

# Luxembourg<sup>1</sup>

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

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

### a. Maternity leave (*congé de maternité*) (responsibility of the Ministry of Social Security and the Ministry of Labour)

#### *Length of leave*

- Twenty weeks: eight weeks before the birth and 12 weeks after.
- It is obligatory to take all this leave.

#### *Payment and funding*

- One hundred per cent of earnings with an upper limit of €12,541.18 per month, equal to five times the minimum social wage of an unqualified worker in Luxembourg.
- Payments are taxed and subject to social contributions.
- 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

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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 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 (*Pappecongé*)**

- 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 (€12,541.18 per month).
- Paternity leave may be split, rather than taken all at once. If the leave is split, it must be taken within two months of the birth or adoption<sup>3</sup>.
- Payments are taxed and subject to social contributions.

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<sup>3</sup> The details of the policy can be found here:

<https://guichet.public.lu/en/citoyens/travail-emploi/conges-jours-feries/situation-personnelle/conge-paternite.html>

### **c. Parental leave (*congé parental*) (responsibility of the Ministry of Family Affairs and Integration)**

#### *Length of leave*

- Between four and 20 months per parent, depending on their employment hours and the leave option they choose; see 'Flexibility in use' below for more detail.
- Parental leave is an individual, non-transferable entitlement.

#### *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 €2,508.24 per month (the minimum social wage) and €4,180.39 (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/en/conge-parental.html>.
- Payments are taxed and subject to social contributions; pension contributions, therefore, accrue during the leave period.
- Funded from general taxation.

#### *Flexibility in use*

- Parents may choose between different length and payment options, depending on their employment situation:

##### *Parents working 40 hours per week:*

- Full-time leave of four or six months
- 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 types of leave and flexible working**

*Adoption leave and pay*

- Adoption leave (*congé d'accueil*) is for 12 weeks, paid at 100 per cent of earnings up to a limit (€12,541.18 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 leave for family reasons (*congé pour raisons familiales*). The duration of this leave depends on the age of the child:
  - 12 working days per child if the child is under four years old;
  - 18 working days per child if the child is aged from four years old to fewer than thirteen years old;
  - five working days per child if the child is aged from 13 years old to fewer than 18 years old and the child is in hospital.
- For children who receive the special additional allowance and who have a disability of a certain severity (other than an illness or health disadvantage of exceptional severity):
  - The duration of the leave is doubled;
  - The hospitalization condition does not apply; and
  - The age limit of 18 years does not apply.
- The duration of the family leave can be extended for children with an illness or health disadvantage of exceptional severity, namely:
  - Evolving cancer; or
  - Pathology (disease) that requires hospitalization for more than two consecutive weeks.

The duration of the extension is determined individually on a case-by-case basis and is limited to a total of 52 weeks for a reference period of 104 weeks.
- The family leave can be fractionated, meaning it does not have to be taken all at once. A fraction that does not exceed four hours is considered a half-day.
- A medical certificate must be presented to the employer as soon as possible following the worker's absence, and within three days to the competent health insurance fund. 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.
- Family hospice leave for nursing a terminally ill person (*congé d'accompagnement d'une personne en fin de vie*): paid leave to care for a person at the end of life can be requested by any employee when a relative is suffering from a serious terminal illness. The leave duration is maximum of five days per year and per sick person. Entitled is an employee who has:
  - a first-degree relative in ascending or descending line (mother/father, mother/father-in-law, daughter/son or daughter/son-in-law); or
  - a second-degree relative in the collateral line (sister/brother, sister/brother-in-law); or

- a spouse or (legally recognised) partner; who is terminally ill, is concerned by this leave<sup>4</sup>,

