

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

International Review of Leave Policies and Related Research 2011

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1. Defining leave policies

Working parents in more affluent countries are often entitled to a range of different types of leave, the most common being:

a. Maternity leave

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

b. Paternity leave

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

c. Parental leave

Leave available *equally* to mothers and fathers, either as: (i) a non-transferable individual right (i.e. both parents have an entitlement to an equal amount of leave); or (ii) an individual right that can be transferred to the other parent; or (iii) a family right that parents can divide between themselves as they choose. In some countries, Parental leave consists only of non-transferable individual entitlements; in other countries, it is an entirely family right; while in other countries, part of Parental leave is an individual right, the remainder a family right. It is generally understood to be a care measure, intended to give 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**'. This leave is for parents following the end of Parental leave, and may not in practice be very different to Parental leave (although the conditions attached to the two types of leave may vary, see for example Finland or Norway).

d. Leave to care for children who are ill

This entitlement varies considerably between countries in terms of length, age of children included and payment. In some cases it may be extended to include certain adult relatives.

Although the individual country notes in this review differentiate between Maternity, Paternity and Parental leave, the distinction between these types of leave is beginning to blur in some countries, leading to the emergence of a single, generic Parental leave entitlement. For example, Iceland, Norway and Sweden already have a single period of post-natal leave that does not distinguish between the three different kinds of leave; however, one part of this generic post-natal leave can only be taken by mothers and another part only by fathers.

In other countries (e.g. New Zealand, Portugal), although different types of leave with distinct conditions are discernable, all leave comes under a common umbrella term

of 'Parental leave'. A further variant that is blurring distinctions is the possibility that part of Maternity leave can be transferred to the father, making it, in effect, a variant of Parental leave (for example, currently in Croatia, Czech Republic, Poland, Portugal, Spain and the UK).

2. Overview: cross-country comparisons

Sources used

The main sources used in this review of leave policies and research are country notes prepared by members of the international network on leave policies and research, following a common format; the author or authors of each country note are given at the start of the note. These notes are revised each year by members, and edited by one of the network's coordinators, Peter Moss. Each country note is updated to April 2011, with the exception of the Russian Federation, which was last updated in April 2010.

In addition, the 'background data on countries' page and the 'relationship between leave and ECEC entitlements' page draw on two comparative sources of demographic, economic and social data: the United Nations Development Programme's annual Human Development Report and the OECD Family Database. Full details are given at the end of the table on each page.

Background data on countries

The 30 countries covered in this review include nine **federal** states, in some of which provinces or states have their own leave policies (e.g. Canada, Switzerland, United States). **Populations** vary from less than half a million (Iceland, Luxembourg) to 317 million (United States). Most countries have a total period **fertility rate** that is below replacement level (at 2.1); only Iceland and South Africa reach or surpass this level and 12 countries have a rate of 1.5 or lower. **Per capita GNI** varies from under \$20,000 (Croatia, Estonia, Hungary, Poland, Russian Federation and South Africa) to more than \$45,000 in 3 countries (Luxembourg, Norway and the United States), though this is no guide to the generosity of leave benefits (compare, for example, leave in Hungary and the United States, or Croatia and Luxembourg). **Income inequality** is particularly high in South Africa, the Russian federation and the United States, and lowest in the Nordic countries and Czech Republic. Countries rank from first to 82nd on the UN's **Gender Inequality index** (1st meaning low inequality); **women in parliament** range from 10 per cent (Slovenia) to nearly half (Sweden). Highest levels of **maternal employment** are found in 3 Nordic states (Denmark, Iceland and Sweden), Canada, the Netherlands and Slovenia, while the lowest rates are in Czech Republic, Greece, Hungary and Italy. Employment rates, however, need to take account of levels of part-time employment. Taking **employment patterns in couple families with a child under 3**, the Netherlands has a high proportion of families where one parent works full time and the other part time and very few where both work full time; while in Greece, both parents work full time in nearly half of all families, but very few have the 'one employed full time, other employed part time' pattern. Countries with the highest proportion of two full-time earner parents are Greece, Portugal, Slovenia (with 71 per cent) and Sweden; while Hungary, Netherlands and Switzerland have few families of this kind. A pattern of one full-time and one part-time working parent is most common in Australia, Netherlands (with 59%), Sweden and the UK; and least common in Czech Republic, Estonia, Hungary and Portugal. Single earner families are very common in Czech Republic (80 per cent), Estonia and Hungary, and least common in Belgium, Netherlands, Slovenia and Sweden.

	Population (millions) (2010)	Total fertility rate (2010-15)	Income and equality		Gender inequality(2008)		Maternal employment rate % with child under 15 (2008)	Employment patterns in couple families with child 0-2 years (2007)			
			GNI per capita (PPS \$(2008)	Gini co-efficient (2000-10)	Gender Inequality Index	% of women in parliament		Both empl. FT	One empl. FT	One empl. FT,one empl.PT	Neither empl.
Austria F	8.4	1.4	37,056	29.1	19 th	27%	66.8	22%	39%	30%	4%
Australia F	21.5	1.9	38,692	35.2	18 th	30%	63.1	11%	46%	33%	4%
Belgium F	10.7	1.8	34,873	33.0	6 th	36%	64.2	37%	23%	30%	7%
Canada F	33.9	1.6	38,668	32.6	16 th	25%	70.5	NI			
Croatia	4.4	1.5	16,389	29.0	30 th	21%	NI	NI			
Czech Rep	10.4	1.5	22,678	25.8	27 th	16%	51.7	12%	80%	5%	4%
Denmark	5.5	1.9	36,404	24.7	2 nd	38%	76.5	NI			

Estonia	1.3	1.8	17,168	36.0	39 th	21%	61.2	21%	70%	4%	3%
Finland	5.3	1.9	33,872	26.9	8 th	42%	68.6	39%	46%	9%	4%
France	62.6	1.9	34,341	32.7	11 th	20%	64.9	34%	35%	22%	6%
Germany F	82.1	1.3	35,308	28.3	7 th	31%	63.1	23%	36%	28%	7%
Greece	11.2	1.4	27,580	34.3	23 rd	15%	51.9	45%	47%	6%	1%
Hungary	10.0	1.4	17,472	30.0	34 th	11%	46.3	9%	78%	1%	11%
Iceland	0.3	2.1	22,917	NI	13 th	33%	84.8	NI			
Ireland	4.6	1.9	33,078	34.3	29 th	16%	55.5	NI			
Italy	60.1	1.4	29,639	36.0	9 th	20%	50.0	33%	44%	18%	4%
Luxembourg	0.4	1.7	51,109	NI	24 th	23%	59.0	38%	34%	25%	1%
Netherlands	16.7	1.8	40,658	30.9	1 st	39%	74.9	6%	19%	59%	4%
N. Zealand	4.3	2.0	25,438	36.2	25 th	34%	64.6	20%	41%	27%	6%
Norway	4.9	1.9	58,819	25.8	5 th	36%	NI	NI			
Poland	38.0	1.3	17,803	34.9	26 th	18%	56.6	43%	44%	6%	6%
Portugal	10.7	1.4	22,105	38.5	21 st	28%	68.2	66%	26%	4%	3%
Russian Fed F	140.4	1.5	15,258	43.7	41 st	12%	NI	NI			
Slovenia	2.0	1.5	25,857	31.2	17 th	10%	75.1	71%	18%	8%	1%
South Africa F	50.5	2.4	9,812	57.8	82 nd	34%	NI	NI			
Spain	45.3	1.6	29,661	34.7	14 th	34%	56.6	36%	43%	17%	3%
Sweden	9.3	1.9	36,936	25.0	3 rd	47%	82.5	42%	21%	28%	5%
Switz. F	7.6	1.5	39,849	33.7	4 th	27%	69.7	8%	37%	39%	1%
U. Kingdom	61.9	1.9	35,087	36.0	32 nd	20%	61.4	21%	33%	35%	6%
USA F	317.6	2.0	47,094	40.8	37 th	17%	66.7	NI			

Sources: *Population, income, inequality:* Human Development Statistical Tables, 2010 Human Development Report, UN Development Programme, available at: http://hdr.undp.org/en/media/HDR_2010_EN_Tables_reprint.pdf; *Employment:* OECD Family Database, Tables LMF1.2.A and LMF2.2A, available at: www.oecd.org/els/social/family/database

Key:

F: federal state

GNI: Gross national income, which comprises the total value produced within a country (i.e. its gross domestic product), together with its income received from other countries (notably interest and dividends), less similar payments made to other countries

Gini coefficient: a numerical measure of inequality. A value of 0 represents absolute equality; a value of 100 absolute inequality.

Gender Inequality Index: a composite measure developed by the United Nations Development Programme to reflect inequality in achievements between women and men in three dimensions: reproductive health, empowerment and the labour market. The health dimension is measured by two indicators: maternal mortality ratio and the adolescent fertility rate. The empowerment dimension is also measured by two indicators: the share of parliamentary seats held by each sex and by secondary and higher education attainment levels. The labour dimension is measured by women's participation in the work force. The figure given here is a country's ranking on the Index in relation to all other countries in the world.

Employment rate, women with a child < 3 years: In principle, all women on maternity or on statutory paid maternity or parental leave (legal or contractual) are counted as employed. EU guidelines stipulate counting parents on parental leave as employees absent for other reasons: they should be counted as employed if the period of absence is less than 3 months or if they continue to receive a significant portion of previous earnings (at least 50%). However, national treatment of long or unpaid parental leave varies widely. For example, according to the OECD Family Database, 'many parents on parental leave in Austria (up to 2 years) are counted as inactive, while leave is technically unpaid (there is an income support benefit for all parents with a child not yet 30 months old. By contrast, many of the parents in Finland on home-care leave (which is often taken when the child is 1 to 3 years of age) are often included in the employment statistics'

Statutory Maternity Leave: April 2011

Twenty-three countries have a statutory and designated Maternity leave entitlement, all paid and most covered by earnings-related payments (between 60 and 100 per cent) – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings. The period of leave, before and after birth, is mostly between 14 and 20 weeks. However, a number of countries have substantially longer periods of leave, notably the Czech Republic (28 weeks), Ireland (42 weeks), Greece (43 weeks, private sector) and the UK (52 weeks). However, in the last three of these countries, a substantial period of this extended leave is either unpaid or paid at a low flat rate.

There is not much flexibility in Maternity leave, and taking leave is obligatory in 13 countries. Flexibility in use mainly takes the form of some choice about when women can start to take leave and how much of the leave period they can take before and after birth. Belgian mothers may take two weeks of Maternity leave as ‘free days’, spread over a period of time.

The Czech Republic, Croatia, Poland, Spain and the UK, however, have introduced another dimension of flexibility: mothers may transfer part of the leave period to fathers as a matter of course, i.e. without exceptional circumstances such as serious illness applying. Maternity leave can be transferred to fathers in some other countries, but only in certain extreme circumstances (such as death or severe illness).

Of the seven countries that do not have a statutory, designated and paid Maternity leave entitlement, one – the United States – makes no provision for paid leave for women at the time of pregnancy and childbirth, though the possibility of unpaid leave exists for mothers working for employers with 50 or more employees. The other six countries without designated Maternity Leave – Australia, Iceland, New Zealand, Norway, Portugal and Sweden – provide paid leave that women may take at and around childbirth, but this leave has a generic designation, such as ‘Parental leave’ and can in certain circumstances be taken by fathers.

Two approaches to leave policy are emerging. The first, and more widespread, is the traditional concept of a ‘Maternity leave’ intended only for women, linked to pregnancy, childbirth and the first months of motherhood and treated as a health and welfare measure. Other leave available to women, mainly Parental leave, is additional and available equally to women and men. So under this approach, women are entitled to more leave overall than men.

The second, more recently emerging approach is to move away from the idea of a ‘Maternity leave’, either towards a birth-related leave for women, but which can be transferred, at least in part, to fathers; or towards dropping ‘Maternity leave’ altogether in favour of a generic ‘Parental leave’, usually with periods designated for ‘mothers only’ and ‘fathers only’. Thus Iceland offers nine months Parental leave, three months each for the mother and father and a further three months for the parents to divide as they choose; the only recognition of childbirth is the obligation for women to take two weeks leave after birth, with the possibility of an extended leave if a woman has suffered complications at or after giving birth.

Country	Summary of leave	Length of post-natal leave (months)			Flexibility
		Total	Paid	Well paid	
Austria	●●● OB	1.8	1.8	1.8	1
Australia	✕ ¹				
Belgium	●●● OB	3.2	3.2	3.2*	1
Canada	●●●	4.2	4.2	✕	None
Québec	●●●	4.2	4.2	4.2*	1
Croatia	●●●TR OB	6	6	6	3; 4
Czech Rep	●●●TR	5.1	5.1	5.1*	1
Denmark	●●●	3.2	3.2	3.2*	None
Estonia	●●● OB	3.6	3.6	3.6	None
Finland	●●● OB	2.9	2.9	2.9 ²	None
France	●●●	3.0	3.0	3.0*	None
Germany	●●● OB	1.8	1.8	1.8	None
Greece					
Private sec	●●	8.1	8.1	2.1	None
Public sec	●●●	3.0	3.0	3.0	1
Hungary	●●●	5.5	5.5	5.5	None
Iceland	✕ ³				
Ireland	●●	9.3	5.5	5.5*	None
Italy	●●● OB	3.7	3.7	3.7	None
Luxembourg	●●● OB	1.9	1.9	1.9*	1
Netherlands	●●● OB	2.3	2.3	2.3*	None
New Zealand	✕ ⁴				
Norway	✕ ⁵				

¹ Australia: The law only refers to 'Parental leave'

² Finland: paid at 70 per cent of earnings, but proportion is reduced beyond a specified level

³ Iceland: The law does not distinguish separate Maternity, Paternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose. 3 months of 'birth leave' is reserved for women to take after birth.

⁴ New Zealand: The law does not refer to Maternity leave, only 'paid Parental leave', which mothers can transfer to their partners. This leave is included under Parental leave, along with 'extended leave', which can be taken after 'paid Parental leave'

⁵ Norway: The law does not distinguish separate Maternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose. 6 weeks of Parental leave is reserved for women to take after birth. This leave is included under Parental leave.

Poland	●●●TR OB	5.1	5.1	5.1	1; 3
Portugal	✕ ⁶				
Russian Fed (2010)	●●●	2.3	2.3	2.3*	1
Slovenia	●●● OB	2.6	2.6	2.6	None
South Africa	●●	4	4	✕	None
Spain	●●●TR OB	4.7 ⁷	4.7	4.7*	1; 3; 4
Sweden	✕ ⁸				
Switzerland	●●● OB	3.2	3.2	3.2*	None
U.Kingdom	●● TR OB	12.0	9.1	1.4	None
USA	✕ ⁹				

Key:

Well paid: payment at 66% of earnings or above

TR: part of Maternity leave is transferable to the father in ordinary conditions

OB: part or all of the Maternity leave period is obligatory

✕: no statutory entitlement; in the case of Maternity leave, this includes countries that provide a mother's quota of Parental leave, but provide no additional leave to women in recognition of pregnancy and childbirth. ●: statutory entitlement but unpaid; ●●: statutory entitlement, paid but *either* at low flat-rate *or* earnings-related at less than 66 per cent of earnings *or* not universal; ●●●: statutory entitlement, paid for all or part of duration to all parents at more than 66 per cent of earnings, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at:

<http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>

*****: ceiling on earnings-related payment

⁶ Portugal: The law does not refer to Maternity leave, referring only to 'Initial Parental leave', part of which is reserved for mothers (6 weeks for women to take after birth) with the remainder for parents to divide as they choose. This leave is included under Parental leave.

⁷ Spain: includes period of reduced working hours for women, which can be consolidated to add 2-4 weeks to basic Maternity leave

⁸ Sweden: it is obligatory for women to take 2 weeks leave either before or after birth; to receive benefit, they must draw on their Parental leave entitlement

⁹ USA: there is no separate Maternity leave, but parents may take up to 12 weeks unpaid leave for childbirth or for 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.

Flexibility: 1- additional time for multiple births, higher order births or medical complications; 2 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 3 – in all cases part of Maternity leave may be transferred to the father (this does not include cases where transfer is only permitted in the case of maternal death or incapacity); 4 –part of the Maternity leave period can be taken part time, and the length of leave extended. Does not include flexibility in using part of Maternity leave before or after birth

Statutory Paternity Leave: April 2011

Just as 'Maternity leave' is gender-specific, so too is the usual definition of Paternity leave, being an entitlement for fathers only that enables them to take a short period of leave immediately following the birth of a child, often associated with providing help and support to the mother. However, as 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'), here again the distinction between Paternity leave and father-only Parental leave can be unclear and confusing. A comparison of Iceland, Norway and Sweden provides an example of this complexity. Iceland, as noted above, offers nine months leave after birth, three months for mothers, three months for fathers and three months as a family entitlement to be divided between parents as they choose; there is, therefore, no Paternity leave *per se*, but three months of leave are available for the use of fathers only, to take as and when they choose (to add to the confusion, although the law covers all nine months with the same name – 'birth leave' – the three months for fathers is commonly referred to as 'Paternity leave'). Norway, by contrast, has two weeks Paternity leave (i.e. to be used at the time of birth) plus a further ten weeks father's quota (soon to be increased to 12 weeks), 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 (ten days) and a fathers' quota (60 days) as part of Parental leave.

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers and is in addition to Parental leave, e.g. it is the ten days leave for men in Sweden, not the 60 days. On this basis, 14 countries under review have Paternity leave, plus the province of Québec in Canada and private sector workers in Greece. With four exceptions, leave varies from two to ten days and is usually paid on the same basis as Maternity leave. The exceptions are: Québec (but not the rest of Canada), which offers three to five weeks of leave, depending on the level of benefit taken; 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; Slovenia, with 90 days of Paternity leave; and Spain, with a recently introduced 15 days.

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. While in Luxembourg and South Africa, fathers may take a few days leave at the time of childbirth using a general entitlement to take 'leave due to extraordinary circumstances' or 'family responsibility' leave.

Country	Summary of leave	Length of post-natal leave (weeks)			Flexibility
		Total	Paid	Well paid	
Austria	×				
Australia	×				
Belgium	●●● OB	2	2	2*	3
Canada Québec	×	3 or 5	3 or 5	3 or 5*	1
Croatia	×				

Czech Rep	×				
Denmark	●●●	2	2	2*	None
Estonia	●	2	×	×	None
Finland	●●●	3+bonus 4	3+bonus 4	3+bonus 4 ¹⁰	2; 3
France	●●●	2	2	2*	3
Germany	×				
Greece					
Private sec	●●●	2 days	2 days	2 days	None
Public sec	×				
Hungary	●●●	1	1	1	3
Iceland	× ¹¹				
Ireland	×				
Italy ¹²	×				
Luxembourg	[●●●●]	[2 days]	[2 days]	[2 days]	None
Netherlands	●●●	2 days	2 days	2 days	3
New Zealand	●	2	×	×	3
Norway	●	2	×	×	None
Poland	●●●	1.0	1.0	1.0	None
Portugal ¹³	×				
Russian Fed (2010)	×				
Slovenia	●●	13	13 ¹⁴	2.0*	2; 3
South Africa	[●●●●]	[0.4]	[0.4]	[0.4]	None
Spain	●●●	2.0	2.0	2.0*	4
Sweden	●●●	2.0	2.0	2.0*	3
Switzerland	×				
U.Kingdom	●●	2.0	2.0	×	3

¹⁰ Finland: paid at 70 per cent of earnings, but proportion is reduced beyond a specified level

¹¹ Iceland: The law does not distinguish separate Maternity, Paternity and Parental leaves, referring only to 'birth leave', part of which is for mothers, part for fathers, and part for parents to divide as they choose.

¹² Italy: Fathers may take 3 months paid leave in exceptional circumstances, e.g. the death or severe illness of the mother

¹³ Portugal: The law does not refer to Paternity leave, referring only 'Father's-only Parental leave'. This leave is included under Parental leave.

¹⁴ Slovenia: 2 weeks paid at 100% of earnings; for the remaining period, social security contributions based on the minimum wage are paid for the hours not worked

USA	×		
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Key:

Well paid: payment at 66% of earnings or above

OB: part or all of the Paternity leave period is obligatory

×: no statutory entitlement; ●: statutory entitlement but unpaid; ●●: statutory entitlement, paid but *either* at low flat-rate *or* earnings-related at less than 66 per cent of earnings *or* not universal; ●●●: statutory entitlement, paid for all or part of duration to all parents at more than 66 per cent of earnings, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>)

*: ceiling on earnings-related payment

Square brackets – [] - indicate fathers may use another type of leave at the time of the birth of a child, but that a separate Paternity leave does not exist

Flexibility: 1 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 2 – leave can be taken in one block of time or several blocks; 3 – can be taken at any time during a defined period after birth; 4 – additional time for multiple births and large families

Statutory Parental Leave (not including additional childcare leaves): April 2011

These two types of leave are considered together here, though treated separately in the country notes. All EU member states must provide at least three months **Parental leave** per parent, to increase to four months by 2012 under the terms of Directive 2010/18/EU. The directive defines this leave as enabling men and women “to take care of (a) child until a given age”, so distinguishing this leave from Maternity leave, where the directive setting minimum standards was adopted as a health and welfare measure. No payment or flexibility requirements are specified in Directive 2010/18/EU, but Parental leave is defined as “an individual right and in principle non-transferable”, though the directive goes on to add that “Member States are allowed to make it transferable.”

Six of the nine non-EU countries in this review also provide Parental leave. The exceptions are South Africa, Switzerland (the only European country not to provide Parental leave) and the United States, which has a generic and unpaid ‘family and medical leave’ that is not applicable to private employers with less than 50 employees.

Parental leave varies on four main dimensions: length; whether it is an individual or family entitlement; payment; flexibility.

Broadly, countries divide into those where the total *length* of post-natal leave available – including Maternity, Parental and Childcare – comes to around nine to 15 months; and those where continuous leave can run for up to three years or more. The former includes Belgium, Canada, Croatia, Denmark, Greece, Iceland, Ireland, Italy, Luxembourg, New Zealand, Slovenia and the UK; the latter includes the Czech Republic, Estonia, Finland, France, Germany, Hungary, Norway, Poland, Portugal, Russia and Spain. Sweden falls in between: 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. So, too, does Austria and Australia, with leave lasting until a child’s second birthday, though in the latter case the second year requires an employer’s agreement.

Parental leave is a *family entitlement* in 12 countries, to be divided between parents as they choose (Austria, Canada, Denmark, Estonia, Finland, France, Germany, Hungary, New Zealand, Poland, Russia and Slovenia); an individual entitlement in 11 countries (Australia, Belgium, Croatia, Czech Republic, Greece, Ireland, Italy, Luxembourg, Netherlands, Spain and the United Kingdom); and mixed (part family, part individual entitlement) in four countries (Iceland, Norway, Portugal 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 Croatia and Slovenia) or whether entitlements, if not used, are forgone.

A majority of countries (23) provide some element of *payment*; only Greece, Ireland, Spain and the UK make no payment. Payment policy varies considerably. In 12 cases (Austria, Australia, Belgium, Canada, Czech Republic, France, Italy, Luxembourg, Netherlands, New Zealand, Poland and Russia) payment is either: flat-rate or set at a low earnings-related rate; not universal (e.g. means-tested); or paid at a high earnings-related rate but for less than 6 months. Twelve countries + Quebec pay an earnings-related benefit of more than two-thirds of normal earnings for 6 months or more; however, **all impose a ceiling on benefit payments**. In five cases – notably Austria, the Czech Republic,

Estonia, France and Germany – parents on leave receive a general ‘childrearing’ benefit that is paid to *all* parents with young children, not just those taking leave.

Flexibility takes a number of forms, including:

- the possibility to use all or part of leave when parents choose until their child reaches a certain age;
- the possibility of taking leave in one continuous block or several shorter blocks;
- 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);
- the option to take longer periods of leave with lower benefits or shorter periods with higher benefits;
- additional leave in the case of multiple births or, in a few cases, other circumstances;
- the possibility to transfer leave entitlements to carers who are not parents.

Being able to choose when to take leave until a child reaches a certain age is the most common option, followed by being able to take leave in one block of time or several. The country with the greatest flexibility is Slovenia, with six options, followed by Croatia (5) and Germany, Norway and Sweden (4).

Various measures have been introduced to encourage fathers to use Parental leave. Mostly these are wholly or partly individualised entitlements, so that fathers not using their ‘quota’ lose it, as unused leave cannot be transferred to a partner. Another approach is to offer some form of bonus (e.g. additional leave) if fathers take some Parental leave. Seven countries offer such a bonus. Fathers in Finland can take 24 ‘bonus’ days, in addition to their 18 days of Paternity leave, if they take the last two weeks of Parental leave; the 24 bonus days plus the two Parental leave weeks are called ‘father’s month’ in the legislation (even though the total period is more than a month). Sweden has recently introduced a ‘gender equality bonus’ that provides an economic incentive for families to divide Parental leave more equally. While as part of a radical overhaul of German policy, if the father takes at least two months of leave the overall length of benefit payment is extended to 14 months. Portugal offers a bonus to families where the father shares part of the Maternity leave; it is also unique in making it obligatory for fathers to take two weeks of leave. Other countries with incentives for fathers to take leave are Austria, Croatia and Italy.

Childcare leave can usually be taken immediately after Parental leave, creating a continuous period of leave, even if the conditions (such as benefit paid) may not be the same. It is, however, much less common than Parental leave, being available in only six countries. In four cases childcare leave is unpaid, in contrast to a paid Parental leave: until a child is 3 years in Croatia; 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 two to three years in Portugal. 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).

In addition to Parental and Childcare leave, a third type of leave is an entitlement to a break from employment for any reason, including (but not confined to) childcare: a '*career break*'. A statutory entitlement of this kind is found in only one country, Belgium, with one year's leave that can be extended up to five years by collective agreement negotiated at sectoral or company level; this is in addition to Parental leave. For further information on this innovative and unique entitlement, see the articles about Belgium in the 2009 review.

Country	Summary of leave	Length of post-natal leave (months)			Individual/ family entitlement	Incentive for father to take	Flexibility
		Total	Paid	Well paid			
Austria	●●	▶▶24.0	[▶▶24.0] ¹⁵	✗	Family	Bonus payment months if both parents apply	2; 5
Australia ¹⁶	●●	24.0	4.2	✗	Individual	✗	✗
Belgium	●●	6.0	6.0	✗	Individual	✗	1; 2; 6
Canada	●●	8.1	8.1	8.1*	Family	✗	✗
Québec	●●●●	5.8 or 7.4	5.8 or 7.4	1.6 or 5.8*	Family	✗	3; 5
Croatia ¹⁷	●●●●+	▶▶36.0	6.0+bonus 2	6.0+bonus 2*	Individual, transferable	2 bonus months if father takes leave	1; 2; 5; 6; 7
Czech Rep	●●	36.0	[36.0]	✗	Individual	✗	7
Denmark	●●●	10.6	10.6	10.6*	Family	✗	1; 3; 5
Estonia	●●●	▶▶36.0	[▶▶36.0]	[14.3*]	Family	✗	2; 4
Finland	●●●●+	6.1	6.1	6.1 ¹⁸	Family	4 bonus weeks added to Paternity leave if father takes 2 weeks Parental leave	1; 2; 6
France	●●	▶▶36.0	[▶▶36.0]	✗	Family	✗	1; 6
Germany	●●●	▶▶36.0	[12.0+bonus 2]	[12.0+bonus 2*]	Family	2 month bonus if father takes leave	1; 3; 5; 7

¹⁵ Austria: there are various payment options available, which link payment level to length of payment; one option available to some parents is payment at 80 per cent of earnings for 12-14 months.

¹⁶ Australia: second 12 months of Parental leave subject to employer agreement. Payment limited to employees earning less than ceiling.

¹⁷ Croatia: in the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to leave until the child(ren) is 36 months old at 100% of earnings; the ceiling for the period from 12 to 36 months is lower than for the first 6 months of Parental leave.

¹⁸ Finland: Paid at 70-75 per cent of earnings, but proportion is reduced beyond a specified level.

Greece							
Private sec	●	7.0	×	×	Individual	×	2; 5; 6
Public sec ¹⁹	●	24.0	×	×	Individual	×	5
Hungary ²⁰	●●●● +	▶▶36.0	36.0	24.0*	Family	×	4
Iceland	●●●● +	9.0	9.0	9.0*	Family & Individual	×	2; 5; 6
Ireland	●	6.0	×	×	Individual	×	2; 5; 6
Italy	●●	10.0+bonus 1	10.0+bonus 1	×	Individual	1 month bonus of father takes leave	2; 5; 6
Luxembourg	●●	12.0	12.0	×	Individual	×	1; 5
Netherlands	●●● ²¹	12.0	12.0	×	Individual	×	(2); 6
New Zealand	●●	12.0	3.2	3.2	Family	×	7
Norway	●●●● +	12.2	12.2	12.2	Family & Individual	×	1; 3; 5; 6
Poland	●●	36.0	36.0 ²²	×	Family	×	2; 5; 7
Portugal ²³	●●●● OB +	12.0+bonus 1	12.0+bonus 1	6.0+bonus 1	Family & Individual	1 month bonus if parents share 'Initial' leave; 2 weeks of 'father-only leave' obligatory	1; 3; 5
Russian Fed (2010)	●●	▶▶36.0	▶▶18.0*	×	Family	×	1
Slovenia	●●●	8.6	8.6	8.6*	Family, transferable	×	1; 2; 4; 5; 6; 7
South Africa	×						
Spain	●	▶▶36 ²⁴	×	×	Individual	×	2; 5; 7

¹⁹ Greece: 3 months of leave is paid in the public sector in the case of a third or higher order child.

²⁰ Hungary: Post-natal leave includes two types of Parental leave, one with a flat-rate payment, the other with a higher earnings-related payment. In families with three or more children, a parent can take low paid leave until the youngest child is 8 years; this is not included in 'length of post-natal leave' column.

²¹ Netherlands: no direct payment; parents taking leave are eligible to tax relief. Both parents are entitled to 6 months leave, but full-time workers must take leave part time, unless they get the agreement of their employer to full-time leave; in these cases, the leave period will be longer than 6 months.

²² Poland: payment is means-tested

²³ Portugal: as 'Father-only Parental leave' runs concurrently with 'Initial Parental leave', the 12 months of Parental leave only runs, per family, to 11 months after birth.

²⁴ Spain: each parent is entitled to take leave until a child's third birthday

Sweden	●●●	36.0 ²⁵	13.2	10.7*	Family & individual	Bonus using tax system	1; 2; 5; 6
Switzerland	×						
U.Kingdom	● ²⁶	6.0	×	×	Individual	×	5; 6
USA	×						

Key:

Well paid: payment at 66% of earnings or above

Length: indicates the total amount of leave available per family; ► indicates the age of the child up to when leave may be taken

OB: part or all of the Maternity leave period is obligatory

×: no statutory entitlement/no payment/ no incentive for fathers to take. ●: statutory entitlement but unpaid; ●●: statutory entitlement, paid but: at flat-rate or earnings-related at less than 66 per cent of earnings; or not universal (e.g. means tested); or at high earnings-related rate but for less than 6 months of leave; ●●●: statutory entitlement, paid for all or part of duration to all parents at more than 66 per cent of earnings, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>)

+: period of additional 'childcare' leave available after end of Parental leave; this leave is not included in subsequent columns but is included in later table on 'total statutory leave'

*: ceiling on earnings-related payment

Square brackets – [] - indicates all parents with a young child get a payment whether on leave or not

²⁵ Sweden: Paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g.a parent can take 5 paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months

²⁶ United Kingdom: leave entitlement is 13 weeks per parent, but only 4 weeks of leave can be taken per year, i.e. to take the full 13 weeks means taking 4 weeks leave per year for 3 years.

²⁷ USA: there is no separate Parental leave, but parents may take up to 12 weeks unpaid leave for childbirth or for 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.

Flexibility: 1 – leave can be taken full time or part time (i.e. option to work part-time); 2 – leave can be taken in one block of time or several blocks; 3 – leave can be taken for a shorter period with a higher benefit paid or for a longer period with a lower benefit; 4 – leave can be transferred to a non-parent; 5 – all or part of leave can be taken at any time until a child reaches a certain age; 6 – other, including additional leave in case of multiple births or serious illness/disability; 7 – both parents can take some leave at the same time. Brackets indicates option requires employer agreement.

Statutory other measures: April 2011

In most countries, **adoptive parents** have similar leave entitlements to other parents.

With one exception, countries include some provision to take **leave in case of the illness of a child**. 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, 12 (Austria, Belgium, Czech Republic, Estonia, Germany, Hungary, Italy, the Netherlands, Poland, Portugal, Slovenia and Sweden) specify an entitlement to leave of ten days or more per year to care for sick children, though the age range of children covered varies; for all of these countries, except Belgium and Italy, leave is paid and usually at a high level of income replacement. 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, Croatia, Norway and the Russian Federation have an entitlement to paid leave of ten days or more per year specifically to care for a sick child. In the seven other countries, there is either no leave available (Iceland), or leave is confined to seriously ill children and employees in smaller organisations are excluded (United States), or leave is for less than 10 days and/or unpaid (Australia, Canada, New Zealand, South Africa and Switzerland). For example, South African workers are entitled to three days 'family responsibility leave' per year, but this covers a range of circumstances, not only caring for a sick child; while 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.

Eighteen of the 29 countries in this review for whom information is available offer **additional leave entitlements**, covering a wider range of family members than children. Conditions for taking leave vary between countries from ordinary illness through to serious or terminal illness or care of a very dependent relative. Length, payment and other dimensions of leave also vary considerably.

Eleven countries (Croatia, Estonia, Hungary, Ireland, Italy, Norway, Portugal, Russia, Slovenia, Spain and Switzerland) permit women to **reduce working hours to enable breastfeeding**. Women reducing their hours for this reason are entitled to earnings compensation, except in Switzerland. Earnings replacement is not usual in the 13 countries (Austria, Croatia, Estonia, Finland, France, Greece, Hungary, Netherlands, Norway, Portugal, Slovenia, Spain, and Sweden) that give parents the **right to work part-time hours** either because of their child's age or disability. In the Netherlands, all Dutch employees have the right to work part time, though employers may turn down an employee's request under specified conditions. In

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 fewer hours per day, with full earnings replacement. But these reduced hours may also be taken as a period of full-time leave, up to three and three-quarter months in the private sector and nine months in the public sector.

Finally, in Australia, Italy, New Zealand 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.

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	Breast-feeding	Other	
Austria	●●● 2 weeks per worker per year // ● 9 months for terminally ill child	●●● 1 week per worker per year // ● 6 months for terminally ill relative	×	● to 7 years	×
Australia	●●● 10 days per year	●●● 10 days per year for immediate family	×	×	● until child is 6 or disabled child is 18
Belgium	● 10 days per year	● 10 days per year // ●● 1-12 months for severely ill family member // ●● 2 months for palliative care	×	×	×
Canada Québec	● 3-10 days in 3 provinces ● 10 days per worker per year	●● 8 weeks if 'significant risk of death' for family member ● 10 days per worker per year	×	×	×
Croatia	●●● 20-40 days per illness	●●● 15 days for illness of spouse+7 days for serious illness of immediate family member	●●●	●● child with disability	×
Czech Rep	●●● 9 days per illness	●●● 9 days per illness for relative at home	×	×	×
Denmark	×	×	×	×	×
Estonia	●●● 14 days per illness	×	●●●	●●● child with disability	×
Finland	●●(●) ²⁸ 4 days per illness	×	×	●● to end of 2 nd year at school	×
France	● 3 days per illness // ● 3 years for serious disability	×	×	●● child with disability	×

²⁸ Finland: length of leave is defined by law; level of payment is determined by collective agreements

	or illness				
Germany	●●● 25 days per year per family	● 10 days per illness + 6 months long-term care for 'care-dependent' relative	×	×	×
Greece	Private sec ● 6-14 days per year per parent	● 6-14 days per year for dependent family members	×	●●● to 2½ years	×
	Public sec ●●● 22 days for certain medical conditions	●●● 22 days for spouse with certain medical conditions	×	●●● to 4 years	×
Hungary	●●● Unlimited to 14 days per family per year	×	●●●	●●● to 8 years if 3+ children	×
Iceland	×	×	×	×	● Employers required to support family/work balance
Ireland	●●● 3 days per year	● 65 weeks for dependent	●●●	×	×
Italy	● Unlimited to 3 years; 5 days per year for 3-8 year olds	●● Up to 2 years over working life for serious need in family	●●●	×	● until child is 6 or disabled child is 18
Luxembourg	●●● 2 days per child per year	×	×	×	×
Netherlands	●●● 10 days per year / ● 6 times working hours/ week for life threatening illness	● 6 times working hours/ week for life threatening illness of parent or partner	×	● all employees	×
New Zealand	●●● 5 days per year	●●● 5 days per year	×	×	● any carer
Norway	●●● 10-15 days per parent per child per year	×	●●●	● to 10 years	×
Poland	●●● 14 days per year per family	●●● 14 days per year for family member	×	×	×
Portugal	●● 15-30 days per year / ● 6-48 months for severely disabled or chronically ill child	● 15 days per year for close relative + 15 days for severely disabled or chronically ill spouse	●●●	● to 12 years	×
Russian Fed	●●● 45-60 days per year	No information	●●●	×	×

(2010)					
Slovenia	●●● 7-15 days per illness, longer in exceptional cases	●●● 7-15 days per illness for a spouse, longer in exceptional cases	●●●	●● to 3 years or longer if child with disability ²⁹	×
South Africa	●●● 3-5 days a year	×	×	×	×
Spain	● 2-4 days per illness per parent // ●●● unlimited for seriously ill child in hospital or needing treatment at home	● 2-4 days per illness per worker // ●● 2 years to care for a seriously ill relative	●●●● ³⁰	● to 8 years or longer if child with disability	×
Sweden	●●● 120 days per child per year	×	×	● to 8 years	×
Switzerland	● 3 days per illness	×	●	×	×
U.Kingdom	● 'Reasonable time'	● 'Reasonable time'	×	×	● to 16 years and any carer
USA	● 12 weeks for a seriously ill child	● 12 weeks for a seriously ill spouse or parent	×	×	×

Key:

×: no statutory entitlement. ●: statutory entitlement but unpaid, including EU member states covered by *force majeure* measure in Parental leave directive; ●●: statutory entitlement, paid but *either* at low flat-rate *or* earnings-related at less than 66 per cent of earnings *or* not universal *or* for less than the full period of leave; ●●●: statutory entitlement, paid for all or part of duration to all parents at more than 66 per cent of earnings, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>)

(+): indicates some leave available to care for adult relatives.

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

²⁹ Slovenia: social security contributions based on the minimum wage are paid for the hours not worked

³⁰ Spain: reduced hours until child is 9 to 12 months may be consolidated as full-time leave and added to Maternity leave

Total statutory leave (including additional childcare leaves): April 2011

The table summarises (i) the total amount of post-natal statutory leave (Maternity, Paternity, Parental, Childcare) available in each country per family, as well as (ii) the total amount paid in any way, and (iii) the number of months of well paid leave, i.e. paid at two-thirds or more of earnings, an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>).

It should be noted that total leave is not always the period of time after the birth of a child that parents in a family can take leave. In a few cases, both parents may take leave until their child reaches a certain age, e.g. in the Czech Republic, both mother and father could take leave until their child is 36 months old – so that the total leave available to the family is 72 months (36+36 months), but leave can only be taken upto 36 months after birth.

Total leave (counting Canada and Québec separately) ranges from none to 72 months, with a median length of 24 months, while total paid leave ranges from none to 38 months, with a median length of 12 months. Applying the two-thirds earnings standard the median length reduces to just over four months, with three countries offering nothing and only seven countries, plus the province of Québec, offering 12 months or more.

On the basis of this indicator, countries can be divided into three groups:

- a. **Countries providing earnings-related post-natal leave (at two-thirds or more replacement rate) of nine months or over:** the five Nordic countries, four countries from Central and Eastern Europe (Croatia, Estonia, Hungary and Slovenia), Germany plus Greece (private sector) and the Canadian province of Québec. In all of these cases, the earnings-related leave includes a period of Parental leave.
- b. **Countries providing four to six months of earnings-related post-natal leave, in all cases confined to Maternity leave:** includes a number of Continental Western European countries. Ireland comes here, although the effect of a ceiling on the earnings-related benefit is that the maximum payment is only €270 a week, showing the need to take account of levels of ceilings in assessing the generosity of national schemes.
- c. **Countries providing less than four months of earnings-related post-natal leave:** includes five of the six mainly English-speaking countries (Australia, Canada, New Zealand, United Kingdom, United States), plus Austria, Czech Republic, Luxembourg, Netherlands, the Russian Federation, South Africa and Switzerland. It should be noted that Québec, which now has responsibility for its own leave policy, is on a par with the top group of countries; the rest of Canada offers up to 50 weeks of earnings-related leave, but at 55 per cent of earnings it

falls just below the EC indicator criterion; it also has a rather low ceiling. The United States is the only country to provide no period of paid statutory leave of any kind.

Previous analysis has indicated a relationship between fathers' use of leave entitlements and the availability of well-paid 'father-only' leave – the more such leave there is, the more leave fathers take. The Table, therefore, includes (i) the total period of 'fathers-only' leave provided by each country, and (ii) the period of 'fathers-only' leave paid at two-thirds or more of earnings (though the qualification about ceilings on payments needs again to be borne in mind). As above, it counts Canada and Québec separately. Thirteen countries provide less than one month of father-only leave, while nine offer six months or more, with a median length of 2.3 months. Length of leave paid at two-thirds of earnings is much lower, only seven countries offering more than two months (the three Scandinavian countries plus Croatia, Iceland, Portugal and Spain).

Emphasis is placed here on payment for leave-takers, justified by the clear relationship between take-up and payment. How are these payments funded? Generally statutory leave payments come from some form of contributory insurance fund, financed by contributions from employers and, often, employees, and sometimes with contributions from general taxation; the costs are pooled or collectivised, rather than individual employers paying their own workers. In some cases employers may make 'top up' payments, adding to the statutory benefits received by their employees, as a result either of collective agreements or individual company policies. The main exception to this picture is when parents on leave receive a general 'childrearing' benefit that is paid to all parents with young children, not just confined to those taking leave; in such cases, payments usually come from general taxation. An exception is France, where such payments are funded by the family allowance fund, financed by contributions from employers and employees.

Country	Total length of post-natal leave available to two-parent family (months)			Period of 'father-only' leave (months)	
	Total	Paid	Well paid	Total	Well paid
Austria	24.0	24.0	1.8 ³¹	×	×
Australia	24.0	4.3	×	×	×
Belgium ³²	33.7	33.7	3.7*	15.5	0.5*
Canada	12.3	12.3	×	×	×
Québec	11.2 or 12.8	11.2 or 12.8	11.2 or 12.8	0.7 or 1.2	0.7 or 1.2
Croatia ³³	36.0+bonus 2	12.0+bonus 2	12.0+bonus 2*	3.0	3.0*

³¹ Austria: there are various payment options available, one option available to some parents is payment at 80 per cent of earnings for 12-14 months; in this case, the total length of well-paid leave would increase to 15.8 months. Payment periods are extended if both parents use some of the benefit period.

³² Belgium: in addition to Parental leave, men and women are entitled to at least one year of time credit/career break paid at a low flat rate, and which may be taken for any reason including the care of a child

Czech Rep	72.0 [36]	36.0	5.1*	36.0	×
Denmark ³⁴	14.3 [13.8]	14.3	14.3*	7.9	7.9*
Estonia	36.5	36.5	18.4*	0.5	×
Finland ³⁵	36.7+bonus 1 [36]	36.7+bonus 1	9.7+bonus 1*	0.7+bonus 1	0.7+bonus 1*
France	72.0 [36]	36.0	3.5*	36.5	0.5*
Germany	36.0	13.3+bonus 2	13.3+bonus 2*	×	×
Greece ³⁶					
Private sec	19.0	12.0	6.0	3.5	(2 days)
Public sec	60.0	12.0	12.0	24.0	×
Hungary ³⁷	36.0	36.0	24.0*	(1 week)	(1 week)
Iceland ³⁸	15.0	9.0	9.0*	6.2	3.0
Ireland	15.7	6.0	6.0*	3.2	×
Italy	13.7+bonus 1	13.7+bonus 1	3.7	6.0+bonus 1	×
Luxembourg	13.8	13.8	1.8	6.0	×
Netherlands	14.3	14.3	2.3	6.0	(2 days)
New Zealand	12.5	3.2	3.2	0.5	×
Norway	36.7	12.2	12.2*	14.8	2.3
Poland	41.1	41.1	5.1	(1 week)	(1 week)
Portugal ³⁹	36.0+bonus 1	12.0+bonus 1	6.0+bonus 1	4.0	4.0

³³ Croatia: in the case of twins or other multiple births or for the third and every subsequent child, parents are entitled to improved leave, 36 months at 100% of earnings, with no ceiling for 6 months of Maternity leave but with a ceiling for the subsequent period of leave, the ceiling reducing after 6 months.

³⁴ Denmark: each parent is entitled to 32 weeks of Parental leave, but the total period cannot exceed 32 weeks per family. Two weeks Paternity leave must be taken during the Maternity leave period.

³⁵ Finland: total post-natal leave includes period of low paid Childcare ('Home care') leave. Maternity, Paternity and Parental leave paid at 70-75 per cent of earnings, but proportion is lower for higher earnings

³⁶ Greece: total post-natal leave includes possibility of taking reduced hours working entitlement as a period of additional full-time leave. Total includes one period of Maternity leave; 2 periods (for mother and father) of Parental leave; and one period of flexible working entitlement taken as full-time leave

³⁷ Hungary: a parent with three or more children may take leave paid at a low flat rate until the 8th birthday of the youngest child

³⁸ Iceland: includes period of unpaid Childcare Leave after Parental leave.

	[35+bonus 1]	[11+bonus 1]			
Russian Fed (2010)	36.0	18.0	2.3*	×	×
Slovenia	14.2	14.2	11.6*	3.0	0.5*
South Africa	4.4	4.4	4.4	(3-5 days)	(3-5 days)
Spain	72.0 [36]	5.1	5.1*	36.0	0.5*
Sweden ⁴⁰	36.4 [18]	16.2	13.2	2.3	2.3
Switzerland	3.2	3.2	3.2*	×	×
U.Kingdom	18.5	9.5	1.4	3.5	×
USA	×				

Key:

Total length of post-natal leave: sums the total amount of leave available to mothers and fathers in a two parent family, including Maternity, Paternity, Parental and Childcare leaves. However, the period of time during which at least one parent can be on leave may be less, for example because each parent is entitled to a period of Parental leave, but leave cannot exceed the child's third birthday (e.g. Czech Republic, Spain); or because part or all of Paternity leave must be taken during the mother's Maternity leave (e.g. Slovenia); in these cases, figures in square brackets [] indicate the maximum period of leave that can be taken in a family if both parents fully use their entitlements.

Well paid: payment at 66% of earnings or above

×: no entitlement

*: ceiling on earnings-related payment

³⁹ Portugal: fathers are entitled to four weeks 'Father's-only Parental leave', 2 weeks of which must be taken immediately after birth; to receive payment, parents must take 'Additional Parental leave' immediately after 'Initial Parental leave'. This means that the 'Father's-only Parental leave' will be taken at the same time as 'Initial Parental leave'.

⁴⁰ Sweden: Paid Parental leave is for 480 days, the denomination in days intended to indicate and encourage flexible use (e.g. a parent can take 5 paid days of leave for every one calendar week). In addition, each parent is entitled to take unpaid leave until a child is 18 months

Relationship between leave and ECEC entitlements: April 2011

Most discussions of policy frameworks to support employed parents with young children highlight two key policies: parental leave and early childhood education and care (ECEC). The table below looks at the relationship between these two policy areas, and in particular at whether they are coordinated in the sense that an entitlement to leave leads immediately into, or coincides with, an entitlement to ECEC.

Great variations exist between countries in both leave policies and ECEC. The table shows two dimensions of variation for ECEC: attendance rates at formal services and entitlement to ECEC. Attendance rates vary from less than 10 per cent for children under 3 years (Czech Republic, Hungary, Poland), to over 50 per cent in Denmark and Sweden, with a median rate of just under a third. Attendance rates for children over 3 years are uniformly higher, but vary from under 60 per cent (Australia, Canada, Croatia, Greece, Poland, Switzerland and the United States) to over 90 per cent (Belgium, Estonia, France, Iceland, Italy, New Zealand, Slovenia, Spain, Sweden and the UK), with a median rate of just over 80 per cent. What these figures do not reveal is the opening hours of services and how far they are suited to the needs of working parents; in at least some cases they will not be.

Twenty countries have an entitlement to an ECEC service, but in most cases – 14 countries - this is only from 3 years of age or later (this includes Estonia and Hungary, which have a legal entitlement at an earlier age, but shortage of places means the entitlement is not operational until around 3 years); entitlement in this group is often limited to a part-time place. Only six countries have entitlement before 3 years: at 2½ years in Belgium, and at 12 months or younger or at the end of Parental leave in five countries: Denmark, Finland, Norway, Slovenia and Sweden, with full-time places available in all cases. It is only in these countries that policies are designed to ensure no gap between the end of well-paid leave and the start of an ECEC entitlement. Elsewhere, the gap is from 18 to 67 months, which if combined with countries that have no ECEC entitlement emphasises the extensive lack of coordination between these two policy areas.

	Attendance rates at formal ECEC services (2009)		Child's age (months) at:			Gap between	
	0-2 years	3-5 years	end of leave (a)	end of well-paid leave (b)	start of ECEC entitlement (c)	(a)-(c)	(b)-(c)
Austria	10%	80%	24	1.8	● 5 years PT	36 months	58 months
Australia(2008)	29%	55%	24	4.3	×		
Belgium	33%	99%	34	4.0	●● 2½ years	No gap	26 months
Canada(2006) Québec	24%	57%	12 13	None 13	×		
Croatia	18%	54%	12+bonus 2	12+bonus 2	×		
Czech Rep	3%	64%	36	5.1	×		
Denmark	73%	84%	13.9	13.9	●● 6 months	No gap	No gap
Estonia	25%	92%	36	18	● 18 months *3	No gap	18 months

			Years]				
Finland	27%	78%	36	9.0+bonus 1	●●end Par.Leave	No gap	No gap
France	41%	95%	36	3.5	●3 years	No gap	33 months
Germany	19%	89%	36	13.3+bonus 2	●3 years PT	No gap	20 months
Greece	11%	58%	19-60	6-12	●5 years PT	41 months to no gap	48-54 months
Hungary	7%	74%	36	24	●birth[*3 years]	No gap	12 months
Iceland	41%	99%	15.2	9.0	×		
Ireland	20%	87%	15.7	6.0	●3¼ years PT	24 months	33 months
Italy	25%	92%	13.7+bonus 1	3.7	×		
Luxembourg	34%	71%	13.8	1.8	●3 years PT	22 months	34 months
Netherlands	49%	87%	14.3	2.3	●4 years PT	34 months	46 months
New Zealand (2008)	38%	94%	12.5	3.2	●3 years PT	24 months	33 months
Norway(2007)	36%	81%	36.7	12.2	●●12 months	No gap	No gap
Poland	3%	38%	41.1	5.1	●6 years PT	31 months	67 months
Portugal	36%	81%	36+bonus 1	6+bonus 1	●5 years	24 months	54 months
Russian Fed	NI	NI	36	2.3	NI		
Slovenia	31%	90%	14.2	11.5	●●end Par. leave	No gap	No gap
S.Africa	NI	NI	4	4	×	No gap	30 months
Spain	36%	94%	36	5.1	●3 years		
Sweden	63%	94%	18	13.2	●●12 months	No gap	No gap
Switzerland	NI	48%	3.2	3.2	×		
U.Kingdom	35%	91%	18.5	1.4	●3 years PT	18 months	35 months
USA (2005)	31%	56%	×	×	×		
Average(median)	31%	82.5%					

Source:

Attendance rates at formal ECEC services (EU member states, Iceland, Norway, Switzerland): Tables on 'Formal child care by duration and age group', produced by Eurostat from EU-SILC, available at:

<http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&init=1&plugin=1&language=en&pcode=tsisc100>; (Australia, Canada, new Zealand, United States): OECD Family Database, Table PF3.2.A, available at: www.oecd.org/els/social/family/database

Note on source: a discrepancy for Slovenia has been drawn to the attention of the editor of the review, between the figure in the Table given for attendance rates at formal ECEC services for children under 3 years, based on EU-SILC data – 31%; and the figure for attendance produced by the Statistical Office of the Republic of Slovenia for 2008-9 – 49% (http://www.stat.si/eng/novica_prikazi.aspx?id=2327). This is a large difference and the cause is not certain; one unconfirmed suggestion is that while the survey sample used for EU-SILC is representative of the population on some important variables such as sex, age, education and region, it is not representative either of parents of pre-school children or the pre-school children themselves. Since EU-SILC data is widely used, not only by the EU but also, for example, in the OECD Family Database, this issue requires further examination, and the data for other countries should be used with caution.

Key:

✘: no entitlement to ECEC; ●: entitlement, but only from 3 years or older; ●●: entitlement from below 3 years of age. PT: entitlement is for 20 hours a week or less.

*: There is an obligation to provide a place, but this obligation cannot be met due to shortages of provision. This shortage usually applies to children under 3 years, and the bracketed figure indicates when the entitlement can usually be met in practice. The gap in the next column refers to the later age, i.e. when the entitlement in practice is implemented.

Changes and developments since January 2010

Sixteen of the 30 countries covered by this review reported policy changes or proposals since January 2010 (the Russian Federation country note could not be updated, so there is no information on recent developments in that country). In eight countries, ***policy changes intended to improve leave policy*** were reported; in 4 cases, these involved changes aimed at increased take-up by fathers with Finland and Norway increasing incentives to fathers to use Parental leave, Poland introducing Paternity leave, and the UK enabling the transfer of unused Maternity leave to fathers. Australia introduced its first universal paid leave and is committed to introduce paid Paternity leave in 2013.

Five countries made ***cuts to existing policies or announced postponement or cancellation to previously announced changes***. But in two cases – Czech Republic and Hungary – cuts were reversed before coming into effect; in Iceland a cut to the Leave Fund budget has yet to be implemented; while Spain deferred a previously announced extension of Paternity leave while also introducing a new leave to care for seriously ill children. The UK introduced measures to enhance leave policies as well as cancellation of a previously announced policies.

Six countries (Finland, Germany, Greece, Italy, Netherlands, Switzerland) reported ***proposals put forward*** to improve leave policies, the most substantive being from a taskforce in Finland and a committee in Switzerland, and a government proposal in Germany to enable carers to work reduced hours.

Australia: universal paid Parental leave introduced (January 2011); during the August 2010 federal election, the Labor party (returned after the election as a minority government) committed to two weeks paid Paternity leave provision by 1 July 2012, but in the May 2011 budget, the introduction was delayed until 1 January 2013.

Austria: two options added to existing three options for taking Childcare benefit (January 2010)

Canada: self-employed can opt-in to federal Employment Insurance benefits, including for Maternity leave, Parental leave, sickness and compassionate care (January 2011)

Czech Republic: cuts to Maternity leave benefit introduced (January 2010), then reversed (May 2010); the long option of Parental benefit reduced in length (January 2011).

Finland: 'father's month' lengthened by two weeks, giving fathers four bonus weeks if they take the two last Parental leave weeks (2010); working group on Parental leave reform reports, including three models for reform (March 2011).

Germany: two cuts in *Eternsgeld* (parental benefit) were introduced (autumn 2010); the federal government approves a draft law to enable reduced working hours to care for a dependent relative for submission to Parliament (March 2011).

Greece: Citizen's Ombudsman made the Parental leave system the main focus of attention in its special report on the equal treatment of men and women in employment and labour relations (December 2010).

Hungary: cuts to payment for GYES introduced (April 2010), then reversed (December 2010).

Iceland: cuts in the budget for the Leave Fund, but not yet implemented.

Italy: two proposals submitted to Parliament for 4 days fully paid compulsory Paternity leave, currently under discussion (April 2011).

Netherlands: Parliament rejects a bill from Green Party for 10 days paid Paternity leave (February 2010); new bill proposed for 5 days (early 2011); new government rejects taskforce proposal for 6 months paid Parental leave and announces abolition of tax reduction for parents taking Parental leave (2011).

Norway: eligibility rules for the father's quota made less dependent on mother's employment (June 2010); Parental leave to be extended from July 2011, with father's quota extended to 12 weeks.

