has paternal filiation; the wife or partner of the biological mother of the child; the adoptive parents). 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 their service.
- Self-employed workers are not eligible.

- No differences exist for same-sex couples. Their labour market position determines their eligibility, not the gender composition of the couple, or their marital status.
- For non-citizens/immigrant workers, their labour market status is what determines their eligibility – they need to be working as a Belgian employee.
- Taking the 10 per cent leave is only possible with the agreement of the employer.

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

- As the leave is allocated per child, the 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 single parents: €1,258.19 per month after taxation (€1,400.01 before taxation).

*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; and a rather similar scheme – 'career breaks' – applies in the public sector. All eligible workers have a basic right to one paid year of this type of leave over their working lives, taken full-time, or 24 months taken part-time or 60 months taken at one-fifth time
- Leave taken under the Time Credit/career break system can only be taken in order to care for a child younger than eight years (or for a disabled child up to the age of 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 €500 per month after taxation. 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 in order 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). There is a relative increase of this threshold, corresponding to the number of employees (one more unit per 10 employees in a business with more than 50 employees).
- 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 whether the leave is being taken full- or part-time.
- All employees can trace their personal account of Time Credit/career break in an online e-government tool: Break@Work ([www.breakatwork.be](http://www.breakatwork.be)).

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

##### *Adoption leave and pay*

- The same regulations apply as those for parents having biological children, except that the Parental leave may be taken up until a child's 12<sup>th</sup> birthday.

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

- Employees may take up to ten days of leave per year for 'urgent reasons' (*force majeure*) in order 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 an illness, accident or the hospitalisation of a member of the household). There is no entitlement to payment.
- For a severely ill family member (medical care leave), an employee can take full-time leave ranging from one to 12 months (and up to 24 months in the case of part-time leave). It must, however, be taken in blocks of one to three months. Benefits paid are 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, and this is also paid as per Parental leave.

#### *Flexible working*

- No statutory regulation. In Flanders, however, some firms experiment with flexible contracts adapted to the living conditions of parents with joint physical custody. These parents have one week with more working hours and one week with fewer working hours, depending on whether the children reside with them or not. The system is not used in all economic sectors and receiving such a contract depends on the goodwill of the employer.

#### *Career savings account*

- Each employee can voluntarily save 'time rights' for use later in the career (time for time principle). 'Time rights' that can be saved are (1) voluntary overtime (up to 100 hours) and (2) conventional days off (not official days off). Time saved in the system can be taken later in the career. The system is dependent of the sector in which the employee works. It came into force on February 1<sup>st</sup> 2018, but in order to be activated and implemented, this measure must be translated into sectoral collective agreements by the social partners: in 2018, for workers and employees in the clothing and garment industry (for one year); in 2019, for urban and regional transport in the Brussels-Capital Region (no time limit); in 2020, for insurance companies (until end 2026).

#### *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 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 Early Childhood Education and Care (ECEC) from 2.5 years of age: from this age, children can attend nursery school for 31.5 hours per week during term time. There is, therefore, no gap between the end of Parental

leave/Time Credit and an ECEC entitlement, but a gap of more than two years between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for children below and above three years of age 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 2020 (including proposals currently under discussion)**

- Paternity leave has been increased to 15 days in 2021 and will increase to 20 days in 2023.
- In the private sector, during the years 2019 and 2020, workers between the ages of 55 and 59 had the possibility of obtaining an end-of-career time credit until they retired, with allowances from the RVA/ONEM. These interruption allowances could be granted on the basis of specific conditions (35 years of salaried professional experience, exercise of a heavy work, etc.), if this possibility was provided for in a sectoral or company collective bargaining agreement, concluded in application of the interprofessional collective bargaining agreement no. 137. The cross-industry collective bargaining agreement no. 137 ceased to have effect on December 31<sup>st</sup> 2020. As a result, workers between 55 and 59 who start a time credit at the end of their working life as from January 1<sup>st</sup> 2021 will no longer be able to claim an exception to benefit from interruption allowances. As long as the social partners have not concluded a new interprofessional collective bargaining agreement, this means that time credit for workers between 55 and 59 years of age will be granted without an allowance from the RVA/ONEM.
- From September 1<sup>st</sup> 2020, workers who are recognised as close carers can apply to their employer for a new thematic leave and obtain the allowance to which they are entitled. This caregivers' leave is a thematic leave in the same way as parental leave, medical assistance leave, and palliative care leave. It allows for a complete suspension of working hours or a reduction in working hours (50 per cent or 20 per cent) to provide help or support to a person who, because of their advanced age, state of health or disability, is vulnerable and dependent. This does not have to be a family or household member. The right to full suspension is a maximum of six months over the entire working career or a maximum of 12 months in the case of a half-time break or a 1/5 break. Under the current regulations, a worker can only take one month of full-time carer's leave (or 2 months of half-time or 1/5-time leave) per person being cared for. In other words, he or she

can take a total of 6 months of full-time carer's leave but for 6 different carers. Benefits paid are the same as for medical assistance leave. From September 1<sup>st</sup> 2020, caregivers' leave applies to: (1) private sector workers and contractual public sector staff (i.e. staff with an employment contract); (2) statutory staff members of regional and community authorities. From 1 January 2021, leave for carers can also be obtained by statutory staff of the State and those of autonomous public enterprises.

## **Policy response to the COVID-19 pandemic up to end April 2021**

In this section, we focus both on some temporary adjustments to the regular leave system, and on two specific leave policies during the COVID-19 pandemic. The first is the 'Corona Parental Leave', and the second is the 'Corona Time Credit'.

### *Adjustments to the regular leave system*

- Parents in the regular system of leave (Parental leave or Time Credit) could suspend their leave until August 31<sup>st</sup> 2020 with the purpose of being employed as a key worker in a vital sector. The suspension was voluntary and could not be obliged by the employer. The suspension was a temporary suspension. The leave continued after the parent stops their employment in a vital sector.
- Within the framework of the fight against the coronavirus, two additional measures are foreseen for workers who benefit from a regular career break, a time credit or a thematic leave. These measures apply to full and partial breaks and they are in force between 1 October 2020 and 31 March 2021.
  - (1) Temporary suspension of the current interruption with an employer who is part of the care or education sector or with an employer operating a contact centre. Interrupting workers who are employed by an employer in one of the sectors concerned may agree with that employer to temporarily suspend their full or partial interruption in order to resume their work in their original schedule. During the agreed period, the worker is not entitled to break benefits because their break is suspended. After this suspension, the worker recovers their break for the remaining period. The period of suspension will automatically be added to the original break period.
  - (2) Temporary employment with an employer in the care or education sector or with an employer operating a contact centre during the current career break. During the current career break, the person taking a career break can start work with another employer in the care or education sector or in a contact centre. This employment must be temporary. During this employment, the person taking part in the break is entitled to 75 per cent of the gross

break allowance, less 25 per cent. The allowance will be calculated on a pro rata basis for incomplete months.

#### *Corona Parental leave*

- A special system of 'Corona Parental leave' was established 14 May 2020. The system was in place until 30 September 2020. It concerned a new and additional system that did not breach the existing rights of parents. The age limit for children was 12 years or 21 years in case of children with a handicap. Entitlement started when a parent was at least 1 month employed. Leave could be taken for 1/2 and 1/5 of the time. Full time leave and 1/10 leave were not foreseen in the Corona Parental leave system. In order to be entitled to the 1/2 leave, full time employment was required. For the 1/5 leave, a minimum employment of  $\frac{3}{4}$  was required. Biological parents, foster parents and adoption parents were all entitled to take the leave. Both parents could take the leave. Employers needed to agree with the leave. They could refuse the leave. Benefit levels differed according to the sector one was employed in. Since 16 May the Corona Parental leave was extended to self-employed workers in order to take care of a child under the age of 12 or a disabled child. This parental leave could be taken until the end of August 2020 for the time being. The corona parental leave for self-employed workers could not be combined with the replacement income 'bridging benefit' (a monthly financial benefit).
- Corona Parental leave ended on 30 September 2020. However, from 1 October 2020 to 31 March 2021, the worker was entitled to be absent from work to look after a child who could not go to nursery, school or a care centre for the disabled because of a measure to limit the spread of the coronavirus. A worker who was temporarily unemployed for childcare purposes received 70 per cent of his or her (capped) pay. A withholding tax of 15 per cent was deducted from this amount. In addition, they received a supplement of €5.63 per day on top of their unemployment benefit.

#### *Corona Time Credit*

- From 1 July 2020, private sector employers are able to obtain a 'Corona Time Credit' for a period of 1 to 6 months. This is a new time credit that will coexist with the regular time credit that already exists. In the context of the economic difficulties which may result from the coronavirus crisis, the corona time credit will enable employers of companies which are recognized as undergoing restructuring or in difficulty to offer workers a partial half-time or one-fifth break in order to temporarily reduce their working time. The periods of

interruption taken under the Corona Time Credit will not be deducted from the maximum duration of the regular time credit. During the period of the corona-time credit, when all the conditions are met, the worker will be entitled to an allowance (same amount as the regular time credit).

- In addition to this new measure, there will also be the end-of-career Corona Time Credit. It will allow workers who are at least 55 years old and who have at least 25 years of paid employment to obtain the break benefits if the starting date of their reduced working time is during a period of recognition of the company as a company undergoing restructuring or in difficulty.

## 4. Uptake of leave

Viewing the ongoing increasing flexibility of numerous types of leave, with all the variation in remuneration and duration across different sectors (private, public, education, etc.), it becomes increasingly difficult to provide accurate data on leave uptake 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 (RVA/ONEM<sup>3</sup>), but for a more detailed account, see 'Documentation/Statistics.' 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 opt for one day per week leave, especially among those older workers taking a Time Credit/career break to facilitate the final years of their formal career. This also holds, to a lesser extent, for the uptake of Parental leave, especially among fathers who continue to work but who 'soften' their involvement via this one day per week leave. Such fathers are registered as leave-takers for 20 months (instead of four). 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 country note.

### 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 which is especially relevant among the self-employed.

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<sup>3</sup> Available at: [www.rva.be](http://www.rva.be) / [www.onem.be](http://www.onem.be)



## **b. Paternity leave**

In the private sector, 54,540 (2019) (54,422 in 2018)<sup>4</sup> fathers used the Paternity leave for four or more days (there is no information about fathers using three – or fewer – days of paid leave). On average in 2019, they took 9.84 days of paid leave for the birth of their child (up to a maximum of 10 days). There is no information for civil servants. For several years, the number of users and the duration of their Paternity leave have remained relatively stable.

## **c. Parental leave (including the ‘Corona Parental leave’)**

There is no information on what proportion of employees are *not* eligible for Parental leave. In 2020, 90,339 employees used Parental leave, an increase of 32 per cent compared to 2019 (68,688). Obviously, most people taking Parental leave are women, although the proportion of fathers among all leave-takers is growing. The number of men taking Parental leave increased from 13,891 in 2010 to 29,954 in 2020 (22,211 in 2019). There is a clear effect of corona parental leave: used by 22,278 working parents (6549 men and 15,729 women).

In 2010, 38,053 women used Parental leave and in 2020, that number rose to 60,385 (in 2019: 46,447). The proportion of men taking Parental leave also increased during this period (from 27 to 33 per cent), however there is no effect of the ‘Corona Parental leave’ on this proportion between 2019 and 2020.

Part-time leave options are the most popular, especially among men (only 7 per cent of them used a full-time parental leave versus 14 per cent for women). 70 per cent of male leave-takers use the one-fifth time option and 57 per cent of female leave-takers, suggesting that it is predominantly used as a flexible measure. In 2020, the 1/10 parental leave option was taken by 3520 men and 4313 women. The possibility of combining two or more types of leave (e.g. mixing some full-time with some part-time leave) is rarely used: it is taken on average by about one per cent of men and four per cent of women.<sup>5</sup>

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

In 2020, 103,483 (in 2019, 117,271) employees in the private sector made use of the Time Credit system, mostly via the part-time formula; in comparison, only 4,123 individuals took a full-time break (489 men versus 3,635 women). Part-time use of Time Credit is predominantly

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<sup>4</sup> RIZIV/INAMI data, not yet available for 2020.

<sup>5</sup> See:

<https://www.rva.be/nl/documentatie/statistieken/cijfers/loopbaanonderbrekin-g-tijdscrediet-en-thematische-verloven/thematische-verloven>

used as an end-of-career measure (around 56 per cent). Men predominantly take Time Credit as end-of-career leave (N = 32,394), while women are more equally divided between end-of-career leave (N = 26,295) and part-time general leave (N = 25,784). Overall, with the new legislation reducing the appeal of the Time Credit scheme, the number of users has decreased since 2015 (when N = 149,268).

The 'Corona time credit' is anecdotal as only 33 people were using it in December 2020, mainly the end-of-career Corona time credit (N = 32).

In 2020, 48,291 civil servants used the career break system (34,213 of them being women). If men are using the career break system, they generally use more of the end-of-career measure (78 per cent, compared to 65 per cent for women). Compared to 2018 (when N = 60,246) and 2019 (when N = 54,701), the number of users has decreased significantly. The most significant reason for this decrease is the tightening of the rules around the factors permitting an individual to take leave. Probably there was also an effect of the measures taken to combat the pandemic, including the widespread use of teleworking. Another reason is that Flemish civil servants and teachers can only use the Flemish care credit system (and no longer have access to the federal career break system). The decrease on the federal level is compensated at the Flemish level, so that there is no decrease in total in the public sector, aside from the decrease caused by the more stringent regulations around an individual's eligibility for taking leave.<sup>6</sup>

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<sup>6</sup> See: <https://www.tijd.be/politiek-economie/belgie/algemeen/belg-neemt-fors-minder-tijdskrediet/10098519.html>

# Brazil<sup>1</sup>

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**April 2021**

N.B. 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 of 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.

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<sup>1</sup> Please cite as: Fraga, A. (2021) 'Brazil country note', in Koslowski, A., Blum, S., Dobrotic, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

- 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 do so).
- 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 have still been entitled.
- Single adoptive fathers are entitled to Maternity leave.
- In gay and lesbian couples, only one partner (man or woman) is entitled to Maternity leave.

#### *Payment and funding*

- 100 per cent of earnings, with no upper limit. In the case of a variable salary (i.e. because of commission, gratuity, overtime, or 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, the benefit during those extra 60 days 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 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 (domestic employers pay eight per cent of the domestic employee's salary as contribution). Employees pay on a sliding scale according to their salary: 7,5 per cent if under BRL1,100.00 [€182.75]<sup>2</sup>; 9 per cent between BRL1,100.01 [€182.75] and BRL2,203.48 [€366.08]; 12 per cent between BRL2,203.49 [€366.08] and BRL3,305.22 [€549.11]; and 14 per cent between BRL3,305.23 [€549.11] and BRL6,433.57 [€1,068.84], which is the upper limit for social security payments. For self-employed workers and business owners, leave is funded entirely by their own contributions.
- These payments do not affect pensions; contributions are paid by the state.

#### *Flexibility in use*

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

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<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-brl.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-brl.en.html)

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

- All women who work and contribute to social security are eligible – whether this be through employment with a signed work card, as a temporary employee, or self-employed.
- If the mother has contributed to social security, the unemployed mother then has the right to Maternity leave for up to one year (after the termination of the last employment contract), or up to two years (if she received unemployment insurance), or up to three years (if she received unemployment insurance and contributed for 120 months or more). For self-employed and individual micro-entrepreneurs, they are eligible for up to one year after their last contribution or up to two years (if she contributed for 120 months or more). Individual/facultative taxpayers (who do not work) are eligible up to six months after their last contribution.
- 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 as salaried workers after contributing for at least ten months. In this case, the amount of maternity benefit she will be paid is that of the reference salary contribution (e.g. if she contributes based on one minimum salary, she receives a minimum salary per month while on leave).
- The foreigner who works in Brazil can enrol in social security, make the monthly contribution, and have the right to Maternity leave, without the requirement of citizenship or permanent residency.

*Variation in leave due to child or family reasons (e.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 a further 15 days' leave in some specific situations, such as when her life or the baby's life is at risk.
- If the mother dies during childbirth or during Maternity leave, the father can apply for the benefit and complete the remaining period of the leave.

**b. Paternity leave (*licença-paternidade*)**

*Length of leave (before and after birth)*

- Five consecutive calendar days in the private sector for birth or adoption of a child. In the private sector it can be extended to 20

days if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*).

- 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.

#### *Payment and funding*

- Full earnings are paid by the employer under the provisions of labour legislation.
- These payments do not affect pensions.

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

- Fathers who work with a signed work card and in the public sector have the right to Paternity leave. Those making other types of contribution do not yet have this right (i.e. facultative, special insured, and individual micro-entrepreneur). Unemployed fathers have no right to Paternity leave.
- Foreigners who work in Brazil can also register for social security, make the monthly contribution, and have the right to Paternity leave, without the requirement of citizenship or permanent residency.

### **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 the private sector, mothers who adopt a child are entitled to Maternity leave of 120 consecutive days paid at the rate of their full salary (the same as biological mothers). In the public sector, mothers who adopt children are entitled to 180 consecutive days of leave paid at their full salary (also the same as biological mothers).
- If the adoptive mother dies, the spouse can use the leave for the remaining time. This is also the case for gay and lesbian 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 for up to two consecutive days is granted in the case of the death of a spouse, ascendant or descendant in family line, sibling or a person declared on the employee's work card (and for the purposes of social security) as financially dependent.
- In the public sector, leave is granted to care for a sick spouse or companion, parent, child, stepfather/stepmother, stepchild or dependent, subject to approval by an official medical board which must decide that the employee's direct assistance to the sick person is essential and must be during working hours.
- 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 dependent 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 spent in caring: they receive their full salary during this period.

#### *Flexible working*

- See section below.

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

- The Labour Law allows for two 30-minute breaks during the working day for breastfeeding, up until the child reaches the age of six months.

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

The maximum period of post-natal leave is six and a half months, paid at full earnings replacement. There is no entitlement to ECEC.

Levels of attendance at formal services for children under three are below the average for the countries included in this review and for OECD countries, but just below average for children over the age of three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

Labour Law (CLT) states that every company with a workplace employing at least 30 women over the age of 16 must maintain a suitable place, in which female employees can leave their babies under supervision and with adequate care, up to the sixth month of the breastfeeding phase. As a substitute for this requirement, the company can adopt a childcare assistance system: instead of maintaining a nursery in the workplace, the company pays a monthly amount to female employees who have children. The idea is that with this money they can look for a nursery or nanny outside the company. 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.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

#### **Policy response to the Covid-19 pandemic up to end April 2021**

##### *Childcare and schools*

- Most day care centres, preschools, and other early childhood education and care providers were completely closed across the country from March 2020 to April 2021. Therefore, the closure of day care centres and schools left children in the care of their parents, which required, in practice, especially for women, the articulation of this care with paid work or in some cases dismissal from one's job.
- Most schools were completely closed across the country from March 2020 to April 2021, affecting children and adolescents aged six to eighteen.

##### *Parental leave*

- No changes to existing leave policies were made as a reaction to the pandemic.
- During the pandemic, parents normally had access to maternity leave and to paternity leave, according to their pre-existing rules (see section 1 of this note). Paternity leave lasts 5 to 20 days and maternity leave lasts 4 to 6 months after the baby is born. Parental leave does not exist in Brazil.



### *Other measures for parents and other carers*

- There was not a regulation for parents and/or other carers to work reduced/flexible hours when schools and day care centres were closed in the pandemic.
- During the pandemic, monthly cash government aid was implemented, but it was not exclusive to parents and/or other carers. This Emergency Aid was a financial benefit for informal workers, self-employed and unemployed, and its purpose was to provide emergency protection in the period of crisis caused by the Covid-19 pandemic. The benefit was paid for nine months in 2020 (from April to December) and will be paid for four months in 2021 (from April to July).

## **4. Uptake of leave**

### **a. Maternity leave**

There is no information available, but close to 100 per cent uptake is likely as leave is a legal entitlement, plus payment is made from the social security fund, not by the employer.

### **b. Paternity leave**

There is no information available, but we can suppose that the uptake is very high.

### **c. Parental leave**

No statutory leave entitlement.

# Bulgaria<sup>1</sup>

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**April 2021**

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 i ragdane*<sup>2</sup>) (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 requests for Maternity leave.
- The first 135 days are obligatory for mothers, and these are divided into three periods:
  - 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.
  - The second period includes 42 days after childbirth (post-natal leave). Women are also entitled to these 42 days in case of

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<sup>1</sup> Please cite as: Dimitrova, E., Kotzeva, T. and Ilieva, K. (2021) 'Bulgaria country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

<sup>2</sup> Since 2018, adoption leave has been treated under a separate article of the Labour Code.

stillbirth, death of child soon after birth, or if the child is to be adopted. 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.

- The third period includes the remaining 48 calendar days until the 135<sup>th</sup> day. The post-natal leave is thus a total of 90 calendar days after childbirth.

### *Payment and funding*

- Women taking Maternity leave have the right to receive financial compensation so long as they have been insured at the National Insurance Institute against the risk of general illness and pregnancy for at least 12 months (i.e. they were employed and paid contributions to cover 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 BGN610 [€311.89] (2020)<sup>3</sup>; and there is an upper limit at a monthly maximum insurance income of BGN3,000 [€1,533.90]. The same regulation applies for self-employed women.
- An amendment in the Social Security Code in force as of 1 January 2020 provides an option for how the Maternity pay shall be calculated in the case of a woman giving birth while still on Maternity/Parental leave, i.e. when two periods of maternity leave overlap. During the new period of Maternity leave the Maternity pay shall be kept at the level received for the previous child, if that was higher.<sup>4</sup>
- 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 the mother since they aim to ensure mothers are the ones who care for children in the first months of life. The leave serves also for recovery of mothers' health and labour capacity.

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<sup>3</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-bgn.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-bgn.en.html)

<sup>4</sup> Since the income reference period will span over months on Maternity leave / Parental leave with the previous child, either of which is lower paid than the income from employment, this option protects those mothers who did not return to work in order to take care of their children.

- With the agreement of the mother, once the child reaches six months old (and until the 410<sup>th</sup> calendar day), leave can be transferred to the father if he has been paying insurance at the National Insurance Institute for at least 12 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, BGN610 [€311.89] (2020). There is an upper limit at a monthly maximum insurance income of BGN3,000 [€1,533.90]. The same regulation applies for self-employed men.

### *Eligibility*

- Women taking Maternity leave have the right to receive financial compensation if they have been insured at the National Insurance Institute against the risk of general illness and pregnancy for at least 12 months (i.e. they were employed and paid contributions to cover the risk of maternity). The same regulation applies for self-employed women.
- With the agreement of the mother, once 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 paying insurance at the National Insurance Institute for at least 12 months.
- If a woman has not worked or has not paid social insurance against the risk of general illness and pregnancy, she can receive a monthly benefit until the child's first birthday to the value of BGN100 [€51.13]. This is dependent on means-testing, with the income per family member being less than BGN410 [€209.63] in 2020.<sup>5</sup> The conditions and procedure for receiving these benefits are stipulated in the Family Allowance Law for Children.
- If the mother (adopter) is a student studying in full-time education, she is entitled to receive a one-time allowance of BGN2,880 [€1,472.54]. She has the right to receive the financial allowance through two installments: at birth of the child and enrolment and after enrolment for the next semester. The allowance can be received until the child becomes one year old.
- Women living in Bulgaria with Bulgarian citizenship or those with foreign citizenship who have paid social insurance to account for the risk of general illness and pregnancy in the last 12 months (regardless of the country where social insurance has been paid).

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<sup>5</sup> [https://www.mh.government.bg/media/filer\\_public/2020/01/16/zakon-dbrb-2020.pdf](https://www.mh.government.bg/media/filer_public/2020/01/16/zakon-dbrb-2020.pdf)

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

- Since 2018 the adoptive parents of a child up to the age of five are entitled to receive 365 days' paid leave equal to 90 per cent of their average gross monthly earnings or their average insurance income (from the 12 months preceding the adoption). If the adoptive parent does not use the leave and returns to full-time employment, they are entitled to receive 50 per cent financial compensation for the period of the leave.
- The leave allocated for pregnancy, childbirth, and child adoption (plus the financial compensations related to it) end in the case of stillbirth, death of the 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 a medical statement certifying that the mother is in good health and can return to work.

**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 also applies for self-employed men. The financial compensation cannot be lower than the minimum salary, BGN610 [€311.89] (2020). There is an upper limit on payment of a monthly maximum insurance income of BGN3,000 [€1,533.90].
- Paternity leave is counted as work experience.
- Paternity leave is funded in the same way as Maternity leave.
- Since 2017, adoptive fathers of children up to the age of five years old are eligible for a financial compensation for the 15-day paid Paternity leave. The condition for payment and funding is similar to that for non-adoptive fathers.

*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 indication as to whether or not it can be postponed to a later date).
- The father can use 15 days of Paternity leave if he has paid social insurance for at least 12 months. The same regulation applies for self-employed men.
- 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.
- Men living in Bulgaria, with either Bulgarian or foreign citizenship, are eligible if they have paid social insurance against the risk of general illness and pregnancy over the last 12 months (regardless of the country where social insurance has been paid).

### **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*

- The monthly benefit rate is around BGN380 [€194.29] (2020).
- Parental leave is counted as work experience.
- Funded in the same way as Maternity leave.

#### *Flexibility in use*

- From 1 June 2017, if the mother (whether adoptive or biological) decides not to use the paid Parental leave fully or in part after the 135<sup>th</sup> day, she is entitled to receive a partial financial compensation for the remaining period of the leave. This compensation is set at 50 per cent of the normal monthly benefit for parents taking leave, i.e. BGN190 [€97.15] per month (2020). 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 should they decide to start working and renew their social security payments before the end of the paid Parental leave.

### *Eligibility*

- Parental leave is firstly the mother's right. If the mother (adoptive or biological) of a child below the age of two years dies or gets seriously ill and 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 they are employed and have paid social security against the risk of pregnancy and general illness for at least 12 months.
- The parents or other leave-takers have paid social insurance for at least 12 months.
- 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 that she will provide permanent care for the child. The leave also ends if the child is given for adoption.
- From 1 June 2017, members of the army have been entitled to the same rights for Parental leave as mothers or other leave-takers.
- There is no special regulation for same sex couples. Same sex couples are illegal in Bulgaria.

*Variation in leave due to child or family reasons (e.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 they are employed, on the condition that the grandparent has paid social insurance for at least 12 months, regardless of when this payment was made.
- 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 their 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 look after a child up to the age of eight years can be taken by each parent (adoptive or biological) for up to six months, after the period of the Parental or Adoption leave has expired. 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 (adoptive or biological) 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 the leave commencing. The leave can also be broken down and used as separate blocks of time, but no fewer 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 (otpusk pri osinovyavane na dete do 5-godishna vazrast)*

- Adoption leave and pay (for adopting a child under the age of five years) is available for 365 days and can be taken from the day of the child’s arrival at home, but no later than their fifth birthday. This regulation was new in 2018 – previously, adoptive parents of children under the age of two years and between the ages of two and five years had different entitlements regarding this leave.
- 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 (taken over a period of 18 consecutive months, preceding the month in which payment of the allowance starts), provided that social security payments to cover general illness and maternity have been made for 12 months, and the child is not placed in a full-day childcare institution.
- Single adoptive fathers/mothers are entitled to the same adoption leave and pay as adoptive parents in couples.
- Adoptive fathers in married couples may use the adoption leave and pay in place of the adoptive mother with her consent, beginning no earlier than six months after the child’s arrival, but no later than the child’s fifth birthday. The leave can also be transferred to one of the parents of the adoptive mother or the adoptive father, if the latter has died; and to one of the parents of a single adoptive parent. In all cases when the leave and pay are transferred, the person who steps in for the adopter should be in employment and have paid social security contributions for general illness and maternity for 12 months.
- From 2017 onwards, foster mothers have been entitled to Maternity leave and pay under the same conditions as biological mothers, but the period of leave is reduced by the difference between the full length of the Maternity leave (410 days) and the



child's age when placed in foster care. The right to transfer Maternity leave and benefit from the mother to the father when the child reaches the age of six months is also available to foster families.

- A reduced amount of the adoption allowance (50 per cent) can be received by the adoptive parent if s/he or the user of the leave (e.g. spouse, grandparent in the case when the right has been transferred), returns to work before its end, but no earlier than 90 days from the child's arrival at home.
- Adoptive parents of children under the age of two are entitled to Parental leave for any remaining period between the end of the adoption leave (365 days) and the child's second birthday under the same conditions as biological parents. If the user of this leave returns to work before its ending the adoptive parent can receive 50 per cent of the allowance associated with it for the remaining period.
- If adoptive parents are married when adopting a child under the age of five, the adoptive father is entitled to 15 days of leave beginning from the day of the child's arrival in the household (previously, it was only available to biological fathers). When introduced in 2017, this right included co-habiting adoptive fathers, but in 2018 this was abolished. It is paid at 90 per cent of average gross monthly earnings, provided that social security payments to cover maternity and general sickness have been made in the previous 12 months.
- 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 needs to stay at home due to quarantine in a childcare institution – can be taken for up to 60 calendar days, per year per family. It is available to all insured members of a family but cannot be taken simultaneously to care for the same child/relative. It is paid at 80 per cent of average gross monthly earnings. In fact, this is a special case within general sick leave and requires medical papers issued by a GP to be presented to the employer. Self-employed people can take this leave if they are insured (i.e. have made contributions to cover general sickness and maternity for a period of 18 months, preceding the month in which they claim use of the leave).
- Leave to care for two or more children under the age of 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 mid-year.

### *Flexible working*

- On returning to work after taking leave, the employed person may request a temporary change in the duration or the distribution of their 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 company to accommodate this request.
- Employed mothers of children under six years of age have a legal right to work from home with the same (or another) employer, upon request.<sup>6</sup> When the child turns six, 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 of age 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 able to use it.

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

- Absence from work for (breast)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 the age of eight months and the mother is working full-time (eight hours per day); or for one hour per day when a mother is working fewer than seven hours. 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 per day to a mother employed for fewer than seven hours.
- 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

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<sup>6</sup> In reality, this statutory right for flexible or remote work for mothers with children under 6 years of age is actually non-applicable. According to data from the national representative survey of the labour force (available here: <https://bit.ly/2FvAcIb>), only 1.5 per cent of employed women who take care of children and elderly relatives work on flexible time and just 0.8 per cent of them self-manage their own working time.

recommendation as for how long the child should be breastfed, to be issued by a doctor and presented to the employer.

- The same legal right is guaranteed to adoptive mothers and mothers of stepchildren. Mothers can receive full remuneration for the time they spend (breast)feeding during the working day.

#### *Employment protection and non-discrimination throughout Maternity /Parental leave*

- The Labour Code sets out regulations to ensure employment protection and non-discrimination throughout Maternity, Paternity, and Parental leave of employed people. It prohibits the dismissal of a mother with a child under the age of three, without permission obtained from the General Labour Inspectorate Executive Agency.
- The legal right to return to the same work position, or – if the position was cut – to an equivalent one, is also guaranteed by the Labour Code. Furthermore, it states the right to benefit from any improvements of the working conditions or indexation of the salary which occurred during childcare-related leave.
- A pregnant woman, a breastfeeding woman, or a woman who is in an advanced stage of in-vitro treatment has the right to refuse work which presents hazards to her and her child's health. A list of hazardous jobs and working conditions is regulated by the Minister of Labour and Social Policy and the Minister of Public Healthcare. Based on the recommendation of the responsible healthcare authorities, the employer has a duty to temporarily rearrange working conditions and/or schedule in order to remove the risk and safeguard the woman's health. If this is impossible due to objective reasons, the woman shall be temporarily assigned to another job. To account for any waiting period before starting the new, more appropriate job, the woman will be compensated by her employer (to the sum of her gross monthly remuneration). If the remuneration on the new job is lower than that of the former one, the employer must pay compensation to settle the difference in payments. Each year, in coordination with the healthcare authorities, the employer determines a list of work positions suitable for pregnant, breastfeeding or in-vitro treated women.
- Employed pregnant women, women who are in an advanced stage of in-vitro treatment procedure, or mothers with a child under the age of three cannot be sent on a business trip without their consent. This right may be used by the father if the mother is not in a condition to benefit from it.

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

The maximum period of post-natal leave is 36 months, but well-paid leave only lasts for 12 months.<sup>7</sup> Early Childhood Education and Care (ECEC) is obligatory for children aged five and six years. There is therefore a gap of two years between the end of leave and the start of an ECEC entitlement and a gap of four years between the end of well-paid leave and an entitlement to ECEC.

Levels of attendance at formal services for children under three years of age are well below the average for OECD countries, but are only just below average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

In 2020, there was an increase of the payment for Maternity leave benefit, due to the increase of the minimum wage. In 2020, several legal amendments in the Act for preschool and school education have been promulgated:<sup>8</sup> introduction of compulsory preschool education for 4-year-old children from 2023; municipal support for the monthly attendance fees for kindergarten previously paid by parents; reimbursement to the parents of the costs for raising and educating children who are not accepted in state or municipal kindergartens due to lack of places. These measures aim to increase the access and enrolment of children in different forms of ECEC and improve the balance of family and work roles of parents.

A one-time allowance to support the beginning of the school year of children in 8<sup>th</sup> grade who attend public schools, introduced in 2020, was made permanent. Since 2021 it will not be means-tested, i.e. will be received by all children resident in the country. Payments shall be made in two instalments of 50 per cent each (one upon approval of the request at the beginning of the school year and the other at the beginning of the second term if the child continues to attend school with no more than five unexcused absences per month). The aid may be delivered in kind for special groups of beneficiaries, subject to social authorities'

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<sup>7</sup> Bulgaria has no law or policy document entirely devoted to early childhood development. The legislative and political framework concerning ECEC is contained within the sectoral laws and policies in the healthcare, education and social sphere.

<sup>8</sup> Preschool and school education Act, see: <https://www.lex.bg/bg/laws/ldoc/2136641509>

assessment<sup>9</sup>. A similar pre-existing allowance for children in 1<sup>st</sup> grade was expanded to universal coverage in 2021, under the same conditions<sup>10</sup>.

## **Policy response to the COVID-19 pandemic up to end April 2021**

### *Childcare and schools*

- 'Emergency epidemiological situation' due to the COVID-19 pandemic was established on 14 May 2020, after the emergency state and first lockdown announced on 13 March 2020 had ended. The emergency epidemiological situation has been prolonged many times, its current extension being until 31 May 2021.
- At the beginning of school year 2020/2021 the Ministry of Education and Science, based on recommendations of the Ministry of Health, issued instructions to teachers and personnel in schools and kindergartens on how to ensure a safe environment (methods of disinfection, serving lunch meals, etc.) and how to act in the cases of a child or an adult with suspected COVID-19 symptoms. Constant information flows were established between schools/kindergartens and Regional Health Inspectorates to monitor occurring cases.
- Crèches and kindergartens started the new season as usual on 15 September 2020. They were closed on 27 November 2020 during the second lockdown and reopened on 4 January 2021. Later, they were closed again for the most recent lockdown from 22 March to 31 March 2020. Some municipal kindergartens (in the capital and several big cities) stayed open during the lockdowns to offer services for children of medical professionals (doctors, nurses and health officers).
- The second term of school year 2019/2020 was carried out completely remotely, with a few exceptions for matriculation exams and practical trainings. However, in 2020/2021, both in-person and remote teaching and learning were alternated in response to the severity of the epidemiological situation. Pupils of different grades were treated separately. The youngest pupils (first to fourth grade) had the most in-person school attendance, as the risks of developing severe illness were weighed against the benefits of building up learning habits and social skills. Those from fifth to twelfth grade had scheduled attendance to school so that no more than three batches of students would be present in the school at the same time.

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<sup>9</sup> Family benefits for children Act. <https://www.lex.bg/laws/ldoc/2135441920>

<sup>10</sup> Family benefits for children Act. <https://www.lex.bg/laws/ldoc/2135441920>

### *Parental leave*

- Regulations concerning all kinds of parental leaves remained unchanged during the COVID-19 pandemic outbreak. Apart from Maternity, Paternity, Parental and Adoption leaves, there were two pre-existing leave options, which employed parents could use: 1) *Unpaid* childcare leave to look after a child up to the age of eight years (*neplaten otpusk za otgledane na dete do 8 godishna vazrast*). The full length of this leave is six months per family with two working parents or one year for a single parent. 2) *Paid* leave to care for a sick family member, including a child (*otpusk pri vremenna nerabotosposobnost*). This has a maximum length of 60 calendar days per year per family and 80 per cent level of compensation of gross monthly earnings. This leave can be used when a child or other family member have been diagnosed with COVID-19, but not when a parent needs to stay at home to attend to a healthy child due to quarantine in a childcare institution.
- The Law for the emergency state made amendments in the Labour code to regulate work conditions under states of emergency and inter alia obliged the employer to let pregnant women, women in advanced stage of in-vitro treatment, mothers of an up to 12-years old child or a child with disabilities of any age, and single fathers of an up to 12-years old child or a child with disabilities of any age use paid annual leave or unpaid leave upon their request without the right of the employer to refuse. The entire period of paid and unpaid leave is recognized as work experience.

### *Other measures for parents and other carers*

- The Law for the emergency state and the accompanying amendments in the Labour code give the employer the right when a state of emergency is announced in the country to establish work from home or part-time work for some or all employees if the character of work allows for this. The employer may also temporarily stop all activities of the enterprise and this shall not result in a change of contracted terms for the employees. The employer has to pay the full remuneration for the period of lockdown due to the emergency.
- Based on the Ordinance by the Minister of Health from 13 March 2020, all employers depending on the specifics and capabilities of the respective employment can introduce a remote form of work for their employees. This is not an obligatory measure and depends on the employer's assessment of the opportunities for remote work. However, these new regulations protect employment per se and do not explicitly address the needs of

parents to flexibly manage their work duties and child care when ECEC facilities and schools are closed.

- There is monthly targeted assistance for families with children up to 14 years of age in case of a declared state of emergency or a state of emergency epidemic. The criteria for receiving the assistance are: the child does not attend school or crèche/kindergarten because of the epidemic, one or both parents are unemployed, without unemployment benefits or cannot work remotely from home and they have totally used their paid annual leave. The assistance is BGN650 [€332.34] for families with one child and BGN975 [€498.52] for families with two and more children. The assistance is means-tested and is equal to 150 per cent of the minimum wage for one person. According to Ministry of Labor and Social Policy, 41,738 families of children under the age of 14 have received assistance from the state after having to stay at home to take care of their children due to the closure of kindergartens and schools as a result of the anti-epidemic measures introduced. So far, BGN 44.5 million [€22.8 million] have been paid under the measure.<sup>11</sup>
- The EU funded Program “Parents in Employment”<sup>12</sup> aims at ensuring a better reconciliation of work with the private lives of parents with children aged 0 to 12 years and providing employment to unemployed persons by providing childcare opportunities. The target groups include parents of children 0-5 years of age who have returned to their jobs but whose children are not enrolled in a nursery/kindergarten, parents with three or more children up to the age of 12 who have returned to their jobs, and children who attend crèches/kindergartens, as well as school; unemployed persons registered with the Labour Office and babysitters (job seekers unemployed - young people up to 29 years; unemployed and inactive persons over 30; disadvantaged persons in the labour market). The project has been prolonged till 2023 and its budget has increased to BGN65 million [€33.2 million] with a support for 6,645 families.
- The amount of the tax relief for children including children with disabilities has been increased for income earned in 2021. When determining their tax liabilities for 2021, parents can deduct much larger amounts from their annual tax base. The increased amounts are applicable only to the taxation of income acquired in 2021.

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<sup>11</sup> <https://www.mlsp.government.bg/41-738-semeystva-poluchikha-pomoshch-za-otglezhdane-na-detsa-do-14-g-v-distantionno-obuchenie>

<sup>12</sup> <https://www.az.government.bg/pages/roditeli-v-zaetost/>

- There is indirect support for the childcare sector through the inclusion of private ECEC and pre-school centres in the list of enterprises that can be beneficiaries to government monetary aid in the form of tax advantages. A financial measure targeted to employers and self-employed persons in specified industries called "60/40" subsidizes the social security payments owed by the employer to the state budget in the following ratio: 60 per cent paid by the state and 40 per cent by the employer on condition that work positions are not cut down and salaries are kept at the same level for a time interval equal to the period of use of the provision (but no more than three months) plus an additional period of the same length.
- Up to 90 working days of unpaid leave under the Labor Code used in 2020 and 2021, at the request of the employee, will be considered work experience. Also, for up to 90 working days of unpaid leave, health insurance rights will be uninterrupted. This will enable people to retain insurance rights to receive maternity/paternity/parental benefits, unemployment benefits, sickness pay, pension rights, etc. for a longer period of time.<sup>13</sup>
- The frontline workers in the fight against COVID-19 can use vacation vouchers for BGN210 [€107.37], valid until 31 December 2021. Tourist vouchers can be used for at least seven nights of accommodation. Preference is given to hotels owned by the National Social Security Institute, rehabilitation hospitals, spa centers and state recreation facilities. The measure can benefit doctors, medical specialists in medical institutions, employees of regional health inspections, emergency medical care centers, the National Center for Infectious and Parasitic Diseases, the Ministry of Interior, the Ministry of Defense, the Ministry of Labor and Social Policy and the National Toll Management. The rules apply for workers directly carrying out activities related to combating and preventing the spread of COVID-19. Government ministers determine the list of eligible employees.
- One hundred and five (105) companies and institutions in municipalities have started to build 'Children's Corners' at the workplace in which more than 1,700 children of the employees will be cared for. The projects are implemented within the EU funded Operational Program 'Human Resources Development'.<sup>14</sup>

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<sup>13</sup> <https://coronavirus.bg/bg/merki/socialni>

<sup>14</sup> <https://www.mlsp.government.bg/105-firmi-i-institutsii-ot-tsentrálnata-i-mestnata-vlast-shche-izgradyat-detski-ktove-na-rabotnoto-myast>



## 4. Uptake of leave

### a. Maternity leave

The general Maternity leave of 135 days is obligatory and it is considered a recovery period for mothers, as well as time for immediate childcare. This is documented by health authorities (i.e. GPs and hospitals). Data from the National Social Security Institute shows that in 2020, 312 fathers (adoptive and biological) took the period of Maternity leave, from the sixth month until one year after childbirth – a number which makes them below one per cent of all beneficiaries.<sup>15</sup> Overall, combined with the number of beneficiaries from the previous year, the total number of first year paid leave beneficiaries in 2020 was 81,141 (data taken from the National Social Security Institute). Additionally, 777 leave beneficiaries received 50 per cent financial compensation because they returned to work during the leave. Survey data shows that parents are in favour of highly paid Maternity leave during the first year of their child's life.<sup>16</sup>

### b. Paternity leave

For eligible fathers, the 15 days of Paternity leave are obligatory, intended to foster father's involvement in childcare immediately after the birth. According to the National Social Security Institute, 21,656 fathers (including 5 adoptive fathers) took paid leave in 2020: this is equivalent to approximately one third of all the children born that year.<sup>17</sup>

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<sup>15</sup> National Insurance Institute, 2021. See: [https://www.noi.bg/images/bg/about/statisticsandanalysis/statistics/pokazatel/SPRAVKA\\_bolnicni\\_31\\_12\\_2020.pdf](https://www.noi.bg/images/bg/about/statisticsandanalysis/statistics/pokazatel/SPRAVKA_bolnicni_31_12_2020.pdf)

<sup>16</sup> In Bulgaria, 73 per cent of all children up to three years of age are cared for at home by their parents and do not visit childcare facilities. In 2016, this was the highest percentage in the EU (see: Slavova, Z. (2016) 'Bulgaria is the country where the highest percentage of small children cared for by their parents', *IME Newsletter*, available at: <http://ime.bg/bg/articles/bylgariya-estranata-v-koyato-nai-mnogo-ot-malkite-deca-se-otglejdat-ot-roditelite-si/#ixzz59SWQJ3W9>). Survey data on parents' attitudes toward family policy in Bulgaria demonstrates that most parents are highly appreciative of paid Maternity leave during the first year (see Kotzeva, T., E. Dimitrova, K. Ilieva and S. Moraliiska (2016) 'Survey on attitudes of parents towards family policy in Bulgaria', *Family Policy Vision – Parents' Views and Europe's Experience*. NMD. Sofia, available at: <http://nmd.bg/dve-novi-publikatsii-po-proektaviziya-za-semeyna-politika/>

<sup>17</sup> National Insurance Institute, 2021. See: [https://www.noi.bg/images/bg/about/statisticsandanalysis/statistics/pokazatel/SPRAVKA\\_bolnicni\\_31\\_12\\_2020.pdf](https://www.noi.bg/images/bg/about/statisticsandanalysis/statistics/pokazatel/SPRAVKA_bolnicni_31_12_2020.pdf)

### **c. Parental leave**

In 2020, the second year of Parental leave was taken by 87,833 beneficiaries: 735 of them were fathers. Moreover, 15,138 of beneficiaries received 50 per cent of the benefits for the second year because they returned to employment. Well-paid and higher qualified mothers prefer to return to work and choose other options for childcare (e.g. babysitter, relatives, or a crèche) rather than staying at home.<sup>18</sup> 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 12,143 mothers (1,435 of whom received benefits in kind because their age was below the age of 18) received this social benefit in 2020 (i.e. about one fifth of all mothers who gave birth that year).<sup>19</sup>

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

No data available.

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<sup>18</sup> Survey data on parents' attitudes shows that approximately half of the respondents, mainly those with high levels of education and well-paid jobs, living in urban environments, are critical towards low-paid Parental leave during the second year, as well as towards the lack of services for children aged one to three. The experts interviewed in this survey are also sceptical about the genuine opportunity for highly qualified and educated parents to take second year leave, due to the negative effects of long-term Parental leave on labour market and women's qualifications (see Kotzeva et al., 2016; footnote 3).

<sup>19</sup> Report on the Activity of the Agency for Social Assistance in 2020. Available from: <https://asp.government.bg/uploaded/files/5679-Godishen-doklad-2020.pdf>

# Canada<sup>1</sup>

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April 2021

N.B. Canada is a federal state.

**Note on federal and provincial/territorial responsibility:** In Canada, the federal Employment Insurance (EI) programme, funded by employers and employees and administered by the Department of Employment and Social Development Canada, provides Maternity and Parental leave benefits to parents residing outside the province of Québec. Entitlement to job-protected leave from employment is granted through labour laws (employment standards acts) that fall under the jurisdiction of the ten provinces and three territories (referred to below as 'jurisdictions') as well as through the Canada Labour Code, for the seven per cent of employees in federally regulated industries. This results in 14 different legislated leave entitlements. Variations between jurisdictions have implications for how (unpaid) legally entitled leave and the two benefit programmes are accessed and used. Two separate sets of rules apply to the federal wage-compensation benefit programme and provincial/territorial/federal legal entitlements to job-protected leave. In Canada, 'leave' therefore refers to either unpaid, job-protected time off work or to benefit programmes. In 2011, self-employed parents outside Québec became eligible for to opt into federal benefits. In January 2006, the province of Québec launched its own provincial Maternity, Paternity, and Parental leave benefit programme called the (QPIP) for employed and self-employed workers. Details of the QPIP programme are given under 'regional or local variations in leave policy.' The information below refers to the two benefit programmes (EI and QPIP). Details regarding unpaid job-protected leave appear at the end of the Parental leave section.

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<sup>1</sup> Please cite as: Doucet, A., Lero, D.S., McKay, L. and Tremblay, D.- G. (2021) 'Canada country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International review of leave policies and research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

For comparisons in this review between Canada's and other countries' leave provision and early childhood education and care services, please see the [cross-country tables](#) at the beginning (they are 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 that support parents

The following table compares benefits under the Canadian and Québec programmes. For both, parents must pay premiums through insurable employers in order to qualify.

### Comparison of benefits: Canada (EI) and Québec (QPIP)

Table 1: Canada (EI) and Québec (QPIP)				
	Canada EI		Québec QPIP	
<b>Eligibility</b> (in past year) <sup>1</sup>	600 hours <sup>2</sup>		\$2,000 [€1,355.20] <sup>2</sup> in earnings	
<b>Self-employed workers</b>	If opted-in 12-months prior to claiming, with minimum net income of CA\$7555 [€5,119.26] in self-employed earnings in 2020		Automatically covered	
<b>Waiting period</b>	1 week per couple		None	
<b><i>Weeks by wage-replacement rate (% of gross earnings during a qualifying period up to the Maximum Insurable Earnings level)</i></b>				
<b>Plan</b>	<b>Standard</b>	<b>Extended</b>	<b>Basic</b>	<b>Special<sup>3</sup></b>
<b>Maternity</b> <sup>3,4</sup>	15 at 55%		18 at 70%	15 at 75%
<b>Parental (may be shared)</b> <sup>5</sup>	35 at 55%	61 at 33%	32 (7 at 70% + 25 at 55%)	25 at 75%
<b>Parental Sharing Benefit</b>	40 at 55%	69 at 33%		
<b>Paternity</b>	(if 35 for one, then extra 5 for the other)	(if 61 for one, then extra 8 for the other)	5 at 70%	3 at 75%

<sup>2</sup> There have been temporary changes to EI benefits (See Section 3).

<sup>3</sup> Since December 2020, these have been called 'prestations d'accueil et de soutien'.

<b>Adoption (shared)<sup>6</sup></b>	35 at 55%	61 at 33%	13 at 70% + 25 at 55%	28 at 75%
<b>Adjusted annually:</b>				
<b>Maximum weekly benefit, 2021</b>	\$595 [€403.17]	\$357 [€241.90]	\$1,057 [€716.22]	\$1,132 [€767.04]
<b>Maximum insurable earnings, 2021</b>	\$56,300 [€38,148.80]/year		\$83,500 [€56,579.48]/year	
<b>Maximum total weeks per couple</b>	76 (84 if shared)		55	43
<b>Low-income supplement<sup>7</sup></b>	Up to 80%		Up to 80%	

Source: Adapted from 'EI maternity and parental benefits: What these benefits offer,' Service Canada (2021), <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html> and 'Québec Parental Insurance Plan,' Emploi et Solidarite sociale, Québec, <http://www.rqap.gouv.qc.ca>

Table 1 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, Caregiving, or Compassionate Care benefits). In Québec, CA\$2,000 [€1,355.20] must be earned in the prior year but an extension to up to 104 weeks before the start date for benefits can be considered if the claimant was unable to work for a portion of the year before the claim.
- 2) Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-cad.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-cad.en.html)
- 3) Only birth mothers (including surrogate mothers) are entitled to Maternity leave in both plans.
- 4) Only QPIP has a separate option for adoptive parents; EI Parental leave benefits are the same for biological and adoptive parents.
- 5) The benefit calculation for both programmes uses a 'best weeks' formula to determine 'average insurable earnings' up to the Maximum Insurable Earnings level for that year. EI uses the previous 52 weeks; Québec uses the past 26 weeks (an extension is granted if earnings were lower for certain reasons).
- 6) <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parent-sharing.html>  
For births and adoptions on or after March 17, 2019.
- 7) The low-income supplement is for families with a net annual income of less than CA\$25,921 [€17,564.03]. The amount, up to 80 per cent of average insurable earnings, is calculated based on net family income and the number of children and their ages. It should be noted that even at 80 per cent, the threshold of CA\$25,921 [€17,564.03] is below the low-income cut-off rate (poverty line) for two persons (parent and child).

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

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

- 16 to 19 weeks 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 CA\$56,300 [€38,148.80] (i.e., a benefit payment ceiling of CA\$595 [€403.17] per week). Low-income families can qualify for a higher benefit rate, up to a maximum of 80 per cent of insured earnings.
- There is no payment for the first week, which is treated as a 'waiting period'. Payment is actually provided for 14 weeks and parents have only one 'waiting period' per birth; unpaid leave entitlement is 16-19 weeks (see Table 2).
- Administered under the federal EI programme, Maternity and Parental leave benefits are funded by premiums paid by employers and employees, based on a premium rate that applies to every CA\$100 [€67.76] of insurable earnings to the maximum insurable earnings threshold (MIE), which was CA\$56,300 [€38,148.80] in 2021. The rates are set by the Employment Insurance Financing Board each year. Employers pay premiums that are 1.4 times those of employees.
- In 2021, employee premiums were frozen at the 2020 level and are set at CA\$1.58 [€1.07] per CA\$100 [€67.76] (for Québec residents, at CA\$1.18 [€0.80] of insurable earnings in 2020); employer premiums were set at CA\$2.21 [€1,50] per CA\$100 [€67.76] of insurable earnings (for Québec Employers, at CA\$1.52 [€1.03]). Self-employed individuals outside of Québec who opted in to the EI programme in order to be eligible for special benefits pay the same as employees: CA\$1.58 [€1.07] per CA\$100 [€67.76] of insurable earnings to a maximum of CA\$ 56,300[€38,148.80] of earnings or CA\$889.54 [€602.75] annually.
- See 'regional or local variations' for details about additional contributions paid in Québec. Maternity and Parental leave benefits are taxable.

### *Flexibility in use of benefits*

- Pregnant mothers may start receiving benefits as early as 12 weeks before their due date or delay receiving benefits until the actual week that they give birth.

- Normally, Maternity Leave 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 such as Parental benefits, sickness benefits, Compassionate Care benefits, or family caregiver benefits for adults or for parents of seriously ill children up to a maximum of 102 weeks (with proof of eligibility for the latter benefits). Eligibility criteria and other rules regarding combining benefits can sometimes result in reducing the duration of claims.

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

- Eligibility criteria 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.
- In 2021, Québec offers benefits of 70 per cent of average weekly income up to an earnings ceiling of CA\$83,500 [€56,579.48] per year for 18 weeks of Maternity leave, without a waiting period.<sup>4</sup> Maternity leave use is flexible: it is possible to have a higher income replacement rate for a shorter period of time, or a lower rate for a longer period. Under the 'special' plan, Maternity Leave benefits are paid at 75 per cent of weekly income for 15 weeks, whereas under the 'basic' plan, it is 70 per cent of weekly income for 18 weeks.
- Under the Basic plan, Québec parents gain 4 weeks if each parent takes at least 8 weeks of shareable parental or adoption leave.
- Under the Special plan, Québec parents gain 3 additional shareable weeks at 75 per cent if each parent takes at least 6 weeks of shareable parental or adoption leave.
- Benefits in Québec are financed by contributions from employers, employees, and the 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 2021, contributions are 0.494 per cent for employees, 0.692 per cent for employers, and 0.878 per cent for the self-employed; these are unchanged from 2020 (maximum contributions, respectively, of CA\$412.49 [€279.50], CA\$577.82 [€391.53], and CA\$733.13 [€496.77], up to a maximum insurable income of CA\$83,500 in 2021 [€56,579.48], compared with EI's 0.37 per

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<sup>4</sup> Government of Québec (Travail, Emploi et Solidarité Social). For information on QPIP, see: [http://www.rqap.gouv.qc.ca/Index\\_en.asp](http://www.rqap.gouv.qc.ca/Index_en.asp)

cent of insurable income to a maximum of CA\$56,300 [€38,148.80] in other parts of Canada). Premium rates for the Québec Parental Insurance Plan remain the same in 2021, but maximum weekly premiums have increased.

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

- Eligibility for job-protected unpaid leave varies between Canada's 14 employment jurisdictions and is separate from eligibility for the payment of benefits under the two (federal and Québec) programmes. The rules generally apply to all leave-taking types. See below, section 'b. Paternity leave.'
- Eligibility requirements for wage-compensation benefits under the federal programme are 600 hours of continuous employment in the previous 52 weeks. Many part-time and non-standard (contract) workers do not have enough hours to qualify, even though they pay EI premiums. For the Québec QPIP programme, workers are eligible if they earned at least CA\$2,000 [€1,355.20] in the 52 preceding weeks.
- In 2006, when the QPIP programme began, self-employed workers in Québec became eligible for Maternity, Paternity, Parental, and Adoption benefits if they had made a minimum of CA\$2,000 [€1,355.20] in self-employment earnings in the previous year. Outside Québec, EI special benefits (Maternity, Parental, Sickness, Compassionate Care and Family Caregiver for Children or Adults) were extended to the self-employed on a voluntary, opt-in basis in 2010 (implemented in 2011). Until 2011, most self-employed parents (outside of Québec) were not eligible for benefits because 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 parents outside of Québec have to register one year prior to seeking benefits and qualify if they have reduced the amount of time devoted to their business by more than 40 per cent because of childbirth/care, have paid contributions to the regime, and have earned at least CA\$7,555 [€5,119.26] (in 2020) from self-employment within the previous 52 weeks.<sup>5</sup> There are no leave entitlements or benefits for parents who do not meet these eligibility criteria.
- Graduate and postdoctoral students who have been granted a scholarship from one of three large granting Tri-Council funding agencies<sup>6</sup> can receive limited benefits (Maternity, Paternity, and

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<sup>5</sup> <https://www.canada.ca/en/services/benefits/ei/ei-self-employed-workers.html>

<sup>6</sup> The Tri-Council funding agencies include The Social Sciences and Humanities Research Council (SSHRC), the Canadian Institutes of Health Research (CIHR),



Parental). Research/teaching assistant and postdoctoral employment contracts vary in terms of being counted as insurable earnings.

*Variations in leave due to child or family reasons (e.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 91 weeks of benefits (15 weeks of sickness benefits, 15 weeks of Maternity benefits, and 61 weeks of 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 single infants.

*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 and that often includes coverage during the waiting period before federal benefits are provided.

**b. Paternity leave (congé de paternité in Québec, where this is the responsibility of the Ministry of Work, Employment and Social Solidarity)<sup>7</sup>**

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

- There is no statutory leave, except in Québec (see 'regional or local variations'). In Québec, family policy has evolved immensely over

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and the Natural Sciences and Engineering Research Council of Canada (NSERC). These are the major sources of research funding for post-secondary institutions across Canada.

<sup>7</sup> The French translation of the name of this ministry is Travail, Emploi et Solidarité Sociale.

the years<sup>8</sup> and now fathers are entitled to Paternity leave. For same-sex male parents, the partner of the biological father is entitled to adoption benefits if he was part of the adoption process. In the case of two female parents, the partner of the birth mother is entitled to Paternity leave and Parental leave benefits if her name is on the birth certificate.

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

- Québec offers up to five weeks of Paternity leave after the birth, which may be taken for three weeks at 75 per cent of average weekly earnings or for five weeks at 70 per cent to an earnings ceiling of CA\$83,500 [€56,579.48] per year. Funding is the same as for Maternity leave.
- Under the Basic plan, parents gain 4 additional shareable weeks if each parent takes at least 8 weeks of shareable parental or adoption leave.
- Under the Special plan, parents gain 3 additional shareable weeks at 75 per cent if each parent takes at least 6 weeks of shareable parental or adoption leave.
- Fathers in Québec (including self-employed workers) are eligible if they have earned at least CA\$2,000 [€1,355.20] in the 52 preceding weeks.

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

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

- For unpaid job-protected leave, see regional variations below.

##### *Payment and funding*

- The EI system provides two options. The standard option provides up to 35 weeks of income replacement per family at the same rate as Maternity leave (55 per cent of average insured earnings up to an earnings ceiling of CA\$56,300 [€38,148.80] (i.e., a benefit payment ceiling of CA\$595 [€403.17] per week). Alternatively, one or both parents can opt to share extended Parental leave benefits for up to 61 weeks by spreading the same benefit amount over a longer period of time (i.e. 61 weeks at 33 per cent of earnings up to the maximum or a benefit payment ceiling

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<sup>8</sup> Mathieu, S., & Tremblay, D.-G. (2020) 'Évolution et transformation de la politique familiale québécoise depuis 1997. *Enfances, familles et générations*, 35. Available at: <https://journals.openedition.org/efg/10356>

of CA\$357 [€241.90] per week).<sup>9</sup>

- *Parental Sharing Benefits*: A new EI Parental Sharing Benefit<sup>10</sup> was implemented on 17 March 2019. This policy provides an additional 5 weeks of benefits under the standard option (up to 40 weeks) when couples share the benefits, and a maximum of an additional 8 weeks when parents share benefits under the extended leave option. The aim of this programme is to enhance gender equality by encouraging more fathers to take a portion of Parental leave. It is important to note that families are only eligible for this new option if *both* parents qualify for and receive benefits.<sup>11</sup> It also aims to be inclusive of all types of families, such as families with same-sex parents and adoptive parents. The extra five or eight weeks are available only to parents of children born or placed with them for adoption on or after 17 March 2019.
- *Low-income families* (i.e., families with a net income of CA\$25,921 [€17,564.03] 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 years). Data are not available regarding the number of Parental leave claimants who received the family supplement. Evidence of the total number of claimants receiving any of the 'special' benefits, however, 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 CA\$25,921 [€17,564.03]), while average family income has risen. In Québec, this weekly supplement averaged CA\$36 [€24.39] per family and around 5 per cent of beneficiaries using Parental leave received this supplement.
- *Working while on claim*: it is possible for a claimant to receive Maternity and Parental leave benefits while continuing to work. If they are earning a maximum of 90 per cent of their previous earnings (in the 52 weeks before going on leave), which is equivalent to approximately four and a half days of work per week, they will receive 50 cents for every eligible benefits dollar. If a claimant works above this 90 per cent cap, their benefits are

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<sup>9</sup> Government of Canada (2021) *Maternity and parental leave benefits*. Ottawa: Employment and Social Development Canada Available at: <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental.html>

<sup>10</sup> Government of Canada (2019) <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/parent-sharing.html> Ottawa: Employment and Social Development Canada.

<sup>11</sup> For an overview of the high numbers of mothers who do not receive Maternity and Parental benefits in Canada, see 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. Available at: <https://doi: 10.1177/0022185616643558>

deducted dollar-for-dollar. If they choose to work a full-time week, they will no longer be eligible to receive benefits (regardless of earnings), but this will not decrease the total amount of weeks payable on their claim. Working while on claim does not need a separate application. If claimants are already receiving Maternity and/or Parental benefits, they only need to declare their earnings online.

- *Temporary 'Alternate Earnings' rule:* This alternative to working while on claim is available to claimants until 14 August 2021. It is the option to keep the greater of CA\$75 [€50.82] of earnings or 40 per cent of their benefits per week (equivalent to approximately one day of work per week), without any deductions being applied to those benefits. Earnings above this cap will result in dollar-for-dollar benefits deductions. Individuals may be eligible for this option if they choose the 'Alternate Earnings' rule for an EI claim that was made under Pilot Project 20. They must have since filed a new claim for any type of EI benefit (in this context, Maternity and/or Parental leave benefits) that started on or after August 12, 2018. They may also be eligible if they are currently on an EI claim that started before 12 August 2018. The 'Alternate Earnings' option is only available during the three-year transition period from 12 August 2018 to 14 August 2021.
- *Students and post-doctoral fellows:* In March 2019, parental leave duration was extended from six to twelve months for student researchers and post-doctoral fellows receiving federal research grants or scholarships. This programme is administered by federal Tri-Council funding agencies (see footnote 7).

### *Flexibility in use*

- Benefit payments can be claimed by either parent or can be shared (if both parents qualify) for up to a total of 35 weeks of benefits (40 weeks if shared) with the standard plan, which stipulates that leave benefits must be used within 52 weeks after the birth. Parents who opt for the extended plan must use it up within 78 weeks after a birth or adoption. While on leave, a parent may earn CA\$50 [€33.88] a week or 25 per cent of the weekly benefit, whichever is higher.
- When they apply for benefits, parents must choose either the standard plan or the longer extended benefit plan and this decision cannot be changed at a later date.
- Each of the 14 labour laws establishes rules regarding flexibility of use. For details, see notes under table 2 in 'Regional or local variations in leave policy' section below. Parents of a newborn or newly adopted child who is hospitalized for an extended period have a window of up to two years to claim Parental benefits.
- Parental leave benefits can be combined with EI-covered Sickness or Compassionate Care benefits or Family Caregiver benefits while

a parent is 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*

As Canada has 14 jurisdictional employment standards acts, provinces and territories use different unpaid job-protected leave entitlement criteria. Place of employment, rather than residency, determines which legal rules parents must follow. These rules pertain to length of leave, flexibility of use, potential extensions related to special circumstances, eligibility, and employment entitlements during leave (e.g., accrual of work benefits such as pensions). Regional variations in eligibility for leave entitlement are noted in the next section.

Following the federal government's introduction of an optional extended Parental benefit period of 61 weeks, it amended legislation to allow 63 weeks of unpaid, job-protected Parental leave. The federal government works with the provinces and territories to encourage this change under provincial employment standards laws. The chart below shows which provinces and territories have made this change as of April 30, 2020. All jurisdictions require continuous leave within and across types of leave.

**Maximum Duration of Unpaid Leave Entitlement by Jurisdiction<sup>12</sup>**

<b>Table 2: Maximum Duration of Unpaid Leave Entitlement by Jurisdiction</b>			
<b>Employment Jurisdiction</b>	<b>Maternity Leave (weeks)</b>	<b>Parental Leave (weeks)</b>	<b>Adoption Leave (weeks)</b>
Federal	17	63*	63*
Alberta	16	62	62
British Columbia	17	61-62*	62*
Manitoba	17	63	63
New Brunswick	17	62	62
Newfoundland and Labrador	17	61	16**
Northwest	17	61***	61***

<sup>12</sup> For more details, see: <https://www.canada.ca/en/employment-social-development/services/labour-standards/reports/maternity-leave.html> (For specific provincial and territorial distinctions, see provincial and territorial web pages).

Territories			
Nova Scotia	16	77	77
Nunavut	17	37	37
Ontario	17	61-63+	63
Prince Edward Island	17	62	62
Québec	18	65?	65
Saskatchewan	19	59-71++	19++
Yukon	17	63	63

\* 71 if shared.

\* 61 weeks for birth mothers who have taken Maternity leave; 62 weeks otherwise.

\*\* Adoptive parents can also take 61 weeks of parental leave for a total of 77 weeks.

\*\*\* An additional 8 weeks is available if leave is shared.

+ 61 weeks for birth mothers who have taken Maternity leave; 63 weeks otherwise.

++ 59 weeks for the primary parent who took full Maternity or adoption leave; 71 weeks for the parent who did not.

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

- In most provinces and territories, to qualify for unpaid job-protected Maternity, Paternity, or Parental leave, an employee must complete a specific period of continuous employment in the year prior to taking leave. The exceptions are British Columbia, Nova Scotia, Québec, and, as of 2019, the federal jurisdiction, where there is no length of service required. From shortest to longest duration, Alberta requires a minimum of 90 days with the same employer, Ontario and Saskatchewan require 13 continuous weeks, Prince Edward Island and Newfoundland and Labrador require 20 continuous weeks. New Brunswick requires 6 months of continuous employment and Manitoba requires 7 months. The Northwest Territories, The Yukon Territories and Nunavut require 12 months.
- Additionally, in all jurisdictions, a medical certificate is required or may be requested by the employer and an employee must notify the employer (usually two to four weeks in advance or six weeks in Alberta and New Brunswick), of their intent to take Maternity or Parental leave. Employees are often required to provide advance notice of their intended date of return. See links above for more detail.
- Non-citizens and migrant workers with a valid social insurance number and who meet other eligibility criteria may be eligible for

Maternity and Parental benefits.<sup>13</sup>

- To be eligible for paid benefits, a parent must have worked in insurable employment for 600 hours in the previous 52 weeks or since their last Employment Insurance claim (with the exception of a COVID-19 temporary law that reduced this to 120 hours). Outside Québec, self-employed individuals are eligible if they register in advance for the EI Special Benefit programme, have paid premiums for at least one year, and have earned a minimum net income of CA\$7,555 [€5,119.26] in 2020 for claims filed in 2021. Self-employed workers in Québec are automatically included in the benefits programme and are eligible for 25 or 32 weeks if they have earned at least CA\$2,000 [€1,355.20] in the 52 weeks preceding the birth of their child.
- 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 CA\$2,000 [€1,355.20]. 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 CA\$2,000 [€1,355.20] over the previous year enables more students to access Parental leave benefits.

*Specific differences between Québec QPIP and EI-based benefits in the rest of Canada*

- In terms of benefits, the QPIP offers a basic entitlement of 7 weeks at 70 per cent of average insured income, plus 25 weeks at 55 per cent, up to an earnings ceiling of CA\$83,500 [€56,579.48] a year. There is also a 'special' plan, which applies to Parental leave, offering a shorter period of leave (25 weeks) with higher benefits (75 per cent of 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 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

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<sup>13</sup> Government of Canada. (2020) *Maternity and parental leave benefits*. Ottawa: Employment and Social development Canada Available at: <https://www.canada.ca/en/services/benefits/ei/ei-maternity-parental/eligibility.html>

provided in the case of different circumstances (a court case challenging this policy regarding multiple births 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 and some also offer additional periods of leave. In a 2003 survey of private companies in Québec, 36 per cent of union representatives and 46 per cent of HR managers said their companies offered supplementary leave or payments (Tremblay, 2019).<sup>14</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>15</sup> Such supplementary payment options are more commonly found among employers in the public or quasi-public sectors and among larger private sector employers (typically, top-ups are more accessible to higher income earners). A recent survey conducted by Statistics Canada in February and March of 2020, before the full onset of the COVID-19 pandemic, revealed that 41.9 per cent of Canadian workers had access to Supplemental Maternity, Paternity, Parental or Employment Insurance income as an employer-provided benefit. Access to this supplemental income was far more prevalent among workers with permanent (continuing) jobs than among fixed contract, temporary, seasonal, or on-call workers.<sup>16</sup>
- 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 exist under labour laws or regulations at national or provincial levels.
- In some collective agreements in the Québec public service (for example, in education), it is possible to defer income, working four years at 80 per cent of earnings, followed by a

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<sup>14</sup> Tremblay, D.-G. (2019) *Conciliation emploi-famille et temps sociaux* (4th ed.). Québec: Presses de l'université du Québec.

<sup>15</sup> Marshall, K. (2010) 'Employer top-ups', *Perspectives on labour and income*, 11(2), 5–12. (Statistics Canada Catalogue no. 75-001-XPE). Ottawa: Statistics Canada

<sup>16</sup> Statistics Canada (2021) 'Aspects of quality of employment in Canada, February and March 2020', *The Daily*, 22 March 2021.



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*

- The same regulations for unpaid Parental leave apply for adoptive parents and birth 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. The EI programme offers Parental leave benefits, but not Maternity leave benefits for parents of newly adopted children. In Québec, adoption leave benefits of 12 weeks at 70 per cent and 25 weeks at 55 per cent can be shared by both parents.

### *Time off for the care of dependants (see also Section 3)*

- The Canada Labour Code (covering employees in federally regulated industries) has changed to provide up to five days per year for personal or family responsibility, including three paid days after 3 months of continuous employment.
- British Columbia, Alberta, Manitoba, Ontario, New Brunswick, Prince Edward Island, and Nunavut allow three to five days of unpaid leave per year to care for a sick child or family member; Newfoundland and Labrador allows up to seven days of unpaid sick leave or family responsibility leave.
- 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 under the *Loi sur les normes du travail* (minimum employment standards law).
- All jurisdictions have Compassionate Care leave provisions, which entitle employees to take 27 or 28 weeks of unpaid time off to care for (or arrange care for) a family member who 'is at significant risk of death within a 26-week period.' These provisions align with the availability of federal EI Compassionate Care benefits that are available for 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. To qualify for EI benefits, an employee has to have worked 600 hours in the last 52 weeks and their 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 December 2012, a new type of EI benefit was introduced: '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 who both qualify for EI to provide care or support to one or more critically ill children under the age of 18.
- In December 2017, the federal government added a new special benefit (the Family Caregiver Benefit for Adults) that enables eligible workers to access 15 weeks of EI benefits to provide care to a 'critically ill adult' who has experienced a significant change in their health and requires the care or support of one or more family members. The benefit for Parents of Critically Ill Children was renamed the Family Caregiver Benefit for Children. The 35 weeks of benefits may now be shared among any family members (or people considered to be like family) who meet the existing eligibility requirements for EI special benefits, requiring 600 insurable hours during the qualifying period.<sup>17</sup> Both benefits are also available to eligible self-employed individuals who have contributed to EI and may be combined with Compassionate Care leave benefits if the child/adult's health worsens. Claimants must provide a medical certificate attesting that the child/adult is critically ill. In the last two years all provinces and territories have amended their legislation to provide matching periods of unpaid leave (36-37 weeks for the care of Critically Ill Children and 16-17 weeks to care for a Critically Ill Adult).

#### *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 their workplace.
- As of December 2017, employees in the federal jurisdiction have a right to request flexible working arrangements.

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

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

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<sup>17</sup> <https://www.canada.ca/en/employment-social-development/campaigns/ei-improvements/adult-care.html>

## 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 (11 months in Québec). There is no entitlement to Early Childhood Education and Care (ECEC).

Canada is not included in the comparative table on ECEC enrolment produced for the OECD Family Database.

In recent years, public awareness has grown about the lack of access to affordable high-quality childcare and the high cost of infant care, especially outside Québec. In that province, the Québec government subsidizes childcare, bringing costs down substantially. The OECD reported that childcare costs in Canada are among the highest out of 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>18</sup> 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 cares. For these reasons, federal and provincial governments are being pressed to invest in early learning and childcare services.

In 2006, the newly elected federal Conservative government cancelled bilateral agreements with provincial and territorial governments to invest in early childhood services. Instead, it provided the Canada Child Tax Benefit, a tax benefit for children under 18, and a taxable direct payment to parents: the Universal Childcare Benefit (increased in 2015 from CA\$100 [€67.76] per month to CA\$160 [€108.42] per child under 6 years, adding CA\$60 [€40.66] per month for each child aged 6 to 17 years).

In the fall of 2015, with a change in government, the Liberal government's 2016 federal budget replaced these benefits with the single, enhanced, non-taxable Canada Child Benefit. As of July 2021, the Canada Child Benefit<sup>19</sup> provides a maximum annual benefit of up to CA\$6,833 [€4,630.03] per child under the age of 6 and up to CA\$5,765 [€3,906.36] per child between 6 and 17 years of age. Both of these benefit programmes are supplementary to a federal childcare expense

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<sup>18</sup> OECD (2016) *Society at a glance 2016: OECD social indicators*. Paris: OECD Publishing. Available at: <http://dx.doi.org/10.1787/9789264261488-en>

<sup>19</sup> *Canada Child Benefit and related provincial and territorial programmes. For the period from July 2019 to June 2020*. Available at: <https://www.canada.ca/en/revenue-agency/services/forms-publications/publications/t4114/canada-child-benefit.html#whtnw>

deduction, which typically must be claimed by the parent with the lower net income. The Canada Child Benefit may be augmented by up to \$2,886 [€1,955.55] per year for each child in the family with a disability. Along with provincial benefits, the Canada Child Benefit is a critical component in Canada's National Poverty Reduction Strategy.

In 2017, the federal government announced a policy framework, the Multilateral Early Learning and Child Care Framework, to invest a total of CA\$7.5 [€5.08] billion over eleven years in order to increase the supply of early learning and childcare programmes, based on parameters of quality, accessibility, affordability, flexibility, and inclusivity. Bilateral agreements were negotiated with each province as service provision falls under provincial jurisdiction. These funds exclude Québec, which provides its own provincial childcare programme.

The 2017 and 2018 federal budgets also committed significant funding (1.7 billion dollars [€1.07] over ten years) to an Indigenous Early Learning and Childcare Framework (ELCC). In Canada, Indigenous populations are made up of First Nations, Inuit, and Métis communities. Over the next ten years, the government has committed up to CA\$1.02 billion [€641.59 million] to support ELCC for First Nations childcare and this will be managed in partnership with First Nations communities. Up to \$111 [€75.21] million will support ELCC for the Inuit communities and will be managed in partnership with Inuit communities; and up to \$450 [€304.92] million will support ELCC for the Métis Nation and will be managed in partnership with the Métis Nation.<sup>20</sup>

Across the country (outside Québec), jurisdictions have provincially/territorially/municipally funded, provincially or municipally delivered childcare subsidy programmes. These programmes subsidize childcare for young children (birth to five years old) and both before and after school care for older children. Under this programme, only families that can provide continual proof that both parents (or a lone parent) are working or studying can qualify, and childcare must be provided by a licensed early childhood programme or a regulated childcare provider. Eligibility criteria are income-based and social (i.e., for children with a disability or special need and for families referred by Child and Family Services agencies) and there are minimal fees and surcharges in some provinces.

Although most parents do not qualify for provincial/municipal childcare subsidies, they 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 are the

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<sup>20</sup> <https://www.canada.ca/en/employment-social-development/news/2018/09/backgrounder-indigenous-early-learning-and-child-care-framework.html>

very parents who are less likely to qualify for Parental leave entitlement and benefits. Levels of funding, available places, and waitlist backlogs vary by municipality and province and change over time; often, there are long waiting lists for these subsidies, except in Québec where the system is different.<sup>21</sup>

Most provinces offer publicly funded kindergarten to children who are five years old. In Ontario, optional full-day kindergarten has been universally available since 2014 for children between the ages of three years and eight months and six years old. This policy change reduced the demand for daytime childcare for this age group (four and five-year-olds), although not for after school programmes 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 continues to limit children's access to high quality early childhood programmes and has a considerable impact on family incomes and women's employment.<sup>22</sup> Several provinces are currently making efforts to expand childcare access and/or reduce parental fees, but must still address the limited supply of qualified early childhood educators. Plans for expansion require stabilizing the existing supply of programs, which has been impacted to a significant degree by decreased enrolments and additional expenses required during the Pandemic.<sup>23</sup>

In Québec, there is a public day care programme financed largely by the Québec government, which in 1996 offered day care at CA\$5 [€3.39] a day. The February 2014 budget increased the amount parents pay for childcare to CAD8\$ [€5.42] and it was increased to CA\$8.25 [5.59] in 2019 and CA\$8.35 [€5.66] in 2020.<sup>24</sup> Eligible parents are entitled to a refundable tax credit that reimburses between 26 and 75 per cent of eligible, paid childcare expenses, depending on family income.

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<sup>21</sup> Macdonald, D. and Friendly, M. (2020) *In progress: Child care fees in Canada*. Ottawa: Canadian Centre for Policy Alternatives.

<sup>22</sup> For an overview of the costs of day care in Canadian cities, see Macdonald, D. and Friendly, M. (2019) *Developmental milestones: Child care fees in Canada's big cities, 2018*. Ottawa: Canadian Centre for Policy Alternatives.

<sup>23</sup> MacDonald, D. and Friendly, M. (2021) *Sounding the alarm: COVID-19's impact on Canada's precarious child care sector*. Ottawa: Canadian Centre for Policy Alternatives. Available at : <https://www.policyalternatives.ca/TheAlarm>.

<sup>24</sup> Finances Québec. (2020) *Connaitre le coût quotidien net des services de garde*. Available at : [http://www.budget.finances.gouv.qc.ca/Budget/outils/garde\\_fr.asp](http://www.budget.finances.gouv.qc.ca/Budget/outils/garde_fr.asp)

### **3.Changes in policy since April 2020 (including proposals currently under discussion)**

In April 2021, the federal government announced plans to provide a significant investment in funding a national, affordable, and high quality early learning and childcare system. This includes: a budget commitment of CA\$4.1 billion [€2.78 billion] in 2021-22 and to CA\$9.2 billion [€6.23 billion] annually by 2025-26; the expansion of the not-for-profit sector of the system; new investments for Indigenous Early Learning and Child Care; CA\$29.2 million [€19.79 million](in 2021-2023) to enhance physical accessibility to licensed childcare centres across the country; and a plan to work towards CA\$10 [€6.78]/day for childcare by 2026.<sup>25</sup>

#### **Policy response to the COVID-19 pandemic up to end April 2021**

##### *Childcare and schools*

- The significant impacts of COVID-19 on ECEC can be seen across Canada's ten provinces and three territories. While many provinces and territories had fairly similar responses, there have been differences with respect to durations of closures and special access for essential workers. Although childcare centres were not mandated to close in British Columbia, Northwest Territories, or Yukon, some centres in these provinces/territories did decide to close temporarily. In the remaining provinces and territories, mandated closures were initiated sometime between 14 March and 24 March 2020; re-openings began on 4 May (in one province) and continued until the last province re-opened on 15 June, 2020. Despite regulations allowing centres to reopen, many around the country remain closed or are operating at a reduced capacity. The majority of provinces and territories introduced restrictions limiting capacities at childcare centres, however, several allowed for full capacity operations to continue.
- Policies surrounding childcare for essential workers also differs among provinces. In eight provinces, certain childcare centres were exempt from the closures in order to provide services for the children of essential workers. Of the jurisdictions that mandated closures, only one province and one territory did not provide childcare for essential workers. Guidelines regarding emergency care for essential workers were not provided by one province and two territories where closures were not mandated.

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<sup>25</sup> <https://childcarecanada.org/documents/child-care-news/21/04/federal-budget-plan-child-care-turning-point>

- As of February 2021, childcare services were open in every province. Though operating capacities differ, most are described as 'open under public health guidance in all regions.' Common practices enforced at these facilities now include physical distancing, daily COVID-19 screenings, frequent handwashing, improved sanitation, and mask or face covering wearing. Whereas staff and older children are required to wear these protective coverings, they are simply recommended for children below grade 1. It should be noted that despite the continued operation of the vast majority of childcare services, there have been several closures. For example, in Ontario, some schools and childcare centres in the Greater Toronto Area (GTA) closed on April 6, 2021. Closures are not the sole impact of COVID-19 on Canada's childcare sector. Based on a survey conducted by the Canadian Centre for Policy Alternatives (conducted between 22 September and 13 November 2020), there was a significant decline in childcare enrolment across the country.
- With the exception of Québec, all provinces and territories saw at least 10 per cent fewer children enrolled in childcare in autumn 2020 compared to February of that same year, before the first pandemic lockdowns. In many regions, this percentage was far higher; the GTA, for example, saw declines averaging 40 to 60 per cent and one of the main reasons listed for this decline was the high cost of childcare.<sup>26</sup>
- Education is under provincial and territorial jurisdiction in Canada and thus there are variations across the country. School closures occurred in every province and territory as a result of the pandemic, but their start dates and durations differed across the country. Closures, for both primary and secondary schools, were first announced on March 12, 2020. For seven provinces and territories, March 13 was the final day of class before the closures; for others it was March 24, 2020. Schools remained closed for the rest of the 2019/2020 school year in most provinces and territories, with the exception of Prince Edward Island, Manitoba, British Columbia, and Québec. Upon their reopening, schools in these provinces operated at a reduced capacity and students requiring individualized support from student services as well as the children of essential workers were prioritized.
- The reduction in COVID-19 cases throughout summer 2020 enabled most schools across the country to resume in-person classes for the 2020/2021 school year. Notably, Ontario, Manitoba, British Columbia, and Northwest Territories offered a combination of in-person and remote learning options. In Ontario

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<sup>26</sup> Macdonald, D. and Friendly, M. (2021) *Sounding the alarm: COVID-19's impact on Canada's precarious child care sector*, Ottawa: Canadian Centre for Policy Alternatives. Available at : <https://www.policyalternatives.ca/TheAlarm>

and Northwest Territories, students could choose to enrol in either online or in-person learning. In Manitoba and British Columbia, remote learning options depended more on the individual school districts and whether physical distancing within classrooms was possible. As the second and third waves<sup>27</sup> of the pandemic have occurred, some cities have closed schools temporarily and there have been recurring shutdowns that have meant that schools have alternated between online and in-person. For example, when Ontario declared a stay-at-home order that began on 26 December 2020, schools remained closed from 4 January until 16 February 2021, after the usual winter break period. A second stay-at-home order was issued in the province for 8 April to 6 May 2021, with schools across the province ordered to be closed on 8 April or 11 April (with no end date announced).

### *Parental leave*

#### *Canada's EI-based system*

- On 20 August 2020, the federal government introduced a temporary amendment to Maternity/parental benefits to address the challenges faced by many parents who would not meet the 600-hour threshold of insurable hours to qualify for Maternity or Parental leave during the COVID-19 pandemic. Retroactive to 15 March 2020, parents will only need 120 insurable hours of employment (i.e., approximately 3.5 weeks of full-time hours) in the 52 weeks prior to a claim or since their last EI claim to qualify for benefits. In effect, parents receive a one-time credit of 480 insurable hours. The government document that lays out these changes states: 'The hours credit will be available for new EI claims *for one year*, (until 25 September 2021) in recognition that labour market conditions remain uncertain and will take time to stabilize.'<sup>28</sup> Given that this is only a temporary change, questions remain about how the federal government will redesign parental

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<sup>27</sup> Miller, A. (2021) 'Canada is losing the race between vaccines and variants as the 3rd wave worsens', *CBC News*, 8 April 2021. Available at: <https://www.cbc.ca/news/health/coronavirus-variants-canada-COVID-19-vaccine-third-wave-1.5978394>

<sup>28</sup> Government of Canada (2020) *Supporting Canadians through the next phase of the economy re-opening: Increased access to EI and recovery benefits*. Available at: <https://www.canada.ca/en/employment-social-development/news/2020/08/supporting-canadians-through-the-next-phase-of-the-economy-re-opening-increased-access-to-ei-and-recovery-benefits.html>



benefits, and the EI system more broadly, to ensure that more parents qualify for benefits.<sup>29</sup>

- As of 31 January 2021, the one week waiting period for those applying for Maternity or Parental leave has been waived. A similar adjustment was made for those applying for EI sickness benefits in September 2020.<sup>30</sup> Medical certificates are not required to access these benefits. Employers are not obligated to pay employees who stay home from work because of school closures unless they are able to work from home. Parents whose EI benefits and leave period end but who cannot return to work for reasons related to the pandemic have been encouraged to apply for the Canada Emergency Response Benefit (CERB).<sup>31</sup> Of note, Maternity and Parental benefits do count towards the CA\$5,000 [€3,387.99] income eligibility requirement for CERB.<sup>32</sup>

### Québec

- Since 1 January 2021, the period during which Paternity, Parental, or Adoption leave can be taken has increased to 78 weeks (18 months). For Maternity leave it has increased from 18 to 20 weeks.
- On 1 January 2022, an extension is planned in Québec for single parents (when only one parent is indicated on the birth certificate or equivalent document): 5 more weeks under the Basic plan at 70 per cent of income up to maximum insurable income; 3 more weeks under the Special plan at 75 per cent of income up to maximum insurable income.
- As of 29 October 2020, Parental, Paternity, and Adoption benefits have been paid to eligible parents until the end of the second week following the death of the newborn if the maximum number of weeks and of benefits has not been reached.
- Leave policies for healthcare workers in Québec were adjusted due to the pandemic. For these workers, the period when they can take

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<sup>29</sup> Doucet, A., Mathieu, S. and McKay, L. (2020) 'Reconceptualizing parental leave benefits in COVID-19 Canada: From employment policy to care and social protection policy', *Canadian Public Policy*, 46(7), S272–S286. Available at: <https://doi.org/10.3138/cpp.2020-091>

<sup>30</sup> Government of Canada (2021) 'Government of Canada temporarily waives the one-week waiting period for Employment Insurance claims' (*Press release*, 29 January 2021). Available at: <https://www.canada.ca/en/employment-social-development/news/2021/01/ei.html>

<sup>31</sup> Rostom, S. (2020) 'Returning from pregnancy or parental leave during COVID-19?' Available at: <https://goldblattpartners.com/COVID-19-legal-resource-page/returning-from-pregnancy-or-parental-leave-during-COVID-19/>

<sup>32</sup> Government of Canada. (2020) '*Canada Emergency Response Benefit*' (*Press release*, 23 June 2020). Available at: <https://www.canada.ca/en/services/benefits/ei/cerb-application.html>

leave was extended from 52 to 78 weeks, that is six additional months during which they can use their benefits. Additionally, any worker who earned less or had reduced hours because of the pandemic (including while quarantining) can request to either prolong or switch reference periods (to a period that began no more than 104 weeks prior). As of January 2021, the period during which Paternity, Parental, or Adoption leave can be taken has increased from 52 weeks (12 months) to 78 weeks (18 months).

- On 14 December 2020, it was announced that parents receiving parental benefits under QPIP would now receive a minimum of CA\$500 [€338.80] per week. This change was implemented to reflect changes to EI benefits in the rest of Canada and ensure that parents in Québec receive the same benefits. Like the new federal benefits, this change applies from 27 September 2020, to 25 September 2021. QPIP eligibility continues to require a minimum of CA\$2000 [€1,355.20] of insurable income during the 52 weeks period prior to claiming benefits, regardless of the number of hours worked.

#### *Job-protected leaves across Canada*

- Canada's 14 federal/provincial/territorial jurisdictions (ten provinces, three territories, and a federal labour code), governed by employment standard acts (that vary across Canada's 14 jurisdictions), establish job-protected unpaid leave after the birth or adoption of a child. As a result of COVID-19, only 11 jurisdictions created new unpaid, job-protected, temporary leave entitlements in their labour codes, which differ significantly in terms of leave lengths and conditions. These leaves cover one or more of the following situations: quarantining, caring for ill or dependent children, or caring for children because of childcare and school closures.<sup>33</sup>

#### *Other measures for parents and other carers*

- The impact of the pandemic was felt widely across the country's labour market, with many Canadians losing their jobs or reducing their hours.<sup>34</sup> Between February and April 2020, 5.5 million Canadian workers either lost their jobs or saw their hours reduced

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<sup>33</sup> See Robson, J. (2020) 'Radical incrementalism and trust in the citizen: Income security in Canada in the time of COVID-19', *Canadian public policy*, 46(1): S1-S18. Available at: <https://doi.org/10.3138/cpp.2020-080>

<sup>34</sup> Qian, Y. and Fuller, S. (2020) 'COVID-19 and the gender employment gap among parents of young children', *Canadian public policy*, 46(2), S89-S101. Available at: <https://www.utpjournals.press/doi/full/10.3138/cpp.2020-077>

as a result of the pandemic.<sup>35</sup> The number of affected workers was reduced significantly (43 per cent) by June 2020, with 3.1 million workers affected.<sup>36</sup> Another notable impact of COVID-19 has been the significant increase in employees working from home.

