

2005/ 3

# **LEAVE POLICIES AND RESEARCH**

Reviews and Country Notes

Edited by

Fred Deven & Peter Moss





CBGS - WERKDOCUMENT

2005 / 3

# LEAVE POLICIES AND RESEARCH

## Reviews and Country Notes

**Edited by**

Fred Deven & Peter Moss

### **Contributors**

Alexander Michael  
Brandth Berit  
Chronholm Anders  
Deven Fred  
Doucet Andrea  
Drew Eileen  
Einarsdottir Thorgerdur  
Erler Wolfgang  
Escobedo Anna  
Fagnani Jeanne  
Giovannini Dino  
Groenendijk Hanne  
Haas Linda

Kamerman Sheila  
Korintus Marta  
Kvande Elin  
Lammi-Taskula Johanna  
Merla Laura  
Moss Peter  
O'Brien Margaret  
Pétursdottir Gyda Margrét  
Pfeiffer Christiane  
Rostgaard Tine  
Salmi Minna  
Tremblay Diane-Gabrielle  
Waldfogel Jane  
Wall Karin



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Redactieraad:

Dr. Martine Corijn (secretariaat)

Dr. Fred Deven

Dr. Ronald C. Schoenmaeckers

Dr. Lieve Vanderleyden

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De auteurs zijn verantwoordelijk voor de inhoud van hun bijdragen.

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**Centrum voor Bevolkings- en Gezinsstudie (CBGS)**

*Vlaamse Wetenschappelijke Instelling*

Markiesstraat 1, 1000 Brussel

☎ 02/553.35.69, 📠 02/553.35.57

[cbgs@wvc.vlaanderen.be](mailto:cbgs@wvc.vlaanderen.be)

## Samenvatting

Het CBGS Werkdocument “*Leave Policies and Research. Reviews en Country Notes*” telt drie delen. Deel 1 biedt overzichten inzake beleid (P. Moss), inzake onderzoek (F. Deven) en een bijdrage over de diversiteitkwesitie (T. Rostgaard) van verlofregelingen voor ouders. Het 2<sup>e</sup> deel groepeerde negentien landenrapporten met gegevens over het beleid, de praktijk en het onderzoek ter zake. Er is specifieke informatie voor *Australië, België, Canada, Denemarken, Duitsland, Finland, Frankrijk, Hongarije, Ierland, IJsland, Italië, Nederland, Noorwegen, Oostenrijk, Portugal, Spanje, het Verenigd Koninkrijk, de VS Amerika, en Zweden*. Deel 3 bevat de doelstellingen van het Netwerk en de huidige samenstelling alsook een uitgebreide bibliografische lijst.

Het overzichtsartikel inzake het gevoerde beleid documenteert de grote verscheidenheid in de diverse stelsels van verlofregelingen voor ouders. Zo systematisch mogelijk wordt het beleid en de praktijk inzake verlofregelingen voor ouders vergeleken (zie bijv. blz.14-15).

Volgens een gangbare typologie van Westerse welvaartsstaten sluit de situatie in de Noord-Europese landen sterk op elkaar aan. Inzake verlofregelingen stellen we zeker overeenkomsten vast maar er blijven ook duidelijke verschillen. In de regel combineren ze eerder royale verlofregelingen (vooral qua vergoeding) met een ruim aanbod van kwaliteitsvolle, gesubsidieerde kinderopvangvoorzieningen. In Denemarken, Noorwegen en Zweden, bijvoorbeeld, garandeert de overheid –na een vorm van verlofregeling– zo’n plaats voor kinderen van 1 jaar en ouder. Maar die landen kennen ook belangrijke verschillen in hun beleid, bijvoorbeeld ten aanzien van vaders. Zo nam met name IJsland recent interessante maatregelen die vooral het aandeel van mannen inzake zorg voor jongen kinderen willen vergroten.

Vergelijkenderwijs zijn de verlofregelingen in de zgn. liberale welvaartsstaten het minst ontwikkeld. Australië en de VSA vormen voorbeelden van rijke landen die zelfs geen universeel recht op betaald moederschapverlof bieden. Daarentegen ontwikkelden Canada en het Verenigd Koninkrijk vrij recent regelingen die vooral het moederschapverlof verder uitbreiden. Het laatstgenoemde land illustreert wellicht het best het dilemma van een overheid die tegengestelde doelstellingen probeert te verzoenen: ouders met jonge kinderen ondersteunen en veel belang hechten aan een gedereguleerde arbeidsmarkt.

Andere (West)-Europese landen vallen moeilijker te groeperen; de verscheidenheid is er meer uitgesproken. Zie bijvoorbeeld de situatie in

België en Frankrijk, Italië en Duitsland, of Portugal en Spanje. Bepaalde vergoedingen zijn er onbestaande of bescheiden (forfaitair) terwijl bepaalde verlofregelingen van langere duur zijn. Die combinatie blijkt uit onderzoek weinig bevorderlijk voor een goede uitbouw van een beroepsloopbaan (van vrouwen) of kansen op de arbeidsmarkt.

In Centraal- en Oost-Europese landen doorstonden de verlofregelingen relatief goed de grote sociaal-economische veranderingen van begin van de jaren negentig. Ze werden belangrijker gegeven de afbouw van kinderopvangvoorzieningen en het slinkend aanbod op de arbeidsmarkt voor vrouwen. Bij het begin van de 21<sup>ste</sup> eeuw is er daar meer thuiszorg en minder zorg via openbare diensten. Ook hier geen eenvormige ontwikkeling zoals uit het beleid in Slovenië blijkt. Dat land koos o.a. voor een korter maar goed betaald ouderschapsverlof. De lacune in specifieke informatie over Oost-Europese landen blijft groot. Getuige het feit dat dit rapport enkel Hongarije bevat, ofschoon het Netwerk informatie heeft over meer landen uit dat deel van Europa.

Dit soort verschillen weerspiegelt ook verschillen in opvattingen, in waarden en normen inzake gender en ouderschap. IJsland, Noorwegen en Zweden steunen hun beleid expliciet op het uitgangspunt dat moeders ook betaalde arbeid verrichten én dat vaders ook actief bijdragen in de zorg voor jonge kinderen (zie bijv. het verder uitbouwen van één of twee ‘vaderschapsmaanden’ binnen het ouderschapsverlof, met een hoge mate van wedde compensatie). Daarentegen steunen de beleidsopties in Duitsland, Finland, Frankrijk, Spanje en veel Oost-Europese landen eerder op een moederschapideologie die het de primaire en natuurlijke plicht van vrouwen vindt om voor jonge kinderen te zorgen, en in het verlengde kinderopvang als een vrouwenzaak zien. Dit leidt tot een sterk seksegescheiden gebruik van ouderschapsverlofregelingen, die soms meer lijken op een uitgebreid moederschapverlof.

Ook in een overzicht van het onderzoek worden de hoofdlijnen toegelicht. Het gebruik en de kenmerken van gebruikers van de diverse verlofregelingen is in veel landen slecht gedocumenteerd. De Noord-Europese landen beschikken over lopende consistente statistische reeksen die het gebruik vrij precies documenteren, naar geslacht en dikwijls ook naar opleiding en beroepscategorie van de gebruikers.

Bijgevolg trekken we op basis van vergelijkend onderzoek met voorbehoud enkele algemene lijnen. Moederschapverlof, voor zover de wedde compensatie volledig of ruim is, wordt vrij algemeen genomen, en veelal voor de volledige duur door moeders in loondienst. Voor zover er een specifieke regeling inzake vaderschapsverlof bestaat en we beschikken over gegevens, zit er enige lijn in het gebruik: het neemt toe, maar het

beschikbaar aantal weken of maanden wordt dikwijls niet volledig opgenomen. Inzake ouderschapsverlof blijft de verscheidenheid groot, vooral inzake de wedde compensatie of zelfs de gewaarborgde terugkeer naar de werkplaats en het behoud van sociale rechten (o.a. pensioenregeling). Ouderschapsverlof dat onbetaald is kent een zwakke mate van gebruik, zeker bij vaders. Gaat het om een individueel recht waarbij een vrij hoge wedde compensatie wordt voorzien, dan neemt het gebruik sterk toe, ook bij vaders. Dit is bijvoorbeeld het geval in IJsland, in iets mindere mate ook in Noorwegen en Zweden (ca. 80% vaders gebruiken ouderschapsverlof, zij het niet het alle dagen die de regelgeving voorziet).

Een veel groter probleem vormt het veelal onbekend aantal ouders dat géén aanspraak kan maken op bepaalde verlofregelingen, zowel formeel juridisch (bijv. zelfstandigen) als feitelijk. Ambtelijke registratie maar ook onderzoekgegevens informeren het beleid meestal over een gemiddelde situatie, die van rechthebbenden met modale inkomens, dikwijls van tweeverdieners gezinnen die voltijds tewerkgesteld zijn. Verhoudingsgewijs weten we voor veel landen (zeer) weinig over de niet-modale situaties, zoals bij eenoudergezinnen, bij ouders met een gehandicapt kind, bij gezinnen met een werkloze ouder en / of bij allochtone gezinnen. Dikwijls hebben ze een meer precare plaats op de arbeidsmarkt (contracten van bepaalde duur, werkonzekerheid), een zwakke(re) sociale zekerheid en / of meer risico op sociale uitsluiting.

Dit soort gegevens zijn dringend nodig alsook meer onderzoek dat de besluitvorming, de ervaringen met het gebruik én de effecten van bepaalde verlofregelingen op de loopbaanontwikkeling verhelderen. Dit zou diverse overheden toelaten hun beleidsintenties beter te evalueren en eventuele discrepanties vast te stellen. Overigens worden de doelstellingen en het te verwachten impact nog weinig expliciet uiteengezet bij het invoeren van een nieuwe of het aanpassen van een bestaande regelgeving. Aldus kunnen tegengestelde beleidsdoelstellingen of impliciete verwachtingen moeilijker worden gedocumenteerd. Ook periodieke, kleine aanpassingen van een regelgeving hinderen de opvolging en het evaluatie onderzoek. Dit soort onderzoek wordt meestal post hoc opgezet omdat beleidsvoerders zelden dit soort analyses (budgettair) inbouwen bij de start van een regelgeving.

Een groot deel van dit CBGS Werkdocument volgt uit een internationaal seminar dat het CBGS organiseerde op 12-13 oktober 2004.

Dr. Deven (CBGS) en Professor Moss (TCRU, Universiteit London) coördineren het internationaal netwerk "Leave Policies & Research".

*Trefwoorden:* moederschapverlof, vaderschapverlof, ouderschapverlof, beleid, diversiteit, vergelijkend onderzoek, open coördinatiemethode.

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PART 1

**CROSS-NATIONAL REVIEWS**

## 1. REVIEW OF LEAVE POLICIES.

Peter Moss

### Introduction

In this section we set out leave policy in 19 countries:

- Australia
- Austria
- Belgium
- Canada
- Denmark
- Finland
- France
- Germany
- Hungary
- Iceland
- Ireland
- Italy
- Norway
- Portugal
- Spain
- Sweden
- The Netherlands
- United Kingdom
- United States

Most of these countries (14) are member states of the European Union. This affiliation is significant in considering leave policy since the European Union has set minimum standards for maternity and parental leaves (through Council Directive 92/85/EEC of 19th October 1992 on measures to encourage improvements in the safety and health of pregnant workers and workers who have recently given birth or are breastfeeding; and Council Directive 96/34/EC of 3rd June 1996 which gives legal effect to a framework agreement on parental leave agreed by social partners in 1995). In effect, therefore, minimum standards for leave policy for these countries is set by a supra-national body<sup>1</sup>. For the remaining 4 countries, policy is purely a national competence.

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<sup>1</sup> The EU constitution currently awaiting ratification states (Article II-33) that “to reconcile family and professional life, everyone shall have the right to protection from dis-

For each country, we consider policy under 4 headings. First, we detail policy for four main types of leave - maternity, paternity, parental and care for sick dependents (covering biological and adoptive parents) – as well as in the related area of flexible working (i.e. are parents entitled to work reduced hours or otherwise adapt their work to meet their needs). This includes what we term ‘childcare leave or career breaks’; the former is leave for parents following the end of parental leave, the latter is leave available for a wider range of reasons than the provision of care. We have focused on statutory entitlements, although we recognise that collective agreements or individual employment policies may supplement these basic entitlements for certain groups and that the extent of this supplementation varies from country to country (for a fuller discussion of supplementation, see EIRO, 2004). We have set out the situation for each type of leave under a number of standard headings.

We then consider, under 3 headings, other aspects of policy: if there is an explicit relationship between leave policies and services for young children (e.g. so that an entitlement to a childcare place is linked to the end of the leave period); if there have been changes in leave policy since January 2002 (the date of the special issue of Community, Work and Family) and if proposals for future change are under discussion; and information on take-up of various forms of leave. Finally, recent research studies and publications which include leave policy are listed with a short summary of contents, up to a maximum of 5 and 10 entries per country respectively.

Taken together, this information makes up a ‘country note’, and the section that follows is a collection of country notes, preceded by a short section that reviews the main features of these notes. Each country note has been prepared by one or two national experts. Following the October 2004 seminar in Brussels, we invited all those who wished to join the new network to prepare a ‘country note’ to a template supplied by the network coordinators. Draft country notes were then edited by the coordinators in collaboration

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missal for a reason connected with maternity and the right to paid maternity leave and to parental leave following the birth or adoption of a child”. The Constitution also recognises for the first time, in Article II-24, the EU’s responsibility for children:

“a. Children shall have the right to such protection and care as is necessary for their well being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

b. In all actions relating to children, whether taken by public authorities or private Institutions, the child’s best interests must be a primary consideration.

c. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests”.

with the original authors. The names of these authors are given at the start of each country note.

We see the section that follows as the first issue of a set of country notes that we hope will be extended to include more countries and regularly updated through the auspices of the leave network. The format for each country note may also be adapted as the network reviews the first issue. One further caveat is that authors have not had the time to undertake a full review of research studies and publications. Sections 5 and 6 of each country note should, therefore, be regarded as a selected collection of studies and publications rather than a comprehensive account.

Finally, by way of introduction, there are a number of other overviews of leave policy currently available. This review should be seen as complementing these other reviews. In particular, we would draw the reader's attention to the recent report from the European Industrial Relations Observatory Online, Family-related leave and industrial relations (available at <http://www.eiro.euroworld.eu.int/print/2004/03/study/tn0403101s.html>); and Council of Europe report – commissioned by the Committee on Equality between Women and Men (Drew, 2005).

### **1.1. Reviewing the country notes**

Six of the 19 countries are federal states (Australia, Austria, Belgium, Canada, Germany and the United States). In some cases, this has implications for leave policies, with the constituent states or provinces having the possibility to supplement national legislation. This is most striking in Canada, where provinces have their own legislation for leave policy, with ensuing variations in length and eligibility conditions (though payment to parents on leave is the responsibility of the federal government). From 2006, complete responsibility for leave policy, including funding, will be transferred to the province of Québec from the federal government.

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

Where government chooses to locate leave policy is significant since different Departments have different perspectives, rationalities and objectives; the author of one country note, for example, noted that the 'logic' of the Ministry of Labour and Social Security, which has responsibility for leave policy in her country, has very little to do with family and child welfare being more

concerned, for example, with reducing benefit fraud. Location of policy may also have implications for the degree of coherence between leave and other policy areas.

Leave policy is, in most countries, located within departments concerned with employment matters and/or the regulation of business. Exceptions are France (Ministry of Social Affairs, Health and Solidarity), Germany (Ministry for Family, Senior Citizens, Women and Youth), Ireland (Department of Justice, Equality and Law Reform), Iceland (Ministry of Social Affairs), Norway (Ministry of Children and Family Affairs) and Sweden (Ministry of Social Affairs).

### *1.2.1. Maternity Leave*

Maternity leave is normally defined as a break from employment related to maternal and infant health and welfare; for this reason it is available only to women and is usually limited to the period just before and after birth. Of our 17 countries, 4 have no statutory maternity leave. In the case of the United States, there is a general Family and Medical Leave that can be used for a range of purposes including as de facto maternity leave (though coverage is not universal, excluding workers in smaller organisations); while in the case of Australia, Norway and Sweden, leave is available at this time but is not restricted to women, but subsumed into parental leave. However, while leave is paid at a high level in Norway and Sweden, it is unpaid in Australia and the United States (which are the only industrial countries to make no provision for paid leave for most or all women at and around childbirth).

In countries with a specific period of maternity leave, the period is mostly between 14 and 20 weeks, with earnings-related payment (between 70 and 100%) throughout; in some cases, leave may be extended where there are multiple births.

There are three main exceptions, all countries with extended maternity leave. Maternity leave in Ireland is 26 weeks and 52 weeks in the UK; in neither case is leave paid for the full period, and in the UK earnings-related payments only last for 6 weeks (i.e most of the leave period is paid at a low flat rate or unpaid). While in Hungary maternity leave is 24 weeks (with earnings-related payment throughout), while part of one type of parental leave (GYED) can only be taken by the mother (or a single father) until the child is 12 months old – in effect an extended maternity leave.

There is not much flexibility in maternity leave, indeed taking leave is obligatory in some countries. Where it occurs, flexibility mainly takes the form of some choice about when women can start to take leave and how much time they take before and after birth. Portugal and Spain, however, have introduced another dimension of flexibility: mothers may transfer or share part of the leave period with fathers. Portuguese mothers may also choose between two periods of leave, one shorter but paid at 100% of earnings, the other longer but paid at 80%.

### *1.2.2. Paternity Leave*

Like maternity leave, paternity leave is by definition only available to one parent – in this case the father. Paternity leave usually refers to an entitlement to take some days of leave immediately following the birth of a child, often associated with providing help and support to the mother. However, parental leave in a number of countries includes a period of time that only fathers can take: either leave is a wholly individual entitlement or it is divided between a family entitlement and periods of leave that can only be used by the father or the mother, i.e. a quota. The distinction between paternity leave and father-only parental leave is therefore blurring, unless the definition of paternity leave is restricted to a short period of time immediately after the birth, which is how it treated in this review.

An example of this complexity arises from a comparison of Iceland and Norway. In a recent reform, Iceland has introduced a very coherent and consistent leave policy: 9 months leave after the birth, 3 months for mothers, 3 months for fathers and 3 months as a family entitlement to be divided between parents as they choose, all paid via the same earnings-related benefit. There is, therefore, no paternity leave per se, but 3 months of leave are available to fathers to take as and when they choose. Norway, by contrast, has 2 weeks paternity leave (i.e. to be used at the time of birth) and a further 4 weeks father's quota, which is a part of the parental leave that only the father can use; most of the parental leave is a family entitlement.

On the basis of defining paternity leave as a short period immediately after the birth, 8 of the 17 countries have paternity leave, which (with one exception) varies from 2 to 10 days and is usually paid on the same basis as maternity leave. There are two exceptions: Finland, which provides 18 days of paternity leave, with a further 12 'bonus' days for fathers who take the last two weeks of parental leave; and Portugal which now provides 20 days paternity leave, 5 days of which is obligatory, i.e. fathers must take leave.

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

### *1.2.3. Parental Leave*

All EU member states must provide at least 3 months leave per parent for childcare purposes, so distinguishing this leave from maternity leave which is for health and welfare purposes; no payment or flexibility requirements are specified in the EU Directive. Three of the non-EU countries in this overview also provide parental leave, the exception being the United States (which as already noted only has a generic and unpaid leave, which does not apply to all employees).

Parental Leave varies on four main dimensions: length; whether it is an individual or family entitlement; payment; and flexibility. Broadly, countries divide up into those where parental leave, when added to maternity leave, comes to around 9-15 months; and those where maternity and parental leave run for around 3 years. In the former camp come Australia, Belgium, Canada, Denmark, Iceland, Ireland, Italy, Norway, Portugal and the UK. In the latter camp are Finland, France, Germany, Hungary, and Spain: in the case of Finland, a parent taking three years leave would need to draw on maternity and parental leave (which together last for about 39 weeks after the birth) and an additional leave referred to as home care leave. Two countries fall in between. In Austria, parental leave, on a full-time basis, can be taken until a child’s 2nd birthday (or until its 4th birthday if part-time leave is taken). While in Sweden, 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.

Parental leave is an entirely family entitlement in 7 countries, to be divided between parents as they choose (Austria, Australia, Canada, Denmark, France, Germany, Hungary and Spain); an entirely individual entitlement in another 6 countries (Belgium, Iceland, Ireland, Italy, Portugal, United Kingdom); and mixed (part family, part individual entitlement) in 2 countries (Norway and Sweden).

A majority of countries (12) provide some element of payment. However, in five cases payment is rather low, being flat rate or means tested or paid for only part of the leave period, or a combination of these; only six out of 19 countries pay an earnings-related benefit pitched at more than half of normal earnings. The 12th country, Finland, combines a relatively high level of earnings-related benefit during parental leave, with a low flat-rate benefit for home care leave which has supplements for users with additional children and lower incomes. In some cases - notably Austria, France and Germany - parents on leave receive a general 'childrearing' benefit that is paid to all parents with young children, not just confined to those taking leave. The most generous payments are in the four Nordic countries included in this review, especially Iceland, Norway and Sweden where most or all of the leave period is paid at 80% of earnings or higher (up to a maximum 'ceiling' amount, a principle applied in all countries paying earnings-related benefits). Hungary, too, is relatively generous, paying a benefit of 70% of earnings to parents on leave until a child's 2nd birthday, then a lower flat-rate payment until the child is 3 years old.

Flexibility takes three main forms. First, the possibility to use all or part of leave when parents choose until their child reaches a certain age (e.g. Austria, Belgium, Germany, Portugal, Sweden); second, the possibility of taking leave in one continuous block or several shorter blocks; and third, 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) (e.g. France, Germany, Portugal, Quebec, Sweden). Other forms of flexibility include options to take longer periods of leave with lower benefits or shorter periods with higher benefits (e.g. Germany, Norway).

Various measures have been introduced to encourage fathers to use parental leave. Mostly these take the form of wholly or partly individualised entitlements, whereby fathers not using their 'quota' lose it, since unused leave cannot be transferred to a partner. Fathers in Italy who choose to use their 6 months' parental leave are entitled to an extra month.

Just as the UK has the longest period of maternity leave by far, so it also has a unique approach to parental leave. It has adopted the minimum standard consistent with EU requirements, 3 months per parent unpaid. But this entitlement cannot be taken in one continuous block of time (as in all other countries), but only in portions of 4 weeks per year.

#### *1.2.4. Childcare leave or Career breaks*

In four countries, parents can take additional leave after parental leave finishes. In three cases the leave is unpaid; 3 months per parent per year in Iceland, a year in Norway; and 2-3 years in Portugal. Parents with three or more children in Hungary can take leave until their youngest child is 8 years old, with a flat-rate benefit. Finland, already mentioned, is exceptional in that its home care leave is both available to all parents and paid, albeit with a relatively low flat-rate allowance (so blurring the distinction with parental leave).

Three countries provide some form of break from employment not necessarily tied to childbearing and childcare. Employees in Austria can take 6-12 months; in Sweden, 3-12 months; and in Belgium, a basic right to one year of leave but this period can be extended up to 5 years by collective agreement negotiated at sectoral or company level. Leave is unpaid and dependent on employer agreement in Austria, while in Sweden there is some payment but there is a quota on how many people in the country can take leave at any one time.

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

Generally, adoptive parents have similar leave entitlements to adoptive parents.

The EU parental leave directive gives all workers an entitlement to “time off from work on grounds of force majeure for urgent family reasons in cases of sickness or accident making their immediate presence indispensable”, without specifying minimum requirements for length of time or payment. Among EU member states reviewed here, 6 (Austria, Germany, Hungary, Italy, Portugal and Sweden) specify an entitlement to leave of 10 days or more to care for sick children, though the age range of children covered varies (the most generous leave is Sweden, where there is earnings-related paid leave of 60 days per year per child under the age of 12 years); for all except Italy, leave is paid. In some cases, the length of leave decreases as children get older, for example from being unlimited for a child under 12 months to 14 days a year for children from 6 to 12 years old in Hungary.

Leave is short or unspecified and unpaid in the other member states. Of the non-EU countries, only Norway has an entitlement to paid sick leave specifically to care for sick child. In Australia, all employees have an industrial

right to use up to 5 days of personal or sick leave per year to care for a sick family member.

The EIRO report notes that “longer-term leave schemes to care for seriously ill or disabled children, ranging from a few weeks to a few years, have been introduced or strengthened over the past few years in Austria, Belgium, France, Ireland, Italy and the Netherlands ... Where such leave exists, it is reserved for clearly-defined disability, chronic illness, serious accident or life-threatening situations involving a relative”.

Five countries (Hungary, Italy, Norway, Portugal and Spain) enable women to reduce their working hours in the first 9-12 months after birth, usually related to breast-feeding. Four countries (Austria, Norway, Spain and Sweden) give parents the right to work part-time hours until their child reaches a certain age (between 6 and 8 years). In Italy and the UK, parents have a legal right to request flexible working hours from their employers, who must consider their request and may only refuse them if there is a clear business case for doing so.

### **1.3. Relationship between leave and other employment-related policies and services for young children**

In Denmark and Sweden, a universal entitlement for children to a publicly-funded service begins before the end of paid parental leave, ensuring in effect that there is a childcare place to meet the needs of working parents from the time their leave ends (although the entitlement extends to all children, not only those whose parents are employed). The two systems —leave and services— are therefore complementary.

In countries where leave ends when children are three years old (France, Hungary, Germany, Spain), nursery schooling or kindergarten are widely available to children of 3 years and upwards, with near universal coverage. Kindergartens throughout Hungary, and many in the former Eastern part of Germany, are geared to the needs of working parents, with all day and all year opening. This is not the case elsewhere in Germany or in France and Spain where the availability of school-age childcare services for periods outside term-time and school hours is not guaranteed.

In other countries, there is a gap between the end of leave and universal availability of services to meet the needs of working parents; the two systems are not integrated.

#### **1.4. Changes in leave policy and other related developments since 2002**

We have focused on changes over the last 3 years because earlier changes were discussed in previous publications. However, several country notes do refer to major reforms that occurred just prior to our cut-off date, e.g. Canada (2000), Germany (2001), Iceland (2000), Italy (2000), Portugal and Spain (1999). Of these perhaps the most radical was in Iceland, which restructured its leave policy in 2000 to a 9 month period of paid post-natal leave divided equally between mothers, fathers and a family entitlement (a format now under discussion in Sweden).

Since the beginning of 2002, changes in policy are noted for Austria, Belgium, Denmark, Finland, France, Germany, Iceland, Ireland, Portugal, Sweden and the UK. Most significant are:

- Decoupling of leave and benefit payments in Austria, so that benefit is now paid to all parents.
- Improved paternity leave and a new 'time account' leave scheme introduced in Belgium.
- Reforming the leave system in Denmark which has reduced duration, removed the father's quota but increased benefits.
- Giving fathers 1 to 12 days 'bonus' leave after parental leave if they also take the last two weeks of parental leave (i.e. increasing the upper limit of paternity leave to 5 weeks), and permitting both parents to take parental leave on a part-time basis.
- Introducing an obligatory period of paternity leave and the option to take longer maternity leave on a reduced benefit payment in Portugal.
- The extension of maternity leave to 52 weeks and the introduction of paid paternity leave and the right of parents to request flexible working arrangements in the UK.

In addition, a number of countries report active discussions or actual proposals about further reforms, including Canada, Germany, Norway, Spain, Sweden and the UK.

This adds up to a lot of change in the recent past or anticipated in the near future, emphasising that leave represents a very active policy areas. Comparison of change also confirms the very divergent national approaches to leave (compare, for example, recent changes in Iceland and the UK. If there is one theme to be found in many of the changes introduced or under discus-

sion it is a move towards promoting take-up of leave by fathers, whether by introducing paternity leave or modifying parental leave.

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

Tine Rostgaard notes, in her chapter, that “only in the Nordic countries are there regular, consistent statistical accounts of the use of leave, according to gender, and occasionally also according to occupation and education of the parent...[while in] most other countries, however, data on take-up of parental leave is irregular and inconsistent.” This overview is confirmed by the information provided in country notes on take-up, which is full of gaps, making systematic cross-national comparisons impossible. As a general rule, there is no information on take-up of unpaid leave and limited information on paid leave.

There is the further question of what proportion of parents are eligible for leave, where again there is no consistent and comparable information. However, a number of country notes refer to substantial proportions of parents not being eligible, for example in Australia, Canada and Spain (parental leave), Portugal (maternity leave) and the United States (Family and Medical Leave). Ineligibility may be related to self-employment, temporary contracts, other conditions related to prior employment history or the exemption of smaller employers from leave policies.

Generally speaking, paid maternity leave appears to be extensively and fully used by mothers who are eligible (in a few cases, it is even obligatory to take this leave). However, in the UK, where maternity leave is both long and mostly unpaid or low paid, most women do not take the full period of leave available to them, mainly for financial reasons.

EIRO (2004) conclude that “the available figures show a relatively significant take-up rate [for paternity leave]”. Portugal provides a good example, the country note here recording that by 2002 the 5 days paternity leave introduced in 1999 was used by nearly 31,000 fathers, while the numbers taking the 15 days additional leave increased from 16,000 in 2002 to 27,000 in 2003 – around a third of eligible fathers.

Where parental leave is unpaid, as in Spain, there are no regular statistics on use but take-up is thought to be low by both mothers and fathers (i.e. irrespective of gender, few parents take leave schemes that are completely unpaid) (see also EIRO 2004). Where leave is a family entitlement only, fathers’ use is low; for example 2% of fathers in Finland (and under 3% tak-

ing home care leave), 2.8% in Austria, 5% in Germany, 10% in Canada. However, where parental leave has both an individual entitlement element and is relatively well paid, fathers' use is higher. This can be seen in the four Nordic countries in this study:

- Denmark: 62% of children born in 2002/3 have a father who took leave and these fathers on average took 25 days of leave (as paternity leave is 2 weeks, this suggests most fathers also took some parental leave)
- Iceland: 84 fathers in 2003 took some period of leave for every 100 mothers doing so, and these fathers took on average 94 days of leave
- Norway: 89% of fathers in 2003 took some parental leave, although only 15% took more than the one month father's quota
- Sweden: 85% of fathers of children born in 1995 had taken a period of parental leave by the child's 8th birthday. Fathers also take a third of leave to care for sick children.

In all four cases, mothers continue to take more leave than fathers, the difference being greatest in Denmark (where mothers take 351 days of leave on average compared to 25 for men) and least in Sweden (where fathers take 19% of all leave days) and, above all, in Iceland (where fathers take, on average, 94 days compared to 182 days leave among mothers). These figures can be viewed from different perspectives – as reflecting how care continues to be strongly gendered or as reflecting a gradual shift towards men taking more responsibility for care. The most significant changes in fathers' behaviour seem to be taking place in Iceland and Sweden, where leave-taking has begun to move beyond a month (or less).

It is also striking that fathers' use of leave does respond to policy changes. The average number of days' leave taken by men in Iceland has more than doubled between 2001 and 2003, in line with the extension of father-only leave over this period. The proportion of Norwegian men taking some leave has increased from 4% to 89% since the introduction of the one month father's quota. Similarly, the proportion of leave days taken by men in Sweden doubled from 1997 to 2004, with the introduction and extension of a father's quota. Another striking example of the effect of policy change has been the number of fathers in Portugal taking the recently introduced paid paternity leave, while the proportion of fathers taking parental leave in Canada has more than trebled since the extension of leave from 10 to 35 weeks (most evidence suggests that men take parental leave at a later stage after childbirth than mothers, which may, in part, be related to breastfeeding; so extending paid leave creates favourable conditions for enhanced take-up by men).

All these examples are of paid leave. The importance of payment can also be seen in Catalonia, where there has been a strong take-up by public employees of a scheme which enables parents to reduce their working hours when they have a child under 1 year without loss of earnings. Nearly a quarter of parents using this option are fathers.

Information on take-up among different socio-economic or ethnic groups within countries is even more patchy. Where it exists, it points towards women being less likely to take parental leave, or to take it for shorter periods, if they are: self-employed; work in the private sector; higher educated; and/or higher earning. Fathers are more likely to take leave if their partners have higher education and/or earnings.

Finally, there is again only very limited information on the use of flexible working options, either within leave arrangements or as a right or possibility after leave. German data suggests that more flexible options (e.g. to take a higher benefit over a shorter period and to work part-time while on leave) are taken by only a minority of parents. There is an interesting contrast here between states in the former West and East Germany, parents in the latter being more likely to take more benefit for a shorter period; this reflects a greater propensity among women in the former East Germany to work when they have young children. However, it should also be noted that the benefit payment in Germany is low, which may affect use of flexible options.

Recent survey data from the UK shows that 13% of employees had exercised their new right to request flexible working arrangements, rising to more than a third of women with a child under 6 months; most (86%) of requests had been partly or fully accepted by employers.

**Table 1. Provision of statutory leave entitlements in selected countries**

	Maternity Leave	Paternity Leave	Parental Leave	Total post-natal leave	Leave for sick children
Australia	×	×	✓ 12 F	12 (0)	×
Austria	✓✓✓ 3.5	×	✓✓* 22 F	24 (24*)	✓✓✓ 0.5
Belgium	✓✓✓ 3.5	✓✓✓ 0.5	✓✓ 6 I	9.5( 9.5)	✓ 0.5
Canada(a)	✓✓✓ 3.5	✓ <0.5	✓✓✓ 8.5F	12 (11.5)	×
Denmark	✓✓✓ 4	✓✓✓ 0.5	✓✓✓ 7.5F	10.5(10.5)	×
Finland	✓✓✓ 4	✓✓✓ 1	✓✓✓ 6F	36 (36)	×
France	✓✓✓ 3.5	✓✓✓ 0.5	✓✓* 33 F	36 (36*)(b)	✓ <0.5
Germany	✓✓✓ 3.5	×	✓✓* 34 F	36 (24*)(c)	✓✓✓ 1
Hungary	✓✓✓ 5.5	×	✓✓✓ 31.5(d)	36 (36)	✓✓✓ (d)
Iceland	✓✓✓ 4	×	✓✓✓ 6 F/I	9 (9)	×
Ireland	✓✓ 10	×	✓ 6.5 I	12 (4)	✓✓✓ <0.5
Italy	✓✓✓ 4.5	×	✓✓ 10(e) I	12.5(12.5)	✓ (e)
Netherlands	✓✓✓ 3.5	✓✓✓ <0.5	✓ 6 I	8.5(2.5)	✓✓✓ 0.5
Norway	✓✓✓ 2	✓ 0.5	✓✓✓ 10 F/I	11.5(11.5)	✓✓✓ (f)
Portugal	✓✓✓ 5.5	✓✓✓ 1	✓ 6 I	11.5(5.5)	✓✓✓ 1.5
Spain	✓✓✓ 3.5	✓✓✓ <0.5	✓ 32.5 I	36 (3.5)	✓✓✓ <0.5
Sweden	×	✓✓✓ 0.5	✓✓✓(g) F/I	(g)	✓✓✓ (g)
UK	✓✓ 12	✓✓ 0.5	✓ 6 I	18 (6)	✓ ?
USA	×	×	×	0	×

**Key:**

× - no statutory entitlement

✓ - statutory entitlement but unpaid; ✓✓ - statutory entitlement, paid but *either* at low flat rate *or* earnings-related at less than 50% of earnings *or* not universal or for less than the full period of leave; ✓✓✓ - statutory entitlement, paid to all parents at more than 50% of earnings (in most cases up to a maximum ceiling). \* indicates

the payment is made to all parents with a young child whether or not they are taking leave. ? indicates length of leave unstated.

*Unbracketed* numbers for each leave column indicate total length of leave *in months* (to nearest month; *bracketed* numbers in ‘total post-natal leave’ column indicate length of leave which receives some payment)

Parental Leave: F=family entitlement; I=individual entitlement; F/I=some period of family entitlement and some period of individual entitlement

(a) There are differences in length of leave between provinces and territories; three provinces allow 3-5 days of unpaid leave to care for members of immediate family

(b) Only paid to parents with one child until 6 months after the end of maternity leave

(c) Payment after maternity leave until child is 2 years and means tested

- (d) For insured parents, leave is paid at 70% of earnings until child's 3<sup>rd</sup> birthday, then at flat rate; only mother is entitled to use in child's first year. Leave for sick children varies according to child's age from unlimited (child under 1) to 14 days for a child aged 6 to 12 years
- (e) 6 months per parent, but total leave per family cannot exceed 10 months. Leave for a sick child is unlimited for a child under 3 years, 5 days per parent for a child aged 3 to 8 years
- (f) 10 days per parent if one child under 12 years; 15 days if 2 or more children. Extended rights to leave if chronically sick child
- (g) 480 days of paid leave per family (divided between individual entitlements and family entitlement), 390 days at 90% of earnings and 90 days at a low flat rate; each parent also entitled to 18 months unpaid leave. 60 days leave per year per child to care for a sick child.
- (h) Parents may take up to 12 weeks unpaid leave for childbirth or the care of a child up to 12 months as part of the federal Family and Medical Leave Act; employers with less than 50 employees are exempt. Five states and Puerto Rico provide some benefit payments to parents missing work at around the time of childbirth.

**1.6. Technical note**

Information provided on each country at the start of each country note is mainly drawn from the 2004 Annual Report of the United Nations Development Programme (available at [www.undp.org/annual-reports](http://www.undp.org/annual-reports)). The figure for the proportion of employed women working part time comes from OECD in *Figures: Statistics of the Member States, 2003* (available at [www.oecd.org](http://www.oecd.org)). Figures for the proportion of women with a child under 3 years who are employed come from national sources.

## **2. REVIEW OF RESEARCH ON LEAVE POLICIES** MAJOR DEVELOPMENTS (2000-2004)

Fred Deven

This chapter provides a preliminary overview of research on leave arrangements for parents, most often parental leave. It highlights four major developments in this research domain which fits into the general research on work-family balance.

It builds upon our previous review work (see Moss & Deven, 1999; Deven & Moss, 2002; Deven & Carrette, 2005), it takes a number of recent overviews and major research reports into account and it considers general developments in Western countries. Overall, this domain of research enjoys ongoing interest from policy makers and academics alike. The latter expresses itself as well in the growing number of doctoral dissertations studying more in depth some issues of the leave policies (see Note 1).

