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**EMPLOYMENT RELATIONS
RESEARCH SERIES NO. 57**

International Review of
Leave Policies and Related
Research 2006

EDITED BY PROFESSOR PETER MOSS,
INSTITUTE OF EDUCATION, AND
PROFESSOR MARGARET O'BRIEN,
UNIVERSITY OF EAST ANGLIA



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Foreword by the DTI

The Department of Trade and Industry's aims are to create the conditions for business success, and help the UK respond to the challenge of globalisation. As part of that objective we want a dynamic labour market that provides full employment, adaptability and choice, underpinned by decent minimum standards. DTI want to encourage high performance workplaces that add value, foster innovation and offer employees skilled and well-paid jobs.

We need to do more to encourage diversity in the workplace and give people choices over how they balance their work and family life. We need to further improve skills and training so that everyone has the chance to make the most of their potential. And crucially, we need to ensure that vulnerable workers are not mistreated, but get the rights they are entitled to.

This report provides an overview of leave policies and related research in 22 countries. It follows discussions held at the International Leave Policy and Related Research Network seminar in London in November 2005. We believe this report will prove invaluable to researchers, national Governments and others interested in comparing leave entitlements for new parents. In the following pages, the report editors Peter Moss and Margaret O'Brien provide a more detailed overview.

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Grant Fitzner
Director, Employment Market Analysis and Research

Foreword by the editors

This report contains information on leave policies and research in 22 countries, as well as a number of short articles. The national information, in the form of country notes, has been prepared by members of the International Network on Leave Policy and Research, which now consists of 35 members from 22 countries. A list of these members can be found in Annex one at the end of this report. The network organises an annual seminar, and the articles preceding the country notes are based on papers and discussions from the seminar held by the Network in London in November 2005. As the joint organisers of this seminar, we have taken on the task of editing this report.

The Network covers policies for parents and others with care responsibilities, including for adult relatives, as well as policies available to the whole population such as life course Career breaks and time accounts. But initially, priority is being given to leave policies focused on the care of children. These include maternity, paternity and Parental leave, leave to care for sick children and entitlements to work reduced hours. Among the purposes of this Network are: the exchange of information about policies, both in individual countries and by international organisations, and research on leave policies; the provision of a forum for the cross-national discussion of issues and trends in policy and research; and providing a source of regularly updated information on policies and research. A fuller description of the Network can be found in Annex 1.

The Network was established at a seminar held in Brussels in October 2004, organised jointly by the Centrum voor Bevolkings- en Gezinsstudie (CBGS - Population and Family Study Centre) and the Thomas Coram Research Unit (TCRU). This seminar was attended by researchers from a dozen countries, and built on earlier collaborative cross-national work with which the Network coordinators – Fred Deven (from CBGS) and Peter Moss (from TCRU) - had both been involved. This collaboration began with the *European Commission Childcare Network*, an expert group that between 1986 and 1996 undertook studies on a range of issues related to the reconciliation of employment and family responsibilities, including leave policies. When the EC Network ended in 1996, collaboration continued, first with an international seminar convened in Brussels in 1999 that led to an edited book *Parental leave: Progress or Pitfall?*; and then with a special issue of the journal *Community, Work and Family* (2002, 5/3) on the theme of leave arrangements for parents.

After the 2004 Brussels seminar, the Network produced its first report – published in 2005 - reviewing leave policy and research, which is available at the CBGS website (www.cbgs.be). This report updates the 2005 report and extends coverage from 19 to 22 countries. The Network's intention is that a regularly updated review of leave policy and research will be a core activity of the Network, alongside an annual seminar open to Network members. We also hope to include an increasing number of countries in future issues, recognising that the coverage of this report, though broad, still excludes many countries with relevant and important experience, in particular in Central and Eastern Europe, the former Soviet Union and in Asia. The Network will also review the format of reports, so that over time new issues will be increasingly 'user friendly'. To assist with his task, we would appreciate comments from readers, both about format and content.

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Contents

Glossary	ix
Executive summary.....	1
Introduction	9
Section 1 - Articles	
1.1 Parental leave policies: The impact on child well-being	16
1.2 Parental leave policies for mothers and fathers: children’s perspectives and well-being.....	22
1.3 Leave policies and early childhood services in Hungary	31
Section 2 – Country notes on leave policies and research	
2.1 Introduction to country notes.....	38
2.2 Australia	58
2.3 Belgium	69
2.4 Canada	78
2.5 Czech Republic	89
2.6 Denmark	95
2.7 Estonia	100
2.8 Finland	105
2.9 France.....	116
2.10 Germany	123
2.11 Greece	132
2.12 Hungary	138
2.13 Iceland	144
2.14 Ireland	150
2.15 Italy.....	156
2.16 The Netherlands	161
2.17 Norway.....	172
2.18 Portugal.....	180
2.19 Slovenia	187
2.20 Spain	194
2.21 Sweden	205

2.22	United Kingdom	217
2.23	United States	225

Annexes

A1	A formal Network of experts on leave policies and research.	230
A2	Network members at April 2006	232
A3	The DTI Employment Relations Research Series	237

List of tables and charts

Figure 1:	Enrolment in nurseries and take up of leaves (Hungary)..	33
Figure 2:	Average income (HUF) per person per month from Earnings and leave benefits (Hungary).....	35
Table 1:	Provision of statutory leave entitlements in selected Countries.....	53
Table 2:	Statutory entitlements for taking Parental leave flexibly or for flexible working.....	55

Glossary

This report is about leave entitlements, mainly for workers with dependent children. As the report shows, working parents today in most countries are entitled to a range of different types of leave, going under a variety of different names. Moreover, in a number of countries the distinction between types of leave is increasingly blurred. This glossary gives definitions for four of the most common types of leave, the first three of which are found in most countries.

Maternity leave

Leave generally available to mothers only (except in a few cases where part of the leave can be transferred to other carers under certain circumstances). It is usually understood to be a health and welfare measure, intended to protect the health of the mother and newborn child, just before, during and immediately after childbirth

Paternity leave

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

Parental leave

Leave generally available equally to mothers and fathers, either as a non-transferable individual right (i.e. both parents have an entitlement to an equal amount of leave) or as a family right that parents can divide between themselves as they choose; in some countries, part of parental leave is an individual right, the remainder a family right. It is generally understood to be a care measure, intended to give parents the opportunity to spend time caring for a young child; it usually can only be taken after the end of maternity leave. In some cases, parents can choose to take all or part of their parental leave on a part-time basis.

In some countries, parental leave is supplemented by a further period of leave intended also as a care measure, and given various names, such as 'childcare leave' or 'home care leave'.

Career break

Leave generally open to all employees, but not restricted to providing care and available to be taken across the life course. Less common as an entitlement than the three types of leave outlined above.

Executive summary

This report is produced by the International Network on Leave Policy and Research, consisting of 35 experts from 22 countries, mostly in Europe. The Network covers policies for parents and others with care responsibilities, including for adult relatives, as well as policies available to the whole population such as career breaks and time accounts. But initially, priority is being given to leave policies focused on the care of children. Among the purposes of this network are: the exchange of information about policies, both in individual countries and by international organisations, and research on leave policies; the provision of a forum for the cross-national discussion of issues and trends in policy and research; and providing a source of regularly updated information on policies and research.

The Network organises an annual seminar, and this report includes papers and discussions from the seminar held by the Network in London in November 2005. The main part of the report consists of 22 'country notes', providing information on current leave policies in the countries represented in the Network, recent developments in policy, information on take up, and a listing of recent publications and ongoing research.

Introduction (Peter Moss and Margaret O'Brien)

This section provides an overview of the Network's November 2005 seminar, including its two thematic sessions on: *Leave policies for mothers and fathers: children's well-being and perspectives*; and *The relationship between leave policy and early childhood (childcare) service*. Papers from both sessions are included later in the report.

A number of issues emerged from discussions at the seminar:

1. The significance of the cultural and linguistic context for cross-national comparison and study of leave policy.
2. The politics of Parental leave, in particular the many stakeholders and policy agendas involved, which are not always compatible and indeed in some cases are in direct tension.
3. The topic of fathers, in particular support for working fathers' parental responsibilities, and how this is now a major theme in leave policy and research in many countries.
4. The issue of diversity in its multiple dimensions and how leave policies can take account of these dimensions.
5. Children's perspectives and child outcomes, including the benefits of leave for children and how the perspectives of children can be included in policy development.

6. The relationship between leave policy and early childhood (childcare) services, in particular the importance of understanding and taking account of early years educational and care policy, which forms the context for any country's leave policies.
7. Methodological issues, including the importance of establishing more robust indicators.

Parental leave policies: The impact on child well-being (Sheila B. Kamerman)

This paper provides an overview of findings on the impact of leave policies on children. Most research deals with the impact of leave policies on women, their wages and career paths and, to a lesser extent, the consequences for employers. Some also deals with fathers' take-up and use of these policies, too. The consequences for children, however, are less well documented.

Several researchers have suggested that generous periods of leave following childbirth improve (or have the potential for improving) child health. One important cross-national study, for example, concludes that Parental leave policies may be a cost-effective method of improving child health. But research in general points to the importance of leave being job-protected and paid; unpaid and non-job-protected leave has no significant effect.

Research suggests there may be potential benefits to children's cognitive development from longer paid and job-protected parental leaves (perhaps between six to 12 months) or other 'family friendly' policies that facilitate parents having time at home with infants. Parental leaves also provide an alternative to expensive (and/or inadequate quality) out-of-home care for infants. Finally, there is some evidence that generous Parental leaves lead to increased father time investment in their children and involvement with their children generally.

This overview highlights significant gaps in the research on the impact of Parental leave policies on children, and the paper ends by listing some of these.

Parental leave policies for mothers and fathers: children's perspectives and well-being (Margaret O'Brien)

This paper starts by arguing the case for taking an explicit children's perspective on parental leave policies. Children as a generational group have become active stakeholders in the policy making process, and policy makers, and other adults, need to act as advocates for the infant and for the infant quality of life model they wish to promote.

Recognising that specifying the dimensions of a good quality of life for an infant is fraught and contentious, the paper proposes that in terms of the familial context of infant life, the quality of care they receive and amount of time they need are key considerations. As far as infancy is concerned, two particular characteristics about parenting time and care need highlighting: 24/7 care, infants being highly dependent and requiring continuous care; and regular feeding by bottle or breast, with current WHO advice that, where possible, infants should be continuously breast fed for their first six months. But how can this advice be managed by couples who also need to work to secure the economic care of their infants - a further basic requirement of a high quality of life for infants?

A country's parental leave regime can play an important role in facilitating an optimal infant quality of life in the home. For instance, international comparisons show a positive association between post-birth leave policies and duration of breastfeeding. But a good quality of infant life is also dependent on an adequate material environment. Put crudely it could be argued that infants have a right of access to parental time and money. What do we know about the best balance of caring and working? Engaged, sensitive care from both parents, if they are present, may be desirable, but at what point does a reduction in the time available to, for example, sensitively engage with an infant outweigh the financial advantage gained through hours spent in employment?

Research shows that children benefit from the attention and support of *both* maternal and paternal relationships, and from the life histories both parents bring to their parenting. Current reviews of parenting practices in the round stress similarities between parents, rather than the unique qualities of mothers and fathers. In addition, father involvement can act to protect child well-being in dual earner families where mothers work in the first year of children's lives. Yet paternal income remains an important predictor of children's well-being and the dilemma for many contemporary men is that when they become fathers they need to maximise their economic potential.

In attempting to understand the impact of parental leave policies on child well-being there are three important methodological issues. Firstly, internationally parental leave is a black box of diverse arrangements. Apparently similar entitlements do not necessarily mean similar levels of exposure to the entitlement - take-up rates, for example, vary considerably. Secondly, in attempting to understand the specific impact of parental leave on child outcomes it is important to contextualize Parental leave as part of total public investment in children. As such it can be difficult to disentangle the separate effect of Parental leave policies from other child welfare measures. Thirdly, there is still surprisingly little empirical research on what parents 'do' during parental leave and as such understanding the mechanisms by which parental leave may promote child well-being.

Acknowledging these issues, the paper draws similar conclusions to the preceding paper, including the positive child effects of leave being maximized when leave is paid and assures job security. Research findings also suggest emotional benefits for parents; that men's use of leave creates a limited short-term increase in father involvement in childcare; and the importance of taking a couple perspective in understanding fathers' personal experiences of leave from employment. Qualitative studies suggest family processes that operate to promote child well-being during parental leave. They have found complex couple negotiations and bargaining influenced by couple values and preferences as well workplace and economic factors. The couple relationship is a key one, setting the scene against which parents negotiate and balance their family and employment roles and responsibilities.

The paper concludes that the challenge for most nations is to reach a settlement on the relative contribution of public and family resources and to create a sustainable framework for mothers and fathers to take time off work to care for their infant.

Leave policy and early childhood services in Hungary (Marta Korintus)

Hungary has a history stretching back more than 150 years of services for young children, and also a relatively long history of maternity and parental leave. Today, there is a complex system of leaves, benefits and services available for families with young children. This paper outlines the relationship between leave policy and early childhood services.

The system of children's services in Hungary is divided. The majority of children under the age of three years are cared for at home by their mothers or by relatives (mainly the grandmother). Non-parental childcare for children between the ages of 20 weeks to three years is provided almost entirely in *bölcsőde* (nursery) and policy responsibility for these services falls under the Ministry of Youth, Family, Social and Equal Opportunities. The Ministry of Education has responsibility for the kindergarten services (*óvoda*) for children from three to six years, which is now seen as the first stage of public education. Both *bölcsőde* and *óvoda* are full-time, centre-based services, open for 12 hours a day. Both are comprehensive programmes, addressing children's needs holistically by providing an integrated service in healthcare, nutrition, and psychosocial stimulation.

Nurseries for under three year olds were developed extensively during the socialist era, to help women enter the labour market. Since 1984, however, the number of centres has dropped by about 60 per cent, and today they provide for about eight to nine per cent of the age

group. By contrast, kindergartens for children between three and six years of age have remained nearly universal, providing for about 92 per cent of the age group.

Leave is available for all mothers until their child is three years old, with some provision for fathers. The whole period of leave is paid, but at different levels for parents who were employed before the birth of the child, and for those who were not employed. Payment for the former is higher.

Enrolment rates in nurseries have fallen since the 1980s. This is, however, not just due to falling demand. The number of nursery places has decreased by 60 per cent since 1984: since most communities in Hungary today do not have nurseries for young children, taking leave in these places is the only option available to parents. A decreasing number of births certainly provided a rationale for the closure of nurseries, but this was not the sole reason. Ideology, changes in the labour market, and changes in the financing of services have also played an important role.

Today, services fulfil a range of functions – childcare, child welfare and child development - but there is no clear policy or agreement, even among the professionals, about their main function. Supporting children's well being and learning emerge as the overriding principles but policy measures do not provide a clear standpoint on the relationships between the system of services and leaves. Legislation and practice formulate different aims and follow different routes.

Although surveys of parents still show a preference for young children being raised at home, there are not enough nursery places for children under three. Where, therefore, is real choice? Leaves and services should provide a comprehensive system making choices available. But in Hungary today, it appears that supply rather than choice determines the availability and use of services.

Country notes on leave policies and research (introduced by Peter Moss)

This section of the report sets out information on leave policy and research in 22 countries: Australia; Belgium; Canada; Czech Republic; Denmark; Estonia; Finland; France; Germany; Greece; Hungary; Iceland; Ireland; Italy; Norway; Portugal; Slovenia; Spain; Sweden; The Netherlands; the United Kingdom and the United States.

Seventeen of these countries are member states of the European Union and five are federal states.

Each country note is divided into four sections. The first describes current leave and other employment-related policies to support

parents, under five headings: maternity leave; paternity leave; parental leave; childcare leave and Career breaks; and other employment related measures, including time off for the care of sick children and other dependents and flexible working entitlements. The second section outlines recent changes in leave policy, including proposals currently under discussion. The third reviews evidence on take up of different types of leave. While the final section provides information on selected recent publications and on ongoing research studies. In addition, basic demographic, economic, employment and gender information is set out for each country, in a boxed section at the start of each country note.

Current leave policies

Maternity leave

Only Australia and the United States 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 per cent) throughout. There are four main exceptions, all countries with extended Maternity leave: Czech Republic, Hungary, Ireland and the UK.

Paternity leave

Fifteen of the 22 countries under review have paternity leave, which (with two exceptions) varies from two to 10 days and is usually paid on the same basis as maternity leave.

Parental leave and childcare leave

All EU member states must provide at least three months leave per parent for childcare purposes, and four of the non-EU countries in this overview also provide parental leave, the exception being the United States (which has a generic and unpaid leave, which does not apply to all employees). In six countries, parents can take additional 'childcare' leave after Parental leave finishes.

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 total continuous leave available, including maternity leave, parental leave and childcare leave, comes to around nine to 15 months; and those where continuous leave can run for up to three years. Parental leave is a family entitlement in eight countries, to be divided between parents as they choose; an individual entitlement in another nine countries; and mixed (part family, part individual entitlement) in three countries. A majority of countries (14) provide some element of payment. However, in six 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 eight countries pay an earnings-related benefit pitched at more than half of normal earnings.

Flexibility takes four main forms. First, the possibility to use all or part of leave when parents choose until their child reaches a certain age; second, the possibility of taking leave in one continuous block or several shorter blocks; 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); and fourth, additional leave in the case of multiple births or, in a few cases, other circumstances.

Other employment-related measures

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, six specify an entitlement to leave of 10 days or more per year to care for sick children, though the age range of children covered varies; for all except one, leave is paid. Leave is shorter or unspecified and unpaid in the other member states. Of the non-EU countries, only one has an entitlement to paid sick leave specifically to care for sick child.

Nine countries enable women to reduce their working hours in the 12 months after birth, usually related to breast-feeding. Women reducing their hours are entitled to earnings compensation. Finally, in four countries 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.

Changes in leave policy and other related developments

Leave policy is receiving much attention at present, with most countries reporting significant recent changes or future changes either waiting implementation or under active discussion. Moreover, in nearly all cases the direction of change is towards increasing the scope of leave entitlements. Many of the changes – actual or mooted – extend fathers' rights. Increased flexibility is another common theme.

Take-up of leave

Country notes show that information on take-up of leave entitlements is full of gaps, making systematic cross-national comparisons impossible. As a general rule, there is no statistical information on take-up of unpaid leave and limited information on paid leave.

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). Paid parental leave is also widely used. 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: irrespective of gender, few parents take leave schemes that are

completely unpaid. Where leave is a family entitlement, fathers' use is low (i.e. where leave can be shared between parents, fathers take only a small proportion). However, where parental leave has both an individual entitlement element and is relatively well paid, fathers' use is higher. There is also evidence that fathers' use of leave does respond to targeted policy changes.

Information on take-up among different socio-economic or ethnic groups within countries is even patchier. 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 or to take it for longer periods if: their partners have higher education and/or earnings; if they work in female-dominated occupations or the public sector.

Research and publications on leave and other employment-related policies since January 2001

Country notes finish with a brief overview of the state of research on leave policy; a selection of publications on leave since January 2001; and brief outlines of ongoing research on leave. Altogether 210 publications are listed, with a brief description of each, and 25 ongoing research projects.

Introduction

Peter Moss and Margaret O'Brien

This volume presents information on leave policy and research in 22 countries, preceded by papers from the second seminar of the International Network on Leave Policy and Research, which met in London in November 2005. The UK (London) seminar, organised by Peter Moss and Margaret O'Brien, was designed to provide an opportunity for exchange and dialogue about developments in national leave policies and new research projects. In addition the seminar had a specific focus on leave policies, child well-being and the interface between leave policies and early childhood services. This focus was intended to give more space to an often neglected dimension of leave policy and research: childhood and the child's perspective.

Twenty nine academics and policy makers attended the London seminar, from 16 countries. Three international organisations were represented in person or through written briefings (UNESCO, OECD, and Council of Europe). The seminar was unique in the British context as it was jointly funded by three of the government departments with a particular interest in leave policy and children's well-being: namely the Department of Trade and Industry (lead department on employer/employee relations, including maternity leave, paternity leave and pay, adoption leave and pay, parental leave and the right to request flexible working); Department of Work and Pensions (lead department on reduction of child poverty and also maternity pay); and the Department of Education and Skills (the lead department on children's services – including early childhood services, child welfare services and schooling - and the government's children's agenda).

Presentations on recent developments in national leave policy were given by Peter Moss (UK); Jeanne Fagnani (France); Thorgerdur Einarsdottir and Gyda Petursdottir (Iceland); Pentti Takala (Finland); Wolfgang Erler (Germany); Hanne Groenendijk (Netherlands); Berit Brandt (Norway); Spain Anna Escobedo (Spain); and Anders Chronholm (Sweden). Information on research projects and national data base sources were given in presentations by Elin Kvande (Norway); Tine Rostgaard (Denmark); Pentti Takala (Finland); and Steven Taylor (UK).

The policy spotlight on children and parental leave was developed in two thematic sessions. Firstly, a session on *Leave policies for mothers and fathers: children's well-being and perspectives* was introduced with papers from Sheila Kamerman (US) and Margaret O'Brien (UK), both included in this volume. Secondly, a session on *The relationship*

between leave policy and early childhood (childcare) services was introduced by Marta Korintus (Hungary), whose paper is also included below, and by Anna Escobedo (Spain).

Main emergent issues that arose during the course of the seminar included:

1. Significance of the cultural and linguistic context for cross-national study and comparison of leave policy

As in most cross-national comparative inquiry the issue of language and the equivalence of meaning of key terminology was an important area of discussion. For example, Marta Korintus told us that the Hungarian language does not have an exact translation for the words 'parental leave' but it does have a leave of this type – though that leave is very different to the form 'parental leave' takes, say, in Slovenia or the United Kingdom. Or to take another example, in Icelandic the term *faedingarorlof* (literally 'birth leave') is used in law to refer to paid maternity, paternity and parental leave, though in common parlance, the term is mostly used to refer to women's absence from the labour market due to birth and childcare. Of course the language which develops to describe a concept is linked to the historic, cultural and social policy legacy and current context of each country and as such is fluid and constantly shifting. Parallels can be drawn with the relatively recent arrival of the term 'parenting' in the 1980s, which operated in many ways not least to create and construct a gender neutral term to describe the care of children.

This discussion led to an agreement that Network members, when revising their country notes on leave policies, would give the names for different types of leave in their own language and note major mismatches with English terminology (see, for example, the discussions of terminology in the country notes for Denmark, Hungary, Iceland and Norway). Further exploration of language will contribute to a better understanding of national leave policies and their development and so illuminate cross-national comparisons. Linguistic and cultural issues will continue to be of interest as the Network expands to include other nations with their own distinctive histories, cultures and policies as regards gender, work and childhood.

2. The politics of parental leave

The development of parental and other forms of leave has been driven by many stakeholders and interested parties, as well as many policy agendas and objectives: mothers, fathers and children, employers and trades unions, government and civic society organisations; labour market policies, gender equity policies, fertility policies and child welfare policies. Delegates discussed, for example, how concerns about low fertility and the postponement of child-bearing for younger

cohorts of prospective parents are surfacing in several European countries, including Germany, Italy and France. In a time of economic insecurity, the apparent 'impossibility' of combining a career and a family may be dissuading younger generations from having children and these national level discussions are provoking political parties to consider a variety of changes in parental leave provision. For instance, Wolfgang Erler suggested that low fertility in Germany (40 per cent of graduate women are remaining childless) was a factor in the unexpectedly extensive and radical platform of leave measures proposed by the new coalition government in 2006, combining a shorter period of paid leave with higher benefit levels and the introduction of a father's quota (see German country note for more details).

What became increasingly apparent during the seminar was how the wide range of political factors driving leave policy development were not always compatible and indeed in some cases were in direct tension. One notable policy challenge is how to ensure the welfare of children while at the same time enabling a vibrant economy. The extent to which governments can satisfactorily meet both goals was hotly debated in the seminar, especially at a time when many governments are concerned to encourage women, particularly mothers in low income and lone parent households, to engage more fully in the labour market.

One institutional barrier is that often child welfare and parental employment policies are governed by different departments operating under different and sometimes competing rationales. Joining-up policies that span economic development, gender equity and child welfare remains a big challenge for governments. Leave policy is particularly complex as it intersects with so many other areas of policy across many government departments (as the presence at the seminar of three UK government departments demonstrated – and several other departments not represented could have argued a strong policy interest, for example the Department of Health and the Treasury).

Overall, the seminar presented a clear picture of strengthening statutory leave policies, with the state intervening increasingly to regulate the labour market in this respect and increase provision of social benefits for parents taking leave. An exception to this general picture is the Netherlands. Hanne Groenendijk's account of arrangements recently introduced in the Netherlands showed how the principle of collective management of life course risk was being reversed through the introduction of individual savings funds based on the principle of individual responsibility for funding longer periods of leave.

3. Fathers and leave policy

The topic of fathers, in particular support for working fathers' parental responsibilities, was a major theme in leave policy and research in many countries represented at the seminar. Participants suggested that leave policies for fathers are developing in response to a mix of factors including: the growth of dual earner families; increasing expectations for men to be more actively engaged in the care of children; and amongst younger cohorts, an increasing awareness of quality of life beyond work issues.

Recent innovations were presented by a number of participants highlighting both creativity in father-sensitive leave developments but also pitfalls where new policies have been introduced without sufficient follow-up including ongoing support. Thorgerdur Einarsdóttir and Gyda Margrét Pétursdóttir charted the impact of legislation introduced in 2000 in Iceland, which offers a total of nine months paid post-birth leave organized into three parts: three months for mothers (non-transferable), three months for fathers (non-transferable) and three months which can be shared between parents as they choose. In addition there is 13 weeks unpaid parental leave available each year for each parent. This scheme contains one of the most generous 'father-targeted' leave entitlements so far developed in modern economies in terms of both time and economic compensation (80 per cent of prior salary) and Einarsdóttir and Pétursdóttir note a dramatic increase in fathers' use of leave (for more information, see the Iceland country note). But Einarsdóttir and Pétursdóttir also pointed out that the measures were introduced hurriedly, without sufficient employer education or other measures to prepare Icelandic society. As a consequence some employers had not reacted well to the new policy change. For instance they reported an increase in the number of unfair dismissal cases from men before they go on leave, during the leave period or soon after they return to their job.

Norway has had a father's quota for some time and this has recently been extended from one month to six weeks. Berit Brandth and Elim Kvande reported that take-up rates of the targeted father entitlement continue to rise, although fathers take little of the other leave available to them beyond their quota, a picture repeated elsewhere. Fathers take paternity leave and 'dedicated' parental leave periods, that is if such leave is paid at or near full earnings; but leave-taking has not spread to sharing periods of leave that are family entitlements, that is leave available to either parent to take. In such cases, parental leave is, in practice, leave taken by mothers.

Peter Moss explained how the United Kingdom has recently introduced a two-week period of paternity leave, paid at a partial wage replacement rate, and is in the process of extending leave provision to fathers, through what is to be termed 'additional paternity leave'. However, this proposed change will make the father's right to extra

leave conditional on the mother not using her full entitlement to Maternity leave, which at 52 weeks is the longest period of Maternity leave in Europe. Unlike most other countries, therefore, maternity leave in the UK far outstrips parental leave in length.

4. Diversity

A further significant theme in the seminar was the issue of diversity. Multiple dimensions of diversity were considered, including: variability of leave provision at a local or regional level within nation states (e.g. in Spain, Germany and Canada where regional or provincial governments may supplement national entitlements); family form diversity (several countries were introducing additional leave entitlements for the rich mix of emergent families in modern societies, e.g. adoptive parents, same sex parents); and a growing attention across several countries to diversity amongst children, in particular sick children.

Discussion also centred on the issue of employment diversity with a particular focus on low income parents. Many delegates expressed concern that the poorest (including some minority ethnic groups) were often not able to take full advantage of parental leave. For instance in France and Iceland there is some evidence that formal legal job protection for parents taking leave may not work in practice, adversely affecting parents with weaker positions in the labour market.

5. Children's perspectives and child outcomes

The papers by Sheila Kamerman and Margaret O'Brien, to be found below, examine to what extent it is possible to take a child's perspective and review what we know about the impacts of leave on child well-being. Although employment concerns have dominated the parental leave agenda, enhancing the quality of children's lives has become an increasingly important driver of public policy in recent years. Leave policy today is developing at a time when the concept of children's rights is increasingly influential.

The data they present suggest that evidence for the child health benefits of leave is strong, particularly when leave is paid and provided in a context of job security. However, both papers indicate the need for more research to unravel the processes (emotional and economic) by which leave makes a difference to children's lives.

Creating a good quality of infant life raises fundamental questions about national and household level trade-offs between care, time and paid work. It also raises important questions about the participation of children in the formation of leave policy, which so directly affects them. It was recommended that future leave policies need to be constructed around generational as well as gender and employer

concerns, in order to provide an optimal early childhood for the youngest citizens. Delegates discussed what steps countries might adopt to take account of the youngest children and their perspectives – how to give them voice. Possibilities include a more active role in policy development for government departments responsible for child welfare and for national Children’s Commissioners; and more reference to the UN Convention on the Rights of the Child.

6. Leave policy and early childhood services

The relationship between leave policy and early childhood (childcare) services was discussed in some depth by Anna Escobedo (Spain) and Marta Korintus (Hungary, whose paper is included in this volume). Both demonstrated the importance of understanding and taking account of early years educational and care policy, which forms the context for any country’s leave policies; it is important to understand how the two sets of policies relate and influence each other. Anna Escobedo argued that a comprehensive system of public childcare support for families with children under school age provides more choice for these families. The Nordic countries are unmatched for the provision of high quality early childhood services that integrate education, play and care. When public systems are not so comprehensive, Escobedo argues that the consequence is a myriad of provisions of mixed quality.

Hungary is an important case for studying the relationship between leave policy and services, being the first country to introduce an extended leave period, initially enacted in 1967 and originally limited to women following the end of the maternity leave and subsequently extended to fathers as well. The paper by Marta Korintus provides valuable long-term data on the use of leave and early childhood services in Hungary. She argues that, despite the long history of services and leave, effective parental choice about early childhood care is not yet present in Hungary, due to an undersupply of services for children below three years of age. In these circumstances, extended parental leave, typically taken by mothers, substitutes for, rather than complements, nursery services.

7. Methodological issues

Methodological dilemmas continue to preoccupy parental leave researchers. Delegates discussed the importance of establishing more robust indicators, for example of actual take up of leave entitlements. This sophistication is required to allow child welfare impact/costs and financing to be properly investigated. Similarly delegates called for greater cross-national harmonisation between parental employment, child outcome and early education indicators.

Section 1:

Articles

1.1

Parental leave policies: The impact on child well-being

Sheila B. Kamerman

Context

There are many different types of leaves that have implications for child well-being. Included among these are: maternity; paternity; parental; family; adoption; child rearing; home care; sick child; personal; Career break and breast-feeding. Statutory maternity leave policies date back to more than a century ago, to when social insurance benefits were first developed, primarily to protect the physical health of mothers and, subsequently, their infants as well. They exist in about 130 countries now. Parental leave policies date from the 1970s, closely linked to the rise in female labour force participation rates and the emerging attention to gender equity. In more recent years adoption has been covered as well as efforts to increase father involvement either through brief paternity leaves or encouraging fathers to take-up a larger portion of the leave. All the EU countries and most of the OECD countries now have enacted Parental leave policies. Beginning in the Central and Eastern European (CEE) countries but in other countries now as well, there are also extended 'child rearing' or childcare or home care leaves. Three of the Commonwealth of Independent States (CIS) countries also have enacted such policies. In addition, there is Heyman's research (2004) documenting the positive impact of parental involvement in the care of ill children and the strong correlation between receipt of paid leave and parental involvement at such times.

For the purposes of this paper, I shall use the term 'parental leave' to include all leaves provided to parents at the time of childbirth or adoption.

Parental leave policies

As is generally recognized, parental leave policies play an important role in attracting women into the labour force and maintaining their

attachment to the labour force (Kamerman, 2000). Most of the existing research deals with the impact of leave policies on women, their wages and career paths and, to a lesser extent, the consequences for employers. Several of these leave policies can create work incentives and disincentives for beneficiaries. Fathers' take-up and use of these leaves can be affected by these policies, too. *The consequences for children, however, are less well documented.* In my comments, I will review the most significant research regarding the outcomes for children of Parental leave policies.

Parental leave policies and child health

Of special importance, several researchers have suggested that generous periods of leave following childbirth improve (or have the potential for improving) child health (Ruhm, 1998; 2000; Galtry, 2000; Tanaka, 2005; Berger, Hill, and Waldfogel, 2005; Gregg and Waldfogel, 2005). I summarize this research in what follows.

Using data from nine European countries over the 1969 through 1994 period, Ruhm investigated whether rights to paid parental leaves improved child health as measured by birth weights and infant or child mortality. Much of his analysis incorporated natural experiments comparing changes in child outcomes to those of the elderly, whose health was not expected to be affected by parental leave. More generous leave policies were found to reduce deaths of infants and young children. *He concludes that parental leave policies may be a cost-effective method of improving child health.* Galtry (2000) also found that parental leaves lead to longer periods of breast feeding and less maternal stress.

Berger, Hill, and Waldfogel (2005) studied the relationships between Maternity leave and child health outcomes by using U.S. data (National Longitudinal Surveys - NLSY). They found a new mother's return to work in the first six weeks to be significantly associated with negative child health outcomes, including being less likely for children to have regular medical check-ups in the first year of life, less likely to receive timely vaccinations, and less likely to be breast fed.

Tanaka's study (2005) covering 18 of the 30 OECD countries, confirmed Ruhm's earlier findings. Her study covers more than 30 years (from 1969 to 2000) and investigates the effects of both job-protected paid leave and other leaves. Study outcomes included infant mortality, low birth weight, and immunization. Her research found that the extension of weeks of job-protected paid leave has significant effects on decreasing infant mortality rates. In particular, the largest effect was found on post-neonatal mortality rates: a 10-week extension in paid leave is predicted to decrease infant mortality by 2.6 per cent and post-neo-natal rates by four per cent. *Job-protected paid parental leave is the key.* Unpaid and non-job-protected leave has no significant effect.

In the introduction to a symposium edited by Paul Gregg and Jane Waldfogel (2005) and summarized in a paper presented at a Brandeis University conference (2005) Waldfogel highlights two major findings:

- Longer paid maternity leave reduces infant mortality and neo-natal mortality but unpaid leave does not have the same protective effect
- Longer leave improves other health outcomes, while children whose mothers return to work within the first three months after birth receive less health care.

Parental leave policies and other child outcomes

There are still significant gaps in the research on the impact of parental leave policies on children. In another study, covering 16 countries, Ruhm (2000, 2002) suggests potential benefits to children's cognitive development from longer paid and job-protected parental leaves (perhaps between six to 12 months) or other 'family friendly' policies that facilitate parents having time at home with infants. Parental leaves also provide an alternative to expensive (and/or inadequate quality) out-of-home care for infants (Kamerman, 2000). There is some evidence that generous parental leaves lead to increased father time investment in their children and involvement with their children generally (Kamerman and Kahn, 1995; Gauthier and Hatzius, 1997; Carlsen, 1998).

In addition, as Donna Lero (2003) points out, there is very little research on what parents do while they are on leave, and I would add, whether there are different outcomes for children who participate in a group experience while their parent is home on leave.

There is also no or little research on:

- the differential consequences of long leaves (two to three years) vs one year leaves
- The outcomes for children of variations in parents' transitioning from home to work (returning to full-time or part-time work)
- The outcomes for children of leave policies used by parents who work irregular hours
- The impact of father's take-up of parental leave and the impact of the 'use it or lose it' policy on these take-up rates.

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1.2

Parental leave policies for mothers and fathers: children's perspectives and well-being

Margaret O'Brien

Enhancing the quality of children's lives has become a central driver of public policy since the late twentieth century, described by some as the century of the child (Hallett and Prout, 2003). At its heart parental leave policy is about promoting child well-being, although other factors, such as ensuring parental employability, have been most dominant it is development. This paper briefly reviews the case for taking an explicit children's perspective on Parental leave policies using the current but growing evidence of the positive impact of parental leave on children's well-being.

Taking the youngest child's perspective

Children as a generational group have become active stakeholders in the policy making process (Hill, Davis, Prout and Tisdall, 2004). It is no longer rare for policy makers to involve children in consultation processes, for instance in city regeneration or in nursery design. More recently practitioners and academics are examining methods for engaging with even very young pre-school children to illuminate their preoccupations, needs and desires in the face of a wide range of social interventions (Clark, Kjørholt and Moss, 2005). As Fajerman, Treseder and Connor (2004) declare 'Children are service users too'.

