

INTERNATIONAL NETWORK ON LEAVE POLICIES AND RESEARCH

10th International Review of Leave Policies and Related Research 2014

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1. Introduction

The international network on leave policies and research has been producing an annual review of leave policies and related research since 2005 (for earlier reviews, go to the network's website: http://www.leavenetwork.org/archive_2005_2009/annual_reviews/). The review covers Maternity, Paternity and Parental leaves; leave to care for sick children and other employment-related measures to support working parents; and early childhood education and care policy. As well as policies, it provides information on publications and research.

The review is based on **country notes from each participating country**, prepared by members of the network and edited by one of the network's coordinators. Each country note follows a standard format: details of different types of leave; the relationship between leave policy and early childhood education and care policy; recent policy developments; information on take-up of leave; recent publications and current research projects.

The review also includes **definitions of the main types of leave policies**; and **cross-country comparisons**. These comparative overviews cover: each main type of leave; total leave available; the relationship between leave and ECEC entitlements; policy changes and developments since the previous review; publications since the previous review; and ongoing research in participating countries

The 2014 review includes one new country: Israel. Altogether, it covers 35 countries. In addition to the new country, these are: Austria, Brazil, Australia, Belgium, Canada, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Poland, Portugal, Russian Federation, Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, United Kingdom, United States of America.

The review is available online either as one complete document; or, for ease of downloading, divided into its constituent parts.

If citing the complete review, please do so as:

Moss, P. (2014) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

If citing an individual country note, please use the citation given as a footnote on the first page of that country note.

2. Defining leave policies

This report is about leave entitlements, mainly for workers with dependent children. As the review shows, working parents today 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 rest of this introduction and the individual country notes 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).

3. 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. A country that has not been included in previous reviews – Israel in 2014 – has a new country note prepared. For countries that have appeared in previous reviews, country notes are reviewed and revised each year by authors. All country notes are edited by one of the network's coordinators, Peter Moss.

The expertise and work of the authors is gratefully acknowledged.

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 35 countries covered in this review include ten **federal** states, in some of which provinces or states have their own leave policies (e.g. Canada, Switzerland, United States). Twenty-three are **member states of the EU**.

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, Ireland, Israel, New Zealand, South Africa and the USA reach or surpass this level, though several others are close; 16 countries have a rate of 1.5 or lower.

Per capita GDP varies from under \$20,000 (Brazil, Croatia, Estonia, Hungary, Lithuania, Poland, Russian Federation and South Africa) to more than \$45,000 in three 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 Brazil, Israel, South Africa, the Russian Federation and the United States, and lowest in the Nordic countries and Slovakia.

Countries rank from first to 90th on the UN's **Gender Inequality index** (1st meaning low inequality), with the five Nordic countries in the top ten; **women in parliament** range from 9 per cent in Hungary and 10 per cent in Brazil to over 40 per cent in Finland, Iceland, Norway, Sweden and South Africa.

Highest levels of **employment among women with pre-school children** are found in Denmark, the Netherlands, Portugal and Slovenia; while the lowest rates are in the Czech Republic, Greece, Hungary, Italy, Japan, Poland and Slovakia. A substantial number of countries are missing information on **Employment patterns in couple families with a child under 3**, but several patterns can be seen among those that do have information. Six countries have 35 per cent or more of families where both parents work full time, reaching over 50 per cent in Lithuania, Portugal and Slovenia. Thirteen countries have 35 per cent or more of families where only one parent is employed; the proportion is particularly high, 70 per cent or more, in five Central European countries (Croatia, Czech Republic, Estonia, Hungary and Slovakia), and levels of part-time employment here are also very low. Three countries (the Netherlands, Switzerland and the UK) have 35 per cent or more of families where two parents are employed, one full time and the other part time, with the Netherlands having a particularly high rate for this kind of household, at 59 per cent., five countries.

	Population (2012) millions	Total fertility rate (2012)	Income and equality		Gender inequality(2012)		Maternal employment rate (2009)		Employment patterns in couple families with child 0- 2 years (2008)		
			GDP/capita (2005PPS\$) (2011)	Gini co- efficient (2000-10) ¹	Gender Inequality Index(rank)	% of women in parl'ment	per cent with child under 3	3 to 5	2FTE	1FTE+ 1PTE	1FTE only
Austria F	8.4	1.3	36,353	29.2	14 th	29	61	72	22	30	39
Australia F	22.9	2.0	34,548	NI	17 th	29	49 (child 0-5)		11	33	46
Belgium F	10.8	1.8	33,127	33.0	12 th	39	61	69	37	30	23
Brazil F	198.4	1.8	10,278	54.7	85 th	10	NI	NI	NI		
Canada F	34.7	1.7	35,716	32.6	18 th	28	59	(2001) 68	NI		
Croatia	4.4	1.5	16,162	33.7	33 rd	24	NI	NI	NI		
Czech Rep	10.6	1.5	23,967	NI	20 th	21	19	57	12	5	80
Denmark	5.5	1.9	32,339	NI	3 rd	39	71	(1999) 78	NI		
Estonia	1.3	1.7	17,885	36.0	29 th	20	31	80	21	4	70
Finland	5.4	1.9	32,254	26.9	=6 th	43	52	76	39	9	46
France	63.5	2.0	29,819	NI	9 th	25	59	74	34	22	35
Germany F	82.0	1.4	34,437	28.3	=6 th	32	59	66	23	28	36
Greece	11.4	1.5	22,558	34.3	23 rd	21	50	56	45	6	47
Hungary	9.9	1.4	17,295	31.2	42 nd	9	15	56	9	1	78
Iceland	0.3	2.1	33,618	NI	10 th	40	84 (child 0-5)(2002)		NI		
Ireland	4.6	2.1	35,640	34.3	19 th	19	55	53	NI		
Israel	7.7	2.9	26,720	39.2	25 th	20			NI		
Italy	61.0	1.5	27,069	36.0	11 th	21	52	53	33	18	44
Japan	126.4	1.4	30,660	NI	21 st	13	30	(2005) 48	[31 ² 67]		
Lithuania	3.3	1.5	16,877	37.6	28 th	19	65	68	57	7	29
Luxembourg	0.5	1.7	68,459	30.8	26 th	25	66	65	38	25	34
Netherlands	16.7	1.8	37,251	NI	1 st	38	78	77	6	59	19
N. Zealand	4.5	2.1	24,818	NI	31 st	32	42	61	[20 27 41](2006)		
Norway	5.0	2.0	46,982	25.8	5 th	40	NI	NI	NI		
Poland	38.3	1.4	18,087	34.1	24 th	22	50	64	43	6	44
Portugal	10.7	1.3	21,317	NI	16 th	29	70	71	66	4	26

¹ Data refer to the most recent year available during the period specified

² Japan and the USA do not distinguish between full-time and part-time work.

Russian F F	142.7	1.5	14,808	40.1	51 st	11	NI	NI	NI		
Slovakia	5.5	1.4	20,757	26.0	32 nd	17	16	61	11	1	79
Slovenia	2.0	1.5	24,967	31.2	8 th	23	78	82	71	8	18
S. Africa F	50.7	2.4	9,678	63.1	90 th	41	NI	NI	NI		
Spain	46.8	1.5	27,063	34.7	15 th	35	54	61	36	17	43
Sweden	9.5	1.9	35,048	25.0	2 nd	45	72 (2007)	81	[42	28	21](2005)
Switzerld. F	7.7	1.5	37,979	33.7	3 rd	27	58 (2006)	62	[8	39	37](2005)
U. Kingdom	62.8	1.9	32,474	NI	34 th	22	56	58	21	35	33
USA F	315.8	2.1	42,486	40.8	42 nd	17	54 (2005)	63	NI		
						OECD average	51	64	27	19	46

Sources: *Population, income, inequality:* Human Development Statistical Tables, 2013 Human Development Report, UN Development Programme, available at: http://hdr.undp.org/sites/default/files/reports/14/hdr2013_en_complete.pdf; *Employment:* OECD Family Database, Tables LMF1.1B and 1.2.B, 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 per cent). 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 2014

Twenty-eight countries **have a statutory and designated Maternity leave entitlement**. Parental leave is paid in all these cases and mostly at a high earnings-related level (see 'Key' below for definition) for the duration of leave – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings. The main exceptions are Canada (excluding Quebec), Ireland and Slovakia, where no period of leave is paid at a high earnings-related level; and Greece (private sector) and the UK, where less than half the leave period is paid at a high earnings-related level.

Of the seven countries that **do not have a statutory, designated and paid Maternity leave entitlement**, one – the United States – makes no provision nationally for paid leave for women at the time of pregnancy and childbirth, though the possibility of unpaid 'family and medical 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.

In Brazil and Greece, the **period of post-natal Maternity leave** differs for the public and private sectors; while in Canada, the province of Québec has a substantially different system to the remainder of the country. In the remaining 25 countries, the average (median) period of post-natal leave is 3.7 months. Six countries (plus the private sector in Greece and the public sector in Brazil) have particularly long periods of leave, six months or more. The longest period of leave, 12 months, is found in Poland and the UK; but whereas Poland pays benefit at a high earnings-related level for women who choose to take this length of leave (they can opt to take a shorter period with a higher payment), in the case of the UK much of the period is either unpaid or paid at a low flat rate. At the other extreme, five countries have less than two months of post-natal leave.

There is not much **flexibility** in Maternity leave, and taking all or part of the leave is obligatory in most 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. In 12 countries, women can take more leave if they have a multiple birth. Belgian mothers may take two weeks of Maternity leave as 'free days', spread over a period of time.

The Czech Republic, Croatia, Israel Poland, Spain and the UK, however, have introduced another dimension of flexibility: mothers may **transfer part of the Maternity 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).

Two approaches to leave policy are emerging:

1. Most 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; the obligatory nature of at least part of Maternity leave in many countries reflects this orientation. 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.
2. Emerging more recently is a move away from the idea of a 'Maternity leave', **either** towards a birth-related leave for women, which can be transferred, at least in part, to fathers under normal circumstances; **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	Maximum length of post-natal leave (months)			Flexibility
		Total	Paid	Well paid	
Austria	●●● OB	1.9	1.9	1.9	1
Australia ³	□				
Belgium	●●● OB	3.3	3.3	3.3*	1
Brazil ⁴	●●●	4 or 6	4 or 6	4 or 6	None
Canada	●●	4.2	3.5	×	None
Québec	●●●●	4.2	4.2	4.2*	2
Croatia	●●●TR OB	6	6	6	3; 4
Czech Rep	●●●TR OB	5.1	5.1	5.1*	1; 3
Denmark	●●● OB	3.3	3.3	3.3*	None
Estonia	●●● OB	3.7	3.7	3.7	None
Finland	●●● OB	2.9	2.9	2.9 ⁵	None
France	●●● OB	3.3	3.3	3.3*	None
Germany	●●● OB	1.9	1.9	1.9	None
Greece					
Private sec	●●	8.1	8.1	2.1	None

³ Australia: The law only refers to 'Parental leave'

⁴ Brazil: 6 months for some public and private sector employers; 4 months for others

⁵ Finland: the proportion of earnings paid is reduced beyond a specified level

Public sec	●●●	3	3	3	1
Hungary ⁶	●●● OB	5.6	5.6	5.6	None
Iceland ⁷	□				
Ireland	●●	9.3	6.0	✘	None
Israel	●● TR OB	6.0	3.3	3.3*	1; 3
Italy	●●● OB	3.7	3.7	3.7	1
Japan	●●● OB	1.9	1.9	1.9	1
Lithuania	●●●	1.9	1.9	1.9*	1
Luxembourg	●●● OB	1.9	1.9	1.9*	1
Netherlands	●●● OB	2.8	2.8	2.8*	None
New Zealand ⁸	□				
Norway ⁹	□ OB				
Poland ¹⁰	●●● TR OB	12	12	12	1; 2; 3; 4
Portugal ¹¹	□				
Russian Fed	●●●	2.3	2.3	2.3*	1
Slovakia	●● OB	6.5	6.5*	✘	1
Slovenia	●●● OB	2.6	2.6	2.6*	None
South Africa	●●	4	4	✘	None
Spain	●●● TR OB	4.6 ¹²	4.6	4.7*	1; 3; 4

⁶ Hungary: in addition to 24 weeks of Maternity leave, the period of high paid Parental leave (GYED) until 12 months after the birth can only be taken by the mother.