#### *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.

#### *Flexible working*

- No statutory arrangement.
- Special arrangements:
  - *For those at the end of statutory Parental leave:* The Luxembourg Labour Code (Article L.234-47(11)) allows employees returning to work at the end of Parental leave to adjust their working hours. These employees are entitled to request a meeting with their employer in order to request an adjustment of their working hours for a maximum period of one year. The employer can refuse the employee's request, but must provide a reason for the refusal. The lack of the employer's motivation to adjust the working hours or an abusive motivation entitles the employee to claim damages and interest.
  - *For civil servants (Law of 19 May 2003, Article 31):* On written request, civil servants have the right to part-time leave immediately after Maternity leave, Adoption leave or Parental leave, or to unpaid leave. Part-time leave is considered consecutive to Maternity, Adoption or Parental leave even if a recreational leave period occurs between the two leaves. The part-time leave is granted for the purpose of raising one or more children who have not yet been admitted to the first year of primary education (starting at the age of four). If pregnancy or adoption occurs during this part-time leave, the part-time leave ends and the civil servant is entitled to Maternity or Adoption leave, Parental leave, unpaid leave or part-time leave. However, the Maternity or Adoption leave granted in this way is fully remunerated only if it occurs during the first two years following the beginning of the part-time leave. The part-time leave is considered as a period of full-service activity for the application of advancement in rank, increases in wage index, advancements in salary, promotions as well as for the right to admission to the promotion examination.

Part-time leave may be granted to civil servants upon request in the following cases: a) for raising one or more dependent children under the age of fifteen, b) for duly motivated personal, family, or professional reasons.

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<sup>4</sup> The details of the policy can be found here: <https://guichet.public.lu/en/entreprises/ressources-humaines/ congés/ situation-perso/conge-accompagnement-fin-de-vie.html>.

When a civil servant leaves a half-budget vacancy following part-time leave, another agent may be hired part-time, as needed by the service, on a temporary or permanent basis. When two civil servants from the same administration take part-time leave, another full-time agent may be hired, as needed by the service, on a temporary or permanent basis. (Law of 24 June 1987).

After part-time leave, the civil servant resumes full-time duties in their original service and in the same career. In the absence of a full-time vacancy in their original service, they resume their duties in another service, but within the same administration and, where applicable, the same ministerial department. A full-time vacancy may result from two part-time vacancies, one of which is, where applicable, already occupied by the beneficiary of the leave. When a full-time vacancy is not available in the same career or in the same administration, the part-time leave is extended until the occurrence of the first budgetary post vacancy, without prejudice to the possibility for the official to be transferred to another administration.

The official who benefits from part-time leave cannot engage in any lucrative activity during the leave.

## **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. A legal entitlement to Early Childhood Education and Care (ECEC) begins at birth, but, in practice, only children who attend daycare or are cared for by a childminder may benefit from this entitlement. With residents speaking a range of languages apart from the national language (Luxembourgish) and the two official ones (French, and German), Luxembourg has introduced a multilingualism education programme in ECEC services. The multilingual education programme gives the right to children aged from one to four years to attend 20 hours per week free of charge (46 weeks per year); only children attending centres may benefit from this education (those attended by childminders are excluded). Daycare may charge fees for children who attend more than 20 hours per week. Children aged three to four, who are in a part-time early education school (*éducation précoce*) are entitled to ten hours of multilingual education free of charge, and those who attend full-time early education school are not eligible for the free multilingual education programme.

A shortage of affordable daycare places means that in practice entitlement to ECEC is at three years of age, when children have the option to attend free early education school, or at four years of age when enrolment in ECEC is compulsory.

There is thus no gap between the end of well-paid leave and the start of the part-time entitlement to multilingual education, but there is a gap of 21 months before the start of the general operational ECEC entitlement (i.e. the free early education school) at three years.

For ECEC 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 2022 (including proposals currently under discussion)**

The minimum social wage has increased, which affects the minimum and maximum level of some benefits<sup>5</sup>.

Regarding the policies related to time off to care for dependants, in particular, in the case of a child's illness, the conditions for the extension of these policies became more strict in 2022 for the category of parents of children with a disease or health disadvantage of exceptional severity. In this category, only parents of children with evolving cancer or with a pathology that requires hospitalization for more than two consecutive weeks are eligible for a total of 52 weeks of leave during the reference period of 104 weeks. No other illnesses are recognized.

Two draft laws No. 8016 and No. 8017 were presented in June 2022 to the Luxembourg Parliament, intended to implement the Directive 2019/1158 of 20 June 2019 on work-life balance for parents and carers, and repealing Directive 2010/18/UE of 8 March 2010 implementing the revised Framework Agreement on Parental leave. More precisely, the draft laws aim at<sup>6 7</sup>:

*Extension of the scope of application of the right to Paternity leave:* Draft Law No. 8016 aims to extend the scope of application of the right to Paternity leave provided by the Luxembourg Labour Code. Currently, fathers are entitled to 10 days of extraordinary leave in the event of the birth of a child. The proposed amendment seeks to expand this right to equivalent second parents recognized under national law, including same-sex couples who are recognized as equivalent second parents or co-parents. In addition, self-employed workers who can prove their registration with a compulsory public insurance for at least six months will also be eligible for Paternity leave.