At the CBGS / TCRU seminar (October 2004) we already suggested the relevance of an increase in (1) comparative work, and in (2) evaluation studies or impact analyses of (new) leave policies, as well as a continued interest for (3) the take-up of paternity leave or/and of parental leave by fathers, and (4) the importance of the workplace culture and practices, especially for fathers.

Last but not least, we also started to benefit from the information on research projects and reports in almost 20 Country Notes (see Part 2). This preliminary review work will be soon refined and consolidated (Moss & Deven, forthcoming).

### **2.1. Comparative work**

At present, a number of data sets provide a minimum of comparative data. Various intergovernmental organisations take stock of national legislations and monitor developments, especially following the introduction of supra-national legislation. The OECD, for example, occasionally provides over-all data on “family- friendly policies and more detailed cross-national analyses for 13 OECD countries (see Adema, “Babies and Bosses” project manager). At the level of the European Union, databases such as MISSOC (social protection systems) or EIRR (industrial relations indicators) monitor overall developments; occasionally some comparative information is provided on

eligibility, duration, and compensation of some type of leave or related arrangements such as birth grants or family allowances (e.g. EIRR, 2001).

Large scale projects such as the OECD thematic reviews of national early childhood education and care (1998-2004) more generally provide relevant information on related policies of 20 countries (see OECD *Starting Strong*), going along with relevant analyses of policies of early childhood services (e.g. Kamerman et al., 2003). A report, jointly commissioned by the Council of Europe and UNICEF Department of Education, focused on the situation in Central and Eastern European countries (Rostgaard, 2003). Finally, the ongoing monitoring through the Eurobarometer of the attitudes, opinions and preferences of the EU adult population occasionally also provides relevant data. In Spring 2003, for example, a focused questionnaire probed approximately 12,000 men in the Member States about their knowledge, their (intention to) use parental leave (EC Eurobarometer 53, 2004).

A few scholars recently tackled the daunting task of comparing the *de jure* and the *de facto* situation in a large number of countries. Eileen Drew (2005), for example, considered the situation in the 45 member countries of the Council of Europe, whereas Math and Meiland (2004) provide a comparative study in 19 EU Member States, largely based on the contributions of the European Industrial Relations Observatory. The latter especially focused on the collective bargaining on four types of family-related leaves. Drew (2005) obviously could not give equal attention to parental leave legislation and impact across all 45 Council of Europe countries. She nevertheless draws up relevant comparative information with regard to legal rights and entitlements, time limits and flexibility, as well as allowance, availability and job security. It is particularly laudable to find at least some information for a number of (Eastern) European countries who are usually excluded in data sets mentioned above or other monitoring instruments developed on behalf of international organisations.

Ferrarini (2003) analysed the role of paid parental leave policies in 18 welfare states. By considering parental leave policies from an institutional approach he showed that the differences at the turn of the 20th century were substantial, and that the institutional structures of parental leave benefits entail different choice capacities of parents, for the participation of mothers in paid work as well as for the involvement of fathers in care work. He also observed that the cross-national patterns of paid parental leave largely follow along the lines of broader family policy strategies. Ferrarini (2003) points to left party incumbency and women's share of cabinet portfolios as the most important explanatory factors behind the development of paid pa-

rental leave in support of the dual earner family. Institutions that organize paid and unpaid work constitute no exception for policymakers to weigh important consequences of different institutions against each other, consequences involving actions, agency and well-being of individuals, as well as macro-economic outcomes.

Gornick & Meyers (2004) analyse family leave policies (maternity, paternity, parental leave and leave for family reasons) on the basis of five key principles: (1) mothers would be assured job security and wage replacement around the time of childbirth and during the subsequent weeks and months; (2) mothers and fathers would be granted periods of leave throughout their children's preschool years, with both job security and wage replacement; (3) gender equality would be embedded in all family leave policies; (4) parents would have some job protection and benefits that extend throughout their children's lives; and (5) paid family leave policies would be designed to minimize the burden on individual employers, and to reduce the risk that (potential) parents would face employment discrimination in hiring, promotion, or retention.

They especially analyse how current USA policy fares against these principles. All in all, they conclude that family leave policies in the United States come up short on nearly every principle of policy design, and by a substantial margin.

*“The consequences are weakened labour market attachment for women, which in turn worsens gender inequality; economic insecurity for families, especially for those headed by low-educated and low-income workers; and constraints on parental time for caring for the youngest children” (Gornick & Meyers, Chapter 5, p14)*

Other American scholars as well took initiative to inform an US audience about EU policies, mostly by contrasting policies and practices in the USA and (EU) Europe (see Haas, 2002; Waldfogel, 2003). Sheila Kamerman continues her programme of research comparing the main child-related leave policies in highly industrialized and in developing countries ([www.childpolicyintl.org](http://www.childpolicyintl.org)). More specific studies attempt to compare more in depth the situation in a number of (neighbour) countries or of a region in Europe (see Rostgaard, 2003. Kokourkova, 2002).

## 2.2. Evaluation studies

Increasingly, the various leave policies as a major policy tool for policy makers (public authorities, employers) to facilitate the combination of work and family life. It gave way to studies commissioned by Governments or public administrations in charge of monitoring the use and payments of such policies. Three types of studies are briefly considered below. First, analyses of (the implementation of) the EC Directive as such ; second, analyses of country legislations; and finally, various types of impact studies analysing the consequences or effects on one or more stakeholders of the leave policies.

### 2.2.1. *The EC Directive on Parental Leave (96/34/EC)*

On the basis of a collaborative research project, Falkner et al. (2002) took parental leave as a case to analyse the national transposition, enforcement and application of European labour law Directives. They especially considered the amount of mismatch between the European policy and domestic structures. The existence of considerable adaptational pressure was under certain conditions conducive to smooth implementation whereas several Member states not only eliminated the misfit created by the EC Directive, but raised their domestic standards above the European minimum requirements. Hardy and Adnett (2002) assessed the social, economic and legal implementations of the parental leave Directive and identified differing national strategies for implementation. They consider this EC Directive an inadequate legal framework, a limited attempt which increases rather than reduces gender inequalities in the labour market. They also suggest to design a minimum floor needs to reconcile family-friendly practices with greater gender equality.

### 2.2.2. *Evaluation of national legislation.*

Clear examples of this can be found in countries such as Austria (ÖIF, 2005), Germany (Empirica, 2004), The Netherlands (van Luijn & Keuzenkamp, 2004) or the USA (Breidenbach, 2003). The following research questions are usually at the heart of those studies: what is the need for various leave schemes (and other measures)? What is the extent of the 'need' and of use? What is the overall users profile? Why do some categories of employees clearly use more (mothers) or less (fathers) some schemes? Are

those schemes effective in meeting the needs of working parents? What kind of problems encounter potential users?

Van Luijn and Keuzenkamp (2004), for example, thoroughly investigated the (extent of) use of leave schemes in The Netherlands. They surveyed 3100 employees (20-61 years old) and a subgroup who had stopped working to care for a family member. The largest discrepancy between need and use was noted in case of urgent incidents requiring an almost immediate solutions. The Austrian Institute for Family Studies (ÖIF) evaluates the implementation of the childcare benefit from its beginning (2002) up to 2006. The federal Ministry of Social Security, Generations and Consumer Protection commissioned these reports to be informed about impacts of this benefit on the work-family balance, on women's occupational career and on the participation of fathers in child care (see: Country Note – Austria).

Breidenbach (2003) provides a different type of analysis. She considered the FMLA of 1993 from a family perspective highlighting both positive and negative consequences as well as pointing to possibilities for improving its ability to assist American families in times of need.

### 2.2.3. *Impact studies*

Additional to these overall evaluation studies are the more specific impact analyses on various actors of leave policies. Till recently, such analyses focused almost exclusively on mothers, their employment status and the probability of their re-entry at work after childbirth and a period of (parental) leave. Such research has been conducted in the USA and for most Nordic countries. Hofferth & Curtin (2003), for example, examined for the USA changes between the late 1980s and the mid-1990s in (1) how soon mothers were employed following childbirth, (2) whether they return to the same employer, (3) whether their post-return wages / earnings are higher than their pre-return, and (4) whether any of these changes are linked to changes in the FMLA and/or state leave policies over the period. Some scholars provide comparative data for two or more Nordic countries. Ronsen (1999) examined the female after-birth employment activity rates in Finland, Norway and Sweden focusing on the impact of parental leave and child care programs on the transitions to full-time and part-time work. She also assessed the short-term effects of the Norwegian cash-for-care reform noticing a small decline in the work probability of most mothers after the reform, except among those at the highest educational level (Ronsen, 2001). Danish and Swedish mothers are compared related to their career interruptions due to parental leave (Pylkannen and Smith, 2003).

Similar to these more focused studies are the informative analyses of social policies and welfare benefits in general. Kamerman et al. (2003) reviewed such research evidence for a selected number of OECD countries. Hernanz et al. (2004) also reviewed the available evidence of take-up rates of various welfare benefits, including leave policies.

More indirect evidence is also available via the more extensively researched impact and effects of parental (especially maternal) employment on children. These studies are sometimes based on longitudinal (most often British or American) studies (e.g. Berger et al., 2005; Waldfogel et al., 2003). Increasingly, the problem of a lack of control variables as well as intermediary variables is pointed at. The insertion of more variables, such as mother's occupational complexity, father's occupational status, family income in the child's infancy, and especially the quality of non-parental child-care, lead to more pronounced or even different findings (e.g. Ram et al., 2004).

The impact of leave arrangements on children as well is getting some attention of researchers and policy makers alike. At first, the focus has been especially on the effects of periods of maternity leave on the health of newborns and infants (Ruhm, 2000; Tanaka, 2005). Galtry and Callister (2005) updated previous work on assessing the optimal length of parental leave for child and parental well-being. They notice that such policies need to take account of the seemingly contradictory objectives of protecting biological maternity (i.e. pregnancy, childbirth, postbirth recovery and breastfeeding); promoting gender equity in childbearing; optimising women's economic and labour market outcomes; as well as protecting and enhancing children's health and development. Galtry and Callister (2005: //) observe that ideally the design of parental leave schemes should be based on research. "If only on research on labour markets and on gender equity, then short leaves seem the best policy option. But once biomedical research is considered the design of leave becomes far more complex".

Other dimensions of child development are documented more scantily (e.g. Kamerman, 2003; Lero, 2003). Deven and Carrette (2005) point to the methodological issues for research from the perspective of children and observe that the majority of studies suffer from important methodological limitations. The concept of child development, for example, is treated in a rather narrow way. Studies of the impact of parental leave arrangements focus on children's health and on cognitive outcomes e.g. verbal and mathematical skills).

A Luxembourg study asked parents (mostly mothers) what they perceived as the advantages of using their 3 months of parental leave for their infant. Among the main reasons given, 35% of the users referred to the well-being of the child by referring to 'providing more security and stability', 'respect-

ing the biological rhythm of the child', 'facilitating a period of breastfeeding' (KPMG, 2002).

### **2.3. Fathers / father involvement**

Recently, some focused studies on the use by fathers of leave arrangements, especially the earmarked part, as well as more general reviews on father involvement in the household and in care work became available. Burgess & Russell (2004), for example, reviewed the predominantly USA based research literature on father involvement. Overall, a picture emerges of a growing interest and practice both at the individual and at the societal level. Important differences remain according to social class and education. An increasing number of studies focus on father's attitudes and behaviours in the (non-) use of paternity leave and parental leave. Chronholm (2004) combined survey based data with more focused interviews in his Ph.D work on the parental leave experiences of Swedish fathers. Brandth & Kvande (2003) revealed various factors which impact on the take-up of parental leave by Norwegian fathers (e.g. prevalence of women's part-time work, the gender-based wage difference). Einarsdottir & Petursdottir (2004) report on a comparative study in Iceland, Norway, Germany and Spain.

### **2.4. Workplace culture**

This issue is closely related to the former (sub 3.). The scope is more general on the organisational culture which refers to the basic pattern of shared assumptions, values and beliefs of companies and firms. Workplaces are considered with regard to the behaviour of the (senior) management, the amount of workgroup support and the (often unwritten) rules reflecting a way of thinking about and acting upon the (non) use of fathers and mothers of various work-life balance policies. Russell and Hwang (2004) comprehensively reviewed the impact of workplace practices on father involvement covering parental leave as one out of four workplace practices and policies. They note that most of the research to date has focused on examining assumed direct links between workplace policies such as parental leave or work demands (e.g. work hours) and father involvement.

*"Yet, it may be that the workplace, by providing alternative career options and alternative role models of success (that include work-family balance), could function to increase the level of motivation for a father to be involved with his children. On the other hand, the workplace could provide self-development opportunities that enhance*

*communication and interpersonal skills that will increase a father's self-confidence as a parent.” (Russell & Hwang, 2004: 500).*

Research by den Dulk (2001) and by Haas et al. (2002) provide relevant data as well for a better understanding of factors associated with workplace culture. The Dutch government commissioned a study among a representative sample of Dutch companies and organisations in order to highlight their ‘joys and sorrows’ related to various leave policies (see Duyvendak & Stavenuiter, 2004).

## **2.5. Summing up**

A combination of poor statistical information and the uneven spread of research means that we have a limited knowledge about the use and experience of using leave policies. While there is a growing body of information on gender, other dimensions of diversity have been poorly served. The use of the various types of leave, and therefore the relationship between policy and use, is only partially mapped. Only in the Nordic countries are there regular, consistent statistical accounts of the use of leave, according to gender, and occasionally also according to occupation and education of the parent. Lack of comprehensive and comparable basic statistics on use are compounded by even less adequate information about the proportion of parents who are not eligible. Self-employed parents represent an obvious case of non-eligibility.

Generally speaking, (paid) maternity leave appears to be extensively, and often fully, used by mothers who are eligible. Where figures are available for paternity leave, they show a relatively significant take-up rate. Use of parental leave schemes varies considerably, depending in particular on whether they are unpaid or at what level payment is. Where parental leave is unpaid, there are no regular statistics on use but take-up is thought to be low by both mothers and fathers. Where leave is a family entitlement only, fathers’ use is low.

Future research requires the creation and interrogation of large-scale national and cross-national data sets to throw light on eligibility for, take up of and impact of leave policies among different groups and across countries. More qualitative studies are needed to clarify how and why different groups use or do not use leave, and how this fits within their broader strategies for employment and family life. Policy makers need to pay more attention to defining clear objectives for leave policies, and to undertaking strong evaluations of whether national leave policies further these objectives.

**Note 1**

Ph.D. work (in progress), research focused on or including leave policies.

Chronholm, A. (2004), *Föräldraledig Pappa. Mäns efarenheter av delad föräldralighet*. (Ph.D. Univ. of Göteborg)

Den Dulk, L. (2001), *Work-family arrangements in organisations. A cross-national study in the Netherlands*. Italy. UK and Sweden (Ph.D. Erasmus Univ. Rotterdam).

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### **3. DIVERSITY AND PARENTAL LEAVE**

Tine Rostgaard

#### **Introduction**

For a number of years, parental leave has been on the policy agenda in many countries and in international settings. The changes of the labour market and composition of the workforce has prompted a demand for better reconciliation of work and family life. Granting mothers and fathers the right to take leave from work in order to care for their children is accordingly considered an important element of family-friendly policies.

Overall, we now have gained some basic knowledge about the difference in national, institutional arrangements of parental leave. We know that there is great national variation in the conditions for leave, in terms of eligibility criteria, payment, and length of leave. Still, our knowledge at best concern the average situation: how parental leave policies accommodate the middle-class, middle-income, two-parent family in full-time employment. There is a serious lacuna in the lack of focus on the specific circumstances and needs of different family types and population groups, particularly part-time and 'flexible' workers, single parents, people with disabled children, and ethnic minorities.

This chapter aims at identifying the special situation of these groups and highlighting the gaps in knowledge of how leave policies responds to this diversity of employment, family and ethnic situation. The first part will, however, investigate the perhaps most familiar issue, how leave policies respond to and generate gender differences. Apart from a few references to the transatlantic situation, the chapter is mainly based on the European experiences.

#### **3.1. Gender differences**

The most investigated and documented dimension of leave and diversity is the difference between men and women. Especially the institutional design of parental leave schemes and related gender consequences have been investigated. This includes consequences for men's and women's eligibility, take-up and compensation for leave, life-earnings, sharing of informal care, and career and labour market opportunities.

Parental leave may be a means of fostering gender equality and, as such, features as a measure on the EU policy agenda, in particular to enable men and women to reconcile their employment and family responsibilities. Given this context, the gender issue is understandably to the fore in the EU's approach to leave policy. The Parental Leave Directive, therefore, requires that a minimum of three months of parental leave should be an individual entitlement for both male and female workers, granted on a non-transferable basis.

Despite the increasing strategies and policies for gender equality on supranational, national and local levels and within the workplace, the changes in social practices are, however, less evident in terms of sharing the care responsibilities. Parental leave is undeniably an important element in the achievement of the adult worker model where both mother and father participate on the labour market, but many existing parental leave schemes have been criticised as being merely "extended forms of maternity leave, heightening economic inequalities between men and women and reinforcing traditional gender roles" (Wilkinson et al, 1997, p. 83).

### *3.1.1. Institutional characteristics and gendered take-up*

There is general agreement that individual rights, high compensation rates, and a family-friendly work environment are crucial elements for the creation of a gender-equal division of paid and unpaid work between men and women (Bruning and Plantenga, 1999; Rostgaard, 2002; Haas, 2003). Unpaid or low paid leave is unlikely to attract many fathers, as they, more often than the mothers, have the highest earnings in the family, being the main breadwinner. We know on the economic front that the unequal take-up of parental leave adversely affects women's career and employment opportunities, their pension savings and their rights to other social benefits (Morgan and Zippel, 2003; Pylkkänen and Smith, 2003). On the care front, we also have evidence of the importance of the early childhood years for the bonding between parents and child, and of why it is of great importance that fathers also have the opportunity to spend time with their child in this period (Lamb, 1981). But despite the EU directive on parental leave and the current EU aim of becoming the world's most competitive and knowledge-based economy, the national diversity on the policy implementation of the leave schemes reflect that there are still major differences in constructions and beliefs about gender, parenthood and childhood.

### 3.1.2. *Parental leave and care models*

The EU Parental Leave Directive should ensure that the eligibility criterion for leave is gender neutral, by guaranteeing a non-transferable individual right to leave. Nevertheless, analysed from the perspective of how government parental policies give parents the opportunity to be released from work to care, Haas (2003) finds considerable differences among the EU countries in terms of gender consequences. Using different models of care, she emphasises how parental leave may contribute to the development of a gendered care model. In the Non-Interventionist Model, the government intervenes minimally and care responsibility is considered a private (female) matter (Greece, Portugal, Italy and Spain). In the Family-Centred Model, there is a strong commitment to the preservation of the traditional family and long leave periods should ensure that women can undertake care work and employment sequentially (Austria, Belgium, France, Germany). In the Market-Oriented Care Model (Ireland, the Netherlands and UK), employers are encouraged to provide leave for parents who are in employment. Finally, in the Valued Care Model (Finland, Denmark and Sweden), parental leave is used to promote the 'valued care' norm, where care is a joint private-public responsibility, offering families financial compensation for parental leave and access to affordable, high quality care services. The choice between caring and working is consequently available for both men and women.

### 3.1.3. *Data on gendered effect*

Despite these characteristic differences of the institutional design of parental leaves and related care benefits, we do, however, know too little about the gendered effects in terms of take-up. The different models are likely to prompt a differently gendered use of the leave schemes, but we have no reliable data to refer to when we compare countries. Only in the Nordic countries are there regular, consistent statistical accounts of the use of leave, according to gender, and occasionally also according to occupation and education of the parent: for example, in Sweden in 2002, men took 16% of the parental leave days available, and one in five of the persons taking leave to care for a sick child was a man. In most other countries, however, data on take-up of parental leave is irregular and inconsistent. Statistical information from large-scale European surveys seems still to differentiate mainly between categories of 'employed' and 'unemployed', overlooking other categories of economic (in)activity which do not fit. However, from 2005, the European Labour Force Survey will focus on the reconciliation of work and

family life in the ad hoc module and will measure the take-up of parental leave.

Statistics are, however, still mostly shaped by the labour market focus of employment of parents, e.g. in only documenting the aggregate periods of leave for the whole labour force. From the point of view of the child, statistics are also required which can show how the individual child is cared for in the early months and years, whether it is the father, mother or even a grandparent that takes leave from work in order to care and for how long.

## **3.2. Difference in employment**

### *3.2.1. The increase in non-standard employment*

Parental leave policies need to encompass a variety of labour market situations. Across Europe, the structure of employment has changed. We experience a move away from the regular, open-ended full-time 'typical' employment, towards an increasing reliance on 'atypical', 'contingent' or 'non-standard' employment' (EIRO, 2002).

There has been an increase in the flexibilisation of labour markets and employment contracts, so that there are more and more employees who participate in non-permanent work. They may be working on a fixed-term contract, or in temporary agency work, sub-contracted work arrangements, casual or seasonal work. According to the 2001 Working Condition Survey from the European Foundation, 18% of employees in the EU15 had an employment contract of limited duration, with slightly less (14%) in the 10 new EU member states and 2 candidate countries (European Foundation, 2003). More women than men work in temporary employment, creating a 'gendered flexibility'.

The extent of part-time work has also been increasing for a number of years in most member states, and most of the net job growth in the EU since the early 1980s has been in part-time jobs for both sexes (Rubery et al. 1999). Part-time work is widespread in the EU15 countries. Here, 17% of all employees report that they work part-time. In the new member states and candidate countries, 7% of employees report that they work part-time, but in all 10% report that they work under 30 hours a week. Part-time work is traditionally related to female work arrangements but less so in the new member states and candidate countries. In these countries, only marginally more women (9%) work part-time than men (6%). In the EU15 countries, part-

time work is predominantly found among women: 6% of men report that they have a part-time contract compared with 32% of women (European Foundation, 2003).

### *3.2.2. Non-standard employment and social rights*

Little is, however, known about how employees working in non-standard employment such as part-time and flexible job arrangements cope in terms of securing their rights to parental leave and how this influences their take-up of parental leave. Non-standard employment may to some employees be a preferred work arrangement, especially among women (and men) who privilege working time over economic security (Casey and Alach, 2004). Nevertheless, temporary and part-time workers may have reduced entitlements to a range of benefits (Garsten, 1999), as they make up a peripheral group on the labour market (Harvey, 1989): for example, Canadian maternity and parental leave under federal Employment Insurance excludes many part-time and new workers as well as self-employed of coverage (Bertelsmann, 2004). Legally or collectively agreed entitlements do not usually differentiate between fixed-term and permanent staff, but the former may be disadvantaged when length of service is a factor in eligibility and entitlement. In some cases, though, coverage may even exclude these groups, as in Austria where employees on short and fixed-term contracts are not covered for parental leave (EIRO, 2004). Where conditions of employment are mainly at the employer's discretion, non-standard workers may also experience poorer terms and conditions of employment and related social benefits (EIRO, 2002).

### *3.2.3. National differences in work arrangements.*

Despite the general development towards non-standard employment, differences between countries in national working-time and regimes seem to persist. Parental leave may in principle, as a policy instrument, contribute to changes in work arrangements. Denmark, for example, seems to be moving from a maternal employment model of high, continuous labour market participation in which part-time hours are commonly worked for a number of years towards a continuity pattern built increasingly around full-time work and a rejection of part-time hours. In contrast, in Sweden the use of extended parental leaves and female part-time work is encouraged (Boje and Almqvist, 1999). It is difficult to establish clearly how the Danish and Swedish parental leave policies have helped pave the way for such divergent

work patterns; but the great variation in the design of leave schemes makes it likely that such schemes reinforce the national differences in work arrangements across Europe. Still, this is an issue that requires more research, on the micro-level and comparatively across countries.

#### *3.2.4. Economically inactive groups*

Being a relatively new research field, research on parental leave has until now also tended to be occupied with how parental leave rights are secured through labour market participation. Very little is known about the coping strategies for people who are economically inactive or reported to be unemployed, and whether they are entitled to any parental leave. We need to know more about how parental leave rights are secured for these groups and what is the interplay with other social insurance and social assistance benefits.

#### *3.2.5. Self-employed*

The research into self-employment and leave is more extensive – at least in the Nordic countries where the tendency is that self-employed workers make less use of leave schemes: for example, in a Danish survey, 20% of female self-employees aged between 30 and 40 years said that they had not made use of maternity and parental leave following birth. In comparison, nearly all employed mothers take some leave following birth. Only 30% of self-employed fathers in the same age group took paternity leave within the first 2 weeks following birth, compared with 60% of all fathers (ASE, 2001).

Of those in the survey who did not make use of the leave, women and men pointed out that there was no one to take over the business, and especially men found it difficult to find a replacement. In some what more than one third of all cases, the spouse or partner took leave instead. Fifteen percent of self-employed mothers and fathers said they could not afford to take leave, and 1 in 10 said that they did not know about their rights to take up parental leave, which underlines the need for more information about leave rights for this occupational group – as well as for others.

### **3.3. Differences in education**

Education is recognised as being a tool to reduce the risk of social exclusion and support integration into civil society and the work place (European Commission, 2004). A high level of education also seems to prompt a higher take-up of parental leave, at least in the Nordic countries, where this has been researched more extensively. Along with income, education seems to influence especially father's take-up of parental leave, perhaps because a high level of education both creates a better position of negotiation but perhaps also a different attitude to the sharing of care tasks and more awareness of social rights (Christoffersen, 1990; Andersen, Appeldorn and Weise, 1994; Carlsen, 1994;). Again, we do, however, need more regular and consistent data to investigate whether this is a cross-national phenomenon, and whether the institutional design of the Nordic leave schemes is especially favourable to the take-up of leave by those with high levels of education. Higher education tends to reduce the risk of unemployment and increase income, i.e. it increases both the chances of being eligible for parental leave and the likelihood of using the leave. When one in five school leavers in the EU15 has left the education system without completing a qualification beyond lower secondary schooling (Eurostat, 2004), how does this influence their possibilities and attitudes to taking parental leave?

### **3.4. Different family-types**

The variation in family-types also questions the universality of the parental leave schemes. At the European level, we see increasing numbers of single parents. In 1990, 6% of children aged 0-14 years were living with just one adult. By 2000, one in ten families in the EU was a single parent family, with as many as 20% in UK (Eurostat, 2004). Lone-parent families have long been recognised as a group at high risk of poverty and social exclusion (OECD, 1990). Within EU, 38% of single parents with dependant children fall into the group of low-income households (Eurostat, 2003).

#### *3.4.1. Multiple challenges for lone parents*

Lone parents face a multiple challenge, as they must carry the dual responsibility of being the main breadwinner and also the main carer. Mostly, they are disadvantaged in the labour market, manifested in working in unstable, part-time jobs, and having low education and unequal pay. As an example, in the new member states and the candidate countries, 13% of single parents are on a fixed-term or temporary agency contract and 18% are in the low-income group (European Foundation, 2003).

Across Europe, lone parents face different realities as variations in childcare provision affects their ability to participate on the labour market. For example, public provision of childcare in countries such as Finland and France makes it easier for lone parents to take up work than in a country such as Italy where there is less formal childcare for younger children (Martin and Vion, 2002). This is despite the evidence that national differences in poverty rates among children of single parents are more the result of variations in social policy measures, such as childcare availability and income support, than due to variation in workforce participation among single parents (Unicef, 2000; Kamerman, Neuman, Waldfogel and Brooks-Gunn, 2003).

In some countries single parents have been a focus for activation measures; for example, the duration of job-search exemptions for single parents has been shortened in some countries: In most states of the United States, social assistance programmes consider single mothers to be employable 6 to 12 weeks after childbirth.

#### *3.4.2. Use of parental leave*

Our knowledge of the coping strategies of lone parents in terms of using parental leave is, however, limited. Is it likely that lone parent families are less likely than two-parent families to take up parental leave, especially if the leave is unpaid or compensation low, due to their status as the sole breadwinner? Single parents may also, like two-parent families, fear that they will lose their work if they claim parental leave. Although the EU Parental Leave Directive protects workers against dismissal, many employees face a different reality when they return to work; for example, in Norway there are an increasing number of reports from trade unions, the media and the gender equality ombudsman of women who have lost their jobs after leave (EIRO, 2004). As the sole breadwinner, single parents may be more likely than other parents to refrain from taking up parental leave, because they fear losing their job. Single parents may also take up fewer days of parental leave if the right to parental leave relates to the parent rather than the child; for example, mothers and fathers in Ireland are each entitled to 14 weeks of parental leave, 28 weeks in all but single parents are only entitled to 14 weeks in toto.

#### *3.4.3. Other variations in family-types*

Apart from single parent families, there are other variations in family types, which have not been the focus of study when parental leave is discussed.

These may include those families who live in a multi-generational family. The question is whether they have special entitlements, such as in Portugal where the 1999 legislation on family leave granted grandparents entitlements to parental leave, and whether such leave is used. The rights to and take-up of parental leave for same-sex couples is likewise seldom investigated. Families with a handicapped child and families with a multiple birth may also experience special needs and requirements; for example, in the Netherlands there is additional parental leave for multiple births.

### **3.5. Ethnic minorities and immigrants**

Ethnic minorities and immigrants are often marginally placed in society and thus at greater risk of becoming socially excluded. This group is materially poorer than the average population, and have vulnerable relations to the labour market; for example, in Germany the unemployment rate is twice as high for this group compared to the general population (European Commission, 2004). When in employment, the involvement in low-paid jobs, without social security rights, is high for this group. Especially in Southern Europe, much of the domestic work and care for the elderly is carried out within the black economy by immigrants, who hold no associated social rights.

Even when entitled to parental leave, care culture or lack of awareness of social rights may prevent some from taking up parental leave. Lack of data, however, continue to be a major problem, for the identification of problems of eligibility and take-up for this group.

### **3.6. Conclusion**

This chapter has sought to identify the special situations that face those families with children who are seldom heard of in the parental leave policy debate. The ambition in the chapter has been to give an account of the extent to which leave policies recognise and accommodate various dimensions of diversity. This has been a far from systematic review of the available research, but apart from gender, and to some degree education, the sad news is that there seems to be a lack of focus on the specific circumstances and needs of those diverging from the standard, whether it be in terms of employment, family type or ethnicity. The good news is that the issue of parental leave is gaining ground as an established field of research, with the in-

creasing incorporation of the issue in large-scale documentation and surveys.

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PART 2

**COUNTRY NOTES**

## LEAVE POLICIES AND RESEARCH AUSTRALIA

*Michael Alexander*

**Population (2002):** 19.2 million  
**Total Fertility Rate (2000-2005):** 1.7  
**GDP per capita (US\$\$s using Purchasing Power Parities) (2002):** \$28,260  
**Female economic activity rate (ages 15 and above) (2002):** 56% (as % male rate: 78%)  
**Employment rate for women with a child under 3 years (2002):** 41%  
**Proportion of all employed women working part time (2003)** 42%  
**Gender-related Development Index (ranking out of 177 countries):** 3<sup>rd</sup>  
**Gender empowerment measure (ranking):** 8<sup>th</sup>

<sup>NB.</sup> Australia is a federal state

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

#### a. Statutory Maternity Leave (responsibility of Department of Employment and Workplace Relations)

There is no statutory right to maternity leave.

*Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents*

- Around a third of female employees have access to paid maternity leave through industrial awards or workplace agreements. The amount of paid leave varies significantly across employers (see later comments).

#### b. Statutory Paternity Leave (responsibility of Department of Employment and Workplace Relations)

There is no statutory right to paternity 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*

- Many employees have an employment right to some level of paid Paternity Leave as specified in the award or workplace agreement that

determines their wages and conditions. The amount of paid leave varies significantly across employers (see later comments).

**c. Parental Leave (responsibility of Department of Employment and Workplace Relations)**

*Length of leave (before and after birth) and whether leave an individual or family entitlement*

- 52 weeks per family per child. A woman can start to take leave up to 10 weeks before her baby is due. Except for the week following the birth of the child when both parents may take parental leave, the remainder of the leave must be shared by the parents.
- Parental Leave can be taken in conjunction with other types of paid leave, such as annual leave or long service leave. 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 is still 52 weeks.

*Payment.* None.

*Flexibility in use.* None.

*Regional or local variations in leave policy.* None.

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

- Employees in permanent positions (full-time or part-time) are entitled to 52 weeks unpaid parental leave provided they have served 12 months continuous service with the same employer by the time of the birth of the child.
- Casual employees are also usually entitled to 52 weeks unpaid parental leave provided they have been engaged on a regular systematic basis for at least one year. In the States of New South Wales and Queensland, this is a statutory right for those who meet the criteria and fall under the jurisdiction of those States' industrial relations laws. For those employees who fall under the jurisdiction of the federal industrial relations laws, the same right applies, but rather than being a statutory right, the employment entitlement is contained in specific awards that underpin an employees entitlements (whether they are covered by a subsequent workplace agreement or not).

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

- None.

*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*

- Many employees have an employment right to some level of paid Parental Leave as specified in the award or workplace agreement that de-

termines their wages and conditions. The amount of paid leave varies significantly across employers (see later comments).

**d. Statutory Childcare Leave or Career Breaks.** None.

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

*Adoption leave and pay.* The same statutory rights apply as to Parental Leave when a child under 5 years old is adopted.

*Time off for the care of dependants.* All employees have an industrial right (inserted in all industrial awards) to use up to five days per year of personal or sick leave to care for a sick family member (known as ‘carers’ leave’). In the Family Provisions Test Case, currently before the Australian Industrial Relations Commission, employers and the peak trade union body have agreed in principle to extending the number of days that can be classified as carers’ leave from 5 to 10 days per year.

*Flexible working.* The ability of parents returning to work after having a child to request part-time work is strongly encouraged by the Australian Government but no statutory or industrial right exists.

**2. Changes in leave policy and other related developments (including Australian Government proposals currently under discussion)**

No changes in leave policy are currently under discussion. The Australian Government has recently introduced a one-off maternity allowance payment, for children born after 30 June 2004. The allowance is currently a lump-sum of A\$3000 per child, but rises to A\$4000 in July 2006 and A\$5000 in July 2008. The allowance is paid irrespective of a mother’s employment status prior to the birth of the child. If spread evenly over a 14 week period, the current allowance of A\$3000 is approximately half that of minimum rates of pay and approximately 25 per cent of average female full-time earnings.

There has been growing discussion about, and community support for, some type of universal paid maternity leave. This has been stimulated by a series of reports and test cases since the start of 2002. In early 2002, the Sex Discrimination Commissioner released a discussion paper called *Valuing Parenthood: Options for Paid Maternity Leave*. This paper generated enormous debate within Australia about the difficulties of combining work and family responsibilities, and about the pros and cons of paid maternity leave. The discussion paper canvassed a whole range of reasons as to why it might be good public policy for Australia to have a uni-

versal paid maternity scheme. Much of the debate focussed on whether the introduction of paid maternity leave would encourage more women to have children and to have more children, and so help reverse the declining fertility rate that Australia is experiencing.

In 2002, the Human Rights and Equal Opportunity Commission (the body under which the Sex Discrimination Commissioner sits) released its final report titled *A Time to Value: A Proposal for a National Paid Maternity Leave Scheme*. In summary, HREOC strongly advocated the introduction of some type of Australian Government funded scheme to provide 14 weeks of paid maternity leave.

In 2002, the peak trade union body (ACTU) brought a test case before the Australian Industrial Relations Commission (AIRC) in an attempt to stem the growth of long hours in Australia. There were three parts to the award clause sought by the ACTU application:

- Subclause 1, *Reasonable Hours of Work*, prohibiting an employer from requiring an employee to work unreasonable hours of work, with a number of factors or criteria to be considered in making such an assessment.
- Subclause 2, *Reasonable Overtime*, that retains the existing right of employers to require employees to work reasonable overtime, but gives employees a right to refuse that overtime.
- Subclause 3, *Paid Breaks after Extreme Working Hours*, compensating employees with two days paid leave after certain hours have been exceeded.

The AIRC decision rejected the ACTU claim as set out above, but adopted a modified version of subclause 2 as a new award standard. The award standard granted by the AIRC decision maintains the long-standing provisions allowing employers to require employees to work reasonable overtime but it gives employees a corresponding right under the award to refuse overtime where it would result in unreasonable working hours. This right will be determined having regard to:

- any risk to employee health and safety;
- employee's personal circumstances, including any family responsibilities;
- the needs of the workplace or enterprise;
- notice given by the employer of the overtime and by the employees intending to refuse it;
- any other relevant matter.

In 2004, the ACTU brought its Family Provisions Test Case (or as it is colloquially known, the work and family test case) before the AIRC, made up of the following claims:

- an employee right to unpaid parental leave of up to 104 weeks (an increase from the present 52 weeks), plus a right to an unbroken period of 8 weeks simultaneous unpaid leave for both parents at the time of the birth or placement of the child;
- consultation with employees during periods of parental leave about significant workplace changes and their effect on the employee's position;
- an employee right to work on a part-time basis after parental leave for specified periods until the child reaches school-age;
- an employee right to request, and employer obligation to not unreasonably refuse, a variation in working arrangements such as hours, times and place of work;
- an employee right to request further periods of unpaid leave in conjunction with annual leave or to purchase up to 6 weeks unpaid leave and an employer obligation to not unreasonably refuse such requests.

All of these matters will be determined by the Australian Industrial Relations Commission once the case concludes in the first half of 2005. The ACTU's position is being strenuously opposed by the major employer associations and by the Australian Government.

A conciliated outcome has been reached between the industrial parties around the ACTU's claims for unpaid emergency leave for employees to deal with emergency situations and carers' leave. This agreement has yet to be approved by the AIRC but includes provision for:

- employee access of up to 10 days of personal leave per annum (an increase from the current 5 days per annum) for the purposes of caring for immediate family or household members who are sick and require care and support or who require care due to an unexpected emergency, with specified evidentiary requirements;
- where all paid personal leave entitlements have been exhausted by an employee, unpaid personal leave to be used to care for immediate family or household members who are sick and require care and support or who require care due to an unexpected emergency, with the employer and employee to agree on the period of this leave;
- in the absence of agreement between the employer and employee about the period of unpaid personal leave to be taken, employees could take up to 16 hours (i.e. two days) of unpaid personal leave per occasion, provided that specified evidentiary requirements are met.