Poland: Maternity leave extended by two weeks and Paternity leave of one week introduced (January 2010).

Spain: extension of Paternity leave from 2 to 4 weeks, scheduled for January 2011, postponed; a paid leave scheme to take care of seriously sick children has been introduced (January 2011).

Switzerland: Federal Coordination Commission for Family Affairs issued a report on Parental leave, including a proposal for paid leave (2010); a new article for the Constitution in favour of the family proposed, including a section on the reconciliation of work and family life (consultation period ended March 2011).

United Kingdom: Additional Paternity Leave introduced, in effect allowing the transfer to fathers of unused Maternity leave (April 2011); the right to request flexible working to be extended to parents of children aged 17 years from April 2011, but decision reversed (March 2011). In May 2011, the government put forward proposals for a major re-design of leave policies, reducing the period of Maternity leave, with a corresponding increase in Parental leave.

Take-up of leave

Information provided in country notes on take-up of leave has many gaps, making systematic cross-national comparisons impossible. Mostly, there is no information on take-up of unpaid leave and limited information on paid leave, except for occasional survey data. There is the further question of what proportion of parents are eligible for leave, where again there is no consistent and comparable information. Eligibility conditions vary between countries and types of leave, making cross-national comparisons even more difficult. 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. The absence of good comparative data on eligibility and take-up not only makes cross-national comparisons impossible: it also makes it impossible to compare the situation of different socio-economic groups within and across countries, for example access and use of leave by different income, social class and ethnic groups and by workers with different employment statuses; and to make proper evaluations of different leave policies. Mostly, only broad generalisations are possible; much less can be said about the relationship between leave use and individual, family or workplace diversity.

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 (2004⁴¹) 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, Sweden, the Netherlands 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 2005 survey in the UK, for example, found 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 1 per cent of recipients are fathers in the Czech Republic; and the proportion of fathers taking *Parental leave* is 2 per cent in Finland and Poland, and 3 per cent in Austria. However, where *Parental leave* has both an individual entitlement element

⁴¹ European Industrial Relations Observatory (EIRO) (2004) *Family-related leave and industrial relations*. Available at: <http://www.eurofound.europa.eu/eiro/2004/03/study/TN0403101S.htm>

and is relatively well paid, fathers' use is higher – though not equal with use by mothers. This can be seen in the four Nordic countries in this study, where Parental leave meets these two conditions:

- **Denmark:** survey data show that among parents of children born in 2005, 24 per cent of fathers took Parental leave and 94 per cent of mothers. On average, mothers took 28 weeks of leave, and fathers eight weeks.
- **Iceland:** in 2008, 91 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 103 days leave compared to 178 for mothers).
- **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. After the extension of the father's quota to six weeks (2006), in 2007 70 per cent of eligible fathers took more than five weeks.
- **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. In 1987, fathers took about 7 per cent of total Parental leave days that year; by 2009, it had increased to 22.3 per cent. 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 is greatest in Denmark (where fathers took only 6 per cent of all days of paid leave in 2005), followed by Norway (9 per cent). In Sweden, fathers take about a fifth of all days (21 per cent), with the greatest share of paid leave taken by men in Iceland (33 per cent), with its 3+3+3 leave scheme (Eydal and Gislason, 2008: Table 7⁴²). Mothers take both their individual entitlement and the greater part of the family entitlement.

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, as a number of countries clearly show:

Germany: the 2007 reform of leave, which had the explicit aim to raise leave take-up by fathers, has had an immediate impact; the proportion of fathers taking leave rose from 3.3 per cent in 2006 to 18.6 per cent in 2009 and to 20 per cent in 2010. Although the new Parental leave law has been successful in raising the take-up of leave by fathers, a large majority, i.e. 75.2 per cent (2010), took no more than their individual two month entitlement.

⁴² Eydal, G.B. and Gislason, I.V. (2008) 'Paid Parental leave in Iceland – history and context', in: G.B. Eydal and I.V. Gislason (eds.) *Equal Rights to Earn and Care – Parental Leave in Iceland*. Reykjavik: Félagsvísindastofnun Háskóla Íslands, pp.15-44.

Iceland: with the extension of father-only leave from 2001, the average number of days of leave taken by men in Iceland has more than doubled (up from an average of 39 in 2001 to 103 in 2008).

Norway: the proportion of men taking some leave has increased from 4 per cent to 89 per cent since the introduction of the one-month father's quota. After the extension of the father's quota to six weeks in 2006, 70 per cent of eligible fathers took more than five weeks in 2007 and increasing numbers take six weeks.

Portugal: the five-day Paternity leave (introduced in 1999 and made obligatory in 2004) was used in 2000 by 11 per cent of fathers, increasing to 27 per cent in 2002 and to 36 per cent in 2003. Since then, the proportion of fathers who take this leave has increased by about 2 per cent per year, to 45 per cent in 2007 and 2008 (take-up is underestimated as these statistics exclude employees with special social protections regimes, e.g. civil servants, bank workers). The same trends may be observed for the 15 additional Paternity leave days, also introduced in 1999; the proportion of fathers taking these days has risen from 4 per cent in 2001 to 37 per cent in 2008.

Data on take up of the new 'initial parental leave' (replacing Maternity leave), which came into effect in May 2009, points to an increasing take-up rate of the 'sharing bonus' by parents. In 2010, 80,494 initial parental leaves (79 per cent of the total number of births) were granted and take up of the 'sharing bonus' (at least 30 days) increased to 20 per cent of these leaves; in other words, 16,361 fathers stayed at home for 30 or more consecutive days, on their own, during the five or six months of total 'initial parental leave'.

Québec: in 2006, 56 per cent of fathers in Québec took a period of Paternity and/or Parental leave; since the introduction that year of the new Parental leave scheme, this has risen to 82 per cent in 2008. This compares with 12 per cent of fathers taking leave in the rest of Canada, where there is no paid Paternity leave and a less generous Parental leave scheme.

Sweden: the proportion of leave days taken by men in Sweden doubled between 1997 and 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.

It is noticeable from these examples that the pace of change varies between countries. This may reflect a number of mediating factors, for example the design of policy (e.g. level of payment, flexibility of use) and possibly also the socio-cultural climate (e.g. levels of awareness about gender equality, extent of support for change in gender roles).

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 that 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.

As noted earlier, there is little information on take-up among different socio-economic or ethnic groups within countries. 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 also only very limited information on the use of flexible working options. German data suggest that more flexible leave options (e.g. to take a higher benefit over a shorter leave period and to work part time while on leave) are used by only a minority, with parents in former East Germany being more likely to take a higher benefit for a shorter period, reflecting a greater propensity among women in this part of Germany to work when they have young children. Recent survey data from the UK show that almost a quarter of employees with dependant 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 were 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 asked their employers; more than half (54 per cent) had their request fully granted, with a further 10 per cent partially agreed. In short, the legislation had contributed to about 9 per cent of workers reducing their hours.

To summarise on take-up:

- Unpaid or low-paid leave of whatever kind has low take-up;
- Leave specifically for fathers (e.g. Paternity leave, fathers' quotas in Parental leave) is well used if paid at or near income replacement level;
- Fathers take only a small portion of Parental leave that is a family entitlement;
- Leave is used differentially not only by women and men, but by parents with different education, income and employment both individually and in relation to their partners – the impact of leave policies, therefore, is not uniform.

Research and publications since January 2010

Country notes include an overview of publications on leave since January 2010 (a few earlier publications missing in earlier reviews are included), and brief outlines of ongoing research.

137 publications are listed (many available in English and downloadable), with a brief description of each. The number of publications varies considerably between countries, implying different levels of policy interest and/or of researchers with an interest in work/life issues.

35 research projects are reported on leave policies and related work-life issues, including the EC-funded European Family Platform (see Hungary and Portugal). They range from cross-national studies to studies undertaken for doctoral theses.

3. Country notes

Australia

Michael Alexander, Gillian Whitehouse and Deborah Brennan

NB. Australia is a federal state

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

Note on federal and state industrial relations systems and awards: In Australia, the employment conditions of employees in federal and state jurisdictions have traditionally been detailed in awards, which are usually occupational or industry based prescriptive documents determined by industrial tribunals. Since the mid-1990s, industrial relations legislation has facilitated the spread of enterprise-level collective agreements, which often use the relevant award as a benchmark of minimum standards, but may specify additional employment conditions.

A new system of labour regulation has recently been established under the Fair Work Act 2009, which put in place new employment regulations, the bulk of which came into effect on 1 January 2010. These regulations contain a set of ten national employment standards, some of which refer to parental leave and flexible working arrangements (see below). While additional employment entitlements may be included in enterprise-level collective agreements, the new national employment standards prescribe the minimum set of entitlements that must be adhered to in both awards and collective agreements. As part of the Fair Work Act 2009, the national independent workplace relations tribunal (Fair Work Australia) has replaced more than 1500 state and federal awards with 122 industry and occupation awards (known as Modern Awards).

The entitlements in relation to the birth or adoption of a child under Australian labour regulation are written in gender-neutral terms and are generally referred to as Parental leave, rather than Maternity or Paternity leave.

a. Maternity leave

There is no statutory entitlement to Maternity leave as such. However, see 1c for details of the paid and unpaid Parental leave entitlement, which provides for up to 12 months of post-natal leave for women, up to six weeks of which may be taken prior to the expected birth of the child. For births after 1 January 2011, eligible mothers may receive payment for up to 18 weeks of this leave under the Government's new Paid Parental Leave scheme (see 1c for details).

Historically, many female employees have had access to paid Maternity leave through industrial awards, workplace agreements, company policies, or legislation covering public sector employees. In a national survey conducted in November 2010, prior to the implementation of the new Paid Parental Leave scheme, 50 per cent of female employees indicated they had access to paid Maternity leave in their main job (ABS Forms of Employment survey, November 2010, Cat No 6359.0, Table 9), although another quarter of employees indicated they were unsure or did not know if they had access to this entitlement. Organisational data indicate that the prevalence of paid Maternity leave has been increasing

over recent years, with 53 per cent of large organisations (with 100 or more employees) surveyed by the Equal Opportunity for Women in the Workplace Agency (EOWA) in 2009 providing paid Maternity leave, compared with 36 per cent in 2003 (*2010 Equal Opportunity for Women in the Workplace Survey on Paid Parental leave, Pay Equity and Impact of the Global Financial Crisis on EO Programs*, available through EOWA website, <http://www.eowa.gov.au/>). The conditions attached to paid leave granted by these organisations (duration, level of income replacement and eligibility) vary significantly across employers as discussed below. Levels of access and eligibility periods may also vary within organisations, for example between permanent and non-permanent staff (EOWA, 2010⁴³).

b. Paternity leave

At present, there is no general entitlement to paid Paternity leave but the unpaid Parental leave entitlement provides possibilities for three weeks post-natal leave for men immediately following the birth of the child, as well as the possibility for men to share the unpaid Parental leave entitlement (see 1c below). Following the August 2010 federal election, however, the Labor (now minority) Government is committed to the introduction of two weeks paid Paternity leave from 1 July 2012 as part of the recently introduced Paid Parental Leave scheme.

Some company policies and industrial agreements also provide a period of paid Paternity leave for fathers. In response to a national survey in 2010, prior to the implementation of the new Paid Parental Leave scheme, 42 per cent of male employees indicated they had access to paid Paternity leave in their main job (ABS Forms of Employment survey, November 2010, Cat No 6359.0, Table 9), although a substantial proportion of male employees were unsure. Organisational data indicate that the prevalence of paid Paternity leave has been increasing over recent years: 32 per cent of large organisations responding to an earlier 2005 EOWA survey provided paid Paternity leave, compared with 15 per cent in 2001. The amount of paid leave that is granted varies significantly across employers (see later comments) and, as for paid Maternity leave, organisational policies may not deliver the same entitlement to all employees within the organisation.

c. Parental leave

Length of leave

- Twelve months (of unpaid leave) per parent, of which 18 weeks in the first 12 months can be substituted for paid leave under the government funded Paid Parental Leave scheme that commenced on 1 January 2011.
- Following the first 12 month period of leave, a parent can request to take up to another 12 months (of their own or of their partner's unused leave period). In effect, each family (whether a single parent or a couple) is entitled to 12 months leave for the primary carer (parents can share this role), which can be extended by another 12 months (using the entitlement of the other parent in the case of couples); this second 12 months is subject to employer agreement.
- Parental leave can be taken sequentially with other types of paid leave, such as the government funded 18 weeks Paid Parental Leave, as well as employer provided Maternity/ Parental leave if it is available to the employee through their employment conditions. Other forms of paid leave such as annual leave and long service leave can also be used. However, for each period of paid leave used, the unpaid Parental leave

⁴³ EOWA (2010) *2010 Equal Opportunity for Women in the Workplace Survey on Paid Parental leave, Pay Equity and the Impact of the Global Financial Crisis on EO Programs*. Available at: <http://www.eowa.gov.au/>.

entitlement is reduced by the same amount so that the maximum time available for Parental leave per family is still two years.

Payment and funding

- Equivalent of federal minimum wage (currently \$569.90 per week or \$15.00 per hour [€425 per week or €11 per hour⁴⁴]) for up to 18 weeks. This represents 50.4 per cent of full-time average ordinary time female earnings as at November 2010). The remaining period of Parental leave is unpaid.
- Where additional paid leave is offered (for example, under company policies, industrial agreements or legislative provisions for public sector employees) duration of leave varies, with the most common provisions for paid Maternity leave being six or 12 weeks and for paid Paternity leave one or two weeks. Payment is typically at the employee's normal pay rate, although in some cases there are provisions to double the duration by taking the leave at half pay.

Flexibility in use

- Only one parent is entitled to access unpaid Parental leave at any particular point in time. The exception allowing some flexibility is immediately following the birth (or adoption) of the child, when parents may take concurrent unpaid leave for up to three weeks.
- The Paid Parental Leave payment can also be transferred from one parent to the other where the primary carer for the child (i.e. the parent on leave) also changes.

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

- Employees in permanent positions (full- or part-time) are eligible for the unpaid statutory provisions under the Fair Work Act 2009, provided they have 12 months continuous service with the same employer by the expected date of delivery.
- Casual employees are also eligible for the above entitlements provided that they have been engaged by a particular employer for a sequence of periods of employment during a period of at least 12 months and, but for the birth or adoption of a child, would have a reasonable expectation of continuing engagement.
- Twelve months unpaid Parental leave is not available to self-employed workers. According to *The Parental Leave in Australia Survey (2005)*, 11 per cent of mothers in employment prior to the birth of their child were self-employed, while the comparable figure for fathers was 20 per cent.
- An employer can refuse the request for a second 12 month period of leave on 'reasonable business grounds'. Any agreement for an additional period of leave beyond the first 12 months will reduce the spouse or de facto partner's entitlement by an equivalent amount.
- To be eligible for the government funded 18 week Paid Parental Leave scheme, the primary carer (usually the mother) must be in paid work and have: been engaged in work continuously for at least 10 of the 13 months prior to the expected birth or adoption of the child; and undertaken at least 330 hours of paid work in the 10-month period.
- The government funded Paid Parental Leave is restricted to those earning less than AU\$150,000 (€112,055) per year or 3.7 times average female annual earnings (or 2.6

⁴⁴ Conversion of local currency into Euros undertaken on 3 May 2011, using <http://finance.yahoo.com/currency-converter/>

times average female full-time earnings) and where possible, the benefit would be paid by employers, with the government pre-paying employers for the cost.

- The government funded Paid Parental Leave can be taken in conjunction with other forms of paid leave to which the employee may be eligible (recreational leave, long service leave, employer-funded Maternity or Parental leave) but must be taken before the employee returns to work.
- Any unused portion of the leave benefit can be transferred to another primary caregiver (usually the father) in the event that they also meet the eligibility criteria.
- Where employees are covered by an existing industrial award or enterprise agreement that includes paid Maternity or Parental leave, that entitlement cannot be withdrawn (during the life of the agreement); the government-funded Parental leave scheme is in addition to any existing employment conditions.
- Those mothers not working (or not working for a sufficient period or hours) prior to the birth of a child would still be eligible for the existing baby bonus of AU\$5,294 (€3,955) – paid in 13 equal fortnightly instalments, and have access to family tax benefit B (primarily payable to single income families). These benefits of the social security system would no longer be available to those claiming the Paid Parental Leave scheme benefit.

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

- Special Maternity leave may be taken in cases of pregnancy-related illness or miscarriage within 28 weeks of the expected date of delivery. Any leave taken in these circumstances must be subtracted from the total entitlement to Parental leave.

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

- Paid Parental leave, usually specified as Maternity or Paternity leave, is available in some awards or workplace agreements and/or company policies. In these situations conditions might be attached, such as a requirement to return to work before receiving some or all of the payment or a guarantee to return for at least a period equivalent to the leave taken. Such conditions do not appear to be common. For example, among respondents to the 2005 *Parental Leave in Australia Survey* who had taken some paid Maternity leave, around 5 per cent reported that some or all of their pay was delayed until their return to work.

d. Statutory childcare leave or career breaks

No 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 employees have access to a period of paid personal/carer's leave equivalent to one twenty-sixth of their nominal annual hours (ten days leave for a regular full-time

employee). In addition, employees can access up to two days unpaid carer's leave for each 'permissible occasion' provided paid personal leave has not been exhausted. Personal/carer's leave includes 'sick' leave and may be taken because of a personal illness, or to provide care or support to a member of the employee's immediate family or household who is ill or injured, or in the case of an unexpected family emergency.

Flexible work arrangements

- One of the 10 new national employment standards contained in the *Fair Work Act 2009* provides parents with a statutory right to request flexible working arrangements. The arrangements are similar to those operating in the United Kingdom, providing a right for parents who have responsibility for the care of a child under school age (or a child under 18 with a disability) to request a change in work arrangements to assist the employee to care for the child. An employer can accede to the request, offer an alternative set of arrangements, or refuse the request on reasonable business grounds. Both 'flexible working arrangements' and 'reasonable business grounds' are deliberately not defined to avoid limiting the options available or applying to the parties, although general information and assistance will be provided to facilitate agreement. The request is ultimately not enforceable by any third-party body.

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

The maximum period of paid post-natal leave in Australia is just over 4 months, with payment at a flat rate; unpaid leave takes the total available up to 2 years, though the second 12 months is subject to employer agreement. There is no entitlement to ECEC, though an entitlement to 15 hours a week of nursery education for one year before compulsory schooling (i.e. from age 5 years) is scheduled to be introduced in 2013. Levels of attendance at formal services for children under 3 and around the average for the 30 countries included in this review, but well below average for children over 3 years.

3. Changes in policy since January 2010 (including proposals currently under discussion)

On 29 June 2010, the Australian Parliament passed the Paid Parental Leave Act 2010, which introduced universal paid Parental leave for the first time in Australia. The Act paid Parental leave to eligible primary carers who have or adopt a child from 1 January 2011.

The implementation of this scheme follows an earlier public inquiry into the social costs and benefits of providing paid Maternity, Paternity and Parental leave in Australia, conducted by the Productivity Commission. At this point, the government has implemented all but two key recommendations of the Commission's final report: Paternity leave of two weeks payable primarily to fathers (or other caregiver in other circumstances) within the first 12 months of the birth of the child; and employers to pay superannuation contributions (at the statutory amount) for the period of the Parental leave benefit. The government had previously committed to reviewing the operation of the scheme by the end of 2014, including the appropriateness of introducing these two recommendations; however, during the August 2010 federal election, the Labor Government (returned after the election as a minority government) committed to implementing the two-week paid Paternity leave provision by 1 July 2012, prior to the completion of the review. Subsequently, in the May 2011 budget announcements, the introduction was delayed until 1 January 2013

The Opposition parties in the Australian Parliament currently have a policy, which they took to the August 2010 election, to introduce a more generous paid Maternity leave scheme. The proposal is for 26 weeks paid Maternity leave at full replacement salary with no salary cap, paid for through a levy of 1.5 per cent on large businesses.

4. Take-up of leave

Until recently, Australia has had 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 was addressed with the release in 2006 of figures on the availability and take-up of different leave arrangements around the birth of a child, based on two surveys:

- *The Parental Leave in Australia Survey*, conducted as part of Wave 1.5 of the Australian government-funded *Growing Up in Australia – the Longitudinal Study of Australian Children*, collected information from parents with a child born between March 2003 and February 2004, focusing in particular on employment and leave arrangements prior to and following the child's birth.⁴⁵
- A supplementary labour force survey collected information on employment and leave from mothers of children under two years of age (ABS, 2005⁴⁶). This survey will be repeated in November 2011, 11 months after the introduction of the Paid Parental Leave scheme.

a. Maternity leave

Data from *The Parental Leave in Australia Survey* show that 37 per cent of mothers who worked as employees in the 12 months prior to the birth of their child used some paid Maternity leave following the birth (sometime between March 2003-February 2004), although very few leave-takers (around 4 per cent) used paid Maternity leave exclusively. Close to 60 per cent of mothers working as employees in the lead up to the birth used some unpaid Maternity/Parental leave, with around one-quarter of leave-takers relying solely on this form of leave. Most of those who took leave combined paid and unpaid forms, often combining unpaid Maternity leave with other forms of leave such as paid annual leave. The overall average duration of leave taken by mothers who worked as employees prior to the birth was 40 weeks. Of the total Maternity leave taken by this group, around 27 per cent was paid. A small proportion of this paid Maternity leave was taken at less than full-time pay: 18 per cent of mothers taking some paid Maternity leave took their leave at a different pay rate, commonly at half pay in order to double the leave time available. If all forms of leave are taken into consideration (that is, including 'non-maternity' forms of leave), around 29 per cent of the total leave taken was paid leave.

b. Paternity leave

Use of Paternity leave was considerably lower than use of Maternity leave. Around one-quarter of fathers of young children who worked as employees in the 12 months prior to the birth of their child used some *paid* Paternity leave, but less than 10 per cent used any *unpaid* Paternity/Parental leave. Fathers relied very heavily on the use of non-parental forms of leave, the most prevalent being paid annual leave. Fathers were much less likely than mothers to combine different forms of leave, and their overall average duration of leave

⁴⁵ This study is managed by the Australian Institute of Family Studies; see <http://www.aifs.gov.au/growingup/>, and for an overview of the survey findings, see <http://www.uq.edu.au/polsis/parental-leave/>.

⁴⁶ Australian Bureau for Statistics (2005) *Pregnancy and Employment Transitions*, Cat. No. 4193.0).

across all leave types was two weeks. Of the total leave taken by fathers working as employees, around 88 per cent was paid.

c. Parental leave

Among respondents to the *Parental Leave in Australia Survey*, around 80 per cent of employees met the basic eligibility criterion for access to Parental leave. Overall, 68 per cent of mothers of children born between March 2003 and February 2004, who worked as employees in the 12 months prior to their child's birth, used some leave designated as 'Parental' or 'Maternity' leave; while the corresponding figure for fathers was 30 per cent. For fathers in particular, usage of Parental leave thus fell well below access and eligibility.

d. Other employment-related measures

According to the Household, Income and Labour Dynamics in Australia (HILDA) survey, access to carer's leave currently stands at 72 per cent of employed persons (those without access are mainly self-employed and casual workers). In terms of usage, the *Parental Leave in Australia Survey* suggested that around 13 per cent of mothers who returned to work as employees after the birth of their child reported using some carer's (or 'family' or 'special') leave. In addition, around 16 per cent of this group reported using some of their own sick leave to care for their child (*The Parental Leave in Australia Survey*). Overall, around 24 per cent used at least one of these forms of leave. Among fathers working as employees after the birth of the child: 21 per cent used some of their own sick leave to help care for their child; 15 per cent used some carer's (or 'family' or 'special') leave; and around 30 per cent used at least one of these forms of leave. As discussed earlier, entitlements to carer's and sick leave are now combined in the personal leave entitlement under Australia's current legislation.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Following the decision to introduce a government funded Paid Parental Leave scheme, the Institute for Social Science Research (University of Queensland) was commissioned by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs to undertake an evaluation of the new scheme. The evaluation commenced in July 2010 and is due to be completed by mid-2014.

b. Selected publications since 2010 review

Baxter, J. and Smart, D. (2010) *Fathering in Australia among couple families with young children* (Occasional Paper No. 37) Canberra: Department of Families, Housing, Community Services and Indigenous Affairs.

This report aims to increase understanding of the many ways in which fathers in couple families with young children contribute to family life, through the study of their time investment with children, their supportiveness as partners, their financial contribution, their parenting behaviours and styles, and their perceptions of their own adequacy as fathers. The impact of fathers on children's wellbeing is also examined. The report uses data from Waves 1 to 3 of *Growing Up in Australia: the Longitudinal Study of Australian Children* (LSAC), a large-scale, nationally representative study of children and families.

Hosking, A., Whitehouse, G. and Baxter, J. (2010) 'Duration of leave and resident fathers' involvement in infant care in Australia', *Journal of Marriage and Family*, Vol. 72, No.2: 1301-

1316.

This paper examines the extent to which Australian fathers' use of leave around the time of the birth of a child is associated with the time they spend with their child at age 4-19 months. It draws on data from the Longitudinal Study of Australian Children and is the first comprehensive investigation into this issue in Australia. Infants' time with their fathers at age 4-19 months was not statistically related to fathers' use of leave around the birth. A significant association was found between fathers' use of leave and sole father care of an infant on weekends, however this was not evident for weekdays. The analysis suggests that fathers' leave-taking was not a major influence on fathers' subsequent involvement in infant care in the Australian context at this time.

c. Ongoing research

The Australian Work and Life Index (AWALI) (2007-ongoing). B. Pocock, Centre for Work + Life (University of South Australia).

AWALI is a national survey of work–life outcomes amongst working Australians. It commenced in 2007 and is being repeated annually by the [Centre for Work + Life](#) at the University of South Australia as part of an Australian Research Council grant in partnership with the South Australia and Western Australia governments. AWALI serves as a benchmarking tool to compare and contrast work–life outcomes across various groups defined by geographic location, employment characteristics (e.g. occupation, work hours, industry, job quality) and social demographics (e.g. gender, age, parenthood, income). It also serves as a powerful analysis tool to examine the protective and risk factors related to work–life conflict, and the social, community and health outcomes affected by the state of the work–life relationship. AWALI is currently funded to 2010.

A regional perspective on work, life and community balance in Victoria (2008-2010). Centre for Applied Social Research (RMIT University), funded by the Australian Research Council. Little attention has been paid to how employment conditions such as working-time and leave arrangements in different industries and regional locations might impact on employee work and family balance, and to how local infrastructure, such as operating hours for childcare and public transport, might also support or frustrate better work and family balance. This research is interested in how the implementation of employment regulation is shaped by the regional and industry location of workplaces. The research aims to: investigate how regional and industry differences in employment conditions are associated with the capacity to balance work and family, and work and community life; analyse the particular impact of changing employment regulation on working-time arrangements and work–family–community balance outcomes in a range of specific regional and industry contexts; and identify the ways in which social policy at the local, state and federal levels can better support working Australians to balance work, family and community responsibility and participation. Contact Sara Charlesworth (now at the University of South Australia): sara.charlesworth@unisa.edu.au.

Industrial relations, gender equity and work/family balance: assessing the impact of changing law and practice in Queensland (2008-2011). This project commenced in 2008 and will be completed by December 2011. It is funded by the Australian Research Council in conjunction with the Queensland Government Office of Fair and Safe Work Queensland and Queensland Office for Women. It is based at the University of Queensland. The project is designed to assess the impact of changing industrial relations law and practice on gender equity and work/family balance in Queensland. It seeks enhanced understanding of the complex relationships between industrial relations frameworks, business adaptations and outcomes for employees focusing in particular on the way these relationships vary across sectors and regions. An innovative research design will track a panel of workplaces and their employees over three years, complementing aggregate statistics with in-depth longitudinal evidence. Contact: Gillian Whitehouse g.whitehouse@uq.edu.au.

Evaluation of the Paid Parental Leave scheme (2010-2014). Consortium led by Institute for Social Science Research, University of Queensland, funded by the Australian Government Department of Families, Housing, Community Services and Indigenous Affairs.

This is a comprehensive evaluation of Australia's new Paid Parental Leave scheme which commenced operation from 1 January 2011. The overall goals of the evaluation are to assess the implementation of the scheme during its first full year of operation as well as the impact of the scheme on the main policy aims (i.e. enhancements in maternal and child health and wellbeing, women's workforce participation and labour force attachment, gender equity and work/family balance). The evaluation comprises three phases: Phase 1 will establish baseline data, enabling later analysis of policy outcomes; Phase 2 will evaluate the implementation of the scheme; and Phase 3 will evaluate the outcomes of the scheme.

Data collection for Phase 1 was undertaken in the second half of 2010 and early 2011. A key component was a baseline survey of 2,000 mothers of children born in late 2009 (approximately twelve months prior to the introduction of the new scheme). The survey was designed to establish patterns of paid and unpaid leave availability and uptake at this time, review attitudes and factors that influenced the use of leave in this context, identify patterns of return to work for mothers who took leave, and assess general patterns of gender equity and work-life balance. In addition, Phase 1 included a set of in-depth interviews with mothers from groups underrepresented in the survey (e.g. those in precarious employment situations, Indigenous women, single mothers and culturally and linguistically diverse groups) and 20 interviews with employers to collect information about current practices and attitudes to the new policy. In 2011, Phase 1 research data will be analysed and Phase 2 data collected. Phase 2 will include a survey of parents with a child born in mid-2011 (after the introduction of the scheme), the first wave of a longitudinal survey of employers, and focus groups with staff involved in administering the new policy. Contact: Bill Martin w.martin@uq.edu.au

Austria

Christiane Rille-Pfeiffer

April 2011

NB. Austria is a federal state

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

a. Maternity leave (*Mutterschutz*) (responsibility of Federal Ministry of Economy, Family and Youth)

Length of leave (before and after birth)

- Sixteen weeks, eight weeks before the birth and eight weeks after the birth. It is obligatory to take leave.

Payment and funding

- One hundred per cent of average income for the last three months of employment before taking leave for employees, with no ceiling. Freelance workers receive income-based maternity benefit; marginally employed self-insured women receive a flat-rate payment of €8.00 a day; while self-employed women who pursue a trade and farmers are eligible for 'operational support' (i.e. financial or other support to maintain their business) as a form of maternity benefits, but if no operational support is granted, they can claim a flat-rate payment of €26.26 a day. Eligible unemployed women or women receiving Childcare benefit are entitled to 180 per cent of previous unemployment benefit.
- Funded partly (70 per cent) from *Familienlastenausgleichsfond* (FLAF – Family Burdens Equalisation Fund), financed by contributions by employers based on their salary bill and from general taxes, and partly (30 per cent) from public health insurance. The total expenditure on Maternity leave in 2010 was €295 million.

Flexibility in use

- None.

Regional or local variations in leave policy

- None.

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

- All employed women are entitled to 16 weeks maternity leave with 16 weeks payment (100 per cent of average income), except for short-time employed women and freelance workers who are eligible for maternity leave only if they are voluntarily

health-insured. Unemployed women are eligible for maternity payment only if they have completed three months continuous employment or have been compulsorily health-insured for 12 months within the last three years.

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

- In case of danger to the health of the mother or unborn child, women are eligible to take leave earlier than eight weeks before delivery; in case of premature or multiple births or births by Caesarean section, women are eligible for 12 weeks after birth (in exceptional cases even 16 weeks).

b. Paternity leave (responsibility of Federal Ministry of Economy, Family and Youth)

There is no statutory entitlement.

Collective agreements may provide a few days of leave for fathers immediately after the birth of a child, during which time fathers receive full earnings replacement.

c. Parental leave (*Elternkarenz*) (responsibility of Federal Ministry of Economy, Family and Youth)

Length of leave (before and after birth)

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

Payment and funding

- A Childcare benefit is available to all families who meet the eligibility conditions, whether or not parents take Parental leave; the main condition for receiving Childcare benefit is that the recipient's additional earnings should be less than €16,200 a year.
- Parents can choose between five payment options: four flat-rate and one income-related:
 - €436 a month for 30 months **or** for 36 months if both parents apply for the payment (30+6 option);
 - €624 a month for 20 months **or** 24 months (20+4 option);
 - €800 a month for 15 months **or** 18 months (15+3 option),
 - €1,000 a month for 12 months **or** 14 months for those earning less than €1,000 income a month (12+2 option);
 - 80 per cent of the last net income for 12 months **or** 14 months for those earning between €1,000 and €2,000 a month (12+2 income-related option).
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2009 was €1,156 million.

Flexibility in use

- Leave may be taken by one parent only (mother or father) or by both parents on an alternating basis (the whole period can be divided into a maximum of three parts alternating between parents, with each part at least two months). Both parents cannot take leave at the same time except for one month the first time they alternate leave. In that case Parental leave ends one month earlier (i.e. one month before the child's second birthday).

- Each parent has the possibility to postpone three months of Parental leave, to use up to the child's seventh birthday (or school entry at a later date).

Regional or local variations in leave policy

- None.

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

- All employees are entitled to take Parental leave.

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

- None.

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

- None.

d. Childcare leave or career breaks

- Employees have the possibility to take between six and 12 months time off for private reasons (e.g. further education, family reasons). It is based on a mutual agreement between employer and employee and is unpaid; it is not, therefore, a statutory entitlement. The leave period is unpaid, though if leave is taken for educational reasons, it is possible to receive a further training allowance from unemployment insurance funds (though the employee also has to meet the eligibility criteria for unemployment benefit and the employer has to recruit a substitute for the period of leave).

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

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

Flexible working

- Parents with children born after 1 July 2004 are entitled to work part time until the child's seventh birthday (or school entry at a later date) if they are working in companies with more than 20 employees and if they have been continuously

employed with their present employer for at least three years. There are no given limits concerning the extent of the part-time work. The regulations also include the right to change working hours within the day (e.g. from morning to afternoon) without reducing the number of working hours and the right to return to full-time employment. Parents working in companies with less than 20 employees may enter into an agreement on part-time work with the employer to the child's fourth birthday (see above Parental leave).

- Parents are protected against dismissal until their child's fourth birthday. During the remaining period of part-time work (i.e. until the child's seventh birthday or school entry at a later date) protection against dismissal without grounds is provided.

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

The maximum period of paid post-natal leave available in Austria is 24 months, but this is mostly paid at a low flat rate (except for one option available to some parents, which is paid at 80 per cent of earnings over a 12-14 month period); high paid earnings-related Maternity leave runs until 8 weeks after birth. There is an entitlement to ECEC from 5 years of age, though only for part-time kindergarten (20 hours per week); attendance is obligatory. So there is a gap of 3 years between the end of leave and an ECEC entitlement, and a gap of nearly 5 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are well below the average for the 30 countries included in this review, but are close to the average for children over 3 years.

3. Changes in policy since January 2010 review (including proposals currently under discussion)

The Childcare benefit, introduced in 2002 and modified twice in 2008 and 2010, has developed from a rather rigid measure providing just one option to a flexible scheme with five different options. Since January 2010, two new options have been added to the existing three (see 1c for all five options): for those without earnings or less than €1,000 income a month, there is another flat-rate version with €1,000 a month for 12 months (or 14 months if both parents apply for the payment); for those having between €1,000 and €2,000 income a month there is an income-related version with 80 per cent of the last net income for 12 or 14 months. In fact those two models are not optional, but depend on the former income situation. Providing a rather short period of leave, the two new models should encourage mothers to re-enter the labour market earlier and thus reduce the negative effects of long-term labour market absence for women; while the income-related version in particular should increase the participation of fathers in leave-taking. The current limit of additional earnings (from 2010 on, not including income from letting and leasing, or capital assets) of €16,200 a year remains in place, but parents with a higher former income can earn up to 60 per cent of that income. This individual supplementary earnings limit is made available in all flat-rate options. For recipients of the income-related Childcare benefit, supplementary earnings up to €5,800 a year are possible.

Though these modifications of the Childcare benefit are widely accepted, the political debates continue. The system is criticised for its complexity, making it hard to manage for recipients as well as in administrative terms. Another debate concerns financing and the high costs of the new system.

Increasing the participation of fathers in the care of children is one of the major goals of the new regulation, and has been an issue for some time. Previous attempts to increase the percentage of fathers taking up Parental leave have proved to be rather ineffective. In this

context it is important to distinguish between fathers taking Parental leave and fathers receiving Childcare benefit. Whereas the percentage of fathers taking Parental leave remains very low, the number of fathers receiving Childcare benefit has slightly increased (in the period 2002 to 2010 from 1.9 to 4.6), because this payment is available not only for employees but for all parents irrespective of their occupational status. Moreover, the only requirement for receiving Childcare benefit is to observe the limit on additional earnings. Hence, it can be questioned whether the increasing number of fathers taking Childcare benefit corresponds to the real participation of fathers in childcare.

Nevertheless there is broad agreement on the need to encourage fathers to participate in childcare, and the government is currently discussing the introduction of one month of obligatory Paternity leave. The State Secretary in the Federal Ministry of Economy, Family and Youth pushed this initiative and Paternity leave became part of the government agreement in 2008. The political parties basically agreed to focus on fathers but made this initiative conditional on funding being available. There are several ideas about how to frame the so-called 'Papa-Monat', although the main principles are agreed: a period of four to six weeks with a minimum payment of €800 or alternatively an earnings-related payment. Though the debate was promising in 2008, in the meantime it has almost disappeared from the political agenda and nothing has happened so far.

Over the last few years the availability of institutional childcare – especially for children under 3 years – is an important issue for politicians as well as for researchers. Due to the new option to choose a shorter period of Childcare benefit the question of childcare for children under 3 years is receiving additional attention. Childcare in Austria is highly decentralised, being a matter for the provinces, some of which have recently decided to extend childcare services – for children aged 3 to 6 years as well as for younger children.

Starting with the school year 2009/2010 there is an obligatory year in kindergarten for five-year-old children, a measure seen as improving and extending preschool education and the relatively poor language skills of children coming from foreign families when they enter the school system. The child has to be in kindergarten for a minimum 20 hours per week (at least four days per week and five hours per day).

4. Take-up of leave

a. Maternity leave

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

b. Paternity leave

No statutory entitlement.

c. Parental leave

Data provide evidence that almost all eligible (i.e. formerly employed) mothers – between 93 and 96 per cent – took up Parental leave in the last years of the previous scheme. Since the replacement of the Parental leave benefit by the new Childcare benefit in 2002, there is only information on the number of women and men taking Childcare benefit, which is different to the number of persons taking up Parental leave (i.e. parents not on leave receive Childcare benefit as well as those who are taking leave). There is no way of telling from these figures what proportion of parents take Parental leave and it is doubtful whether data on the take-up of Parental leave will be available in the future.

Parental leave for fathers was introduced in 1990, and the proportion taking it was always very low (between 0.6 and 2 per cent). Since the introduction of the Childcare benefit in 2002, statistics are only available on fathers taking this benefit, which has slightly risen from 1.9 per cent in January 2002 to 4.6 per cent in February 2011. As the evaluation in 2010 shows, it is more likely that fathers take one of the shorter options, e.g. compared to the overall percentage of less than 5 per cent, the percentage of fathers participating in the model 15+3 is much higher (23.4 per cent in 2010). The ongoing evaluation of the Childcare benefit will focus especially on the recently introduced income related and flat-rate options 12+2 which will also give more information on fathers. However the Ministry of Economy, Family and Youth has announced that the aim is to reach 20 per cent take-up of fathers in the two new options.

Recent data, for February 2011, from the Ministry of Economy, Family and Youth gives some indication of overall parental use of the five Childcare benefit options; 69 per cent of mothers opted for the long model (30+6 months), 20 per cent for the second model (20+4), 3 per cent for the model 15+3, 2 per cent for the flat rate 12+2 and around 5 per cent for the income related model 12+2. Fathers drawing Childcare benefit choose the shorter option more often than women, as the payment is higher than for the longer options.

d. Other employment-related measures

Contrary to the government's expectations, the take-up of the family hospice leave has been very low: 1,159 people took this leave from July 2002 until the end of 2004 (no current information available). There is no information available on take-up of care leave for sick children as well as for other dependants.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Research on Maternity leave is rare because the entitlement is so well established and widely accepted. Parental leave was introduced for the first time in 1957 as an unpaid leave of six months for employed mothers only. During the last decades it was modified several times and analysed in numerous research studies, mainly the impact of taking up Parental leave on women's employment and their occupational careers, especially on re-entry into the labour market, and the take-up of leave by fathers. Research on Parental leave is often linked on the one hand to the broader issue of work-life balance and flexible working schemes for parents with young children; and on the other hand to the issue of gender equality and gender-specific division of paid and unpaid labour. The introduction of the Childcare benefit not only marked a fundamental change in Austrian leave policies but – as mentioned before – has also had substantial negative effects on research on take-up of leave due to a lack of data. There is almost no research on this issue, which also seems to correspond to a decreasing amount of research on re-entry into the labour market.

In general there have been a lot of evaluation studies on leave-related policy measures – especially on the Childcare benefit – in the last few years. This is due to the recently introduced legal obligation to evaluate the effects of new regulations within two years. Particular attention in these evaluation studies (but also as an issue for research in general) has been paid to the role of fathers and their participation in childcare. Recently, too, there are several evaluation studies on part-time work for parents.

b. Selected publications since January 2010

None reported.

c. Ongoing research

Evaluation of the childcare benefit (2008-2011). Austrian Institute for Family Studies (OIF)
Funded by the Federal Ministry of Economics, Family and Youth (BMWFJ).
Ongoing research to evaluate the modification of the Childcare benefit from 2008 up to 2011.
The main issues are: take-up of the three different models and reasons for using different models; and the impact of Childcare benefit on the reconciliation of family and work, on women's occupational careers and on male participation in caring for children. Two reports based on quantitative studies with mothers and fathers have been submitted to the Ministry. The focus of the year 2011 will be on the recently introduced two new models, which are seen as notably relevant concerning the re-entry of mothers into the labour market as well as the participation of fathers. Contact: christiane.rille-pfeiffer@oif.ac.at.

More information available at:

http://www.bmwfj.gv.at/Familie/FinanzielleUnterstuetzungen/Kinderbetreuungsgeld/Documents/Endbericht_KBG-Reform_2008_Nov09.pdf; and

http://www.bmwfj.gv.at/Familie/FinanzielleUnterstuetzungen/Kinderbetreuungsgeld/Documents/KBG-Bericht%20Var_15+3%20AP%202009.pdf.

Belgium

Laura Merla and Fred Deven

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 for employees. A woman can start to take her leave six weeks before her baby is due; one week before and nine weeks after delivery are obligatory.
- Self employed mothers have 8 weeks.

Payment and funding

- Employees in the private sector: first month at 82 per cent of earnings plus 75 per cent for the remaining weeks with a ceiling of €91.19 per day. Public sector: statutory civil servants receive full salary; contractual civil servants, as for private sector.
- Funded from Federal Health Insurance, financed by employer and employee contributions and general taxation.

Flexibility in use

- The start of Maternity leave can be delayed until one week before birth.
- Up to two weeks of postnatal leave can be taken as 'free days' thereby spreading Maternity leave over a longer period and facilitating a more gradual re-entry into paid employment.

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 with employees (e.g. eight weeks of paid 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

- Mothers needing to take the full six weeks of pre-natal leave, can take an extra week of post-natal leave, i.e. their Maternity leave is extended to 16 weeks.
- 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 working days; three days are obligatory.

Payment and funding

- One 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 (ceiling of €99.70 per day).
- Funded as Maternity leave.

Flexibility in use

- Fathers can take these two weeks during the first four months following the birth of their child.

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. Leave is an individual entitlement.

Payment and funding

- €666.30 per month net of taxes (€741.40 before taxes).
- Funded as Maternity leave.

Flexibility in use

- Leave may be taken full time, half-time over six months or 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.
- Leave can be combined as follows: 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 bonus 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, length of leave is increased for multiple births, e.g. each parent of twins gets 26 weeks.
- Parents of disabled children can take leave until their child's eighth birthday.
- The benefit is higher for lone parents who reduce their employment by a fifth (approximately €169 instead of €125 per month in all the other cases).

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

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

d. Childcare leave or career breaks

- There is a Time Credit system (*Tijdskrediet / Crédit temps*) which applies to employees in the private sector (a similar scheme – 'career breaks' – applies in the public sector). All eligible workers have a basic right to one paid year of this type of leave. This period can be extended up to five years by collective agreement negotiated at sectoral or company level. Payment varies according to age, civil status and years of employment (e.g. it is higher for those aged 51 years or older, for those employed for five years or more). The maximum for a full-time break is approximately €604 per month. The bonus for residents of the Flemish Community taking Parental leave also applies to this type of leave. Users who extend their leave to care for a child younger than twelve years, to care for a seriously ill family member or for a handicapped child, will continue to receive a payment during the full length of their leave.
- For each company, there is a 5 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). From March 2010 on, employees need two years (instead of one) of previous work with the same employer to be granted his payment. There is a guarantee in principle to return to the workplace following a career break or time credit period.
- Payments to time credit users are funded by the Federal social security system, which is financed by contributions from employers and employees.

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 twelfth birthday.

Time off for the care of dependants

- Employees may take up to ten 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 the 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 leave.
- Foster parents may take six days of leave to allow them to fulfil administrative and legal requirements, paid as for Parental leave.

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Belgium is 34 months (including full use of the time credit scheme), but most of this is low paid; leave paid at a high rate ends after Maternity and Paternity leave at around 4 months after birth. There is an entitlement to ECEC from 2.5 years of age: from this age children can attend nursery school for 31.5 hours per week during term time. So there is no gap between the end of Parental leave/time credit and an ECEC entitlement, but a substantial gap of more than 2 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above EU and OECD averages, with universal coverage for children over 3 years of age.

3. Changes in policy since January 2010 (including proposals currently under discussion)

No changes reported. However, Belgium needs to implement the new EC Directive 2010/18/EU before March 2012, which grants both parents a minimum of 4 months of Parental leave; the social partners still need to negotiate whether the rights derived from the Time Credit (private sector) or Career Break system (public sector) can be taken into account in deciding how to implement the directive.

4. Take-up of leave

a. Maternity leave

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

b. Paternity leave

Following the extension to ten days, a large majority of men used the extended Paternity leave, up from 17,045 fathers in 2002 to 61,246 in 2008 (RIZIV/INAMI data); a comparative study estimated the take-up rate of Paternity leave in 2008 to be approximately 68 per cent. Only about 5 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. Most of the users are women, although the proportion of fathers among all leave-takers is slowly growing. From 2009 to 2010, the total number of users increased by 17 per cent, while the number of male users increased by 25 per cent; while the proportion of fathers among all takers of Parental leave increased from 9 per cent in 2002 to 27 per cent in 2010. Part-time leave options are the most popular, especially among men. Almost three quarters of leave takers use the one-fifth time option, suggesting that it is predominantly used as a flexibility measure.

d. Other employment-related measures

Between 2009 and 2010, the number of time credit users rose by 3.6 per cent. During this period full-time time credit leave decreased by 6.8% and part-time time credit leave increased by 4.4%. People aged 50 and over represent the majority of users, accounting for 66.8 per cent of expenditure, mostly using the scheme to adapt their working time by taking part-time leave. Time credit users in this age group are predominantly male, suggesting that men tend to use the time credit system as a form of flexible early retirement. By contrast, women tend to use it more to balance paid work and (child)care. In 2010, 61 per cent of all users were women.

In 2009, users of time credit represented 2.5 per cent of the workforce ; 3.4 per cent of women in the workforce and 1.8 per cent of men in the workforce.

5. Research and publications on leave and other employment-related policies since January 2010

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 use, mostly by women to maintain continuous employment when having children.

b. Selected publications since 2010 review

Frans D. & Mortelmans D. (2009) *Longitudinale gevolgen van loopbaanonderbreking (WSE-Report)*. Leuven: Steunpunt Werk en Sociale Economie. Available at: www.steunpuntwe.be. This paper analyses the longitudinal consequence of career breaks in Belgium.

Merla L. (2010) 'Peut-on se penser masculine lorsque l'on est pères "au foyer"? Le bricolage d'une identité de genre "hors normes", entre conformisme déclaré et marginalité assumée', in: V. Rouyer, S. Croity-Bletz and Y. Prêteur (eds) *Genre et socialisation de l'enfance à l'âge adulte. Expliquer les différences, penser l'égalité*, Toulouse: Eres, pp.151-162. This chapter focuses on gender identity issues of Belgian men who stay at home to care for their children.

Meulders D., Humblet C., Maron L. and Amerijckx G. (2010) *Politiques publiques pour promouvoir l'emploi des parents et l'inclusion sociale*, Gent: Academia Press. This book analyses the impact of young children on parents' labour market participation and quality of employment. It aims at identifying public policies that support dual earner families and determining the political instruments that have positive and negative consequences on the employment situation of men and women, such as childcare services, parental leaves, etc.

Vandeweyer, J. (2010) *Werkt loopbaanonderbreking? Arbeidsoriëntaties, tijdsbesteding en drukte bij loopbaanonderbrekers in Vlaanderen*. Brussel: VUB Press. In 2004, the author surveyed 1,236 women and men (20-49 years old) who had taken a career break, mainly about their experiences and time use. This PhD work also studied the impact on future labour force participation

Frans D., Mortelmans, D. and Masquillier C. (2011) *Financial consequences of career breaks. A latent growth model on register data (WSE-Report)*. Leuven: Steunpunt Werk en Sociale Economie. Available at: www.steunpuntwe.be. This paper analyses the financial consequences of career breaks in Flanders.

Market Analysis and Synthesis (2011) *Congé de paternité en Belgique: l'expérience des travailleurs*. Bruxelles: Institut pour l'Egalité des Femmes et des Hommes. Available in French and Flemish at: www.igvm-iefh.belgium.be Based on a sample of 1,200 men who became fathers in 2008, this book provides an overview of men's experience of Paternity leave in Belgium.

c. Ongoing research

Work-family and childcare leave in couples with the same salary (2011). Sarah Hibo, Femmes prévoyantes socialistes.

This ongoing qualitative research focuses on work-family and childcare leave in couples where the parents have the same salary and at least one child aged under 12 years. This study challenges the economic logic widely used to explain the failure of men to take Parental leave and their reduced investment in the domestic sphere and questions whether it does not obscure the gender logic.

Canada

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April 2011

NB. Canada is a federal state

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

Note on federal and provincial/territorial responsibility: in Canada the federal government provides maternity and parental leave benefits through the Employment Insurance (EI) programme, funded by employers and employees and administered by the Department of Human Resources and Skills Development Canada. The ten provinces and three territories (referred to below as 'jurisdictions') deliver the programme and thereby modify some of the details. These variations are minimal. Labour laws fall under provincial jurisdiction resulting in different leave entitlements. Payment of maternity and parental leave benefits is the same under the federal programme; based on a complex formula that takes economic region and low-income into account.

In January 2006, the province of Québec launched a separate Maternity, Paternity and Parental leave benefit programme, which is called the Québec Parental Insurance Plan (QPIP). Details of the programme are given below under 'regional or local variations in leave policy'.

a. Maternity leave (*congé de maternité*) (responsibility of the Department of Human Resources and Skills Development Canada)

Length of leave (before and after birth)

- Fifteen to 18 weeks depending on the jurisdiction. Leave normally may not start earlier than 11 to 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 and funding

- Fifteen weeks at 55 per cent of average insured earnings up to an earnings ceiling of CAN\$44,200 (€31,390⁴⁷) (i.e. a benefit payment ceiling of CAN\$468 (€330) per week). Low-income families can qualify for a higher benefit rate. There is no payment for the first two weeks which is treated as a 'waiting period'; this means that payment is made for 15 weeks out of 17-18 weeks leave.

⁴⁷ Conversion of local currency into Euros undertaken on 28 April 2011, using <http://finance.yahoo.com/currency-converter/>

- Funded from the federal EI fund, which is financed by contributions from employers (2.49 per cent of earnings in 2011) and employees (1.78 per cent); see 'regional or local variations' for additional contributions paid in **Québec**.

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.
- **Québec** offers benefits of 70 per cent of average weekly income up to an earnings ceiling of \$64,000 per year (€45,455) for 18 weeks of Maternity leave; there is also no two-week waiting period. There is some flexibility in use of Maternity leave. It is possible to have a higher income replacement rate but for a shorter period, or lower income for a longer period; under the 'special' plan, Maternity leave benefits are paid at 75 per cent of weekly income for 15 weeks, while under the 'basic' plan they are 70 per cent of weekly income for 18 weeks.
- These benefits are financed by contributions from employers and employees, who pay the standard contribution to EI, less a reduction but with a supplementary contribution to cover the higher benefits offered in the province. In total, employees and employers pay 4.669 per cent of earnings in **Québec** compared with 3.38 per cent in other parts of Canada, all up to a maximum insurable income of CAN\$64,000.

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

- Eligibility for job-protected leave varies between jurisdictions and is also different from the eligibility for payment of benefits. Except in **British Columbia, Québec** and **New Brunswick**, an employee must have been employed by the same employer for a certain amount of time, varying from 13 weeks to 12 months. All but one jurisdiction, **Saskatchewan**, require this employment to be continuous. Eligibility requirements for benefits under the federal programme are 600 hours of continuous employment in the last 52 weeks. Until recently, most self-employed women were not eligible for benefits since they typically work under business or service contracts and are, therefore, not considered to have insurable employment. Moreover, many part-time workers do not have enough hours to qualify. However, as described below (see part 2), the recent introduction of Bill C-56 extends EI special benefits to the self-employed on a voluntary 'opt-in' basis.

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 requires additional care). This extension can be for 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 the federal maternity benefit and the worker's salary.

b. Paternity leave (*congé de paternité*) (in Québec, responsibility of Ministère de l'Emploi et solidarité sociale)

Length of leave (before and after birth)

- No statutory leave, except in **Québec** (see 'regional or local variations').

Regional or local variations in leave policy

- **Québec** offers up to five weeks after the birth. Paternity leave may be taken for three weeks at 75 per cent of average weekly income or for five weeks at 70 per cent up to an earnings ceiling of CAN\$64,000 (€45,455) per year. Funding as for Maternity leave.
- Fathers in **Québec** (including self-employed workers) are eligible if they have earned at least CAN\$2,000 (€1,420) in the 52 preceding weeks

c. Parental leave (*congé parental*) (responsibility of the Department of Human Resources and Skills Development Canada)

Length of leave (before and after birth)

- Thirty-five to 37 weeks in most jurisdictions for one parent or shared between two parents but not exceeding a combined maximum of 35 weeks in jurisdictions where leave is an entitlement per family, as is the case in **Alberta** (not the case in **Ontario**, see below). 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 by the mother and the maximum number of weeks of leave that are allowed – including post-natal Maternity leave and Parental leave – for one person in almost all jurisdictions is 52.

Payment and funding

- Up to 35 weeks per family at the same rate as Maternity leave (55 per cent of average insured earnings up to an earnings ceiling of CAN\$44,200 (€31,390) (i.e. a benefit payment ceiling of CAN\$468 (€330) per week. Funding as for Maternity leave.
- Low-income families (less than CAN\$25,921 (€18,410) per annum) are eligible for a family supplement. In **Québec**, this supplement averaged CAN\$34.15 (€25) per family and 6.2 per cent of beneficiaries using Parental leave received this supplement.

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 (€35) 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 (€55) 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. 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** offers a basic entitlement of seven weeks at 70 per cent of average insured income plus 25 weeks at 55 per cent, up to an earnings ceiling of CAN\$64,000 (€45,455) a year. There is also a 'special plan', which applies also to Maternity and Paternity leave, offering a shorter period of leave, 25 weeks, with higher benefits, 75 per cent of earnings. Leave can be taken at any time in the 70 weeks that follow birth. Funding as for Maternity leave.

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, Québec** and **New Brunswick**, an employee must have been employed by the same employer for between 13 weeks and 12 months. All but one jurisdiction require this employment to be continuous. 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. Self-employed workers in Québec are eligible for 25 or 32 weeks if they have earned at least CAN\$2,000 (€1,420) in the 52 preceding weeks.
- Québec has less demanding eligibility conditions that allow more parents, including self-employed workers and students, to receive benefits; it no longer requires individuals to have worked 600 hours over the previous 52 weeks, but simply to have earned an insurable income of CAN\$2,000. Although nearly 80 per cent of full-time Canadian students are in the labour force, they are unlikely to work enough hours to qualify for federal EI leave benefits in Canada; by comparison, under QPIP, earning CAN\$2,000 over the previous year enables more students to access Parental leave benefits.