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<sup>5</sup> <https://gouvernement.lu/dam-assets/documents/actualites/2023/02-fevrier/10-adaptation-parametres-sociaux/les-nouveaux-parametres-sociaux-2023.pdf>

<sup>6</sup> <https://www.bsp.lu/lu/publications/newsletters-legal-alerts/draft-laws-transposing-eu-directive-20191158-20-june-2019>

<sup>7</sup> <https://wdocs-pub.chd.lu/docs/exped/0131/156/263564.pdf>



The current requirement for employers to be informed of expected dates of Paternity leave with a two-month notice may pose a problem for employees facing the premature birth of a child. To address this issue, Draft Law No. 8016 stipulates that the two-month notice period will not apply if the birth occurs earlier than two months before the expected date. Furthermore, to comply with the Directive, which provides for unconditional right to Paternity leave, the proposed law removes the employer's discretion to reduce the Paternity leave to two days in case of non-compliance with the two-month notice period. Instead, the leave must be taken immediately after the birth of the child and in full duration (without interruption), unless the employer and employee agree on a flexible solution, i.e. that the employee will take all or parts of leave at a later date.

*Adjustment of the right to Parental leave:* Draft Law No. 8017 proposes amendments to the Luxembourg Labour Code regarding Parental leave. In the case of the first request to use part of the Parental leave, if the employer refuses, they will be required to provide a written explanation for the decision. Similarly, if an employer wishes to postpone a second full-time Parental leave request, they will have to communicate this decision in writing. Prior to making any postponement decision, the employer must offer flexible options for the employee to take Parental leave, such as using Parental leave in parts or as part-time, wherever possible.

*Possibility for parents to request flexible working arrangements:*

the current provision of the Luxembourg Labour Code, Article L.234-47(11) applies only to employees returning to work at the end of a Parental leave. Such employees can request a meeting with their employer to adjust their working hours for a maximum period of one year. However, the Directive 2019/1158 expands this right to any employee who has at least six months of continuous service and who is a parent of a child up to at least eight years old or in need to provide personal care or assistance to a family member or a person living in the same household who requires significant care or assistance for serious medical reasons attested by a doctor. The employee may request a meeting with the employer to ask for flexible working arrangements, such as teleworking, flexible working hours, or a reduction in working hours. These measures may not exceed one year, and the employer must respond within one month. Any refusal or postponement of the request must be given in writing, by registered letter.

The employer is not authorized to terminate the employee's employment contract or, where applicable, to invite the employee to a pre-dismissal interview on the grounds that the employee has requested one or more flexible work arrangements or has benefited from them. Any such termination would be considered null and void. Within fifteen days of the dismissal, the employee can request by a simple application that the president of the Labor Court, after hearing or duly summoning the parties, declare the nullity of the dismissal and order the maintenance of their employment contract. The order of the president of the Labor Court shall be provisionally enforceable. It may be appealed by a simple application within fifteen days from the notification of the clerk, in front of the magistrate presiding over the chamber of the Appeals Court. It shall be dealt with urgently, after hearing or duly summoning the parties.

During the entire agreed period of the flexible work arrangements, the employer is required to maintain the employee's position or, if this is not possible, a similar position corresponding to their qualifications and with at least equivalent salary. The duration of this period is also taken into account in determining the employee's

seniority rights. The employee retains all the advantages they had acquired before the start of this period.

The employee must not be subjected to reprisals or less favorable treatment based on having made a request for or having benefited from the granted flexible work arrangements. Any employer who fails to comply with these obligations shall be liable to a fine of €251- €2,500. In the event of a repeated violation within two years, these penalties may be doubled.