- In 2021, the pandemic continues to negatively impact employment rates across the country. As Canada faced a second wave of COVID-19 in December and January, the employment gains that had occurred during the summer and fall months dissipated. Monthly job declines in January 2021 were the worst since April 2020, near the start of the pandemic. These losses were particularly strong in Ontario and Quebec, where lockdowns and school closures occurred. This increase in unemployment disproportionately affected women, racialized individuals, and youth.<sup>37</sup>
- Work-Sharing is a small, federally run program supported through the Employment Insurance (EI) fund designed to minimize layoffs. It allows employees to reduce their weekly working hours by 10-60 per cent. Employers and employees must agree to participate in Work-Sharing and apply together. In light of the pandemic, the duration of the program has been increased to a maximum of 76 weeks. Eligibility requirements for Work-Sharing and regular EI benefits are the same (i.e. 600 insurable hours in the previous year). Participants of this program receive EI benefits to supplement their wages, and the employer must maintain all existing employee benefits during the Work-Sharing agreement. In the province of Québec, while some larger firms made it possible for workers to reduce their hours, many did not. There were no governmental regulations in Québec with respect to this.
- The federal government currently offers three types of caregiving benefits, which generally align with unpaid leaves available to employees under provincial legislation. Each of the benefits are offered through EI, providing up to 55 per cent of recipients' earnings, to a maximum of CA\$595 [€403.17] a week. The first benefit, '**Family caregiver benefit for children,**' grants up to 35

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<sup>35</sup> Statistics Canada (2020) 'COVID-19 and the labour market in June 2020', *The Daily*, 10 July 2020. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/200417/dq200417a-eng.htm>

<sup>36</sup> Ibid.

<sup>37</sup> Press, J. (2021) 'Women, youth bear the brunt of January job losses, unemployment rate hits 9.4%', *CTV News*, 5 February 2021. Available at: <https://www.ctvnews.ca/business/women-youth-bear-the-brunt-of-january-job-losses-unemployment-rate-hits-9-4-1.5296869>. See also Fuller, S. and Qian, Y. (2021) 'COVID-19 and the gender gap in employment among parents of young children in Canada', *Gender & Society*, 35(2). Available at: <https://doi.org/10.1177/08912432211001287>.

weeks of pay for those caring for a critically ill or injured child under the age of 18. The second, '**Family caregiver benefit for adults,**' offers up to 15 weeks of financial assistance for those caring for a critically ill or injured person over the age of 18. Finally, the '**Compassionate care benefit**' grants up to 26 weeks of pay for those caring for an individual of any age that requires end-of-life care. Individuals who have stopped working to provide care for a family member sick with COVID-19 may be eligible for the Canada Recovery Caregiving Benefit (CRCB).- as well as the benefits mentioned above.

- The **Canada Child Benefit (CCB)** is a tax-free, monthly payment offered by the federal government, designed to help eligible families with the costs of raising children. From its introduction in 2016 until June 2020, the CCB offered a maximum of \$6,400 [€4,336.63] annually per child under the age of 6 years and \$5,400 [€3,659.03] annually for each child aged 6 to 17 years. The government recently announced an increase to the CCB, beginning in July 2021. For the 2021-22 benefit year, the maximum amounts will be increased to CA\$6,833 [€4,630.03] per child under the age of 6 and CA\$5,765 [€3,906.36] per child aged 6-17. In response to the pandemic, the government also increased the May 2020 CCB payment with a one-time top-up of up to CA\$300 [€203.28] per child and, more recently, has promised an additional CA\$1200 [€813.12] for each child under 6 years of age.<sup>38</sup>
- There are a few supplements (federal and provincial, detailed below) offered by the government that parents and/or carers who must remain at home due to school/childcare centre closures can receive (if they are eligible). It should be noted that the majority of these supplements are not exclusive to parents and can also be accessed by individuals without children. However, in addition to the Canada Childcare Benefit (CCB), many of the provincial supplements are tailored specifically to parents. The Canada Emergency Student Benefit (CESB), for example, provides recipients with dependents CA\$750 [€508.20] more per month (CA\$2,000 [€1,355.20]) than those without (CA\$1,250 [€847.00]).
- On 24 March 2021, the Ontario government announced that the Ontario COVID-19 Child Benefit will provide parents with CA\$400 [€271.04] per child. The province offered two similar payments last year, under the Support for Learners program, which provided

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<sup>38</sup> Government of Canada (2020) 'Canada child benefit' (*Press release, 24 September 2020*) Available at: <https://www.canada.ca/en/revenue-agency/services/child-family-benefits/canada-child-benefit-overview.html>

parents with CA\$200 [€135.52] per child in grade twelve or below and CA\$250 [€169.40] per child or youth (under 21) with special needs.

### *Federal Supplements*

- Since the pandemic was first announced in March 2020, the federal government has implemented numerous benefit programs designed to financially aid Canadians who encountered income loss as a result of COVID-19. Central to the first phase of these supplements were CERB and CESB. In fall 2020, these programs were replaced with CRB, CRCB, and CRSB, which remain in place today.

#### Phase 1: 6 April 2020 to 27 September 2020 – CERB & CESB

- When thousands of Canadians suddenly lost their jobs in March 2020, the federal government created the **Canada Emergency Response Benefit (CERB)** rather than relying on the existing Employment Insurance (EI) system. The CERB was the first addition to the suite of special benefits within the EI system and was accessible during the pandemic to individuals 15 years and older who earned at least CA\$5,000 [€3,387.99] in the 12 months prior to the CERB application and who were unable to work due to layoffs, illness, or caregiving responsibilities. Unlike EI (and leave benefits more broadly in all provinces and territories except Québec) eligibility did not depend on past social insurance contributions or 600 insurable hours worked.
- Partly in response to public and political critiques, the CERB was slightly modified in April 2020 to allow recipients to earn some employment or self-employment income (up to CA\$1,000 [€677.60]). Taxable payments of CA\$2,000 [€1,355.20] per four-week period were available from April 6 to September 27, 2020 (extended in August 2020 from a maximum of 24 weeks to 28 weeks).
- Despite CERB's inclusive eligibility criteria, many people, especially students, were unable to access the benefit. The requirements that an applicant's employment had *stopped* as a result of the pandemic meant that students who work solely during the summer months could not qualify (even if summer work was no longer available due to COVID-19 restrictions). In recognition of this, the government created the **Canada Emergency Student Benefit (CESB)**. This benefit was announced by the federal

government on 22 April 2020 and became available on 15 May 2020. The benefit covered four four-week periods, spanning May to August 2020, and required reapplications for each period. While providing most recipients with CA\$1,250 [€847.00] per four week period, those with dependents or a disability receive CA\$2,000 [€1,355.20] (equivalent to CERB). To be eligible, individuals had to have been currently enrolled in a post-secondary education program, graduated from a post-secondary program in December 2019 or later, or have completed high school and applied for a post-secondary program. Applications required a confirmation that applicants are unable to work/find work because of the pandemic, or were working with an income of CA\$1,000 [€677.60] or less per period.

#### Phase 2: 27 September 2020 to Present – CRB, CRSB & CRCB

- On 20 August 2020, the federal government introduced three new benefits for individuals who are not eligible for EI and require temporary income support previously offered by CERB (which ended on 27 September 2020). Legislation concerning these benefits (Bill C-4) was passed in the Senate on 2 October 2020. Applications for the CRSB and the CRCB opened to Canadians on October 5. Those for the CRB followed soon after on October 12. Applications for these benefits are possible until September 25, 2021.
- The **Canada Recovery Benefit** (CRB) provides financial support for employed and self-employed individuals who are unable to work or have experienced income loss of at least 50 per cent due to COVID-19 and who are not entitled to EI benefits. CRB recipients receive CA\$900 [€609.84] (after withheld taxes) biweekly. The benefit requires reapplications for each eligibility period. While initially available for a maximum of 26 weeks, the CRB can now be claimed for a total of 38 weeks and can be applied for retroactively.
- The **Canada Recovery Sickness Benefit** (CRSB) provides CA\$450 [€304.92] (after withheld taxes) weekly. Initially available for a maximum of two weeks, as announced on 19 February 2021, the benefit can be claimed for four weeks. To be eligible, individuals must be ill or self-isolating due to COVID-19 or have an underlying health condition that increases their risk of contracting the virus. Available until 25 September 2021, individuals can apply retroactively for any eligible 1-week period for up to 60 days following that period's end.
- The **Canada Recovery Caregiving Benefit** (CRCB) provides recipients with CA\$450 [€304.92] per week (after withheld taxes). This benefit is designed to offer financial aid to those unable to work because they are caring for a child (under the age of 12) or another dependent whose school, childcare centre, or other day

program facility is shut down due to COVID-19. This benefit may be shared, but only one member of a household can receive the benefit at any one time. While initially available for a maximum of 26 weeks, like the CRB, this benefit has been extended to 38 weeks.

#### *Provincial Supplements*

- In addition to the federal income replacements, numerous provinces and territories offered supplements. Some offered direct payments to residents whose abilities to work had been affected by the pandemic; these ranged from CA\$500 [€338.80] to CA\$1000 [€677.60] depending on the province.
- A parent who, because of confinement or travel restrictions related to the pandemic, cannot live with a child for whom they receive QPIP benefits can choose to still receive these benefits at the expected time or extend their receipt period and receive them at a later date.

## **4. Uptake of leave**

There is no source of information on the uptake of unpaid 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 that are collected by Employment and Social Development Canada (ESDC) and published in an annual EI Monitoring and Assessment Report by the Employment Insurance Monitoring Commission. The EICS excludes parents in the three territories and those living on First Nation reserves. It also only asks mothers about leave and fathers' use of leave. The EICS and Employment and Social Development Canada (ESDC) sources sometimes report national figures, which obscure programme differences. ESDC provides annual information on EI Maternity and Parental benefits, with some disaggregation (see below for mothers' use of benefits).

The most recent *EI Monitoring and Assessment Report* (2020) covers the period from April 1, 2018 to March 31, 2019 and is the main source of published information on EI maternity and parental benefits received at this time. This report provides information about the uptake of the extended Parental leave benefits option that was introduced in December 2017. Information is not yet available about the uptake of the newly introduced parental benefit sharing option that can extend the length of time parental benefits can be received if benefits are shared

between both parents (mothers and fathers or same-sex parents in two-parent families).

The 2018/19 EI Monitoring and Assessment Report states that during the 2018-2019 Fiscal Year, there were 200,030 new parental benefit claims.<sup>39</sup> Slightly less than 1 per cent of all parental benefit claims (about 1,500) came from adoptive parents. The vast majority of parental benefit claims (83.2 per cent) were made by women, while 16.8 per cent were claimed by men. The number of parental benefits claimed by men has increased slightly each year in recent years and by 8.9 per cent in FY18-19 over the previous year. Women received 90.6 per cent of the total amount of parental benefits paid and men received 9.4 per cent.

Parents whose children were born or placed for adoption on or after December 3, 2017, had the option to choose to take standard or extended parental benefits. Standard parental benefits provide up to 35 weeks of parental benefits over 12 months at a benefit rate of 55 per cent of weekly insurable earnings. Extended parental benefits provide up to 61 weeks of benefits paid over a maximum of 18 months at a benefit rate of 33 per cent of weekly insurable earnings. The first parent who completes an application for benefits must select one of these two options, which is binding on both parents and cannot be changed once parental benefits are paid. In the fiscal year 2018-2019 (FY18-19), the first full fiscal year during which both options were available, 16 per cent of claims (31,910) were for extended benefits; 17.0 per cent of women parental benefit claimants selected the extended option, as did 10.6 per cent of men. The average weekly extended parental benefit amount received was CA\$297 [€201.25] in FY18-19; the average weekly standard benefit received was CA\$475 [€321.86]/week.

Eligible parents can share and use benefits at the same time or at different times. Among couples who opted for standard parental leave benefits, when mothers and fathers shared leave, the average number of weeks of benefits in 2018/19 was 23.6 for mothers and 10.2 weeks for fathers. When parents did not share benefits, mothers received an average of 33.6 weeks of Parental leave benefits and fathers claimed 27.8 weeks.<sup>40</sup>

Using weeks and amounts of benefits claimed expressed per family (rather than per claim), analysis for 2018/19 indicates that, as in previous fiscal years, eligible parents used almost all the EI Maternity and Parental leave weeks to which they were entitled. The vast majority

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<sup>39</sup> Employment and Social Development Canada (2020) *2018/19 Employment insurance monitoring and assessment report, Canada*. Available at: <http://www12.esdc.gc.ca/sgpe-pmps/p.5bd.2t.1.3ls@-eng.jsp?pid=71473>

<sup>40</sup> Ibid.



of mothers in receipt of Maternity benefits (90.4 per cent) used the full 15 weeks available for an average duration of 14.6 weeks. In 2018/19, the average duration of parental benefit claims per family was 33.8 weeks for parents who decided to share Parental benefits, and 33.2 weeks when parents did not share benefits. Mothers who received both Maternity and Parental benefits used 48 of the 50 weeks of combined benefits available, approximately 95.9 per cent of the full entitlement.<sup>41</sup>

Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two headings: 'mothers' and 'fathers.'<sup>42</sup> 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 2018/19, 170,010 Canadian mothers (excluding those from Québec) claimed EI Maternity benefits, which represents a decrease of 0.9 per cent from the previous year. EICS survey data are used in the reporting of national numbers of benefit coverage as follows. In 2019, 77.7 per cent of new mothers (those with a child aged twelve months or younger) had recent insurable employment; of these mothers, 90.3 per cent received Maternity or Parental leave benefits. Little had changed compared to 2018.

In 2019, for the first time, the federal government provided figures by programme in the annual ESDC Employment Insurance Monitoring and Assessment report. Based on EICS survey data, outside Québec, 71.5 per cent of all mothers had recent insurable employment. Of these mothers, 85.4 per cent received Maternity or Parental leave benefits (1.8 per cent less than in 2017, which was 87.2 per cent).

By contrast, according to EICS survey data, Québec had the highest share of recent mothers with insurable employment in 2018, at 87.4 per cent, and the highest share of these mothers having received QPIP Maternity or Parental leave benefits, at 96.6 per cent.<sup>[1]</sup>

The vast majority of mothers who receive Maternity benefits (98.1 per cent) go on to receive Parental leave benefits. As noted above, under EI, women comprised 83.2 per cent of those receiving Parental benefit claims in FY1819. Women tend to receive Parental benefits for longer

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<sup>41</sup> Ibid.

<sup>42</sup> By fathers, we refer to spouses/partners of recent mothers. This includes same-sex partners.

periods than men. In 2018/19, the average duration of Parental benefits was 32.7 weeks for women compared to 16.0 weeks for men.

The average weekly Parental benefit for mothers receiving the standard benefit was CA\$466 [€315.76] compared to CA\$517 [€350.32] per week for fathers. Among those parents who opted for extended Parental benefits at a lower income replacement rate, the average weekly benefit received was CA\$297 [€201.25] per week (CA\$294 [€199.21] for women and CA\$321 [€217.51] for men). More than half of parents who received Parental benefits received the maximum weekly benefit available.<sup>43</sup>

In December 2017, changes to the EI program were introduced, including the extended parental benefits option. According to the most recent report from the EICS, in 2019, the first full year for which data are available, 32.3 per cent of mothers intended to take more than 12 months of leave, compared with 22.9 per cent in 2018 and 21.7 per cent in 2017.<sup>44</sup>

### *Fathers*

In 2018/19, fathers accounted for approximately 16.8 per cent of those who claimed Parental leave benefits, an increase of 8.9 per cent over 2017/18. Previous years have shown a slow but steady increase in the uptake of Parental leave benefits among eligible fathers in Canada (excluding Québec), suggesting that more couples were sharing benefits. For the most part, the percentage of fathers who claimed EI Parental leave benefits has varied between 9.4 per cent and 15 per cent over the last decade. In 2019, for all provinces combined (including Québec), EICS survey responses indicated that the proportion of fathers who claimed or intended to claim Parental leave rose to 35.4 per cent in 2019 from 31.3 per cent in 2018 and 29.1 per cent in 2017.<sup>45</sup> These data obscure major differences in the uptake of Parental leave by fathers in and outside of Québec. Specifically, outside of Québec only 15.0 per cent of recent fathers took or intended to claim Parental leave in 2018 compared to 79.6 per cent of fathers in Québec.

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<sup>43</sup> Employment and Social Development Canada (2020) *2018/19 EI monitoring and assessment report: Annex 2*. Available at: <http://www12.esdc.gc.ca/sgpe-pmps/p.5bd.2t.1.3ls@-eng.jsp?pid=71473>.

<sup>44</sup> Statistics Canada (2020) 'Employment insurance coverage survey 2019', *The Daily*, 16 November 2020. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/201116/dq201116b-eng.htm>.

<sup>45</sup> Ibid.

Unfortunately, there is limited information about the circumstances under which couples share Parental leave and benefits. Existing data suggest that, in 2018/19, fathers who shared standard EI Parental leave benefits with their spouse tended to claim an average of 10.2 weeks of benefits, while those who did not share benefits took, on average, 27.8 weeks of benefits.<sup>46</sup>

The introduction of the QPIP, 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: from 27.8 per cent in 2005 to 81.2 per cent in 2017 and 79.6 per cent in 2018.<sup>47</sup> In 2019 in Québec, both parents took parental leave in 70.4 per cent of all births registered by QPIP. For the remaining families, only one parent was paid benefits: 10.5 per cent were fathers and 19.1 per cent were mothers. Thus, for 80.9 per cent of births covered by QPIP, fathers took leave (either Paternity, Parental or both).

Outside of Québec, only 15 per cent of recent fathers took or intended to claim Parental leave in 2018 (up from 11.9 per cent in 2017), compared to 80.9 per cent of fathers in Québec (in 2019). Data are not yet available on the numbers of fathers taking Parental leave since the new federal EI Parental Sharing Benefit was introduced

On average, fathers who receive benefits following a birth take significantly fewer weeks than women who receive benefits. The 2018/2019 *EI Monitoring and Assessment Report* indicated that fathers received an average of 16.0 weeks of Parental benefits following birth or adoption, compared to 32.7 weeks for mothers under the standard Parental benefit option.<sup>48</sup> The difference in numbers between data sources can be partly explained by the fact that the Statistics Canada data include both biological and adoptive parents and are collected per calendar year rather than per fiscal year.

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<sup>46</sup> Employment and Social Development Canada (2020) *2018/19 Employment insurance monitoring and assessment report*. Available at: <http://www12.esdc.gc.ca/sgpe-pmps/p.5bd.2t.1.3ls@-eng.jsp?pid=71473>.

<sup>47</sup> Statistics Canada (2020) 'Employment insurance coverage survey 2019', *The Daily*, 16 November 2020. Available at: <https://www150.statcan.gc.ca/n1/daily-quotidien/201116/dq201116b-eng.htm>.

<sup>48</sup> Employment and Social Development Canada (2020) *2018/19 EI monitoring and assessment report: Annex 2*. Available at: <http://www12.esdc.gc.ca/sgpe-pmps/p.5bd.2t.1.3ls@-eng.jsp?pid=71473>.

# Chile<sup>1</sup>

**Maria Jose Bosch** (ESE Business School – Universidad de los Andes)

April 2021

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 (*pre y postnatal maternal*) (responsibility of Ministry of Labour and Social Security)**

*Length of leave (before and after birth)*

- 18 weeks: six weeks before birth, and 12 weeks after birth. It is obligatory to take the whole period. In addition, women are entitled to a further 12 weeks of leave after obligatory Maternity leave is finished.

*Payment and funding*

- Dependent worker: During the leave, the salary is paid by the health insurance institution of the employee. In Chile each employee can choose between a private (ISAPRE) or public (Compin-FONASA) health insurance. 100 per cent of the salary is covered, with a taxable

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<sup>1</sup> Please cite as: Bosch, M.J. (2021) 'Chile country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

cap of UF73.20<sup>2</sup> [€2,269.93] per month.<sup>3</sup> To avoid salary fluctuations, the insurance company calculates an average income for three months from the beginning of the Maternity leave. Meanwhile the institution also pays the obligatory monthly contribution to pension insurance (ten per cent).

- Independent worker: Maternity leave is covered for independent workers who issue invoices. Health insurance provides a monthly payment of the average income of the worker, which is calculated based on the commercial invoice issued three months before the beginning of the Maternity leave. 100 per cent of the salary is covered with a taxable limit of UF73.20 [€2,269.93].

#### *Flexibility in use*

- Women can choose to go back to work on a part-time basis for the second period of leave (after obligatory leave), in which case they may extend this leave period by six weeks to a total of 18 weeks.
- Women can choose to transfer a period of the second part of her leave to the father. This transfer can be done in one of two ways: one way is for the mother to transfer the last six weeks of full-time leave to the father and his health insurance pays 100 per cent of his earnings and pension insurance up to a taxable limit of UF73.20 [€2,269.93]; or the other way is for the mother to transfer 12 weeks of part-time leave to the father and his health insurance pays 50 per cent of his earnings and pension insurance, while the employer pays the other 50 per cent.

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

- Dependent worker: all employees with permanent job contracts are entitled to take Maternity leave. Employees on fixed-term contracts must meet the following conditions:
  - Renewal of their contract.
  - If the contract is not renewed the worker must have at least:
    - One year of contribution to the pension system through the administration of the individual pension funds (the name in Chile is AFP).

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<sup>2</sup> *Unidad de Fomento* (UF) is a unit of account used in Chile, adjusted in line with inflation. It was created in 1967 to maintain the value of savings against inflation. Later, its use was extended to the financial system, pensions system, health system, education, and other fields. One UF is equivalent, approximately, to €31.

<sup>3</sup> Conversion of UF currency to Euro undertaken for 21 June 2021, using: <https://cuex.com/de/clf-eur>

- The last contribution to the pension system must be as a dependent worker, no matter the type of contract (permanent or fixed term).
- Independent worker: independent workers are entitled to Maternity leave if they meet the following requirements:
  - A one-year contribution to the pension system (AFP).
  - At least six contributions to the pension system during the last 12 months before stopping work before giving birth.
  - Contribute to a health insurance institution (public or private).

*Variation in leave due to child or family reasons (e.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 any health complications are detected by a doctor during pregnancy, the worker is entitled to supplementary leave before the birth: the length is specified by the doctor and a medical certificate is required.
- In the case of multiple births, the leave is extended by seven days for every child, starting with the second baby.
- In the case of a premature birth, Maternity leave is extended from 12 to 18 weeks after birth. In the case of a premature and multiple birth, the longer extension applies.
- If childbirth occurs more than six weeks after the mother started her pre-birth leave, the pre-natal leave is extended until the date of the birth.
- If the mother has any health problems because of childbirth, Maternity leave is extended according to medical judgement.
- If the mother dies during or after childbirth, all Maternity leave rights are transferred to the father or a legal guardian.
- If the child dies during or after childbirth, the mother is entitled to use Maternity leave, though it is not obligatory.

**b. Paternity leave (Permiso pagado del padre en caso de nacimiento - postnatal paternal) (responsibility of the employer)**

*Length of leave*

- Five working days. It is obligatory to take Paternity leave.

### *Payment and funding*

- 100 per cent of earnings, paid by the employer.

### *Flexibility in use*

- The father can choose to take leave in one continuous period immediately after childbirth or can distribute the five days over the first month after the birth.

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

- All employees are eligible if they have a contract (permanent or fixed term).
- Self-employed workers do not receive any payment.
- Fathers who are deprived of their parental rights by a court lose all their rights of Paternity leave and transferred Maternity leave.
- Same-sex couples are not recognized in Chilean law.

## **c. Parental leave**

No statutory entitlement.

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

### *Adoption leave and pay*

- Parents that adopt a child are entitled to the same leave as biological parents. If the adopted child is over six months of age, the mother is only able to use the first part of Maternity leave.

### *Leave to care for sick children less than a year old (responsibility of Ministry of Labour and Social Security)*

- Every working mother or father is entitled to paid leave in the case of serious illness of a child under the age of one. This must be certified by a doctor who should also specify the length of the leave. Paid at 100 per cent of earnings by the parent's health insurance with a taxable cap of UF73.20 [€2,269.93].
- The father can take the leave only if the mother allows it. In case the mother dies, all her rights are transferred to the father. In the case of single mothers, these rights are transferred to the legal guardian of the child.

#### *Leave to care for sick children with serious illness<sup>4</sup>*

- In the case of serious illness (i.e. cancer, organ transplant, or terminal disease) or a serious accident impacting a child between one and 18 years of age, every working mother is entitled to take up to ten days' leave (or the equivalent hours). The employee chooses how to distribute the hours (e.g. as complete days, partial days, or a combination). If both parents work, the mother can transfer this leave to the father.
- 100 per cent of earnings is paid to employees on leave, but employees must return the equivalent working hours to the employer, although there is no time limit for when this must be done.
- To apply for this leave, an employee must have a job contract and have paid eight contributions to pension insurance in the 24 months preceding the start of leave.

#### *Sanna Law<sup>5</sup>*

- Sanna Law was approved in December 2017. Its main purpose was the creation of a compulsory insurance for working mothers and fathers, in the case they had to take care of a child under eighteen years old, with a serious illness. In this way, working parents receive a 100 per cent of their salary while they are absent, with no taxable cap.
- With this coverage parents can be absent from work for a specific period, depending on the severity of the accident or illness. As the law was on implementation, the number of situations covered by the insurance has increased since 2017. Since February 2018, if a son or daughter has cancer, parents can leave for 15 days from work; this period may be extended to 90 days full-time or 180 days part-time in a lapse of 12 months. Later, on July 2018, organ transplant coverage was added, in which parents are entitled to 15 days of leave, with possibility of extension to 90 days full-time or 180 days part-time in a lapse of 12 months. In January 2020, the coverage was extended for parents with a child diagnosed with a terminal disease, in which case the working parent is entitled to a leave until the death of the child. Finally, in February 2020, coverage was extended for parents with a child that suffered a serious accident. In

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<sup>4</sup> Biblioteca del Congreso Nacional de Chile (2016) *Recuperado el 14 de Marzo de 2019, de Ley Fácil*. Available at: <https://www.bcn.cl/leyfacil/recurso/licencia-medica-para-el-acompanamiento-de-hijos-e-hijas-enfermos-graves-o-en-estado-terminal>

<sup>5</sup> Ministerio de Trabajo y Previsión Social (2020) *Ley SANNA*. Gobierno de Chile



this situation, parents are entitled to use 15 days (which may be extended to 45 days). Since December 2020, this benefit is granted also with respect to minors who suffer serious accidents or who are left with permanent functional sequelae.

- This insurance is financed with the 0.03 per cent of the employee taxable income. Dependent workers should have at least 8 months of contributions to the pension system through AFP in the last 24 months. In the case of independent workers, they are responsible to contribute with this percentage, but also should have at least 12 months of contribution to the pension system in the last 24 months; and their health insurance payment must be up to date. Finally, laid off workers are also entitled to this benefit if they register at least 12 months of contributions to the pension system before the leave starts.

*Time off for the care of dependents (responsibility of National Disability Service and Ministry of Social Development)*

- Every worker is entitled to take a leave of up to ten days per year to care for a disabled person for whom they are responsible. The period of leave taken should be made up by working extra hours or using holidays; if this cannot be done, earnings are reduced. To use the leave, the dependent person must be enrolled in the National Disability Registration. Any carers can use the leave, however the decision for a male worker to use leave rests with his female partner (unless she has died).

*Specific provision for (breast)feeding*

- Every working mother has the right to use at least one hour daily to feed a child under the age of two. This can be taken in one of three ways: during the working day; dividing the breastfeeding hour into two half hours (at the beginning or at the end of the working day); or postponing the beginning of the working day or leaving earlier.
- The employee receives 100 per cent of her earnings.

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

The maximum period of post-natal leave is around five and a half months, paid at a high rate. There is no entitlement to Early Childhood Education and Care (ECEC).

Levels of attendance at formal services for children under and over the age of three are below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

The Labour Law requires that all companies that employ more than 20 female workers must either provide a day nursery or pay for this service outside of the workplace.<sup>6</sup> In practice, this law has become a 'tax' for female employment, so increasing the cost of labour for the employer and providing a real obstacle to women joining the labour market.

Other ECEC policies are focused on the most vulnerable families in the country. Public services have increased their coverage, efficiency, and quality for their target population: every child between birth and five years of age in the bottom 60 per cent of households, in terms of wealth. In this context, the government has developed three programmes:

- Chile Crece Contigo: this inter-sectoral policy deals with early childhood development, covering health, education, social protection, justice, and employment, with guidelines from the Ministry of Social Development, and offering all its services at a local level. ECEC is the largest budgetary item on this programme, but there are no official statistics for coverage rates.<sup>7</sup>
- Two other programmes provide ECEC for vulnerable families:
  - Kindergartens administered by the National Council of Kindergartens (Junta Nacional de Jardines Infantiles- JUNJI).
  - Kindergartens and day nurseries administered by the Integra Foundation.

In 2018, JUNJI kindergartens and nurseries<sup>8</sup> covered 92 per cent of the target population, which is children from the bottom 60 per cent of households, in terms of wealth, enrolled in the Social Registry of Homes (*Registro Social de Hogares*). This means that the coverage of the program descended from 2017, when kindergartens received 98 per cent of the target population<sup>9</sup>. In terms of attendance, JUNJI kindergartens and

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<sup>6</sup> Dirección del Trabajo (2019). *Código del Trabajo*. Santiago de Chile.

<sup>7</sup> PNUD (2014) *Chile Crece Contigo: El desafío de la protección social a la infancia*. Santiago de Chile.

<sup>8</sup> Ministerio de Desarrollo Social (2018) *Informe de Seguimiento de Programas Sociales: Jardín Clásico Administrado por Junji y Vía Transferencia de Fondos*. Santiago de Chile.

<sup>9</sup> Ministerio de Desarrollo Social (2017) *Informe de Seguimiento de Programas Sociales: Jardín Clásico Administrado por Junji y Vía Transferencia de Fondos*. Santiago de Chile.

nurseries presented a low increase from 77.2 per cent in 2017 to 79.0 per cent in 2018.

The situation of the Integra Foundation<sup>10</sup> for both nurseries and kindergartens is similar: the programme covered 93.4 per cent of its target population in 2018.

These numbers may suggest that the coverage of kindergarten population for vulnerable families is quite high, however, the potential population with needs of primary education is much higher. A recent evaluation made by the Ministry of Social Development, stated that JUNJI kindergartens and nurseries only cover 21.6 per cent of the population that face a gap between parental leave and elementary education in Chile.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

Flexible working is a change in labour legislation that has been discussed. However, the debate has been surrounding two main options. On one hand, some politicians aim to modernize work-life, with more flexibility to promote work-family balance and to include people in the labour force who are unable to work conventional hours due to a diverse range of personal situations.<sup>11</sup> On the other hand, there is a political wing that keeps looking to reduce formal working hours from 45 to 40 per week, with no flexibility, arguing that this is a better option to improve work-family balance. In the final months of 2019, the reduction of working hours was approved by the Chamber of Deputies but keeps waiting to be discussed in the Senate in April 2021<sup>12</sup>.

One of the most important achievements in July 2020 was the approval of distance working legislation. This debate was almost forgotten by the national congress. However, due to the sanitary crisis caused by COVID-19, the legislation became a major priority to regulate a wide variety of

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<sup>10</sup> Ministerio de Desarrollo Social (2018) *Informe de Seguimiento de Programas Sociales: Jardines Infantiles y Sala Cuna de Administración Delegada*. Santiago de Chile.

<sup>11</sup> Gobierno de Chile (2018) *Trabajo a Distancia*. Available at: <https://www.gob.cl/trabajoadistancia/>

<sup>12</sup> El Mostrador (2019) *Comisión de Trabajo del Senado aprobó en general proyecto de 40 horas*. Available at: <https://www.elmostrador.cl/noticias/pais/2020/01/29/comision-de-trabajo-del-senado-aprobo-en-general-proyecto-de-40-horas/>.

crucial points related to distance working, such as the definition of the working day, job contracts, security, and hygiene.<sup>13</sup>

In this way, the enactment of the law solved several ambiguities. First, it states explicitly that telecommuter contracts are governed by the Labor Code. It is the responsibility of the employer to respect the fundamental rights of the worker, while the Labor Office oversees the regulation of suitable working conditions.

Second, the law stipulates that telework is a voluntary working condition, both for the employer and the worker, which can be agreed individually or collectively. Thereby, it is possible to switch into a presence-based modality unilaterally, as long as distance working was arranged after the beginning of the contractual relationship. If the relationship began as teleworking, a change in the modality must be an agreement of both sides.

Additionally, the enactment clarifies all the security and health requirements for telecommuters, which are specified in the Law N°16.744, dictated by the Ministry of Labor and Social Security. Furthermore, it indicates that the employer is responsible to inform about the potential risks of distance working, indicated after the evaluation made by a labor security institution in the worker`s home.

A major contribution of the law is observed in terms of the working day. Now, distance workers may be hired under delimited or unlimited working hours. Previously, they could only be hired under unlimited working hours. Moreover, delimited working time contracts are flexible, in such a way that employees may adapt the workday, dividing it according to their personal needs. Regarding attendance control, it is the responsibility of the employer to provide the corresponding devices. It should be noted that distance workers hired under unlimited working hours have the right to digital disconnection.

Finally, the law establishes that operation, functioning, maintenance and reparation costs, related to distance working modality, are the responsibility of the employer<sup>14</sup>.

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<sup>13</sup> Cámara de Diputados de Chile (13 de Agosto de 2020) *Cámara de Diputados de Chile*. Available at:

[https://www.camara.cl/prensa/noticias\\_detalle.aspx?prmid=134867](https://www.camara.cl/prensa/noticias_detalle.aspx?prmid=134867) al/

<sup>14</sup> Congreso Nacional (23 de marzo de 2020). Oficio N°15.412.

## **Policy response to the COVID-19 pandemic up to end April 2021**

### *Childcare and schools*

- All nursery schools, schools, and universities are closed since 16 March 2020. There is no official date to re-open them.
- ECEC has been affected for all children. The ministry of Education has implemented several initiatives: 1) They implemented an on-line learning webpage called "I learn on line". 2) They implemented several resources to give support to teachers, students and their families. Some of these supports are: family orientations and key elements of self-care and key elements for socio-emotional support. This information has been broadcast through seminars, documents and videos. 3) In association with the local TV CNTV and ANATEL, they created a new TV channel called "TVEducaChile". This channel only transmits educational content from grades 1 to 4 and from the school subjects: mathematics, language, history and natural science. 4) In parallel to the online learning, they have distributed print pedagogical material to more than 380,000 students from 1<sup>st</sup> grade to 4<sup>th</sup> grade. 5) They created a School digital library with more than 10,000 schoolbooks and a monthly lecture plan. 6) They have supported the inscription to the platform Google Suite, where schools have access free of charge to unlimited institutional email accounts, the learning management system Google Classroom, videoconferences through Meets, on line storage system Google Drive, and other learning tools. 7) They have strengthened socio emotional learning through: orientation guides for parents, experts videos, webinars, and others. 8) They anticipate the delivery of 125,000 computers with internet connection for 11 months provided by two internet companies: Movistar and Entel.

### *Parental leave*

- Parents and carers have access to regular leave options. They have no additional leave options during school/childcare closures.
- Since July 2020, and in the context of COVID-19, there is the Protected Parenting Law, which allows mothers and fathers whose parental leave ends between 18 March 2020 and the date until the state of exceptions is extended (currently valid until 30 June 2021) to request the Parental Preventive Medical Leave (LMPP for acronym)

in Spanish: *Licencia Médica Preventiva Parental*). In addition, fathers, mothers, or caregivers of children (under six years old) may benefit from a contract suspension for care reasons. This benefit can apply to dependent and self-employed workers, in addition to civil servants. Self-employed workers are also entitled to this benefit if they have used their parental leave. Although the state of exception was extended until 30 June 2021 the LMPP maintains its duration of 90 days, that is, it is issued for 30 days and can be renewed for two equal periods and continuously. If both parents made use of parental leave, either of them will be able to access the LMPP. The leave will be paid by the private (*Isapre*) or public (*Fonasa*) health insurance and the amount will be equivalent to the Maternal subsidy for parental leave. The LMPP corresponds to full time rest and extends for a period of 30 days. It can be renewed twice for equal periods and continuously, during the state of health emergency by COVID-19. That is, it can last up to a maximum of 90 days. Once this period is ended, mothers and fathers can access the suspension benefits for caregivers in the Protected Parenting Law.

- Suspension of the employment contract: this is the possibility of suspending the employment contact of those workers who meet the following requirements:
  - Have the personal care of a child who was born since 2013
  - The operation of the educational establishment, kindergarten and/or nursery attended by the child has been suspended by act or declaration of the competent authority because of COVID-19
  - Are affiliated with unemployment insurance
  - Meet the requirements to access the benefits from the unemployment insurance
  - Are not eligible to use the medical license described in the previous number (LMPP)

There will be the temporary cessation of the obligation to provide services by the worker and the obligation to pay compensation and other allowances by the employer. However, during the term of the suspension, the employer will be obliged to pay the social security and social security contributions, both for themselves and for the worker, with the exception of social security contributions. The worker must notify the employer in writing (preferably by electronic means) that they will make use of this right, accompanying the documentation indicated in the Law. For their part, the employer will send the information to the Unemployment Fund Administrator Company. The suspension will end once the operation of the establishment restarts, or by the mere will of the worker, in which

case the employer must be notified in writing at least 5 business days in advance. The employer will have the obligation to communicate this circumstance to the AFC in writing and preferably through electronic means.

#### *Other measures for parents and other carers*

- The Ministry of Education has distributed more than 1,517,734 individual food baskets for kids across the entire country. They distribute baskets every 15 days through home delivery, pick up at the educational site or with the help of the local police. The distribution started on March 16<sup>th</sup> of 2020 and will last until the schools are open again.

## **4. Uptake of leave<sup>15</sup>**

### **a. Maternity leave**

Data on the use of the obligatory period of Maternity leave is available for up to 2017. According to the Ministry of Labour and Social Security, approximately 42.9 per cent of mothers took the leave six weeks before the birth of the child. Additionally, 44.6 per cent of mothers took Maternity leave after childbirth. This figure includes all mothers, but Maternity leave can only be taken by women who are employed, and the female employment rate is 48.5 per cent.<sup>16</sup> The data also does not include women working in national defense (army, air force, navy, and police).

The additional period of part-transferable Maternity leave started in 2012. That year, 37.4 per cent of mothers took the leave: this number had increased to 44.4 per cent in 2017. Approximately 99 per cent of women who took the leave did so full-time, which means taking 12 weeks of leave. This ratio has been a continuous tendency until 2019.

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<sup>15</sup> INE (2019) *Anuario de Estadísticas Vitales, 2017*; Ministerio del Trabajo y Previsión Social (2017) *Protección a la maternidad en Chile: Evolución del postnatal parental a cinco años de su implementación 2011-2016* Santiago de Chile; Superintendencia de Seguridad Social (2020) *Estadísticas de Seguridad Social*. Available at: <https://www.suseso.cl/608/w3-propertyvalue-10364.html>

<sup>16</sup> INE (2017) *Brechas de género en el mercado laboral chileno a nivel nacional*. Available at: [http://historico.ine.cl/genero/files/estadisticas/pdf/infografias/0\\_infografia\\_brech\\_a\\_genero\\_mercado\\_laboral.pdf](http://historico.ine.cl/genero/files/estadisticas/pdf/infografias/0_infografia_brech_a_genero_mercado_laboral.pdf)

Leave is transferred to fathers in very few cases. Only 1,802 transfers have been made from 2011 to 2019. This means that, every year, only 0.2 per cent of leaves have been transferred to the father. The average number of days taken was 33.8: i.e., less than the six weeks allowed. According to the Ministry of Labour and Social Security, this low level of transfer is due to several reasons:

- Many women are still breastfeeding at a time when they might transfer leave.
- The decision to transfer Parental leave is with the mother.
- The legal procedure for transferring leave is complex and unknown in most human resources departments due to its low uptake.
- Fathers do not have the same maternal jurisdiction that mothers have at work. Maternal jurisdiction lasts two years, while paternal immunity only doubles the period in which they took the leave.

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

There is no information available.

#### **c. Parental leave**

No statutory leave entitlement.



# China<sup>1</sup>

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April 2021

N.B. There are 31 provincial administrative regions in mainland China (including provinces, municipalities directly under the central government, and autonomous regions). These provinces are subordinate to the leadership, authority, and direction of the central government. The central government formulates national policies, which are nationally binding. 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 a national level and Local People's Congresses at a provincial level)**

*Length of leave (before and after birth)*

- 98 calendar days: 15 days before the birth and 83 days after the birth.
- Taking leave is not obligatory.
- 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 pre-natal and post-natal leave, with full

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<sup>1</sup> Please cite as: Wu, F. (2021) 'China country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

earnings replacement. In 1988, Regulations Governing Labour 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 receive 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 Labour Protection of Female Employees was implemented, which is now in place.

#### *Payment and funding*

- 100 per cent of earnings.
- Funded by the Maternity Insurance Fund for employees included in maternity insurance; and/or by work units (work units cover the balance 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 paying maternity insurance).

#### *Flexibility in use*

- None.

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

- National laws and regulations set the basic provisions for Maternity leave, such as the length of leave, its payment, and funding. However, provinces may develop their own regulations, in relation to their local conditions. On this basis, 31 provinces in mainland China 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 (in Beijing, Shanghai, Jiangsu, Zhejiang, Hubei, Chongqing, and Tianjin) to extending leave for up to one year (in Tibet). The most common extension is to 158 days (in Hebei, Shanxi, Inner Mongolia, Liaoning, Jilin, Anhui, Jiangxi, Shandong, Hunan, Sichuan, Guizhou, Yunnan, Qinghai, Ningxia, Shaanxi, and Xinjiang).
- In Shanghai, there are two additional provisions. Female employees who are 28 weeks pregnant or more should receive an hour's break per day (paid at 80 per cent of their earnings) and should not work nightshifts. Women who need to be exempted from work to protect their foetus can, upon presentation of a medical certificate, take a '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 in addition to the 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 workers are also not eligible.
- 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 'two-child policy for couples where both husband and wife are 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>2</sup> following which the Chinese government made changes to Maternity leave and Paternity leave policies (December 2015). 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. Maternity leave and Paternity leave policies apply to all Chinese people no matter where they reside. 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.

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<sup>2</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.

*Variation in leave due to child or family reasons (e.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 days 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 the salary continuing to be fully paid (Zhejiang) or paid at 75 per cent or above (Jilin and Chongqing).

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

*Length of leave*

- No statutory entitlement nationally.
- However, in all provinces, Paternity leave is provided ranging from seven days (Shandong and Tianjin) to 30 days/one month (Yunnan, Gansu, Henan, and Tibet): however, 15 days is the standard 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*

- China does not legally recognise same-sex marriage, so all family policies refer to heterosexual couples.

- Currently, 13 provinces entitle an only child to leave in order to care for their parents (referred to as 'nursing leave for only child') and this leave applies if the parents have reached the age of 60 and are being treated in hospital. Nursing leave is provided ranging from ten days (Fujian and Chongqing) to 20 days (Henan, Heilongjiang, Inner Mongolia, Yunnan, and Shaanxi), with 15 days being the standard in Hainan, Guangxi, Hubei, Shanxi, Sichuan and Ningxia. Of the 13 provinces, six allow children with a sibling/s to receive nursing leave: Hubei (ten days), Heilongjiang (ten days), Yuannan (ten days), Shaanxi(ten days), Sichuan (seven days), and Ningxia (seven days).
- In 5 provinces, including Hebei, Shandong, Liaoning, Gansu, and Beijing, employees can use the nursing leave when their elderly parents are ill in hospital, but the number of days of leave is not clearly defined. Employees should discuss with their employers when they want to take nursing leave as there are no regulations as to how many days the employers should limit this type of leave.
- 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 of age, 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 multiple births are entitled to another paid hour of 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 to 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 with 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 is 12 weeks, as laid out by national regulations, but the period is extended in nearly all provinces, most frequently to 4.7 months; leave is paid at a high rate. There is an entitlement to Early Childhood Education and Care (ECEC) from three years of age. There is a gap, therefore, of more than two and a half years between the end of well-paid leave and an entitlement to ECEC.

China is not included in the comparative table on ECEC enrolment produced for the OECD Family Database. National statistics report that only four per cent of children under the age of three years were in formal ECEC services in 2015<sup>3</sup>, with informal care dominant for this age group. Participation of children aged three years or older in ECEC was 79.6 per cent in 2017.<sup>4</sup>

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

In April 2019, the general office of the State Council issued the Guidance on Promoting the Development of Care Services for children under 3 years old. The policy is mainly aimed at care services rather than families, and its main purpose is to promote the establishment of care services and to establish standards for them. By April 2021, Shanghai, Sichuan, Hubei, Zhejiang, Guangxi, Inner Mongolia, Gansu, Jilin, Fujian, Anhui and Henan provinces have responded to the national policy. Consistent with the national policy, the main objective of the policies of the 11 provinces is to promote the development of care services for children under 3 years old.

### **Policy response to the Covid-19 pandemic up to end April 2021**

During the epidemic period from January to the end of April in China, only two provinces (Beijing, Tianjin) and a few city level governments

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<sup>3</sup> National Health Commission of the People's Republic of China (2017) *Transcript of special press conference of the progress of the universal two-child policy held on January 2017*. Available at: <http://www.nhc.gov.cn/xcs/s3574/201701/7ea4318bf0f7450aaf91d184e02e5dcf.shtml>

<sup>4</sup> Ministry of Education of the People's Republic of China (2018) *The Statistical Bulletin of National Education Development in 2017*. Available at: [http://www.moe.gov.cn/jyb\\_sjzl/sjzl\\_fztjgb/201807/t20180719\\_343508.html](http://www.moe.gov.cn/jyb_sjzl/sjzl_fztjgb/201807/t20180719_343508.html)

(Hangzhou, Ningbo, Wenzhou) issued temporary care policies. The main contents of these policies are that for families with two employees (parents) who return to work, each family can have one employee stay home to take care of their children, and the salary should be paid by the enterprise where the employees work. Since May 2020, China's COVID-19 has been controlled, people's life and work are back to normal. After two months of summer holiday from July to August, students at all stages also return to school. All temporary care policies will no longer be implemented.

## **4. Uptake of leave**

### **a. Maternity leave**

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.

# Croatia<sup>1</sup>

**Ivana Dobrotić** (University of Zagreb)

April 2021

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 pošteda od rada*); Maternity care for the child (*rodiljna briga o novorođenom djetetu*) (responsibility of the Ministry of Labour, Pension System, Family and Social Policy)

*Length of leave (before and after birth)*

- Maternity leave: 28 days before the expected date of birth, then until the child turns six months of age. It is obligatory for mothers 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 upper limit on payments.

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<sup>1</sup> Please cite as: Dobrotić, I. (2021) 'Croatia country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>



- A parent who does not meet the condition of at least 9 months of continual insurance (or 12 months of insurance with interruptions over the last two years) before the leave starts receives 70 per cent of the 'budgetary base rate' of HRK3,326 [€443.50]<sup>2</sup> per month: the gross average earnings in January 2020 were HRK9,373 [€1,249.82].<sup>3</sup>
- Maternity exemption from work/maternity care for the child: 70 per cent of the budgetary base rate per month.
- Funded from general taxation.
- Pension rights: employed parents on Maternity leave maintain their pension insurance and the contributions are paid by the state on the level of maternity benefit. Unemployed and inactive parents entitled to maternity exemption from work/maternity care for the child have the right for pension insurance to be paid by the state until the child turns one year of age (if there is a 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). For each childbirth or adoption, the mother is entitled to six months of 'additional pension insurance period' (the father can be entitled only if he has used most of the Maternity leave).

#### *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 reaches six months of age 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 day 71 and, in the case of the mother starting employment, she 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 the remaining share of the unused leave, if the mother agrees.

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<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using:  
[https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-hrk.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-hrk.en.html)

<sup>3</sup> See: [https://www.dzs.hr/Hrv\\_Eng/publication/2021/09-01-01\\_01\\_2021.htm](https://www.dzs.hr/Hrv_Eng/publication/2021/09-01-01_01_2021.htm)

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

- Maternity leave: all employed and self-employed people are eligible.
- 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 must be registered with the unemployment office, have health insurance, and three years' residency (i.e. as a citizen or foreign citizen with permanent residency of at least three continuous years in Croatia).
- Maternity care for the child: parents outside the labour system (due to, for example, retirement, incapacity, or studying) must have health insurance and five years' residency (as a citizen or foreign citizen with permanent residency of at least five continuous 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 (referred to as 'sick leave due to illness and complications related to pregnancy'), in addition to Maternity leave. The mother is paid at a rate of 100 per cent with an upper limit of HRK4,257 [€567.64] per month. She must fulfil eligibility criteria for full benefit (9 months of previous insurance period without interruptions or 12 months with interruptions within the period of 24 months before the leave start); if eligibility criteria are not met she has a right on minimum benefit of HRK831.50 [€110.87] per 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 Labour, Pension System, Family 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' section 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 an upper limit of 170 per cent of the budgetary base rate,<sup>4</sup> or eight months if both parents use Parental leave; 70 per cent of the budgetary base rate after the first six (or eight) months, or if parents do not fulfil the condition of either at least 9 months of continual insurance period or 12 months of insurance with interruptions in the last two years.
- Parental exemption from work/parental care for the child: 70 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 to 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).

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<sup>4</sup> The budgetary base rate amounts to HRK3,326 [€443.50] per month.

### *Flexibility in use*

- Parental 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 confirm their agreement in written consent.
- Parents can use their entitlement at the same time or consecutively (although this possibility was removed from the new legislation, legal opinion holds that parents can still use leave that way if not explicitly forbidden by law).
- Parental leave can be taken in the following ways: a) fully (i.e. in one period); b) partially (no more than two times per year, each time for no less than 30 days); c) part-time (duration is doubled, and compensation is 70 per cent of the budgetary base rate).
- 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)*

- Same as for Maternity leave (including in terms of citizenship conditions for unemployed/inactive parents).
- Same-sex couples have the same right to Parental leave in cases where they both have the right of parental care over the child in accordance with the Same-sex Life Partnership Act.<sup>5</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 parents*

- 15 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 70 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 to not work until the child turns three years of age. During that time, the parent's rights and

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<sup>5</sup> <https://www.zakon.hr/z/732/Zakon-o-%C5%BEivotnom-partnerstvu-osoba-istog-spola>

obligations regarding their 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 parents are not currently employed 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 is c. HRK4,300 [€573.37] net per month (c. 65 per cent of average gross wage and 140 per cent of minimum net wage) and it may be paid until the youngest child in the family turns 15 years of age. In 2019, there were 4,549 beneficiaries (it is estimated that there are 7,000 potential beneficiaries).<sup>6</sup>

## **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 the same way as Maternity leave). Adoption leave is extended for 60 days in the case of the adoption of twins or a child who 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. They receive all the other rights that employed/self-employed parents do.
- 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.
- Same sex couples cannot adopt children.

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<sup>6</sup> See: <https://www.jutarnji.hr/vijesti/hrvatska/zagreb-potrosio-sav-novac-za-odgojitelje-a-stizu-novi-zahtjevi-trenutacno-3137-roditelja-s-troje-ili-vise-djece-prima-naknadu/6849762/>; <http://www.z1tv.hr/hr/vijesti/zagreb/glas-opet-trazi-ukidanje-zagreba%C4%8Dke-mjere-roditelj-odgajatelj!,769.html>

- 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 70 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 of age, 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, up to 60 working days per family for each illness at 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 18 years of age can be extended based on a 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 and divorced parents). All payments are subject to an upper limit of HRK4,257 [€567.64] per month. It can be used on a 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*

- 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 their health and development, and only if Parental leave was fully used – this is paid at 70 per cent of the budgetary base rate (recalculated to the hourly rate, and paid only for the hours outside of the new working day).
- 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, 70 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 70 per cent of the budgetary base rate recalculated to the hourly rate.

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

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

#### *Pre-natal examinations (slobodan radni dan za prenatalni pregled)*

- Pregnant workers have a right to use several hours – equivalent to one working day off per month – in order to attend pre-natal examinations. Pregnant workers are obliged to announce to the employer the intention to use this right (in a written form, two days in advance).

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

The maximum period of paid post-natal leave 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). All children must attend a pre-school programme of Early Childhood Education and Care (ECEC) for at least 250 hours, a year before starting primary school at six years of age as preparation for school (minimum 150 hours if the local community service cannot organise a full programme): attendance is obligatory. There is therefore a gap of around 4 years between the end of leave and the start of this period of obligatory attendance.

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

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

#### **Policy response to the Covid-19 pandemic up to end April 2021**

##### *Childcare and schools*

- On 16 March 2020 both ECEC and schools were closed in Croatia. In the closure period, all parents who were not able to take care of their children (because they were in employment) were able to bring their children to ECEC or school, where they were provided with emergency care. However, this practice was highly discouraged. The re-opening process started on 11 May 2020 for ECEC and lower classes of the primary school (year 1 to 4) only. Moreover, it first started only for children not having some serious health condition and/or children not being in regular contact with a family/household member having a serious health condition, and only for children living in dual-earner families or with a single, employed parent. Schools and the ministry in charge of education actively encouraged parents to leave their children at home whenever possible and not to send them to school. Due to a concern for children's wellbeing (some children did not participate in online learning at all), the ministry gave a stand that these children could also be returned to school with parental consent. Otherwise, all the parents should sign the consent before sending children to ECEC or school. Re-opening of afterschool programs was left to the decision of local school providers.
- The obligation of parental consent was withdrawn since 25 May 2020 when all the children in classes 1 to 4 of primary school were supposed to return to school (since then parents should justify why their child is not going to school).
- Children in classes 5 to 8 of primary school and children in secondary school did not return to school and continued with online schooling until the end of the school year. For pupils in secondary school, practical classes and final exams could be organised in the school since 25 May.
- Since the new school year (7 September 2020), schools started to operate according to three different models: A (full opening), B (hybrid) and C (online) model. Regions and schools were able to choose a model. Most of the schools reopened with the A model; however, there were cases of the B model where, for



example, children would be in class one week but online the other week (e.g., higher grades). There were often local outbreaks, followed by both ECEC and school closures, with schools using the C model. There was one general school closure episode around the Christmas break (14 December 2020 to 18 January 2021).

#### *Parental leave*

- There were no changes in leave policy due to the pandemic.

#### *Other measures for parents and other carers*

- There were no other measures.

## **4. Uptake of leave**

### **a. Maternity leave**

There is no official information on uptake rates. 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 (2020), fathers used the transferred right in 0.27 per cent of cases. Maternity exemption from work is predominantly used by mothers: only one father (0.02 per cent) used the right in 2020, and in the case of maternity care for the child, fathers accounted for 0.10 per cent of all users in 2019.<sup>7</sup>

### **b. Paternity leave**

No statutory entitlement.

### **c. Parental leave**

There is no official information on uptake rates. Parental leave is also predominantly used by mothers. According to the latest official data (2020), fathers account for 4.30 per cent of all Parental leave taken (a sharp drop from 4,202 fathers in 2019 to 2,039 in 2020 after several years of growth). Parental exemption from work and parental care for the child is also predominantly used by mothers: i.e. fathers account for 0.27 per cent of all users of parental exemption of work and for 0.41 per cent of all users of parental care for the child.<sup>8</sup>

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[www.prs.hr/application/images/uploads/IZVJESCE\\_O\\_RADU\\_2020\\_Pravobranit.pdf](http://www.prs.hr/application/images/uploads/IZVJESCE_O_RADU_2020_Pravobranit.pdf)

<sup>8</sup> Ibid.

# Cyprus<sup>1</sup>

**Maria Angeli** (Mediterranean Institute of Gender Studies)

April 2021

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**

*Length of leave (prior to and following childbirth)*

- 18 weeks. It is obligatory to take 11 weeks, including two weeks prior to the week of the expected birth and the rest following childbirth.

*Payment and funding*

- Maternity benefit starts at 72 per cent of the mother's salary with the first child. The percentage increases to 80 per cent, 90 per cent or 100 per cent, with the second, third and fourth child respectively. Some private companies cover the remaining 28 per cent for the first child: in such cases, an employer can request the maternity benefit from the state on behalf of the employee, then add the balance, so that the employee receives a full salary from the employer.
- For public sector employees, the first 12 weeks of leave are fully compensated, while the following six weeks are paid at 72 per cent of the employee's salary.

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<sup>1</sup> Please cite as: Angeli, M. (2021) 'Cyprus country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G., and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

### *Flexibility in use*

- Maternity leave can start two weeks before the expected week of birth or from the week of the actual birth.

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

- Full-time and part-time female employees, as well as self-employed women and voluntarily insured women who are expecting a child, have adopted a child, up to 12 years of age, surrogate mothers or mothers who have got a child through surrogacy are entitled to Maternity leave.
- Persons who have a permit or the right to reside and work in Cyprus are entitled to the benefits irrespective of nationality.

### *Variation in leave due to child or family reasons (e.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 the birth of multiple children, the period of 18 weeks is increased by four weeks for each additional child (e.g. 22 weeks for twins and 26 weeks for triplets).
- In the case of premature labour or in any other case where the infant is hospitalised right after birth for health reasons, the mother is entitled to additional Maternity leave as follows: for the first 21 days that the infant is in an incubator, the employee is entitled to one additional week of Maternity leave. If the infant remains hospitalised, the employee is entitled to an additional week of leave for every additional 50 per cent of a 21-day period (i.e. 10.5 days that the baby remains in hospital) up to a maximum of six additional weeks in total.
- In order to be granted leave over and above a period of 18 weeks, the employee must provide her employer with written certification from the hospital and from a doctor with the relevant speciality.
- In the case of surrogate mothers, there is 14 weeks of leave starting two weeks before the expected week of confinement; and 18 weeks in the case of a woman getting a child through surrogacy.

## **b. Paternity leave**

### *Length of leave*

- 2 consecutive weeks.

### *Payment*

- Paternity benefit starts at 72 per cent of the father's salary with the first child. The percentage increases to 80 per cent, 90 per cent or 100 per cent, with the second, third and fourth child respectively.

### *Flexibility in use*

- Paternity leave may be used across any two consecutive weeks during the weeks that the Maternity leave is in effect, following the birth or the adoption of the child.

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

- Paternity leave is granted to men whose wives have given birth; or have a co-habitation agreement and their female partner has given birth; or men in a heterosexual couple who have had a child through a surrogate mother; or have adopted a child under the age of 12.

## **c. Parental leave**

### *Length of leave*

- 18 weeks per parent per child. Leave is an individual entitlement, but part-transferable in certain circumstances (see 'Flexibility in use' below).
- Only up to five weeks of leave can be taken in any one calendar year (or seven weeks if there are three or more children).

### *Payment*

- None. However, social insurance contribution continues to be paid into the employee's social insurance fund during the leave period.

### *Flexibility in use*

- Parental leave can be taken at any time between the birth of a child and the child turning eight years of age. Parents with disabled children can take Parental leave until their child reaches the age of eighteen years.
- Parental leave can be taken for between one week (minimum) and five weeks (maximum) per calendar year for one or two children, and seven weeks for three or more children.

- When one parent has taken Parental leave of at least two weeks, they can transfer the other parent two weeks from the rest of their leave.

### *Eligibility*

- All employed parents with non-disabled children up to the age of eight years or disabled children up to the age of eighteen years, who have completed at least six months of continuous employment with the same employer, and provided that at least 26 weeks of employment have elapsed.
- Same sex couples cannot legally parent a child together in Cyprus. They cannot adopt a child together or be recognised as the parent of a child who was conceived by a female partner through medically assisted reproduction. They are also not eligible to apply for surrogacy.

*Variation in leave due to child or family reasons (e.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 birth or the mother having health issues, Parental leave can be taken before birth.
- In the case of widowed parents, the leave can be increased to 23 weeks.

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

No statutory entitlement.

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

#### *Adoption leave and pay*

- 16 weeks in case of adoption, if the child is under the age of 12 years.
- 14 weeks for surrogate mothers and 18 weeks for mothers who have a child through a surrogate mother.

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

- Any employee is entitled to unpaid leave of up to seven days a year, on grounds of *force majeure* (i.e. for urgent cases such as a dependant being sick or in an accident). A dependant is defined as a child,

husband, wife, parent, brother, sister, grandfather, or grandmother of the employee.

- Such leave may be granted as a single period of leave or split across separate periods of time.
- For married couples, each spouse is individually entitled to such leave.

#### *Breastfeeding breaks*

- Following Maternity leave, for the purposes of breastfeeding, a working mother has the right to arrive at work one hour later, leave work one hour earlier, or take a one-hour break during the workday for a period of six months.

#### *Antenatal appointments and care*

- Pregnant employees are permitted paid time off for antenatal examinations, provided that such examinations need to be carried out during working hours. They should give advance notice to their employers and provide a relevant doctor's note.

#### *Child birth grant*

- A lump sum of €548.82 per child is paid to the mother if her or her husband are insured for the birth of a live child or a stillbirth after a pregnancy of at least 28 weeks. The application for child birth grant has to be submitted within one year from the birth.

#### *Special maternity benefit for unmarried mothers*

- A lump sum of €554.08 is paid to the mothers who are not entitled to the child birth grant. The application for the special maternity benefit has to be submitted within three months from the birth.

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

The maximum period of post-natal leave is six months, with well-paid leave lasting only 3.7 months. Attendance at ECEC is obligatory for children from the age of four years and eight months. There is a gap, therefore, of just over four years between the end of leave and an ECEC entitlement, and even longer between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for under three years are below the average for the countries included in this review and for OECD countries and about average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

#### **Policy response to the Covid-19 pandemic up to end of March 2021**

##### *Childcare and schools*

- There was gradual ease of lockdown measures and schools reopened in different phases for different ages. Kindergartens, nurseries and lyceums, both public and private, remained open in March 2021 with the exception of the city of Limassol where elementary schools physical presence operation was suspended for two weeks. Gymnasiums in Cyprus remained closed.

##### *Parental leave*

- Parents have access to regular and pre-existing leave policies during the pandemic. There were no initiatives to actively support or modify the regular leave options during the lock down or for future leave takers.

##### *Other measures for parents and other carers*

- **Special Leave for Child Care** was provided when schools were closed during lock down by the Ministry of Labour, Welfare and Social Insurance; to parents who, due to the nature of their work, cannot work either remotely or at home or with flexible working hours and where there is no entry allowed to the place of work, such as domestic workers. Beneficiaries are working parents responsible for the care of children in secondary education up to 15 years old, parents of children in elementary schools in the city of Limassol, and/or children with disabilities, regardless of age. The period for Special Leave for Child Care cannot exceed a four week period in total, for both parents.
- Eligible applicants are employees who are insured with the Social Insurance Services and have a gross monthly salary of up to €2500.

- If one parent receives the Special Leave for Child Care Permit, the other cannot receive it for the same period.
- If one parent is working and the other is not (either because he/she receives an unemployment allowance or a special unemployment allowance or sickness allowance or sickness allowance, either because he/ she is unemployed or for any other similar reasons), the working parent is not entitled to Special Leave at that time, unless the non-working parent has himself/ herself been infected with Covid-19 or is hospitalized or is a person with a disability or he/she is under mandatory quarantine.
- Employer consent is needed to qualify for a Special Child Care Allowance.
- For parents of persons with disabilities, the Special Leave for Child Care is granted if no care allowance is granted for them, by the Ministry of Labour, Welfare and Social Security.
- The Child Care Special Leave allowance is calculated based on salary as follows:
  - For the first €1,000 of the monthly salary, an allowance of 60 per cent is calculated for that part of the salary. For the part of the salary from €1,000 to €2,000 an allowance of 40 per cent is calculated. The maximum amount of allowance for a period of one month cannot exceed the amount of €1,000.
  - For single parent families the above rates increase to 70 per cent and 50 per cent respectively and the maximum allowance for a one-month period cannot exceed the amount of €1,200.
  - Cases of single parent families where the last monthly salary exceeds €2,500 will be examined on the basis of the particular features of each case.
  - The allowance is calculated in proportion to the days for which the applicant becomes a beneficiary.
  - During the period for which the childcare allowance is to be paid, the employer is exempt from the obligation to pay the salary to his employees who receive the allowance.
  - The period of Special Leave for Child Care will be considered as a period of equivalent insurance for the purposes of contributions to the Social Security Fund and the beneficiary's insurance account will be credited accordingly.

## **4. Uptake of leave**

### **a. Maternity leave**

Nearly all mothers take Maternity leave.



**b. Paternity leave**

There is no information available so far. The leave was only introduced in 2017.

**c. Parental leave**

There is no information available.

# Czech Republic<sup>1</sup>

**Jirina Kocourková** (Charles University, Prague)

April 2021

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 the 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 CZK43,470 in 2021 [€1,700.11]<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

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<sup>1</sup> Please cite as: Kocourková, J. (2021) 'Czech Republic country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-czk.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-czk.en.html)

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.

- Parents on leave can work from the start of the seventh week after childbirth, but not on the same job from which they are taking leave.

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

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 calendar days during the last two years. There are no further citizenship requirements.
- 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**

*Length of leave*

- Seven calendar days.

*Payment and funding*

- 70 per cent of daily earnings up to a maximum payment of CZK8,575 [€335.37] per seven days.
- Payment is financed from sickness insurance contributions by employers, paying 2.3 per cent of earnings.

*Flexibility in use*

- It can be taken at any time during the six weeks after the birth of the child.
- All seven days must be taken as a block.

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

- Sickness insured workers, including employees and self-employed men.
- Must be officially registered as the father.

### **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 or **Parental Allowance** – *rodicovsky prispevek* – is available to all families who meet the eligibility conditions, 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 this benefit (but access to publicly-funded childcare is then limited, see below).
- A parent who personally and duly cares for a child who is the youngest in the family is entitled to the Parental Allowance. The Parental Allowance is provided until the total amount of CZK300,000 [€11,732.96] has been drawn, before the child's fourth birthday. In the case of twins or more children born at the same time, the total amount extends to CZK450,000 [€17,599.44].
- A parent may choose the amount of monthly Parental Allowance they receive and thus the period of its drawing. The monthly amount of Parental Allowance is calculated based on the same daily assessment base as is used for the determination of Maternity benefit or Sickness benefit related to the child's confinement or adoption according to the act on sickness insurance. If at least one parent in a family is a person participating in sickness insurance, the amount of Parental Allowance can reach 70 per cent of 30 x the daily assessment base (in 2021, CZK42,720 [€1,670.77] per month at the most). When the daily assessment base can be determined for both parents, the higher one is used for calculation. If the daily assessment base cannot be set for any parent, parents may select a monthly amount of up to CZK10,000 [€391.10]. In the case of twins or more children born at the same time the monthly amounts are adjusted accordingly.

- 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 choice of the amount of Parental Allowance can be changed once every three months.
- Parents on leave can work without any limitation, but as they cannot make use of public childcare facilities, they are then responsible to ensure the care of the child by another person.
- Both parents can take Parental leave at the same time, but only one of them is entitled to the Parental Allowance. They can alternate in receiving the benefit as often they want.

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

- There are no special requirements for leave; however, each parent must ask for formal approval of the employer.
- Parents can choose the period and amount of the parental benefit that they receive, on the condition that at least one parent in a family is a person paying sickness insurance.
- Non-Czech nationals must have been registered as resident for at least one year.
- Payment of the parental benefit is conditional: where there is a child under two years of age, parents must not use a publicly funded ECEC service for more than 92 hours a month. There is no limitation on service use for older children.
- Parental leave is available to registered 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*

- In case of multiple births, the maximum amount payable for the whole period is CZK450,000 [€17,599.44]. The upper limit per month is 1.5 times higher than in the case of a single birth. Accordingly, if a parent has not paid sickness insurance, the upper limit is CZK15,000 [€586.65].
- Parental Allowance 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.
- Same-sex couples can legally adopt.

### *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 of age – otherwise, only in the case of a serious illness).
- Leave is paid at 60 per cent of earnings up to a ceiling of CZK855 [€33.44] per day.
- A parent can take no more than nine days of leave in one block of time, but there is no limit regarding the frequency of taking leave. Parents may alternate with each other in taking leave to care for a sick child.
- There are no length of service requirements in order to be eligible.

### *Flexible working*

- None.
- Currently pensions are treated according to Act No. 306/2008 Coll. (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 time spent caring for a child below four years of age (i.e. the whole period of 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 is three years, but the period of well-paid leave depends on how parents use the Parental Allowance. There is an entitlement to Early Childhood Education and

Care (ECEC) from three years of age and attendance is obligatory from five years of age, one year before compulsory schooling begins. There is no gap, therefore, between the end of leave and an ECEC entitlement but a gap between the end of well-paid leave and the start of an ECEC entitlement.

Levels of attendance at formal services for children under three years of age are very low, well below the average for the countries included in this review and for OECD countries, but are 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 2020** (including proposals currently under discussion)

No changes reported.

#### **Policy responses to the Covid-19 pandemic to end April 2021**

##### *Childcare and schools*

- Most ECEC was closed officially or operated in a limited way;
- All schools were closed from 14 October 2020 until 24 November 2020 and from 2 January 2021 until 9 April 2021 and they switched to online lessons and home schooling. Education (teaching) had not returned to the usual mode of operation by the time of writing (April 2021) and it is expected that it will not happen until 30 June 2021 despite schools re-opening step by step from 12 April 2021 (this included opening for individual consultation, practices and exams of maximum ten final year university students).

##### *Parental leave*

- All regular leave options were accessible and stayed unchanged. No modification of regular leave options were made due to the pandemic. No changes were made to existing leave policies.

##### *Other measures for parents and other carers*

- The main pandemic measure to support families was the modification of 'attendance allowance' (krizové ošetřovné) – unlimited extension of 'time off for the care of dependants'. From 14 October 2020 until 30 June 2021 employees could take leave to care for a child under ten years

of age during the period when schools were closed or during the ordered family quarantine. Before 14 October 2020 (and probably since 1 July 2021 again) it was used by an insured employee who was unable to work because she or he took (takes) care of a sick child under ten years of age but only for nine days in on block. During the same time the possibility to take this leave was temporarily extended to self-employed parents, payment was increased at first from 60 to 70 per cent of earnings (counted from the reduced daily assessment base) since 14 October 2020 and from 70 to 80 per cent of earnings since 1 March 2021.

- Employers could decide themselves regarding flexible working measures on an individual basis. There was no regulation at national level. Working from home was the most widespread measure when schools and childcare centres were closed.
- The Czech government implemented a programme of employment protection 'Antivirus' (kurzarbeit/reduced working hours).

## **4. Uptake of leave**

### **a. Maternity leave**

Nearly all mothers take Maternity leave.

### **b. Paternity leave**

No information is available (the leave has only been introduced in 2018).

### **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 the parental benefit (Parental Allowance), in comparison to women, has remained negligible: in 2001, men accounted for 0.77 per cent of recipients of this benefit, and subsequently there was 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 the parental benefit (for context, 375,876 women received the benefit in that year). Since 2008, however, there has been no further increase: in 2010, 4,986 men received the parental benefit, compared with 328,777 women (i.e. 1.5 per cent of recipients were men, the same proportion as in 2008). Since 2011 a slight and continuous increase is apparent. In 2015, 5,100 men received the parental benefit (i.e. 1.8 per cent of all recipients) and in 2016, 5,200 men received the parental benefit (i.e. 1.9 per cent of all recipients). It is assessed that currently around 2 per cent of all recipients are men.



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

# Denmark<sup>1</sup>

**Tine Rostgaard** and **Anders Ejrnæs** (Roskilde University, Denmark)

April 2021

## 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; *Fædre/medmoderorlov* the leave reserved for the father or same-sex co-mother after birth; and *Forældreorlov* the leave available for both parents after birth. However, in Danish 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)*

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

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<sup>1</sup> Please cite as: Rostgaard, T. and Ejrnæs, A. (2021) 'Denmark country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

### *Payment and funding*

- All employees and self-employed persons are entitled to a daily cash benefit based on former earnings, up to a limit of DKK 4.460 [€591.73]<sup>2</sup> per week for full-time employees, before tax.
- The cash benefit scheme is funded by the state from general taxation, except for first eight weeks when municipalities bear half of the cost.
- According to the work contract, full earnings may be paid during leave.

### *Pension payments*

- The Danish pension system is based on three pillars: 1) a universal and tax-based public pension scheme, 2) occupational pensions which may be quasi-mandatory given the collective agreements, and 3) private pension savings.
- The public pension is not affected by taking leave. If full earnings are paid, pension payments to the occupational pension scheme are not affected by taking leave either. If leave is awarded without full pay, occupational pensions are normally affected since payments from the 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 160 hours in the four months preceding the paid leave, i.e. regardless of the partner's labour market situation. Workers must also have worked at least 40 hours per month in three of those four months, and they must be working up to the first day of the leave. 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 at least part-time professional

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<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-dkk.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-dkk.en.html)

activity for at least six months within the last 12-month period, of which one month immediately precedes the paid leave. Likewise, the company must produce a profit. Eligibility also requires that the person is caring for the child on a daily basis. If the individual has recently started their company and has been self-employed less than six months, they can count regular paid work (not including various forms of public benefits) as work.

- 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 for the cash benefit.
- Unemployed people are entitled to cash benefits from unemployment insurance or similar benefits (activation measures).
- Female students who have recently had a child are entitled to a total of 12 months' extra study grant, with the understanding that the 14 weeks of Maternity leave are covered via the study grant. Male students are entitled to six months extra study grant.
- 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 2018, 82 per cent of the total workforce was covered by such collective agreements (compared to 74 per cent in the private sector).<sup>3</sup> These workers receive compensation during leave from their employer, up to the value of their former earnings, i.e. their employer supplements the state benefit. The percentage of the Danish workforce that is covered by collective agreements has remained stable since 2012 but has previously declined especially

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<sup>3</sup> DA Analyse (2020) *I Danmark er de fleste dækket af overenskomst [Most are covered by collective agreements in Denmark]* Available at: <https://www.da.dk/politik-og-analyser/overenskomst-og-arbejdsret/2018/hoej-overenskomstdaekning-i-danmark/>.

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

- To help employers finance the costs regarding compensation up to the workers' former earnings (see above), different leave reimbursement funds have been set up. In 1996, a leave fund was set up to reimburse private employers' leave costs, so that the cost for compensation was pooled. Several municipal employers set up identical funds in the following years, and, in 2005, it was made obligatory for all municipal employers. Municipal employers pool the costs of employees' uptake 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 to also be members of a leave fund. As illustration, in the largest private leave fund, DA-Barsel, private employers pay DKK924 [€124.12] per year for each full-time employee and receive reimbursement of up to DKK193.18<sup>5</sup> [€25.95] per hour for up to 31 weeks.<sup>6</sup> The additional cost of compensation for employees with higher hourly rates than this must be borne by the employer. Depending on the industry in question, the funds also cover full or parts of Parental leave. For example, within the industrial sector, each parent is (as of 2017) entitled to full coverage for five weeks, and in addition three weeks can be shared.
- In 2010, an evaluation 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 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 before, as well as being generally positive in their view of the fund. Only around one third of employers were unaware of the possibility of receiving reimbursement for 29 weeks – even in female-dominated sectors – and therefore failed to claim such reimbursement. This was clearly related to whether or not employers paid wages during leave for their employees (COWI, 2010<sup>7</sup>).

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

<sup>5</sup> <http://www.dabarsel.dk/refusion/saa-meget-kan-du-faa>  
As of October 2017, the types of leave are reimbursed differently: pregnancy and Paternity leave (DKK64.96 [€8.69] per hour), Maternity leave (DKK73.46 [€9.87] per hour), and Parental leave (DKK87.52 [€11.75] per hour).

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

<sup>7</sup> See COWI (2010) *Evaluering af barseludligningsloven* [*Evaluation of the Maternity Compensation Act*]. Copenhagen: Ministry of Employment.

Statistics from the industrial sector fund show an increase in the refunds for men's uptake 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 the removal of a clause in the collective agreement for this sector (cf. 1c Additional note).<sup>8</sup>

- A reimbursement fund was also set up in 2006 to cover self-employed people, who were reimbursed for the equivalent 31 weeks for women and 23 weeks for men. As of 1 April 2016, the fund was abolished, the argument being that it was too costly to cover such a small group sufficiently. This was 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> In Denmark, eight per cent of new enterprises are headed by a woman under 35 years of age. With the Finance Bill for 2020, the Social Democratic ruling party together with centre and left-wing parties (Det Radikale Venstre, SF, Enhedslisten and Alternativet) agreed to re-instate the fund and it was introduced into legislation 31 January 2021. The fund received start-up funding of 10 million DKK [€1,343,327.69] but is otherwise collectively dependent on members' fees. The members' fee is 1.225 DKK annually. Only self-employees working full-time are covered.

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

### *Length of leave*

- Two weeks.

### *Payment and funding*

- Payment and funding are the same as for Maternity leave.

### *Pension payments*

- Payments made in the same way as for Maternity leave.

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<sup>8</sup> See [http://www.ugebreveta4.dk/maend-i-skurvognen-skal-ud-med-barnevognen\\_20405.aspx?redir=newsletter&utm\\_campaign=guest\\_EU\\_Ekstra\\_list\\_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_Ekstra_list_From_MorningNL&utm_medium=nl_top&utm_source=newsletter_Morning&nid=NjY5&aid=20405)

<sup>9</sup> See

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

### *Flexibility in use*

- Employed fathers (as well as same-sex co-mothers) can take Paternity leave during the first 14 weeks after the child's birth. Fathers who are unemployed or students need to use the leave during the first two weeks after the birth.

### *Eligibility*

- Employees and self-employed people in a recognised partnership, including same-sex partnerships. The provisions are the same as for Maternity leave.
- Same-sex co-mother: As of 1 July 2009, it was decided that children born into a female same-sex family can be adopted by the co-mother as a stepchild already from birth. This means that an adoptive mother who is the registered partner or spouse of a female biological mother is also entitled to the Paternity (and Parental) leave cash benefit. Male same-sex couples who have conceived children via a surrogate mother do not have the same possibilities. Legally, there can only be two parents, in this case the biological mother and father. The non-biological father can only adopt the child after two and a half years and does therefore not have eligibility for Paternity (and Parental) leave.<sup>10</sup>
- As Denmark has no earmarked leave, parents may be situated differently after divorce. In principle, they have identical rights to Parental leave. However, if the parents disagree about how to share the leave, it is the parent with whom the child resides, who decides how the Parental leave is split, in most cases the mother. Also, a father who is not married to the mother or in a registered partnership may also risk losing his formal status as a father, and therefore the eligibility to Parental leave. This may happen if the mother finds another partner and registers him as the parent.<sup>11</sup>
- Unemployed fathers receive unemployment benefit and people on sickness benefits receive sick benefit in the two weeks of Paternity leave.
- Fathers who are studying receive a total of six months' extra study grant that must also cover the two weeks' Paternity 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 stated earlier

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<sup>10</sup> Semanda, F. (2017) *Normbrydende forældre-barn relationer i retlig belysning [Norm-breaking parent-child relationships in legal perspective]*. Det Juridiske Fakultet, Københavns Universitet.

<sup>11</sup> Ibid

(see 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 32 weeks of Parental leave. The right to leave is an individual entitlement. However, although each parent can take 32 weeks of leave, each family can only claim 32 weeks of leave cash benefit in total.

#### *Payment and funding*

- Payment and funding are the same as for Maternity leave.

#### *Pension payments*

- Payments are the same 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 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 part-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 for Maternity leave.
- Fathers who are studying receive a total of six months' extra study grant.
- Same-sex parenting couples have the same eligibility as described above in section 1b. 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)*

- 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, however); see above in section 1a additional note.
- See section 1a regarding the reimbursement fund for the self-employed.
- From 2007, the industrial sector (representing 7,000 employers nationwide, including production, service, knowledge, and IT, and encompassing more than 500,000 employees) 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 first 4+4+3 weeks (in 2014),<sup>12</sup> to 5+5+3 weeks (in 2017) and from 2020, 8+5+3, i.e. the father has now the right to half of the earmarked weeks.<sup>13, 14</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. week 15 after birth. The clause reduced the flexibility of use considerably; especially in the fathers' uptake of Parental leave (Bloksgaard, 2009<sup>15</sup>). Now, parents covered by this agreement can take Parental leave with pay within a year after the birth of the child.

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

<sup>13</sup> CO Industri & DI (2017) Industriens Overenskomst 2017-2020. <https://di.dk/Shop/Overenskomster/Produktside/Pages/Produktside.aspx?productId=6549>

<sup>14</sup> CO Industri & DI (2020) Industriens Overenskomst 2020-2023, <https://www.danskindustri.dk/vi-radgiver-dig-ny/di-dokumenter-for-personale/personalejuras-dokumenter/overenskomster/industriens-overenskomst/>

<sup>15</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.

- In spring 2008, a similar Parental leave model was also introduced for employees working in the public sector. If both parents work in the state sector, they are entitled to leave with full payment for 6+6+6 weeks' Parental leave – 14 weeks of Maternity leave and 18 weeks of Parental leave, all with full payment, making 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 one further week earmarked with full payment, making a total of seven weeks.

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

- No statutory entitlement.

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

##### *Adoption leave and pay*

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

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

- 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.

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

The maximum period of post-natal leave is 18 months, or just under 11 months if paid at a high rate. There is an entitlement to Early Childhood

Education and Care (ECEC) from when the child is six months of age, so there is no gap between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for children both under and over three years of age are above the average for the countries included in this review, as well as for OECD countries in general. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3.Changes in policy since April 2020 (including proposals currently under discussion)**

As mentioned in section 1a and 1c, the reimbursement fund for the self-employed was introduced into legislation on 31 January 2021.

The implementation of the 2019 EU Directive on Leave will mainly have implications for Denmark in regards to the two months earmarked leave as this is at present not a statutory entitlement in Denmark. The Minister of Labour will head the implementation work, assisted by the labour market partners.

### **Policy response to the Covid-19 pandemic up to end April 2021**

#### *Childcare and schools*

- Denmark confirmed its first official case of COVID-19 on 27 February 2020 and the Government introduced a lockdown with effect from 13 March. As of 16 March 2020, this included ECEC services, such as kindergarten, nurseries and family day care, which were to close down for two weeks initially. Municipalities instead set up emergency day care for those children whose parents were not able to stay at home. All people working in non-essential functions in the public sector were ordered to stay home for two weeks and private employers were encouraged to let employees work from home also. Essential functions in the public sector included health and social care staff, employees working with persons in risk or ion placement, police, fire patrol etc.
- The first partial re-opening was announced on 6 April 2020. This included the re-opening of ECEC and other childcare services from 15 April 2020 but with strict hygiene and zone restrictions. As of 23 June 2020, some of these restrictions have been lifted.
- The emergency day care was used by very few families, causing a debate that it was damaging for especially children at risk not to be able to attend childcare. After the re-opening, many parents initially kept their children at home. Children who were intended

to start up in childcare were affected, as many childcare centres said they could not provide the necessary staff in order to introduce the child to the new surroundings.

- Following the second wave lock down restrictions were introduced again in Dec 2020 but not for day care centres, and despite criticism from the union, BUPL, out of concern for their members who reportedly had a higher incidence rate than did for instance care workers working in long-term care for older people. The main reason for keeping day care centres open was to ensure that parents working in essential job functions could continue working.
- Primary schools also closed down 16 March 2020 and re-opened 15 April 2020 and initially only for primary school pupils from six to twelve years old. In Dec 2020, the schools closed down again for all pupils and re-opened 14 March 2021 but only 50 per cent of pupils from fifth grade and upwards can attend at a time.

#### *Parental leave*

- The general leave options were not affected or modified.
- Parents of children up to the age of 13 (suspected of) being infected with COVID-19, and who need to care for the child during quarantine, are entitled to a parental leave benefit ('dagpenge' (daily benefit), if they fulfill the general eligibility criteria, are not working from home and are not using other benefits, such as care leave. This measure is in force until 30 June 2021 (at the time of writing).

#### *Other measures for parents and other carers*

- Due to the COVID-19 crisis, special guidelines have been introduced, making it e.g. possible for pregnant employees working in the child, health, social or long-term care sectors to take up sickness leave from the 28th week of pregnancy, if it is not possible to work from home. There may be an entitlement to a cash benefit.<sup>16</sup>

## **4. Uptake of leave**

Statistics on the uptake of leave do not provide data on the proportion of parents using either Maternity, Paternity or Parental leave. Instead leave uptake is grouped across the three forms of leave.<sup>17</sup>

Also, data on leave uptake for all Danish parents has only been available since 2015. Prior to this, data covered only those who were eligible for

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<sup>16</sup> <https://www.borger.dk/familie-og-boern/Barsel-oversigt>

<sup>17</sup> Statistikbanken Danmarks Statistik - statistikbanken.dk/Barsel04  
<https://www.statbank.dk/BARSEL04>

a cash benefit. As of 2018, 84 per cent of fathers and 79 per cent of mothers were eligible. Parents who are not eligible for leave often use instead annual vacation and it is difficult to estimate how much time they actually spend with the child. Therefore, most statistical accounts use data on parents who are eligible only and the following presentation will mainly focus on parents with eligibility for the cash benefit. Throughout this part of the report, we will refer to the latest available figures, which are for the most part from 2018.

### **a. Mothers on leave**

As of 2018, 78.9 per cent of all mothers took leave with benefit.<sup>18</sup> Focusing further on cohabiting couples who were both eligible for the cash benefit, in 80.1 per cent of cases both took leave (not necessarily at the same time) and in 19.3 per cent of cases only the mothers took leave.<sup>19</sup> Statistics indicate that in these couples where only the mother took leave, mothers' leave uptake is stable over time. Eligible mothers took on average 283.6 to 285.2 days between 2015-2018, while mothers who have taken leave alone took 302.5 to 304.9 days over the same period.<sup>2021</sup>

Well-educated mothers take the shortest leave (in contrast, the opposite is the case among fathers; here, well-educated fathers). The education level of the mother and her position in the labour market is central to the division of leave between the parents. Mothers employed in agriculture take the longest leave, while mothers employed in information and communications take the shortest leave.<sup>22</sup> New Danish research confirms that women in general still lose out in life-time earnings when they take leave.<sup>23</sup>

### **b. Fathers on leave**

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<sup>18</sup> <https://statistikbanken.dk/Barsel04>

<sup>19</sup> <https://statistikbanken.dk/Barsel05>

<sup>20</sup> <https://statistikbanken.dk/Barsel04>

<sup>21</sup> The number of leave days from 2015-2020 differ from the 2020 report due to a change of reporting methods in Statistics Denmark. A day comprising just one hour's maternity counted for a full day in the previous report while it only counts for a fraction of a day in this report. Also, the number of leave days are only counted up until the child turns one year old.

<sup>22</sup> Danmarks Statistik (2017) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016* [Statistical overview: Unemployment benefits for pregnancy, childbirth and adoption] 2017: 9, København: Danmarks Statistik

<sup>23</sup> Kleven, H, Landais, C. and Søgaard, J.E. (2019) 'Children and Gender Inequality: Evidence from Denmark', *American Economic Journal: Applied Economics*, vol. 11, 4: 181-209. Available at: <https://doi.org/10.1257/app.20180010>

78.3 per cent of eligible fathers in 2018 took leave with benefit, and 65.9 per cent of the total number of fathers took leave. Overall, the proportion of fathers taking leave has not changed since 2015. In 2018, 0.5 per cent of fathers in couples where both parents were eligible took leave alone.<sup>24</sup>

There has over time been a change in fathers' average take-up of leave days. Earlier accounts from 2007-2010 have shown an increase in the number of days that fathers take, when both the mother and the father take leave (not necessarily at the same time) – from 32 days on average in 2007 to 37 days in 2010 and data for 2011-2013 showed some stabilization in these figures.

This increase in fathers' leave days may be explained by the introduction of a fathers' quota in the collective agreements and (partly) by the removal of the clause in the collective agreement of the industrial sector, which led to larger flexibility in leave use for employees covered by this agreement, especially fathers<sup>25</sup> (see section 1c).

Applying new methods to account for leave uptake introduced in 2015, there appears again to be an increase in father's leave days. However, part of the explanation may be a change in statistical reporting.<sup>25</sup> Among couples where both are eligible and regardless of how the leave was shared, the average days that fathers took in the period from 2015-2018 increased from 29.1-32.1 days.<sup>26</sup> In couples, where both took leave, these days increased also, from 36.2-40.0 days. In the few families where the fathers were the only parent to take Parental leave, their leave uptake in 2018 was 49.6 days.<sup>27</sup>

Statistics on fathers' leave uptake based on data from 2018 and most recent data also show that:

- Well-educated fathers and fathers with a high income take the longest leave.<sup>28</sup>
- Fathers living in the largest cities take the longest leave. E.g. eligible fathers living in Copenhagen city take on average 45.9 days, compared to 24.5 days in West-Jutland.<sup>29</sup> The explanation is again found in the level of education with persons with higher education being concentrated in the larger cities.