There have been two recent developments in early 2005 worth noting. First, the Sex Discrimination Commissioner (under the auspices of the Human Rights and Equal Opportunity Commission) has foreshadowed a new Inquiry titled *Striking the Balance: Women, Men, Work and Family*. The Inquiry is innovative in that it will examine how gender roles in the area of unpaid caring work impact on the ability of men and women to participate in paid work. The terms of reference for the Inquiry are to:

- (a) identify existing systemic barriers in employment faced by men and women in balancing paid work and family responsibilities;
- (b) identify how gender roles in unpaid caring work affect the participation of men and women in paid work;
- (c) examine data on:
  - men and women's access to current and proposed family friendly employment provisions,
  - community attitudes toward unpaid caring work, and
  - the gender dimensions of efforts to achieve work and family balance;
- (d) examine legislation, policies, practices and services to ensure men and women are able to combine their paid work and family responsibilities.

Public submissions will be sought following the release of a discussion paper in the first half of 2005.

The second development is the announcement of a parliamentary Inquiry into balancing work and family life. The Parliamentary Standing Committee on Family and Human Services is inquiring into and reporting on how the Australian Government can better help families balance their work and family responsibilities. The committee is particularly interested in:

- the financial, career and social disincentives to starting families;
- making it easier for parents who so wish to return to the paid workforce; and
- the impact of taxation and other matters on families in the choices they make in balancing work and family life.

The Committee is due to report in the first half of 2005.

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

Australia does not have good figures on who has access to various types of parental leave, and even less information on who is accessing their entitlements and in what manner.

**a. Maternity Leave**

There is no statutory maternity leave, but recent surveys report that 36-39% of women report having access to paid maternity leave (Australian Bureau of Statistics Employee Earnings, Benefits and Trade Union Membership survey 2003); Household, Income and Labour Dynamics in Australia (HILDA) survey (second wave 2002); Negotiating the Life Course Survey (2000).

**b. Paternity Leave**

There are no representative figures on access to non-statutory Paternity Leave.

**c. Parental Leave**

According to the Household, Income and Labour Dynamics in Australia (HILDA) survey (second wave 2002), nearly 60% of employed persons say they (or their fellow workers) have access to Parental Leave (although the question does not specify whether it is paid or unpaid). Parental leave is not available to self-employed workers and many casual workers; between them, these groups make up 40-45% of those in employment.

**d. Other employment-related measures**

According to the Household, Income and Labour Dynamics in Australia (HILDA) survey (second wave 2002), access to carer's leave is around 70% of employed persons (those without access are mainly self-employed and casual workers). In the same study, women (83%) were much more likely to report access to permanent part-time work than men (61%), even though the possibility of part-time work is almost universally available in industrial awards these days. This difference is likely to reflect both the realities of attempting to access part-time work and the probable lower preference of men to undertake such work.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

There has been some research around the issue of maternity leave specifically and family-friendly policies generally in Australia over the last 3-4 years. Much of this has been generated as a result of the two test cases brought before the Australian Industrial Relations Commission in 2002 and 2004, and also by the major report into a proposed paid maternity leave scheme by the Sex Discrimination Commissioner (and published by the Human Rights and Equal Opportunity Commission).

##### **b. Some recent research studies**

Much of the recent research into these matters can be located in the submissions to the test case and to the HREOC inquiry and final report (see section 3 above). The relevant references for these test cases and reports are:

1. HREOC report (2002), *A Time to Value: A Proposal for a National Paid Maternity Leave Scheme*. Human Rights and Equal Opportunity Commission, Sydney. This publication is the final report from an inquiry held into the introduction of a paid maternity leave scheme in Australia. It discusses much of the background information and summarises many of the submissions that were made to the inquiry. Finally, it details what the Commission sees as an appropriate scheme for Australia.

2. Family Provisions Test Case:

<http://www.e-airc.gov.au/familyprovisions/>

This test case has yet to be concluded but a final decision is anticipated in the first half of 2005. The above web-site details each of the submissions by interested parties and includes references to many other studies. Much of the background information for the ACTU's initial submission can be found in

Campbell, I. & S. Charlesworth (2004), *Background Report: Key Work and Family Trends in Australia*. Melbourne: Centre for Applied Social Research, RMIT University.

## 5. Selected publications on leave and leave-related policies published since January 2000

Baxter, J. (2000), 'Barriers to equality: men's and women's attitudes to workplace entitlements in Australia'. *Journal of Sociology*, 36, 1, pp. 12-29.

Using data from a recent national survey in Australia, this paper examines attitudes to workplace entitlements, such as parental leave and flexible work hours.

Lee, J. (2001), *Parental leave, working arrangements and child care arrangements for parents of very young children* (CofFEE Working paper 01-26). Newcastle, NSW: Centre for Full Employment and Equity, University of Newcastle. Available at

<http://e1.newcastle.edu.au/coffee/pubs/wp/2001/01-26.pdf>.

This paper provides a descriptive outline of maternal labour force participation in Australia and childcare arrangements associated with employment status; evaluates the Australian provisions for maternity, paternity and parental leave against European standards; outlines the extent to which working arrangements have made a contribution to organising work and family roles; and examines the use of formal child care services by children aged under 5.

Baird, M., D. Brennan & L. Cutcher L. (2002), 'A pregnant pause: paid maternity leave in Australia'. *Labour and Industry*, 13, 1, pp. 1-19.

This paper provides a context for the current debate about paid maternity leave and argues that a discernible shift in locating the responsibility for paid maternity leave from the public arena to enterprise bargaining and further to the confidential domain of company policy has occurred in Australia. The authors demonstrate the limits of enterprise bargaining for equitably providing paid maternity leave, and question the efficacy of a reliance on business case strategies.

Cass, B. (2002), 'Employment time and family time: the intersections of labour market transformations and family responsibilities in Australia'. In: R.Callus & R.D. Lansbury (eds.), *Working futures: the changing nature of work and employment relations in Australia*. Leichhardt: NSW: Federation Press.

Examining statistics and trends in employment patterns in Australia since the 1960s, the author characterises the Australian labour market as based on a modified male breadwinner model, and argues that the policy debate must focus on the creation of flexible and family friendly workplaces and

conditions, including paid maternity leave.

Maley, B. (2002), *Families, fertility and maternity leave (Issue analysis no.24)*. St Leonards, NSW: Centre for Independent Studies. Available at <http://www.cis.org.au/IssueAnalysis/ia24/IA24.htm>.

The central theme of this paper is that the level and nature of public support for the costs of dependent children, and family stability and confidence in the future, are the key issues that should be the focus of family policy. The author addresses the different arguments that are offered for paid maternity leave, suggests disadvantages for working women that would arise from compulsory, paid maternity leave, and suggests a tax credit or cash allowance of equal value for all dependent children in order to make policy fair to all children and families.

Gray, M. & J. Tudball (2002), 'Family-friendly work practices: Differences within and between workplaces'. Research Report No. 7, Australian Institute of Family Studies, Melbourne.

Using the first large-scale linked employer-employee data base developed in Australia (the Australian Workplace Industrial Relations Survey), this report considers how the access to family-friendly work practices varies both with and between Australian workplaces.

Jefferson, T. & A. Preston (2003), 'Bargaining for welfare: gender consequences of Australia's dual welfare model'. *Australian Bulletin of Labour*, 29, 1, pp 76-96.

In the context of Australia's tradition of delivering welfare benefits through the industrial relations system rather than through social insurance schemes, and using data from a large-scale survey, this paper examines access to two forms of social benefit: paid maternity/paternity leave and retirement income in the form of occupational superannuation.

Pocock, B. (2003), *The work/ life collision: what work is doing to Australians and what to do about it*. Annandale, NSW: Federation Press.

This publication analyses how a variety of factors - longer working hours, insecure jobs, child care, declining birth rates, parental leave, the 'mummy track', and the success or failure of feminism - affect each other, and proposes a new 'work/care' regime.

Bittman, M., S. Hoffmann & D. Thompson (2004), *Men's uptake of family-friendly employment provisions* (Policy research paper no.22). Can-

berra, ACT: Department of Family and Community Services. Available at <http://www.facs.gov.au/publications/research/prp22/contents.htm>. This report of research into men's uptake of family-friendly workplace provisions comprises two parts—a review of the literature in the area; and two case studies of companies that have introduced family friendly policies into the workplace— and identifies barriers to men's use of available provisions.

Maher, J. & M. Dever (2004), 'What matters to women: beyond reproductive stereotypes'. *People and Place*, 12, 3, pp.10-17.

This article reports on a qualitative study of reproductive decision making. The findings suggest that many of the popular stereotypes of women's aspirations and motivations that fuel public discussions of Australia's falling birth rate and policy initiatives such as paid maternity leave are inaccurate and unhelpful. The article also challenges the efficacy of preference theory in accounting for women's choices with respect to work and family.



## LEAVE POLICIES AND RESEARCH AUSTRIA

*Christiane Rille –Pfeiffer*

**Population (2002):** 8.1 million  
**Total Fertility Rate (2000-2005):** 1.3  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$29,220  
**Female economic activity rate (ages 15 and above) (2002):** 44% (as % male rate: 66%)  
**Employment rate for women with a child under 3 years (2000):** 26%  
**Proportion of all employed women working part time (2003)** 42%  
**Gender-related Development Index (ranking out of 177 countries):** 17<sup>th</sup>  
**Gender empowerment measure (ranking):** 13th

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

#### a. Maternity Leave (responsibility of Federal Ministry of Economics and Labour)

*Length of leave (before and after birth)*

- 16 weeks, 8 weeks before the birth and 8 weeks after the birth.

*Payment (applied for the whole period of maternity leave)*

- 100% of average income for the last 3 months of employment before taking leave for employees. Self-employed women receive a flat-rate payment of €23.05 a day; freelance workers receive a flat-rate payment of €7.01 a day. Employed women on temporary contracts also receive a flat-rate payment of €7.01 a day. Eligible unemployed women are entitled to 180% of previous unemployment benefit

*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 maternity leave with 16 weeks payment (100% of average income), except for short-time employed women and freelance workers who are eligible for maternity leave only if they are voluntarily health-insured. Unemployed women are eligible for maternity payment only if they have completed 3 months continuous employment or have been compulsorily health-insured for 12 months within the last 3 years;

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother.* In case of danger to the health of the mother or unborn child, women are eligible to take leave earlier than 8 weeks before delivery; in case of premature or multiple births or births by Caesarean section, women are eligible for 12 weeks after birth (in exceptional cases even 16 weeks);

**b. Paternity Leave (responsibility of Federal Ministry of Economics and Labour)**

There is no statutory right to paternity 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*

- Depending on the kind of collective agreement fathers can take 1 or 2 days off on the occasion of the child's birth. This has to be seen in the context that employees are in general entitled to have (usually) one day off in case of several predefined occasions (e.g. child's birth, own marriage, death of a family member, change of residence) – the length of absence and the definition of occasions vary according to collective agreement. During these days off work fathers receive full earnings replacement.

**c. Parental Leave (responsibility of Federal Ministry of Economics and Labour)**

*Length of leave (before and after birth).* Full-time parental leave can be taken up to the child's 2<sup>nd</sup> birthday; part-time parental leave (working time has to be reduced by at least two fifth) can be taken up to the child's 4<sup>th</sup> birthday. This entitlement is per family.

*Payment.* None (see Section 3 for the replacement of parental leave benefit by the childcare benefit in 2002)

*Flexibility in use*

- Leave may be taken by one parent only (mother or father) or by both parents on an alternating basis (the whole period can be divided into a maximum of three parts alternating between parents, with each part at least three months). Both parents cannot take leave at the same time except for one month the first time they alternate leave.
- Each parent has the possibility to postpone 3 months of parental leave, to use up to the child's 7<sup>th</sup> birthday;

*Regional or local variations in leave policy.* None.

*Eligibility (e.g. related to employment or family circumstances).* All employees are entitled to take parental leave.

*Variation 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) or delegation of leave to person other than the parents.* None

#### **d. Childcare Leave or Career Breaks**

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

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

*Adoption leave and pay.* The same regulations as for parents having their own children

*Time off for the care of dependants*

- Employees are entitled to take two weeks care leave a year to care for sick children and one week of leave for other dependants/family members needing care, with full earnings replacement.
- Employees may take at maximum 6 months family hospice leave for the purpose of nursing terminally ill family members or very seriously ill children. This leave is unpaid, but low-income families may claim subsidies, if such care leave causes financial distress.

*Flexible working.* Parents are entitled to work part time until the child's 7<sup>th</sup> birthday. This regulation is applicable to parents who are working in companies with more than 20 employees and who have been continuously employed with their present employer for at least three years. Parents working in companies with less than 20 employees are entitled to take part-time parental leave up to the child's 4<sup>th</sup> birthday (see above parental leave).

## 2. Changes in leave policy and other related (including government proposals currently under discussion)

Three major changes have taken place

- The most important change in leave policy has been the introduction of the childcare benefit (*Kinderbetreuungsgeld*) in January 2002. Before, parental leave and the parental leave benefit were linked together and aimed to support employees with young children, i.e. to protect them against dismissal and to compensate for the loss of earnings due to motherhood. Since 2002 the parental leave benefit as an insurance benefit has been replaced by the childcare benefit, which is a general family benefit eligible for *all* parents with young children regardless of whether they were formerly gainfully employed or in a compulsory insurance scheme (for example, homeworkers, (school) students, farmers, marginal part-time workers and self-employed persons are eligible for childcare benefit.) It is granted for 30 months (if only one parent claims the benefit) or for 36 months (if both parents claim the childcare benefit, i.e. share the care duties). It comes to €436 a month and is always granted for the youngest child unless the parent claiming benefit works *and* earns more than €140 a month (the intention is to promote women's employment). Hence since 2002 the term 'parental leave' only refers to labour legislation and the protection against dismissal.
- Family hospice leave (see Section 1e) was introduced in July 2002
- Entitlement to part-time work for parents (see Section 1e above) was introduced in July 2004.

The new parental leave legislation (i.e. parental leave and childcare benefit) is a very complicated matter and the current political debates concerning leave policies mainly aim at modifications and simplifications of the childcare benefit (e.g. modifying the income limit). In the last months another issue has been raised: paternal participation. The former attempts to increase the percentage of fathers taking up parental leave have proved to be rather ineffective. Nevertheless there is broad agreement on the need for increasing father's participation in childcare. Therefore the government discusses the introduction of one month paternity leave.

### **3 Take-up of leave**

#### **a. Maternity Leave**

It is obligatory for employees to take maternity leave and almost all mothers are eligible; the take up of leave, therefore, corresponds to the number of births.

#### **b. Paternity Leave**

There is no statutory entitlement.

#### **c. Parental Leave**

Data provide evidence that almost all eligible (i.e. formerly employed) mothers —between 93 and 96%— took up parental leave in the last years of the previous scheme. Since the replacement of the parental leave benefit by the new childcare benefit in 2002, there is only information on the number of women and men taking childcare benefit which is different to the number of persons taking up parental leave. There is no way of telling from these figures what proportion of parents take parental leave and it is doubtful whether data on the take up of parental leave will be available in the future.

Parental leave for fathers was introduced in 1990. The percentage of fathers taking up parental leave was always very low (between 0.6 % and 2%). Since the introduction of the childcare benefit the percentage of fathers taking childcare benefit has slightly risen to 2.8%. This is also due to the fact that for some groups of fathers it is now possible for the first time to meet the criteria for entitlement.

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

Contrary to the government's expectations, the take-up of the family hospice leave has been very low: in 2003, only 470 persons. There is no information available on take up of care leave for sick children as well as for other dependents.

### **4. Recently completed and current research on leave and other employment-related policies**

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

Research on maternity leave is rare because the entitlement is so well established and widely accepted. Parental leave was introduced for the first time in 1957 as an unpaid leave of 6 months for employed mothers only.

During the last decades it was modified several times and analysed in numerous research studies. Subjects of research were mainly the impact of taking up parental leave on women's employment and their occupational careers, especially on re-entry into the labour market, and the take-up of leave by fathers. Research on parental leave is often linked on the one hand to the broader issue of work-life balance and flexible working schemes for parents with young children; and on the other hand to the issue of gender equality and gender specific division of paid and unpaid labour. The introduction of the childcare benefit not only marked a fundamental change in Austrian leave policies but —as mentioned before— is also presumed to have substantial effects on research on take-up of leave due to a (potential) lack of data.

#### **b. Some recent research studies**

1. Women on maternity leave in Upper Austria (2000): doctoral thesis by Martina Schweitzer funded by Vienna University of Economics and Business Administration. An analysis of the decision of women on maternity leave concerning their labour market attachment, based on a sample of 1,200 women in Upper Austria (one of the nine provinces in Austria). See Schweitzer (2000) below.

Contact: [martina.schweitzer@wvnet.at](mailto:martina.schweitzer@wvnet.at)

2. Re-entry into the labour market and employment of women with young children – a comparison between the former parental leave benefit and the recently introduced child care benefit (2004): Austrian Institute for Economic Research (WIFO) for the Federal Chamber of Workers and Employees. The study focuses on a comparison between the former parental leave regulations and the new childcare benefit, analysing the impact on women's occupational careers up to 2¾ years after the child's birth. See Lutz (2004) below.

Contact: [Hedwig.Lutz@wifo.ac.at](mailto:Hedwig.Lutz@wifo.ac.at)

3. Evaluation of the childcare benefit (2002-2006): Austrian Institute for Family Studies for the Federal Ministry of Social Security, Generations and Consumer Protection (BMSG). Ongoing research to evaluate the implementation of the childcare benefit from its beginning in 2002 up to 2006. Main issues are: impacts of child care benefit on the reconciliation of family and work, on women's occupational career and on male participation in child care. See Österreichisches Institut für Familienforschung (2005) below. Contact: [christiane.pfeiffer@oif.ac.at](mailto:christiane.pfeiffer@oif.ac.at)

## 5. Selected publications on leave and leave-related policies published since January 2000

Bundesministerium für soziale Sicherheit und Generationen (2000), 2. *Österreichischer Familienbericht, Band 2: Familie und Arbeitswelt* ('Second Austrian Report on Families: Volume 2: Families and working life'). Wien: Bundesministerium für soziale Sicherheit und Generationen. Volume 2 of this compendium about the situation of families in Austria is about family life and work and includes useful tables and figures on leave policies though the data are already quite old.

Schweitzer, M. (2000), *Frauen in Karenz: Ein Balanceakt zwischen Familie und Beruf?* PhD thesis based on study 1 (see above).

Kollros, E. (2002), *Karenz & Kindergeld: Karenzurlaub und Kindergeld, Teilzeitarbeit, Bildungskarenz und Familienhospizkarenz* (Parental leave and childcare benefit: parental leave and childcare benefit, part-time, educational leave and family hospice leave). Wien: Manz.

This book provides information about the legislation on leave policies.

Lichtenberger, I. (2002), *Die Situation der Frau beim Wiedereinstieg in das Berufsleben nach der Karenzzeit* ('The situation of woman returning to professional life after parental leave').

Doctoral thesis at the Johannes Kepler University Linz, which describes the re-entry into the labour market and individual coping strategies of mothers in Upper Austria.

Städtner, K. (2002), *Arbeitsmarktrelevante Konsequenzen der Inanspruchnahme von Elternkarenz* ('Take up of parental leave and its impact on labour force participation and income') (ÖIF Working Paper Nr.25/2002). Available at: [www.oif.ac.at](http://www.oif.ac.at).

Based on labour force theory, this paper examines the impact of taking parental leave on the labour force participation and income of women and men.

Hausegger, T., J. Schrems et al. (2003), *Väterkarenz. Ergebnisse einer Recherche zu diesem Thema auf Basis von vorhandener Literatur und Daten* ('Parental leave for fathers'). Wien: Prospect Research & Solution und Quintessenz.

This report is a compilation of data and studies on parental leave for fathers.

Organisation for Economic Cooperation and Development (2003), *Babies and Bosses: Reconciling work and family life. Austria, Ireland and Japan*. Paris: OECD Publications.

A report of an OECD review of three countries, taking place in Autumn 2002, which examined policies and practices that aim to facilitate the reconciliation of work and family for parents with young children.

Städtner, K. (2003), *Female employment patterns around first childbirth in Austria*, (ÖIF Working Paper Nr. 33/2003). Available at [www.oif.ac.at](http://www.oif.ac.at).

This paper investigates the labour market behaviour of women in Austria around their first childbirth, including the odds of interrupting employment and the odds of (re)entering the labour market within three years.

Österreichisches Institut für Familienforschung (2005), *Evaluation Kinderbetreuungsgeld. Eine Zwischenbilanz nach 3 Jahren Laufzeit*.

Unpublished interim report of study 3 (see above) to be released by the BMSG.

Lutz, H. (2004), *Wiedereinstieg und Beschäftigung von Frauen mit Kleinkindern. Ein Vergleich der bisherigen Karenzregelung mit der Übergangsregelung zum Kinderbetreuungsgeld (WIFO Monographien 3/2004)*. Report of findings from study 2 (see above).

## LEAVE POLICIES AND RESEARCH BELGIUM

*Fred Deven & Laura Merla*

**Population (2002):** 10.3 million  
**Total Fertility Rate (2000-2005):** 1.7  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$27,570  
**Female economic activity rate (ages 15 and above):** 40% (as % male rate: 67 %)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 33%  
**Gender-related Development Index (ranking out of 177 countries):** 7th  
**Gender empowerment measure (ranking):** 7th

**NB. Belgium is a federal state**

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

#### a. Maternity Leave (responsibility of Federal Department of Employment and Social Affairs)

*Length of leave (before and after birth).* 15 weeks. A woman can start to take her leave 6 weeks before her baby is due and 9 weeks is obligatory following delivery

*Payment.* Employees in the private sector: 1st month at 82% of earnings + 75% for the remaining weeks (income-tested). Public sector: statutory civil servants receive full salary; contractual civil servants, as for private sector.

*Flexibility in use.* The start of maternity leave can be delayed until one week before birth.

*Regional or local variations in leave policy.* None.

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

- All women employees are entitled to leave with earnings-related benefit. Self-employed workers can take maternity leave but have a separate system which is less advantageous compared to employees. Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother

- In the case of multiple births, the length of leave increases by 2 weeks. Maternity leave can also be extended if the baby is hospitalised following birth.
- ‘Social’ paternity leave. In the case of the death of the mother, or if the mother remains in hospital (after the first week after delivery) for more than a week and if the baby is at home, the father is granted the remaining weeks of the maternity leave period. He is paid 60% of his earnings in addition to the payment of the mother’s maternity leave income.

**b. Paternity Leave (responsibility of the federal Department of Employment and Social Affairs)**

*Length of leave.* 10 days.

*Payment.* 100% of his earnings for 3 days paid by the employer, 82% of his earnings for the remaining period paid by Health Insurance.

*Flexibility in use.* To be taken during the first month of the child’s life. Can be distributed during this month, except for the first 3 days.

*Regional or local variations in leave policy.* None.

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

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother.* None.

**c. Parental Leave (responsibility of the Federal Department of Employment and Social Affairs)**

*Length of leave (before and after birth).* 3 months per parent per child which can be taken up to the child’s 4<sup>th</sup> birthday. Leave is an individual entitlement.

*Payment.* €558 per month if leave taken full time (about 100 € extra from July 2005 on). The Flemish Community provides an additional financial incentive during the 1st year (approx. 160€ extra for full time parental leave)

*Flexibility in use.* Leave may be taken full time, or half time over six months or for one day a week over 15 months.

*Regional or local variations in leave policy.* None.

*Eligibility (e.g. related to employment or family circumstances).* All employees who have completed one year’s employment with their present employer (during the last 15 months) and who have, or expect to have, parental responsibility for a child. Otherwise, the employer can grant this benefit by agreement to the employee.

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

- Parents of disabled children take leave until their child's 8<sup>th</sup> birthday.
- As the leave is per child, each parent of twins for example gets 26 weeks

*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.* Employers may postpone granting leave for up to 6 months “where business cannot cope”.

#### **f. Childcare Leave or Career Breaks**

There is a Time Credit system. Payment varies according to age, civil status and years of employment (e.g. it is higher for those aged 50 years or older or who have been employed for 5 years or more). The maximum for a full-time break is approximately €335 per month. The bonus for residents of the Flemish Community also applies to this type of leave. All eligible workers have a basic right to one year of this type of leave but this period can be extended up to 5 years by collective agreement negotiated at sectoral or company level. For each company, there is a 5% 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 case of care for a severely ill family member). There is a guarantee in principle to return to the workplace following a career break or time credit period. The Collective Agreement No. 77 (+ supplements) specifies all conditions and procedures.

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

*Adoption leave and pay.* The same regulations as for parents having their own children, except parental leave may be taken until a child's 8<sup>th</sup> birthday.

*Time off for the care of dependants.* Employees may take up to 10 days of leave a year “for urgent reasons” (force majeure) to deal with unexpected or sudden circumstances. The legislation defines “urgent” as making it “obligatory and necessary” to be present at home instead of being at work (e.g. such as illness, accident or hospitalisation of a member of the household). There is no entitlement to payment. For a severely ill family member, an employee can take full time leave ranging from 1 to 12 months (and up to 24 months in case of part-time leave). It must, however, be taken in blocks of one to three months. For the benefits, conditions as for parental leave.

## 2. Changes in leave policy and other related developments (including government proposals currently under discussion)

A number of major changes have been introduced in leave policy, including:

- The introduction of the time credit system in January 2002. This replaced the career break system that previously operated in the private sector, which had been introduced in 1985 as a measure to reduce unemployment, so that employees could only take leave if replaced while on leave by an unemployed person.
- The extension of paternity leave to 10 working days (July 2003),
- Some amendments to maternity leave is adapted, for example extending the right in a number of specific circumstances.

The federal government considered the conclusions and recommendations of the *Etats généraux des Familles* (Spring 2004). In particular, they recommended changes to parental leave policy, including that consideration be given to raising payment, to increase the period of leave by 1 month, extending the period over which it could be taken and making transitions more flexible between full-time leave and part-time options.. The government, however, has left the implementation to the social partners to make a specific agreement and, to date, nothing has happened.

From mid 2005 on, the payment of various types of leave will be increase by approx. 100 € (full-time leave) whereas the age brackets of the child will also be extended.

In 2006, the planning is to increase by 1 week the post-natal period of maternity leave for all mothers who have had to take the full number of weeks during their pre-natal period.

## 3. Take-up of leave

### a. Maternity Leave

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

- **Paternity Leave**

Data on the take-up of the recently extended paternity leave remain preliminary. A large majority of men use the extended paternity leave; about 5% of fathers only use the 3 days of leave that was the previous entitlement.

- **Parental Leave**

There is no information on what proportion of employees are not eligible for parental leave. Administrative records of the take-up of parental leave are kept by the agency in charge of the payments (RVA/ONEM). The profile of users is predominantly women; only 14% of fathers. About half of all users prefer to take their parental leave as reduced hours (i.e. 1 day each week).

- **Other employment-related measures**

The previous career break system, more recently the Time credit system is also monitored by the agency in charge of payments.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

There is no research on statutory leave entitlements, and only limited official information on take up. Research has been focused on how parents have managed to take time off work or work more flexibly without recourse to legal entitlements, including the contribution of workplace policies and practices. There have been a number of publications documenting the use of these entitlements based on administrative records showing an overall increase in the use, mostly by women to maintain continuous employment when having children.

##### **b. Some recent research studies**

1. Work Family Balance: a Case Study of House Husbands (2002-2006), Laura Merla, University of Louvain-la Neuve (UCL / ANSO). This Ph.D study focuses on the narratives given by 30 fathers who became the main carer at home (taking leave or becoming unemployed) for at least six months. Contact: [Merla@anso.ucl.ac.be](mailto:Merla@anso.ucl.ac.be).

2. Preferences and Intentions in the use of parental leave (2004-2005): Annelies Vanbrabant and Fred Deven, Centre for Population and Family Studies (CBGS), Brussels. The response patterns on two specific questions on parental leave (amounts of flat-rate payment as well percentages of income-related payment) from a representative sample of adults in Flanders (CBGS survey '*Population Policy Acceptance*' - 2003), together with a set of various work-life balance policy measures, are analysed. Further multivariate analyses are planned in a comparative perspective

(Spain, UK) by Martine Corijn. Contact: [annelies.vanbrabant@wvc.vlaanderen.be](mailto:annelies.vanbrabant@wvc.vlaanderen.be).

3. The implementation of paternity leave by local authorities (2005): The Institute of Equal Opportunities between Women and Men plans to investigate to what extent local authorities have already implemented the extended paternity leave. Contact: [françoise.goffinet@fgov.be](mailto:françoise.goffinet@fgov.be).

4. The use of paternity leave in Belgium (2005-2006), Bernard Fusulier, University of Louvain-la Neuve (UCL / ANSO). Using questionnaires and qualitative case studies, the study aims to examine the workplace culture and overall attitudes of private companies towards employers wishing to take paternity leave. Contact: [Fusulier@anso.ucl.ac.be](mailto:Fusulier@anso.ucl.ac.be).

#### **5. Selected publications on leave and leave -related policies (2000 onwards).**

Fusulier B., L. Mckee & N. Mauthner (2003), 'Family-Friendly Policies in a Voluntary Organisation: between constraint, strategy and culture', paper given at the 15<sup>th</sup> Annual Meeting on Socio-Economics, Society for the Advancement of Socio-economics Available at: [www.sase.org/conf2003/papers/papers.html](http://www.sase.org/conf2003/papers/papers.html).

IDEA Consult (2003), *Evaluatie Vlaamse premie loopbaanonderbreking en arbeidsduurvermindering I. Analyse Vlaams administratief bestand Rapport 2 – Verwerking enqueteresultaten – II. Verwerking enqueteresultaten*. Brussels: IDEA Consult nv.

The reports provide an analysis of the profile and characteristics of all employees who benefited from the bonus allocated to residents of the Flemish Community of those taking a career break or working reduced hours.

Van Dongen, W. (2004), *Het combinatiemodel in Vlaamse organisaties. Beschikbare regelingen voor werknemers (CBGS Werkdocument 2004/1)*. Brussels: CBGS.

The author surveyed a sample of firms and organisations in Flanders with the 'Family Business Audit' instrument probing for the variety of measures employers provide and employees prefer to combine work and family life.

Deven, F & V. Carrette (2004), 'A Review of the Impact on Children of Leave Arrangements for Parents', *Cross-National Research Reports* 7, 4, pp. 11-21. Available at: [www.xnat.org.uk](http://www.xnat.org.uk).

This article reviews the research evidence of the mostly positive impact of longer paid maternity leave and examines in more detail the scant research available on the impact of various types of leave on children.

Deven, F. & A. Vanbrabant (2005), 'Verlofregelingen voor ouders, in vergelijkend perspectief'. In: F. Deven (ed.), *Verlofregelingen voor Ouders: Beleid, Onderzoek en Praktijk (CBGS Werkdocument 2005/2)*. Brussels : CBGS).

The authors explore the response pattern of adults from a representative sample in Flanders to two questions related to different options for the payment of parental leave and interest or willingness to take parental leave in the future.

## 6. Additional References

Deven, F. (2005), Assessing the use of leave arrangements by fathers. Developing a conceptual model. In: B. Peper et al. (eds.), *Flexible Working and the Integration of Work and Personal Life in a Context of Organizational Change*. Edward Elgar (in press)

Deven, F. & P. Moss (2002), Leave arrangements for parents: overview and future outlook. *Community, Work & Family*, 5, 3, pp. 237-255.

Fusulier, B. (2003) (dir.), Articuler travail et famille. *Les Politiques Sociales*, 3 & 4, 128p.

Fusulier, B. & L. Merla (2003), Articuler vie professionnelle et vie familiale: enjeu de société, enjeu pour l'égalité. *Cahiers de l'éducation permanente*, 19, pp 119-135.

Fusulier, B.(2003), Le dilemme de l'articulation travail/famille dans une organisation sociale flexible. In: Centre Pierre Navile. Contraintes, normes et compétences au travail. Evolution des situations de travail, IX èmes Journées de Sociologie du Travail, pp 415-423.

Fusulier, B. (forthcoming), Concilier emploi-famille en Finlande : un modèle « cumulatif » aujourd'hui contrarié. In: D.G. Tremblay (ed.), *De la conciliation emploi-famille à une politique des temps sociaux!*. Presses de l'Université.

Merla, L.(2003), Articulation des sphères professionnelle et familiale. *Sophia*, Bruxelles, 33. pp. 23-25.

Vandewaerde, S. (2002), Een profiel van de vader met ouderschapsverlof in Vlaanderen. In: HIG (red.), *Vaders in soorten*. Tielt: Lannoo, pp 203-222.

Vanderweyden, K. (2002), Van huisman tot carrièrevrouw. Over minder werken en sociale integratie bij mannen en vrouwen In: HIG (red.), *Va-ders in soorten*. Tielt: Lannoo, pp 177-202.

## LEAVE POLICIES AND RESEARCH CANADA

*Andrea Doucet and Diane-Gabrielle Tremblay*

**Population (2002):** 31.3 million  
**Total Fertility Rate (2000-2005):** 1.5  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$29,480  
**Female economic activity rate (ages 15 and above) (2002):** 61% (as % male rate: 83%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 286%  
**Gender-related Development Index (ranking out of 177 countries):** 4th  
**Gender empowerment measure (ranking):** 10<sup>th</sup>

NB Canada is a federal state, with considerable variations between the ten provinces and three territories (referred to below as 'jurisdictions').

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

#### a. Maternity Leave (at federal level, responsibility of Human Resources and Skill Development)

*Length of leave (before and after birth)*

- 15-18 weeks depending on the jurisdiction. Leave may normally not start earlier than 11-17 weeks before the expected date of birth, depending on the jurisdiction. The total leave is not affected by when a woman starts her leave, except in some cases where an extension may be granted if the actual date of delivery is later than the estimated date.

*Payment*

- 15 weeks at 55% of average earnings up to a maximum 'ceiling' of CAN\$413 per week. There is no payment for the first 2 weeks which is treated as a 'waiting period'.

*Flexibility in use*

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so, but for the two months after birth no paid work is allowed for reasons of health protection.

*Regional or local variations in leave policy*

- Length of leave and entitlement vary across provinces and territories. The benefit payment is the same across the country except for Québec which pays benefit for the 2 week ‘waiting period’.

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

- Eligibility for leave varies between jurisdictions and is also different from the eligibility for payment of benefits. Except in British Columbia and New Brunswick, an employee must have been employed by the same employer for a certain amount of time, varying from 12 to 13 months. All but one jurisdiction, Saskatchewan, require this employment to be continual. Most self-employed women are not eligible for benefit since they typically work under business or service contracts and are, therefore, not considered to have insurable employment.

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

- Maternity leave can be extended in some jurisdictions if the child or the mother has health related complications (in British Columbia this applies to the child if they have a physical, psychological or emotional condition that required additional care). This extension can be up to six weeks.

*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*

- Some employers provide a supplemental unemployment benefit plan that partially or wholly makes up the difference between federal maternity benefit and the worker’s salary.

#### **b. Paternity Leave (at federal level, responsibility of Human Resources and Skill Development)**

*Length of leave (before and after birth).* 4 days, 1 day before birth, 3 days after

*Payment.* None

*Flexibility in use.* None.

*Regional or local variations in leave policy*

- May be taken for up to 5 weeks after the birth in Québec

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

- 1 year of continuous employment. The self-employed are not eligible.

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

- None [is this correct]

*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*

- None [is this correct]

**c. Parental Leave (at federal level, responsibility of Human Resources and Skill Development)**

*Length of leave (before and after birth)*

- 34-52 weeks for each parent depending on the jurisdiction; in most cases, 37 weeks. In all jurisdictions except the Yukon parents can take leave at the same time. All jurisdictions require that maternity leave and parental leave be consecutive if both are taken and the maximum number of weeks of leave that are allowed—including post-natal maternity leave and parental leave—for one person in almost all jurisdictions is 52.

*Payment*

- Parental benefit is paid for up to 35 weeks per family, at 55% of average earnings up to a maximum ‘ceiling’ of CAN\$413 per week.

*Flexibility in use*

- Benefit payments can be claimed by one parent or shared. They must be taken within 52 weeks of the birth. While on leave, a parent may earn CAN\$50 a week or 25% of the benefit, whichever is the higher.

*Regional or local variations in leave policy*

- Provincial and territorial policies vary in the length of leave, flexibility of use, eligibility etc. The payment of benefits is the same for all jurisdictions. Federal workers and workers for the territorial governments are regulated by the federal policy.
- In some jurisdictions the amount of parental leave depends on whether maternity/pregnancy leave was taken - the maximum number of weeks that are allowed for one person in almost all jurisdictions is 52, although British Columbia allows for an extension of maternity leave that is not calculated into the 52 weeks. In three jurisdictions aggregate parental leave cannot exceed the maximum of the allowed leave (i.e. no more than 37 weeks combined). In all other jurisdictions each parent may take the full parental leave that is allowed (i.e. 37 weeks each parent).
- Some jurisdictions require that leave is completed within 52 weeks. Québec is unusual in enabling leave to be taken at any time in the 70 weeks that follow birth.

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

- Eligibility for leave varies between jurisdictions and is also different from the eligibility for payment benefits. With the exceptions of Brit-

ish Columbia and New Brunswick, an employee must have been employed by the same employer for certain amount of time. This time varies from 12-13 months. All but one jurisdiction require this employment to be continual. Some types of employees and employment are excluded: the specifics vary from jurisdiction to jurisdiction, but often includes students, agricultural workers, workers in small businesses and workers in government employment creation programmes.

- To be eligible for payment benefits, a parent must have worked for 600 hours in the last 52 weeks or since their last Employment Insurance claim. Most 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)*

- There are no variations for multiple births.
- In Nova Scotia if the child for whom leave is taken is hospitalized for more than one week, a 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).

*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.*

- Some employers have a supplemental unemployment benefit plan that partially makes up the difference between Employment Insurance parental benefits and the worker's salary; some also offer additional periods of leave. A survey of private companies in Québec in 2003 found that 36% of union representatives and 46% of HR managers said their companies offered supplementary leave or payments.
- In Alberta if the employees both work for the same employer, the employer is not obligated to grant leave to both employees at the same time.

#### **d. Childcare Leave or Career Breaks**

None

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

*Adoption leave and pay*

- The same parental leave regulations as for parents having their own children, except in three jurisdictions where adoptive parents are eligible for adoptive leave which can be added to parental leave. In Prince Edward Island parents are eligible for 52 weeks adoption leave instead of the 35 weeks parental leave for birth parents. In Newfoundland and Labrador and Saskatchewan adoptive parents can take 17 or 18 weeks (respectively) which can be added to parental leave, how-

ever in Saskatchewan only the primary caregiver is eligible for the adoption leave.