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

- In **Nova Scotia**, if the child for whom leave is taken is hospitalised for more than one week, an employee can return to work and take the unused portion of the leave when the child is released (this can only be taken once per leave).
- In cases where a birth mother is ill during or after pregnancy, up to 15 weeks of sickness benefits can be received, resulting in a maximum of 65 weeks of benefits (15 weeks sickness, 15 weeks maternity and 35 weeks parental benefits).
- No additional benefits are provided in the case of multiple births, however a court case is currently pending in a federal court that challenges that policy.

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 federal EI 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 (Tremblay, 2008⁴⁸). A 2010 survey of mothers who gave birth in 2008 and received EI or QPIP benefits reported that one in five mothers received an additional top-up to their benefits from their employer (Marshall, 2010⁴⁹).

- In **Alberta** if both parents work for the same employer, the employer is not obliged to grant leave to both employees at the same time.

d. Childcare leave or career breaks

- None at national or provincial levels. In some collective agreements in the **Québec** public service, for example education, but also other sectors, it is possible to adopt a programme of deferred income, working four years at 80 per cent of earnings, followed by a one-year career break, again at 80 per cent of earnings. This is however part of a collective agreement, and not a labour law or regulation.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents except in four jurisdictions. In three cases, adoptive parents are eligible for adoption leave that 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, though in Saskatchewan only the primary caregiver is eligible for the adoption leave. In **Québec**, adoption leave can be shared by both parents and provides for 12 weeks at 70 per cent and 25 weeks at 55 per cent.

Time off for the care of dependants

- **British Columbia** and **New Brunswick** allow three to five days of unpaid leave a year to care for immediate family members.
- In **Québec**, employees are allowed ten days of unpaid leave per year, which can be used for a sick child or other family member by the *Loi sur les normes du travail*. (Minimum employment standards law).
- In **Ontario**, employees are eligible for a maximum of 10 days of unpaid Personal Emergency leave per year, which can be used for a sick child or other family member. Employers that regularly employ 50 or fewer employees are exempt from this requirement.
- 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 within a 26 week period; Compassionate Care benefits of up to six weeks can be claimed through Employment Insurance for this leave. To qualify for benefits, an employee must have worked 600 hours in the last 52 weeks and 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 leave periods have been exhausted.

⁴⁸ Tremblay, D.-G. (2008) *Conciliation emploi-famille et temps sociaux*. Québec: Presses de l’université du Québec.

⁴⁹ Marshall, K. (2010) ‘Employer top-ups’, *Perspectives on Labour and Income*. Vol. 11, No. 2. February: 5-12. Statistics Canada Catalogue no. 75-001-XPE.

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. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Canada is 12-13 months; this is paid at 55 per cent of earnings (or in Québec, 11 months can be paid at over 66 per cent of earnings), up to a ceiling. There is no entitlement to ECEC at any age, and levels of attendance at formal services for children under and over 3 years are below the average for the 30 countries included in this review, especially for over 3s.

3. Changes in policy since January 2010 (including proposals currently under discussion)

On 3 November 2009 the Government of Canada introduced Bill C-56 which proposed to extend EI special benefits to the self-employed on a voluntary, 'opt-in' basis. The legislation, which was passed in January 2010, allows the self-employed to claim, starting January 2011, federal EI special benefits: maternity (up to 15 weeks of benefits), parental (35 weeks), sickness (15 weeks) and compassionate care (6 weeks). Unlike the Canada Pension Plan, where the self-employed pay both employee and employer contributions, under this system the self-employed are only expected to contribute the employee portion of the cost, which would be around CAN\$750 (€535) for 2010. A further requirement is that the self-employed person will have earned at least CAN\$6,000 (€4,260) in net income in the previous year. Once the self-employed person opts into the programme and receives an EI benefit, he or she cannot opt out again. Coverage of the self-employed in Québec has already been in place for several years.

4. Take-up of leave

Because the information available combines Maternity and Parental leave and benefits, the part below has been organised under two headings: 'mothers' and 'fathers'.

a. Mothers

Three-quarters (76.5 per cent) of mothers in 2006 had insurable income. Most (83.5 per cent) of this group received maternity or parental benefits from the federal EI programme or the QPIP. A substantial minority (23.5 per cent) were without insurable employment and therefore not eligible for Maternity or Parental leave, including mothers who were self-employed (except for Québec), students, paid workers who did not qualify, and those not previously employed⁵⁰.

Of all new mothers in 2008, 327,000 (85 per cent) were employed before giving birth. Of this group, 262,000 (80 per cent) reported receiving paid Maternity and/ or Parental leave benefits (EI/QPIP) (Marshall, 2010, see footnote 2)

⁵⁰ Statistics Canada (2007) 'Employment Insurance Coverage Survey', as reported in *The Daily*, 3 October 2007.

b. Fathers

The federal EI programme provides for Parental leave benefits that can be shared by the father and the mother. Data from Statistics Canada's 'Employment Insurance Coverage Survey' indicate however, that this measure has not been enough to increase fathers' participation significantly; mothers still took an average of 11 months off in 2004 and only 9 per cent of eligible fathers outside **Québec** took part of the leave, increasing to 12 per cent in 2008.

In **Québec**, take-up was already higher in 2004, with 22 per cent of fathers using some leave. The new Parental leave scheme, introduced in 2006, has had an impact on fathers' participation: in 2006, 56 per cent of fathers in Québec took a period of Paternity and/or Parental leave, rising in 2009 to 76 per cent. Taking account of all forms of leave, the proportion of fathers absent from work for birth or adoption has increased from 67 to 80 per cent in Québec from 2005 to 2006, and from 45 per cent to 55 per cent across the whole of Canada.

In 2008, the average time fathers on leave took off work was nine weeks. In 2009, the average period in **Québec** was seven weeks, with 69 per cent of fathers taking up only the reserved three to five weeks of Paternity leave; in the rest of Canada, fewer fathers took leave, but the average time taken was 13 weeks. Two-thirds (67 per cent) of Canadian men return to work less than one month after birth or adoption, compared to only 2 per cent of women; 17 per cent of fathers take one to five months of leave; and 10 per cent take six to 11 months compared to 12 and 33 per cent of women. Just over half of all mothers (51.5 per cent) take 12 months or more of leave, compared to only 4 per cent of fathers (Doucet et al., 2009; McKay et al., in press). In 2008/09 the number of fathers who shared the biological parental benefit with their partner increased by 3.6% over the previous year. Almost 62% of biological parental claims taken by men were shared with their partner. By comparison, only 6.4% of women who established biological parental claims shared them with a partner.⁵¹

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Parental leave policy has been directly studied by Statistics Canada. The annual Employment Insurance Coverage Survey monitors uptake of parental leave across the country. Changes were made in 2006 to reflect the change in jurisdiction of parental benefits in Québec and to separate parental benefits for mothers and parental benefits for fathers. Mothers are asked about parental benefits including the reasons for their spouse taking or not taking Parental leave. Fathers are not included in this part of 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 provide more support and flexibility to parents and ensure optimal development in children. Within this research, there is some emphasis being given to

⁵¹ Human Resources and Skills Development Canada (2010) *Employment Insurance Monitoring and Assessment Report 2009*. Available at: http://www.hrsdc.gc.ca/eng/employment/ei/reports/eimar_2009/index.shtml

fathers, including a large national study conducting research into the lives of diverse groups of Canadian fathers (*Supporting Fathering Involvement*, see part 4c). Some recent research in Québec addresses the use of Paternity leave and the impact of Parental leave on careers and organizations.

b. Selected publications since January 2010

McKay, L. and Doucet, A. (2010) 'Without taking away her leave': a Canadian case study of couples' decisions on fathers' use of paid leave', *Fathering* (special issue edited by Margaret O'Brien and Linda Haas on Men, Work and Parenting), Vol.8, No.3: 300-320.

This article explores decision-making and negotiations within couples around fathers' take-up of Parental leave in two provinces with different policy regimes: Ontario and Quebec.

McKay, L., Marshall, K. and Doucet, A. (in press, 2011) 'Fathers and Parental Leave in Canada: policies, practices and potential', in: J. Ball and K. Daly (eds.) *Engaging Fathers in Social Change: Lessons from Canada*, Vancouver: UBC Press.

This chapter combines a qualitative study on fathers and Parental leave in Canada with expert knowledge from Statistics Canada.

Tremblay, D.-G. (2010) 'L'articulation emploi-famille dans les entreprises d'économie sociale au Québec', in: F. Degavre, D. Desmette and E. Mangez, (eds.) *Transformations et innovations économiques et sociales en Europe; Quelles sorties de crise ? Regards interdisciplinaires - Actes des XXXièmes journées de l'AES*. Louvain-La-Neuve : Presses Universitaires de Louvain, pp. 335-355.

This chapter presents work-family measures, including childcare and leaves, in social economy organizations in Québec, and develops the role of organizational support for the offer of such measures.

Tremblay, D.-G. (2010) *Work-family articulation and economic sustainability; does democratic management make a difference ?* Proceedings of the International working party on labour market segmentation Conference, Valencia. Spain. Available at:

<http://www.uv.es/iwplms/conferenceabstractspapers.html>;

<http://www.uv.es/iwplms/TREMBLAY.pdf>

This paper presents childcare, leaves and organizational support in social economy firms and asks if democratic or participatory management makes a difference, in terms of support for leaves and other work-family arrangements from supervisor and colleagues .

Tremblay, D.-G. (2010) *La conciliation emploi-famille dans les entreprises en économie sociale : de meilleures mesures et davantage de soutien organisationnel ? Rapport de recherche de l'ARUC sur la gestion des âges et des temps sociaux No 2010-3*. Available at: www.teluq.uqam.ca/aruc-gats.

This report describes the situation in 2009 regarding work-family balance measures, including childcare and leaves, in the social economy sector in Québec.

Tremblay, D.-G. (2010). *Conciliation emploi-famille et temps sociaux dans les Centres à la petite enfance. Research note of the Community-university research alliance (CURA) on work-life articulation over the lifecourse (ARUC sur la gestion des âges et des temps sociaux) No 2010-4*. Available at: www.teluq.uqam.ca/aruc-gats.

This research note deals with work-family support measures in the childcare sector in Québec: what leaves and other measures are offered, why they are offered, and the philosophy behind support for such measures.

Tremblay, D.-G. and Boisvert, J. (2010) *La conciliation emploi-famille dans les entreprises en économie sociale : un secteur axé sur les valeurs sociales et les besoins des individus*

Rapport de recherche de l'ARUC sur la gestion des âges et des temps sociaux No 2010-2.
Available at: www.teluq.ugam.ca/aruc-gats

This research note highlights the importance of social values in the social economy sector as an explanation for the higher support offered to parents in this sector, making it easier for them to take leaves.

Tremblay, D.-G. and Darchen, S (2011) 'Municipal family policy and work-family balance: the case of five Québec municipalities', *Canadian Journal of Regional Science*, Vol. 33, No.1: 15-32. Available at: <http://www.lib.unb.ca/Texts/CJRS/>

This article highlights the main family policies that 5 municipalities in Québec provide, comparing them with similar policies in Europe. It concludes that the developments in Québec are somewhat more limited on time issues, daycare and leaves, but wider on leisure, parks, and more traditional municipal issues.

Tremblay, D.-G., di Loreto, M. and Genin, É (2010) 'Le congé parental et les autres congés familiaux : un droit ou un privilège?', in: I. Barth and C. Falcoz (eds.) *Nouvelles perspectives en management de la diversité. Égalité, Discrimination et diversité dans l'emploi*.

Strasbourg: Éditions EMS(EM Strasbourg Business School), Management et société.

This article shows that Parental leave has become widely accepted by Québec firms, but that other leaves are less accepted. It also indicates that there are still negative impacts on careers, comparing the perceptions in the police service of those who have taken leave and those who have not.

c. Ongoing research

Work-life balance and attraction-retention of workers in the health sector (2010-2012).

Coordinated by Diane-Gabrielle Tremblay at UQAM-Téluq, funded by the Community-University Research Alliance (CURA) programme of the Social Sciences and Humanities Research Council of Canada and the renewed (2009-2016) Canada Research Chair on the Socio-organizational Challenges of the Knowledge Economy (www.teluq.quebec.ca/chaireecosavoir).

A project on measures of work-life balance that can contribute to attraction and retention of workers in the health sector, a sector with important labor shortages. :

dgtrembl@teluq.ugam.ca; website: www.teluq.ugam.ca/aruc-cura

A comparison of work-family measures in three professional sectors in Québec and Belgium (2010-11).

Diane-Gabrielle Tremblay, Bernard Fusulier and David Laloy (post-doc), funded by the Canada Research Chair on the Socio-organizational Challenges of the Knowledge Economy (<http://www.teluq.quebec.ca/chaireecosavoir>) and CURA on work-life articulation over the life-course (Social Science Research Council of Canada). Preparation of a book to be published on three professional groups (police, social work and nursing) to determine to what extent the organizational context and the attitudes of peers in various professions can impact on the use of various types of leaves, mainly Parental leave. We also address the issue of the use of Paternity leave and the impact of Parental leave on careers and organisations in these three sectors. Contact: Diane-Gabrielle Tremblay:

dgtrembl@teluq.ugam.ca

Engagement in work and work-life challenges in the professional and management sectors. (2011-2012). Diane-Gabrielle Tremblay and Jens Thoemmes, with Ryad Kanzari (post-doc). funded by the CURA on work-life articulation over the life-course (Social Science Research Council of Canada)

This research analyzes the challenges in terms of working time and work-life balance arising from the professional engagement of certain categories of workers. A survey will be conducted with 7 professional groups in Québec. Contact: Diane-Gabrielle Tremblay at:

dgtrembl@teluq.ugam.ca; website: www.teluq.ugam.ca/aruc-cura

Engagement in work and work-life challenges for lawyers in Québec (2011-2012). Diane-Gabrielle Tremblay and Elena Moscova , funded by the CURA on work–life articulation over the life-course (Social Science Research Council of Canada).

This research analyzes the challenges for lawyers working in different professional contexts. A survey will lead to analyses of fathers' use of Parental leave and intergenerational solidarity. Contact: Diane-Gabrielle Tremblay at dgtrembl@teluq.ugam.ca; website: www.teluq.ugam.ca/aruc-cura

Croatia

Ivana Dobrotić

April 2011

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

a. Maternity leave (*rodiljni dopust*); maternity exemption from work (*rodiljna poštuda od rada*); maternity care for the child (*rodiljna briga o novorođenom djetetu*) (responsibility of the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity)

Length of leave (before and after birth)

- *Maternity leave*: 28 days before the expected day of birth, then until the child turns six months of age. It is obligatory to take 28 days before the expected date of delivery and 42 days after the birth, without interruption. In exceptional circumstances, based on a medical assessment, leave can start 45 days before the expected date of delivery.
- *Maternity exemption from work/maternity care for the child*: from the day of birth until the child turns six months of age.

Payment and funding

- *Maternity leave*: 100 per cent of earnings, with no ceiling on payments.
- A parent who does not meet the condition of at least 12 months of continual insurance receives 50 per cent of the 'budgetary base rate' of HRK3,326 per month (€450⁵²); gross average earnings (2010) were HRK7,679.
- *Maternity exemption from work/maternity care for the child*: 50 per cent of the budgetary base rate per month
- Funded from general taxation.

Flexibility in use

- *Maternity leave*: after the compulsory Maternity leave, a parent can use the remaining period of leave on a part-time basis, in which case the duration is doubled with compensation at half the level of full-time leave; this part-time leave can continue until nine months after birth.
- After the compulsory Maternity leave period, the father of the child has the right to use the remaining period of Maternity leave, if the mother agrees.
- *Maternity exemption from work/maternity care for the child*: from the forty-third day, the mother can terminate the use of maternity exemption from work/maternity care for the

⁵² Conversion of local currency into Euros undertaken on 28 April 2011, using <http://finance.yahoo.com/currency-converter/>

child, in which case the father of the child (if he has the same labour law status as the mother) has the right to use the remaining share of the unused leave, if the mother agrees.

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

- *Maternity leave*: all employed and self-employed persons.
- *Maternity exemption from work*: parents employed on a different employment basis (e.g. parents who are earning a second income on which contributions have been paid), farmers and unemployed parents.
- *Maternity care for the child*: parents outside the labour system, due for example to retirement, incapacity or studying.

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

- In cases of poor health or health risks for the mother and child, the pregnant mother is entitled to sick leave before birth for the duration of the risk ('sick leave due to illness and complications related to pregnancy'), in addition to Maternity leave. The mother is paid 100 per cent with a ceiling of HRK4,257 (€590) a month.
- Leave is extended in the case of premature births.
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*roditeljski dopust*) / parental exemption from work (*roditeljska poštuda od rada*) / parental care for the child (*roditeljska briga o novorođenom djetetu*) (responsibility of the Ministry of Family, Veterans' Affairs and Intergenerational Solidarity)

Length of leave

- *Parental leave/parental exemption from work*: three months (90 days) per parent per child for the first and second born child; 15 months (450 days) per parent for twins, other multiple births and the third and every subsequent child. An extra two months can be taken if the father uses his three-month entitlement. Leave is an individual entitlement, but can be transferred from one parent to the other.
- *Parental care for the child*: from six months of age until the child turns one year of age, for the first and second born child; or until the child turns three years of age for twins, the third and every subsequent child

Payment and funding

- *Parental leave*: 100 per cent of average earnings, with a ceiling of 80 per cent of the budgetary base rate for the first six months; 50 per cent of the budgetary base rate after the first six months or if parents do not fulfil the condition of at least 12 months of continual insurance period.
- *Parental exemption from work/parental care for the child*: 50 per cent of the budgetary base rate.

- Funded from general taxation.

Flexibility in use

- *Parental leave:*
 - Leave is a personal right of both parents but one parent can transfer their entitlement to the other, if both parents agree and with written consent.
 - Parents can use their entitlement at the same time or consecutively.
 - Leave can be taken in the following ways: a) fully (in one period); b) partially (no more than two times per year, each time for no less than 30 days); c) part-time (duration is doubled and compensation is 50 per cent of the compensation for full-time leave).
 - Leave can be taken until the child turns eight years of age.
- *Parental exemption from work/parental care for the child:* if a parent terminates their leave due to employment/self-employment, the other parent has the right to use the unused share of the first parent's leave with that parent's consent, if the other parent has been continuously working for at least three months and if both parents share the same labour law status.

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

- *Parental leave:* all employed and self-employed persons.
- *Parental exemption from work:* parents employed on a different employment basis (e.g. parents who are earning a second income on which contributions have been paid), farmers and unemployed parents.
- *Parental care for the child:* parents outside the labour system, due for example to retirement, incapacity or studying.

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

- Longer leave for multiple births and third or subsequent births (see 'length of leave').
- If the parent taking leave dies or is for any other justified reason unable to exercise the right, leave can be transferred to the other parent.

d. Childcare leave or career breaks

If parents have fully used Maternity and Parental leave, one of the employed parents has the right not to work until the child turns three years of age. During that time, the parent's rights and obligations regarding his/her employment are suspended, and the rights to compulsory health insurance and retirement insurance are maintained. This is unpaid.

e. Other employment-related measures

Adoption leave and pay

- In the case of employed/self-employed adoptive parents, one adoptive parent can exercise the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of: a) six months for adopted child under three years of age; b) five months for adopted child aged three to five years; c) four months for adopted child aged five to 18 years. Adoption leave is extended for 60 days in the case of the adoption of twins or a child that is the third child or any subsequent child in the family,

or of a child with developmental difficulties. After this period of leave, the adoptive parent of a child under three years of age has the right to Parental leave and all other rights of employed/self-employed parents. If the adopted child is over three years of age, the right to Parental leave until the child turns eight years of age is shortened by 30 days for every year the adopted child is older than three years. Payment is the same as for Maternity/Parental leave.

- In the case of other adoptive parents, one adoptive parent can exercise the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of: a) 12 months for adopted child up to three years of age, b) nine months for an adopted child aged three to five years, c) six months for adopted child aged five to eight years, d) four months for adopted child aged eight to 18 years. Adoption leave is extended for 60 days in the case of the adoption of twins or a child that is the third child or any subsequent child in the family, or of a child with developmental difficulties. Unused leave can be transferred to the other adoptive parent on resumption of employment/self-employment under the same condition as parental exemption from work/parental care for the child. Payment is at 50 per cent of the budgetary base rate.

Time off for the care of dependants

- There is an entitlement to leave if a co-resident spouse or child is ill, with length and payment depending on the child's age: under three years – up to 40 working days for each illness at 100 per cent of earnings; three to seven years – up to 40 working days for each illness, at 70 per cent of average earnings; older child and co-resident spouse – up to 20 working days for a child and up to 15 working days for an adult for each illness at 70 per cent of average earnings. Leave can be extended on the basis of medical committee decision. All payments subject to a ceiling of HRK4,257 (€580) per month.
- A worker has the right to seven days fully paid leave for important personal needs, including those related to marriage, childbirth, or the serious illness of a member of the immediate family.

Flexible working

- During the first 12 months after the child's birth, mothers employed full time and who are breastfeeding are entitled to two hours absence from work (once a day for two hours or two times a day for one hour), paid at 100 per cent of the budgetary base rate, recalculated to the hourly rate. If an employed pregnant woman or mother breastfeeding her child works on a job that is harmful to her health and the health of a child she is breastfeeding, and if the employer has not provided for her another position within the company, she has the right to leave, at full earnings to be paid by the employer.
- After Parental leave, one of the employed/self-employed parents has the right to work shorter hours until a child turns three years of age if the child requires increased care due to its health and development, and only if Parental leave was fully used; paid at 50 per cent of the budgetary base rate (recalculated to the hourly rate, only for the hours outside the work).
- Employed or self-employed parents of a child with a serious developmental problem, including physical disability, have the right to take leave to care for the child or to work shorter hours until the child is eight years old. Parents can then work shorter hours, until the child finishes regular education. Payment during this period is: a) during leave – 65 per cent of the budgetary base rate if beneficiary has 12 months of continual insurance period, otherwise 50 per cent of the budgetary base rate; b) during shorter

working hours – the difference in salary if the beneficiary has 12 months of continual insurance period, otherwise 50 per cent of the budgetary base rate.

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

The maximum period of paid post-natal leave available in Croatia is 12 months+2 bonus months; this is paid at 100 per cent of earnings up to a ceiling for Parental leave. There is no entitlement to ECEC at any age, though there it is obligatory for all 6 year olds to attend ECEC for at least 250 hours as preparation for school at 7. Levels of attendance at formal services are well below the average for the 30 countries included in this review.

3. Changes in policy since January 2010 (including proposals currently under discussion)

No changes reported.

4. Take-up of leave

a. Maternity leave

There is no systematic information on what proportion of women and men take Maternity leave. But, it is likely that all insured women take at least the first six months. The latest available data show that the average yearly number of employed/self-employed persons using Maternity/Parental leave in 2009 was 34,489 up to the child's first year and 6,286 up to the child's third year. Additionally, 9,135 mothers took Maternal/Parental exemption from work up to the child's third year.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Although Croatian legislation started to recognize the term Parental leave in 2009, the take-up data still did not started to be reported regarding that division i.e. separately for maternity and parental leave.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Studies have addressed a range of issues including those related to family policy and childcare, the reconciliation of paid work and family life, different gender issues as well as attitudes towards the marriage and different family forms.

b. Selected publications since January 2010

Dobrotić, I., Matković, T. and Baran, J. (2010). 'Zaposlenost žena i pristup sustavu predškolske skrbi za djecu u Hrvatskoj: postoji li veza?' ['Female Employment and Access

to Child Care Services in Croatia: Is There a Connection?'], *Revija za socijalnu politiku*, Vol.17, No. 3: 363-385. Available on: <http://www.rsp.hr/ojs2/index.php/rsp/issue/view/58>

The main goal of this paper was to establish the existence, strength and direction of association between female employment rate and child care coverage in Croatia at county level in the period 1998-2009. The existence of substantial and stable regional differences in both child care coverage and female employment rates has been established; a strong correlation between these two indicators exists, but the association between their yearly changes is far weaker. Statistical analysis indicated a strong effect of annual changes in county-level GDP in explaining employment rates, while lagging the trend in child care coverage for one year did not change the results. Association is more robust when changes in child care coverage are being predicted by changes in female employment level in the previous year. These findings suggest that current organization of the child care system in Croatia does not encourage a substantial increase in female employment and fails to provide equal access to care services for all its citizens.

Nikodem, K., Aračić, P. and Džinić, I. (2010). 'Važnost braka i obitelji u hrvatskom društvu. Analiza osnovnih pokazatelja u razdoblju od 1999. do 2008. godine' ['The Importance of Marriage and the Family in Croatian Society. An Analysis of Basic Indicators from 1999 to'], *Bogoslovska smotra*, Vol.80, 2: 623-642.

This article is based on a comparative analysis of the results of an international empirical survey - The European Value Study (EVS) for 1999 and 2008. It analyses various topics related to marriage and family life like the importance of marriage and the family, the significance of children for a happy personal and family life, free choice for single parenting and acceptance of alternative family forms. Comparing the results of the EVS survey for 1999 with the results of the same survey in 2008 it is easy to recognise the changes that occurred with regard to the institution of marriage and the family which is primarily reflected in the diminishing number of those who highly value marriage and the family as a fundamental institution as well as certain changes in attitude towards topics relating to marital and family life, e.g. valuing free choice for single parenting.

Raboteg-Šarić, Z. and Pećnik, N. (2010). 'Stavovi prema samohranom roditeljstvu' ['Attitudes Toward Single Parenthood'], *Revija za socijalnu politiku*, Vol.17, No.1: 5-25. Available at: <http://www.rsp.hr/ojs2/index.php/rsp/issue/view/56>

The paper presents the results of a survey on attitudes of parents of different marital status and gender towards single parenthood, and the connection of attitudes towards single parenthood with other socio-demographic characteristics. Single parents, women, younger parents and parents of better material status show more positive attitudes towards single parenthood. Furthermore, society does not treat all single parents equally, but differentiates them according to how they became single parents and according to their gender. While the attitude of society towards widows and widowers is positive, it is unfavourable towards divorced and single fathers, and even more so towards divorced and unmarried mothers.

c. Ongoing research

Indicators of Social Cohesion and Development of the Croatian Social Model (2007-2012). Coordinated by S. Zrinščak, Faculty of Law, Department of Social Work, University of Zagreb, funded by the Ministry of Science, Education and Sports.

The aim of the project is to understand intensive and comprehensive changes taking place in the different social policy systems in Croatia, especially in the context of deep transformation after the fall of socialism. Among the areas of interest is the field of family policy, especially the impact of an ageing population, changing family structures and different policy pressures on different policy measures. There is also the question of what are the consequences of policy measures for different family forms, i.e. does family policy take into account

pluralisation as a major trend and how does it reconcile the need for demographic growth with the real lives of different families.

Czech Republic

Jirina Kocourková

April 2011

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) and funding

- Seventy per cent of daily earnings up to a maximum payment of CZK31,341 (€1,285⁵³) per month.
- Payment is financed from sickness insurance contributions by employers and employees.

Flexibility in use

- Leave can be started six to eight weeks before birth.
- From the start of the seventh week after childbirth, either parent may use the leave, i.e. the mother may alternate with the father of the child, with no restriction on the frequency of alternation.

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 the case of multiple births, the length of leave is increased by nine weeks.

⁵³ Conversion of local currency into Euros undertaken on 15 May 2011, using <http://finance.yahoo.com/currency-converter/>

- When the child is born dead, the mother is granted 14 weeks of Maternity leave.

b. Paternity leave

No 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 and funding

- A Parental benefit - *rodicovsky prispevek* - is available to all families who meet the eligibility condition whether or not they take Parental leave. Parents can choose between three Parental benefit options: a long option after maternity benefit or from the birth of the child (if the parent is not entitled to maternity benefit) at the basic rate (CZK7,600 (€310) per month) until the child is 9 months old and at the reduced rate (CZK3,800 (€155) per month) until the child is 48 months old; a mid-range option only available to parents who are entitled to maternity benefit at the basic rate (CZK7,600 per month) until the child is 36 months old; and a short option only available to parents who are entitled to maternity benefit of at least CZK380 (€15) per calendar day at the increased rate (CZK11,400 (€465) per month) until the child is 24 months old.
- While Parental leave can only be taken up to the child's third birthday, the Parental benefit is paid until the child's fourth birthday.
- Parental benefit is funded from general taxation.

Flexibility in use

- The period and amount of parental benefit may only be selected at the specified periods. Once a decision has been made, the selected option cannot be changed and may not be paid retrospectively.
- 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.
- Payment of parental benefit is conditional on not using a formal ECEC service for more than five days a month.

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 disabled child, a parent is entitled to Parental benefit at the basic rate of CZK7,600 (€310) until the child is seven years of age. If the child is diagnosed as suffering from a long-term disability the parent is entitled to Parental benefit at the lower rate CZK3,000(€125) from 7 to 15 years of child' age.
- 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 statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Employees can take leave to care for a sick relative at home (in all cases of illness for a child under ten years; otherwise, only in case of a serious illness). Leave is paid at 60 per cent of earnings up to a ceiling of CZK777 (€30) per day. A parent can take no more than nine days in one block of time, but there is no limit regarding the frequency of taking leave; parents are allowed to alternate with each other during the course of taking leave to care for a sick child.

Flexible working

- None.

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

The maximum period of paid post-natal leave available in the Czech Republic is 3 years, but most of this is low paid; leave paid at a high earnings-related rate runs for only 5 months. There is no entitlement to ECEC. Levels of attendance at formal services for children under 3 years are very low, well below the average for the 30 countries included in this review; levels of attendance for children over 3 years are much higher, but still below the average.

3. Changes in policy since January 2010 (including proposals currently under discussion)

In 2008, the government agreed to adopt a new package of family policies including introduction of one week of paid Paternity leave. Legislative procedures were expected to be completed during 2009, with the new policy coming into effect in January 2010. However, the unanticipated fall of the Czech government has suspended this process, and the Czech government that took up office in 2010 did not include the introduction of Paternity leave in its family policy design.

In 2009, as part of budget reductions adopted by the Czech provisional government, Maternity leave benefit was cut by roughly 20 per cent, through reductions in the proportion of earnings paid (from 70 to 60 per cent) and in the maximum benefit payable. This reduction was in effect from 1 January until 31 May 2010. From 1 June 2010, the level of payment reverted to its former level due to strong public opposition as well as pre-election competition between political parties.

Since 2011 the long option of Parental benefit has been made less favourable as the benefit at the basic rate, CZK7,600 (€310) per month, is paid only until the child is 9 months old instead of 21 months.

4. 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, so that fathers could take leave, was introduced in 1990, but truly equal conditions for both parents were not introduced until January 2001. However, the number of men receiving Parental benefit in comparison to women has remained negligible. In 2001, men accounted for 0.77 per cent of recipients of this benefit; since then, there has been a slight increase, but only to 0.99 per cent in 2003, 1.4 per cent in 2006, and 1.5 per cent in 2008 when 5,724 men received Parental benefit compared with 375,876 women.

There is no information about how long women or men take 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 their jobs.

4. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Recently research on work-life balance has been undertaken in particular by the Department of Demography and Geodemography at Charles University, by the Department of Gender Studies at the Sociological Institute of the Academy of Science, and by the working group on family policy in the Research Institute for Labour and Social Affairs.

b. Selected publications since January 2010

Kocourková, J. (2009) 'Family policy in EU member states', in: L. Fialová et al. (eds.) *Population Development in the Czech Republic*. Prague: SLON, pp. 129-132.

Family policies are discussed from various perspectives. Although the EU is not moving towards adopting a uniform family policy, it is possible to trace common features shared by EU member states.

Kocourková, J. (2010) 'Rodinná politika a její pronatalitní význam' ['Family policy and its pronatalist significance'], in: D. Bartoňová et al. (eds.) *Demografická situace České republiky: proměny a kontexty*. Praha: Sociologické nakladatelství. Prague: SLON, pp.169-180.

A specific feature of family policy in the Czech Republic is that personal care continues to be favoured over other forms of childcare, and the country lacks an adequate network of childcare facilities for children up to the age of three years. The main drawback lies in the lack of continuity, adding to which is the long-term political dispute over the direction of family policy.

Kocourková, J. (2010) 'Work-life balance in the Czech Republic', in: P. Michon (ed.) *Work – Life Balance Policy in the Czech Republic, Hungary, Poland, and Slovakia 1989-2009: Twenty Years of Transformation*. Poznan: Dom Wydawniczy Harasimowicz, pp. 10-31.

The Czech government's position regarding family policy has not changed much after 2006 when EU member states were stimulated to modernize their family policies. Changes in policy making towards de-familialization cannot be expected until current policies come into explicit conflict with the needs and aspirations of the public.

Mitchel, E. (2010) 'Rodina nebo zaměstnání? aneb Jak český sociální stát podporuje zaměstnanost žen s malými dětmi v evropském kontextu' ['Family or work? How does the Czech social state support the economic activity of women with small children within the european context'], in: J. Chaloupková, D. Hamplová, E. Mitchel and M.Vítečková (eds.) *Proměny rodinných a profesních startů*. Sociologický ústav AV ČR, v.v.i

The analysis concentrates on the conditions that family policy in the Czech Republic creates for families to reconcile work and family responsibilities. Within a cross-national comparison, the Czech Republic does least to encourage the earlier return of women to work from Parental leave, i.e. before the child is three age old.

c. Ongoing research

None reported.

Denmark

Tine Rostgaard

April 2011

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

Note on terminology: *Graviditetsorlov* is the leave to be taken by the mother before birth, *Barselorlov* the leave reserved for the mother after birth, *Fædreorlov* the leave reserved for the father after birth, and *Forældreorlov* the leave available for both parents after birth. However, in the law the four leave schemes bear the same name *Barselorlov*, or literally Childbirth Leave, because they technically all originate from the same law on leave.

a. Maternity leave (*Graviditets* and *Barselorlov*: see 'note on terminology') (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 and funding

- Full earnings up to a ceiling of DKK766 (€105⁵⁴) per working day before taxes for full-time employees, or DKK3,830 (€515) weekly.
- Employees either receive a daily cash benefit under the sickness benefit scheme, which is the basic system available for all employees; or they receive full coverage of their former earnings from their employer if covered by a labour market agreement which gives this entitlement (see 'additional note' for proportion receiving full earnings replacement).
- Sickness benefit scheme funded by state from general taxation, except for first eight weeks when municipalities bear half of the cost.
- To help employers finance these costs, different leave funds have been set up. In 1996 a leave fund was set up to reimburse private employers' leave costs, so that the cost for compensation was pooled. Several municipal employers set up identical funds in the following years, and in 2005 it was made obligatory for all municipal employers. Municipal employers pool the costs of employees' take-up of leave, so that a workplace with a predominance of female workers should not face higher costs. From 2006, private employers also have to be members of a leave fund. In the largest private leave fund, DA-Barsel, private employers pay DKK820 (€110) per year for each full-time employee and receive reimbursement of up to DKK160 (€21) per hour for up to 26 weeks; this means that female employees with a salary below DKK25,000 (€3,350) per month will be able to receive full earnings for up to 26 weeks, without

⁵⁴ Conversion of local currency into Euros undertaken on 10 May 2011, using <http://finance.yahoo.com/currency-converter/>

cost to the employer. The additional cost of compensation for employees with higher salaries than DKK25,000 monthly has to be born by the employer. An overview in 2008 showed that many employers fail to claim reimbursement from the fund, most likely because they forget it.

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 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. Survey data showed that in 2006 63 per cent of mothers received such additional income during the Maternity leave, and as many as 73 per cent of those who were in employment prior to giving birth (Olsen, 2007⁵⁵). (See more information on additional rights under Paternity and Parental leave).

b. Paternity leave (*Fædreorlov*: see ‘note on terminology’) (responsibility of the Ministry of Labour)

⁵⁵ Olsen, B.M (2007) *Evaluering af den fleksible barselsorlov. Orlovsreglerne set fra forældres, kommuners og arbejdspladsers perspektiv [Evaluation of the flexible leave. Leave rights from the perspective of parents, municipalities and employers]*. SFI 07: 29. Available at: http://www.sfi.dk/graphics/SFI/Pdf/Rapporter/2007/0729_Fleksibel%20Barselorlov.pdf

Length of leave

- Two weeks, to be taken during the first 14 weeks after birth.

Payment and funding

- Payment and funding as for Maternity leave.

Eligibility

- Anyone in a recognised partnership, including same-sex partnerships.

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 during the leave. In a survey from 2006, 85 per cent of all fathers reported receiving full earnings during Paternity leave (Olsen, 2007).

c. Parental leave (*Forældreorlov*: see ‘note on terminology’) (responsibility of the Ministry of Labour)

Length of leave

- Thirty-two weeks, until the child is 48 weeks. Each parent is entitled to 32 weeks but the total leave period cannot exceed more than 32 weeks per family.

Payment and funding

- Payment and funding as for 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)

- Labour market agreements often give the right to ten weeks of full pay during Parental leave (Olsen, 2007).
- From 2007, the industrial sector (representing 7,000 employers nationwide including production, service, knowledge and IT) has introduced a paid father's quota. Previously women had been awarded the right to 14 weeks with payment (in addition to the basic benefit payment) after giving birth. Now the family has been awarded nine extra weeks with this additional payment, making 23 weeks of additional payments. Three weeks are for the father, three weeks for the mother and three for the parents to share. The weeks for the mother and the father respectively are quotas and are lost if not used.
- As part of the labour market negotiations in Spring 2008, a new Parental leave model has been introduced for employees working in the state sector. If both parents work in the state sector they now have a right to leave with full payment for 6+6+6 weeks after Maternity leave, in all 14 weeks of Maternity leave and 18 weeks of Parental leave, both with full payment, a total of 32 weeks. Six weeks is earmarked for the mother, six weeks for the father and six weeks can be shared. The six weeks for the father replaces his two weeks of Paternity leave with full earnings, so in all he now has an individual right to six weeks with full pay.
- In a survey on parents of children born in 2005, 55 per cent of fathers reported that they received full wages during their whole time on Parental leave, and 9 per cent of mothers. This difference is due to mothers taking longer leave periods, going beyond the weeks where they might be entitled to full earnings; for a large part of their leave period, therefore, they receive only basic benefit payments (Olsen, 2007) as outlined under Maternity leave.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents, with the exception that two of the 48 weeks must be taken by both parents together.

Time off for the care of dependants

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

Flexible working

- None

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

The maximum period of paid post-natal leave available in Denmark is 14 months, if parents take the option of a longer Parental leave period with a lower benefit payment; leave at 100 per cent of earnings subject to a ceiling lasts for 11 months. There is an entitlement to ECEC

from 6 months of age, so there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children under 3 years are well above the average for the 30 countries included in this review, indeed the highest rate of any country, and around average for over 3s.

3. Changes in policy since January 2010 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

Nearly all mothers take Maternity leave. In a survey conducted in 2006 among parents of children born in 2005, 99 per cent of mothers had taken Maternity leave. Mothers on average used all the 14 weeks to which they were entitled, and 95 per cent reported that they experienced no problems with the workplace when they wanted to take leave. A few mothers reported that they were made redundant or experienced bullying from colleagues, and several mentioned that the employer found it difficult to find a replacement (Olsen, 2007).

b. Paternity leave

Most (89 per cent) of fathers in the 2006 survey made use of the two weeks of Paternity leave, and 95 per cent reported that they had experienced no problems with the workplace when they asked for leave (Olsen, 2007).

c. Parental leave

Survey data show that among parents of children born in 2005, 24 per cent of fathers took Parental leave and 94 per cent of mothers. On average, mothers took 28 weeks of leave, and fathers eight weeks. Twenty-three per cent of fathers started their leave before the Maternity leave expired, i.e. parents were on leave at the same time. Two-thirds (68 per cent) of two-parent families took all the 32 weeks of Parental leave to which they were entitled. Among single parents, 73 per cent took 32 weeks; as Olsen notes, this is interesting because single parents in the Nordic countries tend to take shorter leave periods, often due to the loss of income (Olsen, 2007).

Among the men, public employees account for two-thirds (67 per cent) of Parental leave-takers even though they only make up 48 per cent of those entitled to Parental leave. This may be because they receive full earnings during leave or because they are working in more gender-mixed workplaces. Among those men who do not take leave, 88 per cent are employed in the private sector (Olsen, 2007) and this suggests that they have more difficulties taking leave and/or poorer rights.

The take-up of leave is related to the educational level of both men and women. In those families where the woman takes the greatest part of the leave, the mother tends to have a low educational level and the father is unskilled, or the reverse; in these families, women typically take 99 per cent of total Parental leave weeks. Self-employed workers, both men and women, tend in general to take fewer weeks of leave. This is confirmed in register data from Statistics Denmark, looking into couples who became parents in 2006. The higher the

educational level of the father, the more Parental leave he takes; engineers, lawyers and teachers on average take 42 days of Parental leave, whereas occupational groups such as office clerks, employees in the service sector, and agricultural and horticulture workers on average use only 24 days. Fathers with middle educational level – such as IT workers, chemists, photographers, nurses and police officers – take on average 29 days (Statistics Denmark, 2008⁵⁶).

Overall, therefore, what seems to be important when men and women negotiate on who should take leave is wages, educational level, workplace culture and age and these seem to be common factors for both the public and private sectors.

According to data from the 2006 survey, there seems to be agreement on the division of leave between men and women; 98 per cent of women and 98 per cent of men stated that they and their partner agreed on how to divide the leave period. They also seem to agree on what is important to consider when dividing leave between parents; among the considerations that affect the division of leave weeks, couples mentioned: their work/educational situation (men 45 per cent, women 30 per cent), their finances (39/28 per cent), the child (32/25 per cent), desire to reconcile work and family life (28/27 per cent), equality between parents (22/8 per cent), and day care of the child (11/5 per cent) (Olsen, 2007).

The 2006 survey found that 36 per cent of women on leave and 6 per cent of men on leave made use of some form of flexibility: 21 per cent of women and 4 per cent of men postponed periods of leave to be taken later, 12 per cent of women and 3.5 per cent of men extended their leave periods by 8 or 14 weeks (often because of lack of day care), and 4 per cent of men and 8 per cent of women took up part-time work with or without an extension of the leave period (Olsen, 2007).

The survey also revealed that 27 per cent of men and 42 per cent of women reported a lack of information on leave rights and that 37 per cent of men and 23 per cent of women were in favour of the re-introduction of quotas in Parental leave. Olsen interprets this lower support among women as related to the fact that a father's quota would require women to give up a number of weeks currently available to them. The higher support among fathers is related to a wish for more back-up when they discuss leave-taking with their employer or with colleagues (Olsen, 2007).

5. Research and publications on leave and other employment-related policies since January 2010

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 2010

⁵⁶ Statistics Denmark (2008) *Fædre med højere jobs holer længere barselorlov*. Available at: <http://www.dst.dk/OmDS/BagTal/Arkiv/2008-04-28-Faedre-med-hoejere-jobs-holder-laengere-barselorlov.aspx>

Duvander, A-Z. and Lammi-Taskula, J. (2010) 'Föräldraledighet', in: I.V. Gíslason and G.B. Eydal (eds.) *Föräldraledighet, omsorgspolitik och jämställdhet i Norden. [Parental leave, Day Care and Gender Equality in the Nordic Countries]*. Copenhagen: Nordisk Ministerråd. Available at: <http://www.norden.org/da/publikationer/publikationer/2010-595>

This publication investigates leave and child care policies in the 5 Nordic countries, including Denmark. The chapter by Duvander and Lammi-Taskula investigates the components of various leave schemes, the actual take-up and the possible explanations for men and women's take-up of leave.

Eirnæs, A. (2010) 'The impact of family policy and career interruptions on women's perceptions of negative occupational consequences of full-time home', *European Societies*, 14:69-8307 <http://dx.doi.org/10.1080/14616696.2010.514354>

This article examines the role of family policy in shaping mothers' choices between work and care and the perceived occupational consequences of that choice. A central question concerns how parental/maternal leave and childcare policies affect the occupational consequences for mothers who spend time on full-time caring. Using comparative data from the second round of the 2004/05 European Social Survey, the findings confirm the hypothesis that long-term absence from the labour market due to full-time care has negative consequences for women's occupational careers. On the other hand, countries with well paid leave schemes combined with access to high quality childcare reduce the perceived negative occupational consequences of the time spent on full-time care. This is the case independently of the duration of the career interruption due to care-giving.

Rasmussen, A.W. (2010) 'Increasing the length of parents' birth-related leave: The effect on children's long-term educational outcomes', *Labour Economics*, Vol.17, No.1: 91-100.

This article reports on a study into the effect on the child's educational attainment and health when a parent takes leave and compares educational outcomes for primary school children whose parents have taken short or long leave periods (14 v. 20 weeks of leave). No effect was found for educational attainment but there was a small positive health effect for children whose parents take long leave. The study also found no relationship between the length of leave and the mother's waged income, work experience and risk of being unemployed in the following years.

Haas, L. and Rostgaard, T. (forthcoming 2011) 'Fathers' rights to paid parental leave in the Nordic countries: consequences for the gendered division of leave', *Community, Work and the Family*.

This paper evaluates the extent to which government-provided, paid parental leave for fathers has the potential to bring about gender equality in division of leave. The focus of study is the Nordic countries, which have well-established, generous systems for providing fathers with opportunities to take wage-based leave. The paper first describes the extent to which parental leave policies in the Nordic nations have been established and implemented in a way that is likely to promote equal sharing of leave by fathers and mothers. Next, it proposes a method using fuzzy-set theory for evaluating features of gender equality incentives in the present parental leave policies. Finally, it addresses the gendered consequences of parental leave policies, and assesses how the configurations of features of parental leave policy may contribute to the actual division of leave time between men and women in the Nordic countries. Findings contribute to the theoretical as well as empirical understanding of whether fathers' rights and use of parental leave – especially their entitlement to nontransferable leave (often called the father's quota) - can help bring about a gender egalitarian society in division of leave time.

c. Ongoing research

None reported.

Estonia

Katre Pall and Marre Karu

April 2011

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 calendar 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 and funding

- Hundred per cent of average earnings, calculated on employment in the previous calendar year, with no ceiling on payments. The minimum wage (€278 per month) is paid to mothers who did not work during the previous calendar year but have worked prior to the birth of a child.
- Funded from health insurance contributions. All employers and self-employed pay a payroll tax of 33 per cent for each employee; 13 per cent is for health insurance, 20 per cent for pension insurance).

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.

- None.

b. Paternity leave (*isapuhkus* – literally ‘father’s leave’) (responsibility of Ministry of Social Affairs)

Length of leave (before and after birth)

- Ten working days, to be taken during two months before the expected birth of a child or two months after the birth of a child.

Payment and funding

- No payment.

Flexibility in use

- Can be taken during two months before or two months after the birth of a child.

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

- All public servants and other employed fathers with permanent or temporary employment contracts.

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 and funding

- 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 435 days (i.e. 62 weeks) from after the end of Maternity leave, with a ceiling of €2,157 per month, equivalent to three times average earnings. The minimum benefit paid to working parents is the minimum wage, €278 per month. For parents who are not on leave and not working, parental benefit is paid from the birth of the child at a flat rate of €278 per month until the child reaches 18 months of age.
- Childcare benefit (*lapsehooldustasu*) is a flat-rate payment of €38 per month, paid from the end of payment 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).
- Both parental and childcare benefit are funded from general taxation.

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 70 days 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 measures

Adoption leave (lapsendamispuhkus) and pay

- Seventy days of adoption leave per child for parents adopting a child under ten years at 100 per cent of average earnings. 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 80 per cent of 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 earnings replacement.
- Parents with a handicapped child or child under 14 years may take ten days unpaid leave.
- 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 €5 per day.
- All payments funded from general taxation.

Flexible working

- Breastfeeding mothers with a child under 18 months can take a half an hour breastfeeding break every three hours. In case of two or more children under 1.5 years the break is at least one hour. The state compensates the breaks 100 per cent with the exception of mothers who receive parental benefit for raising a child. Funded from general taxation.

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

The maximum period of paid post-natal leave available in Estonia is 36 months, but half of this period is only paid at a low flat rate. According to Social Welfare Act municipalities are obliged to provide a place in ECEC to all children, with no age specified; in practice a place is expected to be provided from the age of 18 months – after the end of the high paid leave period. However, the municipalities are not able to meet this obligation, and for children between 1 and 3 years of age the lack of places in ECEC is a serious issue. Many municipalities that are not able to provide a ECEC place, pay a special childcare benefit to working parents who use a private licensed carer or centre. Levels of attendance at formal services for children under 3 years are below the average for the 30 countries included in this review, and above average for children over 3 years.

3. Changes in policy since January 2010 (including proposals currently under discussion)

No changes reported.

4. 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 took up leave in 2006 and 2007, but in 2008, after payment was introduced, take-up of leave increased approximately four times, up to 50 per cent. Since 2009 when the benefit for Paternity leave was abolished, there are no statistics on the take-up.

c. Parental leave

No official statistics about take-up of leave are collected. According to research, over 80 per cent of women take some Parental leave. Men account for about 6 per cent of the recipients of parental benefit.

d. Other employment-related measures

In 2007, 19 per cent of people who received benefit for caring for a sick child were men. This proportion has steadily risen by about 1 per cent every year.

5. Research and publications on leave and other employment-related policies since January 2010

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 since January 2010

Pajumets, M. (2010) 'Estonian couples' rationalizations for fathers' rejection of parental leave', *Fathering*, Vol.8, No.2: 226 - 243.

Taking care of babies has long been considered the woman's job par excellence, with its equivalent for men being breadwinning outside the home. Today many countries, among them Estonia, encourage parents to reject a rigidly gendered division of labour. Most of the material and legal impediments to fathers' opting for a nurturing role as a lifestyle choice have been abolished. But despite the recent availability of Parental leave to fathers, Estonian parents' division of labour remains rather conservative. Based on 18 semi-structured interviews with couples, the article focuses on couples' private discursive strategies that reflect and enforce conservative cultural values, interfering with the nurturing father revolution.

c. Ongoing research

None reported.

Finland

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

a. Maternity leave (*äitiysvapaa/moderskapsledighet*⁵⁷) (responsibility of the Ministry of Social Affairs and Health and 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 must be taken before the birth. It is obligatory to take two weeks before and two weeks after birth.

Payment and funding

- Earnings-related benefit. During the first 56 days of leave, the payment is equal to 90 per cent of annual earnings up to €50,606, with a lower percentage for earnings above this level; after this initial period of leave, benefit is paid at 70 per cent of earnings up to €32,892, again with a lower percentage for higher earnings. Mothers not employed and those whose annual earnings are less than €9,447 before the birth get a minimum flat-rate allowance of €22.13 a working day (€553.25 per month).
- Earnings-based benefits are funded by the sickness insurance scheme, financed by contributions from employers (73 per cent of the total cost) and employees (27 per cent). In 2011, employers pay 2.17 per cent of their total salary bill and employees 0.87 per cent of their taxable earnings; these percentages are subject to change in the state budget. The minimum flat-rate allowances are funded from state taxation.

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, or been insured in another EU Member State, at least 180 days immediately before the date on which their baby is due. The basic formula is that a person entitled to family benefits is also entitled to leave. A woman is entitled to maternity benefit after her pregnancy has lasted 154 days.

⁵⁷ Names of the different types of leave are given in Finnish and Swedish. Finland is a bilingual country with a Swedish-speaking minority.

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 another person responsible for the care of the child if the mother dies and the father does not care for the child.

Additional note (e.g. frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)

- A brief made for the Committee on Parental Leave shows that 96 per cent of employees in the private sector are currently covered by collective agreements guaranteeing full pay for part of the Maternity leave; in most cases (66 per cent) the full pay is for three months. In public sector collective agreements, coverage is also high. During periods of full pay, the daily benefit is paid to the employer.

However, due to the high prevalence of fixed-term contracts for women of child-bearing age, a high proportion of women giving birth do not have an effective employment contract. This means that 42 per cent of mothers on Maternity leave receive pay from the employer.

b. Paternity leave (*isyysvapaa/faderskapsledighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave

- Eighteen working days, plus a further 24 'bonus' days (=four weeks) for fathers who take the last two weeks of Parental leave. The bonus days + two Parental leave weeks are called 'father's month' in the legislation since 2007 (even though the period now adds up to six weeks).

Payment (applied for the whole period of Paternity leave) and funding

- Earnings-related benefit, with payment equal to 70 per cent of annual earnings up to €32,892, with a lower percentage for higher earnings. Minimum allowance as for Maternity leave.
- Funding as for Maternity leave.

Flexibility in use

- The one to 18 days can be taken in four segments while the mother is on Maternity or Parental leave, the 24 bonus days in one segment after the mother has ended her leave. The 'father's month', including the bonus days, can be taken within 180 days (six months) from the end of the Parental leave.

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.

Additional note (e.g. frequent supplement of state benefit by collective agreements; employer exclusions or right to postpone)

- As a result of collective agreements, 60 per cent of all fathers with an employment contract in the private sector, as well as all fathers employed by the state, receive full pay during the five or six first days of the Paternity leave.

c. Parental leave (*vanhempainvapaa/föräldraledighet*) (responsibility of the Ministry of Social Affairs and Health and the Ministry of Labour)

Length of leave

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

Payment and funding

- Earnings-related benefit. During the first 30 days of leave, the payment is equal to 75 per cent of annual earnings up to €50,606, with a lower percentage for higher earnings. After this initial period of leave, the payment is 70 per cent of earnings up to €32,892, with a lower percentage for higher earnings. Minimum allowance as for Maternity leave.
- Funding 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 payment is half of the benefit for full-time leave.
- The 'father's month' can be taken within six months from the end of the Parental leave period provided that the child has been taken care of at home by the mother or the father until the start of the 'father's month'.

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 does not take part in the care of the child, the father is entitled to parental benefit even if the parents no longer live together, provided that the father is responsible for childcare.
- 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/ vrdledighet*) 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 €315,54 a month, with an additional €94,47 for every other child under three years and €60,70 for every other pre-school child over three years and a means-tested supplement (up to €168,86 a month). The average home care allowance per family in 2009 was €386 a month. Home care allowance is financed from municipal taxation with a state subsidy of 33 per cent of the costs. Some local authorities, especially in the Helsinki area, pay a municipal supplement to the home care allowance; in 2009, these supplements averaged €232 a month per family.

e. Other employment-related measures

Adoption leave and pay

- Adoptive parents of a child younger than seven years are eligible for Parental leave of 234 working days after the birth of the child (or 200 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 Paternity and Parental leave as fathers having their own children. An adoptive parent for a child older than 12 months who is married to or co-habits with the parent of the child is not entitled to parental benefit. Adoptive parents are entitled to home care allowance for a period which ends two years after the Parental leave period started even if the child is older than three.

Time off for the care of dependants

- Parents of children under ten years can take up to 4 days leave when a child falls ill (temporary childcare leave, *tilapinen hoitovapaa/tillfllig vrdledighet*). There are no limits on how often parents can take leave for this purpose during the course of a year. Payment is dependent on collective agreements, but is often at full earnings for three or four days at a time. A parent with joint custody who does not live with a child is entitled to the leave.

Flexible working

- Parents can work reduced working hours (partial childcare leave, *osittainen hoitovapaa/partiell vrdledighet*) from the end of Parental leave until the end of the child's second year at school. The employee is entitled to partial childcare leave if s/he has been working for the same employer for at least six months during the past 12 months. The employee should negotiate the reduction in hours with the employer, and the employer can 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 €90.36 a month.

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

The maximum period of paid post-natal leave available in Finland is 36 months (including low paid Home Care leave). Parental leave at a high payment rate lasts for 9-10 months. There is an entitlement to ECEC from the end of the Parental leave, so there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children under and over 3 years are slightly below the average for the 30 countries included in this review.

3. Changes in policy since January 2010 review (including proposals currently under discussion)

In 2010, the 'father's month' was lengthened by two weeks, giving fathers four bonus weeks if they take the two last Parental leave weeks.

The minimum allowance for Maternity, Paternity and Parental leave was index-linked from 1st March 2011, which means that the daily allowance was raised with 9 cents. Also the home care allowance and the partial home care allowance were index-linked. The partial home care allowance was raised from €70 to €90 a month since the beginning of 2010.

A working group appointed by the Ministry of Social Affairs and Health in September 2009 to "review the possibility for a more thorough reform of the Parental leave schemes" submitted its report in March 2011. The working group consisted of representatives of the Ministry of Social Affairs and Health, the Ministry of Employment and the Economy and the Ministry of Finance, the central labour market organizations, child and family NGOs, and research. The aim of the work was to redesign the Finnish Parental leave scheme in order to support parenthood, to encourage fathers to take more Parental leave, and to increase compensation to employers for the costs related to Parental leave.