⁷ 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, of which 2 weeks is obligatory.

⁸ 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'

⁹ 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, and this is obligatory This leave is included under Parental leave.

¹⁰ Poland: women have the option to take 26 weeks of leave at 100 per cent of earnings or 52 weeks at 80 per cent, with all leave, after the first 14 weeks that are obligatory, transferable to the father. Although the second 26 week period in the lower paid option is referred to as 'Parental leave', it is included under Maternity leave since it is an entitlement for the mother, who may choose to transfer some or all of it to the father.

¹¹ Portugal: The law does not refer to Maternity leave, 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.

¹² Spain: includes period of reduced working hours for women, which can be consolidated to add 2-4 weeks to basic Maternity leave

Sweden ¹³	□					
Switzerland	●●● OB	3.7	3.3	3.3*		None
U.Kingdom	●● TR OB	12	9.1	1.4		3
USA ¹⁴	×					

Key:

Well paid: payment at 66 per cent 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; □: no statutory entitlement to Maternity leave, but provides a mother's quota of Parental leave; ●: statutory entitlement but unpaid; ●●: statutory entitlement, paid but *either* at low flat-rate (less than €1,000/month) *or* earnings-related at less than 66 per cent of earnings *or* at high flat rate *or* at 66 per cent of earnings or more but for less than half of duration; ●●●: statutory entitlement, paid for half or more of duration to all parents at high flat rate (€1,000/month or more) or 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including*

indicators for additional employment analysis, 2010 compendium, Table 18.M3. Available at:
<http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>

*: ceiling on earnings-related payment

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

¹³ 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

¹⁴ 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.

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 2014

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'), ***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 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 14 weeks father's quota (to be reduced soon to ten 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 'fathers' quota'. On this basis, ***18 countries have a statutory and designated Paternity leave***, plus the province of Québec in Canada; in two other countries, Luxembourg and South Africa, fathers can use another type of leave ('leave due to extraordinary circumstances' or 'family responsibility' leave) at the time of the birth of a child, but a separate Paternity leave does not exist. In two countries (Belgium and Italy), it is obligatory to take a (very) short period of Paternity leave. Paternity leave is generally paid, with the exception of New Zealand and Norway, and mostly at a high earnings-related level (see 'Key' below for definition) for the duration of leave – though it should be noted that with this and other forms of leave, a ceiling may be set on earnings-related payments, so that higher paid workers receive proportionately less of their earnings. However, most of the 13 weeks of leave in Slovenia is unpaid, while leave in the UK, like most of Maternity leave, is paid at a low flat rate.

The most common ***period of leave*** is two weeks, in 11 countries including the public sector in Brazil. In three countries it is just one or two days. Four cases, however, have longer periods: Québec (but not the rest of Canada), which offers three to five weeks of leave, depending on the level of benefit taken; Finland, nine weeks; Lithuania, four weeks; and Slovenia, 90 days. Slovenia has, however, decided to replace the current 90 days of Paternity leave, 75 days of which is unpaid, with 30 days paid at a high earnings-related level, though delaying implementation until the economy improves.

Eleven countries plus Québec offer some form of ***flexibility*** in the taking of leave, usually allowing the leave to be taken at any time during a defined period of time after childbirth.

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.

Country	Summary of leave	Length of post-natal leave (weeks)			Flexibility
		Total	Paid	Well paid	
Austria	×				
Australia ¹⁵	×				
Belgium	●●● OB	2	2	2*	3
Brazil ¹⁶	●●●	1 or 2	1 or 2	1 or 2	None
Canada Québec	×				
	●●●	5	5	5*	1
Croatia	×				
Czech Rep	×				
Denmark	●●●	2	2	2*	None
Estonia	●●●	2	2	2*	None
Finland	●●●	9	9	9 ¹⁷	2; 3
France	●●●	2	2	2*	3
Germany	×				
Greece					
Private sec	●●●	2 days	2 days	2 days	None
Public sec	●●●	2 days	2 days	2 days	None
Hungary	●●●	1	1	1	3, 4
Iceland	× ¹⁸				
Ireland	×				
Israel	×				
Italy	●●● OB	1 day ¹⁹	1 day	1 day	3

¹⁵ Australia: 2 week payment for fathers taking Parental leave (‘Dad and Partner Pay’); included under Parental leave

¹⁶ Brazil: longer in public sector; less in private sector.

¹⁷ Finland: paid at 70 per cent of earnings, but proportion is reduced beyond a specified level

¹⁸ 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.

Japan	×				
Lithuania	●●●	4	4	4*	None
Luxembourg	[●●●●]	[2 days]	[2 days]	[2 days]	None
Netherlands	●●●	2 days	2 days	2 days	3
New Zealand	●	2	×	×	3
Norway	●	2	×	×	None
Poland	●●●	2	2	2	None
Portugal ²⁰	×				
Slovakia	×				
Russian Fed	×				
Slovenia	●●	13	13 ²¹	2.0*	2; 3
South Africa	[●●●●]	[0.4]	[0.4]	[0.4]	None
Spain	●●●	2.1	2.1	2.1*	3; 4
Sweden	●●●	2	2	2*	3
Switzerland	×				
U.Kingdom	●●	2	2	×	3
USA	×				

Key:

Well paid: payment at 66 per cent 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 (less than €1,000/month) *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 high flat rate (€1,000/month or more) or 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for*

¹⁹ Italy: a further 2 days Paternity leave can be taken if the mother agrees to transfer these days from her Maternity leave. In addition fathers may take 3 months paid leave in exceptional circumstances, e.g. the death or severe illness of the mother

²⁰ Portugal: The law does not refer to Paternity leave, referring only 'Father's-only Parental leave'. This leave is included under Parental leave.

²¹ Slovenia: 2 weeks paid at 100 per cent of earnings; for the remaining period, social security contributions based on the minimum wage are paid for the hours not worked

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 [] - 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 and Childcare Leave: April 2014

These two types of leave are considered together here, though treated separately in the country notes. All EU member states must provide at least four months **Parental leave** per parent, 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.”

Eight of the 12 non-EU countries in this review also provide Parental leave. The exceptions are Brazil, South Africa, Switzerland (the only European country included in this review 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.

Six countries (Australia, Iceland, New Zealand, Norway, Portugal and Sweden) have Parental leave that subsumes either Maternity leave or Maternity and Paternity leave, though periods of Parental leave may be for mothers or for fathers only.

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 Parental leave** available is less than 15 months; and those where continuous leave is available for up to three years or more. The former includes Belgium, Canada, Croatia, Denmark, Finland, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Slovenia and the UK; the latter ‘long leave’ countries includes the Czech Republic, Estonia, France, Germany, Hungary, Lithuania, Poland, Russia, Slovakia 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. Greece is also exceptional, with eight months in the private sector and 24 months in the public sector. Note, too, that some countries supplement Parental leave with Childcare leave, so extending the period available (see below).

Parental leave is a **family entitlement** in 13 countries, to be divided between parents as they choose (Austria, Canada, Denmark, Estonia, Finland, France, Germany, Hungary, New Zealand, Poland, Russia, Slovakia and Slovenia); an **individual entitlement** in 12 countries (Australia, Belgium, Croatia, Czech Republic, Greece, Ireland, Israel, Italy, Luxembourg, Netherlands, Spain and the United Kingdom); and a **mixed entitlement** (part family, part individual) 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 (26) provide some element of **payment**; only Greece, Ireland, Israel, Spain and the UK make no payment. Payment policy varies considerably. In 13 cases (Austria, Australia, Belgium, Canada excluding Québec, Czech Republic, France, Italy, Luxembourg, Netherlands, New Zealand, Poland, Russia and Slovakia) 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 six months. A similar number of countries + Québec pay an earnings-related benefit of more than two-thirds of normal earnings for six months or more; however, all except Finland impose **a ceiling on benefit payments**. In six cases – Austria, the Czech Republic, Estonia, France, Germany and Slovakia – 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:

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

Of these flexibility options, all except (d) and (f) are reported by 14 or more countries; (d) and (f) are relatively uncommon. The countries with the greatest flexibility are Norway and Slovenia, with six options, followed by Croatia, Germany, Iceland and Sweden, with four each.

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 both parents take some Parental leave. Eight 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. Japan has a rather similar system, in which an extra two months of leave may be taken if both parents use some of their leave entitlement. 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 longer 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 five countries (Croatia; Finland; Iceland, Norway and Portugal). In four cases childcare leave is unpaid, in contrast to a paid Parental leave: until a child is

three years in Croatia; 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. 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 these five countries, two other countries offer either a very limited period of leave for all families or an extended leave for certain types of family or else. Estonia offers two weeks of unpaid leave per year per parent until a child is 14 years; while parents with three or more children in Hungary can take leave until their youngest child is eight years old, with a flat-rate benefit.

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.

Note on Table: leave may be awarded as **either** (i) a period of time (e.g. 12 months) **or** (ii) until a child reaches a certain age (e.g. until a child's third birthday). In the table below, in the '**total amount**' column, ► indicates (ii), e.g. in Austria leave is until a child reaches 24 months; in these cases, where the entitlement is 'individual', then each parent may take leave until the child reaches this age. Where there is no ► indicated, then leave is (i) and the total amount of leave available to **both** parents is given.

Country	Summary of leave	Total amount of post-natal parental leave available to family <i>excluding</i> childcare leave (months)			Individual/ family entitlement	Incentive for father to take	Flexibility
		Total	Paid	Well paid			
Austria ²²	●●	►►24.0	[►►24.0]	✘	Family	Bonus payment months if both parents apply	5; 7b
Australia ²³	●●	24.0	4.2	✘	Individual	✘	7b
Belgium	●● +	8.0	8.0	✘	Individual	✘	1; 2; 5; 6; 7a
Brazil	✘						
Canada ²⁴	●●	8.1-8.4	8.1	✘	Family	✘	7a

²² 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.

²³ Australia: an individual can take a second 12 months of Parental leave subject to employer agreement, but the maximum period of leave is 24 months per family. The leave period of 12 months is an individual entitlement; but the payment is a family entitlement. Fathers entitled to additional 2 weeks flat-rate payment if take leave.

Québec	●●●●	7.4	7.4	5.8*	Family	×	3; 5; 7a
Croatia ²⁵	●●●●+	8.0	8.0	×	Individual & transferable	Higher payment for 2 months if both parents use	1; 2; 5; 6; 7a
Czech Rep ²⁶	●●●●	▶▶36.0	[36.0]	[24.0*]	Individual	×	3; 7a
Denmark	●●●●	14.9	7.4	7.4*	Family	×	1; 3; 5; 7a
Estonia	●●●●	▶▶36.0	[▶▶36.0]	[14.7*]	Family	×	2; 4
Finland ²⁷	●●●●+	6.1	6.1	6.1	Family	×	1; 2; 6
France ²⁸	●●●●	▶▶36.0	[▶▶36.0]	×	Individual	Increased financial payments if both parents take some leave	1; 6; 7a
Germany	●●●●	▶▶36.0	[10.0+bonus 2]	[10.0+bonus 2*]	Family	2 month bonus if father takes leave	1; 2; 3; 5; 7a
Greece							
Private sec	●	8.0	×	×	Individual	×	2; 5; 6
Public sec ²⁹	●	24.0	×	×	Individual	×	5
Hungary ³⁰	●●●●	▶▶36.0	▶▶36.0	24.0*	Family	×	1, 4
Iceland	●●●●+	9.0	9.0	9.0*	Family & Individual	×	1; 2; 5; 6; 7a
Ireland	●	8.4	×	×	Individual	×	2; 5; 6
Israel	●	▶▶12.0	×	×	Individual	×	2; 7a
Italy	●●●●	10.0+bonus 1	10.0+bonus 1	×	Individual	1 month bonus if	2; 5; 6; 7a

²⁴ Canada: a supplement is payable to low income families taking Parental leave that increases payment to 80 per cent of insurable earnings.

²⁵ 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 per cent of earnings; the ceiling for the period from 12 to 36 months is lower than for the first 6 months of Parental leave.

²⁶ Czech Republic: Each parent can take leave until their child is 36 months but only one parent can receive Parental benefit, which is paid to all families whether or not leave is taken and until their child is 48 months. Benefit can be paid for the full period at a lower rate or for a shorter period at 70 per cent of earnings.

²⁷ Finland: Paid at 70-75 per cent of earnings, but proportion is reduced beyond a specified level.