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<sup>24</sup> <https://statistikbanken.dk/Barsel04>

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

<sup>26</sup> <https://statistikbanken.dk/Barsel04>

<sup>27</sup> Danmarks Statistik - [statistikbanken.dk/Barsel04](https://statistikbanken.dk/Barsel04). Available at: <https://www.statbank.dk/BARSEL04>

<sup>28</sup> Danmarks Statistik (2017) *Fædres brug af orlov [Fathers' use of leave]*, København, Danmarks Statistik, p. 1

<sup>29</sup> <https://statistikbanken.dk/Barsel04>

- Fathers employed in the public sector take the longest leave period (50 days in 2014).<sup>30</sup>
- Fathers employed in male-dominated branches take five days less than the average.<sup>31</sup>
- Self-employed fathers take the least leave (16 days).<sup>32</sup>
- Fathers with well-educated partners take 60 per cent longer leave than fathers on average.<sup>33</sup>

Statistics from 2016 on how parents, where both take leave, share the total leave period show that frequently the father takes precisely the two weeks' Paternity leave and the mother 46 weeks, equalling the 14 weeks' Maternity leave and the 32 weeks of Parental leave.<sup>34</sup>

Fathers tend to take less leave, if mother and father did not live together when the child was born, for instance after a divorce. Here, fathers take on average 19 days in 2018, an increase from 16 days in 2015.<sup>35</sup>

A report from The Danish Institute for Human Rights concludes that both mothers and fathers experience discrimination due to pregnancy and leave uptake – mothers to the largest degree.<sup>36</sup> This is despite new research based on Danish data which shows that there are no measurable firm effects on firm output, profitability or survival when employees take leave.<sup>37</sup>

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<sup>30</sup> Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik, p. 1

<sup>31</sup> Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik, p. 1

<sup>32</sup> Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik, p. 1

<sup>33</sup> Danmarks Statistik (2017) *Fædres brug af orlov*, København, Danmarks Statistik, p. 4

<sup>34</sup> Danmarks Statistik (2017) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016*. 2017: 9, København: Danmarks Statistik, p. 13

<sup>35</sup> Danmarks Statistik (2017) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2016*. 2017: 9, København: Danmarks Statistik, p. 6

<sup>36</sup> Warming, K. (2016) *Diskrimination af forældre. Oplevelsen af diskrimination i forbindelse med graviditet og barselsorlov [Discrimination against parents. The experience of discrimination in connection with pregnancy and maternity leave]*. Copenhagen: The Danish Institute for Human Rights.

<sup>37</sup> Brenoe, A.A., Canaan, S., Harmon, N. A. and Royer, H. (2020) 'Is Parental Leave Costly for Firms and Coworkers?', *NBER Working Paper No. w26622*. Available at: SSRN: <https://ssrn.com/abstract=3514362>

# Estonia<sup>1</sup>

**Katre Pall, Marre Karu**

April 2021

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 the expected date of birth. If fewer than 30 days' leave are taken before the expected birth, leave is shortened accordingly (e.g. if the mother starts Maternity leave 20 days before the expected birth, overall leave is shortened by ten days to 130 instead of 140 days).

*Payment and funding*

- 100 per cent of average earnings, calculated based on employment in the previous calendar year, with no upper limit on payments. The minimum wage (€584 per month) is paid to mothers who had not worked during the previous calendar year but then worked prior to the birth of the child.
- Funded from health insurance contributions. All employers (and self-employed people) pay a payroll tax of 33 per cent for each employee; 13 per cent is for health insurance and 20 per cent for pension insurance.

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<sup>1</sup> Please cite as: Pall, K. and Karu, M. (2021) 'Estonia country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G., and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>



#### *Flexibility in use*

- None, except for when the 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.
- There are no conditions linked to length of service.
- Self-employed people qualify for maternity benefit on the same conditions as workers, even without taking up the leave (for which they are not eligible).
- There are no conditions linked to citizenship.

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

- 30 calendar days.

#### *Payment and funding*

- Additional parental benefit for fathers 100 per cent of earnings, calculated according to the rules of parental benefit (see below)
- Funded from general taxation.

#### *Flexibility in use*

- Can be taken during 30 days before the expected birth of a child up to the time the child reaches 3 years of age.
- Can be taken in blocks, with a minimum of 7 days at a time unless the employer agrees to shorter periods.

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

- All employed fathers with permanent or temporary employment contracts are entitled to Paternity leave. There are no conditions linked to length of service. All fathers are entitled to additional parental benefit for fathers regardless of employment status (i.e. including unemployed and inactive).

- Self-employed or unemployed fathers are not eligible for Paternity leave but are entitled to additional parental benefit for fathers.
- Same-sex partners cannot use this leave.

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

- None.

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

*Length of leave*

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

*Payment and funding*

- Two types of benefit are available to all families who legally reside in Estonia, whether or not the parents are eligible for Parental leave.
- Parental benefit (*vanemahüvitis*) is paid at 100 per cent of personal average earnings (calculation is based on reference period of 12 months prior to pregnancy) for 435 days (i.e. 62 weeks): from after the end of Maternity leave, and with an upper limit of €3,821.55 per month (equivalent to three times average earnings). For parents who are not on leave and not working, the benefit is paid from the birth of the child for 545 days. The minimum benefit paid to parents who worked in the reference period is the minimum wage: €584 per month (i.e. in case of very low wage or short work experience). For parents who were not working during the reference period, the parental benefit is paid at a flat rate (benefit rate) of €584 per month.
- Childcare benefit (*lapsehooldustasu*) is a flat-rate payment of €38 per month, paid from the end of parental benefit payments until the child reaches three years of age and paid to both working and non-working parents (i.e. payment continues if a parent takes up employment). Childcare benefit is not paid to children born after 1 September 2019.
- Both parental and childcare benefits are funded from general taxation.
- Pension credits for parents with children under three years of age (independent of Parental leave or employment). There are two types of pension credits for parents, available simultaneously. The state pays a social security contribution, calculated based on

minimum wage, to the first pension pillar (public pay-as-you-go system) over three years. Also, the state pays contributions to the second pension pillar (public contributions-based system) over three years: the sum of this public pension contribution is four per cent of the 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 old.
- 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 50 per cent of the benefit ceiling (€1,910.77). Income exceeding 50 per cent of the benefit ceiling is divided by two and deducted from the level of benefit. However, the maximum reduction of benefit is up to €584 (benefit rate).
- Fathers can take Paternity leave and/or receive additional Parental Benefit for Fathers during mother's Maternity leave or Parental leave. Otherwise, parents cannot be on leave at the same time.
- Earning income while receiving parental benefit is allowed (being on leave is not compulsory). If earnings are up to 1.5 times the average wage (in 2021 €1910.77), the parental benefit is not reduced. The amount exceeding this limit is reduced by 50 per cent. Minimum benefit of €584 is guaranteed, no matter what the amount of additional income.

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

- All working parents are eligible for Parental leave.
- Self-employed and unemployed parents are not 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 parents have the right to parental and childcare benefits.
- Fathers are eligible for parental benefit when their child has reached 70 days of age and after having used father's additional parental benefit.
- The actual caregiver of a child (i.e. if none of the above-mentioned) is eligible for Parental leave if parents do not use the leave themselves. In the case of a non-parental caregiver, they are eligible for childcare benefit, but not parental benefit.
- Same sex couples are eligible if the child is adopted by the other parent.

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

- 70 days of adoption leave per child for parents adopting a child under ten years of age at 100 per cent of average earnings, with no upper limit. Adoptive parents are eligible for Parental leave for a child under the age of three years, and qualify for parental benefit and childcare benefit.
- Same sex couples cannot adopt (as a couple).

*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 the age of 12 years, with 80 per cent of earning replacement for up to 14 calendar days per illness episode.
- Parents with a disabled 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 of age, and six days per year for a parent raising a child under three years of age, or three or more children under 14 years of age. There is a flat-rate payment, calculated based on the minimum wage, of €27.59 per day.
- Seven paid calendar days for illness of a family member.
- Five working days per year to care for a relative with a severe disability. There is a flat-rate payment based on minimum wage.
- All payments funded from general taxation.

*Flexible working*

- None.

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

- Breastfeeding mothers with a child under 18 months of age can take either one 30-minute breastfeeding break every three hours or a one-hour break per day. The state compensates the breaks 100 per cent, except for mothers who receive parental benefit for raising a child. Funded from general taxation.

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

The maximum period of post-natal leave is 36 months, with just over half of the period paid at a high rate and the remainder at a low flat-rate. According to the Social Welfare Act, municipalities are obliged to provide a place in Early Childhood Education and Care (ECEC) for all children (but there is no individual right to a place), starting from the age of 18 months (i.e. after the end of the higher paid leave period). In principle, therefore, there is no gap between the end of well-paid leave and an ECEC entitlement; however, in practice, not all municipalities are fully able to meet this obligation, and for children between 18 months and three years of age the lack of places in ECEC is an issue. Many municipalities 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 three years of age are below the average for OECD countries, but above the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

## **3.Changes in policy since April 2020 (including proposals currently under discussion)**

Starting from 1 July 2020, all fathers have a non-transferable right to receive Fathers' Additional Parental Benefit for 30 days instead of Paternity Benefit for 10 working days. Employed fathers must take Paternity leave in order to receive the benefit. Self-employed, unemployed, or non-active fathers have no right to leave, but receive the benefit.

Fathers can take this additional benefit at the same time as the mother receiving maternity benefit or parental benefit – or they may take their benefits separately. Fathers' additional 30-day benefit period is added to the total 435-day benefit period.

Parents can use parental benefit, including the fathers' additional benefit over three years.

Starting from 2022, Maternity and Parental leave will be merged into a single Parental leave and there will be a single parental benefit with non-transferable parts for the mother, for the father, and a shared part.

## **Policy response to the Covid-19 pandemic up to end April 2021**

Please also see the note in the 2020 Leave Review ([www.leavenetwork.org](http://www.leavenetwork.org))

### *Childcare and schools*

- Kindergartens remained open, however, parents were strongly recommended to keep children at home.
- All school classes switched to distance learning from 11 March 2021, contact learning remained available for students with special educational needs. Hobby groups and trainings were stopped.
- Starting from 1 March 2021, classes 5-12 switched to distance learning, contact learning was allowed for consultations.

### *Parental leave*

- The draft law, which enters into force on 1 July 2021, excludes the period of registration as unemployed from the reference period for calculating parental benefit. This provides higher benefit for parents who have lost their jobs due to the corona crisis, as time spent unemployed is not taken into account when calculating the average amount of parental benefit. This is a temporary measure valid for the calculation of parental benefit for children born between 1 January 2021 and 31 December 2023.

### *Other measures for parents and other carers*

- Free meal delivery for school children (to replace free school meals) was organised by local municipalities on conditions decided by municipalities. These conditions varied; some municipalities provided a universal delivery, while others applied a means-test.

## 4. Uptake of leave

### a. Maternity leave

No information on take up is available. In 2019, 10,778 persons received maternity benefit (10,025 persons in 2020)<sup>2</sup>. In 2019, there were 13 925 births, but there is no information on how many of these mothers were eligible to Maternity leave.

### b. Paternity leave

There are no data for the current year. Based on preliminary data of registration of births in 2018, around 54 per cent of fathers took leave, and in 2019, that rose again to 58 per cent of fathers.<sup>3</sup>

### c. Parental leave

No official statistics about the uptake of leave are collected. Information is available only on recipients of the benefit. The latest statistics from January 2021 shows that parental benefit was paid to 18,485 persons, 87.3 per cent of whom were women and 12.8 per cent men. At the end of 2019, 12.5 per cent of parental benefit recipients were men. These numbers reflect the number of recipients during the month, not dependent on the number of days the benefit is received (could be just for one day).

The share of benefit paid to fathers has increased over time from just 1-2 per cent in 2004-2006 to 7.4 per cent in 2013 and 2017.<sup>4</sup> The increase started in 2007 after fathers were allowed to take up the parental benefit right after the end of Maternity leave (when the child is 70 days old). Previously the access was limited, and they could take the benefit only after child was six months old.

However, these numbers do not reflect the level of take-up of the parental leave by fathers as leave-taking is not an eligibility condition for receiving the benefit. While working while receiving the benefit is allowed, in January 2021, 70.6 per cent of male recipients of the parental benefit (8.4 per cent of females) received simultaneously also income from work. In 2019, 57 per cent of fathers receiving parental benefit continued working during the whole period and 8 per cent worked at least for six months of the benefit period. The wage received

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<sup>2</sup> Estonian Health Insurance Fund database.

<sup>3</sup> Author's calculations using data from Statistics Estonia and Social Insurance Board.

<sup>4</sup> Author's calculations based on Social Insurance Board data.

was as an average higher than average wage in the county<sup>5</sup>. This indicates that many fathers, although receiving the benefit, are not the primary caregivers. Due to the changes in legislation that enable them to receive 150 per cent of the average wage plus parental benefit simultaneously, fathers' uptake of the benefit has increased, but they continue working and do so full time.

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

In 2016, 28 per cent of parents who received benefit for nursing a sick child under the age of 12 (i.e. care leave certificates) were men (in 2015 this was 27 per cent, and in 2014 this was 26 per cent).<sup>6</sup>

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<sup>5</sup> Source: Social Insurance Board.

<sup>6</sup> Estonian Health Insurance Fund, based on the calculations of the Ministry of Social Affairs.



# Finland<sup>1</sup>

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April 2021

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 (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 the individual's annual earnings between €9,685 and €60,225, with a lower percentage (32.5 per cent) for earnings above this level. Mothers not employed and those whose annual earnings are less than €9,685 get a minimum flat-rate allowance of €29.05 per working day (€726 per month).

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<sup>1</sup> Please cite as: Miettinen, A., Salmi, M., Närvi, J. and Lammi-Taskula, J. (2021) 'Finland country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-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.

After this initial period of leave, benefit is paid at 70 per cent of annual earnings between €12,452 and €39,144, with a lower percentage for earnings above this level (40 per cent for annual earnings up to €60,225, and 25 per cent above this). Those whose annual earnings are less than €12,452 before the birth get the minimum flat-rate allowance. In 2020, 15 per cent of mothers received the minimum allowance, increasing two percentage points from 2019.

- Mothers are permitted to work while on Maternity leave (except for the obligatory two weeks before and after the birth) but receive only the minimum flat-rate allowance for the days they work. Working on Sundays does not affect the benefit.
- Earnings-related benefits are funded by the sickness insurance scheme, financed by contributions from employers (in 2021, 48 per cent of the total cost), contributions from employees (in 2021, 40 per cent of the total cost), and the remaining 12 per cent is funded by the state. In 2021, employers pay 1.52 per cent of their total salary bill and employees pay 1.36 per cent of their taxable earnings higher than €14,816: these percentages are subject to annual change in the state budget. The minimum flat-rate allowances and 5 per cent of the benefit expenditure are funded from state taxation.
- Maternity leave accumulates the beneficiary's pension based on 121 per cent of the yearly earnings from which the leave benefit is calculated (2021). These earnings accumulate the pension at 1.5 per cent per year. For an unemployed beneficiary or a student, the pension is accumulated as if the earnings were €767.09 a month.

#### *Flexibility in use*

- None.

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

- Entitlements are based on residence: i.e. paid to all women who have lived in Finland, or who have been insured in another EU or EEA Member State, Switzerland or Israel, for at least 180 days directly 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.
- Benefits are based on annual income in the preceding 12 months regardless of length of service.

*Variation in leave due to child or family reasons (e.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 premature birth, if the pregnancy has lasted at least 154 days and ends earlier than 30 days before the due date, the mother is entitled to benefit and leave from the next day 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 briefing 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 was 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, as shown in the 2020 Labour Force Survey, 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 (applies for the whole period of Paternity leave) and funding*

- Earnings-related benefit. Benefit is paid at 70 per cent of the individual's annual earnings between €12,452 and €39,144, with a lower percentage for earnings above this level (40 per cent up to €60,225 and 25 per cent above this). Those whose annual earnings are less than €12,452 before the birth get the minimum flat-rate allowance. In 2020, 3.8 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 is the same as for Maternity leave.
- Pension is the same 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 days can be taken at most in two blocks after Parental leave. The 54 days can be taken up 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)*

- Entitlement is based on residence, just as it is for Maternity leave.
- The father must live with the child's mother to take leave. The father is entitled to Paternity benefit even if the parents do not live together, provided that the father is responsible for childcare.
- In same-sex couples, the female partner who is married, in a registered partnership, or co-habiting with the biological mother is entitled to Paternity 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 father*

- Fathers with multiple children born or adopted at the same time receive an additional 18 days (three weeks) of Paternity benefit for each additional child, with the maximum being 105 days (17.5 weeks). This extension of Paternity leave can be taken while the mother is on Maternity or Parental leave, or after the Parental leave period.
- Single mothers are entitled to Paternity benefit days added on to their Parental leave (see section 1c) Parental leave).

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

- As a result of collective agreements, approximately 80 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 at least the first six days of their Paternity leave.

### **c. Parental leave (*vanhempainvapaa/föräldraledighet*) (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, and parents can share the leave between themselves as they choose.

*Payment and funding*

- Benefit is paid at 70 per cent of the individual's annual earnings between €12,452 and €39,144, with a lower percentage for earnings above this level (40 per cent up to €60,225 and 25 per cent above this). Those whose annual earnings are less than €12,452 before the birth get the minimum flat-rate allowance.
- Parents are permitted to work while on Parental leave, but they receive only the minimum flat-rate allowance for the days they work. Working on Sundays does not affect the benefit.
- Funding is the same as for Maternity leave.
- Pension is the same 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 to 60 per cent of full-time hours and for at least 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 what the benefit is for full-time leave. To get the partial benefit, the parents must make an agreement with their employer regarding part-time work.
- Parents cannot be on leave at the same time.

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

- Entitlement is based on residence, just as it is 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 birth.

- The father must live with the child's mother in order to take leave. The father is entitled to Parental benefit even if the parents do not live together, provided that the father is responsible for childcare.
- 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 system five to 12 weeks after the birth.
- In same-sex couples, the female partner who is married, in a registered partnership, or co-habiting with the biological mother is entitled to Parental benefit.

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

- In the case of multiple births, the 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 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 subsequent child.
- The Parental benefit period for single mothers (paternity of the child is not confirmed and the mother does not have a spouse who is entitled to Paternity benefit, or the mother is a sole adoptive parent) is lengthened with 54 working days (nine weeks).

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

- Childcare leave, referred to as 'Home-care leave' (*hoitovapaa/vårdledighet*) can be taken from the end of Parental leave until a child's third birthday. This leave can be taken in two parts, the minimum length being one month. While taking leave, a parent can receive Home-care allowance (*kotihoidon tuki/hemvårdsstöd*) consisting of a basic payment of €342.95 per month, with an additional €102,67 for every other child under three years of age and €65.97 for every other pre-school child over three years of age, plus a means-tested supplement (up to €183.53 per 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 2020 was €406 per month. Home-care allowance is financed from municipal taxation with a state subsidy of 25 per cent of the costs.

- In 2020, 21 per cent of municipalities paid a municipal supplement to the Home-care allowance, most commonly in big municipalities. These supplements averaged €171 per month per child, with a range from €40 to €350.<sup>3</sup> The municipalities 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. Paying a municipal supplement has become less common: in 2014, 30 per cent of municipalities offered it.
- If a child under school age is taken care of in a private day care centre, by a private nanny, or another person employed by the family and accepted by the local authority, the family is entitled to Private day care allowance (*yksityisen hoidon tuki/privatvårdsstöd*), which is €174.59 per month per child. An addition of up to €146.82 per month per child can be paid, based on the size and income of the family. In 2020, 36 per cent of municipalities paid a municipal supplement to the private day care allowance, with a range from €84 to €783 in full-time care. The local authorities usually impose specific conditions on paying the supplement, most frequently related to the hours of private day care. In 2020, 36 per cent of municipalities offered a service voucher for private day care services, with a range from €421 to €1,210: offering vouchers has grown more popular among the municipalities during the past few years.<sup>3</sup>
- During Home-care leave, pension is accumulated as if the earnings were €767.09 per month. These earnings accumulate the pension at a rate of 1.5 per cent per year.

## e. Other employment-related measures

### *Adoption leave and pay*

- Adoptive parents of a child (under 18 years of age) are eligible for Parental leave of 233 working days starting from the day the child comes to their care, provided that the parent presents a certificate given by the adoption agency.
- Adoptive parents are entitled to Parental benefit for adoptive parents if they have lived in Finland for at least 180 days before receiving the child.
- Adoptive parents in both same- and opposite-sex couples are entitled to Parental benefit for adoptive parents.

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<sup>3</sup> Lahtinen, J. and Svartsjö, M. (2020) *Kotihoidon tuen ja yksityisen hoidon kuntalisät ja palveluseteli [Municipal supplements of homecare allowance and private care and service vouchers]*. Helsinki: Kuntaliitto.

- Adoptive fathers are eligible for the same Paternity leave as fathers having biological children. In same-sex couples, entitlement to Paternity benefit can be given to either of the adoptive parents with their agreement.
- A mother who adopts and takes care of a child on her own is entitled to Paternity benefit the same way as single mothers having biological children.
- Adoptive parents can be in full-time employment or studies during Parental leave – in which case, they receive minimum 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 of age.
- A parent who adopts a child younger than 12 months of age and is married to, and lives with, the parent of the child (intra-family adoption) is entitled to the same Paternity and Parental benefit as parents having biological children. In cases where Paternity benefit has been granted to the adoptive parent's spouse or the other biological parent of the child, the adoptive parent is not entitled to Paternity benefit.

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

- Parents of children under ten years of age 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 in order to care for a family member or other close person, the employer must try to organise work so that the employee can be absent for a fixed time period.
- The employer and the employee agree on the length of leave and other arrangements. Return to work must be agreed upon between the employer and the employee prior to the leave commencing. If an agreement cannot be reached, the employee can, with reasonable grounds, interrupt the leave by announcing this to the employer one month before their return at the latest. The employee must account for the grounds of the absence and for interrupting it, if the employer requests 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 they must engage in the hospital care of a child under the age of seven, a severely ill child between the ages of seven and 15, or in the rehabilitation of a child under the age of 16.
  - because they provide home care for a severely ill child under the age of 16, when home care is in connection to hospital care.
  - because they must 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 to be 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 €12,452 and €39,144, with a lower percentage (40 per cent for annual earnings up to €60,225, and 25 per cent above this) for earnings above this level. Employees whose annual earnings are less than €12,452 get a minimum flat-rate allowance of €29.05 per working day (€726 per month). The allowance is paid for at maximum for 60 working days for hospital care or rehabilitation of the same illness and for 60 working days for home care.
- Receiving the allowance does not entitle the beneficiary to a leave of absence from work.

### *Flexible working*

- Parents can work reduced working hours (Partial Childcare leave, *osittainen hoitovapaa/partiell vårdledighet*) from the end of Parental leave until the end of the child's second year at school. The employee is entitled to Partial Childcare leave if they have 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 only refuse if the reduced working hours would lead to serious disadvantages for the organisation – in which case, working hours must be a maximum of 30 hours per week. Both parents can take Partial Childcare leave during the same period, but cannot take leave during the same hours of the day.
- Parents of children under three years of age are entitled to Flexible Care allowance (*joustava hoitoraha/flexibel vårdpenning*) if, after taking Parental leave, they work less than 80 per cent of the

normal full-time hours in their respective field. The Flexible Care allowance is €162.98 per month if the weekly working hours are no more than 30 hours, or 80 per cent of the normal full-time hours, and €244.47 per 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 during different hours of the day or different days of the week. Parents can receive Flexible Care allowance even if the child attends municipal ECEC. Flexible 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.

- Employees taking Partial Childcare leave during the child's first and second year at school are entitled to Partial Home-care allowance (*osittainen hoitoraha*) of €98.21 per 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. Breastfeeding leave is not considered necessary, as Maternity leave and Parental leave last until the child is nine to ten months old.

#### *Compensation for employers for indirect leave costs*

- Since 1 April 2017 employers have been able to claim a compensation for indirect leave costs such as finding and training a replacement for a female employee taking Maternity leave. The compensation is available to employers who pay full-time employees a salary during at least one month of their Maternity leave. A prerequisite for family leave compensation is that the employee must have at least three months' service before the Maternity leave or, in the case of an adoptive mother, before the Parental leave, and that the employment must last at least one year. The amount of the lump-sum compensation is €2,500. In 2020, the Social Insurance Institution (Kela) paid compensation to over 4,100 employers for almost 19,400 mothers; this is less than half of the mothers taking Maternity leave in 2020.

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

The maximum period of paid post-natal leave is 36 months (including low paid Home-care leave). The maximum period of highly paid leave is 11.5 months after birth. As there is an entitlement to Early Childhood

Education and Care (ECEC) from the end of Parental leave, there is no gap between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for children under three years of age are about the average for the countries included in this review and for OECD countries; however, they are below average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

Since January 2020, the calculation of earnings-related Maternity/Paternity/Parental leave benefits is based on annual income, where the reference period is 12 calendar months prior to the month that precedes the start of the entitlement to benefit. Previously the benefit was calculated on the basis of income confirmed in taxation, which meant that the lag between childbirth and the reference year was one to two years. The reform was an improvement in that now all increases in income are taken into account when previously a mother/father could request the benefit to be calculated on the preceding income only if it was at least 20 per cent higher than income confirmed in taxation. The reform benefited particularly those with stable employment whereas those who face periods of unemployment during the 12 months' reference period may receive smaller benefit than before the reform<sup>4</sup>.

During the period 2016 to 2020 the entitlement to ECEC was restricted to 20 hours per week unless both parents worked or studied full time. This restriction was abolished in August 2020, after which full-day ECEC continued to be provided to all children/families irrespective of parents' employment status.

The government (a coalition of Social Democrats, Centre Party, the Greens, the Left Alliance and the Swedish People's Party), presented their legislative proposal for the Parental leave reform in February 2021. The main features of the proposal are the same as in the reform plan

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<sup>4</sup> Räsänen, T., Miettinen, A., Saarikallio-Torp, M. (2020) 'Vanhempainpäivärahan määrä lasketaan uudella tavalla – muutos heikentää lomautettujen ja työttömien tilannetta' ['The reform in calculation of parental leave benefits worsens the situation of unemployed persons'], *Kelan tutkimusblogi* [Social Insurance Institution, Research Blog] 22.5.2020.

presented in 2020 but it also includes some alterations as well as specifications to flexible use of leave.

In the proposed scheme, a gender neutral Parental benefit/leave will replace the present Maternity, Paternity and Parental benefits/leaves. The new Parental leave is divided symmetrically between the parents such that each parent gets 6.4 months of leave (160 working days, six days = a week). Of these each parent can transfer 2.5 months (63 working days) to the other parent. Thus, the non-transferable quota for each parent is 3.9 months (97 working days). On top of this, the pregnant parent is entitled to 40 Pregnancy leave days before the birth of the child. All in all, the number of leave days with an earnings-based benefit would be 360, or 14.4 months, which is 1.7 months (43 working days) longer than the current leave. The number of leave days available after the child is born would be 320, or 12.8 months (cf. 11.5 months at present). Despite the gender neutral terminology, to improve gender equality the extra 43 days are added to the father's non-transferable quota which increases from the present 2.2 months to 3.9 months. In case the father only uses his non-transferable quota days, or does not use any leave, the mother still has nearly the same number of Parental leave days after the child is born as before the reform (233): she can use her own 160 quota days plus the 63 days the father transfers to her, and she also always gets the 40 Pregnancy leave days even if the baby is born before the due date. Fathers are encouraged to use their Parental leave days with a higher benefit (90 per cent of previous earnings) for the first 16 leave days also for fathers whereas in the present scheme a higher benefit is paid only to mothers during the first 56 days of Maternity leave. In the reform mothers receive the higher benefit for the first 16 Parental leave days as well as for the 40 Pregnancy leave days, so their leave days with a higher benefit remain the same as before.

Flexibility of benefit use is improved in several ways. Both parents can use Parental benefit days until the child turns two. Transferable quota days can be used also by the parent's spouse who is not the biological parent of the child. Flexibility of benefit use is also improved with a possibility to use the benefit days in as many and as long blocks as the parent wishes. However, for parents with an employment contract the number of leave blocks is restricted to four and the minimum length of a block is 12 days, but the employee and the employer can also agree on more and shorter blocks. Parental benefit days can also be taken on a part-time basis but even these options are more limited for parents with an employment contract. The Homecare allowance remains intact but it can be paid already after 160 Parental benefit days have been used; this is to enable alternating use of Home-care allowance and Parental leave in case one parent (in practice the father) uses his Parental leave days later and not right after the other parent (the mother) has used her quota days. The proposal also includes some alterations to ECEC regulations. The child's entitlement to ECEC would

start when s/he turns nine months. If a parent takes part of her/his Parental leave days after the child has started in ECEC, the child is entitled to return to the same daycare centre if the leave is not longer than 13 weeks.

The costs of the new scheme are estimated to be 78 million euros. This would mean a nine per cent rise to the leave costs in 2019 (886 million euros). However, due to the decreasing number of children born annually, the leave costs have dropped 15 per cent from 2015 to 2019. Also, as today 25 per cent of fathers do not use any leave, and only six per cent of fathers use leave beyond the quota days, the rise of the costs would take place gradually during a long period of time.

Generally, the Parental leave reform proposal was greeted positively as a step in the right direction but the employers' central organisation wants to abolish the possibility to transfer quota days between parents and shorten the Home-care allowance period to last only until the child is 18 months old. The employees' central organisations greeted positively the improved gender equality and equity between diverse families as well as improved flexibility but considered employees' possibilities for flexible leave use and part-time leave options too limited. They also criticized the proposal for not including changes in the Home-care allowance scheme. The proposal was sent to a comment round where altogether 72 organisations gave their comments. Several commentators, especially those representing entrepreneurs and employers, doubted that the proposal would increase fathers' take-up of leave as a parent can transfer a considerable share of his/her leave days to the other parent; this is considered to maintain the present gendered division of leave take-up. Some organisations suggested that this problem should be solved by a clearly longer leave period with longer non-transferable quotas. A more ambitious reform was suggested especially by organisations working with women's and child policy issues. Several organisations also demanded modifications of regulations related to the entitlements for diverse families such that their position is not weakened and all parents have equal opportunities to take Parental leave. The Ombudsman for Equality pointed out that the proposal requires further preparation and needs to be more thoroughly evaluated as to the effects on gender equality and the position of diverse families. The Ombudsman also judged it to be very unfortunate that the relationship between regulations in the Health Insurance Act and in the Act on Employment Contracts is not evaluated in the proposal. This problem was also raised by many organisations, especially related to flexibility of leave take-up and how daily part-time work would affect leave benefits. After the comment round the government decided to make some alterations to the legislative proposal related to regulations on the entitlements for diverse families and on unequal effects of daily part-time work on leave benefits. The proposal

will be presented to the parliament in September 2021, and the new leave scheme is intended to come into effect in August 2022.

## **Policy responses to the Covid-19 pandemic to end April 2021**

### *Childcare and schools*

- ECEC services have been available for all children who need them. The government recommended, however, that children regardless of age stay at home where possible for a period of two months between 18 March to 13 May 2020. About three out of four children did so while many parents were working from home. 'Key workers' were not defined in relation to ECEC.
- The remaining small ECEC groups were combined and personnel were temporarily laid off or transferred to other tasks. There was no obligation for providing education for the children who stayed at home, but many municipalities have been in contact with the families and provided materials for children. Some have also organized outdoor activities so parents can have some time for their distance work.
- Comprehensive schools (for age groups 7-16 years) and secondary schools (age group 17+) were partly closed for a period of two months between 18 March to 13 May 2020, and most children (of all ages) stayed at home. During the school closure, schools provided distance education. Children on classes 1-3 (age 7 to 9) and children with special needs were allowed to attend school, but it was recommended that they stay at home if possible. 'Key workers' were defined in a detailed list, including e.g. health care personnel, teachers, police, traffic personnel, food production and distribution, and public sector management. The list was however not applied in relation to school closure.
- During the autumn term 2021, comprehensive and secondary school students (age group 13-18) have been temporarily in distance education according to the local COVID situation.

### *Parental leave*

- There were no modifications to Parental leave.

### *Other measures for parents and other carers*

- A special, temporary childcare benefit was introduced for parents to cover the loss of earnings if they took an unpaid leave from work in order to take care of their children at home during the state of emergency. The benefit was paid to parents who took care of a child at home who normally would be in day care/ECEC,

preschool or school (grades 1–3, or children with special needs). Parents, or spouses living in the same household, were eligible, if they had an effective employment contract in Finland (self-employed persons or entrepreneurs were not eligible). The benefit level was the same as the minimum parental benefit (€723.50 per month). The benefit was paid between 16 March to 13 May 2020.

## 4. Uptake of leave

### a. Maternity leave

Almost all mothers use the leave. Two weeks of leave before the birth and two weeks after the birth are obligatory. Very few mothers entitled to Maternity leave work during the leave period.

### b. Paternity leave<sup>5</sup>

Since 2013, Paternity leave of nine weeks includes one to 18 days of leave which can be taken while the mother is on Maternity or Parental leave, and the remaining 36 days which are to be taken after the Parental leave. Statistics allow for a different review of the uptake of these two different types of Paternity leave.

A majority of fathers take the one to 18 days of Paternity leave. In 2019, 85 per cent of fathers took this leave<sup>6</sup>. This percentage describes the uptake on an annual basis, counted as the proportion of the Parental benefit periods that started in the respective year. In a Kela study based on fathers' leave uptake on children's birth cohort basis, the percentages are lower. Until 2013, the proportion of fathers taking the 18-days Paternity leave was 70 to 75 per cent, but has dropped since then, and only 69 per cent of fathers of children born from 2015 onwards took this leave.<sup>7</sup> Differences in data based on annual statistics and cohort-based analysis are mainly due to the possibility to take Paternity leave until the child turns two. This means that annual statistics for leave take-up in 2019 can include fathers whose child is born in 2017, 2018 or 2019. Since 2010, as the number of children born has decreased considerably year after year, and a significant number of fathers has postponed take-up of Paternity leave,

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<sup>5</sup> One to 18 days which can be taken while the mother is on leave.

<sup>6</sup> *Statistical Yearbook of the Social Insurance Institution 2019*. Helsinki: Kela 2020.

<sup>7</sup> Saarikallio-Torp, M. and Miettinen, A. (2020) 'Isälle kiintiöidyn vanhempainvapaan käyttö ja sen taustatekijät' [Trends and socioeconomic determinants in the use of father's quota ], *Yhteiskuntapolitiikka* 85(4).

the annual share of fathers using Paternity leave becomes too high. However, with this precaution, we present this data to give a rough picture of the development of leave take-up, as cohort-based data is not available for earlier years.

Since 2008, the average length of the leave taken while the mother is on Maternity or Parental leave has been 15 working days.

The reasons for not taking the short Paternity leave are most often the father's work situation, the family finances, or the father not being in work.<sup>8 9</sup>

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

The 158 days of Parental leave is mostly taken by mothers. Almost all mothers take Parental leave, whereas only a small and slowly growing share of fathers has taken Parental leave<sup>8</sup>. In 2019, six per cent of fathers took parental leave on an annual basis. Fewer than four per cent of mothers are working to any extent during their leave period.

The popularity of the fathers' individual leave increased gradually since its introduction in 2003. Before the 2013 reform, in 2012, on an annual basis about 30 per cent of fathers took this leave, then called fathers' month (Paternity leave to be taken after Parental leave). In 2019, the share had doubled to 62 per cent on an annual basis. However, looking at the cohort of children born in 2013, 45 per cent of fathers took Paternity leave after Parental leave period before the child turned two. Since then the share has remained the same. The average length of leave taken by fathers after Parental leave has risen from 24 days in the 2006 cohort to 31 days in the 2016 cohort.<sup>7</sup>

Since 2013, it has been possible to postpone taking Paternity leave until the child turns two years of age. Analysis of the uptake statistics suggests that a shift towards leave uptake nearer the child's second birthday is taking place.<sup>7</sup> The THL study in 2017 based on survey data indicated that for most fathers (71 per cent), the possibility to postpone uptake was important for their taking of the leave, and for a third it was a decisive factor.<sup>9</sup>

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<sup>8</sup> Lammi-Taskula, J., Salmi, M. and Närvi, J. (2017) 'Isien perhevapaat' ['Fathers on family leave,'], in Salmi, M. and Närvi, J. (eds.) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017. Helsinki: THL.

<sup>9</sup> Närvi, J. (2018) *Isä hoitaa – vai hoitaako? (Daddy takes care – or does he?)*. Working paper 1/2018. Helsinki: THL.



Statistics indicate that one in four fathers do not take either Paternity or Parental leave, not even the one to 18 days' leave while the mother is on leave. In the cohort-based analysis, the proportion of non-users was 29 per cent in 2006, decreasing gradually to 25 per cent in the 2016 cohort.<sup>7</sup>

Although the fathers' individual leave, the part of Paternity leave to be taken after Parental leave (the 'fathers' month' before 2013), has become more and more popular, its contribution towards actually equalising parental responsibilities is still called into question: in every third family, in 2016, the mother stayed at home during all of the father's Paternity leave weeks, because she planned to continue to care for the child at home (supported by the Home-care allowance), and because the father had to take his leave before the child's second birthday.<sup>9</sup> However, before the extension of the time limit for taking leave (the 'fathers' month' was to be taken within six months of the end of the Parental leave until 2013), the majority of mothers stayed at home during this leave; with more flexibility in the use of the Paternity leave, more mothers have returned to work before the father takes his leave, which has directly increased fathers' individual care responsibility.<sup>8</sup>

According to the two THL studies and Kela's study, men over the age 30, men with a good income, and men whose partners have a good income (as well as the fathers of first-born children) were more likely to take the 'fathers' month' or the longer Paternity leave.<sup>7 8 9</sup> In families where the mother had been employed before the child was born, the mother's high socio-economic status also increased the likelihood of the father taking the longer leave. This likelihood was halved if the father held the view that men were mainly responsible for the family's income, or if the father had recently experienced unemployment. The most common reasons that fathers gave for not taking the longer part of Paternity leave (or the 'fathers' month') were that they thought the family's finances did not allow it, or that their spouse was taking care of the child supported by the Home-care allowance (this is for the cohort of fathers with children born in 2011 or 2013). The spouse not having a job also hindered fathers from taking their leave quota. Work-related obstacles were also mentioned quite often. Highly educated fathers stated that they tended not take the longer leave because of work pressure or the nature of their work, while blue-collar workers more often cited family finances as their reason for not taking leave. However, family finances were mentioned more often than work-related reasons, even by highly educated fathers. Very few fathers mentioned negative attitudes at their workplace as an obstacle, but instead considered their own long absence from work as too difficult to justify taking. This was related to the distribution of their work during fathers' leave: fathers reported that a substitute was seldom hired, and work tasks were most commonly shared between fellow workers or, among white-collar

employees, were left to be taken care of by the father himself despite taking leave, which made fathers hesitate to use the possibility of taking leave for longer than a few weeks.<sup>8 9</sup>

In the THL's study in 2017, five per cent of fathers took Parental leave. The average length of fathers' Parental leave was 58 working days. Fathers with children born in 2011 were more likely to share the Parental leave with the mother if they were over 30 years of age and the fathers of first-born children. The spouse's higher education level had a significant – if small – effect on the likelihood of fathers sharing the Parental leave. Fathers with children born in 2013 more commonly took Parental leave if their spouse had a higher education level and income, especially if the father himself was not highly educated.<sup>8 9</sup>

The spouse's education level was significantly related to fathers' parental leave also in a survey in 2016 with parents of one-year-old children living in ten different municipalities<sup>10</sup>. In addition, parental leave was more often taken by fathers in regular day jobs than in shift work. Entrepreneurs and managers took less often parental leave. Aspects related to motivation were however more important than socioeconomic background: the main motivation for fathers' take-up of parental leave was the desire to spend time with the child, as well as to take a break from working life and support the mother's return to employment or studies.

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 gradually to 120 parents (60 couples) in 2010. This means that fewer than 0.1 per cent of families with a new-born child used the new arrangement in its first seven years. The use has not increased subsequently; 40 to 70 couples used it per year between 2010 and 2017, and 105 couples used it in 2020.<sup>11</sup>

While statistics and research indicate that, during the past ten years, more and more fathers have taken the longer Paternity leave (and 'fathers' month' before that), the leave takers still tend to more often be men with a high level of education and a good position in their working life, especially men whose spouses have a high level of education and a good position in their own working life. Recent research clearly points to the importance of developing the leave schemes towards longer quotas for fathers. At the same time, research shows that workplace practices in organising work during fathers' leave, as well as gendered ways of perceiving only the ear-marked leave as father's

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<sup>10</sup> Eerola, P. et al. (2019) 'Fathers' leave take-up in Finland: Motivations and barriers in a complex Nordic leave scheme'. SAGE Open. Available at: <https://doi.org/10.1177/2158244019885389>

<sup>11</sup> See [www.kela.fi/kelasto](http://www.kela.fi/kelasto) [Parental allowances].

leave, play an important role in how fathers – in practice – consider themselves entitled to Parental leave.

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

Almost all families (86 per cent in 2019<sup>12</sup>) took advantage of the Home-care allowance (HCA) at least for some time after Parental leave. Since 2006, statistics are available regarding its use by parents, showing that HCA is used almost entirely by mothers. Only 6 to 9 per cent of the recipients of HCA per year (2006-2020) have been men. In 2020, 7.9 per cent of the recipients of HCA were men. In 97 per cent of all families receiving HCA, one of the parents takes care of the child and in 96 per cent of these cases, this is the mother.<sup>12</sup>

In the long run, HCA has become less popular; the proportion of children aged zero to two years taken care of at home supported by HCA has dropped from 58 per cent in 2000 to 42 per cent in 2019<sup>12</sup>. The overall decreasing popularity matches the growing proportion of young children attending childcare services from 2000 to 2019: while the proportion of children under the age of one in these services has dropped to less than one per cent, the proportion of children aged one has risen to 37 per cent (and children aged two to 69 per cent).<sup>13</sup>

The debate on possible cuts to the HCA period in 2013–2014 (see country note 2015), and again in 2018–2019 led to calculations on how many two-year-olds and their siblings are taken care of at home supported by HCA. In 2019, 23 per cent of all two-year-olds were taken care of at home on HCA, a clear reduction from the beginning of 2010s, when about a third of all two-year-olds were at home care. Among children aged three to six years, five per cent were at home care in 2019 (10 per cent in early 2010s).<sup>12</sup>

Annual statistics also enable an assessment of uptake periods of HCA. In families receiving this allowance at some point before their child turns three years of age,<sup>14</sup> periods taken have divided rather evenly: in 2019, 30 per cent took fewer than seven months; 29 per cent took between seven and 12 months; 29 per cent took between 13 and 24 months; and 12 per cent took longer than 24 months (the maximum length being 26 to 27 months)<sup>12</sup>. However, the proportion taking the longest period of leave has declined from 25 per cent (2003) to 12 per cent (2019),

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<sup>12</sup> See [www.kela.fi/kelasto](http://www.kela.fi/kelasto) [Child care subsidies] and *Statistical Yearbook of the Social Insurance Institution 2019*.

<sup>13</sup> Säkkinen, S. and Kuoppala, T. (2020) *Varhaiskasvatus 2019 [Early childhood education 2019]* Helsinki: THL Statistical Report 33/2020.

<sup>14</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 to 3 per cent of all recipients.

while the proportion taking the shortest periods rose from 26 to 30 per cent.<sup>12</sup> In the long run, from cohorts of children born 2007 to 2015, the median lengths of HCA periods have decreased from 16 months to 13 months, and the proportion of mothers using HCA for 15 months or more has decreased from 48 per cent to 39 per cent.<sup>15</sup> The recent decline in the uptake of HCA likely reflects the improving labour market situation.

The proportion of fathers taking HCA has remained low. The (few) male recipients of HCA took much more often the shortest periods than their female counterparts (70 per cent in 2019), and of all men taking HCA, 11 per cent took it for more than 12 months.<sup>12</sup> The THL family leave 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.<sup>8</sup>

According to surveys in 2013 and 2016, the main obstacle for fathers' take-up of Home-care leave with HCA was family finances, which more than half of the surveyed fathers said hindered them from taking Childcare leave. Other common reasons for not taking the leave (cited by a fifth to a third of fathers) were that their spouse did not have a job, that the father did not consider taking the leave to be necessary, and that the child started at day care. Work-related reasons such as the nature of their work or work pressure were mentioned by only one in six or one in five fathers.<sup>8 9</sup>

Mothers' take-up of child-care leave or HCA is related to the mothers' education and position in the labour market. According to the THL family leave study of parents with a child born in 2011, a mother with a two-year-old youngest child was more likely to be in paid work if she was: employed before the child was born, had a high-income level, had a high level of education, and had a permanent contract when the child was born. A mother was more likely to be still at home with a two-year-old if she was: a blue-collar worker, had a low level of education, had a low-income level before the child was born, and if she had three or more children. Of the mothers who were still at home with a two-year-old youngest child, less than half had a job waiting for them and half did not have an employment contract.<sup>16</sup> Further analysis indicated that of the mothers without an employment contract, almost a third had no education after basic school; a third had vocational education, and a

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<sup>15</sup> Calculations by Anneli Miettinen and Miia Saarikallio-Torp, Social Insurance Institution.

<sup>16</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, Helsinki: THL.

third had more than vocational education.<sup>17</sup> Recent statistics show that education is crucial for employability and there are major differences in the share of employed mothers according to their level of education. In 2018, 65 per cent of highly educated mothers with a one to two year old child had returned to paid employment, compared to only 21 per cent of mothers with no secondary education.<sup>18</sup>

A study using Kela's register data on mothers of children born 2001–2009 also found that mothers who were highly educated and had a more secure labour market position pre-childbirth returned to employment more quickly.<sup>19</sup> Further analyses also showed that of all first-time mothers, 29 per cent continued to a new parental leave for the second child directly from HCA. Thus, less than a third of mothers were combining subsequent parental leave periods with HCA-periods and staying at home continuously for several years. This pattern was more common among mothers who were in a weaker labour market position before the birth of the children.<sup>20</sup>

The THL family leave study also showed that when mothers' individual motivations for relying on HCA were analysed, a traditional view on a mother's place being at home as well as mistrust on the quality of day care services increased, together with the factors related to education and position in the labour market, the likelihood of the mother still being at home with the two-year-old.<sup>16</sup>

The Flexible Care allowance, available from the beginning of 2014, seems to be much more popular than the previous Partial Care allowance for children under the age of three (see Country note 2018). During 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 children under the age of three were taken care of supported by the Partial Care allowance. The popularity of the new part-time leave arrangement has gradually increased and in 2020, 18,605 families received Flexible Care allowance, although the proportion of children under three years old being taken care of by this allowance is low, about six per cent. Flexible Care allowance has been more popular among highly educated mothers and those whose spouse has high income level, although, compared to

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<sup>17</sup> Salmi, M. and Närvi, J. (2019) *The Finnish family leave reform in the light of research: the rise and fall of a reform 2017–2018*. Paper presented at the conference Towards Resilient Welfare States, Helsinki 14–15 March 2019.

<sup>18</sup> Statistics Finland, Labour force study, Families and Work 2018.

<sup>19</sup> Räsänen, T., Österbacka, E., Valaste, M. and Haataja, A. (2019). *Lastenhoidon tukien vaikutus äitien osallistumiseen työmarkkinoille [The effect of child care subsidies on mothers' labour market participation]*, *Social security and health reports 14*. Helsinki: Kela.

<sup>20</sup> Räsänen, T., Miettinen, A. and Saarikallio-Torp M. (2020). 'Äidin työmarkkina-asema ja lasten kotihoidon pituus' [Mother's labour market status and children's home care], *Talous ja Yhteiskunta* 1/2020.

the previous Partial Care allowance with a lower benefit, the new allowance has increased the take-up also among mothers with lower education levels<sup>21</sup>. One in ten recipients of the Flexible Care allowance were fathers.<sup>12</sup>

In 2018, one in four mothers with children aged 1–2 worked part-time.<sup>18</sup> The THL family leave study showed that of mothers with two-year-olds who had returned to employment, 28 per cent worked part-time in 2013. A third of mothers still at home with their 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 finances, but part-time work was also considered unsuitable either because it would be difficult to arrange or because the mother thought she would have the same workload, but with less time and less pay.<sup>22</sup> The Partial Childcare leave was used or planned mostly by mothers who had a valid employment contract before the child was born.<sup>23</sup>

In 2020, Partial Home-care allowance during the child's first and second years at school was used by 16,168 families, to take care of seven per cent of children seven and eight years of age. Nine per cent of the recipients of Partial Home-care allowance were men.<sup>12</sup>

The use of the Private Day Care allowance for children under the age of three is relatively rare. Altogether 14,608 families received Private Day Care allowance in 2020 for children aged zero to seven years. Two per cent of one-year-olds and two-year-olds were taken care of supported by this allowance in 2019.<sup>12</sup>

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 find employment, especially for women with a low level of education – however, the values

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<sup>21</sup> Pekkarinen, T. and Tuomala, J. (2019) 'Joustavan hoitorahan työllisyysvaikutusten arviointi' ['An assesment of the effects of the Flexible care allowance on employment']. *Valtioneuvoston selvitys- ja tutkimustoiminnan julkaisusarja 2019:46*. Helsinki: Valtioneuvoston kanslia.

<sup>22</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, 2: 206–215. See also: [www.leavenetwork.org](http://www.leavenetwork.org) –> Annual seminar 2015 –> Presentations.

<sup>23</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 M. Salmi and J. Närvi (eds) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo [Family leave, economic crisis and gender equality]*. Raportti 4/2017, Helsinki: THL.

and attitudes of the mother also 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 (i.e., 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 fewer 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 to be reliant on the Home-care allowance. The HCA, therefore, has partly become an income source for unemployed women, even if it is lower than the basic unemployment benefit, while also functioning as an alternative to the use of childcare services for parents with an employment contract. It also serves as an alternative to unemployment, making room for mothers who identify strongly with the role of mothers as caregivers, instead of the less socially-valued identity of the unemployed.

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

There are no annual statistics available on the uptake of temporary childcare leave to care for an ill child. In the Quality of Work Life Survey (2018),<sup>24</sup> 72 per cent of employed mothers and 61 per cent of employed fathers with children under ten years of age had taken temporary childcare leave during the past 12 months – this is compared to 67 per cent of mothers and 52 per cent of fathers in 2013. In families where both parents have full-time employment, 76 per cent of mothers and 69 per cent of fathers have taken temporary childcare leave, compared to 71 per cent of mothers and 60 per cent of fathers in 2013. Although mothers still take temporary childcare leave more often than fathers, the gender gap has decreased over the past years.

In the THL family leave study, 77 per cent of mothers of two-year-olds who had returned to work, and 54 per cent 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 an ill child. 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 2006, when only ten per cent of mothers and 12 per cent of fathers did so. The increasing use of mobile technology, allowing for

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<sup>24</sup> Sutela, H., Pärnänen, A. and Keyriläinen, M. (2019) *Digiajan työelämä – Työolotutkimuksen tuloksia 1977–2018 [Working conditions Surveys 1977–2018.]* Helsinki: Statistics Finland.

remote working, more prevalent in many workplaces could potentially explain this change.<sup>25</sup>

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<sup>25</sup> Närvi, J. (2017) 'Perhevapaat työpaikoilla ja työelämässä' ['Family leave at workplaces and in working life'], in M. Salmi and J. Närvi (eds.) *Perhevapaat, talouskriisi ja sukupuolten tasa-arvo* [Family leave, economic crisis and gender equality]. Raportti 4/2017, Helsinki: THL.



# France<sup>1</sup>

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April 2021

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)*

- Sixteen weeks (26 weeks if the pregnant mother already has two children and 34 weeks if the woman is expecting twins): at least two weeks before the birth, the remainder can be taken before or after. It is obligatory to take all the leave.

*Payment and funding*

- Hundred per cent of earnings, up to a ceiling of €3,428 per 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

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<sup>1</sup> Please cite as Boyer, D. and Fagnani, J. (2021) 'France country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-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

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*

- Fourteen weeks can be taken before or after birth

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

- All employees and self-employed workers. There is some length of service conditionality for the self-employed (to have been working for at least ten months).
- Leave is available for same sex parenting couples for the person giving birth.

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

- 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*

- 14 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.

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expenditures devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

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

- All employees and self-employed workers. There is some length of service conditionality for the self-employed (to have been working for at least ten months).
- Leave is available for same sex parenting couples.

**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. It is possible for them to take leave simultaneously.

*Payment and funding*

- A childcare allowance or childrearing benefit - 'PreParE' (*'Prestation partagée d'éducation de l'enfant'*) - is paid to all parents and is income-related and dependent on whether the recipient works and, if so, for how long. The basic benefit is €398.40 per month if not working; €257.55 per month if working less than half of full-time hours; and €148.56 per month if working 50 to 80 per cent of full time hours; a supplementary means-tested allowance, *Allocation de base*, is paid to lower income parents, depending upon the size of the family and paid either at a full rate (€171,23) or at a part-rate (€85,61).
- For parents with *a single child*, *PreParE* is paid for six months per parent after the end of the Maternity leave, i.e. to a maximum period of 12 months if both parents claim benefit, which can only be received if the parent receiving the benefit stops employment or reduces working hours. For parents with *two or more children* (under 20 years of age), *PreParE* can be paid until a child is three years old, but only 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 if he/she stops employment or reduces working hours.
- *PreParE* is 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' (AYPF) (see <http://www.caf.fr/aides-et-services/s-informer-sur-les-aides/petite-enfance/assurance-vieillesse-du-parent-au-foyer-avpf>). 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 person with a disability. This allowance is means-tested.

#### *Flexibility in use*

- Parents taking leave may work between 16 and 32 hours per week.
- Parents can take part-time Parental leave simultaneously and receive benefit at the same time from the *PreParE*, but the total amount of payment cannot exceed €398 Euros (unless eligible for the *Allocation de base*).

#### *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 *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.
- Leave is available to same sex parenting 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)*

- 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 year 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 €43.83 per day if one parent stops work completely; and €52.08 for a lone parent. A similar period of leave is possible for employees who need to care for a relative at the end of life, either a child or a parent living in the same house.

### *Flexible working*

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

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

The maximum period of post-natal leave is three years, but most of this is low paid; leave paid at a high rate lasts for less than four months. There is an entitlement to Early Childhood Education and Care (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'. There is no gap, therefore, between the end of 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.

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' in the cross-national tables at the front of the review.

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

Paternity leave will be extended to 28 working days from 1 July 2021.

### **Policy response to the Covid-19 pandemic up to end March 2021**

#### *Childcare and schools*

- Temporary additional funding has been provided to childcare centres and childminders who provide for children aged below 36 months to compensate for their loss of income due to lower attendance.

#### *Parental leave*

- Parents had access to regular leave options. There were no modifications to Parental leave. Parents were not specifically supported in using these regular leave options during school/childcare closures.

### *Other measures for parents and other carers*

- Since the beginning of the pandemic, the government has been strongly encouraging companies and private firms to implement teleworking for all employees who are able to work from home.

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

### **a. Maternity leave**

Almost all mothers take up Maternity leave, a period of which is obligatory, although the length of leave taken varies, with women in higher status employment taking less leave.

### **b. Paternity leave**

95 per cent of fathers on Paternity leave take all 11 days (HCFEA, 2019, see footnote 3). Around two-thirds (67 per cent) of eligible fathers have taken leave in 2016.

### **c. Parental leave and childrearing benefit (*PreParE*)**

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 (essentially *PreParE*) provided by the National Family Allowance Fund, and it is not possible to find out how many recipients are also on Parental leave.

In 2019, 273,100 families received a childcare allowance (*PreParE*). Research provides evidence that women make up 98 to 99 per cent of parents taking leave, and there has been little change since the introduction of *PreParE*; in June 2019 only 6.2 per cent of benefit recipients were men (among them the majority worked part-time). Research also suggests that mothers who were in employment just before taking Maternity leave are more likely to claim *PreParE* if they are entitled to Parental leave because they have a job guarantee (Labour Code). 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.

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.

According to the ONAPE (2020)<sup>3</sup>, the number of mothers and fathers receiving the *PreParE* (not working at all or working on a part time basis) has been decreasing, a decrease of 5.8 per cent between 2018 and 2019. Among the mothers receiving the *PreParE*, 54 per cent were stopping their work, 46 per cent worked part-time. Among the father beneficiaries only 25 per cent were stopping their work.

This strong segmentation as far as the behaviour of mothers with young children is concerned is partly the result of the inconsistencies between the Parental leave scheme (part of employment legislation detailed in the Labour code) and the allowance provided under strict eligibility conditions by the Social Security.

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<sup>3</sup> Observatoire National de la Petite Enfance (2020) *L'accueil du jeune enfant en 2019*, Paris: CNAF. Available at:  
[http://www.caf.fr/sites/default/files/cnaf/Documents/Dser/observatoire\\_petite\\_enfance/31448%20CNAF%20ACCUEIL%20ENFANT%202019\\_exe\\_BD.pdf](http://www.caf.fr/sites/default/files/cnaf/Documents/Dser/observatoire_petite_enfance/31448%20CNAF%20ACCUEIL%20ENFANT%202019_exe_BD.pdf)



# Germany<sup>1</sup>

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April 2021

N.B. Germany 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

**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' refer to Parental leave benefits

### 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 the birth.
- From week twelve of pregnancy until four months after the birth of a child (including stillbirths), mothers are protected from job dismissal.

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<sup>1</sup> Please cite as: Reimer, T., Blum, S., Erler, D. and Schober, P. (2021) 'Germany country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

- Beyond the Maternity leave period, pregnant women are also protected from dismissal, workplace hazards and – in the case of asylum seekers – from deportation.

#### *Payment and funding*

- 100 per cent of earnings (of the mean income in the three months before Maternity leave), with no upper limit on payments.
- Maternity leave benefits (*Mutterschaftsgeld*) are usually paid by the mother's health insurance (€13 per day)<sup>2</sup> 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. The benefits are paid direct to the mother by the employer, who can apply for reimbursement at the responsible health insurance institution.
- 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.
- Self-employed and non-employed women receive no Maternity leave benefit if they have no public health insurance. However, they may apply for up to €210 per month paid for by state social security.

#### *Flexibility in use*

- Women may continue with paid work or education until the birth of a child, if they explicitly declare that it is their personal decision to do so. During the period of Maternity leave after the birth, however, in general, no paid work is allowed for reasons of health protection. Only women who have had a stillbirth may continue after two weeks if it is their personal decision and if there are no medical concerns.

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

- The following are eligible (after meeting the requirement of residency or an employment contract in Germany):
  - All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €450 per month)

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<sup>2</sup> Since 2006, employers have had to pay a contribution to the mother's health insurance, amounting to approximately 0.2 per cent (the particular amount is assigned by the health insurance) of the gross pay of their female workers (*Umlageverfahren 2*).

- Students and pupils
- Female voluntary workers (voluntary social/ecological year)
- Self-employed women
- Asylum seekers
- Students, pupils, women in voluntary work, self-employed women, and asylum seekers receive (only when secured by family or private insurance) a minimum Maternity leave benefit overall of at most €210.

*Variation in leave due to child or family reasons (e.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, premature births and children born with disabilities, the length of leave increases to 12 weeks after birth, plus Maternity leave days that could not be taken before birth in the case of a premature birth.
- In certain circumstances (e.g. death or chronic illness of the parent), other relatives living with the new-born child may receive the benefit.
- Asylum seekers may not be deported during pregnancy and Maternity leave.

## **b. Paternity leave**

No statutory entitlement.<sup>3</sup>

## **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 until 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)

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<sup>3</sup> However, German fathers are entitled to two exclusive Parental leave benefit months. Most of the fathers who take up *Elterngeld*, use (parts of) these entitlements directly after birth, in a manner similar to Paternity leave (see Section on 'uptake').

two types of leave benefit payments: *Basiselterngeld* and *ElterngeldPlus*.

#### *Basiselterngeld*

- Replaces a proportion of former income, if parents take leave to care for their child/ren.
- Parents who have not been working before birth are eligible to receive the minimum rate of €300 per month. However, Parental leave benefits are offset to unemployment benefits. Parents who receive unemployment benefits but who have been employed *before* the birth of the child/ren are entitled to receive up to 300€ *Elterngeld* on top of their unemployment benefits.
- Paid for a period of 12 months after the child is born.
- 'Partner months' (*Partnermonate*): two bonus months are paid on top of the 12 months if both parents take at least two months of leave or for single parents.
- Income replacement rate: paid at a level of 65 per cent<sup>4</sup> of the preceding year's net earnings,<sup>5</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 per week)<sup>6</sup>.
- 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 mothers to ten (12 for single mothers) months.

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<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 a previous income of €1,240 and higher receive benefits at a 65 per cent rate, up to the limit 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 that 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. For parents on leave who work part-time during the leave, the income replacement rate is 65 per cent of the difference between the previous year's net earnings before birth and the current earnings after the birth.

<sup>5</sup> The net earnings are estimated with fixed social security reduction rates, calculated on the individual's former gross earnings. Special payments such as holiday pay and Christmas bonuses paid once a year are not considered in the calculation.

<sup>6</sup> As of 1 September 2021 this is extended to 32 hours per week.

### *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 (plus 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 part-time at least four subsequent months, for 25 to 30 hours<sup>7</sup> per week.
  - Income replacement rate: paid at a level of 65 per cent (see footnote 4) of last year's net earnings (see footnote 5) for the lost earnings due to part-time hours – 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.
  - There is a supplementary payment for parents with more than one young child (*Geschwisterbonus*): if there are two children under three years of age, or three or more children under six years of age, or two children of which at least one is disabled and under 14 years of age in the household, the parental benefit is increased by ten per cent (at least €75 per child for *Basiselterngeld* or €37.50 for *ElterngeldPlus*).
  - For parents with 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 child-rearing time (*Kindererziehungszeit*) even if they do not make use of Parental leave (parents may decide how pension credits are to be divided). For each child born after 1 January 1992, three years of child-rearing (two years for children born beforehand) are recognised in the pension system. Each year of recognised child-rearing time entails a monthly pension increase of €33.05 in Western Germany and €31.89 in Eastern Germany. Pension credits for child-rearing are currently paid through Germany's contribution-based pension system.

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<sup>7</sup> As of 1 September 2021 the range of allowed part-time changes to 24 to 32 hours.

### *Flexibility in use*

- Parents can choose between *Elterngeld* and *ElterngeldPlus* or combine both types of leave.
- Recipients of *Elterngeld* and *ElterngeldPlus* may work up to 30 (32 as of 1 September 2021) hours per week. Then, however, they only receive parental benefit for the lost income: i.e., if a parent worked, for example, 40 hours per week before taking Parental leave, and continues working 30 hours per week thereafter, they receive 65 (67 to 100 for lower incomes) per cent of the margin between the present and the former income, in addition to their employment income.
- Both parents are entitled to take leave at the same time and Parental leave can be separated into a maximum of three leave intervals (more intervals are subject to employer approval). However, once the child is over 14 months old and both parents completed their parental benefits, they cannot apply for a new period of parental benefit receipt even if they have not exhausted the maximum length<sup>8</sup>.

### *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 per 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. During the Parental leave, parents must not be employed more than 30 (32 as of 1 September 2021) hours per week.
- Parental benefit (*Basiselterngeld & ElterngeldPlus*):
  - all parents not employed more than 30 (32 as of 1 September 2021) hours per week
  - parents must live in the same household with the child (this includes separated parents with joint custody)
  - other people who take over the care, when parents are ill, disabled, or have died
  - adoptive parents and foster parents

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<sup>8</sup> Parents who were 'key workers' during the COVID-19 pandemic (i.e. working in a 'system-relevant' occupation) were entitled to postpone Parental leave benefit months that they wanted to take between 1 March and 31 December 2020 until after the crisis. They can also still take basic parental allowance later, even though their child is older than 14 months.

- self-employed parents
- same-sex couples
- parents with a net income equal to or less than €500,000<sup>9</sup> 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

*Variation in leave due to child or family reasons (e.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 Parental leave if their child, i.e. the parent of their grandchild is younger than 18 years of age or if the parent is still in education or vocational training.
- From 1 September 2021, if a child is born at least six weeks before the due date, parents receive an additional month of parental allowance; if the child is born eight weeks early, there are two additional months of parental allowance, at twelve weeks three months and at 16 weeks four

*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**

Two federal states, Bavaria and Saxony, grant cash-for-care allowances (*Landeserziehungsgeld/Familiengeld*), 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. In Bavaria, parents get an income-related payment of €250 per month for the first and for the second child, and €300 per month for the third and further children. They are paid under the condition that parents do not use state-subsidized childcare institutions and provide beneficial infant care, e.g. including taking their children to health check-ups. Since January 2020, parents of children aged between one and three years old who attend a state-subsidized childcare centre or family day-care are entitled to a childcare benefit (*Krippengeld*) of up to €100 per child and month. This is capped at €34,000 net household income (€31,000 for single parents, increasing for each additional child by €4,440). In Saxony, parents receive

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<sup>9</sup> As of 1 September 2021, only parents with a maximum income of €300,000.

*Landeserziehungsgeld* if they declare they will not use childcare facilities during the second and/or third year after the child's birth under the condition that the recipient does not work more than 30 hours per week during the time the payments are received. Parents get income-related payment of up to €150 per month for the first child, up to €200 for the second, and up to €300 for each additional child. Beginning at a net household income of €24,600 (€21,600 for single parents), payments are successively reduced. This threshold rises per additional child by €3,140.

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

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

- In case of the 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). Parents receive 70 per cent of their gross salary during the period of leave, but no more than 90 per cent of their net salary. The maximum annual leave period per working parent is 25 (50) days per year, even in case of three or more children.
- A relative of a care-dependent person is entitled to ten days of short-term leave if that person has an unexpected illness, as well as six months of long-term care leave. Both entitlements are unpaid.
- *Pflegezeit* (caring time) entitles employees with care-dependent relatives to apply for up to ten days of paid leave (over a care-dependent's lifetime) at 90 per cent of their income; a medical certification of care-dependency is required, and the wage replacement is financed by public long-term care insurance. Moreover, employees with care-dependent relatives are entitled to take up to six months of full or partial unpaid caring time. During this period, employees have the legal right to receive an interest-free loan from the Federal Office for the Family and Civil Engagement, in order to compensate for their lost income. *Pflegezeit* does not require the consent of employers.
- *Familienpflegezeit* (family caring time) permits employees, for a period of up to two years, to reduce their working time to a minimum of 15 hours per week, if they need to care for a dependent relative. During this period, the lower income of employees can be compensated by receiving an interest-free loan from the Federal Office for the Family and Civil Engagement. The loans have to be paid back within 48 months after the start of the leave of absence. The compulsory long-term care insurance covers additional pension contributions during the caring time, if care is given for at least 14 hours per week 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.

### *Employment protection*

- During pregnancy and 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.

### *Flexible working*

- Working mothers have a right of 60 to 90 minutes for breastfeeding per day. This time must be fully paid. Mothers who work from home have to be paid the average hourly wage for breastfeeding time.
- Part time leave taking is possible as described above in section 1c.

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

The maximum period of post-natal leave 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. There is an entitlement to Early Childhood Education and Care (ECEC) for all children from the age of one year. 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 the 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 of age are at about the average rate for the countries included in this review and OECD countries; but above the average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

In March 2020, nearly 830,000 children under the age of three were in day care, equalling 35 per cent.<sup>10</sup> 1.8 per cent of children up to one year of age were in day care; 37.5 per cent of children between one and two years of age; and 64.5 per cent of children between two and three

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<sup>10</sup> Reference date March 2020

years old. There is still a considerable gap between East Germany and West Germany: in East Germany 52.7 per cent of children between the ages of one and two were in day care facilities, while the percentage in West Germany was 31 per cent.

### **3.Changes in policy since April 2020**

The government introduced changes to the Parental leave legislation, which are effective as of 1 September 2021, namely:

- The eligible maximum income for receiving Parental leave benefits is reduced from €500,000 to €300,000 per year per couple;
- Part-time will be allowed during Parental leave for up to 32 hours per week (before: 30 hours);
- The working time regulations for the partner bonus are extended to 24 to 32 hours per week (before, 25 to 30 hours);
- Parents with a preterm born child receive up to three months of additional Parental leave (one month for children born six weeks before the expected date, two months for children born eight weeks early and twelve weeks for children born twelve weeks early);
- The *ElterngeldPlus* eligibility period is reduced from 46 to 32 months after childbirth.

### **Policy response to the Covid-19 pandemic up to end March 2021**

#### *Childcare and schools*

- In Germany, responsibility for education policy, including ECEC, lies with the federal states. During the pandemic, the federal states agreed on a common course, but set different details for school and ECEC closures and re-openings (please see also the German country note 2020 for details on the changes during the first wave of the pandemic).
- Childcare: 'Emergency childcare' was kept open in most of the childcare centres, but in almost all federal states this was restricted to children of "key workers" (in German called "occupations of systemic relevance" or "critical infrastructure") during the first wave. Since the end of May 2021, German childcare facilities have been re-opened again for all children, and during the second wave in autumn/winter 2020/21, closures were partial, with more children keeping access (again, with differences between the federal states).

- Schools: See country note 2020 for details on closures during the first wave in spring 2020 (see also Blum & Dobrotic, 2021<sup>11</sup>). During the second wave, schools were again closed as of mid-December 2020, with re-opening beginning in March 2021 (with different dates and details for each federal state, and with the exception of single areas with high incidence rates). Especially for older children, re-opening often happened in shifts, with half of classes being taught in-class, and the other half in distance mode.

### *Parental leave*

- If the general eligibility conditions are met, parents could also take up regular Parental leave during the childcare/school closures. However, this was not actively supported and only applies to a very small number of parents affected by the closures.
- In 2020, the Parental leave benefit was adapted to the time of the Covid-19 pandemic. This contains three measures: 1) Parents working in 'critical infrastructure' (key workers) are allowed to postpone the take-up of parental-leave benefit, and exceptionally receive it after the child has reached 14 months of age (but until June 2021 at the latest). 2) If parents have to work more/less hours due to the Covid-19 pandemic, they do not have to pay back the *Partnerschaftsbonus* (see above), which usually requires them to both work a certain amount of part-time hours in parallel. 3) Months with income losses (e.g. due to short-time work) can be exempt from calculating the Parental leave benefit for expecting parents; also, income replacement measures (such as the short-time work benefit) do not reduce the Parental leave benefit level for current receivers.<sup>12</sup>

### *Other measures for parents and other carers*

- A special benefit was introduced on 23 March 2020 (the legislation has no end date) via the *German Protection against Infection Act (Infektionsschutzgesetz; IfSG)*. It offers an income replacement, if employed persons are unable to work due to a closure of childcare centres, schools, or facilities people with disabilities. It applies for parents of children up to 12 years, or older children with disabilities. The income replacement does *not* apply during the time of regular school holidays. Replaced are 67 per cent of the lost earnings, up to a maximum amount of €2,016 per month. The payment is made by the employer, who can then apply for

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<sup>11</sup> Blum, S. and Dobrotić, I. (2021) 'Die Kita- und Schulschließungen in der COVID-19-Pandemie', *Die Deutsche Schule*, Beiheft 17: 81-99. DOI: 10.31244/9783830993315.04

<sup>12</sup> <https://www.bmfsfj.de/bmfsfj/aktuelles/alle-meldungen/eltern geld-wird-kurzfristig-angepasst/154564>

reimbursement at a federal state agency. On 20 May 2020 – with childcare and school remaining to be closed – the measure was prolonged: The maximum take-up duration are ten weeks for each employed person; or 20 weeks for employed single parents.<sup>13</sup>

- During the period of 30 September 2020 to 30 June 2021, persons with care shortages due to the pandemic are entitled to an additional care support allowance of ten days (in addition to the previous ten days p.a.).
- In addition, family care time and care time entitlements can be taken up more flexibly with the employer's consent. The application period is reduced from eight weeks in advance to ten days. Furthermore, loss of income due to the pandemic will not be taken into account when applying for loans after the family care period.<sup>14</sup>
- A *Notfall-Kinderzuschlag* (emergency child supplement) was installed with the 'Corona protective shield' (*Corona-Schutzschirm*) on 23 March 2020 for families with lower income. It amended the conditions for regular *Kinderzuschlag*, which amounts to €185 per month and child (paid additionally to the regular child benefit) and is tested for income, family size and housings costs.
- A child bonus was introduced, amounting to €300 per child in 2020 and €150 in spring 2021. For single parents, the tax allowance for children is doubled. The "child bonus" is paid out to all parents, without income-testing, and – unlike other measures – it is not calculated against social assistance payments. However, as it is calculated against the tax allowances for children, higher-income families have no additional profit when the profits due to taxes exceed the bonuses.
- Also as part of the *Corona-Schutzschirm* (*Corona protection shield*), it was decided that landlords may not evict tenants if they cannot pay their rent between April and June 2020 due to Corona-related income losses.<sup>15</sup> For the same reasons and time span, if payments for telephone, electricity, or gas are delayed, the delivery of those services must not be cut.

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<https://www.bmas.de/DE/Presse/Meldungen/2020/entschaedigungsanspruch-verlaengert.html;jsessionid=270EAF9FAB8CABFE8046DBC057DED12> (19 April 2020)

<sup>14</sup> <https://www.wege-zur-pflege.de/service/corona.html>; <https://www.wege-zur-pflege.de/familienpflegezeit.html> (6 March 2021)

<sup>15</sup>

[https://www.bmjv.de/DE/Themen/FokusThemen/Corona/Miete/Corona\\_Miete\\_node.html](https://www.bmjv.de/DE/Themen/FokusThemen/Corona/Miete/Corona_Miete_node.html)

## 4. Uptake of leave

### a. Maternity leave

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

### b. Paternity leave

No statutory leave entitlement.

### c. Parental leave and parental benefit

In 2020, 1.9 million women and men in Germany received parental allowance. This was around 4,000 or 0.2 per cent less than in 2019. The number of men receiving parental allowance increased by 6,500 (+1.4 per cent) compared to the previous year, while the number of women receiving benefits decreased by 10,500 (-0.7 per cent). 34.7 per cent of eligible women and 14.2 per cent of men chose *Elterngeld Plus*. The proportion of fathers with (planned) Parental leave use rose to 24.8 per cent (2019: 24.4 per cent). The average duration of planned Parental leave for women in 2020 was 14.5 months (2019: 14.3 months); the planned duration of Parental leave by fathers was 3.7 months and has remained constant in recent years.<sup>16</sup>

The data on the final payments for births in 2017 show that 77.4 per cent of the parents of children born in 2017 who took Parental leave (*Elternzeit*) were employed. 92.4 per cent of fathers with Parental leave benefits were employed and 71.3 per cent of the mothers.<sup>17</sup>

The 2007 Parental benefit reform had the explicit aim to raise fathers' uptake of leave, and recently published data by the Federal Statistics Office<sup>18</sup> show that the proportion of fathers taking parental benefit has risen significantly and steadily since its introduction in that year. For

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<sup>16</sup> Destatis (2021) Press release No. 146 (25 March 2021).

<sup>17</sup> Statistisches Bundesamt [Federal Statistical Office] (2021) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im Jahr 2017 geborene Kinder nach Geschlecht, Erwerbseinkommen vor der Geburt, Bezugsdauer und Ländern*. Wiesbaden: Statistisches Bundesamt. Available at: <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Elterngeld/Publikationen>.

<sup>18</sup> Statistisches Bundesamt [Federal Statistical Office] (2021) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im Jahr 2017 geborene Kinder nach Geschlecht, Erwerbseinkommen vor der Geburt, Bezugsdauer und Ländern*. Wiesbaden: Statistisches Bundesamt. Available at: <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Elterngeld/Publikationen>.

births in 2017, parental benefit was taken up by 40.4 per cent of fathers (compared to 97.8 per cent of mothers); however, there were substantial regional variations amongst the federal states, from only 28.4 per cent in Saarland to 51.9 per cent in Saxony.<sup>19</sup> The 2017 mean duration of Parental leave benefit used by fathers who took any leave benefits was 3.9 months (compared to the mothers' mean leave of 13.5 months). Whereas the percentage of fathers with Parental leave use increased steadily since the introduction of exclusive entitlements to Parental leave for the 2<sup>nd</sup> partner in 2006, their mean duration of leave is stagnating in recent years at a mean duration of below four months.

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<sup>19</sup> Statistisches Bundesamt [Federal Statistical Office] (2021) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im Jahr 2017 geborene Kinder nach Geschlecht, Erwerbseinkommen vor der Geburt, Bezugsdauer und Ländern*. Wiesbaden: Statistisches Bundesamt. Available at: <https://www.destatis.de/DE/Themen/Gesellschaft-Umwelt/Soziales/Elterngeld/Publikationen>

# Greece<sup>1</sup>

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April 2021

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

**Note on leave information:** the information given below is based on: (i) leave arrangements for employees in the private sector that are covered by legislation and the National General Collective Agreements (NGCA) signed between the most representative national employers' organisations (SEV, GSEVEE, ESEE, and 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.

### *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*)**

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<sup>1</sup> Please cite as: Hatzivarnava-Kazassi, E. and Karamessini, M. (2021) 'Greece country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

<sup>2</sup> Provisions for leave arrangements are also included in other kinds of Collective Labour Agreements (i.e. sectoral, professional, and enterprise), which are signed between employers and confederations of large sub-sectors of the economy (e.g. the banking sector) or enterprises of the wider public sector (e.g. 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.

### *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 the full amount of leave.
- Special leave: six months, granted after basic Maternity leave and before the beginning of the use of flexible working (reduced hours of daily work).

### *Payment and funding*

- Basic leave: 100 per cent of earnings, on the condition that these do not exceed those granted to insured persons who belong to the highest insurance class of IKA, the social insurance fund of all employees working under private law contracts, i.e. in effect, there is an upper limit on payment. 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 the birth takes place before the time envisaged, the rest of the leave can be granted after the birth, as long as the total time taken remains at 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 1.i.e.), then the special leave 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 contract (or citizenship). Mothers acquiring children through surrogacy are also entitled to receive the post-natal part of the leave.
- Special leave: those insured in IKA-ETAM (the largest social insurance fund) with fixed-term or permanent contracts. Mothers acquiring children through surrogacy are also entitled to receive this leave.
- 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 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. In the first case, the benefit is €150 per month; 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. Self-employed surrogate mothers, mothers acquiring children through surrogacy, and mothers that adopt children up to two years of age are also entitled to receive this 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.

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

*Length of leave*

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

*Eligibility*

- There are no length of service conditions.
- Regarding access for same-sex couples, there is some uncertainty. The National General Collective Agreement (2008/9) says that all leave provisions that address biological or adoptive parents are extended to foster parents. As foster parents can be same-sex couples, they should be able to access this leave via this route, but the law is not explicit.

## **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 child turning six years of age.
- 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 (i.e. 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, they can negotiate with the employee to take it later if other employees who request leave at the same time meet the priority criteria.
- 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 allocated 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 doubled.
- Parents with a disabled child do not get additional Parental leave, but are eligible for carer's leave (see 1.i.e. below).

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

- None.

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

- A parent can take time off work with full payment, up to an estimated 3.6 months, as part of a scheme which also allows parents to work reduced hours. For more details, see 1.i.e. on 'flexible working.'

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

*Leaves and pay for adoptive and foster parents*

- 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.
- Adoptive or foster parents of children up to the age of six are entitled to flexible working or a childcare leave (see 1.i.d.).

### *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 they have two children; and up to 14 working days if they have three or more 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 a disability: one hour per day, if the parent asks for it (unpaid and only applied in businesses with more than 50 employees).
- Leave for parents whose children (up to 18 years of age) need regular transfusion or dialysis, have cancer, or need a transplant: up to ten working days' paid leave per year, funded by the employer. This is an individual right. Parents of children up to 18 years of age who have significant learning difficulties, Down's syndrome, or autism are also entitled to this leave.
- 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' unpaid leave per year, on the condition that the parent has exhausted their normal Parental leave. This is an individual right.
- Leave for widows, widowers, or unmarried parents caring for children: in addition to other leave, six working days' paid leave per year. 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 to 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 for 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 fewer per day for the first 12 months and one hour less per day for another six months; or, with the employer's agreement, in a block or blocks of time of equal time value within the 30-month 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 3.6 months. This leave – titled 'alternative use of reduced hours as leave for the care of children' – is considered part of working time, so is paid and funded by the employer with no upper limit on payment.

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

- This is covered by National Employer-Workers' Agreements.

## ***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 the full amount of the leave.

#### *Payment and funding*

- 100 per cent of earnings, with no upper limit on payment.
- Maternity leave is fully insured and gives entitlement to full pension rights.
- Funded through general taxation.

#### *Flexibility in use*

- If the birth takes place before the time envisaged, the rest of the leave can be granted after the birth, so long as the total time taken remains at five months. If the birth takes place after the time envisaged, the leave is extended until the actual birth date, without any respective reduction in the post-natal leave.

#### *Eligibility*

- There are no conditions linked to length of service.

#### *Variation in leave due to child or family reasons (e.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 the birth is extended by one month for each additional child.
- For every child after the third, the length of post-natal leave is extended by two months.

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

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

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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.

### *Eligibility*

- There are no conditions linked to length of service.
- Regarding access to leave by same-sex couples, there is some legal uncertainty. Foster parents can be same-sex and the law refers to foster parents in terms of special leave for adoptive and foster parents (see 1.ii.e.), as well as Parental leave, but there is no mention of foster parents regarding Paternity leave.

### **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 child turning six years old.
- 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.

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<sup>4</sup> Public sector employees 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, incorporates the EU Directive 2010/18 on Parental leave). Unlike the unpaid Parental leave that exclusively covers public sector employees, this leave safeguards the employees' rights (i.e. it is considered as working time that ensures 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.

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

- An employee can use this leave if their spouse does not make use of the childcare leave at the same time (see 1.ii.d. below).
- An employee can make use of this leave even if their 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.
- There are no conditions linked to length of service.

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

- In the case of three or more children, three months of the leave are paid.
- Parents with a disabled child do not get additional Parental leave but are eligible for leave for the care of dependants (see 1.ii.e. below).

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

- None.

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

- A parent can take nine months of childcare leave with full payment as an alternative option to a scheme which allows parents to work reduced hours (see section 1.ii.e. below on flexible working). The leave is paid by the employer, 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 disability that is classified as being more than 67 per cent, the leave is extended by one month. In the case of multiple births, an extra six months is provided for each additional child.

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

*Adoption leave and pay*

- Adoptive parents as well as foster parents are granted a three- month paid leave during the first six months after the adoption or foster care procedures are completed, if the child is under six years of age. If both parents are employees of the public sector, with a common statement to their respective services, they determine who and at what time intervals each will use this leave. One of the three months can be taken before adoption or fostering.
- Same sex couples are not allowed to marry but they can form civil partnerships. Same-sex couples can become foster parents but not adoptive parents (as a couple).

- We note that adoptive or foster parents have access to Parental leave if the child is under the age of six (with the possibility of expansion up to the age of eight, if adoption or project procedures have not been completed earlier). Adoptive and foster parents of children up to four years of age also have the right to receive care leave, that is, reduced working hours per day or the nine month leave unless the time that is left before the child turns four years old is less than nine months. Adoptive and foster fathers can also receive the two day Paternity leave if the adopted/fostered child is younger than two years of age.

#### *Leave for parents obtaining a child through surrogacy*

- Parents that obtain a child through surrogacy are entitled a three-month fully paid leave as a family entitlement immediately after the birth of the child. If both parents are employees of the public sector, with a common statement to their respective services, they determine who and at what time intervals each will use this leave.

#### *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 seven working days of paid leave per year if the employee has three children; up to nine working days of paid leave per year if the employee has four or more children; and up to eight 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 the case of the hospitalisation of their child due to illness or an accident that requires their presence.
- Leave for visiting children's school: up to four working days of paid leave for one child, and 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 of paid leave per year for employees whose children or spouses need regular transfusion or periodic therapy, or whose children, even if they are adults have a serious intellectual disability or Down's syndrome or Pervasive Developmental Disorder that prevent them from working. In the case the employee cares for more than one person the leave goes up to 32 days per year. In the case that more than one employees are entitled to this leave (i.e. spouses caring for a child with PDS), the leave can go up to 32 days for both.
- Employees that are not entitled to the above leave and either themselves or his/her child, irrespective of his/her age, has disability classified as being more than 50 per cent that prevents him/her from working are entitled to a special paid leave of six working days annually. In the case the employee cares for more than one person the leave goes up to ten working days annually. In the case that more than one employee is entitled to this leave, the leave can go up to ten days for both.
- Employees who have a spouse or a child that suffers from cancer and is subject to various forms of treatment are entitled to a special leave for the day the treatment takes place and the following day

- Leave for employees with children or spouses with a disability: one hour per day, paid.

### *Flexible working*

- Parents are entitled to work two hours fewer per day if they have children under two years of age, and one hour less per day if they have children between the ages of two and four, with full earnings replacement. As mentioned above (1.ii.d.), there is an alternative option for this leave: 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 first one.
- Adoptive parents of children up to the age of four are entitled to flexible working or, alternatively, childcare leave (see 1.ii.d.).
- An employee supporting a child or partner 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*

- This is covered by law.

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

In 2018, Law 4521 extended to two years compulsory attendance at Early Childhood Education and care (ECEC) before the beginning of elementary school (i.e. around six years of age). The Law allowed a period of three years for its full implementation. So, there is now an entitlement to ECEC at around four years of age. This means that there is no gap between the end of post-natal leave and an entitlement to ECEC for public sector workers, but there is a gap of around two and a half years for workers in the private sector. However, the gap is larger (around three years) for all workers between the end of paid leave and an ECEC entitlement.

Levels of attendance at formal services for children both under and over three years of age are below the average for the countries included in this review, as well as for OECD countries in general. For actual attendance levels, see



'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

According to national statistics, levels of attendance at formal ECEC services for children both under and over three years of age have shown a substantial increase in the last few years (2017: 84.1 per cent for children over three years and 21.5 per cent for children below three years; 2019: 94.1 per cent and 32.4 per cent respectively) though admittedly the data show some retreat in the age group below three compared to 2018. The increase is attributed to a policy that subsidises attendance at childcare services as well as the expansion of compulsory preschool attendance from one to two years duration.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

The Government is about to bring for public consultation a draft law that would include the necessary legal changes in the leave system in order to conform to the EU Directive 2019/1158. Key aspects of these changes have already been announced by the Ministry of Labour and Social Affairs (<https://ypergasias.gov.gr/ti-provlepei-gia-tis-gonikes-adeies-to-nomoschedio-gia-tin-prostasia-tis-ergasias/>).

The changes include:

- The extension of the two day paid Paternity leave to 14 days (the EU Directive talks of 10 days as a minimum);
- The protection of fathers from dismissal for six months after the birth of the child;
- Payment for two of the four months of Parental leave (the coverage will be equivalent to the minimum wage) for each parent, and the extension of the age of the child during which leave can be taken from six to eight years.
- The introduction of a five day carer's leave for relatives and other people living in the same household;
- The introduction of flexible working arrangements as a right for working parents of children up to twelve years of age (telework, part-time work, flexible working arrangements);
- The introduction of a right of absence due to force majeure for family reasons (two days per year);
- The introduction of a leave for assisted reproduction;
- The expansion of the term 'parent' to include cases of adoption and surrogate motherhood.

In 2020 (Law 4674, article 47), some changes were introduced in the leave system of the public sector that clarified certain aspects of the system, improved legal provisions regarding certain types of leaves for illnesses that require regular treatment or hospitalization or are based on disability. For example, the 22 days of paid leave per year for employees whose children or spouses need regular transfusion or periodic therapy, or whose children, even if they are adults have serious intellectual disabilities that prevent them from working is extended to 32 days if the employee cares for more than one person or if more than one employee is entitled to the leave. Also, an employee that cannot claim the above leave but has a child with serious disability that prevents him/her from working is entitled to six days of paid annual leave which is extended to ten days if the employee

cares for more than one person or if more than one employee is entitled to the leave. In addition, two days leave for each treatment is granted to employees whose spouse or child suffers from cancer.

Very importantly too, the Law clarifies the leave rights of employees working in the public sector with private law contracts of limited time, a category of employees that were unequally treated. The rights of these employees had been the cause of many formal complaints. It also clarifies some aspects of the leaves in relation to adoptive and foster parents.

The above law was published in the Government Gazette in March 2020 but the letter of the Ministry of Interior to the various services that announced and clarified the law was circulated in late May 2020.

In its report on Equal Treatment for the year 2019, published in late April of 2020, the Ombudsman notes, once more, the prejudice of employers against pregnancy and motherhood which they consider as a 'burden' as well as their effort to get rid of this 'burden' using seemingly lawful ways of dismissal (p.43, 44).

## **Policy response to the Covid-19 pandemic up to end April 2021**

### *Childcare and schools*

- Since the beginning of the pandemic, schools, nurseries and kindergartens had at times closed down, reopened and closed down again. In times of closure a high pressure was exerted on parents who needed to find solutions for the care of their children or looked after them themselves while often working at the same time. But even in times when the schools/nurseries reopened, not all services were provided (i.e. afternoon programme that covered the needs of working parents) or social distancing regulations forced certain classes to run in rotation. There were also parents whose children did not attend nurseries/kindergartens/schools because they declared that the child belonged to a high-risk group or was in close contact with a person of his/her family environment that belonged to such a group or was sick. As the pandemic cases increased dramatically (i.e., March 2021), the risk of Covid-19 affecting all family members at the same time added to the complications of providing also informal childcare.

### *Parental leave*

- During the period under consideration (April 2020 to April 2021), parents had access to their regular scheme options. However, special measures to cover the needs of parents were, in addition, instituted during this period or were instituted before this period but were in force or reactivated during the period in concern.

### *Other measures for parents and other carers*

- Measures introduced in March 2020 (first lockdown) but that remained in force in April and the beginning of May 2020 or were reactivated during the last of months of 2020 up to the end of March 2021:

- A special leave for working parents was introduced since the first day of the closure of the schools called **Leave for a special purpose**. According to this leave parents (fathers or mothers) working as employees and with children that attended kindergarten or nurseries or school classes up to the level of third grade of the Gymnasium (around 14-15 years of age) could be absent from work during the temporary closure of these facilities. Working parents of children with a disability whose schools or day care centres were closed, irrespectively of their age, were also entitled to this leave. For every four days of leave, three were considered as justified absence and one was taken out of the parent's annual leave; so parents were 'obliged' to take part of their annual leave if they were to claim the leave for a special purpose. However, a parent could use any other type of leave if his/her annual leave was exhausted. If only the one parent worked, he/she was not entitled to take this leave unless the other parent was hospitalised or sick with Covid-19 or had a severe disability. A parent in the public sector could not make use of the leave if the other parent was on another type of leave (i.e. childcare or educational leave). The leave is fully compensated to the level of earnings from labour and except for the annual leave part that is fully compensated by the employer, the rest of the leave was compensated by two-thirds by the employer and by one-third by the State.
- After the reopening of the schools, this leave was restricted to cases where:
  - The child attended the school only certain days of the week (due to social distancing regulations) and only for the days that the child was at home;
  - The child attended a class where the teacher belonged to a high-risk group and for this reason the attendance took place from long-distance;
  - The parents declared that the child belonged to a high-risk group or came in close contact with a person of his/her family environment that belonged to such a group or was sick;
  - The school was closed down due to the detection of a Covid-19 case in the school.
- Working parents, instead of the leave for a special purpose, could take the option of working with reduced hours of work (up to 25 per cent of their working time daily) without a reduction of their earnings. In this case, the employee, after the restrictive measures period, should cover the reduced hours in overtime unpaid work. When schools and nurseries reopened and because the after-school programmes were not reinstated, parents continued to have this option in order to be facilitated in picking up their children from nursery/school.
- Additional temporary measures were introduced between September and November 2020:
  - Employers were obliged to have part of their staff working from home. This was set to at least 50 per cent, where possible, and even higher in areas particularly stricken by corona virus. In the public sector, parents were given priority if they chose this option, as well the option of work

rotation and could also adjust their working time to meet both the needs of caring their children and their work needs.

