

## Statutory Paternity leave: April 2023

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 and Norway 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 paid 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 five countries (Belgium, Chile, Denmark, Italy, Spain 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 (in 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>21</sup>	■ ■	2	2	✗	3
Austria	✗ ■	4	4	✗	3
Belgium	■ ■ ■ ■ OB	20 days	20 days	20 days*	2; 3
Bosnia and Herzegovina	✗				

<sup>21</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.

Country	Summary of leave	Length of post-natal leave (in weeks, unless specified)			Flexibility
		Total	Paid	Well-paid	
Brazil <sup>22</sup>	■■■	1 or 4	1 or 4	1 or 4	None
Bulgaria <sup>23</sup>	■■■	15 days	15 days	15 days*	None
Canada Québec	✗ ■■■	5	5	5*	1; 2; 3
Chile	■■■ OB	5 days	5 days	5 days	2; 3
China <sup>24</sup>	■■■	7 to 30 days	7 to 30 days	7 to 30 days	None
Colombia	■■■	2.8	2.8	2.8	2
Croatia	■■■	10 days	10 days	10 days	4
Cyprus	■■■	2	2	2 <sup>25</sup>	3; 5
Czech Republic	■■■	2	2	2*	3
Denmark <sup>26</sup>	■■■ OB	10	10	10*	2; 3

<sup>22</sup> Brazil: longer in public sector; shorter in private sector.

<sup>23</sup> Bulgaria: fathers can receive up to two additional months of paid leave if they have not taken up to two months of Maternity or Parental leave

<sup>24</sup> China: there is no statutory entitlement nationally; the given numbers are for regional provisions that, since 2018, have existed in all provinces.

<sup>25</sup> Cyprus: payment increases with the second, third and fourth child.

<sup>26</sup> Denmark: Two weeks are compulsory and non-transferable. The next eight weeks are transferable.

Country	Summary of leave	Length of post-natal leave (in weeks, unless specified)			Flexibility
		Total	Paid	Well-paid	
Estonia	■■■	30 days	30 days	30 days*	2; 3
Finland	✗ <sup>27</sup>				
France	■■■	25 days	25 days	25 days* <sup>28</sup>	3
Germany	✗ <sup>29</sup>				
Greece (public and private sectors)	■■■	14 days	14 days	14 days	3
Hungary <sup>30</sup>	■■■	10 days	10 days	10 days	3
Iceland <sup>31</sup>	✗				
Ireland	■■	2	2	✗	3
Israel	■■	6 days	5 days	3 days	None

<sup>27</sup> Finland: A new Parental leave replaced the former Paternity leave from 1 August 2022.

<sup>28</sup> There is no ceiling on payment in the public sector.

<sup>29</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>30</sup> Working days

<sup>31</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.

Country	Summary of leave	Length of post-natal leave (in weeks, unless specified)			Flexibility
		Total	Paid	Well-paid	
Italy	■■■ OB	10 days <sup>32</sup>	10 days	10 days*	2; 3; 5
Japan	■■■	4	4	4	2;3
Korea	■■■	10 days	10 days	10 days	3
Latvia	■■■	2	2	2	3
Lithuania	■■■	4	4	4*	3
Luxembourg <sup>33</sup>	× []	2	2	2	2, 3
Malta					
Private sec	■■■	2	2	2	None
Public sec	■■■	2	2	2	3
Mexico	■■■	5 days	5 days	5 days	5
Netherlands <sup>34</sup>	■■■	6	6	6*	3

<sup>32</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>33</sup> Luxembourg: there is no statutory Paternity leave, although fathers can use ten days' well-paid leave due to 'extraordinary circumstances.'

<sup>34</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. The first week of leave has no upper ceiling on payment.

Country	Summary of leave	Length of post-natal leave (in weeks, unless specified)			Flexibility
		Total	Paid	Well-paid	
New Zealand	■	2	×	×	3
Norway	■ <sup>35</sup>	2	×	×	2; 3 <sup>36</sup>
Poland	■■■	2	2	2	2; 3
Portugal <sup>37</sup>	■■■ OB	5	5	5	3
Romania	■■■	2 to 3 <sup>38</sup>	2 to 3	2 to 3	3
Russian Fed.	×				
Serbia	×				
Slovakia <sup>39</sup>	■■	28	2	2	4
Slovenia	■■■	2.1	2.1	2.1*	4

<sup>35</sup> Norway: whilst unpaid by the government, most employed fathers are covered by their individual employer or collective agreements.

<sup>36</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>37</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>38</sup> Romania: the statutory leave is granted for ten working days only, but five extra days can be granted if the father has completed an infant care course for any child.

<sup>39</sup> Slovakia: For the remainder of the Paternity leave, fathers may also access maternity benefits (see country note for details).

Country	Summary of leave	Length of post-natal leave (in weeks, unless specified)			Flexibility
		Total	Paid	Well-paid	
South Africa <sup>40</sup>	■	10 days	10 days	10 days	
Spain	■■■ OB	16	16	16*	2; 4
Sweden	■■■	10 days <sup>41</sup>	10 days	10 days*	3; 4
Switzerland	■■■	2	2	2*	2; 3
Türkiye					
Public	■■■	10 days	10 days	10 days	None
Private	■■■	5 days	5 days	5 days	None
United Kingdom	■■	10 days	10 days	✘	3
USA <sup>42</sup>	✘				
Uruguay					
Public	■■■	10 days	10 days	10 days	None

<sup>40</sup> South Africa: there is no statutory Paternity leave, although fathers who wish to take leave at the time of the birth of their child can use their 10 calendar days of Parental leave.

<sup>41</sup> Sweden: Paternity leave is 10 working days.

<sup>42</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.

Country	Summary of leave	Length of post-natal leave (in weeks, unless specified)			Flexibility
		Total	Paid	Well-paid	
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 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, or on part-time basis; 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.