²⁸ France: payment made for six months to families with only one child or for 12 months if both parents take leave period.

²⁹ Greece: 3 months of leave is paid in the public sector in the case of a third or higher order child.

³⁰ Hungary: Post-natal leave includes two types of Parental leave, one with a flat-rate payment (upto 3 years), the other with a higher earnings-related payment (upto 3 years). 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.

					father takes some leave	
Japan	●●●	▶▶12.0+bonus 2 ▶▶12.0+bonus 2 6.0*			Individual	2 month bonus if both parents take full entitlement 7a
Lithuania ³¹	●●●	▶▶36.0 ▶▶24.0 ▶▶12.0*			Family	✗ 6
Luxembourg	●●●	12.0 12.0 ✗			Individual	✗ 1; 5
Netherlands ³²	●●	12.0 12.0 ✗			Individual	✗ (2); (3); 6; 7a
New Zealand	●●	▶▶12.0 3.2 3.2			Family	✗ 7a
Norway	●●● +	13.0 13.0 13.0*			Family & Individual	✗ 1; 2; 3; 5; 6; 7b
Poland ³³	●●	36.0 24.0 ✗			Family & Individual	✗ 2; 5; 7b
Portugal ³⁴	●●● +	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; 6
Russian Fed.	●●	▶▶36.0 ▶▶18.0* ✗			Family	✗ 1; 4
Slovakia	●●	▶▶36.0 [▶▶36.0] ✗			Family	✗ 6
Slovenia	●●●	8.6 8.6 8.6*			Family	✗ 1; 2; 4; 5; 6; 7
South Africa	✗					
Spain ³⁵	●	▶▶36 ✗ ✗			Individual	✗ 2; 7a

³¹ Lithuania: 12 months of leave at full earnings up to a ceiling; or 24 months at a lower earnings-related level (70 percent for year 1, 40 per cent for year 2).

³² Netherlands: no direct payment but parents taking leave are eligible to tax relief. Both parents are entitled to the equivalent of 6 months full-time leave, but full-time workers must take their leave part time, unless they get the agreement of their employer to full-time leave; so in the case of full-time workers taking part-time leave, the duration of leave will be longer than 6 months.

³³ Poland: the period here is referred to in Poland as 'childcare leave', while the term 'Parental leave' is applied to the second six months period of Maternity leave. However, in terms of the definitions applied in this review, the so-called 'childcare leave' is treated here as 'Parental leave', while the so-called 'Parental leave' is treated as part of Maternity leave. Payment is means-tested and for 36 months if more than one child, otherwise for 24 months.

³⁴ 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.

Sweden ³⁶	●●●	36	15.9	13.0*	Family & individual	Bonus using tax system	1; 2; 5; 6; 7b
Switzerland	×						
U.Kingdom	● ³⁷	8.4	×	×	Individual	×	5; 6; 7a
USA	×						

Key:

Well paid: payment at 66 per cent 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

×: no statutory entitlement/no payment/ no incentive for fathers to take. ●: statutory entitlement but unpaid; ●●: statutory entitlement, paid but either at low flat-rate (less than €1,000/month) 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 high flat rate (€1,000/month or more) or 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>

+: period of additional 'childcare' or other 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

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

³⁵ Spain: each parent is entitled to take leave until a child's third birthday

³⁶ 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

³⁷ 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.

³⁸ 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 Rica provide some benefit payments to parents missing work at around the time of childbirth.

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; 7a – both parents can take all leave at the same time; 7b – both parents can take some leave at same time. Brackets indicate option requires employer agreement. Bracketed numbers indicate an option that can be taken with the employer's agreement.

Statutory other measures: April 2014

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, 15 (Austria, Belgium, Croatia, Czech Republic, Estonia, Germany, Hungary, Italy, Lithuania, the Netherlands, Poland, Portugal, Slovakia, 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, Italy and Lithuania, leave is paid and often 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, 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 ten 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 is confined to public sector employees (Brazil); or is for less than ten days and/or unpaid (Australia, Canada, Israel, New Zealand, South Africa and Switzerland). In Japan, leave for ordinary illness is five days for a child under compulsory school age (or ten if there are two children of this age); but is considerably longer in the case of a child needing constant care for more than two weeks. Along with length, payment varies considerably.

Twenty two of the countries in this review for whom information is available offer **additional leave entitlements for other family members**, plus Brazil but for public sector employees only. Conditions for taking leave vary between countries where leave is available in the case of ordinary illness through to countries where it is confined to serious or terminal illness or care of a very dependent relative. Length, payment and other dimensions of leave also vary considerably.

Fourteen countries (Brazil, Croatia, Estonia, Hungary, Ireland, Israel, Italy, Japan, Norway, Portugal, Russia, Slovenia, Spain and Switzerland) permit women to **reduce working hours specifically during their child's early months**. In most cases this is to permit breastfeeding; but in several cases it has become a general right that can be taken for any reason and/or by the father (e.g. Japan, Portugal, Spain). Women reducing their hours in this way are entitled to earnings compensation, except in Japan and Switzerland. In Spain, reduced daily hours can be consolidated into full-time leave, thus in practice extending Maternity leave between two to four weeks

Fourteen countries (Austria, Croatia, Estonia, Finland, France, Greece, Hungary, Japan, Netherlands, Norway, Portugal, Slovenia, Spain, and Sweden) give parents the **right to work part-time hours** beyond their child's early months either because of their child's age or disability; it is uncommon to provide full earnings replacement, with the exception of Greece, where it is also possible to convert reduced working hours into a

period of full-time leave. 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.

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, Ireland, 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 it if there is a clear business case for doing so. Portugal is the only country with an entitlement to flexible working; 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. In Iceland, employers are required 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.

Country	Leave to care for sick dependents		Reduced hours		Right to request flexible work
	Children	Others	Breast-feeding	Other	
Austria	●●● 2 weeks per employee per year // ● 9 months for seriously ill child	●●● 1 week per worker per year // ● 6 months for terminally ill relative	×	● to 7 years (larger employers)	×
Australia	●●● 10 days per worker per year	●●● 10 days per year for immediate family	×	×	● until child is 18; also all with caring responsibilities
Belgium	● 10 days per year	● 10 days per year // ●● 1-12 months for severely ill family member // ●● 2 months for palliative care	×	×	×
Brazil	●●● up to 60 days per illness + 30 days unpaid (public sector only)	●●● up to 60 days per illness for spouse or family member + 30 days unpaid (public sector only)	●●●	×	×

Canada	● 3-10 days in 3 provinces ³⁹	●● 8 weeks if 'significant risk of death' for family member	×	×	×
Québec	● 10 days per worker per year	● 10 days per worker per year	×	×	×
Croatia	●●● 20-60 days per illness per family	●●● 20 days for illness of spouse+7 days per year for serious illness of immediate family member	●●●	●● to 3 or 8 years for child needing extra care/developmental problem	×
Czech Rep	●● 9 days per illness	●● 9 days per illness for relative at home	×	×	×
Denmark	●●● 1-2 days per illness	×	×	×	×
Estonia	●●● 14 days per illness	×	●●●	●●● child with disability	×
Finland	●●(●) ⁴⁰ 4 days per illness for a child up to 10 years	×	×	●● to end of second year at school	×
France	● 3 days per year / ●● 310 days over 3 years for serious disability or illness	●● 310 days over 3 years for terminally ill relative	×	●● child with disability	×
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	×

³⁹ Canada: a federal benefit lasting up to 35 weeks is available for parents with a critically ill child under 18 years of age; so far, only a few provinces have legislated for a matching leave period.

⁴⁰ Finland: length of leave is defined by law; level of payment is determined by collective agreements

	(according to age of child)				
Iceland	×	×	×	×	● employers required to support family/work balance
Ireland	● ● ● 3 days per year per parent	● ● 104 weeks for dependent	● ● ●	×	● on return from Parental leave
Israel	● ● ● 8 days per parent per year	● ● ● 6 days per year for spouse or parents	● ● ●	×	×
Italy	● Unlimited to 3 years; 5 days per year for 3-8 year olds	● ● ● Up to 2 years over working life at 3 days/month for serious need in family	● ● ● can be used by father in some circumstances	×	● until child is 6 or disabled child is 18
Japan	● 5 days per parent per year for child under CSA; 10 days if two or more children	● ● Up to 93 days over the lifetime of a family member with a serious illness or disability needing constant care for 2 weeks or more	● (NB.reduced hours can be used for any purpose)	● to 3 years	×
Lithuania	● 2 weeks per year per worker with a child under 14 years	×	×	×	×
Luxembourg	● ● ● 2 days per child per year // 4 days to 52 weeks if child disabled or seriously ill	×	×	×	×
Netherlands	● ● ● 10 days per year // ● 6 times working hours/ week for life threatening illness	● ● ● 10 days per year for a partner or parent // ● 6 times working hours/ week for life threatening illness of parent or partner	×	● all employees (employer can refuse)	×
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 worker	● ● ● 14 days per year per worker for family	×	×	×

		member			
Portugal	●● 15-30 days per family 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	●●● can be taken by either parent	● to 12 years	● entitlement to work flexible hours until child 12 years
Russian Fed	●●● 45-60 days per child per year	No information	●●●	● extra unpaid leave for some parents	×
Slovakia	●● 10 days per episode	●● 10 days per episode for a relative living at home	×	×	×
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 ⁴¹	×
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	●●● to 9-12 months; can be transferred to father ⁴²	● to 12 years or longer if child with disability	×
Sweden	●●● 120 days per child per year	×	×	● to 8 years	×
Switzerland	● 3 days per illness per family	×	●	×	×
U.Kingdom	● 'Reasonable time'	● 'Reasonable time'	×	×	● to 16 years and any carer
USA	● 12 weeks for a seriously ill child (medium or large employers only)	● 12 weeks for a seriously ill spouse or parent (medium or large employers only)	×	×	×

⁴¹ Slovenia: social security contributions based on the minimum wage are paid for the hours not worked

⁴² Spain: reduced hours until child is 9 to 12 months may be consolidated as full-time leave and added to Maternity leave

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 (less than €1,000/month) *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 high flat rate (€1,000/month or more) or 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://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.

Total statutory leave (including additional childcare leaves): April 2014

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 for all or part of duration to all parents at high flat rate (€1,000/month or more) or 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>)

It is important to note that the total leave available per family does not always equate to the period of time after the birth of a child that parents in a family can take leave. For example, paternity leave is usually taken by fathers at the same time that mothers are on Maternity leave, i.e. concurrently and not consecutively. While in some cases, both parents are entitled to a period of Parental leave but may only take that leave until their child reaches a certain age, e.g. in the Czech Republic and Spain both mother and father can 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 that leave can only be taken until a child's third birthday.

The **total amount of leave** (counting Canada and Québec, and the public and private sectors in Brazil and Greece separately) ranges from none to 72.5 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 five months, with four countries offering nothing and only nine countries, plus the Greek public sector, 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, five countries from Central and Eastern Europe (Croatia, Estonia, Hungary, Lithuania 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. In most cases, too, the earnings-related payment is subject to a ceiling, above which no payment is made.
- 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.
- c. **Countries providing less than four months of earnings-related post-natal leave:** includes all six of the mainly English-speaking countries (Australia, Canada, Ireland, New Zealand, United Kingdom, United States), plus Austria, Czech Republic, Israel, Luxembourg, Netherlands, the Russian Federation, Slovakia, 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; while Ireland is the only country with statutory leave that does not include any period of high income-related payment.

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 and the public and private sectors of Brazil and Greece separately. Seven countries (Austria, Canada excluding Québec, Germany, Russia, Slovakia, Switzerland and the USA) have no 'father-only' leave. Of the 28 countries that do provide such leave, seven provide less than one month of father-only leave, while 11 (plus the public sector in Greece) offer six months or more, with a median length of 3.3 months. For the most important indicator - length of leave paid at two-thirds of earnings – the numbers are much lower, only five countries offering more than two months (the Nordic states); the median length in the 18 cases in this category (including Quebec and the private sector in Greece) is a mere two weeks.

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.

Note on Table: the 'total amount' column sums the leave available to mothers and fathers in a two parent family from Maternity, Paternity, Parental and Childcare/Time Credit leaves but **excluding** leave to care for sick children. As parents may take some of this leave concurrently (e.g. Paternity leave at the same time as Maternity leave), it does not indicate the child's age when all leave ends.