- A special 14 day (or more if needed) leave for caring of children that were sick with Covid-19, over and above the other available illness leaves for children, was introduced.
- If a parent was obliged to stay at home due to covid safety protection, he/she could work from distance if possible. If this was not possible, when he/she returned to work, he/she was obliged to pay back half of his/her lost work hours by working an extra hour per day.

#### **4. Uptake of leave**

There is no information on the uptake of the various types of leave. Statistics provided by the Labour Inspectors' Authority on private sector employees record people on leave by sex; however, there is no information about how many employees are eligible, but do not make use of their entitlement. Furthermore, these statistics are collected under the equal treatment legislation and do not provide any data on the uptake of leaves that apply exclusively to mothers.

Anyhow, it seems that, regarding leaves where both parents have entitlement rights, it is the mothers who overwhelmingly use the leave.

# Hungary<sup>1</sup>

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April 2021

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

**Note on terminology:** the Hungarian terms for the two elements of the Parental leave arrangements discussed in 1.c. (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 is older than three years of age (see 1.d.) - includes the word *nevelés*, that is 'upbringing'. The Hungarian terms for these three leave arrangements (1.c. and 1.d.) 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.

### 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 to birth. Two weeks are obligatory.

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<sup>1</sup> Please cite as: Gábos, A and Makay Zs. (2021) 'Hungary country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

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

### *Payment (csecsemőgondozási díj) and funding*

- 70 per cent of actual average daily earning, with no upper limit 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 a current 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 treated as gross income and taxed at 15 per cent, but family tax credit can be applied; social security (health and pension insurance) contributions continue to be paid and are not deducted from the gross amount of CSED.
- 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 the birth up to the date of 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 no later than day 42 after the end of employment) are entitled to the benefit payment during the period of Maternity leave. The 365-day period may include: 180 days of secondary or tertiary school attendance, duration of CSED or GYED (excluding *diplomás GYED*).
- Beyond the employment criteria, citizenship is not linked to eligibility.

### *Variation in leave due to child or family reasons (e.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, the unused portion of Maternity leave can be taken after the child is home for up to one year after the birth of the child.
- 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*

- 5 days.

### *Payment and funding*

- 100 per cent of father's average daily wage, with no upper limit on payments.
- Funding is the same 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. As same-sex couples are neither allowed to marry nor to adopt, they are not eligible for Paternity leave as a couple.
- There are no conditions linked to length of service.

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

- 7 days in case of twins.

## **c. Parental leave (responsibility of the Ministry of National Capacities)**

There are two types of leave and benefit: (1) for insured parents, *Gyermekgondozási díj* (GYED); and (2) for non-insured parents, *Gyermekgondozást segítő ellátás* (GYES). Both are family entitlements.

### *Length of leave*

- GYED: from the end of the Maternity leave period until the child's second birthday, for insured parents.

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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.

- GYES:
  - a. From the end of GYED (child's second birthday) until the child's third birthday, for insured parents.
  - b. From birth until the child's third birthday for parents who are not insured.

#### *Payment and funding*

- GYED: benefit of 70 per cent of average daily earnings calculated for the last 180 days prior the birth, up to a limit of 70 per cent of twice the minimum daily wage (HUF167,400 [€472.73]<sup>4</sup> per month; the amount of the benefit is a maximum of HUF234,360 [€661.83]). This is a gross amount: income tax and pension contribution are deducted, but family tax credit can be applied. Funding is the same as for Maternity leave.
- GYES: until the child's third birthday, a flat-rate benefit equal to the amount of the minimum pension, HUF28,500 [€80.48] per month. This is a gross amount from which pension contribution is deducted. For multiple births, 200 per cent of this amount is paid in the case of two children; 300 per cent for three children; then there are similar increases for additional children. Funded by the Treasury from general taxation.

#### *Flexibility in use*

- A parent taking GYED can work unlimited hours after the child turns six months old, while still receiving the full benefit until the child's second birthday (GYED extra). If the parent takes up GYED and works, they can still access public childcare for children under three years of age (*bölcsőde*).
- A parent taking GYES cannot work until the child is six months old, but can then work unlimited hours while still receiving the full benefit until the child's third birthday. If the parent takes up GYES and works, they can still access public childcare for children under the age of three years (*bölcsőde*).

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

- GYED: either of the parents living with the child is eligible as long as they have been employed for at least 365 days within the two years prior the birth of the child; however, only one parent at a time can actually take GYED. Foster parents are not eligible.
- GYED: women who would not be eligible under the above listed criteria, but who have completed two semesters at a higher

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<sup>4</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-huf.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-huf.en.html)



education institution recognised by the state within the two years prior to the birth of the child (*diplomás GYED*). In this case, they are eligible for two years of payment,<sup>5</sup> beginning at the birth of the child. Those studying at BA level receive a payment of HUF117,180 [€330.91] per month in 2021, (HUF112,644 [€318.10] per month in 2020), while for those at MA or PhD level, the payment is HUF153,300 [€432.92] per month in 2021 (HUF147,420 [€416.31] per month in 2020).

- Self-employed parents are eligible if they fulfil all criteria, e.g. in the case of GYED, that they have been insured prior to the birth.
- As same-sex couples are neither allowed to marry nor to adopt, they are not eligible for Parental leave as a couple; if one of the partners has a young child, they are eligible in their own right, but their partner is not.
- GYES: all parents. Guardians are also 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*

- GYED: The duration of the benefit lasts until the children's third birthday in the case of twins.
- GYED: can be also taken by non-pensioner grandparents, if they undertake the care and the upbringing of the child, while parents are working. One grandparent at a time can take GYED, but for more than one grandchild if the case. The amount of grandparents' GYED is the same as for parents: maximum 70 per cent of twice the minimum daily wage (HUF167,400 [€472.73] per month, which is a maximum of HUF234,360 [€661.83]).
- 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 start elementary school, and receive a payment equal to the amount for one child multiplied by the number of twins.
- GYES: can be taken by grandparents from the first to the third birthday of the child, if the child is looked after in their own home, and if the parents agree to transfer their entitlement. Grandparents taking GYES can work fewer than 30 hours per week, or without limitation if the work is done in the home and the child is older than three years of age.
- If a family has another child while still receiving one of the child-raising allowances for their previous child/children (GYED or GYES), they can receive both benefits, including the benefit for the new baby (CSED, GYES or GYED).

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<sup>5</sup> Since 2018. Prior to this, they were eligible for a one-year payment.

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

- Either parent in a family with three or more children under 18 years of age, may take leave during the period between the third and eighth birthday of the youngest child (*Gyermeknevelési támogatás*, GYET). Benefit payments are made in the same way as for GYES. The person taking GYET can work fewer than 30 hours per 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 child-rearing, 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 to 35 months, up to 84 days per child per year; 36 to 71 months, 42 days; and six to 12 years, 14 days. Single parents are entitled to a double period of leave. Leave is a family entitlement and sickness benefit is paid at 50 or 60 per cent of actual earnings up to a limit.
- Parents caring for a child facing long-term illness or disability may take *Gyermekek otthongondozási díja* (GYOD). The benefit is provided regardless of the age of the child. The gross amount of the benefit is HUF147,312 [€416.01] per month in 2021 (HUF123,910 [€349.92] per month in 2020), 88 per cent of the minimum wage. In the case that more than one child is affected, the amount of the benefit is 1.5 times the base amount, HUF220,968 [€624.01] in 2021. If GYOD is provided for one of the children in a family, the other parent can claim GYES for another child in the same family. If both GYOD and GYES are claimed by the same parent, the amount of GYOD is reduced by the amount of GYES. Either of the parents (adoptive or biological) is entitled to GYOD.

### *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.
- Employers are required to provide part-time employment for parents of children under three years of age if requested. By default, this means a working time of four hours per day, but other arrangements are also possible upon the agreement of the employer and the employee. For parents with three or more children, the possibility is available until the youngest child turns five years old.
- Employed parents rearing children below 16 years of age are eligible to additional days off (for both parents): two days for one child; four days for two children; and seven days for three or more children. Since 1 January 2019, parents working in the Central Administration have doubled the amount of these days for leave.

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

The maximum period of post-natal leave is three years per child (except for families with three or more children, where leave can be taken until a child is eight years of age); the last year is paid at a low flat-rate, but insured parents taking leave are paid at a high earnings-related level until a child is two years old. Attendance at Early Childhood Education and Care (ECEC) (*óvoda*/kindergarten) from three years of age is compulsory for at least four hours per day. Children under three years of age are also entitled to an ECEC service (*bölcsőde*/nursery) place if the parent studies full-time or if the child turns six months old. However, there is a shortage of spaces in Hungary: while legislation is in place, implementation varies. According to legislation, therefore, there is no gap between the end of well-paid leave 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 effective entitlement to ECEC.

Levels of attendance at formal services for children under three years of age are below the average for the countries included in this review, as well as for OECD countries in general. They are above the average for children aged three to five years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### **3.Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

#### **Policy response to the Covid-19 pandemic up to end of April 2021**

##### *Childcare and schools*

- According to the Government decree 45/2020 (III. 14.), from 14 March 2020, all ECEC services have been closed between 16 March and 1 to 25 June. According to the Government decree 152/2020 (IV.27), from 27 April, care for those children whose parents requested the service due to their employment (or other) duties, was allowed in all institutions and these children were looked after by the staff in small groups (no larger than 5 children).
- According to the Government decree 215/2020 (V.20.), from 20 June, all ECEC institutions outside Budapest re-opened on 25 May and all ECEC institutions in Budapest reopened on 2 June. These institutions can close until 31 August for a period no longer than two weeks.
- All school were closed starting from 16 March 2020 and they switched to digital home schooling, according to the Government decree 1102/2020 (III.13.) and were not re-opened before the summer holidays.
- Schools for children above 13 years were closed starting from 11 November 2020 and they switched to digital schooling according to the Government decree 484/2020. (XI. 10.). They have not re-opened at the time of writing (April 2021).
- All schools were closed starting from 8 March 2021 and they switched to digital home schooling according to the Government decree 104/2021. (III. 5.). Kindergartens were closed as well.

##### *Parental leave*

- All regular leave options stayed unchanged during the pandemic. No changes were made to existing leave policies. No special leave options were implemented.
- According to the Government decree 128/2021. (III. 13.), when the duration of Parental leave and of related benefits ended during the emergency situation and on or after 8 March 2021, they were extended until 07 April 2021. These benefits are:
  - the employment-related childcare fee (Gyermekgondozási díj, GYED), until the second birthday of the child (the third in case of twins);

- the universal childcare allowance (Gyermekgondozást segítő ellátás, GYES), until the third birthday of the child (compulsory school age in case of twins);
- the child raising support (Gyermeknevelési támogatás, GYET), from the age of three to age of eight of the youngest child.

In the case of GYED and of GYES, the extension refers to all potential recipients (e.g. grandparents, students included).

#### *Other measures for parents and other carers*

- There is no regulation for flexible working at national level in Hungary. Employers can decide themselves on an individual basis.
- For mothers on Maternity and Parental leave, the possibility to reclaim the fees of language and driving licence courses, as well as of driving licence issue procedure was introduced from 1 July 2020 (Government decree 55/2018 (III.23.)).

## **4. Uptake of leave**

### **a. Maternity leave**

Statistics<sup>6</sup> are only available on the number of women receiving benefits. The average number of mothers per month was 28,066 in 2019 (27,696 in 2018), which is 12.7 recipients per 1,000 women of fertile age in 2019 (12.4 in 2018). It is supposed that almost all eligible women take the leave.

### **b. Paternity leave**

The total number of fathers taking leave during 2014<sup>7</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 only available on the number of recipients of the benefits and the average amount of the benefit per capita. The average monthly numbers in 2019 were: for GYED, 104,440 (102,512 in 2018), or 47.1 recipients per 1,000 women of fertile (15-49) age (45.7 in 2018);

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<sup>6</sup> All statistics in this section are from the Hungarian Central Statistical Office (*Központi Statisztikai Hivatal*) Yearbook of Welfare Statistics (see section 3); and HCSO STADAT online database, available at: [https://www.ksh.hu/stadat\\_files/szo/hu/szo0006.html](https://www.ksh.hu/stadat_files/szo/hu/szo0006.html)).

<sup>7</sup> No data since 2014 are available.

for GYES, 155,9546 (159,226 in 2018), or 70.4 recipients per 1,000 women of fertile age (71.0 in 2018); and for GYET, 32,698 (32,607 in 2018), or 14.8 recipients per 1,000 of women of fertile age (14.5 in 2018). 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 of age, 11.9 per cent of those between one and two years of age, and 55.7 per cent of those between two and three years of age were in childcare centres that year, so the remainder probably had a parent (most likely the mother) using one of the Parental leave options.

There is no information about how many parents work either full-time or part-time while receiving one of the Parental leave benefits (GYED, GYES or GYET).

In 2019<sup>8</sup>, the average monthly amount per recipient of GYED was HUF157,265 [€444.11], that of GYES was HUF31,179 [€88.05], while that of the GYET was HUF23,636 [€66.75]. The daily amount of the CSED was HUF6,460 [€18.24] in 2019 (HUF6,014 in 2018, €16.98)

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

In 2018, the total number of cases on paid leave to care for a sick child was 347,600 (28.2 per cent of all paid leave cases), while the total number of paid leave days to care for sick children was 1,361,000 (5.1 per cent of all paid sick leave days).<sup>9</sup>

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<sup>8</sup> [https://www.ksh.hu/stadat\\_files/szo/hu/szo0007.html](https://www.ksh.hu/stadat_files/szo/hu/szo0007.html)

<sup>9</sup> Statistical Yearbook 2019, National Institute of Health Insurance Fund Management, page 44.  
[http://site.oep.hu/statisztika/2019/pdf/Evk19\\_e.pdf#pagemode=bookmark&view=FitH&page=1](http://site.oep.hu/statisztika/2019/pdf/Evk19_e.pdf#pagemode=bookmark&view=FitH&page=1)

# Iceland<sup>1</sup>

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(University of Iceland)

April 2021

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

**Note on terminology:** The term *fæðingarorlof* (literally 'birth leave') is used in law to refer to paid Parental leave. Despite a quota of non-transferable individual rights that each parent is entitled to, the law does not apply the concepts of Maternity or Paternity leave, except that it is used in the translation of the title of the law. Indeed, the law was changed in 2006 to address parents without mentioning the sex of the parent, in order to avoid discriminating on the basis of gender or sexual orientations. LGBT couples have the same rights as different sex couples in all areas. Sometimes the term *feðraorlof* (Paternity leave) is used in day-to-day conversations about the non-transferable individual rights that fathers are entitled to (the father's quota) even though the law does not make such distinction between the Parental leave of fathers and mothers.

The joint leave referred to in 1.c. 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 1.d. under the heading of 'Childcare leave,' though it translates literally into 'Parental leave.'

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<sup>1</sup> Please cite as: Eydal, G.B. and Gíslason, I.V. (2021) 'Iceland country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

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

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

- Six months to be taken within a 24-month time span. Six weeks are transferable to the other parent: one month may be taken before expected birth. It is obligatory for mothers to take two weeks of leave following the birth.

### *Payment and funding*

- 80 per cent of the individual's average total earnings for a twelve-month period ending six months before birth, up to a limit of ISK600,000 [€4,080.52]<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 ISK137,632 [€936.02] per month; and the minimum payment for a mother working 50 to 100 per cent of full time-hours is ISK190,747 [€1,297.25] per month.
- For those working under 25 per cent of full-time hours, and those outside the labour market, the amount is ISK83,233 [€566.06] per month. Students/pupils (75 to 100 per cent of full-time studies) receive a flat-rate payment of ISK190,747 [€1,297.25] per month. As a frame of reference, the minimum wage in Iceland in 2020 was ISK351,000 [€2,387.11] per month.
- Economic compensation is paid by the Maternity/Paternity Leave Fund, which is financed mainly by an insurance levy paid by employers.
- Non-employed parents are not entitled to any pension credits while caring for their child. Employed parents taking leave continue to accumulate 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, a mother wishing to take more leave 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 must be negotiated with the employer. Parents can be on leave together, part of the time or for the whole period.

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<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-isk.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-isk.en.html).



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

- All biological or adoptive parents have individual rights to six months paid Parental leave, regardless of sexuality or marital status. Six weeks are transferable to the other parent. A non-custodial parent has a right to parental leave if the custodial parent agrees to its access to the child while on leave.
- Icelandic citizenship is not required, but activity in the Icelandic labour market for six consecutive months is usually required. Those outside the labour market must have had permanent residence in Iceland for 12 months prior to the birth of the child.

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

- Additional leave is possible if it proves impossible to ensure healthy working conditions for a pregnant mother or if a pregnant mother has to stop working sooner than one month before expected birth due to health issues related to the pregnancy.
- If a mother is unable to fulfil her legal duty to name the father of a child she has a right to all twelve 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 into their permanent foster care), the parent has a right to twelve months paid Parental leave.
- In special cases, if one of the parents is in prison or hospital or is unable to take care of the child due to health reasons, it is possible to transfer the rights of that parent to the other parent.
- If a parent is subject to restraining order, if either parent has no right to parental leave, neither in Iceland nor elsewhere and if either parent will not be taking care of the child due to being prohibited access by authorities with that right or the courts the other parent has the right to all twelve months.
- Maternity leave can be extended by two months if the mother suffers from a serious illness in connection with the birth.
- See also 1.c.

## **b. Paternity leave (*fæðingarorlof*) (responsibility of the Ministry of Social Affairs)**

*Length of leave*

- Indistinguishable from Parental leave (see note on terminology). Six months to be taken within a 24-month time span. Six weeks are transferable to the other parent.

### *Payment and funding*

- 80 per cent of the individual's average total earnings for a twelve-month period ending six months before birth, up to a limit of ISK600,000 [€4,080.52] per month.
- For full information and for maximum and minimum payments, see 1a.

### *Flexibility in use*

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

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

- All biological or adoptive parents have individual rights to six months paid parental leave, regardless of sexual orientation or marital status. Six weeks are transferable to the other parent. 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 into their permanent foster care), the parent has a right to twelve months paid Parental leave.
- In special cases, if one of the parents is in prison or hospital or is unable to take care of the child due to health reasons, it is possible to transfer the rights of that parent to the other parent.
- If a parent is subject to restraining order, if either parent has no right to parental leave, neither in Iceland nor elsewhere and if either parent will not be taking care of the child due to being prohibited access by authorities with that right or the courts the other parent has the right to all twelve months.
- See also 1c.

**c. Parental leave (*fæðingarorlof*) (responsibility of the Ministry of Welfare)** (see note on terminology at the start of part 1)

*Length of leave (before and after birth)*

- The total length of leave is 12 months after birth. As described above in sections 1a and 1b, each parent has the right to six months but can transfer six weeks to the other parent.

*Payment and funding*

- See 1a and 1b.

*Flexibility in use*

- The total of twelve 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 must be negotiated with the employer. Parents can be on leave together, part of the time or for the whole period.
- See 1a and 1b.

*Regional or local variations in leave policy*

- None.

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

- Each parent is entitled to leave. See 1.a. and 1.b. 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*

- See 1a and 1b.
- In the case of a miscarriage after 18 weeks, the parents are entitled to two months of leave each and, in the case of stillbirth after 22 weeks, each parent is entitled to three months of leave.
- Parents have shared right to three additional months of leave for each additional child in the case of multiple birth and the same goes for adoptions.
- If a child has to stay in hospital for more than seven days after birth, suffers from serious illness or disability that calls for

increased care by parents, it is possible to extend the leave for up to seven sharable months.

- Leave can also be increased if the child must stay in hospital for more than seven days after the birth – the leave is extended by the same amount of time that the child is hospitalised for (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.

#### **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 of age 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 employees to fulfil their responsibilities towards their families, but that is all. Most or all unions have negotiated a number of leave days for when children are sick, but there seem to be no instances where unions have negotiated a right to leave in the case of any other close relative being ill.

##### *Flexible working*

- Employers are required by the Equal Status Act to make the necessary arrangements to enable both 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 the case of serious or unusual family circumstances.

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

The maximum period of post-natal leave is 20 months when there are two parents, twelve months of well-paid leave and then each parent has four months of unpaid leave. There is no legal entitlement to ECEC. However, most municipalities offer ECEC for children but, due to a gap

still existing between the end of Parental leave and admission to public ECEC services, many parents opt for private childminders or similar solutions to bridge this gap. There are few private childminders and in most cases the parents need to bridge the gap without public support.

Levels of attendance at formal services for children both under and over three years of age 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 2020 (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 (using 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 pre-schools so that they can admit children once Parental leave is over. The first committee reported in March 2016 and proposed the successive restoration of economic compensation (e.g. an upper limit of ISK600,000 [€4,080.52]) 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 committee reported in May 2016 and proposed that all children from 12 months of age should be offered a place in pre-schools. 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. There was no mention of an extension of leave in that government's platform, but the restoration of the economic compensation to pre-crash level was to be fulfilled.

This government did not last long and new elections were held in October 2017, resulting in a new coalition government straddling the political spectrum: the centre-right Independence Party, the centre Progressive Party, and the Green-Left Party. In its platform, the government stated its commitment to restoring economic compensation during Parental leave and an intention to discuss with the social partners the possibility of extending the leave. In December 2019 the government introduced a

bill in parliament proposing an extension to 12 months and a 5+5+2 division. One month was to be added in 2020 and two in 2021. The division met with unexpected hesitation in parliament and the committee that discussed the bill suggested a 4+4+4 system. This caused heated debates and in the end it was decided to add one month to each parents quota and change the division to 4+4+2. Furthermore, it was accepted to add two months in 2021, but the decision on how they should be divided was referred to a committee that is working on a total revision of the law.

The Icelandic parliament again debated an extension in December 2020. This time the governmental bill suggested an extension to 12 months, six for each parent but four weeks could be transferred from one parent to the other. In the end the compromise became to have six weeks transferable. In addition, the cases where one parent can have all the twelve months were extended somewhat.

### **Policy response to the Covid-19 pandemic up to end April 2021**

Iceland has so far not experienced a lockdown or similar. Preschools and elementary schools have been largely open though there have been restrictions regarding the number of pupils in any one area and physical distancing measures.

#### *Childcare and schools*

- ECEC was not closed down due to Covid-19, however due to extensive strikes among unskilled staff in the capital areas during the spring 2020, pre-schools were closed for a considerable time, mainly before the lockdown began in March 2020.
- On 13 March it was announced that from 16 March 2020 only groups of up to 100 people could gather. From 16 March the following measures were taken:
  - Preschools (0-5-year olds) could operate as usual but the children should be in as small groups as possible and the facilities should be cleaned and/or sterilized after each day.
  - Elementary schools were allowed to operate on the condition that only 20 students were together in each classroom and that they would not meet larger groups of students e.g. in the cafeteria or during breaks. The facilities should be cleaned/sterilized after each day.
  - All high schools (16-19/20 years) and Universities were closed from 16 March – 4 May 2020 with teaching taking place online (Auglýsing um takmörkun á skólustarfi vegna farsóttar, 13 March 2020).

### *Parental leave*

- No changes were made to paid Parental leave so parents had the same access during the pandemic as before (Auglýsing um takmörkun á skólastarfi vegna farsóttar 13. mars 2020; Skólafrístanda- og íþróttastarf barna og ungmenna eftir 4. Maí , 21st of April, 2020).

### *Other measures for parents and other carers*

- If parents were staying home due to their children not being able to attend school, they were guaranteed full salaries according to a law that was enacted 21 March 2020 (Lög um tímabundnar greiðslur vegna launa einstaklinga sem sæta sóttkví samkvæmt fyrir mælum heilbrigðisyfirvalda án þess að vera sýktir nr. 24/2020).
- There was no regulation, but all partners in the labour market showed parents full understanding and provided flexibility as far as possible and in many cases, parents worked from home. Employers were not obliged to pay salaries if parents could not attend their work due to the lockdown, but parents had legal rights to unpaid leave if necessary (SA, n.d. COVID19 og sóttkví; Lög um fjölskylduábyrgð, nr. 27/2000).
- Special child benefits were paid on 1 June to all children under the age of 18. Parents with less than ISK927,000 [€6,304.41] per month in 2019 got ISK40,000 [€272.03] per child and parents with incomes above the amount received ISK20,000 [€136.02] per child (Viðspyrna fyrir Ísland-efnhagsaðgerðir stjórnvalda vegna COVID-19, 21st of March 2020).

## **4. Uptake of leave**

### **a. Maternity leave**

In 2017 (the last year for which final figures are available) 99 per cent of women applying for leave used at least the three months available only to mothers. For more details, see 4c.

### **b. Paternity leave**

See 4c.

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

In 2017, 86.4 per cent of fathers took a period of leave (Paternity and/or parents' joint rights), taking an average of 91 days' leave (compared to 180 for mothers). We therefore see a rise both in the percentage of

fathers using Parental leave and the number of days they use, following the increase in economic compensation although we are still some way off the pre-crisis figures. Overall, 15.1 per cent of fathers took some of the parents' joint rights, and 29.9 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 1 per cent used less than their three months.

In 2017, 28 per cent of men and 26.8 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.



# Ireland<sup>1</sup>

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April 2021

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 2 weeks must be taken before birth and 4 weeks after the baby is born.

*Payment and funding*

- A weekly maternity benefit rate of €245 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 pay 11.05 per cent.

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<sup>1</sup> Please cite as: Daly, M. and Szelewa, D. (2021) 'Ireland country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

### *Flexibility in use*

- Some, when regard to leave is taken before and for how long it should be taken after the birth.

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

- To be eligible for maternity benefit, an employee or self-employed woman must 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 first day of Maternity leave.

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

- 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 €245, 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 Employment Affairs and 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, defined as: the father of the child; the spouse, civil partner or co-habitant of the mother of the child; or the parent of a donor-conceived child. In the case of an adopted child, the relevant parent may include: the nominated parent in a married same-sex couple; the spouse, civil partner, or co-habitant of the adopting mother; or sole male adopter.

### **c. Parental leave (responsibility of the Department of Justice and Equality)**

#### *Length of leave*

- 26 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.

#### *Payment and funding*

- None.

#### *Flexibility in use*

- Leave may be taken up to the child's twelfth birthday, and up to their sixteenth birthday in the case of children with disabilities and serious illnesses.

- Leave may be taken in separate blocks of a minimum of six continuous weeks or on preferred terms, subject to employer's agreement.
- Parents can be on leave together, for part of the period or for 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. If the child is very near the age threshold and an employee has been working for a current employer for more than three months but less than one year, Parental leave can be used pro-rata.
- An extension of the *force majeure* provisions includes people 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 a person other than the parents*

- As leave is allocated per child, the leave period is doubled for parents of twins, and tripled for parents of triplets.
- Parents with a disabled child do not get additional Parental leave, but would be eligible for carer's leave and can take the leave until the child's sixteenth birthday.

*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 upon 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. Parent's leave (Department of Justice and Equality)**

*Length of leave*

- Five weeks per parent.

- Parent's leave is an individual entitlement that cannot be transferred, except in specified circumstances such as the death of one of the parents.

#### *Payment and funding*

- A weekly Parent's benefit of €245, funded from the Social Insurance Fund, paid by the Department of Employment Affairs and Social Protection.

#### *Flexibility in use*

- Parent's leave may be taken at any time within the first two years following the birth or adoption of a child.
- Parents must take Maternity leave and transferred Parental leave (where applicable) before Parent's leave.
- Leave may be taken as a continuous period of two weeks or in two periods of not less than one week.
- Parents can be on leave together for part of the period (one week) or for the whole period.

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

- The 'relevant parent' entitled to the leave includes an employed or self-employed: parent of the child, a spouse, civil partner or cohabitant of the parent of the child, a parent of a donor-conceived child, the adopting parent or parents of a child, the spouse, civil partner or spouse of the adopting parent of the child, as well as each member of a married couple of the same sex, a couple that are civil partners of each other, or a cohabiting couple of the same sex.
- A person who has satisfied the PRSI conditionality for maternity/paternity/adoptive benefit will be deemed to have satisfied the conditionality for Parent's 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 a person other than the parents*

- In the case of multiple births or the adoption of more than one child at the same time, a parent is only entitled to one period of Parent's leave.
- Where one of the parents entitled to leave dies within the period of 52 weeks following the birth or adoption of a child, the employed surviving parent of the child is entitled to a period of transferred Parental leave.

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

- The leave can be postponed by the employee in case the employee becomes ill after notifying their employer of their intention to take the leave or in the event of hospitalisation of the child.
- The leave can be also postponed by the employee if the date of placement of a child for adoption is postponed or where the child's birth occurs after the date selected by the employee as that on which parent's leave will begin. In these circumstances, the parent will be entitled to select another date, but must comply with the sequence of the leave (i.e. only after taking Maternity leave or transferred Paternity leave, where applicable).
- The leave can be postponed by the employer if taking the leave by the employee would result in substantial adverse effect on the operation of their business, profession or occupation. Reasons for postponement can include: the seasonal variations in the volume of work, the unavailability of another person to carry out the duties of the employee during the leave period, staffing levels over the period of the requested leave.

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

No statutory entitlement.

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

*Adoption leave and pay*

- 40 weeks of leave for adopting mothers or sole male adopters of children under eight years of age, with 24 weeks being paid and 16 weeks being unpaid. Payment and eligibility are the same 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.
- Parent's leave and Parent's benefit is also available for adoptive parents of children adopted after the 1 November 2019.

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

- Three days of paid leave per worker within any 12 consecutive months, up to a limit of five days within any 36 consecutive months (treated as *force majeure*).
- Employees with 12 months' continuous service can take a minimum of at least 13 weeks' leave, up to a maximum of 104 weeks, of unpaid carer's leave to provide full-time care for a dependant (a child or adult in need of full-time care), either in one continuous period or as several blocks of time. Employees may work up to ten hours per week while on this carer's leave, subject to certain income limits. An employee on carer's leave may be entitled to a means-tested carer's benefit.

### *Flexible working*

- Breastfeeding mothers are entitled to adjust their working hours or, if breastfeeding facilities are provided at work, to take breastfeeding breaks up until the child is six months old.
- On return from Parental leave, an employee may request a change in their working hours or pattern. Employers must consider such a request, but are not required to grant it.

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

The maximum period of post-natal leave available is nearly 24 months, but most of this is unpaid; leave paid at a low flat rate lasts for just under eight and a half months. There is an entitlement to Early Childhood Education and Care (ECEC) from three years of age. There is a substantial gap, therefore, 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 of age are close to the average both for the countries included in this review and OECD countries; however, they are well above the average for children over three years of age (mainly because of an early start in school). For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

## **3.Changes in policy since April 2020 (including proposals currently under discussion)**

The Parental Leave (Amendment) Act 2019<sup>2</sup> adopted in May 2019 extended the unpaid Parental leave from 18 to 22 weeks (in 2020), and to 26 weeks from September 2020. In addition, the Act changed the qualifying age of the child from eight to twelve years of age.

The Parent's Leave and Benefit Act 2019<sup>3</sup> introduced two weeks of paid Parent's leave as a new and separate scheme (for details, see section 1d), and the leave was subsequently extended to five weeks from April 2021. The longer-term plan is that the paid Parent's leave would increase incrementally to nine weeks.<sup>4</sup> Employers have the option of topping up the basic payment, should they wish (as is currently the case with maternity and paternity benefit).

## **Policy response to the COVID-19 pandemic up to end April 2021**

No information.

## **4. Uptake of leave**

### **a. Maternity leave**

According to the social protection statistics, there were some 44,456 maternity benefits awarded for 2019.<sup>5</sup> The figures are considered to be generally static from year to year, although there has been a fall from 48,827 in 2011. In terms of costs, expenditure on the benefit was €267.2 million in 2019.<sup>6</sup>

In 2020, the Irish Central Statistics Office (CSO) released a report examining employment data for people who received maternity and paternity benefits in 2019.<sup>7</sup> This reported that maternity benefit was

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<sup>2</sup> Parental Leave (Amendment) Act 2019, Number 11 of 2019, available at <http://www.irishstatutebook.ie/eli/2019/act/11/enacted/en/html>

<sup>3</sup> Parent's Leave and Benefit Act 2019, Number 35 of 2019, available at <http://www.irishstatutebook.ie/eli/2019/act/35/enacted/en/pdf>

<sup>4</sup>

<https://data.oireachtas.ie/ie/oireachtas/bill/2019/75/eng/memo/b7519smemo.pdf>

<sup>5</sup> Department of Employment Affairs and Social Protection (2020) *Statistical Information on Social Welfare Services, Annual Report 2019*. Dublin: Department of Employment Affairs and Social Protection.

<sup>6</sup> Ibid.

<sup>7</sup> CSO (2020) *Employment Analysis of Maternity and Paternity Benefits*. CSO statistical release, 02 June 2020. Available at:

<https://www.cso.ie/en/releasesandpublications/er/eampb/employmentanalysisofmaternityandpaternitybenefits2016-2019/>



paid to 5.3 per 100 employees in 2019, a slight decrease from 5.4 in 2018. Maternity leave take-up differed depending on the sector: public administration and defence had the highest sectoral rate of maternity benefit take-up at 8.3 per 100 employees in 2019, while the lowest rate was in accommodation and food services, at 2.5. The take-up of maternity benefit was highest in large enterprises (that is, with 250 or more employees). More than half (54 per cent) of maternity benefit recipients received a top-up payment from their employer in addition to their maternity benefit payment. Of those women who did not receive additional income from their employer, the majority earned less than the flat-rate weekly maternity benefit amount from the Department of Employment Affairs and Social Protection.

One in ten (10.1 per cent) women in receipt of maternity benefit in 2018 did not return to paid employment in 2019. For workplaces with less than ten employees, 14.9 per cent of maternity benefit recipients in 2018 did not return to paid employment the following year, compared with only 3.4 per cent in large enterprises with 250 or more employees.<sup>8</sup> The likelihood of a woman not returning to paid employment also varied by sector: from 31.4 per cent for those in agriculture, forestry and fishing to 1.2 per cent in public administration and defence. It also drops with each additional child, particularly for those who have had four or more children.

## **b. Paternity leave**

In the first six months of the new Paternity leave scheme, between September 2016 and February 2017, there were 8,558 paternity benefit applications awarded.<sup>9</sup> The reasons for the relatively low initial uptake (compared to Maternity leave awards) were reported in the media as a combination of the newness of the scheme and an absence of 'wage top-ups' to the (then) €235 paternity benefit for many fathers.<sup>10</sup> On the latest available evidence (2019), there were some 28,153 claims for paternity benefit in that year.<sup>11</sup> Hence, uptake increased rapidly. Köppe (2019) estimated the take-up rate as between 40 and 60 per cent, and calculates that the statutory benefit is equivalent to an average income replacement rate of 53 per cent.<sup>12</sup> According to the aforementioned

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<sup>8</sup> Ibid.

<sup>9</sup> Data supplied directly by the Department of Employment Affairs and Social Protection Statistics Unit.

<sup>10</sup> <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>

<sup>11</sup> Department of Employment Affairs and Social Protection 2020, op cit.

<sup>12</sup> Köppe, S. (2019) *Ireland's Paternity Benefit: Belated Social Investment*, Working Papers 2019/05, Geary Institute, UCD, Dublin: Geary Institute.

2020 CSO report, 55 per cent of fathers entitled to paternity benefit took it in 2018, and the sectors with the highest rates of paternity benefit per 100 employees in 2019 were public administration and defence (5.6), industry (4.5) and financial and real estate (4.2).<sup>13</sup> Micro-enterprises with less than ten employees had the largest proportion of fathers who did not take paternity benefit to which they were entitled in 2018, at 62.1 per cent. Companies with 250 or more employees had the smallest proportion of fathers not taking paternity leave and benefit at 36.5 per cent.<sup>14</sup>

### **c. Parental leave**

Although there are no official statistics yet available, it was estimated that 45,000 parents would take the leave in 2020. However, since even the public service employees do not currently have their salary topped up for Parent's leave, the expectation is that uptake was lower than for Maternity and Paternity.<sup>15</sup> Only 18% of the private sector organizations declared that they will pay over and above social welfare benefit to employees on the newly introduced Parent's leave.<sup>16</sup>

Based on the findings of the 'Pregnancy at Work' study (referred to in section 4.a.), 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 uptake 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' uptake of Parental leave.

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

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<sup>13</sup> CSO (2020) *Employment Analysis of Maternity and Paternity Benefits*. CSO statistical release, 02 June 2020.

<sup>14</sup> Ibid.

<sup>15</sup> Newman, F. and C. Ryan (2020) *Spending Review 2020. Focused Policy Assessment: Paid Parent's Leave Scheme*. Dublin: Pay Policy Unit Department of Public Expenditure & Reform, October 2020.

<sup>16</sup> <https://www.ibec.ie/connect-and-learn/media/2019/10/24/ibec-hr-survey>

There is no recent information on uptake, with the latest data being from a survey in 2001.

# Israel<sup>1</sup>

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April 2021

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 (תקופת לידה והורות, *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 fourteen weeks.

*Payment and funding*

- 100 per cent of the average earnings in the three months or six months prior to birth (the higher of the two) for the first 15 weeks, with an upper limit of five times the average salary (ILS1,485.83 [€382.46]<sup>2</sup> per day). 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 pay 0.4 per cent, up to 60 per cent of average earnings; above which payment is 6.75 per cent and 7 per cent respectively up to a limit.

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<sup>1</sup> Please cite as: Perez-Vaisvidovsky, N. (2021) 'Israel country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufmann, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-ils.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-ils.en.html)

### *Flexibility in use*

- Women may use the first six weeks of leave before birth. The leave may be shortened to 14 weeks, but no less than that.
- Working is formally not permitted while on leave, and the National Insurance Institute is entitled to revoke benefits for those found to be working when on leave. However, maintaining a connection to the workplace (via email, phone calls and even occasional visits) is considered acceptable for women. Enforcement of this regulation for men sharing their spouses' leave is much more stringent.

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

- All women are entitled to the first 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-week 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 a person other than the mother*

- A mother who has been hospitalised for two weeks or more during her leave may extend her paid leave for the hospitalisation period (up to four weeks) or split her leave so that the hospitalisation period will not be included.
- A mother whose baby has been hospitalised for two weeks or more during the leave may extend her paid leave for the hospitalisation period (up to 20 weeks) or split her leave so that the hospitalisation period will not be included.
- In the case of multiple childbirths, 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 'her (male) spouse (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 seven 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 on leave.

## **b. Paternity leave (חופשת אבהות, Hufshat Abahut)**

No statutory entitlement, though 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 last two 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 day is 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 and non-transferable entitlement.

### *Payment and funding*

- None.

### *Flexibility in use*

- 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 half of the length of their employment with their current employer: up to one year of leave is allowed 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 must meet the same eligibility criteria.

*Time off for the care of dependents*

- In the 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, and 100 per cent from the fourth day). A single parent may use up to 16 days. In the case of malignant disease, the period of leave increases to 90 days (110 days 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 the case of the sickness of a spouse, workers may use up to six days per year out of their allotted sick leave (60 days for malignant disease).
- During the pregnancy of their spouse, a worker is entitled to use seven days of their allotted sick leave to attend medical examinations and treatments related to the pregnancy.
- A worker may use up to six days per year of their allotted sick leave to care for a parent over 65 years of age.

### *Flexible working*

- During the first four months from 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 the break times defined by law. The father is eligible for this reduction if the mother is not using it.

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

The maximum period of post-natal leave is 12 months, but most of this is unpaid; well-paid leave runs for 3.5 months. There is no entitlement to Early Childhood Education and Care (ECEC).

Levels of attendance at formal services for children under and over three years of age is above average both 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.

Places in government regulated and subsidised ECEC are hard to come by, the demand for children under three years of age exceeding supply. When the initial birth leave of 26 weeks ends, parents have difficulties finding places in regulated ECEC centres, especially when the leave ends in the middle of the school year. Many parents, therefore, have to use the unpaid Parental leave, or else rely either on family assistance or expensive, unregulated private services.

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

### **Policy response to the Covid-19 pandemic up to end April 2021**

#### *Childcare and school*

- Childcare centres, both subsidised or regulated by the state and privately owned, and schools were closed from 13 March 2020. They were partially re-opened from 3 May 2020, to be fully re-opened on 17 May 2020
- Schools were first re-opened for grades 1-3 and 11-12.



- Schools, kindergardens and childcare centers were closed again on 18 September 2020. Education for ages 0-6 was re-opened on 18 October, and for schools 14 days later.
- On 8 January 2021, the education system was closed again. Beginning on 11 February 2021, education gradually returned to normal functioning.

#### *Parental leave*

- No changes were made except that from November 2020, parents who lost employment during the pandemic period were eligible to leave remuneration based on their income prior to the onset of the pandemic

#### *Other measures for parents and other carers*

- A one-off payment of ILS500 [€128.70] per child was made to parents in April 2020.
- A second payment was made in August 2020, of ILS500 [€128.70] per child until the fourth child, and ILS300 [€77.22] for each child from the fifth child onward. In addition, a payment of ILS750 [€193.06] was made to each adult.

## **4. Uptake of leave**

### **a. Maternity leave**

All eligible women use Maternity leave as it is obligatory: as of 2010, women eligible for paid leave account for 62 per cent of all women giving birth. Only 0.35 per cent of women receiving Maternity leave benefit transfer part of it to their spouse.

### **b. Paternity leave**

No information available.

### **c. Parental leave**

No information available.

# Italy<sup>1</sup>

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April 2021

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)*

- Five months: at least four weeks can be taken before the birth. However, the pregnant woman also has a choice to work up to childbirth, as long as a specialist doctor certifies that this option does not damage the health of the pregnant woman and the child. Those who choose this option are able to benefit from the five months of mandatory Maternity leave after the birth of the child. It is obligatory to take this leave. Absence from work can take place two months before the childbirth if pregnancy is certified as 'at risk,' or if the Territorial Department of Labour certifies that the job is incompatible with pregnancy.

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<sup>1</sup> Please cite as: Addabbo, T., Cardinali, V., Giovannini, D. and Mazzucchelli, S. (2021) 'Italy country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufmann, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

### *Payment and funding*

- 80 per cent of previous earnings with no upper limit 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 potential to determine, with approval by the Ministry of Labour, Health and Social Policies, a higher limit, taking into account income and contribution potential of the professional sector and compatibility with financial availability of the professional fund.
- Funded by the 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 employment 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 directly by INPS or by their employer, who is recompensed by the INPS. These contributions maintain pension rights.
- Pension contributions for women taking Leave are made by the 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 has paid social security contribution at the time of her application.

### *Flexibility*

- For employees and workers enrolled in the Separate Social Security Fund '*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); or 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 the case of premature birth, which takes place before month seven of the pregnancy, the amount of Leave not used before birth is added to post-natal Leave.

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<sup>2</sup> By Law 335/1995, workers must contribute to a separate Italian National Institute of Social Security (INPS) fund for co-workers in order to obtain the right to a pension. They work on the basis of 'contracts of continuous and co-ordinated collaboration' or under contract for a project 'co.pro.,' that lay between employed and self-employed individuals' contracts.

*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.
- In the case of a premature birth, the mother may take unused pre-natal Leave after the birth; and if the infant is hospitalised, the mother has the right to suspend her Maternity leave, taking up the Leave again once the child is discharged.
- The mother can transfer one day of Maternity leave to the father, or a longer period if certain conditions prevent the mother from using the 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.
- 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*

- Ten days, which are obligatory. A further one day of optional Leave is available if the mother transfers part of her Maternity leave. Both types of Leave are not yet permanent and are still experimental, depending on budgetary approval (e.g. the optional part of the Leave was not funded in 2017).

*Payment and funding*

- 100 per cent of earnings with no upper limit.

*Flexibility*

- Leave can be used until five months after childbirth.
- Leave can be taken as separate days.

### *Eligibility*

- All employees.
- Same-sex couples are not eligible.

*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 after the birth 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, ill or, alternatively, if she is a self-employed worker who cannot take the Leave. The Tribunal is a civil court and its decision acts as an important precedent for other Tribunals, but is not automatically binding. 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, the Ministry of Economy and Finance)**

*Length of Leave (before and after child's birth)*

- Six months per parent. Leave is an individual entitlement and is 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 that 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 of age; the Leave is unpaid if taken when a child is six to twelve years of age.
- Funded in the same way as Maternity leave.
- Pension contributions for parents taking Leave are made by the 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; but this 'hourly-based leave' cannot be combined with another kind of permitted absence from work on the same day.
- Parents can take Leave at the same time.

### *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 act if the mother is a housewife<sup>3</sup>; previously this right was limited to fathers where the mother was self-employed. This change gives equal financial value to domestic work as labour outside of the home.
- Parental Leave of three months, to be taken within the first year of the child's life, is available to workers enrolled with *Gestione separata* by the INPS.
- Same-sex couples are eligible.
- Unemployed women are eligible to the maternity allowance granted by the National Social Security Institution for five months in place of the unemployment benefit.

### *Variation in Leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of Leave to person other than the 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, and tripled for triplets).
- A single parent may take ten months of Leave.

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<sup>3</sup> Art. 40c, Act of Law n. 151/2001: right to work reduced hours with full earnings compensation for the first 12 months after childbirth.

*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, Paternity 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 them entering the family; in the case of international adoption, the Leave can also be taken for overseas visits in connection with adoption. Paternity leave can be taken within five months of a child's entry into the family or into Italy, in the case of national or international adoption. The Parental Leave for adoptive and foster parents can be taken within eight years of the child entering the family but not after their eighteenth birthday; payment, generally, is 100 per cent of earnings for the first 30 days and 30 per cent of earnings for the subsequent five months, if taken within three years of the entry of the child into the family.

*Time off for the care of dependents*

- No limit for a child under three years of age; five days per year per parent for a child aged three to eight years. This Leave is 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: spouse, parents, children, then siblings of the person who needs care. During the period of Leave, the applicant is entitled to receive an allowance of 100 per cent of their previous earnings, up to a ceiling of €47,351 per year.

*Flexible working*

- Until a child is 12 months old, female employees are entitled to work reduced hours for breastfeeding, with full earnings

compensation (one hour less per day if working six hours per day or less; two hours less per day if working longer than six hours). Fathers are entitled to use this benefit in certain conditions, for example: if the mother is self-employed or a freelancer; if the mother opts not to use it; if the mother is not employed; or if the father has sole custody of the child. Home helps, domestic workers, and autonomous workers are not entitled to reduced hours, but in this case too the father can work reduced hours.

- Employees of any gender who have parental responsibility for a child under six years of age or a disabled child under 18 years of age have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so [... and must give] a written explanation explaining why.'

#### *Leave for female victims of gender based violence*

- Victims of gender-based violence (as certified by municipal social services or anti-violence centres) employed in the public or private sectors, and who have care responsibilities, 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.

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

The maximum period of post-natal leave is 15 to 16 months (depending on bonus months if the father takes Parental Leave); however, there is only five months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children attend ECEC from three years of age.

Levels of attendance at formal services for children under three years of age are below the average both for the countries included in this review and for OECD countries, but above average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

Despite being recognised as a social right for children and working mothers by Law 1044/1971, provision of ECEC for children under three years of age is much lower and very variable between different regions.



### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

#### *Paternity leave*

Following the Budget Law 2021, employed fathers are entitled to ten days of compulsory Paternity leave (increased from seven days granted before), which is an individual right and independent of the mother's right to Maternity leave. Also, the possibility to transfer one day of the Maternity leave to the father has been confirmed by the Law 178/2020.

#### *Kindergarten bonus*

Bonus to cover the costs of kindergarten or home care (in the case of serious disease) for children up to the age of three was confirmed by Law Decree 30, 13 March 2021.

#### *Universal birth allowance*

A monthly birth allowance (known as 'Baby Bonus') for families for each child born, adopted, or in pre-adoptive foster care was confirmed by Law 178/30 December 2020 (Budget Law 2021) article 1, comma 362.

#### *The family card*

The family card was introduced in 2016 to be applied in a set of municipalities in 2018. As from February 2020, in line with the 2019 Budget law, it has been extended at the national level and is provided to families with at least three children under 26 years. During the pandemic, the card has been made accessible to all families with at least one dependent child; however, from January 2021, families with less than three children under 26 years old cannot be eligible for the family card.

#### *Culture bonus or 18-year bonus*

It has been renewed for 2021.

#### *Universal allowance fund and family services*

The 2020 budget law established the 'Universal allowance fund and family services', in which, from 2021, the resources dedicated to the birth allowance (so-called baby bonus) and the nursery bonus will be transferred. The additional resources of the Fund will be directed to the reorganisation and systematisation of policies supporting families with children. The Chambers are examining the draft law S. 1892 delegating to the Government the adoption of one or more legislative decrees aimed to reorganize, simplify and strengthen - progressively - the measures aim to support dependent children through single and universal allowance and a so-called Family act (C. 2561). This government initiative aims to support female employment, increase the birth rate, promote the importance and social value of formal and non-

formal educational and learning activities for children and support the financial autonomy of young people.

Starting from 1 July 2021 and until 31 December 2021, a temporary allowance ('bridge allowance') for families with minor children who are not entitled to the current allowances has been established by the Italian Government 22<sup>nd</sup> Council of Ministries held on 4 June 2021. The 'bridging allowance' is dedicated only to families who do not meet the requirements to access family allowances already in force. The latter will continue to be paid to the families of employees and the like. A new 'bridge allowance' will guarantee support for families of self-employed, unemployed or citizenship income earners who are currently excluded from family allowances. To access the "bridge allowance", the applicant's family unit must have an ISEE of less than €50,000 per year. In addition, the applicant must comply with one of the following requirements:

- o be an Italian citizen or of a member state of the European Union, or a family member with the right of residence;
- o be a citizen of a state not belonging to the European Union, in possession of an EU residence permit for long-term residents or a residence permit for work or research purposes for at least six months;
- o be subject to the payment of income tax in Italy;
- o be domiciled or resident in Italy and have dependent children up to the age of eighteen;
- o be resident in Italy for at least two years, even if not continuous, or be the holder of an open-ended or fixed-term employment contract of at least six months.

The allowance is paid for each minor child based on the number of children and the economic situation of the family certified by the ISEE; in particular, the amount decreases as the ISEE level increases. If there are more than two children in the household, the unit amount for each minor child is increased by 30 per cent, and for each minor child with disabilities the amounts are additionally increased by €50. The average benefit referable to the period from 1 July 2021 to 31 December 2021 is equal to €1,056 per household and €674 per child.

On 11 June 2020 the Family Act containing '*Delegations to the government for the adoption of the universal allowance and the introduction of measures to support the family*' delegated to the government the adoption of one or more decrees within a two year period that will aim to strengthen, rearrange and harmonise the legislation on Parental Leave. The Family Act provides at least two months of Parental Leave for each child not transferable to the other parent. It also includes: 1) a mandatory leave period of at least ten working days for employed father in the first months of the child's birth, which is granted regardless of the marital or family status; 2) a paid leave of at least five hours during the school year for meetings with the teachers. It also foresees an introduction of flexible leave options.

## Policy responses to the Covid-19 pandemic to end April 2021

### *Parental leave*

- The Law 77/2020 (17 July 2020) extended the period during which it was possible to take advantage of the COVID-19 leave until 31 August 2020, thus postponing the previous deadline of 31 July 2020. Parental leave could be alternately used by only one of the parents per family unit for children under the age of 12 years, provided that neither parent in the family did not benefit from income support measures in the event of suspension or termination of employment or that there is no other unemployed or non-working parent in the family. The 12-year age limit did not apply to disabled children in the situation of severity established under Article 4, c. 1, of the law 5 February 1992, no. 104, registered to schools of all types and levels or hosted in daycare centres. Parents on leave with a child under 12 years of age were granted an allowance equal to 50 per cent of their salary with a relative notional contribution. The possibility of taking the leave was also recognized for parents with children aged 12 to 16, but without the right to the benefit payment or recognition of the notional contribution.
- The Decree Law 30/2021 (13 March 2021) introduced a new leave for employees with children affected by COVID-19, in quarantine, or in cases of suspension of teaching activities in the presence or closure of daycare centres. The new leave is compensated at 50 per cent of salary. Eligibility is extended to employees in the private or public sectors who can use leave alternately (not on the same days) for cohabiting children under 14 years. The cohabitation requirement and the 14-year age limit do not apply to the care of children with disabilities in a situation of severity established under article 4, paragraph 1, of law no. 104, enrolled in schools of all types and levels for which the suspension of face-to-face teaching activities has been ordered or in daycare centres that have been closed due to the pandemic. For parents of children aged 14 to 16, there is the right to abstain from work; however, without the right to the benefit payment or recognition of the notional contribution. In the latter case, the application must be submitted only to the employer and not to the National Social Security Institute.

## 4. Take-up of Leave

### a. Maternity leave

Maternity leave is obligatory for employees. The most recent data (INPS, 2020) for the private sector shows that in 2018 there were 198,279 beneficiaries, of whom 24,755 were fixed-term employees; 172,325 permanent workers; and 1,199 seasonal workers.

### b. Paternity leave

In 2018 in the private sector, 123,142 fathers took compulsory Paternity leave (INPS); a 14 per cent increase since 2017. Optional leave beneficiaries increased from 868 in 2017 to 4,524 in 2018. However, as the figures show, the majority of fathers do not take advantage of this leave. Monitoring, as well as more information about the right to take Paternity leave, is needed in order to increase the number of fathers taking the compulsory leave.

### c. Parental Leave

The most recent data (INPS, 2021) for the private sector, including agriculture, show that there were 297,002 Parental leave beneficiaries. Regarding self-employed workers, there were 2,026 Parental leave beneficiaries in 2019. Fathers are still a minority amongst parents beneficiaries of the leaves (21 per cent in 2019).<sup>4</sup>

As of March 2021, 1,304,903 applications for Bonus 'babysitting' included by the 'Cura Italia' Decree were received by INPS, out of whom 86 per cent came from the private sector (INPS, 2021).<sup>5</sup>

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[https://www.inps.it/docallegatiNP/Mig/Dati\\_analisi\\_bilanci/Studi\\_e\\_analisi/CO\\_NGEDI\\_PARENTALI.pdf](https://www.inps.it/docallegatiNP/Mig/Dati_analisi_bilanci/Studi_e_analisi/CO_NGEDI_PARENTALI.pdf)

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[https://www.inps.it/docallegatiNP/Mig/Dati\\_analisi\\_bilanci/Osservatori\\_statistici/Analisi\\_Covid-19/Bonus\\_baby-sitting.pdf](https://www.inps.it/docallegatiNP/Mig/Dati_analisi_bilanci/Osservatori_statistici/Analisi_Covid-19/Bonus_baby-sitting.pdf)

# Japan<sup>1</sup>

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April 2021

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 'pre-natal and post-natal leave') (responsibility of the Ministry of Health, Labour and Welfare)**

*Length of leave (before and after birth)*

- 14 weeks: six weeks before the birth, and the remaining eight weeks after birth – six weeks of which are obligatory.

*Payment and funding*

- Two-thirds of the mother's average daily earnings, which is calculated by dividing her average monthly earnings for the previous 12 months by 30; up to an upper limit that only affects a very small number. If the mother has been employed for fewer than 12 months, the benefit is the lower of the two figures: her monthly earnings for the insured period, or the average monthly earnings of all those insured.
- The benefit payment is tax-free, and the recipients are exempted from social insurance contributions.

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<sup>1</sup> Please cite as: Nakazato, H., Nishimura, J. and Takezawa, J. (2021) 'Japan country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufmann, G. and Moss, P. (eds.) International Review of Leave Policies and Research 2021. Available at: <https://www.leavenetwork.org/annual-review-reports/>

- Funded from the Employees' Health Insurance system, financed by equal 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 the employer can be made 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 at work six weeks after childbirth if a doctor has confirmed her job will have no adverse effects on her.

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

- All female employees are eligible for Maternity leave, but only those covered by the Employees' Health Insurance system 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. Instead, women who are not covered by the Employees' Health Insurance system are exempted from the National Pension System contributions for four months, counting from the month before childbirth (applicable to births on 1 February 2019 or later).
- The eligibility criteria listed above are applicable regardless of citizenship or residency.

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

- In the case of multiple births, Maternity leave can be taken 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, and the remainder at 50 per cent). In this typical situation, the father either starts leave on the same day that the mother finishes or starts his leave some time before that, then returns to work when the baby turns 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 who is, or whose spouse is, already on leave can take Parental leave up to the child reaching 18 months of age where (1) admission to a childcare centre had been requested but was not forthcoming; or (2) the spouse of the employee who was expected to take care of the child was not able to do so for reasons such as death, injury, and illness. A parent can take Parental leave up to the child reaching 24 months of age, if they meet the above condition at the time when the child turns 18 months of age. This extension of leave is an individual entitlement, i.e. both parents can take it for the extent to which they are entitled to usual Parental leave.

*Payment and funding*

- 67 per cent of previous earnings<sup>2</sup> for the first 180 calendar days of Parental leave taken by each parent with a minimum payment of JPY50,250 [€383.85]<sup>3</sup> per month and a maximum payment of JPY304,314 [€2,324.60] per month; then 50 per cent of earnings with a minimum payment of JPY37,500 [€286.46] per month and a maximum payment of JPY227,100 [€1,734.78] per month. The average monthly earnings of permanent, full-time female

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<sup>2</sup> The benefit is calculated based on the earnings in the six months before the leave (bonus is not included in the calculation).

<sup>3</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-jpy.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-jpy.en.html)

employees in 2019 was JPY269,400 [€2,057.90], whereas those of their male counterparts was JPY351,500 [€2,685.05].

- 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 exceeds 80 per cent of the individual's earnings.
- Funded from the parental leave section of the employment insurance system, financed by contributions from employees, employers, and the state: 0.2 per cent of all wages by employers and 0.2 per cent by employees. 1.25 per cent of the benefit payments is subsidised by the state. Leave benefit for employees in the public sector (national or local) are funded by mutual aid associations.

#### *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 does not apply to an employee employed on a day-to-day basis.
- Parental leave only applies to an employee employed on a fixed-term contract when they meet all of the following conditions: (1) they have been employed by the same employer for a continuous period of at least one year; and (2) it is not obvious that their 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) they have been 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, they are 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 they work 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 prior to leave.

- Adoptive children by 'special adoption'<sup>4</sup> (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.
- Self-employed workers are not eligible.
- Same-sex couples are not eligible.
- There are no payments aimed at unemployed parents.
- The eligibility criteria listed above are applicable regardless of citizenship or residency.

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to a 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'<sup>5</sup> (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.

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<sup>4</sup> There are two types of adoption in Japan. '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 contrast, children going through 'ordinary adoption' keep their relationship to their biological parents on the family register; this form of adoption is intended to be used to secure and to provide care for children whose biological parents cannot do so.

<sup>5</sup> For the definition of 'special adoption', see footnote 4.

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

- A short-term family care leave is available for up to five working days (to be taken in daily or hourly units) per parent per year for a child under compulsory school age (six years of age) if the child is injured, ill, or needs 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.
- Long-term family care leave can be taken for a spouse (including de facto), parents, children, parents-in-law, grandparents, siblings, and grandchildren for each occurrence of a condition where the family member requires constant care for a period of two weeks or more due to serious illness or disability. There is a limit of 93 days over the whole lifetime of each family member in need of this care, which can be divided into three periods or fewer. This leave is paid at 67 per cent of earnings.

### *Flexible working*

- Women with a child under 12 months of age are entitled to unpaid breaks of at least 30 minutes twice a day; breaks are not specifically for breastfeeding, but can be used for other purposes, e.g. leaving early to pick up children from childcare centres.
- Until a child reaches the age of three years, parents have the right to reduce their normal working hours to six hours per day. There is no payment for working reduced hours. This does not apply to workers excluded by collective labour agreements (e.g. those employed for less than one year). Employers are obliged to provide workers excluded by collective labour agreements with the entitlements to other measures, such as flexible working hours.
- Employers may not require an employee with a child below compulsory school age to (1) work more than 24 hours per month or 150 hours per year of overtime; or (2) work night shifts, i.e. between 22:00 and 05:00 – if the employee requests not to work these hours.

### *Measures to promote leave policy effective in workplaces*

- Under the Act on the Advancement of Measures to Support Raising the Next Generation of Children (introduced as 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, in order to support balancing work and child-rearing. Under the 2003 Act, employers with more than 100 employees are obliged to establish action plans; while employers with fewer employees are obliged to take steps to establish plans. The government grants certificates to employers

whose action plans and achievements meet nine conditions; this allows them to use a certification mark called 'Kurumin' and provides them with preferential tax treatment. These conditions include: at least one male employee took Parental leave during the period of the plan, and the Parental leave uptake 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 uptake rate of 13 per cent or more 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 from treating employees disadvantageously for taking Parental or family care leave, and they are obliged to take measures to deter actions by other workers that could harm their working conditions for these reasons.
- Employers are obliged to inform each employee individually of statutory and workplaces leave schemes and other work-life balance measures, when they learn that an employee (or their spouse) is pregnant or has given birth.
- Employers are obliged to make an effort to establish leave entitlement (beyond statutory provision) which can be used for the purpose of childcare so that employees taking care of children younger than school age can take care of their children without difficulties.

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

The maximum period of well-paid, post-natal leave is 14 months (including two months of bonus leave if parents share the leave period), which is nearly eight months for mothers and six months for fathers. If fathers do not use their leave entitlement, the maximum period of well-paid leave is just under eight months. Leave can be extended up to the child reaching 24 months of age, where admission to a childcare centre has been requested but denied for the time being. There is no entitlement to Early Childhood Education and Care (ECEC).

Levels of attendance at formal services for children under three years of age are below the average both for the countries included in this review and OECD countries; but above average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

There is an obligation for local authorities to estimate the demand and supply of ECEC for children from birth to school age (six years of age) and to make a plan to close the gap between demand and supply 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. Fees for ECEC services have been fully subsidized since October 2019 for all children aged three to five years (and the children up to two years of age in households exempted from local income tax) who are enrolled in these services.

Parents can apply for a childcare place for their children from eight weeks after their birth (the end of the Maternity leave period) until they are school age if the child needs care because the parents are working<sup>6</sup> again, seeking employment, studying, in training, etc. However, there is a significant shortage of childcare places, especially in large cities.

### **3.Changes in policy since April 2020 (including proposals currently under discussion)**

A short-term family care leave for a child under compulsory school age (six years of age) who is injured, ill, or needs a health examination can be used in hourly units starting on 1 January 2021 (previously it could only be used in half day units). The eligibility criteria that short-term family care leave is only applicable to employees who work over four hours a day was also removed.

### **Policy responses to the Covid-19 pandemic to end April 2021**

#### *Childcare and schools*

- After the Prime Minister requested the temporary closure of schools (for ages 6-18) on 28 February 2020, the schools were closed until the state of emergency (declared on 7th April 2020) was lifted on 25 May 2020, except for a short period between the end of the temporary school closure at the end of March and the declaration of the state of emergency. There were variations in the period of temporary closure across prefectures, municipalities, or individual schools (in particular in the case of the private schools).
- After the April-May 2020 round of school closures, there was no nationwide round of school closures. The Ministry of Education, Culture, Sports, Science and Technology (MEXT) announced that until December 2020 schools would be temporarily closed when COVID-19 positive cases are confirmed in schools, for the number

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<sup>6</sup> The definition of 'working' was expanded to include part-time work or other non-standard working styles under the new scheme that started in April 2015.

of days necessary for the local public health centre to identify people in close contact and test them. After December 2020, the Ministry of Education, Culture, Sports, Science and Technology (MEXT) asks each school to decide whether or not to be closed based on the status of the pandemic in the region and the opinion of the local public health centre, even when COVID-19 positive cases are confirmed in schools.

- Until the April-May 2020 declaration of the state of emergency was lifted, the state (Ministry of Health, Labour and Welfare, MHLW) requested the after-school children's clubs to secure the places for children whose parents need to continue working;
- As local authorities are responsible for providing or regulating ECEC services, there are regional variations across regions or individual facilities regarding the period of closure and limitation of availability of the services during the COVID-19 pandemic. However, the state provides guidelines. The Ministry of Education, Culture, Sports, Science and Technology (MEXT) is responsible for providing national guidelines for ECEC provided by preschools (3-5 years old), and the Ministry of Health, Labour and Welfare (MHLW) is responsible for childcare (nursery schools) (2 months-5 years old). However, preschools are exempted from the request of the temporary closure to provide places for children under the school age who cannot stay home alone.
- The MHLW requested local authorities to secure the places for children in need of care while parents are working etc., even after the government requested the temporary school closure from 28th February 2020;
- When the state of emergency was declared on 7th April 2020, the ministry requested daycare centres to limit their capacity by asking parents to take leave for the pandemic situation if they can and take care of their children at home, while they secured the places for children of "key workers." This request was kept until the state of emergency in Japan was lifted on May 25<sup>th</sup> 2020;
- There were municipalities where all or part of the daycare centres (nursery schools) and preschools are closed temporarily when a large number of people is tested positive for the COVID-19;
- Key workers include those from the sectors related to: Maintaining medical systems; Care for vulnerable people, such as the elderly, people with disabilities; Securing stable life of citizens (managing infrastructure, supplying and retailing groceries and daily necessities such as home supplies, dining, catering, and take-away services, house maintenances, essential services such as hotels, public baths, barbers and hairdressers, waste management, media and broadcasting, internet service); Services essential for keeping business (financial services, logistics and public transport, public services, childcare); Factories difficult to stop production due to its characteristics.

- After the April-May 2020 declaration of the state of emergency was lifted, and until April 2021, the Ministry of Health, Labor and Welfare (MHLW) has requested that daycare centres and after-school children's clubs should be open in principle. In the event that children or staff members tested positive for COVID-19 and the pandemic is spreading in the community, the mayor of the municipality may decide to close the centres temporarily.

#### *Parental leave*

- There are no changes in the existing laws, but the condition of special extension where 'admission to a childcare centre had been requested but was not forthcoming' (explained in the subsection of 1c on 'length of leave') is explicitly applied to the situation where the parents are requested to take care of a child at home, although they originally planned to return to work.

#### *Other measures for parents and other carers*

- In March 2020, the MHLW launched subsidies for employers that allow their employees (regular or non-regular) to take paid leave (excluding statutory paid leave) in the period between 27 February 2020 and 31 March 2020 to take care of their children for school closures related to the COVID-19 pandemic. Employers are eligible for a subsidy at the level of the full amount of wages paid during the leave, up to JPY8,330 [€63.63] per day. The deadline for paid leave to be covered by this system has been extended to 31 March 2021. In addition, the maximum daily amount of the subsidy has been raised to JPY15,000 [€114.58] for paid leave taken on or after 1 April 2020.
- From April 2021, the MHLW revised the above system and introduced subsidies for employers whose employees take paid leave in the event of school closure for reasons related to the COVID-19 pandemic. Employers are eligible for a subsidy of JPY50,000 [€381.94] per person who took the paid leave stated above, for up to 10 people per company (up to JPY500,000 [€3,819.42]).
- In addition, in March 2020, the MHLW introduced a subsidy for a person who works under an outsourcing contract but is unable to perform the contracted work because of the need to care for a child due to school closure related to the COVID-19 pandemic. A person is eligible for JPY4,100 [€31.32] per day off from work between 27 February 2020 and 31 March 2020. The period of leave covered by the program was initially limited to 31 March 2020, but has been extended to 31 March 2021. For days off from work after 1 April 2020, the subsidy has been increased to JPY7,500 [€57.29] per day.

- In June 2020, the Ministry of Health, Labor and Welfare (MHLW) established a subsidy for small and medium-sized business employers who have established paid leave for family care (paid leave taken between 1 April 2020 and 31 March 2021) in response to COVID-19 pandemic, for employees who take five or more days of paid leave. The amount of the subsidy was JPY200,000 [€1,527.77] per person and JPY350,000 [€2,673.59] per person in the case of less than ten days and ten or more days of paid leave taken, respectively, with a limit of five people at each company. This subsidy was initially set to last until 31 March 2021, but has been extended to 31 March 2022.
- In June 2020, the Ministry of Health, Labor and Welfare (MHLW) introduced a subsidy for employers who allow pregnant employees to take paid leave (excluding statutory paid leave) for reasons related to the COVID-19 pandemic between 7 May 2020 and 31 March 2021. Employers are eligible for a subsidy of JPY250,000 [€1,909.71] per person if they allow their employees to take the above mentioned paid leave for more than five days but less than 20 days, and an additional JPY150,000 [€1,145.83] for every 20 days thereafter up to a maximum of JPY 1 million [€7,638.84] (for up to 20 employees per company).
- In April 2021, the Ministry of Health, Labor and Welfare revised the above system. The deadline to be eligible for the above mentioned paid leave was extended to 31 January 2022. Employers are now eligible for a subsidy of JPY285,000 [€2,177.07] per person (up to five people per company) if their employees take a total of 20 days or more of paid leave.
- The government encouraged employers to utilize the special subsidies to provide working parents with paid leave as stated above. Although not specific to parents or other carers, during the state of emergency (April-May 2020, January-March and 25 April-20 June 2021), the government requested employers in the prefectures covered by the declaration to reduce the proportion of employees working at the office by 70 per cent by encouraging them to work from home and take leave. They also introduced various subsidies for employers to set up facilities and environment to promote working from home;
- In June 2020, a one-time benefit of JPY10,000 [€76.39] per child was provided for parents who are eligible for means-tested child allowance, and JPY50,000 [€381.94] (and JPY30,000 [€229.17] for each additional child) for single parents who are eligible for means-tested child allowance. If a parent eligible for the latter supplement has also experienced an income decrease, she/he was supplemented with another JPY50,000 [€381.94].
- In April 2021, a one-time benefit of JPY50,000 [€381.94] per child was provided to single-parent households receiving means-tested child allowance and to other households raising children who are exempt from residential taxation. For single-parent households,

the same benefit is provided to households whose income has suddenly decreased to a level equivalent to that of households receiving means-tested child allowance.

- Although these are not specific to parents, all people who are recorded in the Basic Resident Register on 27 April 2020 are provided with a one-off supplement of JPY100,000 [€763.88], and self-employed workers who have experienced income decrease are provided with income replacement up to a maximum of JPY1,000,000 [€7,638.84].

## 4. Uptake 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>7</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 – however, because part of Maternity leave is obligatory, it is assumed that there are relatively few variations in uptake.

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 – 72.2 per cent took 42 or fewer days off, and 26.0 per cent took 43 to 98 days off. The average length of post-natal leave taken was 54.5 days – 77.2 per cent took 56 days (8 weeks), 9.9 per cent took 42 to 55 days, and 12.9 per cent took 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>8</sup> unless otherwise noted, 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 child-bearing of spouse' (*haigusha shussan kyuka*), which can be interpreted as non-statutory Paternity leave. The proportion in 2011 had increased by 10.8 per cent, compared to same survey in 2008. Most workplaces (88.9 per cent) that have this provision entitle their workers

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<sup>7</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>8</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>.



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 per cent from the 2008 survey (82.8 per cent). Leave was taken up by just over half (52.9 per cent) of the male workers at workplaces that provided this leave, and whose partners gave birth from 1 April 2009 to 31 March 2010.

According to a survey conducted in 2016,<sup>9</sup> 55.9 per cent of fathers whose spouse gave birth in 2015 took some leave, including Parental leave, leave for child-bearing of spouse, and annual leave, within two months after the birth.

### **c. Parental leave**

The figures in this section, unless otherwise noted, are taken from the 2019 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*),<sup>10</sup> based on a national sample of 3,460 private sector workplaces that employed five or more regular employees.

A large proportion (83.0 per cent) of female workers who had given birth between 1 October 2017 and 30 September 2018 had started or applied for Parental leave by 1 October 2019. The proportion had decreased by 1.0 per cent point from the previous year (82.2 per cent).

The proportion of men was much lower: 7.48 per cent of male workers whose spouse had given birth between 1 October 2017 and 30 September 2018 had started or applied for Parental leave by 1 October 2019. The proportion increased by 1.32 percentage points from the previous year (6.16 per cent).

Figures related to the leave duration are only available for the previous year (2018 Basic Survey of Gender Equality in Employment Management). Nearly a third (31.13 per cent) of female workers who returned to work from leave between 1 April 2017 and 31 March 2018 had taken ten to 12 months of leave, and 29.8 per cent had taken 12 to 18 months of leave. 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 36.3 per cent took under five days.

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<sup>9</sup> Intage Group (2017) *Dansei no haigusha no shussan chokugo no kyuka shutoku ni kansuru jittai haaku no tameno chousa kenkyu jigyo houkokusho [Report on the research project on fathers' uptake of leave following the child-bearing of their spouse]* commissioned by the Cabinet Office. Available at <http://www8.cao.go.jp/shoushi/shoushika/research/h28/zentai-pdf/pdf/s2.pdf>

<sup>10</sup> Ministry of Health, Labour and Welfare (2020) *2019 Basic Survey of Gender Equality in Employment Management*. Available at: <https://www.mhlw.go.jp/toukei/list/dl/71-r01/03.pdf>

The figures above do not take into account the number of female workers who had quit their job before the birth of their child. 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 2019 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 (67.4 per cent); exemption from overtime work (60.2 per cent); flextime for childcare (12.0 per cent); starting/finishing work earlier/later (35.6 per cent); providing on-site childcare centre (3.4 per cent); subsidising childcare costs (5.5 per cent); and telework (4.2 per cent). The practical application of these measures varies between workplaces.

As for the use of these measures, there are striking differences between how male and female workers used the options available to them. In 16.2 per cent of workplaces providing the reduced working hours option, only female workers used this measure, while just 0.5 per cent of both female and male workers used it. In 13.7 per cent of workplaces providing on-site childcare centres, only female workers used them, while 3.8 per cent of both female and male workers used them. In 10.2 per cent of workplaces providing flextime for childcare, only female workers used this measure, while just 2.2 per cent of both female and male workers used it. In 13.9 per cent of workplaces providing telework, only female workers used them, while 5.4 per cent of both female and male workers used them.

# Korea<sup>1</sup>

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April 2021

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, any 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, excluding bonuses and/or overtime pay) at the time of taking leave, paid by the employer for the first 60 days (75

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<sup>1</sup> Please cite as: Kim, H. and Shin, E. (2021) 'Korea country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-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.

days for multiple births); then, 100 per cent of ordinary earnings paid by the Employment Insurance Fund with an upper limit of KRW2,000,000 [€1,482.37]<sup>3</sup> for the last 30 days (45 days for multiple births).

- To reduce the financial burden on small- and medium-sized enterprises (SMEs), often called an affirmative support enterprise, the Employment Insurance Fund<sup>4</sup> pays for the first 60 days, up to a limit of KRW2,000,000 [€1,482.37]. If an employee's ordinary earnings are higher than the limit for the first 60 days, the employer must pay the difference between the limit and the employee's ordinary earnings for that period. This means that the Employment Insurance Fund pays up to KRW6,000,000 [€4,447.11] (KRW8,000,000 [€5,929.48] for multiple births) on behalf of SMEs, including payment for the last 30 days, which is provided for all types of companies. 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 in order to be considered as an SME.
- The Employment Insurance Fund for Maternity leave benefit is financed mainly by employers' and employees' contributions, with a small amount of government subsidy.

#### *Flexibility in use*

- Maternity leave can be taken 45 days before the expected date of delivery. For medical reasons, women who have previously experienced or risk a miscarriage can take the first 45 days at any time.

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

- All female 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.

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<sup>3</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-krw.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-krw.en.html)

<sup>4</sup> Employment insurance (EI) does not cover government officials, teachers (both in public and private schools), part-time workers working fewer than 60 hours per month, or domestic workers. EI also does not cover businesses in the agriculture, forestry, fishery, and hunting sectors with four or fewer employees, nor does it cover small construction firms.

- A woman who gave birth but is not eligible for the Maternity benefit (for example, self-employed workers) can receive KRW1,500,000 [€1,111.78] for 90 days (KRW500,000 [€370.59] per every 30 days)

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

- In the case of multiple births, the length of paid Maternity leave increases to 120 days (a minimum of 60 days must be taken after birth).

#### **b. Paternity leave (배우자 출산휴가) (responsibility of the Ministry of Employment and Labour)**

*Length of leave*

- Ten days.

*Payment and funding*

- 100 per cent of ordinary earnings.
- Paid by the employer. The Employment Insurance Fund pays for five days on behalf of the SMEs to reduce the financial burden on the SMEs. The upper limit on payment for five days is KRW382,770 [€283.70].

*Flexibility in use*

- Leave can be taken within 90 days after the birth and can be split once.

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

- All employees whose spouse gives 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*

- For the first three months of full-time Parental leave, 80 per cent of ordinary earnings, with a minimum of KRW700,000 [€518.83] per month and an upper limit of KRW1,500,000 [€1,111.78] per month. For the remaining nine months, 50 per cent of ordinary earnings, with a minimum of KRW700,000 [€518.83] per month and a maximum of KRW1,200,000 [€889.42] per month.
- Using part-time Parental leave, the employee can reduce working hours for one to five hours a day. For one hour reduction, 100 per cent of ordinary earnings is paid with an upper limit of KRW2,000,000 [€1,482.37] per month. For two to five hours reduction, 80 per cent of ordinary earnings with an upper limit of KRW1,500,000 [€1,111.78] per month is applied for the whole leave period, to encourage employees to use part-time Parental leave.
- 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 limit of KRW2,500,000 [€1,852.96]. This so-called 'daddy months' (아빠의 달) aims to encourage fathers to take Parental leave - as fathers conventionally take leave after the mother - by providing higher benefits when both parents participate in Parental leave consecutively.
- For single-parent family, higher payment is applied: the Parental benefit for the first three months of leave increases to 100 per cent of ordinary earnings with a limit of KRW2,500,000 [€1,852.96] per month; 80 per cent for the fourth to the sixth month with a limit of KRW1,500,000 [€1,111.78] per month; 50 per cent of ordinary earnings with a limit of KRW1,200,000 [€889.42] per month for the remaining months.
- 25 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 with the same employer afterwards. However, this rule is not applied when it is not the fault of the employee for not working for more than six months with the same employer (for example, closing or bankruptcy due to the economic recession from 31 March 2020).
- Funded from the Employment Insurance Fund.

### *Flexibility in use*

- Leave can be taken until the child reaches the age of eight (or second year in primary school).

- Full-time Parental leave can be split once, i.e. it can be taken in two separate periods. Part-time Parental leave can be split into three months periods.
- Instead of taking Parental leave on a full-time basis, employees can reduce their working hours.<sup>5</sup> Reduced working hours must be a minimum of 15 hours per week and cannot exceed 35 hours per week. The Parental leave benefit is paid in proportion to the number of working hours.
- If the employee takes only part-time Parental leave – in other words, does not take full-time Parental leave at all, he or she can take part-time Parental leave up to two years.
- Both parents can take parental leave at the same time.

*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 legal.

*Variation in leave due to child or family reasons (e.g. multiple or premature birth; poor health or disability of child or mother; single parent); or delegation of leave to a 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 the case of adoption.

*Time off for the care of dependants*

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<sup>5</sup> This part-time Parental leave is called 'Reduced Working Hours during Childcare Period.'

- Employees are entitled to a 90 days of unpaid family care leave per year when they need 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.
- Although family care leave should be taken in blocks of at least 30 days, employees can take family care leave of up to 10 days per year on a daily basis to take care of family members on account of illness, accidents, old age and childcare. Grandparents and grandchildren are covered by this ten days' leave. The total number of unpaid leave per year is 90 days, i.e. these ten days of leave are included within the total of 90 days of unpaid leave.
- These ten days of family care leave are temporarily paid in order to lessen the family care burden caused by COVID-19.

#### *Flexible working*

- All female workers who are within the first 12 weeks, or beyond week 36, of their pregnancies can reduce their working hours by two hours per day, without a reduction in pay.
- After childbirth, a female worker is entitled to a 30-minute paid break two times a day to feed a child under 12 months of age (including breastfeeding and bottle feeding).

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

The maximum period of paid post-natal leave is 27 months. Well-paid leave runs for 9 months. There is no entitlement to ECEC.

Levels of attendance at formal services for children both under and over three years of age are above the average for the countries included in this review, as well as for OECD countries in general. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

A childcare subsidy is available for all children aged five years or younger to attend any type of formal ECEC facilities, regardless of family income level.

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

In October 2019, 10 days' unpaid leave was introduced to take care of family members on account of illness, accidents, old age and childcare in addition to the 90 days of unpaid leave. From March 2020, employees who use the 10 days of family care leave are entitled to family care



payment. This payment was introduced as a temporary, COVID-19 related measure for 2020; however, it was prolonged to 2021.

From December 2020, artists are entitled to Maternity leave from the Employment Insurance Fund if they have been insured as artists for 90 days prior to the commencement of Maternity leave.

In December 2020, the Korean government announced the fourth basic plan for low fertility and population ageing, which includes crucial measures to enlarge investments for children and their families. First, infant allowance for children under the age of one year will be introduced in 2022, which will be gradually increased to KRW500,000 [€370.59] in 2025. Second, the first meeting package will be introduced in 2022, including a healthcare voucher for pre- and post-natal care amounting to KRW1,000,000 [€741.19] and a lump-sum grant for newborns amounting to KRW2,000,000 [€1,482.37]. Third, Parental leave benefit will be expanded by introducing 3+3 Parental leave payment, increasing the income replacement rate related to Parental leave payment, and expanding the entitlement to Parental leave to temporary or casual workers (including platform workers). If both parents take up Parental leave for more than three months before the child reaches 12 months, the upper ceiling on Parental benefit will increase to KRW3,000,000 [€2,223.56] per month, instead of KRW2,000,000 [€1,482.37]. The income replacement rate related to Parental leave benefit will be raised to KRW1,500,000 [€1,111.78] per month (from KRW1,200,000 [€889.42]).

## **Policy response to the Covid-19 pandemic up to end April 2021**

### *Other measures for parents and other carers*

- Family care leave is being paid for ten days per year. Employees have been entitled to 90 days of unpaid family care leave. From January 2020, employees are entitled to ten days of family care leave per year if 1) their family members are in COVID-19 contact or show symptoms of COVID-19 or 2) their children need to stay at home due to school closures. This is an individual entitlement per parent, and paid at KRW50,000 per day [€37.06]. The total number of unpaid leave per year is 90 days, i.e. this 10-day leave is included within the total 90-days unpaid leave. As the COVID-19 pandemic is still rampant, paid family care leave was extended by ten days (15 days for single-parent families) in September 2020.
- Emergency care by Public Agency of Social Service. Parents or carers of children are able to request 'emergency care' to the Public Agency of Social Service if they experience a care deficit

due to COVID-19 (e.g., parents or primary carers are in contact to COVID-19, or ECEC facilities or schools are closed due to COVID-19). Emergency care is available from 14 days to one month per case.

## **4. Uptake of leave<sup>6</sup>**

### **a. Maternity leave**

In 2019, the number of employees taking Maternity leave was 73,306: 24 per cent of the total number of births (the provisional number of births in 2019 is 303,100). The number of births decreased from 406,200 in 2016 to 326,800 in 2018. There are three main reasons why use of Maternity leave is low: female employment rates are low, so many women giving birth are not employed; the coverage of employment insurance is limited (see footnote 4); and self-employed workers are not eligible.

### **b. Paternity leave**

No information.

### **c. Parental leave**

In 2020, 112,040 employees took Parental leave, an increase in the number of parents taking leave in 2017 (90,110). This number does not include Parental leave takers in national and local governments - 46,060 of parents in 2019. The number of births in 2017 was 357,771 and 272,400 (provisional) in 2020.

Almost one in four Parental leave takers, 24.5 per cent (27,423), was male in 2020, and their share has increased by 11 percentage points since 2017 (from 13.4 per cent (17,662)). This proportion has been rising in recent years, from 2.0 per cent in 2010. Gradual transitions from a work-oriented to work-and-life balance culture are observed as Korea increasingly embraces family-friendly measures.

The number of 'daddy months' users more than doubled to 13,507 in 2020 (from 6,060 of 2018), with about 91 per cent of 'daddy months' users (11,769 out of 13,507) being male employees. The rest were female employees whose husbands had taken Parental leave before

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<sup>6</sup> The numbers in this section relate to the number of employees taking leave covered by employment insurance. Therefore, the number of persons taking leave who are teachers (private and public), civil servants, part-time workers, etc. are not included. Please see note footnote 4, which explains the coverage of EI.

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 usage of the 'daddy months' can be attributed to the fact that the period was extended from one month to three months (January 2016), and the government efforts to increase the income replacement rate related to the payment level. Also, the workplaces are gradually accommodating family-friendly culture, including acceptable social norms and attitudes towards male employees who would like to and are taking Parental leave, which may encourage male employees to take Parental leave.

In 2020, the average length of Parental leave period was 9.4 months; slightly more than half of Parental leave users take their Parental leave within six months after giving birth, and one in seven Parental leave users take it when their children go to primary school.

The number of employees taking part-time Parental leave almost tripled to 14,698 in 2020 (from 5,660 in 2019); male employees represented 11.2 per cent of all part-time Parental leave takers.

# Latvia<sup>1</sup>

**Natālija Pīlpa** (Ministry of Welfare of the Republic of Latvia)

April 2021

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 (*grūtniecības un dzemdību atvaļinājums*) (responsibility of the Ministry of Welfare)

*Length of leave (before and after birth)*

- 56 days before and 56 days after the birth of a child. No part of the leave is obligatory.

*Payment and funding*

- For employed women: 80 per cent of the previous earnings calculated based on the average salary on which insurance contributions have been paid for a period of 12 calendar months, ending two months before the month in which the leave begins.
- For self-employed women: 80 per cent of the gross insurance contributions made during the period of the 12 calendar months ending one quarter before the quarter in which the leave begins. The benefit is paid in two parts: the first part is calculated for the 56 days (or 70 days) before the due date, and the second part is calculated for the 56 days (or 70 days) after the actual birth date.
- The average amount of the maternity benefit (in total) in 2020 was €2,5055.68 for the first part of the leave and €1,810.35 for the

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<sup>1</sup> Please cite as: Pīlpa, N. (2021) 'Latvia country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

second part of the leave. The number of recipients during the year was 15,914 (around 1,326 per month).

- Funded from social insurance.
- Maternity benefit is not taxable.

#### *Flexibility in use*

- None, except for when the leave can be started (not earlier than 56 days before birth). The leave days that were not used before the birth, cannot be used after the birth, i.e. the post-natal leave period cannot exceed 56 days.

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

- All women who are (self-)employed and have paid social insurance contributions for at least 12 months during the last 24 months, before the month in which the leave begins.
- All women who have paid social insurance contributions in Latvia for at least three months in the period of the last six months before the first day of Maternity leave or for at least six months in the last 24 months.
- All women who are spouses of a self-employed man and who have joined the social insurance system voluntarily.
- In a case where employment has ended due to the company's liquidation, the benefit is provided if the leave has started no later than 210 days after the end of employment.
- All women who have lost the status of (self-)employed no later than 60 days before the first day of Maternity leave. For the period after the childbirth – father of a child or any other person who takes care of a new-born at home and fulfils the social insurance criteria is entitled to paid Maternity leave of 56 or 70 days if:
  - the mother is unable to take care of the child until the 42<sup>nd</sup> post-natal day due to sickness;
  - the mother has refused to take care of the child;
  - the mother has died during childbirth or before the 42<sup>nd</sup> post-natal day;
  - the child is a foundling (the child has been abandoned, and the mother is unknown).
- The right to the maternity benefit ends six months from the first day of the first part of the leave (if the eligible person fails to apply until the end of that period, the right cannot be exercised).

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

- If the mother has required medical supervision due to the

pregnancy (no later than at the 12<sup>th</sup> week of the pregnancy) – 14 extra days of leave before the birth of a child are provided.

- In the case of multiple births or complications during pregnancy, childbirth, or the postpartum period, 14 extra days of leave after the birth are provided.
- In the case of premature birth, the maternity benefit is paid in the same amount as it would be if the birth would take place at the due date.
- If a person is entitled to the unemployment allowance and Maternity benefit for the same time period, the unemployment allowance is suspended for that particular period, that is, only Maternity benefit is paid.

#### **b. Paternity leave (paternitātes atvaļinājums) (responsibility of the Ministry of Welfare)**

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

- 10 calendar days after childbirth.
- The leave has to be requested no later than two months after childbirth; the benefit has to be requested no later than six months after the first day of the leave.

##### *Payment and funding*

- For employed men: 80 per cent of previous earnings, calculated based on the average salary on which insurance contributions have been paid for a period of 12 calendar months, ending two months before the month in which the leave begins.
- For self-employed men: 80 per cent of the gross insurance contributions made during the period of 12 calendar months, ending one quarter before the quarter in which the leave begins.
- The average amount of the paternity benefit in 2020 was €378.30, and the number of recipients during the year was 9,938 (around 828 per month).
- Funded from social insurance budget.

##### *Flexibility in use*

- None, except for when the leave can be started.
- The leave can be divided into parts as agreed with the employer.

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

- The father of a child if the Paternity leave is granted no later than the first two months after the birth.