The needs of children and youth, particularly with regard to their living environment, have to be taken fully into account. Special attention needs to be paid to the participatory processes dealing with the shaping of cities, towns and neighbourhoods: this is in order to secure the living conditions of children and of youth to make use of their insight, creativity and thoughts on the environment (UNCHS, 1997: section 1.13)

In the field of parental leave policies, asking children directly is of course not possible, at least in infancy. Instead policy makers and other adults are required to act as *advocates for the infant* and for *the infant quality of life model* they wish to promote.

Parental leave policies and a good quality of infant life

Specifying the dimensions of a good quality of life for an infant is a process fraught with political (including gender political) dilemmas and economic considerations, as well, of course, as relating to the models of optimal infant development dominant in any one culture at a particular historical juncture. What is thought to make up the basic elements of a good or good enough quality of life in the first year therefore changes over time and place. Most social policy texts quickly pass on the question, perhaps because of an historic gendered assumption that only mothers can provide the permitting circumstances and also because infant every-day life has not traditionally been considered the province of social policy. But a consideration of this period is important as the elements make up potential/hypothetical benefits of any parental leave or 'leave' from employment to care.

Contemporary hallmarks of a good enough infancy depend to some extent on cultural factors, the theoretical models of psychologists or sociologists and the age of the child. Psychologists tend to focus on the personal characteristics of the parents in providing the care environment such as their parenting style, whereas sociologists pay more attention to resource and community influences on child development. Systemic approaches to children's lives have been more multi-dimensional, attempting to incorporate governmental, community, family and individual levels in understanding child development and indeed children's life-worlds (Barnes, Katz, Kolvin and O'Brien, 2006). In terms of the *familial context* of infant life, the main focus of this paper, the *quality of care they receive and amount of time they need* are significant themes. Typically, in couple households, the quality of caring is contingent on the quality of father and mother involvement, although globally infants are cared for by a wide range of individuals in diverse setting contexts including kin, non-family members and paid carers. In general, psychologists stress parenting or inter-personal activities likely to promote an emotionally secure environment and child well-being in the broadest sense, such as: warm, responsive and sensitive interaction; monitoring and guiding

behaviour to set limits and protect; and supporting the child's material needs.

Provision of economic welfare is rarely conceptualised as a form of care by either psychologists or other social scientists. However, it could be argued that the manner in which parents collectively as a couple or household unit provide material well-being, for instance the extent to which working time is organized in a way that promotes children's emotional security and well-being, could be included in a 'positive care package'. Clearly higher income parents, those with accessible strong social and kin support or parents living in countries which devote significant funds to high quality public care of children have greater 'choice' in the creation of infant or child sensitive care packages.

The daily life of the infant is organized around regular feeding on six to eight (or more) occasions in a twenty four hour cycle, holding, soothing, nappy changing, bathing, dressing as well as playful interaction in between regular phases of infant sleeping. In this highly dependent phase of childhood the infant needs at least one carer to be constantly in close physical proximity. All parental/caring activities, except breast feeding, are theoretically open to mothers and fathers. These elements of care can be given *directly* to the infant (e.g. in case of feeding) or *indirectly* by providing a facilitating environment (e.g. father supporting mother in the immediate aftermath of the arrival of the child; settling older children while the mother establishes breast feeding), *separately* (e.g. mother alone) or *together* (e.g. infants can gain by receiving a boost of joint parental time investment).

As far as infancy is concerned, there are two particular characteristics about parenting time and care to highlight:

- 24/7 care. Infants are highly dependent and require continuous care. The nature of human care fosters infant sociability and intersubjectivity although there is not a linear association between time and quality of emergent human relationships (Pleck and Masciadrelli, 2004).
- Regular feeding by bottle or breast. Current WHO advice is that, where possible, for nutritional and health advantage infants should be continuously breast feed for their first six months (Department of Health, 2000). How can this advice be managed by couples who also need to work to secure the economic care of their infants - a further basic requirement of a high quality of life for infants?

A country's parental leave regime is an important facilitating context for an optimal infant quality of life in the home context in which they live. For instance, international comparison by Galtry (2003) shows a positive association between post-birth leave policies and duration of breastfeeding. She argues that the Swedish model encourages both high female employment participation rates over a mother's working

life and high breast feeding rates through a parental leave and flexible working policy, which enables many mothers to be more home based for the first six months of a child's life and extends men's access to paid Parental leave beyond the first year of a child's life (for more details, see Swedish country note). She further argues that a mother's right to work and breast feed is an equal opportunity issue:

This argument centres on the need to conceive the intersection of breastfeeding and women's employment as an 'equal opportunity' concern, both for the ability of women workers to practice breast feeding as well as to ensure the equal opportunity of infants to good health. (ibid.: 174)

Balancing parental caring and parental employment during infancy

A good quality of infant life is also dependent on an adequate material environment. Put crudely it could be argued that infants have a right of access to parental time and money. The importance of promoting this multi-dimensional sense of child well-being has been a central goal of Parental leave policy in Sweden:

The most important condition for children's well-being is families' economic stability. Parental leave is seen as guaranteeing that people can have children and return to their jobs without adverse consequences, thus ensuring children's well-being. Children are also seen as benefiting psychologically from mothers and fathers being home with them during their first months of life, without parents feeling economic stress from unemployment. Swedish children have a legal right to have a relationship with both parents, and fathers' ability to take Parental leave is one way men can develop their relationship with their children (Haas and Hwang, 1999:49)

What do we know about the best balance of caring and working? The relative influence of money over quality of care and the optimum engagement of mothers and fathers in both domains has rarely been fully captured in most research designs. Engaged, sensitive care from both parents, if they are present, may be desirable, but at what point does a reduction in the time available to, for example, sensitively engage with an infant outweigh the financial advantage gained through hours spent in employment? We know that children benefit from the attention and support of both maternal and paternal relationships (Lamb, 2004). The literature on parenting and children's welfare is now extensive and shows that children are at risk, or benefit, from the life histories both parents bring to their parenting. Current reviews of parenting practices in the round stress similarities between parents, rather than the unique qualities of mothers and fathers. As Lamb and Tamis-LeMonda describe: '*Sensitive fathering - responding to, talking to, and teaching and encouraging their children to learn - predicts*

children's cognitive and linguistic achievements just as sensitive mothering does' (Lamb and Tamis-LeMonda, 2004: 4).

In addition, father involvement can act to protect child well-being in dual earner families where mothers work in the first year of children's lives (e.g. Gregg and Washbrook, 2003). But paternal income remains an important predictor of children's well-being (e.g. Ermisch and Francesconi, 2002) and the dilemma for many contemporary men is that when they become fathers they need to maximise their economic potential. This context creates a different pattern of work-life balance preferences for fathers and mothers, at least in the short term with the current gender pay gap. Clearly in all types of families, for all ages of children, parental involvement is a trade-off between money, time and care. The extent to which investment in care can be offset against investment in financial resources in bringing up children, or the balance between 'market and non-market behaviour' as Milkie et al (2003) describe it, is still uncertain.

Fitting parental leave into the quality of infant life jigsaw: what are the benefits of parental leave for children?

(i) Methodological issues

In attempting to understand the impact of parental leave policies on child well-being there are three important methodological considerations. Firstly, internationally parental leave is a black box of diverse arrangements. Apparently similar entitlements do not necessarily mean similar levels of exposure to the entitlement - as we show in this volume take-up rates vary considerably. Secondly, in attempting to understand the specific impact of parental leave on child outcomes it is important to contextualize parental leave as part of a public investment in children matrix. As such it can be difficult to disentangle the effect of parental leave policies from, for instance, total GDP devoted to child welfare. Thirdly, there is still surprisingly little empirical research on what parents 'do' during Parental leave and as such understanding the mechanisms by which Parental leave may operate to promote child well-being are still unclear. Despite Nordic innovatory research (e.g. Haas, 1992) empirical enquiry into the specific personal and family experiences and impact of maternal, paternal and Parental leave is still relatively undeveloped, although more in-depth qualitative studies of parental perceptions' of child benefits are emerging. Some main findings are summarized.

(ii) Infant mortality and morbidity gains - basic conditions of well-being

Ruhm (2000) and Tanaka (2005) have conducted large-scale secondary analyses of parental leave arrangements and child health outcomes for 16 European and 18 of 30 OECD countries respectively. Both programmes of work suggest infant mortality and morbidity gains associated with Parental leave. Tanaka's analysis, which attempted to

control for some confounding variables, in particular national investment in child welfare, found a positive independent effect for paid parental leave on specific child health outcomes, notably infant mortality. The strongest effect was on post neonatal infant mortality (28 days to one year of age) when compared to neonatal mortality (under 28 days) suggesting that parental availability to care beyond the first month may be an important parenting practice to enhance child outcomes. Further positive gains were indicated for immunization. The particular features of parental leave provision which were most significant in promoting child-welfare were difficult to disentangle but the secondary analysis suggests that internationally parental leave positive child effects are maximized when the leave is: *paid and provided in a job secure context*. In both sets of investigations maternal rather than paternal leave taking was the subject of enquiry.

(iii) Breast feeding

Secondary analyses of national data sets also show that job protected paid parental (mostly maternal) leave is associated with higher rates of breast-feeding (Ruhm, 2000; Galtry, 2003). Galtry traces initiation (onset) and duration of breastfeeding patterns and finds that duration of breast feeding is the more sensitive to Parental leave provision. For example in Sweden 73 per cent of mothers were still breast feeding at six months, in contrast 29 per cent and 28 per cent of American and British mothers respectively.

(iv) Parental perceptions of benefits

The evidence to date is primarily Nordic and qualitative including, more recently, studies exploring parents' perceptions of fathers' use of Parental leave (e.g. Brandth and Kvande, 2001). In summary, findings suggest emotional benefits for parents and that for men's use of paternity leave creates a limited short-term increase in father involvement in childcare. For example, in a national evaluation of parental leave in Denmark, parents reported overwhelming benefits notably more time with family and a less stressful family environment overall (Anderson et al., 1996, cited in Rostgaard, Christoffersen and Weise, 1999). Swedish research on fathers' perceptions of paternity and parental leave benefits points to similar findings with the majority reporting satisfaction and enjoyment (e.g. Haas, 1992). Moreover, Swedish fathers who use a higher proportion of leave than average (20 per cent or more of all potential leave days) at least in the short term appear to sustain a more engaged family commitment, working fewer hours and being more involved in child-care tasks and household work (Haas and Hwang, 1999). Similarly Huttunen's (1996) survey of Finnish fathers who had taken parental leave found that the opportunity it gave to develop a closer relationship with infants was valued most by the fathers. Norwegian research suggests that fathers who take the 'daddy quota' in a 'home alone' manner become more

aware of infant life and 'slow time' than those who take parental leave with their partner (Brandth and Kvande, 2001)

Brandth and Kvande (2002) research also highlights the importance of taking a couple perspective in understanding fathers' personal experiences of leave from employment. They found a complex process of couple negotiation and bargaining influenced by couple values and preferences as well workplace and economic factors. The couple relationship is a key one, setting the scene against which parents negotiate and balance their family and employment roles and responsibilities.

The qualitative studies are suggestive of family processes which operate to promote child well-being during parental leave. Parental leave entitlements have the potential to boost emotional investment and connection with infants in the home. Paid parental leave, in particular when parents are sure of employment on return to work, can create a more financially secure context for caring. Studies examining Parental leave experiences at a micro level need to embed a consideration of wider socio-economic factors, including employment security. Whilst these findings are suggestive we need further research to understand *how* (that is the processes by which) Parental leave makes a difference to children's lives.

Conclusion

Can we afford to give all our infants a good or 'good-enough' life quality? Historically in most nations these negotiations have been left for mothers and fathers to resolve in their private life, but as expectations of a speedier return to work after childbirth have emerged governments have been drawn into the dialogue. Conversations about who is going to care for the baby are clearly no longer a private family matter. As this volume shows in recent years more governments have become explicit about parental leave entitlements for this early period in a child's life. The challenge for most nations is to reach *a settlement* on the relative contribution of public and family resources and to create a sustainable framework for mothers and fathers to take time off work to care for their infant.

Within the UK context, the early years of childhood became the focus of policy concern with the arrival of a new government in 1997 pledged both to reduce child poverty and to give greater support to employed parents. A key determinant in governmental policy was that 'the interests of children must be paramount ...ensuring that the next generation gets the best possible start in life' (Home Office, 1998: forward). In order to support this aspiration the caring and economic responsibilities both of fathers and mothers were made explicit. Parental leave legislation was framed with the principle 'to extend choice for both mothers and fathers by giving them the chance to spend more time at home, as well as support their children financially'

(ibid.: 26). Implementing these aspirations presents a formidable challenge to Britain and indeed other western contemporary societies.

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1.3

Leave policy and early childhood services in Hungary

Marta Korintus¹

In Hungary, there is a history stretching back more than a 150 years of services for young children, and also a relatively long history of maternity and Parental leave. The first *óvoda* (kindergarten or centre for children between three and six years of age) was established in 1828, and the first *bölcsőde* (nursery or centre for children under the age of three) in 1852. Maternity leave was first introduced in 1884 but its modern version, including what is now parental leave, was set up in 1967. Today, there is a complex system of leaves, benefits and services available for families with young children. This paper attempts to outline the possible relationships between leave policy and early childhood services.

Services

The system of children's services in Hungary is divided. Policy responsibility for children from birth to three years of age falls under the Ministry of Youth, Family, Social and Equal Opportunities.² The Ministry of Education has responsibility for the kindergarten services (*óvoda*) for children from three to six years, which is now seen as the first stage of public education. School starts in Hungary at six years, and attendance at *óvoda* is compulsory for five year-olds as preparation for school. While the emphasis of the programmes available for all young children and their families has converged substantially within these over the years in Hungary, the division into age groups – under and over three years - is longstanding.

¹ Special thanks to Tibor Paphazi who helped collect the statistical data and Aniko Aranyi, who created most of the tables.

² At times, the responsibility for services for children under 3 years was with ministries responsible for children's primary health care. But Law 31 (1977) on the protection of children currently places responsibility for this youngest age group under social welfare.

The majority of children under the age of three years are cared for at home by their mothers or by relatives (mainly the grandmother). Non-parental childcare for children between the ages of 20 weeks to three years is provided almost entirely in *bölcsőde* (nursery). These were developed extensively during the socialist era, as an institution helping women enter the labour market. Since 1984, however, both the number of centres and the places they provide have dropped by about 60 per cent. Today, they provide for about eight to nine per cent of the age group. *Óvoda* (kindergarten), for children between three and six/seven years of age, provide for about 92 per cent of the age group.

Both *bölcsőde* and *óvoda* are full-time, centre-based services, open for 12 hours a day, offering four meals a day, including a hot lunch. Both are comprehensive programmes, addressing children's needs holistically by providing an integrated service in healthcare, nutrition, and psychosocial stimulation. There are regular visits by paediatricians and both work in partnership with health visitors.

Leaves and related payments

Leave is available for all mothers until their child is three years old, with some provision for fathers (see details in country note on Hungary). The whole period of leave is paid, but at different levels for parents who were employed before the birth of the child, and for those who were not employed. GYED - *Gyermekgondozási díj*, parental leave for insured parents who were employed before giving birth - is paid at 70 per cent of earnings for two years, then at a flat rate for the third year. While GYES - *Gyermekgondozási segély*, parental leave for non-insured parents, not employed before giving birth - is paid at a flat rate for all three years.

The length of the leave period is longer for parents of twins (6 years) and for parents of children with disabilities (10 years). Grandparents are also eligible for GYES. In addition to these major forms of leave, there are also a number of leave days available for employees for different reasons. Among these are a number of extra leave days per year depending on the age of the child, leave days to care for sick children, and time away from work for breastfeeding.

Take-up of parental leave and enrolment in nurseries

Available data on take up of the two major forms of leave (GYED and GYES) relate only to the average monthly number of recipients, which, unfortunately, are not informative about the proportion of parents using the leave, or about the length of period they use. Nevertheless, the information can be used to look at the relationship between rates of take up, employment and enrolment in nurseries.

The proportion of the total population, older than 16 years old, taking up GYED and GYES has remained relatively stable over the years. It was 3.7 per cent in 1992, 4.0 per cent in 1996, 4.0 per cent in 2000, and 3.8 per cent in 2003. Some men have taken leave, but essentially 99 per cent of leave takers have been and are women.

Most communities in Hungary do not have nurseries for young children, so in these places taking leave is the only option available to parents. Many families living in deprived areas and struggling with unemployment rely on benefits and allowances tied to having children as the main (or only) source of income.

Research shows that the number of those who had not worked before taking up leave grew between 1993 and 1999, though this trend has subsequently reversed: between 1999 and 2002, the proportion of parents who had been employed before taking up leave rose from 73.8 per cent to 76.8 per cent. In 2002 about 70 per cent of those on leave wanted to return to the labour market, with a five per cent increase in demand for childcare compared to the previous year. The proportion was lower in small towns and villages compared to urban areas (Frey, 2002).

Figure 1: Enrolment in nurseries and take up of leaves

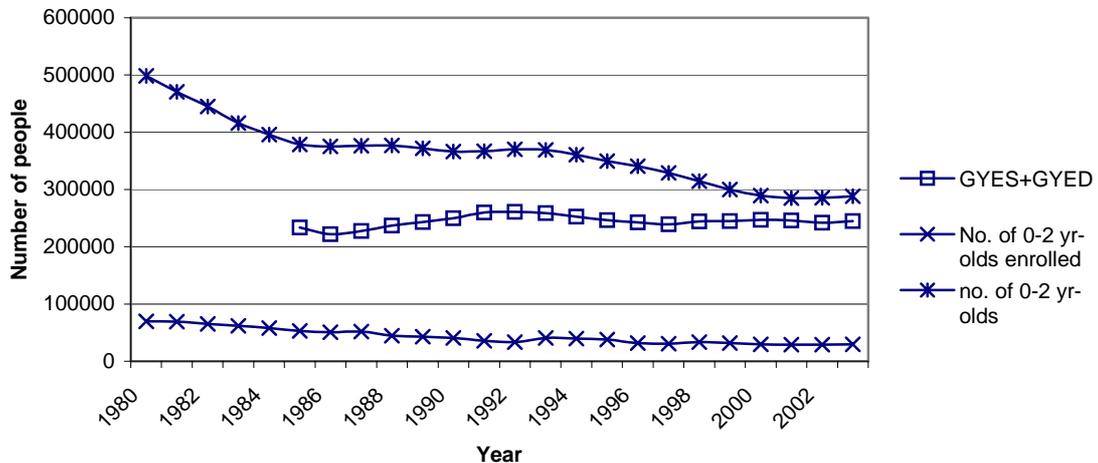


Figure 1 clearly shows a fall in both the number of children in the population and the number of those enrolled in nurseries since the 1980s. By contrast, enrolment in kindergartens, once children get to three years of age, has not shown the same sharp decline. At the same time, the tendency to take up leave has remained roughly the same. With services for children under three years of age only able to provide care for eight to nine per cent of the age group, and the number of childminding places is negligible, long parental leave is used

by most mothers. That is, parents (mothers in practice) of the children not in nurseries, all take up one or the other forms of paid leave.

Falling enrolment rates in nurseries, however, do not necessarily indicate falling demand. The number of nursery places has decreased since 1984, resulting in a 60 per cent drop in availability. The decreasing number of births certainly provided a rationale for the closure of nurseries, but this was not the sole reason. But ideology, changes in the labour market, and changes in the financing of services also played an important role.

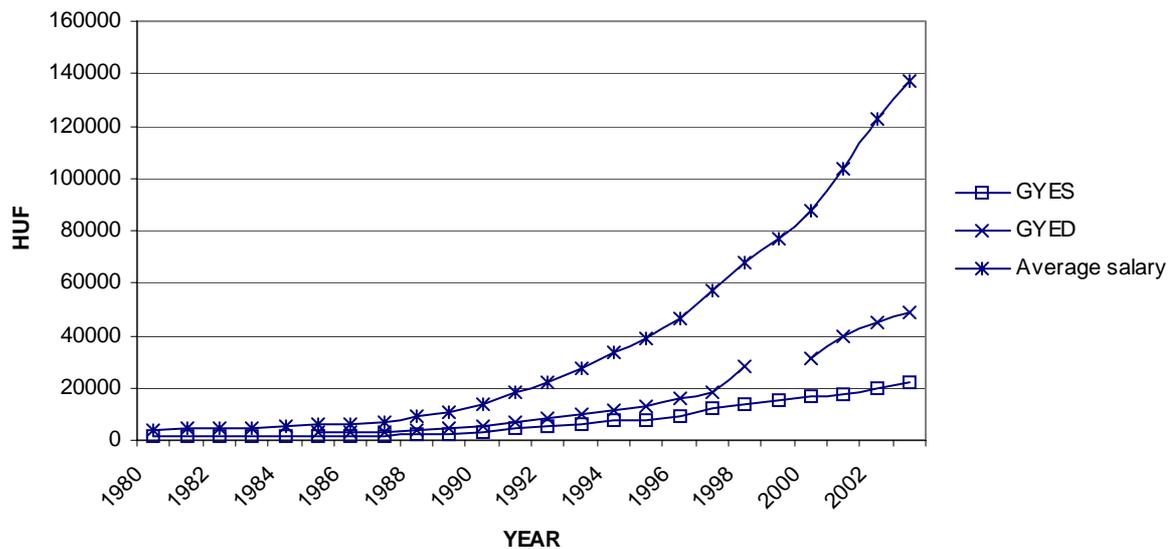
Ideology and politics certainly have influenced women's decisions regarding the use of leave or returning to employment. During the transition period there was a lot of public discussion about the benefits of parents (mothers) taking up leave to care for young children. The argument was not entirely new at the time since leave policies always aimed to support childbirth by giving mothers the opportunity to stay home with their babies. At the beginning of the 1990s, however, taking up leave and staying longer at home very conveniently served to compensate for the growth in maternal unemployment.

Population surveys still show a preference for young children being raised at home (Török, 2004; Gyarmati, Korintus and Racz, 2006). Developing nurseries comes only in the middle of a priority list of nine items, including services for people with disabilities, for the elderly, for the homeless, and child welfare services.

Financing today for both types of service (*bölcsőde* and *óvoda*) comes from three sources: earmarked funding from the central government (about 25-30 per cent of the total cost), parents' fees (about 10 per cent) and a local authority contribution (the rest of the total cost). Parents' fees in effect cover only the cost of the meals children receive. Low income families can have a reduced fee, and those families in need do not have to pay at all. Maintaining these services, therefore, is a considerable burden on a local authority's budget, and the income of most families is not enough to cover childcare costs.

The real value of the benefits paid to parents taking GYES and GYED have reduced over time, although the ratios compared to average earnings remain about the same (Figure 2) (Szalai, 2004). Therefore, the question emerges. Is there an increasing need for childcare, or for the strengthening of ideologies promoting women to stay home with young children?

Figure 2: Average income (HUF) per person per month from earnings and leave benefits



Conclusions

This analysis suggests that in Hungary there is no direct relationship to be seen between leave policy development and policies relating to services for young children. Historically, nurseries were developed as an employment-related measure. Since the middle of the 1970s, leave policy measures aimed to promote the number of births. Legislation passed in 1997 regulates nursery provision for children under three as a child protection measure. Today, services fulfil a range of functions – childcare, child welfare and child development - but there is no clear policy or agreement, even among the professionals, about their main function. Supporting children’s well being and learning emerge as the overriding principles but policy measures do not provide a clear standpoint on the relationships between the system of services and leaves. Legislation and practice formulate different aims and follow different routes.

As can be seen in this paper there are not enough places for children under three, although it is a legal duty for local authorities to assess needs locally and to ensure a place for all those children whose parents cannot look after them during the day (e.g. because they work). The geographical distribution shows that about two-thirds of the communities in the country do not have a nursery or any other forms of organized service for children under the age of three. Where, therefore, is real choice? Leaves and services should provide a comprehensive system making choices available. But in Hungary today, it appears that supply rather than choice determines the availability and use of services.

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Section 2: Country notes on leave policies and research

2.1

Introduction to country notes

Peter Moss

Introduction

This section of the report sets out information on leave policy and research in 22 countries:

- Australia
- Belgium
- Canada
- Czech Republic
- Denmark
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Norway
- Portugal
- Slovenia
- Spain
- Sweden
- The Netherlands
- United Kingdom
- United States

Most of these countries (17) 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 and leave for urgent family reasons (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 are determined by a supra-national body. For the remaining five countries, policy is purely a national competence.

Basic demographic, economic, employment and gender information is set out for each country, in a boxed section. This information is mainly drawn from the 2005 Human Development Report prepared by the United Nations Development Programme (available at http://hdr.undp.org/reports/global/2005/pdf/HDR05_complete.pdf). However the two items on maternal employment come from European Commission sources, and are only available for some EU member states³.

For each country, policy is considered under three headings. First, details are provided of 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 is termed 'childcare leave or career breaks'. The former is leave for parents following the end of Parental leave, and may not in practice be very different to Parental leave (although the conditions attached to the two types of leave may vary, see for example Finland or Norway); the latter is leave available for a wider range of reasons than the provision of care. This section focuses on statutory entitlements, although collective agreements or individual employment policies may supplement these basic entitlements for certain groups and the extent of this supplementation varies from country to country (for a fuller discussion of supplementation, see EIRO, 2004). The situation for each type of leave has been set out under a number of standard headings.

The government department responsible for leave in each country is given in the country notes. Often, in fact, there are two departments involved, one responsible for the leave itself, the other for benefit payments. For example, in the United Kingdom, the Department of Trade and Industry has the brief for maternity leave, parental leave and pay, adoption leave and pay and the right to request flexible working, while the Department of Work and Pensions is responsible for

³ Aliaga, C. (2005) Gender gaps in the reconciliation between work and family life (Statistics in Focus: Population and Social conditions, 4/2005). Available at: http://epp.eurostat.cec.eu.int/cache/ITY_OFFPUB/KS-NK-05-004/EN/KS-NK-05-004-EN.PDF

maternity pay. In these cases, the country note refers only to the department responsible for leave policy.

The next two headings cover: recent changes in leave policy and if proposals for future change are under discussion; and information on take-up of various forms of leave. The concluding section for each country focuses on research and publications about leave policy and its use.

The five sections make up individual country notes, which have been prepared by members of the Network on leave policy and research, and edited by the coordinators in collaboration with the original authors. The selection of countries included in this section, therefore, reflects the availability of Network members prepared to contribute the required information. The countries covered do not include all member states of the European Union or of OECD, and this review should be seen as complementing other reviews. In particular, we would draw the reader's attention to recent reports from the European Industrial Relations Observatory (2004) and the Council of Europe (Drew, 2005).

Reviewing the country notes

Five of the 22 countries are federal states (Australia, 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 and territories have their own legislation for leave policy, with ensuing variations in length and eligibility conditions, though payment to parents on leave has been the responsibility of the federal government. From 2006, however, complete responsibility for leave policy, including funding, has been transferred to the province of Québec from the federal government. In addition, various regional governments (Autonomous Communities) in Spain have implemented additional entitlements; while some local authorities in Finland pay supplements to the national benefit for parents using 'home care leave'.

Demographic, economic, employment and gender background

The 22 countries vary widely in terms of population: from Estonia with 1.3 million people to the United States with 292 million. The fertility rate in no country, however, reaches the replacement level of 2.1, Iceland and the United States coming closest with 2. Fertility rates are particularly low (below 1.5) in the four Central and Eastern European countries, Germany, Greece, Italy and Spain. National income is highest in four English-speaking countries (Australia, Canada, Ireland and the United States) and two Nordic countries (Denmark and

Iceland), lowest in the four Central and Eastern European, Portugal and Greece.

Countries with high female employment rates, (i.e. where these rates are 80 per cent or more of men's), include the five Nordic states, three of the Central and eastern European states (Czech Republic, Estonia and Slovenia) and Canada and the United States. On this measure, women's employment rates are low (60 per cent or less of men's) in Ireland, Italy, Greece and Spain. These differences are also reflected in employment rates for women with children under 12 years of age (where such data are available), although this data also shows the need to consider the extent of women's part-time employment. For example, Finland and the Netherlands have very similar overall employment rates for women with children under 12 years – but whereas only just over a tenth of employed mothers in Finland work part time, the proportion is more than three quarters in the Netherlands. Other countries with high part-time employment rates include Belgium, Germany and the United Kingdom.

For most EU member states included in the review, a statistic is provided which compares the employment rates for women aged 20 to 50 with a young child (under six years) and similarly aged women with no children. Only two countries – Portugal and Slovenia – show a negative figure, meaning that women with children have a higher employment rate than those without. Much more common is for women without children to have higher employment rates. However the size of the difference varies considerably: it is lowest in Denmark, Greece and Belgium; and highest in Germany, United Kingdom, Estonia, Czech Republic and Hungary. A small difference may mean that women, whether with or without children, have high employment rates (as in Denmark) or that both have low employment rates (as in Greece). A large difference reflects the impact of children on employment; in most cases, this is related to long periods of Parental leave (four of the five countries with the highest employment differential offer three years of parental leave).

Finally, the Nordic countries overall have the highest rankings for gender development and empowerment⁴, the Southern European and Central and Eastern European countries the lowest

⁴ The Gender-related Development Index covers gender inequality with respect to life expectancy, adult literacy and earned income; while the Gender Empowerment Measure covers gender inequality with respect to political and economic participation in decision making and power over economic resources.

Current leave and other employment-related policies to support parents (see Tables 1 and 2 for summaries of leave policy)

Where government chooses to locate leave policy is significant since different Departments have different perspectives, rationalities and objectives. 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 either within departments concerned with employment matters and/or the regulation of business; or within departments concerned with social and/or family affairs. One exception is Ireland where responsibility is with the Department of Justice, Equality and Law Reform.

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 22 countries, three 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 and Sweden, leave is available at this time but is not restricted to women, being subsumed into parental leave. However, while leave is paid at a high level in Sweden, it is unpaid in Australia and the United States (which are the only two 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 per cent) throughout; in some cases, leave may be extended where there are multiple births. The amount of time that can or must be taken before birth varies.

There are four main exceptions, all countries with extended maternity leave. Maternity leave in the Czech Republic is 28 weeks, in Ireland 34 weeks and in the UK 52 weeks. In the last two countries leave is not paid for the full period; in the UK, earnings-related payments last for six weeks, with a further 20 weeks of benefit payment at a flat rate, leaving the remaining 26 weeks of Additional Maternity Leave unpaid. 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 (e.g. Germany, Italy). 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 per cent of earnings, the other longer but paid at 80 per cent. Maternity leave can be transferred to fathers in some other countries, but only in certain extreme circumstances (such as death or severe illness).

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 a short period 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 (sometimes referred to as a 'father's quota'). The distinction between paternity leave and father-only parental leave is therefore blurring, unless the definition of parental leave is restricted to a short period of time immediately after the birth, which is how it is treated in this review.

An example of this complexity arises from a comparison of Iceland, Norway and Sweden. In a recent reform, Iceland has introduced a completely reformed leave policy: nine months leave after the birth, three months for mothers, three months for fathers and three 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 three months of leave are available to fathers to take as and when they choose. Norway, by contrast, has two weeks paternity leave (i.e. to be used at the time of birth) and a further four 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. Sweden also has paternity leave (10 days) and a father's quota as part of parental leave (60 days), while a recent government report proposed moving to an Icelandic model with five months of leave assigned to each parent as non-transferable individual rights, and a further five months as a family right to be shared however the partners decide.

On the basis of defining paternity leave as a short period immediately after the birth, 15 of the 22 countries under review have paternity leave, which (with two exceptions) varies from two to 10 days and is usually paid on the same basis as maternity leave. (Iceland is included in the countries without parental leave, the three months fathers-only leave being counted as paternity leave on the basis that it is not restricted to being taken at or around the time of birth). The two exceptions are: 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, five 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.

Parental leave and childcare leave

Although treated separately in the country notes, these two forms of leave are considered together here, as childcare Leave can usually be taken immediately after parental leave, so creating one continuous period of leave, even if the conditions (such as benefit paid) may not be the same.

All EU member states must provide at least three 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. Four 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).

In six countries, parents can take additional 'childcare' leave after parental leave finishes. In four cases the leave is unpaid: two weeks per year per parent until a child is 14 in Estonia; three months per year per parent in Iceland until a child is eight years; a year in Norway; and 2-3 years in Portugal (by contrast, in Estonia, Iceland and Norway *parental leave*, preceding childcare leave, is paid). Parents with three or more children in Hungary can take leave until their youngest child is eight years old, with a flat-rate benefit. Finland is exceptional in that its home care leave is both available to all parents and paid, albeit with a relatively low flat-rate allowance (so blurring the distinction with parental leave).

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 total continuous leave available, including maternity leave, parental leave and childcare leave, comes to around nine to 15 months; and those where continuous leave can run for up to three years. In the former camp come Australia, Belgium, Canada, Denmark, Greece, Iceland, Ireland, Italy, Slovenia and the UK. In the latter camp are the Czech Republic, Estonia, Finland, France, Germany, Hungary, Norway, Portugal and Spain.

Sweden falls in between. 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 a family entitlement in eight countries, to be divided between parents as they choose (Australia, Canada, Denmark, Estonia,

France, Germany, Hungary and Spain); an individual entitlement in another 10 countries (Belgium, Czech Republic, Greece, Iceland, Ireland, Italy, Portugal, Slovenia, the Netherlands and the United Kingdom); and mixed (part family, part individual entitlement) in three countries (Iceland, Norway and Sweden). It should be noted, however, that countries where leave is an individual entitlements vary in whether unused entitlements can be transferred to a partner (e.g. in Slovenia) or whether entitlements, if not used, are foregone.

A majority of countries (14) provide some element of payment. However, in six cases (Belgium, Czech Republic, Estonia, France, Germany and Italy) 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 eight countries pay an earnings-related benefit pitched at more than half of normal earnings. 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 the Czech Republic, 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.

Slovenia has the most generous benefit payments for parental leave - at full earnings with no maximum ceiling (the only country paying an earnings-related benefit which applies no upper limit). Denmark and Norway also pay full earnings, but only up to a maximum ceiling, while most or all of the leave period is paid at 80 per cent of earnings or higher in Iceland and Sweden (again up to a maximum 'ceiling' amount). Hungary, too, is relatively generous, paying a benefit of 70 per cent of earnings to parents on leave until a child's second birthday, then a lower flat-rate payment until the child is three years old.

Flexibility takes four main forms. First, the possibility to use all or part of leave when parents choose until their child reaches a certain age (e.g. Belgium, Germany, Portugal, Sweden); second, the possibility of taking leave in one continuous block or several shorter blocks (e.g. Estonia, Greece, Iceland, Spain, Sweden); 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, Québec, Sweden); and fourth, additional leave in the case of multiple births or, in a few cases, other circumstances (e.g. Finland, Germany, Greece, Ireland, Italy and the Netherlands). Other forms of flexibility include: options to take longer periods of leave with lower benefits or shorter periods with higher benefits (e.g. Denmark, Germany, Norway, Québec); and the possibility to transfer leave entitlements to carers who are not parents (e.g. Estonia, Hungary, Slovenia).

Just as the UK has the longest period of maternity leave by far, so it also has a unique approach to parental leave. As a minimum

entitlement, eligible employees are entitled to three months unpaid leave which can be taken in portions of four weeks per year (rather than in one continuous block, as in all other countries). However, employers are encouraged to go beyond the minimum provisions of the regulations, where it is possible to do so.

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 six months parental leave are entitled to an extra month.

Career breaks

Two countries provide some form of break from employment not necessarily tied to childbearing and childcare. Employees in Sweden can take three to 12 months; while in Belgium, there is a basic right to one year of leave but this period can be extended up to five years by collective agreement negotiated at sectoral or company level. In both countries, there is some payment but there is a quota on how many people can take leave at any one time.

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, seven (Czech Republic, Estonia, Germany, Hungary, Italy, Portugal, Slovenia, Sweden and the Netherlands) specify an entitlement to leave of 10 days or more per year to care for sick children, though the age range of children covered varies; 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 six to 12 years old in Hungary; or being without limit for a child under three years in Italy but five days a year per parent for a child aged three to eight years.

Leave is shorter or unspecified and unpaid in the other member states.

Of the non-EU countries, 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 five days of personal or sick leave per year to care for a sick family member.