Country	Total amount of post-natal leave available to two-parent family (months)			Period of 'father-only' leave (months)	
	Total	Paid	Well paid	Total	Well paid
Australia	24.0	4.7	×	12.0	×
Austria	24.0	24.0	1.9 ⁴³	×	×
Belgium ⁴⁴	35.7	35.7	3.7*	4.5	0.5*

⁴³ 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.

Brazil ⁴⁵	4.2 to 6.5	4.2 to 6.5	4.2 to 6.5	0.2 to 0.5	0.2 to 0.5
Canada	12.0	11.6	✗	✗	✗
Québec ⁴⁶	12.8	12.8	11.2	1.2	1.2
Croatia ⁴⁷	46.0	14.0	6.0	4.0	✗
Czech Rep ⁴⁸	72.0	36.0	24.0*	36.0	✗
Denmark ⁴⁹	18.6	11.2	11.2*	7.9	7.9*
Estonia	36.5	36.5	18.8*	0.5	0.5*
Finland ⁵⁰	38.1	38.1	11.1*	2.1	2.1*
France ⁵¹	72.5	9.8 or 36.5	3.8*	36.5	0.5*
Germany	36.0	24.0+bonus 4	12.0+bonus 2*	✗	✗
Greece ⁵²					
Private sec	19.9	12.0	6.0	4.0	(2 days)
Public sec	60.0	12.0	12.0	24.0	(2 days)
Hungary ⁵³	36.2	36.2	24.2*	(1 week)	(1 week)
Iceland ⁵⁴	15.0	9.0	9.0*	7.0	3.0
Ireland	17.7	6.0	✗	4.3	✗
Israel	24.0	3.3	3.3	12.0	✗

⁴⁴ 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

⁴⁵ Brazil: longer for some public and private sector employers; less for remainder.

⁴⁶ Québec: parents can opt for shorter, higher paid leave or longer, lower paid leave

⁴⁷ 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 per cent of earnings, with no ceiling for six months of Maternity leave but with a ceiling for the subsequent period of leave, the ceiling reducing after six months.

⁴⁸ Czech Republic: parents can choose to receive Parental benefit at 70 per cent of earnings until their child is 24 months; or at a lower rate for a longer period.

⁴⁹ Denmark: parents can opt for shorter, higher paid Parental leave or longer, lower paid leave; each parent is entitled to 32-46 weeks of Parental leave, but the total period cannot exceed 32-46 weeks per family.

⁵⁰ 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

⁵¹ France: payment is made for six months to parents taking Parental leave with one child or 12 months if both parents take a period of leave; until the child is three years for parents with more children.

⁵² 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; two periods (for mother and father) of Parental leave; and one period of flexible working entitlement taken as full-time leave

⁵³ 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

⁵⁴ Iceland: includes period of unpaid Childcare Leave after Parental leave.

Italy	13.7+bonus 1	13.7+bonus 1	3.7	6.0	×
Japan	24.0+bonus 2	24.0+bonus 2	13.9*	12.0+bonus 2	6.0
Lithuania	36.9	24.9	24.9*	0.9	0.9
Luxembourg	13.9	13.9	1.9	6.0	×
Netherlands	14.8	14.8	2.8	6.0	(2 days)
New Zealand	12.5	3.3	3.3	0.5	×
Norway ⁵⁵	37.5	37.0	13.0*	3.7	3.3
Poland	48.5	36.5 ⁵⁶	12.5	0.5	0.5
Portugal ⁵⁷	36.0 +bonus 1	12.0+bonus 1	6.0+bonus 1	4.0	0.9
Russian Fed	36.0	18.0	2.3*	×	×
Slovakia	36.0	36.0	×	×	×
Slovenia	14.2	14.2	11.7*	3.0	0.5*
South Africa	4.2	4.2	0.2	(3-5 days)	(3-5 days)
Spain	72.5	5.1	5.1*	36.0	0.5*
Sweden ⁵⁸	36.5	16.4	13.4	2.5	2.5
Switzerland	3.7	3.3	3.3*	×	×
U.Kingdom	20.8	9.5	1.4	4.5	×
USA	×				

Key:

Well paid: payment at 66 per cent of earnings or above

×: no entitlement.

*: ceiling on earnings-related payment

⁵⁵ Norway: parents can opt for shorter, higher paid leave or longer, lower paid leave

⁵⁶ Poland: 48.5 months paid if two or more children.

⁵⁷ Portugal: mothers can opt for shorter, higher paid Maternity leave or longer, lower paid leave. Fathers are entitled to four weeks 'Father's-only Parental leave', two 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'.

⁵⁸ 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 five 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 2013

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 for children under three years** vary from less than ten per cent (Czech Republic, Hungary, Poland), to over 50 per cent in Denmark, Iceland, Netherlands and Norway, with a median rate among the 29 countries for which there is information of just under a third (30 per cent). **Attendance rates for children over three years** are uniformly much higher, but vary from under 60 per cent (Australia, Canada, Greece, Ireland, Poland, Switzerland and the United States) to over 90 per cent or over (Belgium, Denmark, France, Germany, Iceland, Italy, Japan, New Zealand, Norway, Spain, Sweden and the UK), with a median rate among the 32 countries for which there is information of just over 85 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 three countries have an **entitlement to an ECEC service**, but in most cases – 17 countries - this is only from three 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 three years); entitlement in this group is often limited to a part-time place. Only six countries have entitlement before three 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 66 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 (2010)		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	14%	82%	24	1.8	● 5 years PT/OB	36 months	58 months
Australia	33%	53%	24	×	● 5 years PT	36 months	
Belgium	39%	99%	36	4	●● 2½ years	No gap	26 months
Brazil	NI	NI	6	6	×		
Canada	NI	47%	12	None	×		
Québec	NI	NI	12.8	12.8	×		
Croatia	18%	63%	14	6	● 6 years PT/OB	58 months	66 months
Czech Rep	4%	NI	36	5.1	×		

Denmark	66%	94%	13.9	13.9	●●6 months	No gap	No gap
Estonia	30%	85%	36	18.4	●18 months[*3 Years]	No gap	18 months
Finland	28%	56%	36	11.1	●●end Par.Leave	No gap	No gap
France	48%	101%	36	3.3	●3 years	No gap	33 months
Germany	23%	94%	36	12.0+bonus 2	●1 year [* ⁵⁹]	No gap	?No gap
Greece	11%	48%	20-60	6-12	●5 years PT	40 months to no gap	48-54 months
Hungary	11%	87%	36	24	●birth[*3 years]OB	No gap	12 months
Iceland	56%	96%	15	9	×		
Israel	NI	87%	12	3.3	×		
Ireland	29%	49%	17.7	×	●3¼ years PT	21 months	
Italy	24%	96%	13.7+bonus 1	3.7	×		
Japan	26%	90%	12.0 +bonus 2	7.9	×		
Lithuania	14%	66%	36	12	×		
Luxembourg	46%	87%	13.9	1.9	●3 years PT	22 months	34 months
Netherlands	61%	67%	14.8	2.8	●4 years PT	33 months	45 months
New Zealand	37%	94%	12	3.3	●3 years PT	24 months	33 months
Norway	54%	96%	36.7	13.0	●●12 months	No gap	No gap
Poland	7%	60%	48	12	●6 years PT	24 months	60 months
Portugal	46%	84%	35+bonus 1	5+bonus 1	●5 years	24 months	54 months
Russian Fed	17%	73%	36	2.3	●2 months ⁶⁰	?No gap	? No gap
Slovakia	3%	72%	36	×	×		
Slovenia	42%	86%	13.7	11.2	●●end Par. leave	No gap	No gap
S.Africa	NI	NI	4	4	×	No gap	30 months
Spain	39%	99%	36	5.1	●3 years	No gap	31 months
Sweden	47%	93%	18	13.2	●●12 months	No gap	No gap
Switzerland	NI	47%	3.7	3.3	×		
U.Kingdom	42%	93%	20	1.4	●3 years PT	16 months	35 months

⁵⁹ Germany: since May 2013, there is an entitlement to ECEC from 12 months of age, but the entitlement does not specify hours per day or per week; many services in Western Germany still offer only part-time hours, though full-time opening has remained the norm in Eastern Germany

⁶⁰ There is no information available to confirm whether the entitlement to an ECEC place from two months of age can be met.

USA	43%	67%	×	×	×	
Average(median)	30%	85%				
OECD average	30%	77%				

Source: *Attendance rates at formal ECEC services*: OECD Family Database, Table PF3.2.A, available at: www.oecd.org/els/social/family/database. Except for Croatia, Estonia and Russian Federation which are: TransMonee Database 2013, Table 6.1, available at: <http://www.transmonee.org/>

Key:

'Well-paid leave' is paid for half or more of duration of leave to all parents at high flat rate (€1,000/month or more) or at 66 per cent of earnings or more, the latter being an indicator used by the European Commission in monitoring member states' progress in meeting Employment Guidelines (European Commission (2010) *Indicators for monitoring the Employment Guidelines including indicators for additional employment analysis, 2010 compendium*, Table 18.M3. Available at: <http://ec.europa.eu/social/BlobServlet?docId=4093&langId=en>

×: no well paid leave or 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. OB: attendance obligatory.

*: 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 April 2013

Twenty four of the 35 countries covered by this review reported policy changes, proposals or discussions between April 2013 and April 2014, leaving 11 with nothing to report (Belgium, Brazil, Canada, Czech Republic, Israel, Lithuania, Luxembourg, Portugal, Slovakia, Sweden and the USA). The developments reported varied in nature (e.g. whether they were changes introduced, changes agreed for later introduction, or proposals under discussion); also in their focus and significance, including whether they were, broadly speaking, developments in leave and related policies or some form of 'cut back'.

Assessing the significance of actual, proposed or discussed changes is inevitably somewhat subjective, but the following seem of greater moment:

Australia: the incoming government has announced proposals for 26 weeks Parental leave to be paid at full replacement salary of the mother's wage or the national minimum wage (whichever is greater), with a commencement date of 1 July 2015.

Finland: the government has announced two measures to be approved in 2014: the Home Care Allowance (HCA) period will be split evenly between mothers and fathers, so each parent will have an approximately one year non-transferable quota of the 26-month HCA period; and the universal right to childcare services will be restricted to part-time care for those children who have a parent at home with a younger sibling on Maternity, Paternity, Parental or Home care leave or supported by the Home care allowance.

France: a new incentive for fathers to take some leave has been approved, to be implemented in July 2014, under which to get the full period of CLCA, the father must take at least six months of leave.

Germany: an entitlement to ECEC from one year of age was introduced in August 2013, at the same time as a new 'childcare benefit' - *Betreuungsgeld* – which pays a benefit to parents for children aged one and two years who do not use public childcare services. The agreement for the new coalition government foresees the introduction of a so-called 'Elterngeld plus', whose purpose is to allow for significant part-time employment during the first 28 months after giving birth to a child; a 'partnership bonus', of 10 per cent of the parental benefit, will be paid to parental benefit recipients who *both* work between 25 and 30 hours per week.

Iceland: implementation to changes to the law on Parental leave, adopted by Parliament in December 2012, with a staged increase to a 5+5+2 system, has been put on hold by the government elected in April 2013.

Ireland: earnings-related payment for Maternity leave, which had a very low ceiling, has been replaced by a flat-rate payment.

Japan: the rate of payment for the first six months of Parental leave has been raised from 50 to 67 per cent; this is intended to encourage more fathers to take leave.

Norway: paid Parental leave was increased by two weeks and the father's quota to 14 weeks, but a new government has decided to reverse this decision, reducing the father's quota to ten weeks from July 2014.

Poland: two months of Parental leave has been made an individual entitlement (one month each for the mother and father).

Slovenia: under a new law adopted in April 2014, Parental leave will move from being a family to an individual entitlement; from September, each parent is entitled to half of the 260 days of Parental leave with the mother allowed to transfer 100 days of her entitlement to the father, while the father is allowed to transfer all 130 days of his entitlement to the mother. Changes to Paternity leave are made by the same law. While retaining the existing 15 days of paid Paternity leave, the existing 75 days of unpaid Paternity leave will be replaced by 15 days of paid Paternity leave to be used after Parental leave. However, implementation is delayed until the economy improves and will then take place over three years.

South Africa: The Unemployment Insurance Amendment Bill tabled in Parliament in March 2014 proposes an increase in the level of maternity benefits and an extension of the coverage of benefits.