The working group has aimed at reconciling several, partly conflicting objectives. As the leave scheme in Finland is quite complicated, any policy proposal should improve the clarity of the scheme so that families can better understand and utilize their leave rights. At the same time, the needs and rights of different kinds of families should be taken into account, for example single parents, same-sex parents, adoption families and families with twins or triplets. Fathers should, according to the working group, be encouraged to use more independent leave, i.e. take the full responsibility for childcare while the mother returns to work or studies. However, it is also suggested that the length of the period when both parents can be on leave at the same time should be longer, especially right after the child is born so that both parents can participate in their new care responsibilities. The working group agrees that the Parental leave period covered by income-related benefit should be lengthened until the child is about one year old; at present, Parental leave ends when the child is 9-10 months old, which is seen as a difficult age for starting in day care as children often have high separation anxiety at this age. The group agrees that the lengthening of the Parental leave period should initially happen through lengthening the father's leave quota.

The working group did not agree on one model to redesign current leave schemes but presented three different models named A, B and C. All models include quotas for mothers and fathers and a period which parents can share as they wish. In all models Maternity, Paternity and Parental leaves are renamed, so that the mother's quota is called Maternity

leave, the father's quota Paternity leave, and the period that can be shared is called Parental leave. Model A consists of a short lengthening of the present father's quota (at maximum 54 days) to 66 days, while the Maternity leave and the Parental leave remain at the present length (105 and 158 days respectively). Model B substantially lengthens the period to be shared between the parents from the present 158 days to 224 days (9 months), with also a lengthening of Paternity leave to 75 days (3 months), while the Maternity leave would remain at the present length. Model C is a so-called 6+6+6 model where Maternity leave, Parental leave and Paternity leave each last 150 days (6 months).

In all three models the father could take part of his quota at the same time as the mother is on leave (in A and C for 1–24 days, in B without restriction). All models also include proposals for a more flexible take-up of the leave periods with a possibility to use the leave until the child is 2 or 3 years old, and more equal rights for different kinds of families.

The realisation of Model A does not exclude the realisation of the other two models later on, whereas Models B and C differ from each other in their basic principles (substantial lengthening of the period to be shared versus equal quotas for mothers, fathers and for sharing).

The working group also proposes an increase in the level of home care allowance from €315.54 per month to €553.25 until the child is 18 months old, and an increase of partial home care allowance from €90.36 per month to €180 per month with an entitlement to the allowance covering all children in age groups 3 to 8. These proposals were not supported by all members of the group.

In its programme the Government appointed after the parliamentary election in April 2011 has not committed itself to any of the models or suggestions proposed by the working group. Without making explicit decisions, it has set several goals: to increase leave earmarked for fathers as well as lengthen Parental leave; to improve the equality of leave rights of adoptive parents and in cases of multiple births; to raise the compensation of leave costs for employers; and to sort out how legislation ensures the rights of employees returning from leave. The Government also aims to assess the level of leave benefits from the point of view of how they encourage fathers to take Parental leave, as well as to assess how the financing of the leave schemes should be developed and expenses shared. All the issues will be drafted in a tripartite working group, and the legislative measures will be taken after the financing issues are solved.

4. Take-up of leave

a. Maternity leave

Almost all mothers use the leave. Two weeks of leave before and two weeks after the birth are obligatory. Approximately 1.5 per cent of mothers entitled to Maternity leave have been employed during the leave period in 2006 to 2008.

b. Paternity leave

Today, the great majority of fathers take Paternity leave. In 2009, 48,313 men did so; in the same year there were 59,921 births. The proportion of fathers taking Paternity leave has been increasing – from 46 per cent in 1993 and 63 per cent in 2000 to 74 per cent in 2009. In 2009, the average length of the leave taken was 15 working days. But only 10,846 fathers, i.e. about 18 per cent of all fathers, took the bonus Paternity leave period (i.e. they had also taken the last two weeks of the preceding Parental leave). However, the number and

proportion of fathers taking the father's month has been rising, up from 6,000 in 2007 and 15 per cent in 2008.

Paternity leave is today taken by fathers irrespective of their socio-economic background, or that of their spouses (Salmi, Lammi-Taskula and Närvi, 2009⁵⁸). Fathers who take only Paternity leave tend to take slightly longer periods after the bonus leave was introduced in 2003 (Hämäläinen and Takala, 2007⁵⁹). Two-thirds of fathers take the whole three weeks Paternity leave; men who are more likely to take the whole leave include fathers of first-born children, students and entrepreneurs. Length of Paternity leave does not any more correlate with the father's age, education or income level or socio-economic status (Salmi, Lammi-Taskula and Närvi, 2009.)

c. Parental leave

The 158 days of Parental leave is mostly taken by mothers. Almost all mothers take Parental leave whereas only 2 to 3 per cent of fathers have taken leave over the years it has been available. Less than one per cent of mothers entitled to Parental leave did not take the whole leave period even if the father did not take Parental leave in 2004–2007. Less than 4 per cent of mothers work to some extent during the leave period.

The arrangement, since 2003, under which there are bonus days of Paternity leave for fathers who take the last two weeks of Parental leave has increased the number of men taking Parental leave from 1,700 men in 2002 to 5,700 in 2005, 12,156 in 2009 and 13,950 in 2010. At the same time, the average length of leave taken by fathers has fallen; from 64 working days in 2002 to 37 in 2003 and only 22 in 2009. Three fourths of fathers taking leave use a month or less, while 1.7 per cent use at least four months. The most common length of leave taken by fathers is 42 days, which means that men take all days earmarked for fathers – but no more.

Although the father's month has become more popular lately, its contribution towards equalising parental responsibilities is called into question as, in a clear majority of families, the mother stays at home during the father's month (Salmi, Lammi-Taskula and Närvi 2009).

Men with high education, employed in the public sector in middle-sized or big organisations, and whose partners also have high education, are more likely to take the father's month – but the leave periods they take are shorter than those taken by men with less education (Hämäläinen and Takala, 2007). Overall, Parental leave is shared more often in families where both spouses have a high level of education and middle-sized or good income. Sharing is also more common among men over 30 years of age, and working in the public sector. The socio-economic status of the father, size of his workplace or number of children does not correlate with sharing of Parental leave. Taking all factors into account, a father's take-up of Parental leave is most probable if he is over 30 years and does not consider himself to be the main provider of the family (Salmi, Lammi-Taskula and Närvi, 2009).

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 take shorter periods of leave than men with a lower level of education

⁵⁸ Salmi, M., Lammi-Taskula, J. and Närvi, J. (2009) *Perhevapaat ja työelämän tasa-arvo* [Family leaves and gender equality in working life]. Helsinki: Ministry of Employment and the Economy

⁵⁹ Hämäläinen, U. and Takala, P. (2007) 'Isien perhevapaat ja tasa-arvo' [Fathers' use of family leaves and equality], in: R.Lilja, R. Asplund and K. Kauppinen (eds) (2007) *Perhevapaavalinnat ja perhevapaiden kustannukset sukupuolten välisen tasa-arvon jarruina työelämässä?* [Do the choices and costs of family leave hamper gender equality in working life?] Helsinki: Ministry of Social Affairs and Health

and in blue-collar or less skilled white-collar positions. The position of men's spouses also plays a role: longer Parental leave is 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, 2007⁶⁰). Both bonus leave and longer Parental leave are more often taken by men if twins or triplets are born (Hämäläinen and Takala, 2007).

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 117 in 2007. This means that about 0.1 per cent of families with a new-born child used the new arrangement in its first five years and use did not increase. In 2008, only 98 parents took this option, while in 2009 their number was 113 (information from the statistics unit of Social Insurance Institution).

d. Childcare leave or career breaks

Almost all families (88 per cent) take advantage of the Home care allowance, at least for some time after Parental leave. Since 2006 statistics are available for use by women and men, showing that Home care leave is used almost entirely by women. In 98 per cent of all families where one of the parents has taken care of the child supported by home care allowance, it was the mother. Earlier the share of fathers who take this leave was, based on individual studies, assessed to be 2 to 3 per cent (Lammi-Taskula, 2007⁷).

Recently, taking advantage of home care allowance has become more popular: at the end of 2007, the allowance was paid for 69,000 children under three years old, in 2008 the figure was 68,700 but in 2009 already 70,000 (www.kela.fi/statistics). Home care allowance was paid to 87 per cent of families whose Parental leave ended in 2005, dropping to 84 per cent for 2006 but rising again to 88 per cent for 2007. Partial care leave for under 3-year-olds has increased; in 2008, partial home care allowance was paid for slightly fewer children (3,328) than in 2007 (3,386) but in 2009 it was paid for 3,449 children. The use of private childcare allowance has remained quite stable: in 2009 4,395 children and in 2007 4,320 children received private childcare allowance.

Statistics also enable an assessment of take-up periods of home care allowance. In families paid home care allowance at some point before their child turns three years⁶¹, periods taken have divided evenly during the past six years: 26-29 per cent take less than seven months, 21-25 per cent between seven and 12 months, 27-29 per cent between 13 and 24 months, and 18-26 per cent longer than 24 months (the maximum length being 26-27 months). The proportion for the longest periods has declined from 2003 to 2009 from 25 to 18 per cent. The (few) male home care allowance recipients take less of the shortest and longest periods than their female counterparts, but they also have more 13-24 month periods (30-33 per cent) (calculations based on Statistical Yearbooks of the Social Insurance Institution 2004-2009).

Only 10 per cent of mothers giving birth in 2004 returned to employment or studies right after Parental leave: on average mothers stayed at home until their child was 24 months old. Just less than half (46 per cent) of mothers were employed when the child was two years old, also just less than half of them were at home on care leave, on home care allowance without a job waiting for them, or already on Maternity or Parental leave with another baby. Some

⁶⁰ Lammi-Taskula, J. (2007) *Parental Leave for Fathers? Gendered Conceptions and Practices in Families with Young Children in Finland*. Helsinki: Stakes.

⁶¹ These statistics exclude all families receiving Home care allowance where the person taking care of the child is not a parent; however, these families only comprise 2-3 per cent of all recipients.

women at home were officially unemployed or combined home care of children with studying or part-time work (Salmi, Lammi-Taskula and Närvi, 2009).

A study based on register data shows that half of women who had their first child in 1999 took Maternity, Parental and Home care leave at most until the child was 18 months old. Almost 30 per cent of the mothers stayed on leave for 36 months or longer, 10 per cent for almost five years. For these mothers, the leave which started with their first-born child continued without a break with successive children (Haataja and Hämäläinen, 2010).

Earlier only a small number of families – 2,100 in 2003 – took advantage of partial Home care leave. After the reform making parents of younger school children eligible for the partial care allowance, the number of families increased and was 10,365 in 2008; however, the number of families decreased to 9,995 in 2009. Of these, only 3,450 families had a child under three years but the recent decreasing has happened among the parents of school children (www.kela.fi/statistics). Partial care leave is mostly (94 per cent) used by mothers and is most usually taken (41 per cent) for not longer than six months; a third of the users take it for 6 to 12 months and a quarter for more than 12 months. Partial care leave is taken more often by women with high education level and high socio-economic status, less often by young mothers – maybe because they do not have permanent employment (Salmi, Lammi-Taskula and Närvi, 2009).

The results of recent research confirm earlier findings that the length of women's leave periods depends on how easy it is to find employment. The leave schemes also 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 with a fixed-term contract or without work prior to the birth of her child is more likely to stay at home for a longer period 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, 2004⁶²; Salmi, Lammi-Taskula and Närvi, 2009).

e. Other employment-related measures

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

5. Research and publications on leave and other employment-related policies since January 2010

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 leave. 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

⁶² 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.

women's reasons for leave-taking have been studied, as well as the consequences of leave-taking to the economic position of families. Recently, register-based data have been used to study longitudinally the consequences of women's leave-taking for their career and wage development. Another recent study has focused on the everyday situation of parents in families and at work as well as on experiences of family leave in work organisations and organizational practices to support leave-takers; it also followed the take-up of new forms of Paternity and Parental leave and interest in part-time leave arrangements.

b. Selected publications since January 2010

Sipilä, J., Repo, K. and Rissanen, T. (eds.) (2010) *Cash-for-Childcare: The Consequences for Caring Mothers*. Cheltenham: Edward Elgar.

The book examines the meaning of, and impacts on, cash-for-care systems for mothers of small children. The contributors from different Nordic countries present an overview of the major political and economic contradictions as well as theoretical debates concerning cash-for-care. The book studies cash-for-care in the perspective of gender equality, consumerism and freedom of choice for families, balance of work and family life and the right of the child to early education.

Gislason, I. and Eydal, G. B. (eds) (2010) *Föräldraledighet, omsorgspolitik och jämställdhet i Norden. [Parental Leave, Care Policy and Gender Equality in the Nordic Countries]*

TemaNord 2010:595. Copenhagen: Nordisk Ministerråd. Available at:

<http://www.norden.org/da/publikationer/publikationer/2010-595>.

The report provides an overview of the situation and development of Parental leave and child care policies in the Nordic countries from a gender equality perspective as well as in relation to the well-being of children. In international comparisons, the Nordic countries are seen as forerunners in promoting the reconciliation of paid work and family life. There are, however, policy differences among these countries. Compared to the other Nordic countries, Finland stands out as providing less support for gender equality in family policy: the father's quota of Parental leave was introduced later and for a shorter duration, while the Home care allowance has encouraged mothers to stay longer at home with children.

Haataja, A. (2010) 'Isäkiintiöt suomalaisen vanhempainvapaaseen – mallia Islannista vai Ruotsista?' ['Father's quotas into Finnish parental leave – model from Iceland or from

Sweden?'], in: H. Ervasti, S. Kuivalainen and L. Nyqvist (eds.) *Köyhyys, tulojako ja eriarvoisuus [Poverty, income distribution and inequality]* Tutkimuksia 2. Turku: TWCR.

In this study, the impacts of applying an Icelandic or Swedish model of father's quota in Finland are evaluated from the perspective of family and state economy. According to Haataja, the Icelandic model (3 month quota for both parents, 3 months to share) would not improve the situation in Finland as the leave period would be shorter than the present one. It is a common pattern in Finland to have a child in home care longer than one year. With a 3+3+3 model, many mothers would take Home care leave after 6 months of parental leave as fathers would probably not fully use their quota. This would mean a considerable cut in the family economy as the Home care benefit is much smaller than the income-related parental benefit. It would also mean higher day care costs for municipalities. Haataja is more in favour of the Swedish model, which has a longer Parental leave period and a father's quota of two months. Haataja expects to see more mothers returning to work and more fathers staying at home when the child is older. Applying this kind of model in Finland could reduce costs of Home care allowance for municipalities.

Haataja, A. and Hämäläinen, U. (2010) 'Viekö haikara tasa-arvon? Puolisoiden väliset tuloerot lapsiperheissä' ['Does the stork wash away gender equality? Income differences between spouses in families with children'], in: U. Hämäläinen and O. Kangas (eds.)

Perhepiirissä [In the family circle]. Helsinki: Kela, pp.76-116.

This chapter analyses income differences between spouses, the changes in income differences between 1990 and 2007, and the role of childcare choices in these income differences. Before the birth of children, the spouses are almost equal; women's share of the family income is 42-44 per cent. Number of children and the family's choice of childcare arrangements are decisive for the development of income differences between spouses. After the first child the mother's net income is 38 per cent of the family income. If she does not have more children, the mother's share of the family income is restored to its former level in five years, but if she has more children, her share of the family income drops to a third for several years. There are big differences as the length of family leave taken by mothers varies. The researchers point out that the net income shares of spouses have not changed much during the past 20 years, which they find astonishing as there have been big changes in family structure, family policy and mothers' labour market participation. They also conclude that the disproportion in family income share after the first child is born may discourage fathers from taking family leave.

Kosonen, T. (2011) *Encouragement and discouragement : Essays on taxation and government expenditure*. Helsinki: VATT-publications. Available at: <https://helda.helsinki.fi/handle/10138/24607>

The study shows that the municipal supplement to Home care allowance has a fairly large effect on labour supply decisions of parents. An increase of €100 per month of the benefit leads to a 3 per cent reduction of employment rate among mothers of young children. According to Kosonen, in order to increase labour market participation, municipalities should reduce supplements of home care allowance and provide public day care instead.

c. Ongoing research

The consequences of work insecurity on work–family relations and well-being (2008-2011). Johanna Närvi, Minna Salmi and Johanna Lammi-Taskula, THL; Minna Nikunen, Hanna Sutela, Jouko Nätti and Päivi Korvajärvi, University of Tampere; Anna-Maija Lehto, Statistics Finland, funded by the Academy of Finland as part of its 'Future of Work and Well-being' programme.

The project studies the prevalence and characteristics of different forms of insecure work and the consequences of work insecurity for work–family relations and well-being. The main question is how changing working life promotes or prevents women's and men's opportunities to act in the two life spheres and their chances to combine them. Both quantitative and qualitative data will be used, including interviews with parents of young children about the consequences of leave taking to employment opportunities and position in the labour market. Contact Minna Salmi at minna.salmi@thl.fi.

Women's return to employment after family leave (2008-2010). Riitta Luoto and Aino Luotonen, UKK Institute; Kaisa Kauppinen, Finnish Institute of Occupational Health, funded by the Academy of Finland as part of its 'Future of Work and Well-being' programme. The project focuses on various factors affecting the timing of mothers' return to employment from family leave, such as personal motivation and orientation to work and career; family-friendly practices at workplace; personal well-being and work ability; expected challenges of the work–family balance. It includes a qualitative part based on focus groups of women on parental leave and a survey of mothers of one-year-old children. Contact Riitta Luoto at riitta.luoto@uta.fi.

France

Jeanne Fagnani and Danielle Boyer

April 2011

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

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

Length of leave (before and after birth)

- Sixteen weeks: at least three weeks before the birth, the remainder can be taken before or after.

Payment and funding

- Hundred per cent of earnings, up to a ceiling of €2,946 a month. In the public sector, the leave is fully paid (i.e. there is no ceiling). In the private sector, some employers (particularly larger companies) pay in full, others do not.
- Funded from health insurance⁶³, financed by contributions from both employees and employers (respectively 2.35 per cent and 13.10 per cent of the total wage, including social contributions).

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.

⁶³ The present social security system, including statutory health insurance, officially came into being with the Ordinance of 4 October 1945 which aimed to cover all the so-called 'social risks'. In 1967 social security was separated into four branches: health insurance (which represents the largest share of expenditures devoted to social protection), pensions, family allowances, and insurance for work-related accidents and occupational illnesses.

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

Length of leave

- Two weeks (11 working days).

Payment and funding

- Payment and funding as for Maternity leave (see above).

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.
- None.

c. Parental leave (*Congé parental*)

Length of leave

- Until the child reaches three years. Leave is an individual entitlement, i.e. both mother and father can take leave until the child is three years old.

Payment and funding

- A childcare allowance - *Complément de libre choix d'activité*" (CLCA – Childrearing benefit paid by the social security scheme, the National Family Allowance Fund) – is available to all families who meet the eligibility condition whether or not they take Parental leave: a flat-rate payment of €560.40 per month in 2011. However, for parents with only one child it is only paid until six months after the end of the Maternity leave; in other families it is paid until the child reaches three years of age. If the parent works part time, then the benefit is reduced.
- Another benefit – *Complément optionnel de libre choix d'activité* (COLCA) – is available to large families (with at least three children): a flat-rate payment of € 801,39 per month in 2011, paid on condition that one parent stops working completely. However the duration is only for one year. Large families can choose between COLCA and CLCA.
- Both CLCA and COLCA are paid by the local CAFs (*Caisse des allocations familiales*), the Family Allowance funds. CAFs are financed by contributions from employers⁶⁴ only, and not by employees unlike the Maternity and Paternity leaves that are funded from the health insurance scheme.

Flexibility in use

⁶⁴ Employers' contributions to the family branch of the Social security amount to 5.40 per cent of the total wages paid to their employees.

- Parents taking leave may work between 16 and 32 hours per week.
- If parents work part time, the CLCA payment is reduced. If both parents work part time, they can each receive CLCA but the total cannot exceed one full CLCA payment. For the higher allowance paid for large families (COLCA), 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 CLCA becomes more restrictive the fewer children a parent has: for example with three children the eligibility condition is to have worked for two out of the five years preceding birth (two out of the four years for parents with two children) but with only one child it is necessary to have worked without break for two years preceding birth.

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

- Where a child is seriously ill or disabled, Parental leave (regulated by the Labour code) can be extended by a year.

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

- Employers can refuse to let parents work part time if they can justify this on business grounds.
- The 'family tax credit' (*Crédit d'impôt famille*, CIF), introduced in 2004, is a financial incentive provided to companies to encourage them to develop family-friendly initiatives for their employees. The CIF stipulates that 25 per cent of related expenses are deductible from taxes paid by the company up to a ceiling of €500,000 per year and per company. As of January 2010 eligible expenses can no longer include training programmes for employees on Parental leave and supplements paid to employees taking various forms of child-related leave.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- Every employee is eligible for an unpaid leave (*Congé de présence parentale*) to care for a sick child under the age of 16 years. Legally, periods of leave cannot exceed three days (or five days in specific cases), but this is a minimum and most collective

agreements have special arrangements, as in the public sector where employees can take 14 days a year to care for a sick child.

- *Allocation journalière de présence parentale*: in cases of a serious disability or illness of a child under 20 years, every employee with at least one year of employment with an employer is entitled to paid leave to care for her/his child, or to work part time, for a period of up to three years (the allowance is paid for a maximum of 310 days within a period of three years). The level of the allowance depends on the duration of work in the enterprise and on the family structure (in couples, the amount is €41.79 per day if one parent stops work completely; and €49.65 for a lone parent). A similar period of leave is possible for employees who need to care for a relative at the end of life, either a child or a parent living in the same house.

Flexible working

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

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

The maximum period of paid post-natal leave available in France is 3 years, but most of this is low paid; leave paid at a high rate ends after Maternity and Paternity leave (3-4 months after birth). Since 1989 there is an entitlement to ECEC from 3 years of age: the French Education code states that 'every child upon reaching the age of three has the right to attend a nursery school located as close as possible to his or her residence if her or his family claims a place'. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than 2 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 and over 3 years are above the average for the 30 countries included in this review.

3. Changes in policy since January 2010 (including proposals currently under discussion)

In February 2009 President Sarkozy announced a reform of the Parental leave scheme. Taking into consideration the detrimental effects that extended leave can have on women's professional careers, he proposed to reduce the duration of the leave from three years to only one. This reduction in time was to be offset by a significant increase in the amount of the benefit payment. Similar proposals, to move gradually in the direction of the Swedish scheme, had already been proposed in a number of reports and legislative initiatives over the previous decade. So far, nothing has happened. The reforms have been strongly opposed by the family associations as represented by the UNAF (National Union of Family Associations). But perhaps more important, they were derailed by the fact that they would have led to a dramatic rise in demand for formal childcare arrangements, which the CNAF and local authorities would have been unable to meet in the short term (Fagnani and Math, forthcoming 2011).

4. 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 (62 per cent) of eligible fathers took leave in 2010.

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 CLCA, and it is not possible to find out how many recipients of CLCA are also on Parental leave.

Changes in the former 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 581,000 in 2005 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/CLCA *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. This hypothesis received support from research conducted among mothers with three children who were receiving CLCA.

Mothers are more likely to claim Parental leave and CLCA 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 CLCA 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; traditional value systems; in most couples, the man earning more than the woman; and a workplace culture in the private sector that makes it difficult for a man, in particular at management level, to take Parental leave. The small number of fathers who take CLCA 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.

The number of parents receiving CLCA has remained stable since 2007 and reached 573,000 by the end of December 2009. Additionally, the proportion of the CLCA paid to parents who choose to work part-time during the leave has gone up (but this amount remains lower than the amount paid to those who stop working completely). This financial incentive has proven its efficiency and has sharply increased the number of recipients working part time while receiving the benefit.

The number of recipients for COLCA has remained very low and stable since its creation: 2,170 in December 2009.

5. Research and publications on leave and other employment-related policies since January 2010

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 and with the impact of the economic crisis on their professional situation.

b. Selected publications since January 2010

Ananian, S. (2010) 'L'activité des mères de jeunes enfants depuis la mise en place du CLCA', *Etudes et Résultats*, n° 678. Paris: Direction de la recherche, des études, de l'évaluation et des statistiques (DREES). Available at: <http://www.sante-sports.gouv.fr/IMG/pdf/>

This paper examines the impact of Parental leave on labour force participation of women and their attitudes and practices during the period of leave; Since 2004, along with the increase in the amount of the allowance provided to those working part time, an increasing number of mothers have taken up this allowance.

Brunet F. and Kertudo P (2010) 'Etude sociologique sur l'insertion professionnelle des femmes en congé parental', *Cnaf Dossier d'étude n° 134*. Available at: <http://www.Caf.fr>

This qualitative study explores the impact of Parental leave on the perceptions and identities of beneficiaries. The authors show that a long period of leave has detrimental consequences for women's professional careers, experiencing in particular a downgrading of their professional skills.

Céroux B. (2010) 'Opter ou non pour le complément optionnel de libre choix d'activité (COLCA)', *Cnaf E-essentiel*, CNAF, n°100. Available at: <http://www.Caf.fr>

This study demonstrates that the COLCA scheme is not successful. Less than 2 per cent of all Parental leave beneficiaries take it up. Those families (with three or more children) who benefit from this scheme are either parents who are waiting for a place in ECEC (*creche* or *école maternelle*) or/and who are taking the opportunity of this scheme to prolong Maternity leave.

Crenner, E. (2011) 'Prendre un congé parental total: une décision qui dépend essentiellement du nombre d'enfants et de l'emploi occupé auparavant', *DREES, Études et résultats - n° 751*. Available at : <http://www.sante-sports.gouv.fr/IMG/pdf/er751.pdf>

This study confirms that mothers who have taken up Parental leave have more children than other women, and are less qualified than working mothers who were eligible for Parental leave but did not take it up.

Fagnani, J. and Math, A. (forthcoming 2011) 'The Predicament of Childcare Policy in France: What is at Stake?' *Journal of Contemporary European Studies*.

This article investigates the recent measures in childcare policies and also highlights the rationales that underpinned the reforms introduced in Parental leave policies since the 1990s. It puts them in the larger context of changing working conditions and the growth of mothers' employment.

Legendre E. and Vanovermeir S. (2011) '*Situations professionnelles à l'entrée et à la sortie du complément de libre choix d'activité (CLCA)*', Paris: Report for the DREES, n° 750. Available at: <http://www.sante-sports.gouv.fr/IMG/pdf/er750.pdf>

Based on an econometric analysis, this study shows that 62 per cent of full-time beneficiaries of the CLCA are working a few months after the end of this leave period. Women working part time during the Parental leave are more likely than others, who completely stopped working during the leave period, to be working part time after the leave.

c. Ongoing research

None reported.

Germany

Sonja Blum and Daniel Erler

April 2011

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. It is obligatory to take the eight weeks leave after birth.

Payment and funding

- Hundred per cent of earnings, with no ceiling on payments.
- Maternity leave benefits (*Mutterschaftsgeld*) are usually paid by the mother's health insurance (€13 per day) and the mother's employer, who covers the difference between the money provided by the health insurance and the mother's previous earnings. Hence employers bear most of Maternity leave benefit costs.
- For the unemployed or people without health insurance the state provides maternity leave benefits.
- Self-employed women have no maternity leave benefit rights.

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 statutory entitlement.

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

Length of leave

- Up to three years after childbirth. This is a family entitlement.

Payment and funding

- An income-related 'parental benefit' (*Elterngeld*⁶⁵) is paid for a period of 12 (+2) months, at a replacement rate of 67 per cent of a parent's average earnings during the 12 months preceding childbirth; it is paid to all parents who are not employed or who have reduced their employment hours. There is a ceiling of €1,800 per month on the benefit payment and the minimum payment, which is also available for parents without prior income, is €300.
- Parents with low average earnings of less than €1,000 per month receive an increased benefit: For every €2 their monthly earnings are below €1,000, their parental benefit increases by 0.1 per cent. For parents with high incomes, on the other hand, the income replacement rate is reduced: for every €2 their monthly earnings exceed €1,200, their parental benefit decreases by 0.1 per cent to a minimum rate of 65 per cent.
- Both parents are equally entitled to the parental benefit but if both parents takes at least two months of leave, the overall length of benefit payment is extended to 14 months⁶⁶. Moreover, if another child is born within 24 months the parental benefit is increased by 10 percent.
- The *Elterngeld* is funded by the federal government, through general taxation.

Flexibility in use

- Instead of 12 (+2) months the parental benefit may be spread over 24 (+4) months. Then the monthly benefit level is halved, while the overall payment remains the same.
- Recipients of parental benefit may work up to 30 hours a week. Then, however, they only receive parental benefit for the *lost* income: That is, if a parent worked 40 hours weekly before taking parental leave, and continues working 30 hours thereafter, he or

⁶⁵The term was originally *Erziehungsgeld*, but was changed to *Elterngeld* (parental benefit) in 2007 with the intention to emphasise the shared parental responsibility of bringing up children, including that of fathers.

⁶⁶The benefits paid during the two months of obligatory Maternity leave following childbirth are included in the 12 (+2) parental benefit period, effectively reducing the actual benefit period available to both parents to 10 (+2) months.

she only receives 67 per cent of the margin between the present and the former income. Parents have a legal right to part-time work since 2001, but if their company has less than 15 employees, the employer's consent is required.

- The final year of Parental 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 and both can take up to two leave intervals.

Regional or local variations in leave policy

- Parental leave legislation is federal. However, four federal states (*Länder*) pay a means-tested parental benefit extended to the third year of Parental leave, ranging from €200 to €350 per month and child.

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

- Parental leave: all parents gainfully employed at date of birth.
- Parental benefit: all parents not employed more than 30 hours a week.

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

- In case of multiple births the parental benefit is increased by €300 per month for each additional child.
- Grandparents are entitled to unpaid Parental leave if their child, i.e. the parent of their grandchild, is younger than 18 years or if the parent is still in education or vocational training.

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

- Many collective and individual company agreements allow parents to utilise their Parental leave entitlement within 12 years or, in the public sector, within 18 years after childbirth.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- In case of sickness of a child (below 12 years of age) parents may take up to ten days of leave, receiving 80 per cent of earnings from their health insurer with no ceiling. The maximum annual leave period that may be taken per family is 25 days.

- A relative of a care-dependent person is entitled to 10 days of short-term leave if that person has an unexpected illness, as well as six months of long-term care leave. Both entitlements are unpaid.

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Germany is 3 years, but most of this is unpaid; leave paid at a high rate runs for 12 months, plus a possible two extra bonus months. There is an entitlement to ECEC from 3 years of age, but it does not specify hours per day or per week; most services in Western Germany still offer only part-time hours, while full-time opening has remained the norm in Eastern Germany. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than 18 months between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are below the average for the 30 countries included in this review, and above the average for children over 3 years - though there remains a large difference between Western and Eastern Germany especially for children under 3 years (17 v 48 per cent in March 2010)

While there is currently no legal entitlement to ECEC for under three year olds, the *Kinderförderungsgesetz* (KiföG) of 2008 foresees such an entitlement from 2013 onwards. Since the enactment of the *KiföG*, substantial efforts have been made to increase the traditionally very low supply of ECEC for children under 3 years in West Germany. For Germany as a whole, ECEC attendance for children under 3 years has risen from 9.5 per cent in 2000 to 23.1 per cent in 2010; the *KiföG* aims to create places for 35 per cent of under threes by 2013.

The law also envisages the introduction of a 'childcare benefit' from 2013 for those parents who do not make use of ECEC services and choose to care for their under three year olds at home. This issue is highly contested in the political and societal arena and its actual realization remains uncertain.

3. Changes in policy since January 2010 (including proposals currently under discussion)

As part of a larger package of austerity measures, two cuts in *Elterngeld* were introduced in autumn 2010. First, the income replacement rate was lowered for recipients, whose net income was higher than €1,200 a month. It now reduces by 0.1 per cent for every €2 their monthly earnings exceed €1,200, to a minimum rate of 65 per cent. Secondly, the parental benefit is now credited against the social assistance benefits received by long-term unemployed. As a result, parents who have been without gainful employment for more than 12 months are no longer eligible for the €300 minimum benefit. Parents who were not employed before the birth of the child, but did not receive social assistance, remain eligible for the minimum benefit.

In 2010, Family Minister Kristina Schröder launched a proposal to allow employees to reduce their working time by 50 per cent for a period of two years, if they need to care for a dependent relative (*Pflegezeit*). During this period employees would be paid 75 per cent of their income, which they would repay by receiving 75 per cent of their earnings for an

equivalent period after returning to full-time employment. Already before the publication of the draft law, the proposal received strong criticism. The Social Democrats and parties further on the political left accused the Minister of wanting to entrench the traditional German family care model and its related gender effects. Employer organisations have warned of substantial additional costs and many policy experts have questioned the practicability of such a policy. However, welfare and family organisations approved of the plans. In March 2011, the federal cabinet approved a draft law for submission to Parliament, with plans to introduce the *Pflegezeit* on 1st January 2012.

4. 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

No statutory leave entitlement.

c. Parental leave and Parental benefit

The 2007 Parental leave reform had the explicit aim to raise the take-up of leave by fathers and recently published data by the Federal Statistics Office show that the proportion of fathers taking leave has risen more than five-fold from 3.3 per cent in 2006 to 20 percent in 2010.

The new Parental leave law has, therefore, been successful in raising the take-up of leave by fathers, although a large majority, i.e. 75.2 per cent (2010), took no more than their individual two month entitlement (partner's months). The reform has also reduced the number of people taking more than one year of paid leave, which was a declared goal of the new law. In fact, in 2010 just 10.5 per cent of Parental leave takers made use of the option to prolong their paid leave to two years at 33.5 per cent of prior income.

Somewhat less clear is whether the switch from a flat-rate to an earnings replacement benefit has improved the economic situation of average leave-takers. Statistics show that almost half of all recipients merely received the minimum sum of €300 and among this group a substantial part would have probably been better off with the former leave entitlement, which guaranteed them €300 for two years instead of one. An additional 22.3 per cent of recipients benefited from the low income component of the new *Elterngeld*. In other words, for more than two-thirds of parents, the introduction of an earnings replacement benefit has had little or no positive impact from a financial point of view.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Whereas the Parental leave changes in 2001 and 2007 increased the flexibility of leave entitlements for both parents, they also reduced the number of parents eligible for benefit and in many cases the benefit level. Various research revealed that the combination of means testing, relatively modest benefit levels and comparatively long leave periods entailed significant 'employment penalties' for mothers and offered little incentives for fathers to get involved in childrearing. Increasingly research has been making use of longitudinal data like

the German Socio-Economic Panel (GSOEP) and has been combining sociological and economic theories for an analysis of the effects of Parental leave legislation on household and individual behaviour. Indeed, the 2007 Parental leave reform may be partly seen as a reaction of policy makers to problems identified by empirical Parental leave studies.

b. Selected publications since January 2010

Blum, S. (2010) 'Between Instrument Tinkering and Policy Renewal: Reforms of Parental Leave in Germany and Austria', *German Policy Studies*, Vol.6, no.3: 83-118. Available at: <http://www.spaef.com/article.php?id=1235>

This article compares Parental leave reforms conducted in Germany and Austria during the last decade and discusses explanations for the varying policy outputs.

BMFSFJ (German Ministry for Family, Senior Citizens, Women and Youth) (2010) *Familienreport 2010*, Berlin: BMFSFJ. Available at: <http://www.bmfsfj.de>.

This report of the German Family Ministry discusses family benefits and services in the context of families' living situations in Germany, their preferences, time use and time needs as well as work-life balance. There is a special section on the parental benefit, where up-to-date research and evaluation results regarding this instrument are presented.

Destatis (Statistisches Bundesamt) (2011) *Öffentliche Sozialleistungen Statistik zum Elterngeld. Gemeldete beendete Leistungsbezüge – 2010*. Wiesbaden: Destatis. Available at: <http://www.destatis.de>.

Official statistics on the utilisation of Parental leave entitlements in 2010, including time series data.

Henninger, A. and von Wahl, A. (2010) 'Das Umspielen von Veto-Spielern. Wie eine konservative Familienministerin den Familialismus des deutschen Wohlfahrtsstaates unterminiert', in: C. Egle and R. Zohlnhöfer, Reimut (eds.) *Die zweite Große Koalition. Eine Bilanz der Regierung Merkel 2005-2009*. Wiesbaden: VS Verlag für Sozialwissenschaften, 361-379.

This chapter discusses the Parental leave reform of 2007 in the context of the overall policy developments of Germany's second grand coalition of Christian and Social Democrats under chancellor Angela Merkel (2005-2009).

Pull, K. and Vogt, A.-C. (2010) 'Viel Lärm um Nichts? Der Einfluss der Elterngeldreform auf die Inanspruchnahme von Elternzeit durch Väter', *Soziale Welt – Zeitschrift für sozialwissenschaftliche Forschung und Praxis*, Vol.61, No.2: 121-137.

This article presents the findings from an online survey conducted in 2008, where 1,290 fathers gave background information on their decision to take Parental leave (or not) before and after the 2007 reform and on the lengths of their possible take-up. The survey found that, on the one hand, fathers' take-up of Parental leave has increased and income differences play a smaller role in how parents share the leave than before the reform; on the other hand, however, fathers tend only to take the two partner's months.

c. Ongoing research

None reported.

Greece

Evi Hatzivarnava Kazassi

April 2011

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

Note on leave information: the information given below is based on: (i) leave arrangements for employees in the private sector that are covered by 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 sector⁶⁷; (ii) leave arrangements for public sector employees that are covered by basic laws and the Code for Civil Servants.

i. Private sector (responsibility of the Department of Labour and Social Security)

a. Maternity leave (Basic leave – Άδεια Μητρότητας; Special leave for the protection of maternity – Ειδική Άδεια για την Προστασία της Μητρότητας)

Length of leave (before and after birth)

- Basic leave: 17 weeks: eight weeks must be taken before birth and nine weeks after birth.
- Special leave: six months, granted after Basic Maternity leave and before the beginning of the use of flexible working (reduced hours of daily work).

Payment and funding

- Basic leave: 100 per cent of earnings, with no ceiling in payment.
- Special leave: minimum daily wage agreed in the National General Collective Labour Agreement, as well as social insurance coverage.
- Basic leave: funded by the Social Security Fund, which are financed by employer and employee contributions; and the Manpower Employment Organisation, which is funded mainly through employer and employee contributions, plus some funds from the Government. Special leave: funded by the Manpower Employment Organisation.

Flexibility in use

- Basic leave: 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.

⁶⁷ Collective Labour Agreements are signed between Employers and Confederations of large sub-sectors of the economy such as the bank sector or enterprises of the wider public sector such as the electricity company. Such Agreements usually have improved provisions with regard to the National General Collective Labour Agreement.

- Special leave: if the parent, with the employer's agreement, makes use of the right to take a continuous time off work instead of working reduced hours (see 1ie), then the 'special leave for the protection of maternity' is taken after this leave.

Eligibility

- Basic leave: to ensure full compensation, 200 working days during the previous two years are needed.
- Special leave: those insured in IKA-ETAM (the largest Social Insurance Fund).

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)

- Two days paid leave at the time of the child's birth, funded by the employer⁶⁸.

c. Parental leave (Γονική Άδεια Ανατροφής)

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 one or 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.

⁶⁸ This and other periods of leave funded by the employer are considered to be part of normal working time.

- Parents with a disabled child do not get additional Parental leave, but are eligible for carer's leave (see 1ie 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 8 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-quarter months, as part of a scheme which also allows parents to work reduced hours. For more details, see 1ie, 'flexible working'.

e. Other employment-related measures

Adoption leave and pay

- For adoptive parents the same regulations for Parental leave apply as for other parents.

Time off for the care of dependants

- 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 14 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 for both parents for each child that attends school up to the age of 16, funded by the employer.
- 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, funded by the employer.
- Leave for widows/ers or unmarried parents caring for children: in addition to other leave, six days per year paid leave. If the parent has three or more children the leave is eight days per year. The leave payment is funded by the employer.

Flexible working

- Parents are entitled to work one hour less per day for up to 30 months after Maternity leave, with full earnings replacement. This 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, with the employer's agreement, 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-quarter 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 with no ceiling in payment (funded by the employer).
- Adoptive parents of children up to the age of six are entitled to flexible working or a childcare leave (see 1id).

ii. Public sector (responsibility of the Department of Interior, Decentralisation and E-Government)

a. Maternity leave (Άδεια Μητρότητας)

Length of leave (before and after birth)

- Five months: two months must be taken before birth and three after birth. For every child after the third, the length of post-natal leave is extended by two.

Payment and funding

- Hundred per cent of earnings, with no ceiling in payment.
- Funded through general taxation.

Flexibility in use

- 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 five months. If birth takes place after the time envisaged, the leave is extended until the actual birth date without any respective reduction in the after birth leave.

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

- Childbearing mothers who need special therapy and have exhausted their sick leave are granted paid childbearing leave.
- In case of multiple childbearing, maternity leave is extended by one (1) month

b. Paternity leave

No statutory entitlement.

c. Parental leave (Άδεια χωρίς αποδοχές)

Length of leave

- Up to two years per parent. Leave is an individual entitlement.

Payment and funding

- None, except for the case of three or more children where three months of the leave are fully paid by the employer and funded through general taxation.

Flexibility in use

- Leave may be taken at any time up to the time the child turns six years.

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

- An employee can use this leave if his/her spouse does not make use of the childcare leave at the same time (see 1iid below).

- In cases of separation, divorce, widowhood or birth without marriage, only the parent that cares for the child is entitled to this leave.

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

- In the case of three or more children, three months of the leave are paid.
- Parents with a disabled child do not get additional Parental leave, but are eligible for leave for the care of dependants (see 1iie below).

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

- None.

d. Childcare leave (άδεια ανατροφής or μειωμένο ωράριο εργασίας)

- A parent can take nine months of childcare leave with full payment as an alternative option to a scheme which allows parents to work reduced hours. The leave is paid by the employer and funded through general taxation, and is granted after Maternity leave. The leave does not constitute a personal entitlement and can be used by either or both parents within the total nine-month period. A husband is not entitled to this leave if his wife is not working. For a parent who is unmarried, widowed, divorced or has a severely disabled child, the leave is extended by one month. For more details, see 1iie– ‘flexible working’.

e. Other employment-related measures

Adoption leave and pay

- Adoptive mothers are granted a three- month paid leave during the first six months after the adoption if the child is less than six years of age. One of the three months can be taken before adoption.

Time off for the care of dependants

- Leave for children’s sickness: none.
- Leave for visiting children’s school: up to four days of paid leave for one child, up to five days for two or more children. If the children attend different levels of schools an extra day is granted. The leave is not a personal entitlement i.e. if both parents work in the public sector, the total number of days is for both parents to share.
- Up to 22 days per year of paid leave for employees whose children or spouses need regular transfusion or periodic therapy or whose children suffer from severe mental handicap or Down’s syndrome.
- Leave for employees with children or spouses with disability: one hour per day, paid.

Flexible working

- Parents are entitled to work two hours less per day if he/she has children of less than two years old and one hour less per day if he/she has children between two and four years old, with full earnings replacement. As mentioned above (1iid) there is an alternative option for this leave which is nine consecutive months off work after Maternity leave.

- Flexible working does not constitute a personal entitlement and can be used by either or both parents within the total entitlement period. A husband is not entitled flexible working if his wife is not working.
- For a parent who is unmarried, widowed, divorced or severely disabled flexible working is extended by six months. In the case of the birth of a fourth child, flexible working is further extended by two years.
- Adoptive parents of children up to the age of four are entitled to flexible working or alternatively childcare leave (see 1iid).
- An employee supporting a child or a husband/wife with a serious disability can work one hour less per day, with full payment.

All paid leave is funded through general taxation.

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

The maximum period of post-natal leave available in Greece is 60 months in the public sector and 19 months in the private sector; but leave paid at a high rate runs for only 6-12 months. There is an entitlement to ECEC at 5 years of age, and attendance is compulsory for the year before the beginning of elementary school (i.e. from around 5 years). So for most parents there is a gap between the end of post-natal leave and an entitlement to ECEC, reaching 4 years of more in most cases. Levels of attendance at formal services for children under and over 3 years are well below the average for the 30 countries included in this review.

3. Changes in policy since January 2010 (including proposals currently under discussion)

For the National General Collective Agreement of 2010-2011, in the private sector, the General Confederation of Labour of Greece had proposed the following:

- The extension of Maternity leave by three weeks, that is from 17 to 20 weeks, with eight weeks to be taken before birth, nine weeks after birth and three weeks to be decided by the mother; these last three weeks could be taken by the father if not used by the mother. In the case of multiple births, four extra weeks for each child should be added after birth.
- The extension of the provision of nine weeks of post-natal Maternity leave, to which biological parents are entitled, to adoptive mothers. Starting date of this leave would be the date that the adoptive mother takes responsibility of the care of the child.
- The prohibition of dismissal of a parent during the time of flexible working (reduced hours or childcare leave) or the newly established special leave for the protection of maternity.
- The extension of Paternity leave from two to five days. Three of the five days should be taken just after birth and the rest during the period of confinement. Adoptive fathers should be entitled to the same leave with the adoption time as the starting point for the provision of the leave.
- The extension of Parental leave from three and a half to four months, as well as the extension of the period during which leave can be taken from three and a half to eight years. Parental leave should be paid and the cost equally shared by the employer and the Manpower Employment Organisation. Lone parents should have eight months of leave instead of the six months they have today.
- The extension of leave for widows/ers or unmarried parents (see 1ie) to divorced and separated parents with responsibility for the care of a child.

- The clarification that the leave for visiting children's school (four days per year) is per child.

Some of these proposals are not new, being raised in the past but not adopted. However, 2010 was a year of acute economic crisis and the signing of the memorandum between the IMF/EU and the Greek government set strict rules regarding public spending. Under such circumstances, strong pressure has been exerted on the collective bargaining between employers and employees and none of the above proposals were included in the National General Collective Agreement of 2010-2011. More generally, the overturning of the system of collective bargaining and collective labour agreements instituted by a number of legal provisions during 2010 has had a negative impact on the raising of issues of social concern, particularly since the content of collective labour agreements, i.e. in arbitration, has been restricted to wage issues. In this way, an important collective mechanism of change, which has traditionally been an effective way of promoting workers' rights, including the protection of working parents, has been weakened. It is feared that these changes in the system of collective bargaining, in combination with measures to increase flexibility in the labour market, will threaten the principle of equality between men and women in work and will lead to discrimination against women and mothers on wages and terms of employment (expressed in the submission of the General Association of Greek Workers to the General Secretariat for Equality with regard to the implementation of the Convention on the Elimination of All Forms of Discrimination Against Women) .

Similar worries are expressed by the National Committee of Human Rights, which stresses that the deregulation of labour relations, including the weakening of the National General and Sector Collective Labour Agreements in favour of Enterprise Collective Agreements, are making workers and working parents (particularly women) more vulnerable (Comments on the 7th report of Greece (2005-2008) towards the UN Committee for the elimination of all forms of discrimination against women).

However, up to now, there have been no cutbacks in the system of Parental leave provisions, though due to job cuts, dismissals, conversion of full-time to part-time jobs and generally high work insecurity, the use of such leaves is expected to have been negatively affected.

The Citizen's Ombudsman (Cycle of Gender Equality) made the Parental leave system its main focus of attention in its special report (June 2009-December 2010) on the equal treatment of men and women in employment and labour relations. Its conclusions included:

- Public administration continues to consider 'positive' measures on behalf of mothers as measures for the protection of maternity and the family and is reluctant to extend or share such measures with fathers
- Childbearing and motherhood continue to constitute the main causes of discrimination against women in the labour market. During 2010, 36 per cent of all complaints to the Citizen's Ombudsman were about sex discrimination in the private sector. In fact during the last year and due to the economic crisis the number of such complaints increased significantly.
- Existing measures and inadequate childcare provision do not adequately secure mothers' reintegration in the labour market after a long period of leave.
- Public policy regarding the combination of work and family is judged as fragmentary and focused mainly on mothers (Maternity leave, special leave for the protection of maternity) giving fathers only a subsidiary role (i.e. the childcare leave in the public sector is granted to mothers irrespective of whether the father works or not, but for fathers the leave is granted only if the mother works).

The report suggests that the Committee set up by the Ministry of Justice to examine the integration of EU Directive 2010/18 on Parental leave should consider, amongst other things, the codification of all provisions regarding leaves for parents in the private and public sector into an integrated text, the introduction of special measures so that fathers make use of Parental leaves and the introduction of greater flexibility in the use of leaves.

4. Take-up of leave

There is no information on take-up of the various types of leave. However, it is feared that due to economic crisis and high unemployment, take-up rates would be negatively affected in the private sector.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

There is little research going on in this area. Most available research has focused on reconciliation of work and family responsibilities and the issues it raises, including flexible working arrangements, childcare and leave policies. Most of the work done has been within the context of EU-funded projects.

b. Selected publications since January 2010

None reported

c. Ongoing research

Family protection: labour and insurance provisions of employees of the public sector in the member states of the EU – comparative analysis (in progress). Institute of Labour of the General Confederation of Labour of Greece, funded by the Women's Secretariat of the Superior Confederation of Civil Servants.

This study describes and compares public sector conditions in EU member states.

Reconciliation of work and family: study for the identification of the needs of parents in Athens (completed, in the stage of submission). L. Alipranti and E. Tsanira, National Centre for Social Research, Athens, funded by the National centre for Social Research..

This study is focused on working parents, with typical or atypical working hours, who have their children in the kindergartens of the Athens municipality.

Hungary

Marta Korintus and Andrea Gyarmati

April 2011

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

Note on terminology: the Hungarian names for two of the Parental leaves discussed in 1c – GYES and GYED – include the word *gondozas*, that is ‘care’. By contrast, GYET - available after the child is older than three (see 1d) - includes the word *nevelés*, that is ‘upbringing’. The Hungarian names for these three leaves (1c and 1d) 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 Ministry of Social Affairs and Labour)

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 first birthday (see 1c).

Payment (terhessegi-gyermekagyi segely) and funding

- Seventy per cent of average daily earnings, with no ceiling on payments. In cases when there has been previous employment (i.e. the pregnant woman is eligible) but no actual income can be determined on the first day of eligibility (e.g. the pregnant woman is on sick leave for several months, or is self-employed and does not have 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.
- Funded from the National Health Insurance Fund, which is financed by contributions from employers, employees and general taxation; employers and employees both pay 6 per cent of gross earnings to the Health Insurance Fund. As well Maternity leave, this fund supports GYED (see ‘Parental leave’) and health provision.

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 24 weeks unpaid maternity leave.
- Women employees and self-employed women with at least 365 days of previous employment within two years of the birth of a child 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 leave⁶⁹

Length of leave

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

Payment and funding

- Hundred per cent of father's average daily wage, with no ceiling on payments.
- Funded from the National Health Insurance Fund, which is financed by contributions from employers and employees.

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 Ministry of Social Affairs and Labour)

There are two types of leave and benefit: (1) for non-insured parents, *Gyermekgondozasi sagely*, GYES; (2) for insured parents, *Gyermekgondozasi dij*, GYED. Both are family entitlements except for GYED up to the child's first 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.

Payment and funding

- **GYES:** until the child's third birthday, a flat-rate benefit equal to the amount of the

⁶⁹ Paternity leave has no separate name in Hungarian; it is just listed as one of the eligible reasons for leave days in the Code of Labour legislation.

minimum old-age pension, HUF28,500 (€110⁷⁰) per month. Twice this amount in case of multiple births, regardless of their number. Funded by the Treasury from general taxation.

- **GYED:** benefit of 70 per cent of earnings, up to a ceiling of 70 per cent of twice the minimum daily wage (HUF 102,900 (€390) per month. Funded from the National Health Insurance Fund, which is financed by contributions from employers and employees.

Flexibility in use

- A parent taking **GYES** cannot work until the child's first birthday, but can then work less than 30 hours a week, or unlimited hours if she/he works at home or has a disabled or permanently sick child 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:** only the mother may take this leave up to the child's first birthday. Otherwise either of the parents living with the child is eligible as long as she/he has been employed at least for 365 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 tenth 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 can work less than four hours daily, or without limitation if the work is done in the home, after the child becomes older than three years of age.

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 second and eighth birthday of the youngest child (*Gyermeknevelési támogatás*, GYET). Benefit payment as for GYES. The person taking up GYET can work less than 30 hours a week, or unlimited hours if the work is done in the home. 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.

⁷⁰ Conversion of local currency into Euros undertaken on 3 May 2011, using <http://finance.yahoo.com/currency-converter/>

e. Other employment-related measures

Adoption leave and pay

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

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 to one one-hour break until a child is nine months old. The number of hours is doubled in the case of twins.

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

The maximum period of paid post-natal leave available in Hungary is 3 years, but the last year is paid at a low flat rate; until 2 years, insured parents taking leave are paid at a high earnings-related level. There is an entitlement to ECEC from 3 years of age and it is compulsory to attend 4 hours a day from the age of 5 years. Children under three years are also entitled to an ECEC place, but there are not enough places; legislation is in place in both cases but implementation varies. So though on paper there is no gap between the end of Parental leave entitlement and the start of an ECEC entitlement, there is in practice due to a shortage of places in services for children under 3 years; otherwise there is a one year gap between the end of well-paid leave and an entitlement to an ECEC place for three-year-olds. Levels of attendance at formal services are well below the average for the 30 countries included in this review for children under 3 years and below average for children over 3 years.

3. Changes in policy since January 2010 (including proposals currently under discussion)

From 1 May 2010, the eligibility for payments for insurance-based leaves (Maternity leave and GYED) has changed to 365 days of employment during the two years before giving birth. From 30 April 2010, payment for parents taking GYES was reduced from three to two years; the length of leave was unchanged at three years, so parents could remain on leave between the second and third birthday of their child but without payment. But from 31 December 2010 the period of GYES is three years again and it applies to all those also who gave birth between 30 April and 31 December 2010.

4. Take-up of leave

a. Maternity leave

There are only statistics on the number of women receiving benefit. The average monthly number in 2009 was 29,230. It is thought that almost all eligible women take leave.

b. Paternity leave

The total number of fathers taking leave during 2009 was 21,726, using 108,473 days.

c. Parental leave

There are only statistics on the number of recipients of benefit. The average monthly numbers in 2009 were: 174,153, or 72.9 recipients per thousand women of fertile age, for GYES; 95,050, or 39.8 recipients per thousand women of fertile age, for GYED; and 40,263, or 16.8 recipients per thousand of women of fertile age, for GYET. There is no information on what proportion of parents take leave or how long they take. It is thought, however, that the number of fathers taking leave is very small; over the years, the number of male recipients of benefit has been between 1,000 and 3,000. There is no data available on the proportion of parents taking leave. An estimate can be made on the basis that about 11.8 per cent of children under three years were in childcare centres in 2009, so the remainder probably had a parent (predominantly mother) taking up one of the Parental leave options.

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 2009, the total number of sick leave days in Hungary was 32,754,000; 3.3 per cent of these were taken for sick children.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Work on issues concerning achieving work–life balance in families with children has been flourishing since 2009. The issues covered are comprehensive, ranging from demography to labour force participation, leave policies, cash benefits and childcare. The overall aim seems to be finding a good or acceptable solution to facilitating women's return to work and expanding services for young children in a quite unfavourable economic, financial and societal situation created by the recent crisis.

b. Selected publications since January 2010

Blaskó, Zs. (2010) 'How Long Should Mothers Stay at Home? – The Child Development's Perspective. Research Evidence and Some Conclusions for Family Policy', *Esély* 2010/3: 89-116

The paper looks at the optimum length of Parental leave from a child development perspective. Existing research evidence of the impact of (early) maternal employment on the physical, cognitive and psycho-social development of the child is reviewed. Findings suggest that starting non-maternal care before the age of three years is not necessarily

disadvantageous and it can even have positive impacts for the child – provided that certain preconditions are given. These include the availability of high standard childcare, good labour market conditions to reconcile work and family life and a supporting social environment. Conclusions for restructuring the existing Parental leave system in Hungary are drawn.