*Time off for the care of dependants*

- British Columbia, New Brunswick and Quebec allow for 3 to 5 days of unpaid leave a year to care for needs of immediate family.
- Nine jurisdictions have compassionate care leave provisions which allow employees to take time off to care for or arrange care for a family member who “is at significant risk of death within a 26-week period.” The length of leave is eight weeks unpaid within a 26 week period. Benefits of up to six weeks can be claimed through Employment Insurance for this leave; to qualify for benefits you must have worked 600 hours in the last 52 weeks and your weekly earnings must decrease by 40%. This leave, *inter alia*, allows parents to take have time off to care for a sick child even after 52 months have passed since the birth or if maternity and paternity leaves have been exhausted.

*Flexible working*

- In the federal and Quebec jurisdictions, a pregnant woman or nursing mother may ask her employer to temporarily modify her duties or to assign her to another position, if continuation of her present duties puts her health or that of her unborn child or nursing infant at risk.

**2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

Maternity and parental leave changed drastically in December 2000 when parental leave benefits were increased from 10 to 35 weeks, effectively increasing total maternity and parental paid leave time from six months to one year. As well, the threshold for eligibility for the collection of benefits was lowered from 700 to 600 hours of insurable employment. Compassionate Care Leave (see Section 1d above) was introduced in January 2004.

From 2006, in Québec, maternity and parental leave funding and regulation will be transferred from the federal to the provincial government, and the province will introduce a new policy (to date, there is nothing planned for other jurisdictions). This will include: an 18 week maternity leave for all workers who have earned at least CAN\$2000 in the 52 preceding weeks; a parental leave of 7 weeks to be shared between father and mother if they choose to do so; a new paternity leave of 5 weeks for the father, with payment based on the fathers’ earnings; a 12 week leave for adoption, which can be shared between father and mother. Further-

more, with the new policy planned for 2006, Québec parents should be able to choose between two options: either 55 weeks of parental leave with 70 % of wage for 25 weeks and 55% for another 30 weeks; or 75 % of wage for 40 weeks. The maximum covered would be a wage of CAN\$52 000 (compared to CAN\$39,000 for other Canadian provinces and territories), and self-employed and part-time workers will also be eligible.

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

Because the information available combines maternity and parental leave and benefits, the section below has been organised under two headings: ‘mothers’ and ‘fathers’.

#### **a. Mothers**

A substantial proportion of women (39% in 2001) are not eligible for parental leave, including mothers who are self-employed, paid workers who did not qualify, and those not previously employed. Figures indicate, however, that a large majority of women who are in paid employment can access benefits, even if they work part time and most who are eligible use the entitlement: in 2002 85% of women with children 1 year or under who had ‘insurable employment’ received maternity and/or parental benefits (Canada Employment Insurance Commission (2003) *Employment Insurance 2003 Monitoring and Assessment Report*. Ottawa: Human Resources and Skills Development Canada).

Use of leave has grown rapidly. The combination of increased access to parental benefits following the 2000 legislation and increased labour force participation of expectant mothers increased the overall proportion of all new mothers receiving maternity or parental benefits from 54% in 2000 to 61% in 2001 (which is more than 80% of those eligible). In 2002, an average of 108,700 mothers collected parental benefits each month, 4 times as many as in 2000 when the figure was 30,100. Mothers younger than 20 had the highest increase – nearly 5 times. Still, 39% of mothers with newborns in 2001 did not receive birth-related benefits because they were not in the labour force (23%), were paid workers who were ineligible or did not apply for benefits (12%), or were self-employed (5%).

Public expenditure on the leave programme has also increased. Between 2000 and 2002 maternity benefits increased 13% and parental benefits rose nearly fourfold, from CAN\$40 million per month in 2000 to

CAN\$152 million per month in 2002. Furthermore, adoption benefits increased from \$0.5 million to \$2 million. This jump can be explained by the 2000 legislation which increased the time allowed for leave and decreased the number of hours worked needed to qualify for benefits (Perusse, D. (2003) 'New maternity and parental benefits', *Perspectives on Labor and Income*, March 2003, pp.12-16). (Marshall, K. (2003) 'Benefiting from extended parental leave', *Perspectives on Labor and Income*, March 2003, pp. 5-11) (Other figures in this section are from Perusse and Marshall).

Clearly a result of the longer paid-benefit period, the proportion of women returning to work after about a year off (9 to 12 months) jumped from 8% to 47% between the two years. The majority (52.7%) of mothers take between 9 and 12 months off from work and the median time at home for women with benefits increased from 6 months in 2000 to 10 months in 2001.

Although most employees with benefits took advantage of the revised parental leave programme and were, or planned to be, off work for almost a year, one quarter of the women took less than 9 months off. The two groups—those taking longer and shorter leave periods—share similarities; they had roughly the same median age (30), the same marriage rate (95%), and the same education (7 out of 10 had a post-secondary diploma or university degree). However, fathers' participation in the programme differed significantly. Almost one-quarter of the husbands of women who took less time off claimed or planned to claim benefits, while only a handful of the long leave takers did so. Logically, if fathers claim some of the 35 paid parental leave weeks, mothers would have less than a year of paid leave for themselves, and thus a shorter stay at home. Analysis indicates that women with partners who claimed or planned to claim parental benefits were 4.6 times more likely to return to work within eight months than those with partners who did not claim benefits.

Other significant factors linked to a shorter leave period included a mother's job being non-permanent (these women were almost 5 times more likely to return to work in less than nine months compared to those with a permanent job), and low employment earnings (mothers with maternity or parental leave benefits who returned to work within 4 months had median annual earnings of just under CAN\$16,000).

#### **b. Fathers**

Legislation in 2000 added 25 weeks of paid parental leave to the pre-existing 10. Since the extension of parental leave benefits, fathers' par-

ticipation rate in the programme has increased from 3% in 2000 to 10% in 2001. The average number of fathers receiving parental benefits each month was 7,900 in 2002, 5 times more than the 1,600 two years earlier. One reason for the increased claim rate in Canada may be that fathers no longer face a two week payless waiting period if they wish to share leave with their partner. Another reason may be the length of time now offered for benefits – with 35 weeks available, mothers may be more willing to share some of the leave time with their partners.

So, not only are most newborns receiving full-time care by their mothers for longer, but many more are experiencing a father at home for some of the time as well. Overall, though, women still receive the majority of parental benefits (86.3%) and collect an average of 30 weeks compared to men who on average collect 13.8 weeks.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

Parental leave policy has been directly studied by Statistics Canada, a government agency which undertakes statistical and social analyses on a broad range of economic and social issues. However, most Canadian research providing information on leave policies is embedded in more general research on work-family balance, the links between parental leave and maternal health and fathers and their work-family balance, an area of growing interest. There is a growing body of literature that examines issues of work-family balance in Canada and how workplace practices and cultures might better provide more support and flexibility to parents and ensure optimal development in children. Within this research, there is some emphasis being given to fathers, including a large national study conducting research into the lives of diverse groups of Canadian fathers (*Supporting Fathering Involvement*, see section 5b).

##### **b. Some recent research studies**

1. Balancing Cash and Care: A study of father's use and effects of parental leave in Canada (2003-2007): Andrea Doucet at Carleton university funded by the Social Sciences and Humanities Research Council of Canada (2003-2007). This research project examines parental leave policy and practice of federal and provincial governments, following enhanced commitment to this leave, with a particular focus on the use and effects

of this leave policy by, and for, fathers in Ontario. The project has also joined a network of scholars conducting research on parental leave in other parts of Canada.

Contact: Andrea Doucet at adoucet@ccs.carleton.ca.

2. Supporting Fathering Involvement (2004-2009): a multi-site and multi-cluster project by the Father Involvement Research Alliance, encompassing university and community research alliances across Canada, coordinated by Kerry Daly at the University of Guelph and funded by the Social Sciences and Humanities Research Council of Canada. The seven research clusters include a 'New Fathers Cluster' led by Ed Bader, Catholic Community Services of York Region and Andrea Doucet, Sociology and Anthropology, Carleton University which will study: the support services provided to fathers through the first eighteen months of the child's life, including pre-natal period; the impact of becoming a dad on the father's physical and mental health and on the father's personal development; and examination of the degree of support afforded to fathers by the health care system.

Contact: Kerry Daly: kdaly@uoguelph.ca.

##### **5. Selected publications on leave and leave-related policies published since January 2000**

Statistics Canada (2000), *Women in Canada 2000: A gender-based statistical report*. Ottawa: Statistics Canada, Housing, Family and Social Statistics Division.

Statistics Canada, a government agency which does statistical studies as well as social analyses on a broad range of social and economic issues, has done several studies on parental leave and changes in global indicators relating to mothers' and fathers' enhanced use of increases in parental leave including these cited here.

Duxbury, L. & C. Higgins (2001), *National Work-Life Conflict Study: Report One*. Ottawa: Public Health Agency of Canada.

This report examines to what extent work-life conflict is a problem in Canada and what progress has been made in this area.

Jenson, J. (2002), 'Against the Current: Child Care and Family Policy in Quebec'. In: S. Michel & R. Mahon (eds.), *Childcare Policy at the Crossroads: Gender and Welfare State Restructuring*. London: Routledge.

This chapter examines three innovative aspects of Québec's family policy which distinguishes Québec from the rest of Canada as well as from the United States.

Lero, D.S. (2003), *Research on Parental Leave Policies and Children's Development: Implications for Policy Makers and Service Providers*. Encyclopaedia of Early Childhood Development. Available at:

<http://www.excellenceearlychildhood.ca/documents/LeroANGxp.pdf>.

A brief overview of parental leave policy and its impacts on child development.

Duxbury, L. & C. Higgins (2003), *The 2001 National Work-Life Conflict Study: Report Two – Work-Life Conflict in Canada in the New Millennium: A Status Report*. Ottawa: Public Health Agency of Canada. Available at: <http://www.phac-aspc.gc.ca/publicat/work-travail/report1>.

This report, one of a series of three, conceptualises work-life conflict broadly to include role overload, work to family interference, family to work interference, work to family overspill and caregiver strain.

Marshall, K. (2003), 'Benefiting from extended parental leave'. *Perspectives on Labor and Income*, (Statistics Canada – catalogue no.75-001-XLE), March, pp 5-11.

The paper examines the labour market activity of mothers before and after the most recent changes in parental leave policy, including whether women now remain at home longer and whether there are factors, such as income, that influence the length of leave taken.

Perusse, D. (2003), 'New maternity and parental benefits'. *Perspectives on Labor and Income* (Statistics Canada, Catalogue no.75-001-XIE) March, pp.12-16.

This paper explores the extent to which Canadian parents are taking advantage of recent changes to the maternity, parental and adoptive benefits available under the Employment Insurance programme.

Duxbury, L., C. Higgins & K. Johnson (2004), *The 2001 National Work-Life Conflict Study: Report Three - Exploring the Link Between Work-Life Conflict and Demands on Canada's Health Care System*. Ottawa, Canada: Public Health Agency of Canada. Available at: <http://www.phac-aspc.gc.ca/publicat/work-travail/report3>.

The report uses hard data to draw the link between work-life conflict, health status and the use of Canada's health care system.

Doucet, A. (forthcoming, 2005), *Do Men Mother?* Toronto: University of Toronto Press.

This book explores the narratives of over 100 Canadian fathers who are primary caregivers of children and the interplay between fathering and public policy, gender ideologies, community norms, social networks and work-family policies.

Hughes, K.D. (forthcoming, 2005), *Risky Business: Women's Self Employment and Small Business in Canada*. University of Toronto Press.

Another study examining self-employed women's access to maternity benefits and parental leave.



## LEAVE POLICIES AND RESEARCH DENMARK

*Tine Rostgaard*

**Population (2002):** 5.1 million  
**Total Fertility Rate (2000-2005):** 1.8  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$30,940  
**Female economic activity rate (ages 15 and above) (2002):** 62% (as % male rate: 84%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 22%  
**Gender-related Development Index (ranking out of 177 countries):** 13<sup>th</sup>  
**Gender empowerment measure (ranking):** 3<sup>rd</sup>

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

#### a. Maternity Leave (responsibility of the Ministry of Labour)

*Length of leave (before and after birth)*

- 18 weeks: 4 weeks before the birth and 14 weeks following birth.

*Payment (applied for the whole period of maternity leave)*

- 100% of earnings up to a maximum 'ceiling' of DKK641 (€86) daily before taxes for full-time employees, or 3,205 DKK weekly (€431).

*Flexibility in use.* None.

*Regional or local variations in leave policy.* None.

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

- Eligibility for an *employee* is based on a period of work of at least 120 hours in 13 weeks preceding the paid leave. Workers with *temporary contracts* are excluded only if they are not eligible for unemployment benefit.
- Eligibility for *self-employed workers* (including helping a spouse) based on professional activity on a certain scale for a duration of at least 6 months within the last 12 month period, of which 1 month immediately precedes the paid leave.
- People are eligible 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,
- *Unemployed* people are entitled to benefits from unemployment insurance or similar benefits (activation measures).

- *Students* are entitled to an extra 12 months educational benefit instead of the maternity leave benefit.
- People on *sickness benefit* continue to receive this benefit which is the same amount as the maternity leave benefit.

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

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

*Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents*

- All public sector employees, through collective agreements, receive full earnings in 24 of the 52 week leave period (including maternity, paternity and parental leave). Some private sector employers also pay full earnings for part or all of this period.

**b. Paternity Leave (responsibility of the Ministry of Labour)**

2 weeks. Same details as for maternity leave.

**c. Parental Leave (responsibility of the Ministry of Labour)**

*Length of leave (before and after birth).* 32 weeks, until the child is 48 weeks. This entitlement is per family.

*Payment.* As Maternity Leave.

*Flexibility in use*

- Between 8 and 13 weeks can be taken later; any further period must be agreed with the employer. This entitlement is per family.
- Parents can prolong the 32 weeks leave to 40 weeks (for all) or 46 weeks (only employees). 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.
- It is possible to return to work on a part-time basis, with a reduced benefit payment spread over this extended period of leave (e.g. a parent may work half-time and thus prolong the leave period from 32 to 64 weeks.) This is subject to agreement with the employer.

*Regional or local variations in leave policy.* None.

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

- As Maternity Leave

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

- None

Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents

- See Maternity Leave.

#### **d. Childcare Leave or Career Breaks**

- None

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

*Adoption leave and pay*

- The same regulations as for parents having their own children, with the exception that 2 of the 48 weeks must be taken by both parents together.

*Time off for the care of dependants*

- All employees are eligible for a care benefit (*Plejevederlag*) if they care for a terminally ill relative or close friend at home (See later for proposed changes).

*Flexible working. None.*

### **2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

Following the election of a Liberal/Conservative government in November 2001, the previous system was changed; this used to be provide leave until a year after birth, with a further 26 weeks of paid leave if the employer agreed. A 2 weeks father's quota was also dropped. The new system was introduced in March 2002: in effect the new leave system provides better payment (under the old system, half the leave period was paid at 60% of the initial maternity leave benefit) but a shorter period of leave (reduced 6 weeks with no negotiable 26 week addition).

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

#### **a. Maternity Leave**

Nearly all mothers take maternity leave. See Parental leave.

#### **c. Paternity Leave**

See Parental Leave.

#### **d. Parental Leave**

The information given below combines maternity and parental leave; official statistics do not differentiate between the two leaves, but regard it as one leave. Nearly all children (93%) born in 2002/2003 have a mother who took leave before or after giving birth. 62% of children have a father who took leave following birth, and 55% of children have a father and mother who *both* took leave. Mothers in average take 351 days, fathers in average 25 days. There is no information on how many parents do not take leave because they are not eligible. Fathers may also be using vacation instead of taking leave, in order not to avoid a loss of income, or in some cases, there may not be a father in the family (Danmarks Statistik (2004) *Pasningsgaranti*.

Available at <http://www.dst.dk/pasningsgaranti.aspx>).

Younger mothers tend to take less leave; among those under 20 years, only 19% have used the leave scheme, in most cases because they are attending school (ibid.). Some research indicates that self-employed parents use all forms of leave to a smaller degree, and especially among women; 20% of self-employed women between 30 and 40 years are estimated not to use maternity/parental leave, and only 30% of self-employed fathers in the same age group take paternity/parental leave (ASE (2004) *ASE Analyse*. Available at [www.ase.dk](http://www.ase.dk)).

In addition, statistics report on the use of leave according to occupational group and status, but there are no significant differences here.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

Although there are quite extensive statistics on the use of leave, Danish research into the take-up of leave and the reconciliation of work and family life is only limited. Most statistics also report using the parent rather than the child as the unit of analysis. We therefore know little about how children are cared for in their early months in regards to the length of leave, parental work hours and how parents combine the leave.

##### **b. Some recent research studies**

1-3. Bente Marianne Olsen, a researcher the Danish National Institute of Social Research, is conducting several projects related to parental leave. In one, she investigates parents, who choose an atypical division of labour where the father takes the main responsibility for the daily care of

small children by taking parental leave or reduces the time spent at work. This is a post-doctoral project, financed by the Danish Social Science Research Counsel. In a second study, along with Nordic colleagues, she focuses on how men break traditional gender barriers; the Danish study concerns the new strategies of fathers for combining family and employment, and is supported by The Nordic Council of Ministers Welfare program. In a third project, the fathers' use of parental leave, holiday and care leave for a sick child, as well as working time reductions, is analysed in relation to the occupational situation of the father, examining the role played by the type of work, working time and other factors; this study is part of a prospective cohort study of 6000 children born in 1995 with the third data collection in 2003.

Contact: bmo@sfi.dk.

4. Care architecture (2005-2007), Hans Hansen, Olli Kangas and Tine Rostgaard at the Danish National Institute of Social Research. A study of the institutional design and take-up of parental leave in 8 European countries (Denmark, Sweden, Norway, Finland, Germany, England, The Netherlands, Italy). The research suggests alternative ways to evaluate and measure welfare state designs and outcomes, and will use quantitative data to look at how different stylised families fare in the various welfare set-ups. Contact: tr@sfi.dk.

#### **5. Selected publications on leave and leave-related policies published since January 2000**

Olsen, B.M. (2000), *Nye fædre på orlov (New Fathers on Parental Leave)*. København: Sociologisk Institut.

This PhD thesis looks at the gendered aspects of parental leave in Denmark, with a comparative outlook of Norway and Sweden. Available from Institute of Sociology, Copenhagen.

Rostgaard, T. (2000), *Recommendations for Data and Indicator Development for ECEC Systems*; and Rostgaard, T. (2000) *Developing Comparable Indicators in Early Childhood Care and Education Services*.

Background papers commissioned by the OECD as part of the OECD Thematic Review of Early Childhood Education and Care Policy, which consider methodological issues in the comparison of *inter alia* parental leave benefits. Available from [john.bennett@oecd.org](mailto:john.bennett@oecd.org) or tr@sfi.dk.

Rostgaard, T. & J. Lehto (2000), 'Health and social care: How different is the Nordic model? In: Kautto et al (eds.), *Nordic Welfare States in the European Context*. London: Routledge.

This chapter investigates the Nordic welfare model compared with other European models, including childcare services and parental leave policies.

Olsen, Bente M.(2002), 'Far i mors sted —om fædre på orlov' ('The father replacing the mother— on fathers on leave'), *Kvinder, Køn og Forskning, 1*, 2002 København.

Rostgaard, T. (2002), 'Setting Time Aside for the Father – Father's Leave in Scandinavia', *Community, Work and Family*, 5, 3, pp

The article compares how the rights of the father are secured in paternity and parental leave legislation in the Scandinavian countries, arguing that the ideology and social constructions of the role of the mother and father differ in Norway, Sweden and Denmark.

Rostgaard, T. (2004), *With Due Care – Social Care for the Young and the Old across Europe*.

PhD thesis examining the institutional design of care benefits for children, including parental leave, and identifies a number of care regimes across Europe. Available at Southern University Centre or [tr@sfi.dk](mailto:tr@sfi.dk).

## LEAVE POLICIES AND RESEARCH FINLAND

*Minna Salmi & Johanna Lammi-Taskula*

**Population (2002):** 5.2 million  
**Total Fertility Rate (2000-2005):** 1.7  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$26,190  
**Female economic activity rate (ages 15 and above) (2002):** 57% (as % male rate: 87%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2002):** 15%  
**Gender-related Development Index (ranking out of 177 countries):** 10<sup>th</sup>  
**Gender empowerment measure (ranking):** 4<sup>th</sup>

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

**Note.** The regulations divide between Act on Sickness Insurance and Act on Employment Contracts. Ministry of Labour is responsible for leaves of absence and Ministry of Social Affairs and Health is responsible for benefits. The basic formula is that a person who is entitled to parental benefits is also entitled to a leave of absence from work for the respective periods.

#### a. Maternity Leave (responsibility of Ministry of Labour and Ministry of Social Affairs and Health)

*Length of leave (before and after birth)*

- 105 working days (i.e. for all types of leave, one calendar week consists of 6 working days), between 30 and 50 days can be taken before the birth.

*Payment (applied for the whole period of maternity leave)*

- Earnings-related benefit, with payment averaging 66% of earnings; nearly half of all mothers with an employment contract receive full pay, with employers making up the difference. Mothers not employed before the birth get a mini-mum flat-rate allowance of €15.20 a day.

*Flexibility in use.* None

*Regional or local variations in leave policy.* None

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

- Entitlements based on residence, i.e. paid to all women who have lived in Finland at least 180 days immediately before the date on which their baby is due.

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

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

**b. Paternity Leave (responsibility of Ministry of Labour and Ministry of Social Affairs and Health)**

*Length of leave (before and after birth)*

- 18 working days, plus a further 12 ‘bonus’ days for fathers who take the last two weeks of parental leave

*Payment (applied for the whole period of paternity leave)*

- As for maternity leave.

*Flexibility in use*

- The 1-18 days can be taken in four segments, the 12 bonus days in one segment

*Regional or local variations in leave policy*

- None

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

- As for maternity leave, but the father must also live with the child’s 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 mother*

- None

**c. Parental Leave ((responsibility of Ministry of Labour and Ministry of Social Affairs and Health)**

*Length of leave (before and after birth)*

- 158 working days per family. Leave is a family entitlement.

*Payment*

- As for maternity leave

*Flexibility in use*

- Each parent can take leave in two parts, of at least 12 days duration.

- Leave can be taken part time, at 40-60% of full-time hours, but only if both parents take part-time leave and only with the employer's agreement. Benefit payments are reduced accordingly.

*Regional or local variations in leave policy.* None

*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 mother*

- In the case of multiple births, the length of leave increases by 60 days for each additional child. Either the father or the mother can use the increased 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 work-ing days before the due day, parental leave is extended with as many working days.
- If the mother dies and the father does not care for the child, the parental bene-fit can be paid to an other person responsible for the care of the child

#### **d. Childcare Leave or Career Breaks**

- Childcare leave (referred to as 'home care leave') can be taken from the end of parental leave until a child's 3rd birthday. This leave can be taken in two parts, the minimum length being one month. While taking leave, a parent receives a home care allowance consisting of a basic payment of €294 a month, with an additional €84 for every other child under 3 and €50 for every other child over 3 and a means-tested addition (up to €168 a month). The average home care allowance in 2003 was €342 a month. Some local authorities, especially in the Capital area, pay a municipal supplement to the home care allowance; in 2003, these supplements averaged €206 a month.

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

*Adoption leave and pay.*

- Adoptive parents are eligible for parental leave of 234 working days after the birth of the child (or 180 working days if the child is older than 54 working days when the adoptive parents assume care for the child). Fathers are eligible for the same paternity leave as fathers having their own children.

*If the child is stillborn or if the (adoptive) child dies.* Maternity and paternity benefit and leave continues until the end of the regular period. Pa-

rental benefit and leave continues 12 days after the death, or until the end of the period if it ends earlier.

*If the child is given to adoption.* Maternity benefit and leave continues until the end of the regular period. If it takes place during paternity or parental leave, the entitlements end the following day.

*Time off for the care of dependants*

- Between 2 and 4 days at a time for parents of children under 10 years when the child falls ill, the length being regulated by collective agreements. 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 often at full earnings.

*Flexible working*

- Parents can work reduced working hours – partial care leave - from the end of parental leave until the end of the child's second year at school (i.e. around 8 years). The employee should negotiate the reduction in hours with the employer, and the employer can refuse only if the reduced working hours would lead to serious disadvantages for the organisation – in that case, working hours must be 30 hours a week. Both parents can take partial care leave during the same period, but cannot take leave during the same time in the day. Employees taking partial care leave receive a partial home care allowance of €70 a month.

**2. Relationship between leave and other employment-related policies and services for young children** (e.g. if parents have a choice of leave or a guaranteed childcare place; explicit connection between ending of leave period and the start of a guaranteed childcare place)

There is a universal entitlement to a place in a publicly-funded early childhood service for all children from birth, though slightly less than half of all children under school age (i.e. under 7 years) take up this entitlement.

The entitlement also includes the possibility of a state subsidy for parents choosing to use private services (€37 a month plus a means-tested addition and an additional municipal supplement paid by some local authorities). The average payment was €428 per child per month in 2003.

### **3. Changes in leave policy and other related developments since January 2002 (including government proposals currently under discussion)**

There have been two significant changes since 2003. First, fathers can take a 1 to 12 day bonus period of paternity leave after parental leave if they also take the last two weeks of parental leave (i.e. increasing the upper limit of paternity leave to 5 weeks). Second, parental leave can be taken part time (i.e. 40 to 60% of normal full-time working hours), but only if both parents take this option. This adds to the increased flexibility in use of parental leave introduced in 2001, which enables parents to take leave in up to four parts.

From the beginning of 2005, there have been some improvements in the position of parents taking leave, including leave now counting for pension purposes and a change in the method of calculating benefit payments that improves the position of parents who have had a record of temporary employment and/or breaks in employment. From October 2005, the position of mothers having children with short intervals is improved as the amount of maternity and parental allowance can be calculated on the basis of her wage previous to the birth of the first born child; the same applies in the case of the next child if the older child is under 3 years of age before the birth of the younger child.

Otherwise, benefits for parents taking various forms of leave and the subsidy for parents using private services have increased for the first time in 10 to 15 years. For example, in 2003 the minimum maternity, paternity and parental benefit rose from €10,09 to €11,45 and in 2005 to €15,20. In 2005, the basic part of the home care allowance rose from €52 a month to €94 – though some local authorities now plan to cut their municipal supplement accordingly.

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

#### **a. Maternity Leave**

Almost all mothers use the leave.

### **b. Paternity leave**

Approximately two thirds of fathers take paternity leave and this rate has been rather constant since 1992. In 2003, 44,500 men received paternity allowance and the average length of the leave taken was 14 work days. But only 2,105 fathers, i.e less than 4% of all fathers, took the newly introduced bonus leave period (i.e. they had taken the last two weeks of the preceding parental leave).

Paternity leave is taken more often by men (a) with middle-level income who work in white collar and skilled jobs in social and health care and education as well as in technical branches and manufacturing industry; and (b) who are spouses of young, well-educated women in white collar or skilled jobs. Men who are less likely to take paternity leave include those: in management or other senior positions; in agriculture or construction work; on low incomes; or with a spouse over 40 years of age or less educated or with a blue-collar job or on a low income. Length of paternity leave correlates with the father's age and sector of employment as well as industry: men in their thirties take longer paternity leave than men in their twenties or forties, and men who work in the private sector take shorter leaves than men in the public sector. The full three weeks of paternity leave is most often taken by men who work in the social and health care sector or in agriculture; it is least often taken in education and art sectors as well as in construction (Lammi-Taskula, 2003).

### **c. Parental leave**

The 158 days of parental leave is mostly taken by mothers. Almost all mothers take parental leave whereas only 2-3% of fathers have taken leave over the years it has been available. However, the new arrangement under which there are bonus days of paternity leave to fathers who take the last two weeks of parental leave has doubled the number of men taking parental leave: in 2002, only 1700 men received parental allowance, while in 2003 the number was almost 3700. But at the same time the average length of the leave taken by fathers diminished from 64 to 37 workdays.

Parental leave is taken more often by men with a good employment position and a high level of education. Take-up is also more common among men over 30 years of age, and working in the public sector in scientific work or social and health care. Two fifths of fathers taking leave use a month or less, while a fifth use at least five months. Unlike paternity leave, the length of parental leave taken by men is connected to their level of education and socio-economic position. Men with a high level of edu-

cation, in skilled jobs or in superior positions took shorter periods of leave than men with a lower level of education and in blue-collar or less skilled white-collar position. The position of the men's spouses also played a role: longer parental leave was more rarely taken by men with a spouse in a blue-collar job; while fathers' take-up of parental leave is most common in families where the mother has university education and/or high income (Lammi-Taskula, 2003).

In 2003, the first year that the part-time option for taking parental leave was available, 37 parents received the partial parental allowance, rising to 84 in 2004. This means that less than 50 families, 0.1% per cent of families with a new-born child, have used the new arrangement in its first two years.

#### **d. Home care leave**

Mothers usually stay at home longer than the parental leave. Only a quarter of mothers giving birth in 1999 returned to employment right after parental leave: on average mothers stayed at home until their child was 18 months old. Just over half (53 %) of mothers were at home taking care of their child at two years after the birth, but a third of these women were already on maternity or parental leave with the next baby. Part of the women staying at home were officially unemployed or combined home care of children with studying or part-time work. (Lammi-Taskula, 2004).

The results of recent research confirm earlier findings that the leave schemes seem to create two categories of women: women with higher levels of education and better employment prospects have more options, being able to choose between a shorter or a longer family leave period, maybe also between a period of part-time work and working full time; women with little education and less chances in the labour market have fewer alternatives. So, a woman without work prior to the birth of her child is more likely to stay at home for a longer period supported by the home care allowance. The home care allowance, therefore, seems to have become an income source for unemployed women; rather than functioning as an alternative to use of childcare services, as intended, it also serves as an alternative to unemployment (Lammi-Taskula 2004).

This leave is used almost entirely by women. There are no yearly published statistics on the take-up of home care leave but the share of fathers who take the leave is assessed to be 2-3 % (Lammi-Taskula, 2003).

Only a small number of families – between 1200 and 2100 a year – take advantage of partial care leave.

**e. Other employment-related measures**

There is no information available of the take-up of temporary care leave.

**5. Recently completed and current research on leave and other employment-related policies**

**a. General overview**

Research on statutory leave entitlements and on take-up is done on the initiative of individual researchers; no systematic follow-up takes place except for basic statistics. Research has been focused on the take-up of parental and homecare leave and its connections with women's labour market participation as well as on men's take-up of family leaves. Recent research has compared the schemes as well as the take-up and its consequences in the Nordic countries and also widened the focus to workplace attitudes and practices in connection with leave take-up. In addition, decision-making between the parents and men's and women's reasons for leave taking has been studied, as well as the consequences of leave-taking to the economic position of families. Follow-up studies of the take-up of new forms of paternity and parental leave are under way.

**b. Some recent research studies**

1. Family Leaves from the Perspectives of Gender equality (2001-2003): Minna Salmi and Johanna Lammi-Taskula, STAKES. This survey of mothers and fathers having children in 1999 focuses on parents' practices, wishes and opinions on how to take care of young children as well as their workplace experiences when taking leave and returning from leave. Questionnaire data was collected in 2001/2002 from 3295 mothers and 1413 fathers. Contact [firstname.lastname@stakes.fi](mailto:firstname.lastname@stakes.fi)

**6. Selected publications on leave and leave-related policies (2000 onwards)**

1. Hiilamo, H. (2002), *The Rise and Fall of Nordic Family Policy? Historical Development and Changes During the 1990s in Sweden and Finland (Stakes, Research Report 125)*. Helsinki: STAKES. (This study is a doctoral dissertation which aims to understand what happened to Swedish and Finnish family policies during the economic depression in the 1990s).

2. Haataja, A. (2003), *How does motherhood and fatherhood 'pay' after the policy reforms of the 1990s in Finland?* Available at [http://www.natsem.canberra.edu.au/conference/papers/pdf/haataja\\_ani\\_tal.pdf](http://www.natsem.canberra.edu.au/conference/papers/pdf/haataja_ani_tal.pdf) The paper presents economic consequences of leave-taking using microsimulation models.
3. Haataja, A. (2003), 'Pohjoismaiset vanhempainvapaat kahden lasta hoitavan vanhemman tukena', ('Nordic parental leaves supporting two caring parents') *Janus*, 12 (1), pp. 25-48. This paper describes parental leave models in the Nordic countries, including their development and recent changes.
4. Lammi-Taskula, J. (2003), 'Isät vapaalla. Ketkä pitävät isyys- ja vanhempainvapaata ja miksi?' ('Fathers on leave'), *Yhteiskuntapolitiikka*, 68 (3), pp 293-298. This paper reports on the 'Family Leaves from the Perspectives of gender equality' study.
5. Lammi-Taskula, J. (2004), 'Äidit työmarkkinoilla – kahden kerroksen väkeä?' ('Women in the labour market – people on two stories?'), *Yhteiskuntapolitiikka*, 69 (2), pp 202-206. This paper reports on the 'Family Leaves from the Perspectives of gender equality' study.
6. Melkas, T. (2004), *Tasa-arvobarometri 2004 (Equality Barometer)*. Helsinki: Sosiaali- ja terveystieteiden ministeriö, Julkaisuja. Survey report that includes attitudes to men's responsibility for the care and upbringing of children and workplace attitudes to men taking leave. To be published in English in 2005.
7. Sauli, H., M. Bardy & M. Salmi (2004), 'Families with children face deteriorating circumstances'. In: M. Heikkilä & M. Kautto (eds), *Welfare in Finland*. Helsinki: Stakes, pp 20-37. This paper reports on the economic position of families with children, child poverty and developments in the position of children and their families in 1990-2001.
8. Lammi-Taskula, J. & M. Salmi (2005), '*Sopiiko vanhemmuus työelämään? Perhevapaat ja työpaikan arki*' ('Does parenthood fit into working life? Family leaves and the everyday experiences at workplaces'). In: P. Takala (ed.), *Onko meillä malttia sijoittaa lapsiin? perhepolitiikka 2005 (=Do we have patience to invest in children? family policy 2005)*. Helsinki: Kansaneläkelaitos. Publication of the Social Insurance Institution).

This chapter reports on the 'family leaves from the perspectives of gender equality' study.

9. Salmi, M. (forthcoming), 'Parental choice and the passion for equality: Parents' opinions and the reforms of child care arrangements in Finland', in A.L.Ellingsæter and A. Leira (eds.) *Politicising Parenthood: Gender Relations in Scandinavian Welfare State Restructuring*. Bristol: Policy Press.

This chapter uses survey data from 5000 Finnish families with young children to analyse the outcome of family policy reforms in the 1990s in a gender equality perspective.

10. Takala, P. (forthcoming), Studies of the take-up of the 'bonus' paternity leave, father's take-up of parental leave and parents' use of part-time parental leave based on the register data of the Social Insurance Institution.

## LEAVE POLICIES AND RESEARCH FRANCE

*Jeanne Fagnani*

**Population (2002):** 59.8 million  
**Total Fertility Rate (2000-2005):** 1.9  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$26,920  
**Female economic activity rate (ages 15 and above) (2002):** 49% (as % male rate: 77%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 23%  
**Gender-related Development Index (ranking out of 177 countries):** 15<sup>th</sup>  
**Gender empowerment measure (ranking):** No information

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

#### a. Maternity Leave (responsibility of Ministry of Social Affairs, Health and Solidarity)

*Length of leave (before and after birth)*

- 16 weeks: at least 4 weeks before the birth and at least 10 weeks following the birth, with 2 weeks which can be taken before or after.

*Payment*

- 100% of earnings, up to a maximum ceiling of €432 a month (2003).

*Flexibility in use*

- Two weeks can be taken before or after birth

*Regional or local variations in leave policy.* None.

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

- All employees and self-employed workers

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

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

*Additional conditions (e.g. employer exclusions or rights to postpone; delegation of leave to person other than the parents).* None.

**b. Paternity Leave responsibility of Ministry of Social Affairs, Health and solidarity)**

*Length of leave.* 2 weeks.

*Payment.* As for Maternity Leave.

*Flexibility in use.* None.

*Regional or local variations in leave policy.* None.

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

- All employees and self-employed workers

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother.* None.

*Additional conditions (e.g. employer exclusions or rights to postpone; delegation of leave to person other than the parents).* None.

**c. Parental Leave (responsibility of Ministry of Social Affairs, Health and solidarity)**

*Length of leave (before and after birth)*

- Until the child reaches 3 years. This entitlement is per family.

*Payment*

- A 'Childrearing benefit' (*Allocation Parentale d'Education – APE*) is payable; it is not specifically linked to parental leave but available to all families who meet the eligibility conditions. **Following changes introduced in 2004 the benefits and conditions are different for children born since January 2004; the information below refers to these children.**

- APE is paid to families with at least one child under 3 years. For parents with two or more children, one of whom is under 3 years, APE is paid until the youngest child reaches 3 years. It is only paid to parents with one child until 6 months after the end of maternity leave. It is a flat-rate payment, €502 a month in 2004, but it is only paid to families whose income is below a certain level (in practice, about 90% of families are eligible).

*Flexibility in use*

- Parents taking leave may work between 16 and 32 hours per week. If parents work part time, the APE payment is reduced. If both parents work part time, they can each receive APE but the total cannot exceed one full APE payment.

*Regional or local variations in leave policy.* None

*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 APE becomes more restrictive the fewer children a parent has: for example with 3 children the eligibility condition is to have worked for 2 out of the 5 years preceding birth but with only one child it is necessary to have worked without break for 2 years preceding birth

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

- Where a child is seriously ill or disabled, parental leave can be extended by a year

*Additional conditions (e.g. employer exclusions or rights to postpone; delegation of leave to person other than the parents)*

- Employers can refuse to let parents work part time if they can justify this on business grounds.

#### **d. Childcare Leave or Career Breaks**

- None

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

*Adoption leave and pay*

- The same regulations as for parents having their own children.

*Time off for the care of dependants*

- 3 days per year per parent, unpaid. Leave can be extended if a child is seriously ill or disabled, and the parent can receive a flat-rate benefit.

*Flexible working.* None.

## **2. Changes in leave policy and other related (including government proposals currently under discussion)**

APE was reformed from the beginning of 2004 to include families with only one child, although (due to budgetary constraints) on less generous terms than for families with 2 or more children.