Spain: the right to work part time has been extended to parents with a child under 12 years (from eight years previously); while an extension of Paternity leave from two to four years has been agreed from January 2015.

UK: under a law passed in April 2014, after the first two weeks of Maternity leave, the mother will be able to transfer all of the remaining period to her partner, replacing a previous provision under which mothers could only transfer leave to partners after 20 weeks. The same legislation extends the right to request flexible working to all employees, not only those with caring responsibilities

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 many cases, it is obligatory to take part or all of the 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 (2004⁶¹) 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). For instance, in Spain in 2011, people starting some period of Parental leave corresponded to 7.2 per cent of the births in that year. While in a 2012 survey in the UK, only 11 per cent of parents with a child under six years reported taking Parental leave.

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). However, where Parental leave has both an individual entitlement element *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:

⁶¹ 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>

- **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 2009, 96.4 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 99 days leave compared to 178 for mothers). Overall, 20.1 per cent of fathers took some of the parents' joint rights.
- **Norway:** fathers increase their uptake the year following the extension of the father's quota. For example, following an increase from ten to 12 weeks, 21 per cent of fathers took exactly 12 weeks (60 working days) in 2012, compared with only 0.6 per cent in 2011;. But most fathers do not take more than their quota: only 15 per cent of fathers take any of the family part of Parental leave (i.e. in addition to the father's quota).
- **Sweden:** 90 per cent of fathers of children born in 1998 took Parental leave at some stage before their child's 8th birthday, mainly starting when their children were 13 to 15 months of age. In 2011, 44 per cent of Parental leave benefit recipients were men, compared to 56 per cent who were women, though on average mothers took 95 days and fathers 37 days.

In all four cases, mothers continue to take more leave than fathers. The difference is greatest in Denmark, where statistics from 2010 and 2011 show that Danish fathers on average only took 7.2 per cent of the Parental leave period, followed by Norway, where fathers accounted for 18 per cent of Parental leave days taken in 2011, and Sweden, where fathers take about just under a quarter of all days (24 per cent) in 2011. The greatest share of paid leave taken by men, 33 per cent, is in Iceland, with its 3+3+3 leave scheme; 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:

Finland: the number of fathers taking the father's month increased from 1,700 men in 2002, the year before the introduction of the bonus scheme for fathers taking at least two weeks Parental leave, to 17,625 in 2011. However, only 2.5 per cent of fathers took a longer period of Parental leave in 2011; and the average length of leave of fathers who do take Parental leave has fallen, from 64 working days in 2002 to only 19 in 2011.

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 has risen more than eight-fold from 3.3 per cent in 2006 to 27.8 per cent for children born in the third quarter of 2011.

But while the new Parental leave law has been successful in raising the take-up of leave by fathers, a large majority, i.e. 82.5 per cent (2012), took no more than their individual two month entitlement.

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. The proportion of fathers taking this leave subsequently increased by about two 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.

The same trends may be observed since 2009, when 'Paternity leave' became 'father-only Parental leave' and ten days became obligatory. Take-up of leave increased to 56 per cent for the ten compulsory days and 47 per cent for the additional ten days. In 2010 and 2012 take-up increased again, first to 62 and then to 68 per cent for the ten compulsory days; and to 52 and then to 58 per cent for the ten optional days (percentages based on the number of fathers who take leave in relation to the number of estimated births for 2012). If, again, take-up is calculated in relation to the total number of Initial Parental leaves granted, then the proportions in 2012 increased to 81 per cent for the ten obligatory days and 69 per cent for the ten optional days.

Data on take up of the new 'initial Parental leave' (replacing Maternity leave), which also came into effect in 2009, points to an increasing take-up rate of the 'sharing bonus' by parents. In 2012, 75,553 initial Parental leaves were granted and take up of the 'sharing bonus' (at least 30 days) increased to 22.3 per cent of these leaves; in other words, 16,848 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: take-up of leave by fathers was already higher in 2004, with 22 per cent of fathers using some leave compared with nine per cent elsewhere in Canada. The Paternity and Parental leave scheme, introduced in 2006, has had a substantial impact on fathers' participation: in 2006, 56 per cent of eligible fathers in **Québec** took a period of Paternity and/or Parental leave, rising in 2011 to 84 per cent; in the rest of Canada, take-up of Parental leave by fathers was 11 per cent.

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 was a strong take-up by public employees of a scheme that enabled parents to reduce their working hours when they have a child under one year without loss of earnings. Nearly a quarter of parents who used this option were fathers. This scheme was ended in 2012 as a result of budget cuts.

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 April 2013

Country notes include an overview of publications on leave and related topics since April 2013; and also brief outlines of ongoing research.

The publications listed are supplied by the authors of the country notes, and are not necessarily a comprehensive and systematic literature review for the period; some publications, therefore, may have been missed and the international review's editor would welcome information about missing publications (details to peter.moss@ioe.ac.uk). With these reservations noted, the publications listed in the review do provide a valuable resource for researchers and others interested in the work/life field in general and leave policies in particular.

One hundred and thirty five publications are listed, including a brief description in most cases. Many of these publications are available in English and downloadable; this includes a few from before April 2013 that were not included in previous reviews and also some post-graduate theses. The number of publications varies considerably between countries (from none to 31), implying different levels of policy interest and/or of researchers with an interest in work/life issues.

Fifty one ongoing research projects from 19 countries are reported on leave policies and related issues, ranging from cross-national studies to studies undertaken for doctoral theses. As with publications, the international review's editor would welcome information about missing research projects.

4. Country Notes

Australia

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April 2014

NB. Australia is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 determined by industrial tribunals; these are prescriptive documents that usually cover an occupation or industry. 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.

As part of the Fair Work Act 2009, the national independent workplace relations tribunal (the Fair Work Commission) has replaced more than 1500 state and federal awards with 122 industry and occupation awards (known as modern awards). The Fair Work Act also put in place a set of ten National Employment Standards that prescribe the minimum set of entitlements for employees: these include standards relating to unpaid Parental leave (which has been an entitlement under federal industrial relations legislation since 1994) and the right to request flexible working arrangements (see below). Specific minimum conditions for industry are set out in modern awards and some of the National Employment Standards may also be replicated in modern awards or enterprise agreements.

Since 1990, Leave entitlements in relation to the birth or adoption of a child under Australian labour regulation have been written in gender-neutral terms and are generally referred to as Parental, rather than Maternity or Paternity, leave. This is also the case for the entitlement to pay while on Parental leave (available since January 2011), although not for the payment (available since January 2013) specifically for fathers or mothers' partners (called Dad and Partner Pay).

a. Maternity leave

In Australia there is no specific statutory entitlement to Maternity leave. Maternity (and Paternity) leave both fall under the definition of Parental leave (see 1c for details of the

⁶² Please cite as: Whitehouse, G., Baird, M. and Alexander, M. (2014) 'Australia country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

unpaid Parental leave entitlement under the Fair Work Act). The Fair Work Act provides up to 12 months unpaid leave for each working parent with responsibility for care of a child at the time of a birth or adoption (and a right to request up to an additional 12 months, with a limit of 24 months per employed couple). Women may take up to six weeks of this leave prior to the expected date of birth, or earlier if agreed with her employer. As explained in 1c, eligible mothers (or their partners) may also receive payment (Parental Leave Pay) for up to 18 weeks within the first year following the birth at the level of the national minimum wage under the current Paid Parental Leave scheme.

Specific entitlements to Maternity leave payments may, however, be provided by employers. Access to employer-paid Maternity leave has been available to many female employees through industrial instruments, company policies, or legislation covering public sector employees in Australia's federal, state or territory jurisdictions. In a national survey conducted in November 2013, 56 per cent of female employees indicated they had access to employer-paid Maternity leave in their main job, although another 15 per cent of female employees indicated they were unsure or did not know if they had access to this entitlement (Australian Bureau of Statistics, 2014, Table 9⁶³).

Until recently, information on the proportion of organisations with employer-paid Maternity leave has been available mainly from surveys of large organisations required to report to the Workplace Gender Equality Agency (WGEA). In 2012, for example, around 52 per cent of WGEA-reporting organisations (non-public sector employers with 100 or more employees) indicated that they provided paid Maternity leave for employees (WGEA, 2013⁶⁴).

Data from a survey of 501 employers conducted in late 2011 is now available to elaborate this picture, illustrating the extent to which employer provision of paid Maternity leave varies by employer size, as well as by sector (public vs private) and industry (Martin et al., 2013⁶⁵). This survey showed that 58 per cent of large employers (those with 200 or more employees) provided paid Maternity leave, compared with only 11 per cent of small employers (those with 2-19 employees) (p.91). In addition, while 87 per cent of employers in the public sector had paid Maternity leave provisions in place, this was the case in only 20 per cent of private, 'for-profit' sector employers (ibid). Differences were also marked across industries, with Accommodation/Food Services and Retail Trade among those in which fewer than ten per cent of organisations provided paid Maternity leave (p.92). The survey also highlighted differences in access to employer-paid Maternity leave depending on employment contract, with organisations consistently less likely to make these provisions available to non-permanent (fixed-term or casual), compared with permanent, staff: around one-third of organisations in the public sector and one-fifth of those in the private and not-for-profit sectors had paid Maternity leave provisions that were available to casual staff (see footnote 4, p.96). The average duration of employer-paid Maternity leave for permanent employees ranged from 13 weeks in the public sector to ten weeks in the private sector, and in the majority of organisations (and in all public sector organisations) payment for these employees was at full replacement wage (pp.96-7).

⁶³ Australian Bureau of Statistics (2014) *Forms of Employment, Australia, November 2013*. Available at: <http://www.abs.gov.au/ausstats/abs@.nsf/mf/6359.0>.

⁶⁴ WGEA (2013) *Industry Snapshot: All Industries*. Available at: http://www.wgea.gov.au/sites/default/files/All_Industries_2012.pdf

⁶⁵ Martin, W. et al. (2013) *Paid Parental Leave Evaluation: Phase 2 Report, Chapter 5*. Available at: <http://www.dss.gov.au/our-responsibilities/families-and-children/benefits-payments/review-of-the-paid-parental-leave-scheme/paid-parental-leave-phase-2-report>

b. Paternity leave

As outlined in 1c below, the unpaid Parental leave entitlement provided in the Fair Work Act enables men to take up to 12 months unpaid Parental leave following the birth or adoption of a child for an unbroken period during which they take a 'primary carer' role. Fathers may also take up to eight weeks of this leave concurrently with their partner, within 12 months of the birth or adoption, with any concurrent leave taken deducted from their total 12 month entitlement to unpaid leave. Under the Paid Parental Leave scheme, partners taking a primary carer role may also be the recipient of all or part of the Parental Leave Pay entitlement.

In addition, a specific entitlement to 'Dad and Partner Pay' was introduced in 2013. For births or adoptions after 1 January 2013, a father (or the mother's partner) may be entitled to up to two weeks' 'Dad and Partner Pay' paid at the rate of the national minimum wage (currently AU\$622.20 per week/AU\$16.37 [€425/16⁶⁶] per hour). This payment must be taken while on unpaid leave (available under the Fair Work Act unpaid Parental leave provisions) and is non-transferrable.

Employer-paid Paternity leave may also be available to some fathers and partners through company policies, industrial instruments or legislation covering public sector employees in Australia's various jurisdictions. In response to a national survey in 2013, around 48 per cent of male employees indicated they had access to employer-paid Paternity leave in their main job, although a substantial proportion of male employees (27 per cent) were unsure (Australian Bureau of Statistics, 2014, Table 9²).

As with employer-paid Maternity leave, until recently, information on the prevalence of employer-paid Paternity leave was available mainly from surveys of large organisations required to report to the WGEA. In 2012, around 38 per cent of WGEA reporting organisations had such provisions for employees, thus underlining the lower prevalence of employer-paid Paternity, compared with Maternity, leave (WGEA, 2013: see footnote 3). The extent to which employer provision of paid Paternity leave varies by employer size, as well as by sector (public vs private) and industry, was illustrated in the 2011 survey referred to in 1a (Martin et al., 2013⁴). This showed that 43 per cent of large employers (those with 200 or more employees) provided paid Paternity leave, compared with only seven per cent of small employers (those with two to 19 employees) (ibid., p.91). As with employer-paid Maternity leave, the incidence of employer-paid Paternity leave also varied by sector: while 67 per cent of employers in the public sector provided paid Paternity leave, this was the case in only 14 per cent of private, 'for-profit', sector employers (ibid). While numbers were too low in some industries to be confident of results, Accommodation/Food Services and Retail Trade were again amongst those with the lowest incidence of employer-paid provisions (ibid., p.92). Across all industries, differences in access to employer-paid Paternity leave were similarly dependent on employment contract, with organisations consistently less likely to provide these benefits for non-permanent staff, although their availability to fixed-term staff was considerably higher in the public, compared with the private, sector (ibid., p.96). The average duration of employer-paid Paternity leave for permanent employees ranged from six weeks in the public sector to four weeks in the private for-profit and not-for-profit sectors, with payment most commonly at full replacement wage (ibid., pp.96-7).