- The same insurance period eligibility criteria needed as for Maternity leave.
- One of the adoptive parents until the child reaches eighteen years of age.
- The right to the paternity benefit ends six months from the first day of the Paternity leave.
- No specific regulation regarding same-sex couples (i.e., the right to the leave and thus the benefit is attached to any person who falls under the eligibility criteria mentioned above). However, based on the Constitutional Court of Latvia decision, as of 1 June 2022, the same sex-couples will be eligible for paid 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 a person other than the father*

- None.

### **c. Parental leave (bērna kopšanas atvaļinājums) (responsibility of the Ministry of Welfare)**

*Length of leave (before and after birth)*

- 18 months per parent.
- Leave is an individual entitlement, but only one parent may receive payment (for a maximum period of 18 months).

*Payment and funding*

- There are three separate benefits that are paid after the birth of a child: parental benefit, childbirth benefit, and child care allowance.

*Parental benefit*

- Only parents who are participants of the social insurance system are eligible.
- Parents can choose between two options: 1) if a parent chooses to receive the benefit until a child reaches one year of age, the parental benefit is 60 per cent of the previous earnings, calculated based on the average salary on which insurance contributions have been paid for a period of 12 calendar months, ending two months before the month in which the leave begins; 2) if a parent chooses to receive the benefit until a child reaches 18 months of age, the parental benefit is 43.75 per cent of the previous earnings, calculated based on the average salary on which insurance contributions

have been paid for a period of 12 calendar months, ending two months before the month in which the leave begins.

- Funded in the same way as for Maternity and Paternity leave.
- The average amount of the Parental benefit in 2019 was €655.39 per month for parents who chose to receive the benefit until a child reaches one year of age (number of recipients: around 2,292 per month, 57.4 per cent of which women) and €446.46 for parents who chose to receive the benefit until a child reaches 18 months of age (number of recipients: around 19,030 per month, 85.6 per cent of which women).
- The amount of parental benefit is reduced to 30 per cent of the benefit granted, if the beneficiary discontinues Parental leave in order to resume working.

#### *Childbirth benefit*

- Paid to one of the parents or the legal guardian of a child, if the child has been taken under guardianship until they reach one year of age.
- The benefit is a lump sum allowance of €421.17 for each child, and it is available to all parents (also the parents not paying social insurance).
- The right to the childbirth benefit starts on day eight of child's life or the day the guardianship has been granted, and ends six months later.

#### *Child care allowance*

- Paid to one of the parents or the legal guardian of a child if the child has been taken under guardianship, or one of the adoptive parents, or a foster parent.
- The benefit is €171 per month for each child until a child reaches 18 months of age and then €42.69 per month for each child until a child reaches 24 months of age.
- The application for the child care allowance should be submitted within six months from the first day of the child's life or the day the guardianship has been granted.
- Parents who are not participants of the social contribution system and have not received maternity, parental, or child care allowance are entitled to receive the child care benefit of €171 per month for each child until a child reaches 18 months of age, and then €42.69 per month for each child until a child reaches 24 months of age.
- Additionally, one of the parents, guardians, or adoptive parents are entitled to receive the family state benefit:
  - The amount of the family state benefit is €11.38 per month for the first child; €22.76 per month for the second child;



€34.14 per month for the third child; and €50.07 per month for the fourth and any other children. The benefit is paid after the child reaches one year of age until they turn 15 years of age (or 20 years of age if a child continues their studies and has not been married). The benefit is paid directly to the child after they reach 18 years of age, if prior to that they have been under guardianship.

- Families with two or more children are entitled to additional benefit: €10 per month for families with two children; €66 per month for families with three children; €116 per month for families with four children; €166 per month for families with five children; €216 per month for families with six children, and so on. When calculating the number of children in the family, the following children are not counted: children for whom the family state benefit is received by the other parent; children older than 20 years of age; children younger than 20 years of age but have not continued their studies after they turned 15 years of age; children younger than one year of age.
- Families with disabled children or children diagnosed with coeliac disease are entitled to additional benefit: €106.72 per month for each child with a disability or coeliac disease.
- Additionally, one of the parents, a guardian, or one of the adoptive parents are entitled to receive the allowance for the care of a disabled child: €313.43 per month for each child with a disability, until the child reaches 18 years of age and €79.68 once every six months if the State Medical Commission for the Assessment of Health Condition and Working Ability has issued a conclusion on the necessity for a specially fitted vehicle (car) until the child reaches 18 years of age.

#### *Flexibility in use*

- Both parents are entitled to 18 months of leave until a child reaches eight years of age. It can be taken in several blocks.
- The leave can be used simultaneously by both parents, but only one parent can receive the benefit. The recipient is allowed to transfer the right to benefit to the other parent, if needed. Also, it is allowed to work and receive the benefit, however, in those cases, the amount of the benefit is reduced (see above).
- Only one of the parents can receive the parental benefit for the period of 12 or 18 months. Parents are entitled to transfer the benefit right to one another.

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

- Only parents who are participants of the social insurance system

(see Maternity leave).

- One of the parents (adoptive or biological) of the child;
- Child's foster family member;
- Child's guardian or any other person who takes care of a child according to the decision of an orphans' court.
- Women who are not (self-)employed at the date when the benefit is requested but were (self-)employed no later than 60 days before the first day of the Maternity leave, or 210 days before the first day of the Maternity leave in case of company's liquidation, or have lost the (self-)employment status during the 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 a person other than mother*

- A guardian, foster parent or adoptive parent has the right to request a change in the length of parental benefit if the biological parent has had already used the right to parental benefit (only a remaining leave can be used).
- If the next child is born before the previous has reached three years of age, the parental benefit cannot be smaller than the benefit a parent received for the previous child.

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

No statutory entitlement.

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

*Adoption leave and pay*

- Adoptive parents are entitled to Paternity and Parental leave. Payment and funding are provided on the same grounds as for biological parents.

*Time off for the care of dependants*

- Parents who have joined the social insurance system (employed, self-employed, or parents whose spouse is self-employed) are entitled to sick leave and benefit for a child up to 14 years of age: 14 days per sickness episode if a child has been taken care of at home, or up to 21 days if a child has been admitted to hospital;
- Parents whose child have been diagnosed with a severe illness and for whom the consilium has issued a respective decision; or parents who receive the allowance for the care of a disabled child if long-term hospital treatment is needed are entitled to sickness benefit for a period up to 26 weeks in case of a continuous sickness

or for no longer than three years in five years period in case of various sickness episodes.

- Grandparents, foster parents, guardian, or any other person who takes care of a child according to the decision of an orphans' court are also entitled to sickness benefit;
- The sickness benefit is calculated in the same way as the maternity and paternity benefits, and is taxable.

### *Flexible working*

- Pregnant women, women in the post-natal period up to one year after the birth, parents who have a child up to 14 years of age (or up to 18 years of age if a child has a disability), and breast-feeding women are entitled to part-time work with the right to return to a full-time work pattern when they need to do so.
- Pregnant women are entitled to leave the workplace for a doctor's appointment.
- Parents who have a child up to 18 years of age are entitled to temporary absence in the case of the sickness of a child or an accident, as well as for a doctor's appointment.
- Parents who have a child up to three years of age (or 18 years of age if a child has a disability) are entitled to annual leave during the summer months as a priority group.
- Parents who have one or two children up to 14 years of age are entitled to additional annual leave – one working day (paid).
- Parents who have three or more children up to 16 years of age (or up to 18 years of age if a child has a disability) are entitled to additional annual leave – three working days (paid).

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

- Parents (both mothers and fathers) with a child up to 18 months of age are entitled to a paid additional break for feeding their child – at least 30 minutes every three hours (or 60 minutes every three hours, if a parent has more than one child up to 18 months of age). Upon request, parents are entitled to combine these breaks, thus prolonging a lunch break or shortening their working hours.

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

The maximum period of post-natal leave is 38 months, but only just over half of this is paid and only 1.9 months is well paid. According to the Law on Education, Article 17, municipalities are responsible for ensuring that all children from 18 months of age registered in their area receive Early Childhood Education and Care (ECEC) in an institution that is closest to the child's home; a child can also attend an ECEC institution

in another municipality and receive the same financial support as those children who attend an institution in the municipality of their place of residence. In principle, therefore, there is no gap between the end of leave and an entitlement to ECEC and a gap of around 16 months between the end of well-paid leave and an ECEC entitlement. However, in practice, there are no municipalities that can offer a place in a municipal ECEC institution for all children: for instance, in October 2020, there were around 10,031 children from the ages of one and a half to six years who did not receive a place in a municipal ECEC institution. The most difficult situation is in Riga municipality, with 2,097 children waiting for a place in a municipal ECEC (for comparison – the second biggest city, Daugavpils, has registered only 33 children who are waiting for a place in a municipal ECEC).

Levels of attendance at formal ECEC services for children under the age of three are below the average both for the countries included in this review and OECD countries; but above the average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

Since the uptake of Parental leave is mostly until a child reaches 18 months of age, municipalities provide financial support for fees in private ECEC institutions if no place is available in a municipal service when a child reaches 18 months of age. The amount of allowance is decided by calculating the average expenses for one child per month in a municipal ECEC institution and is thus different in each municipality. In 2021, the average allowance was around €255.70, covering around 70 per cent of the actual costs.

In some municipalities, parents who choose to employ a nanny are entitled to a municipal allowance: the allowance is usually provided for children who are at least 18 months of age, until a place in a municipal ECEC institution is available. The allowance amount offered differs in each municipality. In 2021, only one-fifth of all municipalities provide such support, and the amounts vary from €78.63 per month in Iecava municipality to €254.79 per month in Carnikava municipality (both being relatively small municipalities). The allowance in Riga municipality in 2021 is €151.13.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

As of 1 January 2021, all children with a disability will receive the family state benefit until they reach 20 years of age regardless of whether they continue to study (previously the benefit was paid until a child reached 15 years of age unless a child continued to study in high school or

vocational education in which case it continued until 20 years). In March 2021, the Ministry of Welfare introduced a proposal according to which the family state benefit will be raised. The proposal still needs to be discussed in the Parliament, and, if approved, the benefit will be as follows:

	Now	As of 1 January 2022
Families with one child	€ 11.38	€ 25
Families with two children	€ 44.14	€ 100
Families with three children	€ 134.28	€ 225
Families with four children	€ 234.35	€ 400
Families with five or more children	€ 234.35 + € 100.07 per fifth, sixth, etc. child	€ 400 + € 100 per fifth, six, etc. child

In 12 November 2020, the Constitutional Court of Latvia ruled that as of 1 June 2022, same-sex couples must be eligible for paid Paternity leave.

## **Policy responses to the Covid-19 pandemic to end April 2021**

### *Childcare and schools*

- Since 13 March 2020, all schools were closed, and teaching was organised remotely for all students. The school year ended as planned for all grades and was not prolonged. The final exams for 9th-grade students (last year of primary school) were cancelled. The final exams for 12<sup>th</sup>-grade students (last year of high school) took place as planned except for one final exam that was postponed from March to June.
- Since 13 March 2020, for a child to attend a preschool, the parent or other legal guardian was obliged to provide a written statement in which they confirm that neither parents nor a child: 1) has recently (within two weeks) been to countries listed as the COVID-19 risk countries (since 14 March 2020 – any country); 2) has been in contact with a person diagnosed with the COVID-19 (or anyone who has been in contact with a person diagnosed with the COVID-19) and 3) parents have no other childcare alternative than preschool. Since then, the work in preschools has been organised in combined groups with a maximum of 13 children per group. As of 31 March 2020, such a statement had to be provided once a week (before that – for every day when a child attended

preschool). Since 12 May 2020, the requirement to provide a statement was no longer active.

- Since 12 May 2020, preschool re-opened to parents who have no other childcare alternative; however, no written statement is needed, and parents were encouraged to evaluate the risks by themselves. Preschools were allowed to organise compulsory training in person for pre-schoolers who plan to enrol in primary education in September 2020 (six or five-year-old children). Upon parents request, the training is organised remotely.
- Since the new school year, which started in September 2020, for a relatively short period of time, according to the epidemiological situation in each municipality, only children whose parents were not able to work remotely were allowed to attend Kindergartens. At the moment, all Kindergartens are opened with an obligation to perform a COVID-19 test once a week for all personnel of the institution. In case of quarantine, the respective class must be closed, and no combined groups of children from different classes are allowed.
- Since the new school year, which started in September 2020, schools that are situated in municipalities with lower morbidity rates are allowed to organise teaching at the school premises for: (1) the 1<sup>st</sup> to 6<sup>th</sup> grade and 12<sup>th</sup> (last year) grade students in all cases; (2) 7<sup>th</sup> to 11<sup>th</sup> grade students in the form of rotation (morning and afternoon shifts, or even and odd days, etc.); (3) students from vocational schools if the in-site teaching is necessary for the vocational training. All the other students are attending schools only remotely. At the beginning of April 2021, 45 out of 119 municipalities were considered safe enough to perform schooling on the school premises (including outdoor only).

#### *Parental leave*

- A parent whose Parental benefit ended on 12 March 2020 or later was entitled to a benefit period extension up to 9th June 2020 if s/he was employed or self-employed and did not have any income and did not receive a lockdown allowance. The benefit was paid at the same amount but not more than €700 per month.
- The childcare allowance for a parent who receives the allowance for a child aged 18 to 24 months has increased from €42.69 to €171. The increased allowance was calculated and paid for the period from 12 March 2020 to 9 June 2020.

#### *Other measures for parents and other carers*

- Employers have been encouraged to organise remote work or provide flexible working hours to reduce physical contact. According to the Law on the activities of the state institutions during the emergency situation related to the COVID-19 infection,

state institutions were obliged to organise flexible working regime (remote work, shifts or use of other methods to reduce physical contact between employees). According to the COVID-19 infection spread management law (in force since 10 June 2020), state and municipal institutions work remotely only. The private sector organises their work as needed but are strictly encouraged to work remotely.

- Employers are entitled to salary subsidy for the period between 9 November 2020 to 30 June 2021. There are several additional criteria to receive this subsidy linked to the company's profit reduction, etc. The salary subsidy is 50 per cent of the average gross monthly salary received for the period of 1 August 2020 to 31 October 2020, up to a maximum of €500 per month. Employers who receive the subsidy must pay the difference between the subsidy received and the actual gross monthly salary to their employees;
- In the period between 12 March and 30 June 2020, employees (including self-employed) and employers were entitled to a 'lockdown allowance' paid to those who did not receive any income from their economic activity. There were several additional criteria to receive this allowance linked to the company's profit reduction, etc. 'Lockdown allowance' was 75 per cent of the average gross monthly salary in the six months before the first day of the emergency situation, up to a maximum of €700 per month. In micro-enterprises, the lockdown allowance was 50 per cent of the average gross monthly salary for the third and fourth quarter of 2019, up to a maximum of €700 per month. If a person is granted a personal income tax reduction for a child up to 24 years of age, an additional allowance is paid amounting €50 per month (for every child).
- During lockdown periods in 2020/2021, those who were not eligible to receive 'lockdown allowance' were entitled to 'lockdown support allowance', that is, €180 per month plus €50 for every child under the persons' care. Also, those who received the 'lockdown allowance' that was less than €180 per month were entitled to the 'lockdown support allowance'. The allowance amount, in this case, was the difference between the 'lockdown allowance' and €180.
- Employers and employees have also been entitled to the 'lockdown allowance' for the period of 9 November 2020 to 30 June 2021. As of 1 January 2021, the minimum allowance amount has risen from €330 to €500 per month with the ceiling of €1000 EUR if salary subsidy and 'lockdown allowance' are combined. In the case of micro-enterprises and self-employment, the 'lockdown allowance' is 50 per cent and 70 per cent, respectively, of the average gross monthly salary for the third quarter of 2020, up to a maximum of €1000 per month.
- Some municipalities organised warm lunches for elementary

school students living in poverty or families with three or more children. If the finances allocated to the municipality allowed, also for primary school students living in poverty or families with three or more children.

## **4. Uptake of leave**

Data on the uptake are from the State Social Insurance Agency, and the data on the average salaries are from the Central Statistical Bureau.

### **a. Maternity leave**

In 2020, 15,914 persons received the maternity benefit, which is around 4.3 per cent less than in 2019.

### **b. Paternity leave**

In 2020, 9,938 persons received the paternity benefit, which is around 7 per cent less than in 2019.

### **c. Parental leave**

The uptake of Parental leave during the last five years has almost doubled. Most of the parents taking this leave are women (83.3 per cent of the total number in 2020).

Most of the working parents who received parental benefits were men (82.4 per cent in 2016, 79.7 per cent in 2017, and 80.2 per cent in 2018).

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

No information is available.



# Lithuania<sup>1</sup>

**Ruta Braziene** (Lithuanian Social Research Centre, Institute of Labour and Social Research)

April 2021

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## 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 the birth and 56 calendar days afterwards).

*Payment and funding*

- 77.58 per cent of previous net earnings (calculated based on the individual's earnings in the last 12 months), with no upper limit on payments. The minimum benefit cannot be smaller than €240 per month.
- 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.

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<sup>1</sup> Please cite as Braziene, R. (2021) 'Lithuania country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufmann, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

*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 under the same conditions 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 a person other than the mother*

- In the case of multiple or premature births or complicated deliveries, 14 extra paid days are provided.

**b. Paternity leave (*tévystés atostogos*) (responsibility of Ministry of Social Security and Labour)**

*Length of leave (before and after birth)*

- One month (28 calendar days) within the three months immediately following childbirth.

*Payment and funding*

- 77.58 per cent of previous net earnings, with an upper limit of the country's average wage as calculated quarterly. The minimum benefit cannot be smaller than €240 per month.

*Flexibility in use*

- None.

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

- Fathers who have paid 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 atostogas*) (responsibility of Ministry of Social Security and Labour)**

#### *Length of leave*

- Until the child is three years of age. Leave is a family entitlement and can be shared between parents. They cannot use the leave simultaneously.

#### *Payment and funding*

- Parents can choose between two options:
  - 77.58 per cent of net earnings until the child is 12 months of age, with an upper limit of the country's average wage as calculated quarterly. The minimum benefit cannot be smaller than €240 per month;
  - 54.31 per cent of net earnings until the child is 12 months of age, with an upper limit of €1,568.26;
  - 31.03 per cent of net earnings until the child is 24 months of age, with an upper limit of €896.02.
- The remaining period of leave until the child is three years of age is unpaid.

#### *Flexibility in use*

- Parents can work whilst on leave/collecting parental benefit. But, if parents choose to receive 77,58 per cent of net earnings until the child is 12 months of age and start to work, the benefit is reduced by the amount of income they have received. If parents choose to receive 54,31 per cent of net earnings until the child is 12 months of age and 31,03 per cent of net earnings until the child is 24 months of age and they start to work during the first year, the benefit is reduced by the amount of income they have received; during the second year, the benefit is not reduced.

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

- Parents are eligible for the parental benefit if they have paid social insurance taxes for at least 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.
- Unemployed parents are not eligible.

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

- In the case of multiple births, parental benefit increases according to the number of children, but it cannot exceed a ceiling of two average wages in the national economy (currently €1,982.94 - €2,2026.86).
- The grandparent or any actual caregiver of a child (if parents do not use the 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 a new-born baby into foster care, they are entitled to Maternity leave from the moment of adoption up to the child reaching 70 days of age. Maternity benefit is paid on the same grounds as it is to biological mothers. 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*

- The labour code describes different flexible working time arrangements, e.g. flexibility in employment contracts (project-based; job-sharing; seasonal; apprenticeship; and employment contracts for several employers), salaries, employment termination, etc. Concerning working time flexibility, individual arrangements can be requested (though there is no obligation for an employer to agree: e.g. flexible work schedule, individual working regime, overtime, and summary working time).

*Specific provision for (breast)feeding*

- According to the Law on Safety and Health at Work, in addition to the general breaks to rest and eat at least every three hours,

breastfeeding employees can be given a half-hour break for breastfeeding. Under the mother's request, the breaks for breastfeeding may be joined together and used for shortening the working day. Breaks for breastfeeding are covered by the worker's average wage.

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

The maximum period of post-natal leave is three years, but only the first year is paid at a high rate; if the option for the 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 of age are below the average for OECD countries, but about the average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

The Ministry of Social Security and Labor organised several public consultations aimed to analyse and discuss, together with experts, the alternatives proposed by the Ministry of Social Security and Labor and the public on how to implement the EU Work-life Balance Directive. The discussion was centred around the suggestions received during the first public consultation - public survey and public suggestions – on how to introduce shared a Parental leave scheme within which some months (2-4 months) will be allocated only to fathers.

### **Policy responses to the Covid-19 pandemic to end April 2021**

#### *Childcare and schools*

- All childcare institutions and schools were closed on 16 March 2020. Since 27 May 2020 pre-schools and pre-primary and non-formal education of children were allowed to re-open if health requirements are met. As regards primary and pre-secondary education in schools, the school manager and founder of each educational institution decided on the case-by-case basis whether to continue on the remote mode.
- All childcare institutions were closed from 16 March 2020 until 18 May 2020. Only some institutions continued to provide services

for key workers, e.g. medical doctors, nurses, etc. Strict health requirements should be met. Limitations to the group size were introduced.

- With the beginning of the new school year, which started in September 2020, all childcare institutions have continued to work. Most schools were closed on 9 December 2020, and have continued to work in remote mode. Depending on the municipality and COVID-19 incidence rates, some primary schools (grades 1-4) started to re-open by the end of January-beginning of February 2021. Also, since 20 January 2021, the Lithuanian government allowed students of all grades who have difficulties with remote learning to return to schools. School graduates (grade 12) will be able to return to schools on 3 May 2021. School graduates are also among vaccination priority groups. In some municipalities, the first dose of the COVID-19 vaccine has been already received by approximately 80 per cent of school graduates. Other schoolchildren will continue to learn remotely until the end of the academic year (June 2021).

#### *Parental leave*

- There were no modifications to Parental leave.

#### *Other measures for parents and other carers*

- During the first COVID-19 pandemic lockdown, all parents with children that attended childcare institutions, pre-primary and primary education have been entitled to up to 60 days of sickness benefit to care for children when educational institutions were closed due to quarantine, and parents were not able to work remotely. The benefit was paid by the Social Insurance Fund Board SODRA at 65.94 per cent of the beneficiary's earnings. All parents have been entitled to the benefit, both employed and self-employed. No previous employment history has been needed. All parents that care for a disabled child under the age of 21 have been entitled to sickness benefit for 60 days, also receiving the benefit at 65.94 per cent of earnings.
- During the lockdown from 16 March 2020 to 27 May 2020, it was advised to reduce working hours in those institutions that continued with their activity (grocery stores, pharmacy, etc.). In all the cases where it was possible, it was strongly recommended to work remotely. Flexible hours when schools/childcare/daycare centres/etc. were closed could be negotiated directly with the employer.
- In September 2020, the Lithuanian Parliament (Seimas) approved the incapacity for work and sickness benefit for the care of young children or children with disabilities when they must self-isolate due to travelling to a country affected by the coronavirus, had

direct contact with an affected person or ECEC/schools are closed. Such benefits will be paid for all children up to the end of fourth grade and for children with disabilities under 21 years of age when they are enrolled in a general or special education programme. Employees who have at least three months of sickness social insurance during the last year or at least six months during the last two years are entitled to sickness benefit. Sickness benefit for a child amounts 65.94 per cent of gross salary and can be paid to one of the parents, guardians or working grandparents for as long as the infection control regime lasts.

## **4. Uptake of leave**

### **a. Maternity leave**

According to the information provided by the Social Insurance Fund Board (SODRA), 100 per cent of employed women take their full entitlement to Maternity leave.

### **b. Paternity leave**

No information is available.

### **c. Parental leave**

According to the information provided by the Social Insurance Fund Board (SODRA) 2020, in 2020, mothers accounted for 75.6 per cent of all users of Parental leave, and fathers 24.4 per cent.

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

No information.

# Luxembourg<sup>1</sup>

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April 2021

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 and the Ministry of Labour)

#### *Length of leave*

- 20 weeks: eight weeks before the birth and 12 weeks after. It is obligatory to take this leave.

#### *Payment and funding*

- 100 per cent of earnings up to a ceiling of €11,009.65 per month, equal to five times the minimum social wage of an unqualified worker 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 intended to cover benefits for sick leave. 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

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<sup>1</sup> Please cite as: Berger, F. and Valentova, M. (2021) 'Luxembourg country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufmann, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

<sup>2</sup> Supported by the Luxembourg National Research Fund (FNR) project C16/SC/11324101/PARENT



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.

- Pension contributions are made during Maternity leave.

#### *Flexibility in use*

- None.

#### *Eligibility*

- In order to be granted maternity benefits during Maternity leave, the employee or self-employed worker must have been affiliated with the mandatory sickness and maternity insurance fund for at least six months during the 12 months prior to the Maternity leave.
- No difference is made between workers on long-term or short-term contracts.
- Unemployed people 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; single parent); or delegation of leave to a person other than the parents*

- If the birth takes place before the expected delivery date, the part of the pre-natal period not taken is added to the post-natal period. If the birth takes place after the expected delivery date, the post-natal period is still 12 weeks.

### **b. Paternity leave**

- Employees are entitled to Paternity leave expressed in the law by 'leave due to extraordinary circumstances' (*congé extraordinaire*), which gives them the right to take ten working days off in the case of the birth or adoption of a child. The first two days of leave are paid by the employer and cover 100 per cent of earnings; from the third day onwards, the leave is reimbursed to the employer by the state with a limit equal to five times the social minimum wage of an unqualified worker (€11,009.65 per month).

### **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' below for more detail.

#### *Payment and funding*

- The benefit paid during Parental leave (replacement wage) is calculated on the basis of 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 (six months or four months) receive between €2,201.93 per month (the minimum social wage) and €3,669.88 (the minimum social wage increased by two-thirds).
- More detailed information on the level of compensation for the range of different leave options is available at: <https://cae.public.lu/fr/conge-parental.html>.
- Funded from general taxation.
- As with other income, replacement income is subject to the applicable social and wage taxation, and so pension contributions will accrue during the leave period.

#### *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
- Part-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
- Part-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

- Both 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 arrival of a biological or adopted child, and must 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 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.
- Workers on short-term contracts are eligible, provided that the end of the short-term contract is subsequent to the end of the Parental leave.
- Unemployed parents are not eligible.

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; single 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 for 12 weeks, paid at 100 per cent of earnings up to a limit (€11,009.65 per month) equal to five times the minimum social wage of an unqualified worker in Luxembourg, and is available to all working persons 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 who has not yet turned twelve years old. In the case of adoption by both spouses, only one has the right to take this leave.
- Eligibility and funding for adoption leave is the same as for Maternity leave.
- Except if the adoptive parent receives the adoption leave described above, the adoptive parent's benefits (or adoptive parents' benefits) form a ten-day leave if they are adopting a child under 16 years of age. Payment rules are the same as for Paternity leave.

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

- In the case of the sickness of a child, employees with dependent children younger than 18 years of age may take working days of leave per child (*congé pour raisons familiales*). The duration of this leave depends on the age of the child:
  - 12 days per child if the child is under four years old;
  - 18 days per child if the child is aged from four years old to fewer than thirteen years old;
  - 5 days per child if the child is aged from 13 years old to fewer than 18 years old and the child is in hospital.
- The age limit of 18 years does not apply to disabled children.
- Leave may be extended under certain circumstances: for example, in the case of a disabled child, the duration is doubled per age range; 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*).
- Employees on short-term contracts are eligible for this leave.
- Self-employed and unemployed people are not eligible for this leave.
- A dependent child means a child born in or out of wedlock and adopted children.
- Same sex parents are eligible for this leave.

### *Flexible working*

- None.

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

- Upon return to work after Maternity leave, breastfeeding mothers are entitled to breastfeeding breaks: either two breaks of 45 minutes or one break of 90 minutes. These breaks do not lead to any loss of pay.

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

The total duration of well-paid leave is up to 14.8 months, provided that both parents in the same family use their right to full-time Parental leave. The period could be longer if they opt for a part-time Parental leave arrangement. An entitlement to Early Childhood Education and Care (ECEC) begins at three years of age, while enrolment is compulsory at four years of age. However, with residents speaking a range of languages apart from the three official ones (Luxembourgish, French,

and German), Luxembourg has introduced a multilingualism education programme in ECEC services, which gives the right to all children aged from one to four years to attend 20 hours per week, free of charge (children already attending childminders and a full-time early education school (*éducation précoce*) are excluded); if children attend a part-time early education school, they have ten hours free of charge. So there is no gap between the end of well-paid leave and the start of this part-time entitlement, though its main aim is to facilitate children's integration into Luxembourg's diverse society; there is gap of 21 months before the later ECEC entitlement at three years.

Levels of attendance at formal services for children under three years of age are above the average both for the countries included in this review and OECD countries; but near the average for children over the age of three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

ECEC provision has developed significantly in the last 15 years, including registered childminders and an important increase in places in centre-based services (both subsidised and private). Public funding for parents using these ECEC services depends on family income, the number of siblings, and the number of hours children attend.

### **3.Changes in policy since April 2020 (including proposals currently under discussion)**

None changes reported.

### **Policy responses to the Covid-19 pandemic to end April 2021**

#### *Childcare and schools*

- Schools were fully closed from 16 March to 24 May 2020 for children in elementary education (less than 12 years). Since 25 May 2020, schools for children in elementary education reopened with special measures (see below), and these rules applied until the 15 July 2020 (when the summer school holidays start); during the school year 2020-2021, the elementary schools were fully closed from 4 January to 8 January 2021 and from 8 February to 12 February 2021.
- For children in secondary education (12 years and more), schools were fully closed from 16 March 2020 and further. From 4 May 2020, students in the senior classes have resumed courses, followed by all other classes in secondary education and vocational training on 11 May 2020, as well as the Advanced Technician's Certificate (*Brevet de technicien supérieur* - BTS). Trainees were

able to return to their apprenticeship positions in companies in sectors that have been deconfined.

- In terms of the approach, the government has opted for a return to the classroom on a rotating basis. Specifically, each class was divided into two groups, both in elementary and secondary education and in vocational training. Each group had a week of classes and learning at school or high school, followed by a week of revision at home or in a childcare facility. On 29 June 2020, the rotating basis was abolished. Since then, the two rotating groups joined one class again, and daily school attendance for all students was established until 15 July 2020 (i.e., the start of summer school holidays); during the school year 2020-2021, the secondary schools were fully closed from 4 January to 8 January 2021 and from 8 February to 12 February 2021.
- ECEC providers were fully closed from 16 March to 24 May 2020. Since 25 May, ECEC services reopened with special measures in place (maximum of five children per group, physical distancing, etc.). These rules were applied until 15 July 2020 (when the summer school holidays started). During the closure, a special childcare service was provided for children (from 3 months to 12 years) of healthcare workers. During the school year 2020-2021, the ECEC providers were fully closed from 4 January to 8 January 2021 and from 8 February to 12 February 2021.

#### *Parental leave*

- For parents on Parental leave during the Covid-19 pandemic crisis (from 18 March until 24 June 2020), it was exceptionally possible to interrupt Parental leave. This interruption must be due to external causes (for example, health workers).

#### *Other measures for parents and other carers*

- **Special leave for family reasons (*congé pour raisons familiales extraordinaire*)** has been put in place between 14 March and 24 May 2020 (during the school and ECEC services closure). Under different conditions, special leave for family reasons also covers the period from 25 May 2020 to 17 July 2021 (i.e. reopening of the elementary schools and ECEC facilities and it has been prolonged a couple of times, the latest legal prolongation of the special leave covers the period between 21 January 2021 and 17 July 2021).
- The special leave for family reasons that covered the period from 14 March to 24 May 2020 was for a parent (employee or self-employed) of a child younger than 13 years. If anyone else was able to look after the child, whether a relative or another member of the household because, for example, they had the benefit of short-time work during the period for which leave for family

reasons was requested, the parent could not benefit from leave for family reasons. The other persons could be the other parent, the parent's spouse, and another member of the household. Moreover, both parents (or spouse) cannot take leave for family reasons at the same time.

- The special leave for family reasons that covered the period from 25 May to 15 July 2020 was for a parent (employee or self-employed) of a child fitting these categories: a child born on or after 1 September 2015 and dependent on the applicant; a child under the age of 13 years enrolled in school and whose school is closed or whose classes remain suspended for reasons directly related to the health crisis, or who cannot be cared for by any school or childcare facility due to the implementation of a plan for alternating the care for pupils or the application of imposed barrier measures, assuming that a certificate confirming such a situation can be provided; a vulnerable child. Other conditions remain the same as for the special leave for family reasons that covered the period from 14 March to 24 May 2020.
- The latest prolonged period of the special leave that covers the period from 21 January 2021 to 17 July 2021 is meant for a parent (employee or self-employed) of a child fitting one of the following criteria: a child under the age of 13 years in a quarantine or isolation decided or recommended by the health authority; a child between 13 and 18 years of age hospitalized in the context of quarantine or isolation decided or recommended by the health authority; a formally vulnerable child; a child born before 1 September 2017 and who are under the age of 13 years or those who are still enrolled in elementary school and who can not attend school or childcare services or who benefit from a remote (distance) schooling due to the fact that her/his school is partially or entirely closed by the Ministry of Education; a child born after 1 September 2016 who can not attend school or childcare facilities due to the closure realized by the Ministry of Education, a child under age of 13 years enrolled in elementary school or childcare service which had to be closed by the Ministry of Education due to sanitary crises related due to the COVID-19 pandemic. Other conditions remain the same as for the special leave for family reasons that covered the period from 14 March to 24 May 2020.
- During the special leave for family reasons, the parent receives his regular salary up to five times the social minimum wage of an unqualified worker: €11,009.65. The employer is reimbursed by the National Health Fund.
- The Ministry of Family Affairs, Integration and the Greater Region has introduced (18 March 2020) **leave for family support (*Congé pour soutien familial*)** to enable employees and self-employed to look after a disabled adult or an older person,

following the closure of a daycare or a training or employment service.

- Given that some structures have not been able to resume all their activities immediately after the end of the state of the crisis (24 June 2020) and that they were not able to work at full capacity, the government has decided that leave for family support shall be maintained beyond the declaration of the end of the state of the crisis. It was, therefore, possible to request the leave for family support from 25 June until 25 November 2020. On 25 November 2020, the possibility to benefit from the leave for family support was legally prolonged and, under existing law, eligible individuals may benefit from this policy until 24 May 2021.
- It should be noted that the leave for family support ends if the approved care service notifies the Minister that it has resumed all or part of its activities and that there is a place available in the approved service for the person concerned.
- Public sector employees are entitled to the same leave for family support as private sector employees and self-employed.
- Entitlement conditions: i) the approved service that would typically take care for the disabled adult or older person must have ceased all or part of its activities in the context of the state of the crisis; ii) the private sector employee, the public sector employee or the self-employed worker must care for the disabled adult or older person in the home where they both live; iii) neither the worker nor a member of the household has the benefit of short-time work during the period of leave for family support, and another care option is not available (condition iii no longer applies from 25 June 2020).
- If necessary, where several people live in the same home as the disabled adult or older person, they may alternate taking leave for family support. In this case, each person that takes the leave must submit a form. The leave may be divided among the household members, but they may not take the leave at the same time.
- During the leave, the person receives his regular salary up to five times the social minimum wage of an unqualified worker: €11,009.65. The employer is reimbursed by the State.

## **4. Uptake of leave**

### **a. Maternity leave**

As Maternity leave is obligatory, all employed women should take up the whole period of leave.



## b. Paternity leave

The 2018 activity report of the Ministry of Labour provides some numbers on the beneficiaries of the Paternity leave for whom the employer has asked the reimbursement from the State starting from the third day of the Paternity leave onwards (2018 data): 3,255 applications were filed of which 50 incomplete applications and 223 ineligible applications (applications must be sent within five months after the birth or the adoption). The 2019 annual activity report of the Ministry of Labour<sup>3</sup> reported that in the year 2019, 5,333 paternity leave applications were submitted and 4,351 applications were approved and funded.

## c. Parental leave

The first available source of uptake rates is the evaluation of Parental leave in Luxembourg completed by KPMG in November 2002.<sup>4</sup> In December 2013, a report for the Luxembourg Ministry of Family and Integration was completed by the Luxembourg Institute for Socio-Economic Research (LISER)<sup>5</sup>. In February 2020, a report financed by the Luxembourg Ministry of Family, Integration and the Great Region was realized by the Luxembourg Institute for Socio-Economic Research (LISER).<sup>6</sup>

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<sup>3</sup> Rapport d'activité 2019 du ministère du Travail, de l'Emploi et de l'Économie sociale et solidaire. Available at: <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-travail-emploi/2019-rapport-activite/2019-rapport-activite-mteess.pdf>

<sup>4</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>5</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 [Parental leave use by parents of one child]*. Luxembourg: Lisser.

<sup>6</sup> Valentova, M., Amjahad, A., Genevois, A-S., Leduc, K. and Maas, R. (2020) *Évaluation intermédiaire des résultats de la réforme du congé parental de 2016: Projet financé par le Ministère de la Famille, de l'Intégration et à la Grande Région [Intermediate evaluation of the parental leave reform of 2016. Project financed by the Ministry of Family, Integration and the Great Region]*. Esch-sur-Alzette: LISER. Available at: <https://mfamigr.gouvernement.lu/dam-assets/publications/rapport-etude-analyse/conge-parental/Rapport-LISER-Evaluation-intermediaire-des-resultats-de-la-reforme-du-conge-parental-de-2016.pdf>

The annual activity report of the Ministry of Family and Integration (2020 is the latest)<sup>7</sup> provides information on the number of leave beneficiaries and shows several trends in the 1999-2020 period. The data in the report reveal that since 2016 the Parental leave has become more and more attractive for fathers. In December 2016, 3,557 women took leave, compared to 1,163 men. In December 2018, the number of female and male beneficiaries equalized. In December 2020, the number of male beneficiaries even exceeded the number of female taking the leave (numbers are not expressed in full-time equivalent). Namely, 5,802 of men used the leave that year, compared to 5,084 of women (the leave usage was by 14 per cent higher among men than among women). For the type of Parental leave used by beneficiaries in 2020, about 67 per cent of all female took the full-time version of leave, approximately 22 per cent opted for the part-time version, and only 11 per cent of female took the fractioned form of leave. Among male beneficiaries, the pattern looks very different; approximately 29 per cent took the full-time version of parental leave, 22 per cent used the part-time leave, and about 49 per cent opted for the fractioned type of leave.

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

No information is available.

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<sup>7</sup> Rapport d'activité 2020 du ministère de la Famille, de l'Intégration et à la Grande Région, Available at: [Rapport d'activité 2020 du ministère de la Famille, de l'Intégration et à la Grande Région - Ministerium für Familie, Integration und die Großregion // Die Luxemburger Regierung \(gouvernement.lu\)](#)

# Malta<sup>1</sup>

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April 2021

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 leave 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 these 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.

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<sup>1</sup> Please cite as: Camilleri-Cassar, F. (2021) 'Malta country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufmann, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

<sup>2</sup> There is a distinction between policies in the public administration - which comprises government ministries, government departments and government entities - 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.

### *Payment and funding*

- For Maternity leave, 100 per cent of earnings for 14 weeks with no upper limit on payments, followed by a flat-rate payment equivalent to the statutory minimum wage (€175.84 per week) for the final four weeks. During special Maternity leave, an allowance is paid, equivalent to the rate of the sickness benefit payable under the terms of the Social Security Act.
- Women on Maternity leave or special Maternity leave are entitled to the same rights and benefits which may accrue for other employees of the same class or category of employment at the same place of work, including the right to apply for promotion. Furthermore, the mother is entitled to return to the same job. If, for a valid reason, the position is no longer available, she is entitled to equivalent or similar work and conditions of employment.
- With the exception of bonuses or allowances related to performance or production, all automatic or fixed allowances specifically incorporated into 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 social security.
- The Maternity Leave Trust Fund addresses 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 fund is 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 goes into the fund. Private employers receive a refund from the Maternity Leave Trust Fund for wages paid to women during their 14 weeks' Maternity leave. This policy does 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 benefit paid by the government for the remaining four weeks of Maternity leave). The calculation 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 the private sector. The fund is calculated on a three-month, six-month, or 12-month reimbursement system (yet to be established) by the government to employers after their payment for 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; single 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 her 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 administration)<sup>4</sup> (responsibility of Ministry of Social Dialogue, Consumer Affairs, and Civil Liberties)**

### *Length of leave*

- Five working days after birth (including stillbirths).

### *Payment and funding*

- 100 per cent of previous earnings with no upper limit on payments.
- Funded by the government (as employer).

### *Flexibility in use*

- Must be taken up consecutively within 15 days of the birth.

### *Eligibility*

- All employees.

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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.

<sup>4</sup> Manual on Work-Life Balance Measures, May 2021. Office of the Principal Permanent Secretary, Office of the Prime Minister. Access at: [https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual\\_on\\_Work-Life\\_Balance\\_Measures.pdf](https://publicservice.gov.mt/en/Documents/Public%20Service%20Management%20Code/PSMC%20Manuals/Manual_on_Work-Life_Balance_Measures.pdf)

- Same-sex couples are also eligible.

## **b. Paternity leave (private sector)**

### *Length of leave*

- 1 working day.

### *Payment and funding.*

- 100 per cent of previous earnings with no upper limit 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; single parent) or delegation of leave to person other than the father.*

- 2 days' leave in the case of multiple births.

## **c. Parental leave (public administration) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)**

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

- 12 months per child. This is a family entitlement: if both parents are public administration employees, they only receive 12 months of leave shared between them (not concurrently).

### *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 the parent does not return to employment. Any credits for the fourth child (and onwards if required) will be awarded on the condition that the 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.
- 4 months may be broken down into periods of one month at a time and taken until the child is ten years old – they may be granted on a full-time or a part-time basis, in a piecemeal way, or a time-credit system.
- Leave may be shared between the parents if both are public administration employees.
- Parents cannot be on leave together.

### *Eligibility*

- Completion of probationary period.
- Same-sex couples, legal guardians, adoptees, and foster carers are eligible.<sup>5</sup>

### *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, and this leave may be taken up to the child's tenth birthday. Any period taken as unpaid Parental leave is calculated as part of the six-year creditable performance required as an officer in the respective grade.

## **c. Parental leave (private sector unless covered by Wage Regulation Orders<sup>6</sup>) (responsibility of Ministry of Social Dialogue, Consumer Affairs and Civil Liberties)**

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

- 4 months per parent. Leave is an individual entitlement.

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<sup>5</sup> OPM Circular No 117/92, MPO Circular No BI/6/94, MPO Circular No 28/96, OPM Circular No 15/1998, OPM Circular No 29/1998, MPO Circular No 108/2005 and MPO Circular No 3/2008.

<sup>6</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>; also <http://www.justiceservices.gov.mt/LOM.aspx?pageid=27&mode=chrono&gotoID=452>

### *Payment*

- None. However, child credits are awarded to parents who take a career break or terminate employment to care for their child/children under six years of age. Credits are due for the first three children, even if the parent does not return to employment. Any credits for the fourth child (and onwards if required) will be awarded on the condition that the parent returns to employment for the same number of years of credits to be awarded.

### *Flexibility in use*

- Leave may be taken in blocks of one month, up to the child's eighth birthday.
- Parents cannot be on leave together.

### *Eligibility*

- At least 12 months' continuous service.
- Self-employed workers and same-sex couples are not eligible.

## **d. Childcare leave or career breaks (public administration)**

- A one-off five-year career break can be taken until a child is ten years old.

### *Payment*

- None. However, child credits are awarded to parents and legal guardians 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 the parent does not return to employment. Any credits for the fourth child (and onwards if required) will be awarded on the condition that the 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 to multiples of three months.
- If the five years are not fully used, the outstanding leave may be taken for the care of another child/children.
- The career break may be shared by both parents if both are public administration employees.



### *Eligibility*

- All employees in the public administration. 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, with any career break being at the discretion of the employer.

### **e. Other family-employment related measures (public administration)**

#### *Adoption leave and pay*

- The same as Maternity leave.

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

- Public administration workers may apply for up to one year of unpaid leave to care for elderly parents, disabled children or spouses.

#### *Flexible working*

- Parents are not obliged to work overtime for a period of 12 months from the birth of their child.
- Employees in the public administration 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 administration 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 administration may apply to work on a teleworking arrangement for 12 months (renewable every year).

#### *Specific provision for breastfeeding*

- Women may take a maximum reduction for breastfeeding of one hour per working day without loss of payment, taken as one 60-minute interval, two 30-minute intervals, or three 20-minute intervals per day.

*Specific provision for antenatal visits*

- Release from work up to confinement, with no loss of pay or benefit.

*Specific provision for medically assisted reproduction (IVF leave)*

- 100 hours' fully paid leave (60 hours for the receiving person, 40 hours for the other).
- May be taken by both parents concurrently.
- May be taken for every assisted reproductive procedure, up to three times.

*Responsibility leave*

- Unpaid 12 months' leave, renewable yearly to care for dependent elderly parents, children, spouse, or partner in a civil union.

*Special leave*

- Unpaid three-month leave in any period of 12 months for any reason, including work-life balance.

*Marriage and civil union leave*

- 3 consecutive working days no later than the first working day following the marriage or civil union.

**e. Other family-employment related measures (private sector)**

*Adoption leave*

- 4 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 breastfeeding*

- None.

### *Medically assisted reproduction (IVF leave)*

- 100 hours' fully paid leave (60 hours for the receiving person, 40 hours for the other).
- May be taken by both parents concurrently.
- May be taken for every assisted reproductive procedure, up to three times.

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

The maximum period of post-natal leave is just under 76 months for public administration workers who use Parental leave and career breaks; or just over 11 months 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 Early Childhood Education and Care (ECEC) for children from three months of age who have a parent in full-time education or employment. There is, therefore, no gap between the end of well-paid leave and an ECEC entitlement for children with parents in employment or studying. 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 for children below and above three years of age 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 the [cross-country comparisons](#) page.

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

### **Policy response to the Covid-19 pandemic up to end April 2021**

#### *Childcare and schools*

- There was a mandatory and permanent closure of childcare centres, schools and universities in mid-March 2020. Some childcare centres re-opened in July 2020.
- Schools opened in October 2020 and they have remained open. Quarantine and online teaching are resorted to only in cases where the case of COVID 19 is confirmed in the classroom.
- Post-secondary and university education have remained closed with online lectures only.
- Childcare centres have remained open.

#### *Parental leave*

- There were no modifications to Parental leave.

#### *Other measures for parents and other carers (some measures were eased as Malta slowly returns to normality)*

- Many parents were given an option to work from home; however, some lost their jobs.
- Parents and carers without the possibility to work from home were given financial support by the State, paid through their employer, who retained their job. Each eligible worker was entitled to an average of €1,000 per month, and 71 per cent of beneficiaries were women.
- Different benefits were provided to mitigate the impact of the pandemic on employees in the private sector (e.g., additional employment benefits, grants for employees with disabilities who were not able to keep a job, grants for vulnerable or pregnant employees not able to telework or work, grants for parents not able to work at home and staying at home to take care of children under 16). Monthly grants amounted to €800 for full-time employees and €500 for part-time employees. The grant did not affect other benefits, i.e. beneficiaries remained entitled to other social benefits.
- Self-employed and employed persons that live in privately rented subsidised housing were given higher subsidies and relaxed terms of payment.
- Beneficiaries eligible for in-work benefits were entitled to a one-off benefit of €250. In-work benefits are given quarterly to couples and single parents who are economically active, and whose children are under 23 years old, and dependent and live with them.
- Helplines for persons suffering from loneliness, anxiety and other mental disorders were set up to offer emotional support.

## **4. Uptake of leave (public administration)<sup>7</sup>**

### **a. Maternity leave**

In 2018, 852 women (3.7 per cent of the total number of women working in the public administration) took their entitlement to 14 weeks of paid Maternity leave. However, the number fell substantially to 612 women (2.6 per cent of the total number of women working in the public administration) for the remaining low-paid four weeks of Maternity leave. The data must be treated with caution, as it includes all women, irrespective of their age group.

In 2019, in public administration, there was an additional decrease of 4.5 per cent in the number of women who took Maternity leave (first 14 weeks), and an increase of 1.9 per cent in the number of women taking additional four weeks of maternity leave (following the statutory 14 weeks).

### **b. Paternity leave**

In 2018, 211 men (0.9 per cent of the total number of men working in the public administration) took up their entitlement to Paternity leave. The data must be treated with caution, as it includes all men, irrespective of their age group.

In 2019, in public administration, there was a decrease of 31.3 per cent in the number of fathers who took Paternity leave.

### **c. Parental leave**

There is a clear gender gap in the uptake of unpaid Parental leave. In 2018, the women's share was 97 per cent.

In 2019, in public administration, there was a decrease of 15.5 per cent in the number of parents who took Parental leave.

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

In 2018, out of the total number of beneficiaries, women made 94 per cent.

A study of social policy in Malta finds that unpaid family leave is synonymous with career regression, and interruption in national

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<sup>7</sup> Family Friendly Measures Survey 2018, Standards and People Division, Office of the Prime Minister, Malta.

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).<sup>8</sup> 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 (Camilleri-Cassar, 2005).<sup>9</sup>

In 2019, in public administration, there was a decrease of 20.9 per cent in the uptake of career break.

### **e. Other family-employment related measures<sup>10</sup>**

In 2018, out of the total number of employees who used the IVF leave, 65 per cent were women and 35 per cent were men. Data on same-sex couples who took up the leave is unavailable.

In 2019, in public administration, there was a decrease in the number of parents who took the option of reduced working hours. Reduced hours' work dropped by 23.1 per cent and remains predominantly female.

Teleworking increased by 4.7 per cent and is a popular measure by both women and men. In 2020 and 2021, in the fifteen months of the pandemic, workers were strongly encouraged to telework to contain the spread of the virus. Others worked on a rota basis. No data is available as to the increase in the number of teleworkers over this time.

Flexitime dropped by 5.7 per cent and is the most preferred measure by both women and men.

## **5. Uptake of leave (private sector)<sup>11</sup>**

No information available.

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<sup>8</sup> Camilleri-Cassar, F. (2005) 'Gender Equality in Maltese Social Policy? Graduate Women and the Male Breadwinner Model,' Agenda, Malta.

<sup>9</sup> Ibid.

<sup>10</sup> Source: Family Friendly Measures Research Report 2019 ~~Survey 2018~~, People and Standards Division, Office of the Prime Minister, Malta. Access at: <https://publicservice.gov.mt/en/people/Documents/People-Support-Wellbeing/Reports/FFM-2019.pdf>

<sup>11</sup> Based on personal communication with the Department of Industrial and Employment Relations, Malta: <http://dier.gov.mt/en/Pages/home.aspx>

# Mexico<sup>1</sup>

**Cándido Pérez** (Early Institute<sup>2</sup>)

April 2021

N.B. 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 Instituto Mexicano del Seguro Social [private sector]; the Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, the Secretaría de Marina (Semar), the Secretaría de la Defensa Nacional (Sedena) and Petróleos Mexicanos (Pemex) [at federal level], state governments [at state level] [public sector])

*Length of leave (before and after birth)*

- 12 weeks. Two to six weeks of pre-natal leave, and six to ten weeks of post-natal leave. It is obligatory to take the whole period.

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<sup>1</sup> Please cite as: Pérez, C. (2021) 'Mexico country note', in Koslowski, A. Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-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 analyse and inform public policies on childhood. In particular, they contributed to the preparatory work for the introduction of Paternity leave in Mexico in 2012.

### *Payment and funding*

- 100 per cent of earnings, with no upper limit on payments for the standard period.
- 50 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*

- In the private sector, at the request of an employee, up to four of the six weeks of Maternity leave before birth can be transferred to after the birth: this requires a formal statement from a doctor, and takes into consideration the employer's view, and the type of work that the employee performs. For public employees, Maternity leave must be taken one month before the expected delivery date and two months after the birth; however, some employees, such as in the Secretaría de la Defensa Nacional, can transfer up to two weeks after the birth.
- 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)*

- In the private sector, 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 statutory responsibility of the employer to pay 100 per cent of the earnings. Employees must not perform any paid work during pre- and post-natal periods.
- Only female employees in the formal economy are eligible for Maternity leave. More than 60 per cent 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.
- Same-sex parents are 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 child is born with any kind of disability or requires hospital care, leave can be extended up to eight weeks after birth – however, 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)*

- Some state governments such as Yucatán (2016), Chihuahua (2017) and Puebla (2019) have extended Maternity leave for public sector employees, from three to four months (Yucatán) and from 12 to 14 weeks (Chihuahua, Puebla).

**b. Paternity leave (permiso/licencia de paternidad) (responsibility of the Secretaría del Trabajo y Previsión Social and the Instituto Mexicano del Seguro Social [private sector]; the Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, the Secretaría de Marina (Semar), the Secretaría de la Defensa Nacional (Sedena) and Petróleos Mexicanos (Pemex) [at federal level], state governments [at state level] [public sector])**

*Length of leave*

- 5 working days.

*Payment and funding*

- 100 per cent of earnings, paid by the employer.
- Paternity leave is also taken into account in the calculation of old age and pension benefits.

*Flexibility in use*

- None.

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

- As with Maternity leave, Paternity leave only 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; single 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 government and other public agencies and academic institutions grant longer periods of paid Paternity leave than the legal minimum, usually between 10 and 15 days paid at full earnings. These include the Secretaría de Bienestar, the Secretaría de Gobernación, the Secretaría de Relaciones Exteriores, the Tribunal Electoral del Poder Judicial de la Federación, the Guardia Nacional, the Instituto del Fondo Nacional de la Vivienda para los Trabajadores, the Instituto Nacional de la Mujeres, the Instituto Nacional Electoral, the Comisión de Derechos Humanos de la Ciudad de México, *El Colegio de la Frontera Sur*, the Instituto Politécnico Nacional, and the state governments of Coahuila, Colima, Hidalgo, Mexico City, Michoacán, Puebla, Tamaulipas and Yucatán. Public employees from the State of México are entitled to 45 days, and the ones from the State of Nuevo León are entitled to 60 days, which is the longest Paternity leave in the country.

### **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 the case of adoption, the mother is entitled to six weeks of paid leave, from the day that she receives the child; the father is entitled to five working days.

*Time off for the care of dependants*

- No statutory entitlement.

### *Flexible working*

- None.

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

- 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.

### *Leave to care for sick children*

- Parents are entitled to full-time leave to care for a child under 16 years of age diagnosed with cancer, during the period the child is in hospital or in need of continuous treatment (with certification by the public health service). The length of leave is up to 25 days, but the employee can demand as many periods of leave as are needed, up to 364 days during a 3 year period. The scheme is paid at 60 per cent of earnings. The employee must have contributed to social security for at least 30 weeks in the 12 months before the date of diagnosis. When the employee does not meet this requirement, they must have contributed to social security at least 52 weeks before the date this leave starts. The leave is an individual right, but only one of the parents is entitled to use it. Any working parent with legal custody has the right to take it, both public and private employees.

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

For most employees, the maximum period of paid post-natal leave is ten weeks in the private sector and eight weeks in the public sector, paid at a high rate. Since 2019, attendance at Early Childhood Education and Care (ECEC) is both an entitlement and compulsory for children under 6 years old (*educación inicial and educación preescolar*), though there is not enough provision to ensure places for the youngest age group (0 to 3-years-old). There is, therefore, in practice a substantial gap of nearly three years between the end of leave and the start of an ECEC entitlement for most children.

The level of attendance at formal ECEC services for children under three years of age is very low, well below the OECD average; but for children over three years of age, attendance is only 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 2020 (including proposals currently under discussion)**

Currently there are around 21 proposals concerning leave policy in Congress (both the House of Deputies and the Senate). Mainly, they propose to extend Maternity leave from 12 to between 14 and 20 weeks, and Paternity leave from five days to between eight days and eight weeks. These proposals should be discussed or dropped without discussion during 2021.

#### **Policy response to the COVID-19 pandemic up to end April 2021**

No information.

### **4. Uptake of leave**

#### **a. Maternity leave**

Maternity leave benefit covered about 13 per cent of the 2,092,214 births in 2019.<sup>3</sup>

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

No information available.

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

No statutory entitlement.

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<sup>3</sup> Author's calculations based on data provided by the Instituto Mexicano del Seguro Social, the Instituto de Seguridad y Servicios Sociales de los Trabajadores del Estado, and the Instituto Nacional de Estadística y Geografía.

# The Netherlands<sup>1</sup>

**Laura den Dulk** (Erasmus University Rotterdam) and **Mara A. Yerkes** (Utrecht University)

April 2021

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 the Department of Social Affairs and Employment)**

*Length of leave (before and after birth)*

- 16 weeks. Leave must start four weeks before the birth (although up to six weeks can be taken for pre-natal leave), with ten weeks to 12 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 limit equivalent to the maximum daily payment for sickness benefit (€209.26).
- Funded from the unemployment fund, which is financed by employers contributing 4.15 per cent of employees' earnings.

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<sup>1</sup> Please cite as: den Dulk, L. and Yerkes, M.A. (2021) 'Netherlands country note', in Koslowski, A. Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

### *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.
- After the six weeks' obligatory leave following delivery, mothers are entitled to use the remaining part of their leave in a flexible way, spread over a maximum of 30 weeks.

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

- All female employees.
- Self-employed women who have worked at least 1225 hours in the calendar year in which they give birth are entitled to 16 weeks payment up to a maximum of 100 per cent of the statutory minimum wage, depending on the number of hours worked (€1653.60 per month before taxes for those aged 22 years and older in 2020).
- Women in same-sex relationships who give birth 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; single parent); or delegation of leave to person other than the mother*

- Additional leave of up to ten weeks, if the child needs to stay at the hospital for more than one week after the birth.
- Delegation of 10 weeks of leave to the partner if the mother dies, even if the mother was self-employed or was not eligible for leave (e.g. because of not being in paid employment).
- In the case of multiple births, mothers are entitled to 20 weeks of Maternity leave (eight to ten weeks before the due date and the remaining leave after the birth).
- In the case of miscarriage or stillbirth after 24 weeks, mothers are entitled to the full 16 weeks of leave.

## **b. Birth leave (for partners and fathers; *geboorteverlof*) (responsibility of Department of Social Affairs and Employment)**

### *Length of leave*

- The length of leave is equivalent to the number of working hours per week per partner/father. For example, a full-time job of 38 hours per week gives a leave entitlement of 38 hours (i.e. one week).

- Supplemental birth leave (*Aanvullend geboorteverlof*) is also available. The length of supplemental birth leave is five times the number of working hours per week, up to a maximum of five weeks. For example, a full-time job of 40 hours per week gives a supplemental leave entitlement of five weeks.

#### *Payment and funding*

- The first week is paid by the employer at 100 per cent of earnings, with no upper limit on payments.
- The weeks of supplemental leave is paid by the Employee Insurance Agency at 70 per cent of earnings, with an upper limit of 70 per cent of the daily maximum wage (currently €223.40), which is set annually by the government.

#### *Flexibility*

- The first week of leave can be taken within four weeks after the birth of the child.
- The weeks of supplemental weeks can be taken flexibly over a longer period (e.g. one week of leave can be taken one day a week for five weeks). The supplemental leave must be taken within six months following 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.
- Self-employed partners/fathers are not entitled to birth leave.
- Employees in same-sex relationships are eligible if they have a relationship with the birth mother and legally recognize the child.
- Fathers or partners whose child was born on or after 1 July 2020 are eligible for the supplemental weeks of leave as long as they have taken the first week of 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; single 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 arrangements with respect to the amount of paid birth leave and/or with respect to a top-up payment for supplemental birth leave beyond the 70

per cent payment. Collective agreements may not deviate from the legislation if it disadvantages the employee.

- Employers can temporarily refuse or change the take-up of supplemental birth leave up to two weeks before the leave is scheduled to begin. This can only occur if there are serious business reasons for doing so. For example, employers can change the days or weeks in which leave are taken, but this can only happen in consultation with the employee.

### **c. Parental leave (*ouderschapsverlof*) (responsibility of Department of Social Affairs and Employment)**

#### *Length of leave*

- 26 times the number of working hours per week per parent per child. For example, a full-time job of 38 hours per 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 ill during the leave period, they cannot make claims for sickness payment; this insurance entitlement is restored once the leave period ends. The impact on pensions 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 uptake conflicts with serious business needs.

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

- All employees are entitled to Parental leave, including same-sex couples, parents of foster children, step-children, adopted children (as long as they live in the same household), and employees with temporary contracts.
- Self-employed parents are not entitled to 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; single parent); or delegation of leave to person other than the parents*

- As the leave is allocated per child, each parent is entitled to additional leave in the case of a multiple birth.

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

- Collective agreements can supplement legislation. A 2017 study of the 100 largest collective agreements in the Netherlands shows that 16 collective agreements offered partly paid leave (payment varied between 25 and 75 per cent); two collective agreements extended the age of the child up to which leave can be taken to 12 and 13 years respectively; and two collective agreements extended the period of leave. Collective agreements that supplement legislation are mainly found in public administration and the health sector.<sup>2</sup>

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

No statutory entitlement.

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

*Adoption leave and pay*

- Each parent is entitled to six 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. This leave does not have to be taken in one block.
- For adoptive parents, the same regulations for Parental leave apply as for other parents.

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<sup>2</sup> Torenvliet, B., Houtkoop, A. and Junger-van Hoorn, E.C. (2018) *Arbeid en zorg 2017. Een onderzoek naar cao-bepalingen gerelateerd aan de Wet modernisering regelingen van verlof en arbeidstijden en de Wet Flexibel Werken [Work and care 2017. Research on collective agreements related to the act modernising leave arrangements and working times and the Flexible Working Act]*, The Hague: Department of Social Affairs and Employment.

### *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, family 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: firstly, an employer can refuse to grant the leave if the interests of the organisation might be seriously harmed; secondly, care must be necessary because of illness; thirdly, care must 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). The leave can be taken in all cases where long-term care is needed. With the agreement of the employer, long-term care leave can also be taken full-time or with reduced hours per week over a longer period, up 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, or a child suddenly taken ill). This so-called 'emergency leave' can last from a few hours to a few days, but terminates after one day if short-term leave (see above) is subsequently taken. The employer is required to pay 100 per cent of the employee's earnings.

### *Flexible working*

- Under the 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 fewer than ten employees.

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

- 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 are entitled to take breaks of up to 25 per cent of their working hours. Employers are required to offer a suitable room and pay for these hours.

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

The maximum period of post-natal leave per family is just over 16 months, some of which is paid and some of which is unpaid. Mothers are entitled to 12 weeks fully paid post-natal Maternity leave, while fathers and partners have eligibility for only one fully paid week of leave, plus four weeks supplemental leave paid at 70 per cent. A further 12 months of Parental leave is unpaid. There is an entitlement for children to start school, on a voluntary basis, from four years of age, prior to compulsory schooling at age five years. There is, therefore, a significant gap of nearly 44 months between the end of well-paid leave and an entitlement to Early Childhood Education and Care (ECEC) in the form of early admission to elementary school.

Levels of attendance at formal services for children under three years of age are well above the average both for the countries included in this review and OECD countries (though this includes many children aged two who are attending part-time playgroups). Levels of attendance at formal services are also above the average for children over three years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

ECEC (VVE, or *voor- en vroegschoolse opvang* in Dutch) is partially subsidized by municipalities and offered to children aged two and a half to four years old. In many municipalities, ECEC is offered to children at risk of language or learning deficiencies; in some municipalities, all children aged two and a half to four years old are eligible. In short, considerable differentiation exists regarding eligibility and provision across municipalities.

Parents can also make use of market-based formal childcare services, and working parents may be entitled to childcare allowances.<sup>3</sup> The Netherlands is currently recovering from a government crisis related to the provision of these childcare allowances, in which parents were falsely accused of fraudulently receiving allowances. In these cases, the allowance was rescinded and parents were required to pay back thousands of Euros retrospectively, with far-reaching social and economic consequences for the affected families<sup>4</sup>. Current estimates

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<sup>3</sup> Yerkes, M.A. and Javornik, J. (2018) 'Creating capabilities: childcare policies in comparative perspective', *Journal of European Social Policy*, Vol.29, 4: 529-544.

<sup>4</sup> Van Dam, C. J. L., Van Aalst, R. R., Leijten, R. M., Belhaj, S., Kuiken, A. H., Van der Lee, T. M., Van Wijngaarden, J. and Van Kooten-Arissen, F. M. (2020) *Ongekend onrecht. Parlementaire ondervraging Kinderopvangtoeslag*. Available at:

from the Tax Office show that 24,752 parents have requested reconsideration of their cases following a parliamentary inquiry into the affair<sup>5</sup>. It is not yet clear whether this childcare allowance crisis will affect childcare attendance levels.

The National Childcare Quality Monitor (LKK) monitors the quality of childcare facilities in the Netherlands. Trend analysis shows a steady increase in the quality of childcare since 2008. In comparison to other countries, and based on international measures such as ITER-S/ECER-R and CLASS, the Netherlands is nowadays considered to have high quality childcare<sup>6</sup>, a considerable improvement from previous years.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

Supplemental Birth leave, providing up to five weeks of additional and partly paid leave for a mother's partner, was introduced from 1 July 2020 (see 1b).

In response to the European Work Life Balance Directive<sup>7</sup>, Parental leave will become partially paid in August 2022, when eligible parents will receive payment from the Employee Insurance Agency (UWV) for the first nine weeks of parental leave at 50 per cent of their daily pay, up to a maximum of 50 per cent of the daily maximum wage (currently €223.40). These nine weeks partially paid Parental leave can be taken until the child is one year old. The main reason for this condition is to provide parents the opportunity to adjust to the new situation following childbirth and to encourage conscious decision making on the division of paid and unpaid work. The remaining 17 weeks of unpaid Parental leave can be taken until the 8<sup>th</sup> birthday of the child (see 1c).

### **Policy response to the COVID-19 pandemic up to end April 2021**

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[https://www.tweedekamer.nl/sites/default/files/atoms/files/20201217\\_eindverslag\\_parlementaire\\_ondervragingscommissie\\_kinderopvangtoeslag.pdf](https://www.tweedekamer.nl/sites/default/files/atoms/files/20201217_eindverslag_parlementaire_ondervragingscommissie_kinderopvangtoeslag.pdf)

<sup>5</sup> From <https://services.belastingdienst.nl/toeslagen-herstel/>.

<sup>6</sup> Slot, P., Jepma, IJ., Mulder, P. et al. (2019) *Kwaliteitsmonitor Kinderopvang. Ontwikkelingen in de kwaliteit van de Nederlandse kinderdagopvang, peuteropvang, buitenschoolse opvang, gastouderopvang op basis van gecombineerde metingen 2017-2019* [Childcare quality monitor. Developments in de the quality of the Dutch day care, toddler care, after school care, childminder care based on the combined measurements 2017-2019], LKK: Universiteit Utrecht, Sardes.

<sup>7</sup> European Parliament (2019) *Directive (EU) 2019/1158 of the European Parliament and of the Council of 20 June 2019 on work-life balance for parents and carers and repealing Council Directive 2010/18/EU* (p. 15).

### *Childcare and schools*

- ECEC services for children aged 0-4 years were closed from 15 March to 11 May 2020 and again from 14 December 2020 to 8 February 2021. During this period, limited 'emergency care' was available for essential (key) workers based on a dynamic list provided by the government. Families in which one (of two) parents worked in an essential occupation were asked to arrange care at home where possible; families where this was not possible were eligible to make use of emergency care. [In reality, childcare centres and schools varied in their interpretation of these ambiguous government guidelines; some required both parents to be employed in an essential occupation].
- Schools and school-age childcare services for children aged 4 to 12 years were closed from 15 March to 11 May 2020. Primary schools and school-age childcare services partially re-opened until 8 June, then fully re-opened. During partial re-opening, the government advised primary schools to offer 2 days of full-time school, but schools varied in their opening times (e.g. some schools organised half days every day of the week). As children could only attend school-age childcare on days they went to school, access to school-age childcare during the partial reopening of primary schools varied greatly. The exception to this was for parents reliant on childminder organisations for children aged 0-12. These fully reopened on 11 May. Schools and school-age childcare services for children aged 4 to 12 years were closed again from 14 December 2020 to 8 February 2021. After school care services for children aged 4 to 12 remain closed (as of 29 March 2021).
- Initial evidence suggests few parents relied on emergency care during the first lockdown in the spring of 2020<sup>8</sup> (Yerkes et al., 2020). Nearly half (46 per cent) of Dutch parents worked in an essential occupation; more than one third (38 per cent) of these essential workers had a partner with an essential occupation, and 11 per cent were single parents. Despite this high percentage of 'essential worker households' with access to emergency care, 88 per cent of parents reported their children were home full-time during April 2020 and a further 6 per cent reported their children were home at least some of the time. No evidence is available yet regarding the use of emergency care during the second lockdown (December 2020 through spring

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<sup>8</sup> Yerkes, M.A., André, S., Besamusca, J., Remery, C., van der Zwan, R., Kruijven, P., Beckers, D., Geurts, S. and de Beer, P. (2020) *Werkende ouders in tijden van Corona: Meer maar ook minder genderongelijkheid* [Working parents in times of Corona: More but also less gender inequality]. Available at: <https://www.uu.nl/sites/default/files/Policybrief.pdf>

2021). Parents using formal childcare services were asked to continue payment to childcare centres and after school care centres during the lockdown, with compensation provided by the government following the end of the lockdown. On average, parents received a one-off payment of €500 to compensate for the cost of their own childcare contribution when services were closed<sup>9</sup>. There will be another one-off payment for the closure of childcare services later in 2020-2021, but the amount has not yet been specified.

#### *Parental leave*

- There were no modifications to Parental leave.

#### *Other measures for parents and other carers*

- Parents and carers maintained access to 'emergency leave' (see section 1e) as well as (un)paid Parental leave and paid birth leave. Access to partially-paid supplemental birth leave became available after 1 July 2020. Access to short-term leave or long-term leave remained available to care for a *sick* child or family member. Most Dutch information available on taking regular leave during school/childcare closures was framed as 'employers cannot require you to take (vacation) leave or other forms of leave'. No information is available on the extent to which parents were actively supported in using leave options.
- Income replacements or supplements targeted at parents were limited to the remuneration of parents' contribution to childcare costs for the period during which childcare was closed (see above). No additional regulations were put in place during the Covid-19 pandemic for parents and/or other carers. All further income replacement schemes were targeted at employers and/or self-employed workers and these were not related to care responsibilities.

## **4. Uptake of leave**

### **a. Maternity leave**

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<sup>9</sup> Retrieved from Statistics Netherlands. Available at: <https://www.cbs.nl/nl-nl/nieuws/2020/24/gemiddeld-500-euro-coronavergoeding-voor-ontvangers-kinderopvangtoeslag>.

No specific study has been done on the uptake 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 delivery, an uptake rate of 100 per cent might be expected. A recent study examined the use of the flexible part of Maternity leave and shows that relatively few women utilise the granted flexibility of the last part of the leave: i.e., after the first six weeks following delivery (at less than two per cent)<sup>10</sup>.

## **b. Birth (Paternity) leave**

In 2019, 83 per cent of fathers took this leave directly after the birth of their child, a bit lower than in 2017 (86 per cent)<sup>11</sup>. Many fathers use annual holidays to extend their leave around the birth of their child<sup>12</sup>. Statistics on the uptake of the recently introduced supplemental Birth leave are not yet available, although estimates suggest 47,500 fathers will make use of the extended period of Birth leave once it becomes available on 1 July 2020<sup>13</sup>.

## **c. Parental leave**

In 2017, the uptake of Parental leave among mothers was twice as high as for fathers (22 per cent versus 11 per cent), but the duration of leave was 19 months among fathers compared with 14 months among mothers. In 2019, the uptake differences between mothers and fathers became smaller (20 per cent versus 15 per cent), and mothers took nine hours per week of Parental leave on average while and fathers took eight hours, though fathers took, on average, a longer period of leave (17 months compared to 15 months for mothers)<sup>14</sup>. These long periods of leave reflect the possibility in the Netherlands of taking part-time Parental leave and to spread the leave out over several months.

The uptake of Parental leave is not only higher among women, but also among workers with a permanent contract, compared to those with a flexible contract (20 per cent versus five per cent). A recent study

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<sup>10</sup> Zwinkels, W. (2018) *Evaluatie flexibele bevallingsverlof [Evaluation flexible Maternity leave]*. Epsilon Research: Ministry of Social Affairs and Employment.

<sup>11</sup> Brakel, M. van den et al. (2020) *Emancipatiemonitor 2020: Wie zorgt er voor de kinderen? [Who is taking care of the kids?]*. Available at: <https://digitaal.scp.nl/emancipatiemonitor2020/wie-zorgt-er-voor-de-kinderen>.

<sup>12</sup> Alejandro Perez, S. (2018) *Veel vaders nemen extra verlof op na geboorte kind [Many fathers take extra leave after the birth of a child]*. Available at: <https://esb.nu/kort/20042498/veel-vaders-nemen-extra-verlof-op-na-geboorte-kind>.

<sup>14</sup> Brakel, M. van den, et al. (2020) *Emancipatiemonitor 2020: Wie zorgt er voor de kinderen? [who is taking care of the kids?]* <https://digitaal.scp.nl/emancipatiemonitor2020/wie-zorgt-er-voor-de-kinderen>.

indicates that fathers not taking up leave are hindered by financial constraints, worrying about colleagues having to take on more work for them, or a belief that it is not possible to take leave from their job.<sup>15</sup> Uptake of Parental leave is higher among more formally educated and high-income parents, compared to less formally educated and low-income parents. In addition, the use of Parental leave is lower among parents with a non-Western ethnic background, compared to parents with a Western ethnic background and native Dutch parents. Parents with a non-Western ethnic background are less familiar with the entitlement than native Dutch workers. Uptake is also positively related to the number of hours worked and to employment in a large organisation, the education sector, or a governmental organisation; this is related to the fact that collective agreements in those sectors offer partially paid Parental leave.<sup>16</sup>

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

Care leave: there has been an increase in female and male informal care givers. The percentage of female employees who provide informal care increased from 13 per cent in 2018 to 15 per cent in 2020. Among men, 9 per cent offered informal care in 2018 and 11 per cent in 2020. (In 2019, 404,000 female employees and 321,000 male employees cared for a sick child, parent, partner, family member, or friend for a substantial period of time, i.e. longer than two weeks). Workers with informal care responsibilities report that emotional support from their supervisor and colleagues plus flexible working hours are most beneficial when combining paid work and informal care<sup>17</sup>.

Relatively few employees with informal care responsibilities use long-term care leave. In 2019, one per cent of these female employees reported making use of long-term care leave and two per cent of male employees<sup>18</sup>.

The take-up of short-term care leave is low among female and male employees who care for sick family members or friends for a short period of time (two weeks or less): eight per cent of women and ten per cent of men. A majority of employees do not take any form of leave when

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<sup>15</sup> Centraal Bureau voor de Statistiek. *De werk-privébalans van vaders met jonge kinderen [The work-life balance of fathers with young children]*. The Hague: CBS.

<sup>16</sup> Zwinkels, W. (2018) *Verlofregelingen arbeid en zorg naar type arbeidsrelatie [Work and care leave according to type of employment relation]* The Hague: Ministry of Social Affairs and Employment.

<sup>17</sup> Boer, A. de, Plaisier, I. and Klerk, M. de (2019) *Werk en mantelzorg [Work and informal care]*. The Hague: Sociaal Cultureel Planbureau.

<sup>18</sup> Brakel, M. van den et al. (2020) *Emancipatiemonitor 2020: Wie zorgt er voor de zieke naaste? [Who is taking care of sick relatives?]*.

<https://digitaal.scp.nl/emancipatiemonitor2020/wie-zorgt-er-voor-de-zieke-naaste>.



providing short- or long-term care.<sup>19</sup> In 2019, 254,000 female employees and 227,000 male employees dealt with short-term, unexpected care tasks.

Flexible working: the Flexible Working Act 2016 entitles employees to adjust their working hours and working times, and entitles employees to work from home. With respect to the right to adjust working hours, it is well known that 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>20 21 22</sup>. It is clear that part-time work is very popular (and for women even almost regarded as 'natural'). Most Dutch employees are satisfied with their amount of working hours, suggesting that part-time work is, in most cases, voluntary<sup>23</sup>. However, a recent study finds that women who are young, working in white- and blue-collar occupations, and/or married/co-habiting are more likely to be in precarious, part-time jobs with short hours<sup>24</sup>.

Research from 2017/2018 indicates that, in general, employers are positive towards part-time working at all occupational levels, and rarely reject a request to reduce working hours (only 6 per cent of employers who receive a request). However, requests to increase working hours are less common and not always granted; 40 per cent of employers received a request from employees to increase working hours, of whom ten per cent turned down the request and 29 per cent only partly granted the request<sup>25</sup>.

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<sup>19</sup> Brakel, M. van den et al. (2020) *Emancipatiemonitor 2020: Wie zorgt er voor de zieke naaste? [Who is taking care of sick relatives?]*. Available at: <https://digitaal.scp.nl/emancipatiemonitor2020/wie-zorgt-er-voor-de-zieke-naaste>.

<sup>20</sup> Portegijs, W. and Keuzenkamp, S. (eds.) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk [Part-time working in the Netherlands]*. Den Haag: Sociaal en Cultureel Planbureau.

<sup>21</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>22</sup> Keuzenkamp, S. (ed.) (2009) *Deeltijd (g)een probleem. Mogelijkheden om de arbeidsduur van vrouwen met een kleine deeltijd baan te vergroten [Working part-time: (not) a problem?]*, Den Haag: Sociaal en Cultureel Planbureau.

<sup>23</sup> Vlasblom, J.D., van Echtelt, P. and 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>24</sup> Yerkes, Mara A., and Hewitt, B. (2019) 'Part-Time Work Strategies of Women and Men of Childbearing Age in the Netherlands and Australia', in Nicolaisen, H., Kavli, H.C. and Steen Jensen, R. (eds.) *Dualization of Part-Time Work – the New Normal?* Bristol: Policy Press.

<sup>25</sup> Echtelt, P. van (2019) 'Faciliteren werkgevers de balans tussen arbeid en privé?', in *Arbeidsmarkt in kaart: Werkgevers - editie 2*. Geraadpleegd op 25 maart 2020. Available at: <https://digitaal.scp.nl/arbeidsmarkt-in-kaart-werkgevers-editie-2/faciliteren-werkgevers-de-balans-tussen-arbeid-en-privé>.

Regarding flexible working hours and working from home, research indicates that the Flexible Working Act has not yet led to a substantial increase of employees who are able to determine their start and finish times or who are able to work from home. Panel data gathered between 2004-2016 shows that access to flexible working hours remains stable, at around 40 per cent of employees. The proportion of employees working from home part of the time has not increased since 2014<sup>26</sup>.

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<sup>26</sup> Josten, E. (2019) 'Kunnen werknemers vaker zelf hun werktijden en -plek bepalen?', in *Arbeidsmarkt in kaart : Wel- en niet-werkenden - editie 1*. Geraadpleegd op 24 maart 2020. Available at: <https://digitaal.scp.nl/arbeidsmarkt-in-kaart-wel-en-niet-werkenden-1/kunnen-werknemers-vaker-zelf-hun-werktijden-en--plek-bepalen>.

# New Zealand<sup>1</sup>

**Annick Masselot** (University of Canterbury) and **Suzy Morrissey** (University of Auckland)

April 2021

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

**Note on terminology:** In the New Zealand country note, 'parental leave' is used as a generic term to cover 'primary carer,' 'partner' and 'extended' leaves, as well as related payments for new parents and eligible carers.

### a. Primary carer leave (paid parental leave, previously termed 'maternity 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)*

- 26 weeks. An employee can start their Primary carer leave up to six weeks before the expected date of delivery or the date on which the employee will become the primary carer of the child. Primary carer leave must be taken in one continuous period but there is no requirement to start the leave before the birth. It is not obligatory to take leave.

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<sup>1</sup> Please cite as: Masselot, A. and Morrissey, S. (2021) 'New Zealand country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G., and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

- In addition to the Primary carer leave, pregnant women can also take up to ten days unpaid special leave for pregnancy-related reasons such as antenatal classes, scans or midwife appointments.

#### *Payment and funding*

- 100 per cent of earnings, up to a limit of NZD\$606.46 [€355.55]<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\$189 [€110.80] before tax per week. Payment is indexed annually as of 1 July 2020 for each year, according to upward movements in average weekly earnings.
- Funded from general taxation.
- No pension credits are accrued during the leave period.
- The maximum payment is lower than the minimum wage.

#### *Flexibility in use*

- Usually, Primary carer leave commences six weeks before the due date for the woman who gives birth and who will take care of the child. If another person takes care of the child, Primary carer leave starts on the date that the employee becomes the primary carer in respect of the child. However, an employer and an employee can agree for Primary carer leave to start at any other time before the baby is due.
- In addition, 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 her employer to start Primary carer leave early, she retains the right to take 20 weeks' leave after the expected date of birth, with the overall leave period being extended accordingly (i.e. in such cases, more than 26 weeks of Primary carer leave can be taken).
- While the leave may be extended, the payment is only extended where the child is pre-term. This means that a mother may have access to longer Primary carer leave, e.g. 28 weeks, but will only receive 26 weeks' payment (unless pre-term payment applies). Any additional leave is deducted from the total period of Extended leave.

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<sup>2</sup> Conversion of currency undertaken for 21 June 2021 using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-nzd.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-nzd.en.html).

- The 'primary carer' is the birth mother who is pregnant or has given birth, but she may transfer any or all of the leave period and payment to her partner/spouse (including *de facto* and same-sex partners), or to another person who takes permanent primary responsibility for the care, development, and upbringing of a child who is under six years of age.
- An employee is able to perform up to 64 hours of paid work, during the period they receive benefit payment, if that work is performed on 'Keeping in Touch' days. These are agreed between employer and employee and are able to be used from 28 days after the date on which the child is born.
- Where an employee does not qualify for Primary carer's leave, but is entitled to Parental leave (primary carer) payments (e.g. they may have multiple employers, work casually, or on a seasonal basis), they may request a period of 'Negotiated carer leave.' For example, a full-time permanent employee who has changed jobs in the last 5 months does not meet the criteria to take Primary carer's leave as the criteria requires continuous employment for the same employer for six months. However, that employee meets the criteria for 'Parental leave payment' which do not require work to be with the same employer, but will only be able to obtain this payment if s/he can take Negotiated carer leave (and is the primary carer).

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

- Eligibility criteria for Primary carer Leave are distinct from eligibility criteria for the payment made for the Primary carer leave (entitled 'Parental leave payment').
- 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 Primary carer leave. The mother (i.e. the woman who has given birth) determines who is the 'primary carer', as she is allocated the leave and signs the documents to transfer it; the 'primary carer' can be someone who is not a biological parent to the child (e.g. same-sex partner or relative of either biological parent).
- 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 people 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.
- If the birth mother transfers leave and payment to another 'primary carer', the person to whom it is transferred must meet

the eligibility conditions for payment (i.e. have the required continuity of employment).

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; single 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 pre-term 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 that it is born prior to the 36<sup>th</sup> week).
- An employee who receives a pre-term 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*

- None.

*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 of a child, and they have worked for the same employer continuously for at least an average of ten hours a week in the six 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 requirement 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 per week, in the six or 12 months immediately before the expected date of delivery, are eligible.
- Same-sex parents are eligible.

### **c. Extended leave (responsibility of the Ministry of Business, Innovation and Employment)**

#### *Length of leave*

- Up to 52 weeks' leave may be taken in the 12 months after birth, including any Primary carer leave (previously referred to as Maternity leave); Partner's leave (previously referred to as Paternity/partner leave) is additional. Extended leave is a family entitlement.

#### *Payment and funding*

- None. There are also no pension credits.

#### *Flexibility in use*

- Leave may be shared by both the 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 leave and can be started following Primary carer leave, 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 of age (or six months or one year after the employee becomes the primary carer of a child), depending on the length of leave applicable. Therefore, where one parent meets the 12 month criteria and the other parent meets the six month criteria, the person who has only worked for six months cannot take more than 26 weeks of the total 52 weeks (less the number of weeks primary carer leave taken up to 26 weeks) available to the couple.

*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 per 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 of age 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.
- Self-employed workers are eligible.
- Same-sex parents are eligible.

*Variation in extended leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; single 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 – these are most commonly found in the public sector. These agreements are in addition to, and cannot override, the minimum statutory provisions.

#### **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 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 limit. This leave can be used in the case of the illness of the employee/spouse/partner/dependant.

#### *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 statutory, described process for considering a request.

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

- Employees are entitled to request breaks to breastfeed. Employer can refuse the request on the grounds that the break would disturb the operation of the business. 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 is 12 months, but at least half of this is unpaid and leave is paid at a high rate for only 26 weeks. There is an entitlement to Early Childhood Education and Care (ECEC) from three years of age, though only for part-time nursery education (for a maximum of six hours' attendance per day and 20 hours per week).

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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>.

There is, therefore, a two year gap between the end of leave and an ECEC entitlement and a gap of two and a half years between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for children both under and over three years of age are above the average for both 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 2020** (including proposals currently under discussion)

The current legislation has included a series of increments in the length of the Primary carer leave from 18 weeks to 22 weeks on 1 July 2018, with a further increase to 26 weeks from 1 July 2020.

#### **Policy response to the COVID-19 pandemic up to end April 2021**

##### *Childcare and schools*

- The New Zealand government adopted a clear 4-Level Alert system on 21 March 2020. Since May 2020, two instances of Covid community transmission were identified prompting a rise to Alert Level 3 in Auckland and Alert Level 2 in the rest of the country for short periods in August 2020 and in February/March 2021.
- Over the period of Alert Level 4 (26 March to 27 April 2020) New Zealand was in complete lockdown. ECEC centres and schools were wholly closed.
- Essential businesses can resume under Alert Level 3 lockdown (28 April to 13 May 2020 for the whole of New Zealand and in addition for Auckland only 12-30 August 2020; 14-17 February 2021 and 28 February-7 March 2021). Schools and ECEC centres were able to slowly reopen from around 29 April 2020, though learning and working from home was still encouraged. Children of essential workers in essential services were a priority so that parents could return to work (essential services provide for the necessities of life, including food, medicine, healthcare, energy, fuel, waste-removal, internet and financial support).
- At Alert Level 2 lockdown, schools and ECEC are open for all children.

##### *Parental leave*

- During Alert Level 4 and 3 lockdowns (26 March-13 May 2020 for the whole of New Zealand; 12-30 August 2020, 14-17 February

2021 and 28 February-7 March 2021 for Auckland only), temporary changes were made so that some workers could go back to work without losing their remaining entitlement to leave and associated payments and protections. This covers workers needed to return early because of Covid as their skills, experience or qualification meant that no one else could fill their role, or that there was a high demand for workers in their particular role. Under these changes, workers could return to work for up to 12 weeks and then go back on Primary care, extended or partner leave. Employers, however, cannot require an employee to return to work if they would like to remain on parental leave.

#### *Other measures for parents and other carers*

- The Wage Subsidy Scheme and the Wage Subsidy Extension have been put in place to help businesses and workers adjust to the initial impact of Covid, and to avoid businesses having to lay off their staff or reduce their hours. The Wage Subsidy Scheme is designed to support employers and their staff to maintain an employment connection and ensure an income for affected employees during Alert levels 3 and 4. It supports employers adversely affected by Covid, so that they can continue to pay their employees, and supports workers to ensure they continue to receive an income, and stay connected to their employer, even if they are unable to work their normal hours. For a business to be eligible, there had to have been at least a 30 per cent decline in actual or predicted revenue over a given lock down period when compared with the same month last year. Subsidy rate under both schemes are NZD\$585.80 [€343.44] per week for full-time employees (where full-time is 20 hours or more per week) and NZD\$350 [€205.19] per week for part-time employees, where part-time is less than 20 hours per week. Under both schemes, 'the employer must make their best endeavours to pay employees at least 80 per cent of their normal salary or wages...[and] pass on at least the full value of the relevant subsidy rate except where the employee's normal wages are less than the relevant subsidy rate.'
- Recipients of welfare benefits received an extra NZD\$25 [€14.66] per week as part of the COVID-19 relief package. The Winter energy payment was also increased making it NZD\$1400 [€820.78] for couples with dependent children and NZD\$900 [€527.64] for singles.

## **4. Uptake of leave**

The government does not currently routinely collect data regarding uptake of leave.

An (unpublished) survey of public sector employees regarding uptake of leave by partners was conducted in 2017.

**a. Maternity leave/primary carer's leave**

No information available.

**b. Paternity leave/partner's leave**

No information available.

**c. Parental leave/extended leave**

No information available.

# Norway<sup>1</sup>

**Brita Bungum** and **Elin Kvande** (Norwegian University of Science and Technology)

April 2021

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. Mother's quota (*mødrekvoten*) (responsibility of the Ministry of Children and Families)**

N.B. There is no separate Maternity leave: the information below is for that part of Parental leave reserved for women before and after birth, and for which the term *mødrekvoten* or mother's quota is now used. Although it is treated separately here, it is, in effect, part of the longer *foreldrepengeperioden* (parental money) period.

In addition, leave of up to 12 weeks is available for pregnant women who must stop 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.

#### *Length of leave*

- 18 or 22 weeks, depending on payment level (see 'payment and funding' below): three weeks before the birth and 15 or 19 weeks following birth. It is obligatory to take six weeks' leave after birth for health reasons.

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<sup>1</sup> Please cite as: Bungum, B. and Kvande, E. (2020) 'Norway country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2020*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

### *Payment and funding*

- 18 weeks at 100 per cent of earnings or 22 weeks at 80 per cent of earnings, up to a limit of six times the basic national insurance benefit payment (i.e. NOK8,446 [€822.61]<sup>2</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*

- After the first six weeks, it can be flexibly used as part-time leave in combination with part-time work, or split up into smaller blocks of time.

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

- All women employed for six of the last ten months prior to delivery, and who have earned at least half the basic national insurance benefit payment over the previous year, are eligible for leave.
- Self-employed workers are eligible.
- Non-employed women receive a one-off payment of per child. This payment is also given to non-employed women 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; single 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. Parents to twins get 66/80 weeks and parents to triplets get 95/115 weeks.