Eight of the 22 countries in this review offer additional leave entitlements, covering a wider range of family members than young

children and/or situations of serious illness. For example, most provinces and territories in Canada 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, but benefits of up to six weeks can be claimed through Employment Insurance for this leave. While in Portugal, in addition to up to 30 days per year of leave that can be taken to care for sick children under the age of 10 years, paid at 65 per cent of the minimum wage, 15 days unpaid leave per year can be taken to care for a spouse, older child or co-resident elderly relative, increased by one day for every second and subsequent child

Nine countries (Estonia, Greece, Hungary, Ireland, Italy, Norway, Portugal, Slovenia and Spain) enable women to reduce their working hours in the 12 months after birth, usually related to breast-feeding. Women reducing their hours are entitled to earnings compensation. This is not usually the case in the eight countries (Estonia, Finland, Greece, Norway, Slovenia, Spain, Sweden and the Netherlands) that give parents the right to work part-time hours when their child is over one year old. (All Dutch employees have the right to work part time; employers may turn down an employee's request to work part time, but only under quite specific conditions).

Greece provides an example of a country that provides both payment and a substantial degree of flexibility in how reduced hours may be taken. Parents are entitled to work one hour less per day for up to 30 months after maternity leave, with full earnings replacement. With the employer's agreement, this may be taken as: two hours less per day for the first 12 months and one hour less per day for another six months; or in block(s) of time of equal time value within the 30 months period after maternity leave. This last option, of converting reduced hours into a block or blocks of leave, means that a parent can take a number of months off work, up to an estimated three and three-quarters months. This leave - titled 'alternative use of reduced hours as leave for the care of children' - is considered part of working time and paid accordingly.

Finally, in Australia, 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.

Relationship between leave and other employment-related policies and services for young children

Although the country notes do not include a section on this topic, there is a defined relationship in a number of countries. Some countries have developed a long period of leave, up to three years, as an alternative to building up services for the youngest age group of children. Germany, or at least what was formerly West Germany, is a case in

point. Before unification, Eastern Germany was an example of an alternative approach: a short, well paid leave, up to around a child's first birthday, followed by extensive services intended to encourage and support parental employment at an early stage. Today, Denmark and Sweden follow a similar pattern with a universal entitlement for children to a publicly-funded service beginning around the end of a period of well paid parental leave lasting about one year. This entitlement ensures 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).

In these two Nordic countries, the complementary relationship between leave and services is mainly consecutive, i.e. access to services is introduced as leave ends. In Finland, the relationship is concurrent in the sense that a three-year leave entitlement runs alongside a universal entitlement to a place in a publicly-funded early childhood service for all children *from birth*. The entitlement also includes the possibility of a state subsidy for parents choosing to use private services and a municipal supplement paid by some local authorities. The relationship here between leave and services emphasizes maximizing parental choice, though in effect any choice is exercised by mothers since very few fathers take a prolonged period of leave. France, too, emphasizes a relationship between leave and services intended to support choice over the first three years after birth, although without an entitlement to a service place for children under three years.

In some countries where leave ends when children are three years old (e.g. France, Hungary, Germany, Spain), nursery schooling or kindergartens are widely available to children aged three 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 (though widespread in France).

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.

The relationship between leave and services can change over time. A current example is Portugal, where a new government has stated that its intention, in relation to reconciliation of work and family life, to increase support services for families with young children, rather than improve leave. It has presented a Programme for the Enlargement of the Network of Services, which includes the aim of increasing by 50 per cent, over the next three years, the number of places in crèches.

Changes in leave policy and other related developments

This section in the country notes reveals how leave policy is receiving much attention at present, with most countries reporting significant recent changes or future changes either waiting implementation or under active discussion. Moreover, in nearly all cases the direction of change is towards increasing the scope of leave entitlements. Thus significant changes have recently taken place in or are scheduled to be introduced in: Canada (2000, 2006); the Czech Republic (2004, 2005 and forthcoming); Denmark (2002); Finland (2003); Germany (2001); Greece; Iceland (2000); Ireland (forthcoming); Italy (2000); Netherlands (2006); Portugal (2002); Slovenia (2001); Spain (1999); and the United Kingdom (2003, forthcoming).

Significant reports and proposals that may lead to significant future changes are mentioned in several cases, including Finland, Germany, Ireland and Sweden.

Many of the changes – actual or mooted – extend fathers' rights. For example:

- Hungary: the introduction of five days paternity leave.
- Iceland: major reform of leave policy has restructured leave so that all fathers were entitled to the same amount of leave as mothers, i.e. three months
- Slovenia: half of parental leave recognised as the father's own right and the introduction of paid paternity leave lasting 90 days (though due to budget constraints, this right was implemented gradually)
- Portugal: five days of paternity leave made obligatory.
- United Kingdom: the introduction of two weeks paid paternity leave.

Increased flexibility is another theme, with examples including:

- Germany: benefit paid to parents on leave may be taken at a higher rate - €450 a month – over a shorter period (12 months).
- Denmark: a choice of taking parental leave as 32 weeks at 100 per cent of earnings or 40 weeks at 80 per cent
- Greece: the introduction of various options for working reduced hours after parental leave
- Portugal: a choice of taking maternity leave either as four months at 100 per cent of earnings or five months at 80 per cent (introduced in 2004)
- United Kingdom: introduction of the right for workers with parental responsibility for a child under six years or a disabled child under 18 years to apply to their employers to work flexibly (e.g. to reduce their working hours).

Both Ireland and the United Kingdom have extended, or will be extending, the length of maternity leave – to 42 and 52 weeks respectively – far in excess of other countries (except for the Czech

Republic and Hungary). While the UK is also proposing to introduce an additional period of paternity leave, this will be dependent on mothers not using their full entitlement of maternity leave (i.e. leave for fathers will be contingent on how mothers' use their leave).

The Netherlands is also developing leave policy in a very different way to other countries. A new savings scheme with a tax incentive element has been introduced in 2006, which is intended to offer employees a way to finance various types of leave. Participation in the scheme is an entitlement, but each individual employee must choose whether to use their entitlement and participate. This life-course arrangement requires employees to take personal responsibility for the funding of longer periods of unpaid leave. State support is restricted to tax relief on savings.

Although there is a widespread movement towards enhanced leave entitlements, comparison of change also confirms the very divergent national approaches being taken.

Take-up of leave

Rostgaard (2005) notes 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 there is an entitlement to paid 'Ordinary Maternity Leave' followed by unpaid 'Additional Maternity Leave', most women return to work well before the end of the unpaid entitlement.

EIRO (2004) conclude that 'the available figures show a relatively significant take-up rate [for *paternity leave*].' This conclusion is borne

out in the country notes: two-thirds or more of fathers are reported to take paid paternity leave in Denmark, Finland, France, Netherlands, Sweden and the United Kingdom.

Where *parental leave* is unpaid, as in Ireland, Portugal, Spain and the United Kingdom, 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). A recent survey in the UK, for example, shows that only 11 per cent of mothers had taken some parental leave within 17 months of their child's birth, two-thirds of whom had taken a week or less. Unpaid parental leave tends to be used where entitlements to other forms of leave have been exhausted.

Where leave is a family entitlement only, fathers' use is low (i.e. where leave can be shared between parents, fathers take only a small proportion). For example, less than one per cent of recipients are fathers in the Czech Republic; and the proportion of fathers taking parental leave is two per cent in Finland, five per cent in Germany and 10 per cent 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 per cent of children born in 2002/3 have a father who took leave and these fathers on average took 25 days of leave (as parental leave is two 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 per cent of fathers in 2003 took some parental leave, although only 15 per cent took more than the one month father's quota
- Sweden: 90 per cent of fathers of children born in 1998 have taken parental leave, mainly when their children were 13 to 15 months of age. 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 Norway (where the great majority of fathers take only the four weeks fathers' quota); and least in Sweden (where by the end of 2005, fathers were taking just under 20 per cent 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.

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 four per cent to 89 per cent 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 then the extension of a father's quota, though the doubling to two months had a less dramatic effect than the initial introduction of a quota. Another striking example of the effect of policy change has been the number of fathers in Portugal taking the recently introduced paid parental 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 one 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 patchier. 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 or to take it for longer periods if: their partners have higher education and/or earnings; if they work in female-dominated occupations or the public sector.

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 show that almost a quarter of employees with dependent children under six years have asked to work flexibly, rising to 36 per cent amongst women with a child under six years; most (81 per cent) requests had been partly or fully accepted by employers. The Netherlands introduced a similar, though broader, right to request more flexible hours in 2000. An evaluation after two and a half years found that 26 per cent of employees had wanted to work less (27 per cent for men, 24 per cent for women), the main reasons given by both men and women being to have more time for family or household duties (34 per cent) or to pursue hobbies and other private activities (30 per cent). Approximately half (53 per cent) of the employees who wished to reduce their working hours had informed their employer and more than half of the employees (54 per cent) who had requested a reduction of their working hours from their employer had had their request fully granted and a further 10 per cent partially agreed. In short, the legislation had contributed to about nine per cent of workers reducing their hours.

Research and publications on leave and other employment-related policies since January 2001

Country notes finish with a brief overview of the state of research on leave policy; a selection of publications on leave since January 2001; and brief outlines of ongoing research on leave. Altogether 210 publications are listed, with a brief description of each, and 25 ongoing research projects.

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Table 1: Provision of statutory leave entitlements in selected countries

	Maternity leave	Parental leave	Parental leave	Total post-natal leave (months)	Leave for sick children
Australia	×	×	✓ F	12 (0)	✓✓✓
Belgium	✓✓✓	✓✓✓	✓✓ I	9.5 (9.5)	✓
Canada [fn] Québec	✓✓✓	✓	✓✓✓ F	12 (11.5) 16 (15.5)	✓ [+] ✓ [+]
Czech Rep	✓✓✓	×	✓✓* I	36 (36)	✓✓✓
Denmark	✓✓✓	✓✓✓	✓✓✓ F	10.5 (10.5)	×
Estonia	✓✓✓	✓✓	✓✓ F	36 (36)	✓✓✓
Finland	✓✓✓	✓✓✓	✓✓✓ F	36 (36)	×
France [fn]	✓✓✓	✓✓✓	✓✓* F	36 (36)	✓ [+]
Germany	✓✓✓	×	✓✓* F	36 (24)	✓✓✓
Greece	✓✓✓	✓✓✓	✓ I	9 (2)	✓ [+]
Hungary [fn]	✓✓✓	✓✓✓	✓✓✓ F	36 (36)	✓✓✓
Iceland	✓✓✓	×	✓✓✓ F/I	9 (9)	×
Ireland	✓✓	×	✓ I	14 (4.5)	✓✓✓ [+]
Italy [fn]	✓✓✓	×	✓✓ I	13.5 (13.5)	✓
Netherlands	✓✓✓	✓✓✓	✓ I	8.5 (2.5)	✓✓✓ [+]
Norway	✓✓✓	✓	✓✓✓ F/I	36 (12)	✓✓✓ [+]
Portugal	✓✓✓	✓✓✓	✓ I	34 (4)	✓✓✓ [+]
Slovenia	✓✓✓	✓✓	✓✓✓ I	12 (12)	✓✓✓ [+]
Spain	✓✓✓	✓✓✓	✓ I	36 (3.5)	✓✓✓
Sweden [fn]	×	✓✓✓	✓✓✓ F/I	(g)	✓✓✓
UK	✓✓	✓✓	✓ I	18 (6)	✓
USA [fn]	×	×	×	0	×

Key:

Maternity, paternity, parental leave and leave for sick children

columns: × - no statutory entitlement. ✓ - statutory entitlement but unpaid; ✓✓ - statutory entitlement, paid but *either* at low flat rate *or* earnings-related at less than 50 per cent of earnings *or* not universal *or* for less than the full period of leave; ✓✓✓ - statutory entitlement, paid to all parents at more than 50 per cent of earnings (in most cases up to a maximum ceiling).

Parental leave column: * indicates the payment is made to all parents with a young child whether or not they are taking leave. F=family entitlement; I=individual entitlement; F/I=some period of family entitlement and some period of individual entitlement

Total post-natal leave column: Unbracketed numbers for 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. Column includes both 'parental' and 'childcare' leaves.

Leave for sick children column: [+] indicates additional leave entitlements covering a wider range of family members than young children and/or situations of serious illness.

Country footnotes [fn]:

Canada: There are differences in length of leave between provinces and territories; three provinces allow three to five days of unpaid leave to care for members of immediate family

Czech Republic: Parental leave may be taken until child is three years, but benefit is paid until child is four.

France: Parental leave payment to parents with one child until six months after the end of maternity leave

Germany: Parental leave payment after maternity leave until child is two years and means tested

Hungary: For insured parents, leave is paid at 70 per cent of earnings until child's third birthday, then at flat rate; only mother is entitled to use in child's first year. Either of the parents in a family with three or more children may take leave during the period between the third and the eighth birthday of the youngest child (*Gyermeknevelési támogatás* – GYET). Benefit payment as for GYES.

Italy: Parental leave is six months per parent, but total leave per family cannot exceed 10 months.

Sweden: 480 days of paid leave per family (divided between individual entitlements and family entitlement), 390 days at 90 per cent of earnings and 90 days at a low flat rate; each parent also entitled to 18 months unpaid leave.

United States: 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.

Table 2: Statutory entitlements for taking Parental leave flexibly or for flexible working

	Reduced hours		Parental leave flexible options	Right to request flexible work
	First year	Later		
Australia	x	x		✓ until CSA
Belgium				
Canada Quebec	x x	x x	3, 5	x
Czech Rep	x	x	1, 4	x
Denmark	x	x	1,3	x
Estonia	✓✓✓	✓✓✓until 1½	1, 4	x
Finland	x	✓✓until 8	1, 2, 6	x
France	x	x	1, 5	x
Germany	x	x	1, 3,5, 6	x
Greece	✓✓✓	✓✓✓until 2½	2, 5, 6	x
Hungary	✓✓✓	x	4, 6	x
Iceland	x	✓until 8	2, 5, 6	x
Ireland	✓✓✓	x	5, 6	x
Italy	✓✓✓	x	5, 6	✓ until CSA
Netherlands	✓all employees are entitled to work part time		2*,6	x
Norway	✓✓✓	✓until 10	3,6	x
Portugal	✓✓✓	x	1,5	x
Slovenia	✓✓✓	✓ until 3	1,4,5,6	x
Spain	✓✓✓	✓	2	x
Sweden	x	✓until 8	1,2,5,6	x
U.Kingdom	x	x	5	✓ until 6
U.States	x	x		x

Key:

x - no statutory entitlement. ✓ - statutory entitlement but unpaid; ✓✓ - statutory entitlement, paid but *either* at low flat rate *or* earnings-related at less than 50 per cent of earnings *or* not universal or for less than the full period of leave; ✓✓✓ - statutory entitlement, paid to all parents at more than 50 per cent of earnings (in most cases up to a maximum ceiling).

CSA = compulsory school age

Reduced hours in first year: mainly refers to entitlement to take a regular break related to breastfeeding

Reduced hours later: mainly refers to entitlement to work reduced hours or to take periods of annual leave, after the end of Parental leave. Covers regular reduction of hours (e.g. excludes right to take time off to visit child's school, as in Portugal)

Parental leave flexible options: 1 - leave can be taken full time or part time; 2 - leave can be taken in one block or several blocks of time; 3 - leave can be taken for a shorter period with higher benefit payment or for longer period with lower benefit payment; 4 - leave can be

transferred to non-parent; 5 – leave can be taken at any time until a child reaches a certain age; 6 – other, mainly additional leave in case of multiple births

Right to request flexible work: employer is not required to grant request.

2.2

Australia

Michael Alexander

Population (2003): 19.7 million
Total Fertility Rate (2000-2005): 1.7
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$29,632
Female economic activity rate (ages 15 and above) (2003): 56.7 per cent
Female economic activity rate as per cent male rate (2003): 79 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): No data available
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): No data available
Gender-related Development Index (ranking out of 177 countries): 2nd
Gender empowerment measure (ranking): 7th
NB Australia is a federal state

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

Note on federal and state awards: In Australia, the employment conditions of employees are detailed in *awards*, which are usually occupational or industry based prescriptive documents determined by industrial tribunals. Historically, Australia has had a different State-based industrial relations system for each of its six States, as well as a federal system. Federal awards usually applied to employees working for companies with similar operations in more than one State, while State awards covered company operations operating in a single State. Traditionally, the federal system has set the standard for conditions, with State systems usually ratifying federal decisions shortly afterwards. Approximately 40 per cent of employees are covered by the federal system, 40 per cent by the State systems and the remaining 20 per cent fall outside the award system, usually because of being in managerial positions.

a. Statutory maternity leave

There is no general entitlement to statutory Maternity leave. But around 45 per cent of female employees have access to paid

Maternity leave through industrial awards or workplace agreements, primarily in public sector employment (Australian Bureau of Statistics (ABS) Forms of Employment Survey, November 2004). The amount of paid leave that is granted varies significantly across employers (see later comments).

b. Statutory paternity leave

There is no general entitlement to statutory paternity leave. But around a third of male 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 (ABS Forms of Employment Survey, November 2004). As with maternity leave, this is significantly more prominent amongst public sector employees. The amount of paid leave that is granted varies significantly across employers (see later comments).

c. Parental leave

Length of leave

- Fifty-two weeks per family around the birth or adoption of a child (up to the age of five years). 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 may only be taken by one or other parent (the child's nominated primary care provider).
- Parental leave can be taken in conjunction with other types of paid leave, such as annual leave or long service leave (or paid maternity/parental leave, if it is available to the employee through their employment conditions). 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.
- Following the recent decision of the Australian Industrial Relations Commission on 8 August 2005 in the Family Provisions Test Case, employees on federal awards were given the right to request from their employer the following extensions to the above entitlements:
 - extend the period of simultaneous unpaid parental leave up to a maximum of eight weeks (currently one week);
 - extend the period of unpaid parental leave by a further continuous period of leave not exceeding 12 months (from the current 12 months);
 - return from a period of parental leave on a part-time basis until the child reaches school age.
- The employer is required to consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service.

- These extended entitlements for employees on federal awards have been, or will soon be, passed on to employees under the State-based systems through the State-based award system or enacted in relevant State-based legislation (see section 1, 'note on federal and state awards').
- The status of these extended entitlements is currently unclear following significant institutional changes to the Australian Industrial Relations system that occurred in late 2005 (see section 2).

Payment

- None

Flexibility in use

- None

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

- Employees in permanent positions (full-time or part-time) are eligible for the above entitlements 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 eligible for the above entitlements 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 employee's 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); or delegation of leave to person other than the parents

- None

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

- Paid parental leave is usually specified as maternity or paternity leave in some awards or workplace agreements. Approximately, 45 per cent of women and around a third of men have access to some form of paid parental leave, although the length of time varies considerably across employers. The most prevalent and most generous arrangements are in the public sector.

d. Statutory childcare leave or career breaks

No general statutory entitlement

e. Other statutory employment-related measures

Adoption leave and pay.

- The same statutory rights apply as to parental leave when a child under five years old is adopted.

Time off for the care of dependants.

- All permanent employees have access to a minimum ten days per year of personal or sick leave to care for a sick family member (known as 'carers' leave'). This leave is paid provided employees have not exhausted all their paid personal or sick leave for other purposes (e.g. personal illness); otherwise employees are still entitled to take carers leave as unpaid leave.

Flexible work arrangements.

- Parents have a right to request part-time work upon returning to work from Parental leave until their child reaches school age.

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

No changes in leave policy are currently under formal 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\$3,000 per child (approximately €1,875), but rises to A\$4,000 in July 2006 (approximately €2,500) and A\$5,000 (approximately €3,125) 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\$3,000 is approximately half minimum rates of pay and approximately 25 per cent of average female full-time earnings.

There has been growing discussion about 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 proposed a range of arguments in favour of the introduction of a universal paid maternity scheme. Much of the debate focussed on whether the introduction of paid Maternity leave would encourage childbearing, and so help prevent further decline in Australia's total fertility rate.

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, paid at minimum wage rates, with the capacity for employers to top this up where they considered there was a business case to do so.

In 2004, the Australian Council of Trade Unions (ACTU), with 46 affiliated trade unions, brought its Family Provisions Test Case (or as it is colloquially known, the Work and Family Test Case) before the Australian Industrial Relations Commission (AIRC). The test case included the following claims:

- an employee right to unpaid parental leave of up to 104 weeks (an increase from the previous 52 weeks), plus a right to an unbroken period of eight weeks simultaneous unpaid leave for both parents at the time of the birth or placement of the child (previously one week);
- consultation with an employee during periods of parental leave about any 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 avoid unreasonable refusal of, a variation in working arrangements such as hours, times and place of work; and
- an employee right to request further periods of unpaid leave in conjunction with annual leave or to purchase up to six weeks unpaid leave and an employer obligation to avoid unreasonable refusal of such requests.

The ACTU's position was strenuously opposed by the major employer associations and by the Australian Government.

In reaching its decision on 8 August 2005 on this test case, the AIRC provided employees on federal awards with the right to request from their employer the following extensions to the pre-existing parental leave entitlements:

- an extension of the period of unpaid parental leave parents could take simultaneously up to a maximum of eight weeks (previously one week);
- an extension of the period of unpaid parental leave by a further continuous period of leave not exceeding 12 months (that is, up to 24 months from the previous 12 months);
- return from a period of parental leave on a part-time basis until the child reaches school age.

The employer is required to consider the request having regard to the employee's circumstances and, provided the request is genuinely based on the employee's parental responsibilities, may only refuse the request on reasonable grounds related to the effect on the workplace or the employer's business. Such grounds might include cost, lack of adequate replacement staff, loss of efficiency and the impact on customer service. These extended entitlements have been, or will soon be, passed on to other employees under the State-based systems through the award system or enacted in legislation.

A conciliated outcome was also 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 was subsequently ratified by the AIRC as part of its final decision, which included the following conditions:

- access of up to 10 days of personal leave per annum (an increase from the current five 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, 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, an employee could take up to 16 hours (i.e. two days) of unpaid personal leave per occasion, provided that specified evidentiary requirements are met.

In December 2005, the Federal Parliament passed legislation that significantly deregulated the Australian labour market, leaving all but a core set of minimum entitlements to be negotiated directly between employers and employees at the workplace, including the extended Parental leave entitlements provided for in the AIRC's decision earlier in the year. Only the previously existing entitlements of 12 months unpaid parental and one week of simultaneous leave following the birth of the child were retained as universal entitlements in the legislation. Employees who are currently covered by award entitlements (approximately 20 per cent of all employees) will retain the new higher entitlements; however, it is anticipated that the number of award employees will continue to decrease over time (as it has for the last 15 years) as employees move to individual or collective agreements and as that occurs these higher entitlements will need to be negotiated along with all others outside the core set of minima.

The institutional changes also effectively abolished the State-based industrial relations systems for all except government employees in those systems, bringing close to 90 per cent of employees under the newly deregulated federal system. The Federal Government justified these changes on the grounds that they would provide employers and employees with the means to determine the most appropriate work and family arrangements for their particular circumstances, as well as increased productivity and improved employment opportunities.

Besides these legislative changes, there have been two inquiries of note in the area of work and family that have been under way since the beginning of 2005. First, the Sex Discrimination Commissioner (under the auspices of the Human Rights and Equal Opportunity Commission) is undertaking an inquiry titled *Striking the Balance: Women, Men, Work and Family*. The Inquiry is examining 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:

- identify existing systemic barriers in employment faced by men and women in balancing paid work and family responsibilities;
- identify how gender roles in unpaid caring work affect the participation of men and women in paid work;
- 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;
- examine legislation, policies, practices and services to ensure men and women are able to combine their paid work and family responsibilities.

Public submissions have now closed and the Commission is expected to publish its final report by the end of June 2006.

The second development is a parliamentary inquiry into balancing work and family life. The Parliamentary Standing Committee on Family and Human Services is investigating ways in which 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;
- ways of 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 has sought submissions and held public hearings and is also due to present its findings in the first half of 2006.

3. Take-up of leave

Australia has limited data on who has access to various types of leave, and even less information on who is accessing their entitlements and in what manner. This situation will be corrected in August 2006 with the release of first time figures on the availability and take-up of different leave arrangements around the birth of a child. This information will be based on a survey of parents with a child born between March 1999 and February 2000 who were specifically asked about employment and leave arrangements prior to and following the child's birth (Growing Up in Australia – the Longitudinal Study of Australian Children; see <http://www.aifs.gov.au/growingup/>).

a. Maternity leave

There is no statutory Maternity leave. But in a recent representative survey of employees (ABS Forms of Employment Survey, November 2004), 45 per cent of women report having access to paid Maternity leave.

b. Paternity leave

According to the same survey, 36 per cent of male employees report having access to paid paternity leave.

c. Parental leave

According to the Household, Income and Labour Dynamics in Australia (HILDA) survey (Fourth wave 2004), 60 per cent 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 per cent of those in employment.

d. Other employment-related measures

According to the same survey, access to carer's leave currently stands at 68 per cent of employed persons (those without access are mainly self-employed and casual workers).

4. Research and publications on leave and other employment-related policies since January 2001

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 four years. Much of this has been generated as a result of the work and family test case brought before the Australian Industrial Relations Commission in 2004, and also by the inquiries into paid Maternity leave and into the gender division of paid and unpaid work conducted by the Sex Discrimination Commissioner (and published by the Human Rights and Equal Opportunity Commission).

b. Selected publications from January 2001, including results from research studies

Baird, M., D. Brennan and L. Cutcher (2002) 'A pregnant pause: paid maternity leave in Australia', *Labour and Industry*, Vol.13, No.1: 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 and R.D. Lansbury (eds.) *Working Futures: The Changing Nature of Work and Employment Relations in Australia*. Leichhardt NSW: Federation Press.

Examining 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 goes on to argue that the policy debate in Australia must focus on the creation of flexible and family-friendly workplaces and conditions, including paid maternity leave.

Gray, M. and Tudball, J. (2002) *Family-friendly Work Practices: Differences within and between Workplaces (Research Report No. 7)*. Melbourne: Australian Institute of Family Studies, Using the first large-scale linked employer-employee database developed in Australia (the 1995 Australian Workplace Industrial Relations Survey), this report considers how access to family-friendly work practices varies both within and between Australian workplaces.

Human Rights and Equal Opportunity Commission (2002) *A Time to Value: A Proposal for a National Paid Maternity Leave Scheme*. Sydney: Human Rights and Equal Opportunity Commission
This is the final report from an inquiry held into the introduction of a paid maternity leave scheme in Australia.

Jefferson, T. and Preston, A. (2003) 'Bargaining for welfare: gender consequences of Australia's dual welfare model', *Australian Bulletin of Labour*, Vol.29, No.1: 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/Parental 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., Hoffmann, S. and Thompson, D. (2004) *Men's Uptake*

of Family-friendly Employment Provisions (Policy Research Paper no.22). Canberra, 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. and Dever, M. (2004) 'What matters to women: beyond reproductive stereotypes', *People and Place*, Vol.12, No.3: 10-17.

Reporting on a qualitative study of reproductive decision making, this article suggests 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.

Whitehouse, G. (2004) 'From family wage to parental leave: The changing relationship between arbitration and the family', *Journal of Industrial Relations*, Vol.46, No.4: 400-412.

This article examines how, from the establishment of a 'family wage' for men in the early 1900s through to ongoing test cases over parental leave in the early 2000s, the arbitration system has played a central role in shaping the policy framework affecting families and the intersection of market and domestic labour. Abandonment of the family wage and the protectionist environment, along with changing social values and labour force patterns, have recast the relationship between arbitration and the family over the course of the twentieth century; nevertheless, the wage selling system continues to sustain a contemporary variant of the male breadwinner model and is playing a pivotal role in shaping parental employment rights into the twenty-first century.

Human Rights and Equal Opportunity Commission (2005) *Striking the Balance: Women, Men, Work and Family*. Sydney: Human Rights and Equal Opportunity Commission, Sydney. Available at: http://www.humanrights.gov.au/sex_discrimination/strikingbalance/index.html

This discussion paper sets out the issues around paid and unpaid work for both women and men and seeks to identify the institutional and cultural arrangements that may be impeding the achievement of a more equitable balance.

Submissions to the Family Provisions Test Case. Available at:

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

This web-site details the Commissions final decision, as well as 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. and Charlesworth, S. (2004), *Background Report: Key Work and Family Trends in Australia*. Melbourne: Centre for Applied Social Research, RMIT University.

Whitehouse, G. and Soloff, C. (2005) 'Parental leave and return to work: The design and implementation of a national survey', paper presented at the 9th Australian Institute of Family Studies conference *Families Matter*, 9-11th February, Melbourne. Available at <http://www.aifs.gov.au/institute/afrc9/whitehouse.html>

The authors outline the design of a survey on the use of maternity and Parental leave policies and the work experiences of parents following the birth of a child and to provide a comprehensive basis for the analysis of Parental leave in Australia. They provide an overview of currently available statistics; describe the type of sample and survey questionnaire necessary to move beyond these limitations and inform more detailed analyses; report on a dress rehearsal for the survey (conducted in September/October 2004); and provide some preliminary results to assess the capacity of the research design to address the goals of the research.

2.3

Belgium

Laura Merla and Fred Deven

Population (2003): 10.4 million
Total Fertility Rate (2000-2005): 1.7
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$28,335
Female economic activity rate (ages 15 and above) (2003): 40.3 per cent
Female economic activity rate as per cent male rate (2003): 67 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 67.5 per cent (27.2 per cent)
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 2.1 per cent
Gender-related Development Index (ranking out of 177 countries): 9th
Gender empowerment measure (ranking): 6th
NB. Belgium is a federal state

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

a. Maternity leave (*Moederschapsverlof/Congé de maternité*) (responsibility of the Federal Department of Employment and Social Affairs)

Length of leave (before and after birth)

- Fifteen weeks. A woman can start to take her leave six weeks before her baby is due and nine weeks is obligatory following delivery

Payment.

- Employees in the private sector: first month at 82 per cent of earnings + 75 per cent 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.

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 two weeks. Maternity leave can also be extended if the baby is hospitalised following birth.
- 'Social' parental leave. In the case of the death of the mother, or if the mother remains in hospital (after the first week after delivery) for more than a week and if the baby is at home, the father is granted the remaining weeks of the maternity leave period. He is paid 60 per cent of his earnings in addition to the payment of the mother's maternity leave income.

b. Paternity leave (*Vaderschapsverlof/Congé de paternité*) (responsibility of the Federal Department of Employment and Social Affairs)

Length of leave

- Ten days; three days are compulsory

Payment

- Hundred per cent of earnings for three days paid by the employer, 82 per cent of earnings for the remaining period paid by Health Insurance.

Flexibility in use

- Must be taken during the first month of the child's life, but can be distributed throughout this month except for the first three days, which must be taken immediately after childbirth.

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

- All male employees. Self-employed fathers are not eligible.

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

- None.

c. Parental leave (*Ouderschapsverlof/Congé parental*) (responsibility of the Federal Department of Employment and Social Affairs)

Length of leave (before and after birth)

- Three months per parent per child, which can be taken up to the child's sixth birthday. Leave is an individual entitlement.

Payment

- €671 per month if leave taken full time.

Flexibility in use

- Leave may be taken full time, or half time over six months or for one day a week over 15 months. For half-time leave, the total duration of six months can be split into blocks of time, minimum two months. For one fifth leave, the total duration of 15 months can still be split into blocks, minimum five months instead of three. In addition, there is a new possibility to combine different forms of leave according to the following rule: one month at full-time + two months at half-time + five months at one fifth.

Regional or local variations in leave policy

- The Flemish Community pays an additional benefit during the first year (approximately €160 per month for a full-time break)

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. 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 parents.

- As the leave is per child, each parent of twins for example gets 26 weeks.
- Parents of disabled children can take leave until their child's eighth birthday.

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

- Employers may postpone granting leave for up to six months 'where business cannot cope'. In addition, the request of leave must be addressed to the employer minimum two months and maximum three months in advance.

d. Childcare leave or career breaks

- There is a Time Credit system (*Tijdskrediet/Crédit temps*). 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 five years or more). The maximum for a full-time break is approximately €547 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 five years by collective agreement negotiated at sectoral or company level. For each company, there is a five per cent threshold of employees who can use the time credit system at any one time; priorities are settled within the company according to certain rules (e.g. priority in the case of care for a severely ill family member). There is a 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.

e. Other employment-related measures

Adoption leave and pay.

- The same regulations as for parents having their own children, except Parental leave may be taken until a child's eighth 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 one 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. Benefits paid are the same conditions as for Parental leave.
- Employees may also take up to two months of leave, full time or part time, for palliative care (to be taken in blocks of one month). Benefits paid are the same as for Parental leaves.

Flexible working

- None

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

The Royal Decree (KB/AR) of 15th July 2005, which was implemented on 28th July 2005, introduced several changes in eligibility, flexibility in use and payment of Parental leave. In addition to the changes in flexibility described in section 1c above, the maximum age of the child up to which the leave can be taken has increased from four to six years and the level of benefit paid has been raised.

The federal government will consider the conclusions and recommendations of the *Etats généraux des Familles/Staten Generall van de Gezinnen* (2005-2006). In particular, the group 'combining work-family' recommends changes to leave policies, including: the harmonisation of different regimes; the administrative simplification of career breaks and time-credits; the harmonisation of measures between the public and the private sector; the organisation of a system of parental insurance; and the improvement of the regime of leave for self-employed workers. They also recommend that the full 10 days of paternity leave become compulsory, instead of the current three days.

In 2006, it is planned to increase by one week the post-natal period of maternity leave for all mothers who needed to take the full amount of weeks during their pre-natal period. In the plan 'Solidarity between Generations', the federal government announced that the time credit system will in the future be further modified, including reintroducing the condition that a request be for a specific purpose (e.g. for childcare or professional training). In addition, the possibility to extend the legal entitlement of one year to up to five years by collective agreements will be questioned; the federal government might refuse to finance those extra years, especially if the request is of a general nature, in which case there could be five years of leave – but without pay. These measures still need to be discussed with the social partners, so it is too soon to know if they will be implemented.

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.

b. Paternity leave

Data on the take-up of the recently extended paternity leave remain preliminary. Following the extension to 10 days, a large majority of men use the extended paternity leave; about five per cent of fathers continue to use only the three days of leave that was the previous entitlement.

c. Parental leave

There is no information on what proportion of employees are not eligible for parental leave. 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, although the proportion of fathers is slowly growing (19 per cent of fathers, October 2005). In 2004, 61.5 per cent of all users took their parental leave as reduced hours (i.e. one day each week); this was more common among fathers (82 per cent of all men on parental leave, compared with 58 per cent of all women on parental leave). Only 15 per cent of all users opted for a full-time leave.

d. 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. Research and publications on leave and other employment-related policies since January 2001

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. Selected publications from January 2001, including results from research studies

Deven, F and Carrette, V. (2004) 'A Review of the Impact on Children of Leave Arrangements for Parents', *Cross-National Research Reports*, Vol.7, No.4: 11-21. Available at: 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 other types of leave on children. It also raises the methodological issues related to research with very young children.

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

A report on a survey of a sample of employers 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. (2005) 'Assessing the use of parental leave by fathers: towards 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*. Cheltenham: Edward Elgar, pp.247-267.

This chapter introduces a model, based on a review of the research literature and a set of hypotheses, that covers the various types of factors and variables that influence the extent to which fathers make use of certain leave arrangements.

Fusulier B., Giraldo S. and Legros E. (2005) 'L'utilisation des dispositifs d'articulation de la vie familiale et de la vie professionnelle. Etude auprès de 48 entreprises de Wallonie', *Cahiers de l'Institut des Sciences du Travail*, 49. Louvain-la-Neuve: Institut des Sciences du Travail

This paper uses data collected from 48 medium and large private companies in Wallonia to present a first picture of the use of statutory measures intended to support workers with family responsibilities (e.g. various types of leave), and also identifies company measures. It discusses the relationship of companies to these entitlements.

Fusulier B., Laloy D., Merla L. & Plaideau C. (2005) 'Vers un modèle cumulatif d'articulation famille-travail?', in: Marquet et al (eds.) *L'Evolution Contemporaine de la Parentalité*. Brussels : PSF

This chapter examines the use of work/family measures by a sample of 40 fathers living in different family arrangements and how tasks are shared among those men calling themselves 'new dads'.

Fusulier, B. (2005), 'Aux antipodes de la Finlande: le Japon et son modèle alternatif d'articulation travail-famille', in: D.G. Tremblay (ed.), *De la conciliation emploi-famille à une politique des temps sociaux*. Montréal: Presses de l' Université du Québec, pp. 259-269

An analysis of Japan's model for combining work and family, in comparison to Finland's.