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

### **a. Maternity Leave**

Although it is not obligatory, almost all mothers take up maternity leave, although the length of leave taken varies, with women in higher status employment taking less leave.

- **Paternity leave**

Around two-thirds of eligible fathers took leave in 2003 (Chauffaut, 2003, see Section 6).

- **Parental Leave and Childrearing Benefit**

It is impossible to calculate the number of parents on parental leave because employers are not required to provide information about take-up; statistics are limited to APE, and it is not possible to find out how many recipients of APE are also on parental leave.

Research provides evidence that women make up 98-99% of parents taking leave.

It also suggests that mothers who were in employment just before taking maternity leave are more likely to claim APE *if* they are entitled to parental leave because they have a job guarantee; with high unemployment, most working mothers who are not entitled to parental leave cannot take the risk of losing their job unless their partner has secure employment (Simon, 2000, see Section 6). This hypothesis receives support from research conducted among mothers with three children who were receiving APE (Fagnani, 2000, see Section 6).

Mothers are more likely to claim parental leave and APE when they face demanding working conditions, for example atypical/non-standard working hours or 'flexible' hours imposed by employers. It has been hypothesised that one of the factors explaining the high take-up of APE is the deterioration in working conditions in recent years. From this perspective, taking parental leave with APE is one way to escape a job with difficult working conditions that create difficulties for workers trying to combine paid and unpaid work.

A number of factors help to explain why fathers are so reluctant to claim parental leave, including: the unequal gender distribution of domestic and child-raising tasks within the family still persisting in France (Algava, 2002, see Section 6); 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 (Fine-Davis and al., 2004, see Section 6).

The small number of fathers who take APE are mostly blue-collar workers or employees with a stable job beforehand. Compared to fathers who do not take APE, 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 (Boyer, 2004, see Section 6).

Changes in APE eligibility since July 1994, which extended eligibility to parents with 2 children and introduced the option of part-time work from the beginning of the payment period, contributed to a dramatic increase in the number of recipients, reaching 530,000 in 2003 compared to 275,000 in 1995. The economic activity rate of mothers with two children, the youngest aged less than 3 years, decreased from 69 per cent in 1994 to 53 per cent in 1998. It has been estimated that between 1994 and 1997 about 110,000 working mothers with two children left the labour market to take advantage of APE (Allain, L. and Sédillot, B. (1999) 'L'effet de l'APE sur l'activité des femmes', in Conseil d'Analyse Economique (ed.) *Egalité entre femmes et hommes: aspects économiques*. Paris: La Documentation Française). The incentive for low paid mothers to stop working is strong because of savings on childcare costs and other expenses. Research has also shown that mothers living in rural areas and small towns, where public childcare provision is scarce, claim APE more frequently (Afsa, C. (1997) 'L'activité féminine à l'épreuve de l'APE', *Recherches et Prévisions*, 46, pp. 1-8).

#### **4. Recently completed and current research on leave and other employment-related policies**

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

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

##### **b. Some recent research studies**

1. Simon, M.O (2000), 'Le devenir des sortants de l'allocation parentale d'éducation de rang deux', *Recherches et Prévisions, CNAF*, 59, pp

This study has researched parental leave takers, the conditions under which they resume their employment and trade-offs that they make before and after the completion of leave.

2. Boyer, D. (2004), 'Les pères bénéficiaires de l'APE: révélateurs de nouvelles pratiques paternelles?', *Recherches et Prévisions, CNAF*, no 76, pp.

This study has compared the small proportion of fathers who receive APE and the great majority who, though eligible, do not do so.

3. Marc, C.(2004), 'L'influence des conditions d'emploi sur le recours à l'APE, *Recherches et Prévisions, CNAF*, no 75, pp.

Drawing on INSEE's Labour Force Surveys and using econometric methods, this study has investigated the influence of work conditions on take-up of parental leave, proposing a new approach to the determinants of labour force withdrawal by women eligible for APE.

##### **5. Selected publications on leave and leave-related policies published since January 2000**

Fagnani, J. (2000), *Un travail et des enfants: Petite arbitrages et grands dilemmas*. Paris: Bayard éditions.

Simon, M.O (2000), 'Le devenir des sortants de l'allocation parentale d'éducation de rang deux', *Recherches et Prévisions, CNAF*, 59, pp

Algava E. (2002), 'Quel temps pour les activités parentales?', *Etudes et Résultats DREES*, no 162.

Chauffant, D. (2003), Le congé de paternité: vécus et représentations dans les premiers mois de sa mise en œuvre *Etudes et Résultats DREES*, no 228.

Leprince, F. (2003), *L'accueil des jeunes enfants en France: état des lieux et pistes d'amélioration*. Paris: Rapport pour le Haut Conseil de la Population et de la Famille.

Boyer, D. (2004), 'Les pères bénéficiaires de l'APE: révélateurs de nouvelles pratiques paternelles?', *Recherches et Prévisions, CNAF*, no 76, pp.

Gosset, S. (2004), 'Les usages des bénéficiaires de l'allocation parentale d'éducation (APE) attribuée pour le deuxième enfant', *Recherches et Prévisions, CNAF*, no 75, pp.

Marc, C. 'L'influence des conditions d'emploi sur le recours à l'APE, *Recherches et Prévisions, CNAF*, no 75, pp.

Fine-Davis, M., J. Fagnani, D. Giovannini, L. Hojgaard & H. Clarke (2004), *Fathers and mothers. Dilemmas of the work-life balance, A Comparative Study in Four European Countries*. Dordrecht: Kluwer Academic Publishers.



## LEAVE POLICIES AND RESEARCH GERMANY

*Wolfgang Erler*

<p><b>Population (2002):</b> 82.4 million</p> <p><b>Total Fertility Rate (2000-2005):</b> 1.4</p> <p><b>GDP per capita (US\$ using Purchasing Power Parities) (2002):</b> \$ 27.100</p> <p><b>Female economic activity rate (ages 15 and above) (2002):</b> 48% (as % male rate: 70%)</p> <p><b>Employment rate for women with a child under 3 years (2000):</b></p> <p><b>Proportion of all employed women working part time (2003):</b> 36%</p> <p><b>Gender-related Development Index (ranking out of 177 countries):</b> 19th</p> <p><b>Gender empowerment measure (ranking):</b> 9<sup>th</sup></p> <p>NB Germany is a federal state</p>
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### 1. Current leave and other employment-related policies to support parents

#### a. Maternity Leave (responsibility of the Ministry for Family, Senior Citizens, women and Youth)

*Length of leave (before and after birth)*

- 14 weeks: 6 weeks before the birth and 8 weeks following the birth.

*Payment*

- 100% of earnings.

*Flexibility in use*

- None. Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so, but for the two months after birth no paid work is allowed for reasons of health protection.

#### **Regional or local variations in leave policy. None.**

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

- All women employees, including part-time employed even if working below the statutory social insurance threshold.
- Self-employed workers are not eligible.

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

- In the case of multiple or premature births, the length of leave increases to 12 weeks after birth.

*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*

- In certain circumstances (e.g. death or chronic illness of the parent), other relatives living with the newborn child may receive the benefit.

## **b. Paternity Leave**

There is no statutory right to paternity leave.

## **c. Parental Leave (responsibility of Ministry for Family, Senior Citizens, women, and Youth)**

*Length of leave (before and after birth)*

- Until three years after childbirth. This entitlement is per family.

*Payment*

- A ‘Childrearing Benefit’ of €300 a month is paid to families for 24 months where parents are not employed more than 30 hours a week, but it is means tested. It is only paid to two parent families where net annual income is below €30,000 or to lone parent families below €23,000. The benefit payment is also reduced from month 7 of receipt for families with net annual earnings of €16,500 and €13,500 respectively.

*Flexibility in use*

- The benefit may be taken at a higher rate - €450 a month – over a shorter period (12 months).
- Parents taking leave are entitled to work 15-30 hours a week; if they wish to work less than 15 hours a week, it is necessary to have the employer’s agreement.
- The final year of leave may be taken up to a child’s eighth birthday with the employer’s agreement.
- Both parents are entitled to take leave at the same time; both can take up to two periods of leave.

*Regional or local variations in leave policy*

- Parental leave legislation is federal. As far as *childrearing benefits* are concerned, 5 states (*länder*) pay a means-tested childrearing benefit extended to the third year of parental leave ranging from €200 a month (Bavaria, for a first child) to €350 (Bavaria, for a third or subsequent child).

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

- Parental leave: all parents gainfully employed at date of birth.

- Childrearing Benefit: all parents if not employed for more than 30 hours a week.

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

- Childrearing Benefit is doubled or tripled for multiple births.

*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*

- Part-time working requires the employer's agreement in SMEs of up to 15 employees.
- Many collective agreements and individual companies extend the parental leave time up to twelve years.

#### **d. Childcare Leave or Career Breaks**

- None

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

*Adoption leave and pay*

- The same regulations as for parents having their own children.

*Time off for the care of dependants*

- Up to 10 days a year per child under 12 years of age, paid at 80% of earnings. The maximum period that can be taken per family is 25 days; as a family entitlement, it is for parents to decide who takes leave.

*Flexible working*

- None

## **2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

Changes were introduced in 2001 and 2004. The 2001 changes introduced: the possibility for parents to take the third year of parental leave at any time until a child's 8<sup>th</sup> birthday and to receive a higher childrearing benefit but over a shorter period; increased the period parents receiving childrearing benefit can work from 19 to 30 hours a week; and the right to request part-time work. The 2004 changes were mainly aimed at cutting public expenditure, for example the income level above which child rearing benefit is not paid was lowered.

The government has announced a major reform of childrearing benefit from 2008, replacing a flat-rate payment (whose value has not increased

since 1986) with an earnings-related payment at 67% of earnings combined with a basic flat rate payment for economically inactive or unemployed parents. The stated aim is to counter the gender inequality effects of the current scheme due, in part, to the very low percentage of fathers taking parental leave which reinforces the gendered division of labour. Part of the proposed benefit is planned to be for fathers only. The duration of the benefit payment will also be reduced to one year in order to provide an incentive for parents to return to the labour market after a comparatively short parental leave break. The proposal, when first announced, aroused much criticism, one reason being that children would not be treated equally.

Demographic arguments, arising from concerns about declining fertility and the ageing of the population, increasingly influence public discourses related to family policy, and, as part of it, leave and childrearing benefit legislation. There is increasing discussion, for instance, of the need for policies that will support work-family balance and therefore encourage childbearing. There is, however, only limited empirical evidence on this issue, due to methodological difficulties in analysing fertility decisions.

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

#### **a. Maternity Leave**

There is a 100% take-up as it is prohibited to work for 8 weeks after birth.

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

There is no statutory leave entitlement

#### **c. Parental Leave and Childrearing Benefit**

Take-up of leave is closely related to unemployment rates. A government survey in 2003 (BMFSFJ, 2004, see Section 6) found that 14.2% of households with newborn children were not entitled to take leave and another 12.6% did not take up leave for different reasons (e.g. being employed above 30 hours a week and well paid). The proportion of households not entitled was more than twice as high in the former East Germany, which has much higher unemployment rate, than in the former West Germany (25.5% compared with 9.9%). Take up of leave is rather higher among public sector employees and employees working in establishments with more than 50 workers; it increases as earnings decrease; and is higher for employees working more than 19 hours a week before birth.

In 2003, 4.9% of fathers took parental leave and received Childrearing Benefit

Take-up of the Childrearing Benefit in 2002 stood at 92.4% (100%=births in 2002), 78.8% of which were prolonged beyond the sixth month after birth while 69.1% continued into year 2. The full benefit (i.e. not reduced because of higher income) was received by just over 60% of recipients beyond the sixth month. The option to take a higher benefit over a shorter period was chosen by 11.6% of recipients: percentages were much higher in East Germany, where there are different attitudes towards female employment, reaching up to nearly 30% (in Saxony-Anhalt), and lowest in the more affluent *länder* of Bavaria (5.9%) and Baden-Wuerttemberg (6.4%). However, there appears to be growing take up of this option: in 2001, the figure for Bavaria was 2.1%).

The 2003 government survey (ibid.) reported that the option to delay the last year of leave beyond the second birthday of the child for up to 6 years (i.e. until the child's 8<sup>th</sup> birthday) will be taken – so far – by 15.3% of parents in East Germany, and by 6.1% in West Germany. Some parents (13.9%) said they did not know of the option; 12.7% said they would not take up the third year at all; 14.5% had not made a decision yet. The rest, nearly half of all parents, had decided to take the third year right after the second: 56.9% in the West, but only 29.8% in the East.

In 2002, 8.5% of recipients of Childrearing Benefit who had a leave entitlement were working part time up to 30 hours; the proportion has more than doubled since 2000 (when it was 4%). Hours worked increase from the first six months after birth, when 54.3% worked less than 15 hours a week, to months 19 to 24, when this figure had fallen to 34.6%. The relatively low take-up of part-time employment is in contrast to the strong preferences stated by women to work part-time, and the low take-up rates for the option of combining part-time employment and parental leave is probably related to difficulties in finding adequate childcare solutions.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

Far-reaching changes in leave and benefit legislation, in 2001 and 2004, have reduced the number of parents eligible for benefit and in many cases the benefit level. Two evaluation studies (1 and 2 below) have been undertaken by the Federal Ministry of Family, Senior Citizens, Women, and Youth (BMFSFJ) and the State of Baden-Württemberg Ministry of Social Affairs. Since 2000, a number of studies have focused on the issue of ‘employment penalties’ of leave-taking for mothers, using different approaches and data bases and stemming from quite different disciplinary backgrounds, including increasing use of econometric expertise in analysing longitudinal data like those of the German Socio-Economic Panel (GSOEP).

**b. Some recent research studies**

1. *Bericht über die Auswirkungen der §§ 15 und 16 Bundeserziehungsgeldgesetz* (Research report on the effects of recent (2001) parental leave legislation, focussing on two paragraphs related to part-time work entitlement and the prolongation of part-time work combined with benefit) (2003): Marie-Therese Krings-Heckemeier, Julia Kemper and colleagues at the Empirica Institut in Berlin, funded by the Federal Ministry of Family, Senior Citizens, Women, and Youth (BMFSFJ). National survey of parents/households eligible for Childrearing Benefit, covering the structure of parental leave take-up with respect to part-time work and parental use of options in relation to parental and household characteristics including: working time before leave; employment sector; size of workplace; occupation; income; and traditional role behaviour and domestic division of labour - but not ethnicity and migrant status. Contact [berlin@empirica-institut.de](mailto:berlin@empirica-institut.de).

2. *Erziehungsurlaub – Regelungen, Inanspruchnahme und Evaluation* (Parental leave - Legislation, Take-up, and Evaluation) (2001): Birgit John and Heike Schmidt at the Research centre on family issues at the State Statistical Office of Baden-Württemberg. On the basis of census data, the study looks at the period from 1994 to 1999, not only for the State of Baden-Württemberg but in many aspects for the whole of Germany, to examine employment ‘penalties’ for mothers taking leave (especially over long periods) and includes take-up by lone parents – a group not dealt with in (1) above. Contact: [birgit.john@stala.bwl.de](mailto:birgit.john@stala.bwl.de).

3. The Effect of Parental Leave on Employment Careers of Women in East and West Germany (2000-2004): Gerhard Engelbrech, Maria Jungkunst, Petra Beckman and others at the Institut für Arbeitsmarkt- und Berufsforschung der Bundesanstalt für Arbeit (The Institute of Labour

Market and Professional Research), Nürnberg, the German Labour Market Agency's research division.

Contact: [gerhard.engelbrech@iab.de](mailto:gerhard.engelbrech@iab.de), [maria.jungkunst@iab.de](mailto:maria.jungkunst@iab.de),  
[petra.beckmann@iab.de](mailto:petra.beckmann@iab.de)

## 5. Selected publications on leave and leave-related policies published since January 2000

Engelbrech, G. & M. Jungkunst (2001), 'Erziehungsurlaub: Hilfe zur Wiedereingliederung oder Karrierehemmnis?', *IAB-Kurzbericht* 26/2001, Nr.11 (20.06.2001).

Based on findings from Study 3, describes the occupational status of women returning to work after leave.

Beckmann, P. (2001), 'Neue Väter braucht das Land! Wie stehen die Chancen für eine stärkere Beteiligung der Männer am Erziehungsurlaub?' ('New fathers for the country! What are the chances for stronger participation of men in taking parental leave?'), *IAB Werkstattberichte* 11/2001, No. 6 (2.5.2001). Article based on findings from study 3.

John, B. & B. Stutzer (2002), 'Erwerbsverhalten von Erziehungsurlauberinnen', ('Employment behaviour of Women in Parental Leave'), *Zeitschrift für Familienforschung*, Heft 3/2002.

This article —based on census data— describes the strong impact of leave taking and argues that official statistics and research have underestimated the part-time working rate of mothers (before and, even more, after leave).

Ondrich, J., C.K. Spiess & Q. Yang (2002), *The Effect of Maternity Leave on Women's Pay in Germany 1984-1994 (DIW Discussion Paper 289)*. Berlin: Deutsches Institut für Wirtschaftsforschung.

This paper provides evidence for pay losses due to having children and taking parental leave

Bender, S., A. Kohlmann & S. Lang (2003), *Women, Work, and Motherhood: Changing Employment Penalties for Motherhood in West Germany after 1945 – A Comparative Analysis of Cohorts Born in 1934-1971 (Working Paper WP 2003-006)*. Rostock: Max-Planck-Institut für demografische Forschung.

This quantitative study uses German register data from the Nuremberg IAB employment sample to examine re-entry into the labour market.

Rürup, B. & S. Gruescu (2003), *Nachhaltige Familienpolitik im Interesse einer aktiven Bevölkerungsentwicklung (Sustainable family policy in the interest of active population development)*.

Available at [www.bmfsfj.de](http://www.bmfsfj.de)

First published outline of subsequent government proposal for reforming leave and Childrearing Benefit, including changing the latter into an earnings-related benefit.

Bird, K (2004), *Reconciling Work and the Family: The Impact of Parental Leave Policies and Occupation on the Female Life Course*. Frankfurt a.M: Peter Lang.

Uses a life-course approach with data from three cohorts of women ending their professional training in 1960, 1970, and 1980, in particular comparing the relative labour market attachment of different occupations and the disruptive influence of having children on women's biographies.

Merz, M. (2004), *Women's Hours of Market Work in Germany: The Role of Parental Leave (IZA Discussion Paper No 1288)*. Bonn: Institut für die Zukunft der Arbeit.

This report examines the evidence for leave-taking as a biographical crossroads leading to part-time employment career paths for mothers.

Weber, M.A. (2004), *Wann kehren junge Mütter auf den Arbeitsmarkt zurück? Eine Verweildaueranalyse für Deutschland (When do young mothers return to the labour market? An analysis of leave break length) (Discussion Paper No. 04-08)*. Mannheim: Zentrum für Europäische Wirtschaftsforschung.

Available at: <ftp://ftp.zew.de/pub/zew-docs/dp/dp0408.pdf>.

Based on longitudinal data, this paper shows the strong influence of leave-taking on employment careers of mothers and also that, from 1992 to 2002, the average length of leave taken was decreasing.

Ziefle, A.(2004), *Die individuellen Kosten des Erziehungsurlaubs: Eine empirische Analyse der kurz- und längerfristigen Folgen für den Karri-*

*ereverlauf von Frauen (The individual costs of parental leave: An empirical analysis of its short- and long-term consequences for the career paths of women) (Discussion Paper SP I – 2004-102). Berlin: Wissenschaftszentrum Berlin für Sozialforschung.*



## LEAVE POLICIES AND RESEARCH HUNGARY

*Marta Korintus*

**Population (2002):** 9.9 million  
**Total Fertility Rate (2000-2005):** 1.2  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$13,400  
**Female economic activity rate (ages 15 and above) (2002):** 49% (as % male rate: 72%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 6%  
**Gender-related Development Index (ranking out of 177 countries):** 35<sup>th</sup>  
**Gender empowerment measure (ranking):** 39<sup>th</sup>

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

#### a. Maternity Leave (responsibility of the National Health Insurance Fund)

*Length of leave (before and after birth)*

- 24 weeks. Up to 4 weeks before birth. However only mothers are entitled to take one type of parental leave until the child's 1<sup>st</sup> birthday (see section 1c)

*Payment*

- 70% of earnings. 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. pregnant woman is on sick leave for several months, or self-employed does not have an actual income) the calculated amount of payment is twice the amount of the official daily minimum salary. In this case, payment is made by the Treasury, not the National Health Insurance Fund.

*Flexibility in use*

- None except for the start date before the birth which can be between 4 weeks before birth and the birth itself.

*Regional or local variations in leave policy.* None.

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

- All women are entitled to 168 days unpaid maternity leave.

- Women employees and self-employed women with at least 180 days of previous employment are entitled to benefit payment for the period 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. None.*

*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. None.*

#### **b. Paternity Leave**

There is no statutory right to paternity leave.

#### **c. Parental Leave (responsibility of the National Health Insurance Fund and the treasury)**

There are two types of leave and benefit: (1) for non-insured parents (*Gyermekgondozasi segely* - GYES); (2) for insured parents (*Gyermekgondozasi dij* - GYED). Both are family entitlements except for GYED up to the child's 1<sup>st</sup> birthday, which is an entitlement only for mothers.

*Length of leave (before and after birth)*

- **GYES**
  - Until the child's 3<sup>rd</sup> birthday, for parents not insured.
  - From the end of GYED (child's 2<sup>nd</sup> birthday) until the child's 3<sup>rd</sup> birthday, for insured parents.
- **GYED:** from the end of the maternity leave period until the child's 2<sup>nd</sup> birthday, for insured parents. But until the child's first birthday only the mother or a single father is entitled.

*Payment*

- **GYES:** Flat-rate payment equal to the amount of the minimum old-age pension (HUF 23,200 in 2004).
- **GYED:** 70% of earnings, up to a maximum 'ceiling' of HUF 83,000 (2004); the ceiling is determined each year.

*Flexibility in use*

- Parents taking leave can work up to 4 hours a day after the child is 18 months old without a reduction in benefit.

*Regional or local variations in leave policy. None.*

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

- **GYES:** all parents
- **GYED:** mothers only until the child's first birthday. After the child's 1<sup>st</sup> birthday, either of the parents living with the child is eligible as long as she/he has been employed at least for 180 days within the two

years before the birth of the child; however, only one parent can actually take GYED.

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

- **GYES:** Parents of a child who cannot be admitted to a childcare centre due to illness can take leave until the child's 8<sup>th</sup> birthday; parents of a child with a long-term illness or disability can take leave until the child's 10<sup>th</sup> birthday (longer in discretionary cases); parents of twins are eligible until the children begin elementary school and the benefit payment is doubled

*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*

- GYES can be taken by grandparents from the 1<sup>st</sup> to 3<sup>rd</sup> birthday of the child if the child is looked after in her/his own home and if the parents agree to transfer their entitlement. Grandparents taking GYES cannot work also.

#### **d. Childcare Leave or Career Breaks**

- Either of the parents in a family with three or more children may take leave during the period between the 3<sup>rd</sup> and the 8<sup>th</sup> birthday of the youngest child (*Gyermeknevelési támogatás* – GYET) (NB. the Hungarian name for the parental leaves discussed in 1c include the word *gondozás*, that is “care”, whereas this form of leave – available after the child is older than 3- includes the word *nevelés*, that is “upbringing”). Benefit payment as for GYES. GYES and GYED are intended to promote childbirth and support reconciliation of work and child-rearing; GYET is considered an acknowledgement of parenthood as paid work.

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

*Adoption leave and pay*

- The same regulations as for parents having their own children.

*Time off for the care of dependants*

- There is an entitlement to leave, the length of which depends on the age of the child: under 1 year - unlimited; 12-35 months —up to 84 days per child per year; 36-71 months— 42 days; 6 to 12 years – 14 days. Lone parents are entitled to a double period of leave. Leave is a family entitlement and is paid at 70% of earnings.

*Flexible working*

- Mothers are entitled to 2 one hour breaks per day for breastfeeding until a child is 6 months old; and 1 one hour break until the child is 9

months old. In case of twins, the number of hours is multiplied by the number of the twins.

## **2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

There have been a number of changes to GYES including: an extension of leave and doubled payment for parents of twins; care by someone who is not a parent if the parents cannot care for a child for more than 3 months; the length of the leave can be extended until the child's 8<sup>th</sup> birthday if the child cannot be admitted to a childcare centre due to his/her illness and until the child's 14<sup>th</sup> birthday if the child has a long-term illness or disability.

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

### **a. Maternity Leave**

There are only statistics referring to the number of women receiving benefit, the average monthly number in 2003 being 27,427. It is thought that almost all eligible women take leave.

### **b. Paternity leave**

There is no statutory leave entitlement

### **c. Parental Leave**

There are only statistics referring to the number of recipients of benefit, the average monthly number in 2003 being 166,983 for GYES, 77,942 for GYED and 47,657 for GYET. There is no information, however, on what proportion of parents take leave or for how long they take leave; it is thought, however, that the number of fathers taking leave is very small.

It is thought that mothers with higher education and better paid jobs take shorter periods of leave, especially as the last year of GYES is paid at a flat rate and because of the implications for careers of prolonged absence from work. Some indication of leave taking is provided by data on the age of children entering *bolcsode* (nurseries taking children under 3 years of age); most children enter between 1½ and 2 years of age.

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

In 2003, parents took 1.37 million days of leave for sick children, which accounted for 3% of all paid sick leave. There is no information on the division of days taken between mothers and fathers.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

There has been little research in this area, most studies focusing on income transfers to families. Most publications deal with the history of leave policies and comparisons with other countries.

##### **b. Some recent research studies**

1. *A gyermeknevelési támogatásokat igénybe vevő és a családi okokból inaktív személyek foglalkoztatásának lehetőségei és akadályai* (Possibilities and difficulties of employment of persons utilizing child care benefits or being inactive due to family reasons) (2002): Maria Frey funded by the EC Phare programme (HU9918-13). Using data collected by the Hungarian Central Statistical Office, the study examined equality of opportunities for women and men in the labour market and included persons taking up parental leave.

#### **5. Selected publications on leave and leave-related policies published since January 2000**

Frey, M. (2002), '*A gyermeknevelési támogatásokat igénybe vevő és a családi okokból inaktív személyek foglalkoztatásának lehetőségei és akadályai*' ('*Possibilities and difficulties of employment of persons utilizing child care benefits or being inactive due to family reasons*'), *Demography*, XLV/4, pp. 406-437.

The article reports the results of a questionnaire-based survey carried out in conjunction with the Central Statistical Office's quarterly labour survey in 32000 households. It examines the attitudes, wishes and possibilities of women for returning to their previous employment after taking up leaves, identifies barriers, and puts forward policy recommendations.

Kamarás, F. (2002), 'Gyermekvállalás' ('Having children'), in: Z. Spéder (ed.), *Demográfiai folyamatok és társadalmi környezet* (*Demographic*

*trends and social environment*). Budapest: KSH Népeségtudományi Kutatóintézet.

This chapter reports the results of the first wave of a demographic longitudinal study. It examines patterns of marriages, having children, plans to have children, and the popularity and impacts of family support policies (including leaves) on having children, on a nationally representative sample.

Baranyai, I. (2003), *A gyermeknevelést segítő rendszeres pénzbeli társadalmi juttatások hatása, eloszlása (Impact and distribution of regular financial transfers for supporting the upbringing of children)*. Available at: [www.neinfo.hu/doc](http://www.neinfo.hu/doc)

This report, made for a government committee, compiles statistical data and examines the impacts of child-related benefits, allowances, leaves, etc. on poverty and income distribution.

Tárkányi, Á. (2003), 'A magyar család- és népesedéspolitika európai összehasonlításban' ('Hungarian family- and population policy in European comparison'), in Z. Spéder (ed.) *Család és népesség itthon és Európában (Family and population at home and in Europe)*. Budapest : KSH Népeségtudományi Kutatóintézet – Századvég Kiadó

This chapter describes and examines the history of Hungarian family- and population policies, and examines their effects on promoting child-births.

## LEAVE POLICIES AND RESEARCH ICELAND

*Thorgerdur Einarsdóttir and  
Gyda Margrét Pétursdóttir*

**Population (2002):** 0.3 million  
**Total Fertility Rate (2000-2005):** 2.0  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$29,750  
**Female economic activity rate (ages 15 and above) (2002):** 67% (as % male rate: 83%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 31%  
**Gender-related Development Index (ranking out of 177 countries):** 6<sup>th</sup>  
**Gender empowerment measure (ranking):** 6<sup>th</sup>

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

#### a. Maternity Leave (responsibility of the Ministry of Social Affairs)

*Length of leave (before and after birth)*

- 4 months: 1 month before the birth and 3 months following birth.

*Payment (applied for the whole period of maternity leave)*

- 80% of earnings up to a maximum ‘ceiling’, for those who have been in the workforce during the preceding 14 months. The payment to a mother working shorter part-time hours, i.e. between 25 and 49% of full-time hours, is at least €30 per month; and for a mother working longer hours, at least €30. Others (including students) receive a flat rate payment.
- *Flexibility in use* The mother is obliged to take 2 weeks of leave following the birth. After that she can take leave on a part-time (50%) basis and work part time. 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’).

*Regional or local variations in leave policy.* None.

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

- All women who have been economically active prior to childbirth are eligible for leave; eligibility for payment varies (see ‘payment’ 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 by 3 months for each additional birth; it can be extended by the same amount if the child suffers from a serious illness. Leave also increases if the child has to stay in hospital after the birth.
- Maternity leave can be extended by 2 months if the mother suffers any complications during or after the birth.

*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. None.*

**b. Paternity Leave (responsibility of Federal Ministry of Economics and Labour)**

There is no statutory entitlement. See father's entitlement in Parental Leave.

**c. Parental Leave (responsibility of Federal Ministry of Economics and Labour)**

*Length of leave (before and after birth)*

- 6 months. 3 months if a family entitlement and 3 months only for the father.

*Payment*

- As Maternity Leave

*Flexibility in use*

- The total of 9 months leave (covering maternity, paternity and parental leave) can be used until 18 months after the birth.
- Leave can be taken in one continuous period or as several blocks of time.
- *Regional or local variations in leave policy. None.*

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

- As Maternity Leave

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

- *Parental leave can be extended by up to 3 months if the child suffers from a serious illness.*

*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*

- Lesbian or homosexual couples can apply for leave.

**d. Childcare Leave or Career Breaks**

- Each parent may take 3 months unpaid leave per year until a child is 8 years old.

**c. Other employment-related measures**

*Adoption leave and pay*

- The same regulations as for parents having their own children if the child is younger than 8 years when adopted.

*Time off for the care of dependants.* None.

*Flexible working*

- Employers are required by law to make the necessary arrangements to enable men and women to balance family life and work, including the arrangement of work in a flexible manner and parents being able to take leave from work in case of serious or unusual family circumstances.

**2. Changes in leave policy and other related developments** (including government proposals currently under discussion)

Leave in Iceland has, until very recently, been a highly differentiated and complicated system, with different rights for different groups, in particular distinguishing between workers in the public and private sectors. So even when maternity leave was extended to six months for both groups in 1987, there remained different payment systems. The rights of men also differed highly. The 1998 law on paternity leave extended this right to all men but with differing conditions depending on where they worked. With respect to parental leave, men in the private sector had certain rights depending on their spouses; men married to public sector employees had limited rights, basically unpaid; while men working in the public sector had no rights. This exclusion of men from parental leave was contested three times by the Complaints Committee on Equal Status in 1999, and in 1998 the Supreme Court of Iceland ruled that it was a violation of the law and the Constitution (Einarsdóttir and Pétursdóttir 2004, see Section 6).

The reluctance of the state to expand the rights of parents to take leave was suddenly reversed by legislation passed in 2000. The overall leave period was extended to 9 months divided into three equal phases, including 3 non-transferable months to each parent, leaving three months for the parents to divide at their own discretion. In 2001, men in Iceland got the right to one month paternity leave, extended to 2 months in 2002, and 3 months in 2003. In addition, childcare leave was also introduced in

2000, allowing each parent 13 weeks a year unpaid parental leave (i.e. total of 26 weeks a year per family) until a child is 8 years old.

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

#### **a. Maternity Leave**

In 2003, 99% of women applying for leave used the 3 months available. For more details see Parental Leave.

#### **b. Paternity Leave**

See Parental Leave.

#### **c. Parental Leave**

In 2003, 84 fathers took a period of leave (paternity and/or parental) for every 100 mothers taking some leave, and fathers took about a third of all days of leave taken by parents (an average of 94 days leave compared to 182 for mothers). Overall, 16% of fathers took some parental leave, and 20% took less than their 3 months of designated paternity leave; 91% of mothers took some period of parental leave.

In 2003, 17% of men but 59% of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

#### **d. Other employment measures**

Employers are not penalised if they do not make arrangements to enable men and women to balance family life and work, and there is no monitoring by the state of the implementation of this measure. According to recent surveys, there is a certain resistance to the law by employers; almost half consider men taking 3-6 months leave as problematic.

### **4. Recently completed and current research on leave and other employment-related policies**

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

Research on leave and other employment-related policies is relatively rare in Iceland. Nevertheless, several studies have been conducted, some of them by students as final essays or theses in their studies. Even if not scientific these documents are valuable as they provide some data and thus help to fill the knowledge gap.

**b. Some recent research studies**

1. Through Thick and Thin. Icelandic Men on Paternity Leave (1998), Thorgerdur Einarsdóttir for the Committee on Gender Equality, City of Reykjavik funded by the EC. A pilot project intended to raise awareness, change attitudes and contribute to legislative reform of parental leave, in which 8 fathers were granted paternity leave and interviewed during the leave. Contact: [einarsd@hi.is](mailto:einarsd@hi.is), [hildur@rvk.is](mailto:hildur@rvk.is).

2. Culture, Custom and Caring: Men's and Women's Possibilities to Parental Leave (2004), Thorgerdur Einarsdóttir, in collaboration with Gyda Pétursdóttir, funded by the EC's Community Framework Strategy on Gender Equality and conducted in 2002-2004 in Spain, Germany, Norway and Iceland. The study focused on the reconciliation of work and family life with special emphasis on the interplay between institutional settings and structural framework on the one hand, and the cultural representations and social roles of men and women on the other hand. Contact: [einarsd@hi.is](mailto:einarsd@hi.is), [gydap@hi.is](mailto:gydap@hi.is).

3. 'Ég er tilbúin að gefa svo mikið'. Sjálfraedi, karllaeg vidmid og mót-sagnir í lífi útivinnandi maedra og ordraedum um ólíkt edli, getu og hlutverk. ('I'm ready to give so much'. Autonomy, male norms and paradoxes in the lives of mothers in paid work and the discourse on different nature, competencies and roles') (2004), MA thesis by Gyda Margrét Pétursdóttir at the University of Iceland, with a qualitative analysis of the life situation of six mothers in paid work in modern Iceland. Contact: [gydap@hi.is](mailto:gydap@hi.is).

4. Work cultures, gender relations and family responsibility (2004-2008), Doctoral thesis by Gyda Margrét Pétursdóttir at the University of Iceland, funded by the Icelandic Research Council. The project, part of a larger transnational research network that includes Iceland, Norway and Spain, is a comprehensive case study of work cultures, gender relations and family responsibilities in the modern labour market, focusing on changing work cultures and meanings of work due to deregulations of the economy and increased international competition. Contact: [gydap@hi.is](mailto:gydap@hi.is).

5. Icelandic Family Policy 1944-1984 (ongoing), Doctoral thesis by Gudny Björk Eydal at the University of Göteborg, Swede, funded by different funds including the Icelandic Research Council. The project is a study of family policy and social policy in Iceland in the post-war period. Contact: [ge@hi.is](mailto:ge@hi.is).

6. The utilization of men's parental leave after the new legislation in year 2000 (ongoing), Ingólfur V. Gíslason at the Centre for Gender Equality in Iceland is undertaking a study on behalf of the Centre. Contact: [ingolfur@jafnretti.is](mailto:ingolfur@jafnretti.is), [ivg@hi.is](mailto:ivg@hi.is).

## 5. Selected publications on leave and leave-related policies published since January 2000

Eyðal, G.B. (2000), 'Nordic child-care policies and the case of Iceland'. In: A. Penning & T. Bahle (eds.), *Families and Family Policies: Comparative Perspectives*. Frankfurt am Main: Peter Land Europäischer Verlag der Wissenschaften.

The chapter provides an overview of Icelandic childcare policies in a Nordic context.

Eyðal, G.B. (2000), 'Faedingarorlof og dagvist: Íslensk fjölskyldustefna í 50 ár' ('Parental leave and day care: 50 years of Icelandic family policy'). In: F.H. Jónsson & I. Hannibalsson (eds.), *Rannsóknir í Félagsvísindum III (Research in Social Sciences)*. Reykjavík: Félagsvísindastofnun Háskóla Íslands og Háskólaútgáfan.

This conference paper provides a descriptive historical overview of Icelandic childcare and family policy for the last 50 years.

Einarsdóttir, T. & G.M. Pétursdóttir (2004), "'Thetta liggur einhvern veginn betur fyrir henni...'" ("She's better suited for it somehow..."), in Ú. Hauksson (ed.) *Rannsóknir í Félagsvísindum V (Research in Social Sciences)*. Reykjavík: Félagsvísindastofnun Háskóla Íslands og Háskólaútgáfan.

This conference paper compares Iceland and Norway, based on the project Culture, Custom and Caring.

Laufey, Ý.H. & Ó. Jónsdóttir. (2004), *Fedraorlof: Vidhorf stjórnenda á mismunandi stjórnunarstigum (Paternity leave: The attitudes of employers at different managerial levels)*. Reykjavík: Reykjavík University. Available at:

[http://www.hgj.is/media/Ritgerdir/Rannsokn\\_fedraorlof.pdf](http://www.hgj.is/media/Ritgerdir/Rannsokn_fedraorlof.pdf).

This report is a BS-thesis based on a study of attitudes to parental leave of managers at different levels.