Fazekas, K., Lovász, A. and Telegdy, Á. (eds) (2010) *Munkaerőpiaci Tükör [The Hungarian Labour Market – Review and Analysis]*. Budapest: MTA Közgazdaságtudományi Intézet [Institute of Economics, Hungarian Academy of Sciences]

The series of labour market yearbooks was launched with the goal of reviewing the main developments in the Hungarian labour market annually, and of giving an in-depth analysis of selected issues. In this volume, the first part gives an overview of the labour market impact of the first year of the economic crisis, and the policy response to it. The second part analyzes characteristics of labour market discrimination and segregation. The introductory chapter of this section summarizes the different types of observable statistical differences between groups present in the labour market, introduces the standard economic models of labour market discrimination, and discusses non-discriminatory phenomena which may also lead to observed between-group differences. The third part describes the legal and institutional environment of the Hungarian labour market in 2008-2009. The closing part presents a comprehensive collection of statistical data on labour related issues.

Gyarmati, A. (2010) 'Az adóengedmények szerepe a családtámogatási rendszerben' ('The role of tax benefits in the system of family support'), in: A. Simonyi (ed.) *Családpolitikák változóiban (Changing family policies)*. Budapest: Szociálpolitikai és Munkaügyi Intézet, pp. 42-56.

The first part of this chapter introduces the different definitions of tax-related benefits used in international literature, their aims and effects. The second part describes recent trends and the third part explains the practice in Hungary and six other European countries.

Koltai, L. (2010) 'Babázó apák' ('Fathers on leave'), in: A. Simonyi (ed.) *Családpolitikák változóiban (Changing family policies)*. Budapest: Szociálpolitikai és Munkaügyi Intézet, pp. 86-91.

This chapter introduces the potential of leaves in promoting the better involvement of fathers in the lives of their children through international trends with a few country specific examples.

Koltai, L. (2010) 'A munka és a magánélet összeegyeztetése a Visegrádi országokban' ('Work-life balance in the Visegrad countries'), in: A. Simonyi (ed.) *Családpolitikák változóiban (Changing family policies)*. Budapest: Szociálpolitikai és Munkaügyi Intézet, pp. 68-79.

This chapter provides a summary of the main issues covered in a recent book edited by Piot Michon, *Work-Life Balance Policy in Czech Republic, Hungary, Poland and Slovakia 1989-2009, Twenty Years of Transformation*.

Korintus, M. (2010) 'Gyermekgondozási szabadságok: európai körkép' ('Maternity, Paternity and Parental leaves: a European overview'), in: Simonyi, Á. (ed.) *Családpolitikák változóiban (Changing family policies)*, Szociálpolitikai és Munkaügyi Intézet, Budapest, pp. 79-86.

This chapter gives an overview of trends and recent changes in Maternity, Paternity and Parental leaves in European countries, based on the International Review of Leave Policies.

Korintus, M. and Koltai, L. (2010) 'Work-life balance in Hungary'. in: P. Michon (ed.) *Work-Life Balance Policy in Czech Republic, Hungary, Poland and Slovakia 1989-2009: Twenty Years of Transformation*. Poznan: Dom Wydawniczy Harasimowicz, pp. 32-50.

This chapter describes the situation and some of the achievements and obstacles to reaching work-life balance in Hungary in a wider context of the Visegrad countries.

Michon, P. (ed.) (2010) *Work-Life Balance Policy in Czech Republic, Hungary, Poland and Slovakia 1989-2009: Twenty Years of Transformation*. Poznan: Dom Wydawniczy Harasimowicz.

The book provides a detailed description of the main problems related to the 'work-life balance' in the Visegrad countries, as well as exploring the main socio-economic changes. The book charts the seemingly similar changes that were accompanied by different policies. It gives the reader a 'view from the inside', which helps to understand the complexity and difficulties of the transformation process.

S. Molnár, E. (2009) 'Changes in the preferred number of children during the last decades in Hungary', *Demográfia*, Vol.52, No.4: 283–312.

The study analyses long-term changes in the preferred number of children among 18 to 50-year olds, based on the longitudinal research of the Hungarian Demographic Research Institute. According to the findings of a contemporary survey (from 2009), the mean ideal number of children for families has been decreasing for the past decades – following the real fertility decline. There is a widespread acceptance of childlessness as a lifestyle, which was not characteristic of the Hungarian society before.

Stefán-Makay, Zs. (2009) 'Correlation between French family policy and high fertility', *Demográfia*, Vol.52, No.4: 313–348.

This paper analyses whether there is relationship between high French fertility and generous family policy. The question is answered by reviewing the relevant French literature. The fertility of the country is described to prove that France is one of those European countries with the highest childbearing intentions, both with regard to total fertility ratio and completed fertility of generations. French family policy is described in detail: its place among other policies, its financial aspects, aims and distribution of costs. Finally, particular measures are covered: child birth, childcare and fatherhood leaves and allowances linked to them, part-time employment options, and other direct monetary contributions.

Szikra, D. (2010) 'Családtámogatások Európában történeti perspektívában' ('Family support in a European historical perspective'), in: Simonyi, Á. (ed.) *Családpolitikák változóiban (Changing family policies)*. Budapest: Szociálpolitikai és Munkaügyi Intézet, pp. 9-20.

This chapter charts the changes in analyzing the history of social policy and summarizes the latest literature on family policy.

Szikra, D. (2010) 'Franciaország, Lengyelország, az Egyesült Királyság, a Német Szövetségi Köztársaság, Norvégia és Spanyolország családtámogatási rendszere' ('The system of family support in France, Poland, UK, Germany, Norway and Spain'), in: Simonyi, Á. (ed.) *Családpolitikák változóiban (Changing family policies)*. Budapest: Szociálpolitikai és Munkaügyi Intézet, pp. 20-42.

Yearbook of Welfare Statistics, 2009 (with CD-ROM) (2010). Budapest: Központi Statisztikai Hivatal, Budapest

This yearbook contains detailed data on social assistance, family benefits, child welfare provision, child protection, social benefits, basic social care and social day care, social work activities with accommodation, rehabilitative employment, sick pay, retirement allowances and the social and guardianship authority administration in 2009, with a detailed methodology

c. Ongoing research

European Family Platform (2009-2011), funded by the European Union's Seventh Framework Programme.

Covering all 27 member states, the Platform is a consortium of 12 organisations aiming to collectively increase the well-being of families across Europe. It aims to do this by encouraging dialogue between stakeholders, ultimately providing input into the EU's Socio-Economic and Humanities Research Agenda on Family Research and Family Policies. The platform takes account of three relevant perspectives: the scientific community; European families, represented by members of civil society and important stakeholders such as family and children's rights associations; and policy-makers and social partners. It brings together leading European universities, EU policy-makers and representatives from the civil society to identify topics of relevance to families, such as work/life balance, gender equality, care provision, service provision to families and issues regarding immigration and social integration. In the short term, the Family Platform will compile and review the existing research into family life; identify gaps in the available research; and explore future trends for family models likely to take place in the EU in 2035. The project is coordinated by the Technische Universität in Dortmund, Germany; within the project, the Hungarian Demographic Research Institute is responsible for Family Management.
<http://www.familyplatform.eu/en/familyplatform>

Iceland

Thorgerdur Einarsdóttir and Gyda Margrét Pétursdóttir

April 2011

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

Note on terminology: 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 as *fedraorlof* (Paternity leave). So even if the law makes 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 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 Icelandic Ministry of Welfare as 'parents' joint rights'.

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

Length of leave (before and after birth)

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

Payment and funding

- Eighty per cent of earnings for earnings lower than ISK200,000 (€1,275⁷¹) per month, then 75 per cent of earnings over ISK200,000 up to a ceiling of ISK300,000 (€1,820) per month. 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 ISK82,184 (€500) per month; and for a mother working longer hours, at least ISK113,902 (€690). For those working less than 25 per cent of full-time hours and those outside the labour market the amount is ISK49,702 (€300). As a frame of reference, the minimum wage in Iceland is ISK165,000 (€1,000) per month and maximum unemployment benefits is ISK149,523 (€905). Others (including students) receive a flat-rate payment, ISK113,902 (€690).
- Funded by the Maternity/Paternity Leave Fund, which is financed by contributions from employers of 4.54 per cent of earnings; 1.08 per cent of this revenue goes to this Fund.

Flexibility in use

⁷¹ Conversion of local currency into Euros undertaken on 28 April 2011, using <http://finance.yahoo.com/currency-converter/>

- 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').
- The total of nine months leave (covering Maternity, Paternity and joint rights) can be used until 36 months after the birth.

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

- All women who have been in the workforce during the preceding 12 months, ending six months prior to birth.

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

- See 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 Welfare)

Length of leave

- Three months.

Payment and funding

- 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 in the workforce during the preceding 12 months, ending six months prior to the child's birth.

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

- See 1c.

c. Parental leave (see note on terminology at the start of part 1) (responsibility of the Ministry of Welfare)

Length of leave (before and after birth)

- Three months after birth.

Payment and funding

- Same as for Maternity leave.

Flexibility in use

- The total of nine months leave (covering Maternity, Paternity and joint rights) can be used until 36 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 until the child is eight years old.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents (i.e. mothers) giving birth 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. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Iceland is 15 months, but well-paid Parental leave only lasts for 9 months. There is no entitlement to ECEC so there is a large gap between leave and ECEC entitlements. However, most municipalities offer ECEC for children under and over 3 years, and there are high attendance levels for both age groups, above the average for the 30 countries included in this review.

3. Changes in policy since January 2010 (including proposals currently under discussion)

The State Budget for 2011 requires the Maternity/Paternity Leave Fund to cut its expenditure by ISK300 million (€1.8 million). In earlier versions of the State Budget for 2011 the Fund was supposed to cut expenditure by ISK1,000 million (€6 million); but since fewer parents are utilizing their leave, the Directorate of Labour estimated that fathers' use of leave will drop from 100 to 66 days, therefore requiring a smaller cut. Those cuts have not been implemented.

These changes are due to the economic crisis. The unemployment rate has risen steeply from about 1 per cent in 2008 to about 8 per cent in 2009.

4. Take-up of leave

a. Maternity leave

In 2007, 99.2 per cent of women applying for leave used the three months available. For more details see 3c.

b. Paternity leave

See 3c.

c. Parents' joint rights

In 2008, 90.9 per cent of 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 103 days leave compared to 178 for mothers). Overall, 23 per cent of fathers took some of the parents' joint rights, and 17.3 per cent took less than their three months of designated Paternity leave; 93 per cent of mothers took some period of parents' joint rights.

In 2008, 33.6 per cent of men and 43.3 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

d. Other employment-related 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.

5. Research and publications on leave and other employment-related policies since January 2011

a. General overview

Research on leave and other employment-related policies is increasing in Iceland. Some studies include cross-national comparisons, which is reducing Iceland's previous knowledge gap in this area.

b. Selected publications since January 2010

Eydal, G. B. and Rostgaard, T. (2010) 'Nordic childcare policies', *European Journal on Child and Youth Research*, No.6: 50-57.

This article gives an overview and discusses Nordic childcare policies.

Eydal, G. B. and Rostgaard, T. (2010) 'Umönnunargreiðslur: Ógn við jafnrétti eða aukið val?', in: H. S. Gudmundsson (ed.) *Rannsóknir í félagsvísindum XI [Research in Social Sciences]*. Reykjavík: Félagsvísindastofnun Háskóla Íslands, pp. 18-28.

This peer reviewed conference paper investigates how cash for care/home allowances are used and implemented within different municipalities in Iceland

Fæðingarorlofssjóður og Vinnumálastofnun [Paternity/Maternity Leave Fund and Directorate of Labour] (2010) *Samantekt yfir tölulegar upplýsingar Fæðingarorlofssjóðs 2001-2009*.

Reykjavík: Leave Fund and the Directorate of Labour.

This report gives an overview of the activities and spending of the Maternity/Paternity Leave Fund 2001-2009.

Gíslason, I. V. and Eydal, G. B. (eds.) (2010) *Föräldradighet, omsorgspolitik och jämställdhet i Norden. TemaNord 2010:595*. Copenhagen: Nordiska ministerrådet [Nordic Council of Ministers].

The book explores parental leave options, politics of care and gender equality in the Nordic countries. Contributors include: Johanna Lammi-Taskula, Berit Brandth, Ann-Zofie Duvander, Ingólfur V. Gíslason, Guðný Björk Eydal, and Tine Rostgaard. Contact: ivg@hi.is, ge@hi.is

Pétursdóttir, G. M. (2010) 'Homo economicus meets Homo holismus. Men and women discuss their salaries within different frames of reference', in: S. B. Ómarsdóttir (ed.) *Rannsóknir í félagsvísindum XI [Research in Social Sciences]*. Reykjavík:

Félagsvísindastofnun Háskóla Íslands, pp. 22-29.

This peer reviewed conference paper investigates how the gender pay gap affects couples' relations, division of domestic labour and childcare.

c. Ongoing research

Ingólfur V. Gíslason and Gudny Bjork Eydal are working on a paper on developments and changes after the economic collapse. Contact: ivg@hi.is

Ireland

Eileen Drew

April 2011

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

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

Length of leave (before and after birth)

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

Payment and funding

- Eighty 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 €217.80 per week and up to a ceiling of €262 a week for 26 weeks; the remaining 16 weeks is unpaid. Mothers who are already on certain social welfare payments are entitled to half-rate maternity benefit.
- Funded from the Social Insurance Fund, which is financed by contributions from employers and employees. Pay Related Social Insurance (PRSI) rates vary across different types of employment. However, the majority of employees pay at a rate of 4% of earnings and employers at a rate of 10.05%

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 woman 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 statutory entitlement.

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

Length of leave

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

Payment and funding

- None.

Flexibility in use

- Leave may be taken up to the child's eighth birthday.
- Increase in the maximum age of the eligible child to 16 years in the case of children with disabilities.
- Extension of the *force majeure* provisions to include persons in a relationship of domestic dependency, including same-sex partners;
- Leave may be taken in separate blocks of a minimum of six continuous weeks or more favourable terms subject to employer's agreement.
- Under the Civil Law (Miscellaneous Provisions) Act 2008 parents who are employed by the same employer may transfer all or part of their Parental leave entitlements to the other parent, subject to the 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 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.
- An employee who falls ill while on Parental leave and as a result is unable to care for the child may suspend the Parental leave for the duration of the illness following which period the Parental leave recommences.
- Provision for statutory codes of practice on the manner in which Parental leave and *force majeure* leave might be taken and the manner in which an employer can terminate Parental leave.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Forty weeks leave for adopting mothers or sole male adopters, with 24 weeks paid; 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.
- Sixteen weeks unpaid adoptive leave.
- Section 9 of the Act makes provision for splitting the period of adoptive leave and/or additional adoptive leave in the event of the hospitalisation of the adopted child, subject to the agreement of the employer.
- Section 10 provides for situations where an employee returns to work having postponed leave under Section 9 and is subsequently absent from work due to sickness.

Time off for the care of dependants- Carer's Leave

- 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 'Carer's leave' leave to provide full-time care for a dependant (e.g. a child with a severe disability), either in one continuous period or as several blocks of time. Employees may work up to ten hours per week while on this carer's leave, subject to certain income limits. An employee on Carer's leave may be entitled to a means-tested carer's benefit.

Flexible working

- Breastfeeding mothers can either adjust their working hours or, if breastfeeding facilities are provided at work, take breastfeeding breaks up until the child is 6 months old.

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

The maximum period of paid post-natal leave available in Ireland is 15 months, but most of this is unpaid; leave paid at a high rate runs for only 6 months. There is an entitlement to ECEC from 3¼ years of age, though only for part-time nursery education (15 hours a week for 38 weeks per year). So there is a substantial gap between the end of leave and an ECEC entitlement, and a gap of more than 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 are below the average for the 30 countries included in this review, and just above the average for children over 3 years.

3. Changes in policy since January 2010 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

A total of 50,451 women applied for maternity pay in 2008, the year in which the highest number of births was recorded in Ireland since 1896, with over 75,000 babies born; the difference between women applying and births is accounted for by women not eligible for Maternity leave. In 2009, the Irish Government paid out €327m to mothers on Maternity leave compared with €122.7m in 2004 (Department of Social and Family Affairs). This substantial increase is due to various reasons: more births, more women in the labour market and in-migration of women of childbearing age.

b. Paternity leave

No statutory entitlement.

c. Parental leave

There is no recent information on take-up. 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 dependants, almost 7 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 recent 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.

5. Research and publications on leave and other employment-related policies since January 2010

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 any right to request flexible working – although the public sector has such arrangements. However the issue of statutory rights and duration of leave are currently under review. 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 since January 2010

Drew, E. and Humbert, A. L. (2010) 'Gender, entrepreneurship and motivational factors in an Irish context', *International Journal of Gender and Entrepreneurship*, Vol.2, No.2: 173-196. This paper examines the differences in women's and men's motivations for embarking on entrepreneurship, using ordinal regression modelling to test the influence of gender and other key variables. The results showed that while the motivations of men and women are very similar, men are more likely to become entrepreneurs in order to generate greater income while women were strongly influenced by the need to reconcile the demands of work and family. While fathers could rely more heavily on their partners to provide childcare, mothers relied more on a 'jigsaw' of caring arrangements for their children, including themselves.

Drew, E. and Humbert, A. L. (forthcoming 2011) 'Who's minding the kids? Work and family issues among the owners of small business enterprises in Ireland', in: C. Cooper and R. Burke (eds.) *Human Resource Management in Small Business: Achieving Peak Performance*, Cheltenham: Edward Elgar, pp. 236-258.

This chapter examines the relationship between work and family in the lives of entrepreneurs with dependent children in Ireland. It concentrates on the issue of how work/family strategies are gendered and whether these challenge or reinforce gender relations already prevalent in the employment sphere. Drawing upon a national survey, combined with interviews with entrepreneurs, the chapter reports on quantitative and qualitative responses in order to identify conflicts between family and business life, sacrifices made and behavioural responses to managing divisions of labour in the businesses and homes of respondents. Despite operating in autonomous organizations, Irish entrepreneurs exhibit a strong adherence to traditional gender roles in terms of their primary orientation. This is reflected in the adjustments made to reconcile family with entrepreneurial activity on the part of women; and the often punitive sacrifices in relation to family life, for example in working time schedules, exhibited by male entrepreneurs. Policy interventions aimed at encouraging more women to set up enterprises need to take account of the additional burdens placed on them and ensure family supports, such as affordable and flexible childcare, family-based leave and social security provision, alongside measures to provide access to finance, training and other requirements.

Drew, E. and Humbert, A. L. (forthcoming 2012) 'Men have careers, women have babies: a re-alignment of gender parenting roles among Irish entrepreneurs', *Community, Work and Family*, Vol. 15, No.2

This paper examines how entrepreneurial parents in Ireland negotiate their work and family roles, drawing upon a national survey of women and men entrepreneurs, to ascertain the degree to which entrepreneurship facilitates a more equitable sharing of domestic and caring tasks. Relatively few studies have examined familial and domestic task allocation in the context of entrepreneurship, as opposed to employment. The results suggest that mothers (and not fathers) adopted flexible working strategies; took on a disproportionate responsibility for caring and domestic labour; and experienced greater role conflict. Far from contradicting the prevailing findings of gender and employment issues, the study validates the gendered patterns of divergence between men and women and illustrates how they extend into entrepreneurship. Fathers worked significantly longer hours; their career trajectories were typically continuous, in full-time work, while mothers had more fragmented working patterns, reflecting absences for caring and adjustments such as part-time or working from home. It is still mothers, rather than fathers, who feel responsible for childcare arrangements and this imposes time constraints on their pursuit of entrepreneurship. The study points to the need for policy interventions to encourage entrepreneurship alongside co-parenting through childcare provision/subsidies and equal treatment in access to family-related leaves.

c. Ongoing research

Who cares? Attitudes to family-related leave in Irish organisations (2009-2010). Eileen Drew and Anna Watters, Trinity College Dublin.

This is an exploratory study of experiences of, and attitudes towards, family-related leave in Ireland. It involves a literature review, an online survey of 1,067 participants and three focus group sessions in six public, private and voluntary sector organisations. The study indicates that there is demand for improved policies on family-related leave, notably: the introduction of statutory paid Paternity leave; payment for Parental leave and being able to take this leave until children are 12 years old; and an extended duration of Maternity leave. There is also support for the transferability of some part of paid/unpaid Maternity leave entitlement to fathers/partners. In phase two, a further analysis of the survey data will be undertaken to establish working time schedules among parents, uptake of flexible working and childcare arrangements. It is also proposed to carry out a series of interviews with fathers and mothers in employment to elaborate on and validate the survey and focus group findings of phase one. Contact Eileen Drew at edrew@tcd.ie.

Italy

Tindara Addabbo and Dino Giovannini

April 2011

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

a. Maternity leave (*Congedo di Maternità*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after birth)

- Twenty weeks (5 months): at least four weeks before the birth. It is obligatory for employees to take this leave.

Payment and funding

- Eighty per cent of earnings with no ceiling for salaried workers. For home helps, self-employed workers and agricultural temporary labourers, earnings are 80 per cent of conventional earnings determined each year by the law; for non-fixed term workers, maternity leave depends on accredited contributions, though each professional sector has the possibility to determine, with approval by the Ministry of Labour and of social policies, a higher ceiling, after considering income and contribution potential of the professional sector and compatibility with its financial.
- Funded by INPS (National Department for Social Welfare), financed by contributions from employers and employees at a rate that is related to the sector and to the type of contract (for example, in manufacturing it is 0.46 per cent of earnings for employers and 0.28 per cent for employees). Workers on Maternity leave may be paid direct by INPS or else by their employer, who is recompensed by INPS.

Flexibility

- For employees and workers enrolled in '*Gestione separata*'⁷², the 20-week period is compulsory, but there are two options for taking this leave: four weeks before the birth and 16 weeks after (upon presentation of a medical certificate); and eight weeks before the birth and 12 after. The allowance is accorded to autonomous female workers from eight weeks before the birth to 12 weeks after; maternity leave, however, is not compulsory for this category.

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

⁷² The INPS enrolls in *Gestione separata* ('separate administration') workers who do not contribute to other forms of welfare and who do not have any type of pension, e.g. workers on a fixed-term research project.

- All employees and self-employed women with social security membership, including workers enrolled in *Gestione separata*.

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

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

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

- Public sector employees receive 100 per cent of earnings.
- In general national collective agreements guarantee 100 per cent of earnings, with employers paying the additional 20 per cent.

b. Paternity leave

No statutory entitlement.

Employed fathers, including those who are self-employed and enrolled in *Gestione separata*, may take three months paid leave following childbirth in the following circumstances: the mother's death or severe illness; the child being left by the mother; or the child being in the sole care of the father. An important verdict by the Tribunal of Florence extends the possibility of obtaining Paternity leave, paid at 80 per cent of earnings, to two months before childbirth. This means that the father can take the whole period of Maternity leave in certain circumstances, i.e. if the mother is a housewife or ill or, alternatively, if she is a self-employed worker who cannot take advantage, for various reasons, of the leave. The Tribunal is a civil court and its decision acts as an important precedent for other Tribunals, but is not automatically binding on them.

Conditions are the same as for Maternity leave.

c. Parental leave (*Congedo Parentale*) (responsibility of the Ministry of Labour, Health and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after child's birth)

- Six months for mothers and six months for fathers. Fathers taking three months Paternity leave (see 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 ten months (or 11 months if the father takes at least three months Paternity leave as set out in 1b).

Payment (during the length of Parental leave) and funding

- 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 2.5 times the amount of minimum earnings (€14,891.50 in 2009), in which case parents are entitled to 30 per cent of earnings.
- Funded as Maternity leave.

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.
- A lone parent is entitled to ten months leave.

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

- All employed parents, except domestic workers and home helps. Self-employed workers are generally entitled to three months, which can be taken only during the first year after child's birth.
- The father is entitled to leave even if the mother is not, for example if she is a housewife. Circular letter B/12-5-2009 from the Department of Labour, Health, and Social Policies extends the right to fathers to make use of the leave indicated in the art. 40c, Act of Law n. 151/2001 (right to work reduced hours with full earnings compensation for the first 12 months after childbirth) if the mother is a housewife; previously this right was limited to fathers where the mother was self-employed. This change gives equal value to the domestic work of non-employed mothers as to paid work.
- Parental leave of three months, to be taken within the first year of the child, is available to workers enrolled with *Gestione separata* by the INPS.

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).
- A lone parent may take ten months of leave.

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

- Public sector employees receive 100 per cent of earnings during the first 30 days of leave.
- The law on Parental leave is due to be revised according to financial legislation passed in 2008 (*Legge finanziaria 2008*) with the aim of increasing payment and flexibility. A review is currently underway.

d. Childcare leave or career breaks

- None.

e. Other employment-related measures

Adoption leave and pay

- For adoptive and foster parents the same regulations for Maternity and Parental leave apply as for other parents. The period of Maternity leave does not depend on the age of the child adopted and must start within five months of entering the family; in case of international adoption, the leave can be taken also for overseas visits in connection with adoption. The Parental leave for adoptive and foster parents can be taken within

eight years of the child entering the family and not after his/her eighteenth birthday; payment, generally, is 100 per cent of earnings for the first 30 days and 30 per cent for the following five months, if taken within three years of the entrance of the child into the family.

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.
- Public or private employees are entitled to two years leave over the course of their entire working life in case of a serious need in their family, for example the disability of a child or other relative, even if not co-resident. This leave is paid. Fathers and mothers cannot take this leave at the same time. Law 4 November 183/2010 (*Collegato Lavoro*) changes the conditions for eligibility for leave - three paid days a month - for relatives of disabled person. Apart from parents, this leave cannot be taken by more than one relative.

Flexible working

- Until a child is 12 months old, women who are employees 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 in certain conditions, for example: if the mother is self-employed or freelancer; if the mother opts not to use it; if the mother is not employed; or if the father has sole custody of the child. Home helps, domestic workers and autonomous workers are not entitled to reduced hours, but in this case too the father can work reduced hours.
- Employees (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. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Italy is 15 months (including a bonus month if the father uses 3 months of Parental leave), and there is only around 4 months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children over 3 years attend ECEC from 3 years of age. However, despite being recognized as a social right for children and working mothers by Law 1044/1971, provision of ECEC for children under 3 years is much lower and very variable between different regions. Levels of attendance at formal services for children under 3 are below the average for the 30 countries included in this review, but above average for children over 3 years.

3. Changes in policy since January 2010 (including proposals currently under discussion)

Law 4 November 183/2010 (*Collegato Lavoro*) changes the conditions for eligibility for leave - three paid days a month - for relatives of disabled person. Apart from parents, this leave cannot be taken by more than one relative.

Two proposals have been submitted to the Italian Parliament, one by a member of the Partito Democratico (PD) and the other by a member of parliament of Popolo della Libertà

(PDL), to introduce 4 days of compulsory Paternity leaves, during which time fathers should be paid 100 per cent of their earnings by their employer if an employee or by their Social Security institution if self-employed. They are currently (April 2011) under discussion in the Italian Parliament (<http://www.camera.it/>).

4. Take-up of leave

a. Maternity leave

Maternity leave is obligatory for employees.

b. Paternity leave

There is no statutory leave entitlement.

c. Parental leave

There is no comprehensive information on the take-up of Parental leave. Data from INPS (National Department for Social Welfare) for 2005, 2006 and 2007 show that about a quarter of employed mothers benefited from Parental leave during the first three years of their child's life, and less than 10 per cent used it after the child's third year. Furthermore, only 4 per cent of eligible men benefited. Data from ISTAT (Istituto Nazionale di Statistica/ Italian National Institute of Statistics) contain an evaluation of the number of employees who used Parental leaves in 2005. The data (obtained through a special section of the Italian Labour Force Survey) show that on average 7.5 per cent of men and 24.2 per cent of women employees having at least one child aged less than eight years old used Parental leave in 2005.

According to a survey of a sample of public sector (163), private sector (28) and non profit (25) employers in 2004, female employees were more likely to be taking Parental leave than male employees. In the public sector 1.8 per cent of male employees were on leave against 5.8 per cent of women employees; in the private sector, it was 0.5 per cent for men and 8.3 per cent for women; and in non profit organisations, 0.6 per cent for men and 7.4 per cent for women (Gavio and Lelleri, 2006, 2007⁷³).

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

The literature on leave and related employment policies in Italy confirms the existence of wide gender inequalities in the distribution of care work with women bearing the highest share of care work and with their employment patterns more likely to be affected by childbearing decision. Research is concerned both with the interaction of childbearing and

⁷³ Gavio, F. and Lelleri, R. (2006) *Anticipazioni dei risultati della ricerca su: La fruizione del congedo parentale in Italia. Monitoraggio della L. 53/2000, anno 2004*. Available at: <http://www.osservatorionazionalefamiglie.it/images/documenti/ricerche>
Gavio, F. and Lelleri, R. (2007) *'La fruizione dei congedi parentali in Italia nella pubblica amministrazione, nel settore privato e nel terzo settore. Monitoraggio dell'applicazione della legge n. 53/2000 dal 2001 al 2004'*, in: P.P. Donati (Osservatorio Nazionale sulla Famiglia) (ed.) *Famiglie e bisogni sociali: la frontiera delle buone prassi*, Milano: Franco Angeli.

labour supply and with the need to simultaneously model the time allocation decisions of partners.

Research has been conducted both by estimating micro-econometric models on micro-data at national level (often with comparisons to other European countries) and by carrying out research with reference to firms' compliance at regional and local levels (e.g. Lombardia, Emilia Romagna). Evidence of discrimination against mothers returning to work after childbearing has been detected as well as gaps in earnings and career perspectives. The research results call for a drastic change in the design of public policies and for the implementation of existing laws to achieve a better work-life balance, allow women access to employment and career, and reach an improvement in gender equality.

b. Selected publications since January 2010

Addabbo, T., Facchinetti, G. and Mastroleo, G. (2009) 'Child Well Being and Parents' Work: the Evaluation of Firm's Compliance to Work-Life Balance', *Polish Journal of Environmental Studies* Vol.18, No.4A: 18-26

The Italian labour market shows remarkable gender inequalities notwithstanding the advanced labour market regulation in terms of Equal Opportunities. Italian women still experience many inequalities at their workplaces such as: wage differences, lower career paths, higher percentages of fixed-term and short-term contracts, etc. This paper presents a first attempt to evaluate the level of quality of life, work and children well-being by an analysis of what happens in Italian firms. The results are related to research devoted to a 'level of certification' of private Italian firms by using fuzzy logic.

Addabbo, T. and Picchio, A. (2009) 'Living and working conditions: perspectives, concepts and measures', in: B. Harris, L. Galvez and H. Machado (eds.) *Gender and Wellbeing in Europe: Historical and Contemporary Perspectives*. Aldershot, UK and Burlington VT: Ashgate.

This chapter investigates the links between working and living conditions as crucial aspects of the analysis of the labour market and its gender inequalities, using an extended engendered definition of living conditions that includes unpaid domestic and care work.

Del Boca, D. (2009) 'Italia. Partecipazione femminile al lavoro: vincoli e strategie', *La Rivista delle Politiche Sociali*, No.2. Available at: <http://www.ediesseonline.it/riviste/rps/donne-e-welfare>.

This paper shows the impact of the Italian welfare state on the difficulties in work-life balance experienced by Italian women, based on the care work performed by women and showing its effect on women's labour supply and fertility choices. It demonstrates the limits of, and the reasons of the crisis in, this type of welfare state.

Del Boca, D., Pasqua, S. and Pronzato, C. (2009) 'Motherhood and market work decisions in institutional context: A European perspective', *Oxford Economic Papers*, No.61: i147–i171. The decisions on fertility and labour supply of women are jointly analysed by using the European Community Household Panel (ECHP) showing the relevance on women's labour supply decisions in European countries of social policies and differences by education.

Del Boca, D. and Rosina, A. (2009) *Famiglie Sole. Sopravvivere con un welfare inefficiente*. Bologna: Il Mulino.

The book stresses the loneliness peculiar to Italian families - with regards to what is experienced in other European countries - in their difficult tasks, stressing also the gender inequalities, the difficulties in the relations between generations and the regional variations that call for a urgent need of new policies.

Del Boca, D. and Sauer, R. M. (2009) 'Life cycle employment and fertility across institutional environments', *European Economic Review*, Vol. 53, No.3: 274–292.

This paper analyses labour supply and fertility choices of married women in Italy, Spain and France showing the relevance of labour market flexibility and child care services. The simulations performed show the positive effect that would follow from adopting French social policies on female employment rates in Italy and Spain.

Donati, P. and Prandini, R. (eds.) (2009) *La conciliazione famiglia-lavoro nelle piccole e medie imprese: costruire e governare nuove reti* Milano: Franco Angeli.

This book focuses on work-life balance showing the results of empirical analysis on small-medium firms in the district of Bologna.

Hobson, B., Duvander, A.Z. and Halldén, K. (2009) 'La conciliazione degli uomini e delle donne. Capacità e pratiche', *La Rivista delle Politiche Sociali*, No.2. Available at:

<http://www.ediesseonline.it/riviste/rps/donne-e-welfare>

This paper presents an analysis of the gender distribution of care and paid work in different countries with a special focus on those policies able to increase fathers' participation to care work.

Piazza, M. (2009) *Attacco alla maternità. Donne, aziende, istituzioni*. Nuova Dimensione.

The difficulties of being a mother and an employee are analysed, showing the difficulties faced by mothers when they return to work related to the risk of not resuming their previous position, not having access to flexible working hours and with a loss in career perspectives.

Pronzato, C. (2009) 'Returns to work after childbirth: does Parental leave matter in Europe?', *Review of Economics of the Household*, Vol.7, No.4: 341–360.

The role played by extended Parental leaves in the return to employment of mothers of newborn children is analysed by the author with reference to the impact of different characteristics of Parental leaves. Longer periods of job protection are found to increase the risks in returning to work while the provision of paid leaves is found to increase the probability of not returning to work during the first year of the child's life.

Saraceno, C. (2009) 'Genere e cura: vecchie soluzioni per nuovi scenari?' *La Rivista delle Politiche Sociali*, No.2. Available at: <http://www.ediesseonline.it/riviste/rps/donne-e-welfare>

This paper focuses on gender and care work and on the lack of social recognition of care needs and work.

Trifiletti, R. 'Nuovi rischi sociali, ridisegno del welfare e cittadinanza delle donne', *La Rivista delle Politiche Sociali*, No.2. Available at: <http://www.ediesseonline.it/riviste/rps/donne-e-welfare>

This paper analyses family policies in Europe with reference to different types of welfare states and to the changing social risks showing also the peculiarities of women's citizenship and gaps in the Italian debate on the welfare state.

Addabbo, T., Caiumi, A. and Maccagnan, A. (2010) 'Unpaid Work, Well-Being and the Allocation of Time in Contemporary Italy', in: T. Addabbo, M.-P. Arrizabalaga, C. Borderias and A. Owens (eds) *Gender Inequalities, Households and the Production of Well-Being in Modern Europe: Gender and Well-being*. Aldershot, UK and Burlington VT: Ashgate.

This chapter investigates the uneven distribution of unpaid work in Italian couples by using a matched data set that allows the analysis of different types of factors affecting partners' unpaid working hours. Women in blue collar positions employed in manufacturing do more hours of unpaid work and unpaid work increases at low family income level. The use of extended income as a proxy of well being, instead of only paid money income, shows a greater contribution of women to household's well being and an uneven distribution of work inside Italian double earners families that should require the diffusion of more egalitarian

policies to reduce the observed inequalities in the amount of work provided by gender.

Casarico, A. and Profeta, P. (2010) *Donne in attesa. L'Italia delle disparità di genere*. Milano: Egea

The volume analyses the reasons for the gender inequalities that dominate the Italian society including employment; it shows the economic relevance of tackling the issue and discusses policy suggestions.

Del Boca, D. and Pasqua, S. (2010) 'La maternità all'europea responsabilizza i padri', *La Voce*, 26.10.2010. Available at: www.lavoce.info

This article in the web site 'lavoce.info' comments on the European Parliament proposal on parental leaves and discusses the Italian situation pointing to the innovation for Italy that the institution of compulsory paternity leaves could represent also in terms of the sharing of care responsibilities at home and in the job.

Donati, P. (2010) 'Le politiche familiari in Italia: problemi e prospettive (il Piano nazionale e la proposta del *family mainstreaming*)', *Conferenza Nazionale della Famiglia*, Dipartimento per le Politiche della Famiglia, Milano, November 2010, Osservatorio Nazionale sulle famiglie.

Available at:

http://www.osservatorionazionalefamiglie.it/images/Eventi/conferenza/relazioni_comitato_scientifico/donati.pdf

This paper discusses family policies in their interaction with the current family morphogenesis and suggests using family mainstreaming to detect the impact of policies on family well-being and on its evolution.

Fasano A. (2010) *Conciliare cura e lavoro - Politiche e differenze di genere in alcuni paesi europei*. Napoli: ScriptaWeb.

This volume presents a comparative analysis of work-life balance policies in Sweden, the Netherlands, Germany and France.

Istat (2010) 'Famiglie in cifre', *Conferenza Nazionale della Famiglia*, Dipartimento per le Politiche della Famiglia, Milano, November 2010. Available at:

<http://www.istat.it/societa/DossierFamigliaInCifre.pdf>

This paper shows relevant statistics on Italian families and on public services affecting families' choices.

Pfau-Effinger, B. (2010) 'L'impatto dei congedi parentali sull'occupazione delle madri nelle società europee', *La rivista delle politiche sociali*, Vol.7, No.1: 189-208.

The article shows that in countries characterized by generous Parental leaves there is also a relatively high percentage of children attending childcare services. This shows that the former do not substitute childcare services, and it does not support the view that generous Parental leaves generosity have a negative effect on employment rates of mothers of young children.

Ponzellini A.M. (2010), *La conciliazione famiglia-lavoro in Lombardia*. Milano: Guerini e Associati.

An analysis on work-life balance policies with a special focus on Lombardia, a region in the North-West of Italy characterized by relatively high women's employment rates.

Riva, E. And Zanfrini, L. (eds.) (2010) *Non è un problema delle donne: La conciliazione lavorativa come chiave di volta della qualità della vita sociale*. Milano: Angeli.

A decade after law 53/2000 introduced Parental leave and incentives for firms to offer work-life balance policies, this edited book shows the relevance of work-life balance for the society. Italian laws and policies on work-life balance are analysed in comparison to the European situation and special focus is devoted to the situation in Emilia Romagna region.

The volume contains also essays dealing with the situation in terms of work-life balance in the UK and in Maghreb.

Rizza, R. and Sansavini, M. (2010) 'Donne e lavoro: rappresentazioni del femminile e conseguenze in termini di politiche di "work-life balance"', *Rassegna italiana di sociologia*, Vol.51, No.1: 5-31.

This article focuses on the gender division of labour in Italy, pointing to the interaction between socio-cultural factors and the interpretation by public and private employers of work-life balance policies as a female issue.

Rondinelli, C. and Zizza, R. (2010) '(Non)persistent effects of fertility on female labour supply', *Temi di discussione (Economic working papers) 783*, Bank of Italy, Economic Research Department, December 2010.

This paper addresses the problem of endogeneity of fertility in analysing the interaction between fertility and female labour supply. By using the Bank of Italy's Survey of Household Income and Wealth (SHIW) and Istat Birth Survey data and accounting for the endogeneity of fertility, the authors show that the effect of fertility on female labour supply dissipates over time though continuing to show negative effects in terms of job quality.

Rossi, G. (2010) 'Servizi e interventi sociali per le famiglie e con le famiglie lungo il ciclo di vita', *Conferenza Nazionale della Famiglia*, Dipartimento per le Politiche della Famiglia, Milano, November 2010, Osservatorio Nazionale sulle famiglie, <http://www.osservatorionazionalefamiglie.it/content/view/354/54/>

This paper analyses regional laws on social services devoted to families over their life cycle and specific policies enacted at local level in Italy.

Schiavone R. (2010) *Maternità e congedi parentali: Lavoro dipendente, autonomo e libere professioni*. Assago: Ipsoa.

This book deals with laws and Court judgments linked to maternity and paternity and to health and safety in the workplace.

Todisco, A. (ed.) (2010) *La conciliazione famiglia-lavoro: Un'opportunità per imprese e pubbliche amministrazioni. Guida Operativa*. Milano: Unioncamere Lombardia, Regione Lombardia, EDUCatt. Available at:

http://www.famiglia.regione.lombardia.it/cs/Satellite?c=Redazionale_P&childpagename=DG_Famiglia%2FDetail&cid=1213371647619&pagenam=DG_FAMWrapper

This is a practical guide promoted by the Lombardia Region and the Chambers of Commerce of Region Lombardia to spread knowledge on laws and policies promoting work-life balance.

Tomasone, F. (2010) 'La legislazione sociale per la famiglia in Italia', Conferenza Nazionale della Famiglia, Dipartimento per le Politiche della Famiglia. Milano, November 2010, Osservatorio Nazionale sulle famiglie

<http://www.osservatorionazionalefamiglie.it/content/view/354/54/>

This paper provides a critical assessment of Italian legislation on the family.

Trifiletti, R. (2010) 'I temi della conciliazione vita-lavoro, dal margine al centro del modello societario e dei contratti di genere', *Rassegna bibliografica infanzia e adolescenza*, Anno 10, No.2 (April-June 2010), Firenze, Istituto degli Innocenti, www.minori.it.

A critical assessment of the literature on work-life balance policies in Italy and on the very definition of the concept.

Modena, F. and Sabatini, F. (2011) 'I would if I could: precarious employment and childbearing intentions in Italy', *Review of Economics of the Household*, Published on line, 15 January 2011.

This article analyses the socio-economic factors affecting childbearing decisions of Italian couples showing the negative effect on childbearing played by the instability of women's working conditions (characterized by occasional, precarious, and low-paid jobs) and their unemployment status.

c. Ongoing research

'Measuring Interaction between quality of life, children well-being, work and public policies', (2008-2011), International project coordinated by Prof. Paolo Bosi and Prof. Gisella Facchinetti, CAPP, Department of Economics, Faculty of Economics Marco Biagi, University of Modena and Reggio Emilia, funded by Fondazione Cassa di Risparmio di Modena e Reggio Emilia.

The project is aimed at developing measures that can capture the qualitative interaction between quality of life and work, and the effects of these interactions on children's well-being; as well as at evaluating the corresponding public policies. Available at: <http://www.capp.unimo.it/ricerche/gender/childEN.html>

Workcare Synergies, coordinated in Italy by Professor Rossana Trifiletti- University of Florence, funded by the European Union's Seventh Framework Programme.

A support action that disseminates research findings from previous EU-funded research projects, including WORKCARE (2006-2009), *'Social Quality and the Changing Relationship between Work, Care and Welfare in Europe'*; SOCCARE (2000-2003) on family-work and social care in Europe; and *'Working and Mothering'* (1998-2001), on social practices and social policies on mothering. Available at: <http://workcaresynergies.eu/social-care-and-work-care-balance/>

There are ongoing actions on work-life policies in companies, such as the one carried out (from 2009 to 2011) by Variazioni srl in Tetrapak Packaging Solution Spa, in Atelier Aimée Spa, in non-profit firms - like Cooperativa Sociale Fior di Loto – and in public institutions such as Azienda Locale Sanitaria della Provincia di Mantova (Public Health Institution of Mantua province) (2010-12) to implement Law 53/2000 art.9. Actions aim at building networks within public and private organisations to improve work/life balance at local level. Available at:

http://www.provincia.mantova.it/cs_context.jsp?ID_LINK=41&area=37&id_context=3098&COL0003=1&COL0003=2); or at regional level as in Emilia Romagna, <http://www.tempopermettendo.info>.

Luxembourg

Nevena Zhelyazkova and Marianne Loutsch

April 2011

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

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

Length of leave

- Sixteen weeks: eight weeks before the birth and eight weeks after. It is obligatory to take all 16 weeks.

Payment and funding

- Hundred per cent of earnings up to a ceiling equal to five times the minimum social wage in Luxembourg (€100,350 in 2010).
- The Maternity leave scheme is fully integrated into the National Health Fund and is funded in the same way as all sickness benefits, with costs shared between employers (30 per cent), employees (30 per cent) and the State (40 per cent). Payments come from the National Health Fund.
- To compensate for the costs of the integration of the Maternity leave into the National Health Fund, the State will be granting an additional annual dotation of 20 million EUR to the National Health Fund until 2013.

Flexibility in use

- None.

Eligibility

- All insured persons, including self-employed, who have belonged to a social security scheme for at least six months preceding the commencement of 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 premature or multiple births or breastfeeding, the length of post-natal leave can be extended to 12 weeks. If the birth takes place before the expected date, the part of the pre-natal period not taken is added to the post-natal period. If the birth takes place after the extended date, the post-natal period is still eight weeks.

b. Paternity leave

There is no statutory entitlement. Employees are entitled to 'leave due to extraordinary circumstances' (*congé extraordinaire*), which gives them the right to take two days off in the case of birth or adoption of a child. The leave is paid by the employer and covers 100 per cent of earnings.

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

Length of leave

- Six months per parent (i.e. an individual right).

Payment and funding

- A flat-rate payment of €1,778 per month.
- Funded from general taxation.

Flexibility in use

- Parents may take 12 months leave on a half-time basis, subject to their employer's agreement, in which case the benefit paid is halved.
- Both parents cannot take leave at the same time. If both parents apply for the leave, the mother has priority. The first parent who takes the leave must take it following Maternity leave, except in the case of lone parents. The second period of leave may be taken by the other parent until the child is five years old.

Eligibility

- All employees are eligible if they have worked for at least one year with the same employer (for at least 20 hours per week), and if they take care of their child at 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

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Adoption leave (*congé d'accueil*) is eight weeks, extended to 12 weeks for multiple adoptions, paid at 100 per cent of earnings and available to all working persons in Luxembourg who have belonged to a social security scheme at least for the six months preceding the commencement of the leave

Time off for the care of dependants

- In the case of sickness of a child, parents with children younger than 15 years may take two days of leave per year per child (*congé pour raisons familiales*). Leave may be extended under certain circumstances; for example, in the case of a disabled child, to four days; and for a very serious and exceptional illness defined by law (such as cancer in its final state), up to 52 weeks in a reference period of 104 weeks. The leave is paid and funded by the National Health Fund (*La Caisse nationale de santé*).

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Luxembourg is 14 months, but most of this is low paid; leave paid at a high rate runs for only 8 weeks. There is an entitlement to ECEC from 3 years of age, though only for part-time nursery education usually consisting of daily morning sessions + 3 two-hour afternoon sessions per week. Attendance is obligatory from 4 years. So there is a substantial gap of nearly 2 years between the end of leave and an ECEC entitlement, and a gap of nearly 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are just above the average for the 30 countries included in this review, but are below the average for children over 3 years.

3. Changes in policy since January 2010 (including proposals currently under discussion)

As part of the Health Care System reform in Luxembourg in 2010, the Maternity leave scheme was fully integrated into the National Health Fund (*Caisse Nationale de Santé*). As a result from the beginning of 2011 the State no longer reimburses the Fund for the full payment for Maternity leave; instead, it is financed in the same way as all other sickness benefits, with the costs shared between employees (30 per cent), employers (30 per cent) and the State (40 per cent). The rationale for the reform was an increasing number of employers granting automatic exemptions from work for pregnant women and the widespread practice in other countries that the costs of maternity are shared, rather than assumed solely by the State.

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up leave.

b. Paternity leave

No statutory leave entitlement.

c. Parental leave

No information is currently available.

d. Other employment-related measures

There is no statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Nothing reported.

b. Selected publications since 2009

Valentova, M. (2011) 'Parental leave take up in Luxembourg', *Social Policy and Society*, Vol. 10, No. 2: 123-138

Luxembourg introduced a parental leave scheme in 1999 as a policy effort to stimulate equality between men and women with regard to bringing up children and to allow for reconciliation of family and professional life, so that the caring parents do not have to withdraw from the labour market after having a child. The analysis presented in this paper is one of the first systematic attempts to assess the parental leave take up of women in Luxembourg and to analyze it in light of micro-level characteristics of potential beneficiaries. The paper aims to explore the acceptance of Parental leave provisions by the population of young women residing in Luxembourg and to examine which of their socio-demographic and labour market characteristics determine hypothetical parental leave take up. Attention is also paid to anticipated labour market strategies of women after parental leave.

c. Ongoing research

Career interruptions due to child-birth or care, family leave policies and consequences for women's and men's career (2008-2011). Doctoral thesis by Nevena Zhelyazkova at the Maastricht Graduate School of Governance, funded by FNR Luxembourg.

The main goal of the research project is to analyze how men and women in Luxembourg utilize the existing family leave policies and what the consequences for their careers are. The analysis is based on longitudinal data on the occupational careers of men and women who have experienced the birth of a child, to observe their work status before the birth of a child and to trace whether and for how long they choose to be on Maternity and Parental leave, as well as to observe whether they return to the labour force or commence a period of economic inactivity. With this approach, it is possible to identify prevalent patterns of usage of leave policies, as well as to compare work-family reconciliation strategies for different social groups. Contact: nevena.zhelyazkova@maastrichtuniversity.nl

The Netherlands

Hanne Groenendijk and Saskia Keuzenkamp

April 2011

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 ten 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 and funding

- Hundred per cent of earnings up to a ceiling equivalent to the maximum daily payment for sickness benefit (€188.88).
- Funded from the unemployment fund, which is financed by employers contributing 4.15 per cent of employees' earnings.

Flexibility in use

- Leave can be started between six and four weeks before the expected date of delivery, but pregnant workers are not allowed to work between four weeks before the expected and six weeks after the actual date of delivery.

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

- All women employees.
- Self-employed women are entitled to a 16 weeks payment up to a maximum of 100 per cent of the statutory minimum wage (€1424.40 a month before taxes).

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 and funding

- Hundred per cent of earnings, with no ceiling on payments.
- 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 1c.

c. Parental leave (*ouderschapsverlof*) (responsibility of Department of Social Affairs and Employment)

Length of leave

- Twenty-six 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 988 hours (i.e. 26 weeks).
- Leave has to be taken part time; full-time is only possible when the employer agrees. So in the example given above, the worker would work 50 per cent of normal working hours (i.e. 19 hours) and take leave for the remaining 50 per cent, with leave lasting for 12 months. Other part-time options are possible, e.g. fathers often take only one day of Parental leave per week, which enables them to extend the period of leave over an even longer period.

Payment and funding

- All parents taking Parental leave are entitled to a tax reduction of €712 a month (i.e. half the statutory minimum wage a month in case of full-time leave) or €4.11 an hour for each hour of 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 52 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 10 per cent of the Collective Agreements made in 2009, Parental leave was partly paid, at between 40 per cent and 75 per cent of previous earnings (75 per cent of previous including the tax reduction referred to in 'payment and funding' above). However, since Parental leave has been doubled from 13 to 26 weeks (since 1 January 2009) payment sometimes is restricted to the first 13 weeks. This is for instance the case for local civil servants)⁷⁴.

d. Childcare leave or career breaks

No 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 ten 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.

⁷⁴ Beeksmas, M en L. Junger-van Hoorn (2010) *Faciliteiten arbeid en zorg 2009 Een onderzoek naar cao-afspraken met betrekking tot arbeid-en-zorg-faciliteiten*. Den Haag, Ministerie van Sociale Zaken en Werkgelegenheid.

- Employees with a child, partner or parent with a life-threatening illness are entitled to unpaid 'long-term leave' of up to six times their working hours per week. The right is conditional: an employer can refuse the leave if the organisation's interests are seriously harmed. Employees who participate in the Life Course Savings Scheme can use their tax-supported savings to finance the period of unpaid leave.
- 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 so-called 'emergency leave' can last from a few hours to a few days, but terminates after one day if short-term leave (see above) is subsequently taken. The employer is required to pay 100 per cent of the employee's earnings.

Flexible working

- Under the 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. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in the Netherlands per family is 14 months, but most of this is low paid; leave paid at a high rate runs for only 10 weeks. There is an entitlement to ECEC from 4 years of age, though only for part-time schooling (22 hours a week during school time). So there is a gap of nearly 3 years between the end of leave and an ECEC entitlement, and a gap of 3¾ years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 are well above the average for the 30 countries included in this review (though this includes many 2 year olds attending part-time playgroups), and are just above the average for children over 3 years.

3. Changes in policy since January 2010 (including proposals currently under discussion)

In February 2010 the Social/Christian Democrat administration came to an end. After the elections in June it took some months before a new Christian Democrat /Liberal right wing minority cabinet was formed. The new Minister of Social Affairs, responsible for leave arrangements, told Parliament that he would look at the changes proposed by his predecessor and send a bill to Parliament in Spring 2011. These included: more flexibility in the uptake of Parental leave; an extension of the entitlement to employees starting in a job; and an entitlement to (short-term and long-term) care leave arrangements for household members other than a child or partner. In case of hospitalisation of a newborn child, his proposal was that the Maternity leave should be extended to give an entitlement for at least ten weeks of leave from the moment that the child is discharged from the hospital.

The new Minister has also stated that a paid Parental leave of six months – advised by a taskforce meant to come up with ideas to enlarge women's participation – would cost too much. Any financial support for parents taking leave should continue to come from the existing tax reduction (up to 50 percent of the statutory minimum wage, see 1c) and collective agreements. But most recently (6th June 2011) the Minister of Social Affairs

announced that the cabinet is going to cut the costs of all kinds of childcare arrangements, including the abolition of the tax reduction for parents on Parental leave.

The new Minister does not agree with a paid Maternity leave extended to 20 weeks as proposed by European Parliament, nor with the introduction of a 2 week paid Paternity leave. He considers them impossible because of the large financial consequences for the unemployment fund from which payment would need to be funded; it would take half of the reserves from this fund. Furthermore, a study on behalf of the Ministry of Social Affairs of international research on this issue showed that the benefits of a longer Maternity leave (18 or 20 weeks instead of 16 weeks) do not outweigh the costs. The positive effects on the health of mother and child, the sickness rate of young mothers and the use of childcare for babies are too small to compensate for the loss of productivity for employers. The Minister intends to look for allies in Europe to oppose the European decision to lengthen Maternity leave.

A bill (proposed by the Green Party) to extend the length of Paternity leave up to ten days, to be paid for out of the unemployment funds, was rejected in Parliament in February 2010. Since the Green Party still wants the existing Paternity leave to be extended, it proposed a new bill at the beginning of 2011, aiming at an extension to five days.

A bill for extending adoption leave for two weeks in cases of international adoption (proposed by the party D66 in June 2007) is still on the agenda of Parliament.

4. Take-up of leave

a. Maternity leave

No specific 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

An 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, 2004⁷⁵).

c. Parental leave

Figures from Statistics Netherlands show that in 2009, 128,000 female employees and 135,000 male employees (working 12 hours or more per week) were entitled to Parental leave. Of women eligible for Parental leave, 41 per cent took leave (of whom, 55 per cent had a paid leave as an effect of a collective agreements) for an average of 10 months and 11 hours a week. Of men eligible for Parental leave, 19 per cent took leave (of whom, 57 per cent had a paid leave) for an average of 13 months and 7 hours a week. The long periods of leave reflect the possibility in the Netherlands to take part-time Parental leave and to spread the leave over several months. During their period of leave, mothers worked on average 28 hours per week, fathers 37. For men the use of Parental leave has grown since 2001 from 10 per cent to 18 per cent in 2005 and 19 per cent in 2009; while for women, uptake - after

⁷⁵ 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.

an increase from 35 per cent in 2001 to 43 per cent in 2005 - shows a decline to 41 per cent in 2009 (Merens et al., 2011⁷⁶).

The take-up of Parental leave is not only higher among women, but also among workers with intermediate and higher levels of education; the take-up among women with a higher level of education is 56 per cent whereas for women with a low level it is 17 per cent; the figures for men are 26 per cent and 8 per cent respectively. Women working full time (35 hours a week and more) more often take up leave than those working part time (12 to 24 hours a week): 55 per cent and 30 per cent respectively. Furthermore, twice as many women with a high personal income (€40-50,000 a year before tax) take up leave than women with a low personal income (€10-20,000): 60 and 31 per cent respectively. (Van der Mooren and De Vries, 2011⁷⁷).

As payment above the statutory minimum depends on collective agreements, take-up rates vary between sectors. Employees in the public sector and in the health care sector more often have paid Parental leave (with payment by the employer of up to 75 per cent of previous earnings) than employees in the private sector: 79 per cent and 25 per cent respectively. (Ewalds, 2010⁷⁸).