⁶⁶ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

c. Parental leave

Length of leave

- Under the relevant National Employment Standard in the Fair Work Act, each parent who meets the eligibility requirements is entitled to 12 months unpaid Parental leave; this leave is an individual entitlement. That period can be extended by a further 12 months if the employer agrees, with the limitation that a couple cannot exceed a total of 24 months between the two working parents per birth. When both members of a couple are entitled to unpaid Parental leave under the National Employment Standard, they can take eight weeks of this leave at the same time; this leave has to be taken within 12 months of the birth or adoption, and can be taken by the partner who is not the primary carer in separate periods, provided that each period is no shorter than two weeks (a stipulation that can be waived if the employer agrees).
- Unpaid Parental leave can be taken sequentially with paid leave entitlements, such 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 entitlement is reduced by the same amount so that the maximum time available for Parental leave per family is still two years. The government-funded 18 weeks Parental Leave Pay may be paid during the unpaid Parental leave entitlement period: it does not reduce or extend the duration of unpaid Parental leave available as it is an entitlement to pay rather than to leave.

Payment and funding

- Parental Leave Pay (provided under the Paid Parental Leave scheme) is paid to eligible mothers at the rate of the national minimum wage (currently AU\$622.20 per week/AU\$16.37 [€425/11] per hour) for up to 18 weeks following the birth or adoption of a child. In some circumstances it can be transferred to the father or other primary carer; the 18 weeks' pay is, therefore, a family entitlement that initially goes to the mother. It represents 49 per cent of full-time average ordinary time female earnings as at November 2013. Parental Leave Pay can be received during other paid or unpaid leave. Payment is funded from general revenue, with the majority of mothers (or designated primary carers) receiving it via their employer⁶⁷ and others receiving it directly from the Government.
- As noted in 1a and 1b, some employees also have access to employer provided leave. In some cases this is specifically designated 'Primary Carer' or 'Parental' leave rather than Maternity or Paternity leave. Paid Primary Carer leave was provided by 14 per cent of employers responding to a 2011 survey, and was more common in large organisations and the public sector (Martin et al., 2013, p.91⁴). While the incidence of employer-paid Maternity and Paternity leave was considerably higher (see 1a and 1b), duration and payment were similar across Maternity, Paternity and Primary Carer entitlements, with the average duration of employer-paid Primary Carer leave for permanent employees ranging from 10 weeks in the public sector to six weeks among private, not-for-profit, organisations, and payment in most cases being at full replacement wage (ibid., pp.96-97).

⁶⁷ Employers are required to deliver the payment when it is for Australian-based employees who have worked with them for 12 months before the expected date of birth or adoption, who will be with them for their Parental Leave Pay period and who are expected to receive at least eight weeks of Parental Leave Pay.

Flexibility in use

- Under the National Employment Standard in the Fair Work Act, only one parent is entitled to access unpaid Parental leave at any particular time. The exception allowing some flexibility is that the parent who is not in the primary carer role can take concurrent unpaid leave for up to eight weeks during the 12 months following the birth or adoption, and this leave may be taken in separate periods at any time during the 12 months.
- Parental Leave Pay 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 and the recipient meets the eligibility criteria.
- Unpaid Parental leave and Parental Leave Pay must be taken in one continuous period; starting from the birth date or later in the case of Parental Leave Pay, although the full Parental Leave Pay period must be completed by 12 months after the birth.
- Flexibility is sometimes available with employer-paid Maternity, Paternity and Primary Carer or Parental leave: while this is usually paid at the employee's normal pay rate, in some cases there are provisions to double the duration by taking the leave at half pay. This is most common for employer-paid Maternity leave. Among employers responding to a 2011 survey, three-quarters of those in the public sector offered 'half pay' arrangements to permanent employees eligible for paid Maternity leave, while this was the case for eligible permanent employees in 62 per cent of private not-for-profit organisations and in 47 per cent of private for-profit organisations (Martin et al., 2013⁴, p.97). This facility was less prevalent for employer-paid Paternity and Primary Carer leave (ibid).

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 immediately before the date or expected date of birth, or the date of placement in the case of adoption.
- Casual employees are also eligible for the above entitlements provided that they have been engaged on a regular and systematic basis for at least 12 months and have a reasonable expectation of continuing regular employment.
- Twelve months unpaid Parental leave is not available to self-employed workers. According to surveys in 2005 (Whitehouse et al., 2005⁶⁸) and 2011 (Australian Bureau of Statistics, 2011⁶⁹), around 11 per cent of mothers in employment while pregnant were self-employed.
- An employer can refuse the request for an extension of unpaid Parental leave for a further period of up to 12 months on 'reasonable business grounds'. Any agreement for an additional period of leave beyond the first 12 months will reduce the other parent or partner's entitlement by an equivalent amount.
- To be eligible for the government-funded 18-week Parental Leave Pay, the primary carer (usually the mother) must be in paid work (this includes self-employment) and have been engaged in work continuously, with no more than an eight-week gap between any two consecutive working days, for at least ten 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 ten-month period.

⁶⁸ Whitehouse G., Baird, M. and Diamond, C. (2005) *Parental Leave in Australia Survey: November 2006 Report*. Available at: <http://www.polsis.uq.edu.au/parental-leave/level1-report.pdf>

⁶⁹ Australian Bureau of Statistics (2012) *Pregnancy and Employment Transitions Survey, November 2011*, Cat. No. 4913.0. Available at: Available at <http://www.abs.gov.au/ausstats/abs@.nsf/mf/4913.0>.

- Government-funded Parental Leave Pay is restricted to those individuals earning less than AU\$150,000 (€102,371) per year or around 2.3 times average female full-time earnings in November 2013⁷⁰.
- The government funded Parental Leave Pay can be taken in conjunction with other forms of paid leave to which the employee may be eligible (annual leave, long service leave, employer-funded Maternity or Parental leave) but must be taken before the employee returns to work and before the child's first birthday.
- Any unused portion of the Parental Leave Pay can be transferred to another primary caregiver (usually the father, but potentially a partner, including a same-sex partner, or grandparent) if they also meet the eligibility criteria.
- Where employees are covered by an existing industrial instrument that includes employer-paid Maternity, Paternity 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.
- Until 1 March 2014, those mothers not working (or not working for a sufficient period or hours to qualify for Parental Leave Pay) prior to the birth of a child could still be eligible for the Baby Bonus of AU\$5,000 [€3,412] for a first child and \$3,000 [€2,047] for all subsequent children (paid in 13 fortnightly instalments), and have access to Family Tax Benefit B (primarily payable to single income families). Family Tax Benefit B is not available to parents while they are receiving Parental Leave Pay, but it may be paid after the Paid Parental Leave period ends.

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 unpaid Maternity leave may be taken in cases of pregnancy-related illness or miscarriage within 28 weeks of the expected date of delivery. Until recently, any special Maternity leave taken had to be deducted from the total entitlement to unpaid Parental leave; however from 1 July 2013 mothers who use special Maternity leave are still entitled to 12 months unpaid parental leave.

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

- Paid Parental leave, sometimes specified as paid Maternity, Paternity or Primary Carer leave, is available in some industrial instruments and/or company policies. As explained earlier, these provisions usually exceed statutory entitlements.

d. Statutory childcare leave or career breaks

No statutory entitlement.

e. Other statutory employment-related measures

Adoption leave and pay

- The same statutory rights to unpaid Parental leave and Parental Leave Pay apply when a child under 16 years old is adopted.

⁷⁰ Australian Bureau of Statistics (2014) *Average Weekly Earnings, Australia, November 2013*, Cat. No. 6302.0. Available at: <http://abs.gov.au>

Time off for the care of dependants

- All employees (except casuals) have access to ten days of paid personal/carer's leave per year of service. In addition, all employees (including casuals) can access up to two days unpaid carer's leave for each 'permissible occasion' provided paid personal leave has not been exhausted. Paid 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 National Employment Standards contained in the Fair Work Act 2009 provides eligible parents with a statutory right to request flexible working arrangements. The range of employees entitled to request such arrangements was extended from 1 July 2013 (see section 3 below). An employer must respond to a request within 21 days and may refuse the request only on 'reasonable business grounds'. While examples of 'reasonable business grounds' are provided in the legislation these do not limit what might be included. 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 government paid post-natal leave in Australia is 18 weeks (see 1c above), with payment at a flat rate; unpaid leave takes the total available up to two years per family. There is no entitlement to ECEC, although all Australian governments⁷¹ agreed to work towards 15 hours a week of nursery education for one year before compulsory schooling (i.e. from age five years) by mid-2013. While some progress has been made towards this goal it has not yet been achieved uniformly. Levels of attendance at formal services for children under three are around the average for the countries included in this review and for OECD countries; but well below average for children over three years. For attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

Following reduction of the Baby Bonus entitlement from AU\$5,437 [€3,711] to AU\$5,000 [€3,412] from 1 September 2012 as part of the previous Labour Government's fiscal consolidation measures, and reduction of the payment for second and subsequent children to AU\$3,000 [€2,047]) from 1 July 2013, the Baby Bonus was discontinued from 1 March 2014. Families eligible for Family Tax Benefit A who have a baby and are not receiving Parental Leave Pay will receive an additional loading on their family payments to assist with the upfront costs of a new child.

The Fair Work Amendment Act 2013 has made a number of amendments to the Fair Work Act 2009 regarding unpaid Parental leave and flexible working arrangements which came into effect from 1 July 2013. The main amendments were:

⁷¹ National Partnership Agreement on Early Childhood Education, Council of Australian Governments, 29 November 2008. <http://deewr.gov.au/national-partnership-agreement-early-childhood-education>.

- The entitlement to be transferred to a safe job has been extended to all pregnant employees, regardless of their period of service. This entitlement had previously been limited to employees eligible for unpaid Parental leave, i.e. those with a minimum of 12 months service with the employer. If no safe job is available, an entitlement to 'paid no safe job leave' continues for those eligible for unpaid Parental leave, while those not eligible for unpaid Parental leave will now be entitled to 'unpaid no safe job leave'.
- The use of special unpaid Maternity leave taken during pregnancy (for example, due to a pregnancy related illness) no longer reduces a woman's entitlement to the full 12 months unpaid Parental leave under the Fair Work Act.
- The previous limit to three weeks concurrent leave immediately following a birth or adoption for parents who are both eligible for unpaid Parental leave was amended to allow eight weeks of concurrent leave that can be taken at any time in the first 12 months, and that need not be taken in a continuous block (although periods shorter than two weeks require employer approval).
- The 'right to request' flexible working arrangements was extended to a wider range of employees. It is now available to employees with caring responsibilities, parents or guardians of children who are school age or younger, employees with a disability, employees aged 55 years or over and employees experiencing family violence or caring for a family or household member who is experiencing family violence.

The Fair Work Amendment Act 2013 also brought in new requirements for modern awards and enterprise agreements to include provisions for employers to consult with employees over any proposed changes to rosters and ordinary working hours, and to consult genuinely with employees about the impact of changes on their family and caring responsibilities. These changes came into effect from 1 January 2014.

A change to the Paid Parental Leave scheme has also been made: the work test has been amended for claims for a child born or adopted on or after 1 March 2014. Claimants can now count any Paid Parental Leave or Dad and Partner Pay periods taken in the 13 months prior to the birth or adoption towards the work test.