## LEAVE POLICIES AND RESEARCH IRELAND

*Eileen Drew*

**Population (2002):** 3.9 million  
**Total Fertility Rate (2000-2005):** 1.9  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$36,360  
**Female economic activity rate (ages 15 and above) (2002):** 40% (as % male rate): 53%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 35%  
**Gender-related Development Index (ranking out of 177 countries):** 14th  
**Gender empowerment measure (ranking):** 16<sup>th</sup>

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

#### a. Maternity Leave (responsibility of Department of Justice, Equality and Law Reform)

*Length of leave (before and after birth)*

- 26 weeks: at least 2 weeks must be taken before birth

*Payment*

- 70% of earnings (calculated by dividing gross earnings in the relevant tax year by the number of weeks worked), subject to a minimum of €151.60 per week and up to a maximum 'ceiling' of €32.40 a week for 18 weeks; the remaining 8 weeks is unpaid

*Flexibility in use*

- None except for when leave can be started before birth

*Regional or local variations in leave policy.* None.

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

- To be eligible for maternity benefit, an employee or self employed has to meet certain conditions relating to payment of Pay Related Social Insurance (PRSI), for example to have been employed for 39 weeks in which PRSI was paid in the 12 month period before birth of the child.

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother.* None.

*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. None.*

**b. Paternity Leave**

There is no statutory right to paternity leave.

**c. Parental Leave (responsibility of Department of Justice, Equality and Law Reform)**

*Length of leave (before and after birth)*

- 14 weeks per parent per child (i.e. an individual right).

*Payment.* None.

*Flexibility in use*

- Leave may be taken up to the child's 5<sup>th</sup> birthday
- Leave may be taken in blocks or multiples subject to employer's agreement

*Regional or local variations in leave policy.* None.

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

- All employees who have completed one year's continuous employment with their present employer.

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

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- Parents with a disabled child do not get additional Parental Leave, but would be eligible for carer's leave (see 1e below).

*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*

- Parental leave can be postponed for six months (to a date agreed on by both the employer and employee) if the granting of the leave would have a substantial adverse effect on the operation of the business.

**d. Childcare Leave or Career Breaks**

- None

**e. Other employment-related measures**

*Adoption leave and pay*

- 16 weeks leave for one parent, with payment and eligibility as Maternity Leave. If the child is under 3 years of age at the time of adoption, unpaid parental leave can be taken before the child reaches 5 years of

age. However, if the child is aged between 3 and 8 years at the time of adoption, the leave must be taken within 2 years of the adoption order.

*Time off for the care of dependants*

- 3 days paid leave in any 12 consecutive months, up to a limit of 5 days in any 36 consecutive months (treated as *force majeure*).
- Employees with 12 months continuous service can take a maximum of 65 weeks unpaid leave to provide full-time care for a dependent (e.g. a child with a severe disability), either in one continuous period or as several blocks of time. Employees may work up to 10 hours per week while on 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 can either adjust their working hours or, if breastfeeding facilities are provided at work, take breastfeeding breaks.

## 2. Changes in leave policy and other related developments (including government proposals currently under discussion)

The government has sought to implement the recommendations of two recent Working Groups (2001 and 2002) which have reviewed maternity protection and parental leave legislation including the harmonisation of the legislation relating to maternity and adoptive leave. The Maternity Protection Amendment Act 2004 came into effect 18 October 2004. The main provisions of the Act include: reducing the compulsory pre-confinement period from 4 to 2 weeks; attendance at ante-natal classes without loss of pay; and breastfeeding mothers to **either** adjust their working hours **or**, if breastfeeding facilities are provided, to breastfeeding breaks.

In addition, two bills are currently under consideration. The Adoptive Leave Bill 2004, expected to be passed in Spring 2005, includes provision for an increase in duration of leave by 2 weeks to 16 weeks and attendance by adoptive parent(s) to preparation classes and pre-adoption meetings without loss of pay. The provisions of Parental Leave Amendment Bill 2004, expected to be passed by Summer 2005, include: raising the maximum age by which parental leave must be taken from an eligible child's 5<sup>th</sup> to 8<sup>th</sup> birthday; an increase in the maximum age of the eligible child to 16 years in the case of children with disabilities; and a statutory entitlement to take the 14 weeks parental leave in separate blocks of a minimum of 6 continuous weeks, or more favourable terms with the

agreement of the employer and the extension of parental leave entitlements to persons acting *in loco parentis* for an eligible child.

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

#### **a. Maternity Leave**

There is no information on take-up of leave.

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

There is no statutory leave entitlement

#### **c. Parental Leave**

According to a survey (MORI MRC, 2001, see section 6 below) on the uptake of parental leave and *force majeure* leave to care for dependents for the Department of Justice, Equality and Law Reform (2001), almost 7% of employees in the 655 organisations surveyed (517 in private and 138 in public sectors) were eligible for parental leave during the course of 2001. In all, it was estimated that 20 per cent of eligible employees had taken parental leave. The survey showed that 84 per cent of parental leave was taken by women.

In a second study (Newmarket Consulting, see section 6 below) involving case studies of 25 organisations in Ireland, 62 out of 71 employees interviewed had heard of parental leave, though the level was higher in the public sector (76%) than in the private sector organisations (43%). The largest barrier to take-up of parental leave was financial, noted by 63 per cent of interviewees.

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

There is no information on take-up of leave. Nearly one-third of employers surveyed (29%) in the Department of Justice survey (4c above) had granted *force majeure* leave. The second study referred to in 4c noted that the duration of *force majeure* leave was considered by both employees and employers as being more restrictive than the previous informal system of compassionate leave.

### **4. Recently completed and current research on leave and other employment-related policies**

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

Leave policies are a recent development and are, as yet, incomplete. While maternity, carer's and parental leave are now statutory entitlements, there is no statutory paternity leave nor right to request flexible working - although the public sector has such arrangements. Despite the introduction of maternity leave and pay in 1994 there have been no specific studies on the use of this entitlement nor the take-up of carer's leave. More attention has been given to the relatively recent parental leave entitlement introduced in 1998. Most available research has focused on the issues around reconciling work/family including flexible working arrangements and childcare rather than leave per se.

**b. Some recent research studies**

No studies since 2000 apart from those referred to in Section 6 under publications.

**5. Selected publications on leave and leave-related policies published since January 2000**

Fisher, H. (2000), *Investing in People: Family-Friendly Work Arrangements in Small and Medium-Sized Enterprises*. Dublin: Equality Authority.

This study sets out the forms of family-friendly working practices that were available at the time in SMEs in Ireland, including leave, flexible working time and career breaks.

MORI MRC (2001), *Uptake of Parental Leave and Force Majeure Leave Report commissioned by the Department of Justice, Equality and Law Reform*. Dublin: Department of Justice, Equality and Law Reform. Appendix 5 of the Report of the Working Group on the Review of Parental Leave Act 1998.

Report of a survey conducted in 2001 to estimate the availability and take-up of parental leave in Ireland.

Newmarket Consulting (2001), *Attitudinal Survey of Employees, employers and Trade Union Representatives regarding the Provisions of the Parental Leave Act 1998*. Dublin: Department of Justice, Equality and Law Reform. Appendix 6 of the Report of the Working Group on the Review of Parental Leave Act 1998.]

Report of a study involving case studies of 25 work organisations and interviews with 71 employees, employers and trade union representatives

to ascertain their awareness of, views on and experience of parental and *force majeure* leave.

*Working Group on the Review of the Parental Leave Act 1998 (2002), Report of the Working Group on the Review of the Parental Leave Act 1998.* Dublin: Government Publications Office. Government report examining the issues around parental leave, drawing upon experience in other EU Member States, leading to recommendations for legislative changes.

Drew, E., C. Murphy & P. Humphreys (2003), *Off the Treadmill: Achieving Work/Life Balance.* Dublin: National Family Friendly Framework Committee. Involved national survey of employers and employees conducted in 2002 to examine provision, demand and uptake of work/life balance options for workers in Ireland.

Drew, E., I. Bacik & C. Costello (2003), *Gender InJustice: Feminising the Legal Professions.* Dublin: Law School, Trinity College. Report of a study of women and men in the legal professions to compile information on their experiences and views on their careers and to identify issues that impede the advancement of women: work/life balance emerged as a major problem particularly for the women surveyed.

Organisation for Economic Cooperation and Development (2003), *Babies and Bosses: Reconciling work and family life. Austria, Ireland and Japan.* Paris: OECD Publications  
A report of an OECD review of three countries, taking place in Autumn 2002, which examined policies and practices that aim to facilitate the reconciliation of work and family for parents with young children.

Fine-Davis M., J. Fagnani, D. Giovannini, L. Hojgaard & H. Clarke (2004), *Fathers and Mothers: Dilemmas of the Work-Life Balance.* Dordrecht: Kluwer.

This book, based on study 3 above, presents a comparative analysis of the dilemmas faced by working parents with young children in four European countries (France, Italy, Ireland and Denmark), including the results of a survey carried out in the countries, an overview of the latest research findings in the four countries and a synthesis of the policy situation in each country.





## LEAVE POLICIES AND RESEARCH ITALY

*Dino Giovannini*

**Population (2002):** 57.5 million  
**Total Fertility Rate (2000-2005):** 1.2  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$ 26,430  
**Female economic activity rate (ages 15 and above) (2002):** 39% (as % male rate: 59%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 24%  
**Gender-related Development Index (ranking out of 177 countries):** 21<sup>st</sup>  
**Gender empowerment measure (ranking):** 32<sup>nd</sup>

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

#### a. Maternity Leave (responsibility of the Ministry of Labour and (for public employees) Ministry of Finance and General Affairs)

*Length of leave (before and after birth)*

- 20 weeks: at least 8 weeks before the birth

*Payment*

- 80% of earnings

*Flexibility in use*

- None except for when leave can start to be taken before birth. The 20 week period is compulsory.

*Regional or local variations in leave policy.* None.

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

- All women 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, the length of leave increases to 12 weeks after birth.

*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*

- Public sector employees receive 100% of earnings

### **b. Paternity Leave**

There is no general statutory right to paternity leave. However fathers may take 12 weeks post-natal ‘optional leave’ if both parents are married and employed and in the following circumstances: the mother’s death or severe incapacity; or the child being left by the mother; or the child being in the sole care of the father.

Conditions are the same as for Maternity Leave.

### **c. Parental Leave (responsibility of the Ministry of Labour and (for public employees) Ministry of Finance and General Affairs)**

*Length of leave (before and after birth)*

- 6 months for mothers and 6 months for fathers to be taken at any time until a child is 8 years old. Fathers taking 3 months optional leave (see 1b) are entitled to 1 month of additional parental leave. Leave is an individual entitlement, but the total amount of leave taken by two parents cannot exceed 10 months (or 11 months if the father takes at least 3 months ‘optional leave’).

*Payment*

- 30% of earnings when leave is taken for a child under 3 years; unpaid if taken when a child is 3 to 8 years, unless annual earnings under approximately €13,000.

*Flexibility in use* . None.

*Regional or local variations in leave policy*. None.

*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 3 months. The father is entitled to leave even if the mother is not, for example if she is a housewife.

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

- Leave is per child born. In the case of multiple births, the leave period is increased according to the number of children born (e.g. doubled for twins, tripled for triplets)

*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*

- Workers in the public sector are entitled to 100% of earnings during the first 30 days of leave.

### **d. Childcare Leave or Career Breaks**

- None

**e. Other employment-related measures**

*Adoption leave and pay*

- The same regulations as for parents having their own children.

*Time off for the care of dependants*

- Without limit for a child under 3 years; 5 days a year per parent for a child aged 3 to 8 years. Unpaid

*Flexible working*

- Until a child is 12 months old, women are entitled to work reduced hours (1 hour less per day if work 6 hours a day or less, 2 hours less per day if work longer), with 100% payment. Fathers are entitled to use this benefit if the mother opts not to use it; if the mother is not employed; or if the father has custody of the child.
- Employees (mothers and fathers) who have parental responsibility for a child under 6 years or a disabled child under 18 years have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only “where there is a clear business ground for doing so...[and must give] a written explanation explaining why”.

**2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

There have been no changes since 2002 and none are under discussion. All statutory entitlements concerning parental employment, which underwent major reform in 2000, are nowadays consolidated within the *Testo Unico* Act of Law, n. 151 of 26 March 2001, as amended by Act n. 115 of 23 April 2003.

No policy changes are under discussion since 2002.

**3. Take-up of leave**

**a. Maternity Leave**

Maternity leave is compulsory.

**b. Paternity leave**

There is no information on the take-up of ‘optional leave’.

**e. Parental Leave**

There is no information on the take-up of parental leave

#### **4. Recently completed and current research on leave and other employment-related policies**

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

There is no recently completed research on statutory leave entitlements, and there is only limited official information on take up. An overview of the latest research findings in Italy is provided Fine Davis et al. (2004, see section 6).

##### **b. Some recent research studies**

1. Fathers and Mothers: Dilemmas of the Work-Life Balance (2001-2004): Margret Fine-Davis, Jeanne Fagnani, Dino, Giovannini, Lis Hojgaard and Hilary Clarke. A cross-national study) of the dilemmas faced by working parents with young children in four European countries (France, Italy, Ireland and Denmark), including a survey of parents in Bologna.

2. Imágenes de la paternidad en parejas de progenitores: un estudio sobre la interdependencia entre procesos representacionales y prácticas comportamentales (Images within parental couples: a study on the interdependence between representational processes and behavioural practise) (2004): Dino Giovannini and E. Goriup at the University of Modena and Reggio Emilia, Italy and J. Cerrato at the University of Bilbao, Spain. A study of paternity and father's involvement in childcare involvement, with particular attention to the social representation fathers. Contact: [dgiovannini@unimore.it](mailto:dgiovannini@unimore.it).

3. Padri e madri in divenire. Impegni familiari e lavorativi: quale conciliazione e condivisione?(2006). (Ongoing fathers and mothers. Professional and family work: conciliation and sharing). PhD thesis by F. Procentese at the University of Federico II about mothers' and fathers' competencies, including 19 fathers on parental leave working in public sector. Contact: [forprocentese@libero.it](mailto:forprocentese@libero.it).

#### **5. Selected publications on leave and leave-related policies published since January 2000**

Del Punta, R. (2000), 'La nuova disciplina dei congedi parentali, familiari e formativi' (New laws in parental leave, employment policy for families and training of workers). *Rivista Italiana di Diritto del Lavoro*, 19, 1, pp. 149-80.

This article examines how the enactment of Law No. 53 of 8 March 2000 has substantially modified the protection for working parents during the period of compulsory and optional leave.

Gheido, M.R. & A. Casotti (2000), 'Permessi e congedi per gravi motivi' ('Parental leave and leave for sudden emergencies'). *Diritto e Pratica del Lavoro*, 11, 5.

Bozzao, P. (2001), 'La protezione sociale della famiglia' ('Social protection of the family'). *Lavoro e Diritto*, 15, 1, pp. 55-96.

This author summarises the important changes introduced by the new legislation about maternity, paternity and parental leave.

Calafà, L. (2001), 'La prestazione di lavoro tra assenze e (dis)equilibri familiari' ('Working between absence and family's (un)balance'). *Lavoro e Diritto*, 15, 1, pp.143-161.

The effects of parental leave are analysed focusing on work absence, job performance and the situation of the family.

Saraceno, C. (2001), 'Politiche del lavoro e politiche della famiglia: un'alleanza lunga e problematica' ('Employment and family policies: a long-lasting and problematic alliance'). *Lavoro e Diritto*, 15, 1, pp. 37-54.

This article analyses the difficulties related to the utilization of existing parental policies.

Lanucara, A. (2003), 'Conciliazione della vita professionale e della vita familiare: il coinvolgimento dei padri nella cura dei figli' ('How to cope with professional and family life: involvement of fathers in childcare'). Available at: <http://www2.provincia.parma.it>.

Report of a study carried out in Lazio Region which explored attitudes in comparison with the norms on parental leaves with a sample of women and men.

Saraceno, C. (2003), *Mutamenti della famiglia e politiche sociali in Italia*. (Changes within family and social policies in Italy). Bologna: Il Mulino.

The book analyses changes in families in Italy, and examines problems in using a joint entitlement to parental leave and the role of part-time employment as a form of childcare.

Fine-Davis M., J. Fagnani, D. Giovannini, L. Hojgaard & H. Clarke (2004), *Fathers and Mothers: Dilemmas of the Work-Life Balance*. Dordrecht: Kluwer.

This book, based on study 3 above, presents a comparative analysis of the dilemmas faced by working parents with young children in four European countries (France, Italy, Ireland and Denmark), including the results of a survey carried out in the countries, an overview of the latest research findings in the four countries and a synthesis of the policy situation in each country.

## LEAVE POLICIES AND RESEARCH NORWAY

*Berit Brandth and Elin Kvande*

**Population (2002):** 4.5 million  
**Total Fertility Rate (2000-2005):** 1.8  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$36,600  
**Female economic activity rate (ages 15 and above) (2002):** 60% (as % male rate: 85%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 33%  
**Gender-related Development Index (ranking out of 177 countries):** 1<sup>st</sup>  
**Gender empowerment measure (ranking):** 1<sup>st</sup>

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

#### a. Maternity Leave (responsibility of Ministry of Ministry of Children and Family Affairs)

*Length of leave (before and after birth)*

- **9 weeks: 3 weeks before the birth and 6 weeks following birth.**

*Payment (applied for the whole period of maternity leave)*

- 100% of earnings, up to a maximum 'ceiling' of six times the basic national insurance benefit payment), NOK 352,668 a year (€42,500).

*Flexibility in use*

- None. If the baby is born before the estimated delivery date (e.g. so that the mother only used 2 of her 3 weeks pre-birth leave), the remaining time cannot be transferred to after the birth and is therefore lost.

*Regional or local variations in leave policy.* None.

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

- All women employed for 6 of the last 10 months prior to delivery are eligible for leave and who have earned at least half the basic national insurance benefit payment over the previous year. Non-employed women receive a flat payment (currently corresponding to about €5,000).

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

- If the mother or child is ill and hospitalized after delivery, maternity leave can be postponed

*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. None.*

#### **b. Paternity Leave (responsibility of Ministry of Children and Family Affairs)**

*Length of leave (before and after birth)*

- 2 weeks at the time of birth – ‘daddy days’ (+ 4 weeks during the child’s first year = fathers’ quota, for details see 1c on ‘parental leave’).

*Payment (applied for the whole period of maternity leave)*

- ‘Daddy days’ are unpaid by government; pay depends on collective agreements.

*Flexibility in use. None.*

*Regional or local variations in leave policy. None.*

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

- All employed fathers

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother. None.*

*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*

- None

#### **c. Parental Leave (responsibility of Ministry of Children and Family Affairs)**

*Length of leave (before and after birth)*

- 43 weeks. 39 weeks is a family entitlement; 4 weeks is only for the father (a ‘father’s quota’).

*Payment*

- As Maternity Leave

*Flexibility in use*

- Family entitlement: it is possible to choose a longer period of leave (49 weeks) paid at 80% of earnings. Using the ‘time account’ scheme, it is also possible to prolong the leave for up to 2 years by combining it with part-time employment (e.g. by reducing working hours to 90, 80, 75, 60 or 50 percent of full time).

- Father's quota: fathers are free to choose at what time during the first year after birth to use it and whether to split the period or use in one block.

*Regional or local variations in leave policy.* None.

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

- Both mother and father need to be eligible for the father to use parental leave (including the father's quota). Previously, the payment received by fathers taking leave was dependent on the hours worked by their partners; this has now changed so that the father receives payment regardless of how many hours the mother works.

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

- Father's quota: may be transferred to the mother if the father is not eligible, ill and unable to care for the child, or if the mother and father do not live together

*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*

- Family entitlement: when more than one child is born, parental leave is increased by 7 weeks for each child (with 80 % pay) and 5 weeks with 100 % pay.
- Family entitlement: If the child dies during the parental leave period, parents will receive payment for 6 weeks of the period that is left.

#### **d. Childcare Leave or Career Breaks**

- Each parent has the right to one year of unpaid leave after parental leave.
- Parents with a child aged 12-36 months are entitled to receive a cash benefit ('cash-for-care' scheme) on condition they do not use a full-time place in a publicly-funded childcare centre. In 2004, the full benefit was NOK 3,657 per child per month (€140). Children who use centres on a part-time basis receive a reduced benefit (e.g. if the parent uses no place, they receive 100% of the benefit; if they use a place for 17-24 hours a week they receive 40% of the full benefit). The main criterion for eligibility, therefore, is not parental employment status, but parents not using a particular type of service.

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

*Adoption leave and pay*

- The same regulations for paternity and parental leave as for parents having their own children.

*Time off for the care of dependants*

- Each parent of a child under 12 years has a right to 10 days leave when children are sick, or 15 if they have more than 2 children. Single parents have the right to 20/30 days a year. For severely or chronically sick children, there are extended rights to leave until the child is 18 years old. Leave is paid at the same rate as sickness benefit.

*Flexible working*

- Breastfeeding mothers may reduce their working hours by 2 hours per day, with payment from the employer
- Parents also have a right to part time work to care for children, until children are 10 years old.

**2. Changes in leave policy and other related** (including government proposals currently under discussion)

There are government proposals for serious changes [St. meld. nr. 29 (2002-2003) Familiemeldingen] aiming at improving fathers' rights to leave. Most of them have not been put into the National budget. An exception is eligibility rights for fathers. From the beginning of 2005, fathers' payment during the leave are based on their own employment, meaning in practice that it will not be reduced if the mother is employed less than 75 %.

**3. Take-up of leave**

**a. Maternity Leave**

Three out of four mothers have the right to and use maternity and parental leave. These figures are based on data from public records (Danielsen & Lappegård 2003, see Section 6).

**b. Paternity Leave**

There are no public records on the take-up rate of the daddy days, though surveys show that it has become a normal practice for fathers to take time off work when their child is born (Brandth and Øverli, 1998).

**c. Parental Leave**

In the years prior to the introduction of the father's quota less than 4% of fathers took some parental leave. Only a few years later, the take-up rate

was over 70% (Representative sample – own research from 1997), and recent data from public records (2003) show that 89% of fathers now take leave. Brandth and Kvande (2003, see section 6) show the many aspects of fathers use of the fathers' quota.

However, the father's quota only constitutes 7.7% of the total leave time available, and most fathers do not take more than their quota: figures show that only 15 % of fathers take any part of this leave (i.e. in addition to the father's quota). Parental leave, therefore, is for the most part taken by mothers and has in practice become a maternity leave. Father's use of the leave is dependent on the mother and her willingness to share: mothers who have invested in education and have strong ties to working life (e.g. work full time and have higher status work) are thus most likely to share. This means that fathers are more likely to take some parental leave when mothers have a high educational level, high income and work status, and full-time employment.

However, some characteristics of the father are also associated with use of leave. The higher the father's level of education, the more likely he is to use the fathers' quota and other parts of parental leave. While the fathers least likely to use the quota are fathers with long working hours, in managerial positions or with a wife who works part time.

Moreover, father's sharing of the parental leave also depends on his own relationship to work. Fathers must often negotiate with their employers when they want to take more leave than the father's quota, and the view that parental leave is really maternity leave is to be found among some employers. Fathers therefore may experience their jobs as a hindrance to taking more leave.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

The Norwegian Research Council has an ongoing programme on Work Life Research. As part of this programme, there are several projects that deal with care- and employment-related policies, which are listed below (section 5b).

##### **b. Some recent research studies**

1. [Det nye arbeidslivet: Nye arbeidstidsordninger blant fedre og mødre og blant foreldrepar](#) (The new work life: New working hours among fa-

thers and mothers and among couples) (ongoing): Ragni Hege Kitterød and Randi Kjeldstad at Statistics Norway, Oslo.

2. [Fleksible arbeidskulturer og foreldres tidskonflikter](#) (Flexible work life cultures and parental time conflicts). Elin Kvande and Berit Brandth at the Department of Sociology and Political Science, NTNU (Norwegian University of Science and Technology, Trondheim). Sub-projects include: Care policies in different time regimes (Birgitte Johannesen); Gender and care in a globalized work life (Hege Børve); Children's time negotiations with parents in different working cultures (Brita Bungum); and Time cultures and parental time conflicts (Berit Brandth and Elin Kvande).

3. [Kjønn, mestring og deltakelse i arbeidsliv og hjemmeliv](#). (Gender, coping and participation in work and home life). Øystein G. Holter at the Work Research Institute, Oslo.

4. [Postindustriell arbeidstid - nye begreper, nye realiteter?](#) (Post-industrial working hours – new concepts, new realities?) Anne-Lise Ellingsæter at the Institute for Social Research, Oslo (ISF).

##### **5. Selected publications on leave and leave-related policies published since January 2000**

Baklien, B., A.L. Ellingsæter & L. Gulbrandsen (2001), *Evaluering av kontantstøtteordningen*. Oslo: Norges forskningsråd.

This is a final report based on seven studies that assessed the “cash for care” scheme which was introduced in 1998 in Norway. One conclusion is that the scheme has had little effect on mothers' and fathers' working hours.

Brandth, B. & E. Kvande (2001), 'Flexible Work and Flexible Fathers'. *Work, Employment and Societ.*, 15, 2, pp 251-267.

This article discusses what welfare state policies are needed in a flexible working life.

Bungum, B., B. Brandth & E. Kvande (2001), *Ulik praksis – ulike konsekvenser. En evaluering av kontantstøttens konsekvenser for*

*likestilling i arbeidsliv og familieliv*. Trondheim: SINTF IFIM and NTNU.

The report looks at the effects of the "cash for care" scheme for gender equality in family and working life.

Brandth, B. & E. Kvande (2002), 'Reflexive fathers: negotiating parental leave and working life'. *Gender, Work & Organization*, 9, 2, pp 186-203. This article discusses how fathers caring practices can be seen as a result of negotiations between their working life and the parental leave system.

Kitterød, R.H (2002), 'Store endringer i småbarnsforeldres dagligliv' ('Major changes in the daily life of parents of small children'). *Samfunnsspeilet*, 16, 4-5, pp 14-22.

Brandth, B. & E. Kvande (2003), 'Father presence in child care'. In: A.M. Jensen & L. McKee (eds), *Children and the Changing Family: Between transformation and negotiation*. London: Routledge Falmer.

This article shows that the intention of the fathers' quota, which was to strengthen the contact between child and father, seems mainly to be achieved when the father is 'home alone' with the child.

Brandth, B. & E. Kvande (2003), *Fleksible fedre*. Oslo: Universitetsforlaget.

This book takes as its point of departure the introduction of the father's quota in Norway, and discusses what consequences it has had for fathering.

Danielsen, K. & T. Lappegård (2003), 'Tid er viktig når barn blir født – om ulik bruk av lønnet fødselspermisjon'. *Samfunnsspeilet*, 5, pp 34-38.

Ellingsæter, A.L. (2003a), 'The complexity of family policy reform. The case of Norway'. *European Societies*, 5, 4, pp 419-443.

Ellingsæter, A.L. (2003b), 'Når familiepolitikk ikke virker... Om kontantstøttereformen og mødres lønnsarbeid'. *Tidsskrift for samfunnsforskning*, 44, 4, pp 499-527.

The significance of family policies for mothers' employment practices is discussed, using the example of the 'cash for care' reform.

Holter, O.G. (2003), '*Can men do it? Men and gender equality – the Nordic experience*'. Copenhagen: TemaNord.

Based on new research from the Nordic region, the book proposes a caregiving model of men's change combined with issues like democratisation, diversity and reduction of violence.

Kitterød, R.H. & R. Kjeldstad (2003), 'A new father's role? Employment patterns among Norwegian fathers 1991-2001'. *Economic Survey*, 1, pp 39-51.

Lappegård, T. (2003), 'Pappa til (hjemme)tjeneste – hvilke fedre tar fødselspermisjon?'. *Samfunnsspeilet*, 5, pp 49-54.

This analysis finds that mother's employment within health, social work and education correlates negatively with father's use of parental leave, while there is a positive correlation when fathers are employed within these same types of areas.

Pedersen, S.V. (2003), 'Halvparten av fedrene vil ha lengre kvote'. *Samfunnsspeilet*, 5, pp 39-48.

Ellingsæter, A.L. & Arnlaug Leira (eds.) (2004), *Velferdsstaten og familien. Utfordringer og dilemmaer*. Oslo: Gyldendal.

## LEAVE POLICIES AND RESEARCH PORTUGAL

*Karin Wall*

**Population (2002):** 10 million  
**Total Fertility Rate (2000-2005):** 1.5  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$18,280  
**Female economic activity rate (ages 15 and above) (2002):** 48% (as % male rate: 70%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 15%  
**Gender-related Development Index (ranking out of 177 countries):** 24<sup>th</sup>  
**Gender empowerment measure (ranking):** 23<sup>rd</sup>

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

#### a. Maternity Leave (responsibility of the Ministry of Labour and Social Security)

*Length of leave (before and after birth)*

- 120 days: 90 must be taken following the birth, the remaining 30 days may be taken before or after the birth

*Payment*

- 100% of earnings.

*Flexibility in use*

- Women can choose when to take 30 of the 90 days
- Women can take 120 days at 100% of earnings or 150 days at 80%
- The mother must take at least 6 weeks leave after which the remaining entitlement can be transferred to the father

*Regional or local variations in leave policy.* None.

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

- All women employees with a record of 6 months (continuous or intermittent) of insurance contributions.
- Self-employed workers who contribute to social security are eligible.

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

- In the case of multiple births, the leave period is extended by one month for every additional child.

- In cases of poor health or death of the mother after giving birth, the father is entitled to the (remaining) leave to which the mother would otherwise be entitled.
- A working grandparent is entitled to 30 days leave following the birth of a grandchild to an adolescent still living at home.

**b. Paternity Leave (responsibility of the Ministry of Labour and Social Security)**

*Length of leave (before and after birth)*

- 20 days, of which 5 are obligatory and must be taken in the first month after childbirth. The remaining 15 days must either be taken during the first month or after other leave taken.

*Payment*

- As Maternity Leave.

*Flexibility in use.* None.

*Regional or local variations in leave policy.* None.

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

- As Maternity Leave.

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the mother.* None.

**c. Parental Leave (responsibility of the Ministry of Labour and Social Security)**

*Length of leave (before and after birth)*

- 3 months per parent. The leave is an individual entitlement

*Payment.* None.

*Flexibility in use*

- Leave may be taken up to the child's 6<sup>th</sup> birthday.
- Leave may be taken on a half-time basis, i.e. on this basis, and if both parents take leave, the period can extend to 12 months

*Regional or local variations in leave policy.* None.

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

- As Maternity Leave

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

- None

*Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents*

- Where both parents work for the same employer, the employer has a right to postpone the leave of one of the parents.

#### **d. Childcare Leave or Career Breaks**

- After parental leave, one of the parents may take 2 years special leave on a full-time basis, extended to 3 years when there is a third or subsequent child and to four years when there is a severely handicapped or chronically ill child. The leave is unpaid except in the case of handicapped children where the parent is entitled to a small cash benefit from social security. Unlike 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 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 special leave, there is a “suspension of the work contract”: all rights and guarantees are suspended but the worker’s right to return to his/her job is safeguarded.

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

##### *Adoption leave and pay*

- In cases of adoption of a child under age fifteen, the adopting parent has a right to one hundred consecutive days leave. If there are two adopting parents, the leave may be divided between them.

##### *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 10 years, with no age limit in the case of a child who is chronically ill or disabled. This is a family entitlement to be divided between parents as they choose. Paid at 65% of the minimum wage.
- Up to 15 days unpaid leave per year to care for a spouse, older child or co-resident elderly relative, increased by 1 day for every second and subsequent child.

##### *Flexible working*

- One of the parents is entitled to two hours ‘nursing’ leave per day during the first year after birth, with no reduction of earnings. Although it is called ‘nursing’ leave, it may be taken by the mother or the father.
- If there is a handicapped or chronically ill child below one year of age, one of the parents (as long as the other is employed) may also apply for a five-hour reduction in the working week.
- Parents are entitled to 4 hours leave per school term to go their children’s school until children reach 18 years of age, with no reduction of earnings.

## **2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

Most of the changes in leave policy were introduced in the late nineties (in particular with Decree-Law 142, 31 August 1999). Subsequent changes were introduced by the coalition government elected in March 2002:

- Unpaid part-time parental leave to care for children below 6 extended from 6 to 12 months; five days of paternity leave made obligatory; parents' entitlement to a maximum of four hours leave per term to go to their children's school; the right to 15 days leave per year to care for a sick older child, a spouse or co-resident relative increased by one day for every second child and subsequent children (introduced in 2003);
- Changes in the protection of women in the workplace, such as: increase in the period of protection against dismissal from 98 to 120 days after giving birth; women with children under 12 months (previously 10 months) are exempted from working extra hours; pregnant women, women who have just given birth and nursing mothers are exempted from the regime of 'adaptable work' (according to this regime, normal working hours —8 hours per day, 40 per week— may be increased by two hours per day up to a maximum of fifty hours a week (introduced in 2003);
- A choice of taking maternity leave either as 4 months at 100% of earnings or 5 months at 80% (introduced in 2004);

The government also announced in 2004 its intention to increase maternity leave by two weeks and its desire to increase part-time work by mothers with young children as a work/family solution. However, this government fell at the end of 2004 and new elections will take place in February 2005.

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

### **a. Maternity Leave**

It is estimated that about a third of mothers are not eligible for paid maternity leave.

**b. Paternity leave**

The emphasis in Portuguese policy on gender equity appears to be having some effect. In 2002, the 5 day paternity leave introduced in 1999 was used by 30,908 fathers and the 15 day additional paternity leave was used by 16,000 fathers in 2002 and 27,000 fathers in 2003, i.e. about 30% to 40% of eligible fathers in Portugal took some paternity leave. In the same year, about 9,000 fathers (almost 12% of maternal leave beneficiaries) made some use of shared maternity leave.

The increase in take-up of paternity leave is related to increased awareness of benefit conditions and entitlements. Nevertheless traditional gender role attitudes in workplaces often play a role in depressing take-up. The ‘obligatory’ period introduced in 2003 is likely to help increase take-up rates.

**c. Parental Leave**

There is no information on take-up of leave. But as leave is unpaid, take-up is estimated to be very low.

**4. Recently completed and current research on leave and other employment-related policies**

**a. General overview**

Policies to support working parent have been developed since the revolution in 1974. During the 1990s the issue of reconciling work and family life gained ground and that there was a strong increase in service provision, in particular for the 3-6 year olds. In the late 1990s, the Socialist government introduced a perspective on family policy which was more strongly linked to gender equality policies, leading to the introduction of paid paternity leaves, 2 hours of work reduction (either parent) during the first year of the child’s life and also to the option of sharing, by both fathers and mothers, of the maternity leave (after the six weeks which have to be taken by the mother). Most research has been on the broad question of the reconciliation of work and family life rather than specifically on leave policy, though most studies include information on such policies

**b. Some recent research studies**

None specified.

## 5. Selected publications on leave and leave-related policies published since January 2000

Wall, K. et al. (2001), 'Families and support networks in Portugal: the reproduction of inequality'. *Journal of European Social Policy*, 11, 3, pp. 213-233.

The article analyses informal support networks in Portugal and shows that assistance flows mainly from parents and is strongly related to families' position in the social structure, with less favourable occupational categories determining lower levels of support (for childcare, for example) over the course of married life.

Wall, K. (2001, 2002, 2003), *Families and Family Policies in Portugal, Monitoring Reports for the European Observatory on the Social Situation, Demography and Family*.

Available at: [http://europa.eu.int/comm/employment\\_social/eoss](http://europa.eu.int/comm/employment_social/eoss).

These reports monitor the situation of families and the development of family policies over the last few years in Portugal; leave policy and the reconciliation of work and family life are two of the main trends described in these reports.

Wall, K. (2002), 'Mães sós e cuidados às crianças' ('Lone mothers and caring for young children'). *Análise Social*, 163, pp. 631-663.

This article reports on a qualitative study on the reconciliation problems of lone mothers in Portugal.

Guerreiro, M.D., M. Abranches & I. Pereira (2003), *Conciliação entre vida profissional e familiar – políticas públicas e práticas dos agentes em contexto empresarial (Reconciling work and family life: public policies and practices of employers)*. Lisboa: CIES.

The research explores the relationship between work and family among young working parents in different organizational contexts in Portugal, combining an analysis of workers' strategies and perceptions with the study of organizational dynamics, comparing public and private sector organizations and considering the changes taking place in both sectors.

Perista, H. & M.R. Palma Ramalho (2003), *Concilier Famille et travail entre les femmes et les hommes – du droit à la pratique (Rapport final des expertes juridiques et sociologiques portugaises)*. CESIS, Lisbon (mimeo): Association des Femmes de l'Europe Méridionale (livre en préparation).

This report, which will be included in a book comparing several European countries, analyses the concept of reconciliation, describes national legislation regarding the conciliation of work and family life and proposes new legal measures and good practices concerning the reconciliation of work and family life.

Organisation for Economic Cooperation and Development (2003), *Babies and Bosses: Reconciling work and family life. Vol 3 – New Zealand, Portugal and Switzerland*. Paris: OECD Publications.

A report of an OECD review of three countries, taking place in Autumn 2002, which examined policies and practices that aim to facilitate the reconciliation of work and family for parents with young children.

Torres, A. (ed.) (2004), *Homens e Mulheres entre família e trabalho (Men and Women between family and work)* (CITE, Ministério da Segurança Social e do Emprego, Estudos nº 1). Lisboa: DEEP.

This book presents the results of a 1999 survey on the reconciliation of work and family life in Portugal.

Wall, K. & J. São José (2004), 'Managing work and care in immigrant families in four European countries'. *Social Policy and Administration*, 4, pp. 591-621.

This article explores the strategies used by immigrant families to reconcile work and care for young children in four European countries (Finland, France, Italy and Portugal), drawing on in-depth interviews with couples and lone parents who have children below age ten.

Wall, K. (2005, forthcoming), 'Family change and family policy in Europe'. In: S. Kamerman & A. Kahn (eds.), *Family Change and Family Policies in Southern Europe*. Oxford: Clarendon Press.

The chapter on Portugal analyses six main topics: the Formation of Families; Family law; Families and the Division of Labour (including the analysis of employment and parenting policies); the Income of Families; Families and Social Services; the Politics and Institutionalization of Family Policies.

## LEAVE POLICIES AND RESEARCH SPAIN

*Anna Escobedo*

**Population (2002):** 41million  
**Total Fertility Rate (2000-2005):** 1.2  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$21,460  
**Female economic activity rate (ages 15 and above) (2002):** 38% (as % male rate: 57%)  
**Employment rate for women with a child under 3 years (2000):** 45%  
**Proportion of all employed women working part time (2003):** 17%  
**Gender-related Development Index (ranking out of 177 countries):** 20<sup>th</sup>  
**Gender empowerment measure (ranking):** 15<sup>th</sup>

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

#### a. Maternity Leave (responsibility of the Ministry of Labour and Social Affairs and the National Institute of Social Security)

*Length of leave (before and after birth)*

- 16 weeks: 6 weeks must be taken following the birth, while the remaining 10 weeks can be taken before or after birth.