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<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-nok.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-nok.en.html).

**b. Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour and Social Affairs)**

*Length of leave (before and after birth)*

- 2 weeks after birth – ‘daddy days’ (plus father’s quota, see 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*

- Paternity leave is flexible in a number of ways. Firstly, it can be used by someone else who will assist the mother (i.e. grandparents) if the parents do not live together. Secondly, the law does not inform as to when the leave must be taken other than ‘in connection with the birth.’ This is normally interpreted as two weeks before or two weeks after the birth. There is, however, an opportunity to move the leave if the situation requires it. Thirdly, 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 come home from the hospital. Fourthly, it can be used by foster or adoptive parents when taking over the care of the child.

*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; single 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 above regarding flexibility.)

### **c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children and Families)**

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

- 46 or 56 weeks, depending on payment level (see 'payment and funding' below) plus a further three weeks before the birth, i.e. a total of 49 or 59 weeks. Of the post-natal period, 15 or 19 weeks are for mothers (*mødrekvoten* or mother's quota, see section 1a) and 15 or 19 weeks are for fathers (*fedrekvoten* or father's quota). The remaining 16 or 18 weeks is a family entitlement (*fellesperioden* or shared period) and may be taken by either parent. 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 limit of six times the basic national insurance benefit payment (i.e., NOK8,446 [€822.61] per month (regulated on 1 May each year). When employees are included in collective agreements, the employers pay the difference between wages and the cap.
- Non-employed women receive a flat-rate payment of NOK90,300 [€8,794.91] per child.
- Funded from general taxation.

#### *Flexibility in use*

- For all the different parts of leave (e.g. mother's quota, father's quota), it is possible to choose a longer period of leave paid at 80 per cent of earnings, or a shorter period of leave paid at 100 per cent of earnings.
- After the first six weeks, it is possible for the mother to postpone parts of the parental money period, as long as it is taken during the first three years after the birth of the child, 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 the parental money period with part-time work (for instance, each working part-time) at the same time. A written agreement from the employer is required in both cases. There is also a requirement that non-eligible mothers have returned to



employment or study (*aktivitetskrav*), in order for the father to take the family entitlement part of leave (see below).

- Father's quota and mother's quota: this period of leave (15/19 weeks) is not transferable to the other parent, except in certain circumstances, i.e. if the parent 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 to use it during the first three years after the child's birth. They can also choose whether to take the quota as part-time leave, as well as 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 within the three-year period.
- 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) and during the period of shared leave, when mothers are required to go back to work or studies in order for the father to take it. 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 main eligibility rules are the same for fathers and mothers. They must be employed for six of the last ten months prior to the 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 16/18 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, the mother must also have been eligible, but there is no requirement that eligible mothers (employed for six of the last ten months prior to the birth) go back to work. According to data from 2011,<sup>3</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.

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<sup>3</sup> Kitterød, R.H., Halrynjo, S. and Østbakken, K. M. (2017) *Pappaperm? Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor?* [Fathers who do not take paternity allowance - how many, who and why?]. Report 2017:2, Oslo: Institute for Social Research.

- Self-employed workers are eligible for the same leave benefits as employees.
- Same-sex parents are eligible. When two women become mothers, the non-biological mother must have been officially recognised as a mother in order to have the rights to leave. Her rights are the same as a father's rights to leave. If two men have a child together through surrogacy, the biological father normally gets the whole leave if he is officially approved as a father. The other father may get paid Parental leave if he adopts the child (as a step-father) and if there are leave days left. The three-year period within which leave must be taken may present a challenge, as they cannot apply for leave before the child is born and the adoption processes may take a long time. The 15-week quota for the second father is transferable to the first father. If both fathers are adoptive parents, they may choose which of them starts the leave period at the time of the care order.

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

- For multiple births or adoptions, the Parental leave period is prolonged: parents of twins get 66/80 weeks and parents of triplets get 95/115 weeks.
- 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 father's quota. However, if the parents agree, they may apply for the non-residential father to use the father's quota.

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

- Each parent has the right to one year of unpaid leave after the parental money period.
- Parents with a child between one and two years of age are entitled to receive a cash benefit ('cash-for-care' scheme) on condition they do not use a publicly funded ECEC service. The full benefit is NOK7,500 [€730.47] 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 per week, they receive 50 per cent of the full benefit). The main criteria 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 three weeks of leave reserved for mothers before birth. The period is divided into non-transferable mother's and father's quotas and a family entitlement to be shared. Parents adopting from abroad may decide when to start the Parental leave period. Parents adopting children from abroad who are not eligible for Parental leave receive a cash benefit of NOK90,300 [€8,794.91].

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

- Each parent of one or two children under 12 years of age has a right to: ten working days' leave per year when the child/ren are sick (or the childminder or grandparent is ill and the children are not attending kindergarten), or 15 working days' leave per year if they have more than two children. Single parents have the right to 20/30 days' leave per year. For severely or chronically sick children, there are extended rights to leave until the child is 18 years old.
- Employees who care for terminally ill family members in the home have the right to care leave for 60 days. There is also a right to leave for ten days every year to give necessary care for sick parents or spouses/partners.
- 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 they are ten years old.

### *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. 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 is just over three years. About two years of this is unpaid (except for the recipients of 'cash-for care,' see 1d, but they may not use publicly-funded Early Childhood Education

and Care (ECEC) services or, if they do, only part-time). Leave paid at a high earnings-related rate runs for nearly 14 months. There is an entitlement to ECEC from one year of age, available on a full-time basis at kindergartens (though if the child is born later than September 1, there might not be a place ready until one year later). There is, therefore, no gap between the end of leave and an ECEC entitlement.

Levels of attendance at formal services for children both under and over three years of age are above the average for both 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 2020 (including proposals currently under discussion)**

No changes reported.

#### **Policy response to the Covid-19 pandemic up to end April 2021**

##### *Childcare and schools*

- ECEC services and schools closed on 12 March 2020, except for children with parents who are key workers, e.g. nurses, doctors, bus drivers, and others who are vital for the infrastructure. ECEC services re-opened on 20 April 2020, primary schools on 27 April 2020, and other schools on 11 May 2020.

##### *Parental leave*

- There were no modifications to Parental leave.

##### *Other measures for parents and other carers*

- The yearly entitlement for mothers and fathers to time off to care for sick children was reset on 1 July, in effect giving parents a longer period of leave for the current year.

## 4. Uptake 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>4</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>5</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, fewer than four per cent of fathers took some Parental leave. Only a few years later, the uptake 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>. Comparable figures over time are hard to obtain because of changes in the way statistics are presented, and because the leave length changes frequently.

Although the length of the father's quota has varied over the last decade, most fathers (seven out of ten) have taken exactly the number of weeks represented by the father's quota, regardless of its length (NAV, 2017<sup>6</sup>). So, when the father's quota was 60 days, 70 per cent took exactly this period. The same happened when the quota was extended to 70 days in 2013. Then, after the quota was reduced to 50 days in 2014, again 70

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<sup>4</sup> Grambo, A.C. and Myklebø, S. (2009) *Moderne familier – tradisjonelle valg. En studie av mors og fars uttak av foreldrepermisjoner* [Modern families - traditional choices. A study of mother's and father's Parental leave episodes], Oslo: Nav.

<sup>5</sup> NOU 2017:6 *Offentlig støtte til barnefamiliene*.

<sup>6</sup> Parliamentary report based on Schou, L. (2017) *Fedrekvoten – uttak og holdninger* [Father's quota: withdrawals and attitudes], *Arbeid og velferd*, 3: 81-95. See also *Fedre som ikke tar fedrekvote – hvor mange, hvem og hvorfor?* [Fathers who do not take paternity allowance - how many, who and why?]. Available at:

<https://samfunnsforskning.brage.unit.no/samfunnsforskning-xmlui/handle/11250/2446441?locale-attribute=en>.

per cent of fathers took the reduced quota days. Figures based on public records in 2011 show that 18 per cent of the Parental leave days were taken by fathers: in 2013, fathers took 46 days on average, and in 2014, 49 days; then, with the reduction of the quota's length to ten weeks/50 days in July 2014, fathers' average uptake decreased to 47 days. These figures from this natural experiment show that if the aim of policy is greater equality in leave-taking between mothers and fathers, changing the length of the father's quota is essential. In 2014, when the father's quota was reduced, mothers' leave use increased accordingly.

The importance of having a father's quota is illustrated in an article by Kvande and Brandth where they discuss the connection between leave design and its use<sup>7</sup>. They show that in granting fathers an individual, earmarked and non-transferable right, the welfare state has contributed to turning leave taking into a norm for modern fathering. The generosity in terms of length and full wage compensation strengthens it as a right in working life. Fathers being paid their full wages for staying at home taking care of their child emphasizes the dual-carer norm. Their analysis also shows that the collision between fatherhood and the ideal of the unencumbered employee has weakened in many types of work organizations.

Although the use of the father's quota for Parental leave has become widespread among Norwegian fathers, there are some variations between different groups of fathers. While 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 partner who works part-time.

In a study of male managers' experiences, Kvande and Moen found that there might be a process of change going on within this group<sup>8</sup>. When fathers experience being 'irreplaceable' in caring for their child during the course of taking leave, it also influences how they practice their work as managers; they make themselves less accessible to their job, and experience being replaceable at work without it having an effect on their career development. These findings can be understood in terms of most fathers now take a relatively long period of leave, thus laying the foundation for a general change in practice that makes it easier for managers to take leave. However, this study has few informants, and

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<sup>7</sup> Kvande, E. and Brandth, B. (2019) 'Designing parental leave for fathers – promoting gender equality in working life', *International Journal of Sociology and Social Policy*, Vol. 40, 5/6: 465-477. DOI 10.1108/IJSSp-05-2019-0098

<sup>8</sup> Kvande, E. and Moen, L.V. (2019) 'Å bli uerstattelig og omsorgen og erstattelig på jobb' [*Becoming irreplaceable in caregiving and replaceable at work: Male managers' experience with the use of parental leave*], *Norsk Sosiologisk Tidsskrift*. 05/2019.

future research will show whether the results apply to the majority of male managers.

Moen, Kvande and Nordli explore how male managers in the engineering industry and male brokers in the finance industry use the father's quota<sup>9</sup>. The findings show how the use of the father's quota depends on different institutional logics, which sets the framework for the practice and culture of the two organizations. The male managers in the engineering industry have become unavailable and replaceable in their organizations, thus making it possible for the fathers to use the father's quota. In contrast to this, the institutional logic in the finance industry makes brokers available and irreplaceable in their organizations, thus making it difficult for them to use the father's quota

Fathers' sharing of 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 still to be found among some employers.

A survey based on registry data finds that low take-up of the fathers' quota among non-Western immigrant fathers is linked to low economic activity among mothers in this group<sup>10</sup>. There have also been studies of how Polish migrant fathers use the Norwegian Parental leave system. In a comparative study of work and family adaptations in Norwegian and Polish families, Bjørnholt and Stefansen<sup>11</sup> report that while the dual-earner/dual-earner model is strongly rooted among the Norwegian fathers, the Polish migrants use the Norwegian Parental leave schemes more eclectically, with the dual-earner aspect as the main factor. A second study<sup>12</sup>, based on interviews with middle-class immigrant fathers from various European countries, shows that the father's quota, being a statutory right and generously compensated for, is understood as accepted by employers and is universally used by fathers. The principle of earmarking and non-transferability is experienced by these fathers as

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<sup>9</sup> Moen, L.V, Kvande, E. and Nordli, K. (2019) 'Fathers' use of Parental Leave in Organizations with Different Institutional Logics', *Social Sciences*, vol.8, 1: 1-12.

<sup>10</sup> Ellingsæter, A.L., Kitterød, R.H. and Østbakken, K.M.(2019) 'Immigrants and the "caring father": Inequality in access to and utilisation of parental leave in Norway', *Ethnicities*, Vol.20,5: 959-982. DOI:10.1177/146819890109.

<sup>11</sup> Bjørnholt, M. and Stefansen, K. (2018) 'Same but different: Polish and Norwegian parents' work-family adaptations in Norway', *Journal of European Social Policy*, Vol.29,2: 292-304. [DOI: 10.1177/0958928718758824](https://doi.org/10.1177/0958928718758824).

<sup>12</sup> Kvande, E. and Brandth B. (2017) 'Individualized, non-transferable parental leave for European fathers: migrant perspectives', *Community, Work and Family*, Vol.20,1: 1-16.

a great possibility to care for their children and perceived as important since both male and female employees are constructed as potential parents who will take Parental leave. It is in comparison with the care regimes of their homelands that their understanding of these design elements becomes evident. These results can be seen as supporting the tendency to convergence in attitudes towards Parental leave held by fathers from these countries.

As the father's quota has lengthened, flexible use has 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. As the quota became longer, fewer fathers took the shareable 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 formal education, high income and work status, and full-time employment.



# Poland<sup>1</sup>

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April 2021

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. No more than six weeks can be taken before the birth; it is obligatory for the mother to take at least 14 weeks after birth.
- In the case of the death of a baby before the end of the eighth week, the mother has the right to eight weeks of leave in total, and to at least seven days after the death of a child who was older than eight weeks of age.

*Payment and funding*

- 20 weeks at either 80 per cent or 100 per cent of the mother's average earnings for the 12 months before the birth, with no upper limit on payments. If the mother (of a single child) 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, then at 60 per cent for the remaining period, up to 26 weeks; if she chooses the 80

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<sup>1</sup> Please cite as: Kurowska A., Godlewska-Bujok, B., and Michoń, P. (2021) 'Poland country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2020*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

per cent option (this is in case she wants to take advantage of combined Maternity and Parental leaves, i.e. 52 weeks of leave altogether – see below), any Parental leave 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), self-employed workers, and other insured persons, with some additional finance from the state to cover pension contributions. There is no contribution from employers.

#### *Flexibility in use*

- No later than 21 days after the birth, the insured mother 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 Parental leave below).

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

- Insured persons, including all employees and self-employed persons covered by social security insurance at the start of leave.
- There is no explicit ruling about eligibility for 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; single parent); or delegation of leave to person other than the mother*

- In the case of multiple births, the Maternity leave part (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 and more.
- The mother can transfer non-obligatory periods of leave to the father if she opts for the 80 per cent option (see Parental leave below).
- The mother may share this leave with other members of her family, if they are employed or insured and if the mother is not able to take care over a child.

### **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 the 12 months before the

birth, with no upper limit on payments.

#### *Eligibility*

- Insured workers, including all employees and self-employed men covered by social security insurance at the start of the leave. Not transferable to mothers or other members of the family.
- Same-sex couple eligibility remains unclear: there have not yet been cases in Poland where two men have had the legal status of being the father of the same child.

#### *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, i.e. one week each.

### **c. Parental leave (*urlop rodzicielski*) (responsibility of the Ministry of Labour and Social Policy)**

#### *Length of leave*

- 32 weeks for the mother and the father, but only 32 weeks per family can be taken in total (e.g. if the mother takes 30 weeks, the father can only take two weeks). Leave, therefore, is effectively a family entitlement.

#### *Payment and funding*

- Payment depends on the payment option chosen by the mother taking Maternity leave. If, during Maternity leave, she opts to be paid at 100 per cent of earnings, the first six weeks of Parental leave (eight weeks in the case of numerous births) are also paid at 100 per cent, and the next 26 weeks (maximum) of the Parental leave benefit are paid at 60 per cent of the mother's (or father's if he takes the leave) average earnings for 12 months before the birth, with no upper limit on payments. However, if the mother opts for being compensated 80 per cent of earnings during her Maternity leave, the Parental leave benefit is paid at the same level throughout.
- Funding is the same as for Maternity leave (see above).

#### *Eligibility*

- Insured persons, including all employees and self-employed people covered by social security insurance at the start of leave.
- Parental leave must be taken immediately after Maternity leave,

and only after the full statutory length of the Maternity leave has been taken. In a case when the mother (even if she is uninsured) does not want to or cannot take care of a child, an employed father or another employed or insured member of the family may take the leave. A mother's non-eligibility for Parental leave does not cause the loss of the eligibility of an employed or insured father or employed or insured other member of the family (i.e. grandmother, uncle, brother, child etc.).

- Same-sex parenthood is not recognized in Polish law, making it impossible for same-sex parents whose child is born in Poland to share Parental leave.

#### *Flexibility in use*

- The parents must decide, during 21 days after the birth, if they want to use the Parental leave directly after the Maternity leave.
- Up to a 32-week period can be taken as one continuous period of leave, or as up to 4 separate periods (but two of them must be taken continuously for a period of at least 14 weeks), each no shorter than eight weeks. 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 the 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. For the remainder, up to full time, a maternal benefit is paid.
- In the case of working parents, the leave can be proportionally extended up to 64 weeks. For example, if a parent combines part-time employment with leave for eight weeks, the leave will be extended for an additional four weeks of full-time leave unless s/he combines this four weeks period with part-time work, in which case leave is extended by eight weeks.
- Both parents can take leave at the same time. The overall length of leave must not exceed 32 weeks in the case of a single child.

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

- In a case of multiple births, Parental leave is extended to 34 weeks, regardless of the number of children born.

#### **d. Childcare leave (*urlop wychowawczy*) (responsibility of the Ministry of Labour and Social Policy)**

##### *Length of leave*

- Up to 36 months can be taken as childcare leave. It is not dependent on the Parental or Maternity leave; it is dependent on the period of work at any employer (over six months). Parents can use the leave until the end of the 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.
- Up to 36 months for a disabled child. The same rules as for regular childcare leave applies, except for the age of eligibility – which is extended up to the child turning 18 years old.

##### *Payment and funding*

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego*) of PLN400 [€88]<sup>2</sup> 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 [€149] or PLN764 [€169] in the case of a family with a child with a disability.
- 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 a maximum of five separate blocks.
- Parents can take leave at the same time.
- Both parents have an individual, non-transferable right to one month of the leave. However, it could be transferable due to certain circumstances, such as the father being unknown, the other parent dying, etc.
- During the leave period, parents may be employed and claim parental allowance (if they are eligible), if working does not prevent them from caring for their children. A working parent can switch employment while on leave.

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<sup>2</sup> Conversion of currency undertaken for 31 July 2020, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-pln.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-pln.en.html)

*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.
- 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 18th birthday. A means-tested payment of PLN400 [€90.84] 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 biological children.
- Parental allowance is paid if the adopted child is seven years old or younger (and in some cases up to 10 years).

*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 of age 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*

- An employee has the right to apply for flexible forms of work or telework if they are:
  - a pregnant employee or a pregnant employee's spouse in case of a complicated pregnancy;
  - an employee who is the parent of a child who has a certificate confirming a serious and irreversible impairment or an incurable, life-threatening disease that arose in the pre-natal period of the child's development (or during the delivery referred to in article four, paragraph three of the Act of 4 November 2016 on support for pregnant women and families, 'For life' (OJ 2016, item 1860));

- an employee who is the parent of a child with a disability certificate, as specified in the provisions on the vocational and social rehabilitation and employment of disabled people;
- an employee who has made a decision about the need for early support for their child – i.e., special education or a ruling on the need for revalidation and education classes, referred to in the Act of 14 December 2016 - Educational Law (OJ 2018, item 996 and 1000);
- The right to apply for flexible forms of working time is also available to employees whose children have already turned 18 years of age.
- The employer has the right to not accept the application submitted by the employee if it is not possible due to the organisation of work, or the type of work performed by the employee. In which case, the employer must inform the employee about the reason for refusal.

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

- Mothers who work at least four hours per day and breastfeed are entitled to breastfeeding breaks at work, which are included in their working time. The number of breaks depends on the number of hours at work, and the length of the break depends on the number of children being breastfed (i.e. children not necessarily born at the same delivery and with no limit for the age of child breastfed). A mother of one child working full-time would be allowed two breaks per day of 30 minutes each. Breaks could be combined and granted at the beginning or end of the working day.

### **f. Other non-employment-related measures**

#### *Parental benefit*

- Individuals who are not eligible to receive maternity benefit (thus also parental allowance) are eligible for parental benefit. The benefit is therefore addressed particularly to unemployed people, students, and people working on some types of civil law contracts (uninsured). 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 (unless she is alive or takes care over a child).

### *Payment*

- PLN1000 [€221] per month.
- It is important to stress that if the maternity benefit or Parental leave benefit in a given month is lower than PLN1,000 [€221], the difference will be paid to the parents. It is especially important for low paid parents who decide to receive compensation at 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 PLN1000 [€221], thus the difference will be covered by social insurance.

### *Length of the benefit payment*

- 52 weeks for one child; 65 weeks for twins; 67 weeks for triplets; 69 weeks for quadruplets; and 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 post-natal leave is four years, but most of this is means-tested and low paid; leave paid at a high rate runs for 12 months (in a case of a single child). There is an entitlement to Early Childhood Education and Care (ECEC) from three years of age. There is, therefore, no gap between the end of leave and an ECEC entitlement, but there is a two year gap between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for children both under and over three years of age are below the average for both 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 2020 (including proposals currently under discussion)**

No changes reported.

## **Policy response to the Covid-19 pandemic up to end June 2021**

### *Childcare and schools*

- All nurseries (for children under 3 years) and kindergartens (3 to



6-years-old), both private and public, were closed between 27 March 2020 until 18 April 2021 (except for children of parents in health care and uniformed services, and other jobs related to the prevention and combating of COVID-19).

- Almost all classes in schools were also suspended from October 2020 to 4 May 2021, except for class "0", and compulsory online lessons were introduced. On 4 May 2021, primary schools were re-opened for children from 1<sup>st</sup> to 3<sup>rd</sup> grades (aged 7 to 10-years-old), the main purpose being to enable parents to return to work; There are no official data on children attending.
- For older children the school is planned to be closed until 17 May. After this date a hybrid learning system is planned to be introduced.

#### *Parental leave*

- There were no modifications to Parental leave.

#### *Other measures for parents and other carers*

- Since 12 March 2020, there has been an additional care allowance in connection with the closure of ECEC services (including nannies and other individual caregivers) and schools. The allowance replaces 80 per cent of normal earnings (based on calculations for insurance purposes), and employers cannot terminate the contract of an employee receiving this allowance. The allowance is granted to parents or legal guardians who are looking after: a child under 8 years and who are covered by sickness insurance; or a child or young person up to 16 years with a disability certificate, or up to 18 years old with a certificate of severe or moderate disability, or up to 24 years of age with a special education certificate. Parents can apply for the allowance even where a service is already open, but the parents decide not to send their child to it. It is not paid if the other parent of the child can provide care for the child, e.g. because unemployed, taking maternity, parental or childcare leave. Self-employed workers are eligible, but only if they are insured for illness; as this insurance is not obligatory, most are not covered. The additional care allowance was originally introduced for a short period, then extended for further short periods; it is now planned to be paid until 9 May 2021.

## **4. Uptake of leave**

### **a. Maternity leave**

The Social Insurance Institution (*Zakład Ubezpieczeń Społecznych, ZUS*)

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 2014-2018 are not comparable, because until 2014, the data were only collected for employers with more than 20 employees.

In 2020, 698,700 individuals took Maternity leave, Paternity leave, or Parental leave; in 2017, it was 707,800. While men took mostly Paternity leave (see below), women took Maternity leave and Parental leave. Altogether, women took 97 per cent of all benefit days paid for by ZUS for Maternity, Paternity, and Parental leave.

### **b. Paternity leave**

According to ZUS, in 2020, 188,400 Paternity leave benefits were paid out (for at least one day). The average payment was PLN 153.82 [€34] per day in 2020, and in 2017 it was PLN128.74 [€28] per day. On average, fathers used 13.2 days of Paternity leave in 2016, 12.6 days in 2017, and 12.3 days in 2018.

### **c. Parental leave**

The data indicate that Parental leave is mostly taken by women. Recent numbers of parents taking Parental leave benefit are 399,700 (2020) and 419,900 (2018). The Parental leave benefit on average amounted to PLN84.24[€19] per day in 2020 and PLN72.56 [€16] per day in 2018. It was lower for women, reflecting the gender pay gap: on average, women received 67 per cent 63 per cent in 2018.

### **d. Childcare leave (*urlop wychowawczy*)**

According to ZUS, in 2015, every month (on average), the childcare leave benefit was paid to the parents of 53,300 children.

There are no regular and coherent government statistics and analyses on the use of childcare leave and childcare allowances. In particular, 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. Furthermore, despite the fact that fathers have been entitled to childcare leave since 1996, no data about their uptake are collected. A representative, although already outdated, picture of the uptake of childcare leave comes from analyses of data collected in the second

quarter of 2005, using a module added to the Labour Force Survey.<sup>3 4</sup>

In the largest Polish survey, *Diagnoza Społeczna* (published 2011 and 2013), the respondents were asked to select a solution that would facilitate the reconciliation of work and family responsibilities.<sup>5</sup> In 2011, a longer Maternity leave was most often given as the best solution for reconciling work and family life, both by women (26 per cent) and by men (20 per cent). In 2013, this view was given by 24 per cent and 19 per cent respectively. However, in comparison to 2011, in 2013, other answers had a higher response: 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, long periods of Maternity leave or childcare leave are often discussed as a way of encouraging women to have more children. In 2012, 27 per cent of Poles indicated 'longer Maternity leaves' as a way to achieve this aim<sup>6</sup>; while, in 2013, almost half of Polish society considered 12 months of leave (Maternity and Parental) after birth to be an effective means for encouraging young women to have children.<sup>7</sup> By the same token, Polish society does not consider Paternity leave to be an important policy tool. It is worth noting, however, that academic studies show how the Polish Maternity leave extensions that have taken place in the past did not influence child-bearing among Polish women.<sup>8</sup>

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<sup>3</sup> Kotowska I.E. and Baranowska, A. (2006) *Praca a obowiązki rodzinne w 2005 r.* [Work and family in 2005, Information and Statistical Analyses], Warsaw: Central Statistical Office.

<sup>4</sup> Matysiak, A. (2007) 'Organizacja czasu pracy i opieki' ['Work and care'], in I.E.Kotowska, U. Sztanderska, and I. Wóycicka I. (eds.) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne* [Economic and educational activities and family], Warsaw: Scholar Publishing Company.

<sup>5</sup> Czapiński J. and Panek T. (eds.) (2011) *Diagnoza społeczna*. [Social Diagnosis]. Available at: <http://www.diagnoza.com/index.html>.

<sup>6</sup> CBOS (2012) *Polityka państwa wobec rodziny* [State policy towards the family] (No. BS/67/2012). Warszawa: CBOS.

<sup>7</sup> CBOS (2013a) *O roli kobiet w rodzinie* (No. BS/30/2013) [The role of women in the family]. Warszawa: CBOS.

<sup>8</sup> Kurowska A. and Słotwińska-Roślanowska E. (2013) 'Zatrudnienie a pierwsze i drugie urodzenia wśród kobiet w Polsce' ['Employment and the first and the second births among Polish women'], *Studia Demograficzne*, Vol.163, 1: 37-51. Available at:

Furthermore, analyses of multiple conditions for child-bearing in Poland, plus the socio-economic context of recent changes, undermine the chances for the recent reform to bring significant change in fertility rates in Poland.<sup>9</sup>

Nevertheless, the 2013 extension of Maternity leave, and introducing six months of Parental leave, gained much support in Polish society: 91 per cent of adult Poles rated it as beneficial.<sup>10</sup> But, most people (58 per cent) did not think men were interested in taking the Parental leave part. After the extension of Maternity leave, two other measures to support the reconciliation of 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 seven years of age (33 per cent of men and 37 per cent of women).<sup>11</sup>

### **Parental benefit for non-employed parents**

The parental benefit, introduced from 1 January 2016, is provided to women who have given birth to a child and who do not receive maternity benefit or parental benefit. In 2017, expenditure on parental benefits accounted for 10.6 per cent of all expenses for family benefits: on average, the benefits were collected by 94,900 people. Compared to the previous year, there was an increase in both the amount and the monthly average of parental benefits paid out (by 21.1 per cent and 21.6 per cent respectively).

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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>9</sup> Kurowska A. (2013) 'Ocena zasadności założeń reform urlopów i zasiłków związanych z opieką nad małym dzieckiem', *Problemy Polityki Społecznej. Studia i Dyskusje*, Vol. 21, 2: 155-170. Available at: <http://www.problemy polityki społecznej.pl/images/czasopisma/21/Kurowska%20PPS%2021-13-12.pdf>

<sup>10</sup> CBOS (2013b) *Postawy prokreacyjne kobiet* (No. BS/29/2013) [*Attitudes to women's fertility*]. Warszawa: CBOS.

<sup>11</sup> Czapiński, J. and Panek, T. (2014) '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.

# Portugal<sup>1</sup>

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April 2021

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**

**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).

### **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 mandatory for the mother to take 42 calendar days (six weeks) following the birth (Mothers-only Initial Parental leave (*Licença Parental Inicial Exclusiva da mãe*); the remaining period may be divided between parents by mutual agreement.

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<sup>1</sup> Please cite as: Correia, R. B., Wall, K. and Leitão, M. (2021) 'Portugal country note', in Koslowski, A., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

- An extra 30 days ('sharing bonus') is available if parents share the leave. The leave will then be extended to 150 days or 180 days. See 'flexibility' below for options available to parents.

### *Payment and funding*

- Initial Parental leave: 120 days at 100 per cent of earnings or 150 days at 80 per cent of earnings, with no upper limit on payments. A sharing bonus is allocated if each parent takes at least 30 consecutive days of leave or two periods of 15 consecutive days once the other parent returns to work: 150 days are paid at 100 per cent of earnings or 180 days at 83 per cent of earnings, with no upper limit on payments.
- 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. The total leave period remains the same, but it ends sooner when part is used simultaneously (see 'flexibility in use' below).
- Monthly payment of 'parental benefit' is based on the average of all gross earnings during the first six of the last eight months immediately prior to leave. While on leave, parents receive a higher net income than when they are working, since leave allowances are exempted from paying social security and personal income tax. Holiday and Christmas bonuses from employers are not automatically paid during leave periods, but beneficiaries may request them as 'Compensatory Benefits' from Social Security. Parents continue to accrue pension credits and other entitlements during the leave period.
- Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefits as compared to the mainland, in order to compensate for the higher cost of living.
- When the level of earnings is very low, there is a minimum payment of €11.70 per day (120 days or 120+30 days shared leave), €9.36 per day (150 days non-shared leave), or €9,65 per day (150+30 days shared leave).
- Parental leave benefit is funded by the social security system, financed by contributions from employers, employees, self-employed workers, and voluntary forms of social security. For employed workers, the total amount of this contribution is 34.75 per cent of the employee's gross monthly salary. Employers contribute with 23.75 per cent and employees 11 per cent.
- Non-employed parents receiving either the 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 for paid leave or pension credits for child-rearing.

### *Flexibility in use*

- Mothers have the option to take up to 30 days of their Mothers-only Initial Parental leave before birth.
- Initial Parental leave may be taken in the following ways:
  - One of the parents (after the mother's mandatory 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.
  - Parents may divide 150 days at 100 per cent of earnings between themselves, on the condition that the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or vice versa.
  - Parents may divide 180 days at 83 per cent of earnings between themselves, on the condition that the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or vice versa.
  - 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 shorten the total amount of leave time, from five to four and a half months, or from six to five and a half months.
- When parents want to take their leave at the same time and both work for the same employer in a small company, the employer's agreement is needed.
- 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.
- Other forms of paid work are not permitted while on paid leave.
- Single parents cannot use the other parent's entitlements.

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

- All female employees with a record of six months of social security contributions (continuous or intermittent – the latter is only possible if the period without contributions is less than six months). 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 (€438.81 in 2021). The monthly amount and duration of this benefit is:
  - For non-shared leaves, €351.05 for 120 consecutive days (80 per cent of IAS) and €280.84 for 150 consecutive days (64 per cent of IAS).

- For shared leaves, benefit is paid at €351,05 for 150 consecutive days (80 per cent of IAS) and €289.61 for 180 consecutive days (66 per cent of IAS).
- The father's eligibility to use or to share Initial Parental leave is the same as the mother's, 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 Fathers-only Parental leave of 20 obligatory and 5 optional working days (see 1.b.). 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 individuals (who are receiving unemployment benefit) are eligible.
- Same-sex parents are eligible.
- Eligibility criteria are the same for leave itself and for 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 mother*

- In the case of multiple births, the leave period is extended by one month for every additional child.
- In the case of death, mental illness, or the physical incapacity of the parent who is entitled to use the leave, the other parent is entitled to the remaining time (this is referred to as 'Initial Parental leave in the event of one of the parents is unable to take leave'). A minimum of 30 days' leave is granted to the father in the case of the mother's death, mental illness, or physical incapacity.
- A working grandparent is entitled to 30 days' leave, following the birth of a grandchild, if the parent is an adolescent still living at home.
- In the case of poor health or health risks to the mother and foetus posed by work conditions, the pregnant mother is entitled to receive maternity benefits before the birth, for as long as the risk persists (this leave is known as 'health risk leave/benefit during pregnancy'). This leave does not reduce the 120, 150, or 180 days of Initial Parental leave, requires a medical certificate, and is paid at 100 per cent of earnings.
- In the case of premature births, or the hospitalisation of the child or the parent who is taking leave during the period after childbirth, the leave period is increased by the hospitalization period, up to a maximum of 30 days, without prejudice of the duration of Initial



Parental leave. If the hospitalization takes more than 30 days, Initial Parental leave may be suspended for as long as the hospitalisation lasts, which allows parents to request paid leave to care for a sick child (see Section 1e).

- When the birth occurs before week 33 (inclusive) of gestation, the leave duration is increased by the total time of the child's hospitalization period, for as long as it lasts, as well as by 30 days after hospital discharge.
- The attribution of the incremental time to leave duration due to hospitalization requires an hospital' statement confirming hospitalization duration.
- In cases of 'specific risks' (i.e. 'nightwork' from 10pm until 7am and 'exposure to specific agents, processes or working conditions,' both as specified by law) during pregnancy, after birth, and while breastfeeding, women may interrupt their work and are entitled to a 'leave/benefit for specific risks,' paid at 65 per cent of their wage. This interruption requires a medical certificate acknowledging the danger to the mother's health or safety and/or to the child's development, as well as an employer's declaration expressing the impossibility of giving the working mother/pregnant woman another schedule or different tasks. This leave does not reduce the 120, 150, or 180 days of Initial Parental leave.

**b. Fathers-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, 20 of which are mandatory.

*Payment and funding*

- 100 per cent of gross earnings with no upper limit.
- Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent in leave benefit compared to the mainland.
- 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 to leave, payment, or pension credits for child-rearing.

### *Flexibility in use*

- Five of the 20 mandatory days must be taken consecutively immediately after birth; the other 15 days must be taken during the first six weeks after birth; the optional five days must be taken while the mother is on Initial Parental leave.
- The law states that 20 days are compulsory. The ATC (Authority for Labour Conditions) carries out inspections in the workplace and has provided new protocols and training for inspectors, who are now required to be attentive to all aspects of Parental leave uptake and not only Maternity leave (enforced since 1976).

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

- As Initial Parental leave. Fathers who have no record or have insufficient contributions are entitled to the mandatory paid leave of 20 working days, as well as to the five optional working days if they met the low income/flat-rate criteria. Daily payment is €11.70, corresponding to 80 per cent of 1/30 of IAS (€438.81 in 2021).

### *Variation in leave due to child or family reasons (e.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 20 mandatory days of leave will be increased by two days for every additional child in the case of multiple births. The same applies for the five 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*

- 3 months per parent. Leave is an individual entitlement.

#### *Payment and funding*

- Unpaid, except if taken immediately after Initial Parental leave, or after the other parent has taken Additional Parental leave. In these cases, it is paid at 25 per cent of average earnings for three months.

- Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent in Parental leave benefit.
- Pension credits can be claimed by those on Additional Parental leave.

#### *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 part-time basis for 12 months per parent; c) on an alternating basis (i.e. working part-time or full-time, up to a maximum of three months' full-time equivalent per parent); or d) interpolated absences from work, if they are negotiated by collective bargaining.
- If the three months are taken as unpaid Parental leave, they can be taken by both parents at the same time; but paid leave can only be taken by one parent at a time.
- When both parents work for the same employer, the employer has the right to postpone the leave of one of the parents.

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

- As Initial Parental leave. However, paid Additional Parental Leave is not available to parents receiving social parental benefit, nor to parents receiving unemployment or social unemployment benefits.
- 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.

#### *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**

- 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 in the case of leave to care for disabled or chronically ill children, see below), there is a suspension of the work contract. This means that all the employee's rights and guarantees are suspended, and only the right to return to their job is safeguarded. The period of Childcare leave is also considered in the calculation of old age and disability pensions. Non-employed parents are not eligible to leave, payment, or pension credits.

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

### *Adoption leave and pay*

- When a child under 15 years old is adopted, the adopting parents are entitled to Initial Parental leave, including the sharing bonus. In the case of multiple adoptions, leave will be extended by 30 days for every subsequent child adopted. In the case of the death of the adopting parent, leave may be transferred to the spouse, who can take, as an alternative, a minimum of 14 days' leave.
- Adoptive fathers are entitled to the Fathers-only Parental leave (see Section 1b).

### *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 used to take care of sick children above the age of 12 (when older than 18 years of age, 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 (minimum payment of €11,70 per day, corresponding to 80 per cent of 1/30 of the Index of Social Support, IAS). 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 they are not living in the same household). Employees in the public sector are entitled to a benefit of 65 per cent of their earnings, per day.

- An extra 15 days of unpaid leave per year to care for a disabled 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 disabled or chronically ill child, including an adopted child or step-child in the household, one of the parents is entitled to six months' leave (referred to as leave to care for a disabled or chronically ill child; *Licença para assistência a filho com deficiência, doença crónica ou oncológica*), which may be extended up to 4 years or 6 years if the need is supported by a medical statement. In case of terminal illness, there is no time limit. 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 (€877,62). Parents living in Portuguese autonomous regions (Madeira and Azores) are entitled to an uprating of two per cent.

#### *Flexible working*

- If there is a disabled or chronically ill child below one year of age, one of the parents may apply for a five-hour reduction in their weekly working hours, if the other parent is still employed.
- Parents are entitled to four hours of absence (per school term) to attend school meetings, until children reach 18 years of age, with no reduction in their earnings.
- Adopting parents are entitled to be absent at work (up to three times) to attend meetings related to the process of adoption.
- Co-parents are entitled to leave work (up to three times) to be present in pre-natal appointments or medical assisted procreation (PMA) appointments.
- When resident in autonomous regions, co-parents are both entitled to time off work if they need to attend a medical facility outside their island, for medical appointments or birth.
- Parents with children below 12 years of age (no age limit in the case of a child who is chronically ill or disabled, living in the same household) are entitled to flexible work arrangements, which means that the employee may choose, within certain limits, when to start and finish their 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.
- Where there are children below 12 years of age (no age limit in the case of a child who is chronically ill or disabled, living in the same household), one of the parents (or both for alternative periods of time) is entitled to part-time work after taking Additional

Parental leave ('part-time work for an employee with family responsibilities'). Part-time work can be taken in the following ways: working part-time for five days per week or working three full days per week. Employers and employees can agree on other arrangements. Part-time work may be extended to up to two years (three years in the case of third and subsequent children, four years in the case of chronically ill or disabled child).

- Parents working part-time or in a flexible working regime, cannot be penalised 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 the 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 is referred to as 'breastfeeding or nursing leave' (*Dispensa para Amamentação e Aleitação*) to make it more gender neutral, since the work time reduction may be used by mothers or fathers. This absence from work to nurse is financially supported by the employer, since there is no benefit/compensation by the social security system. Parents must apply for it, and employers are obligated to comply. 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 either parent, 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. When mothers are 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 post-natal leave is three years (including two years of unpaid childcare leave). Leave paid at a high rate lasts for up to six months, depending on the sharing options. Since 2015, there is an entitlement to Early Childhood Education and Care (ECEC) from four years of age, in public pre-school education, available for eight hours per day. Although in the State Budget for 2020 the Government has committed itself to extending this entitlement to three-year-olds, it has not yet been able to guarantee places. A gap, therefore, still exists of around one year between the end of leave and an ECEC entitlement,

and of three and a half years between the end of well-paid leave and an ECEC entitlement.

Levels of attendance for children under and over three years of age are just 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 the cross-country comparisons page.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

Two new laws (90/2019 and 93/2019) of 4 September 2019, came into effect on 1 April 2020, with relevant changes to the parenting leave system. The main changes, previewed in the 2019 report, are:

- Co-parents residing in the autonomous regions, are now allowed to travel to a hospital unit located outside the island of residence to childbirth (lasting for the entire period considered necessary and appropriate to travel) or for medical appointments, related to pregnancy (both parents).
- Parents are also allowed to time off work to assist children with oncologic illness (for a period of 6 months, extendable to 4 years or 6 years if the need is attested by a medical statement. In case of terminal illness, there is no time limit).
- Initial Parental leave is extended in cases of child hospitalization and in cases of premature childbirth (up to and including 33 weeks) up to a maximum of 30 days or for the entire period of hospitalization in case of special medical care needs.
- The Father's-only Parental leave remains 25 working days, but the compulsory portion has increased from 15 to 20 days. This compulsory portion must be used within the first 6 weeks after childbirth and 5 days must be taken consecutively immediately after childbirth; the remainder of this compulsory period of leave plus the 5 additional optional days of leave can be used either consecutively or divided into shorter periods. The optional days must be used while the mother is on Initial Parental leave.
- The Father's-only Parental leave has been extended to adoptive parents.
- Parents receiving treatment for infertility (MPA) are now allowed to take time off work for a maximum of three consultations within each MPA treatment cycle.
- None of these leaves determine the loss of any rights, being remunerated as effective work.
- The termination of the employment contract of a pregnant employee who has recently given birth or is breastfeeding, or is on Parental leave, if occurring during the probation period, must be communicated by the employer to CITE (Commission for Work and

Employment Equality), within 5 working days of the date of termination.

- Non-renewal of a fixed-term employment contract of an employee on Parental leave must also be communicated by the employer to CITE, at least 5 working days prior to the date of final notice.
- A gender-neutral approach is enforced with the following statement of law 90/2019: "For the purposes of the application of this decree-law, all references made to the mother and father are extendable to all holders of the right to parenthood, except those related to their biological condition", allowing the extension of parental rights to same sex parents.

Also, since September 2020 free nursery attendance for 0 to 3 year-olds is guaranteed to children who attend a public service or services provided by a non-profit private organisations (IPSS) and whose household belongs to the first income bracket of income tax, or to the second income bracket in the case of a second child. Forty-nine thousand children are expected to benefit from this new law. An extension to all children in the second income bracket of IRS was previewed in the State Budget for 2021.

## **Policy response to the Covid-19 pandemic up to end of April 2021**

### *Childcare and schools*

- All ECEC services and schools were closed from 22 January 2021, for an early two weeks' vacation break, during a new period of strict lockdown. After this vacation period, distance learning was enforced on a national level. On 15 March 2021, classroom teaching reopened for ECEC services and the first cycle of basic education (i.e. for all children under 10 years old). Second and Third Cycles of Basic Education returned to classroom teaching on 5 April, and Secondary Education and Universities are due to return on 19 April. A network of selected services received children from 3 months to 12 years whose parents were essential service workers (e.g. health professionals, fire-fighters, security forces) during these periods.
- During school closure classroom teaching was replaced by distance learning. Tele-schooling was implemented on a national level and on-line classes were implemented whenever possible and when the necessary conditions were met.

### *Parental leave*

- There were no modifications to Parental leave.



### *Other measures for parents and other carers*

- Absence from work due to caring for a child under 12 years or, regardless of age, a dependent with a disability or chronic illness, arising from the closure of schools or other services, has been deemed as justified, with no loss of rights but with no earnings. Absence from work was not justified where an employee's activity could be performed by teleworking or other means.
- During this period of absence from work, a special allowance has been paid to the employee, equivalent to two-thirds of the employee's remuneration, with a minimum of €665 per month (national minimum wage in 2021) and a maximum of €1,995 (three times the national minimum wage); 50 per cent was paid by the employer and subjected to Social Security contributions and 50 per cent by Social Security. This support, approved in February 2021, differed from the provision made in 2020 since this allowance could amount to 100 per cent of basic earnings for single-parent families or for families whose parents shared this childcare responsibility alternately. In such cases, two thirds of the allowance was entirely paid by Social Security. Self-employed workers have also received an allowance, under the same conditions, with a minimum of €438.81 per month and a maximum of €1,316.43. These financial supports were granted one per household, regardless of the number of dependent children.
- Where an employee or self-employed worker has had to isolate, a special sickness leave has been introduced with an allowance based on previous earnings.
- Absence from work due to the need to care for a child under 12 years or, regardless of age, a dependent with a disability or chronic illness, arising from the dependent's need to isolate, has been deemed as justified, with no loss of rights but with no earnings. In such cases, Social Security granted an earnings-related monthly allowance. This has been extended to include grandparents providing care, though the allowance for them was calculated at a lower rate.

## **4. Uptake of leave**

### **a. Initial Parental leave (formerly Maternity leave)**

There are no definitive figures on the number of births for 2020, but a decrease is estimated (84,296) in comparison to 2019 (-2.7 per cent); the number of births is the lowest since 2014, when, in the aftermath of the financial crisis, a record low of 82,367 births was achieved. Portugal's fertility rate is still one of the lowest of European Union and

the increase registered since the years of economic crisis seems to have been overturned by the covid-19 pandemic.

In the last three years, the number of parental leaves granted has generally followed the changes in the number of total annual live births. It is therefore not surprising that in 2020 there was a reduction in the numbers taking Initial parental leaves (a total of 70,981) compared to 2019 (-4.45 per cent) and 2018 (-2.29 per cent).

These figures include parents with a sufficient record of social security contributions entitled to 80 to 100 per cent of earnings compensation (62,940) and parents with no record or an insufficient record of social security contributions (8,041) who are only entitled to a flat-rate benefit (see Section 1a for benefit eligibility). The latter represented 11.33 per cent of the total number of paid Initial Parental leaves in 2020, maintaining a downward trend (14.5 per cent in 2019, 16.15 percent in 2018 and 17.67 per cent in 2017); in fact, since it was first introduced in 2008, the number of such recipients of Initial Parental leaves (i.e. paid to parents with an insufficient record of social contributions) shows a consistent decrease.

In 2020, Parental leave benefits taken by parents with a sufficient record of social security contributions (entitled to 80 to 100 per cent of earnings) represents 74.7 per cent of the total number of live births, while the flat-rate Parental benefit (parents with no record or an insufficient record of social security contributions) represents about 9.5 per cent. All in all, it is estimated that 84.2 per cent of parents were eligible for Initial Parental Benefits in 2020 (down from 85.6 per cent in 2019).

## **b. Initial Parental leave and sharing bonus**

Since it came into effect in May 2009, data on the sharing bonus showed a strong initial increase in uptake in 2009 and 2010 (from 596 fathers who shared Maternity leave in 2008 to 17,066 fathers sharing Initial Parental leave in 2010), followed by a slow but steady increase until 2019. In 2014, 18,119 fathers took leave on their own for 30 or more days during the five or six months of Initial Parental leave; 21,288 in 2015; 23,373 in 2016; 24,728 in 2017; 27,291 in 2018 and 30,331 in 2019. In 2020, preliminary data, shows a decrease to 26,985, corresponding to 38.02 per cent of all Initial parental leaves, reversing an upward trend in take-up rates (from 27.05 per cent in 2014 to 40.91 per cent in 2019).

Initial Parental leave taken with the sharing bonus must be shared between both parents. Although only the first six weeks must be taken by the mother, we estimate that in reality nearly all these parents divide the leave period 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 sharing couples, in 2020, 70.8 per cent (19,116) chose the longer leave period (six months paid at 83 per cent of earnings), a percentage little lower than in 2019 (74 per cent); while 29.2 per cent (7,869) opted for the five-month option, paid at 100 per cent of earnings. The longer period of leave to six months is still widely chosen, even though parents receive slightly lower benefits.

Initial parental leave taken without the sharing bonus is nearly always taken up by mothers. The most common leave-taking pattern (65 per cent) is five months paid at 80 per cent of earnings (since it is taken without the sharing bonus); 35 per cent of mothers take the four-month period paid at 100 per cent of earnings. However, there is a difference between mothers receiving parental benefit and mothers receiving social parental benefit (see Section 1a): the latter tend to opt for the four-month period (82.7 per cent).

### **c. Fathers-only Parental leave (formerly Paternity leave)**

Overall, in 2020, Fathers-only Parental leave take-up numbers and percentages seem to have slightly decreased: 74.6 per cent of fathers (62,894) took this mandatory leave in 2020, compared to 76.7 per cent in 2019.

Take-up of the mandatory leave is still not at 100 per cent for two main reasons: statistics exclude employees with special social protection regimes (e.g. civil servants, bank workers); and some employees still do not fit the eligibility criteria (beneficiaries who do not have a sufficient record of social contributions or whose household income is not as low as required by the flat-rate benefit).

The same trend is observed for the five additional leave days. Ever since the optional 'father days' were introduced in 1999, there has been a rising trend (except for the economic crisis period) reaching 59,229 fathers in 2019 (69.2 per cent), but in 2020, there has been a decrease in take-up, not entirely explained by the drop of the birth rate (55,871 fathers, corresponding to 66.3 per cent of all live births). Nowadays, most fathers who take mandatory Fathers-only leave also take the optional days.

These percentages are based on the number of fathers who take the leave in relation to an estimated number of births for 2020. However, if take-up is calculated in relation to the total number of Initial parental leaves granted, then the estimated take-up rate in 2020 was 88.6 per cent for the mandatory days (89.6 per cent in 2019), and 78.7 per cent for the optional days (80.8 per cent in 2019).

#### **d. Additional Parental leave (formerly Parental leave)**

Take-up of Additional Parental leave (at 25 per cent of average earnings, if taken immediately after the Initial Parental leave) is still low; despite increasing between 2010 and 2019, in 2020 there has been a decrease. In 2010, only 1,764 parents took paid Additional Parental leave, rising to 11,748 in 2019, then falling to 9,432 in 2020. Additional Parental leave represents about 13.3 per cent of all the Initial parental leaves that are taken.

# Romania<sup>1</sup>

**Raluca Popescu** (University of Bucharest)

April 2021

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*

- 18 weeks (126 calendar days). This is made up of pre-natal birth leave (*concediul de sarcină*) and post-natal confinement leave (*concediul de lăuzie*). Mothers can take a maximum of 63 days before birth and the remaining 63 days after birth, or the entire period of 126 days after the birth.
- It is obligatory to take at least six weeks (42 days) of post-natal leave.

#### *Payment and funding*

- The benefit amounts to 85 per cent of the mean monthly gross income obtained in the last six months before Maternity leave, with no upper limit on payments. The calculation of the payment takes into account the mother's previous breaks from employment, including: unemployment, medical leave, the most recent educational certificates issued by a national institution, and any other Maternity leave and benefit payments made in the past.

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<sup>1</sup> Please cite as: Popescu, R. (2021) 'Romania country note', in Koslowski, A. Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

- Maternity benefits are not taxed and are funded by the national budget for social health insurance (*Fondul național unic de asigurări sociale de sănătate*).

#### *Flexibility in use*

- Mothers are required by law to take six weeks (42 days) of post-natal leave, out of the available 18 weeks of Maternity leave. The remaining 12 weeks (84 days) can be renounced if the mother prefers to not take them.
- If the mother dies during childbirth or during her post-natal leave, the remainder of the leave is transferable to the father of the child.

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

- Birth grants of RON2,500 [€507.75]<sup>2</sup> introduced in 2017 by the municipality of Bucharest continue, and several cities and communes have developed similar programmes.
- Vouchers for pregnant women who are resident in Bucharest, which were introduced in 2018, continue but their amount remains unchanged at RON2,000 [€406.20]; these vouchers are designed to reduce the costs of ante-natal care, and can be used in both the public and the private health system.

#### *Eligibility*

- Maternity leave is given to women who are Romanian or EU citizens, have their residency in Romania, and contribute to the social security system, irrespective of their occupational status (e.g. as employees; self-employed; unemployed; workers on short-term contracts).
- Maternity leave is also given to pregnant women who have stopped their social insurance contributions for reasons beyond their control, but who are giving birth in the nine months preceding the date when they have stopped contributing towards social insurance.
- Since LGBTQ+ marriage or LGBTQ+ adoptions are not legally recognised in Romania, there is no provision for same-sex parents. Even if sexual orientation rights have been technically recognised by law since 2000, same-sex relationships do not have equal legal status.

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<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-ron.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-ron.en.html).

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

- If the child is stillborn or dies during the confinement leave, the maternity benefit is paid for the entire duration of the leave.
- According to Law Nr. 25 from the Code of Work published in 2004, pregnant women and mothers can also take Maternal risk leave for the protection of their own and their child's health and safety; this is a medical leave, requiring a medical certificate from a doctor, for a maximum of 120 days, and can be taken in one period or in installments and before and after birth, being complementary to Maternity leave (the mother can take both of them). Usually mothers take this leave before birth, in the last trimester of pregnancy, after which they take Maternity leave, after which they take Childcare leave.
- The Maternal risk benefit is completely supported with funds from the Unique National Fund of Health Insurances (F.N.U.S.S), and is calculated at 75 per cent of the average insured gross earnings over the last six months. The Maternal Risk leave is complementary to Maternity leave (meaning that the mother can take both).

**b. Paternity leave (*concediul de paternitate*) (responsibility of the Ministry of Work, Family, Social Protection and Elderly People)**

*Length of leave*

- 5 working days.
- There is the possibility of extending the leave by a further ten days, if the father attends an infant-care course (*curs de puericultură*). This extension is granted only once and only for one child (either the first-born or the child that the father makes the application for). If the father is a medical professional with prior knowledge of childcare he can submit an application for leave extension, rather than attend the full course.

*Payment and funding*

- 100 per cent of earnings, with no upper limit on payment. The benefit is paid by the employer.

*Flexibility in use*

- Leave can be taken at any time after the birth until the baby is eight weeks old.

- Additional time is given for multiple births.
- Paternity leave is the full right of the father, and it is granted irrespective of whether the father is married to the mother or not

### *Eligibility*

- Paternity leave is given to fathers who are Romanian or EU citizens, have their residency in Romania, and contribute to the social security system, irrespective of their occupational status (e.g. employees; self-employed; unemployed; workers on short-term contracts).
- Since April 2020, police officers, military personnel, soldiers, professional with gradations and civil servants in penitentiaries are also eligible for paid Paternity leave; previously they were not entitled.
- Paternity leave is granted upon request, during the first eight weeks from the child's birth, and after the beneficiary obtains the child's birth certificate, which stipulates his role as the child's father.
- If the father has gained a certificate of completion for a childcare course, demonstrating basic care knowledge, the length of the Paternity leave is increased by ten days to a total of 15 days of Paternity leave – the father can benefit from this increase only once. The course and certificate are prepared by the family doctor, in maternity wards, by other health state services, or private consultancies which are recognised 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, even if men's participation is increasing, especially in urban areas.

### **c. Parental leave (*concediul de creștere al copilului, CCC*) (responsibility of the Ministry of Work and Social Justice)**

#### *Length of leave*

- Until the child is two years of age. Leave is a family entitlement.
- If both parents are eligible for the leave, one month must be taken by the non-claiming parent in the first year of leave, or the total amount of paid leave is reduced to 11 months. This strategy is meant to foster more gender equal arrangements.



### *Payment and funding*

- 85 per cent of earnings over the last 12 months. Monthly benefit is calculated at 2.5xISR<sup>3</sup> and cannot be lower than RON1,250 [€253.87] nor higher than RON8,500 [€1,726.34].
- A labour market insertion incentive, which applies to both parents, has been implemented with the government's intention to improve work-life balance and to promote gender equality. This incentive is given to whoever is taking Parental leave; however, in order to receive the benefit, the parent should return to work at least 60 days before the child is two years old. The insertion incentive is RON650 [€132.01] per month and is given until the child is three years of age (or four years in the case of children with a disability). It is forbidden to dismiss an employee who is receiving the insertion incentive for up to six months after the return to work; but the law no longer expressly protects from dismissal for the entire duration of the payment of the insertion incentive, i.e. until the child reaches the age of 3 years, or 4 years in the case of a child with disabilities.
- Where parents apply for another benefit because of another birth or adoption or foster care within a period of 12 months from the completion of Parental leave for the previous child, this second benefit is calculated according to either earnings from the parent's interim job (between the two births) or income from the initial benefit, whichever is higher. The measure is created to help parents receive at least the same financial support for their second period of leave.

### *Flexibility in use*

- At least a month from the total Parental leave available can be granted to the parent who is eligible for leave but has not requested 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 (this being deducted from the mother's leave) or vice versa. In the time during which one partner is on the 'compulsory' month of Parental leave, the other partner can either return to work or can opt for unpaid leave.
- 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 of age.
- Parents can take leave in one continuous period or in several blocks of time.

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<sup>3</sup> This abbreviation stands for the 'Social Reference Indicator' (*Indicatorul Social de Referință*) and describes the reference point established by the state in relation to which benefits are calculated.

- Parents who return to work from Parental leave cannot be dismissed in the first six 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).

### *Eligibility*

- Both parents are eligible for leave if they have paid national insurance contributions in the last 12 months; this also applies to those who are currently unemployed, due to the employment history from which contributions are calculated. The Parental leave benefit is awarded if the parent fulfils the following criteria: is a Romanian citizen, or an EU citizen, with a residency in Romania; is living together with the child/ren; and does not hold state-incurred debts in the local budget for any of the goods owned in their 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 a month of leave, then this is calculated according to the father's salary; if the father takes the leave, then this is calculated according to the mother's salary.
- Parental leave and Parental leave benefit are 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*

- Parental leave is extended until the child is three years old in the case of a disability.
- In the case of twins, triplets, or other multiple pregnancies, or if there is more than one child under three years of age, an additional monthly benefit of RON1,250 [€253.87] is granted to the parent taking childcare leave.

### **d. Childcare leave or career breaks (*concediul de odihnă*) (responsibility of the Ministry of Work and Social Justice)**

No statutory entitlement.

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

### *Adoption leave and pay (concediul de acomodare)*

- The maximum length of this leave is up to one year<sup>4</sup>. Adoption leave has the same features as Parental leave, although it is not conditioned by the child's age as Parental leave is (which must be taken from the child's birth until the child is two years old).
- The adoptive parents must be employed and be insured in the state system of social benefits.
- The adoptive parent taking leave receives a payment equivalent to 85 per cent of average net income in the last 12 months of the preceding two years, but not less than RON1,700 [€345.27] and not more than RON8,500 [€1,726.34], i.e. the same as for Parental leave benefit. The benefit begins from the day when the adoption is legally approved in the Court of Law.
- There are financial incentives for those who adopt children aged 3 to 6 years, or who have a mild or medium disability, or who are part of a group of siblings who can be adopted together. For each such child, a payment is made of RON600 [€121.86] per month until the child reaches the age of 18 years. The amount is increased to RON900 [€182.79] per month per child, if the adopted child is over 7 years old, or is classified as severely disabled, infected with HIV or AIDS, or belongs to a group of at least three siblings who can be adopted together. If an adopted child meets two of these conditions, the monthly allowance is increased by 75 per cent, and by 100 per cent if a child meets all three conditions.

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

- Each parent is entitled to 45 days leave per year to care for a sick child up to the age of seven years, or 16 years for a child with a serious illness or 18 years if a child is disabled. Leave is paid at 85 per cent of earnings. The benefit is awarded based on a certificate received from the family doctor, alongside the child's birth certificate. If there are surgical complications or additional health problems, leave can be extended at the discretion of the child's doctor. Each parent is entitled and parents can choose which one will take the leave, if 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.

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<sup>4</sup> This includes the legal period of entrusting the child to the adoptive parents, which is currently set at 90 days. Adoption can be approved by the court only if the child has already been entrusted for a period of 90 days to the person or family who wishes to adopt them, so that the court can reasonably judge the family relationships which could be developed going forwards.

### *Flexible working*

- None.

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

- Mothers can take two one-hour breastfeeding breaks per day until their child is 12 months old or reduce their working hours by two hours per day. Breaks or reduced hours are fully paid by the employer.

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

The maximum period of post-natal leave is up to the age of two years (or three years if the child has a disability), and this is paid at a high rate. There is an entitlement to Early Childhood Education and Care (ECEC) from any age; however, there is a shortage of places, as services for very young children are under-developed. A further entitlement was introduced in September 2020, by an amendment to the Education Law that entitles children between 2 and 3 years of age to a place in a public kindergarten, but it is unclear if there are enough places in every part of the country to fully implement this change. So though, by legislation, there is supposed to be no gap between the end of well-paid Parental leave and the start of an ECEC entitlement, such a gap exists in practice; some parents must rely on paying private providers or on informal support provided by grandparents and other relatives.

Levels of attendance at formal services are below the average for both the countries included in this review and OECD countries, both for children under and over three years of age. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the cross-country comparisons page.

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

Law no. 268/2020 for the amendment and completion of Law no. 273/2004 on the adoption procedure, which entered into force on March 26, 2021, introduce several changes: the simplification of the adoption procedure, the change of the calculation method and an increase in the amounts of financial benefits for adoptive parents taking leave. The Adoption Law also introduce new financial incentives for those who adopt children aged 3 to 6, with a mild or medium disability or who are part of a group of siblings who can be adopted together (see 1e)

Law 33/2020, implemented from April 2020, introduced the possibility for police officers, military personnel, soldiers, professional with gradations and civil servants in penitentiaries to also benefit from paid Paternity leave of five working days (15 if they took a puericulture course). Previously they were not entitled.

## **Policy response to the COVID-19 pandemic up to end April 2021**

### *Childcare and schools*

- After three months closure, ECEC and after-school childcare services re-opened 15 June 2020, if they were able to ensure social distancing requirements. As the school year ended on 15 June, they did not re-open until 14 September 2020, and then continued to work in three scenarios: where the infection rate was below one per thousand population, teaching took place on site; where the infection rate was between one and three per thousand population, there was a hybrid system (some online at home, some on site; and for an infection rate of over three per thousand population, teaching was exclusively online. But from 9 November 2020, as infection rates became high throughout the country, all teaching was online.
- In the second semester, from 8 February 2021, some teaching resumed in schools and the three scenarios were modified: below a rate of three per thousand population, all teaching was in school; below six per thousand population, teaching was on site for school kindergartens, primary schools and final classes (8<sup>th</sup> grade and 12<sup>th</sup> grade); while over six per thousand population, all teaching was online. However, starting from 21 March, when the infection rate of six per thousand population was reached in Bucharest, schools continued to operate and it was decided to extend the Easter vacation from 2 April to 5 May.

### *Parental leave*

- There were no modifications to Parental leave.

### *Other measures for parents and other carers*

- A law implemented on 17 March 2020 gives parents of children up to 12 years or up to 18 years old with disabilities, the right to take leave in case of the temporary closure of ECEC services or schools. Leave is paid at 75 per cent of earnings up to a ceiling of 75 per cent of national average gross earnings; the state reimburses the employers for the payment of the leave from the

Wage Claims Guarantee Fund. This leave is available to every employed and self-employed parent if their work cannot be undertaken from home.

- This law also grants leave to carers of adult persons with disabilities who are enrolled in day-care services which are temporary closed.
- During the national quarantine period in Romania the Government introduced a 'technical unemployment aid' scheme for employees whose workplace was forced to close or to reduce its workforce (GEO 30/2020) and for the self-employed. Payment was at 75 per cent of basic earnings, with the state covering up to 75 per cent of national average gross earnings; the difference was left to employers to pay, if they chose. The measure has been extended until 30 June 2021 for those working in economic sectors closed when infection rates are high (e.g. hospitality, theatres, galleries). Food vouchers have been granted to workers whose employment contract is suspended under this scheme.
- Some companies offered employees the opportunity of reduced working hours and payment instead of 'technical unemployment aid'.
- Since 2005, all persons insured in the public health system have been entitled to a 'quarantine medical leave' if they are suspected to be infected or if they are required to stay in self-isolation. Payment to those on leave is at 75 per cent of basic earnings, similar to leave granted for sickness; the duration of quarantine leave does not decrease the number of days of sick leave for other illnesses.

## 4. Uptake of leave

According to the latest ANAPIS<sup>5</sup> report from January 2021, 178,037 people received a child-rearing benefit while taking Parental leave, similar to the numbers in January 2020, when 178,912 people received the benefit. However, a substantial decrease is observed in the numbers receiving an insertion incentive: 83,678 in January 2021 compared to 91,176 in January 2020, which may mean that the Covid pandemic discouraged parents from returning to work sooner.

### a. Maternity leave

Since the first 42 days (post-birth) of Maternity leave are compulsory, all employed women should take up this portion of leave.

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<sup>5</sup> The National Agency for Benefits and Social Inspection Report. Available at: [http://mmuncii.ro/j33/images/Documente/Familie/Raport\\_beneficii\\_asist\\_soc\\_012021.pdf](http://mmuncii.ro/j33/images/Documente/Familie/Raport_beneficii_asist_soc_012021.pdf)

## **b. Paternity leave**

According to statistical data released by the Ministry of Work, there has been an increase in the number of fathers taking up paid leave and the benefit incentive for work in recent years. Unfortunately, the data provided this year are not disaggregated by gender and, therefore, we cannot confirm the trend identified in previous years.

## **c. Parental leave**

The law encourages both parents to share one month out of the 24 months allowed, so that they will not lose a period of leave (i.e. if this one month is not taken up by the other parent, Parental leave is shortened). Moreover, the parent who takes this shared leave period and goes back to work receives a continuity of payment while on leave, so there is no economic penalty. However, there is no data on how many parents actually use this shared month.

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

No information available.

# Russian Federation<sup>1</sup>

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April 2021

N.B. The Russian Federation is a federal state, comprising 85 regions.

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## **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)*

- 140 calendar days, including 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, up to a limit of RUB73,984 [€849.16] per month; this is based on the ceiling on earnings for social insurance contributions, established by the state on an annual basis, the mother's actual number of worked days, and the length of the leave. The minimum amount of maternity benefit is RUB58,878 [€675.78].

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<sup>1</sup> Please cite as: Bagirova, A. (2021) 'Russian Federation country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>



- Funded by the National Social Insurance Fund, which is largely financed from employers' contributions, supplemented by transfers from the federal budget<sup>2</sup>.
- Unemployed women who have lost their jobs due to the closure of their workplace in the preceding 12 months, and who are registered at the unemployment office, can receive Maternity leave benefits at the level of RUB708.23 [€8.13] per month. However, they cannot receive unemployment benefits at the same time as receiving maternity benefits. As a comparison, in 2021 the amount of unemployment benefits established at the federal level varies from a minimum of RUB1,500 [€17.22] to a maximum of RUB12,130 [€139.22] per month: this is financed and administered by regional authorities.
- Full-time students are entitled to Maternity leave and monthly Maternity benefit paid instead of, and at the same level as, their scholarship. For the 2020/2021 academic year, the minimum amount of monthly Maternity benefit – and thus, of the scholarship – is RUB539 [€6.19] per month for students of primary and secondary vocational institutions; and RUB1,484 [€17.03] 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*

- If a woman receives the minimum amount of maternity benefit (minimum wage per month), it is multiplied by the regional coefficient, which varies from 1 to 2 according to the region.
- Regional authorities can, however, introduce additional payments during the period of Maternity leave. For instance, the Moscow government increases benefits for officially registered unemployed mothers discharged from their work as a result of business closure during the 12 months before they registered at the unemployment office.
- According to the legislation, Maternity leave is paid by employers who then reclaim from the Social Insurance Fund. However, from 1 January 2021, a 'Direct Payments' mechanism has been implemented, by which the Social Insurance Fund pays Maternity

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<sup>2</sup> The national social insurance fund has a separate budget, which is separate from the federal budget. Employers pay particular social insurance contributions from their payroll to this fund. However, in some cases the federal budget can co-finance Maternity leaves: e.g. for students, unemployed women, etc.

leave benefit directly to female employees (not through the employer) to the personal bank account specified by a woman or by postal order. Unemployed women discharged as a result of business closure receive Maternity leave benefit from the Social Security Office at place of residence.

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

- All insured women (including registered self-employed workers) and women who work as military personnel.
- Unemployed women discharged as a result of business closure during the 12 months before registration at the unemployment office.
- Full-time students.
- Women who have adopted a child, if they belong to any of the categories listed above.

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

- In the case of multiple births, the length of leave increases to 194 days: 84 days before the birth and 110 days after.
- In the case of a complicated delivery, the length of leave increases to 156 days: 70 days before the birth and 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.

*Payment and funding*

- 40 per cent of average earnings during the two years preceding the birth, paid until a child is 18 months of age. The government sets minimum and maximum payments, the former being RUB7,082.85 [€81.29] per month for every child, and the latter RUB29,600.48 [€339.74] per month for every child. The payments are not taxable, since they are social benefits.

- Women who became unemployed while on Parental leave because their employer closed the business are also entitled to receive the payment. Parental leave benefit is calculated on the basis of their earnings during the 12 months before their unemployment. The maximum payment for unemployed mothers who have lost their jobs due to the closure of their workplace during the preceding 12 months, is RUB13,504 [€154.99] per month.
- Unemployed or economically inactive parents are provided with a payment of RUB6,752 [€77.50] per month for every child. This also applies to full-time students. Scholarship payments for students on leave are suspended.
- Unemployed parents have the right to choose between unemployment or Parental leave benefit: the former is for a shorter period but may be paid at a higher rate, depending on various conditions.
- If a woman has a right to both paid Parental leave benefits and Maternity leave benefits (e.g. if she is pregnant with a second child), she must choose which benefit to receive.
- Funded by the Social Insurance Fund, except for those who are not insured (e.g. students, unemployed people), in which case funded from the federal budget.
- All low-income families, irrespective of Parental leave status, receive an additional monthly childcare benefit payment for the first and, if certain conditions are met, the second child. Benefits are granted to families with a child up to three years of age, and whose per capita income is less than twice the working population's regional subsistence level for the second quarter of the preceding year (in 2020, the subsistence level varied from RUB10,079 [€115.68] in the Republic of Mordovia to RUB22,798 [€261.67] in Chukotskuy Autonomous Area). The amount of monthly payment also varies between regions and is equal to the regional subsistence level for children for the second quarter of the preceding year (e.g. from RUB9,364 [€107.48] in the Belgorod Region to RUB22,982 [€263.78] in the Chukotskuy Autonomous Area).
- Families with children from 3 to 7 years of age inclusive and with per capita income not exceeding the regional subsistence level<sup>3</sup> are granted a monthly payment, related to the children's subsistence level; payment is made irrespective of Parental leave

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<sup>3</sup> The 'subsistence level' has been calculated on the basis of the cost of a number of food and non-food items, with this calculation made every quarter in each region separately for three social groups: children, pensioners, and working-age population. . From 1 January 2021, subsistence level is calculated in a new way: it is now established only once a year and is 44.2 per cent of the median income in Russia for the previous year (considering the differentiation coefficient for each region). 'Children's subsistence level' equals to 97 per cent of the per capita subsistence level.

status. There are 3 levels of payment: standard, increased, and maximum. To calculate the amount of the payment, both the salary and the payment are considered (e.g., to receive the increased payment, the total amount of family's income and the standard payment has to be under the subsistence level; to receive the maximum payment, the total amount of family's income and the increased payment has to be under the subsistence level).

#### *Flexibility in use*

- Parents taking leave may work part-time.
- Different periods of leave may be taken by different carers provided that only one person is on leave during each period.

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

- The amount of monthly childcare benefit paid to parents taking Parental leave until children are 18 months of age is increased by the regional coefficient which varies from 1.1 to 2 according to regional climate conditions. Additional monthly childcare payments for the first and second child of low income families are also regionally variable, which is related to the regional subsistence level. Due to the fact that thresholds for categorizing families as low-income are different, the amount of the benefit varies as well.
- Many regions (76 in 2021) provide monthly payments for the third child and any other subsequent children until the child is three years of age. The amount of the payment is established by regional governments independently taking into account regional subsistence level for children. In the regions with negative demographic trend, where TFR does not exceed 2, the payment is supplemented by transfers from the federal budget.

#### *Eligibility*

- Any insured caregiver (in proportion to previous earnings).
- Uninsured parents (at a minimum level).
- Same-sex couples are not eligible, as same-sex marriage is not legal.

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

#### **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 (or under the age of 18 in the case of children with a disability or HIV, or severely sick children) varies according to the previous employment record of a parent/carer and the age of the child. Leave for taking care of a sick child can be taken by any relative (parents or grandparents). For a child under the age of 7 years, up to 60 days leave may be taken per year per child, with 45 days per child for a child aged 7 to 15 years old (up to 15 days each time). For instance, a family with two children, one below 7 years of age and another between 7 and 15 years of age, can have up to 105 days of sick leave per year.
- Payment is made at 60 per cent of average earnings for employees with an employment record of 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, up to a maximum level.
- One parent is granted four paid non-working days more per month to take care of a child with disability (after the child is three years of age). If these days are not taken, they cannot be transferred to any other month. In the case of several children with disability in the family, the number of non-working days cannot be increased.
- All employees with two or more children under the age of 14 or with a child with a disability under the age of 18 or lone parents taking care of a child under the age of 14 may apply for an additional period of 14 calendar days of unpaid leave at a convenient time for an employee.

##### *Flexible working*

- Mothers of children under 18 years old and working in rural areas can have one additional unpaid day off per month.
- The written agreement of an employee with children below three years of age (or below five years of age in the case of single

parents) should be obtained in order for them to work overtime, during weekends, or for business trips.

- All regulations are established in the Labour Code and costs are carried out by employers.

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

- Mothers of children younger than 18 months of age are entitled to take breaks during work to rest and feed their children, with no reduction in earnings. These should be taken no less than once every three hours, and for no fewer than 30 minutes.

#### *Vocational training/re-training*

- In 2018, as part of the national project 'Demography', there was adopted the federal project entitled 'Promoting Employment among Women by Creating Conditions for Pre-school Education for Children under the age of Three'. The project aims to educate and improve the skills of women while on Parental leave. In 2019, 18,400 women joined professional training and supplementary professional education programs and 19,500 women completed professional training courses.

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

The maximum period of post-natal leave is three years, but payment during the first 18 months is at a relatively low level, except for 10 weeks of well- paid Maternity leave, and payment for the last 18 months is limited to lower income families. There is an entitlement to Early Childhood Education and Care (ECEC) from two months of age, which should mean there is no gap between the end of well-paid leave and an ECEC entitlement; however, in practice this entitlement does not operate as most parents are not aware of its existence.

Levels of attendance at formal services for children both under and over three years of age are below the average for both 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 2020 (including proposals currently under discussion)**

From 2020, minimum and maximum levels for payments of Maternity and Parental leave benefits were increased. Also additional monthly

childcare benefit payments for the first or second child were extended to families with a child up to three years of age (from 18 months), and whose per capita income is less than twice the regional subsistence level (from 1.5 times).

On 21 April 2021, the Russian President delivered his annual Address to the Federal Assembly, in which a number of new measures to support families with children were announced:

- A one-time payment of RUB10,000 [€114.78] to each schoolchild and future first-year pupils will be made in August 2021.
- A payment to single parents with children aged 8 to 16 years will be provided starting from 1 July 2021. The national average amount will be RUB5,650 [€64.85]. The specific amount will vary according to the region.
- Monthly payments will be provided to pregnant women with difficult financial conditions. The average amount will be RUB6,350 [€72.88] per month.
- Payment to parents to care for a sick child under 7 years of age will be 100 per cent of earnings (see Section 1e).
- Half of a child's travel grant to a summer camp will be compensated until the end of 2021.

Measures announced in the President's annual Address are normally implemented on January 1 of the next year.

## **Policy response to the Covid-19 pandemic up to end April 2021**

### *Childcare and schools*

- Kindergartens have suspended normal operations until further notice. However, if parents or other representatives of a child have to continue working, kindergartens can arrange special on-demand classes for no more than 12 children subject to strict precautionary measures. Private kindergartens were also allowed to operate under license when arranging special on-demand classes. No information on the resumption of normal operations in kindergartens is available. According to the Federal Service for Oversight of Consumer Protection and Welfare, kindergartens will resume normal operations when entering the second - or even third - phase of the quarantine restrictions lifting.
- From 23 March 2020, all school students shifted to online learning. On 30 April, the Ministry of Education recommended that all schools finish classes prior to the scheduled date, but every school was entitled to make their own decision. On 20 May 2020, compulsory middle-school final examinations (for Year 9

students) were cancelled; students received their certificates based on their current grades. The Unified State Examination for high school (Year 11) students, required to apply for a university, was rescheduled from late May-early June to late June-July. Additionally, taking the examination was not required for those students who were not going to apply for a university.

- On 1 September 2020, schools re-opened, but are allowed to move classes online if necessary. Kindergartens re-opened in mid-summer.

#### *Parental leave*

- During the pandemic, conditions for providing and using parental leaves did not change. On 11 May 2020, Russian President Vladimir Putin proposed doubling the minimum rate of Parental leave benefit—from RUB3,375 [€38.74] to RUB6,751 [€77.49] – and this was implemented.

#### *Other measures for parents and other carers*

- In response to the evolving health emergency, the Russian government adopted new guidelines for receiving a certificate for Maternal Capital<sup>4</sup> and introduced more options for using it. From 15 April 2020 onwards a certificate for Maternal Capital is granted online based on the birth data from the Uniform State Register of the Civil Status Registration Department. There are new options for spending Maternal Capital, with parents are allowed to invest in the building or renovating of their house on a garden land plot.
- To support families during the pandemic, additional payments for children have been introduced from June 2020 onwards:
  - For children under the age of 3 years: RUB5,000 [€57.39] for April, May and June 2020, RUB10,000 [€114.78] for July 2020. The payment is granted for each child born between 1 April 2017 and 30 June 2020 inclusive. Parents could apply for the payment until 30 September 2020.
  - For children between 3 and 16 years of age: RUB10,000 [€114.78] in two payments, the first payment may be received from 1 June 2020 onwards, the second one from 1 July onwards. The payment is granted for each child born between 11 May 2004 and 30 June 2017. Parents could apply for the payment until 30 September 2020.
  - For a child under the age of 18 years if a parent is unemployed: RUB3,000 [€34.43] per month for April, May,

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<sup>4</sup> Maternal Capital is a measure adopted in 2007 to ensure support to Russian families when having a baby or adopting a child with Russian citizenship. In 2021 it amounts to RUB483,882 [€5,553.79] for the first child, with an additional payment of RUB155,550 [€1,785.34] provided for the second child.



- June, July and August 2020. The payment is granted to families where at least one parent was unemployed as of 1 March 2020 and was registered at the unemployment office. Parents could apply for the payment until 30 September 2020.
- On 17 December 2020, the President of Russia signed an order to grant a one-off payment of RUB5,000 [€57.39] to families for each child under 8 years of age. It is authorised automatically if parents earlier applied for payments for children under the age of 3 years or for those between 3 and 16 years of age. Otherwise, parents are eligible to apply until 1 April 2021.

## **4. Uptake 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 of age are available for both insured and uninsured persons (and can be combined with part-time employment), it can be assumed that the uptake is 100 per cent. According to Rosstat data, in the fourth quarter of 2019, the number of women on Parental leave was 710,634 to care for a child under 18 months was, and 552,435 to care for a child between 18 and 36 months.

# Serbia<sup>1</sup>

**Marina Pantelić** (University of Belgrade, Faculty of Political Sciences)

April 2021

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 (*porodiljsko odsustvo*) (responsibility of the Ministry of Labour, Employment, Veteran and Social Affairs and the Ministry of Family Welfare and Demography)

*Length of leave (before and after birth)*

- 28 days before the expected date of birth, then until the child turns three months of age. It is obligatory for mothers to take 28 days before the expected date of birth, without interruption. In exceptional circumstances, based on a medical assessment, leave can start 45 days before the expected date of delivery.
- After Maternity leave, mothers can access a supplemental leave (*odsustvo sa rada radi nege deteta*, 'child care leave') of 8.2 months per family for the first- and second-born child (see 'variation in leave' section below for multiple births and third or higher-order births); this leave starts immediately after the end of Maternity leave and lasts until the expiration of 365 days from the day the Maternity leave has started.

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<sup>1</sup> Please cite as: Pantelić, M. (2021) 'Serbia country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufmann, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/>

### *Payment and funding*

- 100 per cent of average earnings for employees, calculated based on the average earnings on which compulsory social security contributions were paid during the 18 months prior to the leave, with the upper ceiling being set at three average salaries in the Republic of Serbia, according to the last data published by the Statistical Office of the Republic of Serbia on the day of submitting the request for exercising the right to maternity benefit.
- Mothers who have six months of uninterrupted insurance period before the leave starts cannot receive Maternity leave benefit lower than the national minimum wage (RSD32,003 [€272.46]<sup>2</sup> net per month), though there is no minimum for the supplemental leave period.
- Maternity benefit for 'other' categories of employees (e.g., self-employed, farmers and owners of agricultural farmsteads, casual employees) is calculated based on a different basis: by dividing the gross base of earnings in the previous 18 months (24 months in the case of farmers and owners of agricultural farmsteads) by 1.5. This provision has created discriminatory practice between 'standard' employees and 'other' categories of employees who previously had the same salary as the latter will receive lower Maternity benefit due to the difference in the calculation of the benefit.
- There are no leave benefits for unemployed or inactive mothers.
- Pension rights: 'standard' employees, that is, mothers in 'standard' employment having either permanent or fixed-term contract maintain their pension insurance during Maternity leave, with contributions being paid by the state on the level of Maternity benefit. 'Other' categories of employees (e.g., self-employed, farmers and owners of agricultural farmsteads, casual employees) have to pay contributions and taxes for themselves; otherwise, they will not maintain their pension insurance.
- Funded from general taxation.

### *Flexibility in use*

- The father of the child may exercise the right to Maternity or supplemental 'child care' leave if the mother leaves the child, dies or is prevented from using that right for other justified reasons (e.g. serving a prison sentence, serious illness). The child's father has the right to Maternity leave also when the mother is not employed.

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<sup>2</sup> Conversion of currency undertaken for 21 June 2021, using: <https://cuex.com/de/eur-rsd>.

- The supplemental 'child care' leave is defined as the primary right of the mother, but can be fully transferred to the father with her consent.
- For children of different birth orders, both parents cannot use their entitlements for leave at the same time.

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

- All employed and self-employed mothers, as well as mothers in casual employment, farmers and owners of agricultural farmsteads paying social contributions 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 a person other than the mother*

- Maternity leave: 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 (referred to as 'sick leave due to illness or complications related to pregnancy'), in addition to Maternity leave. The pregnant woman is entitled to a compensation of 100 per cent of average earnings on which compulsory social security contributions were paid during the last 12 months before the month the sick leave began, with a floor set at the national minimum wage for the month when the payment is made.
- Supplemental 'child care' leave: 20.2 months per family in the case of multiple births and the third and every subsequent child, but only for 'standard' employees, i.e. self-employed, occasional employees and farmers do not have the right to extended leave in these cases.
- If the parent taking leave dies or is unable to exercise the right for any other justified reason, leave can be transferred to the other parent.

## **b. Paternity leave**

No statutory entitlement.

## **c. Parental leave**

No statutory entitlement.

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

- After the expiration of Maternity and supplemental 'Child care' leave, one of the parents of a child in need of special care due to a serious degree of developmental difficulties has the right not to work or work part-time (half of the full working hours) until the child turns five years of age (referred to as 'leave for special care of a child', i.e. '*odsustvo sa rada radi posebne nege deteta*'). During this period, the employed parent is entitled to wage compensation, which is calculated in the same way as Maternity/Parental benefit. If an employed parent decides to reduce working hours and work part-time, he/she is entitled to salary for the time spent at work and for wage compensation for the hours not working.
- For children of different birth orders, parents can be entitled to Maternity/'Child care' leave and 'Leave for special care of a child' simultaneously.
- One of the parents (including adoptive or foster parents), i.e. legal guardians, has the right not to work until the child turns three years of age. During that time, the parent's rights and obligations regarding their employment are suspended, and the right to compulsory health insurance is maintained. This period of leave is unpaid, so contributions for pension insurance are not paid during that period, but the employer has an obligation to pay healthcare contributions for the employee.

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

##### *Adoption leave and pay*

- Employed/self-employed foster and adoptive parents have the right not to work for eight months continuously from the day the child is placed in a foster or adoptive family, and for a maximum until the child turns five years of age (that is, foster and adoptive parents are not entitled to any leave for an older child). If the placement in a foster or adoptive family occurred before the child reached the age of three months, the foster or adoptive parent of the child has the right not to work until the child reaches 11 months of age.
- Foster and adoptive parents are entitled to wage compensation during the exemption from work due to childcare, which is calculated in the same way as for Maternity/Parental leave. They have the same benefit as employed or self-employed parents, depending on their employment status.

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

- There is an entitlement to leave to care for a sick or injured immediate family member, with the length depending on the age of family member: for the care of a sick or injured family member younger than seven years of age or a family member older than seven years with severe developmental difficulties up to 15 days per illness episode, which may be extended up to a maximum of 30 days for justified reasons; for the care of sick or injured family member older than seven years of age up to seven days per illness episode with the possibility of extension for up to 14 days; in the case of a family member with severe health conditions (severe damage to brain structures, malignant diseases or other severe deterioration of the health condition) up to 18 years of age. The leave is paid at the level of 100% of the average earnings, calculated based on the average earnings on which health care contributions were paid during the 12 months before the month when the leave started.
- A worker has the right to five working days of 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*

- See 'leave for special care of a child' (see 1.d.).
- A pregnant worker and a breastfeeding worker cannot work overtime and at night if such work would be harmful to her health and the child's health.
- One of the parents with a child up to three years of age, a single parent with a child up to seven years of age or a parent with a child with severe developmental difficulties can work overtime or at night only with his written consent.

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

- The employed woman, who returns to work before the child turns one, has the right to one or more daily breaks for breastfeeding in a total duration of 90 minutes per day, or the right to shorten the daily working hours for 90 minutes due to breastfeeding - if the working hours of an employed woman are six hours or more. The time used for daily breaks or shortening the working hours due to breastfeeding is counted in the regular working hours and is paid at 100 per cent of earnings.

### *Pre-natal examinations*

- A pregnant worker has a right to use paid leave – equivalent to one working day – to attend pre-natal examinations and other health examinations related to pregnancy. Pregnant workers are obliged to announce the intention to use this right to the employer in a timely manner.

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

The maximum period of post-natal leave is three years (including Childcare leave), with well-paid post-natal leave of 11.2 months for the first and second-born child or 20.2 months for the third and every subsequent child as well as for multiple births. It is obligatory for children to attend a preparatory preschool programme (PPP) from 5.5 years old (four hours per day for at least 9 months); before that, there is no entitlement to Early Childhood Education and Care (ECEC). There is, therefore, a gap of two and a half years between the end of any form of leave and an ECEC entitlement and of more than four and a half years between the end of well-paid leave and an entitlement to ECEC.

Serbia is not included in the comparative tables on ECEC enrolment produced for the OECD Family Database. National statistics report that, in the school year 2020/2021, 23.4 per cent of children aged six months to three years attended ECEC, and 76.6 per cent of children over three years, with near universal attendance for PPP (96,4%).<sup>3</sup>

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

## **Policy response to the Covid-19 pandemic to end of April 2021**

### *Childcare and schools*

- On 16 March 2020, both ECEC and schools were closed in Serbia due to the declared state of emergency. During the state of emergency, all parents with children younger than 12 years of age were allowed to work from home (this right could be used by one of the parents). The re-opening process started on 6 May

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<sup>3</sup> RZS (2021) Saopštenje – Statistika obrazovanja SRB092 DD20 160421. Republika Srbija: Republički zavod za statistiku.

2020 for ECEC, but for schools, the online learning stayed in force until the end of the school year (16 June 2020), and students went to school only for taking final examines. The organization of ECEC facilities followed various epidemiological measures adopted by the government.

- With the beginning of the new school year (1 September 2020), teaching was organised in a mixed form, combining online learning with face-to-face teaching. Decisions concerning the organization of the educational process in primary and secondary schools have been made at the national level, so there were no exemptions at the local level. Teaching in higher grades of primary school (5-8), as well as in secondary schools, followed the combined model, where children would be in class one week but online the other week, while the lower grades of primary school (1 to 4) organised face-to-face teaching. From 30 November 2020 to 19 April 2021, due to the deteriorating epidemiological situation in the country, the government made a decision that the higher grades of primary schools (5-8) and all secondary schools should operate completely following the online learning model. Throughout this period, the pupils in lower grades of primary school (1 to 4) continued to go to school. Since 19 April 2021, the teaching process in higher grades of primary school (5-8), as well as in secondary schools is operating again according to the combined model. Strict epidemiological and hygienic measures are still in force in ECEC facilities, which have been operating all the time without exemption.

#### *Parental leave*

- There were no modifications.

#### *Other measures for parents and other carers*

- In May/June 2020, all the adult citizens of the Republic of Serbia received state financial aid of €100 in RSD equivalent in order to reduce the negative effects caused by the COVID-19 pandemic.

## **4. Uptake of leave**

### **a. Maternity leave**

Maternity leave is the exclusive right of the employed mother in Serbia, except in exceptional cases, i.e. the father of the child can exercise the right to Maternity leave if the mother leaves the child, dies, or is prevented from using that right for other justified reasons. There is no official information on uptake rates. Fathers can also use Maternity leave if the mother is not in employment; however, that is not a widespread



practice. According to the latest available data from the Ministry of Labour, Employment, Veteran and Social Affairs, in 2019, 14 fathers have used the right to Maternity benefit.

The supplemental 'child care leave' is defined as the primary right of the mother, but can be fully transferred to the father with her consent. The father of the child may exercise the right to supplemental 'child care leave' also if the mother leaves the child, dies or is prevented from using that right for other justified reasons. The child's father has the right to 'child care leave' also when the mother is not employed. There is no official information on uptake rates, although according to the latest available data from the Ministry of Labour, Employment, Veteran and Social Affairs, in 2019, only 213 fathers have used supplemental 'child care' benefit.