Merla, L. (2005) 'Identity Implications of Being a Housefather in Belgium', paper given at the *17th Annual Meeting on Socio-Economics* organised by the Society for Advanced Socio-Economics, Central European University and Corvinus University of Budapest, Budapest, June 30 - July 2. Available at: http://www.sase.org/conf2005/papers/merla_laura.pdf

This paper presents preliminary results of doctoral research on 'housefathers' living in Belgium, focusing on the factors that explain men's 'choice' to become housefathers, how the transition is integrated in their life history and the reactions that these men experience.

NAR/CNT (2005) *Het Tijdskrediet - Jaarlijkse evaluatie (Rapport No.67)* [*The Time credit - Annual Evaluation (Report No.67)*]. Brussel: National Arbeidsraad / Conseil National du Travail. Available at : www.nar-cnt.be

The National Employment Council (NAR/CNT) is required to provide an annual evaluation of the use of Time Credits, including the profile of users, costs and specific arrangements made through sectoral collective agreements.

Fusulier B., Giraldo S. and Legros E. (forthcoming) 'L'utilisation des dispositifs d'articulation de la vie familiale et de la vie professionnelle'. In : *Enfances, Familles, Générations*, Université de Trois-Rivières

This paper presents the results of research into the use of work/family measures in a sample of Belgian hospitals.

Merla L. (forthcoming, 2006) ' "No trabajo y estoy bien" : dinamicas identitarias de los hombres que se quedan en casa para cuidar los niños en Belgica', *Cuadernos de Relaciones Laborales*, Vol.24, No.2. This paper, on the identity dynamics of 'housefathers' in Belgium, focuses on the interrelationship between the lack of legitimacy that these men confront in their daily interactions and the discursive strategies they develop to deal with this.

Moss, P. & F. Deven (forthcoming, 2006). 'Leave Policies and research: a cross-national review', *Marriage & Family Review (special issue Family Policy)*

This article reviews leave policies and research from a range of countries.

c. Ongoing research

Work family balance: a case study of house husbands (2002-2006). Laura Merla, University of Louvain-la Neuve (UCL / ANSO).

This Ph.D study, to be submitted in 2006, focuses on the narratives given by 20 fathers who became the main carer at home (taking leave or becoming unemployed) for at least six months. Contact: Merla@anso.ucl.ac.be

Focus on career interrupters: living conditions and time use of the users of the Time credit system in Flanders (2004-2006).

This research focuses on the life situation and time use of people in Flanders who opt for a temporary reduction in employment, using the Time Credit system. Use is made of extended questionnaires and time budget diaries among three groups: those taking a full-time break from employment, those taking a part-time break and those continuing in full-time employment. Contact: Jessie.vandeweyer@vub.ac.be

The implementation of parental leave by local authorities (2005-2006). The Institute of Equal Opportunities between Women and Men

This study investigates to what extent local authorities have already implemented the extended Parental leave. Contact: françoise.goffinet@fgov.be

The use of parental 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 Parental leave. Contact: Fusulier@anso.ucl.ac.be

Public policies in the field of childhood and youth in Belgium in the 20th century (2006). Observatory of Childhood, Youth and Support to Youth of the French Community and Institute of Human and

Social Sciences, University of Liège (ULg), Contact: Jean-Francois.Guillaume@ulg.ac.be

2.4

Canada

Andrea Doucet and Diane-Gabrielle Tremblay

Population (2003): 31.6 million
Total Fertility Rate (2000-2005): 1.5
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$30,677
Female economic activity rate (ages 15 and above) (2003): 60.7 per cent
Female economic activity rate as per cent male rate (2003): 83 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): No data available
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): No data available
Gender-related Development Index (ranking out of 177 countries): 5th
Gender empowerment measure (ranking): 10th
NB Canada is a federal state, with ten provinces and three territories (referred to below as 'jurisdictions')

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

Note on federal and provincial responsibility: In Canada the federal government provides maternity and Parental leaves through the employment insurance programme. Provinces and territories deliver the programme and thereby modify some of the details. Labour laws also fall under provincial jurisdictions resulting in different leave entitlements. Payment of maternity and Parental leave is the same under the federal programme; based on a complex formula that takes economic region and low-income into account.

a. Maternity leave (*congé de maternité*) (at federal level, responsibility of Human Resources and Skill Development)

Length of leave (before and after birth)

- Fifteen to eighteen 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

- Fifteen weeks at 55 per cent of average insured earnings up to a maximum 'ceiling' of CAN\$413 per week (approximately €300). There is no payment for the first two 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 two 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)

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

b. Paternity leave (*congé de paternité*) (at federal level, responsibility of Human Resources and Skill Development)

Length of leave (before and after birth)

- Four days. One day before birth, three days after

Payment

- None

Flexibility in use

- None

Regional or local variations in leave policy

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

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

- One 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 father

- None

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

Length of leave (before and after birth)

- Thirty seven weeks in most jurisdictions for one parent or shared between two parents but not exceeding a combined maximum of 35 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.
- Since January 2006, Québec parents can choose from two options: either 55 weeks of parental leave with 70 per cent of wage for 25 weeks and 55 per cent for another 30 weeks; or 75 per cent of wage for 40 weeks

Payment

- Up to 35 weeks per family at 55 per cent of average insured earnings up to a maximum 'ceiling' of CAN\$413 (approximately €300) per week.
- Low-Income Families (less than CAN\$25,921 (approximately €18,900) per annum) are eligible for a family supplement to raise payment

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 (approximately €36) a week or 25 per cent of the benefit, whichever is the higher (or, if the applicant lives in one of 23 economic regions, up to CAN\$75 or 40 per cent of the weekly benefit).

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, except for Québec since 2006. 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 British Columbia and New Brunswick, an employee must have been employed by the same employer for either 12 or 13 months. All but one jurisdiction require this employment to be continual. Some types of employees and employment are excluded: the specific details vary from jurisdiction to jurisdiction, but students, agricultural workers, workers in small businesses and workers in government employment creation programmes are often excluded.
- 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. However, since January 2006, self-employed workers in Québec are eligible for an 18 week Maternity leave if they have earned at least CAN\$2,000 (approximately €1,460) in the 52 preceding weeks

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

- 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)

- Some employers have a supplemental 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 per cent of union representatives and 46 per cent of HR managers said their companies offered supplementary leave or payments.
- In Alberta if the parents 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, however in Saskatchewan only the primary caregiver is eligible for the adoption leave.

Time off for the care of dependants

- British Columbia, New Brunswick and Québec allow three to five days of unpaid leave a year to care for immediate family members.
- 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 per cent. This leave, *inter alia*, allows parents to take time off to care for a sick child even after 52 months have passed since the birth or if leaves periods have been exhausted.

Flexible working

- In the federal and Québec 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 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 1e above) was introduced in January 2004.

As of January 1st 2006, maternity and parental leave funding and regulation in Québec were transferred from the federal to the provincial government, and the province introduced a new policy (to date, there is nothing planned for other jurisdictions). The new programme includes: an 18 week maternity leave for all workers who have earned at least CAN\$2,000 (approximately €1,420) in the 52 preceding weeks; a new Parental leave of three or five weeks for the father, depending on the regime chosen, which is not transferable to the mother, with payment based on the father's earnings; a 12 or 28 week leave for adoption, which can be shared between father and mother, and with 75 per cent of earnings. Furthermore, under the new policy, Québec parents can choose between two options. The basic option includes the 18 weeks of maternity leave, and five weeks of paternity leave, paid at 70 per cent of previous earnings, and 25 weeks of parental leave at 55 per cent of previous earnings. The adoption leave, which can be shared between parents, is of 12 weeks at 70 per cent and 25 weeks at 55 per cent. The second option includes 15 weeks for maternity leave, three weeks for paternity leave, paid at 75 per cent of earnings in both cases, plus parental leave of 25 weeks at 75 per cent. In this option, the maximum time a mother can take is 40 weeks. The adoption leave with this option is 28 weeks at 75 per cent.

The maximum 'ceiling' for calculating earnings-related payments is annual earnings of CAN\$57,500 (approximately €40,800), compared to CAN\$39,000 (approximately €27,650) for other Canadian provinces and territories, and self-employed and part-time workers are also eligible, since the eligibility criteria is to have had an insurable income of CAN\$2,000 (approximately €1,420) rather than having worked 600 hours in the previous 52 weeks.

In June 2005, federal legislation was passed allowing for same-sex couples to marry. Access to parental leave will widen to make same-sex families eligible in provinces where this was not already the case.

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

About two-thirds (66 per cent) of mothers in 2003 received maternity or parental benefits. A substantial minority (25 per cent) were without insurable employment and therefore not eligible for parental leave, including mothers who were self-employed, students, 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 2003, 86 per cent of women with children one year or under who had 'insurable employment' received maternity and/or parental benefits (Statistics Canada, 2004 Employment Insurance Coverage Survey, as reported in *The Daily* June 22, 2004).

Use of leave has grown rapidly. The combination of wider access to parental benefits following the 2000 legislation and rising labour force participation of expectant mothers produced an increase in the overall proportion of all new mothers receiving maternity or parental benefits from 54 per cent in 2000 to 61 per cent in 2001 (which is more than 80 per cent of those eligible). In 2002, an average of 108,700 mothers collected parental benefits each month, four times as many as in 2000 when the figure was 30,100. Mothers younger than 20 had the highest increase – nearly five times.

Public expenditure on the leave programme also increased over this period. Between 2000 and 2002 maternity benefits rose 13 per cent and parental benefits nearly fourfold, from CAN\$40 million (approximately €28.4 million) per month in 2000 to CAN\$152 million (approximately €107.9 million) per month in 2002. Furthermore, adoption benefits went 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.

As 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 eight per cent to 47 per cent between 2000 and 2002, while the median time at home for women with benefits increased from six 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 nine months off.

Women taking longer and shorter leave periods share certain similarities; they had roughly the same median age (30), the same marriage rate (95 per cent), and the same education (seven out of 10 had a post-secondary diploma or university degree). However, while almost one-quarter of the husbands of women who took less time off claimed or planned to claim benefits, only a handful of the long leave takers did so. This follows from the Canadian system, where if fathers claim some of the 35 paid parental leave weeks, mothers will 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 five

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 four months had median annual earnings of just under CAN\$16,000 (approximately €11,360) (Marshall, 2003; Perusse, 2003).

b. Fathers

Legislation in 2000 added 25 weeks of paid parental leave to the pre-existing 10 weeks. Since the extension of Parental leave benefits, fathers' participation rate in the programme has increased from three per cent in 2000 to 10 per cent in 2001 and 11 per cent in 2002 and 2003, but dropped back to 9.5 per cent in 2004. The average number of fathers receiving parental benefits each month was 7,900 in 2002, five times more than two years earlier. One reason for the increased claim rate in Canada may be that fathers no longer face a two week unpaid 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.

Mothers reported that their desire to stay with their child was the most common reason men did not take parental leave, followed by financial reasons and that it was easier for women to take time off work (Statistics Canada, 2004 Employment Insurance Coverage Survey, as reported in *The Daily* June 22, 2004).

Overall, therefore, since 2000 most newborns are receiving full-time care by their mothers for longer, and many more are also experiencing a father at home for some of the time as well. But women still receive the majority of parental benefits (86 per cent) and collect an average of 30 weeks compared to men who on average collect 13.8 weeks.

4. Research and publications on leave and other employment-related policies since January 2001

a. General overview

Parental leave policy has been directly studied by Statistics Canada, a government agency that undertakes statistical and social analyses on a broad range of economic and social issues. Questions about maternity and parental leave were added to the Employment Insurance Coverage Survey at Statistics Canada to monitor uptake following the introduction in 2000 of extended leave benefits (from 10 to 35 weeks). Mothers are asked about parental benefits including the reasons for their spouse taking or not taking Parental leave. Fathers are not included in the survey.

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. 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 4c).

b. Selected publications from January 2001, including results from research studies

Duxbury, L. and Higgins, C. (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 and 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.

Duxbury, L. and Higgins, C. (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.

Lero, D.S. (2003) 'Research on parental leave policies and children's development: implications for policy makers and service providers', in: *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.

Marshall, K. (2003) 'Benefiting from extended parental leave', *Perspectives on Labor and Income*, (Statistics Canada – catalogue no.75-001-XLE), March: 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: 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., Higgins, C. and Johnson, K. (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 quantitative data to investigate the link between work-life conflict, health status and the use of Canada's health care system.

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

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

Doucet, A. (2006) *Do Men Mother? Fathering and Domestic Responsibilities* 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.

c. Ongoing research

Balancing cash and care: A study of father's use and effects of parental leave in Canada (2003-2007). Andrea Doucet, 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. Contact: Andrea Doucet at adoucet@ccs.carleton.ca

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

Offer and use of work-family balancing measures (including parental leave) by parents in Québec; a comparison of men and women in different types of organizations (non profit and for profit) (March 2006-Dec 2008).

This research project is just getting underway with Diane-Gabrielle Tremblay (Télé-université, Université du Québec à Montréal), Renaud Paquet and Elmustapha Najem (Université du Québec en Outaouais). It is financed by the Canada Research Chair on the Socio-organizational Challenges of the Knowledge Economy (www.telug.quebec.ca/chaireecosavoir). A Belgium team coordinated by Bernard Fusulier might do a similar comparative research with D-G. Tremblay. Contact: Diane-Gabrielle Tremblay: dgtrembl@telug.uqam.ca

2.5

Czech Republic

Jirina Kocourková

<p>Population (2003): 10.2 million</p> <p>Total Fertility Rate (2003): 1.2</p> <p>GDP per capita (US\$ using Purchasing Power Parities) (2003): \$16,357</p> <p>Female economic activity rate (ages 15 and above) (2003): 61.3 per cent</p> <p>Female economic activity rate as per cent male rate (2003): 83 per cent</p> <p>Employment rate for women with a child under 12 – total with part-time rate in brackets (2003): 54.1 per cent (3.9 per cent)</p> <p>Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 39.2 per cent</p> <p>Gender-related Development Index (ranking out of 177 countries): 30th</p> <p>Gender empowerment measure (ranking): 34th</p>
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1. Current leave and other employment-related policies to support parents

a. Maternity leave (*materska dovolena*) (responsibility of the Social Security system)

Length of leave (before and after birth)

- Twenty eight weeks: six to eight weeks before the birth and 20-22 weeks following birth.

Payment (applied for the whole period of Maternity leave)

- Sixty nine per cent of gross daily wage up to a maximum 'ceiling' of CZ606 (approximately €20) remunerated for calendar days. The same rate is paid for self-employed women

Flexibility in use

- None except for when leave can be started before birth.

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

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 days during the last two years.
- A self-employed worker must meet the same condition as an employee, and in addition have contributed to sickness insurance for at least 180 days during the last year.

- Students are entitled to the benefit.
Variation in leave due to child or family reasons (e.g. multiple or premature births; poor health or disability of child or mother; lone parent); or delegation of leave to person other than the mother
- In case of lone parent or multiple births, the length of leave increases by nine weeks.
- When the child is born dead, the mother is granted 14 weeks of Maternity leave

b. Paternity leave

No general statutory entitlement.

c. Parental leave (*rodicovska dovolena*) (responsibility of the Ministry of Work and Social Affairs)

Length of leave

- Both parents can take leave until the child's third birthday. Leave is an individual entitlement (but only one parent is entitled to the benefit)

Payment

- Flat rate of CZ3,635 (approximately €121) per month. While the Parental leave can only be taken up to the child's third birthday, parental benefit is granted until the child's fourth birthday.

Flexibility in use

- Parents can work, full time or part time, while receiving parental benefit. Accordingly, parental benefit can be considered as a kind of care benefit.
- Both parents can take parental leave at the same time, but only one of them is entitled to parental benefit. They can alternate in receiving benefit as often they want.
- Parents can place a child under three years in a childcare facility for up to five days a month without losing parental benefit; they can also have a three year old in kindergarten for up to four hours each day without losing benefit.

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

- There are no special requirements; however, each parent has to ask for formal approval of the employer.

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

- Parents of disabled children can take leave until the child's seventh birthday
- Parental benefit can be taken by grandparents or other persons where they provide day care for the child and the parents agree to transfer their entitlement.

d. Childcare leave or career breaks

- No general statutory entitlement

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

- All employees are eligible for a benefit if they care for a sick relative at home. They can take no more than nine days in one block of time, but there is no limit regarding the frequency of taking leave. They receive the same payment as in the case of Maternity leave

Flexible working.

- None

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

In 2002 the Czech government declared support for families with children as one of its priorities, and improvement of parental leave arrangements is among priorities in the 2005 Family Policy Concept.

Recent changes that have been introduced in leave policy include: an extension of possibilities for parents to use the state childcare and kindergarten facilities without losing their entitlement to parental benefit (in 2001 and 2006); the abolition of the limit of income that parents could earn without losing their entitlement to parental benefit (2004), so that now parents can receive benefit even if working full time; and an increase in parental benefit by 40 per cent (2005).

A forthcoming amendment of the Sickness Insurance Act, from 2007, will enable the father to take maternity leave instead of the mother from the seventh week after the birth of the child; or he and the mother will be able to alternate. Another important measure already approved by parliament, and also to be introduced in 2007, is doubling the level of parental benefit; this will bring it up to about 40 per cent of average gross earnings. In connection with efforts to strengthen the man's role in the family, there are also discussions about the introduction of paternity leave

3. Take-up of leave

a. Maternity leave

Nearly all mothers take maternity leave.

b. Paternity leave

There is no statutory leave entitlement

c. Parental leave

Legislation on parental leave that fathers could take was introduced in 1990, but truly equal conditions for both parents were not

introduced until January 2001. However, the number of men receiving parental benefit in comparison to women has remained negligible. In 2001, there were 0.77 per cent men among recipients of this benefit. Since then, there has been a slight increase, but only to 0.99 per cent in 2003 and 1.45 per cent in 2005.

There is no information about how long women or men take the Parental leave. It is assumed that most parents taking leave stay on leave only until their child's third birthday (when entitlement to leave, though not benefit, ends) as they prefer not to lose the job.

4. Research and publications on leave and other employment-related policies since January 2001

a. General overview

Before 2002 there was little research related to parental leave arrangements. But since 2003 two extensive research projects have been carried out. The first - *Podpora vyuzivani rodicovske dovolene muzi [Support of men taking Parental leave]* – was about parental leave arrangements and the possibilities of their improvement, including a study of attitudes about men on parental leave. One of the research questions was why it is not attractive for men to stay at home with small child (Marikova and Radimska, 2003). The second project – *Harmonizace rodiny a zamestnani: Rodiny s otci na rodicovske dovolene [Reconciliation of work and family: Families with fathers on Parental leave]* - investigated the preferences and attitudes of parents with small children and how they perceived the possibility of taking parental leave by fathers. Parental leave is considered to be the main provision that should support equal sharing of responsibilities in family and more extensive involvement of fathers in the care of children (Nesporova, 2005).

b. Selected publications from January 2001, including results from research studies

Cermakova, M. (ed.) (2002) *Podminky harmonizace prace and rodiny v Ceske republice [Conditions of harmonizing of work and family]*. Praha : Sociological institut AV CR, Working document

This study analyses changes in conditions for reconciling work and family that Czech families have been facing since 1990

Halirova, G. (2002) 'Zabezpeceni muze behem pece o dite I' [Security of men on Parental leave I], *Pravo a rodina (Law and family)*, No. 8: 17-21

Halirova, G. (2002) 'Zabezpeceni muze behem pece o dite II' [Security of men on Parental leave II], *Pravo a rodina (Law and family)*, No. 9: 13-17

Both articles explain the differences in conditions for taking Parental leave between men and women

Kocourková, J. (2002) 'Leave arrangements and childcare services in Central Europe: policies and practices before and after transition', *Community, Work & Family*, Vol.5, No.3: 301-318

This article provides a comparative analysis of childcare and leave policies in four Central European countries.

Stangova, V. (2002) 'K poskytovani rodicovskeho prispevku' [Provision of parental benefit], *Právo a zamestnani [Law and employment]*, No. 11: 3-7

This article explains all the requirements for entitlement to this provision including recent development

Mariková, H. (2003a) 'Rodicovska dovolena a muzi' [Parental leave and men], *Gender, rovne príležitosti, vyzkum [Gender, equal opportunities and research]*, *Bulletin of Sociological institut AV CR*, Vol. 4, No.1-2: 6-7

This article gives the history of parental leave in the Czech Republic within the European context.

Mariková, H. (2003b) 'Participace otců v současné rodině' [Participation of fathers in today's family]', in: *Rovne príležitosti mužu a žen při sladování práce a rodiny? [Equal opportunities for men and women to reconcile work and family?]*, Working paper, Sociological institut AV CR: 39-64

Mariková, H. and Radimská, R. (2003) *Podpora využívání rodičovské dovolené muži [Support of men taking Parental leave]*. Available at: <http://www.mpsv.cz/files/clanky/712/pruzkum.pdf>

Final report of the project *Podpora využívání rodičovské dovolené muži*, funded by the Ministry of Work and Social Affairs, described in 4a.

Mariková, H. (2004) 'Kdo jsou otcové na rodičovské dovolené?' [Who are the fathers on Parental leave?], *Gender, rovne príležitosti, vyzkum [Gender, equal opportunities and research]*, *Bulletin of the Sociological Institut AV CR*, Vol. 5, No.1: 8-9

This article examines the socio-demographic characteristics of fathers on Parental leave and suggests a typology of these fathers.

Ministry of Work and Social Affairs (2004) *National Report on Family*. Prague: Ministerstvo práce a sociálních věcí [Ministry of Work and Social Affairs] (also available in Czech as *Národní zpráva o rodině*)

This comprehensive study provides an insight into reproductive behaviour and recent conditions for families to reconcile work and parenting

Smidova, I. (2004) *Jini muzi: Alternativni drahy muzu v Ceske republice [Other men: Alternative life careers of men in the Czech Republic]*. Doctoral thesis. Masaryk University, Brno

Nesporova, O. (2005) *Harmonizace rodiny a zamestnani. Rodiny s otci na rodicovske dovolene [Reconciliation of work and family. Families with fathers on Parental leave]*. Prague: Research Institute for Labour and Social Affairs. Available at: <http://www.vupsv.cz>
Final report of the project *Harmonizace rodiny a zamestnani: Rodiny s otci na rodicovske dovolene [Reconciliation of work and family: Families with fathers on Parental leave]*, described in 4a.

Stropnik, N., Sambt, J. and Kocourková, J. (2006) 'Preferences versus actual family policy measures: The case of parental leave and child allowance', in: Ch. Hohn, I. Kotowska and D. Avramov (eds.) *People, Population Change and Policies: Lessons from the Population Policy Acceptance Study*. Dordrecht: Kluwer/Springer
In this chapter, preferences regarding Parental leave and child allowance arrangements are compared with actual schemes.

2.4

Denmark

Tine Rostgaard

Population (2003): five.4 million
Total Fertility Rate (2000-2005): 1.8
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$31,465
Female economic activity rate (ages 15 and above) (2003): 61.8 per cent
Female economic activity rate as per cent male rate (2003): 85 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 79.9 per cent (Part-time data not available)
Difference in employment rates between women without children and women with child 0-6, age group 20-50 (2005): 1.6 per cent
Gender-related Development Index (ranking out of 177 countries): 13th
Gender empowerment measure (ranking): 2nd

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

Note on terminology: Maternity, Paternity and Parental leave in Denmark all bear the same name, *Barselsorlov*, or literally Childbirth Leave, because they technically all originate from the law on leave.

a. Maternity leave (*barselsorlov*) (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- Eighteen weeks: four weeks before the birth and 14 weeks following birth.

Payment (applied for the whole period of Maternity leave)

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

Flexibility in use

- 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 six months within the last 12 month period, of which one 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)

- 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 (*barselsorlov*) (responsibility of the Ministry of Labour)

Two weeks. Same details as for maternity leave.

c. Parental leave (*barselsorlov*) (responsibility of the Ministry of Labour)

Length of leave

- Thirty two weeks, until the child is 48 weeks. This entitlement is per family.

Payment

- As maternity leave

Flexibility in use

- Between eight 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.

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)

- 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 two 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 proposals currently under discussion)

Following the election of a Liberal/Conservative government in November 2001, the previous system was changed. This used to provide leave until a year after birth, with a further 26 weeks of paid leave if the employer agreed. 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 per cent of the initial maternity leave benefit) but a shorter period of leave (reduced six weeks with no negotiable 26 week addition). A two week father's quota was also dropped.

3. Take-up of leave

a. Maternity leave

Nearly all mothers take maternity leave. See 'parental leave', below.

b. Paternity leave

See 'parental leave', below.

c. 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 per cent) born in 2002/2003 have a mother who took leave before or after giving birth. Nearly two-thirds (62 per cent) of children have a father who took leave following birth, and 55 per cent of children have a father and mother who *both* took leave. Mothers on average take 351 days, fathers 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).

Younger mothers tend to take less leave; among those under 20 years, only 19 per cent 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 per cent of self-employed women between 30 and 40 years are estimated not to use maternity/parental leave, and only 30 per cent of self-employed fathers in the same age group take paternity/parental leave (ASE, 2004⁵).

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

4. Research and publications on leave and other employment-related policies since January 2001

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 use the parent rather than the child as the unit of analysis. Little is therefore known 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. Selected publications from January 2001, including results from research studies

Olsen, B.M.(2002) 'Far i mors sted - om fædre på orlov' ['The father replacing the mother - on fathers on leave'], *Kvinder, Køn og Forskning*, No.1.

⁵ ASE (2004) ASE Analyse. Available at www.ase.dk.

Rostgaard, T. (2002) 'Setting time aside for the father – father's leave in Scandinavia', *Community, Work and Family*, Vol.5, No.3: 343-364

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.

Danmarks Statistik (2004) *Pasningsgaranti*. Available at: <http://www.dst.dk/pasningsgaranti.aspx>.

Statistics on the number of local authorities able to offer a guarantee of childcare places for children from below one year of age to school age.

Rostgaard, T. (2004) *With Due Care: Social Care for the Young and the Old across Europe*. PhD Dissertation. Southern University Centre. Contact tr@sfi.dk

PhD thesis examining the institutional design of care benefits for children, including Parental leave, and identifying a number of care regimes across Europe.

c. Ongoing research

Three projects related to parental leave. Bente Marianne Olsen, Danish National Institute of Social Research.

The first project 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 Council. The second project, conducted with Nordic colleagues and supported by The Nordic Council of Ministers Welfare programme, focuses on how men break traditional gender barriers; the Danish study concerns the new strategies of fathers for combining family and employment. In the 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

Care architecture (2005-2007). Hans Hansen, Olli Kangas and Tine Rostgaard, 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

2.7

Estonia

Katre Pall

<p>Population (2003): 1.3 million</p> <p>Total Fertility Rate (2000-2005): 1.4</p> <p>GDP per Capita (US\$ using Purchasing Power Parities) (2003): \$13,539</p> <p>Female economic activity rate (ages 15 and above) (2003): 60.1 per cent</p> <p>Female economic activity rate as per cent male rate (2003): 82 per cent</p> <p>Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 62.4 per cent (4.9 per cent)</p> <p>Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 30 per cent</p> <p>Gender-related development index (ranking out of 177 countries): 35th</p> <p>Gender empowerment measure (ranking): 35th</p>
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1. Current leave and other employment-related policies to support parents

a. Maternity leave (*rasedus-ja sünnituspuhkus*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- One hundred and forty days: 30-70 days can be taken before birth of a child. If less than 30 days leave is taken before the expected birth, leave is shortened accordingly.

Payment

- Hundred per cent of average earnings (calculated on employment in the previous calendar year). There is no upper limit to the benefit. Minimum wage (€192 per month in 2006) is paid to mothers who did not work during the previous calendar year but have worked prior to the birth of a child.

Flexibility in use

- None except for when leave can be started before birth; taking leave is obligatory

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

- All employed mothers are eligible for maternity leave, including workers with temporary contracts if the contract lasts at least three months. Self-employed people qualify for maternity benefit on the same conditions as 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.

- One hundred and fifty four days in case of multiple birth or birth with complications.

b. Paternity leave (*isa täiendav lapsepuhkus* – literally 'additional child leave') (responsibility of Ministry of Social Affairs)

Length of leave (before and after birth)

- Fourteen days, to be taken during the maternity leave of the mother or during two months after the birth of a child

Payment

- €4.2 a day

Flexibility in use

- Must be taken during the mother's maternity leave or two months after the birth of a child

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.

c. Parental leave (*lapsehoolduspuhkus* – literally 'childcare leave') (responsibility of Ministry of Social Affairs)

Length of leave

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

Payment

- There are two types of benefit payable, neither of which is specifically linked to parental leave but available to all families who meet the eligibility conditions
- Parental benefit (*vanemahüvitis*) is paid at 100 per cent of average earnings (calculated on employment in the previous calendar year) for 315 days (i.e. 45 weeks) from after the end of Maternity leave. The minimum benefit paid to working parents is the minimum wage (€192 per month in 2006), while there is an upper limit equivalent to three times average earnings (€1,230 in 2006). For non-working parents, parental benefit is paid from the birth of the child at a flat rate (€159 per month) until the child reaches 14 months of age.
- Child care benefit (*lapsehooldustasu*) is a flat-rate payment (€38.5 per month), paid from the end of parental benefit until

the child reaches three years of age to both working and non-working parents (i.e. payment continues if a parent takes up employment).

Flexibility in use

- Parental leave may be used in one part or in several parts at any time until a child is three years of age.
- When a parent takes up employment after the birth of a child, the parental benefit is reduced.

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

- Fathers are eligible for parental benefit when their child has reached six months of age.

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

- The actual caregiver of a child is eligible for parental leave if parents do not use leave themselves. In the case of a non-parental caregiver, he or she is eligible for childcare benefit, but not parental benefit.

d. Childcare leave or career breaks

- An employee with a child under 14 years of age can take two weeks of unpaid leave per year.

e. Other employment related

Adoption leave (lapsendamispuhkus) and pay

- Seventy days of adoption leave per child for parents adopting a child under 10 years. Adoptive parents are eligible for parental leave for a child under three years, and qualify for parental benefit and childcare benefit.

Time off for the care of dependants

- Leave can be taken by either parent to care for a sick child under 12 years, with full earning replacement for up to 14 calendar days per episode of illness.
- Parents with a handicapped child may take one day of leave per month with full earning replacement.
- Parents may take a supplementary period of holiday - three days per year for a parent raising one or two children under 14 years and six days per year for a parent raising a child under three years, or three or more children under 14 years. There is a flat rate payment of €4.2 per day).

Flexible working

- Breastfeeding mothers with a child under 18 months can take a breastfeeding break every three hours; they may aggregate these breaks and taken a longer break once per week; 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 proposals currently under discussion)

The parental leave scheme dates back to the 1970s, with the obligation of full employment for both men and women (under the Soviet rule). Three year childcare leave for working parents was introduced at the end of 1980s. The right to paternity leave was established in 2002 to meet the requirements of EU Directive 34/96. The Parental Benefit Act took effect on January 1, 2004. The intention is to compensate the loss of income for the caring family member during the first year of parenthood. The payment of parental benefit was extended from 225 days to 315 days in 2006.

3. Take-up of leave

a. Maternity leave

As maternity leave is obligatory, 100 per cent of employed women take up leave.

b. Paternity leave

Fourteen per cent of fathers take up leave.

c. Parental leave

No official statistics about take-up of leave are collected. According to research, over 80 per cent of women take up parental leave. Men account for one per cent of the recipients of parental benefit and child care benefit.

d. Other employment related measures

In 2004, 19 per cent of people who received benefit for caring for a sick child were men. This proportion has steadily risen by about one per cent every year.

4. Research and publications on leave and other employment-related policies since January 2001

a. General overview

Leave policies and childcare arrangements have gained researchers' attention recently as the issues of demographic changes and work-life balance have emerged in the political arena. Previously, research on reconciliation of work and family life, including use of Parental leave, focused mainly on women. No significant research has been done on employers' family-friendly policies.

b. Selected publications from January 2001, including results from research studies

Unt, M. and Krusell, S. (2004) *Lastehoid Eesti Peredes [Childcare in Estonian Families]*. Tallinn: Rahvastikuministri Büroo poolt tellitud uuring.

Report of research commissioned by the Ministry of Population about use of childcare and reconciliation of work and family life of parents raising a child under 3 years in Estonia.

Tallinna Ülikool, Rahvusvaheliste ja sotsiaaluuringute Instituut & EV Sotsiaalministeerium [University of Tallinn, Institute for International and Social Research & the Ministry of Social Affairs] (2005) *Soolise võrdõiguslikkuse monitooring 2005 [Gender Equality Monitoring 2005]*. Contact: Anneli Kährik at anneli.kahrik@sm.ee

Võrk, A. (2005) *Eesti vanemahüvitise mõju sündimus- ja tööturukäitumisele: analüüsimise metoodika, andmete kaardistamine ning esimeste kogemuste analüüs. [The impact of Estonian parental benefit on births and employment behavior: methodology of analyses, data mapping and analyses of first experiences]*. PRAXIS.

This research proposes methodology for assessing the impact of the implementation of parental benefit. It also presents the first findings on impact, including that, since the implementation of the new scheme, working mothers tend to have more second and third births. Contact: Andres Võrk at andres.vork@ut.ee

2.8

Finland

Minna Salmi, Johanna Lammi-Taskula and Pentti Takala

Population (2003): 5.2 million
Total Fertility Rate (2000-2005): 1.7
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$27,619
Female economic activity rate (ages 15 and above) (2003): 56.8 per cent
Female economic activity as per cent male rate (2003): 87 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 72 per cent (7.8 per cent)
Difference in employment rates between women without children and women with child 0-6, age group 20-50 (2005): 15.7 per cent
Gender-related Development Index (ranking out of 177 countries): 10th
Gender empowerment measure (ranking): 5th

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

a. Maternity leave (*äitiysvapaa/moderskapsledighet*⁶) (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- One hundred and five working days (i.e. for all types of leave, one calendar week consists of six 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 per cent of earnings; half of all mothers with an employment contract receive full pay during the first three months of the Maternity leave. Mothers not employed and those whose annual earnings are less than €6,513 before the birth get a minimum flat-rate allowance of €15.20 a working day.

⁶ Names of leaves given in Finnish and Swedish. Finland has a Swedish-speaking minority.

Flexibility in use

- None

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

- Entitlements based on residence, i.e. paid to all women who have lived in Finland at least 180 days immediately before the date on which their baby is due. The basic formula is that a person who is entitled to family benefits is also entitled to 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 case of premature birth, if the pregnancy has lasted at least 154 days and ends earlier than 30 days before the due day, the mother is entitled to benefit and leave from the next day on for the following 105 days.
- Leave can be delegated to the father if the mother due to illness is unable to care for the child; or to 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 (*isyysvapaa/faderskapsledighet*) (responsibility of the Ministry of Labour)

Length of leave

- Eighteen 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 parental leave)

- As for maternity leave.

Flexibility in use

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

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

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

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 (*vanhempainvapaa/föräldraledighet*) (responsibility of Ministry of Labour)

Length of leave

- One hundred and fifty eight working days per family. This entitlement is per family.

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 per cent 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.

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 is extended by 60 days for each additional child. Either the father or the mother can use the extended leave, partly or wholly during the maternity leave or the parental leave period.
- If due to premature birth the maternity leave has started earlier than 30 working days before the expected date of delivery, parental leave is extended by as many working days.
- If the mother dies and the father does not care for the child, the parental benefit can be paid to another person responsible for the care of the child

d. Childcare leave or career breaks

- Childcare leave, referred to as 'home care leave' (*hoitovapaa/vårdledighet*) can be taken from the end of parental leave until a child's third birthday. This leave can be taken in two parts, the minimum length being one month. While taking leave, a parent receives a home care allowance consisting of a basic payment of €294 a month, with an additional €84 for every other child under three years and €50 for every other pre-school child over three years and a means-tested supplement (up to €168 a month). The average home care allowance per family in 2004 was €337 a month. Some local authorities, especially in the Helsinki area, pay a municipal supplement to the home care allowance; in 2004, these supplements averaged €205 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 two months when the adoptive parents assume care for the child). Fathers are eligible for the same Parental leave as fathers having their own children.

Time off for the care of dependants

- Between two and four 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 childcare leave – from the end of parental leave until the end of the child's second year at school. The employee should negotiate the

reduction in hours with the employer, and the employer can refuse only if the reduced working hours would lead to serious disadvantages for the organisation – in that case, working hours must be a maximum of 30 hours a week. Both parents can take partial childcare leave during the same period, but cannot take leave during the same time in the day. Employees taking partial childcare leave before the child's third birthday or during the child's first and second year at school are entitled to a partial home care allowance of €70 a month.