In September 2013, after elections, the Liberal National Party Coalition became the government at the national level, bringing a proposal for a more generous paid Parental leave scheme. This proposal was for 26 weeks Parental leave pay at full replacement salary of the mother's wage or the national minimum wage (whichever is greater). The proposal included a salary cap at \$150,000 [€102,371] per year (i.e. a ceiling of AU\$75,000 [€51,186] for the 26 weeks), and was to be paid for through a levy of 1.5 per cent on large businesses. While the Government has indicated that it intends to proceed with this proposal, with a commencement date of 1 July 2015, plans to reduce the ceiling to \$50,000 [€34,124] for 26 weeks were confirmed in the May 2014 budget. At the time of writing the Government had not yet introduced legislation to give effect to the policy. In the meantime the new Government has proposed some changes to the existing Paid Parental Leave scheme, introducing the Paid Parental Leave Amendment Bill 2014 which contains legislative amendments to remove the requirement for all employers to provide Government-funded Parental Leave Pay to their eligible long-term employees. This Bill has not yet been passed by the federal parliament.

4. Take-up of leave

The main sources of survey data on access to and take-up of various types of leave for parenting purposes include two reports from the evaluation of the Paid Parental Leave scheme and a supplementary labour force survey collecting information on mothers of children under two years of age conducted by the Australian Bureau of Statistics in 2011. These sources, complemented with information from a recent Government report and a

journal article based on survey data from the Paid Parental Leave scheme evaluation, are drawn on for the following estimates of leave take-up.

a. Maternity leave

As explained earlier, the term 'Maternity leave' is used in Australia primarily for employer-paid provisions. Data from the 2010 Baseline Mothers survey conducted as part of the Paid Parental Leave evaluation, just prior to the introduction of that scheme, indicate that approximately half the mothers responding to this survey who were working prior to the birth of their child reported access to employer-paid Maternity leave. Among this group, 96 per cent took some employer-paid Maternity leave, with an average duration of 3.5 to four months (Martin et al., 2012⁷²). A recently published article (Whitehouse, Hewitt, Martin and Baird, 2013; see section 5c) examining changes over the five years prior to the 2010 Baseline Mothers survey utilised this and an earlier survey (the Parental Leave in Australia Survey, 2005) to show marked increases in the take-up and duration of employer-paid Maternity leave over that period. The analysis also showed ongoing inequalities of access, with take-up consistently more likely among employees in public sector and large workplaces and among those on permanent (compared with fixed-term or casual) contracts.

b. Paternity leave

The 2010 Baseline Mothers survey also asked respondents who would have been eligible for the national Paid Parental Leave scheme if it had been in place at the time about their partners' access to, and uptake of, employer-paid Paternity leave. Among these mothers, a little over 30 per cent reported that their partner had access to paid Paternity leave from their employer. Within this group over 90 per cent took some employer-paid Paternity leave, for an average duration of one week (Martin et al., 2012¹¹).

While take-up figures for the Dad and Partner Pay scheme which commenced in January 2013 are as yet limited, a recent Government report shows that, among recipients in the 2012-13 financial year, 26,212 or 97 per cent took the full two weeks available (Australian Government Department of Social Services, 2013⁷³).

c. Parental leave

The entitlement to 12 months' unpaid Parental leave in the National Employment Standard under the Fair Work Act is available to, and utilised by, most working mothers: among respondents to the 2010 Baseline Mothers survey who would have been eligible for payment under the Paid Parental Leave scheme had it been in place at the time, over 80 per cent accessed some unpaid Parental leave, with an average duration of 5.5 to six months. In contrast, among these mothers' partners, less than half (around 45 per cent) of those eligible for statutory unpaid leave utilised this entitlement. The average duration of unpaid leave among partners was one or two weeks (Martin et al., 2012¹¹).

The Baseline Mothers Survey also showed that the majority of mothers utilised more than one form of leave, with non-parental forms of leave accessed including paid annual leave,

⁷² Martin, W. et al. (2012) *Paid Parental Leave evaluation: Phase 1. Occasional Paper No. 44*. Canberra: Department of Families, Housing, Community Services and Indigenous Affairs. Australian Government, pp. 19-42. Available at: <http://www.fahcsia.gov.au/about-fahcsia/publications-articles/research-publications/occasional-paper-series/number-44-paid-parental-leave-evaluation-phase-1>

⁷³ Australian Government Department of Social Services (2013) *2012.13 Annual Report: Helping the Most Vulnerable*, p.40. Available at: http://www.dss.gov.au/sites/default/files/documents/10_2013/facs_41449_ar123_accpdf_fa5.pdf

personal sick leave and long service leave. On average, mothers who took leave with the birth of their child utilised 2.7 different forms of leave. The survey also showed that fathers relied heavily on the use of non-parental forms of leave, particularly paid annual leave: 80 per cent of respondents who were working prior to the birth of their child and eligible for the Paid Parental Leave scheme reported that their partner had accessed annual leave around the time of the birth of their child (ibid.)

Since the introduction of Parental Leave Pay (under the Paid Parental Leave Scheme) figures on the take-up of this entitlement indicate that it is accessible to a high proportion of working parents, although it is particularly targeted at mothers, who are the main users of the scheme. Among mothers who gave birth to or adopted a child in the first financial year of the Paid Parental Leave scheme (2011-12), around 44 per cent received Parental Leave Pay and 55 per cent received the (since discontinued) Baby Bonus (Martin et al., 2013⁴). A survey conducted in 2011 as part of the Paid Parental Leave evaluation (Mothers Process Evaluation survey) showed that the majority of Parental Leave Pay recipients (83 per cent) took the full 18 weeks entitlement, and that 97 per cent of mothers receiving Parental Leave Pay did not transfer any of the payment to their partner or another person (ibid.). More recent figures from a Government report indicate that in the 2012-13 financial year 45 per cent of all women who gave birth to or adopted a child (130,623 mothers) received some Parental Leave Pay, and 98 per cent of families took the full 18 weeks (Australian Government Department of Social Services, 2013¹²).

d. Other employment-related measures

The *Pregnancy and Employment Transitions* survey conducted by the Australian Bureau of Statistics in November 2011 provided information on the uptake of a range of other employment-related measures by parents. Among women with a child under two years who had a job in November 2011, over 70 per cent used flexible working arrangements to assist with the care of their child. Among this group, 74 per cent worked part-time, 48 per cent used flexible working hours and 33 per cent worked from home (individuals could use more than one type of flexible working arrangement). Mothers' partners were considerably less likely to utilise flexible working arrangements: of women with a child under two years whose partners were working in a job in November 2011, one in four partners used some form of flexible working arrangements to assist with the care of their child. Among partners who used flexible arrangements, 12 per cent worked part-time, 61 per cent used flexible working hours and 32 per cent worked from home (Australian Bureau of Statistics, 2012⁸).

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

In 2013/14 the project to evaluate Australia's first national Paid Parental Leave scheme will draw to a close, while at the same time a number of new projects commenced and data collection is continuing in these and ongoing surveys such as the *Australian Work and Life Index* (see details in 5c below). A major new research initiative was the *Supporting Working Parents: Pregnancy and Return to Work National Review* conducted by the Australian Human Rights Commission which involved a national consultation process and national surveys. The initial report from this research is listed in 5b - a final report will be released in mid-2014.

b. Selected publications since April 2013

Dreyfus, T. (2013) 'Paid parental leave and the 'ideal worker': a step towards the 'worker-carer' in Australian labour law', *Labour & Industry*, Vol.21, No.3: 107-119.

Australia's Paid Parental Leave Act 2010 was enacted in June 2010 and provides up to 18 weeks of payment to parents of a newborn or newly adopted child. After decades of campaigning, the implementation of a national scheme of paid Parental leave has been hailed as a step towards rectifying gendered workplace inequality. This article considers the normative impacts of the Act on the place of the 'ideal worker' in Australian labour law. It argues that paid Parental leave presents a challenge to the legal and cultural construction of an 'ideal worker'; an unencumbered (male) citizen available for long hours without home and care responsibilities. It concludes that the Act represents an important step towards greater recognition of the 'worker-carer' in Australian labour law, but that further support remains necessary to encourage equal sharing of unpaid care work and paid work.

Farrelly, B. and Whitehouse, G. (2013) 'Equality enabling parental leave: prevalence and distribution in Australian Universities', *Labour & Industry*, Vol. 23, No.3, 245-257.

This paper examines the distribution of 'gender equality enabling' Parental leave provisions in Australian universities, showing that although the university sector has been a leader in the provision of paid Parental leave, the extent to which this is available to male partners as primary carers varies considerably across universities. Drawing on an analysis of enterprise agreements, the authors identify three distinct Parental leave models in the sector: 'equality impeding', 'limited equality enabling' and 'extended equality enabling'. Interviews conducted with union bargaining team members highlighted considerable local variation in the factors affecting the likelihood of adopting more gender-egalitarian measures. Although incremental progress is being made, the authors argue that a nationally coordinated approach may be needed to achieve significant advances.

Malatzky, C. (2013) 'Don't shut up: Australia's first Paid Parental Leave scheme and beyond: assisting women (and men) negotiate two worlds of work', *Australian Feminist Studies*, Vol.28, No.76:195-211.

Through the perspective of women's conflicting roles, this paper examines the capacity of the Australian Paid Parental Leave scheme to assist Australian families negotiate paid work and parenthood. Drawing on comparisons with other nation state policies and interview data with Western Australian women, the author argues that women's choices remain limited despite the introduction of the Paid Parental Leave scheme. The paper suggests that while Paid Parental Leave is an important reform for gender equality and improving work/life balance for many Australian families, it is not sufficient. The policy and culture of Australian workplaces need improvement.

Nowak, M., Naude, M. and Thomas, G. (2013) 'Returning to work after maternity leave: childcare and workplace flexibility', *Journal of Industrial Relations*, Vol.55, No.1: 118-135.

This article explores how responsibilities for childcare are managed as part of family decisions made around the return to work following a period of Maternity leave. The authors surveyed all women health professionals identified as on Maternity leave on payroll records of the Health Department, Western Australia, and one private sector national provider of hospital services. Survey questions were designed following a review of the literature and prior empirical work. The design included both quantitative information and interpretive qualitative responses from participants. Over 50 per cent of respondents expected to have childcare provided wholly by family members, while 15 per cent anticipated the use of formal arrangements alone. The planned arrangements for care can best be understood within a framework of a 'family budget' of time to be allocated between market-based work and childcare. Attitudes to childcare are central to this 'time economies' framework. Respondents experienced dissonance between the stated organizational family-friendly policy of their

workplaces and practices at the management level. Employer-centred flexibility often disrupted their childcare arrangements. The authors identify important employment policy issues for workplaces that would facilitate the optimal return to the workforce by professional women following maternity leave.

Whitehouse, G., B. Hewitt, B. Martin and M. Baird (2013) 'Employer-paid Maternity Leave in Australia: a Comparison of Uptake and Duration in 2005 and 2010' *Australian Journal of Labour Economics*, Vol.16, No.3: 311-327.

This article documents trends in uptake and duration of employer-paid Maternity leave in Australia from 2005 and 2010. The analysis highlights marked increases over the period, but also persistent inequalities in patterns of usage. The likelihood of being able to use such entitlements was considerably higher for employees in large workplaces, in the public sector and for permanent (compared with fixed-term and casual) employees – differences that were persistent, and in some cases exacerbated, over time. The authors argue that inequalities will not necessarily be ameliorated with ongoing expansion of employer-paid provisions, but also that employer-paid arrangements constitute a crucial aspect of the Parental leave environment in Australia, hence assessment of any current or future government-initiated paid Parental leave schemes will need to take account of the impact on employer-paid schemes.

Australian Human Rights Commission (2014) *Headline Prevalence Data: National Review of Discrimination Related to Pregnancy, Parental Leave and Return to Work*. Available at: <http://www.humanrights.gov.au/supporting-working-parents-pregnancy-and-return-work-national-review-0>

This report provides baseline data on the extent, nature and impact of discrimination in Australian workplaces related to pregnancy, Parental leave and return to work following parental leave. The survey data indicate a high prevalence of discrimination on these grounds, with one in two women reporting discrimination in the workplace during their pregnancy, Parental leave or on return to work. Discrimination was most commonly reported as occurring upon return to work (35 per cent of survey respondents reported forms of discrimination at this time, including negative comments about breastfeeding or working part-time, or being denied requests to work part-time).