*Payment*

- 100% of earnings up to a maximum 'ceiling' of €2,731.50 a month.

*Flexibility in use*

- The start date for taking leave before birth can vary.
- Mothers (except those who are self employed) may take leave part time except for the 6 weeks following birth

*Regional or local variations in leave policy.* None.

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

- All employed women are entitled to unpaid maternity leave, but conditions must be met to qualify for the maternity leave benefit: for example, the mother needs to be making social security contributions at the beginning of the leave or be receiving unemployment contributory benefit or in the first year of the parental leave, *and* have contributed to social security at least 180 days in the last previous 5 years. This requirement is a bit more flexible for women working part-time.

- Self-employed workers have similar rights but are excluded from the possibility of taking maternity leave part-time despite the fact that it may be ore difficult for them to completely interrupt their activity.

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

- In the case of multiple births or multiple adoption, working mothers have the right to two extra weeks of leave per newborn child from the second onward, and the family benefits from an additional lump sum benefit since 2003.
- In the case of a premature birth, maternity leave may be interrupted if the baby is in a hospital incubator, and restarted when the baby goes home.
- Employed mothers have the right to transfer up to 10 of their 16 paid weeks of maternity leave to the father on condition that they take 6 weeks after giving birth, that their partner fulfils contributory requirements, and that the transfer does not endangers their health. Leave can be completely transferred or partly transferred, so both parents share part-time 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*

- Teachers in the public sector in the region of Catalonia can choose between extending maternity leave to 6 months or reducing working time by a third until the child is one year old; either option is paid

## **b. Paternity Leave (responsibility of the Ministry of Labour and Social Affairs)**

*Length of leave (before and after birth)*

- 2 days at the birth of a child.

*Payment*

- 100% of earnings, paid by the employer

*Flexibility in use*

- 4 days leave for fathers whose need to travel in their work.

*Regional or local variations in leave policy*

- A number of regional governments have improved entitlements (see section 4 below). For example, public sector workers in Catalonia receive 5 days leave.

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

- All employees. Self-employed workers receive no benefit as this is paid by employers

*Variation in leave due to child 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) or delegation of leave to person other than the parents. None.*

### **c. Parental Leave (responsibility of the Ministry of Social Affairs)**

*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*

- None. Workers taking leave are credited with social security contributions, which affect pension accounts and health cover, but only for the first year

*Flexibility in use*

- There are no limits to the number of periods of leave that can be taken until the child is 3 years, with no minimum period.

*Regional or local variations in leave policy*

- A number of regional governments have improved entitlements (see section 4 below). For example, men taking parental leave receive some payments in the region of Castilla-La Mancha, if they have taken at least 3 weeks of the maternity leave.

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

- All employees, though 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)*

- Social security contributions are credited for a longer period (for from 15-18 months) in families with more than 3 children or with 2 children one of whom has a disability.

*Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents*

- If both parents work for the same company, the employer can put restrictions on both parents using at the same time if this is justified for production reasons.

#### d. Childcare Leave or Career Breaks

- None

#### e. Other employment-related measures

##### *Adoption leave and pay*

- The same regulations as for parents having their own children for the adoption of children under 6 years or children with additional needs (e.g. disabilities, international adoptions).

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

- 2 days leave per worker to care for a seriously sick child or for other family reasons (serious illness or death of a relative to a second degree of consanguinity or affinity), paid for 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” or “travelling” means.
- Each worker may take up to one year of leave or working hours reduced by between a third and a half to take care of a relative (up to the “second degree of consanguinity or affinity”) due to severe illness, accident or old age. The leave or reduced hours are unpaid. This involves the extension, in part, of leave entitlements for parents with young children to workers with other care responsibilities.

##### *Flexible working*

- During the first 9 months after the child's birth, employed mothers are entitled to one hour of absence during the working day without loss of earnings, which is paid by the employers (*permiso de lactancia*). This period can be divided into two half-hours or be replaced by a half-hour shortening of the normal working day. Many collective agreements allow the full hour shortening of the normal working day. If both parents are working, the mother can transfer this right to the father. This absence is paid for by the employer. In some collective agreements it is possible to consolidate this reduction in working time as an extension of maternity leave by some weeks (2-3 weeks).
- A working parent can reduce his/her working day by between a third and half of its normal duration to care for a child until the 6th year or to look after a disabled child. 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.
- A number of regional governments have improved entitlements (see section 4 below). For example, public employees in Catalonia, both fathers and mothers can reduce their working hours by one third without reducing their earnings until a child is one year old. Similarly, they may reduce their working hours by a third with a 20% earnings reduc-

tion or by a half with a 40% earnings reduction if they have a child under 6 years or care for a disabled relative.

## **2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

The last important reform took place in November 1999, with the adoption of Law 39/1999 “to promote the reconciliation of work and family life of employed persons” which reformed Spain's rules on family-related leaves which are spread over several pieces of legislation. Regulations and implementation of this law continued through to 2003. Law 39/1999 and its application in the following years was presented as bringing Spain into line with EU Directives on maternity protection (92/85/EEC) and parental leave (96/34/EC). However it has received much criticism as even though these legislative reforms introduce many small and detailed changes, they do not alter the fact that:

- Under usual conditions, the total duration of leave around birth (or adoption or fostering) paid by public social security is still only 16 weeks, which is very short from the perspective of the baby's health and care;
- Unpaid parental leave is used by few families;
- Atypical workers (temporary employees, the self-employed and others) are badly covered;
- Current entitlements do not promote men's take up, in spite of the gender equality rhetoric in all the law reforms;
- There are virtually no evaluation mechanisms nor indicators, so the reforms are adopted without evaluation of the impacts on use and users.

The socialist government elected in March 2004 has announced it will prepare in 2005 a new law on reconciliation of family life and employment, and review again the current leave entitlements. Improvement and individualisation of entitlements are at the centre of the present debate, in particular to counter the effects of Spain's high labour market flexibility (one third of the working population is temporarily employed), as well as promoting men's take up. Trade unions and some parties propose one month of paternity leave, paid (like maternity leave) at 100% of earnings replacement.

Since the 1999 law, as the issue of reconciliation of work and family life has gained a higher profile on the Spanish political agenda, various regional governments have been introducing additional entitlements at re-

gional level for specific groups. Examples from Castilla-La Mancha and Catalonia have been presented above. Other supplementary entitlements have been implemented in the Basque Country, Navarre, Rioja, Asturias and Castilla-León. However, it has not been possible to provide detailed descriptions.

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

#### **a. Maternity Leave**

Maternity leave benefit covered about 54% of the births in 2002 (own calculations based on data provided by the Social Security Institute and the Spanish Statistical Institute), which was the same figure as the female employment rate for the 25 to 54 years old age group. Coverage has been improving since 1995 (the first year for which the data is available) when it was 31%, while the corresponding female employment rate was 40%. Increased coverage is due both to growing female employment and better coverage of atypical employment situations due to regulatory reforms. Fathers share some maternity leave in about 1% of the cases.

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

Most fathers are eligible for the paternity leave according to the Labour Force Survey data; the main exclusion are self-employed workers, who account for about a fifth of the male employed population. As payment for fathers taking paternity leave is made directly paid by employers, there is no information on take-up rates.

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

In 2000, around 50% of fathers and 24% of mothers were eligible for parental leave<sup>2</sup>. In 2000 the employment rate of fathers (with children under 15) was 92% and the employment rate of mothers (with children under 3) was 45%. But not all these employed parents are eligible for parental leave; about 18% (women and men combined) were self-employed and 2% family workers, thus excluded from parental leave. Furthermore, 32% had a temporary contract, of which just over one third were shorter than 6 months.

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<sup>2</sup> Own estimate based on Spanish data from the 2000 European Labour Force Survey, from EC-funded research project *Care Work in Europe: Current Understandings and Future Directions*, Workpackage 4- Surveying Demand, Supply and Use of Care. Available at <http://144.82.35.228/carework/uk/reports/index.htm>. It is a rough estimate based on parental employment rates, excluding self-employment, family workers and temporary employment rates.

In 2000, 14,521 people started some period of parental leave. This corresponds to 3.7% of the births in that year, an increase since 1995 (the first year for which the data is available) when it was 1.7%. However it represents only about one per cent of children under 3 years old, a relevant age since leave can be taken until children each 3 years. There is no information on leave taking by gender, nor on the duration of leave taken (which can vary between one month and 3 years).

Qualitative research indicates that users are mainly women after their maternity leave ends, in some cases until a childcare arrangement is available (for example if the maternity leave ends in May and a place in a nursery is only available in September), and in other cases for longer periods of one year or more. It is thought that this measure is mainly used in the public sector, by female public servants with secure employment, and especially in areas such as education, public administration or health. Qualitative research shows also some cases of qualified women in private companies who experience some job difficulties and use parental leave not only for caring but also as an intermediate measure while they look for a more family friendly or otherwise better job.

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

The fact that parental leave and working-time reduction are not paid limit their use, even among those who have a secure job, as most couples at this period of life are involved in high housing expenditures. The influence of payment can be seen from the high use made of a fully paid working time reduction of one third of usual working hours for parents of children under one year old, available for public employees in Catalonia. Some preliminary data indicate that in 2002, 3,764 employees out of a total workforce of about 100,000 used this measure, of whom 23% were men (who account for 32% of the total workforce).

There are no data on the use of unpaid working time reductions nor on the use of time off for the care of dependant relatives, except that in 2002 there were only 126 users of unpaid leave to care for adult dependants all over Spain according to the Spanish Economic and Social Council (CES, 2003, see section 6). This contrasts with 538 employees of the Catalan regional government who took a working time reduction with partial earnings compensation to care for a dependent or disabled relative (in 2003). This provides further evidence that paid leave or reduced working hours attract substantially more use than unpaid entitlements.

Finally there is no data on the use of short leave in case of acute illness/accident of children or relatives, nor on other types of career breaks. Employers have no obligation to record or report about them, and the government takes no account of them as no payment is involved. The Labour Force Survey only includes a general item covering maternity and parental leave, but excludes other types of leaves.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

There are almost no data or published evaluations from the government; the few indicators published on a yearly basis since 1995 by the Spanish Social Security Institute provide very little information (e.g. total social security expenditure by region and the number of administrative records initiated each year, with the percentage of those for fathers; but with no other information such as duration of leave or total social security expenditure by Spanish regions). Comparative data on social expenditure on maternity and parental leave, compiled both by Eurostat and the OECD, highlights the low priority given to public leave benefits in Spanish public policies. There are also no published studies which evaluate the impacts of legal improvements, the quantitative profile of use, the characteristics of the users, or the factors associated with take-up rates or with cost and benefits.

Some academic research treats the issue of leave in the framework of research on reconciliation of employment and family life, but only in very few cases as a central issue. Leave in these studies is mainly researched using qualitative methodologies (e.g. in depth or semi-directed interviews), or the few available official data (e.g. comparative indicators on public expenditure), or from the perspective of laws and law researchers.

The topic of leave is also included, but again not as a central issue, in some research and development projects related to gender equality and reconciliation of work and family life at local or at company levels. Research here focuses rather more on how parents, and in particular dual-career couples, manage to work more flexibly using not only statutory but also family-friendly workplace policies and practices.

##### **b. Some recent research studies**

1. Formal and informal work in Europe. A comparative analysis of their changing relationship and their impact on social integration (2002-2005). Coordinated by Prof. Birgit Pfau-Effinger (University of Hamburg) with partners at University of Aalborg (Denmark); Universitat Autònoma de Barcelona (Spain - Lluís Flaquer and Anna Escobedo), Cracow University of Economics (Poland), University of Joensuu (Finland) and University of Southampton (UK), funded in the EU's 5<sup>th</sup> Framework programme. Parental leave and other forms of leave arrangements are researched in relation to other formal and informal care arrangements, with interviews conducted in all partner countries to household with parents on parental leave.

Contact: [lluis.flaquer@uab.es](mailto:lluis.flaquer@uab.es) and [Anna.Escobedo@uab.es](mailto:Anna.Escobedo@uab.es).

2. Culture, Custom and Caring. Men's and Women's Possibilities to Parental Leave (2002-2004): Researchers from Iceland (coordinators), Norway, Germany and Spain (Maria Amparo Ballester Pastor and Mercedes López-Balaguer, Department of Labour Law at the University of Valencia), funded by the EC Framework Strategy on Gender Equality and by National Authorities. The project is a case study, based on statistics, public documents and in-depth interviews, with particular attention to how cultural traditions, attitudes and norms facilitate or hinder men's use of their parental rights. Contact: [Amparo.Ballester@uv.es](mailto:Amparo.Ballester@uv.es).

3. La conciliación de la vida laboral y familiar en la negociación colectiva (2003-2005): Fausto Miguélez, Teresa Torns, Pilar Carrasquer and Antonio Martín Artiles (Study Centre on Work and Everyday Life (QUIT), Department of Sociology, Universitat Autònoma de Barcelona), funded by the Spanish Ministry of Education, DG de Investigación Científica y Técnica. A study of the clauses on leave arrangements and other measures to reconcile work and family life in collective bargaining at national level in the sectors of retail trade and chemistry, supplemented by a good practice case study.

Contact: [Antonio.Martin@uab.es](mailto:Antonio.Martin@uab.es) or [teresa.torns@uab.es](mailto:teresa.torns@uab.es).

4. La conciliació de la vida laboral i familiar del personal al servei de les administracions locals catalanes (October 2004-April 2005): Carolina Gala, (Lecturer at the Department of Public Law and Legal History Studies, *Universitat Autònoma de Barcelona*), funded by CENICAL (Consorti Estudis i Mediació de l'Administració Local, Diputació Barcelona). The study investigates regulations and collective bargaining at the level of the Catalan government in the field of reconciliation of work and fam-

ily life, which mostly relates to leave arrangements. Contact: [carolina.gala@uab.es](mailto:carolina.gala@uab.es).

##### **5. Selected publications on leave and leave-related policies published since January 2000**

Ballester-Pastor, M.A. (2000), *La Ley 39/1999 de conciliación de la vida familiar y labora*. Valencia: Tirant lo Blanc.

This Spanish-language book focuses on the reforms introduced by the Spanish 1999 law on reconciliation of work and family life, most of them refer to leave arrangements.

Escobedo, A. (2000), 'Les llicències laborals per a mares i pares amb fills menors de 3 anys. Una comparació dels sistemes vigents a Dinamarca, Finlàndia i Espanya'. *Revista de l'Associació Catalana de Sociologia*, 12, pp.187-213. Available at:

<http://www.iec.es/institucio/societats/ACSociologia/Publicacions/Revistes/num12index.htm>.

This Catalan-language article presents the results of a comparative study of leave arrangements for mothers and fathers with children under 3 in Denmark, Finland and Spain.

Flaquer, L. (2000), *Las políticas familiares en una perspectiva comparada*. Barcelona: Fundación 'La Caixa'.

The book is published both in Spanish and Catalan and both versions are available on PDF format at:

[http://www.estudis.lacaixa.comunicacions.com/webes/estudis.nsf/wurl/pfeshomecos\\_esp](http://www.estudis.lacaixa.comunicacions.com/webes/estudis.nsf/wurl/pfeshomecos_esp).

The book presents first an overview of traditions and instruments of family policy in a comparative perspective, then focuses on the dilemmas faced by Spanish family policies in the European framework, with a specific section on leave arrangements.

Escobedo, A. (2001), 'Employers' group forced to retract proposal that women pay for maternity leave'. Available at:

<http://www.eiro.eurofound.ie/2001/01/features/ES0101129F.html>. EIRO

Online (<http://www.eiro.eurofound.ie/>) is an observatory of industrial relations in the EU edited by the European Foundation for the Improvement of Living and Working Conditions.

Reaserchers can find there short reports and comments on industrial relations in 30 countries, as the one referred to here, but also some cross-national reports for example about parental leave and collective bargaining.

Escobedo, A. (2002), 'Las licencias parentales y la atención infantil de los menores de 3 años como ejemplo de las nuevas tendencias de política social europea'. In: L. Flaquer (ed.) (2002), *Políticas Familiares en la Unión Europea*. Barcelona: Institut de Ciències Polítiques i Socials.

This Spanish-language book includes contributions from 5 Spanish sociologists who have undertaken comparative research on family and social policy; this chapter focuses on leave arrangements and childcare services for families with children under 3 years old.

CES (2003), *Segundo informe sobre la situación de las mujeres en la realidad sociolaboral española*. Madrid: Consejo Económico y Social. Available at: [www.ces.es](http://www.ces.es).

Spanish general review on data, regulation and research related to the situation of women and gender equality in the Spanish labour market and society, including a short section on leave arrangements within the chapter devoted to reconciliation of work and family responsibilities.

Chinchilla, N. & C. León (2003), *Les millors pràctiques de conciliació treball-família a l'empresa*. Barcelona: Generalitat de Catalunya.

This Catalan-language book presents results of a Family-friendly Employer study undertaken in 1999 by researchers from IESE business school, based on a survey of human resources managers in Spain's largest companies covering work-family policies and best practices.

Escobedo, A. (2004), 'State-of-the art review on the relationship between formal and informal care work'. In: B. Pfau-Effinger (ed.), *Review of Literature on Formal and Informal Work in Europe* (Discussion Paper no.2). Hamburg: University of Hamburg. Available at: <http://www.sozialwiss.uni-hamburg.de/Isoz/isoz/forschprojekte/fiwe/>.

Working paper reporting on findings from a European comparative research project about formalisation and informalisation of care work and the combination of formal employment and family-based care by individuals; leave arrangements are considered, as semi-formal forms of care work.

Comajuncosa, J., A. Escobedo, L. Flaquer, A. Laborda, C. Obeso, E. Sánchez & R. Serrano (2004), *Informe Randstad. Calidad del trabajo en la Europa de los Quince: Las políticas de conciliación*. Barcelona: Instituto de Estudios Laborales de ESADE.

Review of reconciliation of work and family life and leave in Spain compared with other EU15 and OECD member states and of collective agreements approved between Sept 2003 and Feb 2004 in Spain.

Carrasquer, P. & A. Martín-Artiles (2005), 'La conciliación de la vida laboral y familiar en la negociación colectiva'. *Cuadernos de Relaciones Laborales*, 21.

This Spanish-language article presents results of the research on collective bargaining in the field of reconciliation of work and family life in chemistry and retail trade sectors (see 10 above).

## LEAVE POLICIES AND RESEARCH SWEDEN

*Anders Chronholm*

**Population (2002):** 8.9 million  
**Total Fertility Rate (2000-2005):** 1.6  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$26,050  
**Female economic activity rate (ages 15 and above) (2002):** 63% (as % male rate: 89%)  
**Employment rate for women with a child under 3 years (2000):**  
**Proportion of all employed women working part time (2003):** 21%  
**Gender-related Development Index (ranking out of 177 countries):** 2nd  
**Gender empowerment measure (ranking):** 2nd

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

#### a. Maternity Leave

There is no statutory right to maternity leave. Mothers may use parental leave and benefit up to 60 days before the birth is due.

#### b. Paternity Leave (responsibility of the Ministry of Social Affairs)

*Length of leave (before and after birth)*

- 10 days. (+ 60 days = fathers' quota, see 'parental leave')

*Payment*

- 80% of earnings.

*Flexibility in use*

- Can be used at any time during the first 60 days after the child leaves hospital.

*Regional or local variations in leave policy.* None.

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

- All employed fathers

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

- Leave is doubled for fathers of twins

*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.* None.

**c. Parental Leave (responsibility of the Ministry of Social Affairs)**

*Length of leave (before and after birth)*

- 480 days of paid leave. 60 days is only for the mother and 60 days only for the father (a ‘father’s quota’). The remaining 360 days is a family entitlement in practice, though with half the days reserved for each parent; if days are transferred from one parent to another, the parent giving up his or her days must sign a consent form.
- In addition, each parent is entitled to take unpaid leave until a child is 18 months.

*Payment*

- For eligible parents (see below), 390 days at 80% of earnings up to a maximum ‘ceiling’ of SEK 295,000 per year (€32,800); the remaining 90 days at a flat-rate payment of SEK 60 a day (€6.7). Non-eligible parents receive SEK 180 (€20) a day for 390 days, then SEK 60 a day for 90 days.

*Flexibility in use*

- The length of leave is denominated in days (rather than weeks or months) to enhance flexibility of use.
- Paid and unpaid leave can be combined to enable parents to stay at home longer.
- Paid leave can be taken at any time until a child’s 8th birthday.
- Parents can take paid leave full-time, half time, quarter time one eighth time, with the length of leave extended accordingly (e.g. 1 day of full-time leave becomes 2 days of half-time leave and 4 days of quarter-time leave).
- Parents can take leave in one continuous period or as several blocks of time. An employee taking parental leave has the right to stay away from work for a maximum of three periods each year.

*Regional or local variations in leave policy.* None.

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

- All parents are entitled to paid parental leave, but paid leave at 80% of earnings requires parents to have had an income of over SEK 60 a day for 240 days before the expected date of delivery.

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

- Families with multiple births are entitled to additional paid leave (in the case of twins, an additional 90 days at 80% of earnings and 90 days at a flat rate of SEK 60 a day; for every further child, an additional 180 days at 80% of earnings)
- If only one parent has custody of the child, she/he can use all the parental leave days.

*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*

- Some unions have negotiated more or higher paid leave, and some companies offer these additional benefits to employees.

#### **d. Childcare Leave or Career Breaks**

- Employees can take between 3 and 12 months leave for any purpose; this opportunity is called *friår* (Free year), and has been tried in parts of Sweden in recent years before going national. To apply for this leave certain conditions must be met including: there has to be an agreement between the employer and the employee; the employee must have been employed by the same employer during the last two years; the employee taking leave must be replaced by an unemployed person. Employees taking leave will receive 85 % of unemployment benefit which is earnings-related up to a maximum ‘ceiling’; the maximum benefit for employees taking *friår* is SEK 580 a day. As the budget for *friår* is limited, not all applicants will be successful.

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

*Adoption leave and pay*

- The same regulations as for parents having their own children.

*Time off for the care of dependants*

- 60 days per child per year for children under the age of 12, and for children aged 12 to 15 with a doctor’s certificate. Paid at 80% of earnings. This is a family entitlement.

*Flexible working*

- Until a child reaches the age of eight or completes the first class of school parents have the right to reduce their normal working time by up to 25 percent; there is no payment for working reduced hours.

## **2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

A second non-transferable month of parental leave for *each* parent was introduced in January 2002. Beforehand, there was one month each for mothers and fathers. The extension involved one month of the existing ‘family’ entitlement paid at 80% of earnings being converted to an individual right and extending the total period of leave paid at 80% of earnings by one month.

In 2004, the government started an investigation of the consequences of further individualisation of parental leave. A report is expected in Spring 2005, following by further discussions. One suggestion, from women in one of the biggest trade unions, is to split parental leave into 3 parts: one third remaining a family entitlement, the remainder becoming an individual entitlement (one third for mothers, one third for fathers) (see Iceland for an example). It is likely, however, that the government will go more slowly, first making another 30 days for each parent non-transferable.

The national scheme for *friår* (Free year) was introduced in January 2005.

### 3. Take-up of leave

#### a. Maternity Leave

There is no statutory leave entitlement.

#### b. Paternity leave

- In 2003, about 75% of fathers took paternity leave.

#### c. Parental Leave and Childrearing Benefit

- Almost all families use paid parental leave in Sweden today. Although it is possible to use this benefit until a child reaches the age of eight, the majority takes the main part of the leave before their child reaches the age of two. During the child's first year around 40% of fathers use some parental leave, but most fathers take leave at some point (Finansdepartementet (2003) *En jämställd föräldraförsäkring? Långtidsutredningen bilaga 12*.

Available at [www.finans.regeringen.se/lu2003](http://www.finans.regeringen.se/lu2003)). Thus in 2003, 85% of the fathers of children born in 1995 (when the first 'father's quota' month was introduced) had used a period of parental leave (Socialdepartementet (2004) *Föräldrapenning, pappornas uttag av dagar, fakta och analys*. Stockholm: Regeringskansliet, Socialdepartementet). Fathers usually take leave during a child's first four years, often after the first year, and often on a part-time basis.

- The most common measure regarding men's and women's use of paid parental leave in Sweden is to compare the total amount of days used in one year. It is clear from this measure that mothers still take most parental leave. However, the proportion of total days used by men has been increasing. In 1987 fathers took about 7% of the total parental leave days, increasing to about 10% over the next decade; from Janu-

ary 1997 to February 2004 men's share of paid parental leave days increased from 9.9 % to 17.5 %, with a further increase to 18.7% by December 2004 (Socialdepartementet, 2004). The introduction of a father's quota in 1995 (one month) and its extension in 2002 (to 2 months) have both led to more fathers taking leave.

- Leave to care for sick children is often used by fathers. In 2003, fathers used 36% of total paid leave days.
- Fathers with more education take more parental leave as do fathers whose partners have higher levels of education and higher income. Fathers taking no leave are more likely to have been born outside Sweden, and unemployed fathers generally take less leave than other fathers. The right to work reduced hours is mainly used by mothers.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

The research made during the four decades of Swedish parental leave has mainly focused on comparing mothers' and fathers' use of parental leave, as a major issue has been the unequal sharing of parental leave days between women and men.

##### **b. Some recent research studies**

1. Gender and organizational culture: Correlates of companies' responsiveness to fathers in Sweden (1992-5): Linda Haas and Philip Hwang: Linda Haas at Indiana University and Philip Hwang at Göteborg University funded by the Ford Foundation, Indiana University, and the Swedish Humanities and Social Science Research Council. Survey data from a representative sample of large Swedish companies have been analyzed to explore the extent to which the gendered substructure of organizational culture may affect companies' levels of 'father friendliness', which includes access to parental leave, and consequently, the possibility of achieving one fundamental condition for gender equality: men's shared responsibility for childcare. Contact: [lhaas@iupui.edu](mailto:lhaas@iupui.edu)

2. The impact of taking parental leave on fathers' participation in childcare and ties with children: Lessons from Sweden (1998): Linda Haas at Indiana University and Philip Hwang at Göteborg University funded by the Swedish Research Council on Society and Worklife. This research investigates whether fathers' taking of parental leave is associated with

increased responsibility for childcare and closer ties with children after the leave is over. Contact: [lhaas@iupui.edu](mailto:lhaas@iupui.edu)

3. Fatherhood and employment: The importance of unions for men's utilization of parental leave (1995-present): Linda Haas at Indiana University and Philip Hwang at Göteborg University funded by the Swedish Council for Research in the Humanities and Social Sciences Worklife, the Wettergren Foundation and the Swedish Council for Work Life Research. This research studies the official position of Swedish trades unions with regard to supporting fathers' taking parental leave and how this has changed over time, the circumstances under which unions become interested and active in promoting fathers' taking parental leave, and the extent unions have actually facilitated fathers' use of paid parental leave. Contact [lhaas@iupui.edu](mailto:lhaas@iupui.edu).

Parental leave institutions in eighteen post-war welfare states (completed 2003): Tommy Ferrarini at the Swedish Institute for Social Research funded by RFV and Riksbankens jubileumsfond. The study applies a macro-comparative and institutional approach to the study of incentive structures, determinants and outcomes of legislated paid parental leave in the industrialized post-war welfare democracies.

Contact [tommy.ferrarini@sofi.su.se](mailto:tommy.ferrarini@sofi.su.se)

5. Faderskap i förändring: en studie om föräldralediga män (Changing fatherhood: a study of men on parental leave) (2000-2003): Lars-Erik Berg and Anders Chronholm at the University of Gothenburg funded by the Swedish Research Council. A study of men's experiences of sharing parental leave from a gender perspective, based on a survey and interviews with fathers using a minimum of 120 days of paid parental leave. Contact [Anders.Chronholm@privat.utfors.se](mailto:Anders.Chronholm@privat.utfors.se)

## **5. Selected publications on leave and leave-related policies published since January 2000**

Sundström, M. & A.Z. Duvander (2000), 'Family division of childcare and the sharing of parental leave among new parents in Sweden'. In: A.Z. Duvander (ed), *Couples in Sweden: Studies on Family and Work*. Stockholm: Swedish Institute for Social Research, Stockholms Universitet.

This study examines the connection between the father's use of parental leave and the mother's earnings.

Bekkengen, L (2002), *Man får välja – om föräldraskap och föräldradighet i arbetsliv och familjeliv (You may chose – about parenthood and parental leave in working life and family life)*. Malmö: Liber.

The author examines the importance of male orientation towards a nurturing fatherhood as a crucial factor for the sharing of parental leave, and stresses that men have more possibilities to chose than women.

Chronholm, A (2002), 'Which fathers use their rights? Swedish fathers who take parental leave'. *Community, Work & Family*, 5, 3, pp 365-370.

This study of fathers taking long periods of parental leave compares Swedish-born fathers with fathers born outside Sweden, including their participation in childcare and housework.

Haas, L., K. Allard & P. Hwang (2002), 'The impact of organizational culture on men's use of parental leave in Sweden'. *Community, Work and Family*, 5, 3, pp 319-342.

This article examines the impact of organizational culture on men's usage of parental leave in Sweden, as well as individual and family factors such as the importance of men's advocacy of shared parenting and their perception of their partner's advocacy of shared leave.

Klinth, R (2002), *Göra pappa med barn. Den svenska pappapolitiken 1960-1995*. (To make a father pregnant. The Swedish fatherhood-policy 1960-1995). Umeå: Borea.

This study describes the political background to the Swedish parental leave reform with a focus on fatherhood and the political debates leading to the individualisation of parental leave.

RFV (2002), *Spelade pappamånaden någon roll? Pappornas uttag av föräldrapenning (Did the daddy-month make any difference? The fathers' use of parental benefit)*RFV analyserar 2002:14. Stockholm: Riksförsäkringsverket.

This study from the Swedish National Insurance Office (RFV) examines the relationship between men take parental leave and their partners level of higher education and income, as well as comparing men bron inside and outside Sweden.

Ferrarini, T (2003), *Parental leave institutions in eighteen post-war welfare states*. Stockholm: Swedish Institute for Social Research, Stockholms Universitet.

This report, based on study 2 above, puts the Swedish parental leave system in an international context comparing parental leave in 18 post-war welfare states, with a particular focus on how differences between a dual earner strategy and a general family support strategy lead to different forms of parental leave systems.

RFV (2003), *Mamma, pappa, barn – tid och pengar (Mother, father, children – time and money)*. Stockholm: Socialförsäkringsboken Riksförsäkringsverket.

This study reports on mothers' and fathers' satisfaction with the way they have been sharing their parental leave.

Chronholm, A (2004), *Föräldraledig pappa – Mäns erfarenheter av delad föräldraledighet (Fathers on parental leave – Men's experiences of shared parental leave) (Göteborg Studies in Sociology no 23)*. Göteborg: Sociologiska institutionen. Göteborgs universitet.

This paper reports a study of fathers who have taken a relatively long period of paid parental leave (120 days or more) and compares child and work orientation among fathers and mothers in these families.

## LEAVE POLICIES AND RESEARCH THE NETHERLANDS

*Hanne Groenendijk*

**Population (2002):** 16.1 million  
**Total Fertility Rate (2000-2005):** 1.7  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$29,100  
**Female economic activity rate (ages 15 and above) (2002):** 46% (as % male rate: 67%)  
**Proportion of all employed women working part time (2003):** 60%  
**Gender-related Development Index (ranking out of 177 countries):** 5<sup>th</sup>  
**Gender empowerment measure (ranking):** 5<sup>th</sup>

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

#### a. Maternity Leave (responsibility of Department of Social Affairs and Employment)

*Length of leave (before and after birth)*

- 16 weeks, 6 weeks before the birth and 10 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.)

*Payment*

- 100% of earnings up to a maximum ceiling (of 100% of the maximum day wage of the sickness benefit €167.60) *Flexibility in use*
- Leave can be started between 6 and 4 weeks before the expected date of delivery, but pregnant workers are not allowed to work from 4 weeks before this date.

*Regional or local variations in leave policy.* None.

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

- All women employees. Self-employed workers are not included.

*Variation in leave due to child 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 (responsibility of Department of Social Affairs and Employment)**

*Length of leave*

- 2 days at the birth of a child

*Payment*

- 100% of earnings, paid by the employer

*Flexibility*

- Leave can be taken within 4 weeks after the birth of the child

*Regional or local variations in leave policy.* None.

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

- Male and female employees who are the partner of a woman giving birth or who acknowledge the child.

*Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent) or delegation of leave to person other than the father.* None.

*Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents*

- See under Parental Leave

**c. Parental Leave (responsibility of Department of Social Affairs and Employment)**

*Length of leave*

- 13 times the number of working hours per week per parent per child, to be taken up to the child's 8<sup>th</sup> birthday.

*Payment.* None.

*Flexibility in use*

- With the agreement of the employer, leave can be taken for more hours a week during a shorter period or for less hours a week over a longer period (e.g. on a half time basis over 26 weeks).
- With the agreement of the employer, leave can be taken in 2 or 3 blocks of time.

*Regional or local variations in leave policy.* None.

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

- All employees who have completed one year's continuous employment with their present employer.

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

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth.

*Additional note (e.g. if leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone) or delegation of leave to person other than the parents*

- It is permitted for employers to deviate from the statutory entitlements by Collective Labour Agreement or (under certain conditions) in agreement with the works council or staff representatives. In these cases, employees might be offered less than the statutory entitlement (for instance less payment, a shorter leave or no right at all), or more. Of the Collective Agreements 2003 on leave arrangements, 22% offered more than the statutory rights, 26% offered less. For instance: the right to parental leave was expanded in 21% of the agreements (duration or payment); the right to paternity leave was curtailed in 13% of the agreements (duration or payment). In 10% of the Collective Agreements (2003) parental leave was partly paid: between 20% and 90% of the previous salary. In the public sector parental leave is paid for at a level of 70 to 75% of the previous salary.

#### **d. Childcare Leave or Career Breaks**

None

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

*Adoption leave and pay*

- Each parent is entitled to 4 weeks leave when a child is placed for adoption (or long-term fostering), paid at 100% of earnings up to a maximum ceiling. Leave can be taken during a period starting at 2 weeks prior to the placement of a child and up to 16 weeks after placement.
- The same regulations for parental leave apply as for parents having their own children

*Time off for the care of dependents*

- Short-term leave up to a maximum of 10 days a year can be taken to care for a sick child living at home, or a sick partner or parent. The employer is required to pay 70% of the employee's earnings.
- All employees are eligible, subject to three conditions: first, an employer can refuse to grant the leave if organisational interests might be seriously harmed; second, care must be necessary because of illness; third, care has to be provided by the employee involved.
- In addition, a 'reasonable amount of time' can be taken by an employee with very exceptional personal circumstances (e.g. a broken water pipe, a death in the family, a child suddenly taken ill); this 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% of the employee's earnings.

*Flexible working*

- Under the Working Hours Adjustment Act, all employees who have completed one year's continuous employment with their present employer have the right to increase or decrease their working hours. The right to adjustment of working hours is, however, conditional: the employer can refuse to grant the request if the interests of the business or service might be seriously harmed; and the law does not apply to employers with less than ten employees.

**2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

Most leave policies were introduced in the 1990s. In December 2001 the Work and Care Act bundled the existing leave arrangements (maternity leave, parental leave) and added some more (paternity leave, adoption leave, short term care leave, emergency leave). In July 2003, a Bill was presented to parliament which included the right to unpaid long-term care leave, which would entitle all employees to take leave per year of up to 6 times their working hours per week to care for a child, partner or parent with a life-threatening illness. Due to two changes in the cabinet, it has taken a long time for parliament to discuss the Bill. In the autumn of 2004 the House of Representatives agreed the Bill; discussion in the Senate is planned for the first semester of 2005. The entitlement may therefore come into force in Spring 2005.

In August 2004 the entitlement of female self-employed workers to a maternity benefit (formerly 16 weeks up to a maximum of 100% of the statutory minimum wage) and the entitlement of male and female self-employed workers to an adoption benefit (formerly 4 weeks up to a maximum of 100% of the statutory minimum wage) were cancelled. Since then, self-employed workers must make their own arrangements to cover lost earnings; self-employed women, for example, will have to take out private maternity insurance or set aside money in some other way.

In Autumn 2004, the government presented a Bill proposing a new savings scheme with a tax incentive element to be introduced in 2006. This scheme is intended to offer employees a way to finance longer periods of unpaid leave and so increase possibilities for employees to vary the time they spend on employment, care, education and leisure over the life

course. It is meant to support the combination of employment and family responsibilities, and so indirectly aims to increase labour force participation by women and older people. It is hoped to enable employees to cope better with stressful periods by increasing possibilities to take up leave when needed over the life course. Participation in the savings scheme is an individual choice of the employee. If an employee chooses to participate in the life course savings scheme, he or she cannot participate in the 'spaarloonregeling' (another very popular tax supported savings scheme). The choice for participation in one or the other scheme can be made yearly. Employees are entitled to participate in the savings scheme, but the act does not give an entitlement to leave. The right to leave is negotiation.

This life-course arrangement requires employees to take personal responsibility for funding their own longer periods of unpaid leave through making financial contributions into the savings scheme. State assistance is restricted to tax relief on savings. This emphasis on personal responsibility is an important aspect of the government's view on long-term leave: employees are supposed to save for parental leave, long term care leave (before long), pre pension leave and all other periods of long term leave an employee might want to take during his or her working life. Consequently tax provisions for collective early retirement schemes have been cancelled starting from 1 January 2006.

As a result of these proposals, a Bill proposing *paid* long-term care leave (presented to parliament by a former cabinet) has been changed; the proposed long-term care leave (referred to above) will now be unpaid and employees are supposed to use the forthcoming life course arrangement to finance such leave themselves. The same, of employee responsibility, applies to parental leave, though if savings made under the new scheme are used to finance parental leave, additional tax relief is offered equivalent to 50% of statutory minimum wage (currently €29.18 a day or €639 a month maximum). So, if a parent is entitled to parental leave and participates in the savings scheme, he or she is entitled to a tax relief if he or she uses savings from the scheme to finance the leave. There is no requirement as to the minimum amount of money one has to draw from the scheme (€1 might suffice).

With the right to long-term care leave and the new life course arrangement, in the view of the Dutch government the system of leave arrangements will be completed.