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

There have been two significant policy changes since 2003. First, fathers can take a one 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 five weeks). Second, parental leave can be taken part time (i.e. 40 to 60 per cent of normal full-time working hours), but only if both parents together 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 a mother's wage previous to the birth of her first born child; the same applies in the case of the next child if the older child is under three years of age before the birth of the younger child.

Otherwise, benefits for parents taking various forms of leave 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 €252 a month to €294 – though some local authorities have cut their municipal supplement accordingly.

Two important Government reports have been published during 2005. The first, by Rapporteur Janne Metsämäki, commissioned by the Ministry of Social Affairs and Health, contained proposals for encouraging fathers to take more paternity and parental leave and for achieving more effective equalisation of the leave costs. These proposals, which have received mainly positive comments, include:

- Full pay during the first months of maternity leave. At present, employers have no statutory obligation to provide full pay but may be required to do so under collective agreements. However, there are several branches without such collective agreements, especially in the private sector.
- Increase of the amount of parental allowance. At present, the allowance is equal to 70 per cent of annual earnings up to a certain limit (€26,124), after which the rate of compensation decreases as earnings increase. The new limit proposed would be 80 per cent of annual earnings and would not be scaled back as earnings increase. This is intended to encourage more fathers to take up parental leave, the low rate of compensation having been seen as a discouraging factor. The increase in the amount of the allowance will also equalise costs between employers, as firms that provide full pay will be entitled to a larger reimbursement from the state.
- Establishing a special parental insurance that would compensate employers for leave costs and provide daily allowances to parents. The new insurance would be financed collectively by all employers, with the contribution set at about 0.29 per cent of wage and salary costs.
- Compensation for time spent caring for a sick child. At present, parents are entitled to a few days off to look after a sick child, but not all parents are paid for these days; the situation varies by collective agreement. A universal right to pay would be included in the new parental insurance. The employer would receive reimbursement from the state for payments made to parents.

The second report, published in November 2005, is by a working group commissioned by the Ministry of Labour to assess how well the provisions on Parental leave work from the users' point of view. Proposals include:

- The need for greater flexibility in how the father's bonus leave can be taken. At present, the father is entitled to two extra (bonus) weeks if he takes the last two weeks of the parental leave. This 'father's month' is tacked on to the end of the parental leave. This has been a problem because most mothers do not immediately go back to work after the Parental leave but instead take a care leave. Returning to work for a month is in most cases difficult or impossible to organise. The timing of the father's bonus leave is proposed to be more flexible so that fathers can postpone their leave until the end of the mother's care leave or vacation.
- Parents (mostly fathers) living apart from their child, but with joint custody, having the right to a temporary child care leave to look after a sick child. At present, only the parent living with the child has this right.
- Improving the rights of adoptive parents. Presently, parents who adopt a child are not entitled to maternity leave, and therefore

have a significantly shorter leave than other parents. The report proposes that parental leave would be increased to 200 days and care leave to two years starting from when the child is placed with the adoptive parents.

- Parental allowance being payable to a registered same-sex partner; eligibility for a partial child care leave for a child with special care needs (handicapped or with a chronic illness) being extended to the child's 18th birthday; and more flexibility about stating one's intention to go on a Parental leave.

The working group consisted of representatives of employers, employees and the state, and its proposals were unanimous. According to the Minister of Labour, it is possible that the Government's proposals will go before Parliament within a few months.

3. Take-up of leave

a. Maternity leave

Almost all mothers use the leave.

b. Paternity leave

Today, the great majority of fathers take paternity leave. In 2004, 46,400 men did so, when there were 56,900 births in the same year. The proportion of fathers taking paternity leave has been increasing - from 46 per cent in 1993 and 63 per cent in 2000 to 69 per cent in 2004. In 2004, the average length of the leave taken was 15 working days. But only 4,053 fathers, i.e. about seven per cent of all fathers, took the newly introduced bonus leave period (i.e. they had also taken the last two weeks of the preceding paternity 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, education, technical branches and manufacturing industry; and (b) who are partners 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 partner aged over 40 years 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 a shorter period of leave 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 two to three per cent of fathers have taken leave over the years it has been available. However, the new arrangement under which there are bonus days of Parental leave for fathers who take the last two weeks of Parental leave has tripled the number of men taking Parental leave (from 1,700 men in 2002 to 5,300 in 2004). But at the same time, the average length of the leave taken by fathers has fallen; from 64 working days in 2002 to 37 in 2003 and only 29 in 2004.

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 education, 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 and to 107 in 2005. This means that about 0.2 per cent per cent of families with a new-born child have used the new arrangement in its first three years.

d. Child care leave or career breaks

'Home care leave' is used almost entirely by women; there are no yearly statistics on the take-up of home care leave, but the share of fathers who take this leave is assessed to be two to three per cent (Lammi-Taskula, 2003). 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 per cent) 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 another baby. Some women 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 opportunities 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 the use of childcare services, as intended, it also serves as an alternative to unemployment (Lammi-Taskula, 2004).

Earlier only a small number of families – 2,100 in 2003 – took advantage of partial child care leave. However, after the reform making parents of younger school children eligible for the partial care allowance, the number of families increased nearly to 11,000. Of these, about 8,000 families take the leave with a school-age child.

e. Other employment-related measures

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

4. Research and publications on leave and other employment-related policies since January 2001

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 home care 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 leave schemes and their take-up and 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 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. Currently, studies relying on register-based data are under way where the consequences of women's leave taking for their career and wage development can be studied with a longitudinal approach. Studies that focus on the everyday situations of parents in families and at work are underway; they also aim at following the take-up of new forms of paternity and parental leave.

b. Selected publications from January 2001, including results from research studies

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 doctoral dissertation aims to understand what happened to Swedish and Finnish family policies during the economic depression in the 1990s.

Lammi-Taskula, J. (2003) 'Isät vapaalla. Ketkä pitävät isyys- ja vanhempainvapaata ja miksi?' ['Fathers on leave'], *Yhteiskuntapolitiikka*, Vol.68, No.3: 293-298.

Lammi-Taskula, J. (2004) 'Äidit työmarkkinoilla – kahden kerroksen väkeä?' ['Women in the labour market – people on two stories?'], *Yhteiskuntapolitiikka*, Vol.69, No.2: 202-206.

Lammi-Taskula, J. and Salmi, M. (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? [Do we have Patience to Invest in Children?]*. Helsinki: Kansaneläkelaitos. pp. 110-125.

These two papers and book chapter report on the Stakes' 'Family Leaves from the Perspective of Gender Equality' study (2001-2003) where 3300 mothers and 1400 fathers with a child born in 1999 reported of their practices and experiences.

Haataja, A. (2005) *Äidit ja isät työmarkkinoilla [Mothers and Fathers in the Labour Market]*. Helsinki: Sosiaali- ja terveystieteiden tutkimuskeskus.

This report gives a picture of the transformation in the positions of mothers and fathers in and outside the labour market from the end of the 1980s to the first years of the 21st century.

Takala, P. (2005) *Uuden isyysvapaan ja isän muiden perhevapaiden käyttö [Use of the new Parental leave and of the other family leave options available for fathers]*. Helsinki: The Social Insurance Institution. Available at:

[http://www.kela.fi/in/internet/liite.nsf/NET/260805104733PN/\\$File/oslotakala.pdf](http://www.kela.fi/in/internet/liite.nsf/NET/260805104733PN/$File/oslotakala.pdf)

The report examines the use of family leaves by fathers and in particular how the new bonus leave is used less than expected.

Takala, P. and Hytti, H. (2005) 'Minimum parental allowance payments received by Finnish mothers', *Yearbook of Population Research in Finland*, No.41: 47-60.

This article reports on a study that aimed to describe the characteristics typical of women receiving minimum parental

allowance and to analyse how often they had to rely on last-resort income support (social assistance).

Haataja, A and Nyberg, A (2006 forthcoming) 'Redesign of the dual breadwinner model in the Nordic countries?', in: A.L.Ellingsæter and A. Leira (eds.) *Politicising Parenthood: Gender Relations in Scandinavian Welfare State Restructuring*. Bristol: Policy Press.

This chapter investigates what impacts economic recession combined with differences in childcare policy have had on gender relations in Finland and Sweden.

Lammi-Taskula, J. (2006 forthcoming) 'Nordic men on parental leave – can the welfare state change gender relations?', in: A.L. Ellingsæter and A. Leira (eds.) *Politicising Parenthood: Gender Relations in Scandinavian Welfare State Restructuring*. Bristol: Policy Press.

This chapter compares current entitlements of fathers for parental leave in the Nordic countries, and analyses the ambivalence in cultural conceptions of gender and parenthood that complicate negotiations in the family and workplace on fathers' use of leave.

Salmi, M. (2006 forthcoming) 'Parental choice and the passion for equality 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, asking what is the relation between the reforms and parents' everyday practices and wishes.

c. Ongoing research

Family leaves and gender equality in working life (2006-2008). Minna Salmi and Johanna Lammi-Taskula, STAKES and Pentti Takala, Kela (The Social Insurance Institution).

This survey of mothers and fathers having children in 2004 focuses on the consequences of leave taking for women's labour market participation; the experiences of and obstacles to men taking leave; parents' practices, wishes and opinions on the newly-introduced part-time leave in particular and on how to take care of young children in general, as well as their workplace experiences when taking leave and returning from leave. The study also looks at the practices and consequences of employees' leave taking from the company perspective. Contact firstname.lastname@stakes.fi

Combining work and family – a challenge for equality planning (2005-2008). Reija Lilja, Labour Institute for Economic Research, Rita Asplund, ETLA and Kaisa Kauppinen, Finnish Institute of Occupational Health.

The overarching objective of the project is to estimate the costs related to family leave and to evaluate the effects of these costs on

women's wage and career development, as well as on their opportunities and well-being in working life. The main goal of the research is to develop good practices and initiate new models for equality planning. The research draws on both register-based longitudinal databases and information and experiences gathered at the company level. Contact reija.lilja@labour.fi

Contradictory reality of the Child Home Care Allowance (CHCA) – CHCA as an option for parents' work-life choices and its consequences for their work careers (2006-2009). Katja Repo, Tapio Rissanen and Jorma Sipilä, University of Tampere.

Child Home Care Allowance (CHCA) is a social policy system that raises lots of political and emotional tensions among politicians, citizens and researchers. In spite of its contradictory nature different kinds of 'payments for care' schemes are reaching a wider acceptance among users and on the political level. The project aims to illuminate the labour market consequences of the CHCA, which have been the focus of the debate. The research questions are: 1) what kind of consequences does the CHCA have on parents' work-life choices and later work careers? 2) How does the CHCA relate to the pursuit of reconciling work and family? 3) How does the allowance change the tools and meanings of social policy? The project also includes a cross-national statistical comparison of the consequences of CHCA using data from three different welfare states: Finland, Norway and Sweden. Contact firstname.lastname@uta.fi

2.9

France

Jeanne Fagnani

<p>Population (2003): 60 million</p> <p>Total Fertility Rate (2000-2005): 1.9</p> <p>GDP per capita (US\$ using Purchasing Power Parities) (2003): \$27,677</p> <p>Female economic activity rate (ages 15 and above) (2003): 49.3 per cent</p> <p>Female economic activity rate as per cent male rate (2003): 78 per cent</p> <p>Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 66.3 per cent (17.6 per cent)</p> <p>Difference in employment rates between women with children and women with child aged 0-6, age group 20-50 (2005): 10.2 per cent</p> <p>Gender-related Development Index (ranking out of 177 countries): 16th</p> <p>Gender empowerment measure (ranking): No information</p>
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1. Current leave and other employment-related policies to support parents

a. Maternity leave (*Congé de maternité*) (responsibility of Ministry of Social Affairs, Health and Solidarity)

Length of leave (before and after birth)

- Sixteen weeks: at least four weeks before the birth and at least 10 weeks following the birth, with two weeks which can be taken before or after.

Payment

- Hundred per cent of earnings, up to a maximum ceiling of €2,589 a month (2006). The difference between the former salary and the replacement wage can be supplemented by the employer.

Flexibility in use

- Two weeks can be taken before or after birth

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

- All employees and self-employed workers

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

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

b. Paternity leave (*Congé de paternité*) (responsibility of Ministry of Social Affairs, Health and Solidarity)

Length of leave

- Two weeks

Payment

- As for maternity leave

Flexibility in use

- Must be taken within the four months following the birth

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

- All employees and self-employed workers

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 (*Congé parental*) (responsibility of Ministry of Social Affairs, Health and Solidarity)

Length of leave

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

Payment

- There are two types of benefit payable, neither of which is specifically linked to Parental leave but available to all families who meet the eligibility conditions.
- A 'Childrearing benefit' (*Allocation Parentale d'Éducation - APE*) is available for children born before January 2004 and is paid to families with at least one child under three years. For parents with two or more children, one of whom is under three years, APE is paid until the youngest child reaches three years; but it is only paid to parents with one child until six months after the end of Maternity leave. It is a flat-rate payment (€513 a month in 2005), but it is only paid to families whose income is below a certain level (in practice, about 90 per cent of families are eligible).
- For children born since January 2004, a new benefit - *complément de libre choix d'activité*" (CLCA) - replaces APE. The new scheme includes families with only one child, although (due to budgetary constraints) on less generous terms than for families with two or more children. It is a flat-rate payment (like APE, €513 per month in 2005), paid to families whose income is below a certain level. A complementary scheme for large families (with at least three children) pays an allowance of €750 per month on

condition one parent stops work completely, though the duration is only for one year.

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. Similarly, the amount of CLCA is reduced if the parent works part-time. For the higher allowance paid for large families, one parent must stop work completely.

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 three children the eligibility condition is to have worked for two out of the five years preceding birth but with only one child it is necessary to have worked without break for two years preceding birth.
- Eligibility for CLCA for parents with one child depends on the father or the mother having been continuously working for two years before the child birth and the allowance is allocated for six months only.

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

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

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

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

d. Childcare leave or career breaks

- No general statutory entitlement

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

- Every employee is eligible for an unpaid leave to care for a sick child under the age of 16 years. Legally, periods of leave cannot exceed three days (or five days in specific cases), but this is a minimum and most collective agreements have special arrangements, as in the public sector where employees can take fourteen days a year to care for a sick child.
- In cases of a serious disability or illness of a child under 16 years, every employee with at least one year of employment with an employer is entitled to paid leave to care for her/his child, or to work part time for a period of up to one year. The

level of the allowance depends on the duration of work in the enterprise and on the family structure (in couples, if one parent stops work completely, the amount is €842 per month in 2005). A similar period of leave is possible for employees who need to care for a relative at the end of life, either a child or a parent living in the same house.

Flexible working

- No general statutory entitlement. Employees in the public sector are entitled to work part-time for family reasons.

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

CLCA replaces APE for children born after January 2004 (see section 1c).

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.

b. Paternity leave

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

c. Parental leave and childrearing benefit

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

Changes in APE since July 1994, which extended eligibility to parents with two 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 563,000 in 2003 compared to 275,000 in 1995. The economic activity rate of mothers with two children, the youngest aged less than three 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. 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.

Research provides evidence that women make up 98-99 per cent 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). This hypothesis receives support from research conducted among mothers with three children who were receiving APE (Fagnani and Letablier, 2005).

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); 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).

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).

Among parents who had their first child in 2004, 16 per cent received the CLCA (Blanpain, 2005). This low take-up may be due to several reasons: because mothers with only one child do not want to, or cannot, interrupt their professional life for a long time after Maternity leave; and because the scheme was quite new when these figures were collected and still not well known. Since 1997, there has been an increase in the number of parents receiving APE or CLCA (having at least two children) who work part time and therefore get a reduced benefit.

4. Research and publications on leave and other employment-related policies since January 2001

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. Selected publications from January 2001, including results from research studies

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

Drawing on a national survey, Algava demonstrates that gender division of unpaid labour and time devoted to child-rearing remains very unbalanced between mothers and fathers

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.

Fathers who took up paternity leave are very satisfied. Those who could not claim it declared that work-related reasons were the main obstacles.

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

A state-of-the-art literature review and an analysis of the shortcomings in childcare policies. This report also puts emphasis on the need to develop collective and subsidised childcare provision.

Boyer, D. (2004) 'Les pères bénéficiaires de l'APE: révélateurs de nouvelles pratiques paternelles?', *Recherches et Prévisions, CNAF*, No.76 : 53-62.

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

Fine-Davis, M., Fagnani, J., Giovannini, D., Hojgaard, L. and Clarke, H. (2004) *Fathers and Mothers: Dilemmas of the Work-life Balance*. Dordrecht: Kluwer

This book 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.

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 : 35-48.

The author investigates how mothers provided with APE have used this time set aside for child-rearing and shows that mothers were, on the whole, very satisfied.

Marc, C. (2004) 'L'influence des conditions d'emploi sur le recours à l'APE', *Recherches et Prévisions, CNAF*, No.75: 8-25.

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.

Blanpain, N. (2005) Les prestations familiales et de logement en 2004, *Etudes et Résultats DREES*, No.451.

A description of the recipients of family allowances and housing allowances in 2004, and the increase in their number since 2003.

Fagnani, J. and Letablier, M.T. (2005) 'Caring rights and responsibilities of families in the French welfare state', in: B.Pfau-Effinger and B. Geissler (eds.) *Care Arrangements and Social Integration in European Societies*. Bristol: Policy Press. pp.153-172.

An analysis of childcare policies in France since the 1980s, which also explores the range of childcare arrangements for working parents and their advantages and drawbacks with respect to the economic emancipation of women and to social inequalities.

2.10

Germany

Wolfgang Erler

Population (2003): 82.6 million
Total Fertility Rate (2000-2005): 1.3
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$27,756
Female economic activity rate (ages 15 and above) (2003): 48 per cent
Female economic activity as per cent male rate (2003): 71 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 60 per cent (35.1 per cent)
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 20.3 per cent
Gender-related Development Index (ranking out of 177 countries): 20th
Gender empowerment measure (ranking): 9th
NB. Germany is a federal state

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

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

Length of leave (before and after birth)

- Fourteen weeks: six weeks before the birth and eight weeks following the birth.

Payment

- Hundred per cent 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.

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

- All women employees, including those employed part time, 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.
- 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

No general statutory entitlement.

c. Parental leave (*Elternzeit*) (responsibility of the Ministry for Family, Senior Citizens, Women and Youth)

Length of leave

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

Payment

- A 'Childrearing Benefit' (*Elterngeld*⁷) of €300 a month is paid to all 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 seven 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, but it is necessary to have the employer's agreement if working in a company of up to 15 employees. Any parent wishing to work less than 15 hours a week must 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. But five 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.

⁷ The term was originally *Erziehungsgeld*, but was changed to *Elterngeld* - parents' money - with the intention to make clear the shared parental responsibility of bringing up children, including that of 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 parents

- 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)*
- Many collective agreements and individual companies extend the parental leave period up to 12 years or, in the public sector, up to 18 years for more than one child.

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 per cent 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 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 eighth 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 red-green government in power until November 2005 had 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 per cent of earnings combined with a basic flat rate payment for economically inactive or unemployed parents. At the same time, the term used for the payment was to be changed into *Elterngeld* (parental money/payment) instead of *Erziehungsgeld* (childrearing benefit/payment). The stated aim was 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 was

planned to be for fathers only. The duration of the benefit payment was also to 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, because better earning parents would receive more pay for the same 'job', i.e. bringing up an own child.

After the 2005 federal elections, the new 'big coalition' government formed by the Social Democrats, the Christian Democrats and their Bavarian branch, the Christian Social Union, went beyond the plans of the former red-green government. Announced for legislation in 2007, one year before the former government had planned, the new government plans to legislate the main ideas of the former government's plans, including a 'ceiling' of €1,800 a month as maximum payment. Following Scandinavian examples, an obligatory father's share of two months of the new 12 months parental payment is to be established; this two month share will be lost if not taken by the father. Several further details are not yet finalised; for instance, whether for low-income families the whole family income should be the basis for the 67 per cent payment, rather than the income of the person taking leave. On the other hand it is made clear that parental payment (benefit) will no longer be combinable with other transfer/welfare payments; many lone mothers, who can currently receive Childrearing Benefit plus welfare cheques, will be worse off financially if they do not have an employment history above a low-wage level.

This proposed legislation has caused controversy in the media and among the 'family-value' conservatives who see it as a threat to the traditional male breadwinner model. These worries are exacerbated by new rules for childcare subsidies that were also highly controversial within the coalition parties; these tax deductions mainly subsidise dual career couples. In addition to 'family values' conservatives, this proposal has met serious objections from more leftist, trade-unionist, feminist and moderate Christian Democrats who objected that it was unjust to give more money to better-off dual earners than to low-income families. As at February 2006, it is uncertain if the government's plans will be approved by Parliament. The Christian Democratic-led government of the biggest state, North Rhine-Westphalia, has just announced its strong opposition to the new parental payment plans.

Demographic arguments, arising from concerns about declining fertility and the ageing of the population, increasingly influence public discussions related to family policy, and, as part of it, leave and childrearing benefit legislation. The new coalition government has put these arguments up to the top of its family policies agenda. There is also increasing discussion of the need for policies that will support work-family balance.

3. Take-up of leave

a. Maternity leave

There is a 100 per cent take-up as it is prohibited to work for eight weeks after birth.

b. Paternity leave

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 found that 14.2 per cent of households with newborn children were not entitled to take leave and another 12.6 per cent 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 a much higher unemployment rate than in the former West Germany (25.5 per cent compared with 9.9 per cent). 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 per cent of fathers took parental leave and received Childrearing Benefit – a proportion that had more than doubled in two years after new legislation introduced in 2001. But only 0.2 per cent of these fathers took childrearing responsibility and benefit alone, the others sharing benefit and responsibility with their female partners.

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

The 2003 government survey reported that the option to delay the last year of leave beyond the second birthday of the child for up to six years (i.e. until the child's eighth birthday) will be taken – so far – by 15.3 per cent of parents in East Germany, and by 6.1 per cent in West Germany. Some parents (13.9 per cent) said they did not

know of the option; 12.7 per cent said they would not take up the third year at all; 14.5 per cent 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 per cent in the West, but only 29.8 per cent in the East.

In 2002, 8.5 per cent 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 four per cent. Hours worked increase from the first six months after birth, when 54.3 per cent worked less than 15 hours a week, to months 19 to 24, when this figure had fallen to 34.6 per cent. 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. Research and publications on leave and other employment-related policies since January 2001

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 have been undertaken by the Federal Ministry of Family, Senior Citizens, Women, and Youth and the State of Baden-Württemberg Ministry of Social Affairs. Since 2000, a number of studies have focused on the issue of 'employment penalties' for mothers taking leave, 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. Selected publications from January 2001, including results from research studies

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 a study of the effect of parental leave on employment careers of women in East and West Germany,

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

Based on the same study, this article describes the occupational status of women returning to work after leave.

John, B. and Schmidt, H. (2001) *Erziehungsurlaub – Regelungen, Inanspruchnahme und Evaluation [Parental leave - Legislation, Take-up and Evaluation] (2001)*. Stuttgart: State Statistical Office of Baden-Württemberg. Available at: <http://www.statistik-portal.de/bevoelkGebiet/FaFo/fafoEZU.pdf>

Using 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.

John, B. and Stutzer, B. (2002) 'Erwerbsverhalten von Erziehungsurlauberinnen' ['Employment behaviour of Women in Parental leave'], *Zeitschrift für Familienforschung*, Heft 3/2002. Based on census data, this article 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., Spiess, C.K. and Yang, Q. (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., Kohlmann, A. and Lang, S. (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.

Krings-Heckemeier, M-T., Kemper, J. and colleagues (2003) *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]*. Berlin: Empirica Institut.

Report of a national survey of parents/households eligible for Childrearing Benefit, funded by the Federal Ministry of Family, Senior Citizens, Women, and Youth (BMFSFJ) covering Parental leave take-up with respect to part-time work and parental use of other 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.

Rürup, B. and Gruescu, S. (2003) *Nachhaltige Familienpolitik im Interesse einer aktiven Bevölkerungsentwicklung [Sustainable family policy in the interest of active population development]*. Available at: 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.

This book 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 Karriereverlauf 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.

Study based on survey data that shows the short and long-term career losses of mothers taking parental leave.

Institut für Demoskopie Allensbach (2005) *Einstellungen junger Männer zu Elternzeit, Elterngeld und Familienfreundlichkeit im Betrieb -Ergebnisse einer repräsentativen Bevölkerungsumfrage [Attitudes of young men towards Parental leave, parental payment (benefit) and family-friendly workplaces – results of a representative population survey]*. Available at: <http://www.deutschland-wird->

kinderfreundlich.de/RedaktionBMFSFJ/RedaktionFamilienfreundlich/PDF-Anlagen/allensbach-einstellungen-jungerm_C3_A4nner,property=pdf,bereich=familienfreundlich,rwb=true.pdf

This survey studies the reasons younger men give for not taking up or not being interested in taking up parental leave and payment. Reasons include financial loss (82 per cent), career disadvantages (74 per cent) and experience in their own family (55 per cent).

2.11

Greece

Evi Hatzivarnava Kazassi

Population (2003): 11.1 million
Total Fertility Rate (2000-2005): 1.3
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$19,954
Female economic activity rate (ages 15 and above) (2003): 38.7 per cent
Female economic activity as per cent male rate (2003): 60 per cent
Employment rate for women with one child under 12 years – total with part-time rate in brackets (2003): 52.7 per cent (6.7 per cent)
Difference in employment rates between women without children and women with children 0-6, age group 20-50 (2005): 3.5 per cent
Gender-related Development Index (ranking out of 177 countries): 24th
Gender empowerment measure (ranking): 36th

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

Note on leave information: The information given below is based on leave arrangements in the private sector that are covered by laws and the National General Collective Labour Agreements signed between the Federation of Greek Industries and the General Confederation of Labour, which set the minimum requirements for all the private sector. Leave arrangements for public sector employees, which are more generous than those of the private sector, are covered by different legislation.

a. Maternity leave (Άδεια Μητρότητας) (responsibility of the Department of Employment and Social Protection)

Length of leave (before and after birth)

- Seventeen weeks: eight weeks must be taken before birth and nine weeks after birth

Payment

- Hundred per cent of earnings

Flexibility in use

- None except for when leave can start: if birth takes place before the time envisaged, the rest of the leave can be granted after birth so long as the total time taken remains 17 weeks

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

- None.

b. Paternity leave (Άδεια Γέννησης Τέκνου) (responsibility of the Department of Employment and Social Protection)

- Two days paid leave at the time of the child's birth

c. Parental leave (Γονική Άδεια Ανατροφής) (responsibility of the Department of Employment and Social Protection)

Length of leave

- Three and a half months per child for each parent. Leave is an individual entitlement.

Payment

- None

Flexibility in use

- Leave may be taken up to the time the child turns three and a half years
- Leave may be taken in several blocks of time subject to agreement with the employer

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

- All employees who have completed one year's continuous employment with their present employer.
- For an employee to be entitled, his/her spouse must work outside the home

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

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- Lone parents who have responsibility for a child are entitled to a Parental leave up to six months
- Parents with a disabled child do not get additional Parental leave, but are 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

- Leave is granted for up to eight per cent of the total number of employees in each enterprise in each year

d. Childcare leave or career breaks

- A parent can take time off work with full payment, up to an estimated three and three-quarters months, as part of a scheme

which also allows parents to work reduced hours. For more details, see section 1e – ‘flexible working’

e. Other employment-related measures

Adoption leave and pay

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

Time off for the care of dependants

- Leave for children’s sickness: up to six days per year per parent of unpaid leave if the parent has one child, up to eight days if he/she has two children and up to 12 days if he/she has more than three children. The leave is also granted for other dependent members of the family (e.g. a disabled spouse or adult children as well as disabled parents or unmarried sisters if their annual income is less than the basic income of an unskilled worker).
- Leave for visiting children’s school: four days paid leave per year
- Leave for parents of children with disability: one hour per day, if the parent asks for it (unpaid and only applied in enterprises with more than 50 employees).
- Leave for parents whose children need regular transfusion or haemodialysis: up to ten days per year paid leave
- Leave for widows/ers or unmarried parents caring for children: in addition to other leaves, six days per year paid leave. If the parent has three or more children the leave is eight days per year. The leave is granted for children below 12 years and can be taken in one block or several.

Flexible working

- Parents are entitled to work one hour less per day for up to 30 months after maternity leave, with full earnings replacement. With the employer’s agreement, this may be taken as: two hours less per day for the first 12 months and one hour less per day for another six months; or in block(s) of time of equal time value within the 30 months period after maternity leave. This last option, of converting reduced hours into a block or blocks of leave, means that a parent can take a number of months off work, up to an estimated three and three-quarters months. This leave – titled ‘alternative use of reduced hours as leave for the care of children’ – is considered part of working time and paid accordingly.
- Adoptive parents of children up to the age of six are entitled to a childcare leave.

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

Reconciliation between work and family life in Greece is an issue that has gained policy attention over recent years and has

become more important as the integration of women and mothers in the labour market has turned to a main objective of policy. With reference to leave policy, there is a trend towards greater flexibility and choice in the provision of the various leaves for parents. Over the last five years new extra types of leaves have been introduced for working parents, for example extra paid leave for widows/ers and unmarried parents caring for a child and paid leave for parents whose child needs regular transfusion or haemodialysis (see 1e above). A very important development concerns the provision of reduced working hours (see 1e above) that can now be granted in different ways i.e. reduced daily working hours or in block(s) of time.

There are significant variations in the provision of leave between the public and private sectors. Parents working in the public sector, who are entitled to a longer period of reduced working hours, now have the option to stay at home with their child for nine consecutive months after maternity leave instead of choosing to have reduced daily working hours. At the moment, the right to work reduced hours is only granted to public sector employees who are women; but this is to be modified and extended to fathers, in accordance with the EU Directive 73/2002.

Amongst the proposals of the General Confederation of Labour of Greece for the National General Collective Agreement of 2006 are:

- the extension of the prohibition of dismissal from work beyond the one year period after birth to the period of the right to work reduced hours;
- the extension of the leave of widows/ers or unmarried parents (see 1e) to divorced and separated parents that have the responsibility of a child;
- the extension of leave rights to foster parents;
- the extension of certain leave rights to women that carry the child of other women, as well as to the parents that choose this option;
- the full payment of parental leave (50 per cent by the employer and 50 per cent by the Manpower Employment Organisation)

There is also a trend towards a greater flexibility in working arrangements. So while the institutionalization of part-time work (i.e. a legal framework for part-time work) was in force since 1990 and other special forms of employment were introduced in 1998, this only covered the private sector. In 2003, the institutionalization of part-time work was introduced in the public sector too, particularly in the area of social services. For these services, only special categories of unemployed people are eligible including mothers with dependent children (10 per cent of posts),

members of large families (10 per cent of posts) and disabled people (10 per cent of posts).

3. Take-up of leave

There is no information on take-up of the various types of leaves.

4. Research and publications on leave and other employment-related policies since January 2001

a. General overview

Leave policies are a recent development and have not been as yet the focus of research or evaluation. Most available research has focused on the issues around reconciling work/family including flexible working arrangements and childcare rather than leave per se. Special mention must be given to the project *Equal partners: Reconsidering the role of men in work and private life* that is being implemented within the context of the EQUAL Initiative (See Section 4c for more details)

b. Selected publications from January 2001, including results from research studies

Matsaganis, M. and Petroglou, A. (2001) *The System of Social Protection and Women*. Athens: Research Centre for Gender Equality (in Greek)

This study deals with various issues regarding the social protection system in Greece including leave for parents. In particular, it stresses the differences between the public and private sectors and the ineffectiveness of many of the available types of leave.

Petroglou, P. (2002) *Guide of Good Practices for the Reconciliation of Work and Family Life*. Athens: Research Centre for Gender Equality (in Greek).

This publication is one of the products of the project *Good practices for the reconciliation of work and family life* that was implemented in the framework of the European Community Fourth Action Programme on Gender Equality. One of the chapters is about leave for parents (legal framework, comments, good practices, suggestions).

Moussourou, L. and Petroglou, P. (2005) 'Concilier Famille et Travail pour les Hommes et les Femmes en Grèce', in: Association des Femmes de l'Europe Meridionale (eds.) *Concilier Vie Familiale et Vie Professionnelle pour les Femmes et les hommes : du Droit a la Pratique*. Athens: Sakkoulas Publishers.

The chapter on Greece reports on the legal framework of leave for parents and comments on their effectiveness.

Common Programme of Work of the National Thematic Network for the Reconciliation of Work and Family Life (1st Cycle of Implementation of the Community Initiative EQUAL) (2005) *Guide of Good Practice for the Reconciliation of Work and Family Life*. Available from KETHI, the Research Centre for Gender Equality) (in Greek)

One of the chapters of this publication is about a survey conducted in 14 enterprises with a total of 12968 employees According to the survey only three enterprises were recording leave take-up.

Symeonidou, H. et al (forthcoming 2006) *Policies for Families in the EU countries. Reconciliation of Work and Family Life: A Cost-Benefit Analysis for Greece*. Athens: Sakkoulas Publishers (in Greek)

This book includes a chapter on different types of leave for parents and how these are related to reproductive behaviour.

c. Ongoing research

Equal partners: reconsidering the role of men in work and private life (2005-2006). The project leader is the Research Centre for Gender Equality KETHI of Greece and the project transnational partners are: the Reform-Resource Centre for Men (Norway); the CENTRUM PRAW KOBIEC Women's Rights Center (Poland); the Commission for Equality and Women's Rights (Portugal); and the National Machinery for Women's Rights (Cyprus). On the national level, partners are the Family and Child Care Center, the Federation of Greek Industries and the Office for Gender Equality of the Municipality of Athens. The project is carried out in the framework of European Community Fifth Action Programme on Gender Equality. Within this project a qualitative study will take place and one of the issues examined will be the take up leave.

2.12

Hungary

Marta Korintus

Population (2003): 10.2 million
Total Fertility Rate (2000-2005): 1.3
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$14,584
Female economic activity rate (ages 15 and above) (2003): 48.7 per cent
Female economic activity rate as per cent male rate (2003): 72 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 50.3 per cent (3.7 per cent)
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 35.3 per cent
Gender-related Development Index (ranking out of 177 countries): 31st
Gender empowerment measure (ranking): 44th

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

Note on terminology: the Hungarian names for the Parental leaves discussed in 1c include the word *gondozas*, that is 'care'. By contrast, GYET - available after the child is older than three (see section 1d) - includes the word *nevelés*, that is 'upbringing'. The Hungarian names for parental and childcare leaves (Sections 1c and 1d) – abbreviated as GYES, GYED and GYET – literally refer only to the payment element, although in practice they cover leave and payment (e.g. GYES is *gyermekgondozási segély*, literally 'childcare allowance').

a. Maternity leave (*szulesi szabadsag*) (responsibility of the National Health Insurance Fund)

Length of leave (before and after birth)

- Twenty four weeks: up to four weeks before birth. However only mothers are entitled to take one type of Parental leave until the child's 1st birthday (see section 1c)

Payment (terhessegi-gyermekügyi segely)

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

Flexibility in use

- The start date can be between four weeks before birth and the birth itself.

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.

b. Paternity leave (responsibility of the National Health Insurance Fund)

Length of leave

- Five days, to be taken during the first two months of the child's life.

Payment

- Hundred per cent of father's average daily wage.

Flexibility in use

- None except for when leave can be started after birth.

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 father.

- None.

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 1st birthday, which is an entitlement only for mothers.

Length of leave

• **GYES**

- a. Until the child's third birthday, for parents not insured.

b. From the end of GYED (child's second birthday) until the child's third birthday, for insured parents.

- **GYED:** from the end of the Maternity leave period until the child's second birthday, for insured parents. But until the child's first birthday only the mother or a single father is entitled.

Payment

- **GYES:** Flat-rate benefit equal to the amount of the minimum old-age pension, HUF25,800 per week (2006) (approximately €98)
- **GYED:** Benefit of 70 per cent of earnings, up to a maximum 'ceiling' of HUF87,500 per week (2006) (approximately €332); the ceiling is determined each year.

Flexibility in use

- A parent taking GYES cannot work until the child's first birthday, but can then work unlimited hours while still receiving the full benefit until the child's third birthday.