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 use of Parental leave by Turkish, Moroccan, Surinamese and Antillean working parents. Take-up is found to be much lower among Turkish, Moroccan and Antillean workers than among Surinamese and native Dutch workers. The two main reasons why respondents did not take up Parental leave are unfamiliarity with the entitlement and the fact that there was no need to use it (others took care of the children).

d. Other employment-related measures

Use of leave for short periods of care. In a special module added to the Dutch Labour Force Survey, employees who work at least 12 hours per week are asked about their take up of care leave and emergency leave. In 2009 272,000 women and 237,000 men took care of a sick child, parent or partner for a short period, and a little more than a quarter of them (28 per cent of the women and 34 per cent of the men) took some sort of leave. Different kinds of leave were taken; 8 per cent of both men and women took 'short-term care leave' and 3 per cent of both men and women said they had taken 'emergency leave'. Moreover, 8 per cent of women and 11 per cent of men used part of their holidays (Merens et al., 2011).

Use of leave in longer periods of care. According to figures of National Statistics 2009, 281,000 women and 250,000 men took care of a sick member of their family on a regular basis and/or for a longer period; 13 per cent of the women and 18 per cent of the men who undertook such care took some sort of leave. Mostly this was 'short-term care' leave (5 per cent of the women and 6 per cent of the men), but also 2 per cent of the women and 4 per cent of men took holidays, 2 per cent of both the women and the men took up 'long-term care leave' and 1 per cent of both the women and the men took 'emergency leave' (Merens et al., 2011).

⁷⁶ Merens, A., Brakel, M. van den, Hartgers, M. and Hermanns, B. (eds) (2011) *Emancipatiemonitor 2010 [Emancipation Monitor 2010]*. Den Haag: Sociaal en Cultureel Planbureau / Centraal Bureau voor de Statistiek.

⁷⁷ Mooren, F. Van der and J. de Vries (2011) 'Vooral hoogopgeleide, voltijds werkende vrouw neemt ouderschapsverlof op', in: *Webmagazine, maandag 4 april 2011*, Den Haag, Centraal Bureau voor de Statistiek.

⁷⁸ Ewalds, D. (2010) 'Ouderschapsverlof in de marksector meestal niet betaald', in: *Webmagazine, woensdag 15 december 2010*, Den Haag: Centraal Bureau voor de Statistiek.

Employees with a longer working week more often took leave when family members were sick for a long period: 18 per cent for those working 35 hours or more, 13 per cent for those working 12 to 35 hours a week. If employees took care of a family member, it was mostly (71 per cent) an elderly parent. But only in 21 per cent of these cases did they take up leave. Leave more often was taken for partners (28 per cent) and children (23 per cent). One in five employees had a need for leave, but did not take it (De Vries, 2010⁷⁹).

An earlier survey (2006) reported that employees who took care of seriously ill relatives or friends and felt a need for leave but did not take it thought taking leave was not possible because of their work and (to a lesser extent) because of financial consequences. Also there was a lack of information on the statutory leave arrangements (SZW, 2006).

The Working Hours Adjustment Act

As is well known, many workers in the Netherlands work part time. The Netherlands Institute of Social Research has recently published three reports on part-time work in the Netherlands (Portegijs and Keuzenkamp, 2008⁸⁰; Portegijs et al., 2009⁸¹; Keuzenkamp, 2009⁸²). It is clear that part-time work is very popular (and for women even almost natural). Although the Working Hours Adjustment Act (WAA) is not irrelevant, it serves more to establish norms that are already in practice than to promote part-time work.

A recent qualitative study asked employers whether they see the WAA as important. Half of them do: especially those in care and education. They have difficulties in finding and keeping personnel and the WAA helps them to adjust working hours to the needs of the employees. The other half do not: adjustment of working hours in their view is possible without the WAA, and many criticise the WAA because they feel the advantage is too much on the employee's side. The employer can only refuse the request of the employee when the interests of the business are 'seriously harmed', but for the employers this condition is too narrow and too vague. They would like the WAA changed into a kind of directive with more possibilities of negotiation between employers and employees and of turning down the request (Bureau Bartels, 2008).

Employees who increased or decreased their working hours were asked what the WAA had meant in the process of adjusting their time. The WAA was not well known amongst the employees and their employers, but it often played an important role as a background norm.

Life Course Savings Scheme

The use of the Life Course Savings Scheme is still very low. Statistics Netherlands has published new estimates of the number of participants: about 230,000 in 2006 (the first year of the arrangement) and about 270,000 in 2007, that is 3.6 per cent of the employees (Statistics Netherlands, 9 March 2009⁸³).

⁷⁹ Vries, de J. (2010) 'Meeste werknemers nemen geen verlof op om voor ziek familielid te zorgen', in *Webmagazine, maandag 12 juli 2010*, Den Haag: Centraal Bureau voor de Statistiek.

⁸⁰ Portegijs, W. and Keuzenkamp, S. (eds) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk [Part-time working in the Netherlands]*. Den Haag: Sociaal en Cultureel Planbureau.

⁸¹ Portegijs, W. (ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken [A picture of part-time working]*. Den Haag: Sociaal en Cultureel Planbureau.

⁸² Keuzenkamp, S. (ed.) *Deeltijd (g)een probleem. Mogelijkheden om de arbeidsduur van vrouwen met een kleine deeltijdbaan te vergroten. (Working part-time: (nog) a problem?)* Den Haag: Sociaal en Cultureel Planbureau.

⁸³ <http://www.cbs.nl/nl-NL/menu/themas/dossiers/levensloop/publicaties/artikelen/archief/2009/2009-levensloop-herziene-raming-art.htm>

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Nothing reported.

b. Selected publications since January 2010

Vlasblom, J. D. and Koopmans, I. (2009) Leave and labour market participation. Paper presented at International Conference *24ormore, Increasing Female Labour Participation*, Amsterdam, 4-6 November 2009. Available from: j.vlasblom@scp.nl

What is the impact of leave arrangements for the labour supply (measured in participation and working hours)? This question is answered on the basis of data from the OSA-panel (longitudinal dataset). For recent mothers the use of Parental leave does indeed coincide with higher labour force participation (in the years after the take-up of leave). The effect of Parental leave on working hours is more subtle: women who used Parental leave tend to work in part-time jobs with slightly longer hours than those who did not use leave.

Berg, E. Van den, A. Heyma and Smid, T. (2010) *Kosten en baten verlenging zwangerschaps- en bevallingsverlof [Costs and benefits of longer maternity leave]*, Amsterdam: SEO.

This cost-benefit analysis of extending Maternity leave is largely based on an extensive survey of the international academic literature. Instead of positive effects on the labour productivity of mothers, the literature mainly shows negative effects, due to the loss of work experience during the extra period of Maternity leave. Lower work experience causes a structurally lower labour productivity among working mothers, which costs society much more than, for example, the benefits from lower levels of sick leave that result from extended Maternity leave. Moreover, extending Maternity leave does not have significant effects on women's labour force participation. The authors conclude that the benefits from health improvements for mothers and children of extending the present 16 weeks Maternity leave to 18 or 20 weeks are insufficient to compensate for the loss of production during the two or four weeks extension; costs to society exceed the benefits by €117 million for an extra two weeks and by €322 million for an extra four weeks.

Cuelenaere, B, Brands, D. and Chotkowski, M. (2009), *Arbeid en zorg op de werkvloer. Onderzoek naar arrangementen voor ouders en mantelzorgers: knelpunten en mogelijkheden [Work and care in the work place. A study on the arrangements for parents and informal carers]*. Den Haag: RWI.

Which successful arrangements for the combination of work and (informal) care are used at the work place? To answer this question, 18 companies were visited and 1500 employers were interviewed. The most frequently used arrangement is reduction of working hours and/or working flexible hours. The reduction of working hours often is formally arranged. The other arrangements are often decided upon on an informal basis. This is also the case for the use of short-term care leave. There often are no clear criteria who is and who is not allowed to take care leave. Formal leave arrangements are often not well known by employees or by managers.

Versantvoort, M. (2010) *The impact of leave policies on child care and household work; is there a labelling effect? (working paper Leiden University)*. Available at:

<http://media.leidenuniv.nl/legacy/17-05-2010-versantvoort-2010.pdf>

Using Dutch time use data (2000 and 2005), an analysis is made of the relation between the time spent on paid work, the time spent on child care, and the time spent on household

work, focussing on the role of leave policies and policy labelling. The author concludes that the time spent on child care or household work is not sensitive to the use of leave policies; the time women spend on childcare, however, does appear to be sensitive to the use of Parental leave. Women who use Parental leave spend about 4.5 hours more on general child care per week than women who do not use Parental leave. Other leave policies (except maternity leave) do not change the time women spend on child care.

c. Ongoing research

Research study by the Netherlands Institute for Social Research (2010-2011), funded by the Ministry of Social Affairs.

This project will study changes in the need for and take-up of leave since 2006 with results to be published in Spring 2011.

New Zealand

Heather McDonald

April 2011

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

Note on terminology: 'Parental leave' is used as a generic term to cover Maternity, Paternity and extended leave for new parents. For example, the first 14 weeks of paid leave after the birth, usually taken by the mother, is not termed 'Maternity leave' but 'paid Parental leave', and can be transferred to a spouse or partner.

a. Maternity leave (*paid Parental leave: see 'note on terminology'*) (responsibility of the Department of Labour with Inland Revenue as delivery agent for payment)

Length of leave (before and after birth)

- Fourteen weeks. A woman can start to take leave from six weeks before the expected date of delivery.

Payment and funding

- Payment is based on 100 percent of earnings, up to a ceiling of NZ\$441.62 (€240⁸⁴) per week before tax. Payment is indexed annually by any percentage movement upwards in average ordinary time weekly earnings.
- Self-employed parents who make a loss or earn less than the equivalent of 10 hours pay at the highest rate of the minimum wage, receive a minimum rate of NZ\$127.50 (€70) before tax per week. Payment is indexed annually as at 1 July each year, according to movements in the minimum wage.
- Funded from general taxation.

Flexibility in use

- Maternity leave can start earlier if it is necessary for the health of the mother or baby or where a mother cannot continue to perform her job safely or adequately. Where a mother is directed by her doctor or employer to start Maternity leave early, she has the right to take eight weeks leave after the expected date of birth, with the overall leave period extended accordingly.
- An employer and mother can agree for Maternity leave to start at any other time before the baby is due.
- The birth mother may transfer any or all of the payment for leave to an eligible spouse/partner (including de facto and same-sex partners).

⁸⁴ Conversion of local currency into Euros undertaken on 3 May 2011, using <http://finance.yahoo.com/currency-converter/>

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

- Expectant mothers who have worked for the same employer for an average of at least ten hours a week, and at least one hour in every week or 40 hours in every month, in the six or 12 months immediately before the expected date of delivery.
- Self-employed mothers who have been self-employed a minimum of ten hours a week in the six or 12 months immediately before the baby's expected due date 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

- Where an eligible mother has a child who is subsequently adopted, both the adoptive parent/s and the mother may access the leave and payment.
- In certain circumstances (e.g. death of the mother), the spouse/partner may receive the payment.
- Special (unpaid) leave of up to ten days can be taken by a mother before Maternity leave, for reasons connected with the pregnancy (e.g. for ante-natal checks).
- Different eligibility rules apply for junior doctors and teachers in state schools where multiple employments may be a feature, or a requirement of training.

b. Paternity leave (*paternity/partner leave*: see 'note on terminology') (responsibility of the Department of Labour)

Length of leave

- One or two weeks depending on eligibility.

Payment and funding

- No direct payment, although an eligible spouse/partner can transfer their entitlement of the statutory payment.

Flexibility in use

- Leave can be taken at any time in the period between 21 days before the expected date of delivery and 21 days after the actual date of birth.
- If agreed between an employee and employer, leave can start at any other time.

Eligibility

- Employees who have worked for the same employer for an average of at least ten hours a week, and at least one hour in every week or 40 hours in every month, in the six months immediately before the baby's expected due date are eligible for one week of leave. A spouse/partner who meets the hours' requirements and has worked for the same employer for 12 or more months is entitled to two weeks leave.
- Self-employed workers who have been self-employed for a minimum of ten hours a week in the six or 12 months immediately before the expected date of delivery.

c. Parental leave (*extended leave*: see 'note on terminology') (responsibility of the Department of Labour)

Length of leave

- Up to 52 weeks leave may be taken in the 12 months after birth, including any Maternity ('paid parental') leave taken; Paternity ('paternity/partner') leave is additional. Leave is a family entitlement.

Payment and funding

- None.

Flexibility in use

- Leave may be shared by both eligible parents. They can take their leave at the same time or consecutively.
- Extended leave is taken as continuous leave and can be started following Maternity, Paternity/partners leave or after a period of return to work; however the right to the leave ends when the child is one year old or one year after the parent has assumed the care of a child they intend to adopt.

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

- Extended leave is available to employees who have worked for the same employer for an average of ten hours a week, and at least one hour in every week or 40 hours in every month, in the 12 months immediately before the baby's expected due date or the date a parent assumes the care of a child under six years old they intend to adopt.
- Extended leave is not available to those with less than 12 months employment with the same 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

- None.

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

- Some collective agreements allow parents to access additional provisions, usually payments and longer leave periods; they are most commonly found in the public sector. These agreements are in addition to and cannot override statutory provisions overall.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Spouses/partners intending to adopt have the same leave entitlement as other parents. Eligible spouses/partners who are jointly adopting a child under the age of six years can nominate which parent will receive the payment.

Time off for the care of dependants

- After the first six months of continuous employment, an employee may take up to five days of sick leave per year, at 100 per cent of earnings from their employer with no payment ceiling. This leave can be used in the case of the employee's or a dependant's illness.

Flexible working: the right to request and the duty to consider

- Employees who have the care of another person and have been employed by their employer for a minimum of six months have the right to request a variation to their hours of work, days of work or place of work. When making a request, the employee must explain how the variation will help them better care for the person concerned. Employers have a duty to consider a request and are able to refuse a request on one or more of the recognised business grounds or if it conflicts with a collective employment agreement. An employee can make a formal complaint only where they consider an employer has made a wrong determination about their eligibility to apply for flexibility or where the employer has not complied with the statutorily described process for considering a request.

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

The maximum period of paid post-natal leave available in New Zealand is 12 months but most of this is unpaid; leave paid at a high rate runs for only 14 weeks. There is an entitlement to ECEC from 3 years of age, though only for part-time nursery education (for a maximum of 6 hours attendance a day and 20 hours a week). So there is a 2 year gap between the end of leave and an ECEC entitlement, and a gap of nearly 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 years are above the average for the 30 countries included in this review.

3. Changes in policy since January 2010 (including proposals currently under discussion)

None reported.

4. Take-up of leave

Mothers, fathers and employers were surveyed in 2005/06 about their experiences of using leave around the birth/adoption of a child. Overall two-thirds of all women in paid work take-up a period of leave around the birth/adoption of a child.

a. Maternity leave

A 2005/06 evaluation of the experiences of mothers, fathers and employers using Parental leave found eight in ten women in paid work six months before their expected date of delivery were eligible to take Maternity leave; at the time of the survey, self-employed parents were not entitled to paid leave and the Department of Labour estimated their inclusion would still leave approximately 10 per cent of employed mothers ineligible for leave. Eighty-three per cent of eligible women took paid statutory leave, averaging three months of leave. Of the remaining one-third of women who do not take statutory leave, two-

thirds took no leave at all (evenly divided between those who were eligible and ineligible) and one-third took other types of leave. Take-up of leave is affected by awareness of the provisions available, decision-making about whether to exit or remain in the workforce, and how many children are already in the family.

Just over a fifth (22 per cent) of mothers took paid leave only. The remaining 78 per cent took paid leave in combination with one or more other types of leave, e.g. annual leave, sick leave. Where this leave was also paid, mothers typically used this leave before they began Maternity leave

b. Paternity leave

In 2005/06 most fathers – 82 per cent – were found to take some sort of leave around the birth of a child. Typically, however, fathers took paid leave such as annual leave (58 per cent) or other employer paid leave (21 per cent) rather than unpaid Paternity leave (4 per cent). Only 1 per cent of fathers reported taking statutory paid leave (which would have been transferred to them from the mother). Nearly half of fathers took less than a week of leave (46 per cent) and another 38 per cent had up to two weeks leave.

c. Parental leave

Over half of mothers surveyed in 2005/06 who took paid leave, also took some unpaid Parental ('extended') leave (57 per cent). On average they returned to work when their baby was six months old. A total of 3 per cent of fathers reported taking any Parental ('extended') leave.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Currently, there is no research being undertaken on leave or related areas in New Zealand.

b. Selected publications since January 2011

Families Commission (2010) *Paid Parental Leave: Issues for Today's Economic Times (Issues paper No. 4, November 2010)*, Wellington: Families Commission. Available at: <http://www.familiescommission.org.nz/publications-resources/finances/paid-parental-leave>

This paper updates the Families Commission's recommendations for improving paid Parental leave released in 2007. It considers the role of the global economic crisis and recession and how this might impact on Parental leave policies. It concludes that while spending constraints may be a feature of the current economic environment, there are strong imperatives to continue to enhance paid Parental leave provisions.

Morton, S. (et al) (2010) *Growing up in New Zealand: A longitudinal study of New Zealand children and their families. Report 1: Before we are born*. Auckland: Growing up in New Zealand. Available at: <https://researchspace.auckland.ac.nz/handle/2292/6120>

This report includes new data on mothers and partners Parental leave intentions relating to the birth of a child. Overall 95 per cent of mothers in paid employment intended to take leave, with an average length of 'intended' leave of between 8 and 9 months. Overall 89 per cent of partners intended to take leave, with an average 'intended' length of between 2 and 3 weeks. Both mothers and partners reported they would like to take more leave than they are

able to after a child is born. The study also found that many parents in deprived areas were unaware of the entitlement to paid Parental leave.

c. Ongoing research

None reported.

Norway

Berit Brandth and Elin Kvande

April 2011

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

Note on terminology: there is no single agreed name for Maternity or Parental leave. The Work Environment Act 2005 (the responsibility of the Ministry of Labour, 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, Equality and Social Inclusion, which grants the money for leave, refers to *foreldrepengeperioden* (parental money period).

a. Maternity leave (*svangerskapspermisjon* and *fødselspermisjon* – see note on terminology) (responsibility of the Ministry of Children, Equality and Social Inclusion)

NB. There is no separate Maternity leave⁸⁵. The information below is for that part of Parental leave reserved for women before and after birth; it is treated separately here, but is in effect part of the longer *foreldrepengeperioden* (parental money period).

Length of leave

- Nine weeks: three weeks before the birth and six weeks following birth.

Payment and funding

- Hundred or 80 per cent of earnings (see 1c).
- Funded from general taxation.

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 ten months prior to delivery are eligible for leave and who have earned at least half the basic national insurance benefit payment over

⁸⁵ Leave of up to 12 weeks is available for pregnant women who must quit work because of chemical, biological or physical hazards and if the employer is unable to offer alternative work. It is paid at the same rate as sickness benefit.

the previous year. Non-employed women receive a one-off payment of NOK35,263 (€4,500⁸⁶).

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 hospitalised after delivery, leave payment can be postponed.

b. Paternity leave (commonly known as *pappapermisjon*) (responsibility of the Ministry of Labour)

Length of leave (before and after birth)

- Two weeks after birth – ‘daddy days’ (+ ten weeks = father’s quota, see 1c).

Payment

- ‘Daddy days’ are unpaid by government; pay depends on individual or 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 father.

- Leave can be transferred to someone else if the father does not live with the mother, since the purpose of the leave is to assist the mother.

c. Parental leave (*Foreldrepengeperioden*) (responsibility of the Ministry of Children, Equality and Social Inclusion)

Length of leave (before and after birth)

- Forty-six or 56 weeks depending on payment level (see ‘payment and funding’ below). Of these, nine weeks are for mothers (included in 1a above, under Maternity leave) and ten weeks are for fathers (*fedrekvoten* or ‘father’s quota’). The remaining 27 or 37 weeks is a family entitlement and may be taken by either mother or father. See ‘flexibility’ below for options available to parents.

Payment and funding

⁸⁶ Conversion of local currency into Euros undertaken on 3 May 2011, using <http://finance.yahoo.com/currency-converter/>

- Parental money may either be taken at 100 or 80 per cent of earnings, up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK437,286 a year, €55,785). If taken at 100 per cent of earnings, the length of leave is reduced by ten weeks.
- Non-employed women receive a flat payment of NOK35,263 (€4,500).
- Funded from general taxation.

Flexibility in use

- Family entitlement: it is possible to choose a longer period of leave (37 weeks) paid at 80 per cent of earnings, or a shorter (27 weeks) paid at 100 per cent.
- After the first six weeks, it is possible to postpone parts of the parental money period, as long as it is taken during the first three years after birth and the parent receiving the money is employed full time during the postponement period. Hospitalisation and vacation may also qualify for postponement.
- After the first six weeks, it is also possible for one or both parents to combine all or part of the parental money period with part-time work; if parents take less than full benefit payment, this will prolong the period of parental money. If both parents choose to combine parental money with part-time work, for instance each working half-time, this will not result in a longer period. A written agreement from the employer is demanded in both cases.
- Father's quota: this period of leave (ten weeks) is not transferable to the mother, except in certain circumstances, e.g. if the father is ill or otherwise unable to care for the child or if the mother and father do not live together.
- The father's quota may not be taken in the first six weeks of the parental money period, except for multiple births or adoption. There is also a requirement that the mother has returned to employment or study for the father to take leave. Otherwise, fathers are free to choose at what time during the period to use it and whether to split the quota or use it in one block. Splitting requires agreement with the employer.

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

- The eligibility rules are the same for fathers and mothers. They must be employed for six of the last ten months prior to birth and earn at least half the basic national insurance benefit payment over the previous year.
- The eligibility rules for the father's quota and the remaining parental money period are somewhat different:
- The father can use the 27/37 weeks of paid leave even if the mother is not eligible; but the mother is required to take up work (at least 75 per cent of full-time hours) or study on a full-time basis. For the father's quota, there is no requirement that mothers go back to work, but the mother must have been employed for six of the last ten months prior to birth.

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

- Family entitlement: when more than one child is born, parental money 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.

d. Childcare leave or career breaks

- Each parent has the right to one year of unpaid leave after the parental money period.
- Parents with a child aged 12-36 months are entitled to receive a cash benefit ('cash-for-care' scheme) on condition they do not use publicly funded ECEC service. The full benefit is NOK3,303 (€420) per child per month. Children who use ECEC 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 service.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children, except for the nine weeks of Maternity leave. The whole period, with the exception of the father's quota, may be taken by either parent. In addition, parents adopting children from abroad receive a cash benefit of NOK35,263 (€4,500).

Time off for the care of dependants

- Each parent of a child under 12 years has a right to ten days leave per child per year 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 by the employer at the same rate as sickness benefit.

Flexible working

- Breastfeeding mothers may reduce their working hours by one hour per day, with payment from the employer.
- Parents have a right to part-time work to care for children, until children are ten years old.

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

The maximum period of post-natal leave available in Norway is around 3 years, but 2 years of this is unpaid; leave paid at a high rate runs for just over 12 months. There is an entitlement to ECEC from 1 year of age, available on a full-time basis at kindergartens. So there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 are above EU and OECD averages.

3. Changes in policy since January 2010 (including proposals currently under discussion)

From 1 July 2010 the eligibility rules for the father's quota was made less dependent on mother's employment. Eligibility used to be dependent on the mother's working hours, so that if a mother worked less than half-time, the father was not entitled to the quota. This is now changed, but eligibility for fathers still remains dependent on *both* parents being employed during six of the ten months preceding birth and earning half the basic amount

(NOK75,641 (€9,650) in 2010). Introducing independent eligibility rules for fathers using the father's quota is a political aim with many political parties.

From 1 July 2011 the Parental money period will be extended to 47/57 weeks with 100/80 per cent of earnings. Of these, the father's quota will consist of 12 weeks. From the same date, fathers who are eligible for parental money may take Parental leave for 12 weeks if the mother receives a disability benefit and thus is unable to return to work or education after the birth.

The father's quota is still a much debated issue; for instance, while the present government has an increased father's quota as a goal, the Conservative Party wants to do away with it. Different models of Parental leave are always discussed: Members of various political groups and parties are advocating the division of Parental leave either into two equal halves or into three equal parts - one-third for mother, one-third for father and one-third to be shared. There has also been a heated debate on breastfeeding versus expansion of the father's quota; groups who argue for prioritising breastfeeding want more leave for mothers and oppose suggestions that Parental leave be divided into three equal parts.

4. Take-up of leave

a. Maternity leave

Three out of four mothers have the right to parental money; the remainder do not meet eligibility conditions. These figures are based on data from public records (Danielsen and Lappegård, 2003⁸⁷).

b. Paternity leave

The take-up rate is approximately the same as for the father's quota (89 per cent), but this figure includes fathers taking time off work in various ways, including Paternity leave but also annual leave and other options.

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 data from public records (2003) show that 89 per cent of fathers take leave. Brandth and Kvande (2003⁸⁸) show the many aspects of fathers' use of the father's quota. After the extension of the father's quota to six weeks in 2006, figures based on public records in 2007 show that 70 per cent of eligible fathers take more than five weeks. More and more fathers take six weeks (Norwegian Labour and Welfare Administration).

Until 2005 the father's quota was four weeks; for this shorter period, the father's quota only constituted 7.7 per cent of the total leave time used. 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

⁸⁷ Danielsen, K. and Lappegård, T. (2003) 'Tid er viktig når barn blir født - om ulik bruk av lønnet fødselspermisjon', *Samfunnsspeilet* 5, Statistisk sentralbyrå

⁸⁸ 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

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 father's 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.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

There is constant research being undertaken. It is dispersed across many institutions in Norway and quite a bit of it is in terms of doctoral work or small studies.

b. Selected publications since January 2010

Ellingsæter, Anne Lise (2009) 'Leave policy in the Nordic welfare states: a 'recipe' for high employment/high fertility?', *Community, Work and Family*, Vol. 12, No.1: 1-19

Børve, H.E. and Bungum, B. (2010) 'Globale arbeidstakere – fedre mellom nærvær og fravær' ['Global employers – fathers between presence and absence'], *Sosiologi i dag*, Vol. 40, No.1-2: 172-190.

Brandth, B. and Kvande, E. (2010) 'Parental leave and father practices', paper given at *6th Biennial International Interdisciplinary Conference, Gender, Work and Organization*, 21st-23rd June 2010, University of Keele

Ellingsæter, A. L. (2010) 'Feminist Policies and Feminist Conflicts: Daddy's Care or Mother's Milk?', in: J. Scott; R. Crompton and C. Lyonette (eds.) *Gender Inequalities in the 21st Century*. Cheltenham: Edward Elgar Publishing, pp.257 - 274

Ellingsæter, A. L. (2010) 'Stat, familie, marked: Hvorfor og hvordan sammenligne velferdsstater?', in: A.Dag, M. N. Hansen and K. Widerberg (eds.) *Metodene våre. Eksempler fra samfunnsvitenskapelig forskning*. Oslo: Norwegian University Press

Farstad, G.R. (2010) 'Hva betyr det å ta pappaperm? [What does it mean to use daddyleave. When the intentions of the father's quota meets varying models of fatherhood], *Sosiologi i dag*, Vol.40, No.1-2: 151-171

Gislason, I. and Eydal, G. (eds.) (2010) *Föräldradighet, omsorgspolitik och jämställdhet i Norden [Parental leave, care policies and gender equality in the Nordic countries]*. TemaNord. Copenhagen: Nordic Council of Ministers

Johansen, E.B. (2010) *Likestilling i frihetens tid. En kritisk analyse av den norske familiepolitikken og dens likestillingsprosjekt* [Gender Equality in the Time of Free Choice. A critical analysis of family policy and its gender equality project]. Phd thesis. Trondheim: Norwegian University of Science and Technology

Johansen, E.B. (2010) 'Far som familiepolitikkenes trojanske hest. Fedrekvoten som maktteknologi' ['Father as the trojan horse of family policy. The father's quota a technology of power'], *Sosiologi i dag*, Vol. 40, No.1-2:11-34

Kvande, E. (2010) 'Fathering and work life balance: Challenges for policy', paper given at *Challenges for Policy seminar*, 5th March 2010, London School of Economics

Regea, M. And Ingeborg F. Solli, I.F. (2010) *Father Involvement: The Effect On Earnings* (CESifo Working Paper No. 3130). Available At:

<http://Www.Econstor.Eu/Dspace/Bitstream/10419/38968/1/63310969x.Pdf>

In 1993 Norway introduced a father's quota of the paid Parental leave. Using Norwegian registry data, the paper investigates how this affects fathers' long-term earnings. The analysis suggests that four weeks Paternity leave during the child's first year decreases fathers' future earnings by 2.1 percent. Importantly, this effect persists up until our last point of observation when the child is five years old. The earnings effect is consistent with increased long-term father involvement, as fathers shift time and effort from market to home production. Additional support for this hypothesis comes from Norwegian time use data .

Bungum, B. and Kvande, E. (2011) 'The intersection of gender, class and ethnicity in the use of Norwegian child care policies', paper given at the *winter seminar of the Norsk Sosiologforenings* (The Norwegian Sociological society), 28th January, 2011

c. Ongoing research

'De andre fedrene'. Om farskap og maskulinitet blant minoritetsetniske menn i likestillingslandet. ['The other fathers'. Fathering and masculinity among minority ethnic men]. Doctoral thesis by Anette Hoel, NTNU.

Balansen mellom jobb og hjem - og fedrekvotens innvirkning på denne, sett i et likestillingsperspektiv [The balance between work and family- the impact of the father's quota]. Doctoral thesis by Kristine Smeby, NTNU. :

Poland

Irena E. Kotowska and Piotr Michoń

April 2011

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

a. Maternity leave (*urlop macierzyński*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave (before and after birth)

- Twenty-two weeks, of which 14 weeks is obligatory: up to two weeks can be used before the expected date of birth. Two weeks are referred to as 'additional Maternity leave'.
- Eight weeks in the case of baby's death.

Payment and funding

- Hundred per cent of average earnings for 12 months before birth, with no ceiling on payments.
- Funded from the Social Insurance Fund, financed by contributions by employees and self-employed workers (but not employers), with some additional finance from the State to cover pension contributions.

Flexibility in use

- The non-obligatory part of Maternity leave can be combined with part-time working, with payment proportional to the working time.
- After the obligatory period of 14 weeks leave, the remaining entitlement can be transferred to the father.

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

- Insured employees, including all employees and self-employed women covered by social security insurance at the start of 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, leave is extended to 34 weeks for twins, 36 weeks for triplets, 38 weeks for quadruplets and 40 weeks for quintuplets. Three weeks of this supplementary leave for multiple births is referred to as 'additional Maternity leave'.

b. Paternity leave

Length of leave

- One week.

Payment and funding

- Hundred per cent of average earnings for 12 months before birth, with no ceiling on payments.

Eligibility

- Insured employees, including all employees and self-employed men covered by social security insurance at the start of leave.

Flexibility in use

- It can be taken any time during 12 months after the birth of a child.

c. Parental leave (*urlop wychowawczy*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Thirty-six months. The entitlement is per family.

Payment and funding

- A parental allowance (*Dodatek z tytułu opieki nad dzieckiem w okresie korzystania z urlopu wychowawczego*) is paid to parents taking leave as a supplement to family benefit. A sum of PLN400 (€100⁸⁹) per month is paid if monthly household income per capita does not exceed PLN504 (€125). The basic payment is for 24 months, but the period can be extended to 36 months where there is more than one child.
- Funded from general taxation.

Flexibility in use

- Leave can be taken until a child's fourth birthday.
- Parents can take leave in one continuous period or in up to four separate blocks.
- Parents can take leave together for up to three months.
- During the Parental leave period, parents may be employed and claim parental allowance, if working does not prevent them from caring for their children. A parent working while on leave can be employed by a different employer.

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

- Employees with a work record of at least six months.

⁸⁹ Conversion of local currency into Euros undertaken on 3 May 2011, using <http://finance.yahoo.com/currency-converter/>

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

- Leave may be extended for another 36 months if a child is disabled or chronically ill and requires care, but can be taken no later than the child's eighteenth birthday. A payment of PLN583 (€145) per month is made in these cases and the payment period can be extended up to 72 months.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for parents having their own children.
- Parental allowance is paid if the adopted child is seven years old or younger.

Time off for the care of dependants

- An employee can take leave of up to 14 days per year to provide personal care for a family member, paid at 80 per cent of earnings.
- An employee can take leave to care for a child up to eight years of age (14 years if the child is disabled or chronically ill) in the case of an unforeseen closure of a nursery school, kindergarten, or school; or the illness or childbirth of the spouse caring permanently for the child. This leave is also paid at 80 per cent of earnings for up to 60 days.

Flexible working

- None.

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

The maximum period of paid post-natal leave available in Poland is nearly 3½ years, but most of this is means-tested and low paid; leave paid at a high rate runs for only 5 months. There is no entitlement to ECEC. It is compulsory to attend ECEC from 6 years, for the final year before primary schooling, and compulsory attendance will be extended to 5 to 6 year olds in 2012. So there is a gap of some 2½ years between the end of leave and ECEC entitlement and over 5 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 years are well below the average for the 30 countries included in this review.

3. Changes in policy since January 2010 (including proposals currently under discussion)

Regulations introduced in January 2010 provided 'additional Maternity leave' of two weeks (three weeks in case of multiple births). Maternity leave will be extended further in 2012 and

2014, to reach 26 weeks for a single birth and 39 to 45 weeks for multiple births. Paternity leave of one week was introduced in 2010, and this is due to increase to two weeks in 2012.

Poland is in a middle of changes in the area of Parental leave and childcare policy, which are expected to finish in 2014. The financial crisis, with its consequences for public budget, has not affected this process of changes. There were reductions in spending on many governmental programmes but not for the ones related to Parental leave policy.

In comparison to 2010, 2011 has not brought any changes and the prolongation of Maternity and Paternity leave is expected to be introduced on 1 January 2012.

4. Take-up of leave

a. Maternity leave

There are no regular statistics on use of Maternity leave, though it is obligatory to take leave. Data on maternity allowances provided by the Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) refer to the number of days paid and cannot be used to calculate the number of users since duration of leave depends on birth order. It is likely that, due to the increase in the number of births since 2004, the number of mothers on Maternity leave in Poland also increased, and the number of days of Maternity leave used in a year has risen: from 22,262 days in 2004 to 29,999 in 2007, 35,125 in 2008, 39,608 in 2009 and 42,624 in 2010. The possible explanations: the longer maternity leave and increase in number of births. Also the average payment has risen, from PLN42.49 (€ZZ) a day in 2005 to PLN46.72 in 2007, PLN51.55 (€ZZ) in 2008 and PLN68.95(€ZZ) in 2009.

There is no information on the number of fathers who take a period of Maternity leave.

b. Paternity leave

Statutory leave entitlement was only introduced in 2010.

c. Parental leave

There are no regular and coherent government statistics on the use of Parental leave and parental allowances. Statistics show the number of parents taking leave declined from 336,000 in 1993 to 139,000 in 2000; a major reason for this fall was the rapid decline in fertility, the number of births dropping from 547,700 in 1990 to 378,300 in 2000. Another source shows that the number of persons returning to work from Parental leave and unpaid leave declined steadily from 49,000 in 2000 to 41,000 in 2002 and 35,000 in 2005.

Other statistics refer to the monthly average numbers receiving 'parental allowance', the supplement to family benefit paid to parents taking Parental leave: these have declined from 164,000 persons in 2000 to 63,000 in 2003. Reforms of family benefits implemented in 2004 increased the numbers to 140,000 in 2005 but they fell back to 130,668 in 2006, 126,178 in 2007, 125,100 in 2008 and 121,200 in 2009. The average amount of the 'parental allowance' has also been decreasing in recent years, from PLN403.56 per month in 2005 to PLN381.90 in 2008; but in 2009, there was a small increase to PLN385.88.

Summing up, the available official statistics do not show the incidence of Parental leave among parents entitled to take leave, the proportion of parents who receive parental allowance, or the average duration of leave; and despite the fact that fathers are entitled to Parental leave since 1996, no data about take-up are collected.

A more precise picture of take-up of Parental leave comes from analyses of data collected in the second quarter of 2005 using a module added to the Labour Force Survey (Kotowska and Baranowska, 2006; Matysiak, 2007⁹⁰). Amongst those entitled to take Parental leave, nearly 50 per cent of mothers but only 2.5 per cent of fathers took the leave. Due to the low benefit level and means testing, Parental leave was most used by low paid mothers and mothers with low levels of education; leave was taken by 37 per cent of mothers with university education, 54 per cent with secondary education, and 61 per cent with the lowest educational level. Women with higher qualifications (specialists and managers) were also more reluctant to take leave than women employed in the personal service sector or offices.

About 70 per cent of women who took Parental leave were entitled to parental allowance (i.e. their household income was low enough to be eligible). One in two women with tertiary education received parental allowance compared to 72 per cent of women with only secondary education and 81 per cent of women with the lowest level of education. Women living in villages were more likely to receive the allowance than their counterparts in towns (82 per cent and 64 per cent respectively).

A substantial majority of mothers took full-time leave (80 per cent) despite the right, since 2003, for part-time employment during the leave period. Similarly, most women on leave (almost 93 per cent) did not take advantage of the option to take leave in more than one block of time.

Among reasons for not taking Parental leave, mothers indicated financial reasons more often than fathers (30 per cent of mothers vs. 14 per cent of fathers). However, reasons related to employment seem to be more relevant than financial ones. Concerns about possible negative career impacts of taking Parental leave and preferences to stay in employment were raised by 37 per cent of mothers and 30 per cent of fathers. Urban residents were more concerned about these negative effects.

In discussion on take-up of Parental leave, the underdevelopment of institutional childcare services cannot be ignored. In 2005 only 2 per cent of children under three years of age attended crèches, and 41 per cent of children aged three to five years attended kindergartens. These figures are low compared to other EU Member States. In addition, no childcare subsidies are offered to families. The estimated cost of childcare to a minimum income earner ranges from 23 per cent of earnings to 82 per cent and for a person with an average monthly income from 8.5 per cent to 30 per cent. Childcare is therefore less affordable to single and/or minimum income families and/or for families with more than one child requiring childcare.

If one also takes into account the rather inflexible work arrangements and the limited provision of part-time work, it is clear there are strong incompatibilities between work and parenthood in Poland. The family policy can be labelled as an 'imposed home care' model: employed parents have mostly to rely on themselves and support of relatives to ensure childcare. In the 2005 survey, nearly 45 per cent of mothers of children below three years of age, who were not in work, state that difficulties in reconciling work and care for small

⁹⁰ Kotowska I.E. and Baranowska, A. (2006) *Praca a obowiązki rodzinne w 2005 r.* [Work and family in 2005, Information and Statistical Analyses]. Warsaw: Central Statistical Office; Matysiak, A. (2007) 'Organizacja czasu pracy i opieki' ['Work and care'], in: I.E. Kotowska, U. Sztanderska and I. Wóycicka (eds.) *Aktywność zawodowa i edukacyjna a obowiązki rodzinne* [Economic and educational activities and family]. Scholar Publishing Company.

children were the main reason for their decisions to stay out of the labour market. At the same time, nearly one-third of mothers could not find a job.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Recent years have brought a rising interest in leave policies and work–family arrangements both in research and public discourse. Studies of developments in family life and changes in family policy in Poland have been carried out, often taking a comparative perspective and referring to EU policy. Labour market developments and their possible impacts on family behaviours, as well as the effects of leave policies on employment careers, have also received attention. Moreover, in studies on reconciling work and family life, gender issues and the role of employers are increasingly under consideration.

Another important development in research on family policy is an increasing use of sample surveys designed to study opinions on existing policy measures, the use of these measures and support for different policy options.

b. Selected publications since January 2010

Kurowska, A. (2010) '*Bariery i uwarunkowania aktywności zawodowej młodych matek w Polsce*' ['Obstacles and circumstances for young mothers' labour activity in Poland'], *Polityka Społeczna*, Nos.11-12.

The paper discusses the main obstacles young, low-educated mothers face when entering labour market in Poland, and identifies a too-short Maternity leave as one of the reason for the relatively difficult situation of these young mothers.

Michoń, P. (2010), "'Stay at home dear" – mothers, labour markets and state policy in Poland and Baltic States', in: Ch. Klenner and S.Leiber (eds.) *Welfare states and gender inequality in Central and Eastern Europe*. Brussels: ETUI, pp.151-180.

Focusing on Poland and the Baltic states, the chapter considers issues related to reconciling work and family obligations, and the possible ways policy can influence the link..

Smoder, A. (2010) '*Wpływ czasu pracy na czas rodziny - na podstawie badań budżetu czasu*' ['Work Life-Balance - A Choice of Necessity?'], *Polityka Społeczna*, No.4.

Work-life balance is one of the most important contemporary social problems, with continuing conflict causing many threats to personal and social life. This article examines different ways of reconciling work and family responsibilities in different socio-economic situations.

c. Ongoing research

None reported.

Portugal

Karin Wall and Mafalda Leitão

April 2011

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

Note on terminology: a new Labour Law came into effect in May 2009 and major changes were introduced in leave policy (see details in 2009 review). 'Maternity leave' has been replaced by the 'Initial Parental Leave'; 'Paternity leave' and 15 days optional Parental leave for fathers has been replaced by 'fathers-only Parental leave' (20 days) and a 'sharing bonus' was introduced (see below).

a. Initial Parental leave (*licença parental inicial* – formerly 'Maternity leave', see note on terminology) (responsibility of the Ministry of Labour and Social Solidarity)

Length of leave (before and after birth)

- One hundred and twenty or 150 calendar days, depending on payment level (see 'payment and funding' below). It is obligatory for the mother to take 45 days (six weeks) following the birth; the remaining period may be divided between parents by mutual agreement. An extra 30 days ('sharing bonus') is available if both parents share the leave. See 'flexibility' below for options available to parents.

Payment and funding

- One hundred and twenty days at 100 per cent of earnings or 150 days at 80 per cent of earnings, with no ceiling on payments, if parents do not meet the gender sharing criteria; or 150 days at 100 per cent of earnings or 180 days at 83 per cent of earnings, with no ceiling on payments, if parents meet the gender sharing criteria.
- When level of earnings is very low there is a minimum payment of €11.18 per day.
- Funded by the Social Security system, financed by contributions to social security from employers and employees. The total amount of this contribution is 34.75 per cent of the employee's gross monthly salary. Employers contribute 23.75 per cent and employees 11 per cent. Additionally funded from general taxation for cash benefits where there is no record of contributions or insufficient contributions, e.g. social parental benefit (see 'eligibility').

Flexibility in use

- Mothers have the option to take up to 30 days of Initial Parental leave before birth; 45 days immediately after birth are obligatory for mothers ('mother's-only Initial Parental leave', *licença parental inicial exclusiva da mãe*).
- Initial Parental leave may be taken in the following ways: 1) the mother (or the father, after the mother's obligatory 45 days) may take all 120 days at 100 per cent of

earnings or all 150 days at 80 per cent of earnings, i.e. there is no sharing of leave; 2) parents may divide between themselves 150 days at 100 per cent of earnings on condition the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or *vice versa*); 3) parents may divide between themselves 180 days at 83 per cent of earnings on condition the father takes at least 30 consecutive days or two periods of 15 consecutive days of leave alone, without the mother, or *vice versa*).

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

- All employees – female or male – with a record of six months (continuous or intermittent; the latter is only possible if the period without contributions is below six months) of insurance contributions. Mothers and fathers who have no record of contributions or insufficient contributions are entitled to a monthly benefit ('social parental benefit'), but only if their family income is below 80 per cent of the Index of Social Support (€419.22 in 2011). The amount and duration of this benefit is €335 for 120 consecutive days and €268 for 150 consecutive days if parents do not meet the sharing criteria; if parents meet the sharing criteria, benefit is paid at €335 for 150 consecutive days and €276 for 180 consecutive days.
- Self-employed workers who contribute to social security and unemployed women/men receiving unemployment benefit.

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

- In the case of multiple births, the leave period is extended by one month for every additional child.
- In case of death/mental illness/physical incapacity of the parent who is taking leave at the moment, the other parent is entitled to the (remaining) leave to which the other parent would otherwise be entitled (this is called: 'initial parental leave to be taken by one of the parents in case of the other parent's impossibility'). A minimum of 30 days leave is granted to the father in case of mother's death/mental/physical incapacity.
- A working grandparent is entitled to 30 days leave following the birth of a grandchild to an adolescent still living at home.
- In cases of poor health or health risks for the mother and child, the pregnant mother is entitled to receive maternity benefits before birth for as long as the period of risk lasts (this leave is called 'health risk leave during pregnancy'). This leave does not reduce the 120, 150 or 180 days of Initial Parental leave.

b. 'Father's-only Parental leave' (*licença parental exclusiva do pai* – formerly 'Paternity leave', see note on terminology) (responsibility of the Ministry of Labour and Social Solidarity)

Length of leave

- Twenty working days, 10 of which are obligatory and must be taken during the first month after birth.

Payment and funding

- One hundred per cent of earnings with no ceiling.

Flexibility in use

- Five of those ten days must be taken consecutively immediately after birth.

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

- As Initial Parental leave. Fathers who have no record of or insufficient contributions are entitled to the obligatory paid leave of ten working days as well as to the ten optional working days (daily payment corresponds to 80 per cent of 1/30 of IAS (IAS = €419.22 per month) .

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

- The ten obligatory days will be increased by two days for every additional child in case of multiple births; the same for the ten optional days which father can take while the mother is on initial parental leave.

c. 'Additional Parental leave' (*licença parental complementar* – formerly 'Parental leave', see note on terminology) (responsibility of the Ministry of Labour and Social Solidarity)

Length of leave

- Three months per parent. Leave is an individual entitlement.

Payment and funding

- Twenty-five per cent of average earnings for three months for each parent, but only if taken immediately after the Initial Parental leave.

Flexibility in use

- The three months leave may be taken up to the child's sixth birthday. It can be taken in the following ways: a) on a full-time basis for three months; b) on a half-time basis for a period of 12 months per parent; or c) on an alternating basis, i.e. working half-time and full-time up to a maximum of three months full-time per parent.

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

- As Initial Parental leave.

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

- None.

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

- The three months unpaid parental leave can be taken by both parents at same time. However, when 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 Additional Parental leave, and only if this leave has been taken, one of the parents may take up to two years of 'childcare leave' (*licença para assistência a filho* – formerly 'Special Parental leave') on a full-time basis, extended to three years when there is a third or subsequent child. The leave is unpaid. However, unlike 'Additional Parental leave', which is an individual entitlement, this special leave can only be taken by one parent who must prove that the other partner is employed or incapable of working. Moreover, while parents on 'Additional Parental leave' continue to be considered as employees with full rights and guarantees as if they were working (for example, they continue to be entitled to holidays which they can take at the end of the leave period), in the case of 'childcare leave' (and of leave to care for handicapped or chronically ill children), 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. The period of childcare leave is also taken into account in the calculation of old age and invalidity pensions.

e. Other employment-related measures

Adoption leave and pay

- In cases of adoption of a child less than 15 years old, the adopting parent is entitled to leave on the same conditions (length and payment) as for Initial Parental leave. If there are two adopting parents, the leave may be divided between them. In case of multiple adoptions leave will be extended by 30 days for every subsequent child adopted. In case of death of the adopting parent, leave may be transferred to the spouse, who can take as an alternative a minimum of 14 days leave.

Time off for the care of dependants

- Up to 30 days per year can be taken to care for sick children under the age of 12 years, with no age limit in the case of a child who is chronically ill or disabled; plus 15 days per year to care for a sick child above age 12 (if older than age 18 the child must belong to same household). This is a family entitlement to be divided between parents as they choose, and is paid at 65 per cent of earnings. Both entitlements are increased by one day for every second and subsequent child. If the child under the age of 12 years is in hospital care, this entitlement lasts for as long as the child is in hospital.
- Up to 15 days unpaid leave per year to care for a spouse or a close relative (parents, grandparents, siblings, even if not living in the same household). Workers in the public sector are entitled to five-sixths of their earnings.
- An extra 15 days unpaid leave per year to care for a severely handicapped or chronically ill spouse.
- Grandparents are also entitled to take leave from work in order to substitute parents in caring for sick children; they may take the same number of days parents are entitled to or take the remaining days that parents have not taken from their leave entitlement.
- When there is a severely handicapped or chronically ill child, including adopted children and living-in stepchildren, one of the parents is entitled to six months leave

(*licença para assistência a filho com deficiência ou doença crónica – leave to care for a handicapped or chronically ill child*), which may be extended to four years. This leave can only be taken by one of the parents and it is paid at 65 per cent of earnings, with a maximum payment per month equivalent to two times the amount of IAS (2 x €419.22). (see 1b).

Flexible working

- Parents are entitled to two hours 'nursing' leave per day during the first year after birth, with no reduction of earnings (*dispensa para amamentação e aleitação – leave to breastfeed or to feed*). These two hours of nursing leave can be a family entitlement if mothers do not breastfeed their child. In this case, leave may be taken by one parent, either the mother or the father, usually in two different periods: one hour in the morning and one hour in the afternoon (unless negotiated otherwise with the employer). Parents may also share the nursing leave by taking one hour each per day. In cases of multiple births, leave is increased by 30 minutes for every child. Where mothers are actually breastfeeding, the two hours reduction can last for as long as the child is breastfed.
- 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.
- Adopting parents are entitled to miss work (up to three times) in order to be present at meetings related to the adoption.
- Fathers are entitled to miss work (up to three times) to accompany their spouses in pre-natal appointments.
- Parents with children below 12 years (no age limit in the case of a child who is chronically ill or disabled living in the same household) are entitled to 'flexible working' which means that the employee may choose, within certain limits, when to start and finish daily work. Employees may work up to six consecutive hours and up to ten hours daily as long as the normal weekly hours of work are fulfilled. Both parents are entitled to this 'flexible working schedule for an employee with family responsibilities'.
- Also where there are children below 12 years (no age limit in case of a child who is chronically ill or disabled living in the same household), one of the parents (or both for alternative periods of time) is entitled to part-time work after taking Additional Parental leave ('part-time work for an employee with family responsibilities'). Part-time work can be taken on the following basis: working half-time during five days a week or working three full days per week. Employers and employees can agree on another basis. Part-time work may be extended up to two years (three years in the case of third and subsequent child, four years in the case of chronically ill or disabled child).

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

The maximum period of total post-natal leave available in Portugal, including two years of 'child care leave', is 3 years, but most of this is low paid or unpaid. Leave paid at a high rate lasts for up to 6 months, ending after 'Initial Parental leave' (5-6 months after birth, depending on gender sharing of leave). Since 2009, there is an entitlement to ECEC from 5 years of age, in nursery education available for 8 hours a day. So there is a gap of around 2 years between the end of leave and an ECEC entitlement, and of 4½ years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for

children under 3 years are above the average for the 30 countries included in this review and around average for children over 3 years.

3. Changes in policy since January 2010 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

Due to the introduction of the Social Maternity benefit in 2008 for mothers with no record or insufficient record of social contributions (see 1a for maternity benefit eligibility), the number of eligible mothers has increased covering about 79 per cent of mothers in 2008 compared with 70 per cent in 2007. For this reason, the total number of women on paid Maternity leave in 2008 (82,380), including women that claimed Maternity benefit (75,123) and women that claimed Social Maternity benefit (7,257), increased substantially since 2007 (75,297).

The percentage of mothers taking the longer leave period introduced in 2005 (i.e. five months at 80 per cent of earnings instead of four months at 100 per cent) has been increasing, from 21 per cent in 2005 to 34 and 41 per cent in 2007 and 2008.

Parental sharing of the four or five months of Maternity leave remained at extremely low levels between 2003 and 2008. In 2003 only 351 fathers shared some of the leave, rising to 529 in 2007 and 582 in 2008.

b. Initial Parental leave and Sharing Bonus

Data on take up of the new 'initial parental leave', which came into effect in May 2009, points to an increasing take-up rate of the 'sharing bonus' by parents. In 2010, 80,494 initial parental leaves (79 per cent of the total number of births) were granted and take up of the 'sharing bonus' (at least 30 days) increased to 20 per cent of these leaves; in other words, 16,361 fathers stayed at home for 30 or more consecutive days, on their own, during the five or six months of total 'initial parental leave'. Most of them (9,412 fathers, 58 per cent) took the 30 days using the option which enables parents to divide between themselves 180 days at 83 per cent of earnings (rather than 150 days at 100 per cent of earnings).

c. Paternity leave ('father's-only leave' since May 2009)

Since 2002 there has been a steady increase in the take-up of Paternity leave. The five day Paternity leave (introduced in 1999 and made obligatory in 2004) was used in 2000 by 11 per cent of fathers, increasing to 27 per cent in 2002 and to 36 per cent in 2003. Since then, the proportion of fathers who take Paternity leave has increased by about 2 per cent per year: 37 per cent in 2004, 39 per cent in 2005, 41 per cent in 2006, 45 per cent in 2007 and 2008. These percentages are based on the number of fathers who take leave in relation to the number of births; but in relation to the number of women eligible for Maternity leave, the proportion of fathers taking five days Paternity leave had increased to 62 per cent in 2008. It should be noted that take-up is underestimated as these statistics exclude employees with special social protection regimes, e.g. civil servants, bank workers.

The same trends may be observed for the 15 additional Paternity leave days (the optional 'Daddy days' introduced in 1999). In 2001 only 4 per cent of fathers chose to take the 15

days and this increased to 14 per cent in 2002 and to 24 per cent in 2003. Since then take-up rates have been increasing slowly: to 28 per cent in 2004, 30 per cent in 2005, 33 per cent in 2006, 37 per cent in 2007 and 2008.

In 2009 take up of 'father's-only parental leave' (formerly 'Paternity leave') increased to 56 per cent for the 10 compulsory days and 47 per cent for the optional 10 days. In 2010 take up increased again to 62 per cent for the ten compulsory days and to 52 per cent for the ten optional days (percentages based on the number of fathers who take leave in relation to the number of births). If, again, take-up is calculated in relation to the total number of initial parental leaves granted, then the proportions in 2010 increase to 79 per cent for the ten obligatory days and to 66 per cent for the ten optional days.

d. 'Additional parental leave' (formerly Parental leave)

Take-up of Parental leave has also increased since payment was introduced in 2009 (at 25 per cent of average earnings, if taken immediately after the Initial Parental Leave). In 2009 1,251 parents took paid 'additional parental leave', more women (804 mothers, 66 per cent of the total) than men (411 fathers, 34 per cent). In 2010 1,851 parents took paid 'additional parental leave', but women took an increased share at 83 per cent.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

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 since January 2010

Wall, K. (2010) 'Os Homens e a Política de Família' ('Men and Family Policy in Portugal'), in: K. Wall et al. (eds.) *Vida Familiar no Masculino*. Lisbon: CITE.
This chapter analyses public policies for fathers in Portugal over the last few decades.

Wall, K. (2011) 'O Estado e as Famílias' [Families and the State in Portugal], in: A. N. de Almeida (ed.) *História da Vida Privada Portuguesa*. Lisbon: Círculo de Leitores.
This chapter analyses developments in family policies in Portugal since the 1950s.

c. Ongoing research

European Family Platform (2009-2011), funded the European Union's Seventh Framework Programme.

Covering all 27 member states, the Platform is a consortium of 12 organisations aiming to collectively increase the well-being of families across Europe. It aims to do this by encouraging dialogue between stakeholders, ultimately providing input into the EU's Socio-Economic and Humanities Research Agenda on Family Research and Family Policies. The platform takes account of three relevant perspectives: the scientific community; European families, represented by members of civil society and important stakeholders such as family and children's rights associations; and policy-makers and social partners. It brings together leading European universities, EU policy-makers and representatives from the civil society to identify topics of relevance to families, such as work/life balance, gender equality, care provision, service provision to families and issues regarding immigration and social

integration. In the short term, the Family Platform will compile and review the existing research into family life; identify gaps in the available research; and explore future trends for family models likely to take place in the EU in 2035. The project is coordinated by the Technische Universität in Dortmund, Germany; within the project, the ICS – Institute for Social Sciences of the University of Lisbon (team coordinated by Karin Wall) – is the convenor of the Conference ‘Research on Families and Families Policies – a Critical Review’, Lisbon, 25-27 May 2010. More information available at: <http://www.familyplatform.eu/en/familyplatform>

Workcare Synergies: Mapping work-care orientations for gender equality in private and public contexts- Dissemination of Synthesized Framework Programme Research Findings (2011-2012). Anália Cardoso Torres (coordinator), Bernardo Coelho / Isabel Sousa, funded by the European Union’s Seventh Framework Programme.