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

No statutory entitlement.

#### **c. Parental leave**

No statutory entitlement.

# Slovak Republic<sup>1</sup>

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April 2021

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. Maternity leave cannot be shorter than 14 weeks and cannot end earlier than six weeks after giving birth.

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

- 75 per cent of earnings in the previous calendar year, calculated as average earnings on those days, when the employee had earnings and thus paid sickness insurance. The benefit has a cap in the form of maximum earnings, based on which the benefit can be calculated. The earnings ceiling is set at twice the national average wage from two years before.<sup>2</sup> The benefit is not subject to taxation. If the maternity benefit is lower than parental allowance (see 1c below), an additional payment is made to cover the difference.

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<sup>1</sup> Please cite as: Dančíková, Z. (2021) 'Slovak Republic country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> In 2021 the cap is equal to twice the average wage of 2019, which amounted to €1,092. The maximum benefit amounts to €1,669.5.

- The benefit is paid from sickness insurance contributions, collected by the Social Insurance Agency, and mandatory for all employees and self-employed. Employees contribute 1.4 per cent of their earnings, employers pay an additional 1.4 per cent of their employees' earnings. Self-employed workers pay 4.4 per cent of their declared earnings. Sickness insurance can also be paid on a voluntary basis.
- During Maternity leave, pension contributions and health insurance contributions are paid by the state.

### *Flexibility in use*

- Leave typically starts six weeks, but can start as early as eight weeks before the expected date of birth, in such cases the post-natal period of leave is shortened accordingly.
- If the mother gives birth before the expected date, she can use the remainder of her pre-natal entitlement after giving birth.
- If the mother dies, the leave and benefit can be claimed by the father.
- On top of the of mother's maternity benefit, the father has the right to an additional maternity benefit of 28 weeks not transferable to the mother, 31 weeks if he is single and 37 if taking care of two or more children. Thus, taken together, the parents are eligible for 62 (or 68 or 80) weeks of maternity benefit. Fathers are not eligible for Maternity leave; however, they can make use of the maternity benefit while being on Parental leave (see also 1c). Fathers can claim their maternity benefit when their child is between six weeks and three years of age. Both parents must agree that the father will take over care of the child. During this time, the mother may be in paid work or on Parental leave, however, she is not entitled to the Parental allowance. Both parents cannot receive maternity benefits for the same child at the same time. However, both parents may be on maternity benefits at the same time with different children, typically the mother with a new-born and the father with an older child.
- Employed mothers and fathers are not allowed to continue their previous employment while on maternity benefits, neither full-time nor part-time. However, they can start new employment, either with a different employer or in a new position with the same employer.<sup>3</sup> The self-employed can continue working while on maternity benefits.

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<sup>3</sup> However, the Social Insurance Agency has been turning down fathers' applications for maternity benefits when they did not meet the condition of taking care of their child, due to paid work (pravnenoviny.sk (2019). *Ako dopadli žaloby otcov proti nepriznaniu dávky materské*. Available at: <https://www.pravnenoviny.sk/ako-dopadli-zaloby-otcov-proti-nepriznaniu-davky-materske>)

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

- To be eligible for the maternity benefit, a mother must have paid sickness insurance contributions for at least 270 days of the two years before giving birth. A father must have paid contributions at least 270 days of the two years before starting leave as well as be insured when starting leave. All employees pay sickness insurance contributions.
- The same conditions apply to the self-employed and voluntarily insured, however, the self-employed only pay sickness insurance contributions if their income reached at least €6,078 the previous year.
- There is no provision for same-sex couples to share leave. Under Slovak legislation same sex couples do not have the right to marriage, civil partnership or adoption of 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 mother*

- Maternity leave is extended to 37 weeks for single mothers and 43 weeks in the case of multiple births.
- In the case of a stillbirth, the mother is granted a maximum of 14 weeks of Maternity leave.
- If the child dies while the mother is on Maternity leave, the mother has the right to two more weeks of leave following the death of the child.

## **b. Paternity leave**

No statutory entitlement. However, fathers are entitled to three years of Parental leave (see 1c) and to 28 weeks of maternity benefits not transferable to mothers (see 1a). Thus, in effect, fathers have access to individual 28 weeks of well-paid leave.

## **c. Parental leave (*rodičovská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)**

*Length of leave*

- Until the child reaches three years of age.
- Leave is an individual entitlement, both parents can be on Parental leave at the same time.

### *Payment and funding*

- Parental allowance (*rodičovský príspevok*) is available to all parents who meet the eligibility conditions, whether they take Parental leave or not. The parental allowance amounts to €378.1 per month for parents who previously received the maternity benefit. Parents who did not receive the maternity benefit are entitled to a parental allowance of €275.9 a month. The allowance is not subject to taxation.
- Parental allowance is funded from general taxation.
- The state pays pension and health insurance contributions for one stay-at-home parent taking care of a child until the age of six, when compulsory primary education begins.

### *Flexibility in use*

- Parents can agree with their employer on an extension of parental leave until their child reaches the age of five.
- Parents can work full-time or part-time while receiving the parental allowance.
- While both parents can take Parental leave at the same time, only one parent is entitled to the parental allowance at the same time, even with multiple young children present in the family. Parents are also not entitled to the parental allowance when one of them receives the maternity benefit, unless the maternity benefit is lower than the parental allowance. In that case, a lower parental benefit is paid, so that the total sum received by the parent is equal to the parental allowance.
- Parental leave can be repeatedly interrupted and restarted.

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

- Parents must be permanent or temporary residents of the Slovak Republic when claiming the parental allowance in order to be eligible.
- Parents' spouses are also eligible, if living in the same household.
- To be eligible for Parental leave, parents must be employed.
- Parental allowance is provided from the birth of the child, if parents are not eligible for the maternity benefit.
- Parental allowance is not provided to parents if another child of theirs has been removed from their personal care.

### *Variation in leave due to child or family reasons (e.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 be extended until the child reaches the age of six if it has a long-term health problem or

disability, upon agreement with the employer, this can be extended until the child reaches the age of eight.

- Parental allowance is increased by 25 per cent per child in the case of multiple births.
- Parental allowance is reduced by 50 per cent for at least three months if any older child under parental responsibility is absent from compulsory education for at least three months.
- If the child dies while either parent is on Parental leave, the parent has the right to two more weeks of leave following the death of the child, though not beyond the day the child would have reached the age of one.
- If the parents separate, only one has the right to the parental allowance, even if both take care of the child.

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

No statutory entitlement.

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

##### *Adoption leave and pay*

- Adoptive and foster parents are entitled to 28 weeks of Maternity leave and benefits (31 weeks for single parents, and 37 weeks for parents taking over care of at least two children). The leave can be used until the child reaches the age of three.
- Adoptive and foster parents also have the right to three years of Parental leave starting from the end of Maternity leave or the day when they take the child into their care, if the child is already older than three years of age. The leave can be used only until the child reaches the age of six. If the child is suffering from long-term health problems, Parental leave can last up to six years, but only until the child reaches the age of six. Parental allowance for adoptive and foster parents can be paid for a maximum of three years.

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

- Employees can take leave to take care of a sick relative at home (*ošetrovanie člena rodiny*), including a sick child, or to take care of a child under the age of eleven (or 18 if the child is suffering from long-term health problems) for other reasons (e.g. if the child's school is closed). The length of leave is not limited. However, insured parents only receive an earnings-related benefit (*ošetrovné*) paid at 55 per cent of their previous daily earnings for a maximum of 14 calendar days. There is no limit to the number of episodes per year, if these do not exceed ten days each.

- Insured parents are also entitled to a long-term benefit to care for a child that is in need of home care following a hospital stay or palliative care. The benefit amounts to 55 per cent of their previous daily earnings for a maximum of 90 calendar days and can be split between the parents.

#### *Flexible working*

- Pregnant women and women and men taking care of children below the age of 15 may ask their employer for shorter working hours. Employers may decline the request due to serious operational reasons.

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

- Mothers of children under the age of six months are entitled to two half-hour breaks for breastfeeding per child per full working day. Mothers of children aged between six and 12 months are entitled to one 30-minute breastfeeding break a day. Mothers working at least four hours a day have the right to one break a day per child until their child reaches six months. The break time is paid.

#### *Other measures*

- A childcare allowance (*Príspevok na starostlivosť o dieťa*) is available to cover some of the costs of childcare of children up to the age of three (or six in the case of a child with a long-term health problem or disability). It is available to one of the parents, including adoptive and foster parents, if they work or are enrolled in secondary or tertiary education. Parents are not entitled to the childcare allowance if in receipt of the maternity benefit or the parental allowance at the same time for any child. The allowance is provided in three forms. An allowance of up to €80 per month is paid when childcare is provided by a kindergarten included in the official network of schools and school facilities. An allowance covering declared costs up to €280 per month is paid when childcare is provided by other official providers. Finally, an allowance of €41 is paid when childcare is provided by other persons or relatives.

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

The maximum period of post-natal leave is three years, 13 months paid at a high rate, the remainder at a low flat rate. There is no entitlement to Early Childhood Education and Care (ECEC), though children at the age of five will be entitled to a place in kindergarten as of September

2021, when attending kindergarten becomes compulsory for this age group.

As a result of long Parental leave and associated cultural norms, levels of attendance at formal services for children under three years of age are very low, well below the average both for the countries included in this review and for OECD countries. Levels of attendance for children over three years of age are much higher, but still below both averages. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

There is a shortage of kindergarten places, and with priority being given to five-year-olds, many parents of younger children struggle to obtain a place.<sup>4</sup> This shortage of kindergarten places is likely to become more pronounced when kindergarten becomes compulsory for five-year-olds in September 2021. To address the shortage, construction of new kindergartens is underway, but the planned expansion (as of 2019) is insufficient even for five-year-olds, let alone younger children (ibid.).

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

Under the new ruling coalition of four parties, OĽaNO (Ordinary People and Independent Personalities), Sme Rodina (We Are Family), Za Ľudí (For the People) and SAS (Freedom and Solidarity), maternity benefits and parental allowance increased as of January 2021. The maternity benefit cap was raised from €1,549 to €1,669.5. Parental allowance increased slightly, from €370 to €378.1 for parents who previously received the maternity benefit, and from €270 to €275.9. for those who did not.

Starting from January 2021, the maximum period during which benefits can be received by parents taking care of a sick child was extended from 10 to 14 days. At the same time a new, long-term benefit of 90 days was introduced.

Finally, compulsory kindergarten for five-year-olds came into force in January 2021 and is to be applied from September 2021, a change introduced by the previous ruling coalition of three parties, the populist SMER-SD (Direction – Social Democracy), SNS (Slovak National Party) and Most-HÍD (inter-ethnic Slovak-Hungarian party).

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<sup>4</sup> Varsik, S. (2019) *Držím ti miesto. Komentár 2/2019*. Inštitút vzdelávacej politiky. Ministerstvo školstva, vedy, výskumu a športu, Ministry of Education, Science, Research and Sport of the Slovak Republic. Available at: <https://www.minedu.sk/komentar-022019-drzim-ti-miesto/>



## **Policy responses to the Covid-19 pandemic up to end April 2021**

### *Childcare and schools*

- Nurseries closed on 23 March 2020 and could reopen from 1 June 2020. Children of key workers were to be given priority upon reopening. Key workers were defined as 'especially workers in healthcare, social care, armed forces, police, sales, firefighters, drivers'. In August 2020 government indicated nurseries should monitor the epidemiological situation based on pre-defined rules and recommended they close when instructed by the authorities or when two or more positive cases are confirmed among employees or the children, until authorities allow for reopening.
- All kindergartens closed from 16 March 2020. They could reopen from 1 June 2020; however, the final decision was up to directly responsible authorities (e.g. municipalities). Kindergartens closed again on 11 January 2021 for all children except for children of critical infrastructure workers and those parents who cannot work from home. Kindergartens could reopen again on 8 February.
- Schools for children in grades 1-5 closed on 16 March 2020 and could reopen from 1 June, though the final decision was up to directly responsible authorities, e.g. municipalities. Grades 1-4 closed again on 11 January 2021 and could reopen on 8 February.
- Schools for children in grades 5-9 closed on 16 March 2020 and could reopen from 22 June. They closed again on 26 October. Small-group teaching in groups of up to five students was allowed from 16 November for students from disadvantaged backgrounds who cannot access online learning. The grades reopened again on 7 December and closed on 11 January 2021. On 8 February, grades 5-9 teaching could resume again for small groups from disadvantaged backgrounds.
- Schools for children with special needs in grades 1-9 closed on 16 March and could reopen from 1 June 2020, the final decision was up to directly responsible authorities, e.g. municipalities. Schools for children with special needs in grades 5-10 were closed again on 26 October, reopened on 10 November, closed again on 11 January 2021, and could reopen on 8 February;
- High schools closed on 16 March 2020 and could reopen from 22 June 2020. They closed again on 12 October, reopened on 7 December and closed on 11 January 2021. On 8 February high school teaching could resume again for small groups from disadvantaged backgrounds, as well as the final grades in high schools and all grades in medical, special needs, practical and technical high schools.

### *Parental leave*

- There were no modifications to Parental leave.

### *Other measures for parents and other carers*

- Regular parental allowance was extended for parents whose parental allowance ended in March 2020 or later (i.e. their children reached three years of age or six years of age if the child has long-term health problems or a disability). The change was discontinued on 15 October and reintroduced on 11 November, covering both parents who received the benefit until 15 October and newly eligible parents. This change is ongoing but temporary. Parents are eligible if they were receiving parental allowance (see 1c) and have no income from employment, business or self-employment and are not receiving social benefits or pensions. Payments are equal to earlier payments.
- Parents' access to leave to take care of a sick relative (*ošetrovanie člena rodiny* (OČR)) (see 1e) was temporarily amended and became the so-called 'pandemic leave to take care of a sick relative' (*pandemická OČR*).
- Parents (mothers, fathers, adoptive parents) have been able to make use of this amended leave for as long as necessary during the entire time of the crisis to take care of:
  - children from birth to ten years, if the child's nursery, kindergarten or school was closed or if quarantine was ordered;
  - children aged 11 to 15 years if the child's school was closed and the child is unable to look after itself;
  - children aged 0 to 17 years if the child's school was closed and the child has a long-term health problem or a disability;
  - children who had been in different care arrangements (e.g. with grandparents, nanny).
- The leave was discontinued for parents of children of school age with the onset of summer holidays, starting in July. However, parents could continue using the leave if their child was sick. Parents of children below school age could continue making use of the leave.
- With the start of the school year in September, the leave was reintroduced for parents of schoolchildren whose schools were closed as well as for parents of kindergartners when kindergartens were closed but also when parents preferred not to send their child to the kindergarten. Starting from 23 September parents of kindergartners were only eligible if their kindergarten was closed.
- The associated benefits amounted to 55 per cent of earnings in the previous calendar year, calculated as average earnings on those days, when the employee had earnings and thus paid

sickness insurance. This amounts to approximately 70 per cent of previous net earnings (for parents earning the average wage).

- Parents with sickness insurance have been eligible for the leave.
- Parents have not paid social contributions while on the leave to take care of a sick relative, the contributions being paid by the state. The state also paid the contributions otherwise paid by employers. Hence, parents taking care of children continued being insured (for example to receive maternity benefits).
- Parents whose Parental leave ended during the crisis became eligible for the leave to take care of a sick relative. For parental leave eligibility see Section 1.

## 4. Uptake of leave

### a. Maternity leave

Nearly all eligible mothers take Maternity leave as it is obligatory. The number of fathers accessing maternity benefits has also been growing fast. In 2019, the most recent year for which data is available, 78 per cent of maternity benefits went to mothers and 22 per cent to fathers.<sup>5</sup> Regular official statistics on maternity benefits are only published on the number of monthly benefits paid and in a non-gender-disaggregated form.<sup>6</sup> A 2020 analysis of administrative data showed quickly rising uptake of maternity benefits by fathers. While in 2018 fathers took leave with 10 thousand children, in the first half of 2019 fathers took leave with 6.5 thousand children, amounting to 25 per cent compared to the number of children born during this period. Fathers take leave more often when they have higher income, when one or both parents have completed education or are self-employed.<sup>7</sup>

### b. Paternity leave

There is no statutory leave entitlement.

### c. Parental leave

There is no information available on Parental leave use. Parental allowance is paid to most families, unless they opt for the childcare

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<sup>5</sup> Istp.sk (2020) *Rastie dávka materské a aj počet jej poberateľov*. Available at: <https://www.istp.sk/clanok/15081/rastie-davka-materske-a-aj-pocet-jej-poberatelov>

<sup>6</sup> Sociálna poisťovňa [Social Insurance Agency] *Priemerný mesačný počet vyplatených nemocenských dávok*. Available at: <https://tinyurl.com/soy9m9y>

<sup>7</sup> Dančíková, Z. (2020) *Ani muži nemôžu mať všetko. Komentár IFP 2020/06*. Available at: <https://www.mfsr.sk/sk/financie/institut-financnej-politiky/publikacie-ifp/komentare/komentare-z-roku-2020/6-ani-muzi-nemozu-mat-vsetko-materska-otcov-nastup-matiek-do-prace-jun-2020.html>

allowance (see 1.c). Data on the number of recipients of the Parental leave allowance is only available on a monthly basis. In February 2021, the most recent month for which data was available at the time of writing, the allowance was paid to 152,359 parents; 147,230 of whom were women (i.e. 97 per cent, similar to the figure reported the year before).<sup>8</sup>

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<sup>8</sup> Ústredie práce, sociálnych vecí a rodiny (UPSVaR) [Central Office of Labour, Social Affairs and Family] (2021). Mesačná štatistika o počte poberateľov sociálnych dávok a dotácií a čerpaných finančných prostriedkoch. Available at: [https://www.upsvr.gov.sk/statistiky/socialne-veci-statistiky/2021/2020-socialne-davky.html?page\\_id=1060272](https://www.upsvr.gov.sk/statistiky/socialne-veci-statistiky/2021/2020-socialne-davky.html?page_id=1060272)

# Slovenia<sup>1</sup>

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April 2021

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 the birth. It is obligatory to take 15 days of leave.

*Payment and funding*

- 100 per cent of average monthly earnings (or other base 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, €543.29 (gross) a month is factored in for the missing period. There is no upper limit, and the minimum is €543.29.
- 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

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<sup>1</sup> Please cite as: Stropnik, N. (2021) 'Slovenia country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G., and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: <https://www.leavenetwork.org/annual-review-reports/review-2021/>

years before the start of Maternity leave, receive the (hypothetical gross) amount of basic minimum income (€543.29) that is increased by €20 (gross) per each month of insurance, but by no more than €340 (gross).

- The parent (or adoptive parent or foster parent) who was taking care of a child in its first year – i.e. the person who was receiving parental earnings compensation – receives pension credits for child-rearing.<sup>2</sup> 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. However, over 90 per cent of the total financing of the Maternity/Paternity/Parental leave earnings compensations is financed from the central government budget.<sup>3</sup>

#### *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 must be covered by Parental Protection Insurance (which is part of social security) just prior to the first day of the leave. This insurance covers persons on employment contracts (both permanent and fixed-term, either full-time or part-time); the self-employed (including persons performing agricultural activities); and temporary agency workers. For the unemployed, see the 'payment and funding' section.
- The person who is not insured at the time of exercising the right to salary compensation, but who has been insured for at least 12 months during the last three years, is eligible for earnings compensation (and not for the 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*

- Leave (77 days or fewer) can be delegated to the father or another person who nurses and cares for a child if the mother

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<sup>2</sup> For the impact of these pension credits on the gender pension gap, see: Kump, N. and Stropnik, N. (2020) *Results of the standard simulations for Slovenia, Project MIGAPE* (Mind the gap in pensions), Ljubljana: Institute for Economic Research. Available at:

[http://www.migape.eu/pubs/WP2\\_SIE\\_Report\\_20200422.pdf](http://www.migape.eu/pubs/WP2_SIE_Report_20200422.pdf)

<sup>3</sup> 92 per cent, according to MISSOC – Mutual Information System on Social Protection (update as of 1 July 2019). Available at: <https://www.missoc.org/>.

dies, abandons the child, or is not able to nurse and care for the child (medical certificate is needed).

- 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 of age and has the status of an apprentice, a pupil, or a student. In that case, Maternity leave lasts 77 days minus 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*

- 30 calendar days.

##### *Payment and funding*

- 100 per cent of average monthly earnings (or other base on which Parental Protection Insurance contributions were paid) during the 12 months prior to the leave, up to a ceiling of 2.5 times the average salary in Slovenia [€3,664.30 per month]. 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, €543.29 (gross) per month is factored in for the missing period.
- The parent (or adoptive parent or foster parent) who was taking care of a child in its first year – i.e. the person who was receiving parental earnings compensation – receives pension credits for child-rearing.
- Funding is the same as for Maternity leave.

##### *Flexibility in use*

- Paternity leave may be taken as full-time or part-time leave. The duration of leave does not change, if taken part-time.
- At least 15 days of leave may be taken up to one month following the end of Parental leave. Up to 15 days of the total of 30 days of Paternity leave may be taken until the child completes the first year of primary school.

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

- As for Maternity leave.
- The father is not entitled to Paternity leave if: there was a stillbirth; he was legally deprived of his parental right or prohibited from contacting the child; if, 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 if he is not able to nurse and care for the child (medical certificate is needed).

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

- Paternity leave (normally 30 calendar days) is extended by an additional ten days for each additional child in the case of 1) multiple live births, or 2) adoption of multiple children born from 1 January 2020 on, if the children have not yet completed the first grade of primary school. These additional days may be taken until the child completes the first year of primary school.
- If the father does not use Paternity leave, the following persons are entitled to it: mother's husband or co-habiting partner; partner of either sex in the registered same-sex partnership; and other persons who are nursing and taking care of the child. The same applies to the spouse, co-habiting 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 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 exercising the right to salary compensation (Maternity, Paternity, or Parental, whichever is taken first), see 1a.
- The parent (or adoptive parent or foster parent) who was taking care of a child in its first year – i.e. the person who was receiving



parental earnings compensation – receives pension credits for child-rearing.

- Funding as for Maternity leave.

#### *Flexibility in use*

- The mother may transfer 100 days of her entitlement to the father (30 days are the mother's exclusive right), while the father may transfer all 130 days of his Parental leave to the mother.
- The parents must agree upon the use of Parental leave, in writing, 30 days prior to the expiry of Maternity leave. If the parents cannot reach an agreement, or their decision is not to the benefit of the child, the Centre for Social Work decides on this matter by considering the best interests of the child.
- Separated parents have the same rights as those living together.
- The Parental leave and earnings compensation are the rights of biological, adoptive and foster parents. If the same-sex partner has not adopted the child, he/she is not eligible. In that case, the biological parent is entitled to the whole of the parental leave and the respective earnings compensation.
- At least 185 days must 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.
- 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 single 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 the 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 the 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).
- A person other than a parent who nurses and cares for the child is entitled to Parental leave, reduced by the number of days the parents have already used.
- If the mother is below 18 years of age and is an apprentice, pupil, or student, one of the grandparents (who is insured for Parental leave) may take the leave with the parents' consent.
- Adoptive parents have the same entitlements to Parental leave as other parents (see section 3). The leave should start no later than 15 days from the placement of the child into the family for the purpose of adoption or the adoption itself. It may be used until the child has completed the first grade of primary school.
- There are 30 days of Parental leave in the case of the adoption of a child who has completed the first grade of primary school and is below 15 years of age.
- Foster parents are eligible for 30 days of Parental leave for a foster child for which they cannot take regular Parental leave any more, but who has not yet completed the first grade of primary school. The leave should start no later than 15 days after the placement of the child into foster care.

*Parental benefit for persons who are not eligible for insurance-based leave and earnings compensation*

- Parents who are not eligible for insurance-based Maternity/Paternity/Parental leave and earnings compensation, are entitled to flat-rate parental benefit. Both the parent and the child must have permanent or temporary residence status and reside in Slovenia. The benefit amounts to €402.18 net per month and is received for 365 days from the birth of a child (longer in the cases of multiple or premature births, or the birth of a child in need of special care). The mother is entitled to parental benefit for the first 77 days after the birth of the child. The father is entitled in this period only if the mother abandons the child, is not able to nurse and care for the child (medical certificate is needed), or dies. After 77 days, parental benefit is the right of one of the parents and is used according to their written agreement. Another person nursing and caring for the child, as well as fulfilling the same conditions as the parent, is entitled to the parental benefit, too – namely for 365 days minus the number of days the parents have already used. While receiving the parental benefit, the parent is covered by the pension and disability insurance.

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

No statutory entitlement.

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

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

- An insured person is entitled to take leave to care for an immediate co-resident family member who is ill (spouse and children, biological or adopted). Generally, seven working days of leave may be taken for each episode of illness per family – however, 15 working days may be taken for a child of up to seven years of age or a child who is moderately, severely, or very severely mentally and physically disabled. In exceptional cases, 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 they were working.

##### *Flexible working*

- A parent who is taking care of a child below three years of age (or 18 years of age if the child has a severe physical disability, or a moderate or severe mental disability), or at least two children, the younger of whom has not yet completed the first grade of elementary school<sup>4</sup>, has the right to work part-time. The hours worked must be equal to or longer than half of full-time working hours. For hours not worked, social security contributions<sup>5</sup> based on the proportional part of the average monthly earnings during the previous 12 months<sup>6</sup> – but not less than the proportional part of the minimum wage and not more than the proportional part of 2.5 times the national average salary – are paid.

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

- Breastfeeding mothers who work full-time have the right to a break during working time lasting no less than one hour per day,

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<sup>4</sup> In this case, one year of the entitlement is a non-transferrable right for each of the parents.

<sup>5</sup> Social security contributions include pension credits.

<sup>6</sup> This basis is defined in 1a above.

until their child is 18 months of age. Payment is made for one hour per day, based on the proportional part of the basis defined in section 1.a (which cannot be more than the proportional part of 2.5 times the national average salary).

#### *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 has been 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 is 12.2 months, paid at a high rate. There is an entitlement to Early Childhood Education and Care (ECEC) from the end of Parental leave, available on a full-time basis in centres. There is no gap, therefore, between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for children both under and over three years are above the average both 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 2020 (including proposals currently under discussion)**

On 1 January 2021, some of the Amendments to the Parental Protection and Family Benefits Act (adopted in December 2019) became effective, including:

- The minimum Maternity/Paternity/Parental leave salary compensation (previously set at 55 per cent of the minimum wage) and the parental benefit (a flat-rate payment received by parents who are not eligible for the Maternity/Parental leave salary compensation, previously amounting to €258.09) were raised to the (hypothetical gross) amount of basic minimum income (€543.29 gross, or €402.18 net) for children born from 1 January 2021 on.
- If the contributions for parental insurance were paid during a period shorter than 12 months, the (hypothetical gross) amount of basic minimum income (€543.29; previously 55 per cent of the minimum wage) is factored in for the missing period.

- The persons 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 exercising the right to salary compensation, receive the (hypothetical gross) amount of basic minimum income (€543.29) that is increased by €20 (gross) per each month of insurance, but by no more than €340 (gross).

On 1 January 2021, the Amendment to the Parental Protection and Family Benefits Act, adopted in October 2020, became effective, too. The basis for the social security contributions payment for a parent who is taking care of a child below three years of age (or at least two children, one of whom has not yet completed the first grade of elementary school) and thus working part-time (see Section 1.e) has changed to the proportional part of earnings in the previous 12 months. The basis cannot be less than the proportional part of the minimum wage and not more than 2.5 the national average salary. The same basis is used for the proportional payment of time for breastfeeding.

## **Policy responses to the Covid-19 pandemic to end of April 2021**

### *Childcare and schools*

- For ECEC and school closures during spring/summer 2020, see the Slovenian country note 2020.
- As of autumn 2020, only emergency ECEC services<sup>7</sup> were provided from 26 October 2020 to 25 January 2021. The facilities re-opened for all children in some regions on 26 January 2021 and in the whole country on 9 February 2021. Then again only emergency ECEC services were provided from 1 to 11 April 2021. Parents are excused from paying parent fees during the ECEC providers' closure (i.e. while only emergency services are provided) if children are not attending. From 1 October 2020, parents are not paying fees for the period of the child's non-attendance due to enforced quarantine.
- Elementary schools<sup>8</sup> (grades 1-5) were closed from 2 November 2020. Grades 1-3 returned to school in some regions on 26 January 2021 and in the whole country on 9 February 2021, while higher grades returned on 15 February 2021. All schools were closed again from 1 to 11 April 2021.

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<sup>7</sup> For children whose both parents, or a single parent, were employed in critical infrastructure sectors, and in educational institutions, social security institutions, the Slovenian Armed Forces, the Police, and professional fire-fighting units.

<sup>8</sup> There are nine grades of elementary school that includes primary and lower secondary education, i.e. ISCED 1-2, and starts at the age of six.

### *Parental leave*

- There were no modifications to Parental leave.

### *Other measures for parents and other carers*

- The employed parent/guardian who has to care for the child<sup>9</sup> at home because of *force majeure* that is a consequence of childcare due to an enforced quarantine of a child, or closure of kindergartens, schools and social care institutions, and thus cannot work (not even from home), is entitled to 80 per cent salary compensation (based on one's average salary in the last three months), but not less than the minimum wage. The measure was in force between 13 March and 30 June 2020, and again from 1 September 2020. The state budget fully reimburses the employer the amount of salary compensations.
- Since 1 September 2020, the self-employed persons, partners in firms who are managers (insured as shareholders), and farmers have been entitled to a tax-free flat-rate partial reimbursement of foregone income while not being able to work due to care for a child<sup>10</sup> as a consequence of child's quarantine or strictly restricted kindergarten or school attendance (or kindergarten or school closure). They receive €250 for each period of childcare, but not more than €250 for ten days, €500 for 20 days and €750 per month.

## **4. Uptake of leave**

### **a. Maternity leave**

As Maternity leave is obligatory, all employed women should take up some (normally all) leave.

### **b. Paternity leave**

Roughly four in five fathers<sup>11</sup> take up to (and close to) 15 days of Paternity leave (13.7 days on average in 2020), while over half of leave-takers take more than 15 days (24.6 days on average in 2020). The first

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<sup>9</sup> The child up to and including the 5<sup>th</sup> grade of elementary school (i.e. around age 12), the child with disabilities in an adapted/special programme, or the child with special needs who requires continuous care.

<sup>10</sup> For the age of child, see the former footnote.

<sup>11</sup> This proportion relates to all fathers and is thus higher for eligible fathers.

15 days are usually taken when the mother and child come home from the hospital.<sup>12</sup>

#### **d. Parental leave**

Most mothers 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). In 2017-2020 the share of fathers among all leave-takers remained at around four per cent. Considering the full earnings compensation while taking leave (except from June 2012 to December 2018 when it was 90 per cent), the reasons for fathers' persistent low participation may be found in the traditional division of tasks within the family; societal attitudes (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>13</sup> <sup>14</sup> Paternity leave provisions and fathers having the same individual entitlement to Parental leave as mothers, do not significantly influence mothers' earlier return to work after their leave period. Since fathers usually take only part of the Parental leave (if any at all), women's professional careers continue to be affected by their absence from work as a direct result of taking up Parental leave.

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<sup>12</sup> Stropnik, N. (2018) 'Fathers' rights and uptake of leaves in Slovenia,' Peer review on 'Instruments to foster long-term paternal involvement in family work,' Berlin, 4-5 October 2018. Available at: [https://ec.europa.eu/info/publications/mlp-gender-equality-seminar-long-term-paternal-involvement-family-work\\_en](https://ec.europa.eu/info/publications/mlp-gender-equality-seminar-long-term-paternal-involvement-family-work_en).

<sup>13</sup> Rakar, T., Stropnik, N., Boškić, R., Dremelj, P., Nagode, M. and Kovač, N. (2010) *Raziskava o vplivih veljavnih ukrepov družinske politike na odločanje za otroke [Research on the impact of family policy measures on deciding to have children]*, Ljubljana: Social Protection Institute of the Republic of Slovenia. Available at: <http://www.irssv.si/publikacije/leto-2010/index.html>

<sup>14</sup> Hrženjak, M. (ed.) (2016) *Spremembe očetovstva: moški med delom in starševstvom [Changing fatherhood: men between employment and parenthood]*. Ljubljana: Mirovni inštitut.

# South Africa<sup>1</sup>

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April 2021

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.

**Note on leave information:** South Africa is governed as a constitutional democracy with a three-tiered interdependent governmental structure – i.e. national, provincial and local. 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: the National Defence Force, National Intelligence Agency, or SA Secret Service, and workers who work fewer than 24 hours per month. There are two other mechanisms that can have an influence on leave determinations, and those are: a collective agreement (in terms of section 213 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): it is concluded by, on the one hand, one or more registered trade unions, and, on the other, one or more employers or one or more registered employers' organisations – section 213 of the LRA.

## Sectoral determinations

A sectoral determination is not an agreement: it is a determination made by the Minister of Employment and Labour, in terms of Chapter Eight of the BCEA, and, before making a sectoral determination for employees

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<sup>1</sup> Please cite as: Kasselmann, H. (2021) 'South Africa country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)



in an area or sector, the Minister of Employment and 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) – as such, 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 Employment and Labour, in terms of the BCEA (as mentioned above), must 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, and children in the performing arts. This does not include leave provisions: the determination only refers to working hours. There are also sectoral determinations for the taxi sector, forestry sector, farm work sector, and hospitality sector, plus the ministerial determination for the small business sector (for businesses with fewer than ten employees). Many 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 they are giving between 15 and 30 working days' leave to employees. It is also common practice for employers to use leave as a retention and reward strategy, in as far as they provide more leave to employees who have working for them longer and, as a reward, 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, referred to as bargaining councils. Information and 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 industrial sectors. 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.

## **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 for the birth mother, and can only be reduced if a doctor certifies that the employee may return to work earlier.
- Maternity leave is not gender specific. According to section 25 of the BCEA Act<sup>2</sup> which governs Maternity leave in South Africa: 1) 'an employee is entitled to Maternity leave' and 2) 'an employee may commence Maternity leave.'
- 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>3</sup>

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<sup>2</sup> Nowhere in the Act is 'an employee' defined in gendered 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 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 the 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 – see 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.

<sup>3</sup> UIF payments are based on the number of 'credit days' an employee has accumulated in four years. An employee must work six days to receive one credit day at the UIF. This means that for every six days the employee works, they can claim one day's pay from the UIF. The employee would need to accumulate 238 credit days to receive the full benefit.

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 four months (section 24 of the BCEA). This claim is subject to the number of credit days an employee has. If an employee has worked and contributed for four continuous years, the employee will be entitled to the full amount of credit days for payment over the whole period of Maternity leave.

- The Unemployment Insurance Fund (UIF) benefits are payable at a flat rate of 66 per cent of earnings to a female contributor for “confinement” (i.e. being on Maternity leave) and the period after birth of a child. The benefit is capped to a maximum benefit of ZAR14,872 [€877.65]<sup>4</sup> a month. Maternity benefits are paid for a maximum of 121 days. If an employee earns more than the threshold and the employer does not pay while the employee is on Maternity leave, UIF will pay the maximum of ZAR14,872 [€877.65]. If the employer pays less than the regular earnings per month, the UIF will top the payment up to the maximum of ZAR14,872 [€877.65]. Income tax is not payable on benefits received from the 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 cover the shortfall between the benefit received and their normal monthly salary. This is done so that the total amount the employee will receive from the UIF and other sources cannot exceed their normal monthly salary. Employees must apply for Maternity leave benefits at a labour centre at least eight weeks before the expected date of the birth (section 25 of the Unemployment Insurance Act).
- Compulsory contributions to the UIF are made by employers and employees on a monthly basis, and each contributes one per cent of the employee’s earnings, up to a maximum combined contribution of ZAR148.72 [€8.78] per month.
- The main exception concerns employees working in national and provincial government. Public service employees are entitled to four months of Maternity leave (under the terms of the June 2018 determination: ‘Leave of Absence in the Public Service’). Although this does not explicitly state that leave is fully paid, it can be

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<sup>4</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-zar.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-zar.en.html).

assumed to be so, because contract workers are entitled to fully paid Maternity leave under 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 (section 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)*

- The Unemployment Insurance Act (UIA) and Unemployment Insurance Contributions Act apply to all employers and employees, except for: employees working fewer than 24 hours per month for an employer; learners (including 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 also 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. Maternity leave and maternity pay for these employees are 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 her partner is working or not.
- There are differences in terms of eligibility for Maternity leave (BCEA) and maternity payments (UIA); however, both acts require an employee to be working for more than 24 hours per month, in order to receive Maternity leave and maternity pay.

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the 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 possible.
- 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 apply. Where the employee is absent from work due to a pregnancy-related illness at any time after the start of the fourth week before her child is due, employers may reserve their right to require the employee to start her Maternity leave immediately. All other episodes of 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.

*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 is entitled to up to eight working days of pre-natal leave per pregnancy, in order 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.<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 agreements.
- The percentage of employers offering maternity pay (as a percentage of basic wage) ranged from 20 per cent in sectoral determinations to 47.7 per cent in bilateral agreements.<sup>6</sup>

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<sup>5</sup> Department of Public Service and Administration (2018) *Determination and Directive on Leave of Absence in the Public Service, June 2018*. Pretoria: Government Printer.

<sup>6</sup> The last published report was in 2013, still only reflecting the 2012 survey. See also 'flexible working' (1e) for the code of good practice titled *Protection of*

- Employees are entitled to return to the specific post (or comparable post) that they left before going on Maternity leave. It would be considered discriminatory to dismiss a woman for any reason related to her pregnancy, a right which is protected by the unfair dismissal provisions of the Labour Relations Act.

## **b. Paternity leave**

- Paternity leave in South Africa is described in section 3 of the Labour Laws Amendment Act, No. 10 of 2018 promulgated on 27 November 2018. It is important to note that the term 'Paternity leave' is not used in the Labour Amendment Act, but, according to our definitions, the measure is to be classified as Paternity leave rather than Parental leave.
- Section 25A provides for ten consecutive days of unpaid leave for an employee, when the employee's child is born.
- This section also includes when an adoption order is granted or when a child is placed in the care of a prospective adoptive parent.
- In section 25A (5), payment is provided for parental benefits from the Unemployment Insurance Act, 2001 (Act No. 63 of 2001). Section 8(c) of the Labour Laws Amendment Act provides, in subsection (cA), for parental benefits to be paid at a rate of 66 per cent of the earnings of the beneficiary at the date of application.

## **c. Parental leave**

No statutory entitlement. (But see adoption leave and commissioning parental leave as described in section 1e).

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

- None (though some companies may provide such leave as part of their attraction and retention strategy).

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

### *Adoption leave and pay*

- Section 3 of the Labour Laws Amendment Act provides for adoption leave to be added to the BCEA, section 25B, and allows

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*Employees during Pregnancy and After the Birth of a Child* (Government Gazette, 1998) and Easley, T. (Ed.). (2013, March) *Bargaining Monitor*, Vol.27, 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)

for an eligible employee who is adopting a child to take time off when a child is placed with them for adoption. The provisions apply to married couples, couples in a civil partnership, unmarried couples (same and opposite sex), and single people who adopt. This applies to placements for children younger than two years of age. Adoption leave is extended to an individual or to one member of an adopting couple.

- An eligible employee is entitled to adoption leave of at least ten weeks consecutively.
- If the employee is a foster parent, who is also approved as a prospective adopter, and a child is placed with the employee in a 'foster to adopt' situation, they will have the same entitlement to adoption leave and pay.
- The partner of an individual who adopts, or the other member of a couple adopting jointly, may be eligible for adoptive Parental leave and pay.
- An employee who is the primary carer is entitled to paid leave associated with the adoption of a child, and the payment of parental benefits are determined by the minister, subject to the provisions of the Unemployment Insurance Act, 2001 (Act No. 63 of 2001). Section 8(c) of the Labour Laws Amendment Act provides, in subsection (cB), for adoptive benefits to be paid at a rate of 66 per cent of the beneficiary's earnings at the date of application.

#### *Commissioning Parental leave*

- Section 3 of the Labour Laws Amendment Act provides for adding section 25C to the BCEA and provides a commissioning parent in a surrogate motherhood agreement with at least ten consecutive weeks of leave, or with commissioning Parental leave, as described in section 25A of the BCEA.
- Section 25C(6) describes it as follows: 'if a surrogate motherhood agreement has two commissioning parents, one of the commissioning parents may apply for commissioning Parental leave and the other commissioning parent may apply for the Parental leave referred to in section 25A: provided that the selection of choice must be exercised at the option of the two commissioning parents.'
- An employee who is the primary carer is entitled to paid leave associated with the adoption of a child and the payment of commissioning parental benefits, as determined by the minister, subject to the provisions of the Unemployment Insurance Act, 2001 (Act No. 63 of 2001).
- Section 8(c) of the Labour Laws Amendment Act provides, in subsection (cC), for commissioning parental benefits to be paid

at a rate of 66 per cent of the beneficiary's earnings at the date of application.

#### *Public service employees*

- Employees in the public service are entitled to leave of 45 working days when adopting a child under the age of two, due to the June 2018 determination regulating leave in the public service. Section 4 of the determination now also includes surrogacy leave and adoptive leave (Department of Public Service and Administration, June 2018). Although this determination does not explicitly state that adoption leave is fully paid, it can be assumed to be so because contract workers are entitled to fully paid adoption leave under this determination. These employees are permitted to extend this leave by 184 calendar days of unpaid leave.
- Surrogacy leave for public servants has been divided in two categories:
  - (1) for the commissioning parent who, from 8 June 2018, may take four consecutive calendar months' paid leave, commencing from the date of the birth.
  - (2) for the surrogate mother, who will be entitled to six consecutive weeks' Maternity leave. The determination is silent on payment for the surrogate mother.

#### *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 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 to qualify for this leave. This leave is an individual entitlement that cannot be shared by spouses, if one spouse chooses not to use their 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.<sup>7</sup>
- According to the public service determination,<sup>8</sup> employees in the public service are permitted to utilise family responsibility leave

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<sup>7</sup> Easley, T. (ed.). (2013) *Bargaining Monitor*, Vol.27, 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)

<sup>8</sup> Department of Public Service and Administration, June 2018



as follows. With effect from 1 January 2013, employees are entitled to the following family responsibility benefits:

- five working days' family responsibility leave per annual leave cycle to be used if the employee's spouse or life partner gives birth to a child; or the employee's child, spouse or life partner is sick;
- five working days leave' per annual leave cycle to be used 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 any children with severe special needs shall be granted five 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 offspring 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 because it 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 regarding the protection of employees during and after pregnancy<sup>9</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

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<sup>9</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.

that employers identify and assess any workplace hazards which may impact the pregnant mother and/or foetus, and consider appropriate action. The code of good practice titled '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 regarding the arrangement of working time adds that arrangements should be considered to accommodate the special needs of workers, such as pregnant and breastfeeding workers, and workers with family responsibilities.
- The code of good practice titled '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 for working time arrangement 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. The code of good practice titled '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, as well as after the birth of the child. The code also recommends that arrangements be made for employees who are breastfeeding to have breaks of 30 minutes twice a day to breastfeed or express milk, for the first six months of a child's life.

#### *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 to 66 per cent of earnings. There is no entitlement to Early Childhood Education and Care (ECEC) and the compulsory school age is seven.

The 2019 General Household Survey (Statistics South Africa, 2019, p. 12)<sup>10</sup> indicates that approximately 36.8 per cent of children up to the age of four attended day care or educational facilities outside their homes. The same survey indicates that 50.2 per cent remained at home with a parent or a guardian and 7.5 per cent were looked after by other adults.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

#### **Policy response to the Covid-19 pandemic to end of April 2021**

##### *Childcare and schools*

- South Africa's first case of COVID-19 was confirmed on 5 March 2020, by the Minister of Health, Dr Zwelini Mkhize. School closures were mandated, and gatherings of more than 100 people were prohibited. Schools closed on 18 March 2020, in accordance with the pronouncement by the SA President on 15 March 2020. This decision was informed by the warnings issued by the National Institute of Communicable Diseases (NICD) and WHO, schools have been identified as high-risk areas, in terms of ease of transmission, due to the close contact of large numbers of people.
- There was a phased-in return to school. Matric learners and year 4 schools of skills learners were expected to return to schools on 3 August 2020 along with teachers and supporting staff for these grades. Grade 7 learners and teachers returned to school on 11 August 2020. From 17 August 2020 all school officials were expected to return to schools in preparation for learners in the remaining grades returning to school. Scheduled to return on 24 August 2020 were learners in grades R, 1, 2, 3, 4, 6, 9, 10 and 11. Schools of Skills learners in years 1 to 3 also returned to classes on this day. The remaining learners, in grades 5 and 8, were scheduled to return to school on 31 August 2020. This phased-in return applied to all public schools.
- Access was strictly controlled of any visitor to schools, learners and parents included. As well as very specific guidelines on supporting specific learner needs (learners with disabilities); how to manage food serving schools; physical distancing; ventilation; wearing masks and the protocols of personal protective equipment. The management of COVID-19 cases at school aim

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<sup>10</sup> Statistics South Africa (2019) *General Household Survey*. 12. Pretoria: Stassa.

was to 1) managing individuals with a confirmed diagnosis; 2) containing transmission; 3) managing a cluster of individuals with suspected or confirmed diagnosis and 4) identifying remedial gaps.

- Categories were provided of learners that may not return to school during the pandemic. These categories included learners with comorbidities; those whose parents have concerns and learners whose parents have decided to home-educate. Learners with disabilities are seen as a separate category and the emphasis is placed on providing them with resources and services to support their learning at home.<sup>11</sup>

#### *Parental Leave*

- There were no modifications to Parental leave.

#### *Other measures for parents and other carers*

- Covid-19 has been declared an occupational disease in terms of the Compensation for Occupational Injuries and Diseases Act (COIDA), Act 130 of 1993 (as amended). This means that if an employee is absent from work due to contracting the virus during the course and scope of his or her employment, such leave will be covered in terms of COIDA. COIDA stipulates that sick leave does not apply to an inability to work caused by an accident or occupational disease. Employees thus do not have to use their sick leave allocation as in terms of the COIDA notice, payment for total temporary disablement will be made by the Compensation Fund for as long as the disablement continues (i.e. as long as the employee is booked off), but not exceeding 30 days.
- An employee's entitlement to paid sick leave and other benefits during COVID-19 is as follows:
  - An employee who presents with or advises of COVID-19 symptoms: The employer must place the employee on paid sick leave in terms of the Basic Conditions of Employment Act (BCEA). The employer may require the employee to produce a valid medical certificate before paying the employee. If sick leave has been exhausted, the employee may claim UIF illness benefits.
  - An employee who has had a 'high risk' exposure to someone with COVID-19 inside the workplace: When the employer has made an assessment that the employee has had a 'high risk' exposure to COVID-19 at work, the employee should provisionally be placed on paid sick leave. However, if COVID-

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<sup>11</sup> [https://www.nicd.ac.za/wp-content/uploads/2020/11/Revised-DBE-guidelines-Management-of-COVID-in-schools\\_Sept2020.pdf](https://www.nicd.ac.za/wp-content/uploads/2020/11/Revised-DBE-guidelines-Management-of-COVID-in-schools_Sept2020.pdf)

19 is confirmed, the absence should not be dealt with as sick leave in terms of the BCEA, but rather as a claim for compensation in terms of COIDA.

- An employee who has had a 'low risk' exposure to someone with COVID-19 inside the workplace: The employee is not entitled to sick leave unless the employer decides that the employee must stay at home.
- An employee who has had a 'high risk' exposure to a COVID-19 positive case outside the workplace: The matter must be treated in a similar way to an employee who has been exposed in a Covid-positive case in the workplace. The employee should self-isolate, the employer may insist that the employee provides substantiating evidence before treating it as paid sick leave.
- An employee who has had a 'low risk' exposure to a COVID-19 positive case outside the workplace: The employee is not entitled to sick leave unless the employer decides that the employee must stay at home.
- Vulnerable employees: The absence of an employee from work merely due the employee being vulnerable, may be treated as annual leave or unpaid leave. In exceptional circumstances the employer may treat it as paid sick leave, but it remains in the employer's discretion. If a treating doctor /occupational medical practitioner is willing to motivate the employee's absence as 'temporary incapacity', the employee may be able to claim UIF benefit."
- Illness benefits: Normal UIF illness benefits for up to 10 days' quarantine/self-isolation remain available to employees who have exhausted their sick leave.<sup>12</sup>

## 4. Uptake of leave

### a. Maternity leave

In the Quarterly Labour Force Survey 2020,<sup>13</sup> quarter four (p.26) indicates that there are 22,257,000 people employed in South Africa. Of these (p.75), 12,615,000 have access to Maternity or Paternity leave: equating to 56.6 per cent of employees that were entitled to some form of Maternity or Paternity leave for that year (Statistics South Africa, 2020). However, there are no available figures for the take-up of Maternity leave.

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<sup>12</sup> Jan Truter, 18 June 2020 updated 3 February 2021. Available at: <https://www.labourwise.co.za/labour-articles/covid-19-sick-leave-crisis-looming>.

<sup>13</sup> Statistics South Africa (2020) *Quarterly Labour Force Survey*, Quarter 4: 2020

**b. Paternity leave**

There is no information on the uptake of family responsibility leave used for this purpose or for the uptake of Paternity leave provided.

**b. Parental leave**

There is no information on the uptake of Parental leave provided.

# Spain<sup>1</sup>

**Gerardo Meil** (Autonomous University of Madrid), **Anna Escobedo** (University of Barcelona) and **Irene Lapuerta** (Public University of Navarre).

April 2021

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

**Note on terminology:** A reform of the Spanish gender equality law came into effect in March 2019 and major changes were introduced in leave policy (see details in 2019 review). 'Maternity leave' was replaced by 'Birth and Childcare Leave' and, for the allowance 'Birth and Childcare Benefit'. 'Paternity leave' was replaced by 'Birth and childcare leave -or benefit- for the parent other than the biological mother'.

### a. Maternity leave (*Birth and Childcare Leave: Permiso y prestación por nacimiento y cuidado del menor*) (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 four of the remaining ten optional weeks can be taken before the birth.

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<sup>1</sup> Meil, G., Escobedo, A. and Lapuerta, I. (2021) 'Spain country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021* 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 up to a ceiling of €4,070.10 per month. This allowance is tax-free.
- A flat-rate benefit (€564.90 per month or €18.73 per day) is paid for 42 calendar days to all employed women who do not meet eligibility requirements.
- Financed by social insurance contributions from employers and employees. As a 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*

- Leave can be taken from four weeks before the due date. This provision also applies in the case of international adoption if parents must move to the country of origin of the child.
- Six weeks must be taken full-time after the birth (or the judicial decision of adoption or foster care). The ten remaining weeks can be taken, in agreement with the employer, part-time, and/or spread over the first year on a weekly basis (the employer, however, can refuse a proposal to take the leave on a full-time basis). In case of adoption, the possibility to spread parts of leave over the first year applies only for children under 12 months of age. In any case, employers must be informed at least 15 days in advance.
- As of 2021, this leave cannot be partially transferred anymore to the other parent, which was possible from 1989 till 2020.

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

- All employed women (whether employee or self-employed; working on open-ended or fixed-term contracts; working full- or part-time) are entitled to Birth and Childcare Leave.
- However, conditions must be met in order to qualify for the earnings-related 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 for at least 180 days in the previous seven years (or 360 days during working life). Women under 21 years of age do not need to have had a previous period of social security contribution, and women between 21 and 26 years of age 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 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 the birth, adoption, or fostering of a child or children with a disability, mothers have the right to one extra week of leave for a new child, and to family benefits from an additional lump-sum benefit. In case of multiple birth, mothers have the right to one extra week for every new-born from the second child onward.
- In the case of a premature birth or infant hospitalisation, leave is extended up to 13 weeks.
- If the baby dies, leave is not reduced.
- If the mother dies, the other parent can take her leave entitlements, independent of the mother's previous employment situation and entitlements.
- The non-contributory benefit is extended to 14 calendar days (from 42 to 56 calendar days) for single mothers, large families, multiple births, or disabilities.
- In the case of adoption and foster care of a child less than six years of age, each parent must take six weeks of full-time leave just after the judicial or administrative decision. The ten optional weeks for each parent can be taken full-time or part-time in agreement with the employer (who can, however, refuse a proposal to take the leave on a full-time basis). These optional weeks can be spread over the first year on a weekly basis (if the child is less than 12 months old and both parents work), or taken in a block during the first year. In the case of international adoptions, which require moving to the home country of the child, public employees can take an additional two-month paid leave at a lower rate.
- Same-sex parents have the same rights as heterosexual parents.

*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 cannot be reasonably accommodated, the working contract or activity must be interrupted, and leave can be taken with payment of 100 per cent of earnings. Such leave correspondingly lasts until the beginning of Birth and Childcare Leave, or until the baby reaches the age of nine months.

- Several 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 the Birth and Childcare Leave (Collective Agreement 2019-2022) and those working for the regional government of Madrid have a right of up to ten calendar days.

**b. Paternity leave (*permiso y prestación por nacimiento y cuidado del menor del progenitor distinto de la madre biológica*) (responsibility of the Ministry of Labour and Immigration)**

*Length of leave (before and after birth)*

- Sixteen weeks for all employed fathers (including self-employed) after childbirth, adoption, or foster care. Six weeks are obligatory and must be taken following the birth.

*Payment and funding*

- 100 per cent of earnings paid by the Social Security Fund with the same conditions as for Birth and Childcare Leave for the biological mother.

*Flexibility in use*

- Same conditions as for Birth and Childcare Leave for the biological mother, except for the possibility to initiate leave till four weeks before birth.

*Regional or local variations in leave policy*

- A number of regional and local governments improved entitlements for employees in the private, but specially in the public sector, before the last leave reform came into effect in March 2019. These local and regional entitlements have been replaced by the full implementation of this reform in 2021 (see section 3 for a broader explanation of this reform).

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

- Same conditions as for Birth and Childcare Leave for the biological mother.

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

- Leave is extended by one extra week per child from the second onward in the case of multiple births (or adoption or fostering), or if the child has a disability.
- The entitlement encompasses gay and lesbian couples: this leave can be taken by the parents other than the biological mother (see 1e).
- In case of lone parenthood, there is no right to accumulate leave rights of both parents. Lone parents are entitled to only 16 weeks of 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.
- This leave cannot be transferred to the other parent.

**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. All employees taking leave are credited with social security contributions for the whole period, which affects pension accounts, health cover, and new Birth and Childcare 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*

- Currently, only two out of 17 regional governments – *Comunidades Autónomas* – provide flat-rate benefits to increase the use of Parental leave. Five regional governments (Balearic Islands, Murcia, Castilla-León, Castilla-La Mancha, and Navarre) abolished their benefits between 2010 and 2013 because of the economic crisis.
  - Basque Country offers €291.66 per month for families with an annual income below €20,000 per person (€245.16 for families with an annual income above this threshold). The amount of the benefit was updated in 2019 and income ceilings were introduced in 2015. The amount is increased by 30 per cent in case of single-parent or large families, severe disability of any of the family members or in situations of gender-based violence. Mothers can receive this benefit for 18 months per child, whereas fathers for 30 months, with a maximum period of 73 months for all the children (48 months when the Parental leave is only used by the mother and 73 months when the father is the sole user).
  - La Rioja provides €250 per month, but restricted to families with an annual income below €40,000 (or €50,000 in the case of large families). The amount of the benefit has remained stable since 2003, when it was introduced, but the income ceiling has been increased.
  - Castilla-León reintroduced in 2020 a family benefit with a total amount of €1,500 when both parents take one and a half month parental leave each.

### *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 – defined as those with three or more children, or with two children, one of whom has a disability.
- The period of job-secured leave is also extended up to a maximum of 18 months when both parents use the Parental leave equally.

*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 270 days (nine months) from the social security credits per child,<sup>2</sup> 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 cover only the period spent outside of employment. It also applies to all births, after or before the law took force. Only one of the parents has the right to these pension credits; in the case of dispute, it is attributed to the mother.
- There is a complementary pension benefit of €27 per month (in 2021) and per child for mothers (or alternatively for the father if he interrupted employment in connection to childbirth and has a lower pension than the mother) in the case of contributory old age or permanent sickness pensions, or widowhood pensions.<sup>3</sup>

#### **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 sector than in the private sector.

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<sup>2</sup> Regulated by RD 1716/2012. Available at: <https://www.boe.es/buscar/doc.php?id=BOE-A-2012-15765>

<sup>3</sup> See: <http://www.seg-social.es/wps/portal/wss/internet/Trabajadores/PrestacionesPensionesTrabajadores/4c43ce49-6636-4a12-bacf-5e6697eb81da> (regulated by Real Decreto-Ley 3/2021, 2 February 2021)

## **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 of age or older children with additional needs (e.g. disabilities, international adoptions).
- Public sector 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 of the child's life, adoption, or foster care (12 months in the public sector), employees (both parents) are entitled to one hour of absence during the working day without a loss of earnings. This part-time leave (*permiso de cuidado del lactante*) was originally meant to support breastfeeding, but is defined now as period of nursing care. It is an individual, non-transferable entitlement. 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 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, parents can, in practice, extend their Birth and Childcare 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) this leave is recognised for each child, although the length can vary depending on collective or company agreements, in the case of using it on a full-time basis. This absence is paid for by the employer. In the private sector, if both parents make use of this leave equally and in the same way, they can extend the leave until the child's first birthday. In this case, the wage reduction during this additional period is compensated by social security funds.

### *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 of age 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 individual's earnings (subject to the same ceiling as for the Birth and Childcare Leave benefit) from professional sickness insurance schemes, with

previous contributory requirements as for Birth and Childcare 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 the 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 the annual holidays and use them after their Birth and Childcare Leave, so that they do not lose them.
- A working parent can reduce their working day by between an eighth and a half of its normal duration, in order to care for a child under the age of twelve 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 are 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. However, Navarre abolished these payments in 2011, and Castilla La Mancha and Castilla-León in 2012. This latter region has implemented a new benefit in 2020. Since 2002, public sector employees in Catalonia (both fathers and mothers) can reduce their working hours by a third with a 20 per cent earnings reduction, or by a half with a 40 per cent earnings reduction, if they have a child under six years of age or care for a disabled relative. Since 2012, they have been able to consolidate this reduction in working time as a full-time leave during the first year in order to extend, in practice, their Birth and Childcare Leave.
- Parents of children under the age of twelve have the right to request an adaptation of their working time, including teleworking, to guarantee their right to balance working and family life. Employers can reject the request, but have to justify it based on objective reasons.

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

- 2 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. 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 sector 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 part-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 of age.
- In cases of chronic dependency, one person can become an informal carer to another and receive a payment if both are co-resident. It 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 2021). The payment is claimed by the dependent relative. Since 2019, informal carers have been credited with social security contributions for the minimum base, which affect pension accounts and health cover. These social security contributions were temporarily abolished during the financial crisis.

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

The maximum period of post-natal leave is three years, but most of this period is unpaid; leave paid at a high rate ends after 'Birth and Childcare leave' (around five and a half months after the birth, including the



consolidation of reduced working hours related to breastfeeding leave or *permiso de cuidado del lactante* - see 1e - if both parents use their leaves simultaneously or seven months if they use them consecutively after birth). The Spanish Education Law considers ECEC as a non compulsory stage of the education system (*Ley Orgánica 3/2020, de 29 de diciembre, por la que se modifica la Ley Orgánica 2/2006, de 3 de mayo, de Educación, LOMLOE*). It provides *de facto* an entitlement to Early Childhood Education and Care (ECEC) from three years of age, and nearly all children over this age attend early education. There is, therefore, no gap between the end of leave and an ECEC entitlement, but a substantial gap of approximately two and half years between the end of well-paid leave and this *de facto* entitlement.

Levels of attendance at formal services for children under three years are just above the average for the countries included in this review and for OECD countries, and above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on the [cross-country comparisons](#) page.

### **3. Changes in policy since April 2020 (including proposals currently under discussion)**

In June 2018, a new left-wing coalition gained government, being one of the coalition agreements to equal the length of Maternity leave and Paternity leave, making them individual and non-transferable rights. A new law was introduced in March 2019<sup>4</sup> fixing the terms and calendar of this leave reform. From 1 January 2021 onwards, both parents (irrespective of their gender and filiation) have the same right to Birth and Childcare leave. This implies an increase in four weeks leave for the other parent and the suppression of the possibility to transfer part of the leave right of the mother to him. The new law facilitates the use of both leaves by reducing the conditions to get access to benefits and allowing their use over a period of twelve months on a weekly basis. On the other hand, it has introduced the employer's agreement for the use of the non-compulsory birth leave period, that is from the 6<sup>th</sup> week after birth onwards. Following the law's criteria of equal treatment for mothers and fathers at birth and the promotion of joint responsibility, this clause can be problematic and will need to be monitored. In fact, although there is still no information about how mothers and fathers are using and combining their periods of leave, it may restrict the use of continuous and non-simultaneous full time leaves for both, worsening previous standards of maternal protection at work and reducing the effectiveness

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<sup>4</sup> See: 'Real Decreto-ley 6/2019, de 1 de marzo, de medidas urgentes para la garantía de la igualdad de trato y de oportunidades entre mujeres y hombres en el empleo y la ocupación.' Available at: <https://www.boe.es/boe/dias/2019/03/07/pdfs/BOE-A-2019-3244.pdf>

of the leave reform to achieve gender equality and parental involvement in childcare. Names have also changed (the terms 'Maternity' and 'Paternity' have been omitted), using instead the terms 'birth, adoption or foster childcare leave' and, for the payments, 'birth and childcare benefit.' The law also redefined the breastfeeding leave from a family right, in which only one parent can use it, to an individual and non-transferable entitlement.

In two court cases (a judgment of the Superior Court of Justice of the Basque Country in October 2020 and a social court in Valencia in May 2021)<sup>5</sup> the rights were recognized of mothers from single parent families to add the non-compulsory weeks of Paternity leave. That was based on the argument that if the benefit is denied to the beneficiary, there is a violation of the right to equality enshrined in the Convention on the Rights of the Child. It is a new approach in Spain that leave regulation is interpreted in terms of children's rights.

## **Policy responses to the Covid-19 pandemic to end April 2021**

The Spanish government established a state of emergency during two periods: 14 March to 21 June 2020 (first Covid-19 wave in Spain) and 25 October 2020 to 9 May 2021 (second wave).

### *Childcare and schools*

- ECEC services were totally closed in Spain during the first pandemic wave (March-June 2020; see also Spanish country note 2020 for details) and fully reopened with usual time schedules throughout the month of September 2020, following all public health protocols.
- Schools -including pre-school for 3-5-year-olds- and the rest of educational centres were totally closed to students during the first pandemic wave. On-line teaching and family monitoring were provided, when possible, during the first state of alarm and until the end of the academic year in June. All schools re-opened in September 2020, following the COVID health authorities' guidelines, i.e. stable and smaller groups as much as possible (with no general agreement about the children/teacher ratio); the maintenance of a meter and a half of physical distance between students; the obligation to open windows, and to wear mask for children above six years).

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<sup>5</sup><https://www.europapress.es/comunitat-valenciana/noticia-juzgado-reconoce-madre-familia-monoparental-derecho-sumar-semanas-permiso-paternidad-20210514142313.html>

### *Parental leave*

- There were no modifications to Parental leave.

### *Other measures for parents and other carers*

- During the pandemic state of alarm and a beyond (foreseen until 30 September 2021) parents and carers had the same leave rights as before, though some conciliation arrangements have been extended under the umbrella of 'Plan Me Cuida' (To care for Plan): employed parents with children having a Covid-19 diagnosis have been entitled to paid leave for 14 days (under the own Covid-19 sick leave and benefit scheme), while parents whose children are sick without Covid-19 diagnosis or at home in school quarantines can only adapt working conditions or take leave, but without payment (see below). People affected by an ERTE (Temporary Suspended or Reduced Employment due to the state of alarm) have full right to birth and caring leave (former Maternity and Paternity leave), what implies a higher payment.
- One of the Laws regulating working conditions during the state of alarm (and beyond within the pandemic) since the beginning of the confinement (RD 8/2020, as of 17 March last modified in June 2021), encouraged employers and self-employed, whenever possible, to switch to teleworking, a practice that was quite widely used (estimations vary between one fifth and one third of the employed population). New legislation was passed in September 2020 to regulate telework and homework particularly working time distribution, the right to disconnect after working hours and the compensation of costs derived from this working form (*Real Decreto-ley 28/2020, as of 22 September, de trabajo a distancia*).
- This same 8/2020 law enlarged conciliation rights of employees during the period. Carers of (up to second-degree) relatives directly affected by Covid-19 or by the closure of ECEC services, schools, elderly and disabled day care centres have an individual right to ask for a change in their working conditions in order to facilitate work-life balance, subject to an agreement with the employer. This has included the right to flexible work hours, to change the daily distribution of working time, the working place (including teleworking) or the functions to be performed.
- In addition, the right to reduce the working day to half of its normal duration (with proportional reduction of the salary, but not reduction of pension credits) for caring children and adult dependents (see 1.e above) has been extended to a 100 per cent reduction and the period of notice to the employer has been reduced to one day. This right is available at the moment until 30 September 2021.

- The special measures as explained above have also applied for parents and carers of sick, frail or disabled relatives.
- Since 10 March 2020, the Spanish Government adopted a series of urgent measures, with seven urgent Law-Decrees in the field of social and labour policy expected to last until three months after the end of the first state of alarm (initially until end of September 2020). At the end of September and during October 2020, these measures were extended in order to manage the effects of the successive pandemic waves and a new less strict but longer state of alarm was approved until 9 May 2021, at present part of the measures have been extended until end September 2021 (e.g. Plan Me Cuida). Besides the measures already explained above, other relevant measures during the state of alarm have been:
  - Publicly subsidised Temporary Employment Regulation (ERTE) for companies whose services or activities are clearly interrupted (e.g. bars and restaurants, sports centres, tourism sector, retail sector, etc.). The government facilitated companies to make a collective transition to unemployment benefits, so that employees did not have to make individual applications, and receive this 'type' of unemployment benefit meanwhile. On the other hand, companies maintaining their employees that could not attend work benefited from social security reductions
  - Social partners and some Autonomous Communities have asked during this period for new types of paid leaves in case that parents or carers had to stay at home to care for children sick or in quarantines and the elderly after the closure of schools, day centres and in case of mobility restrictions, to be funded by the extraordinary aid fund established for the crisis management.
  - Sick leave due to COVID has been assimilated to professional sickness, thus receiving better benefit.
  - Self-employed can postpone social security and tax payments and receive a benefit if they have to stop working due to COVID confinement measures.
  - Measures have been adopted to protect more vulnerable families (postponement of mortgages payments, basic home services as water or energy are guaranteed, support to home help services for dependents etc.), in particular new legislation guaranteeing a minimum income was passed by urgent proceeding (*Real Decreto-ley 20/2020, de 29 de mayo*, por el que se establece el ingreso mínimo vital) and has been developed in 2021.
- There have been active social policies to facilitate flexicurity, telework and protected temporary interruptions at work accompanied by mechanisms for job protection and income maintenance. There has not yet been a comprehensive evaluation

of the use of all these measures and their social impacts. The need for more generous leave to take care of sick relatives or children beyond Covid-19 has emerged in the public debate.

## 4. Uptake of leave

Statistics on uptake of leave, as is quite common, are scarce and difficult to interpret, particularly after the 2019 reform, where the optional part of the Birth and Childcare leave can be split into different periods of time during the first year. Registered data on uptake do not include persons who benefit from the leave right, but administrative processes of acknowledgment, what implies that when a parent splits her/his right to leave into several periods, each of these periods are counted as a separate administrative process. As a consequence, statistics on leave use include after the reform both, variations in leave uptake and flexibilisation in its use.

### a. Maternity leave

Since the beginning of the economic crisis in 2008 the number of mothers benefiting from Maternity leave has been decreasing as did also the number of births. The take up rate measured in relation to the number of births has remained, however, stable around 66 per cent (ranging from 64.6 till 68 per cent), as unemployment among women in central adult age groups didn't increased substantially. This percentage underestimate the real take up rate in relation to eligible mothers (those paying Social Security fees or benefiting from unemployment benefits). According to the data provided by the Fertility Survey, 2018 of the National Statistical Institute (sample of interviewed women), 82.5 percent of eligible mothers benefited from Maternity leave for their first child and 84.9 per cent for their second child<sup>6</sup>.

In 2019, first year of the progressive leave reform, the number of Birth and Childcare leave acknowledged to the first parent amounted 246,689, what represents 68.4 per cent of all births. This percentage represents 1.8 points more than one year before. The mean number of days taken by administrative process amounts 112.5 days. The number of mothers who transferred part of her leave rights, still possible during the transitional period of the reform, amounted to 4,022 or 1.1 per cent of all births, a proportion 0.2 points less than in previous years. The mean number of transferred days amounted to 28.2.

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<sup>6</sup> Meil, G., Rogero-García, J. and Romero-Balsas, P. (2020) 'Los permisos para el cuidado de niños/as: evolución e implicaciones sociales y económicas', in A. Blanco et al. (eds.) *INFORME España 2020*, Madrid: Universidad Pontificia de Comillas, Catedra J. M. Martin Patino de la Cultura del Encuentro, 293-337. Available at: <https://blogs.comillas.edu/informe-espana/>

Until now, mothers have not opted for the increased flexibility in use allowed by the 2019 reform. According to the survey *Young Spanish Families, 2021* performed by Meil et al. (2021)<sup>7</sup>, 90 per cent of those who became mothers after the reform used in one block, mostly because they considered it was the best for the baby or because it's usual to do it like this. The proportion who took part of the leave period part-time, also did not change with the reform (14 per cent before the reform compared to 13 per cent afterwards)

In 2019, an average of 6,248 women per month were on leave because of a risk during pregnancy, with an average duration of 90.0 days, equivalent to 0.2 per cent of all live births in 2019. Since 2008 (the first year for which there are available uptake data), there has been a steady increase in the number of women who take this kind of leave (from 2,546 per month to 6,895 in 2018), being 2019 the first year to decrease. The average number of days of leave taken has decreased (from 120 to 90 days during the period). The number of women per month taking leave for breastfeeding because of a potential risk (introduced in 2007) reached a mean of 72.1 per month in 2019. The mean number of days of leave was 146.8 days.

## **b. Paternity leave**

A total number of 307,438 administrative processes of Birth and Childcare leave for the second parent was registered in 2019, a 19.8 percent more than 2018, while live births decreased by 3.3 per cent. As part of the leave can be split of during the first year and each split period is counted as a new one, it is not possible to disentangle how much of this increase correspond to changes in uptake and how much to the splitting of the optional period. According to the data provided by the Fertility Survey, 2018 of the National Statistical Institute (sample of interviewed men), covering the period before the reform, 74 per cent of eligible fathers between 2008 and 2018 benefited from paternity leave, a percentage similar to those obtained in other surveys performed when leave duration was only two weeks (see section 5.c in the 2014 Annual Report). Another estimation suggests that coverage is growing to

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<sup>7</sup> Meil, G., Rogero-García, J., Romero-Balsas, P. Diaz-Gandasegui, V. and Muntañola-Saura, D. (2021) *Young Spanish Families, 2021, microdata of an online representative survey on parents of children aged less than 7 years old, implemented by Netquest Ltd.* Survey funded by grant CSO2017-84634-R of the Spanish Ministry of Economy, Industry and Competitivity

around 85 per cent from 2017 onwards in connection to Paternity leave extension<sup>8</sup>.

Unlike mothers, fathers have increasingly made use of the flexibility options of the new regulation together with the extension of the leave duration. According to the survey *Young Spanish Families (2021)*, while 38 per cent of those who had a child in 2019 split their leave right into different periods over the year, among those who had it in 2020 the proportion rose to 51 per cent. The right to use the leave part-time has also risen from 16 to 22 per cent after the reform. It has been contended that this flexibilization of the leave right use has been forced mostly by the employers as a response to the increase in duration. Reasons given by the interviewed fathers show that only 4 per cent of those who split the leave did it due to employer´s demand, while 22 per cent attribute it to the content or characteristics of the work. Most of them, however, explained it is the best way to care for the baby (63 per cent).

## **b. Parental leave**

In 2019, 47,368 people started some period of Parental leave (4.7 per cent more than in the previous year, the maximum reached since data have been available). This corresponds to 13.1 per cent of the births in that year, much higher than in the recent past (in 1995 it was only 1.7 per cent). However, this represents only 4.1 per cent of children under three years of age; the age is relevant since leave can be taken until children turn three years old. Fathers made up 9.1 per cent of users, 0.4 per cent points more than in 2018.<sup>9</sup>

According to the survey *The social use of leave in Spain, 2012*,<sup>10</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 seven per cent gave up paid work altogether or lost their jobs (three per cent).

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<sup>8</sup> Flaquer, L. and Escobedo, A. (2020) 'Las licencias parentales y la política social a la paternidad en España', in Flaquer, L., Cano, T. and Barbeta, M. (eds.) (2020) *La paternidad en España: La implicación paterna en el cuidado de los hijos*, Madrid: CSIC, 161-190.

<sup>9</sup> Ministerio de Empleo y Economía Social (2021) *Anuario de Estadísticas, 2019*. Available at:

<https://www.mites.gob.es/es/estadisticas/anuarios/2019/index.htm>

<sup>10</sup> Meil, G. (2014) See sections 5b and 5c in the 2014 Annual Report.

### c. 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.

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 per cent 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's life (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 (61 per cent for more than one year).

According to the Spanish Social Security Statistics<sup>11</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 3,886 in 2019 and decreased to 3,364 in 2020 in the context of the Covid-19. The mean number of days of leave taken has risen sharply from 176.9 to 412 during this period (451,75 in 2020).

Unpaid leave to care for dependent relatives has been available from 2001 onwards. Since 2005, the number of users has grown, increasing from 3,332 in 2005 to 12,058 new users in 2019, 2.1 per cent more than in 2018. The proportion of male users seems to be growing from around 15 per cent before 2015 to 18.7 per cent in 2019.

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 December 2019, 30.26 per cent of all benefits provided under this law were used for supporting informal family care (426,938 benefits, 11 per cent more than in January 2018). In December 2020, in the context of the pandemic the figure grows up to 450,517 benefits and 31.57 per cent of all benefits under the Dependency Law (10.5 per cent more than one year previously)<sup>12</sup>. However, it seems difficult to link care leave to benefits, because these usually require a long administrative process, and because the benefit goes to the dependent person and not to the informal carer.

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<sup>11</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)

<sup>12</sup> [https://www.imserso.es/imserso\\_01/documentacion/estadisticas/info\\_d/estadisticas/est\\_inf/otros\\_inf/id/ide\\_2020/index.htm](https://www.imserso.es/imserso_01/documentacion/estadisticas/info_d/estadisticas/est_inf/otros_inf/id/ide_2020/index.htm)



# Sweden<sup>1</sup>

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April 2021

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 (pregnancy benefit: *gravitetsspänning*) (responsibility of the Ministry of Social Affairs)

- It is obligatory for women to take two weeks Maternity leave before or after delivery; they can decide whether 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 can grant eligibility of up to 50 days of leave during the last 60 days of pregnancy, paid at 77.6 per cent of income. This benefit is called pregnancy benefit and the woman will need a physician's certificate. If she is not granted pregnancy benefit, she may start using Parental leave benefit during the last weeks of pregnancy (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 about how this impacts work (for example, how often, for how long, and so on).

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<sup>1</sup> Please cite as: Duvander, A.-Z. and Löfgren, N (2021) 'Sweden country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

**b. Paternity leave / Temporary leave in connection with a child's birth or adoption (*tillfällig föräldrapenning i samband med barns födelse eller adoption*)<sup>2</sup> (responsibility of the Ministry of Social Affairs)**

*Length of leave*

- 10 days. Designed to be used for the other parent (or carer) to attend delivery, to care for older siblings while the mother is in the hospital, and/or to participate in childcare when the mother comes home. Most often this is used by the father of the child and was previously called 'daddy days' (*pappadagar*).

*Payment and funding*

- 77.6 per cent of earnings up to an earnings ceiling of SEK364,500 [€35,678.28]<sup>3</sup> per year. Payments come from the Swedish Social Insurance Agency.
- Funding for all forms of Parental leave is obtained from statutory contributions from employers and the self-employed. Employers in Sweden pay 31.42 per cent of all employees' salary in such statutory contributions to cover all social insurance (including pensions). Out of the 31.42 per cent, 2.6 percentage points is dedicated to all Parental leave insurance. However, if costs exceed the 2.6 percentage points there is margin and funds for the parental insurance do not run out.<sup>4</sup>

*Flexibility in use*

- Leave can be used at any time during the first 60 days after childbirth. Most commonly, it is used as full-time leave (i.e. five days a week).

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<sup>2</sup> Referred to as 'Paternity leave' in reviews before 2014; now revised to provide a literal translation of 'entitlement,' which is considered gender-neutral.

<sup>3</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-sek.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-sek.en.html).

<sup>4</sup> Tax authorities, see:

<https://www.skatteverket.se/foretagochorganisationer/arbetsgivare/arbetsgiv-aravgifterochskatteavdrag/arbetsgivaravgifter.4.233f91f71260075abe8800020817.htm>.

*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).<sup>5</sup>
- The benefit is gender-neutral and attributed to the parent who has not been pregnant. If the parent who has been pregnant is sole custodian another close person can use the 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.*

- Leave is increased in the event of multiple births (e.g., doubled in the case of twins).
- Co-habiting adoptive parents get five days each at the time of adoption. A single adoptive parent gets ten days. Benefits are conditional on the child being under ten years of age at their adoption (leave can only be used up until the child is ten years of age, or 12 years if the parents obtained custody from 2014 and onwards).

### **c. Parental leave (*föräldrapenning*) (responsibility of the Ministry of Social Affairs and Ministry of Employment)<sup>6</sup>**

*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 they are using paid benefits. In addition to this, a parent always has right to leave from work when using parental benefit, to reduce work hours and when the child is sick (see below).
- Parents with joint custody are eligible for 240 days of Parental leave benefit each; some days may be transferred between them while others are non-transferable (see below). There is thus one legislation concerning the right to leave (18 months, see above) and another granting benefits (240 days). The separate legislations for rights to leave under the Ministry of Enterprise and Innovation, and the legislation for benefits under the Ministry of Health and Social Affairs are thus separate entities in Sweden.

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<sup>5</sup> Swedish Inspectorate for the Social Insurance (2016) *Sickness benefit qualifying income*. Report 2016:10. Stockholm. Available at: [www.inspsf.se](http://www.inspsf.se). Swedish report with English summary.

<sup>6</sup> Ministry of Social Affairs has responsibility over the parental benefit and Ministry of Employment has responsibility over the legislated right to leave from work.

- For each parent, 195 of the 240 leave days are income-based (see below). For children born 2016 or later, 90 of these days are reserved and cannot be transferred to the other parent (often called a 'mother's quota' and a 'father's quota'). One of the parents may only take all benefit days in cases of one custodian, or the other parent being permanently sick and not able to care for the child. The remaining 105 income-based days for each parent can be transferred to the other by signing a consent form.
- For each parent with joint custody, 45 days of the 240 total leave days are paid at a minimum level (see below). These days can 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.
- Parent who migrate to Sweden with children under the age of 12 receive 200 days for children over 12 months, and 100 days for children over 24 months.
- There is an extra pension supplement for the parent who earns the lower income during the child's first four years. This supplement to the pension-qualifying amount is aimed to compensate the parent who takes the largest responsibility for childcare and therefore must scale back their work, or who temporarily exits the labour market.<sup>7</sup>

### *Payment and funding*

- For parents who are eligible for income-related benefit (see below), 195 days of leave are paid at 77.6 per cent of earnings, up to an earnings ceiling of SEK486,000 [€47,571.04]<sup>8</sup>; the remaining 45 days are paid at a flat-rate payment of SEK180 [€17.62] per day. The first 180 days used for the child need to be earnings-related and not flat-rate. Parents who are not eligible to earnings-related leave receive a flat-rate of SEK250 [€24.47] per day for 240 days.
- All Parental leave benefits, income related and flat-rate, offer pension credits.
- Funding is the same as for temporary leave in connection with birth and adoption.

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<sup>7</sup> Swedish Pension Agency (2014) *Orange report 2014. Annual report of the Swedish Pension System*. Stockholm. Available at: <https://secure.pensionsmyndigheten.se/download/18.3c07b8ed14fbdb77cd57cd1/1446806348928/Orange+Report+2014+eng.pdf>

<sup>8</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.

### *Flexibility in use*

- The length of leave is counted in calendar days (rather than weeks or months) to enhance flexibility of use. It is also possible to use the benefit during weekends. To get 77.6 per cent of earnings, seven days of benefit per week are needed.
- Parents can take paid leave days full-time, part-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 part-time leave and four days of quarter-time leave). Parents cannot work while being on (days of) paid or unpaid leave.
- 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. While, officially, employees taking Parental leave have 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 income-based days that they are each 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 living 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 [€24.47] per day for 240 days before the expected date of delivery or adoption. A parent remains qualified to receive the same compensation for Parental leave if an additional child is born or adopted within 30 months of the birth or adoption of an earlier child. This is economically significant mainly to parents who reduce working hours (and income) after the first child, since it keeps them at a higher benefit level for the second (or subsequent) child. 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.
- Same-sex parents have the same rights as opposite-sex parents and the Parental leave is gender-neutral in its construction. Rights to leave and benefit are based on custody.

*Variation in leave due to child or family reasons (e.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 [€17.62] per 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 the case of sole custody, the parent with custody receives all of the 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. Of all children up to two years of age, 95 per cent have two original parents with joint custody.<sup>9</sup> A parent with sole custody can transfer days to the other parent if she/he wants to. There is no cap on how many days can be transferred except the 90 days that are always reserved to an eligible parent.

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

- Additional Parental leave pay (*föräldralön*) 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/or up to 90 per cent of income above the ceiling.<sup>10</sup>

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

*Specific provision for (breast)feeding*

- None. Parental Leave Law §3:1 specifies a right to leave for breastfeeding but not in detail; no benefits are available for breastfeeding, just the right to time off work.

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<sup>9</sup> See data in Statistics Sweden's database, available at [http://www.statistikdatabasen.scb.se/pxweb/sv/ssd/START\\_LE\\_LE0102\\_LE0102X/Vardnad/?rxid=67663b18-ed2c-45be-8526-7b45f6cc3f34](http://www.statistikdatabasen.scb.se/pxweb/sv/ssd/START_LE_LE0102_LE0102X/Vardnad/?rxid=67663b18-ed2c-45be-8526-7b45f6cc3f34).

<sup>10</sup> Swedish inspectorate for the Social Insurance (2018) *Utvecklingen av kollektivavtalade ersättningar sedan 2000-talets början [Development of extra payments from collective agreements since 2000]* Report 2018:14.

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

- Temporary Parental leave (*tillfällig föräldrapenning*) is available for 120 days per child, per year, for children under the age of 12, and for children aged 12 to 15 years, with a physician's certificate. This is paid at 77.6 per cent of earnings, up to an earnings ceiling of SEK 364,500 [€35,678.28] 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 at 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 1.b.) also come under this category of temporary Parental leave.
- Parents whose children are sick or functionally disabled for more than six months could until 2018 apply for childcare allowance (*vårdbidrag*). In 2019 this benefit was replaced by Child carer's allowance (*omvårdnadsbidrag*) and Additional cost allowance for children (*merkostnadsersättning för barn*).

### *Flexible working*

- Until a child reaches the age of eight 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 is approximately 16 months, with 13 months paid at a high rate. There is an entitlement to Early Childhood Education and Care (ECEC) from one year of age, available in centres or at licensed family day carers, on a full-time basis for employed parents or a part-time basis if the parents are not employed. There is, therefore, no gap between the end of well-paid leave and an ECEC entitlement. However, the present three reserved months for each parent can create such a gap if one parent is not using the leave benefit but remains a custodian.

Levels of attendance at formal services for children both 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 2020 (including proposals currently under discussion)**

No changes reported.

#### **Policy response to the COVID-19 pandemic up to end April 2021**

##### *Childcare and schools*

- Please refer to the country note of 2020 for special measures during the COVID-19 pandemic; we here only mention changes after April 2020.

##### *Parental leave*

- There were no modifications to Parental leave.

##### *Other measures for parents and other carers*

- Temporary Parental leave to take care of sick children (for children up to 12) was made more flexible. Normally parents need a doctors' certificate that the child is sick after seven days of leave in the child's sick period. During the pandemic, this was not needed and periods of temporary Parental leave were not limited in length, as long as within the 120 days limit per year. Length and eligibility for the Temporary Parental Leave were kept the same. The special regulations are still in place and there has been no announcement of change. This exemption of doctor's certificate is by Authority-decision and not a new law, thus easier to change again.
- Temporary regulation that Temporary Parental Leave benefit can be used if a school or preschool close. Benefits are 90 per cent of normal benefit and this has applied as of 25 April 2020. As schools and preschools have been open, this regulation is not used to any large extent.
- Extra housing allowance of 25 per cent for receivers during July to December 2020. Thereafter abolished but there is a suggestion to introduce again July to December 2021.
- As of 1 July 2020, people belonging to an at-risk group may receive benefits for up to 90 days and up to SEK810 [€79.29] a day. This applies for absence from work as to avoid infection. This can also be paid if one needs to refrain from working in order to avoid infecting a close relative belonging to an at-risk group. It can only be received if other benefits are already received (such



as personal assistant) to take care of this relative. By doctor's certificate.<sup>11</sup>

- Preventive benefits for parents of children who have recently been seriously ill (during 2020) can be used as of 1 July 2020.
- Pregnancy benefit can be used if there is risk of COVID-19 in the work environment. Pregnant individuals are since February-March 2021 categorised as a risk group and may therefore have to abstain from work during the whole pregnancy and will in such cases receive pregnancy benefit. This regulation has immediately increased the use of pregnancy benefits substantively.

## **4. Uptake of leave<sup>12</sup>**

### **a. Maternity leave**

In 2019, 24,822 women received Maternity leave benefits for an average of 39 days.<sup>13</sup> Since there were 114,523 births in 2019, this suggests that 22 per cent of pregnant women took Maternity leave.

### **b. Temporary leave at the birth or adoption of a child**

In 2020, 87,653 individuals took temporary Parental leave at the birth or adoption of a child. Approximately 76.5 per cent of fathers, same-sex partners, or other designated persons took this leave. Of all leave users, only 1.3 per cent were women. Men took on average 9.8 of the ten eligible days.

### **c. Parental leave and child-rearing benefit**

*Leave uptake:* Almost all families use paid Parental leave in Sweden. For children born up to the end of 2013, it has been possible to use this benefit until a child reaches the age of eight or after the first school year has ended and many parents use days during the preschool years. In 2020, most Parental leave days were taken by women during the first year of the child's life, while men tended to take leave when the child was between the ages of one and three. However, most leave days are taken before children reach the age of two; all children are entitled to an ECEC place from 12 months of age. While mothers still take more Parental leave, the proportion of total days used by men has slowly increased. In 2002, fathers took about 12 per cent of all Parental leave days used in that year; by 2020, it had increased to 30 per cent. On

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<sup>11</sup> <https://www.forsakringskassan.se/privatpers/coronaviruset-det-har-galler/for-dig-som-tillhor-en-riskgrupp>

<sup>12</sup> See annual update on statistics on family policy in Social Insurance in Figures 2019. Available in English at: <https://www.forsakringskassan.se>.

<sup>13</sup> <https://www.scb.se/hitta-statistik/sverige-i-siffror/manniskorna-i-sverige/fodda-i-sverige/>

average women took 82 days and men took 41 days during 2019. The percentage of couples that are sharing Parental leave equally (40 to 60 per cent) is very slowly increasing. For children born in 2017, 18.4 per cent of couples equally shared leave used during the child's first 24 months.

*Benefit uptake:* In 2019, the majority of women (89 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. Approximately 19 per cent of all days used were on the lower flat-rate. Foreign-born parents and young parents, especially mothers, are more likely than native-born parents to have access to only the low, flat-rate payment. The average cash benefit was 30 per cent higher for fathers. Fathers received benefits of SEK843 [€82.52] (when flat-rate days included SEK704[€68.91]) per day in 2020, while the average mother received benefits of SEK743 [€72.73] (when flat-rate days included SEK558 [€54.62]).

*Forfeited days:* For children born in 2012 parents used on average 452 days, women 338 and men 115 days. This means that on average 28 days were forfeited.

*Uptake patterns:* Fathers with higher formal education take more Parental leave, as do fathers whose partners have higher levels of formal education. For children born in 2013, by 2015, fathers whose jobs required higher formal education had taken an average of 112 days of Parental leave, while mothers had taken 220. An important exception is men in management jobs who took an average of only 58 days, but this has increased more for men in this job than most others.<sup>14</sup> Fathers who work in the private sector are less likely to take leave, perhaps because they more often lack extra compensation, as a result of collective agreements. 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. Groups who take little or no leave include those born outside Sweden and unemployed fathers (who typically have low benefit levels).<sup>15</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

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<sup>14</sup> Försäkringskassan [Swedish Social Insurance Agency] (2016). *Föräldrapenning och yrke. Korta analyser 2016:1 [Parental leave and occupation – Short analyses]*.

<sup>15</sup> Anxo, D., Ericson, T. (2015) 'Self-employment and Parental leave', *Small Business Economics*, Vol. 45, 4: 751-770.

first.<sup>16</sup> Still, only 44 per cent of fathers had taken their two reserved months by 2015, for children born in 2013.<sup>17</sup> The introduction of the third reserved month has also increased fathers' use of Parental leave.

Part of the change over time is that while fathers are using more, mothers are decreasing their use even more. During the first 2.5 years fathers increased their use by 4.4 days between 2015 and 2016, from 74 to 79 days. At the same time, mothers decreased their use by 10 days, from 277 to 267 days.