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 first 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); or delegation of leave to person other than the parents

- **GYES:** Parents of a child who cannot be admitted to a childcare centre due to illness can take leave until the child's eighth birthday; parents of a child with a long-term illness or disability can take leave until the child's 10th birthday (longer in discretionary cases); parents of twins are eligible until the children begin elementary school and the benefit payment is doubled
- **GYES:** can be taken by grandparents from the first to the third birthday of the child if the child is looked after in her/his own home and if the parents agree to transfer their entitlement. Grandparents taking GYES 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 third and eighth birthday of the youngest child (*Gyermeknevelési támogatás* – GYET). Benefit payment as for GYES. GYES and GYED are intended to promote childbirth and support reconciliation of work and childrearing; 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 one year – unlimited; 12-35 months – up to 84 days per child per year; 36-71 months – 42 days; six to 12 years – 14 days. Lone parents are entitled to a double period of leave. Leave is a family entitlement and a benefit is paid at 70 per cent of earnings.

Flexible working

- Mothers are entitled to two one hour breaks per day for breastfeeding until a child is six months old; and one one hour break until a child is nine 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 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 three months; the length of the leave can be extended until the child's eighth birthday if the child cannot be admitted to a childcare centre due to his/her illness and until the child's 14th birthday if the child has a long-term illness or disability. A change has been introduced in 2005, namely, the person taking GYES cannot work until the child's first birthday, but he/she can work unlimited hours after that while also accessing the full amount of the benefit until the child's third birthday. With this change, GYES has, in effect, become more like a universal payment to parents of children under three who were not insured before having their child.

Paternity leave was introduced in December 2002.

3. Take-up of leave

a. Maternity leave

There are only statistics on the number of women receiving benefit. The average monthly number in 2004 was 28,004. It is thought that almost all eligible women take leave.

b. Paternity leave

There is no information.

c. Parental leave

There are only statistics on the number of recipients of benefit. The average monthly numbers in 2004 were: 163,440 for GYES; 83,678 for GYED in 2004; and 47,069 for GYET. There is no information 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 three years of age); most children enter between 18 months and two years of age.

d. Other employment-related measures

In 2004, parents took 1,225,000 days of leave for sick children, which constituted 3.1 per cent of all paid sick leave. There is no information on the division of days taken between mothers and fathers.

4. Research and publications on leave and other employment-related policies since January 2001

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. Selected publications from January 2001, including results from research studies

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*, Vol. XLV, No.4: 406-437.

The article reports the results of a questionnaire-based survey carried out in 32,000 households in conjunction with the Central Statistical Office's quarterly labour survey. 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 Népszéktudományi 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 pénzügyi társadalmi juttatások hatása, eloszlása* [*Impact and distribution of*

regular financial transfers for supporting the upbringing of children]. Available at 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 childbirths.

Blaskó, Zs. (2005). 'Dolgozzanak-e a nők? A magyar lakosság nemi szerepekkel kapcsolatos véleményének változásai 1988, 1994, 2002' ['Should women work? Changes in the Hungarian population's opinions related to gender roles, 1988, 1994, 2002'], *Demográfia*, Vol. XLVIII, No.2-3:159-186.

Building on survey data from the International Social Survey Programme, collected in 1988, 1994 and 2002, this study looks at attitude changes concerning gender roles in Hungary. After the political transformation in 1989, the idea of the male-breadwinner model became rather more accepted, and the article argues that this was mostly due to massive unemployment in the early nineties. The re-valued and newly produced concept of the 'homemaker woman' provided a new and attractive form of self-identity to many women losing their jobs but no similar 'help' was offered to men in the same situation. After the first shock of the economic transformation, the attractiveness of traditional gender roles decreased to some extent in most groups of the society.

Gabos, A. (2005) *A magyar családtámogatási rendszer termékenységi hatásai [Fertility effects of Hungarian family benefit system]*. Ph.D. dissertation. Available in Hungarian at: www.lib.uni-corvinus.hu/phd.html

The study looks at the history of fertility and family policy in Hungary. In general, Hungarian fertility has been decreasing since 1876 with minor exceptions. The study shows that the Hungarian family benefit system, or rather the in-cash supports, had a positive effect on fertility between 1950 and 2003, both in the short and long term. The results coincide with those in the international literature.

2.13

Iceland

Thorgerdur Einarsdóttir and Gyda Margrét Pétursdóttir

Population (2003): 0.3 million
Total Fertility Rate (2000-2005): 2.0
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$31,243
Female economic activity rate (ages 15 and above) (2003): 66.7 per cent
Female economic activity rate as per cent male rate (2003): 83 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): No data available
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): No data available
Gender-related Development Index (ranking out of 177 countries): 3rd
Gender empowerment measure (ranking): 4th

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

Note on terminology: In Icelandic the term *faedingarorlof* (literally 'birth leave') is used in law to refer to paid maternity, paternity and Parental leave. But in common parlance, the term is mostly used to refer to women's absence from the labour market due to birth and childcare. When the father takes his leave, it is usually referred to *fedraorlof* (Parental leave). So even if the law make no distinction between different types of leave taken by mothers and fathers, a distinction is made in everyday usage.

Foreldraorlof refers to the unpaid leave included in section 1d under the heading of 'Childcare Leave', though it translates literally into 'Parental leave'. The type of leave referred to in 1c under the heading of 'Parental leave' is translated into English by the Ministry of Social Affairs as 'parents' joint rights'

a. Maternity leave (*faedingarorlof*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- Three months: one month may be taken before birth.

Payment (applied for the whole period of Maternity leave)

- Eighty per cent of earnings up to a maximum 'ceiling' (approximately €6,000 per month), for those who have been in the workforce during the preceding 24 months. The payment to a mother working shorter part-time hours, i.e. between 25 and 49 per cent of full-time hours, is at least €630 per month; and for a mother working longer hours, at least €830. Others (including students) receive a flat rate payment.

Flexibility in use

- The mother is obliged to take two weeks of leave following the birth. After that she can take leave on a part-time (50 per cent) 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').
- See section 1c.

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

- All women who have been economically active prior to childbirth are eligible for leave.

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

- See section 1c.
- Maternity leave can be extended by two months if the mother suffers any complications during or after the birth.

b. Paternity leave (*faedingarorlof*) (responsibility of the Ministry of Social Affairs)

Length of leave

- Three months.

Payment (applied for the whole period of Parental leave)

- Same as for maternity leave.

Flexibility in use

- Same as for maternity leave, except for the obligatory two weeks that mothers must take after birth.

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

- All men who have been economically active prior to childbirth are eligible for leave.

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

- See Section 1c.

c. Parental leave (see note on terminology at the start of section 1) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- Three months after birth.

Payment

- Same as for maternity leave.

Flexibility in use

- The total of nine months leave (covering maternity, paternity and joint rights) 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); or delegation of leave to person other than the parents.

- In the case of multiple births, the length of leave increases by three months for each additional birth; it can be extended by the same amount if the child suffers from a serious illness. Leave also increases if the child has to stay in hospital more than seven days after the birth by that amount of time up to four months.
- Lesbian or homosexual couples can apply for leave.

d. Childcare leave or career breaks (*Foreldraorlof*)

- Each parent may take 13 weeks unpaid leave per year until a child is eight years old.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children if the child is younger than eight 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 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 between different groups. The 1998 law on parental leave extended these rights 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).

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 nine months divided into three equal phases, including three 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 Parental leave, extended to two months in 2002, and three months in 2003. In addition, childcare leave was also introduced in 2000, allowing each parent 13 weeks a year unpaid leave (i.e. a total of 26 weeks a year per family) until a child is eight years old.

3. Take-up of leave

a. Maternity leave

In 2003, 99 per cent of women applying for leave used the three months available. For more details see Section 3c.

b. Paternity leave

See section 3c.

c. Parents' joint rights

In 2003, 84 fathers took a period of leave (paternity and/or parents' joint rights) for every 100 mothers taking some leave, and fathers took about a third of all days of leave taken by parents (an average of nine⁴ days leave compared to 182 for mothers). Overall, 16 per cent of fathers took some of the parents' joint rights, and 20 per cent took less than their three months of designated parental leave; 91 per cent of mothers took some period of parents' joint rights.

In 2003, 17 per cent of men but 59 per cent of women took leave in one uninterrupted period; the remainder, including most fathers, 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 three to six months leave as problematic.

4. Research and publications on leave and other employment-related policies since January 2001

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. Selected publications from January 2001, including results from research studies

Einarsdóttir, T. and Pétursdóttir, G.M. (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. and Jónsdóttir, Ó. (2004) *Fedraorlof: Vidhorf stjórnenda á mismunandi stjórnunarstigum [Parental leave: The attitudes of employers at different managerial levels]*. BS-thesis. University of Reykjavik. Available at:

http://www.hgj.is/media/Ritgerdir/Rannsokn_fedraorlof.pdf.

The thesis is based on a study of attitudes to parental leave of managers at different levels.

Pétursdóttir, G. M. (2004) "Ég er tilbúin að gefa svo mikið". *Sjálfraedi, karllaeg vidmid og mótsagnir 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*']. MA thesis. University of Iceland. Contact: gydap@hi.is

The thesis is based on a qualitative analysis of the life situation of six mothers in paid work in modern Iceland.

Eydal, G.B. (2005) *Family Policy in Iceland 1944-1984*. Doctoral thesis. Department of Sociology, Göteborg University. Contact: ge@hi.is

The thesis provides a comprehensive study of family policy and social policy in Iceland in the post-war period.

Gíslason, I. V. (2005) 'Fedur sem taka lengra faedingarorlof' ['Fathers who take longer leave'], in: U. Hauksson (ed.) *Rannsóknir í Félagsvísindum VI [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands. pp. 293-304.

This conference paper explores the social/family situations of fathers who take more than their designated three months of Parental leave.

Pétursdóttir, G. M. (2005) "'Ad vera eda vera ekki". Sjalfsmyndir kvenna, hlutverk og samskipti kynjanna' ["'To be or not to be'. Women's identities, roles and gender relations'], in: U. Hauksson (ed.) *Rannsóknir í Félagsvísindum VI [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands. pp. 273-281.

This conference paper explores women's identities as mothers, labour force participants and wives.

c. Ongoing research

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.

The utilization of men's parental leave after the new legislation in year 2000 (ongoing). Ingólfur V. Gíslason at the Centre for Gender Equality. Contact: ingolfur@jafnretti.is, ivg@hi.is.

Welfare, masculinity and social innovation (ongoing). The Centre for Gender Equality.

The main focus of this Nordic project, which is carried out in co-operation with Nordic and European experts in gender studies, is the interaction between work life and family life, its relations to changing gender roles and the concept of masculinity. See: http://www.jafnretti.is/gogn/verkefni/konur_kvedja.htm

2.14

Ireland

Eileen Drew

Population (2003): 4.0 million
Total Fertility Rate (2000-2005): 1.9
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$37,738
Female economic activity rate (ages 15 and above) (2003): 38.3 per cent
Female economic activity rate as per cent male rate (2003): 54 per cent
Employment rate for women with a child under 12 years – total with part-time work in brackets (2003): No data available
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 18.2 per cent
Gender-related Development Index (ranking out of 177 countries): 11th
Gender empowerment measure (ranking): 16th

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

a. Maternity leave (responsibility of the Department of Justice, Equality and Law Reform)

Length of leave (before and after birth)

- Thirty four weeks: at least two weeks must be taken before birth.

Payment

- Seventy per cent 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 €232.40 a week for 22 weeks; the remaining 12 weeks is unpaid.

Flexibility in use

- None except for when leave can be started before birth

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

- To be eligible for maternity benefit, an employee or self employed has to meet certain conditions relating to payment of Pay Related Social Insurance (PRSI), for example to have been employed for 39 weeks during which PRSI was paid in the 12 month period before 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

b. Paternity leave

No general statutory entitlement

c. Parental leave (responsibility of the Department of Justice, Equality and Law Reform)

Length of leave

- Fourteen weeks per parent per child (i.e. an individual right).

Payment

- None.

Flexibility in use

- Leave may be taken up to the child's fifth birthday.
- Leave may be taken in blocks or multiples subject to employer's agreement.

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); or delegation of leave to person other than the parents

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.
- Parents with a disabled child do not get additional Parental leave, but would be eligible for carer's leave (see section 1e).

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

- Parental leave can be postponed for six months (to a date agreed on by both the employer and employee) if the granting of the leave would have a substantial adverse effect on the operation of the business.

d. Childcare leave or career breaks

- No general statutory entitlement.

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 three years of age at the time of adoption, unpaid parental leave can be taken before the child reaches five years of age. However, if the child is aged between three and eight years at the time of adoption, the leave must be taken within two years of the adoption order.

Time off for the care of dependants

- Three days paid leave in any 12 consecutive months, up to a limit of five days in any 36 consecutive months (treated as *force majeure*).
- Employees with 12 months continuous service can take a 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 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 on 18 October 2004. The main provisions of the Act include: reducing the compulsory pre-confinement period from four to two weeks; attendance at ante-natal classes without loss of pay; entitlement for breastfeeding mothers either to adjust their working hours or, if breastfeeding facilities are provided, to breastfeeding breaks; postponement by the employee of maternity and/or additional (unpaid) maternity leave (subject to the agreement of the employer) in the event of the hospitalisation of the child; termination of additional maternity leave (subject to the agreement of the employer) in the event of the employee's illness; provision that an employee's absence from work on additional maternity leave will count for all employment rights associated with the employment (except remuneration and superannuation benefits) such as seniority and annual leave.

A number of changes to maternity leave are due to be introduced from 1 March 2007, including increasing the maximum length to 42 weeks, 26 weeks of which will be paid.

The Adoptive Leave Act 2005, which came in to effect on 28 November 2005, provides for a number of improvements to the existing adoptive leave arrangements such as: provision for attendance by adoptive parent(s) at preparation classes and pre-adoption meetings without loss of pay; provision for termination of

additional adoptive leave in the event of illness, subject to the agreement of the employer; provision to postpone the period of adoptive leave/additional adoptive leave in the event of the hospitalisation of the child, subject to the agreement of the employer; provision that an employee's absence from work on additional adoptive leave will count for all employment rights (except remuneration, superannuation benefits) associated with the employment.

In addition, a Bill is currently under consideration to implement a number of improvements to parental leave. The provisions of the Parental Leave (Amendment) Bill 2004, expected to be passed early in 2006, include: raising the maximum age by which parental leave must be taken from an eligible child's fifth to eighth birthday; an increase in the maximum age of the eligible child to 16 years in the case of children with disabilities; an entitlement to take the 14 weeks parental leave in separate blocks of a minimum of six 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* of 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 in 2001 for the Department of Justice, Equality and Law Reform (MORI MRC, 2001) on the uptake of Parental leave and *force majeure* leave to care for dependents, almost seven per cent 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 these 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, 2001), 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 than in the private sector organisations. 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. Nearly one-third of employers surveyed (29 per cent) in the Department of Justice survey (MORI MRC, 2001) had granted *force majeure* leave. The study by Newmarket Consulting (2001) noted that the duration of *force majeure* leave was considered by both employees and employers to be more restrictive than the previous informal system of compassionate leave.

4. Research and publications on leave and other employment-related policies since January 2001

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 parental leave entitlement introduced in 1998. Most available research has focused on broad issues around reconciling work/family, including flexible working arrangements and childcare rather than leave per se.

b. Selected publications from January 2001, including results from research studies

MORI MRC (2001) *Uptake of Parental leave and Force Majeure Leave Report commissioned by the Department of Justice, Equality and Law Reform [Appendix 5 of the Report of the Working Group on the Review of Parental leave Act 1998]*. Dublin: Department of Justice, Equality and Law Reform
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 [Appendix 6 of the Report of the Working Group on the Review of Parental leave Act 1998]*. Dublin: Department of Justice, Equality and Law Reform.
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 issues around parental leave, drawing upon experience in other EU Member States, leading to recommendations for legislative changes.

Drew, E., Murphy, C. and Humphreys, P. (2003) *Off the Treadmill: Achieving Work/Life Balance*. Dublin: National Family Friendly Framework Committee

Report of a 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., Bacik, I. and Costello, C. (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., Fagnani J., Giovannini, D., Hojgaard, L. and Clarke, H. (2004) *Fathers and Mothers: Dilemmas of the Work-Life Balance*. Dordrecht: Kluwer.

This book 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.

Redmond, J., Valiulis, M. and Drew, E. (2006 forthcoming) *Literature review on work/life balance, workplace culture and maternity/childcare issues*. Dublin: Crisis Pregnancy Agency Report

This literature review includes sections on legislative and policy issues related to all types of Parental leave in Ireland, and compares rights and entitlements for parents here to other European countries. Issues of leave are connected with work-life balance, and related to how they help or hinder those facing a crisis pregnancy. Specific issues related to the negative perceptions of parents who take leave are explored in the literature on workplace culture.

2.15

Italy

Dino Giovannini

Population (2003): 58.0 million
Total Fertility Rate (2000-2005): 1.3
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$27,119
Female economic activity rate (ages 15 and more) (2003): 39 per cent
Female economic activity rate as per cent male rate (2003): 60 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 49.7 per cent (15.2 per cent)
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 6.8 per cent
Gender-related Development Index (ranking out of 177 countries): 18th
Gender empowerment measure (ranking): 37th

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

a. Maternity leave (*Congedo di Maternità*) (responsibility of the Ministry of Labour and (for public employees) Ministry of Finance and General Affairs)

Length of leave (before and after birth)

- Twenty weeks: at least four weeks before the birth.

Payment

- Eighty per cent of earnings with no 'ceiling'.

Flexibility

- The 20 week period is compulsory, but there are two options for taking this leave: four weeks before the birth and 16 weeks after; and eight weeks before the birth and 12 after.

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

- All women employees and self-employed women with social security membership.

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

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

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

- Public sector employees receive 100 per cent of earnings.

b. Paternity leave

There is no general statutory entitlement. However fathers may take 12 weeks post-natal 'optional leave' (*congedo parentale-astensione facoltativa*) 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 (*Congedo Parentale*) (responsibility of the Ministry of Labour and (for public employees) Ministry of Finance and General Affairs)

Length of leave

- Six months for mothers and six months for fathers. Fathers taking three months optional leave (see section 1b) are entitled to one 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 three months 'optional leave').

Payment

- Thirty per cent of earnings when leave is taken for a child under three years; unpaid if taken when a child is three to eight years, unless annual earnings are under approximately €13,000, in which case paid at 30 per cent of earnings.

Flexibility in use

- Leave can be taken at any time until a child is eight years old. There are two options for taking this leave: a single leave period up to a maximum of six months; or shorter leave periods amounting to a maximum of six months.
- It is possible for each parent take leave at the same time.

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

- All employed parents, except domestic workers and home helps. Self-employed workers are generally entitled to three months.
- 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); or delegation of leave to person other than the parents

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth (e.g. the length is doubled for twins, tripled for triplets).

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

- Public sector employees receive 100 per cent of earnings during the first 30 days of leave.

d. Childcare leave or career breaks

- 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 three years; five days a year per parent for a child aged three to eight years. Unpaid

Flexible working

- Until a child is 12 months old, women are entitled to work reduced hours (one hour less per day if working six hours a day or less; two hours less per day if working longer), with full earnings compensation. 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 six years or a disabled child under 18 years have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours). Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so...[and must give] a written explanation explaining why'.

2. Changes in leave policy and other related developments (including 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.

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'.

c. Parental leave

There is no information on the take-up of Parental leave.

4. Research and publications on leave and other employment-related policies since January 2001

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 in Fine Davis et al. (2004).

b. Selected publications from January 2001, including results from research studies

Bozzao, P. (2001) 'La protezione sociale della famiglia' ['Social protection of the family'], *Lavoro e Diritto*, Vol.15, No.1: 55-96.

The article summarises the important changes introduced by the new legislation about maternity, paternity and parental leaves.

Calafà, L. (2001) 'La prestazione di lavoro tra assenze e (dis)equilibri familiari' ['Working between absence and family's (un)balance'], *Lavoro e Diritto*, Vol.15, No.1: 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*, Vol.15, No.1: 37-54.

This article analyses the difficulties related to the utilization of existing Parental leave 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, with a sample of women and men, attitudes in comparison with the norms on Parental leaves.

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., Fagnani, J., Giovannini, D., Hojgaard, L. and Clarke, H. (2004) *Fathers and Mothers: Dilemmas of the Work-Life Balance*. Dordrecht: Kluwer.

This book 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.

Procentese F. (2005) *Padri in divenire: nuove sfide per i legami familiari [Becoming Father: New Challenges for the Family Ties]*. Milano: Franco Angeli.

The book reports a study carried out in Naples with a sample of fathers, which explores Parental leave experience, including conflicts and management of work/life relationships between working fathers and mothers.

Rosina, A. and Sabbatini, L.L. (2005) *Diventare padri in Italia: Fecondità e figli secondo un approccio di genere [Becoming a Father in Italy: Fertility and Children in a Gender Approach]*. Roma: Ed. Istat. Available at:

<http://www.istat.it/istat/eventi/eccezionalequotidiano>

The book examines the meaning of fatherhood in today's Italy, fathers' involvement in childcare and fathers' role and married couple.

Sabbatini L. L. (2005) *Come cambia la vita dei bambini [How the Life of Children Changes]*. Roma: Ed. Istat. Available at: <http://www.istat.it/istat/eventi/paternita2005>

The first chapter presents the report of a study about children and family life in Italy, including the changes in families, involvement of mothers and fathers in childcare, the caregivers in and out of the family, children and housework.

Tindara A. (2005) *Genitorialità, lavoro e qualità della vita: una conciliazione possibile [Parenthood, Work, Life Quality: Possible Conciliation]*. Milano: Franco Angeli.

The book reports a study carried out in the city of Modena (in northern Italy) which explored fertility, norms on parental leave, dilemmas of work-life balance and leave policy.

2.16

The Netherlands

Hanne Groenendijk

Population (2003): 16.1 million
Total Fertility Rate (2000-2005): 1.7
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$29,371
Female economic activity rate (ages 15 and above) (2003): 46 per cent
Female economic activity rate as per cent male rate (2003): 68 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 69.6 per cent (54.7 per cent)
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 9.4 per cent
Gender-related Development Index (ranking out of 177 countries): 12th
Gender empowerment measure (ranking): 8th

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

a. Maternity leave (*zwangerschaps- en bevallingsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave (before and after birth)

- Sixteen weeks, six 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

- Hundred per cent of earnings up to a ceiling equivalent to the maximum daily payment for sickness benefit (€168 in 2006).

Flexibility in use

- Leave can be started between six and four weeks before the expected date of delivery, but pregnant workers are not allowed to work from four weeks before this date.

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

- All women employees. Self-employed women 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 (*kraamverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Two working days at the birth of a child.

Payment

- Hundred per cent of earnings, with no upper ceiling, paid by the employer.

Flexibility

- Leave can be taken within four weeks after the birth of the child.

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

- Male and female employees who are the partner of a woman giving birth or who acknowledge the child.

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

- None.

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

- See section 1c.

c. Parental leave (*ouderschapsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Thirteen times the number of working hours per week per parent per child, to be taken up to the child's eighth birthday. For example, a full-time job of 38 hours a week gives a leave entitlement of 494 hours.

Payment

- For participants in the life course savings scheme (see section 2), there is a tax reduction of 50 per cent of the statutory minimum wage i.e. €636 (2006) a month in case of full-time leave.

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 two or three blocks of time.

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); or delegation of leave to person other than the parents

- As the leave is per child, each parent is entitled to additional leave in the case of a multiple birth.

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

- Employers are permitted to deviate from the statutory entitlements by Collective Labour Agreement or (under certain conditions) by written agreement with the works council or staff representatives. In these cases, employees can be offered less than the statutory entitlement (for example, less payment, a shorter leave or no right at all) or more. For instance, in 15 per cent of the Collective Agreements made in 2004, Parental leave was partly paid, at between 25 per cent and 90 per cent of previous earnings. In the public sector, Parental leave is paid at between 70 to 75 per cent of previous earnings.

d. Childcare leave or career breaks

No general statutory entitlement

e. Other employment-related measures

Adoption leave and pay

- Each parent is entitled to four weeks leave when a child is placed for adoption (or long-term fostering), with payment equivalent to Maternity leave.
- Leave can be taken during a period starting at two weeks prior to the placement of a child and up to 16 weeks after placement.
- For adoptive parents the same regulations for Parental leave apply as for other parents.

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 per cent of the employee's earnings. All employees are eligible, subject to three conditions: first, an employer can refuse to grant the leave if the interests of the organisation might be seriously harmed; second, care must be necessary because of illness; third, care has to be provided by the employee involved.
- Employees with a child, partner or parent with a life-threatening illness are entitled to unpaid leave of up to six times their working hours per week.
- 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 per cent 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 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 (parental 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 a leave of up to six 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. The act therefore did not come into force until 1 June 2005.

In August 2004 the entitlement of female self-employed workers to a maternity benefit (formerly 16 weeks up to a maximum of 100 per cent of the statutory minimum wage) and the entitlement of male and female self-employed workers to an adoption benefit (formerly four weeks up to a maximum of 100 per cent 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.

Since 1 January 2006 a new savings scheme with a tax incentive element has been introduced. It is meant, first and foremost, to support the combination of employment and family responsibilities by enabling workers to cope better with stressful periods. The hoped for effect is an increase of the labour participation of women and older workers. Consequently tax provisions for collective early retirement schemes have been cancelled from 1 January 2006.

This savings scheme offers employees a way to finance longer periods of various types of unpaid leave. It does not, however, give any additional leave entitlements, beyond existing statutory rights. The right to additional leave of various kinds is left to negotiations between employers and employees, resulting in either a Collective Labour Agreement, a leave policy of the organisation or an individual agreement on various leaves. The formulation of these

agreements or policies (on the conditions for the right to unpaid leave, a maximum or minimum period etc.) has been a first effect of the introduction of the scheme.

Participation in the new savings scheme is an entitlement, but each individual employee must choose whether to use their entitlement and participate. This life-course arrangement requires employees to take personal responsibility for the funding of longer periods of unpaid leave. State support 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, pre-pension leave and all other periods of long-term leave that an employee might want to take during his or her working life. As a consequence, the proposal for a paid long-term care leave has been changed into an unpaid leave: employees are supposed to use the new life course savings scheme to finance such leave themselves. The same approach of employee responsibility applies to parental leave, though if employees participate in the savings scheme and make use of their statutory parental leave, additional tax relief is offered equivalent to 50 per cent of statutory minimum wage (€29.37 a day or €636 a month maximum; 2006). There is no requirement as to the minimum amount of money an employee saves in the scheme when applying for the tax relief – it could be as little as €1.

In the first half of 2006 an evaluation will be made of the policies used in the field of work and family, as well as an exploration of the policies needed in this field in the near future. The evaluation will be sent to parliament in September 2006 and probably discussed there in the autumn of 2006. Main questions for the analysis are: what is the main problem to be solved with the policies? Why is the government taking responsibility in solving this problem? Did the instruments contribute to the aim and if so, with what direct and indirect effects and at which costs? The analysis will result in an assessment of leave and childcare arrangements using a list of relevant criteria, of which the family friendliness of the arrangements is of great importance.

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 four weeks before the expected date of confinement, take up of 100 per cent might be expected.

b. Paternity leave

A recent employee survey found that 90 per cent of men entitled to paternity leave took up some sort of leave: 51 per cent had taken the statutory paternity leave, but most had taken holidays or leave accrued in lieu of pay (Van Luijn and Keuzenkamp, 2004, see Section 4b).

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. Of the mothers eligible for parental leave, 49,000 (42 per cent) took part-time leave, averaging eight months and 12 hours a week. Of those men entitled to leave, 24,000 (16 per cent) took part-time leave for an average of 10 months and eight hours a week (Portegijs, Boelens and Olsthoorn, 2004), equivalent to 344 hours; however, as fathers mostly work full time, they are entitled to take up to 494 hours i.e. in practice those taking leave take about 70 per cent of their full entitlement.

An evaluation of parental leave in 2000 found that the uptake of Parental leave was higher among: a) women; b) workers with middle and higher levels of education; c) part-time workers (almost exclusively women); and d) 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, 2000⁸).

A more recent study (Van Luijn and Keuzenkamp, 2004) 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 per cent of the entitled mothers compared to 17 per cent 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.

⁸ Grootscholte, M., Bouwmeester, J.A. & Klaver, P de (2000) *Evaluatie Wet op het ouderschapsverlof. Onderzoek onder rechthebbenden en werkgevers*. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.

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 per cent said that their partner had stopped working or did not have a job (which made leave for the employee unnecessary).

In a comprehensive study on the position and participation of women from ethnic minorities in Dutch society (Keuzenkamp and Merens, 2006), attention is paid to the uptake of Parental leave by Turkish, Moroccan, Surinamese and Antillean working parents. Uptake is found to be much lower among Turkish, Moroccan and Antillean workers than among Surinamese and indigenous workers. The two main reasons why respondents did not take up Parental leave are the unfamiliarity with this facility and the fact that there was no need (others took care of the children).

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 nine per cent of the employees who took time off work to care for a sick child, parent or partner, and emergency leave was used by five per cent of employees taking time off in an emergency situation. Most employees instead used holidays or leave accrued in lieu of pay and sometimes (in about five per cent 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 study on ethnic minorities (Keuzenkamp and Merens, 2006) shows that there are no significant differences between women and men and between different ethnic groups in the uptake of short-term care leave (among working people who had a sick relative).

The Working Hours Adjustment Act

The Working Hours Adjustment Act (WAA) was 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 (Muconsult, 2003).

In the first two and a half years after the introduction of the WAA (in July 2000), 59 per cent of employees had not wanted to change their working hours, 26 per cent had wanted to work less and 15 per cent more. Men (27 per cent) indicated slightly more often than women (24 per cent) that they wished to work fewer hours. The main reasons given by both men and women to work less hours were to have more time for family or household duties (34 per cent) or to pursue hobbies and other private activities (30 per cent). Most employees wanted to work either eight hours (37 per cent) or four hours (48 per cent) less per week.

Approximately half (53 per cent) of the employees who wished to reduce their working hours had informed their employer. For the majority (60 per cent) of those employees who had not, this was because they considered (among other things) the financial consequences to be too great. There are also employees who do not make their wishes known either because they expect their request to be turned down by the employer (23 per cent) or because they believe it will jeopardise their position in the company (17 per cent).

More than half of the employees (54 per cent) who had requested a reduction of their working hours from their employer had had their request granted; 10 per cent were partially agreed and 23 per cent were refused by the employer. The reasons given by employers for refusing employees' requests were largely related to operational difficulties, which are 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, eight per cent said that the statutory rights played a decisive role in making their request, and the legislation offered support in 21 per cent 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 per cent thought its role was small and 13 per cent large).

Just over half (53 per cent) of large businesses adjusted their working hours policy when the WAA came into force. In most cases this was done through collective labour agreements; four per cent 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. Research and publications on leave and other employment-related policies since January 2001

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.

b. Selected publications from January 2001, including results from research studies

Muconsult (2003) *Onderzoek ten behoeve van evaluatie van Waa en Woa [Evaluation of the WAA (Working Hours Adjustment Act) and the WOA (The Equal Treatment Full-time and Part-time Workers) Act]*. Amersfoort: Muconsult (There is an executive summary in English. Contact: info@muconsult.nl)

Portegijs, W., Boelens, A. and Olsthoorn, L. (2004) *Emancipatiemonitor 2004 [Emancipation Monitor 2004]*. Den Haag: Sociaal en Cultureel Planbureau / Centraal Bureau voor de Statistiek. English summary available at:

<http://www.scp.nl/english/publications/summaries/9037701906.htm>

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. and van der Werf, C. (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. and Keuzenkamp, S. (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_lea_ve_work.pdf

Report of a study among employees on the need for and the use of leave arrangements.

Anxo, D. and Boulin, J-Y. (eds.) (2005) *Working Time Options over the Life Course: Changing Social Security Structures*. Dublin: European Foundation for the Improvement of Living and Working Conditions. Available at: www.eurofound.eu.int

This report is one of the outcomes of a research project of the European Foundation for the Improvement of Living and Working Conditions on 'a new organisation of time over working life'. The focus in this report is on institutional arrangements of available working time options and their effect on the social security system in European countries.

Dekker, P. and Ederveen, S. (2005) *European Times: Public Opinion on Europe and Working Hours, Compared and Explained*. Den Haag: Centraal Planbureau / Sociaal en Cultureel Planbureau. Available at: www.scp.nl

This report presents facts about time-use and time-use preferences for both the EU-member states and the United States, together with an analysis of the influence of taxation and Parental leave on the number of hours worked.

Kremer, M. (2005) *How Welfare States Care: Culture, Gender and Citizenship in Europe*. Dissertation, University of Utrecht, 16 November 2005. Contact: kremer@wrr.nl

Welfare state scholars often presume that diversity in women's employment across Europe is based on financial (dis)incentive structures embedded in welfare states: affordable childcare, tax and benefit schemes, therefore, would do the trick. This dissertation shows that such an approach cannot sufficiently explain the gendered division of labour and care and the most recent changes in the four countries of the study: Denmark, Belgium, the Netherlands and the UK. The explanatory notion is 'the ideal of care', culturally defined moral images of good enough care that are promoted by welfare states and embedded in their regulations (among which leave arrangements), laws and implementation processes.

Bos, I. and van den Aamele, A.N. (2006) *Arbeid en zorg in cao's 2004*. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid. Report of a study on the number and contents of Collective Labour Agreements on leave arrangements.

Keuzenkamp, S. and Merens, A. (2006) *Sociale atlas van vrouwen uit etnische minderheden*. Den Haag: Sociaal en Cultureel Planbureau. An English summary will be available at <http://www.scp.nl/english/publications/summaries>

This report presents a broad overview of the position and participation of groups of women from ethnic minorities in the Netherlands, with most attention focused on women from the four

largest groups (Turkish, Moroccan, Surinamese or Antillean origin). Their position and participation are compared with those of indigenous women and with those of men from the same ethnic group. Topics include: education, labour market participation, attitudes on women's role, combination of labour and care and the use of child care and leave arrangements, income and health.

2.17

Norway

Berit Brandth and Elin Kvande

<p>Population (2003): 4.6 million</p> <p>Total Fertility Rate (2000-2005): 1.8</p> <p>GDP per capita (US\$ using Purchasing Power Parities) (2003): \$37,670</p> <p>Female economic activity rate (ages 15 and above) (2003): 60.3 per cent</p> <p>Female economic activity rate as per cent male rate (2003): 86 per cent</p> <p>Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): No data available</p> <p>Difference in employment rate between women without children and women with child aged 0-6, age group 20-50 (2005): No data available</p> <p>Gender-related Development Index (ranking out of 177 countries): 1st</p> <p>Gender empowerment measure (ranking): 1st</p>
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1. Current leave and other employment-related policies to support parents

Note on terminology: There is no single agreed name for maternity of Parental leave. The Work Environment Act 2005 (the responsibility of the Ministry of Labour and Social Inclusion), which grants leave but not money, uses the name *svangerskapspermisjon* (pregnancy leave) for the leave before birth, *fødselspermisjon* (birth leave) for the six weeks after and *foreldrepermisjon* (Parental leave) for the remaining leave period. The Ministry of Children and Equality, which grants the money for leave, refers to *foreldrepenge* (parental money).

a. Maternity leave (*svangerskapspermisjon* and *fødselspermisjon* – see note on terminology) (responsibility of the Ministry of Children and Equality)

Length of leave (before and after birth)

- Nine weeks: three weeks before the birth and six weeks following birth.

Payment (applied for the whole period of Maternity leave)

- Hundred per cent of earnings, up to a maximum 'ceiling' of six times the basic national insurance benefit payment (NOK 352,668 a year, approximately €44,250).

Flexibility in use

- None. If the baby is born before the estimated delivery date (e.g. so that the mother only used two of her three weeks pre-birth leave), the remaining time cannot be transferred to after the birth and is therefore lost.

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

- All women employed for six of the last 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

b. Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour and Social Inclusion)

Length of leave (before and after birth)

- Two weeks at the time of birth – 'daddy days' (+ six weeks during the child's first year = fathers' quota, for details see 1c on 'parental leave').

Payment

- 'Daddy days' are unpaid by government; pay depends on collective agreements.

Flexibility in use

- None.

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

- All employed fathers have the right to leave, but payment is negotiated and paid by the employer.

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

- None.

c. Parental leave (*Foreldrepermisjon*) (responsibility of the Ministry of Children and Equality)

Length of leave (before and after birth)

- Maximum length is 54 weeks. Of these, nine weeks are for mothers (Maternity leave) and six weeks (2006) are for fathers (father's quota). The remaining 39 weeks (Parental leave) is a family entitlement and may be taken by either mother or father.

Payment

- As a basic rule, 100 per cent of earnings up to a ceiling. But Parental leave may either be taken at 100 or 80 per cent of wages, with the lower rate of benefit giving a longer leave period.

Flexibility in use

- Family entitlement: it is possible to choose a longer period of leave (39 weeks) paid at 80 per cent of earnings, or a shorter (29 weeks) paid at 100 per cent. It is also possible to prolong the leave by combining it with part-time employment.
- 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.