The project will collect, select and prepare relevant findings from different existing EU Framework Programme projects in the form of (theme-specific and target-group oriented) discussion materials and other dissemination tools (e.g. film, newsletter, folder, poster, homepage, etc.) to make existing research findings available to NGOs, policy makers, trade unions, labour representatives, regional organizations and services, companies, other local actors, interested parties, etc. in local dissemination events and summarize material and discussion results for publication. Altogether, local dissemination events will present relevant research findings from 20 research projects within the EU Framework Programmes and initiate their discussion in a local context. All deal with questions of work-care, i.e. how families in different societal frameworks and settings combine their work and (child-)care responsibilities. More information available at:

<http://workcaresynergies.eu/work-care-and-gender-equality-in-private-and-public-contexts/>

Changes in parental leaves and their impact on men’s experiences of leave. Coordinated by Karin Wall, ICS, University of Lisbon,

This qualitative research project draws on in-depth interviews with fathers who took up the new Parental leave introduced in 2009 (see Section 1a.)

Russian Federation

Zhanna Kravchenko

April 2010

NB. The Russian Federation is a federal state

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

a. Maternity leave (отпуск по беременности и родам) (responsibility of Ministry of Healthcare and Social Development)

Length of leave (before and after birth)

- Seventy calendar days before and 70 calendar days after childbirth.

Payment and funding

- One hundred per cent of average earnings during 12 months before the beginning of the leave, up to a ceiling of RUB34,583 (€885) per month.
- Employed women with a work record of less than six months receive the minimum wage of RUB4,330 (€110) a month.
- Funded by the employer and Social Insurance Fund, which is largely financed from employers' contributions, supplemented by transfers from the federal budget and the Mandatory Health Insurance Fund.

Flexibility in use

- None.

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

- All insured women (including self-employed) and military personnel.

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

- In the case of multiple births, the length of leave increases to 85 days before the birth, and to 110 days after.
- In the case of premature births, the length of leave increases to 86 days after birth.

b. Paternity leave

No statutory entitlement.

c. Parental leave (отпуск по уходу за ребенком) (responsibility of Ministry of Healthcare and Social Development)

Length of leave

- Until three years after childbirth. Leave is a family entitlement.

Payment and funding

- Forty per cent of average earnings until child is 18 months, up to a ceiling of RUB13,833 (€355) per month and with a minimum payment of RUB2,060 (€53). The minimum payment is increased to RUB4,120 (€105) for a parent on leave with a second child; to RUB6,180 (€160) for a parent taking leave for a first *and* second child; and to RUB8,240 (€210) for a parent taking leave for a second *and* third child. A maximum payment of RUB8,241 can be made to parents who become unemployed because their employer closes down while they are on leave. The payment is not taxable. The payment is adjusted for inflation twice a year.
- There is no payment if the leave is extended to 36 months.
- Funded by the Social Insurance Fund for insured workers, and from the state budget for those who are not insured, e.g. students, unemployed.

Flexibility in use

- Parents taking leave may work part time.

Regional or local variations in leave policy

- The 89 regional governments can determine the level of payment within the maximum and minimum levels set by the central government (currently between RUB2,060 (€53) and RUB13,833 (€355)); there are no official statistics about regional variations in practice.

Eligibility

- Any caregiver, regardless of the attachment to the labour market, including students and unemployed.

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

- Leave can be delegated to grandparents or any other guardian caring for the child.
- Unemployed parents have the right to choose between unemployment or Parental leave benefit; the former is for a shorter period but may be at a higher rate depending on various conditions.

d. Statutory child or carer leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for other parents, without pre-birth paid leave.

Time off for the care of dependants

- The length of paid leave to care for a sick child under the age of 15 years varies according to the previous employment record of the parent and the age of the child. For a child under the age of seven years, up to 60 days leave may be taken per year, with 45 days for older children. Payment is made at 60 per cent of average earnings with an employment record under five years, 80 per cent with an employment record of five to eight years and 100 per cent with an employment record over eight years.

Flexible working

- Mothers are entitled to take breaks during work to rest and feed their children, with no reduction of earnings. These should be taken not less than once every three hours, and for no less than 30 minutes.

2. Changes in policy since 2009 review (including proposals currently under discussion)

None reported.

3. Take-up of leave

a. Maternity leave

Since all mothers are eligible, it is assumed all mothers take leave.

b. Paternity leave

There is no statutory entitlement.

c. Parental leave

Data are scarce and come from social surveys rather than official statistics. The Max Plank Institute reports that the average length of leave taken by parents until their children were 18 months of age in 2004 was five to six months (Max-Plank-Gesellschaft, 2006⁹¹), or roughly 30 per cent of the potential time. Russian data, obtained from a survey conducted in one of the Russian regions (Novgorodskaja oblast) in 2003, present a very different picture,

⁹¹ Max-Plank-Gesellschaft (2006) *The Contextual Database of the Generations and Gender Program*. Available at: <http://www.demogr.mpg.de>.

suggesting an average length of leave of 15.5 months out of the available 18, and falling in length with each subsequent child (Arkhangel'skii et al., 2005⁹²). There is no information on the use of leave by fathers.

4. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

Research on Parental leave is rare; means-tested elements of family policy and childcare provision received the main attention. Analysis is usually done within the framework of feminist critique of labour legislation; actual practices of taking Parental leave and relationships with employers have not been in focus so far.

b. Selected publications since 2009 review

None reported.

c. Ongoing research

None reported.

⁹² Arkhangel'skii, V. N., et al. (2005) *Demograficheskoe povedenie i ego determinatsiia: po resul'tatam sotsiologo-demograficheskogo issledovaniia v Novgorodskoi oblasti* [Demographic behaviour and its factors: based on the results of a socio/demographic survey conducted in Novgorod oblast]. Moskva: TEIS.

South Africa

Lisa Dancaster, Tamara Cohen and Marian Baird

NB. South Africa is a federal state

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

Note on leave information: leave entitlement in South Africa is primarily governed by one main statute that applies to the whole country, namely, the Basic Conditions of Employment Act (BCEA). Individual provinces (of which there are nine in South Africa) do not have authority to amend these provisions. By virtue of the authority given to the Minister of Labour in terms of the BCEA, a number of sectoral determinations have been made to cater for the unique circumstances in the following industries: forestry, farm workers, domestic workers, hospitality, children in performing arts, learners employed on a learnership agreement in terms of the Skills Development Act (75 of 1997), wholesale and retail, private security, contract cleaning, civil engineering, small business (less than ten employees) and the taxi sector. The majority of these agreements contain leave provisions identical to those in the BCEA. Only where these sectors provide for leave that is different from that stipulated in the BCEA is it noted here.

The leave provisions in the BCEA and Sectoral Determinations are minimum standards that can be improved upon through collective bargaining, usually in statutory forums called bargaining councils. Information/data on leave provisions in bargaining council agreements is difficult to obtain as there does not appear to be an accessible database housing the agreements of all the bargaining councils in South Africa. Bargaining Council Agreements are also not necessarily a reliable indicator of employer provision because bargaining councils do not exist for all the industrial sectors in the country and even in those sectors that do have bargaining councils, not all employers in the industry are necessarily members of the bargaining council or are covered by the scope of the collective agreements reached there.

a. Maternity leave (responsibility of the Department of Labour)

Length of leave (before and after birth)

- Four months. An employee may commence Maternity leave at any time from four weeks before the expected date of birth (or earlier if a medical practitioner certifies it necessary for her health or that of her unborn child) and may not work for six weeks after the birth of her child, unless a medical practitioner or midwife certifies that she is fit to do so.
- An employee's right to return to the same or comparable job after a pregnancy-related absence is protected in the unfair dismissal provisions of the Labour Relations Act.
- An employee who has a miscarriage during the third trimester of pregnancy or who bears a stillborn child is entitled to Maternity leave of six weeks after this event, whether or not the employee had already commenced Maternity leave at the time of the miscarriage or stillbirth.

Payment and funding

- Statutory Maternity leave is unpaid in the BCEA. There is provision for maternity payment to eligible employees from the Unemployment Insurance Fund (UIF). This is for contributors only. The Unemployment Insurance Act and Unemployment Insurance Contributions Act apply to all employers and employees, but not to employees working less than 24 hours a month for an employer, learners, public servants, foreigners working on contract, employees who get a monthly state pension, and workers who only earn a commission. Payment for Maternity leave is on a sliding scale ranging from 31 per cent to 59 per cent of earnings depending on level of earnings. It is for a maximum period of 17.32 weeks and application must be made eight weeks before the birth of the child. Payment of maternity benefits does not reduce the amount of payment for other benefits that an employee is entitled to claim from the Fund (namely illness, unemployment and death benefits). Unemployment insurance benefits for Maternity leave are not subject to taxation.
- Compulsory contributions to the UIF are made by employers and employees on a monthly basis and each contribute 1 per cent of the employee's earnings, up to a maximum of ZAR12,478 (€1,260⁹³) per month i.e. the maximum combined contribution is ZAR249.56 (€25) per month. Most employees entitled to statutory Maternity leave are also entitled to receive maternity benefits from UIF. The main exception is employees in national and provincial government. However, public service employees are entitled to four months Maternity leave under the terms of a July 2007 Determination on leave in the public service; although this does not explicitly state that leave is fully paid, it can be assumed to be so by virtue of the fact that contract workers are entitled to fully paid Maternity leave in this Determination.
- If a contributor also receives cash benefits from another source (for example, from her employer), she will only receive a benefit from the UIF if she receives less than her normal monthly salary from that source. The amount she would then receive from the UIF will cover the shortfall between the amount received from the outside source and her normal salary.
- Contributors are entitled to claim six weeks of unemployment insurance benefits in the event of a miscarriage during the third trimester of pregnancy.

Flexibility in use

- An employee may commence Maternity leave: i) at any time from four weeks before the expected date of birth, unless otherwise agreed; or ii) on a date from which a medical practitioner or a midwife certifies that it is necessary for the employee's health or that of her unborn child.

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

- An employee is not eligible for statutory Maternity leave if working for less than 24 hours a month for her employer.
- Independent contractors and self-employed women are not eligible.

⁹³ Conversion of local currency into Euros undertaken on 15 May 2011, using <http://finance.yahoo.com/currency-converter/>

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)

- Employees in the public service may take an additional 184 calendar days of unpaid leave.
- A survey (Elsley, 2007⁹⁴) of 361 enterprise level agreements and 31 bargaining council agreements found that the duration of Maternity leave in collective agreements mirrors the four consecutive months stipulated in the BCEA and only about 7 per cent of agreements specifically provided for additional unpaid Maternity leave of about two months.
- About 5 per cent of the Bargaining Council Agreements and 3 per cent of enterprise level agreements provide on average between 25 per cent and 33 per cent of payment towards Maternity leave by employers (Benjamin, 2007).
- See also 'flexible working' (1e) for the Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child.

b. Paternity leave

No statutory entitlement. Fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave (see 1e).

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- There is no statutory leave for adoption of a child. There is, however, a right to claim unemployment insurance benefits for time off work for adoption purposes. Only one parent can make application for adoption benefits and the child adopted must be under two years of age. The failure to provide statutory adoption leave means that if an employer refuses to grant an employee adoption leave it effectively nullifies the provision of adoption payment from the UIF.
- Employees in the public service are entitled to leave of 45 working days when adopting a child under the age of two years by virtue of the July 2007 Determination regulating leave in the public service. Although this determination does not explicitly state that this leave is fully paid, it can be assumed to be so by virtue of the fact that

⁹⁴ Elsley, T. (2007) 'Outcomes of collective bargaining in South Africa', in: *Bargaining Indicators 2007: A Collective Bargaining Omnibus*. Cape Town: Labour Research Service, pp 79-98. .

contract workers are entitled to fully paid adoption leave in this Determination. These employees are permitted to extend this leave by 184 calendar days of unpaid leave.

Time off for the care of dependants

- An employee is entitled to family responsibility leave when the employee's child is born; when the employee's child is sick; or in the event of the death of the employee's spouse or life partner, or the employee's parent, adoptive parent, grandparent, child, adopted child, grandchild or sibling. This leave is fully paid by the employer and is available for a maximum period of three days in a 12-month period (five days for domestic workers). An employee must have been employed for longer than four months and work at least four days per week in order to qualify for this leave.
- Employees in the public service are permitted to utilise three days family responsibility leave for the birth of a child of a spouse or life partner, or in the event of the sickness of a child, spouse or life partner. They are entitled to utilise up to five days leave per annual leave cycle for the death of a spouse, life partner, child or immediate family member. Total family responsibility leave cannot exceed five days. The Determination does not stipulate that this leave is paid but it can be assumed to be so by virtue of the fact that the Determination specifically permits a further 184 calendar days to be utilised as unpaid leave if an employee has exhausted their family responsibility leave, subject to the approval of the Head of Department.
- By virtue of a Ministerial Determination regulating conditions of employment in small businesses, employers who employ fewer than ten employees are permitted to reduce the amount of annual leave granted to an employee by the amount of family responsibility leave granted to that employee.

Flexible working

- No general statutory entitlement.
- Codes of Good Practice are guidelines for employers and do not have the status of legislation. The Code of Good Practice on the Protection of Employees during Pregnancy and After the Birth of a Child provides that employers must consider granting rest periods to employees who experience tiredness associated with pregnancy and should also consider that tiredness associated with pregnancy may affect an employee's ability to work overtime. It also states that arrangements should be made for pregnant and breastfeeding employees to be able to attend ante-natal and post-natal clinics during pregnancy and after the birth of the child and recommends that arrangements be made for employees who are breastfeeding to have breaks of 30 minutes twice a day to breast feed or express milk for the first six months of a child's life. It further recommends that employers identify and assess workplace hazards to the pregnant mother and/or to the foetus and consider appropriate action. The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices adds that an employer should provide reasonable accommodation for pregnant women and parents with young children, including health and safety adjustments and ante-natal care leave.
- The Code of Good Practice on the Integration of Employment Equity into Human Resource Policies and Practices requires employers to endeavour to provide "an accessible, supportive and flexible environment for employees with family responsibilities". This is specified to include "considering flexible working hours and granting sufficient family responsibility leave for both parents". In addition, the Code of Good Practice on Arrangement of Working Time states that the design of shift rosters must be sensitive to the impact of these rosters on employees and their families and should take into consideration the childcare needs of the employees. It adds that

arrangements should be considered to accommodate the special needs of workers such as pregnant and breast-feeding workers and workers with family responsibilities.

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

The maximum period of paid post-natal leave available in is 4 months, paid at 31-59 per cent of earnings. There is no entitlement to ECEC and compulsory school age is 7 years. There is no information on levels of attendance at formal services for children under or over 3 years.

3. Changes in policy since January 2010 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

There is no information on the take-up of Maternity leave.

b. Paternity leave

There is no statutory leave entitlement. There is no information on the take-up of 'family responsibility' leave used for this purpose or for the take-up of Paternity leave provided for in collective agreements.

c. Parental leave

There is no statutory leave entitlement. There is no information on the take-up of Parental leave provided for in collective agreements.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

There is a shortage of research examining statutory leave entitlements in South Africa, and no information on employee take-up of existing leave entitlements.

b. Selected publications since January 2010

Dancaster, L. and Cohen, T. (2010) 'Work-family integration: a comparative analysis of the legal right to request flexible working arrangement', *South African Journal of Labour Relations*, Vol. 34, No.1: 31 – 45.

The focus of this paper is on the legal right to request flexible working arrangements using examples of existing law in countries such as Germany, the Netherlands, the United Kingdom and New Zealand. No such right currently exists for South African employees. It is argued that there are a number of policy considerations, such as increased caregiving in the context of HIV/AIDS, that require greater state involvement in work-family policy, and in

particular, it is argued that the legal right to request flexible working arrangements should be introduced in South Africa.

c. Ongoing research

Organisational Characteristics as Determinants of Work-Family Arrangements in South African Organisations (2006-). Doctoral thesis by Lisa Dancaster, Health Economics and HIV/AIDS Research Division, University of KwaZulu Natal, Durban.

This PhD study, undertaken through the University of Sydney, aims to fill the existing gap in data on work-family arrangements in South African organisations by surveying a range of such arrangements in over 300 organisations listed on the South African stock exchange. Results of the survey can be found at <http://www.heard.org.za/news/work-family-arrangements-in-sa-organisations> Contact: dancaste@ukzn.ac.za.

Slovenia

Nada Stropnik

April 2011

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. It is obligatory to take leave.

Payment

- Hundred per cent of average earnings, based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave. If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage is taken into account for the missing period. There is no ceiling, and the minimum is 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 €411 to €786 per month), depending on the period they have been insured for in the last three years.
- Funded partly from Parental leave insurance that forms part of social security insurance; contributions to Parental leave insurance are 0.1 per cent of gross earnings for employees and the same for employers. In 2008, Parental leave insurance covered 11 per cent of leave costs (estimated); the remaining costs came from the state budget.

Flexibility in use

- The part unused before the birth may be claimed after childbirth if the birth took place before the envisaged date.

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

- 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 (who nurses and cares for a child in accordance with the decision of the Centre for Social Work or the judgement or provisional order of the court) if the mother dies, abandons the child or is incapable of living and working independently.

- The father or one of the grandparents is also entitled to Maternity leave with the mother's consent in cases where the mother who gives birth to the child is younger than 18 years and has the status of an apprentice, a pupil or a student. In that case, Maternity leave lasts 77 days less the age of the child (in days) when the father or the grandparent commences Maternity leave. The father is entitled to Maternity leave if he actually nurses and cares for the child.

b. Paternity leave (*očetovski dopust*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- Ninety calendar days (about 13 weeks). The first 15 days may only be taken as full-time leave during the child's first six months.

Payment and funding

- During the first 15 days of the Paternity leave, 100 per cent of average earnings based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave, up to a ceiling of 2.5 times the average wage in Slovenia (approximately €3,741 per month), with a minimum payment of 55 per cent of the minimum wage (approximately €411 a month). For the remaining 75 days the father is paid social security contributions based on the minimum wage (approximately €165 per month). For fathers 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 the leave, see 1a.
- Funding as for Maternity leave.

Flexibility in use

- Seventy-five calendar days may be taken as full-time leave up to the child's third 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

- The father is not entitled to Paternity leave if: the mother has given birth to a dead child; he was legally deprived of his parental right or prohibited from having contact with the child; or the child lives with the mother or another person and the father does not nurse or care for the child.
- The father is not entitled to the first 15 days of Paternity leave if he uses Maternity leave.

c. Parental leave (*dopust za nego in varstvo otroka*) (responsibility of the Ministry of Labour, Family and Social Affairs)

Length of leave

- Two hundred and sixty calendar days (about 37 weeks) per family.

Payment and funding

- As for the first 15 days of Paternity leave, i.e. 100 per cent of earnings based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave, up to a ceiling. For persons not insured at the time the leave starts, but who have been insured for at least 12 months in the last three years before the start of leave (Maternity, Paternity or Parental, whichever taken first), see 1a.
- Funding as for Maternity leave.

Flexibility in use

- One parent is entitled to take leave. If the parents wish to share the leave, they have to agree in writing 30 days prior to the expiry of Maternity leave. If the parents cannot reach agreement on the use of Parental leave or their decision is not to the benefit of the child, the Centre for Social Work makes a decision on this matter taking into account what is in the best interests of the child.
- 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.
- Both parents may use full-time Parental leave at the same time in the case of multiple births, birth of a child in need of special care, or if they already have at least two children below eight years of age or a child in need of special care.

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.
- Another person who nurses and cares for a child in accordance with the decision of the Centre for Social Work or the judgement or provisional order of the court is entitled to Parental leave, reduced by the number of days the mother and the father have already used.

- If the mother is a student below 18 years of age and has the status of an apprentice, a pupil or a student, one of the grandparents (who himself/herself is insured for Parental leave) may take leave.
- A parent does not have the right to Parental leave if custody of the child is awarded to another parent and he or she does not care for the child.

d. Childcare leave or career breaks

No statutory entitlements.

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 €238) or higher than the wage which the person would receive if he/she were working.

Flexible working

- A parent who is taking care of a child below the age of three years, or of a child below the age of 18 years with a severe physical disability or a moderate or severe mental disability, 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.
- A parent who is taking care of two children may extend the right to work part time, with social security contributions paid based on the minimum wage for the hours not worked, until the younger child reaches the age of six years.
- 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.

Other

- A parent leaving the labour market in order to take care of four or more children is entitled to have social security contributions (based on the minimum wage) paid from the state budget until the youngest child reaches the age of ten years.

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

The maximum period of continuous paid post-natal leave available in Slovenia is 14 months, and leave paid at a high rate runs for just over 11 months. There is an entitlement to ECEC from the end of Parental leave available on a full-time basis in centres. So there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are around the average for the 30 countries included in this review, and slightly above average for over 3s.

3. Changes in policy since January 2010 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up leave.

b. Paternity leave

About three-quarters of fathers took up to 15 days of Paternity leave in 2006-2008, and about eighty per cent in 2009. Fifteen per cent of leave-takers took more than 15 days in 2008, and 19 per cent in 2009. Research suggests that most 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.

c. Parental leave

All mothers take Parental leave. About 5.6 per cent of fathers took a part of this leave in 2008, and about 6.3 per cent in 2009. Considering the full wage compensation while taking 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 the same entitlement to Parental leave as mothers do not significantly influence mothers to return earlier to work after their leave period. Since fathers usually take only part of the leave (if any at all), absence due to Parental leave continues to affect women's professional careers.

5. Research and publications on leave and other employment-related policies since 2009 review

a. General overview

In Slovenia, which had one of the lowest fertility rates in the world in the period 1995-2005, research on leave has been very important due to the possible positive effects of this policy on decisions to have more children. There are recent efforts to evaluate the impact on fathers' behaviour of introducing Paternity leave. Gender roles (fathers' take-up of Parental

and Paternity leave, for instance) and equal opportunities on the labour market are of particular research interest.

b. Selected publications since January 2010

Rakar, T., Stropnik, N., Boškić, R., Dremelj, P., Nagode, M. and Kovač, N. (2010) *Raziskava o vplivih veljavnih ukrepov družinske politike na odločanje za otroke* [Research project on the influence of current family policy measures on deciding to have children]. Ljubljana: Social Protection Institute of the Republic of Slovenia, September 2010.

The data obtained by the survey conducted in Slovenia in June 2010 contributed to explaining the influence of current family policy measures on decision making regarding having the first, the second, and the third and following child. It also provided information on the decisive reasons for having each child and for not intending to have a(nother) child. Family policy measures mostly proved not to have any influence on the decision to have a(nother) child. Almost 70 per cent of the respondents found the Parental leave (the family entitlement) long enough. Almost half of the respondents were satisfied with 3 months for Paternity leave while a quarter would prefer 6 months.

Stropnik, N. and Kump, N. (2010) 'Gender equality incentives within the childbirth-related leave arrangements in Slovenia and their consequences', paper given at the *European Population Conference 2010*, Vienna, 1-4 September 2010. Draft available at: <http://epc2010.princeton.edu/download.aspx?submissionId=100139>.

The data obtained by the survey conducted in Slovenia in June 2010 are used to identify: (a) factors/characteristics which increase the likelihood that fathers will take Paternity leave; (b) the fathers' reasons for not having taken more days of Paternity leave; (c) the impact of three months of Paternity leave with full earnings compensation on decision-making regarding having a(nother) child; and (d) the impact of the fathers' take-up of 3 months of the Parental leave on women's decision making regarding having a(nother) child.

c. Ongoing research

None reported.

Spain

Anna Escobedo

April 2011

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 Immigration)

Length of leave (before and after birth)

- Sixteen weeks: six weeks are obligatory and must be taken following the birth, while the remaining ten weeks can be taken before or after birth. By consolidating an entitlement to reduced working hours, mothers can in practice extend Maternity leave by two to four weeks (see 1e *permiso de lactancia*, originally to support breastfeeding).

Payment and funding

- Hundred per cent of earnings up to a ceiling of €3,230 a month.
- A flat-rate benefit (€532.51 per month or €17.75 per day) is paid for 42 days to all employed women who do not meet eligibility requirements.
- Financed by social insurance contributions from employers and employees. As a general rule, employers pay 23.6 per cent of gross earnings and employees pay 47 per cent to cover common contingencies which include pensions, sickness and leaves (*contingencias comunes*). An additional contribution is paid to cover unemployment.

Flexibility in use

- The start date for taking leave before birth can vary.
- Mothers, including 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 Maternity leave, but conditions must be met to qualify for the earnings-related Maternity leave benefit (all employees can receive a flat-rate payment for 42 days after delivery): 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 previous seven years, or 360 days during working life. Women under 21 years do not need any previous period of social security contribution, and women between 21 and 26 only 90 days, in the last previous seven years, or 180 days during working life. This requirement is more flexible for women working part time. On the other hand self-employed mothers are exempted from paying social security contributions while on 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 (or multiple adoption or foster), or birth (or adoption or foster) of a child with some disability, 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.
- In the case of a premature birth or infant hospitalisation, Maternity leave is extended up to 13 weeks.
- Employed mothers have the right to transfer up to ten 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 full or part-time leave simultaneously.
- The non-contributory benefit is extended from 42 to 57 days for lone mothers, large families, multiple births or disabilities.
- If the mother dies, the father can take the Maternity leave entitlements, independently of the mother's previous employment situation and entitlements.
- If the baby dies, Maternity leave is not reduced.

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

- Employees in the public sector in Catalonia can choose between extending Maternity leave 16 weeks or reducing working time by a third until the child is approximately 17 months old; either option is paid.

b. Paternity leave (*permiso de paternidad, permiso por nacimiento*) (responsibility of the Ministry of Labour and Immigration)

Length of leave (before and after birth)

- Fifteen days.

Payment and funding

- One hundred per cent of earnings, paid by the Social Security Fund with the same ceiling as for Maternity leave.
- Financed by social insurance contributions from employers and employees, except for the first two days that are paid by employers in the private sector or the self-employed.

Flexibility in use

- The first two days have to be used at the time of birth (*permiso por nacimiento* i.e. birth leave). Fathers who need to travel in their work have two extra days, paid by the employer (this does not apply in the public sector).
- The 13 days of Paternity leave (*permiso de paternidad*) can be used during or immediately after the end of Maternity leave. This does not apply in the public sector, where the 15 days are considered as a whole, to be taken at birth time as general rule (except when the specific regional government (*Comunidades Autónomas*) or institution regulates differently).
- Fathers can use Paternity leave part time with employer's agreement.

Regional or local variations in leave policy

- A number of regional governments have improved entitlements. For example, public sector workers in Catalonia receive five days at birth (as birth leave), and a month of Paternity leave that has to be taken at the end of Maternity leave.

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

- All employees fulfilling contributory requirements (i.e. at least 180 days in the previous seven years, or 360 days during working life).

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

- Leave is extended from 15 to 20 days for large families or households with a disabled person.
- Two more days are paid in the case of multiple births (or adoption or fostering) or if the child has a disability.
- The entitlement is gender neutral to encompass homosexual and lesbian couples, where this leave can be taken by the member of the couple who did not use the Maternity leave (or most of it).
- In the above-mentioned case of public employees in Catalonia, lone mothers can use the extra month for fathers at the end of Maternity leave.

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

- See 'regional or local variations' for improved conditions offered by some regional governments for their employees.

c. Parental leave (*Excedencia por cuidado de hijos*) (responsibility of the Ministry of Labour and Immigration)

Length of leave (before and after birth)

- Each parent is entitled to take leave until three years after childbirth. Leave is an individual right. During the first year, return to the same job position is protected; after the first year, job protection is restricted to a job of the same category.

Payment and funding

- None. Workers taking leave are credited with social security contributions, which affect pension accounts, health cover and new Maternity or Paternity leave entitlements, for the first two years in the private sector and for the whole period in the public sector.

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 policy⁹⁵

- Since 2000, a number of regional governments have introduced flat-rate benefits. For example: in the Basque Country (€291 per month for mothers or fathers in 2011) and La Rioja (€250 per month in 2009); in Castilla-León (€532.51 per month in 2010, but restricted to families with an annual income below €30,000; or €665.64 in case of lone parent families with an annual income below €18,000); in Navarre (when having a second child or a disabled child, €417.27 per month per mothers (€600 for fathers as a positive discrimination measure introduced in 2010) for one year, or until the child is three years in the case of large families in 2011); and in Castilla-La Mancha (in 2011 lone parents can receive €600 per month up to €3,000 and men €1,200 per month up to €10,000)

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 (from 30 to 36 months) in families with three or more 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.
- In the public sector the job position is protected for two years, and in the third year within the same municipality.
- See 'regional or local variations' for improved conditions offered by some regional governments for their employees.

d. Childcare leave or career breaks

- Unpaid career breaks are recognised in the labour and public employees' regulations (*excedencia voluntaria*). The only protection offered is to be able to claim the right of return to an equivalent job before the end of the leave, once there is a vacancy. This job protection works much better in the public than in the private sector.

e. Other employment-related measures

Adoption leave and pay

- The same regulations as for other parents for the adoption or fostering of children under six years or children with additional needs (e.g. disabilities, international adoptions).

⁹⁵ Information update provided by Irene Lapuerta in the framework of her research on impact of regional parental leave benefits in Spain (see the ongoing research section).

- Public employees involved in an international adoption have the right to two months of paid leave, including basic payment without benefits, 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 per event (*permiso por enfermedad grave de un familiar*) to care for a seriously ill child or for other family reasons (serious illness, hospitalisation or death of a relative to a second degree of consanguinity or affinity), paid for by the employer. The entitlement is extended to four days if travelling is required for work (e.g. the workplace is in a different municipality). However there is no agreement on what 'serious illness' means. For public sector employees this entitlement is extended to three days (five days if travelling is required) for the care of first degree relatives (e.g. partner, children or parents, including in-laws).
- Parents are entitled to full-time or part-time leave (with a minimum reduction of 50 per cent of working time) to take care of a seriously ill child (under 18 years old) during the period the child is in hospital or in need of continuous treatment at home (with certification by the public health service). The scheme is paid at 100 per cent of regulatory basis from sickness insurance, with previous contributory requirements as for Maternity and Paternity leave.
- Each worker may take up to two years of leave (*excedencia por cuidado de un familiar*) or reduce working hours by between an eighth and a half (*reducción de jornada por cuidado de un familiar*) to take care of a dependent relative (up to the 'second degree of consanguinity or affinity') due to severe illness, disability, accident or old age. In such cases, the informal carer on leave may receive a payment, between €300 and €520.69 per month. The payment is claimed by the dependent relative, and its amount depends on the relative's level of dependency. Workers taking leave are credited with social security contributions, which affect pension accounts, health cover and new leave entitlements, for the first year of full-time or part-time leave. Otherwise informal carers are credited with the equivalent of €162.49 as social security and training contributions. These amounts were fixed in 2010, and have not been updated in 2011.
- Public employees can extend the unpaid leave to care for a relative for up to three years, with the whole period credited with social security contributions and related social protection benefits. Furthermore, they can work 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 including in-laws); 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 (12 months in the public sector), 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*, originally to support breastfeeding). This absence is paid for by the employer. The period can be divided into two half-hours or be replaced by a half-hour shortening of the normal working day; the public sector and 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 or partner. All employed mothers can consolidate this reduction in working time as full-time leave, thus in practice extending their Maternity leave between two to four weeks.
- A working parent can reduce his/her working day by between an eighth and half of its normal duration to care for a child until the eighth 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, but workers taking this 'part-time leave' are credited with up to two years full-time social security contributions (which affect pension accounts, and new leave entitlements). Public employees 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 introduced payments to parents reducing their working hours. For example: Basque Country, Navarre, La Rioja, or Castilla-León provide flat-rate payments to support this measure proportional to the working time reduction; public employees in Catalonia, both fathers and mothers, can reduce their working hours by one third for one year without reducing their earnings, following the end of Maternity and Paternity leave, that is approximately until a child is 17 months 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. Relationship between leave policy and early childhood education and care policy

The maximum period of post-natal leave available in Spain is 3 years, but most of this period is unpaid; leave paid at a high rate ends after Maternity and Paternity leave (around 5 months after birth). The 2006 Spanish education law (*Ley Orgánica de Educación*) provides an entitlement to ECEC from 3 years onwards, and nearly all children over 3 years attend early education education. So there is no gap between the end of Parental leave and an ECEC entitlement, but a substantial gap of more than 2½ years between the end of well-paid leave and this *de facto* entitlement. Levels of attendance at formal services for children under 3 and over 3 years are above the average for the 30 countries included in this review.

3. Changes in policy since January 2010 (including proposals currently under discussion)

In the context of the financial and economic crisis, cuts have been introduced in the public budget law for 2011. These cuts include:

- The postponement of the extension of Paternity leave from two to four weeks. This extension was approved in 2009 (*Ley 9/2009, de 6 de octubre, de ampliación de la duración del permiso de paternidad en los casos de nacimiento, adopción o acogida, BOE núm. 242*), to take effect from 1 January 2011, having been envisaged since 2007, when the two week Paternity leave scheme was introduced in the framework of gender equality Spanish law.
- The universal lump sum benefit of €2,500 euros at birth, introduced in 2007, has been abolished in 2011.

In compensation, a new paid leave scheme to take care of seriously sick children has been introduced in 2011. Dual-earner parents are entitled to full-time or part-time leave to take care of a seriously sick child (under 18 years old) in hospital or in continuous treatment at home (see section 1e). The benefit has been available since January 2011 under a provisional regulation, even though it still requires further development to determine details and the type of illnesses that will be included (e.g. cancer).

4. Take-up of leave

a. Maternity leave

Maternity leave benefit covered 68 per cent of the 494,997 births in 2009 (author's calculations based on data provided by the Social Security Institute and the Spanish Statistical Institute). Coverage is the same as the previous year, remaining stable after a long period of continuous increase (from 31 per cent in 1995) due to growing female employment and better coverage of atypical employment situations due to regulatory reforms. Fathers share some Maternity leave in around one-quarter of adoption cases (27.5 per cent in 2005), but less than 2 per cent of births (1.75 per cent in 2010).

b. Paternity leave

Most fathers are eligible for Paternity leave according to the Labour Force Survey data. While payment for fathers taking Paternity leave was made only by employers, there was no information on take-up rates. But from March 2007, fathers receive two weeks payment from Social Security, which also covers the self-employed; 55 per cent of fathers received the benefit in 2009 (author's own calculations), seven percentage points more than in 2007; for 2010, the estimated take-up (using provisional birth data is 58 per cent), consolidating the trend to improved coverage. However a significant proportion of employed fathers are still reluctant to benefit from this measure, so that the number of men claiming Paternity leave benefits in 2010 was equivalent to 84 per cent of the number of women receiving Maternity leave benefits.

c. Parental leave

In 2009, 33,942 people started some period of Parental leave (10 per cent less than in 2008). This corresponds to 6.9 per cent of the births in that year, a slight decrease of 0.4 percentage points, after a continuous growth since 1995 (the first year for which the data are available, when it was 1.7 per cent). However, it represents only 2.5 per cent of children under three years old, a relevant age since leave can be taken until children reach three years. Fathers made up 4 per cent of users as in previous years (2009 Statistical Book of the Ministry of Labour).

Between 1995 and 2005, it has been estimated that 96 per cent of users have been mothers, with a median duration of 184 days, and 4 per cent fathers with a median duration of 172 days; 36 per cent of fathers and 26 per cent of mothers used this unpaid Parental leave for less than three months. Eleven per cent of user mothers and 25 per cent of user fathers did not return to the same company, which means that in these cases the use of Parental leave was connected to a change of employment (Escobedo and Navarro, 2007⁹⁶). 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), but in other cases for a longer period. However, only 13 per cent of users took leave for more than one year in the period studied in this research up to 2005.

⁹⁶ Escobedo, A and Navarro, L. (2007) *Perspectivas de desarrollo y evaluación de las políticas de licencias parentales y por motivos familiares en España y en la Unión Europea: Informe de resultados de la Muestra Continua de Vidas Laborales*. FIPROS. Ministerio de Trabajo. Available at: www.seg-social.es/prdi00/groups/public/documents/binario/097543.pdf

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. The influence of payment can be seen from the high use made of the 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. Furthermore, this particular measure has evolved between 2003 and 2006 towards equal use between men and women.

Otherwise the use of unpaid working time reductions is limited. It has been estimated that 32 per cent of formally employed mothers having a first child in 2003 reduced their working time during some period in the following three years. Half of this 32 per cent resumed full-time work after seven months, while one-third (11 per cent) remained in part-time employment after three years; only 2 per cent of the employed mothers were using their job-protected and reversible entitlement to working time reduction and were on the same working contract they had at birth. This can be explained by the high rate of temporary employment in Spain and by the fact that employers have incentives when hiring a mother with a child under two years old (Escobedo et al., 2009⁹⁷).

Leave to care for dependent relatives has been available from 2001 onwards. Between 2001 and 2005 about 9,000 employees used it, of whom 82 per cent were women, with a median duration of 62 days, and 18 per cent men with a median duration of 55 days. Since 2006 the number of users has grown, increasing to 5,664 new users in 2008. In 2009 there were 5,302 new users, 6 per cent less than the previous year; the proportion of new male users remains stable at around 18 per cent.

The Statistical Yearbook of the Ministry of Labour does not provide details on duration nor to what extent these leaves to care for dependent relatives are connected to the new benefit for informal carers introduced since the 2006 Spanish Law to support dependents. It is, however, known that the total number of leave users was 40,948 in 2010, of whom 6.5 per cent were men. In April 2011, 47.5 per cent of all benefits provided under the Spanish Law to support dependents were used for paying informal family carers (409,522 benefits, 31 per cent more than one year ago), covering 57 per cent of the recognised cases of dependency. The Social Security system had formalised 156,352 specific conventions with family carers, of which 6.9 per cent were men and one-third were 50 to 60 years old (SAAD Statistics); it is not known, however, how the remaining benefits paid to family carers, are used.

Finally, there are no data on the use of short leave taken in cases 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.

5. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Leave arrangements have become a research topic in Spain, particularly the use of leave arrangements by mothers and fathers, and their impact on gender and social equality in the labour market and on fertility decisions. Since 2006, a research fund on Social Protection

⁹⁷ Escobedo, A., Navarro, L. and Flaquer, L. (2008) *El impacto de la maternidad y la paternidad en el empleo. Itinerarios laborales de madres y padres en hogares con menores de tres años. Análisis de cambios y discontinuidades a partir de la Muestra Continua de Vidas Laborales*. Available at: FIPROS: <http://www.seg-social.es/stpri00/groups/public/documents/binario/119803.pdf>

has supported research on leave arrangements. In addition, in 2006 the Ministry of Labour created a continuous database with a sample of 4 per cent of all social security contributors and including selected life course data on work and social security (*Muestra Continua de Vidas Laborales, MCVL* [the Continuous Sample on Working Lives]), supplemented with tax and household data. It still provides limited information on leave arrangements; however, for the first time it does provide detailed information about unpaid Parental leave, leave to care for a relative, and working time reductions.

Otherwise, the indicators published on a yearly basis since 1995 by the National Institute of Social Security provide updated 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 information on other items such as duration of leave, flexible use or characteristics of users. There is a clear data gap on the uses and impacts of the various regional flat-rate benefits and full-time or part-time additional schemes. Some complementary research projects are currently under way, orientated to fill in some of these gaps.

There is increasing research interest in the new benefits addressed to long-term dependent and family informal carers. These have been implemented since 2007 onwards, in the framework of a new public care system for the support of dependency and autonomy, primarily for the elderly but also covering adults and children with severe dependency.

b. Selected publications since January 2010

Marí-Klose, P., Marí-Klose, M., Vaquera, E. and Cunningham, S. A. (2010) *Childhood and the future: New realities, New Challenges (Social Studies Series 30)*. Fundació "La Caixa". Available at:

http://obrasocial.lacaixa.es/StaticFiles/StaticFiles/7af433edaa007210VgnVCM1000000e8cf10aRCRD/es/vol30_es.pdf (Spanish);

http://obrasocial.lacaixa.es/StaticFiles/StaticFiles/7af433edaa007210VgnVCM1000000e8cf10aRCRD/es/vol30_en.pdf (english). Also in Catalan.

This study examines the activities and relationships of children under 10 years old and how they are being affected by recent social transformations, such as the appearance of new types of families, the massive incorporation of women into the workforce and new forms of fatherhood and motherhood. The authors also trace the origins of phenomena that can become an obstacle to children's development, such as obesity, socioemotional problems and school disengagement. A specific survey was designed for this study (the Survey on Inter and Intra-generational Relationships in Childhood in families with children under 10), which includes questions related to Maternity and Paternity leave. The profile of fathers taking Paternity leave has changed since the approval of the Equality Law (March 2007). The proportion of fathers who took leave before was much higher among those with university studies; since the law's approval, other fathers seem to be using this entitlement almost equally. In this sense, the law seems to have opened a door that had been kept closed for one group of fathers who are now willing to assume new forms of fatherhood.

Lapuerta, I., Baizán, P. and González, M.J. (2011) 'Individual and Institutional Constraints: an analysis of Parental leave use and duration in Spain', *Population Research and Policy Review*, 30 (2): 185-210.

This article analyses the extent to which individual characteristics, the workplace situation, and regional policies influence the use and duration of Parental leave in Spain, according to results from a sample of the Spanish social security database (MCVL 2006). The results suggest that the Spanish Parental leave scheme increases gender and social inequalities, as it reinforces gender role specialisation and supports the reconciliation of work and family life among workers with a good position in the labour market.

Lapuerta, I. (2011, forthcoming): 'Spanish mothers' labour market decisions after the first child: the use of reduced working hours' in Martín, T. (ed.) *Spain and Italy: as Similar as Thought? A Comparative Reflection on Living Arrangements and Family Relationships*. This chapter analyses the factors that explain the different choices concerning employment of Spanish mothers after their first child, paying special attention to the role of two new options introduced by the extension of Parental leave policies: full-time Parental leave and reduced working hours (also called 'part-time Parental leave'). The empirical research adopts an Event History Analysis approach with a competing risk design to analyse the probability of making the transition from full-time employment at the moment of first childbirth to any of the following destination states: 1) full-time Parental leave, 2) part-time Parental leave, 3) part-time work or 4) inactivity or unemployment. The results support the opportunity cost hypothesis but, contrary to initial expectations, they do not show significant differences between full and part-time Parental leave. Only those mothers with middle earnings and very high employment stability have full and part-time Parental leave as real options after childbirth, while those in a weak position have to work on a part-time basis or, more frequently, leave the labour market.

Lapuerta, I. (2011, forthcoming): 'Does the regional context matter in Spain? The effects of flat rate benefits on Parental leave use'.

The paper analyses to what extent regional policies explain the variation in Parental leave use in Spain. The research is based on a subsample of 94,493 individuals, who had a child between 1996 and 2006 and were eligible for Parental leave at childbirth. The results show that the amount of money offered by regions is more significant in accounting for take-up rates than other features in the design of policies, such as eligibility requirements or dates of payment. The results also confirm the negative effect of these regional policies on fathers' take-up, even in those regions that have implemented positive discrimination mechanisms to promote gender equality.

c. Ongoing research

The social use of parental leave (2009-2012). Gerardo Meil (coordinator), Cristina García, M^a Angeles Luque and Luis Ayuso, Department of Sociology and Department of Business Organizations of the Universidad Autónoma de Madrid and Universidad de Málaga, funded by the Spanish Ministry of Science and Innovation.

The research focuses on use of Parental leave; awareness of the existence and characteristics of the different Parental leave programmes; and decision-making processes in couples before applying for Parental leave. Consequences for family dynamics, professional careers, and quality of life will be analysed. The research is based on 20 in-depth interviews with both men and women who are taking Parental leave at the time of the interview, as well as people who took Parental leave in the past. The analysis of these in-depth interviews will be used to design a representative survey of 1,000 people of working age (25 to 54) living in Spain. Contact: gerardo.meil@uam.es

Lone fathers: fatherhoods in new forms of family life (France, Spain) (2009-2012).

Coordinated by Agnès Martial (Centre Norbert Elias, CNRS) with the participation of French research institutions (Institut National d'Etudes Démographiques, Laboratoire Triangle) and the University of Barcelona (Xavier Roigé; Anna Escobedo), funded by CNRS.

In France and Spain, recent policies have sought to encourage men's involvement in fatherhood, promoting the norm of co-parenthood after divorce or separation; but one of the most problematic aspects of family transitions (increasing rates of divorce and separation, growing numbers of single-parent families and stepfamilies) is the decline of father-child relations. This research programme is based on quantitative and qualitative studies, and one workpackage within the overall project deals with leave arrangements and lone parenthood.

To what extent do regulations or agreements cover lone motherhood or fatherhood in Spain and France? Is joint custody a stimulus for male use of leave arrangements? Is it associated with specific use patterns of leave or work–family arrangements? Contact: agnes.martial@univmed.fr

Corresponsabilidad antes y después del nacimiento del primer hijo en España [Co-responsibility before and after the birth of a first child in Spain] (2010-2012). Coordinated by Teresa Jurado, UNED, funded by the Spanish Ministry of Equality.

Spanish case study in the framework of an international research project, whose aim is to analyse how dual-earner couples share and negotiate unpaid family work, particularly the care of children. The cross-county comparison will facilitate the study of the influence of institutional contexts. The research will be based on a combination of quantitative and qualitative methods, including 30 qualitative interviews conducted in three Spanish cities before and after birth of a first child. Contact: tjurado@poli.uned.es

Socio-demographic analysis of the male recipients of the regional Parental leave benefit in Navarre (2011). Main researcher: Irene Lapuerta, Universidad de Navarra, funded by the Government of Navarre. Contact: irene.lapuerta@unavarra.es.

Sweden

Linda Haas, Ann-Zofie Duvander, and Anders Chronholm

April 2011

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

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

It is obligatory for women to take two weeks leave before or after delivery; they can decide whether or not to take part of the paid parental insurance benefit during this period of leave. Pregnant women can take indefinite leave paid at 80 per cent of earnings if a job is a risk to the foetus and no other work can be made available. If a job is physically demanding and therefore hard for a pregnant woman to perform, she is eligible to take up to 50 days of leave during the last 60 days of pregnancy paid at 80 per cent of income. See footnote for Parental leave.

b. Paternity leave (*pappadagar- ledighet och ersättning i samband med barns födelse*) (responsibility of the Ministry of Social Affairs)

Length of leave

- Ten days (+ 60 days = father's 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 and funding

- Eighty per cent of earnings up to an earnings ceiling of SEK318,000 (€35,505⁹⁸) per year (see 'Parental leave' for reduction of payment to 77.6 per cent).
- Payments come from the Swedish Social Insurance Agency. Employers and the self-employed make contributions for this purpose; employers pay 31.42 per cent of earnings, with 2.2 per cent for 'parental insurance'. The government meets any shortfall.

Flexibility in use

- Leave can be used at any time during the first 60 days after childbirth.

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

- All employees are eligible, irrespective of time in employment.

⁹⁸ Conversion of local currency into Euros undertaken on 3 May 2011, using <http://finance.yahoo.com/currency-converter/>

- The benefit is gender neutral, being for the second parent or another close person if the second parent is unknown.

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.

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 are reserved for the mother (*mammamånader* or a 'mother's quota') and 60 days reserved for the father (*pappamånader* or a 'father's quota'). Out of the remaining 360 days half 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 unpaid leave until a child is 18 months.

Payment and funding

- For eligible parents (see below), 390 days at 80 per cent of earnings up to an earnings ceiling of SEK424,000 (€47,340) per year⁹⁹; the remaining 90 days at a flat-rate payment of SEK180 a day (€20). A special formula, introduced in January 2008 and applied to all parts of parental insurance, reduced earnings by 3 per cent before calculating the 80 per cent payment. Non-eligible parents receive SEK180 a day for 480 days.
- Funding as for Paternity leave.
- A 'gender equality bonus' (*jämställdhetsbonus*), in the form of a tax reduction, offers an economic incentive for families to divide Parental leave more equally between the mother and the father. The parent who has stayed at home the longest receives the bonus when she/he goes back to work if the other parent uses the Parental leave for more than his or her 60-day quota period. When the two reserved months are used by each parent, for each day of more 'equal' use (typically each day the father uses) a maximum of SEK100 (€11) will be gained in tax reduction; when parents share the leave equally the bonus is worth SEK13,500 (€1,505). Parents report to the authorities at the end of each financial year if they have shared Parental leave and, if they have done so, the bonus money is paid the following year along with any other tax reductions. The bonus, also available for parents who do not live together, is likely to encourage low (and medium) income fathers to take more Parental leave.

Flexibility in use

- The length of leave is counted 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 or the end of the first school year.

⁹⁹ The ceiling for Parental leave is higher than for Paternity leave to encourage use of Parental leave by fathers.

- 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 SEK180 (€20) a day for 240 days before the expected date of delivery or adoption. A parent remains qualified to the same level of Parental leave if an additional child is born or adopted within 30 months of the birth or adoption of an earlier child; this is economically significant mainly to parents who reduce working hours (and income) after the first child. This is commonly referred to as the 'speed premium'.

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 SEK180 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, he or she can use all the Parental leave days.

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

- Parental leave pay has been negotiated in collective bargaining agreements in the public sector and is commonplace in the private sector. A common collective agreement is that the employer pays 10 per cent extra under the ceiling (i.e., workers receive 90 per cent of earnings) and up to 90 per cent above the ceiling (Lindquist and Wadensjö, 2005¹⁰⁰).

d. Childcare leave or career breaks

- In 2008, a municipal child-raising allowance (*vårdnadsbidrag*) was reinstated. Starting in 2009, municipalities may choose whether or not to provide a benefit of up to SEK3,000 (€335) per month for parents with a child aged one to three years who do *not* use publicly-funded childcare services and for whose child 250 days of Parental leave have already been used. The allowance cannot be used simultaneously with Parental leave and is conditional on the other adult in the household (not necessarily the other parent) working or studying.

e. Other employment-related measures

¹⁰⁰ Lindquist, G. S. and Wadensjö, E. (2005) *Inte bara socialförsäkringar – Komplettrande ersättningar vid inkomstbortfall. Rapport till expertgruppen för studier i samhällsekonomi [Not only social insurance – complementary income replacement at loss of income. 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

Adoption leave and pay

- Cohabiting adoptive parents get five days each at the time of adoption; a single adoptive parent gets ten days, considered to be part of temporary (paid) Parental leave (*tillfällig föräldraledighet*) (see below). Adoptive parents may use the Parental leave up until the child is ten years old.

Time off for the care of dependents

- Temporary Parental leave (*tillfällig föräldrapenning*) is available at 120 days per child per year for children under the age of 12, and for children aged 12 to 15 with a doctor's certificate. This is paid at 80 per cent of earnings, up to an earnings ceiling of SEK318,000 (€35,505) per year; it is a family entitlement and it can be used to care for sick children. Sixty of these days also can be used 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. The ten days '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. Relationship between leave policy and early childhood education and care policy

The maximum period of paid post-natal leave available in Sweden is around 16 months, with 13 months paid at a high rate. There is an entitlement to ECEC from 1 year of age, available on a full-time basis in centres or at licensed family day carers (or part-time if parents are not employed). So there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under 3 years are well above the average for the 30 countries included in this review and above average for children over 3 years..

3. Changes in policy since January 2010 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

Between 1994 and 2004, around 25 per cent of pregnant women took pre-birth leave for an average of 38 days¹⁰¹.

¹⁰¹ Statens offentliga utredningar [Official government reports] (2005) *Reformerad försäkring [Reformed social insurance]*, 2005:73.

b. Paternity leave

In 2004, about 80 per cent of fathers took Paternity leave, for an average of 9.7 days out of the ten days available (ibid.). Only employed fathers are eligible, and no figures exist on the proportion of eligible fathers using this leave.

c. Parental leave and childrearing benefit

Almost all families use paid Parental leave in Sweden today. Although it is possible to use this benefit until a child reaches the age of eight years or the first school year is ended, the majority of parents take the main part of the leave before their child reaches the age of two (all children are entitled to a childcare place from 12 months of age). For children born in 2001, parents used 92 per cent of the 360 days that are paid at a high earnings-related rate, and 69 per cent of the days that are paid at a low flat-rate level. Parents of foreign background are less likely to use all their days than native Swedes¹⁰².

Ninety per cent of fathers of children born in 1998 took Parental leave, mainly starting when their children were 13 to 15 months of age. Mothers, however, still take most Parental leave, although the proportion of total days used by men has been increasing. In 1987, fathers took about 7 per cent of all Parental leave days taken in that year; by 2010, it had increased to 23.1 per cent¹⁰³

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 but the foreign-born fathers who do use leave on average take a longer period of leave than Swedish-born fathers. Unemployed fathers generally take less leave than other fathers. Fathers who work in the public sector are more likely to take leave, perhaps because they more often get extra compensation as a result of collective bargaining. Fathers are more likely to take Parental leave for a first child¹⁰⁴.

The introduction of a father's quota in 1995 (one month) and its extension in 2002 (to two months) both led to more fathers taking more leave; the second month had a less dramatic effect than the first (footnote 3). The introduction of the gender equality bonus has had no similar effects during its first 18 months¹⁰⁵.

Only about half of Swedish municipalities have decided to offer the child-raising allowance. Relatively few parents appear to take advantage of this benefit. A study of 96 municipalities who instituted the allowance in 2009 found that only 2,298 parents in 2009 received allowance in 2009¹⁰⁶, accounting for 1.9 per cent of all children ages 1 to 3 years in these municipalities. The vast majority (91 per cent) of the parents who applied for the allowance were women; 30 per cent of applicants had foreign backgrounds (compared to 25 per cent in Sweden generally).

¹⁰² Försäkringskassan [Swedish Social Insurance Agency] (2010) *Outnyttjad föräldrapenning [Unused parental leave]*. Socialförsäkringsrapport 2010:14. Available at: www.forsakringskassan.se.

¹⁰³ Försäkringskassan [Swedish Social Insurance Agency] (2011) *Föräldrapenning, län och kommun [Parental benefits, counties and municipalities]*. Available at: <http://statistik.forsakringskassan.se/portal/page/portal/intstat/bof/ffs/fplankom>

¹⁰⁴ Försäkringskassan [Swedish Social Insurance Agency] (2009) *Försäkringskassans årsredovisning [Annual report]*, 2009.

¹⁰⁵ Försäkringskassan [Swedish Social Insurance Agency] (2010) *Jämställdhetsbonus – en effektutvärdering [Gender equality bonus – an evaluation of effects] Rapport Dnr 21019-2010*.

¹⁰⁶ Statistiska Centralbyrån. (2010) *Nyttjande av kommunalt vårnadsbidrag [Use of the municipal child-raising allowance]*. Available at: www.scb.se/statistik/.../BE9999_2010A01_BR_BEFT1102.pdf

d. Other employment-related measures

Mothers are more likely than fathers to work part-time hours; 50 per cent of employed mothers with two children with the youngest being one to two years old worked part time in 2005, compared to only 7 per cent of employed fathers¹⁰⁷. 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.

When temporary Parental leave is used to care for sick children, it is more often used by mothers (64.6 per cent of days taken in 2009) (footnote 6).

5. Research and publications on leave and other employment-related policies since 2010 review

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. Over time, the impact of Parental leave on various outcomes, notably fertility, has received increased attention. Currently evaluations of the gender equality bonus and home care allowance are ongoing.

b. Selected publications since January 2010

Duvander, A.-Z. (2010) 'Immigrants' use of parental leave in Sweden', in: L. B Knudsen and A.L. Olsen (eds.) *Our Demographic Future – a Challenge: On the Need for Demographic Analyses* (Scandinavian Population Studies, Vol.14), pp. 203-224

Duvander, A.-Z. (2010) *What are the effects of reforms promoting fathers' parental Leave use?* (Stockholm Research Reports in Demography 2010:14). Stockholm: University of Stockholm, Sociology Department, demography Research Unit. Available at: http://www.suda.su.se/SRRD/SRRD_2010_14.pdf

Since the introduction of Parental leave in Sweden a more gender-equal division of such leave has been targeted. To this end, a number of strategies have been applied, and three major reforms have been introduced. In 1995 one month was reserved for each parent, implying that the month was forfeited if not used by the same parent. The reservation of one month was followed by another month in 2002. In 2008, a gender equality bonus was introduced, meaning that tax credits were given to parents who shared the leave equally. This study investigates and compares the effects of these reforms on the division of Parental leave. The comparison is made by means of a natural experiment approach, using control and treatment groups with parents of children born just before and after the introduction of each reform. The results indicate a strong effect from the first reserved month, a more modest but clear effect from the second reserved month and, so far, no effect from the gender equality bonus.