*Extension of extraordinary leave:* the draft laws propose the addition of two new types of extraordinary leave. The first is a one-day leave to attend the urgent family matters due to illness or accidents, while the second is a five-day leave to provide personal care or assistance to a family member or someone in the same household who requires considerable care or assistance due to serious medical reasons. The employer is prohibited from terminating an employee's contract because the employee requested or is taking any of the aforementioned leaves, along with Paternity leave or flexible working arrangements. Any such termination would be considered null and void. Furthermore, the employee must not face retaliation or unfavourable treatment for requesting or benefiting from these leaves. The employer must maintain the employee's position or a similar one throughout the duration of the aforementioned leaves, Paternity leave, and flexible working arrangements.

## 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>8</sup> reported that in the year 2019, 5,333 Paternity leave applications were submitted and 4,351 applications were approved and funded. The 2020 annual activity report of the Ministry of Labour<sup>9</sup> reported that in the year 2020, 5,899 Paternity leave applications were submitted and 6,177 applications were approved and

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<sup>8</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>9</sup> <https://gouvernement.lu/dam-assets/fr/publications/rapport-activite/minist-travail-emploi/2020-rapport-activite/2020-rapport-activite-mteess.pdf>

funded (some of them were submitted the year before). The 2021 annual activity report of the Ministry of Labour revealed that in the year 2021, 5,468 Paternity leave applications were submitted, out of which 5,219 were eligible for funding<sup>10</sup>.

### 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>11</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>12</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>13</sup>. In 2021 and 2022, scientific publications from the projects financed by the Luxembourg Research Fund (FNR) were published<sup>14</sup>.
- The annual activity report of the Ministry of Family and Integration (2022 is the latest)<sup>15</sup> provides information on the number of leave beneficiaries and shows several trends in the 2012-2022 period. The data in the report reveal that since 2016 Parental leave has become more and more attractive for fathers. In December 2016, 3,557 women took leave, compared to 1,163 men, while in December 2018, the number of female and male beneficiaries

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<sup>10</sup> Rapport d'activité 2021 du ministère du Travail, de l'Emploi et de l'Économie sociale et solidaire. Available at : [https://mteess.gouvernement.lu/fr/publications.gouvernement per cent2Bfr per cent2Bpublications per cent2Brapport-activite per cent2Bminist-travail-emploi per cent2Bmteess per cent2B2021-rapport-activite.html](https://mteess.gouvernement.lu/fr/publications.gouvernement%20per%20cent2Bfr%20per%20cent2Bpublications%20per%20cent2Brapport-activite%20per%20cent2Bminist-travail-emploi%20per%20cent2Bmteess%20per%20cent2B2021-rapport-activite.html)

<sup>11</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>12</sup> Valentova, M. and 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: Liser.

<sup>13</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>

<sup>14</sup> Valentova, M., Amjahad, A., & Genevois, A. S. (2022). Parental Leave Take-up and its Intensity. Do Partners' Workplace Characteristics Matter?. *Journal of Social Policy*, 1-23.; Uzunalioglu, M., Valentova, M., O'Brien, M. and Genevois, A. S. (2021). When does expanded eligibility translate into increased take-up? An examination of parental leave policy in Luxembourg. *Social Inclusion*, 9(2), 350-363.; Amjahad, A., Valentova, M., & Maas, R. (2022). How Do Employers Respond to a Policy Reform of Parental Leave? A Focus on Fathers and Companies From Economy Sectors With Traditionally Lower Take-Up Rates. *Journal of Family Issues*, 0192513X221126751.

<sup>15</sup> Rapport d'activité 2022 du ministère de la Famille, de l'Intégration et à la Grande Région, Available at: <https://gouvernement.lu/fr/publications/rapport-activite/minist-famille-integration-grande-region/mfamigr/2022-rapport-activite-mfamigr.html>

had equalized. In December 2022, the number of male beneficiaries exceeded the number of females taking the leave (numbers are not expressed in full-time equivalent) 7,169 men used the leave that year, compared to 5,529 women. For the type of Parental leave used by beneficiaries in 2022, about 68 per cent of female beneficiaries took the full-time version of leave, approximately 21 per cent opted for the part-time version, and only 11 per cent took the fractioned form of leave. Among male beneficiaries, the pattern looks very different; 30 per cent took the full-time version of Parental leave, 22 per cent used the part-time leave, and about 48 per cent opted for the fractioned type of leave.

**d. Other employment-related measures**

- No information is available.