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

- As for maternity leave. Both mother and father need to be eligible for the father to use parental leave. Mother must return to work or studies for father to receive parental benefit. For the father's quota, fathers must be employed six of the last 10 months prior to 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); or delegation of leave to person other than the parents

- Family entitlement: when more than one child is born, parental leave is increased by seven weeks for each child (with 80 per cent pay) or five weeks with 100 per cent pay. If the child dies during the parental leave period, parents will receive payment for six weeks of the period that is left.
- 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.

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 (€460). Children who use centres on a part-time basis receive a reduced benefit (e.g. if parents use no place, they receive 100 per cent of the benefit; if they use a place for 17-24 hours a week they receive 40 per cent 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 two children. Single parents have the right to 20/30 days a year. For severely or chronically sick children, there are extended rights to leave until the child is 18 years old. Leave is paid at the same rate as sickness benefit.

Flexible working

- Breastfeeding mothers may reduce their working hours by two hours per day, with payment from the employer.
- Parents 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 developments since (including proposals currently under discussion)

There are government proposals for changes (Ot.prp.nr.104 2005-2006). Most of them concern simplification of rules and increased flexibility.

3. Take-up of leave

a. Maternity leave

Three out of four mothers have the right to and use maternity and Parental leave; the remainder do not meet eligibility conditions. These figures are based on data from public records (Danielsen and Lappegård, 2003).

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 four per cent of fathers took some parental leave. Only a few years later, the take-up rate was over 70 per cent (Representative sample – own research from 1997), and recent data from public records (2003) show that 89 per cent of fathers now take leave. Brandth and Kvande (2003) show the many aspects of fathers' use of the fathers' quota.

Until 2005 the father's quota was four weeks. Figures have shown that use of the father's quota only constituted 7.7 per cent of the total leave time available. Most fathers do not take more than their quota: only 15 per cent of fathers take any part of parental 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. Research and publications on leave and other employment-related policies since January 2001

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 (See section 4c).

b. Selected publications from January 2001, including results from research studies

Baklien, B., Ellingsæter, A.L. and Gulbrandsen, L. (2001) *Evaluering av kontantstøtteordningen [Evaluation of the Cash-for-care Scheme]*. Oslo: Norges forskningsråd.

This is a final report based on seven studies that assessed the 'cash for care' scheme that was introduced in 1998 in Norway. One conclusion is that the scheme has had little effect on mothers' and fathers' working hours.

Brandth, B. and Kvande, E. (2001) 'Flexible Work and Flexible Fathers', *Work, Employment and Society*, Vol.15, No.2: 251-267.

This article discusses what welfare state policies are needed in a flexible working life.

Bungum, B., Brandth B. and Kvande, E. (2001) *Ulik praksis – ulike konsekvenser. En evaluering av kontantstøttens konsekvenser for likestilling i arbeidsliv og familieliv. [An Evaluation of the*

Consequences of Cash-for-care for Gender Equality in Family and Working Life]. Trondheim: SINTF IFIM and NTNU.

The report looks at the effects of the 'cash for care' scheme on gender equality in family and working life.

Brandth, B. and Kvande, E. (2002) 'Reflexive fathers: negotiating Parental leave and working life', *Gender, Work and Organization*, Vol.9, No.2: 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*, Vol.16, Nos.4-5: 14-22.

During the last decades, mothers have reduced household work and increased time used on employment while for fathers there has been a change in the opposite direction. This has resulted in more equal time use for mothers and fathers, but the gender differences are still pronounced.

Brandth, B. and Kvande, E. (2003) 'Father presence in child care', in: A.M. Jensen and L. McKee (eds.) *Children and the Changing Family: Between Transformation and Negotiation*. London: Routledge Falmer.

This chapter 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. and Kvande, E. (2003) *Fleksible fedre [Flexible Fathers]*. 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. and Lappegård, T. (2003) 'Tide er viktig når barn blir født – om ulike bruk av lønnet fødselspermisjon' ['Time is important when children are born – on various uses of Parental leave'], *Samfunnsspeilet*, Vol.17, No.5: pp 34-38.

The majority of Norwegian women are eligible for parental leave, but women who have their first and second child, women between 30-34 years old, women without an immigration background, women who do not study and women with higher education are generally speaking greater users than others. Parental leave is regarded as a welfare benefit, and the time aspect seems to be more important than money when mothers choose how to use their leave.

Ellingsæter, A.L. (2003a) 'The complexity of family policy reform: The case of Norway', *European Societies*, Vol.5, No.4: 419-443.

A key argument in this article is that family policies are becoming increasingly complex and diversified, and that the practical implications of policies have to be analysed in relation to the wider social, economic and political context.

Ellingsæter, A.L. (2003b) 'Når familiepolitikk ikke virker...Om kontantstøttereformen og mødres lønnsarbeid' ['When family policies do not work...The cash-for-care reform and mothers' employment'], *Tidsskrift for samfunnsforskning*, Vol.44, No.4: 499-527.

This article focuses on the unexpectedly modest effects of the cash-for-care reform introduced in Norway in 1998. A large majority of parents receive the grant, but mothers' time in employment is more or less as before.

Brandth, B., Bungum, B. and Kvande, E. (eds.) (2005) *Valgfrihetens tid. Omsorgspolitik for barn møter det fleksible arbeidslivet.* [The Epoch of Free Choice. Care Politics for Children and the Flexible Working Life]. Oslo: Gyldendahl

A central question in this edited volume is what type of care policies give parents and children more time together at the same time as they generate democratic gender relations. It shows how working life and welfare state policies influence parents' time for child care, and a central question is how free choice works in this connection.

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. and Kjeldstad, R. (2003) 'A new father's role? Employment patterns among Norwegian fathers 1991-2001', *Economic Survey*, No.1: 39-51.

This article uses Labour Force Survey data on parents with children under the age of 16, to analyse changes in fathers' employment patterns and working hours from 1991 to 2001.

Lappegård, T. (2003) 'Pappa til (hjemme)tjeneste – hvilke fedre tar fødselspermisjon?' ['Daddy for (home)care – what fathers use parental leave?'], *Samfunnsspeilet*, Vol.17, No.5: 49-54.

This analysis finds that mother's employment within health, social work and education services correlates negatively with father's use of parental leave, while there is a positive correlation when fathers are employed within these same types of occupation.

Kvande, E (2005) 'Embodying male workers as fathers in a flexible working life', in: D. Morgan, B.Brandth and E. Kvande (eds.) *Gender: Bodies and Work*. London: Ashgate

c. Ongoing research

Det nye arbeidslivet: Nye arbeidstidsordninger blant fedre og mødre og blant foreldrepar [The new work life: New working hours among fathers and mothers and among couples]. Ragni Hege Kitterød and Randi Kjeldstad, Statistics Norway, Oslo.

The project studies how mothers and fathers with children living at home organize their time for employment and what consequences this might have for time pressure and division of work among couples. Contact: Ragni Hege Kitterød at ragni.hege.kitterod@ssb.no

Fleksible arbeidskulturer og foreldres tidskonflikter [Flexible work life cultures and parental time conflicts]. Elin Kvande and Berit Brandth, 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). Contact: Berit Brandth at berit.brandth@svt.ntnu.no or Elin Kvande at elin.kvande@svt.ntnu.no

Kjønn, mestring og deltakelse i arbeidsliv og hjemmeliv. [Gender, coping and participation in work and home life]. Øystein G. Holter, Work Research Institute, Oslo.

The study focuses on how employees with care responsibilities solve the conflicts between working life and family life. What are the consequences for realization of resources and competence in working life and for life quality and relations in private life? Contact: Øystein Gullvåg Holter at oeholter@online.no

Postindustriell arbeidstid - nye begreper, nye realiteter? [Post-industrial working hours - new concepts, new realities?] Anne-Lise Ellingsæter, Institute for Social Research (ISF). Oslo

The main question in this study is to what extent and in what ways the restructuring of work in the post-industrial economy leads to a change in the time structure of employment. How does such a restructuring influence practice, norms and the social meaning of work and family? Contact: Anne Lise Ellingsæter at anne.l.ellingsater@samfunnsforskning.no

2.18

Portugal

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Population (2003): 10.4 million
Total Fertility Rate (2000-2005): 1.5
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$18,126
Female economic activity rate (ages 15 and above) (2003): 51.8 per cent
Female economic activity rate as per cent male rate (2003): 72 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 76.4 per cent (7.2 per cent)
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): -3.8 per cent
Gender-related Development Index (ranking out of 177 countries): 26th
Gender empowerment measure (ranking): 21st

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

a. Maternity leave (*licença de maternidade*) (responsibility of the Ministry of Labour and Social Solidarity)

Length of leave (before and after birth)

- One hundred and twenty days: 90 must be taken following the birth, the remaining 30 days may be taken before or after the birth.

Payment

- Hundred per cent of earnings.

Flexibility in use

- Women can choose when to take 30 of the 90 days.
- Women can take 120 days at 100 per cent of earnings or 150 days at 80 per cent.
- The mother must take at least six weeks leave after which the remaining entitlement can be transferred to the father.

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

- All women employees with a record of six 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 (*licença de paternidade*) (responsibility of the Ministry of Labour and Social)

Length of leave

- Twenty days, of which five 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 for maternity leave.

Flexibility in use

- 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 (*licença parental*) (responsibility of the Ministry of Labour and Social Solidarity)

Length of leave

- Three months per parent. The leave is an individual and non-transferable entitlement .

Payment

- None.

Flexibility in use

- Leave may be taken up to the child's sixth birthday.
- Leave may be taken: a) on a full-time basis for three months; b) on a half-time basis for a period of twelve months per parent; or c) on an alternating basis, i.e. working half-time and full-time up to a maximum of three months per parent.

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 parents

- None

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

- 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 two years special leave on a full-time basis, extended to three years when there is a third or subsequent child and to four years when there is a severely handicapped or chronically ill child (*licença especial para assistência a filho ou adotado*). 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 per cent 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 one 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 four hours leave per school term to go to their children's school until children reach 18 years of age, with no reduction of earnings.

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

Most of the changes in leave policy were introduced in the late 1990s, 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 six years extended from six 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 - eight 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 four months at 100 per cent of earnings or five months at 80 per cent (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. New elections took place in February 2005, with the Socialist party winning a majority of seats in parliament. Leave policies have not been high on the agenda in 2005. However, the governmental programme underlines the need to promote more equal sharing of the maternity leave (apart from six weeks reserved for the mother, this entitlement can be transferred to the father). It has suggested that a possible solution would be to make the fifth month of leave dependent on more equal sharing of the previous four months between mothers and fathers. Until now, no measures have been proposed.

There has also been some debate related to the payment of maternity leave but so far no changes have been introduced. For example, trade unions consider that there should be 150 days paid at 100 per cent of earnings and they have also underlined the need

for a minimum amount of benefit for maternity leave in the case of unemployed workers.

3. Take-up of leave

a. Maternity leave

It is estimated by the Ministry of Labour and Social Solidarity that about two thirds of mothers (71 per cent in 2004) are eligible for paid maternity leave. For the option, introduced in 2004, between four months leave at 100 per cent of earnings or five months at 80 per cent of earnings, it is estimated that in 2005 about 25 per cent of mothers on maternity leave decided to choose the longer leave period.

Parental sharing of the four or five months of maternity leave has remained at extremely low levels. In 2004 only 363 fathers (0.3 per cent) shared some of the leave and in 2005 only 421. In summary, the four or five months of leave after childbirth still seem to be considered as 'maternity' leave rather than as 'shared' leave.

b. Paternity leave

The emphasis in Portuguese policy on gender equity appears to be having some effect. Since 2002 there has been a steady increase in the take up of paternity leaves. The five day paternity leave (introduced in 1999 and made obligatory in 2003) was used in 2002 by 26 per cent of fathers and the 15 day additional paternity leave by 14 per cent; while in 2004 the same leaves were taken up by 38 per cent and 29 per cent of fathers. Government estimates for 2005 confirm these upward trends: 43,267 fathers taking the five day paternity leave (up from 41,214 a year earlier) and 33,296 taking up the 15 day paternity leave (up from 31,425).

The rise 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' clause introduced in 2003 is helping to increase take-up rates of the five day leave but the impact is not as widespread as expected.

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. Research and publications on leave and other employment-related policies since January 2001

a. General overview

Policies to support working parents 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 three to six 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, two 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. Selected publications from January 2001, including results from research studies

Wall, K., Aboim, S., Cunha, V. and Vasconcelos, P. (2001) 'Families and support networks in Portugal: the reproduction of inequality'. *Journal of European Social Policy*, Vol.11, No.3: 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, 2004) *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

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 só e cuidados às crianças' ['Lone mothers and caring for young children'], *Análise Social*, No.163: 631-663.

This article reports on a qualitative study on the reconciliation problems of lone mothers in Portugal.

Guerreiro, M.D., Abranches, M. and Pereira, I. (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. and Palma Ramalho, M.R. (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)*. Lisbon: DEEP.

This book presents the results of a 1999 survey on the reconciliation of work and family life in Portugal.

Wall, K. and São José, J. (2004) 'Managing work and care in immigrant families in four European countries', *Social Policy and Administration*, Vol.38, No.4: 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. (2006 forthcoming) 'Family change and family policy in Europe', in: S. Kamerman and 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.

2.19

Slovenia

Nada Stropnik

Population (2003): 2.0 million
Total Fertility Rate (2000-2005): 1.2
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$19,150
Female economic activity rate (ages 15 and above) (2003): 54.3 per cent
Female economic activity rate as per cent male rate (2003): 81 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 85.3 per cent (1.8 per cent)
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): -1.5 per cent
Gender-related Development Index (ranking out of 177 countries): 25th
Gender empowerment measure (ranking): 30th

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

a. Maternity leave (*porodniški dopust*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave (before and after birth)

- One hundred and five calendar days (15 weeks): four weeks (28 days) before the birth and 11 weeks following birth.

Payment

- 100 per cent of average earnings for women who are insured (i.e. covered by Parental leave insurance that forms part of the social security insurance) with no maximum 'ceiling', and the minimum being 55 per cent of the minimum wage. Women not insured at the time the leave starts, but who have been insured for at least 12 months in the last three years before the start of maternity leave, receive 55 to 105 per cent of the minimum wage (approximately €280-€540 per month), depending on the period they have been insured for in the last three years.

Flexibility in use

- None

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

- See 'payment' for insurance conditions for payment

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

- Leave can be delegated to the father or another person caring for the child if the mother dies, abandons the child or is incapable of living and working independently. The period is reduced by 28 days and by as many days as the mother already received the benefit).

b. Paternity leave (očetovski dopust) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- Ninety calendar days (about 13 weeks). Fathers are obliged to take at least 15 days of full-time leave during the Maternity leave.

Payment

- Hundred per cent of average earnings during the first 15 days of the Parental leave, up to a maximum 'ceiling' of 2.5 times the average wage in Slovenia (some €3,280 per month) and a minimum of 55 per cent of the minimum wage (some €280). For the remaining 75 days the father is paid social security contributions based on the minimum wage (some €78 per month).

Flexibility in use

- Seventy five calendar days may be taken as full-time leave up to the child's eighth birthday. If they are taken as individual days, the length of the leave is equal to 70 per cent of the eligible calendar days.

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

- None

c. Parental leave (dopust za nego in varstvo otroka) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- 260 calendar days (about 37 weeks). Each parent is entitled to half the total, but this individual right may be transferred between parents.

Payment

- As for maternity leave.

Flexibility in use

- Parental leave may be taken as 520 days of a half-time leave combined with part-time work (half of the normal working hours

per day). If parental leave is taken half-time, the benefit paid is reduced accordingly.

- Up to 75 days may be taken at any time up to the child's eighth birthday, full-time or part-time leave or by individual days. In this last case, the length of the leave is equal to 70 per cent of the eligible calendar days.
- In case of unused leave, it is possible to receive the unpaid benefit through up to five monthly payments for childcare services or housing costs.

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

- As for maternity leave

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

- In the case of a premature birth, the leave is prolonged by as many days as pregnancy was shortened.
- In the case of multiple births, parental leave is extended by 90 days for each additional child. It is also extended by 90 days in the case of a birth of a child suffering from physical or mental impairment.
- Leave is extended by 30 days if parents already have two children below eight years of age; by 60 days if they have three children; and by 90 days if they have four or more children of this age.
- If the mother is a student below 18 years of age, one of the grandparents (who himself/herself is insured for parental leave) may take parental leave.

d. Childcare leave or career breaks

- None

e. Other employment-related measures

Adoption leave and pay

- One hundred and fifty calendar days (about 21 weeks) for a child aged one to four years; 120 days (about 17 weeks) for a child aged four to ten years. Payment and eligibility as for parental leave.

Time off for the care of dependants

- An insured person is entitled to take leave to care for an immediate co-resident family member (spouse and children, own or adopted) who is ill. Generally, seven working days of leave may be taken for each episode of illness per family, but 15 working days may be taken for a child of up to seven years of age or a moderately, severely or very severely mentally and physically disabled child. Exceptionally, if required due to the health condition of the sick family member, the period may be extended to 14 and 30 working days, respectively, or longer in extreme cases (up to six months).
- Leave is paid at 80 per cent of average earnings over the preceding 12 months. It cannot be lower than the guaranteed

wage (approximately €230) or higher than the wage which the person would receive if he/she were working.

Flexible working

- One of the parents who is taking care of a child below the age of three years or a seriously disabled child below the age of 18 years has the right to work part time. The hours worked must be equal to or longer than half full-time working hours. There is no payment, but social security contributions based on the minimum wage are paid for the hours not worked.
- Breastfeeding mothers who work full time have the right to a break during working time lasting not less than one hour a day. Payment is the same as for parental leave.

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

The Parenthood Protection and Family Benefits Act was adopted in December 2001. This recognised half of the parental leave as the father's own right and allowed for a grandparent to take leave if the mother is a student below the age of 18. Prior to this legislation, parental leave was the mother's right, part of which she could transfer to the father. The new Act also introduced the right to paternity leave lasting 90 days, though due to budget constraints, this right was implemented gradually: 15 days in January 2003, a further 30 days in January 2004, and the remaining 45 days in January 2005. Other changes included: the extension of parental leave if parents already had two or more children under eight years; enabling parents to use part of the leave until a child is eight years old; and the possibility of parents receiving unused leave benefit for childcare or housing purposes.

Since 2005, eligibility for payment while taking leave has been extended to parents who have been insured for at least 12 months in the last three years before the start of the leave.

3. Take-up of leave

a. Maternity leave

All insured mothers take maternity leave.

b. Paternity leave

Sixty-three per cent of fathers took up to 15 days of paternity leave in 2003 (when it was introduced), 71 per cent in 2004 and some two-thirds in 2005. Research suggests that fathers do not take more than 15 days of paternity leave because their earnings are not fully compensated during the rest of it. There are also obstacles on the employers' side (Rener, Švab, Žakelj and Humer, 2005; Stropnik, 2005).

c. Parental leave

All mothers take parental leave. In 2003, 2.2 per cent of fathers took a part of it, as compared to 0.75 per cent in 1995 and only 0.6 per cent in 1999. This shift may be attributed to higher awareness of fathers' rights following the introduction of paternity leave. However, the proportion of cases where the parents share the leave has remained at about two per cent. Considering the full wage compensation during the leave, the reasons for low participation of fathers may be found in the traditional division of tasks within the family, attitudes in the society (not the declared ones but rather those that rule people's behaviour), the absence of a positive image of the father who takes over more family responsibilities, and employers' expectations of their male employees.

Paternity leave and fathers having their own entitlement to part of parental leave do not significantly influence mothers to return earlier to work after their leave period (Stropnik, 2005). Fathers usually take only part of the leave (if any at all), so that absence due to parental leave keeps on threatening the women's professional careers.

4. Research and publications on leave and other employment-related policies since January 2001

a. General overview

Apart from the basic statistical data on parental leave, the FFS (Family and Fertility Survey) and the DIALOG project (resulting in the IPPAS database covering 14 European countries) provide information for employed mothers in 1994 and in 2000 about attitudes towards the current Parental leave arrangements, personal experience and preferences and possible impact on fertility of improved parental leave. Most research conducted since 2000 has been based on the IPPAS database (DIALOG project; <http://www.bib-demographie.de/ppa/IndexDialogStart.htm>). Some analyses are limited to the Slovenian situation (Stropnik and Černič Istenič, 2001), some focus on Slovenia and compare it with other European countries (Stropnik, 2001 and 2005), while the rest include up to 14 European countries (Stropnik and Sambt, 2005).

In Slovenia, which has one of the lowest fertility rates in the world, research on leave is very important due to the possible positive effects of this policy on decisions to have more children. However, some relevant information needed for in-depth research is still missing. For instance, because surveys have not included a question in which the length of leave is related to the benefit level, we do not know how many people would support/take longer parental leave if the benefit was lower than former earnings.

b. Selected publications from January 2001, including results from research studies

Stropnik, N. and Čerňič Istenič, M. (2001) *Prebivalstvo, družina, blaginja: stališča do politike in ukrepov [Population, Family and Welfare: Attitudes towards Policy and Measures]*. Ljubljana: Inštitut za ekonomska raziskovanja.

Overview of the Slovenian survey results including the following topics: population and population policy, fertility, attitudes towards children and family, family policy, parental leave, child tax relief, child benefits, childcare, ageing, foreigners, gender roles (changing gender roles in particular) and differences in the acceptance of the population policy measures between married and co-habiting respondents.

Stropnik, N. (2001) 'Preferences in Slovenia versus reality in Europe: The case of Parental leave and child benefit', paper presented at the *European Population Conference*, Helsinki. Contact: stropnik@ier.si

An analysis of how people in Slovenia evaluate the current and possible alternative forms of parental leave and child benefit (also in the European comparative context) with estimates of the possible impact of changes in these measures on fertility behaviour.

Stropnik, N., Stanovnik, T., Rebolj, M. and Prevolnik-Rupel, V. (2003) 'Country study Slovenia / Länderstudie Slowenien', in: *Social protection in the candidate countries: Country studies Bulgaria, Hungary, Romania, Slovenia / Soziale Sicherung in den Beitrittskandidatenländern: Länderstudie Bulgarien, Ungarn, Rumänien, Slowenien*. Berlin: Akademische Verlagsgesellschaft Aka GmbH, Schriftenreihe der GVG, Band 42. pp. 1-156. Available at http://europa.eu.int/comm/employment_social/soc-prot/social/index_en.htm

This chapter describes and analyses social protection schemes since 1995.

Stropnik, N. (2003) 'Impact of transition on family policy', in: I. E. Kotowska and J. Józwiak (eds.) *Population of Central and Eastern Europe. Challenges and Opportunities*. Warsaw: Statistical Publishing Establishment. pp. 559-596.

This chapter examines the ways in which the political, social and economic transition induced changes in parental leave, child benefit, child tax relief and childcare arrangements.

Stropnik, N. (2004) 'Impact of social and economic transition on family policies', paper given at the *European Population Forum 2004: Population Challenges and Policy Responses*, Geneva. Available at: [http://www.unece.org/ead/pau/epf/present/ts2/stropnik.pdf#search='European per cent20population per cent20forum per cent202004:](http://www.unece.org/ead/pau/epf/present/ts2/stropnik.pdf#search='European%20population%20forum%202004)

[per cent20Population per cent20challenges per cent20and per cent20policy per cent20responses, per cent20stropnik](#)

This paper summarizes the impact of social and economic transition on family policies in Slovenia.

Renner, T., Švab, A., Žakelj, T. and Humer, Ž. (2005) *Perspektive novega očetovstva v Sloveniji: vpliv mehanizma očetovskega dopusta na aktivno očetovanje* [*The Perspectives of New Fatherhood in Slovenia: Impact of Parental leave on Active Fatherhood*]. Ljubljana: Fakulteta za družbene vede, Univerza v Ljubljani. Contact: Tanja.Renner@guest.arnes.si; alenka.svab1@guest.arnes.si

This quantitative and qualitative study focuses on paternity leave and the possibilities to involve more fathers in active fatherhood.

Stropnik, N. and J. Sambt (2005) 'Parental leave and Child Allowances: Attitudes, Preferences and Possible Impact', paper given at the *XXVth International Population Conference*, Tours, France. Available at:

<http://iussp2005.princeton.edu/download.aspx?submissionId=51958>

Comparing 14 European countries, this paper considers preferred alternative forms of parental leave and child allowance; how much support exists for improved parental leave arrangements for working women and a substantially higher child allowance; and what possible impact the improvements in these two measures may have on deciding to have children.

Stropnik, N. (2005) *Stališča prebivalstva kot odraz novih trendov v starševstvu in podlaga za preoblikovanje družinske politike v Sloveniji* [*People's Attitudes as a Reflection of New Trends in Parenthood and the Basis for Reshaping of Family Policy in Slovenia*]. Ljubljana: Inštitut za ekonomska raziskovanja.

Comparing 14 countries, this paper considers perceptions of the father's role; preferences and most favoured measures for the reconciliation of employment and family life; and the fertility behaviour of highly educated people and the impact of new or changed family policy measures on it.

Stropnik, N. (2006) 'Medgeneracijski transferji dohodkov' ['Intergenerational Income Transfers'], in: A. Črnak-Meglič (ed.) *Otroci in mladina v prehodni družbi* [*Children and Youth in the Transition Society*]. Ljubljana: Ministrstvo za šolstvo in šport and Urad Republike Slovenije za mladino / Maribor: Aristej. pp. 77-99.

This chapter examines earnings compensation for parental leave in the context of intergenerational transfers in Slovenia.

2.20

Spain

Anna Escobedo

Population (2003): 42.1 million
Total Fertility Rate (2000-2005): 1.3
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$22,391
Female economic activity rate (ages 15 and above) (2003): 38.5 per cent
Female economic activity as per cent male rate (2003): 58 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): 51.2 per cent (9.7 per cent)
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 7.5
Gender-related Development Index (ranking out of 177 countries): 21st
Gender empowerment measure (ranking): 15th

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

a. Maternity leave (*Permiso y prestación por maternidad*) (responsibility of the Ministry of Labour and Social Affairs and the National Institute of Social Security)

Length of leave (before and after birth)

- Sixteen weeks: six weeks must be taken following the birth, while the remaining 10 weeks can be taken before or after birth.

Payment

- Hundred per cent of earnings up to a maximum 'ceiling' of €2,813 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 six weeks following birth.

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 five 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 more 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 six weeks after giving birth, that their partner fulfils contributory requirements, and that the transfer does not endanger 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)

- Public employees of the central state government, and employees under a growing number of collective agreements, can extend maternity leave four weeks instead of using the working time reduction for feeding (see section 1e).
- Teachers in the public sector in Catalonia can choose between extending maternity leave to six months or reducing working time by a third until the child is one year old; either option is paid

b. Paternity leave (*permiso de paternidad*) (responsibility of the Ministry of Labour and Social Affairs)

Length of leave (before and after birth)

- Two days at the birth of a child.

Payment

- Hundred per cent of earnings, paid by the employer

Flexibility in use

- Four 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 2 below). For example, public sector workers in Catalonia receive five 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.

- Public employees of the central state government receive 10 days of paternity leave.

c. Parental leave (*Excedencia por cuidado de hijos*) (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 three years, with no minimum period.

Regional or local variations in leave policy

- A number of regional governments have improved entitlements (see section 2 below). For example, men taking Parental leave receive some payments in the region of Castilla-La Mancha, if they have taken at least three 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 three children or with two children one of whom has a disability.

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

- If both parents work for the same company, the employer can put restrictions on both parents using leave at the same time if this is justified for production reasons.
- Public employees of the central state government have their return to the same job position protected during the first two 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 for the adoption of children under six years or children with additional needs (e.g. disabilities, international adoptions).
- Public employees of the central state government involved in an international process of adoption have the right of up to two months of paid leave when the process requires that the adoptive parents stay in the country of origin of the future adoptive child.

Time off for the care of dependants

- Two days leave per worker (*permiso por enfermedad grave de un familiar*) 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 (*excedencia por cuidado de un familiar*) or working hours reduced by between a third and a half (*reducción de jornada por cuidado de un familiar*) to take care of a dependent relative (up to the 'second degree of consanguinity or affinity') due to severe illness, 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.
- Public employees of the central state government can extend the unpaid leave to care for a relative for up to three years. They can work half time for up to one month without loss of earnings in the case of a very serious illness of a first degree relative (child, partner or parent); they can also benefit from extra flexibility in working time as do parents of children under 12 years.

Flexible working

- During the first nine 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 (usually two to three weeks). This entitlement is extended in the public sector until the child is 12 months; the possible extension of the Maternity leave is then four 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 sixth year or to look after a disabled child (*reducción de jornada por guarda de un hijo*). 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. Public employees of the central state government can benefit from this working time reduction until the child is 12 years, and have guaranteed some working time flexibility to adapt for example to school hours.
- A number of regional governments have improved entitlements (see section 2 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 per cent earnings reduction or by a half with a 40 per cent earnings reduction if they have a child under six years or care for a disabled relative.

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

The last important reform took place in November 1999 under a conservative government, 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 received much criticism as even though these legislative reforms introduced many small and detailed changes, they did 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.

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 take-up by men. Trade

unions and some parties propose one month of paternity leave, paid (like maternity leave) at 100 per cent of earnings by public Social Security.

The Socialist government, elected in 2004, presented in March 2006 a pre-proposal for gender equality legislation (*Anteproyecto de Ley Orgánica de Igualdad entre Mujeres y Hombres*). This includes a section on reconciliation of work and family that envisages the revision of the current leave entitlements. However, the proposed improvements are limited. There is more unpaid flexibility, which is useful for employees with stable and permanent jobs. But the only substantial improvement in benefit payments is the introduction of eight days of paternity leave paid by Social Security (instead of the expected month), to be added to the two days paid by employers; and the introduction of a new maternity benefit (corresponding to seven weeks of 80 per cent of a flat rate indicator used for public subsidies) for employed mothers who do not meet contributory requirements needed to benefit from the normal maternity leave benefit.

With the issue of reconciliation of work and family life gaining a higher profile on the Spanish political agenda, some regional governments have introduced additional entitlements for specific groups. Examples from Castilla-La Mancha and Catalonia have been presented above. Catalonia is discussing a new law to improve these measures. Supplementary entitlements have also been implemented in the Basque Country, Navarre, Rioja, Asturias and Castilla-León.

The central government has also passed a new regulation (in December 2005) for its employees introducing improvements in leave arrangements and working time reductions for parents and informal carers of dependents (outlined in Section 1). Some of these measures are now proposed to be extended to all employees (e.g. paternity leave). But not all, as the central government proposes in its new pre-proposal for gender equality legislation that employers assume the responsibility of developing gender equality and family-friendly measures for their employees.

3. Take-up of leave

a. Maternity leave

Maternity leave benefit covered about 54 per cent 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 per cent, while the corresponding female employment rate was 40 per cent. 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 one per cent of the cases.

b. Paternity leave

Most fathers are eligible for the paternity leave according to the Labour Force Survey data; the main exclusion is self-employed workers, who account for about a fifth of the male employed population. As payment for fathers taking paternity leave is made by employers, there is no information on take-up rates.

c. Parental leave

In 2000, around 50 per cent of fathers and 24 per cent of mothers were eligible for parental leave⁹. In 2000 the employment rate of fathers (with children under 15) was 92 per cent and the employment rate of mothers (with children under three) was 45 per cent. But not all these employed parents are eligible for Parental leave; about 18 per cent (women and men combined) were self-employed and two per cent family workers, thus excluded from parental leave. Furthermore, 32 per cent had a temporary contract, of which just over one third were shorter than six months.

In 2000, 14,521 people started some period of parental leave. This corresponds to 3.7 per cent of the births in that year, an increase since 1995 (the first year for which the data is available) when it was 1.7 per cent. However it represents only about one per cent of children under three years old, a relevant age since leave can be taken until children reach three years. There is no information on leave taking by gender, nor on the duration of leave taken (which can vary between one month and three years).

Qualitative research indicates that users are mainly women after their maternity leave ends, in some cases taking leave for a short period 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

⁹ Own estimate based on 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.

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 limits their use, even among those who have a secure job, as most couples at this period of life have high housing costs. 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 per cent were men (who account for 32 per cent 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 throughout the whole of Spain according to the Spanish Economic and Social Council (CES, 2003). 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 keep records, and the government has no statistics as no payment is involved.

4. Selected publications from January 2001, including results from research studies

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 characteristics of users). Comparative data on social expenditure on maternity and parental leaves, compiled both by Eurostat and the OECD, highlight the low priority given to leave benefits in Spanish policies.

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 legal 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. Selected publications from January 2001, including results from research studies

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>

EIROOnline (<http://www.eiro.eurofound.ie/>) is an observatory of EU industrial relations edited by the European Foundation for the Improvement of Living and Working Conditions. There are short reports and comments on industrial relations in 30 countries, such 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 book includes contributions from five 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 three 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.

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. and León, C. (2003) *Les millors pràctiques de conciliació treball-família a l'empresa*. Barcelona: Generalitat de Catalunya.

This 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.

Torns, T., Borràs, V. and Carrasquer, P. (2004) 'La conciliación de la vida laboral y familiar:¿un horizonte posible?', *Sociología del Trabajo*, nueva época No.50, winter 2004: 111-139.

This article presents the results of qualitative research exploring how cultural values and social attitudes restrict the use and development of measures for the reconciliation of work and family life, including leave arrangements.

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., Escobedo, A., Flaquer, L., Laborda A., Obeso C., Sánchez, E. and Serrano, R. (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. and Martín-Artiles, A. (2005) 'La conciliación de la vida laboral y familiar en la negociación colectiva', *Cuadernos de Relaciones Laborales*, Vol. 23, No.1:131-150.

This article presents results of research on collective bargaining conducted between 2003 and 2005 in the field of reconciliation of work and family life, in the chemicals and retail trade sectors.

Cánovas, A.; Aragón, J. and Rocha F. (2005) 'La conciliación de la vida laboral y familiar en las Comunidades Autónomas', *Cuadernos de Relaciones Laborales*, Vol.23, No.1: 73-93.

This article analyses the main reconciliation policies, including the improvement of leave arrangements, developed in the different Autonomous Communities up to 2003.

c. Ongoing research

Leave arrangements for working parents and informal carers in Spain: evaluation and development perspectives in the framework of the European Union (2006). Lluís Flaquer, Anna Escobedo and Lara Navarro, Department of Sociology, Universitat Autònoma de

Barcelona (UAB), funded by the Spanish Institute of Social Security (Ministry of Labour and Social Affairs).

The project consists of two parts: a review of evaluation methods and research in the EU on leave policies; and an exploratory evaluation of the Spanish system of leave arrangements for family reasons, based on qualitative methods and a review of available documentation and administrative data. The study is expected to result in a proposal of quantitative indicators and evaluation methods to monitor the impact of legal changes and the factors associated with take-up rates and to undertake cost and benefit analyses. Contact: Anna.Escobedo@uab.es; Lara.Navarro@uab.es

La conciliació de la vida laboral i familiar del personal al servei de les administracions locals catalanes (2004-2006). Carolina Gala, Department of Public Law and Legal History Studies, Universitat Autònoma de Barcelona, funded by CENICAL (Consorci 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 family life, which mostly relates to leave arrangements. Contact: carolina.gala@uab.es

2.21

Sweden

Linda Haas, Anders Chronholm and Philip Hwang

<p>Population (2003): 9 million</p> <p>Total Fertility Rate (2000-2005): 1.6</p> <p>GDP per capita (US\$ using Purchasing Power Parities) (2003): \$26,750</p> <p>Female economic activity rate (ages 15 and above) (2003): 62.8 per cent</p> <p>Female economic activity as per cent male rate (2003): 90 per cent</p> <p>Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): No data available</p> <p>Difference in employment rate between women without children and women with child aged 0-6, age group 20-50 (2005): No data available</p> <p>Gender-related Development Index (ranking out of 177 countries): 4th</p> <p>Gender empowerment measure (ranking): 3rd</p>

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

a. Maternity leave (*havandeskapspenning*) (responsibility of the Ministry of Social Affairs)

There is no general entitlement to statutory Maternity leave. But pregnant women are eligible for 50 days of leave paid at 80 per cent of income if they work in jobs considered injurious or involving risk to the foetus. Other pregnant women may use paid Parental leave or sick leave up to 60 days before the baby is due.

b. Paternity leave (*pappadagar*) (responsibility of the Ministry of Social Affairs)

Length of leave

- Ten days (+ 60 days = fathers' quota, see 'parental leave'). Designed to be used to attend delivery, care for other children while mother is in hospital, stay over in the hospital in a family room after childbirth and/or participate in childcare when the mother comes home.