Evertsson, M. and Duvander, A.-Z. (2010) 'Parental leave - possibility or trap? does family leave length effect Swedish women's labour market opportunities?' *European Sociological Review*, Vol. 27, No.1:1-16

¹⁰⁷ Statistiska Centralbyrån (2007) *På tal om kvinnor och män [Talking about women and men]*. Available at: www.scb.se

There is scarce knowledge about the effects that a long family leave break may have on women's occupational careers and the studies on the topic so far mainly refer to the period up to the early 1990s. This article focuses on mothers' leave-taking behaviour in the period from 1974 to 2000 and estimates the relationship between length of family leave and the transition rate to an upward occupational move upon return to work. Data from the nationally representative Swedish Level of Living Survey of 1991 and 2000 are used. The results indicate that women who took leave of 16 months or more were less likely to experience an upward occupational move once back on the job again. The article concludes that even after controlling for selectivity into taking different lengths of Parental leave, there is still a negative effect of time out on women's subsequent career moves.

Ferrarini, T. and Duvander, A.-Z. (2010) 'Earner-carer model at the cross-roads: Reforms and outcomes of Sweden's family policy in comparative perspective', *International Journal of Health Services*, Vol. 40, No. 3: 373-398

In 2006, a moderate political coalition took power in Sweden. Policies were instituted which are often regarded as discouraging the dual-earner/dual-carer model; these include a tax deduction to hire household help and a municipal allowance for those who choose to care for children at home. The authors analyze these developments from a comparative perspective and conclude that these new laws may in the long run derail progress toward the earner-carer model. Such policies tend to reinforce a traditional division of labour for childcare, by making it easier for women to remain at home or pay other women to share domestic responsibilities with them. These policies are also likely to increase class and ethnic differences in the ways families attempt to integrate work and family responsibilities. Women with less occupational opportunities (because they have less education or are of foreign background) are more likely to use the caregiver's allowance and less likely to be able to afford to hire household help. Women with higher incomes can get ahead by not stopping out of the labour force and by hiring help.

Johansson, E.-A. (2010) *The effect of own and spousal parental leave on earnings (IFAU Working Paper 2010:4)*. Uppsala: Institute for Labor Market Policy Evaluation (IFAU)

This paper analyzes the impact of taking parental leave (until first-born children reach three) on subsequent annual earnings of Swedish parents, using fixed effect models. The author found that parental leave decreases future earnings for both women and men; women's earnings were reduced by 4.5 per cent for each month they took parental leave, while fathers' earnings were reduced by 7.5 per cent. Sharing parental leave with their partners offsets this negative effect for women (but not for men), since the amount of leave women's partners took had a large positive impact on women's future earnings. Each month that their partners took leave increased mothers' earnings by 6.7 per cent. Fathers who took parental leave in months other than the summer had partners whose annual earnings were even higher (10 per cent). The author hypothesizes that fathers on leave acquire "child care human capital," which makes them more likely to do childcare in the future, freeing women up to engage in the labour market.

c. Ongoing research

Linda Haas and Philip Hwang are currently conducting a qualitative study in six Swedish companies, three more father-friendly than the others, to learn more about companies' motivations for supporting fathers taking parental leave and what aspects of company culture still discourage fathers from taking leave. This study, funded by the Swedish Council for Working Life and Research, includes interviews with personnel officers, mid-level managers, as well as focus groups with fathers.

Switzerland

Isabel Valarino

April 2011

NB. Switzerland is a federal state

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

Note on Swiss federal, cantonal and communal government: Switzerland is a federal state with three political levels: communes, cantons and the Confederation. Family policy follows the principles of federalism and subsidiarity: the Confederation cedes responsibility for all areas of family policy to the cantons and communes, insofar as they are able to perform these tasks, and retains a purely ancillary and enabling role. The Swiss Constitution defines the areas of responsibility of the Confederation. Article 116 stipulates that, in fulfilling its tasks, the Confederation shall take due account of the needs of the family and may legislate on family allowances; this article provides the legal basis for maternity insurance.

Family policy may be organised very differently from one canton to the other. Various cantons have also set up special family commissions. In their respective areas of responsibility (e.g., schools, childcare), many cities and communes also implement family policy measures. Many non-governmental organisations are in part subsidised by the state and carry out specific tasks related to family policy. The division of responsibilities among political levels and the number of actors involved is, therefore, complex. For instance, each political level intervenes in early childhood education and care: for example, though most childcare services stem from the market, they are regulated and partially subsidized by the communes and/or the cantons. Finally, the federal level is also involved through a temporary programme, which subsidizes new childcare initiatives and the creation of additional places for pre-school children.

The Swiss political system is a direct democracy: through referendums and initiatives, citizens may challenge any law passed by parliament and propose amendments to the federal constitution. In the case of an amendment proposed to the federal Constitution, referendum is mandatory.

a. Maternity leave (*Allocation de maternité*) (responsibility of the Federal Department of Home Affairs, Federal Social Insurance Office)

Length of leave (before and after birth)

- 98 days (fourteen weeks) of leave: the entitlement starts on the day of delivery. It is obligatory to take eight weeks leave.
- Absence from work is mandatory during the first eight weeks following birth.
- Employed women can be exempted from work before birth for medical and health reasons upon presentation of a medical certificate; in this case, full salary payment continues for a limited period of time.

Payment and funding

- Eighty per cent of earnings, up to a ceiling of CHF196 (€155¹⁰⁸) per day which is equivalent to a monthly income of CHF7,350 (€5,740) for employees or an annual income ceiling for self-employed workers of CHF88,200 (€68,885).
- The leave is funded by the Loss of Earnings Compensation fund, which also provides benefits for people carrying out military service, civil defence or civilian service. It is financed by equal contributions from employees and employers (each pay 0.5 per cent of earnings).

Flexibility in use

- None.

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

- All employees; self-employed workers; women working in their husbands' or partners' businesses or that of a family member and who are paid a salary; women benefiting from unemployment, sickness, accident or invalidity allowances.
- Women must have a record of nine months of contribution to the Old Age and Survivors Insurance; and must have worked for a minimum of five months during the nine months preceding birth.

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

- Maternity leaves are often supplemented by collective agreements, which grant full wage replacement and/or extended lengths of leave (approximately two additional weeks, i.e. sixteen weeks of paid Maternity leave). Companies, which often take out private supplementary insurance for such cases, cover these expenses.
- The Confederation, cantonal public employers and communes are not subject to the basic legislation, but to specific regulations of their own. However, these regulations generally provide more generous maternity benefits to their employees, i.e. 16 weeks of leave at full earnings. A minority of cantonal employers grant four additional weeks for mothers who are breastfeeding, bringing their leave up to twenty weeks.
- In the canton of Geneva, all working mothers are granted 112 days (sixteen weeks) of Maternity leave, paid at eighty per cent of earnings. A cantonal Loss of Earnings Compensation fund pays for the two additional weeks, which are not covered for by federal dispositions.
- The canton of Fribourg will soon implement a maternity allowance targeted at all resident mothers, including adoptive and home-making mothers. The monthly allowance will be of CHF1,140 (€890), paid over 14 weeks. Part-time working mothers

¹⁰⁸ Conversion of local currency into Euros undertaken on 3 May 2011, using <http://finance.yahoo.com/currency-converter/>

who receive less than this amount through the federal entitlement will be entitled to the difference through this cantonal insurance.

b. Paternity leave

No statutory entitlement.

Article 329 of the Code of Obligations (CO) mentions that the employer 'must allow the employee the customary hours and days off work' in addition to vacation leave, which are generally understood as time-off granted to employees for personal reasons (e.g. 'family-related events, such as birth or adoption, decease of close family members, marriage of the employee, etc.'¹⁰⁹). However, the existence, length and payment of a Paternity leave depends on the parties involved and social partners through the establishment of individual agreements, standard employment contracts, collective employment contracts, or well-established common practices (even if not written) in a company or a branch. Regarding payment during these days off, it is generally understood that time off for the birth of a child should be paid; this is, however, not mandatory.

There is no representative survey on the number of days off granted to fathers on a national scale and if they are paid. However, there are some indications that the majority of collective labour agreements grant a minimum of one day off (the day of birth)¹¹⁰, and that it is predominantly paid for at 100 per cent by employers. Several small-scale research studies show that, increasingly, private companies and public administrations grant employees five days of paid Paternity leave (with full earnings compensation). More rarely, companies grant two or three weeks of paid Paternity leave and sometimes allow employees to take one or two additional unpaid weeks. This leave is generally to be taken at the birth of the child, but sometimes a longer time frame is given (e.g. during the child's first year).

c. Parental leave

No statutory entitlement.

There is some indication that a minority of companies in the private sector grant employees unpaid Parental leaves¹¹¹. A majority of cantonal public employers also grant unpaid Parental leaves - ranging from 1 to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants)¹¹².

d. Childcare leave or career breaks

¹⁰⁹ Carruzzo, P. (2009) *Le contrat individuel de travail. Commentaire des articles 319 à 341 du Code des obligations*. Zürich : Ed. Schulthess

¹¹⁰ Canning Wacker, N., & Dalla Palma, S. (2005) ; Pro Familia Suisse (2001) *Familles et entreprises. Résultats de l'enquête effectuée auprès des entreprises suisses*. Bern : Pro Familia Suisse ; Pro Familia Suisse (2011) *Was Männer wollen! Studie zur Vereinbarkeit von Beruf und Privatleben*. Available at: http://www.sg.ch/home/staat_recht/recht/gleichstellung.Par.0018.DownloadListPar.0001.File.tmp/104868_ProFamilia_Studie_per_cent2009022011.pdf.

¹¹¹ Canning Wacker, N., & Dalla Palma, S. (2005) *Concilier activité professionnelle et famille. Enquête sur les mesures proposées aux employé-e-s par les organisations privées et publiques de l'arc lémanique*, [Electronic Version], 48. Available at: http://www.rezonance.ch/fs-search/download/Rapport_per_cent20Via2_per_cent2014.12.2004.pdf?version_id=621040.

¹¹² Fuchs, G. (2004) *Les administrations publiques, pourvoyeuses d'emploi attractifs pour les parents – Comparaison des régimes de congé parental de la Confédération, des cantons et des municipalités*. Available at : http://www.vs.ch/Press/DS_18/PUBL-2007-03-27-11717/fr/Administrations_publices_F_CSDE_Gesine_Fuchs_Bale_per_cent202004.pdf; Fuchs, G. (2008) *Prestations en cas de maternité et initiatives parlementaires sur les congés et prestations offerts aux parents (notamment congé paternité, congé parental et congé d'adoption): rapport sur la situation actuelle dans l'administration fédérale, les cantons et quelques municipalités* Available at : <http://www.equality.ch/f/publications.htm>

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- There is no federal statutory entitlement. Adoption leave is subject to employers' agreement or to collective labour agreements; for example, approximately one third of public cantonal employers grant paid adoption leaves; but often for shorter periods than maternity leaves. Some cantons have implemented gender neutral adoption allowances for working parents, available to only one of the adoptive parents; the cantons of Geneva and Vaud entitle adoptive parents to 14 and 16 weeks of pay, respectively, at 80 per cent¹¹³. Such cantonal allowances are provided only if one of the parents interrupts his/her employment.

Time off for the care of dependants

- Parents are entitled to three days per illness episode in order to care for their sick child upon presentation of a medical certificate. When two persons share parental responsibilities, only one should benefit from this provision (parents should decide who benefits from the leave for sick children, depending on the solution which suit them best). This leave is understood as time granted for lone parents or working parents in order to organise prolonged childcare if that is needed. Salary payment is suggested by the Code of Obligations as parents have a legal obligation to care for their dependent children; although salary payment seems to be a common practice, it is not mandatory.
- The same article should in principle be applicable to parents of seriously ill children who have to care for them for a prolonged period. However, there is no guarantee of salary payment in these cases.

Flexible working

- During the child's first year, the time spent breastfeeding on the company's site is considered as work time. Half of the time spent breastfeeding out of the company's site is considered as work time; the other half must not be compensated for and should not be deducted from vacation and rest time. However, salary payment during the time spent breastfeeding is not mandatory.
- There is no statutory entitlement to reduced or flexible working hours for employed parents. However, the Employment Law states that the employer should take into account the employee's 'family responsibilities' when fixing work and rest hours. Family responsibilities are defined as the education of children up to 15 years old and the charge of other family members or close members in need of care.
- Some collective labour agreements specifically include the right to reduced working hours for parents and there is some indication that a significant proportion of companies allow flexible working hours¹¹⁴.

¹¹³ Such provisions are possibly also proposed in other cantons, but there is no overall documentation available.

¹¹⁴ See Bühler, S. (2004), *Bébés et employeurs - Comment réconcilier travail et vie de famille. Version abrégée de l'étude comparative de l'OCDE portant sur la Nouvelle-Zélande, le Portugal et la Suisse : aspects suisses* (Vol. 1f). Berne: Secrétariat d'Etat à l'économie.

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

The maximum period of paid post-natal leave available in Switzerland is just over 3.2 months, all paid at a high rate of income replacement. There is no entitlement to ECEC at any age and levels of attendance at formal services for children over 3 years are well below the average for the 30 countries included in this review (there is no information for children under 3 years¹¹⁵).

3. Changes in policy¹¹⁶ (including proposals currently under discussion)

Maternity leave implementation

In 1945, the Swiss electorate accepted a constitutional article on family protection which gave a mandate to the Confederation to implement Maternity leave. Three attempts (in 1984, 1987 and 1999) were made to implement this mandate (by the Parliament and through popular initiatives), but on each occasion the Swiss electorate rejected these proposals in referenda. But in 2004, the 'Amendment of the Federal Act of 25 September 1952 on Compensation for Loss of Earnings for Persons on Military Service or Maternity Leave (LECA)' was accepted by 55 per cent of the electorate. The law, implemented on the 1 July 2005, considers maternity to be an impediment from waged work, which should be compensated for financially, just as for people carrying out military service, civil defence or civilian service.

Before this date, there was a measure of job protection but no federal statutory maternity leave benefits. Payments to mothers varied, depending on their canton and sector of employment, collective labour agreements and work contracts, as well as their number of years of service. In addition, several cantons had created different schemes of means-tested maternity allowances for the mother and/or the father¹¹⁷; which in part still exist.

There have been two changes since the 2005 Law was passed. First, the maximum daily allowance has risen from CHF172 to CHF196 (€155) (since January 1st 2009). Second, employers' and employees' contributions to the Loss of Earnings Compensation Fund have risen from 0.3 per cent to 0.5 per cent (since January 1st 2011). This rate will be applied until the end of 2015.

There have been several proposals for change from Members of the Federal Parliament. In 2008, for example, for extending Maternity leave allowances from 98 to 126 days (eighteen weeks), which was rejected in 2010. A 2007 parliamentary initiative, which demands the ratification of the Convention no 183 on the protection of maternity of the International Labour Organisation (ILO), has been accepted by the Committees for Social Security and Health of both chambers. After the consultation procedure, it will be submitted to the

¹¹⁵ A 2005 study estimated that only 13 per cent of children between 0 and 4 were attending ECEC services, but that there was a demand for 47 per cent to attend (INFRAS (2005) *Combien de crèches et de familles de jour faut-il en Suisse? Version abrégée de l'étude "Offre d'accueil extrafamilial en Suisse. Potentiels de demande actuels et futurs"*). Available at : www.nfp52.ch/files/download/Etudeabregeelten_F.pdf). A federal incentive programme for the creation of ECEC services is running until 2015.

¹¹⁶ As Switzerland has not been included in the international review before, this section provides an account of changes in leave policy in recent years.

¹¹⁷ Dafflon, B. (2004) *La politique familiale en Suisse : enjeux et défis*. Lausanne: Réalités sociales, Note that these provisions still exist on cantonal basis.

Parliament's vote; if the ratification is accepted, the Swiss Employment Act will be amended to make payment by employers during working mothers' breastfeeding breaks statutory.

Two additional motions have not yet been examined by the Parliament. One concerns the extension of job protection for mothers to 24 weeks following birth (instead of the current 16 weeks). The argument is that currently workers who wish to continue to breastfeed after Maternity leave (fourteen weeks) and after the period of job protection (sixteen weeks) fear to do so because of dismissal. The Federal Council (the federal government) recommends rejecting this motion.

The second motion proposes to modify the CO in order to clarify the payment of salary in case of breastfeeding or milk expression (fully compensated if performed on the company's site and compensated in part only if performed off-site); this right is guaranteed by the Employment Law, but the question of payment is not precisely addressed in the CO. The National Council (lower house of the federal parliament) has not voted on this motion yet. However, the Federal Council has already recommended rejection, arguing the matter should be left to jurisprudence and not be embedded in the law.

Paternity and Parental leave

Maternity leave implementation enabled new requests to emerge, in particular in favour of leaves targeting – or at least including – fathers. Since 2006, some twenty parliamentary interventions were made in favour of various Parental leave schemes. However, to date, none of these propositions has been accepted by the Parliament.

Currently, there are three proposals from members of parliament yet to be considered by the Parliament. One proposes a two week paid Paternity leave to be taken at birth. Another proposes a 'leave credit' of 20 days per parent to be used until the child's fourth anniversary. The third – by far the most ambitious one - proposes a 24 weeks paid Parental leave. This proposal came from the Green parliamentary group, in March 2011, who took up a Parental leave model developed by the Federal Coordination Commission for Family Affairs (FCCF). The FCCF is an advisory commission of the Federal Department of Home Affairs whose mandate is to inform, coordinate and propose voting recommendations as well as new policy measures.

In 2010, the FCCF issued a report on Parental leave and parental allowances, which proposed an overview of the Swiss family model and needs, as well as existing policies. A specific model of Parental leave was proposed and financially assessed. The model is for six months of paid Parental leave (at 80 per cent of earnings), including individual entitlements of four weeks for each parent and a common family entitlement of sixteen weeks to be shared between parents. The leave would be flexible: to be taken until the child's first day of school; to be taken in several blocks of time and part-time; and to be taken concurrently by parents if they both work part-time. The cost of this proposed leave scheme has been estimated at CHF1.1-1.2 billion (€860-€940 million), approximately double the cost of current maternity benefits. Two funding options are assessed: increasing employee and employer contributions from 0.5 per cent to 0.7 per cent; or increasing the Value Added Tax rate – currently 8 per cent - to 8.4 or 8.5 per cent.

This report represents the first concrete and thoroughly thought through paid Parental leave proposal. It must first be accepted by the Committee for Social Security and Health of both chambers in order to be put to parliamentary vote.

If the various parliamentary interventions that have been rejected are considered it can be seen that:

- Approximately the same number of proposals were made in favour of Parental leave and Paternity leave. However, among the Parental leave propositions, three were limited to parents of seriously ill children (a form of childcare leave); in some cases, too, the proposed leaves were limited to a specific population, i.e., civil servants, men on military service and means-tested families. Only one proposition asked for the extension of leave to adoptive parents.
- The length of Parental and Paternity leave proposals that have been rejected varied from two to twenty weeks. The longest proposal originated from the canton of Geneva, which asked that legislative changes be made in order for cantons to be able to implement cantonal Parental leaves. At the moment, this is not possible because cantons are not allowed to deduct special contributions to implement Parental or Paternity leaves. Two additional interventions demanded that the possibility for cantons to implement cantonal Parental or Paternity leaves be examined or that the necessary legislative changes be made, but without any success.
- The majority of propositions stemmed from Socialists, Christian Democrats and Green MPs. However, the Liberal-Radical group and the Swiss People's Party were also represented among the sponsors of Parental leave policies. Parental leave policies seemed to be a political priority for French-speaking MPs, more than for German-speaking MPs, as well as for female MPs; approximately half stemmed from female MPs, which is more than the proportion of women in the Parliament.

The Federal Council has been systematically opposed to the introduction of Parental leave policies. The main and recurring reason is that other priorities have been set for family policy in general and for the reconciliation of work and family life in particular, such as supporting childcare services, promoting flexible working hours and reforming family taxation. The Parliament also follows this line of argument. In addition, the financial cost of such policies and a preference for arrangements between social partners over state regulation are mentioned. It is often argued, too, that maternity and paternity are not comparable. This line of argument includes physiological differences: mothers are said to need rest and to need to breastfeed. Finally, it is argued that the current Constitution only charges the federal Confederation to implement Maternity leave and does not mention other types of leave; therefore, implementing such leaves is not considered to be a federal mandate¹¹⁸.

New Constitutional article in favour of work and family life balance

Following a 2007 parliamentary initiative, the respective Committees for Social Security and Health of both chambers of the Parliament have agreed to the idea of creating a new Constitutional article in favour of the family. The amendment project is under consultation until March 2011, and includes a specific section on the reconciliation of work and family life: 'The Confederation and the cantons encourage measures in order to reconcile family life and wage work. They provide in particular an appropriate offer of extra-familial and extra-school childcare structures' (Project, Federal Constitution, Art. 115). After the consultation phase, which could lead to modifications of the present project, the article will be submitted to vote at the Parliament, and if it is accepted, to the Swiss electorate in a referendum.

The adoption of this new Constitutional article could give extra legitimacy to Parental leave policies. However, it should be noted that the present project explicitly mentions the need to create early childhood services, but does not do so for Parental or other types of leave.

¹¹⁸ This would suggest that Parental and Paternity leaves are not a federal responsibility, and that the principle of subsidiarity can be applied, making cantons and communes responsible. However, this solution has explicitly been rejected by the Parliament, which has turned down proposals for cantonal Paternity or Parental leaves.

4. Take-up of leave

a. Maternity leave

Approximately 70 per cent of women giving birth meet the eligibility criteria of maternity allowances and benefit from them¹¹⁹. The number of recipients has been increasing since Maternity leave was introduced, probably because of an increase both in births and female employment. In 2005, 28,102 mothers (this figure is for six months only – the law came into force on the 1st of July) benefited from allowances; in 2006, 54,769; in 2007, 56,381 mothers; in 2008, 60,394 mothers; and in 2009, 64,051¹²⁰. It is estimated that the majority of recipients take up the maximum length of leave (98 days)¹²¹.

In 2009, the average amount of the daily indemnities granted to mothers was CHF114 per day¹²², far from the ceiling of CHF 196.

According to Sottas and Millioud (2008), in 2006, 80 per cent of leave recipients were married, 15 per cent single and 5 per cent divorced. The majority of recipients were employees (83 per cent); 14 per cent were self-employed and 3 per cent inactive (eligible because they previously received unemployment, health or disability benefits).

b. Paternity leave

No statutory leave entitlement.

c. Parental leave and Parental benefit

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies

a. General overview

There are several publications on Swiss family policy and Parental leave policies. However, several are out-of-date, published before maternity leave implementation. Others have limited research scopes; this is the case for some Bachelor and Master's theses on the politics of Maternity and Parental leaves. There is little research on Maternity leave benefits and leave uptake by women, though there will soon be a report available on the effects of Maternity leave implementation (see 'ongoing research'). There is some research on special Paternity and Parental leave entitlements available in public administrations and on common practices and/or needs in the private sector. Here again, research literature is either not totally up to date (the most recent data for cantonal entitlements for civil servants are 2008), partial (surveys on reconciliation measures in private companies concern only specific cantons), or non-existent. For instance, to my knowledge, there exists no overall view of collective agreements or standard work contracts that grant paid Paternity leaves or unpaid Parental leaves to employees. No representative statistics are available either on the

¹¹⁹ Sottas & Millioud, p. 306 for 2006.

¹²⁰ <http://www.bsv.admin.ch/dokumentation/zahlen/00093/00434/index.html?lang=fr>

¹²¹ Sottas, G. & Millioud, P. (2008) 'Allocations pour pertes de gain en cas de maternité - premier aperçu', *Sécurité sociale*, Vol. 5: 304-307. The administrative data available provide information for calendar years. For this reason, the average length of leave is under-estimated because some recipients receive part of their allowances on one year and the rest on another.

¹²² This figure was obtained by dividing the total maternity leave expenditures in 2009 (CHF602.6 millions) by the number of daily indemnities (5,282,433).

proportion of working men and women who can benefit from such policies and who take advantage of them.

b. Selected publications since 2003

Dafflon, B. (2003) *La politique familiale en Suisse : enjeux et défis*. Lausanne: Réalités sociales.

This book retraces the principles and measures of Swiss family policy from an institutional perspective. A chapter is dedicated to Maternity leave. The book was published before the current Maternity leave scheme was agreed.

Fuchs, G. (2004) *Les administrations publiques, pourvoyeuses d'emploi attractifs pour les parents – Comparaison des régimes de congé parental de la Confédération, des cantons et des municipalités* Available at: http://www.vs.ch/Press/DS_18/PUBL-2007-03-27-11717/fr/Administrations_publicques_F_CSDE_Gesine_Fuchs_Bale_per cent202004.pdf

The author presents and compares the regulations with regard to Maternity, Paternity, Parental and Adoption leaves for civil servants of federal, cantonal and some communal administrations.

Canning Wacker, N. and Dalla Palma, S. (2005) *Concilier activité professionnelle et famille. Enquête sur les mesures proposées aux employé-e-s par les organisations privées et publiques de l'arc lémanique* Available at: http://www.rezonance.ch/fs-search/download/Rapport_per cent20Via2_per cent2014.12.2004.pdf?version_id=621040

Report of a survey conducted on a sample of public and private work organisations in two French-speaking cantons of Switzerland. The study gives an overview of the work and family reconciliation measures provided, including extended Maternity, Parental and Paternity leave policies.

Sottas, G. and Millioud, P. (2008) 'Allocations pour pertes de gain en cas de maternité - premier aperçu', *Sécurité sociale*, 2008/No.5: 304-307.

This report gives an overview of the uptake of maternity allowances shortly after Maternity leave implementation (from 2005 to 2007).

Fuchs, G. (2008) *Prestations en cas de maternité et initiatives parlementaires sur les congés et prestations offerts aux parents (notamment congé paternité, congé parental et congé d'adoption): rapport sur la situation actuelle dans l'administration fédérale, les cantons et quelques municipalités*. Available at: <http://www.equality.ch/f/publications.htm>

The author assesses whether the federal legislation on Maternity leave passed in 2004 had a negative effect on cantonal and communal leave regulations, which provided more generous policies.

Baumann, B., Bovay, M., Ermert, C., Knupfer, C., Krummenacher, J., Pfaffinger, M., et al. (2010) *Congé parental - allocations parentales. un modèle de la COFF pour la Suisse*. Bern: Commission fédérale de coordination pour les questions familiales. Available at: http://www.ekff.admin.ch/c_data/PDF_Elternzeit_f_100929.pdf

This report, published by the Federal Commission for the Coordination of Family Issues, gives an overview of the Swiss context with regard to Parental leave policies. It proposes a Parental leave model to implement in Switzerland and a plan for its financing. It also compares the proposal with the German and the Icelandic leave models (in terms of modalities and costs).

Commission fédérale pour les questions féminines. (2010) *Assurance maternité et congé parental*, and *Femmes Pouvoir Histoire 2001-2009*, 6. Available at: from http://www.ekf.admin.ch/dokumentation/00444/00516/index.html?lang=fr#sprungmarke0_1

This publication (also available in Italian and German) was issued by the Federal Commission for Women's Issues. It gives a brief overview of the political events concerning Maternity leave, Parental and Paternity leaves from 2001 to 2009.

Valarino, I. and Bernardi, L. (2010) 'Fertility discourse in Parental leave policies' media coverage: A frame analysis of French-speaking Swiss press articles from 1999 to 2009', *Population Review*, Vol.49, No.2: 47-69.

This article analyses the representations of Parental leave policies in French-speaking newspapers from 1999 to 2009, with an emphasis on the status of fertility arguments.

Pro Familia Suisse. (2011). Was Männer wollen! Studie zur Vereinbarkeit von Beruf und Privatleben [Electronic Version], 31. Retrieved 18.02.2011, from http://www.sg.ch/home/staat_recht/recht/gleichstellung.Par.0018.DownloadListPar.0001.File.tmp/104868_ProFamilia_Studie_per_cent2009022011.pdf

This report (in German) by Pro Familia, a civil association promoting family policies, was commissioned by the Canton of St-Gallen. Approximately 800 male employees of 35 small and medium-sized companies in this canton were surveyed in order to assess existing reconciliation measures (including Paternity leave) and the policies they would wish to be offered.

c. Ongoing research

Analysis of maternity allowances outcomes (2011). Currently out to tender; funded by the Federal Social Insurance Office.

This study on the effects of Maternity leave implementation will address three lines of questioning: the effects of maternity insurance on (young) women's and mothers' employment and activity; whether the federal Maternity leave has curtailed pre-existing more generous schemes, and whether the savings to these schemes due to the implementation of a federal maternity insurance have been reinvested in extended maternity (or paternity) benefits; and financial and administrative effects. Results should be available by the end of 2011.

Do parental leave policies challenge gender relations? Representations of parental leave policies in Switzerland (2009-2013). Doctoral thesis by Isabel Valarino, University of Lausanne, Institute of Social Sciences.

This research analyses the emergence and problematisation of Parental and Paternity leaves in the Swiss political and media spheres, as well as in work organisations. Case studies in work organisations granting discretionary leave benefits and interviews with fathers benefiting from such policies will be conducted. The research is scheduled to finish at the end of 2013.

United Kingdom

Margaret O'Brien and Peter Moss

April 2011

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

a. Maternity leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave (before and after birth)

- Fifty-two weeks. A woman can start to take her leave from 11 weeks before the beginning of the week the baby is due.

Payment and funding

- Ninety per cent of woman's average earnings for six weeks with no ceiling + a flat-rate payment of either £128.73 (€145¹²³) or 90 per cent of average gross weekly earnings (whichever is lower) for 33 weeks. The remaining 13 weeks are unpaid.
- Financed by National Insurance Contributions (NICs) from employers and employees. It is paid by employers who can claim back an average of 93 per cent from HM Revenue & Customs (the taxation agency) and small employers can claim back 103 per cent.

Flexibility in use

- The mother can opt to start her leave at any point from 11 weeks before the baby is due until the baby is born.
- Mothers can choose to return to employment from two weeks after childbirth.
- Up to ten 'Keep In Touch' days can be worked without affecting Maternity leave or pay

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

- All women employees are eligible for 26 weeks 'Ordinary Maternity Leave' (OML) plus a further 26 weeks of 'Additional Maternity leave' (AML). Women employees who have worked for their employer continuously for 26 weeks, into the fifteenth week before the week the baby is due, and who meet a minimum earnings test, are eligible for 'Statutory Maternity Pay' (SMP) consisting of six weeks' payment at 90 per cent of average gross weekly earnings, with no ceiling, plus 33 weeks of flat-rate payment at £128.73 (€145) a week or 90 per cent of average gross weekly earnings, whichever is the lesser.
- Women who are not eligible for SMP (e.g. have recently left work, changed jobs, or are self-employed) may be eligible for a Maternity Allowance (MA) of 39 weeks at the flat rate of £128.73 or 90 per cent of average gross weekly earnings, whichever is the

¹²³ Conversion of local currency into Euros undertaken on 19 May 2011, using <http://finance.yahoo.com/currency-converter/>

lowest, e.g. if they have recently left work, changed jobs, or are self-employed and have worked for 26 weeks out of the 66 preceding the expected week of childbirth

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

- After the first twenty weeks the mother can transfer the remaining Maternity leave to her partner (husband, biological father, civil partner) if she returns to employment. This is termed Additional Paternity Leave (APL), and is for a minimum of 2 weeks and a maximum of 26 weeks; APL cannot be claimed in the first twenty weeks after the child is born and must end no later than the child's first birthday. Fathers taking APL can be paid for a maximum of 19 weeks at the flat rate of £128.73 or 90 per cent of their average earnings, whichever is the lower figure; such payment – the Additional Statutory Paternity Pay (ASPP) - is only available during the period that the mother would be entitled to payment for Maternity leave, i.e. between 20 and 39 weeks after the child is born. If he takes APL after the 39 week period, it will be unpaid¹²⁴.
- Fathers must give their employer 8 weeks' notice that they wish to take APL and ASPP. They must have worked continuously for their employer for 26 weeks by the end of the fifteenth week before the start of the week the baby is due and remain employed into the week before the leave is due to start.
- In the event of the mother's death, the father may start his entitlement to APL and ASPP immediately (even if the death occurs within 20 weeks of the child's birth) and the maximum period of ASPP is extended to 39 weeks. APL may be extended until the child's first birthday.
- Fathers can change the dates later if needed, as long as they give 6 weeks' notice. If they do not, and the employer cannot accommodate the change, the father will have to take the leave on the dates he originally told his employer.

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

- Many employers make additional provisions that go beyond the statutory minimum. For example, in 2007, 53 per cent of workplaces with five or more employees offered extra-statutory Maternity leave and 16 per cent provided additional payments (Hayward et al., 2007¹²⁵).

b. Paternity leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Two weeks.

¹²⁴ For more information on APL, see Department for Business, Innovations and Skills (2011) *Pregnancy and Work: what you need to know as an employee for babies due on or after 3rd April 2011*. London: BIS. Available at: <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/p/10-1168-pregnancy-and-work-employee>.

¹²⁵ Hayward, B., Fong, B. and Thornton, A. (2007) *The Third Work–Life Balance Employer Survey: Executive Summary (Employment Relations Research Series No.86)*. London: Department for Business (DBERR). Available at: <http://www.berr.gov.uk/files/file42645.pdf>.

Payment and funding

- Flat-rate payment of £128.73 (€145) a week, or 90 per cent of average weekly earnings if that is less.
- Funded as for Maternity leave, with employers able to claim back some or all of the payments from the HM Revenue and Customs HMRC.

Flexibility in use

- It cannot start until the baby is born, and must finish within 56 days of the baby's birth or within 8 weeks of the due date if the baby is born prematurely.

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, partner or civil partner; they expect to have responsibility for the child's upbringing; they have worked continuously for their employer for 26 weeks ending with the fifteenth week before the baby is due and remain employed at the time of the child's birth.

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

- In the case of premature births, the period in which leave can be taken is extended until eight weeks after the child was due (that is the requirement to finish paternity leave within 56 days of the baby's birth is not applicable).

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

- A minority of employers go beyond the statutory minimum; in 2007, 18 per cent of workplaces with five or more employees offered additional Paternity leave and 19 per cent additional Paternity pay (Hayward et al., 2007¹²⁶).

c. Parental leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Thirteen weeks per parent per child (i.e. an individual right) up to the child's fifth birthday, with a maximum of four weeks leave to be taken in any one calendar year.

Payment

- None.

¹²⁶ Hayward, B., Fong, B. and Thornton, A. (2007) *The Third Work–Life Balance Employer Survey: Executive Summary (Employment Relations Research Series No.86)*. London: Department for Business (DBERR). Available at: <http://www.berr.gov.uk/files/file42645.pdf>

Flexibility in use

- Leave may be taken in blocks or in multiples of one week, up to and for no more than four weeks per year.
- 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 eighteenth birthday. They may also take leave in shorter periods e.g. 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 as a 'fallback scheme' since the intention is that 'wherever possible employers and employees should make their own agreements about how Parental leave will work in a particular workplace'¹²⁷.
- Employers may postpone granting leave for up to six months where leave-taking would cause significant disruption to the business.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- One adoptive parent is eligible for 52 weeks' leave paid at a flat-rate payment of £128.73 (€145) a week, or 90 per cent of average weekly earnings if this is less, for the first 39 weeks; the final 13 weeks' are unpaid. There is also a right to paid Paternity leave for an adopter not taking adoption leave.

Time off for the care of dependants

- Employees may take 'a reasonable amount of time off work to deal with unexpected or sudden emergencies affecting a dependant and to make necessary longer term

¹²⁷ Department of Trade and Industry, *Parental leave, summary guidance*. Available at: <http://webarchive.nationalarchives.gov.uk/+/http://www.dti.gov.uk/employment/balancing-work-family-responsible/parental-leave/index.html>

arrangements'¹²⁸. 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 dependant 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 who have parental responsibility for a child aged 16 and under, a disabled child under 18 years or who care for a spouse, partner, civil partner, relative or other adult living with them have a legal right to apply to their employers to work flexibly (e.g. to reduce their working hours or work flexitime). Employees need to have worked for their employer continuously for 26 weeks before applying. Employers have a legal duty to consider these requests and may refuse them only 'where there is a clear business ground for doing so ... [and must give] a written explanation explaining why'.¹²⁹ In October 2010 the new Coalition Government announced the intention to extend the right to request flexible working to parents of children aged 17 years from April 2011.¹³⁰ In March 2011 this decision was reversed¹³¹.

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

The maximum period of paid post-natal leave available in the UK is 18 months, but most of this is unpaid or low paid; leave paid at a high rate is only available for 6 weeks of Maternity leave. There is an entitlement to ECEC from 3 years of age though only for part-time nursery education (15 hours a week for 38 weeks per year). The Government plans to introduce 15 hours per week early education and care for disadvantaged 2 year olds from 2012-2013, although details about how these families are to be targeted has not been announced. So there is an 18 month gap between the end of leave and an ECEC entitlement, and a gap of nearly 3 years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over 3 years are above the average for the 30 countries included in this review..

3.Changes in policy since January 2010 (including proposals currently under discussion)

Following the 2010 General election, the new Coalition (Conservative and Liberal Democrat) Government confirmed the implementation of the Additional Paternity Leave Regulations 2010 (introduced by the previous Labour Government) and introduced Additional Paternity Leave (APL) and Additional Statutory Paternity Pay (ASPL) for parents of infants due on or after 3 April 2011. This new right allows fathers to take up to six months APL during the

¹²⁸ Department of Trade and Industry, *Frequently asked questions about time off for dependents*. Available at: <http://webarchive.nationalarchives.gov.uk/+http://www.dti.gov.uk/employment/balancing-work-family-responsible/time-off/index.html>

¹²⁹ Department of Trade and Industry, *Frequently asked questions about time off for dependents*. Available at: <http://www.dti.gov.uk/employment/workandfamilies/flexible-working/faq/page21615.html>

¹³⁰ BIS (2010) Impact assessment; Extending the Right to request Flexible working to parents of children aged 17 years. <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/i/10-1217-impact-flexible-working-parents-children-aged-17.pdf>

¹³¹ HM Treasury/BIS (2011) *The Plan for Growth*

child's first year, if the mother returns to work before the end of her Maternity leave; in effect, it allows the transfer to fathers of part of Maternity leave. A national survey of employers, carried out one month before the new legislation found that 40 per cent of employers reported that they were not yet prepared for the change in the law¹³². Sixty four per cent of employers saw APL as a legal obligation that they would have to comply with, but 22 per cent saw its potential as a means of improving operational effectiveness.

A new approach to Parental leave and flexible work was set out in the Programme for Government of the new Coalition Government¹³³, notably a commitment to encourage shared parenting from the earliest stages of pregnancy, including the promotion of a system of flexible Parental leave as well as a commitment to extend the right to request flexible working to all employees. A national consultation on these proposals was published in May 2011¹³⁴.

With respect to flexible working, in October 2010 the new Government consulted and agreed to extend the right to request flexible working to parents of children aged 17 years from April 2011¹³⁵. But in March 2011 this agreement was reversed¹³⁶. The new proposals for consultation outlined May 2011 seek to replace the existing statutory process for considering requests with a duty to consider requests 'reasonably' alongside a new statutory "Code of Practice". In addition the government is seeking views on whether any new requests should be extended to all employees, not only those with caring responsibilities.

With respect to leave policies, the government is proposing retention of 18 weeks continuous maternity leave and pay but that the remainder of existing Maternity Leave ("34 unallocated weeks") should be reclassified as Parental Leave. Proposals for the new Parental leave include: four weeks of paid Parental leave exclusive to each parent to be taken in the first year (designed to incentivise greater involvement by fathers); and 30 weeks of additional Parental leave available to either parent - of which 17 weeks would be paid and could be broken in blocks between parents (to introduce more possibilities of flexible use). In terms of payment, the proposal is that once the Maternity leave period comes to an end (from week 19), a flat rate payment will still continue for the remaining 21 weeks, but this would be renamed statutory shared parental pay, as it would be available to either parent. The existing system of SMP and MA would be replicated paid at 90 per cent of average earnings up to the existing flat rate (capped at £128.73 in 2011/12).

Over the last year the government has expressed commitment to a more family-friendly employment strategy, alongside a parallel growth strategy which emphasizes the importance of a reduction in employment regulation, especially for small businesses. A recent Growth Review¹³⁷ announced a moratorium exempting micro businesses and start-ups from "any new domestic regulation for three years from 1st April 2011".

¹³² Working Families (2010) Available at: <http://www.workingfamilies.org.uk/about-us/press-room/working-families-publishes-survey-results-on-additional-paternity-leave-and-pay/>printhe APL Survey. The survey of 250 employer organisations was carried out between 2nd and 17th March 2011. There were 85 useable responses across all sectors. 46 responses were from large organisations and 39 from small and medium sized organisation.

¹³³ <http://programmeforgovernment.hmg.gov.uk/files/2010/05/coalition-programme.pdf>

¹³⁴ 'Modern Workplaces' <http://www.bis.gov.uk/news/topstories/2011/May/modern-workplaces>

¹³⁵ Department for Business, Innovation and Skills (2010) *Impact assessment; Extending the Right to request Flexible working to parents of children aged 17 years*. Available at: <http://www.bis.gov.uk/assets/biscore/employment-matters/docs/i/10-1217-impact-flexible-working-parents-children-aged-17.pdf>

¹³⁶ HM Treasury/BIS, (2011) *The Plan for Growth*

¹³⁷ HM Treasury/BIS (2011) *The Plan for Growth*. Available at: http://cdn.hm-treasury.gov.uk/2011budget_growth.pdf

4. Take-up of leave

This section relies on the most recent publicly available national data. The findings from two important surveys - the 2009/10 Maternity-Paternity Rights Survey and 4th Work-life Balance Survey of Employees - will be available later in summer 2011.

a. Maternity leave

The most recent data, from the Maternity Rights 2007 Survey (La Valle et al., 2008¹³⁸), show that 76 per cent of women who had worked at some point in the 12 months before giving birth had returned to employment between 12 and 18 months after giving birth. Highest rates of return were among women: whose employers had most family-friendly policies; received the most generous payments while on leave; were more highly qualified; and who had a partner. The median duration of leave taken was 26 weeks; 16 per cent took less than the statutory minimum entitlement of 26 weeks.

Most (88 per cent) mothers who worked in the year before childbirth received some form of maternity pay. The largest group of mothers (41 per cent) had received the most generous pay package, that is, SMP plus additional Occupational Maternity Pay provided by the employer; OMP was most commonly paid by large private and public sector organisations, unionised workplaces, those offering a range of work-life balance provisions and to mothers with the highest earnings and those who worked full time. Mothers who received no maternity pay (12 per cent) were those in the least advantageous employment condition – elementary occupations, with an hourly gross pay below £5 (€6) and working fewer than 15 hours a week. These updated findings are in line with the earlier survey by Smeaton and Marsh (2006¹³⁹).

b. Paternity leave

The most recent nationally representative information on Paternity leave activity is provided by the proxy data given by mothers in the Maternity Rights 2007 Survey (La Valle et al., 2008). This survey shows that 91 per cent of fathers took time off around the time of the baby's birth. The study did not distinguish between Paternity leave and other types of leave (e.g. annual leave).

Duration of leave taking varies with a majority (50 per cent) taking the statutory maximum of ten working days, 31 per cent taking less and 19 per cent more than ten days off (La Valle et al., 2008).

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 with a child aged 17 months had taken some unpaid Parental leave since the end of Maternity leave (up from 8 per cent

¹³⁸ La Valle, I., Clery, E. and Huerta, M.C. (2008) *Maternity rights and mothers' employment decisions (Department for Work and Pensions Research Report No 496)*. London: Department for Work and Pensions. Available at: <http://www.dwp.gov.uk/asd/asd5/rports2007-2008/rrep496.pdf>.

¹³⁹ 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.berr.gov.uk/files/file27446.pdf>.

in 2002); more than half took just one week of leave, 12 per cent two weeks and a further 18 per cent three weeks or more. 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 (Smeaton and Marsh, 2006).

d. Other employment-related measures

Information on take-up of other employment-related entitlements, such as use of flexible working, is taken from survey evidence since there is no requirement for employers to report on this.

Results from the latest Work-Life Balance Employee Survey (2006) indicate that 9 per cent of employees stated that they had caring responsibilities for adults, with women more likely to have caring responsibilities at 12 per cent compared to men at 9 per cent. Forty two per cent of employees stated that they were aware of the introduction of the right to request flexible working from 1 April 2007 (Hooker et al., 2006¹⁴⁰).

Results from the 2007 Work–Life Balance Employer survey show an across the board increase in the availability of flexible working arrangements – 95 per cent of workplaces had at least one provision, in contrast to 83 per cent in 2003 (Hayward et al., 2007). However, take-up had not increased at the same pace: 42 per cent of workplaces reported take-up of two or more flexible working practices, an increase from 36 per cent in 2003.

In terms of the right to request flexible working, 40 per cent of employers report receiving requests in the previous 12 months, with only 9 per cent of these requests refused. The most frequently requested flexibility was to work part-time or reduced working hours for a limited period and the most frequent reason for refusal was the potential for work disruption (Hayward et al., 2007).

4. Research and publications on leave and other employment-related policies since January 2010

a. General overview

Most leave policies have been introduced relatively recently into the UK: Parental leave and time off for dependants in 1999; adoption and Paternity leave and the right to request flexible working in 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, 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. In the absence of official contemporaneous records, annual surveys and UK cohort studies are providing useful sources of information on patterns of take-up.

b. Selected publications since January 2010

Department of Business, Innovation and Skills (2010) *Work and Families Act 2006 Evaluation Report*. London: BIS. Available at:

¹⁴⁰ Hooker, H., Neathy, F., Casebourne, J. and Munro, M. (2006) *The Third Work-Life Balance Employees Survey: Executive Summary, Employment Relations Research Series No.58*. London: DTI.

<http://www.bis.gov.uk/assets/biscore/employment-matters/docs/10-844-work-families-act-2006-evaluation>

Preliminary assessment of the Work and Families Act 2006, a package of measures including extending statutory rights to leave and pay in connection with the birth or adoption of children and extending the provision for workers to request flexible working patterns to carers.

Biggart, L. and O'Brien, M. (2010) 'UK fathers' long work hours: Career stage or Fatherhood?', *Fathering: A Journal of Theory, Research, and Practice about Men as Fathers*, Vol. 8, No. 3: 341-361

Using data from the UK's Third Work-Life Balance Employee Survey (2006) this paper explores whether long working hours, characteristic of British fathers, is best explained by men's career stage or their parental status. Guided by theoretical concepts "father as breadwinner" and "father as carer," it is hypothesised that fathers will work long hours to fulfil an economic provider role and "caring fathers" will work less hours to be more involved in the family. Men without dependent children are assumed to have lesser economic and caring demands or motivations. Regression models showed that being a father, rather than career stage, predicted working longer hours, controlling for earnings, education and partner's work status. However, being in a professional occupation predicted working longer hours for all men, irrespective of parental status.

Dex, S. and Ward, K. (2010) 'Parental employment: dynamics and diversity', in: K. Hansen, H. Joshi and S. Dex (eds.) *Children of the 21st century: The first five years*. Bristol: Policy Press, pp. 95-114.

A detailed analysis of parental employment patterns for the UK's Millennium cohort. The chapter is one in a wide-ranging book which traces the lives of 19,000 children recruited into the study at the beginning of the new century and follows their progress from birth to primary school.

Kauffman, G., Lyonette, C. and Crompton, R. (2010) 'Post-Birth Employment Leave Among Fathers in Britain and the United States', *Fathering: A Journal of Theory, Research, and Practice about Men as Fathers*, Vol. 8, No. 3: 321-340

This study examines fathers' use of family leave in Britain and the US. Using data from interviews with 83 working fathers in Britain and the United States, the article reports that almost all fathers take some leave, but British fathers take more leave on average while American fathers demonstrate a wider range of leave time. Much of this has to do with the national context within which these men experience becoming a father. British fathers commonly took one week of paid leave, a taken for granted benefit. Most American fathers, faced with unpaid leave, used vacation days to take time off around the birth of their child. In some cases, it was unclear how leave was counted. Other themes include difficulties with "family unfriendly" employers and the desire for more time off and better leave policies.

Lyonette, C., Baldauf, B. and Behle, H. (2010) "Quality" part-time work: a review of the evidence. London: Government Equalities Office. Available at:

<http://www.equalities.gov.uk/pdf/Review%20of%20Evidence.pdf>

This review provides a synthesis of the available evidence on quality part-time work, including analysis of relevant datasets to examine the level of part-time work in the UK, and provides a review of the international literature to formulate a working definition of 'quality' part-time work. It examines who works part time, occupational downgrading, the gender and part-time pay gaps and key issues in increasing and improving quality part-time work.

Miller, T (2010) 'Men's experiences of transition to fatherhood', [*Fathering: A Journal of Theory, Research, and Practice about Men as Fathers*](#), Vol. 8, No. 3: 362-378

This paper reports the findings of a small scale, UK based qualitative longitudinal study on men's experiences of transition to first-time fatherhood. The study commenced in 2005, two years after paid Paternity leave was introduced in the UK and explores how men's intentions around fathering involvement are imagined and shaped in prenatal interviews.

Neuburger, J. Joshi, H. and Dex, S. (2010) 'Part time working and pay amongst mothers of the Millennium Cohort', *GeNet Working Paper 2010-38*. Available at:
<http://www.genet.ac.uk/workpapers/GeNet2010p38.pdf>

Using UK cohort data this paper shows how switching from full-time into part-time work after a birth is associated with a reduction in pay, a change of employer and a loss of job status for women who had their first child around the Millennium.

Scott, J., Crompton, R. and Lyonette, C. (2010) (eds.) *Gender Inequalities in the 21st Century: New barriers and continuing constraints*. Cheltenham: Edward Elgar.

This book is a wide-ranging examination of gender inequalities at home and at work, documenting the new barriers and continuing constraints that still stand in the way of gender equality in Britain with chapters on employment and family life.

Fatherhood Institute (2011) *The Fatherhood Report 2010-2011* Available at:

www.fatherhoodinstitute.org

This report compares the UK to 20 other high income countries on 10 indicators of fairness (including the gender pay gap and full-time equivalent paid leave). The UK is ranked 18 out of 21.

c. Ongoing research

Maternity and Paternity Rights Survey (2009-2010). National Centre for Survey Research funded by Department of Work and Pensions and Department for Business, Innovation and Skills.

Due to be published in late summer 2011, this survey will provide nationally representative data on Maternity, Paternity and Parental leave rights, provision and uptake.

United States

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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 and funding

- 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 earnings¹⁴¹) to replace loss of earnings caused by short-term non-job-related disability and mostly cover ten to 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* was the first state to enact a comprehensive paid family leave law. Beginning in July 2004, the state provides all workers covered by the state's Temporary Disability

¹⁴¹ California: 55-60 per cent of average weekly earnings up to a benefit ceiling of \$987 (€665) (2010); Hawaii: 58 per cent of average weekly earnings up to a ceiling of \$510 (€345) (2010); New Jersey: 66 per cent of average weekly earnings up to \$524 (€355) (2010); New York: 50 per cent of average weekly wages up to \$652 a week (€440) (2010); Rhode Island: 85 per cent of average weekly wages up to a ceiling of \$816 (€550) (2010), plus dependents' benefit of \$10 (€7) per dependent.

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\$959 (€645¹⁴²) a week in 2009) following childbirth, adoption or care of a seriously ill child, parent, spouse or domestic partner. These benefits are funded by employee contributions, and benefit levels are adjusted annually as wages increase. It costs a minimum wage-earner an additional \$11.23 (€8) a year for this benefit while the estimated average additional cost is \$46 (€30).

- The *State of Washington* enacted a paid family leave law in March 2007, granting workers in firms with 25 or more employees up to five weeks of paid leave annually to care for a newborn or adopted child. Funding is by worker payroll contributions. In 2007 there were 72,500 beneficiaries including 22,100 parents of newborn and newly adopted children; 46,800 workers with a serious health condition; and 3,600 workers caring for seriously ill family members.
- *New Jersey* has also enacted a paid family leave. The legislation extends the state's existing Temporary Disability Insurance (TDI) system to provide workers with up to 12 weeks of TDI benefits at two-thirds of prior wages up to \$524 (€355) a month in 2008 to cover leave to care for a newborn, adopted or foster child, or sick child, parent, spouse, or partner. The measure is financed by employee payroll deductions that costs every worker in New Jersey a maximum of 64 cents a week, or US\$33 (€20) a year starting on 1 January 2009. All workers who contribute to the programme have the opportunity to draw benefits starting 1 July 2009.
- *Minnesota, Montana* and *New Mexico* have active At-Home Infant Care policies providing low-income working parents who choose to have one parent stay home for the first year of a newborn or adopted child's life, with a cash benefit offsetting some portion of the wages forgone.

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 a continuous period) and for at least 1,250 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. Relationship between leave policy and early childhood education and care policy

There is no statutory entitlement to leave or ECEC. Levels of attendance at formal ECEC services for children under 3 years for the 30 countries participating in this review, but substantially below average for children over 3 years.

¹⁴² Conversion of local currency into Euros undertaken on 3 May 2011, using <http://finance.yahoo.com/currency-converter/>

3. Changes in policy since January 2010 (including proposals currently under discussion)

None reported.

4. Take-up of leave

Because of the qualifying conditions, only about 58 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 (Ross Phillips, 2004¹⁴³). 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, 1996¹⁴⁴; Waldfogel, 2001¹⁴⁵; Cantor et al., 2001¹⁴⁶). 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, 1998¹⁴⁷; Waldfogel, 1999¹⁴⁸; Han and Waldfogel, 2003¹⁴⁹; Han et al., 2009¹⁵⁰) and little or no effects on leave usage by new fathers (Han and Waldfogel, 2003; Han et al., 2009). 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.

5. Research and publications on leave and other employment-related policies since January 2010

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 industrialised countries, the countries in transition to market economies, and developing countries. She (and previously, her now deceased colleague Alfred J. Kahn) co-directs 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

¹⁴³ Ross Phillips, K. (2004) *Getting Time Off: Access to Leave Among Working Parents (Series B, No. B-57)*. Washington, DC: Urban Institute, NSAF New Federalism.

¹⁴⁴ Commission on Family and Medical Leave (1996) *A workable balance: report to the congress on family and medical leave policies*. Washington, DC: Women's Bureau, U.S. Department of Labor.

¹⁴⁵ Waldfogel, J. (2001) 'Family and Medical Leave: evidence from the 2000 surveys', *Monthly Labor Review*, September: 17-23.

¹⁴⁶ 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.

¹⁴⁷ 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.

¹⁴⁸ Waldfogel, J. (1999), 'The impact of the Family and Medical Leave Act', *Journal of Policy Analysis and Management*, Vol.18, 2: 281-302.

¹⁴⁹ Han, W.-J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography*, Vol.40, 1: 191-200.

¹⁵⁰ Han, W.J., Ruhm, C., and Waldfogel, J. (2009) 'Parental leave policies and parents' employment and leave-taking', *Journal of Policy Analysis and Management*, Vol.26, 1: 29-54.

b. Selected publications since January 2010

Appelbaum, E. and Milkman, R. (2011) Leaves that pay: Employer and worker experiences with paid family leave in California. Available at:

<http://www.cepr.net/documents/publications/paid-family-leave-1-2011.pdf>

This study provides new information about the effects of California's paid family leave law on employers and employees. Employers report generally positive experiences with the law, as do employees who have used the program. However, the study also finds that many eligible employees have not used the program, in large part because they are not aware of it.

Another limitation noted is that the law does not cover public employees who could benefit from its provisions.

c. Ongoing research

Work-Family Policies and Child and Family Well-Being (2006-June 2011). Jane Waldfogel, and Wen-Jui Han, Columbia university; Christopher Ruhm, University of North Carolina-Greensboro), funded by National Institute of Child Health and Development.

The focus of this study is how public policies affect parental employment and care arrangements for children, and how these, in turn, affect outcomes for children, youth, and families. Data are used from the CPS to trace the effects of public policies on parental employment decisions in the months surrounding a birth. They are also using data from the ECLS-B (and the U.K. counterpart, the Millennium Cohort Study) to examine Paternity leave-taking and its impact on father involvement.