### 3. Take-up of leave

**a. Maternity Leave**

No study has been done on the take up of maternity leave. Because of the fact that all pregnant employees are entitled to (at least) 16 weeks of fully paid maternity leave and are not allowed to work from 4 weeks before the expected date of confinement, a take up of 100% might be expected. The maternity benefit is paid by the General Unemployment Fund, which paid the benefit to 131.000 employees in 2004. The same fund provides the benefit for adoption leave to 1507 (male and female) employees in 2004.

**b. Paternity Leave**

A recent survey of employees between the ages of 20 and 61 found that 90% of men entitled to paternity leave took up some sort of leave: 51% had taken paternity leave, but most had taken holidays or leave accrued in lieu of pay (ADV) (Van Luijn and Keuzenkamp, 2004).

**c. Parental Leave**

In 2003, 117,000 female employees and 152,000 male employees (working 12 hours or more per week) were entitled to parental leave. With the agreement of the employer, leave can be taken for more hours a week during a shorter period or for less hours a week over a longer period. The total amount of leave however cannot exceed 13 times the working hours a week; consequently a fulltime job of 38 hours a week gives a leave entitlement of 494 hours. Of the mothers eligible for parental leave, 49,000 (42%) took leave for an average of 8 months and 12 hours a week. Of those men entitled to leave, 24 000 (16%) took leave for an average of 10 months and 8 hours a week (Portegijs, Boelens and Olsthoorn, 2004). Fathers, who mostly have a fulltime job, consequently have an entitlement to 494 hours.  $10 \text{ months} = 43 \text{ weeks} \times 8 \text{ hours} = 344 \text{ hours}$ , less than their total amount. The same goes for mothers, but their average working week is smaller.

An evaluation of parental leave in 2000 found that the uptake of parental leave was higher among women; workers with middle and higher levels of education; part-time workers (almost exclusively women); and workers in the public service sector. In male dominated sectors such as industry, construction and agriculture, and especially in commerce, the hotel and catering industry, transport and communication, the uptake was much lower than the average, as it was for workers in technical jobs. (Grootscholte, Bouwmeester and Klaver, 2000).

A more recent study has investigated the use of parental leave among those with a need for such leave. The main reasons given by parents who said they did not have a need for parental leave were: 'there is enough (good) childcare' and 'I already work part time or have adjusted my working hours with a part-time job'. The study found that leave was more often used among workers who had higher levels of education, worked for employers offering a greater number of work-family arrangements and a stronger personal orientation to work. The uptake was lower for more ambitious employees and for employees who experience more stress as a result of combining work and family. The need for leave was greater among women than men (36% of the entitled mothers compared to 17% of the entitled fathers); but among those with a need for parental leave, women and men did not significantly differ as to the use of leave.

Parents who had a need for parental leave but did not use it said their main reasons for not taking leave were the anticipated loss of income (as the leave generally is unpaid) and the availability of (good) childcare. About 10% said that the partner stopped working or did not have a job (which made leave for the employee unnecessary).

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

##### *Short-term care leave and emergency leave*

Recent research based on a survey of employees concluded that over the two-year period under study only a fairly small proportion of employees made use of these leave schemes. Short-term leave was used by 9% of the employees taking up leave to care for a sick child, parent or partner, emergency leave by 5% of the employees taking leave in an emergency situation. Most employees used instead holidays or leave accrued in lieu of pay and sometimes (in about 5% of the cases) employees reported ill. The study offers no explanation of these findings.

Respondents who had felt a need for leave but had not used any, were asked why they did not take up leave. The reasons were mainly work related (work would not permit it, colleagues would have to step in, continuity of work would be disrupted etc.). In many cases, however, employees had felt no need for leave, because they had been able to deal with the specific situation outside working hours or someone else (in many cases their partner) had been able to do so (Van Luijn and Keuzenkamp, 2004).

*The Working Hours Adjustment Act*

The Working Hours Adjustment Act (WAA) has been evaluated in Spring 2004.

The evaluation included a study carried out among employers, employees and works councils. This provided insight into the effect of the legislation in practice from the perspective of the parties most closely involved.

In the first 2½ years after the introduction of the WAA (in July 2000), 59% of the employees had not wanted to change their working hours, 26% had wanted to work less and 15% more. Men (27%) have indicated slightly more often than women (24%) that they wished to work fewer hours. The main reasons given by both men and women to work less hours are to have more time for family or household duties in their private lives (34%) or to pursue hobbies and other private activities (30%). Most employees wanted to work either eight hours (37%) or four hours (48%) less per week. In 80% of cases the desire to work fewer hours was combined with wanting to re-organise when hours are worked during the course of the week.

Approximately half (53%) of the employees who wished to reduce their working hours had informed their employer. For the majority (60%) of those employees who had not, this was because they considered the financial consequences (among other things) to be too great. There are also employees who do not make their wishes known either because they expect that their request will be turned down by the employer (23%) or because they believe it will jeopardise their position in the company (17%).

More than half of the employees (54%) who had requested a reduction of their working hours from their employer had had their request granted; 10% were partially agreed and 23% were refused by the employer. The reasons given by employers for refusing employees' requests were largely related to operational difficulties allowed for in the legislation, i.e. too difficult to schedule, too costly, or too difficult to find replacement staff.

Among employees who had expressed their wishes to the employer and were aware of their statutory rights, 8% said that the statutory rights played a decisive role in making their request, and the legislation offered support in 21% of cases. When these employees were asked to estimate how important the WAA was to the employer in dealing with the request, one in three of the employees thought that the legislation had played a part (20% thought its role was small and 13% large).

Just over half (53%) of large businesses adjusted their working hours policy when the WAA came into force. In most cases this was done through collective labour agreements; 4% of the businesses that had received requests in the last 2½ years for a change in working hours, held the view that the number of requests had risen since the introduction of the legislation.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

The Work and Care Act and the Working Hours Adjustment Act are aimed at giving more opportunities to reconcile work and family. In order to monitor the attainment of this goal every two years a survey commissioned by the Ministry of Social Affairs and Employment will measure the number of people that would like to combine work and care and the number of people actually combining these two tasks. This survey will also look into the number of employees in need of leave arrangements and the number actually using them. Also the reasons for not combining work and care and for not using leave will be investigated.

The number and contents of collective agreements on leave arrangements are monitored in a yearly study by the Ministry of Social Affairs and Employment.

#### **5. Selected publications on leave and leave-related policies published since January 2000**

Grootscholte, M., J.A. Bouwmeester & P. de Klaver (2000), *Evaluatie Wet op het ouderschapsverlof. Onderzoek onder rechthebbenden en werkgevers*. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.

A study of employers and employees on parental leave.

Keuzenkamp, S. & E. Hooghiemstra (2000), *De kunst van het combineren: taakverdeling onder partners*. Den Haag: Sociaal en Cultureel Planbureau. English summary available at:

<http://www.scp.nl/english/publications/summaries/9037700217.html>.

This report presents research on the division of work between the part-

ners and to what extent this division is related to their labour market characteristics, the facilities available to them, their strategies for combining work, and care and their attitudes.

Portegijs, W., A. Boelens & L. Olsthoorn (2004), *Emancipatiemonitor 2004*. Den Haag: Sociaal en Cultureel Planbureau / Centraal Bureau voor de Statistiek. English summary available at:

<http://www.scp.nl/english/publications/summaries/9037701906.html>.

The Emancipation Monitor, which is published every two years, contains a wide range of statistics which present a picture of the situation of women in the Netherlands.

Van der Linden, L. & C. van der Werf (2004), *Ervaringen van werkgevers met de Wet arbeid en zorg*. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid. English summary available soon.

Report of a study among employers investigating their experiences with the Work and Care Act.

Van Luijn, H. & S. Keuzenkamp (2004), *Werkt verlof? Het gebruik van regeling voor verlof en aanpassing van de arbeidsduur*. Den Haag: Sociaal en Cultureel Planbureau. English summary available at: [http://www.scp.nl/english/publications/books/9037701825/does\\_leave\\_work.pdf](http://www.scp.nl/english/publications/books/9037701825/does_leave_work.pdf).

Report of a study among employees on the need for and the use of leave arrangements.

Schrama, J.J.H. & A.N. van den Aamele (2004), *Arbeid en zorg in cao's 2003*. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.

Report of a study on the number and contents of Collective Labour Agreements on leave arrangements.

## LEAVE POLICIES AND RESEARCH UNITED KINGDOM

*Peter Moss and Margaret O'brien*

**Population (2002):** 59.1 million  
**Total Fertility Rate (2000-2005):** 1.6  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$26,150  
**Female economic activity rate (ages 15 and above):** 53% **As % male rate:** 75%  
**Employment rate for women with child under 3 years (2000)** 53%  
**Proportion of all employed women working part time (2000)** 45%  
**Gender-related Development Index (ranking out of 177 countries):** 9<sup>th</sup>  
**Gender empowerment measure (ranking):** 18<sup>th</sup>

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

#### a. Maternity Leave (responsibility of Department of Trade and Industry)

*Length of leave (before and after birth)*

- 52 weeks (or in some cases 26 weeks; see 'eligibility' below). A woman can start to take her leave from the beginning of the 11<sup>th</sup> week before her baby is due

*Payment*

- 6 weeks at 90% of woman's average earnings + 20 weeks of a flat-rate payment of £100 (€145) a week. The remaining 26 weeks are unpaid

*Flexibility in use*

- The start date for taking leave before birth can vary.

*Regional or local variations in leave policy.* None.

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

- All women employees are entitled to 26 weeks 'ordinary' maternity leave (OML) with 26 weeks of flat-rate payment of £100 a week.
- Women employees who have completed 26 weeks continuous employment with their present employer ending with the 15<sup>th</sup> week before the baby is due are eligible for a further 26 weeks of 'additional' maternity leave (AML), and to 6 weeks payment at 90% of average earnings (+ 20 weeks of flat-rate payment at £100 a week).
- Self-employed workers cannot take maternity leave but may qualify for 26 weeks of flat-rate payment of £100

*Variation in leave due to child 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.

*If leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone*

- In 2002, 68% of employers provided maternity rights beyond the statutory minimum, mainly longer periods of leave with 22% of employers providing additional maternity pay (Woodland et al., 2003)

#### **b. Paternity Leave (responsibility of Department of Trade and Industry)**

*Length of leave*

- 2 weeks to be taken during the first 8 weeks of the child's life

*Payment*

- Flat-rate payment of £100 (€145) a week

*Flexibility in use.* None except for when leave can be started after birth.

*Regional or local variations in leave policy.* None.

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

- Male employees who meet three conditions: they are the biological father of the child or the mother's husband or partner; they expect to have responsibility for the child's upbringing; they have worked continuously for their employer for 26 weeks ending with the 15<sup>th</sup> week before the baby is due

*Variation in leave due to child 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.

*If leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone*

- In 2002, 35% of workplaces had a written policy giving employees an entitlement to a specific period of paternity leave (Woodland et al., 2003)

#### **c. Parental Leave (responsibility of Department of Trade and Industry)**

*Length of leave (before and after birth)*

- 13 weeks per parent per child (i.e. an individual right), with a maximum of 4 weeks leave to be taken in any one calendar year

*Payment.* None.

*Flexibility in use*

- Leave may be taken in blocks or multiples of one week, up to 4 weeks per year.
- Leave may be taken up to the child's 5<sup>th</sup> birthday.

*Regional or local variations in leave policy.* None.

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

- All employees who have completed one year's continuous employment with their present employer and who have, or expect to have, parental responsibility for a child

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

- Parents of disabled children get 18 weeks leave, which may be taken until their child's 18<sup>th</sup> birthday. They may also take leave a day at a time if they wish.
- As the leave is per child, each parent of twins gets 26 weeks

*If leave payments are often supplemented by collective agreements; employer exclusions or rights to postpone*

- The statutory scheme is referred to by government as a 'fallback scheme' since the government's intention is that "wherever possible employers and employees should make their own agreements about how parental leave will work in a particular workplace" (Department of Trade and Industry, *Parental Leave, Summary Guidance* at [www.dti.gov.uk/er/intguid1.htm](http://www.dti.gov.uk/er/intguid1.htm)). A recent survey for the government found that employers in 11% of workplaces provided parental leave beyond the statutory minimum; this mainly involved increased flexibility in how leave could be taken, with only a quarter of the 11% - 3% of all workplaces - providing some payment (Woodland et al., 2003).
- Employers may postpone granting leave for up to 6 months "where business cannot cope".

#### **d. Childcare Leave or Career Breaks**

None

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

*Adoption leave and pay*

- One adoptive parent is eligible for 26 weeks leave with a flat-rate payment of £100 (€145) a week, and a further 26 weeks unpaid leave if they meet certain eligibility conditions. There is also a right to paternity leave for adoptive fathers.

*Time off for the care of dependants*

- Employees may take "a reasonable amount of time off work to deal with unexpected or sudden emergencies and to make necessary longer term arrangements" (Department of Trade and Industry, *Frequently asked questions about time off for dependents*, at

[www.dti.gov.uk/er/faqs.htm](http://www.dti.gov.uk/er/faqs.htm)). The legislation does not define what 'reasonable', "since this will vary with the differing circumstances of an emergency" (*ibid.*). Emergencies are specified as including "if a dependent falls ill or has been injured or assaulted" or "to deal with an unexpected disruption or breakdown of care arrangements" or "to deal with an unexpected incident involving the employee's child during school hours". There is no entitlement to payment.

*Flexible working: the right to request and the duty to consider*

- Employees (mothers and fathers) who have parental responsibility for a child under 6 years or a disabled child under 18 years have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only "where there is a clear business ground for doing so...[and must give] a written explanation explaining why".

## **2. Changes in leave policy and other related developments** (including government proposals currently under discussion)

Major changes were introduced in leave policy in April 2003, including:

- The extension of maternity leave from 40 to 52 weeks, and the period of paid leave from 18 to 26 weeks (the extra 8 weeks of paid leave receiving the flat-rate payment of £100 a week)
- The introduction of paid paternity leave
- The introduction of adoption leave, part paid
- The introduction of a right to request flexible working

In a policy statement published in December 2004 (*Choice for parents, the best start for children: a ten year strategy for childcare*, available at [www.hm-treasury.gov.uk](http://www.hm-treasury.gov.uk)), the government has set out its intentions for future policy development. These include:

- 'Setting a goal' of 12 months paid maternity leave by the end of the next Parliament (approximately 2009-2010), with the right for the mother to transfer a proportion of her maternity pay and leave to the father;
- 'As a step on the way', extending entitlement to paid maternity leave to nine months from April 2007
- 'Setting an ambition' to increase the flat-rate payment to parents taking maternity and paternity leave.

Improvements are therefore envisaged, though with the emphasis remaining on maternity leave and flat rate payments.

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

#### **a. Maternity Leave**

In 2002, before the recent extension of maternity leave, most women (85%) working as employees during pregnancy were entitled to AML (all women are entitled to OML). The average duration of maternity leave for all women entitled to AML was 31 weeks (out of a maximum possible of 40 weeks). Three-quarters of those entitled to AML did not use their full legal entitlement (i.e. they returned to work before the end of their leave entitlement). The main reason for returning before the end of the entitlement was financial; most of AML is either paid at a low flat rate or is unpaid. Less than half (39%) received additional pay while on maternity leave from their employer.

Among women only entitled to the shorter OML, half (48%) took the 18 weeks to which they were entitled; 31% took a longer period of leave and 21% less (see Study 1 below).

#### **b. Paternity Leave**

According to reports from employers, only 19% of fathers took statutory paid paternity leave in the first year after this entitlement was introduced. The government had budgeted for 70% of fathers taking their entitlement (Response to Parliamentary question by Malcolm Bruce, MP; Hansard, 14 July 2004, Column 1147W). The low flat rate payment in the new legislation may have acted as a disincentive especially for lower income men, who may have to rely on annual leave.

However, it is also possible that the 19% take-up figure is an underestimate, since under-reporting from employers is suspected (personal communication, Department of Trade and Industry).

However, a survey in 2002 (before the introduction of a statutory entitlement) found that nearly all fathers (95%) working as employees at the time of the birth of their child took time off work around the time their baby was born, most commonly as (a) annual leave or (b) or paternity leave provided by the employer. Where employers offered fully paid paternity leave, take-up was almost universal (see Study 1 below).

#### **c. Parental Leave**

Knowledge about and use of unpaid statutory parental leave is low. In 2002, only around a third of mothers and fathers considered to be entitled to statutory parental leave reported that this was available to them; and only 8% of mothers and 10% of fathers who said they were entitled had used their leave entitlement (see Study 1 below). Information on overall take up is not available. One reason is that employers are not required to keep records of parental leave taken; and, as parental leave is not paid, no government department or agency keeps any records (in contrast, employers make returns to the Inland Revenue (the national tax agency) on the number of men receiving payment while taking statutory paternity leave, so producing the take up rate information given in (b) above). The minister responsible for parental leave has said that “the right to take three months unpaid parental leave...is little known or used and needs to be reviewed to make it more helpful to families” (P. Hewitt (2004) *Unfinished Business: The New Agenda for the Workplace*. London: IPPR. Page 18).

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

The same applies for time off for dependents as for parental leave, i.e. being unpaid, there is no information on overall take up of this entitlement. A 2002 survey found that 60% of mothers and 52% of fathers knew about this right, but only 10% of this group reported having used the entitlement (see Study 1 below).

Survey data from before the introduction of the time off entitlement show that both fathers and mothers take unpaid leave to look after children (e.g. when child is ill) but the uptake is lower for fathers. Twenty-two per cent of fathers reported taking leave to care for children, rising to 28 per cent for those whose youngest child was less than 11 years. Comparative figures for mothers were 29 and 41 per cent respectively (see Study 3 below).

A government survey of the new right to request flexible working (see Study 4 below) found that 13% of all employees had made a request to work flexibly in the early months of the new entitlement, rising to 24% among employees with children under 6 years and 37% of women employees with a child under six years. The most common request was to work part time (38%), followed by flexitime (25%), and meeting child-care needs was the most common reason given for making a request, especially among women (58% of requests). Eight-six per cent of requests were fully or partly accepted by employers.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

Most leave policies have been introduced only recently into the UK: parental leave and time off for the care of dependents since 1999; paternity leave and the right to request flexible working since 2003. There is therefore limited research on these statutory entitlements, and also only limited official information on take up with none on unpaid leave entitlements. The longest established entitlement is maternity leave and pay, first introduced in 1976, and there have been a number of studies over time (in 1979, 1988, 1996 and 2002) looking at the use of this entitlement and showing how this has increased as more women use leave to maintain continuous employment when having children.

##### **b. Some recent research studies**

1. Maternity and Paternity Rights in Britain (2002): Policy Studies Institute for the Department of Work and Pensions and the Department of Trade and Industry. Based on two specially-commissioned large -scale surveys, one of recent mothers and the other of their partners, conducted in Spring 2002, some 13-17 months after the birth of a baby. Contact: [website@psi.org.uk](mailto:website@psi.org.uk).

2. Second Work-Life Balance Study, Employers' Survey (2002): National Centre for Social research for the Department of Trade and Industry. National survey of employers to examine employer provision of work-life balance practices and policies, employee take-up and demand for these initiatives and the impact of employers' provisions.

Contact: [info@natcen.ac.uk](mailto:info@natcen.ac.uk)

3. Working Fathers: Earning and Caring (2003): Margaret O'Brien M and Ian Shemilt at the University of East Anglia funded by the Equal Opportunities Commission. Uses secondary analysis of two national datasets of employees (surveys conducted in 2000) to examine provision, demand and uptake of family friendly practices for fathers and mothers in UK (i.e. workplace policies not statutory entitlements). Contact: Margaret O'Brien at [M.O-Brien@uea.ac.uk](mailto:M.O-Brien@uea.ac.uk).

4. First flexible working employee survey (2003-4): Office of National Statistics (ONS) for the Department of Trade and Industry. Uses the monthly ONS Omnibus Survey, which provides national sample, to sur-

vey knowledge and use of new entitlement for employees to request flexible working from employer.

Contact: [Steven.P.Taylor@dti.gsi.gov.uk](mailto:Steven.P.Taylor@dti.gsi.gov.uk)

## 5. Selected publications on leave and leave-related policies published since January 2000

O'Brien, M. & I. Shemilt (2003), *Working Fathers: Earning and Caring*. Manchester: Equal Opportunities Commission.

Available at: <http://www.eoc.org.uk/cseng/research/ueareport.pdf>.

Report of Study 3 above, examining provision, demand and uptake of family friendly practices for fathers and mothers in UK (i.e. workplace policies not statutory entitlements).

Woodland, S., N. Simmonds, M. Thornby, R. Fitzgerald & A. McGee (2003), *The second Work-Life Balance Study: Results from the Employers' Survey*. Available at:

<http://www.dti.gov.uk/e/emar/errs22MainReport.pdf>.

Drawing on findings from Study 2 (see above).

This report examines employer provision of work-life balance practices, employee take up and impact of employer provision.

Hudson, M., S. Lissenburgh & M. Sahin-Dikmen (2004), *Maternity and Paternity Rights in Britain 2002: Survey of Parents*.

Available at: <http://www.dwp.gov.uk/asd/asd5/ih2004.asp>. Drawing on findings from study 1 above.

This report examines awareness among mothers and fathers of maternity and paternity rights, the provision by employers of additional 'work-life balance' policies and take-up of statutory rights and employer policies.

Palmer, T. (2004), *Results of first flexible working employee survey (DTI Employment Relations Occasional Paper)*.

Available at: [www.dti.gov.uk/er/emar/flex\\_survey\\_results.pdf](http://www.dti.gov.uk/er/emar/flex_survey_results.pdf).

Drawing on findings from Study 4 above.

This report examines the knowledge and use of the legal right, introduced in April 2003, for employees to apply to their employers to work flexibly.

O'Brien, M. (2005), *Shared Caring: Bringing Fathers into the Frame*. Manchester: Equal Opportunities Commission. Available at:

[http://www.eoc.org.uk/cseng/research/shared\\_caring\\_wp18.pdf](http://www.eoc.org.uk/cseng/research/shared_caring_wp18.pdf).

Evidence and policy review on extending fathers' access to leave provision and flexible working.

Davis, S., F. Neathey, J. Regan & R. Willison (2005), *Pregnancy discrimination at work: a qualitative study* (Working Paper series No. 23). Manchester: Equal opportunities Commission.

Available at: [http://www.eoc.org.uk/cseng/wp23\\_qualitative\\_study.pdf](http://www.eoc.org.uk/cseng/wp23_qualitative_study.pdf).

This report examines women's experiences and views of pregnancy discrimination based on in-depth interviews and focus groups.



## LEAVE POLICIES AND RESEARCH UNITED STATES

*Sheila B. Kamerman and Jane Waldfogel*

**Population (2002):** 291 million  
**Total Fertility Rate (2000-2005):** 2.1  
**GDP per capita (US\$ using Purchasing Power Parities) (2002):** \$35,750  
**Female economic activity rate (ages 15 and above) (2002):** 56% (as % male rate: 78%)  
**Employment rate for women with a child under 3 years (2002):** 61%  
**Proportion of all employed women working part time (2003)** 25%  
**Gender-related Development Index (ranking out of 177 countries):** 8<sup>th</sup>  
**Gender empowerment measure (ranking):** 14<sup>th</sup>

<sup>NB:</sup> United States is a federal state

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

#### a. Statutory Maternity Leave

There is no statutory right to maternity leave, but the federal Family and Medical Leave Act (FMLA) provides for 12 weeks leave in each 12 month period for a variety of reasons including: childbirth or the care of a newborn child up to 12 months; for the placement and care of an adopted or foster child; for the care of a seriously ill child, spouse or parent; or for a serious health condition of the employee that makes him/her unable to work for more than 3 consecutive days. The federal department of Labor is responsible for FMLA. Details of FMLA are given below.

*Length of leave (before and after birth)*

- **Up to 12 weeks in a 12 month period**

*Payment (applied for the whole period of maternity leave)*

- Unpaid.

*Flexibility in use*

- FMLA may be taken in one continuous period or divided into several blocks of time.

*Regional or local variations in leave policy*

- Five states (California, Hawaii, New Jersey, New York, Rhode Island) and Puerto Rico have Temporary Disability Insurance (TDI) programmes, sometimes referred to as cash sick leave benefits. These

provide workers with partial compensation (about the same level as unemployment insurance benefit, i.e. about half of earnings, \$256.50 a week on average in 2002) to replace loss of earnings caused by short-term non-job related disability and mostly cover 10-12 weeks of absence from work around the time of childbirth, including 4 weeks before and 6-8 weeks after. TDI programmes cover about a quarter of the labour force.

- California is the only state with a comprehensive paid family leave law. It provides all workers covered by the state's Temporary Disability Insurance (TDI) programme (described below) with up to 6 weeks of a partially paid leave (55-60% of earnings up to a maximum of US\$728 (€50) a week) following childbirth, adoption or care of a seriously ill child, parent, spouse, or domestic partner. These benefits are funded by employee contributions, averaging US\$27 a year.

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

- FMLA covers all employees working for a covered employer (see below) and who have worked for that employer for at least one year (even if not for an continuous period) and for at least 1250 hours over the preceding 12 months

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

- None

*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*

- Private employers and non-profit organisations with less than 50 employees are exempt (all public sector employees are covered).

**b. Statutory Paternity Leave (responsibility of Department of Employment and Workplace Relations)**

There is no statutory right to paternity leave. See above for FMLA

**c. Parental Leave (responsibility of Department of Employment and Workplace Relations)**

There is no statutory right to parental leave. See above for FMLA

**d. Statutory Childcare Leave or Career Breaks**

None

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

*Adoption leave and pay*

- Adoptive parents are covered by FMLA

*Time off for the care of dependants*

- Seriously ill children are covered by FMLA

*Flexible working.* None.

## **2. Changes in leave policy and other related developments (including government proposals currently under discussion)**

No changes in leave policy at federal level have taken place recently or are currently under discussion. The California comprehensive paid family leave law (see section 1a above) was passed in 2002 and implemented in 2004.

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

Because of the qualifying conditions, only about 58% percent of workers in private firms are eligible for FMLA, with lower coverage for low wage workers, workers with young children, and working welfare recipients (Phillips, 2004, see Section 6 below). About 80% of working parents between the ages of 18 to 54 have access to at least some paid leave either through statutory provision, collective agreements or individual workplace policies, especially older workers. But as FMLA does not include any payment, workers who are eligible for the leave often do not take it (Waldfogel, 2001; Commission on Family and Medical Leave (1996) *A Workable Balance: Report to the Congress on Family and Medical Leave Policies*. Washington, D.C.: Women's Bureau, U.S. Department of Labor; Cantor et al, 2001, see Section 6). Thus though the law provides *de facto* parental leave entitlements, studies have found that it has had generally small effects on leave usage by new mothers (Waldfogel, J. (1999) 'The Impact of the Family and Medical Leave Act', *Journal of Policy Analysis and Management* 18(2), pp. 281-302; Ross, K. (1998) 'Labor Pains: The Effects of the Family and Medical Leave Act on Recent Mothers' Returns to Work After Childbirth', paper presented at the Population Association of America Annual Meeting, Chicago, Illinois, April 1998; Han and Waldfogel, 2003, see Section 6) and no discernible effects on leave usage by new fathers (Han and Waldfogel, 2003, see Section 6). The fact that the law extended coverage but had so little impact on usage suggests that there are limits to the extent to which families are willing and able to use unpaid leave.

#### **4. Recently completed and current research on leave and other employment-related policies**

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

Sheila B. Kamerman continues to carry out a programme of research on comparative maternity, paternity, parental, and family leave policy studies and monitors developments in the advanced industrialized countries, the countries in transition to market economies, and developing countries. She and her colleague Alfred J. Kahn, co-direct the Columbia University Clearinghouse on Child, Youth, and Family Policies that provides up-to-date information on child-related leave policies (among other child and family policies). For more information, see [www.childpolicyintl.org](http://www.childpolicyintl.org)

##### **b. Some recent research studies**

1. Family Leave Policies and Parental Care for Children (1998-2003): Jane Waldfogel at the National Institute of Child Health and Development, Washington, D.C. funded by the W.T. Grant Foundation. This programme of research examined the effect of policies on parents' work decisions and childcare arrangements, and the effects of those decisions on child outcomes. Contact Jane Waldfogel at [jw205@columbia.edu](mailto:jw205@columbia.edu).

2. Parental Leave Policies and the Impact on Children and Child Development (2000-2004) Christopher Ruhm at the NICHD, funded by NSF and Russell Sage. One recent study examines trends in labour force involvement, household structure, and some activities that may complicate the efforts of parents with young children to balance work and family life. Do employer policies mitigate or exacerbate these difficulties?

#### **5 Selected publications on leave and leave-related policies published since January 2000**

Kamerman, S.B. (2000), 'Parental Leave Policies: An Essential ingredient in Early Childhood Education and Care Policies'. *Society for Research in Child Development Social Policy Report, XIV, 2.*

Cantor, D., J. Waldfogel, J. Kerwin, M. McKinley Wright, K. Levin, J. Rauch, T. Hagerty & M.S. Kudela (2001), *Balancing the Needs of Families and Employers: Family and Medical Leave Surveys, 2000 Update*. Rockville, MD: Westat.

This report presents evidence on family and medical leave from new surveys of employers and employees, commissioned by the U.S. Department of Labor.

Waldfogel, J. (2001), 'Family and Medical Leave: Evidence from the 2000 Surveys'. *Monthly Labor Review September*, pp. 17-23.

This article summarizes findings on family and medical leave coverage and usage from new surveys of employers and employees.

Ruhm, C. (2002), 'The Effects of Parental Employment and Parental Leave on Child Health and Development'. *Encyclopaedia on Early Childhood Development*. Montreal. CA: Center of Excellence for Early Childhood Development. Available at:

<http://www.excellence-earlychildhood.ca/documents/RuhmANGxp.pdf>.

This article in a website based encyclopaedia, provides a brief summary of the research on the effects of parental employment and parental leave policies on child health and development.

Han, W-J. & J. Waldfogel (2003), 'Parental Leave: The Impact of Recent Legislation on Parents' Leave-Taking'. *Demography*, 40, 1, pp 191-200.

This article reports the results of analyses from the Survey of Income and Program Participation (SIPP) on the impact of parental leave legislation on men's and women's leave-taking.

Hofferth, S. & S. Curtin (2003), *The Impact of Parental Leave Statutes on Maternal return to Work after Childbirth in the United States* (OECD Working Paper no.7). Paris: OECD.

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## PART 3

# **INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH**

- Terms of reference
- Membership
- References

## **A formal network of experts on LEAVE POLICIES & RESEARCH**

Particular attention will be paid to policies for parents and others with care responsibilities (including for adult relatives); including maternity, paternity and parental leave, leave to care for sick or disabled relatives, and entitlements to work reduced hours.

But attention will also be paid to policies available to the whole population, such as 'career breaks' and 'time accounts'.

### **Terms of reference.**

- the background, rationale and implementation of policies;
- the form they take and the assumptions and values that underlie them;
- their use (both overall and among different sub-groups of the population) and what factors influence use;
- their consequences (benefits and costs) for individuals, families, employers and the wider society;
- how employers and workplaces respond to workers taking leave and manage in their absence, and
- the relationship of leave policies to other policy areas (e.g. the provision of services for children and their families).

### **Purposes.**

- The exchange of information about policies adopted in individual countries and by international organisations;
- The cross-national analysis of such policies;
- The exchange of information about research on leave policies, including findings and conclusions;
- Providing a forum for the cross-national discussion of issues and trends in policy and research;
- Providing a source of regularly updated information on policies and research.

### **Participation.**

The network is open to researchers, senior civil servants and others both from particular countries and international organisations. The main condi-

tion is be expertise and interest in the subject, and a willingness to contribute to the life of the network.

### *Activities*

The basic activity of the network is *an annual seminar*, organised by the members of the network. Attendance would be open to all network members, though consideration will need to be given to some ‘rationing’ of attendance if demand gets too high. The main theme of each seminar will be determined by the previous year’s seminar. While the next seminar (in 2005) could be organised by the Network Coordinators, network members will be invited to offer to host seminars.

Other activities will be built onto this annual seminar. There are many possibilities, including for example:

- An *annual publication* linked to the annual seminar, containing updated information on leave policies and research and a selection of papers (both from the seminar itself and other papers reproduced with authors’ permission) (we have plans for a publication from this year’s seminar, but there could be different formats, publishers etc over time)
- The development of *a network website*, including regularly updated information on leave policies and research (e.g. a bibliography of publications)
- Using the network as a means to develop *cross-national research proposals*
- *Other events*, e.g. seminars on more specialist issues, large scale conferences

*Fred Deven and Peter Moss*  
*Network Coordinators*

**Membership** (May 2005)

**Australia**

ALEXANDER Michael ([Michael.Alexander@aifs.gov.au](mailto:Michael.Alexander@aifs.gov.au))  
Australian Institute for Family Studies, Sydney

**Austria**

PFEIFFER Christiane, [christiane.pfeiffer@oif.ac.at](mailto:christiane.pfeiffer@oif.ac.at)  
ÖIF (Austrian Institute for Family Research, Vienna)

**Belgium**

DEVEN Fred, [fdeven@pandora.be](mailto:fdeven@pandora.be) (*Network Coordinator*)  
VANBRABANT Annelies, [annelies.vanbrabant@wvc.vlaanderen.be](mailto:annelies.vanbrabant@wvc.vlaanderen.be)  
CBGS (Population and Family Study Centre, Brussels)

FUSULIER Bernard, [fusulier@anso.ucl.ac.be](mailto:fusulier@anso.ucl.ac.be)  
MERLA Laura, [merla@anso.ucl.ac.be](mailto:merla@anso.ucl.ac.be)  
ANSO / Université Catholique de Louvain

**Canada**

DOUCET Andrea ([Andreadoucet@sympatico.ca](mailto:Andreadoucet@sympatico.ca))  
Carleton University

TREMBLAY Diane-Gabrielle, [dgtrembl@teluq.quebec.ca](mailto:dgtrembl@teluq.quebec.ca)  
Télé-Université, Montréal

**Czech Republic**

KOCOURKOVA Jirina, [koc@natur.cuni.cz](mailto:koc@natur.cuni.cz)  
Charles University, Prague

**Denmark**

ROSTGAARD Tine, [tr@sfi.dk](mailto:tr@sfi.dk)  
SFI (Danish Institute for Social Research, Copenhagen)

**Estonia**

KUTSAR Dagmar, [dagmarkutsar@hot.ee](mailto:dagmarkutsar@hot.ee)  
University of Tartu

**Finland**

SALMI Minna, [minna.salmi@stakes.fi](mailto:minna.salmi@stakes.fi)  
STAKES, Helsinki

**France**

FAGNANI Jeanne, [fagnani@univ-paris1.fr](mailto:fagnani@univ-paris1.fr)

MATISSE – Université de Paris-1

**Germany**

ERLER Wolfgang, [ERLER@DJI.DE](mailto:ERLER@DJI.DE)

DJI (German Youth Institute, Berlin)

**Hungary**

KORINTUS Marta, [marta.korintus@ncsszi.hu](mailto:marta.korintus@ncsszi.hu)

NCSSZI (National Center for Family and Social Policy, Budapest)

**Iceland**

EINARSDOTTIR Thorgerdur, [einarsd@hi.is](mailto:einarsd@hi.is)

PETURSDOTTIR Gyda Margrét

University of Iceland, Reykjavik

**Ireland**

DREW Eileen, [EILEEN.DREW@TCD.IE](mailto:EILEEN.DREW@TCD.IE)

Trinity College, Dublin

**Italy**

GIOVANNINI Dino, [giovannini.dino@unimore.it](mailto:giovannini.dino@unimore.it)

University of Modena and Reggio Emilia

**Netherlands**

GROENENDIJK Hanne, [HGroenendijk@minszw.nl](mailto:HGroenendijk@minszw.nl)

MSZ (Ministry of Social Affairs), The Hague

**Norway**

BRANDTH Berit, [Berit.Brandth@svt.ntnu.no](mailto:Berit.Brandth@svt.ntnu.no)

KVANDE Elin, [Elin.Kvande@svt.ntnu.no](mailto:Elin.Kvande@svt.ntnu.no)

University of Trondheim

**Spain**

ESCOBEDO Anna, [anna.escobedo@uab.es](mailto:anna.escobedo@uab.es)

University of Barcelona, Barcelona

**Sweden**

CHRONHOLM Anders, [anders.chronholm@privat.utfors.se](mailto:anders.chronholm@privat.utfors.se)  
University of Göteborg

HAAS Linda, [Lhaas@iupui.edu](mailto:Lhaas@iupui.edu)  
Indiana University

**UK**

MOSS Peter, [Peter.Moss@ioe.ac.uk](mailto:Peter.Moss@ioe.ac.uk) (*Network Coordinator*)  
TCRU, University of London

O'BRIEN Margaret, [m.o-brien@uea.ac.uk](mailto:m.o-brien@uea.ac.uk)  
University of East Anglia

**USA**

KAMERMAN Sheila, [sbk2@columbia.edu](mailto:sbk2@columbia.edu)  
Columbia Institute for Child and Family Policy

WALDFOGEL Jane, [jw205@columbia.edu](mailto:jw205@columbia.edu)  
Columbia University



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Contact: [birgit.john@stala.bwl.de](mailto:birgit.john@stala.bwl.de).

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- ily and work, on women's occupational career and on male participation in child care. See Österreichisches Institut für Familienforschung (2005) below. Contact: [christiane.pfeiffer@oif.ac.at](mailto:christiane.pfeiffer@oif.ac.at).
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- Formal and informal work in Europe. A comparative analysis of their changing relationship and their impact on social integration (2002-2005). Coordinated by Prof. Birgit Pfau-Effinger (University of Hamburg) with partners at University of Aalborg (Denmark); Universitat Autònoma de Barcelona (Spain - Lluís Flaquer and Anna Escobedo), Cracow University of Economics (Poland), University of Joensuu (Finland) and University of Southampton (UK), funded in the EU's 5<sup>th</sup> Framework programme. Parental leave and other forms of leave arrangements are researched in relation to other formal and informal care arrangements, with interviews conducted in all partner countries to household with parents on parental leave.  
Contact: [lluis.flaquer@uab.es](mailto:lluis.flaquer@uab.es) and [Anna.Escobedo@uab.es](mailto:Anna.Escobedo@uab.es).
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