Payment

- Eighty per cent of earnings.

Flexibility in use

- Can be used at any time during the first 60 days after childbirth.

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

- To get the maximum amount of compensation, a father needs to be employed for at least 240 days before the expected or actual date of childbirth or adoption; otherwise, a father gets the low 'guarantee' level of SEK60 a day. Self-employed fathers have the same rights as fathers employed by others; however, their income compensation can vary depending on how much 'corporate' tax they have paid in.

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
- Mothers can take leave in some situations, e.g., when paternity is not established.

c. Parental leave (*föräldraförsäkring*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- Four hundred and eighty days of paid leave. Sixty days is only for the mother (*mammamånader* or a 'mother's quota') and 60 days only for the father (*pappamånader* or a 'father's quota'). The remaining 360 days is a family entitlement. Half of these days are 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 per cent of earnings up to a maximum 'ceiling' in 2005 of SEK295,500 per year (approximately €31,935); the remaining 90 days at a flat-rate payment of SEK60 a day (€6.7). Non-eligible parents receive SEK180 (€20) a day for 390 days, then SEK60 a day for 90 days. In 2004, 10 per cent of mothers and 29 per cent of fathers had incomes above the ceiling (Lidström, 2005).

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 eighth birthday.
- Parents can take paid leave full-time, half-time, quarter-time or one-eighth time, with the length of leave extended accordingly (e.g. one day of full-time leave becomes two days of half-time leave and four days of quarter-time leave).
- Parents 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.

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

- All parents are entitled to paid parental leave, but paid leave at 80 per cent of earnings requires parents to have had an income of over SEK60 a day for 240 days before the expected date of delivery. A parent remains qualified for highly paid parental leave if an additional child is born or adopted within 30 months of the birth or adoption of an earlier child.

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

- Families with multiple births are entitled to additional paid leave (in the case of twins, an additional 90 days at 80 per cent of earnings and 90 days at a flat rate of SEK60 a day; for every further child, an additional 180 days at 80 per cent 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)

- Parental leave pay has already been negotiated in collective bargaining agreements in the public sector and is becoming more commonplace in the private sector where about 10 per cent of mothers and 11 per cent of fathers receive extra parental leave pay (*föräldralön*) because of union collective agreements (Lidström, 2005). In government jobs parents usually have the right to 80 per cent of their pay for the days of Parental leave that are now low paid. In the private sector, unions have been more likely to negotiate a 90 per cent wage replacement rate (compared with the government mandated 80 per cent), or a wage replacement at 80 per cent up to the full amount of wages earned, above the ceiling, but usually only for three months (Lindquist and Wadensjö, 2005).

d. Childcare leave or career breaks

- Employees can take between three and 12 months leave from work for several purposes; this opportunity, which is not connected to the parental insurance system, is called *friår* (free year). 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 per cent of unemployment benefit which is earnings-related up to a maximum 'ceiling;' the maximum benefit for employees taking *friår* is SEK580 (approximately €63) a day. As the budget for *friår* is limited, not all applicants will be successful. In general, it can be assumed that few parents would be able to use this benefit in order to care for children.

e. Other employment-related measures

Adoption leave and pay

- Cohabiting adoptive parents get five days each at the time of adoption; a single adoptive parent would get 10 days, considered to be part of temporary (paid) parental leave (*tillfällig föräldraledighet*) (see below).

Time off for the care of dependants

- Temporary parental leave (*tillfällig föräldrapenning*) is available at 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 per cent of earnings. This is a family entitlement. It can be used to care for sick children, or to stay home with young children if the regular caregiver is sick. Since 2001, it can be offered to someone outside the family, if they are an eligible person in the social insurance system, to care for a sick child if parents cannot miss work. Since 2001, one day of temporary leave per year can be used by a parent to visit a child's school if the child is aged six to 11 years. The ten '*pappadagar*' (see 1b) also come under this category of temporary Parental leave.

Flexible working

- Until a child reaches the age of eight years or completes the first grade of school parents have the right to reduce their normal working time by up to 25 per cent; there is no payment for working reduced hours.

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

In 2005, the government published a report on reforming parental leave (*Reformerad föräldraförsäkring, 2005*). The most important proposal concerned lengthening Parental leave, paid at 80 per cent of salary, from approximately 13 months to 15 months, and then assigning five months to each parent as non-transferable individual rights, with five months being a family right that could be shared however the partners decide ('5+5+5'). This leave would have to be taken before a child turned four years old (now it is eight). Another significant change that was proposed was to provide pregnancy leave (*graviditetspenning*) to all women, to be used during the last estimated month of pregnancy through the actual day of delivery, to meet women's needs for rest. The 10 special *pappadagar* would be replaced by 'double days' (*dubbeldagar*), which either parent could use during the child's first year, allowing both parents to be home at the same time. The 90 low paid parental leave days that are now part of the system would be replaced by 'children days' (*barndagar*), consisting of 10 days per parent per year for children aged four to ten years, to be used to visit schools, and paid at a higher level. Lastly, social insurance offices would be

mandated to take an even more active role in informing fathers about their right to take leave.

While the ruling Social Democratic Party declined to support the proposal to lengthen and further individualize Parental leave at its annual congress held shortly after the report was issued, the Environmental Party (*Miljöpartiet*) and the Left Party are keeping these issues in front of the public during the period leading up to the election to be held in autumn 2006.

To better evaluate if various measures are helping to reach the goal of fathers' sharing more of parental leave, the government is beginning to analyze statistics by couples, rather than individual mothers and fathers. This will enable an assessment to be made of what percentage of all days taken in a couple are used by fathers (Jansson, M. (2005), *Föräldrapenning - att mäta hälften var [Parental leave - measuring each's half]*. Stockholm: Försäkringskassan Statistisk [Insurance Office Statistical Report]).

3. Take-up of leave

a. Maternity leave

Between 1994 and 2004, around 25 per cent of pregnant women have taken maternity leave for an average of 38 days, because their job did not permit their continued work without risk, (Reformerad Försäkring, 2005).

b. Paternity leave

In 2004, about 80 per cent of fathers took paternity leave, for an average of 9.7 days out of the 10 days available (*ibid.*)

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 years, the majority of parents take the main part of the leave before their child reaches the age of two, using the leave period paid at 80 per cent of earnings during their child's first year. Widespread affordable childcare is relatively easy to obtain once a child is 18 months or older (all children are entitled to a place from 12 months of age), so parents try to put together a combination of paid and unpaid leave until a child reaches that age. While it is possible to take leave for part of a day, such part days account for only around three per cent of all days taken (*ibid.*).

Ninety per cent of fathers of children born in 1998 have taken parental leave, mainly when their children were 13 to 15 months of age. Fathers are more likely than mothers to take leave part-week (e.g., one day a week) (*ibid.*).

The most common measure used to compare men and women's use of paid parental leave 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, although the proportion of total days used by men has been increasing. In 1987, fathers took about seven per cent of total parental leave days that year; by the end of December 2005 it had increased to 19.5 per cent (JämO, 2006¹⁰). The introduction of a father's quota in 1995 (one month) and its extension in 2002 (to two months) have both led to more fathers taking more leave; the second month had a less dramatic effect than the first (Reformerad Försäkring, 2005).

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 and fathers in small towns and rural areas generally take less leave than other fathers. Fathers who work in the public sector are more likely to take leave, perhaps because they get more compensation as a result of collective bargaining. Fathers are more likely to take parental leave for a second child (usually the first child is preschool age) (ibid.)

e. Other employment-related measures

Mothers are more likely than fathers to work part-time hours; 33 per cent vs. eight per cent worked 34 hours a week or less in 2002 (Barljan et al., 2004). However, no official statistics are kept concerning whether parents working part time are using their entitlement to work reduced hours, or whether they were working in part-time jobs to begin with. At the present time, more Swedish women report involuntarily working part-time than do men (Statistiska Centralbyrån, 2005. Available at www.scb.se/templates/standard_9428.asp)

When temporary parental leave is used to care for sick children, it is more often used by mothers (64 per cent of days taken).

4. Research and publications on leave and other employment-related policies since January 2001

a. General overview

The research conducted during the three decades of Swedish Parental leave has mainly focused on comparing mothers' and fathers' use of Parental leave, as a major issue has been the unequal sharing of Parental leave days between women and men.

¹⁰ JämO [Jämställdhetsombudsmannen - Gender equality ombudsman] (2006). Pappornas föräldraledighet ökar långsammare, January 17. Available at: www.jamombud.se/news

b. Selected publications from January 2001, including results from research studies

Bekkengen, L. (2002) *Man får välja - om föräldraskap och föräldraledighet i arbetsliv och familjeliv [One may Choose - About Parenthood and Parental Leave in Working Life and Family Life]*. Malmö: Liber.

This book presents findings from an intensive qualitative study of eight couples and their workplaces. The author concludes that it is the man's relationship with the child, rather than with his partner, that determines whether he takes leave and stresses that men are allowed to choose how active to be as parents while women are not.

Chronholm, A. (2002) 'Which fathers use their rights? Swedish fathers who take parental leave', *Community, Work and Family*, Vol.5, no.3: 365-370.

Based on a study of fathers who took at least 120 days of leave between 1992 and 1999, this study found that the relationship with the child was the main reason for taking leave. While most parents were the main caregivers of their children during the leave period, some fathers were not; these were more likely to be immigrants than native Swedes. Most of the Swedish fathers who had taken leave had partners who were working and were themselves employed, while the immigrant fathers who had taken leave were largely unemployed.

Haas, L., Allard, K. and Hwang, P. (2002) 'The impact of organizational culture on men's use of parental leave in Sweden', *Community, Work and Family*, Vol.5, no.3: 319-342.

Results from a mail survey of 317 fathers in six companies suggest that men's use of parental leave is significantly affected by organizational culture, including the company's commitment to caring values and level of 'father friendliness,' company support for women's equal employment opportunity, top manager support and the absence of a long hours culture.

Holmberg, M. (2002) *Brinnande dagar - en studie om föräldrapenningsdagar som inte tas ut [Burning Days - a Study of Parental Leave Days not Taken]*. Riksförsäkringsverket Analyserar [National Social Insurance Office Analysis Reports]. Stockholm: Riksförsäkringsverket

The author found that 97 per cent of earnings-related parental leave days were used for children born in 1991-93, but only eight to 15 per cent of the low paid days. Over time, the number of unused days has increased.

Klinth, R. (2002) *Göra pappa med barn: Den svenska pappapolitiken 1960-1995 [Making a Father Pregnant: The Swedish Pappa Politics of 1960-1995]*. Umeå: Boréa.

This is a historical study of the relationship between men and the state, featuring an analysis of the development of parental leave in

Sweden. The reconceptualization of men's role in society - to include being an active father as well as a skilled worker - has called into question the gender order in ways that expanding women's role to include paid employment did not.

Nyman, H. and Pettersson, J. (2002) *Spelade pappamånaden någon roll? pappornas uttag av föräldrapenning [Did the Pappa Month make a Difference? Fathers' Use of Parental Leave]*. Riksförsäkringsverket *Analyserar [National Social Insurance Office Analysis Reports] 2002:14*. Stockholm: Riksförsäkringsverket
Focusing on families with children born in 1993 and 1996, followed up for four years, the authors report an increased proportion of fathers taking leave after the pappa month went into effect, although the average number of days taken by all fathers decreased. Men were more likely to take leave when they had higher education, high incomes, highly educated partners, and when they were born in Sweden.

Jansson, F., Pylkänen, E. and Valck, L. (2003) *En jämställd försäkring? [A Gender Equal Social Insurance System?]* Stockholm: *Statens Offentliga Utredningar [Official Government Reports] 2003:36*. Available at: <http://finans.regeringen.se/sb/d/108/a/1605>
An examination of the relationship between taking Parental leave and hourly wages, during 1993-99, of 27,524 women and 19,679 men, this study found that men lost more hourly income as a direct result of taking Parental leave than women (6.9 per cent for men vs. 0.3 per cent for women). A second study of leavetaking by parents of 47,000 children born 1993-98, followed for two years after birth, found that men are more likely to take leave the higher their income, until their incomes reach the 'ceiling' amount that will be compensated.

Riksförsäkringsverket [National Social Insurance Office] (2003) *Mamma vet bäst [Mother Knows Best]*. Riksförsäkringsverket *Analyserar [National Social Insurance Office Analysis Report] 2003:19*. Stockholm: Riksförsäkringsverket
This report based on a telephone survey showed that parents were more knowledgeable than non-parents about the legal changes that gave fathers the nontransferable right to two months of leave - although they did not realize that mothers also had the same number of nontransferable months.

Ferrarini, T. (2003) *Parental Leave Institutions in 18 Post-war Welfare States*. Doctoral dissertation. Department of Sociology, Stockholm University.
This dissertation shows how policies aim either at supporting a traditional (male breadwinner) family or a dual-earner family. Policies aimed at supporting the traditional family lead to higher fertility and lower women's labor force participation; policies aimed at supporting the dual-earner family are more likely in societies

where a left party has had power and where women have held important political positions, and also raise fertility while boosting women's employment.

Barljan, I., Tillander, S., Ljungh, S. and Sjöström, M. (2004) *Föräldrapenning, pappornas uttag av dagar, fakta och analys [Parental Insurance, Fathers' Use of Days, Facts and Analysis]*. Stockholm: Socialdepartementet.

After the first pappa month was instituted in 1995, 15 per cent of fathers did not use it by the time their children turned age eight, which also meant that those children had 30 days less at home with parents (their mothers) than they would have had earlier. The authors call for the government to find ways to stimulate fathers' leavetaking without necessarily increasing the number of months that are dedicated only for fathers' use.

Bygren, M. and Duvander, A-Z. (2004) 'Ingen annan på jobbet har ju varit pappaledig' - Papporna, deras arbetsplatser och deras pappaledighetuttag ['No one else at this workplace has taken father leave' - Fathers, their workplaces and their use of Parental leave], in: M. Bygren, M. Gähler and M. Neramo (Eds.) *Familj och arbete [Family and Work]*. Stockholm: SNS Förlag. Pp. 166-193.

Using data on 6,243 new fathers in Stockholm, this study found that fathers take more parental leave if fathers at their workplace have taken leave in the two preceding years, which they regard as the establishment of a workplace norm for fathers' leavetaking. This pattern persists after controlling for individual factors e.g., education and income, and workplace factors, e.g., sector, proportion of employees who are women. Men at higher income levels appeared to be more sensitive to workplace norms regarding fathers' taking parental leave than other groups of fathers.

Ekberg, J., Eriksson, R. and Friebel, G. (2004) *Sharing Responsibility - Short and Long-Term Effects of Sweden's 'Daddy-Month' Reform (Swedish Institute for Social Research Working paper No.3)*. Stockholm: Swedish Institute for Social Research.

This research report evaluates the effect of instituting the first daddy month, by examining leave taking patterns of parents of two cohorts of newborns, born two weeks before and two weeks after the change. Before the change, only 46 per cent of fathers took at least some leave; after the change, 82 per cent of fathers took some leave.

Fransson, A. and Wennemo, I. (2004) *Mellan princip och praktik - En rapport om föräldraförsäkringen [Between Principle and Practice - A Report about Parental Leave]*. Stockholm: Landsorganisationen.

Findings from a survey of parents revealed that union and party affiliation were related to parents' sharing parental leave: blue-collar workers and those affiliated with the Social Democrats and more

conservative parties were less likely to share than white collar workers and those affiliated with other left-wing parties.

Duvander, A-Z, Ferrarini, T. and Thalberg, S. (2005) *Swedish Parental Leave and Gender Equality - Achievements and Reform Challenges in a European Perspective (Institute for Future Studies Working Paper 2005, No.11)*. Stockholm: Institute for Future Studies Report

This article elaborates upon some of the benefits of gender-neutral parental leave in Sweden (e.g., it enhances couple fertility) and some of its challenges (e.g., mothers take many more days than fathers). It discusses possible changes in eligibility requirements that would make it easier for people without a labor market history to collect compensation.

Elvin-Nowak, Y. (2005) *Världens bästa pappa? Om mäns relationer och strävan efter att göra rätt. [The World's Best Father? About Men's Relationships and Struggle to do it Right.]* Stockholm: Bonniers

This book uses material from interviews with 20 fathers to report on the difficult transition taking place in Sweden where masculinity used to be constructed from participation in successful paid work and through a certain distance from everyday responsibility for children, to the situation now where there is pressure on men to construct masculinity through active fatherhood and responsibility for children, living in a more gender equitable relationship with women.

Lidström, M. (2005) *Socialförsäkringstaket och föräldralön - ekonomi vid föräldraledighet [Social Insurance Ceilings and Parents' Pay - Economy at Parental Leave]. Försäkringskassan Analyserar [Social Insurance Office Analysis report], 2005:7*. Available at: www.forsakringskassan.se

This report shows that 30 per cent of men and 10 per cent of women up to age 45 have incomes over the insurance ceiling, working mostly in the private sector. Parental leave pay has already been negotiated in collective bargaining agreements in the public sector and is becoming more commonplace in the private sector, offering parents either 80 per cent or even 90 per cent of their income, up to a higher ceiling or regardless of salary amount.

Lindquist, G.S. and Wadensjö, E. (2005) *Inte bara socialförsäkringar - Kompletterande ersättningar vid inkomstbortfall [Not only Social Insurance - Complementary Income Replacement at Loss of Income]. Rapport till Expertgruppen för studier i samhällsekonomi [Report to the Expert Group for Studies in national economy], 2005:2*. Stockholm: Regeringskansliet, Finansdepartementet. Available at: www.regeringen.se/sb/d/5225/a/52073

In government jobs parents usually have the right to 80 per cent of their pay for the days of parental leave that are now lowly paid. In

the private sector, unions have been more likely to negotiate a 90 per cent wage replacement rate (vs. the government mandated 80 per cent), or a wage replacement at 80 per cent up to the full amount of wages earned, above the ceiling, but usually only for three months. Since the majority of men work in the private sector, such contracts can reinforce the pattern that men stay home less than women.

Orpana, L. (2005) *Pappaindex 2004*. Stockholm: Tjänstemannens centralorganisation [White collar workers' union federation]. Available at: www.tco.se.

In 2000, the white-collar union federation developed an annual "pappa index," to examine progress in fathers' taking of parental leave. They estimate that leave will not be shared equally until 2023, unless new measures to encourage fathers to take more leave are enacted, such as raising of the income ceiling.

Prhat, A-M. (2005) *Uppdrag livspussel [Mission: Life's Puzzle]*. TCO granskar [White-collar union federation reports], nr. 17/05. Stockholm: TCO

This report features the results of phone interviews with a random sample of 1,000 Swedes, ages 15-74. Almost all (97 per cent) think parental leave should be shared, but most (90 per cent) oppose the trend toward making leave a nontransferable individual right.

Reformerad försäkring [Reformed Social Insurance] (2005) *Statens Offentliga Utredningar [Official Government Reports] 2005:73*. Stockholm: SOU

A survey of 1,000 parents revealed a paradox: parents thought parents should decide themselves how parental leave should be shared, but the majority were still positive toward the increase in number of pappa and mamma months, and thought fathers should take leave. A survey of personnel officers revealed that the majority of workplaces still look at men's leavetaking in a negative light.

Westerlund, L., Lindblad, J. and Larsson, M. (2005) *Föräldradidighet och arbetstid [Parental Leave and Worktime]*. Stockholm: Landsorganisationen [Blue-collar workers' union federation].

This report analyzes data on labor market involvement of parents who had their first-born children during 2000 and 2001, before and after they took parental leave. They conclude that the group with the weakest position in the labor market, blue-collar women, become weaker from the standpoint of economic independence after they take leave.

Duvander, A-Z. and Andersson, G. (2006) 'Gender equality and fertility in Sweden: A study on the impact of the father's uptake of Parental leave on continued childbearing', *Marriage and Family Review*, Vol.39, No. 3-4

This article examines the relationship between the father's and the mother's use of leave and the continued childbearing of a couple, based on longitudinal information on registered parental leave use and childbearing of all intact partnerships in Sweden during 1988-99. The authors found a positive effect of a father's taking moderately long leave on a couple's second- and third-birth propensity, but no such effect of a father's taking very long parental leave.

Haas, L. and Hwang, P. (forthcoming) 'The impact of taking parental leave on fathers' participation in childcare and ties with children: Lessons from Sweden', *Community, Work & Family*.

This article investigates whether taking parental leave is associated with fathers' greater responsibility for childcare and closer ties with children. The findings suggest that positive effects of leave taking on fathers' participation in childcare occur more often when fathers have taken 90 days or more of leave.

c. Ongoing research

Company and unions' responsiveness to fathers - a follow up (2005-06). Linda Haas, Indiana University, and Philip Hwang, Göteborg University.

Mail surveys are being conducted of the 400 largest Swedish companies, and the largest union chapter in each of these companies during 2005-2006. Funded by the Swedish Council for Research on Worklife and Society and Indiana University (USA). Contact: Linda Haas at lhaas@iupui.edu

2.22

United Kingdom

Peter Moss and Margaret O'Brien

Population (2003): 59.3 million
Total Fertility Rate (2000-2005): 1.7
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$27,147
Female economic activity rate (ages 15 and above) (2003): 53.5 per cent
Female economic activity rate as per cent male rate (2003): 76 per cent
Employment rate for women with child under 12 years – total with part-time rate in brackets (2003) 61.8 per cent (36.2 per cent)
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): 21.2 per cent
Gender-related Development Index (ranking out of 177 countries): 15th
Gender empowerment measure (ranking): 18th

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

a. Maternity leave (responsibility of the Department of Trade and Industry¹¹)

Length of leave (before and after birth)

- Fifty two weeks (or in some cases 26 weeks; see 'eligibility' below). A woman can start to take her leave from the beginning of the 11th week before her baby is due

Payment

- Ninety per cent of woman's average earnings for six weeks + a flat-rate payment of £108.85 (approximately €156) for 20 weeks. The remaining 26 weeks are unpaid.

Flexibility in use

- None except for when leave can be started before birth.

¹¹ See page 39 for discussion of responsibility of Department of Work and Pensions for maternity pay

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

- Women employees who have completed 26 weeks continuous employment with their present employer ending with the 15th week before the baby is due are eligible for 26 weeks 'ordinary Maternity leave' (OML) plus a further 26 weeks of 'additional Maternity leave' (AML), and to 'statutory maternity pay' consisting of six weeks payment at 90 per cent of average earnings, with no upper limit, plus 20 weeks of flat-rate payment at £108.85 a week.
- All other women employees are entitled to 26 weeks OML. Women employees and self-employed workers who have worked for 26 weeks out of the 66 preceding the expected week of childbirth qualify for 26 weeks of the flat-rate payment.

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

- None.

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

- Many employers' provisions go beyond the statutory minimum. In 2004, 57 per cent of workplaces with 10 or more employees provided fully paid Maternity leave and 55 per cent of workplaces with 10 or more employees provided fully paid paternity or discretionary leave for fathers (Kersley et. al., 2005).

b. Paternity leave (responsibility of the Department of Trade and Industry)

Length of leave

- Two weeks to be taken during the first eight weeks of the child's life.

Payment

- Flat-rate payment of £108.85 (approximately €156) a week.

Flexibility in use

- None except for when leave can be started after birth.

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 15th 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.

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

- In 2002, 35 per cent of workplaces had a written policy giving employees an entitlement to a specific period of Parental leave (Woodland et al., 2003).

c. Parental leave (responsibility of the Department of Trade and Industry)

Length of leave

- Thirteen weeks per parent per child (i.e. an individual right), with a maximum of four 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 four weeks per year.
- Leave may be taken up to the child's fifth birthday.

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

- All employees who have completed one year's continuous employment with their present employer and who have, or expect to have, parental responsibility for a child.

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

- Parents of disabled children get 18 weeks leave, which may be taken until their child's 18th 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.

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

- The statutory scheme is referred to 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.'¹² A recent survey for the government found that employers in 11 per cent 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 per cent - three per cent of all workplaces - providing some payment (Woodland et al., 2003).
- Employers may postpone granting leave for up to six 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 £108.85 (approximately €156) a week, and a further

¹² Department of Trade and Industry, *Parental leave, Summary Guidance*. Available at: <http://www.dti.gov.uk/employment/balancing-work-family-responsible/parental-leave/index.html>

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.'¹³ The legislation does not define what is 'reasonable', 'since this will vary with the differing circumstances of an emergency' (ibid.). Emergencies are specified as including 'if a 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 six years or a disabled child under 18 years have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours or work flexi-time). 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.'¹⁴

2. Changes in leave policy and other related developments (including 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 eight 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

Further major changes from April 2007 are proposed in legislation currently in Parliament. The main proposals include:

- Extending maternity and adoption pay (at a flat-rate level) from six to nine months, working towards the goal of a year's paid leave by 2010

¹³ Department of Trade and Industry, *Frequently asked questions about time off for dependants*. Available at: <http://www.dti.gov.uk/employment/balancing-work-family-responsible/time-off/index.html>

¹⁴ Department of Trade and Industry, *Frequently asked questions about time off for dependants*. Available at: <http://www.dti.gov.uk/employment/balancing-work-family-responsible/flexible-working/index.html>

- Introducing a new right to allow fathers to take up to six months additional paternity leave during the child's first year, if the mother returns to work before the end of her maternity leave (i.e. the father's right is conditional on the mother not using her full entitlement to maternity leave). Some of this additional Parental leave can be paid if the mother has some of her entitlement to maternity pay remaining at the time of her return to work. It will be the choice of the mother as to whether she takes up all her leave and pay entitlements or returns to work early. It is intended that this scheme will be introduced before the end of the current Parliament (i.e. no later than May 2010).
- Extending the right to request flexible working to carers of adults.

3. Take-up of leave

a. Maternity leave

The extension to the period of maternity leave in 2003 has led to an increase in the length of leave taken. The proportion of mothers taking 18 weeks leave or less fell from 42 per cent in 2002 to nine per cent by 2005; while the proportion of mothers taking five to seven months leave rose from a third to a half and the proportion taking more than nine months increased from nine per cent to one quarter.

It is estimated that nearly a third of women taking maternity leave (29 per cent) receive payments from their employers additional to benefit payments. Higher earning workers and those working in the public sector or in a workplace with trade union representation are more likely to receive such additional income (Smeaton and Marsh, 2006).

b. Paternity leave

A survey in 2002 (before the introduction of a statutory entitlement) found that nearly all fathers (95 per cent) working as employees took time off work around the time their baby was born, most commonly as (a) annual leave or (b) paternity leave provided by the employer. Where employers offered fully paid paternity leave, take-up was almost universal (Hudson, Lissenburgh and Sahin-Dikmen, 2004). Following the introduction of statutory paternity leave in 2003, a 2005 survey reported increased leave-taking by fathers: the proportion taking more than two weeks increased from 22 to 36 per cent. Four-fifths of fathers who were employees and took time off used their new entitlement to paternity leave. The remaining fifth did not use Parental leave, relying on annual or other forms of leave. But nearly half used paternity leave exclusively, while the remaining 30 per cent used a combination of paternity and other forms of leave (Smeaton and Marsh, 2006).

c. Parental leave

Parental leave is not used widely, at least in the first 17 months of a child's life; and if used, it is only taken for short periods. In 2005, 11 per cent of mothers had taken some parental leave since the end of Maternity leave (up from eight per cent in 2002). Two-thirds had taken a week or less (*ibid.*). Eight per cent of fathers (who described themselves as entitled) had taken some Parental leave within 17 months of their child's birth, three-quarters for less than a week.

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 per cent of mothers and 52 per cent of fathers knew about this right, but only 10 per cent of this group reported having used the entitlement (Hudson et al., 2004).

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 (O'Brien and Shemilt, 2003).

The results of the Second Flexible Working Employee Survey 2005 (Holt and Grainger, 2005) show that almost a quarter of employees with dependent children under six years have asked to work flexibly, rising to 36 per cent amongst women with a child under six years. Only around 11 per cent of these requests were declined - compared to 20 per cent before the law was introduced. A 2005 survey of maternity and paternity rights and benefits (Smeaton and Marsh, 2006) shows that 47 per cent of mothers work flexitime compared to just 17 per cent in 2002, and almost triple the number of new fathers now work flexibly. It also shows that the proportion of mothers who have changed their employer when returning to work has halved from 41 per cent in 2002 to 20 per cent.

4. Research and publications on leave and other employment-related policies since January 2001

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; Parental 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, 2002 and 2005) looking at the use of this entitlement and showing how this has increased as more women use leave to maintain continuous employment when having children.

b. Selected publications from January 2001, including results from research studies

O'Brien, M. and Shemilt, I. (2003) *Working Fathers: Earning and Caring*. Manchester: Equal Opportunities Commission.

Available at: <http://www.eoc.org.uk/cseng/research/ueareport.pdf>

Report of a study examining provision, demand and uptake of family-friendly practices for fathers and mothers in UK (i.e. workplace policies not statutory entitlements).

Woodland, S., Simmonds, N., Thornby, M., Fitzgerald R. and McGee A. (2003) *The Second Work-Life Balance Study: Results from the Employers' Survey*. London: Department of Trade and Industry

This report examines employer provision of work-life balance practices, employee take-up and impact of employer provision.

Hudson, M., S. Lissenburgh and M. Sahin-Dikmen (2004) *Maternity and Paternity Rights in Britain 2002: Survey of Parents*. London: Department of Work and Pensions. Available at:

<http://www.dwp.gov.uk/asd/asd5/ih2004.asp>

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)*. London: Department of Trade and Industry. Available at:

<http://www.dti.gov.uk/files/file27455.pdf>

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.

Davis, S., Neathey, F., Regan, J. and Willison, R. (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

This report examines women's experiences and views of pregnancy discrimination based on in-depth interviews and focus groups.

Holt, H. and Grainger, H. (2005) *Results from the Second Flexible Working Employee Survey (Employment Relations Research Series Number 39)*. London: Department of Trade and Industry. Available at:

<http://www.dti.gov.uk/employment/research-evaluation/errs/page13419.html>

This report provides an update on the 2004 report (Palmer, 2004) on the knowledge and use of the legal right, introduced in April 2003, for employees to apply to their employers to work flexibly.

Kersley, B. et. al. (2005) *Inside the Workplace: First Findings from the 2004 Workplace Employment Relations Survey*. London: Department of Trade and Industry. Available at: <http://www.dti.gov.uk/employment/research-evaluation/wers-2004/index.html>

The Workplace Employment Relations Survey provides an overview of employment relations and working life in British workplaces.

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
Evidence and policy review on extending fathers' access to leave provision and flexible working.

Brewer, M. and Paull, G. (2006) *Newborns and New Schools: Critical Times in Women's Employment (DWP Research Report no. 308)*. London: Department of Work and Pensions. Available at <http://www.dwp.gov.uk/asd/asd5>

This report investigates how and when differences develop in work behaviour between men and women, focusing on the period immediately after childbirth and during the initial years of family development; includes rate and speed of return to work among women after childbirth, and considers impact of maternity pay.

Casebourne, J., et al. (2006) *Employment Rights at Work: Survey of employees 2005 (Employment Relations Research Series, No.51)*. London: Department of Trade and Industry. Available at: <http://www.dti.gov.uk/employment/research-evaluation/errs/page13419.html>

This report examines employees' awareness, knowledge and exercise of their employment rights as well as where employees go to seek information and advice about their rights at work.

Smeaton, S. and Marsh, A. (2006) *Maternity and Paternity Rights and Benefits: Survey of Parents 2005 (Employment Relations Research Series, No.50)*. London: Department of Trade and Industry. Available at: <http://www.dti.gov.uk/employment/research-evaluation/errs/page13419.html>

This report presents results from the latest in a government-commissioned series of surveys of parents, beginning in 1979, including parents' use of maternity, paternity and Parental leaves, both statutory and additional benefits provided by employers.

2.23

United States

Sheila B. Kamerman and Jane Waldfogel

Population (2003): 292.6 million
Total Fertility Rate (2000-2005): 2.0
GDP per capita (US\$ using Purchasing Power Parities) (2003): \$37,562
Female economic activity rate (ages 15 and above) (2003): 59.6 per cent
Female economic activity as per cent male rate (2003): 83 per cent
Employment rate for women with a child under 12 years – total with part-time rate in brackets (2003): No data available
Difference in employment rates between women without children and women with child aged 0-6, age group 20-50 (2005): No data available
Gender-related Development Index (ranking out of 177 countries): 8th
Gender empowerment measure (ranking): 12th
NB. United States is a federal state

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

Note on leave policy: There is no statutory right to any of the types of leave or other statutory measures covered in country notes. The federal Family and Medical Leave Act (FMLA) provides leave 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 three 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

- 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, \$262 (approximately €217) a week on average in 2003) 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 four weeks before and six to eight 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 six weeks of a partially paid leave (55-60 per cent of earnings up to a maximum of US\$840 (approximately €700) a week in 2004) 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 and a maximum of US\$65 a year in 2004.

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)

- Private employers and non-profit organisations with less than 50 employees are exempt (all public sector employees are covered).

2. Changes in leave policy and other related developments (including 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 per cent per cent 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). About 80 per cent 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 (Commission on Family and Medical Leave, 1996¹⁵; Waldfogel, 2001; Cantor et al, 2001). 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 (Ross, 1998¹⁶; Waldfogel, 1999¹⁷; Han and Waldfogel, 2003) and no discernible effects on leave usage by new fathers (Han and Waldfogel, 2003). 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. Research and publications on leave and other employment-related policies since January 2001

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

b. Selected publications from January 2001, including results from research studies

Cantor, D., Waldfogel, J., Kerwin J., McKinley Wright, M., Levin, K., Rauch J., Hagerty, T. and Kudela, M.S. (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: 17-23.

¹⁵ 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.

¹⁶ 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.

¹⁷ Waldfogel, J. (1999), 'The Impact of the Family and Medical Leave Act', *Journal of Policy Analysis and Management*, Vol.18, No.2: 281-302.

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', in: *Encyclopaedia on Early Childhood Development*. Montreal: 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. and Waldfogel, J. (2003) 'Parental leave: The Impact of Recent Legislation on Parents' Leave-Taking', *Demography*, Vol.40, No.1: 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. and 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.

Kamerman, S. (2003) 'Maternity, paternity, and parental leave policies: the potential impacts on children and their families', in: *Encyclopaedia on Early Childhood Development*. Montreal: Center of Excellence for Early Childhood Development. Available at <http://www2.excellencejeunesenfants.ca/documents/KamermanANGxp.pdf>

A review of the research on the impacts of maternity, paternity and parental leave policies on child development.

Smolensky, E. and Gootman, J. (eds) (2003) *Working Families and Growing Kids: Caring for Children and Adolescents*. Washington, DC: National Academy Press.

This volume presents the report of the Committee on Family and Work Policies, a project of the National Research Council and Institute of Medicine.

Ross Phillips, K. (2004) *Getting Time Off: Access to Leave Among Working Parents (Series B, No. B-57)*. Washington, D.C.: Urban Institute, NSAF New Federalism.

This report presents analyses from the National Survey of American Families (NSAF) on access to leave among working parents.

Ruhm, C. (2004) *How well do Parents with Young Children Combine Work and Family Life? (NBER Working Paper)*. Cambridge, MA: National Bureau of Economic research. Available at

<http://www.nber.org/papers/w10247.pdf>

This 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. It considers whether employer policies mitigate or exacerbate these difficulties and, since the policies adopted in the United States diverge dramatically from those in many other industrialized countries, provides some international comparisons before speculating on possible sources and effects of the differences.

Annex 1

A formal Network of experts on leave policies & research

Purposes of the Network

- The exchange of information about leave 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.

Terms of reference of the Network

The Network will pay particular attention to employment-related policies intended to support parents and others with care responsibilities (including for adult relatives); including maternity, paternity and parental leaves, 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 to improve work/life balance, such as 'Career breaks' and 'time accounts'.

The scope of its work will include:

- 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).

Activities

The basic activity of the Network is *an annual seminar*, organised by the members of the Network. Attendance will be open to all Network members, though consideration will need to be given to some 'rationing' of attendance if demand gets too high.

Other activities will be built onto this annual seminar. There are many possibilities, including for example:

- A *regular publication* containing updated information on leave policies and research and a selection of papers (both from annual seminars and other papers reproduced with authors' permission)
- 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 and activities*, e.g. seminars on more specialist issues, supporting the preparation of special journal issues and edited book volumes.

Participation

The Network is open to researchers, policy makers and others both from particular countries and international organisations. The main condition is expertise and interest in the subject, and a willingness to contribute to the work of the Network.

Annex 2

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Annex 3

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