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

Mothers are more likely than fathers to work (long) part-time hours (34 hours or fewer per week); 22 per cent of all mothers with children from birth to 17 years of age worked part-time in 2012, compared to only five per cent of employed fathers.<sup>18</sup> In 2015, 21 per cent of women aged 20 to 64 and working part-time, reported doing so in order to care for children, compared to ten per cent of men.<sup>19</sup> Part-time employment among mothers has declined during the last ten 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 used somewhat more by mothers, who took 61 per cent of all days taken in 2020. On average, mothers took ten days and fathers 8.3 days, this being highly dependent on the age of the child, as most days are used during the first years of their life, and after regular Parental leave has ended.

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<sup>16</sup> Duvander, A. and Johansson, M. (2012) *Ett jämställt uttag? Reformen inom föräldraförsäkringen [Equal use? Reforms within Parental leave insurance]* Rapport 2012:4. Stockholm: Inspectorate of Social Insurance. Available at: <http://www.inspsf.se/>. See also Duvander, A.-Z. and Johansson, M. (2014) 'Parental leave use for different fathers: A study of the impact of three Swedish Parental leave reforms', in Rostgaard, T. and Eydal, G. (eds.) *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Bristol: Policy Press; and Duvander, A.-Z. and Johansson, M. (2012) 'What are the effects of reforms promoting fathers' Parental leave use?', *Journal of European Social Policy*, Vol.22, 3: 319-330.

<sup>17</sup> Försäkringskassan [Swedish Social Insurance Agency] (2016). *Föräldrapenning och yrke. Korta analyser 2016:1*. [Parental leave and occupation – Short analyses].

<sup>18</sup> Statistics Sweden (2013) *Allt fler mammor jobbar heltid*. Article 2013:31. Available at: [www.scb.se](http://www.scb.se)

<sup>19</sup> Statistics Sweden (2016) Lathund – Gainful Employment Table LF09.

# Switzerland<sup>1</sup>

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April 2021

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.

**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 article 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 another. 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 subsidised by the communes and/or the cantons. Finally, the federal level is also involved through a temporary programme, which

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<sup>1</sup> Please cite as: Valarino, I. and Nedi, R. A. (2021) 'Switzerland country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

subsidises 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 vs. 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.

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

### **a. Maternity leave (*Congé et 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 weeks nine and sixteen 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, 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.

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<sup>2</sup> In country notes prior to 2017, 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.

### *Payment and funding*

- The maternity compensation covers 80 per cent of earnings for 98 days, i.e. 14 weeks, up to a ceiling of CHF196 [€178.93]<sup>3</sup> per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350 [€6,709.88] and the maternity compensation in that case amounts to CHF5,880 [€5,367.90]. The annual income ceiling for employed and self-employed workers is CHF88,200 [€80,518.53].
- 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 needs to stay for at least 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.

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

- Eligible for maternity compensation are: employed women, whether employed under a fixed-term or open-ended contract; self-employed workers; women working in their husbands' or partners' businesses (or that of a family member) and who are paid a salary; and women who are on unemployment, sickness, accident, or invalidity benefits or allowances are also entitled to maternity compensation.
- For maternity compensation, women must have a record of nine months of contribution to Old Age and Survivors Insurance; and must have worked for a minimum of five months, during the nine months preceding the birth.
- If the maternity compensation criteria are not met, a mother may make a claim against her employer for the continued payment of

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<sup>3</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-chf.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-chf.en.html).

her salary, based on article 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.

- Only biological mothers are eligible.
- Eligibility does not require citizenship or permanent residency. A permission to work will however be a prerequisite, since only employed or self-employed women are entitled to maternity compensation.

*Variation in leave due to child or family reasons (e.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 currently only available to birth mothers<sup>5</sup>).

*Regional, local and sectorial differences in leave policy*

- In the canton of Geneva, all working mothers are granted 16 weeks of Maternity leave, paid at 80 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 stay-at-home mothers (the latter meaning women who have not been previously attached to the labour market). The daily allowance of CHF32.50 [€29.67] is paid over 98 days (equivalent to CHF975 [€890.09] per month for 3.2 months) if the income is below CHF2,475 [€2,259.45] for single mothers or CHF3,300 [€3,012.60] for both parents. The income ceiling is increased by CHF350 [€319.52] 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 20 weeks. Employees working for the Confederation

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<sup>4</sup> Bundesgesetz betreffend die Ergänzung des Schweizerischen Zivilgesetzbuches (Fünfter Teil: Obligationenrecht, SR 220 [Federal Action on the Amendment of the Swiss Civil Code (Part Five: the Code of Obligations)]).

<sup>5</sup> A draft act is under preparation in order to enable fathers to benefit from maternity allowances in the event the mother dies after giving birth to a child. Also, the Swiss Federal Council has been mandated inter alia to draft a provision providing for a longer maternity compensation in the case of a new-born having to stay more than three weeks at the hospital (see also section 3).

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 two additional weeks, i.e. 16 weeks of paid Maternity leave). Companies, which often take out private supplementary insurance for such cases, cover these expenses. According to representative survey data (N = 3,575), in 2016 this concerned 43 per cent of surveyed companies, with public employers and large companies (> 200 employees) being over-represented.<sup>6</sup>

#### **b. Paternity leave (*Congé et allocation de paternité*) (responsibility of the Federal Department of Home Affairs, namely the Federal Social Insurance Office)**

*Length of leave (before and after birth)*

- 2 weeks

*Payment and funding*

- Same as for Maternity leave. The paternity compensation covers 80 per cent of the gross average earnings achieved before the child was born and will be paid during two weeks, i.e. 14 days, up to a ceiling of CHF196 [€178.93] per day. The highest income thus covered at 80 per cent are monthly salaries of CHF7,350 [€6,709.88].

*Flexibility in use*

- Paternity leave cannot start until the baby is born and must be taken within six months after the baby's birth.
- The leave can be taken in full or on a daily basis.

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<sup>6</sup> Rudin, M., Stutz, H., Bischof, S., Bannwart, L. and Jäggi, J. (2017). *Erwerbsunterbrüche vor der Geburt [Work interruption before birth]* (185). Bern: Büro BASS. (67-70). Available at: [https://www.buerobass.ch/fileadmin/Files/2018/BSV\\_2018\\_ErwerbsunterbruecheGeburt\\_Schlussbericht.pdf](https://www.buerobass.ch/fileadmin/Files/2018/BSV_2018_ErwerbsunterbruecheGeburt_Schlussbericht.pdf)



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

- Employed workers are entitled to Paternity leave if they are legally the father of the child, no minimum employment relationship is required.
- For payment during Paternity leave, fathers must, in principle, also have a record of nine months of contribution to Old Age and Survivors Insurance and must have worked for a minimum of five months, during the nine months preceding the birth.
- Eligibility does not require citizenship or permanent residency. A permission to work will however be a prerequisite, since only employed or self-employed men are entitled to paternity compensation.

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

- Pre-existing Paternity Leave allowances granted through collective labour agreements or work contracts may supplement the newly introduced federal Paternity Leave (as of 1 January 2021).

### **c. Parental leave**

No statutory entitlement. There is some indication that a minority of companies in the private sector grant their employees unpaid Parental leaves.<sup>7</sup> Many cantonal public employers also grant unpaid Parental leaves – ranging from a few days up to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants).<sup>8</sup>

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<sup>7</sup> Swiss Federal Council (FN **Fehler! Textmarke nicht definiert.**), 14.

<sup>8</sup> Swiss Federal Council (FN **Fehler! Textmarke nicht definiert.**), 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>, 14 ff.

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

No statutory entitlement. The years spent out of the labour market to care for children under 16 years of age 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 article 52f of the Ordination to the Federal Old Age and Survivor's Insurance, was implemented in January 2015.<sup>9</sup>

#### **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>10</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>11</sup> If nothing is regulated, the right to take a few days off for adoption can be based on Article 329, paragraph three of the Code of Obligations.<sup>12</sup>
- Some cantons<sup>13</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 their employment.

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<sup>9</sup> Verordnung über die Alters- und Hinterlassenenversicherung (AHVV) [Ordination to the Federal Old Age and Survivor's Insurance], SR 831.101

<sup>10</sup> Parliamentary Initiative Romano Marco, 13.478.

<sup>11</sup> Available at: [http://gav.arbeitsrechtler.ch/SBB\\_GAV\\_2015.pdf](http://gav.arbeitsrechtler.ch/SBB_GAV_2015.pdf)

<sup>12</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, 456.

<sup>13</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>.

- In the public sector, at present, about half of the cantons offer their employees paid adoption leave between two days and 16 weeks in length.<sup>14</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; and for a working day over seven hours, 90 minutes minimum.<sup>15</sup>

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

- Since January 2021, employees are entitled to paid leave for the time necessary to care for a family member, domestic partner or partner with a medical condition. However, the leave cannot exceed three days per occurrence and ten days per year. The upper limit of ten days does not apply for the care of a child with health impairment. The Swiss Federal Council has drafted a new law with several measures aiming to support employed people with care obligations – the future of that proposal remains currently open (see section 3 below).

#### *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 consider the employee's 'family responsibilities' when fixing work and rest hours. Family responsibilities are defined as the education of children up to 15 years of age and the charge of other family members in need of care.
- Some collective labour agreements specifically include the right to reduced working hours for parents and there is some indication that a significant proportion of companies allow flexible working hours.<sup>16</sup>

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<sup>14</sup> For more information, see: Pärli (Fn **Fehler! Textmarke nicht definiert.**), S. 953.

<sup>15</sup> Art. 60 Verordnung 1 zum Arbeitsgesetz (ArGV 1) [Ordination 1 to the Employment Act], SR 822.111.

<sup>16</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). [*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)]. Berne: Secrétariat d'Etat à l'économie.

- The Confederation grants its employees the right to reduce their working time by 20 per cent, however the lowest part-time work allowed is at 60 per cent hours.<sup>17</sup>

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

The maximum period of paid post-natal leave is just over three and a half months, all paid at a high rate, with the possibility in some cases of an additional two weeks of unpaid leave. In the majority of Swiss cantons (17 out of 26), statutory provision for two years of Early Childhood Education and Care (ECEC) is available, with the implementation of an inter-cantonal agreement for the harmonisation of education systems (HarmoS). In these cantons, compulsory schooling now starts when children reach four years of age, while in the rest of the country it starts between five and seven years of age.<sup>18</sup> There is a gap, therefore, of more than three years between the end of well-paid leave and any entitlement to ECEC.

Levels of attendance at formal services for children under three years are slightly above the average for both the countries included in this review and for OECD countries, but well 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 2020 (including proposals currently under discussion)**

In the past years there have been many proposals and debates in Swiss Parliament to reform leave policies in Switzerland. This has led to adoption of a two-week Paternity leave, as well as a new law in favour of caregivers, both coming into effect in 2021. Adoption leave is also close from being implemented and several proposals to improve maternity protection are currently discussed. Parental Leave is also the object of attention within Parliament.

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<sup>17</sup> Art. 60a of the Bundespersonalverordnung (BPV) [Federal Personnel Ordination (FPO), SR 172.220.111.3.

<sup>18</sup> With HarmoS, pre-primary or elementary programmes are included in obligatory schooling. See EDK. (2019). *Bilan 2019. Harmonisation des éléments visés par l'art. 62, al. 4, Cst. dans le domaine de la scolarité obligatoire*. Bern: Swiss Conference of Cantonal Ministers of Education: [http://edudoc.ch/record/204716/files/Bilanz-Bericht\\_II\\_f.pdf](http://edudoc.ch/record/204716/files/Bilanz-Bericht_II_f.pdf)

### *Paternity leave*

In May 2016, a popular initiative in favour of a paid Paternity leave of four weeks minimum, financed through the Loss of Earnings Compensation Act (the same as for Maternity leave) was launched. In August 2018, the Council of States' Committee for Social Security and Health decided by eight votes against five to prepare a counter-project to the popular initiative. The popular initiative in favour of a four-week paid Paternity leave was considered too long and that it would negatively impact the competitiveness of the Swiss economy and compromise companies' organisation. The counter-project, adopted by Parliament in September 2019, proposed instead a two-week paid Paternity leave, to be taken during the child's first six months of life. In January 2020, an optional referendum was deposited against the counter-project (over 100,000 signatures were collected against this new law). A national vote took place on 27 September 2020; and 60.3 per cent of the electorate voted in favour of the amendment of the Loss of Earnings Compensation Act (LECA). The two-week Paternity leave was implemented on 1 January 2021.

### *Care leave and benefits (for seriously ill or frail family members with care needs)*

A new Federal law improving reconciliation between paid work and caregiving activities was drafted by the Federal Council in May 2019 and accepted by Parliament in December 2019. This law addressed several parliamentary interventions submitted in the past decade which aimed to support workers with care obligations for seriously ill children or frail and elderly family members (including cohabiting partners). The new law entails among others the following measures: 1) in case of health problems of a family member or partner, employees are entitled to three days per event of paid leave in order to organize and arrange care solutions (maximum ten days per year); 2) old age credits in case of caregiving duties for frail family members or cohabiting partners; 3) continued financial support in case of hospitalization of disabled children; 4) job protection, caregiving allowance and leave of 14 weeks for employed parents caring for a child with serious health problems (due to sickness or accident) to be taken within a period of 18 months maximum. The first three measures were implemented in January 2021, and the fourth will be effective as of July 2021.

### *Adoption Leave*

A parliamentary initiative in favour of adoption leave, which would be financed through the Loss of Earnings Compensation Act, was accepted in 2015. However, the drafting of the law has since then been delayed, jeopardising its implementation. In March 2019, a small majority (102 votes against 93) in National Council rejected the filing of the initiative.

In July 2019, the National Council's Committee for Social Security and Health adopted a draft law by 12 votes against ten and one abstention. Adoptive parents of children under four years would benefit from two weeks of paid leave (80 per cent of salary, as for Maternity Leave), to be taken within the first year following adoption by one parent or shared between them. In October 2019 the Federal Council announced it supported this proposal, and in September 2020 a majority of the National Council adopted it. Unless a referendum is submitted, this new adoption law should come into effect.

### *Proposals concerning Maternity Leave*

Maternity leave will be improved for mothers of children who must stay in hospital for at least two weeks directly after birth. Until now, upon presentation of a medical certificate, mothers could choose to postpone the start of their maternity compensation upon the child's arrival at home. However, due to the ban on mothers' employment during the first eight weeks after delivery, mothers could face economic uncertainty in this difficult period. A Motion proposing that the payment of maternity allowances be prolonged by the length of hospitalisation of the child was accepted by both chambers of the parliament. In December 2020, the Parliament accepted the following law amendment: maternity allowances will be prolonged by 56 days (maximum) if a new-born is hospitalised for at least two weeks. The law amendment is subject to referendum. If no referendum is submitted, the Federal Council should decide on an implementation date.

In March 2019, a Socialist MP submitted a Motion to increase the maximum daily allowances during Maternity leave. The LECA regulates allowances in case of military or civil service and, since 2005, in case of maternity. Yet, the maximum amount of allowances differs in case of military and civil service (CHF245 [€223.66] per day) and in case of maternity (CHF196 [€178.93] per day). The Motion considers this difference to be discriminatory and asks that the same compensation conditions be applied to women on Maternity leave as to people performing their military or civil service duties. In May 2019 the Federal Council recommended to reject this Motion, considering the increase of social expenditure it would represent and the fact it could jeopardize the other policy reforms currently in discussion in favour of maternity protection and family policies. The Motion was accepted by the National Council in March 2021 and has yet to be confirmed by the Council of States.

Between March and December 2019 several Motions, postulates, and parliamentary initiatives regarding maternity protection were submitted, based on the results of two reports published in 2017. A report mandated by the Federal Social Insurance Office found that about three per cent of women are dismissed after Maternity leave. Results are

based on representative survey data of women who had a child in 2016, were eligible for Maternity insurance, and were interviewed about one year after they gave birth (N=2,809).<sup>19</sup> At a national scale, this would represent about 2,500 women who are dismissed every year after Maternity leave. Another report, published by the Federal Gender Equality Office, examined 190 cantonal judgements, issued from 2004 to 2015, related to the Federal Act on Gender Equality.<sup>20</sup> Results showed that 41 judgements concerned discrimination in case of pregnancy or maternity, and that in most cases it had led to employer dismissal when employees had returned from Maternity leave.

In Autumn 2020 the parliamentary interventions that aimed to improve maternity protection (by increasing the financial sanctions for employers who breach the law, or by extending the length of maternity protection (currently 16 weeks after birth) were rejected in National Council. Two postulates asking that the Federal Council mandates a report to understand better the reasons why mothers do not return to work after Maternity leave are still pending.

In May 2019 two Motions were submitted aiming to allow the full coverage of medical expenses due to pregnancy. Currently pregnant women have to contribute to these expenses until the 13<sup>th</sup> week of pregnancy. The Federal Council supported these Motions and they were adopted by a majority in the National Council in September 2019 and by the Council of States in November 2020. A concrete law amendment will be proposed by the Federal council and will be submitted to Parliament.

At the same period, another Motion was submitted in order to enable women working in a family farm to benefit from Maternity Leave allowances. While the Federal Council has recommended to reject it Motion, it has been adopted in March 2021 by the National Council and will be submitted the Council of States.

In September 2019 two Socialist MPs submitted a Motion aiming to entitle self-employed women who give birth to benefit from allowances to cover operating expenses of their business. According to the Loss of Earnings Compensation Act, such allowances are offered to self-

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<sup>19</sup> Rudin, M., Stutz, H., Bischof, S., Bannwart, L. and Jäggi, J. (2017) *Erwerbsunterbrüche vor der Geburt* (185), Bern: Büro BASS. Available at: [https://www.buerobass.ch/fileadmin/Files/2018/BSV\\_2018\\_ErwerbsunterbruecheGeburt\\_Schlussbericht.pdf](https://www.buerobass.ch/fileadmin/Files/2018/BSV_2018_ErwerbsunterbruecheGeburt_Schlussbericht.pdf)

<sup>20</sup> Lempen, K., and Voloder, A. (2017) *Analyse de la jurisprudence cantonale relative à la loi sur l'égalité entre femmes et hommes (2004-2015). Rapport de recherche* (45). Berne: Bureau fédéral de l'égalité entre femmes et hommes BFEG. Available at: [https://www.unige.ch/droit/files/7215/0169/2406/analyse-LEg\\_2017-lempen.pdf](https://www.unige.ch/droit/files/7215/0169/2406/analyse-LEg_2017-lempen.pdf)

employed people during their military or civil service, but they are currently not available for self-employed mothers on Maternity leave, which is considered as unequal treatment. In November 2019 the Federal Council recommended to accept these Motions and in September 2020 a majority of the National Council voted in favour.

A Motion submitted in 2018 asking that breastfeeding breaks be financed through the LECA, similarly to maternity allowances, was filed in September 2020. Currently, according to the Employment Act, breastfeeding time is considered as working time and is therefore financed by employers (see section 1.e). The Motion was filed because the deadline of two years to deliberate was exceeded.

Finally, in March 2021, a Motion was submitted by a Socialist MP in order to introduce a pre-natal leave of three weeks. Currently pregnant women are entitled to stop working before the day of delivery with a medical certificate and are considered on health insurance. The Motion is pending.

#### *Proposals concerning Parental Leave*

Several proposals regarding Parental Leave are pending. One of them, submitted in June 2020 charges the Federal council to propose a Parental leave model, while other interventions are more precise. A Motion submitted by a Socialist MP proposes a 38-week Parental Leave, composed of 14 weeks of Maternity Leave (current length), 14 weeks of Paternity Leave and ten weeks of leave to share between parents.

Three other interventions (from a Green Liberal MP and from a Socialist MP) suggest a 28-week Parental Leave, corresponding to the 14 weeks of existing Maternity Leave, supplemented by 14 weeks of Paternity Leave for fathers. They claim this leave would grant mothers and fathers with equal rights and that they would be treated more equally in work life.

Finally, in June 2020 a cantonal parliamentary intervention (Canton of Jura) was also submitted asking that cantons are enabled to implement Parental Leave on a cantonal level if they wish to, which they currently cannot do.

These proposals have received negative recommendations by the Federal Council but must yet be discussed and voted by the Parliament.



## Policy response to the Covid-19 pandemic up to end April 2021

### *Childcare and schools*

- There were ECEC and school closures related to COVID-19 in spring 2020, but not since then. Please see the 2020 Switzerland country note for details.

### *Parental leave*

- There is no statutory entitlement.

### *Other measures for parents and other carers*

- There were measures for parents and other carers related to COVID-19 in spring 2020, but not since then. Please see the 2020 Switzerland country note for details.

## 4. Uptake 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>21</sup> In 2019, the average number of days taken by recipients was 79 days. 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; 71,610 in 2010 and 81,440 in 2016.<sup>22</sup> For the first time since the implementation of the law, the number of beneficiaries decreased slightly in 2017 (81,310 beneficiaries), but it increased again in 2018, with 82,440 beneficiaries

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<sup>21</sup> Sottas, G. and 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>22</sup> In 2015, the Swiss Statistical Office 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:

<https://www.bsv.admin.ch/bsv/fr/home/assurances-sociales/eo-msv/statistik.html>

and in 2019 with 82,890 beneficiaries. Maternity benefit expenditure increased by 3.7 per cent between 2017 and 2018, to a total of CHF865 million [€789.67 million] spent in 2018.

In 2019, the average amount of the daily indemnities granted to mothers was CHF127 [€115.94] per day, well below the ceiling of CHF196 [€178.93]. According to Sottas and Millioud, in 2006, 80 per cent of leave recipients were married, 15 per cent were single, and five per cent were divorced. The majority of recipients were employees (83 per cent); 14 per cent were self-employed; and three per cent were inactive (eligible because they previously received unemployment, health, or disability benefits). According to register data, in 2019 the mean age of maternity benefit recipients was 32.7 years and 63.6 per cent of recipients were Swiss nationals and 36.4 per cent were foreigners.<sup>23</sup>

Employed women tend to take a longer Maternity leave than the legal minimum of 14 paid weeks following childbirth. A survey conducted in 2012 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>24</sup>

## **b. Paternity leave**

As Paternity Leave entitlement was first introduced by 1 January 2021, statistics on leave uptake are not yet available.

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

No statutory leave entitlement.

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<sup>23</sup>

[https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/statistiken/EO\\_APG\\_04\\_T3\\_d.xlsx.download.xlsx/EO\\_3\\_f.xlsx](https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/statistiken/EO_APG_04_T3_d.xlsx.download.xlsx/EO_3_f.xlsx)

<sup>24</sup> Aeppli, D. C. (2012) *Wirkungsanalyse. Mutterschaftentschädigung [Analysis of effects. Maternity benefits]*. 95. Available at: [https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/studien/wirkungsanalyse\\_mutterschaftentschaedigung.pdf.download.pdf/analyse\\_des\\_effetsdelassurance-materniteenallemand.pdf](https://www.bsv.admin.ch/dam/bsv/fr/dokumente/eo/studien/wirkungsanalyse_mutterschaftentschaedigung.pdf.download.pdf/analyse_des_effetsdelassurance-materniteenallemand.pdf)

# United Kingdom<sup>1</sup>

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April 2021

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, Energy and Industrial Strategy)<sup>2</sup>**

*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 upper limit and a flat-rate payment of either GBPE151.97 [€177.39]<sup>3</sup> or 90 per cent of average gross weekly earnings (whichever is lower) for the next 33 weeks. The remaining 13 weeks are unpaid.

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<sup>1</sup> Please cite as: Atkinson J., O'Brien, M. and Koslowski, A. (2021) 'United Kingdom country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)

<sup>2</sup> See <https://www.gov.uk/maternity-pay-leave>

<sup>3</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-gbp.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-gbp.en.html).

- This payment is administered by employers. Employers of medium and large businesses can claim back 92 per cent from the Exchequer and small business 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 with work' days can be spent working for the employer during the period of statutory Maternity leave, without it affecting Maternity leave or pay.

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

- Since the UK left the EU on 31 December 2020, qualification for parental and other benefits for EU citizens has changed. For all UK citizens or EU citizens who were resident in the UK before 31 December 2020 and with leave to remain in the UK, access to employment benefits is based on only employment status, length of service, and an earnings threshold. For non-UK residents, access to employment benefits requires a visa first.<sup>4</sup> There are a range of visas including general work visas, short-term work visas, and study visas. Different employment benefit rules apply for each visa type.
- Asylum seekers are not normally allowed to work whilst their claim is being considered.<sup>5</sup> They may apply for permission to work, and so be eligible for employment benefits, if they have not received an initial decision on their claim within 12 months, but this will only be considered if that delay was through no fault of the claimant.
- Women must have 'employee' employment status – not 'worker,' self-employed, or contractor employment status.<sup>6</sup> Under UK employment law, women who have 'worker,' 'exclusively self-employed,' or 'contractor' employment status are not eligible to receive Maternity leave or pay (they may be eligible to Maternity Allowance – see below). Family rights to leave are contingent on employment status e.g. for a UK father to qualify for shared parental leave, he must be an employee with 26 weeks continuous employment and his partner must be employed or self-employed.

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<sup>4</sup> <https://www.gov.uk/browse/visas-immigration/work-visas>

<sup>5</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/583192/Permission-to-work-v7.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/583192/Permission-to-work-v7.pdf)

<sup>6</sup> See: <https://www.gov.uk/employment-status>

- All female employees are eligible for 26 weeks' ordinary Maternity leave, plus a further 26 weeks of additional Maternity leave (AML).
- Female employees who have worked for their employer continuously for 26 weeks, up to the 15<sup>th</sup> week before the week the baby is due, and who meet a minimum earnings threshold (currently £120 per week), 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 stillborn 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 GBPE151.97 [€177.39] 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 GBPE30 [€35.02] per week on 13 of these weeks. Self-employed women must complete a National Insurance claim for Class 2 NICs through self-assessment (DWP, 2015). Women not eligible for the Maternity Allowance may be eligible for the UK social assistance scheme (Universal Credit).

*Variation in leave due to child or family reasons (e.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>7</sup> There is no requirement for a woman to return to employment before the father can begin taking SPL. Instead, the mother must commit to an employment return date in the future, when she will end her Maternity leave.<sup>8</sup>
- 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.

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<sup>7</sup> See: <https://www.gov.uk/shared-parental-leave-and-pay>

<sup>8</sup> The total period that both parents can be on the shared leave together would be six months, although the policy does not stipulate that parents can both be on leave at the same time.

- 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£151.97 [€177.39] during the first 37 weeks. The remaining 13 weeks of the first year are unpaid.
- In order to qualify for SPL, an individual needs to meet a length of service qualifying criterion (currently 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 (i.e. have worked for 26 weeks out of the 66 weeks before the expected week of childbirth and have earned at least GBP£30 [€35.02] 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 provided leave is taken in a continuous block. If an employee passes the continuous employment test and the other parent or partner passes an economic activity test, the employee is entitled to SPL.
- Entitlements for adopters and intended parents in surrogacy cases are 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 (for one parent); and time off to attend introductory appointments. Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay (see below).
- 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 SPL.

*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, research conducted in 2019 found that just over two-thirds of employers in all sectors offered some enhancement on statutory maternity pay.<sup>9</sup> In relation to contractual pay for SPL offered by individual employers, it is not discriminatory on grounds of sex for employers to enhance maternity pay whilst not enhancing pay for parents on SPL.<sup>10</sup>

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<sup>9</sup> <https://www.aon.com/unitedkingdom/insights/benefits-and-trends-survey-2019.jsp>

<sup>10</sup> This was confirmed by the UK Court of Appeal in the joined cases of *Ali v Capita Customer Management Ltd* and *Hextall v Chief Constable of*

## **b. Paternity leave (responsibility of the Department for Business, Energy and Industrial Strategy)<sup>11</sup>**

### *Length of leave*

- 1 or 2 weeks<sup>12</sup> (here, a week is the same amount of days that the individual normally works in one week).

### *Payment and funding*

- Flat-rate payment of GBP£151.97 [€177.39] per 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 HM Revenue and Customs.

### *Flexibility in use*

- It cannot start until the baby is born and must finish within 56 days of the baby's birth, or within eight weeks of the due date if the baby is born prematurely.
- The leave must be taken in one go.

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

- For eligibility of UK citizens and EU citizens resident in the UK, as well as asylum seekers, please see Maternity leave/eligibility. Men must have 'employee' employment status not 'worker,' 'self-employed,' or 'contractor' employment status. Under UK employment law, men who have 'worker,' 'exclusively self-employed,' or 'contractor' employment status are not eligible to receive Paternity leave or pay. Family rights to leave are contingent on employment status.
- Employees must meet four 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 at least 26 weeks by the end of the qualifying week (i.e. the 15<sup>th</sup> week before the baby is due) and remain employed at the time of

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*Leicestershire Police* Judgment available at:

<https://www.judiciary.uk/publications/hextall-v-leicestershire-police-and-capita-v-ali-and-another/>

<sup>11</sup> See: <https://www.gov.uk/paternity-pay-leave>

<sup>12</sup> Stipulated as such by the government, except if the father normally works two or three days per week, he would receive four or six days leave, and if the father works seven days, he would receive 14 days. Available here: <https://www.gov.uk/paternity-pay-leave/leave>.

the child's birth; and they provide their employer with at least 15 weeks' notice of their intention to take Paternity leave.

- Men must be earning at least GBP£120 [€140.07] per week (before tax), i.e. the minimum earnings threshold.
- Reasons for ineligibility for statutory paternity pay (SPP) are the same as for employees claiming SMP, but there is no paternity allowance (equivalent to maternity allowance, MA), for those men who are not eligible for 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).
- The individual receives 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. Unpublished research conducted by the CIPD in 2016 found that 10 per cent of employers offered a longer period of Paternity leave than the statutory minimum. The same study found that 32 per cent of employers offered paternity pay that went beyond the statutory minimum.<sup>13</sup> Additional contributions are more common in large establishments. Employment sector differences were not significant, except that employers in the hospitality, health, and social work industries were the least likely to offer Paternity leave pay enhancements.

### **c. Parental leave (responsibility of the Department for Business, Energy and Industrial Strategy)**

*Length of leave*

- 18 weeks per parent per child, but not more than four weeks per child in any one calendar year.
- Leave is an individual, non-transferable entitlement.
- Only four weeks of leave may be taken in any one calendar year for each child, unless an employer agrees otherwise (i.e. the 18 weeks cannot be taken in one continuous period of time).<sup>14</sup>

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<sup>13</sup> [www.cipd.co.uk/Images/labour-market-outlook-focus-on-working-parents\\_tcm18-17048.pdf](http://www.cipd.co.uk/Images/labour-market-outlook-focus-on-working-parents_tcm18-17048.pdf).

<sup>14</sup> [www.gov.uk/parental-leave](http://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 until the child's 18<sup>th</sup> birthday.

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

- For eligibility of UK citizens, as well as asylum seekers, please see Maternity leave/eligibility. 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>15</sup>
- Employers may postpone granting leave for up to six months in situations where leave-taking would cause significant disruption to the business.
- Some employers go beyond the statutory minimum. Indeed, some employers structure additional employer-based leave policies around the individual entitlement basis of Parental leave rather than the gendered statutory Maternity and Paternity leave policies. Additional contributions are more common in large establishments.

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<sup>15</sup> Department for Business, Innovation and Skills (2014) *The Fourth Work-Life Balance Employer Survey (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)

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

No statutory entitlement.

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

##### *Adoption leave and pay*

- Providing they meet the eligibility criteria for Maternity leave, and its derivative SPL, an adoptive parent (or one of the parents in a joint adoption) is eligible for 52 weeks of adoption leave, paid at 90 per cent of the main adopter's average earnings for six weeks with no ceiling, then a flat-rate payment of either GBP£151.97 [€177.39] or 90 per cent of average gross weekly earnings (whichever is lower) for the next 33 weeks. The remaining 13 weeks are unpaid. There is also a right to paid Paternity leave for an adopter not taking adoption leave (if they meet the Paternity leave eligibility criteria).

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

- Employees may take time off to deal with an emergency involving a dependent. A dependent could be a spouse, partner, child, grandchild, parent, or someone who depends on the individual for care.<sup>16</sup> The legislation does not define what is 'reasonable,' since this will depend on the situation.<sup>17</sup> There is no entitlement to payment.
- Some employers go beyond the statutory minimum. Where this is so, it has sometimes been promoted for use during the pandemic.

##### *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 flexi-time). 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 on one or more business-related grounds that are set out in the legislation.<sup>18</sup>

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

- None.

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<sup>16</sup> [www.gov.uk/time-off-for-dependants](http://www.gov.uk/time-off-for-dependants)

<sup>17</sup> Ibid.

<sup>18</sup> [www.acas.org.uk/media/pdf/1/7/The-right-to-request-flexible-working-the-Acas-guide.pdf](http://www.acas.org.uk/media/pdf/1/7/The-right-to-request-flexible-working-the-Acas-guide.pdf)

### *Antenatal appointments and care*

- Pregnant employees are permitted paid time off for antenatal care. Fathers are permitted time off to attend two 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 post-natal leave is 13.9 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. Leave provision is the same across the UK as it is part of the national government's responsibility for employment policy, but Early Childhood Education and Care (ECEC) policy is devolved to England, Scotland, Wales, and Northern Ireland, and so more heterogeneous; each country has a distinct education system, including ECEC.

In England, children aged three and four years are entitled to 15 hours per week of free ECEC for up to 38 weeks per year; to be eligible for 30 hours (1,140 hours per year) a parent must be working or on statutory leave such as Maternity leave. In Wales, children aged three and four years are entitled to 10 hours per week of free ECEC for 48 weeks per year and, if their parents are working, an additional 20 hours per week. In Scotland, children aged three and four years are entitled to 16 hours per week of free ECEC per week (600 hours per year); an expansion to 1,140 hours per year (without employment conditions) should take place in August 2021. Policy discussions are underway, but have stalled for Northern Ireland, which has the lowest UK ECEC levels: there is two and a half hours of free ECEC every day during term-time for three year olds (475 hours per year); school starting age is four years old. In addition, some two-year-olds across the UK who meet certain conditions can access a period of free ECEC. There is a gap, therefore, of nearly two years between the end of leave and a universal ECEC entitlement and a gap of nearly three years between the end of well-paid leave and an ECEC entitlement.

Levels of attendance at formal services for children under the age of three years are just above the average both for the countries included in this review and for OECD countries, and well above the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

### 3. Changes in policy since April 2020 (including proposals currently under discussion)

The UK left the European Union on 31 December 2020. Whilst there may be changes to leave policies in the UK which stem from Brexit, there has been no immediate change to provision. However, the EU member states are making changes to their national laws regarding Parental leave entitlements and flexible working as a result of the Work-Life Balance Directive, which came into force in July 2019. Whilst some of the measures are already in place in the UK, others are not, creating a Brexit-related loss for British working parents. In particular, the Directive provides for Parental leave to be paid at a level set by member states and for workers to be able to take leave in a flexible way. (Parental leave in the UK is currently unpaid and cannot be taken flexibly.) The Directive also introduces a five-day period of carers' leave each year and prohibits the imposition of work-related conditions in order to qualify for Paternity leave.

The UK government has confirmed that it plans to introduce neo-natal leave but has still not yet introduced legislation to Parliament.<sup>19</sup> Currently, parents of children that require neo-natal care must use their Maternity or Paternity leave if they need to take time off work. The proposals include a 'day one' right for qualifying employees to a period of statutory leave if their child requires neo-natal care. The child must be less than 28 days old and be in hospital for at least seven continuous days. This form of leave would be in addition to other forms of leave that they are eligible to take. The government has yet to confirm exactly who will be entitled to take the leave. It is unclear whether it would extend to parents who are adopting or in a surrogacy arrangement. The amount of leave will be capped at 12 weeks. Entitlement to statutory neo-natal pay would depend on minimum earnings and continuous employment requirements. The government has indicated that pay whilst on leave will be at the statutory rate. As the government deliberates on implementation, some organisations have begun to introduce their own non-statutory Neo-natal Leave provision for mothers and fathers.

In November 2020, the government minister Suella Braverman MP announced that she was expecting her second child in early 2021. At the time, she was the government's chief law officer: the Attorney-General. In order to allow the Prime Minister to appoint another MP to cover for

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[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/872097/neonatal-leave-and-pay-government\\_response.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/872097/neonatal-leave-and-pay-government_response.pdf)

Ms Braverman, the government rushed through new legislation that would allow Ms Braverman to take six months paid Maternity leave at full income replacement, a much more generous allowance than statutory Maternity leave benefit. The Ministerial and other Maternity Allowances Act 2021<sup>20</sup> also allows a limited number of Opposition MPs (e.g. the Leader of the Opposition in the House of Commons) to take Maternity leave on the same terms. However, the legislation failed to address the fundamental issue that MPs, including ministers, are ineligible to take statutory Maternity, Paternity or Parental leave as they do not have an employment status and cannot be accommodated under current UK legislation. Nor does the legislation address the problems faced by women MPs who have taken “informal” Maternity leave in the recent past e.g. MPs having to seek permission to vote by proxy. Neither does it include ministers or MPs who are new fathers.

Parental leave is a policy area where the Scottish Government considers it could potentially improve upon current UK legislation, should it become possible to do so. As such, it has become a political issue linked to a call for independence from the United Kingdom. The 2021 Scottish National Party manifesto did not include any proposals to change parental leave but did make a commitment to expand the provision of free early years education to one- and two-year olds, starting with families on a low income.

## **Policy response to the Covid-19 pandemic to end of April 2021**

### *Childcare and schools*

- In terms of ECEC, the different nations of the UK have taken divergent approaches to policies affecting children.
- National ‘lockdown’ started on 23 March 2020 in the UK and ECEC providers have been partly closed since in all nations. From 23 March only children of key workers and children identified as in vulnerable groups could access ECEC (including pre-school childcare) and attend primary school.
- An early UK wide definition of key worker termed ‘critical worker’ was published and subsequently rolling advice has been given to ECEC providers. Critical workers are those whose paid work is deemed critical to the coronavirus (COVID-19) response including those who work in health and social care and in other key sectors.
- At the outset it was noted that workers who were parents working in these sectors may be able to look after their child at home, although attendance at ECEC and school was encouraged. Government advised the following principles: 1. If a child needs

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<sup>20</sup> [www.legislation.gov.uk/ukpga/2021/5/introduction/enacted](http://www.legislation.gov.uk/ukpga/2021/5/introduction/enacted)

specialist support, is vulnerable or has a parent who is a critical worker, then educational provision will be available for them; 2. Parents should not rely for childcare upon those who are advised to be in the stringent social distancing category such as grandparents, friends, or family members with underlying conditions; 3. Parents must do everything they can to ensure children are not mixing socially outside of school. They must observe the same social distancing principles as adults, as far as possible; 4. Residential special schools, boarding schools and special settings continue to care for children wherever possible.

- Prior to 1 June 2020 in the UK as a whole, only children of key workers and children identified as in vulnerable groups could access pre-school childcare and attend primary school. From 1 June, children in England who are in pre-school settings and children in Reception, Year 1 or 6 began to return to school, although it was not obligatory for them to do so if parents would prefer to keep them at home.
- Parents in England and Scotland have been able to access ECEC from June 2020 and early years settings have remained open throughout the latest national lockdown, which began on 6 January 2021. A UK-wide lockdown was imposed because of a huge increase in people who had contracted Covid-19 and a consequent increase in people being hospitalised. At the start of January 2021, primary and secondary schools pupils in the UK (apart from children of key workers or children classed as vulnerable) were told not to return to school for the start of term.
- All primary school pupils in Wales were able to return to on-site schooling from Monday 15 March 2021. Secondary school pupils in Years 11 and 13 returned to the classroom on the same date. The Welsh government does not intend a complete return to on-site schooling for secondary school pupils until after Easter this year.
- Primary and secondary school pupils in England returned to on-site schooling on Monday 8 March. Secondary school pupils were obliged to have three COVID-19 tests during that week and are being encouraged to take a twice-weekly test for COVID-19 thereafter.
- Similar to Wales, the Scottish government has taken a phased approach to school re-opening. Primary school pupils in Years P1-P3 returned on Monday 22 February, with the remainder of primary school pupils returning on Monday 15 March. Secondary school pupils also returned on a part-time basis on 15 March, and a full return was completed after the Easter holidays.
- The Northern Irish government decided that pupils in Years P1-P3 could return to face-to-face teaching from Monday 8 March. Years P4-P7 returned from Monday 22 March. Pupils in Years 12-14 returned to face-to-face teaching prior to the Easter holidays

and secondary school pupils in Northern Ireland returned on Monday 12 April.

#### *Parental leave*

- There were no modifications to Parental leave.

#### *Other measures for parents and other carers*

- The Coronavirus Job Retention Scheme, colloquially known as the 'Furlough' scheme, targeted at employees unable to work, has consequences for parents', their ability to care for children and earn a livelihood. Under the Furlough scheme, initiated in March 2020, the employer/business can claim for 80 per cent of employee's wages plus employer's National Insurance contribution up to a ceiling of £2,500 a month, slightly higher than average wage. Employers can also 'top-up' the 20 per cent. Since 1 August 2020, employers have been responsible for meeting the costs of employer National Insurance and pension contributions. On 3 March 2021, the government announced that the scheme would be extended until the end of September 2021. However there are tapering arrangements in place for the final three months. In July, the government's contribution will decrease to 70 per cent of wages (up to a ceiling of £2,187.50 per month) with employers contributing 10 per cent. In August and September, the government contribution will be 60 per cent (up to a ceiling of £1,875), with employers contributing 20 per cent.
- For employees:
  - the Government reports 'business as usual' for eligibility for Maternity, Paternity and Parental leave.
  - Workers who are ill or have with 'health-related' caring responsibilities can claim sick pay. Statutory Sick Pay (SSP) is currently £95.85 per week and is paid by employers for up to 28 weeks.
  - There is no new right/entitlement for workers to care for children (i.e. an independent COVID-19 care leave) under COVID apart from arguably SSP. Workers can claim SSP if they are self-isolating in accordance with government advice (e.g. because a family member has symptoms) or if they are deemed clinically vulnerable because of underlying health condition. School closures, per se, do not trigger SSP receipts.
- Self-employed workers remain ineligible to all leave in the UK under 'furlough' but can claim Universal Credit (see below) and there are other schemes to help their business.
- The government has not responded to last year's national e-petition calling for it to extend Maternity leave by three months with pay in light of the COVID-19 pandemic.

- There have been no changes to regular statutory arrangements although non-statutory (e.g. company level) arrangements occur.
- Under normal circumstances, schools do not provide free school meals to eligible children who are not in school. But during the coronavirus outbreak, schools are expected to continue supporting children eligible for benefits-related free school meals who are at home. This can include: providing meals or food parcels through food providers; using the Department for Education's (DfE) centrally-funded national voucher scheme; providing alternative vouchers for a local shop or supermarket. Free school meals should be offered to eligible pupils not attending school during term time weeks. Costs of the national voucher scheme to provide free school meals for eligible pupils have been met by Government during school holidays and also during the latest national lockdown starting on 6 January 2021.
- The voluntary sector provides foodbanks in many communities. The Trussell Trust, the UK's biggest food bank network, said it gave out 89 per cent more food parcels in April, compared to the same month last year, while the Independent Food Aid Network (Ifan) recorded a 175 per cent increase over the same period.<sup>21</sup>
- Provision for parents who are non-workers or unemployed is important to note: 'Universal Credit'- (UC) the UK's 'safety net' social insurance covering 'all needs' including housing. Universal Credit- one standard allowance for household. This scheme has been adjusted a little for COVID-19. Individuals do not need to attend the Jobcentre Plus office and can just apply online. Initially on-line waiting was significant as millions have applied.
- As of 14 January 2021, there were six million people on Universal Credit. This is an increase of 98 per cent since 12 March 2020.
- People can access advance payments a little more easily as before COVID-19 there was usually a five-week wait but any advanced amount is taken from final payment. Self-employed can apply. Level of payment still very low:
  - £342.72 per month for single claimants under 25
  - £409.89 per month for single claimants aged 25 or over
  - 488.59 per month for joint claimants both under 25
  - £594.04 per month for joint claimants with either aged 25 or over
- There has been a COVID-19 supplement increase of up to £86.67 a month from 6 April 2020 for all new and existing claimants. The government has decided to extend the increased payment until the end of September 2021.

#### 4. Uptake of leave

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<sup>21</sup> <https://www.theguardian.com/society/2020/jun/03/record-numbers-used-uk-food-banks-in-first-month-of-lockdown>



The UK government does not routinely collect data for uptake of leaves. There is no current information.

The most recently publicly available national data is from 2009/10: i.e., the *Maternity and Paternity Rights and Women Returners Survey 2009/10*.<sup>22</sup> This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provides the most recent 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). Please see previous editions of this review for more information.

The *Millennium Cohort Study* and *Growing up in Scotland* surveys also provide some indication of leave uptake. These studies conduct interviews with parents of representative cohorts of children born in a given time period.

#### **a. Maternity leave**

There is no current information.

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

There is no current information.

#### **c. Parental leave**

There is no current information.

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

Government decisions to close schools and encourage people to stay at home for large periods of the last 12 months has resulted in a huge increase in the number of parents having to combine home schooling their children whilst working from home. In their analysis of responses to a national survey conducted in May 2020, Sevilla and Smith found that 44 per cent of respondents were working from home<sup>23</sup>. This shift

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<sup>22</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: [www.gov.uk/government/publications/maternity-and-paternity-rights-and-women-returners-survey-200910-rr777](http://www.gov.uk/government/publications/maternity-and-paternity-rights-and-women-returners-survey-200910-rr777)

<sup>23</sup> Sevilla, A. and Smith, S. (2020) *Baby Steps: The Gender Division of Childcare during the COVID-19 Pandemic*, IZA Institute of Labor Economics. Available at:

seems to have reduced the stigma around working from home. In their analysis of a non-representative survey of employees conducted in May and June 2020, Chung et al found that employees who did work from home during lockdown reported that their managers were overwhelmingly supportive of the arrangement<sup>24</sup>. They also found that over 70 per cent of parents wanted to increase the amount of work that they do at home in the future in order to spend more time with their children. Whether the shift to home working results in a longer term change to working culture remains to be seen.

There have been gendered consequences as a result of these changes: both Sevilla and Smith (2020), and Chung et al. (2020) found that mothers were providing most of the additional childcare during periods of school closure, with women doing twice as much childcare per week as men on average. However on a positive note, Sevilla and Smith found that on average, there has been a small decrease in the gender childcare gap within households (i.e. the difference in the amount of childcare provided by men and women).

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<https://www.iza.org/publications/dp/13302/baby-steps-the-gender-division-of-childcare-during-the-covid-19-pandemic>

<sup>24</sup> Chung, H., Seo, H., Forbes, S. and Birkett, H. (2020) Working from home during the Covid-19 lockdown: Changing preferences and the future of work. <https://www.birmingham.ac.uk/Documents/college-social-sciences/business/research/wirc/epp-working-from-home-COVID-19-lockdown.pdf>

# United States<sup>1</sup>

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April 2021

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.

**Note on United States leave policy:** The United States is a federal state. 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. Federal, state and local leave policies tend to provide coverage for care of a new child and time to care for a seriously ill member of one's family or oneself. The federal Family and Medical Leave Act (FMLA) of 1993 provides unpaid leave for a variety of reasons including: childbirth or the care of a new-born child up to the age of 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 them unable to work their regular schedule. The federal Department of Labor is responsible for the FMLA. In addition, nine states, the District of Columbia and one territory offer all or some employees the statutory right to partly compensated leaves for family reasons. In March 2020, 21 per cent of all civilian workers had access to paid family leave, and 89 per cent had access to unpaid family leave.<sup>2</sup>

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<sup>1</sup> Please cite as: Petts, R.J., Engeman, C., Kaufman, G. and Gatenio Gabel, S. (2021) 'United States country note', in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/).

<sup>2</sup> Bureau of Labor Statistics (September 2020) *National Compensation Survey: Employee Benefits in the United States, March 2020, Bulletin 2793*. Available at: <https://www.bls.gov/ncs/ebs/benefits/2020/home.htm>

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

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

- The FMLA provides up to 12 weeks in a 12-month period. Leave is an individual entitlement (for those who are eligible, see below).

### *Payment and funding*

- Leave under the FMLA is unpaid and job-protected, meaning that employees are guaranteed a return to the same or similar position with the same employer.

### *Flexibility in use*

- FMLA leave may be taken in one continuous period or divided into several blocks of time.

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

- Nine states, the District of Columbia, and Puerto Rico have adopted paid leave insurance for pregnancy and/or family caregiving. All leave rights and benefits are granted as individual entitlements. For cross-national comparative purposes, we note that there are no nationality/citizenship-based eligibility requirements. Eligibility requirements concern employment (i.e., number of weeks or hours worked, employer size, etc.). We also note that since the Supreme Court struck down state-level same-sex marriage bans in June 2015, leave to care for one's spouse includes married, same-sex couples, and leave to care for children includes children of same-sex couples where there is legal guardianship. Some states cover leave to care for children for employees standing in *loco parentis* – or acting as parents regardless of legal guardianship. This is noted in the descriptions of state provisions below.
  - **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 insurance allows covered employees, regardless of gender, to receive wage replacement benefits for up to eight weeks. Leave is partially paid at 60 to 70 per cent of earnings, depending on income,

up to a maximum of US\$1,357 [€1,141.20]<sup>3</sup> per week in 2021. Leave is paid for childbirth, adoption, or care of a seriously ill child, grandchild, parent, parent-in-law, grandparent, spouse, or domestic partner. The definition of 'parent' under the law includes individuals serving as a parent to a child without reference to legal guardianship. PFL was created by extending the State Disability Insurance (SDI) programme to cover family caregiving needs. The SDI provides 52 weeks of wage replacement benefits for leave related to employees' own temporary disability, serious illness, or non-work-related injury. PFL and SDI benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase. The average weekly benefit for family care in December 2020 was US\$735<sup>4</sup> [€618.11]. As an insurance programme, the PFL and SDI programmes do not provide rights to job protection. Job protection is provided under other laws, such as the FMLA or the California Family Rights Act. Under a separate law, pregnant employees have the right to an additional four months of job-protected leave for disability due to pregnancy, childbirth, or related health condition (if they work for an employer with five or more employees). They can receive wage replacement under SDI, typically for four weeks prior to and six weeks after childbirth (and this is in addition to six weeks of benefit payments under the PFL for bonding). Additional weeks can be granted with proper physician certification in cases of difficult pregnancies.

- **Connecticut** passed a paid family and medical leave law in June 2019. This policy provides up to 12 weeks of paid leave to care for a new child (birth, adoption, foster); to care for one's own health condition; care for a family member (child, parent, spouse, domestic partner, grandparent, grandchild) with a serious health condition; to address issues related to a family member's active military duty; or to serve as a bone marrow or organ donor. Wage replacement is capped at 60 times the minimum wage for those with earnings above 40 times the minimum wage and 95 per cent of wages for those earning 40 times the minimum wage or less.<sup>5</sup> This programme will be funded by a withholding tax of 0.5 per cent of earnings. All private sector employees are covered, and self-employed

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<sup>3</sup> Conversion of currency undertaken for 21 June 2021, using: [https://www.ecb.europa.eu/stats/policy\\_and\\_exchange\\_rates/euro\\_reference\\_exchange\\_rates/html/eurofxref-graph-usd.en.html](https://www.ecb.europa.eu/stats/policy_and_exchange_rates/euro_reference_exchange_rates/html/eurofxref-graph-usd.en.html).

<sup>4</sup> [https://edd.ca.gov/about\\_edd/Quick\\_Statistics.htm#DIStatistics](https://edd.ca.gov/about_edd/Quick_Statistics.htm#DIStatistics)

<sup>5</sup> <https://portal.ct.gov/Office-of-the-Governor/News/Press-Releases/2019/06-2019/Governor-Lamont-Signs-Historic-Law-Enacting-Family-and-Medical-Leave-in-Connecticut>

individuals can opt into the programme. Payroll contributions begin January 1, 2021 and benefits begin on January 1, 2022.

- **Hawaii's** insurance programme uniquely focuses on pregnancy and childbirth. It provides up to 26 weeks of partial wage replacement under its Temporary Disability Insurance (TDI) programme for leave to address health issues related to pregnancy and childbirth (certified by a health professional). Benefits are 58 per cent of average weekly wages, paid up to a limit which is set annually. In 2021, that ceiling was US\$640 [€538.22] per week.<sup>6</sup> To be eligible for TDI benefits, employees must be employed and have worked for at least 14 weeks, for at least 20 hours per week for those 14 weeks, and have earned at least US\$400 [€336.39] in the year preceding leave. Under the **Hawaii Family Leave Law** and rules, an employee may be eligible for up to four weeks of *unpaid* family leave each calendar year for the birth or adoption of a child, or to care for his / her child, spouse, reciprocal beneficiary, or parent with a serious health condition. An employee may substitute accrued paid leave (i.e., vacation or sick leave) for any part of the State Family Leave. However, only the accrued and available sick leave in excess of the fifteen (15) days required under the State's self-insured Temporary Disability Benefits Plan, can be applied toward family leave purposes. To be eligible for State Family Leave benefits, an employee must have worked for at least six consecutive months with the State. If an employee qualifies for both State Family Leave and FMLA, both leave periods will run concurrently.
- **Massachusetts** adopted paid family medical leave in 2018. The programme provides: up to 12 weeks to care for a newborn, newly adopted, or newly placed foster child; up to 20 weeks to address one's own serious medical condition, including pregnancy- and childbirth-related health issues; up to 12 weeks to care for a family member (i.e., parent, spouse, child, domestic partner, grandparent, grandchild, sibling, parent-in-law, and domestic partner's parent); up to 26 weeks to address issues related to the military deployment of a family member or a family member's serious illness or injury incurred in active military duty; and up to 26 weeks of combined medical and family caregiving leave. Employees standing in *loco parentis* to a child can take leave to care for the child. The wage replacement rate is 80 per cent of average weekly wages, up to 50 per cent of the state-wide average weekly wage (AWW), plus 50 per cent of wages beyond that amount up to a cap of US\$850 [€714.83] per week. Eligible employees began making payroll contributions to the fund in

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<sup>6</sup> <https://labor.hawaii.gov/dcd/files/2019/11/newWBA.pdf>

July 2019 and can start receiving benefits in January 2021 (but for family caregiving purposes, benefits start in July 2021). To be eligible, employees must work at least 15 weeks and earn at least US\$5400 [€4,541.25] in the 12-month period prior to taking leave. The programme covers all private sector and most public sector employees.<sup>7</sup> Self-employed individuals can opt in.

- **New Jersey** implemented paid family leave insurance in 2009. The legislation extends the state's existing TDI system (which previously provided paid leave to address medical issues related to pregnancy and childbirth) to provide workers with up to 12 weeks of benefits. The maximum weekly benefit levels are \$903 (€759.40) per week. Benefits cover leave to care for a parent, spouse, child, domestic or civil union partner, partner's child, sibling, grandparent, grandchild, parents-in-law, any blood relative, and any person who is considered equivalent to family. The measure is financed by employee payroll deductions and covers all private sector employers, and some public employees.<sup>8,9</sup> Benefits payments for paid family leave do not run concurrent with TDI benefit payments for leave related to pregnancy and childbirth. Under TDI, pregnant employees can receive wage replacement for four weeks prior to the anticipated delivery date and six weeks after delivery.
- **New York** implemented its paid family leave programme in January 2018. The programme provides job-protected, paid leave to care for a new child, a seriously ill parent, spouse, domestic partner, child, grandparent, or grandchild, or to relieve family pressures when a spouse, domestic partner, child, or parent is called to active military service abroad. Employees standing in *loco parentis* to a child can take leave to care for the child. In 2019, the programme provided job protection and wage replacement for ten weeks. In 2021, the duration increased to 12 weeks, making the programme fully phased-in. Benefits pay 67 per cent of an employee's AWW, capped at 67 per cent of the state-wide AWW, with a maximum of US\$971.61<sup>10</sup> [€817.10] per week in 2021. The paid family leave programme is funded entirely through employee payroll deductions. Employees are eligible to participate after having worked for their employer for 26 weeks full-time or 175 days part-time. In addition to the paid

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<sup>7</sup> <https://www.mass.gov/info-details/your-eligibility-for-paid-family-and-medical-leave-pfml>

<sup>8</sup> <https://myleavebenefits.nj.gov/worker/fli/>

<sup>9</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)

<sup>10</sup> <https://paidfamilyleave.ny.gov/2021>

family leave programme, the TDI programme provides up to 26 weeks for pregnancy and childbirth, paid at 50 per cent of average weekly wages up to a cap of US\$170 [€142.97] per week. Benefit payments cover leave for medical issues related to pregnancy and/or childbirth, and requires the submission of medical reports. This leave is managed through the TDI programme, which is jointly funded by employees and employers.<sup>11</sup> Self-employed individuals can opt in to the insurance programmes.

- **Oregon** passed paid family leave in July 2019. This policy will go into effect on 1 January 2023, and then provide up to 12 weeks of paid leave for new parents, for those who need to take care of their own or a family member's serious health condition, and for survivors of domestic or sexual violence. Wage replacement is 65 per cent of state AWW plus 50 per cent of wages above the state AWW up to a maximum of US\$1,215 [€1,021.78] per week.<sup>12</sup> Low-income workers will receive 100 per cent of their AWW. This program will be funded by a payroll tax, with employees paying 60 per cent and employers paying 40 per cent (businesses with fewer than 25 employees will be exempt from paying taxes though their employees will still be covered). Almost all employees, including part-time employees, will be covered.
- **Rhode Island's** paid family leave programme (referred to as Temporary Caregiver Insurance) was implemented in 2014. The legislation provides job protection and extends the state's existing TDI programme to provide four weeks of paid leave to care for a new child or a parent, spouse, child, domestic partner, grandparent, or parent-in-law with a serious health condition. The programme is financed by employee payroll deductions and provides 60 per cent of previous weekly earnings, with a maximum of US\$887 [€745.94] per week in 2020.<sup>13</sup> It covers all private sector employees and some public sector employees. In 2019, the average weekly benefit was US\$568 [€477.67] for caregiving.<sup>14</sup> Pregnant employees qualify separately for job-protected paid leave through the TDI programme. TDI covers leave to address medical issues related to pregnancy and childbirth (child bonding is covered by the temporary caregiver insurance). The benefit rate is 4.62 per cent of previous earnings in the highest-earning

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<sup>11</sup> <http://www.wcb.ny.gov/content/main/DisabilityBenefits/Employer/introToLaw.jsp>

<sup>12</sup> <https://www.shrm.org/resourcesandtools/legal-and-compliance/state-and-local-updates/pages/oregon-passes-generous-paid-family-leave-law.aspx>

<sup>13</sup> <http://www.dlt.ri.gov/tdi/tdifaqs.htm>

<sup>14</sup> <https://dlt.ri.gov/lmi/datacenter/uitdi.php>



quarter of the employee's base period (i.e., first four of previous five quarters of employment).

- The state of **Washington** adopted paid family leave insurance in 2017. Employees began contributing to the insurance fund in 2019, and, starting in 2020, the programme provides wage replacement during leave to: care for a new-born, newly adopted, or newly placed foster child; or a parent, spouse, domestic partner, child, grandchild, grandparent, or sibling with a serious health condition; or to address issues related to a family member's active military duty. Employees standing in *loco parentis* to a child can take leave to care for the child. Leave can also be used to address an employee's own health issues, including those related to pregnancy or childbirth. Benefits pay 90 per cent of the employee's average weekly wages for employees who earn 50 per cent or less of the state-wide AWW. Employees who earn more receive 90 per cent of their AWW, up to 50 per cent of the state-wide AWW, then 50 per cent of their AWW that exceeds 50 per cent of the state-wide AWW. In 2021, the maximum weekly benefit is \$1,206 [€1,014.21]. Benefits are paid for up to 12 weeks for either medical or family leave, 16 weeks for combined self-care and family caregiving, or for up to 18 weeks to address a serious pregnancy-related health condition combined with family caregiving needs. To be eligible, employees must have worked at least 820 hours in four out of five previous quarters. Rights to job protection cover only employees in establishments of 50 or more employees, plus require 12 months and 1,250 hours of employment. Self-employed individuals can opt in.<sup>15</sup>
- The **District of Columbia** passed the Universal Paid Leave Amendment Act in December 2016, which provides eight weeks of paid Parental leave for a new-born, newly adopted, or newly placed foster child; six weeks of family leave to care for a parent, spouse, child, domestic partner, grandparent, or sibling; two weeks of medical leave to address one's own serious health condition; and up to eight weeks in total of combined medical and family caregiving leave. Employees standing in *loco parentis* for a child can take leave to care for the child. The Act covers all private sector employees covered by the D.C. Unemployment Compensation Act. Self-employed individuals can opt in. In July 2019, employees started contributing to the fund through payroll deductions and, beginning in July 2020, employees can receive benefits. Leave is job-protected, and benefit payments are 90 per cent of the employee's AWW, up to a cap of US\$1,000 [€840.97] per

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<sup>15</sup> <https://paidleave.wa.gov/find-out-how-paid-leave-works/>

week.<sup>16</sup> For employees with average weekly wages above US\$1000 [€840.97], the wage replacement rate is 80 per cent.<sup>17</sup>

- o **Puerto Rico's** Working Mothers Act (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 child under the age of six is entitled to the same leave benefits as a mother who gives birth.<sup>18,19</sup>

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

- The federal FMLA covers all employees (including foreign workers who have a valid work visa<sup>20</sup>) who work 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) for at least 1,250 hours over the preceding 12 months.
- FMLA defines a child as a biological, adopted, or foster child, stepchild, legal ward, or a child of a person standing *in loco parentis*.<sup>21</sup> As such, a same-sex parent may take leave under FMLA to care for their child, even if they are not an adoptive parent.
- 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>22</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 Federal Employee Paid Leave Act (FEPLA) provides federal employees up to 12 weeks of paid time off for the birth of a child or the placement of a child for adoption or foster care. This policy

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<sup>16</sup> [https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/PFL%20Employee%20FAQ\\_0.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/publication/attachments/PFL%20Employee%20FAQ_0.pdf)

<sup>17</sup> [https://does.dc.gov/sites/default/files/dc/sites/does/page\\_content/attachments/PFL%20Sample%20Benefit%20Amount%20Chart.pdf](https://does.dc.gov/sites/default/files/dc/sites/does/page_content/attachments/PFL%20Sample%20Benefit%20Amount%20Chart.pdf)

<sup>18</sup> <http://www.oslpr.org/download/en/2000/0120.pdf>

<sup>19</sup> <http://www.oslpr.org/download/en/2000/0425.pdf>

<sup>20</sup> <https://www.dol.gov/whd/regs/compliance/FactSheet62/whdfs62I.pdf>

<sup>21</sup> <https://www.dol.gov/whd/fmla/adultchildfaqs.htm>

<sup>22</sup> Council of Economic Advisors (2014) *The Economics of Paid and Unpaid Leave*. Washington, DC: Office of the President.

was passed in December 2019 and federal employees became eligible to take leave beginning 1 October 2020. Leave may be used only during the 12-month period beginning on the date of the birth or placement involved as long as an employee has a continuing parental role with the child whose birth or placement was the basis for the leave entitlement. To receive paid leave benefits under FEPLA, federal employees must meet FMLA eligibility requirements.

- The majority of US workers lack access to paid family leave from any source. The 2017/2018 *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. Thirty-nine per cent of employees indicated they had access to paid leave for childcare and eldercare, while 49 per cent had access to leave to care for an ill family member. Only 21 per cent of workers in the United States have access to paid family leave through their employers; 20 per cent of private sector employees have access to paid family leave through their employers; and 26 per cent of state and local government workers do.<sup>23</sup>
- Federal FMLA exempts private employers and non-profit organisations with fewer than 50 employees within a 75-mile radius (all public sector employees are covered).

#### *Flexible working*

- None.

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

- The Fair Labour Standards Act, amended by the Affordable Care Act in 2012, requires that an employer with 50 or more employees provide its hourly workers with: a reasonable break 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.

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<sup>23</sup> Bureau of Labor Statistics (September 2020). National Compensation Survey: Employee Benefits in the United States, March 2020, Bulletin 2793.

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

There is no statutory entitlement to leave or to Early Childhood Education and Care (ECEC).

Levels of attendance at formal ECEC services are below average 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 2020 (including proposals currently under discussion)**

### *Federal leave*

Support is building for a federal paid leave initiative, yet the partisan divide in Congress and debates about funding a federal paid leave policy pose notable barriers to legislation being passed.

With the newly elected Democratic administration and the new leadership in Congress, the Republican-sponsored leave-related bills introduced in previous sessions have not been reintroduced. In February 2021, Democrats reintroduced the *Family and Medical Insurance Leave (FAMILY) Act* in the 117<sup>th</sup> Congress (H.R. 804 and S. 248). The bill provides 12 weeks of paid leave for the birth or adoption of a child; for the care of a seriously ill child, spouse, or parent; or for a serious health condition of the employee that makes them unable to work their regular schedule. Partial wage replacement (up to 66 percent of monthly wages capped at \$4000 [€3,363.89] per month) for all qualifying events would be funded by a payroll tax on employers and employees. The proposed legislation has 198 co-sponsors in the House and 36 co-sponsors in the Senate. There are no Republican co-sponsors.

### *State level*

Colorado passed paid family leave in 2020 with initiative 283, making Colorado the first state to establish a paid leave insurance programme via ballot initiative (i.e., the proposed programme appeared on the ballot in the 2020 elections, and voters directly approved). Contributions to the employer-employee jointly-funded program will begin in January 2023, and employees can access benefits starting in January 2024. The programme provides 12 weeks of paid, job-protected leave to bond with a new child (birth, adoption, foster), for self-care or to care for a family member with a serious illness or health condition, to address issues related to a family member's military service, or to address issues related to surviving domestic violence, stalking, sexual assault or abuse.

Family members include a child, spouse, domestic partner, spouse's/partner's parent, grandparent, grandchild, sibling, and other individuals the beneficiary considers family regardless of biological ties. In cases of complications from birth or pregnancy, beneficiaries can access an additional four weeks of leave. Eligibility for paid benefits requires employees to have earned at least \$2,500 [€2,102.43] at their current job. Eligibility for job protection requires 180 days of employment prior to taking leave. Employees of both the private sector and state and local government are covered, and self-employed individuals can opt in. Benefits pay 90 per cent of previous earnings that are at or below half of the statewide average weekly wage (AWW) *plus* 50 per cent of previous earnings that are above this amount. The benefit ceiling for the programme's first year is \$1,100 [€925.07], which will be adjusted annually to equal 90 per cent of the statewide AWW.<sup>24</sup>

While Colorado was the only state to adopt paid family leave in 2020, 25 state legislatures introduced paid family leave bills that year.<sup>25</sup> Thus paid leave provisions remain a salient policy issue at the state level.

## **Policy response to the Covid-19 pandemic up to end April 2021**

### *Childcare and schools*

- The closure of ECEC and schools is based on state and local-level decisions. Almost all states ordered schools to close in mid-March 2020 and then, by the end of April 2020, ordered schools to remain closed for the remainder of the academic year.<sup>26</sup> See also 2020 US country note for details.
- In the 2020-2021 academic year, there was wide variation in school policies by state and school district with some schools opening in-person, some remaining closed (and using virtual learning), and others adopting a hybrid model (some days in-person, some days virtual learning).<sup>27</sup> Learning modalities fluctuated throughout the academic year as conditions of the pandemic changed.<sup>28</sup>

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<sup>24</sup> <https://www.sos.state.co.us/pubs/elections/Initiatives/titleBoard/filings/2019-2020/283Final.pdf>

<sup>25</sup> National Council of State Legislatures. Time Off to Care: State Actions on Paid Family Leave (ncsl.org)

<sup>26</sup> <https://www.edweek.org/ew/section/multimedia/map-coronavirus-and-school-closures.html>

<sup>27</sup> <https://www.educationnext.org/virtual-fall-americas-largest-school-districts-are-opting-for-remote-starts/>

<sup>28</sup> <https://www.edweek.org/leadership/map-where-are-schools-closed/2020/07>

### *Parental leave*

- There is no statutory entitlement.

### *Other measures for parents and other carers*

- Through the end of 2020, the Families First Coronavirus Response Act (Families First Act) and the *Coronavirus Aid, Relief, and Economic Security Act* (CARES Act) (enacted in March 2020) allowed for employees of private businesses of less than 500 employees to receive up to 12 weeks of paid leave who are 'unable to work due to a need for leave to care for their child because the school or day care has been closed or the childcare provider is unavailable due to a public health emergency.' The CARES Act required that the paid leave benefit must be equal to at least two-thirds of regular pay, but employers do not have to pay more than \$200 [€168.19] per day and \$10,000 [€8,409.72] in total per employee. Employers are not required to pay during the first ten days of leave. Businesses with less than 50 employees may qualify for exemption (if leave requirements would impact the viability of the business), and executive branch federal employees may also be exempt.<sup>29</sup>
- In addition, the Family First Act made paid sick time available to employees for up to 80 hours if an employee is unable to work or telework because the employee: 1) is subject to quarantine or isolation order (or caring for someone who is subject to quarantine or isolation order); 2) has been advised by a health care provider to self-quarantine due to coronavirus concerns; 3) is experiencing symptoms of coronavirus and seeking a medical diagnosis; or 4) is caring for their child if their school or day care has been closed, or the child care provider is unavailable, due to coronavirus precautions.
- The benefit must be equal to at least two-thirds of regular pay, but employers do not have to pay more than \$511 [€429.74] per day and \$5,100 [€4,288.96] in total per employee. For paid sick leave taken to care for someone else, employers do not have to pay more than \$200 [€168.19] per day and \$2,000 [€1,681.94] in total. The exclusions are similar to those referenced above for Paid Family and Medical. A refundable tax credit against payroll taxes owed by employers to cover 100 per cent of the cost of required leave. Leave pay is also available to self-employed via tax credit.
- The benefits associated with the Family First Act expired on 31 December 2020. However, employer tax credits for paid sick leave and expanded family and medical leave were extended to 31 March 2021 for employers to voluntarily provide leave to

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<sup>29</sup> <https://www.dol.gov/agencies/whd/pandemic/ffcra-employee-paid-leave>

employees. The American Rescue Plan passed by Congress in March 2021 further extended employer tax credits for employers who provide paid leave to employees for COVID-related reasons until 30 September 2021. However, in 2021, employers are not *required* to provide either form of leave.

#### 4. Uptake 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 leave for their own illness; 21 per cent took leave for reasons related to a new child; and the remainder took leave to care for an ill family member (which could be a spouse or child).<sup>30</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>31 32</sup> and little or no effects on time off taken 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. In contrast, evidence suggests that workers are much more likely to use paid leave. A recent report shows that among workers who have access to paid family or parental leave, 87 per cent of women and 59 per cent of men use at least half of the paid parental/family leave that they have access to (66 per cent of women and 36 per cent of men use all available paid leave).<sup>33</sup> Also, implementation of California's PFL law increased the leave-taking of new fathers by 46 per cent and new mothers by 13 per cent.<sup>34</sup>

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<sup>30</sup> Klerman, J. A., Daley, K. and Pozniak, A. (2013) *Family and Medical Leave in 2012: Technical report*. Washington, D.C.: Abt Associates.

<sup>31</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>32</sup> Han, W.J., Ruhm, C., and Waldfogel, J. (2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*, vol.26, 1: 29-54.

<sup>33</sup> <https://www.shrm.org/hr-today/trends-and-forecasting/research-and-surveys/Documents/2017%20Employee%20Benefits%20Report.pdf>

<sup>34</sup> Bartel, A. P., Rossin-Slater, M., Ruhm, C. J., Stearns, J. and Waldfogel, J. (2018) 'Paid family leave, fathers' leave-taking, and leave-sharing in dual earner households', *Journal of Policy Analysis and Management*, 37: 10-37.

# Uruguay<sup>1</sup>

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April 2021

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) Law 19.121 (*Licencias por maternidad y por paternidad*)**

*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. Civil servants of the Central Administration are entitled to 14 weeks.

*Payment and funding*

- 100 per cent of earnings with no upper limit on payments.
- Funded from general taxation.

*Flexibility in use*

- None, except for five weeks of leave that can be taken before or after birth.

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<sup>1</sup> Please cite as: Batthyány, K. and Perrotta, V. (2021) 'Uruguay country note,' in Koslowski, A., Blum, S., Dobrotić, I., Kaufman, G. and Moss, P. (eds.) *International Review of Leave Policies and Research 2021*. Available at: [http://www.leavenetwork.org/lp\\_and\\_r\\_reports/](http://www.leavenetwork.org/lp_and_r_reports/)



### *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.
- In the case of premature births with less than 32 weeks of gestation and requiring hospitalisation, both parents (biological or adoptive) are entitled to leave for the duration of such hospitalisation, up to a maximum of 60 days. Upon the termination of this license, the usufruct of Maternity or Paternity leave will begin.

### **a. Maternity leave (private sector) Law 19.161 (*Subsidio por maternidad*) (Instituto de Seguridad Social)**

#### *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 of 14 weeks.

#### *Payment and funding*

- 100 per cent of earnings with no upper limit 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*

- Women may postpone the start of Maternity leave (if authorised by her doctor).
- Premature delivery: if the birth occurs earlier than 42 days before the due date of delivery, the beginning of the subsidy is modified to the actual day of the baby's birth. The start of postpartum leave is not modified, that is, the original postpartum leave period is maintained, granting more days of leave.
- Delivery delay: if the birth occurs after the due date of delivery, the postpartum rest period is extended, taking into account the

number of days of the delay.

#### *Eligibility*

- All female employees who contribute to the Social Security Institute (BPS).
- Self-employed workers who are covered by the Social Security Institute (BPS), with no more than one employee.
- Other self-employed workers who are covered by the Social Security Institute (BPS).

*Variation in leave due to child or family reasons (e.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) Law 19.121 (*Licencia por paternidad*)**

*Length of leave (before and after birth)*

- 10 working 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*

- In the case of premature births with less than 32 weeks of gestation and requiring hospitalisation, both parents (biological or adoptive) will be entitled to leave for the duration of such hospitalisation, up to a maximum of 60 days. Upon the termination of this period, Maternity or Paternity leave begins.

**b. Paternity leave (private sector) Law 19.161 (*Inactividad Compensada por Paternidad*) (Instituto de Seguridad Social)**

*Length of leave (before and after birth)*

- 13 calendar days for employees; ten calendar days for self-employed workers.

*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.
- For employees, the first three days are paid by the employer (Law 18.345), and the next ten are paid by the social security system (Law 19.161).
- 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 the employer, plus earmarked proceeds of certain taxes.

*Flexibility in use*

- None. To be taken from the day of birth.

*Eligibility*

- All male employees who contribute to the Social Security Institute (BPS).
- Self-employed workers who are covered by the Social Security Institute (BPS), with no more than one employee.
- Other self-employed workers who are covered by the Social Security Institute (BPS).

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

No statutory entitlement.

### **c. Parental leave (private sector)**

#### *Length of leave*

- Until six months after childbirth. Leave is a family entitlement.
- Leave must be taken part time; the parent taking leave cannot work more than four hours a day.

#### *Payment and funding*

- As for Maternity and Paternity leave (private sector) (see 1a and 1b).

#### *Flexibility in use*

- Parents can alternate taking leave in days weeks, or months at any time during the period between the end of Maternity leave and the first six months of the baby's life.
- Leave cannot be taken at the same time by both parents.

#### *Eligibility*

- As for Maternity and Paternity leave (private sector) (see 1a and 1b), except it is a requirement for fathers that the mother of the baby has been eligible for private sector Maternity leave.
- The law does not define whether same-sex couples are eligible. However, the Social Security Institute (BPS) report that they approve part-time leave applications from women whose partners took BPS-provided Maternity leave.

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

- None.

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

- No statutory entitlement.

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

### *Adoption leave and pay*

- In the case of adoption (Laws 17,292 and 18,436), workers in both the public and private sector are entitled to a continuous six-week leave and a reduction of the working day (up to 50 per cent) for six months. These subsidies may be used by one of the two parents from the time the child is integrated into the family, while the other parent is them granted ten working days of leave.

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

- No statutory entitlement.

### *Flexible working*

- Mothers in the public sector may work part-time, but only if they are breastfeeding. This lasts according to the baby's needs, but usually continues until the baby is 12 months old. The worker must present a medical certificate that proves that she is breastfeeding, in order to continue using the reduction of working hours. Since 1 June 2017, civil servants of the Central Administration have been able to make use of a reduction in working hours, meeting a minimum of four hours per day, when the baby is between six and 12 months old. It must be used by one of the parents. This measure was established in the labour agreement signed in December 2016 by the Confederation of Organisations of State Officials (COFE), the Ministry of Economy and Finance, and the Ministry of Labor and Social Security. Before this agreement, only mothers were eligible.

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

- If the worker (public or private) breastfeeds her child, she is authorised to interrupt her daily work for that purpose, and has a choice between two periods of half an hour each or a period of one hour. This time is computed as effective work. Her doctor is responsible for setting the duration of the breastfeeding period (Decree N°234/018). The certificates issued will be renewed in each control of the child; will be valid for no longer than three months; and may be extended for up to two years. The workers are required to present the certificate to their employer with whom they need to agree on how and when they will use the one-hour reduction during the working day.

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

The maximum period of full-time post-natal leave is just under three months, paid at a high rate; part-time unpaid leave can be taken in the private sector until six months after childbirth. There is an entitlement to Early Childhood Education and Care (ECEC) once children are four years of age and attendance also becomes obligatory at that age. There is a gap, therefore, of more than three and a half years between the end of well-paid leave and an entitlement to ECEC.

Uruguay is not included in the comparative table on ECEC enrolment produced for the OECD Family Database. National statistics report that 56.2 per cent of children from birth to four years attended ECEC, but attendance is very different according to age: 13.3 per cent for children under the age of one year, 38.7 per cent for one-year-olds, 57 per cent for two-year-olds, 77.7 per cent for three-year-olds, and 93 per cent for four-year-olds.<sup>2</sup> Moreover, if children who attend 20 hours a week or more, which is equivalent to at least a part-time workday, are considered these figures drop to 2.5 per cent for children under the age of one year, 13.8 per cent for one-year-olds, 42 per cent for two-year-olds, 70.4 per cent for three-year-olds and 86.9 per cent for four-year-olds.

Until the age of two years, most children attend a private ECEC (financed by families) with very low participation by public provision. This is especially the case for children under the age of one year. For children aged three years and older, this trend is reversed, with the public provision becoming more important.<sup>3</sup>

## **3. Changes in policy since April 2020 (including proposals currently under discussion)**

No changes reported.

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<sup>2</sup> Own elaboration based on micro data from the Nutrition, Child Development and Health Survey, INE, MIDES, 2018. See: <http://www.ine.gub.uy/web/guest/encuesta-de-nutricion-desarrollo-infantil-y-salud-endis-2018->

<sup>3</sup> Own elaboration based on micro data from the Nutrition, Child Development and Health Survey, INE, MIDES, 2018. See: <http://www.ine.gub.uy/web/guest/encuesta-de-nutricion-desarrollo-infantil-y-salud-endis-2018->

## **Policy responses to the Covid-19 pandemic to end April 2021**

### *Childcare and schools*

- For ECEC and school closures during the first half of 2020, please see the 2020 Uruguay country note.
- Since 29 June 2020, presence in classes was resumed by increasing the hours in those schools with double hours and with the locative capacity to comply with the health measures of social distancing between students. This implied differences in access to education. Public school students with fewer resources and space divided the groups to comply with the distancing protocols, with the different groups attending a few days a week. In the private school sector, the locative conditions allowed attendance every day.
- On 1 March 2021, the return to classes took place and, although the measures of physical distancing were made more flexible, public and private schools' resources implied differences in guaranteeing the daily presence of the children.
- On 16 March 2021, due to the increase in Covid cases, the government decided to suspend the obligatory nature of attending classes and face-to-face classes were suspended in the cities most affected by infections. On 22 March, the suspension of face-to-face classes at all levels of education and in all the country was resolved until the culmination of Holy Week and it was announced that the return to face-to-face classes will be gradual, starting with the little ones. On 29 March it was announced that the total suspension of face-to-face classes will continue until (at least) 30 April 2021.

### *Parental leave*

- There were no modifications to Parental leave.

### *Other measures for parents and other carers*

- The return to on-site work in the public sector occurred from May 2020. The protocol of return to employment in the public sector established that workers with children under the age of 3 years can continue teleworking and are not obliged to be physically present. In some cases, it was extended to children up to 12 years old. The Presidency urged the private sector to take similar measures, but no regulation required it.
- Cash transfers to the most vulnerable sectors doubled and emergency food baskets were delivered to informal workers who had no support from social security.

- No support measures were specifically implemented for parents.
- On 23 March 2021, the closure of public offices was installed until (at least) 30 April, promoting teleworking, except for essential services, and a sickness allowance was installed for those over 65 in the private sector. No measures were implemented regarding the care of children who are not attending classes so that their working fathers and mothers can take care of them at home, especially in the private sector where teleworking was 'encouraged' but not declared mandatory.

## 4. Uptake of leave

### a. Maternity leave

Data on Maternity leave show a steady increase in the period 2011-2016, from 14,264 users in 2011 to 16,108 users in 2016. However, no significant impact can be observed since the new law, Nr.19161. From 2013, there has been a stability in the number of users (around 16,000): this means that when it comes to the first years of implementation, the new legislation has not involved a significantly important increase, in comparison to previous years. The new law, with the inclusion of new groups, did not imply substantive variations in the use of Maternity leave – probably because the non-dependent mothers who can use this license represent a very small proportion. In any case, it is interesting to investigate the state's capacities to disseminate and guarantee the rights of these groups.<sup>4</sup>

The evolution of the users of Maternity leave presents a continuous decline from 2016 until 2020. While in 2016 there were 16,911 users, this number fell to 12,554 in 2020<sup>5</sup>. It is important to consider that also births in Uruguay have decreased over this time period. In 2016 there were 47,058 births, while in 2020 there were 35,866, 1,606 less than in 2019. The reduction of births in 2019 occurred in all age groups, but the greatest contribution to the decrease was made by the group of women under 24 years old. There has been a decrease in the adolescent fertility rate (number of births of women between 15 and 19 years old) in recent years.

A recent policy document published in November 2020<sup>6</sup> states that a comprehensive explanation of the recent decline requires not only to

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<sup>4</sup> Batthyány, K., Genta, N. and Perrotta, V. (2018) *Uso de licencias parentales y roles de género en el cuidado*. Departamento de Sociología, FCS-UDELAR, MTSS, SNIC, OIT, ONUMUJERES.

<sup>5</sup> Own elaboration based on BPS, Social Security Indicators, 2021.

<sup>6</sup> Comisión de Expertos en Seguridad Social. NOTA TÉCNICA N°1 Proyección de la Población de Uruguay a 2100. 27 November 2020.



consider the factors that converged on the exit from fertility stagnation adolescent, but that it is also necessary to understand reasons and the mechanisms that inclined the rest of women to limit their offspring. The fact that births of three and more children have decreased, whose mothers usually belong to groups of advanced age, suggests that interest in controlling more fertility is not exclusive to women teenagers and very young.

## **b. Paternity leave**

A substantive increase occurred in the case of Paternity leave until 2016, as take-up rose from 8,799 in 2014 to 15,862 in 2016 (an increase of 80 per cent). Undoubtedly, this increase represents a significant advance for male parents' right to care, at least during the first days of the baby's life.<sup>7</sup>

However, a decrease has been observed from 2017. While in 2017 there were 15,372 users, they were 11,280 in 2020. Again, this needs to be considered together with the decreased number of births.

## **c. Parental leave**

Part-time leave (Parental Care Allowance) is voluntary. In 2016, 59.1 per cent of the users of Maternity leave in the private sector used part-time leave (Parental Care Allowance). This means that a significant group of women did not take it, despite having the right to do so.

Regarding the evolution in the use of Parental leave, it increased from 6,258 users in 2014 to 9,525 in 2016, signifying an increase of 52 per cent.<sup>8</sup> However, a decrease in users is observed in 2017 and 2018, a slight increase in 2019 and again a decline in 2020.<sup>9</sup>

Among the users of part-time leave (Parental Care Allowance), men represent two per cent, a proportion that has remained stable in recent years. The reasons why the use of part-time leave is fundamentally by women are of a design nature. Couples must choose if it is the father or mother who takes part-time leave. Societal gendered norms associate mothers with being the best caregivers, especially in the first six months of babies' lives.

As observed in international precedents, when either parent is eligible for the benefit, it is normally used by women. In Uruguay, use reflects

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<sup>7</sup> Batthyány, K., Genta, N. and Perrotta, V. (2018) *Uso de licencias parentales y roles de género en el cuidado*. Departamento de Sociología, FCS-UDELAR, MTSS, SNIC, OIT, ONUMUJERES.

<sup>8</sup> Ibid.

<sup>9</sup> Own elaboration based on BPS, Social Security Indicators, 2021 .

a rigid gender contract in social representations around childcare. The impact of social representations around childcare is reinforced by the state's strong promotion of exclusive breastfeeding in the first six months. National regulations adopted in 2009 (Ministry of Public Health Ordinance 217/09) establish the importance of exclusive nursing in the first six months, and supplementary breastfeeding up to the age of two, while defining the obligations of health services in that regard. Such recommendations form part of campaigns conducted by the state and health provider institutions. In other words, the shared use of part-time leave is discouraged by an apparent contradiction: on the one hand, women are advised to breastfeed their children during the first six months and, on the other, they are afforded the opportunity to transfer their right to part-time leave to their partners in the same six months (Batthyány and Perrotta, 2018<sup>10</sup>).

Results of the *National Parental Leave Survey*, implemented in 2017, showed that men's major reason (72.1 per cent) for not using part-time leave was its overlap with the nursing period. The next most frequent reason given by fathers (six out of ten) was that they believed the baby is better cared for by mothers. One-third of the men replied that caring for babies in the first year of life is the task of mothers (Batthyány and Perrotta, 2018<sup>11</sup>).

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

No statutory leave entitlement.

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

No information available.

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<sup>10</sup> Batthyány, K. and Perrotta, V. (2018) 'Maternity/paternity and paid employment: progress in and obstacles to the exercise of the right to care in Uruguay', *Journal of the Ministry of Employment and Social Security Economics and Sociology*, Vol. 136. Available at: [https://www.academia.edu/37432019/Revista\\_del\\_Ministerio\\_de\\_Empleo\\_y\\_Seguridad\\_Social](https://www.academia.edu/37432019/Revista_del_Ministerio_de_Empleo_y_Seguridad_Social).

<sup>11</sup> Ibid.

# 5. Technical Appendix

## **What is the International Review?**

The international review provides comparable information on leave policies in participating countries, in the form of country notes. Each country note is organised in four sections: Current leave and other employment-related policies to support parents; Relationship between leave policy and early childhood education and care policy; Changes in policy since the preceding review (including policy response to the Covid-19 pandemic up to end April 2021); and Take-up of leave. Before 2018, the review also included a fifth section on Research and publications.

Types of leave covered are: Maternity leave; Paternity leave; Parental leave; Childcare leave and Career breaks; and Other employment-related measures, including leave to care for sick or disabled relatives. Definitions of each main type of leave are given at <https://www.leavenetwork.org/leave-policies-research/defining-policies/>. Information on each type of leave in country notes is organised using a common format.

In addition, the review has a number of comparative tables, enabling comparison to be made between participating countries.

Information included in the review refers to a common reference date, usually April in the year of publication.

The review is published on-line, both as a complete document and disaggregated into individual countries and cross-national tables.

## **How is the review produced?**

Country notes are produced by one or more national experts, usually members of the international network on leave policies and research. After a country note is initially prepared, the authors are requested to review and update it each year. The review is overseen and edited by an editorial group, currently consisting of five network members; each year, one member of the team assumes the role of lead editor.

For each review, countries are allocated between members of the editorial team. Members then contact the national experts for the countries for which they are responsible, asking the experts to review and update the previous year's country note. The editors then review and edit the revised country notes, returning the edited country note to national experts for them to check; editors will also ask experts to clarify any points that are not clear. Once the national experts respond, the country note is considered finalised for the current year.

Responsibility for updating cross-national tables is also divided between members of the editorial team, so each editor has overview of one or

two tables. Editors update the entries in each table for the countries they are responsible for. National experts are also requested, each year, to check their country's entry in the tables and inform the editorial team if they find any errors.

Overall, the review depends on the knowledge and experience of the national experts who author and revise country notes. However, the editorial team always welcome comments from users of the review, either raising queries about country notes and comparative tables, or making suggestions about items for inclusion in future reviews.

The review does not receive any direct funding although the indirect support from the institutions of contributors is gratefully acknowledged.

### **How are countries selected for the review?**

When the review was begun, in 2005, the first countries to be included reflected the membership of the network as it then stood. As the network has gained new members from new countries, so too has the review expanded to include those countries.

Most of the countries covered by the review are European, and in recent years a proactive attempt has been made to include all European Union member states. However, the review also includes many non-European countries. It was recently decided to limit new entrants in any one year to two countries given the extra time that it takes to develop a new country note.

### **Format and house style**

The format of the review is decided by the editorial team, in consultation with the network's coordinators and network members. Over time, new items have been included, in response to changing conditions or emerging interests.

The house style conventions, used in editing the review, stem from a period of time when the review was funded and published by a UK government department. The department requested the review use its 'style guide'. Although no longer funded and published by the department, the editors have continued to use the house style.

### **Some technical notes**

1. For presenting financial amounts, e.g. payment to people taking leave, the reference currency used is the Euro. Other national currencies are expressed in Euros based on the exchange rate at a common date shortly before the review is published.
2. All information about leave policies refers to a common reference date given at the top of each country note, usually April of the year in which the review is published. Any changes in leave policies scheduled to be introduced after this date are not included in Section 1, which provides information on leave policies at the common reference date; these changes may, however, be noted in Section 3, on 'Changes in policy'.

3. Duration of leave uses a common duration period. If that duration is months but the period of leave in a country is expressed as weeks, weeks are converted to months on the basis of 4.3 weeks=1 month, i.e. 12 weeks would be expressed as 2.8 months.