Baird, M. and Murray, J. (2014) 'Collective bargaining for paid parental leave in Australia 2005–2010: A complex context effect', *The Economic and Labour Relations Review*, Vol.25, No.1: 47-62

This paper explores whether the industrial context and public interest in Australia's lack of paid Parental leave had some bearing on bargaining outcomes in the period leading up to the introduction of the scheme. Data from the Australian Workplace Agreements Database is analysed to determine the incidence and length of paid Parental leave in collective agreements registered between 2005 and 2010. The results show an increase in the number of agreements that include paid Parental leave clauses in the period, with just over 14 per cent of all current agreements including a paid parental leave clause by 2010. Moreover, 18 per cent of all agreements lodged in 2010 included a clause. The authors also find a slight increase in the average duration of paid Parental leave in collective agreements. Fourteen weeks is most common in public sector agreements but less than 3 per cent of agreements in the private sector provide for 14 weeks or more. These marked differences between the public and private sectors suggest minimal change in private sector bargaining outcomes. The authors conclude that the legislative context does influence bargaining outcomes, but that this effect is felt more in public sector than private sector bargaining.

c. Ongoing research

The Australian Work and Life Index (AWALI) (2007-ongoing). Centre for Work + Life, University of South Australia. Funded by the Australian Research Council.

(<http://www.unisa.edu.au/hawkeinstitute/cwl/default.asp>)

AWALI is a national survey of work–life outcomes amongst working Australians. It commenced in 2007, was repeated annually until 2010 and is now conducted on a biennial basis. It is conducted by the Centre for Work + Life at the University of South Australia; current partners are SafeWork, South Australia, and the federal Department of Education, Employment and Workplace Relations (DEEWR). 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 2014. Contact Barbara Pocock at Barbara.Pocock@unisa.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 to establish baseline data; Phase 2 to evaluate the implementation of the scheme; and Phase 3 to evaluate the outcomes of the scheme. Reports from Phases 1 and 2 of the evaluation have now been published. Data from Phase 3, which involves a longitudinal survey of mothers of babies born in late 2011 (two waves of data collection), a second cross sectional survey of employers, and a set of interviews and focus groups with beneficiaries and employers, is analysed in a Final Report which is yet to be published. Contact Bill Martin at w.martin@uq.edu.au.

Flexibility for Working Parents (2012-2014). Associate Professor Rae Cooper and Professor Marian Baird, University of Sydney. Funded by the Australian Research Council.

This research examines how and by which mechanisms employed parents negotiate flexible working arrangements in their workplaces, such as additional unpaid Parental leave (i.e. more than 12 months) or changes to working hours or working arrangements. Workplace flexibility arrangements can be formally negotiated and agreed between employees and employers through using a range of flexibility mechanisms contained in the *Fair Work Act 2009*, namely, the ‘right to request’ provisions, Individual Flexibility Arrangements (IFAs) or through undertaking ‘good faith bargaining’ in the negotiation of a collective workplace agreement. Contact: Marian Baird at marian.baird@sydney.edu.au or Rae Cooper at rae.cooper@sydney.edu.au.

Millennium Mums (2013-2015). Belinda Hewitt, Bill Martin, Gillian Whitehouse, Lyndall Strazdins, Marian Baird, Janeen Baxter, Mara Yerkes, Jane Dickenson and Sarah Hinde. Funded by the Australian Research Council.

The Millennium Mums project is a national cohort study of working mothers who had babies in October and November 2011. The project examines their experiences with leave from their employer and decisions about paid employment, as well as family life, health and wellbeing around the birth of their baby. The study began in 2012, as part of an evaluation of the introduction of the Australian Paid Parental leave scheme. Through additional funding from the Australian Research Council and co-funding from the Department of Social Services the study will continue on an annual basis until 2015. The goal of the extension of the Millennium Mums project is to study changes in mother’s work and family lives during their child’s preschool years. Contact: Belinda Hewitt b.hewitt@uq.edu.au.

Austria

Christiane Rille-Pfeiffer (Österreichisches Institut für Familienforschung/Austrian Institute for Family Studies) and Helene Dearing (Wirtschaftsuniversität Wien/ Vienna University of Economics and Business)⁷⁴

April 2014

NB. Austria is a federal state

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Mutterschutz*) (responsibility of Federal Ministry of Labour, Social Affairs and Consumer Protection)

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 €8.65 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 €51.20 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 from employers (4.5 per cent of their salary bill) and from general taxes; and partly (30 per cent) from public health insurance. The total expenditure on Maternity leave (i.e. maternity pay and the payment for operational support) in 2012 was €418.6 million.

⁷⁴ Please cite as: Rille-Pfeiffer, C. and Dearing, H. (2014) 'Austria country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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 Labour, Social Affairs and Consumer Protection)

There is no statutory entitlement.

Public sector workers are entitled to a month of leave, which is unpaid. Other 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 Labour, Social Affairs and Consumer Protection)

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. 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 bonus months' option);
 - €624 a month for 20 months **or** 24 months (20+4 bonus months' option);
 - €800 a month for 15 months **or** 18 months (15+3 bonus months' option),
 - €1,000 a month for 12 months **or** 14 months for those earning less than €1,000 income a month (12+2 bonus months' 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 bonus months' income-related option).
- On any of the four flat-rate Childcare benefit options, a parent may additionally earn 60 per cent of the income they earned in the calendar year prior to the child's birth or at least €16,200 a year. For the earnings-related option, additional earnings may not exceed €6,400 a year.
- Childcare benefit is funded from the FLAF; see 1a for more details. Total expenditure on this benefit in 2012 was €1,062 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 two and 12 months time off for private reasons (e.g. further education, family reasons). It is based on labour legislation and 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

- Two weeks leave a year per employee to care for sick children and one week 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 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 (16 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 at least 46 months 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 countries included in this review and for OECD countries; but are close to the average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

In May 2013, the parliament passed a reform of the Parental leave benefit scheme, which has been implemented. This reform basically introduces a minor adaptation of the maximum income limit that can be earned during the earnings-related option (from €6,100 to €6,400 a

year) and the possibility to change the payment option chosen within 14 days (but only if the payment option has been chosen by mistake). In addition, it introduces a limit for the period relevant for the assessment of additional income to those months where leave benefits have been taken up over the full month, so not including those months where parents have worked for a few days and, therefore, could quickly reach the income limit for the benefit. This latter measure is mainly intended to promote fathers' leave use by ensuring that parents with very high earnings are still eligible for Parental leave. However, the ministry estimates that this measure will affect only about 20 high earning parents.

After elections to the national assembly in autumn 2013, the newly elected government proposed in December 2013 a programme including a package to support families. The programme proposes the 'evaluation' of an obligatory 'Papa Monat' (month of leave for fathers), not an actual implementation of this measure.

The government programme also proposes an additional reform of the Parental leave benefit scheme in order to allow for more flexible usage of the four flat-rate payment options. Whereas the duration of parental leave will stay the same, the introduction of a 'child benefit account' would allow parents to choose the duration of payments. In addition, the programme proposes the launching of an expert group to evaluate the adaptation of the income ceiling of the Parental leave benefit scheme. In addition, the programme proposes the development of child care institutions up to 2017, with a budget of €350 million. But it also foresees some cuts in the entitlement to part-time work reducing the age limit of children during which this applies from seven to five years.

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). As there are no official statistics on the take up of Parental Leave, it is difficult to know how many fathers currently take Parental Leave. Some studies address this issue but the percentages vary significantly depending on the population under study.

The monthly official statistics (cross sectional data at one point in time) on Childcare benefit indicate a very low percentage of participating fathers. This is due to the fact that fathers

mainly take shorter periods than mothers - they choose the shorter option more often than women, as the payment is higher than for the longer options - and therefore appear less often in the statistics. Looking at fathers who have taken any period of Childcare benefit, the percentage is much higher, varying between the different options from 11.78 per cent to 30.43 per cent (April 2013).

The official website of the Ministry of Families and Youth no longer reports on the use of the five Childcare benefit options *separately for mothers and fathers*. Therefore recent data for January 2014 refer to all parents during their first year of using the benefit: around 40 per cent opted for the long model (30+6 months), 26 per cent for the second model (20+4), 6 per cent for the model 15+3, 5 per cent for the flat rate 12+2 and around 21 per cent for the income related model 12+2.

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 April 2013

a. General overview

Research on Maternity leave is rare because the entitlement is so well established and widely accepted; 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. 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 April 2013

Bergmann, N., Danzer, L. and Schmatz, S. (2014) *Vereinbarkeit von Beruf und Kinderbetreuung – betriebliche Rahmenbedingungen aus Sicht berufstätiger Eltern*. Vienna: Report of L&R Sozialforschung. Available at:

http://www.lrsocialresearch.at/files/Vereinbarkeit_Beruf_und_Familie_EB_2014_L&R.pdf

This study analyses the results from a telephone survey conducted between June and October 2013 with 567 employed parents with at least one child below the age of 12 years. The focus of the evaluation is the gender distribution of work including paid employment and unpaid family work.

Blum, S. (2014) *No need to reinvent the wheel: family policy transfers in Germany and Austria*. Policy Studies, DOI: 10.1080/01442872.2013.875153. Available at: <http://dx.doi.org/10.1080/01442872.2013.875153>.

This article addresses the observation that there has not only been an intensive exchange between Germany and Austria in their family policy reform processes, but that there has also been a growing interest in 'learning from abroad' in general, with the Nordic countries often serving as examples. Presenting findings from comparative case studies of reforms in

parental leave and childcare (2000–2010), the article shows which reforms were influenced by policy transfers (and which were not), which objectivities were transferred and to what extent. It argues that family policy reforms in Germany and in Austria cannot be fully understood without taking cross-national policy transfers into account.

c. Ongoing research

Elternkarenzmodelle in der Europäischen Union im Kontext des Spannungsfeldes zwischen Erwerbsarbeit und Familienarbeit. Eine Auseinandersetzung aus philosophischer, juristischer und ökonomischer Perspektive [Women at work – economic, legal and philosophical dimensions of parental leave] (2009-2014). Helene Dearing, L. Kubelka and J. Rudolph. Funded by the Austrian Academy of Science (ÖAW) within a doc-team scholarship.

The project analyses European Parental leave policies from an interdisciplinary perspective, combining economic, legal and philosophical perspectives. Whereas the economic perspective approaches the question of Parental leave policies through the study of relevant literature and an empirical study about the effects of Parental leave on the gender division of labour, the philosophical perspective complements this research with theses about the gender equality implications from the recognition of work within a broader concept – encompassing not only paid employment, but also unpaid family work. The legal perspective conducts a comparison of different leave policies and investigates their meaning for gender equality. See: <http://stipendien.oeaw.ac.at/en/helenedearing>

Väterkarenz - Auswirkungen auf Karrieren von Männern [Fathers' parental leave – consequences for employment advancement of men] (2012 – 2014). JOANNEUM RESEARCH Forschungsgesellschaft mbH, POLICIES – Zentrum für Wirtschafts- und Innovationsforschung, Vienna Austria and SPARKLING SCIENCE:

The aim of this research project is to explore the impacts of Paternity leave on male career progression. Whereas the consequences of Maternity leave have been a long established subject of career, labour market and gender research, the impacts of Paternity leave on male careers are hardly explored so far. The research project analyses existing literature and data about Paternity leave including regulatory framework: using data from the Main Association of Austrian Social Security Institutions, child-caring fathers are described and their income and career development is compared to men without interruptions in employment. Individual motives for taking Paternity leave and career orientations are the subjects of personal interviews. In addition, managers are interviewed to learn about companies' strategies relating to Paternity leave. See: <http://www.sparklingscience.at/en/projekte/590-v-terkarenz>

Wirkungsanalyse familienpolitischer Bundesleistungen in Österreich [Impact analysis of Austrian family policies] (2012 – 2015). Austrian Institute for Family Studies.

This project is carried out for the Federal Ministry of Economics, Family and Youth (BMWFJ). Following the recommendation of the Austrian Audit Court, the impact analysis attempts to evaluate the effectiveness and feasibility of policies and programs aiming to support and empower families in Austria. To cover this broad research question the project consists of different modules (such as a “policy survey” carried out among the Austrian population or a module on the development of childcare facilities etc.) focusing on different types of policy measures. The synopsis of the results of the individual modules and the derived conclusion will be presented in a final report at the beginning of 2016. Contact: Christiane Rille-Pfeiffer at christiane-rille-pfeiffer@oif.ac.at.

Changing Families and Sustainable Societies: Policy Contexts and Diversity over the Life Course and Across Generations (FamiliesAndSocieties) (2013-2017). Funded by the European Union. Austrian partner: Department of Sociology, University of Vienna.

The main objectives of this project are to investigate the diversity of family forms, relationships, and life courses in Europe; to assess the compatibility of existing policies with these changes; and to contribute to evidence-based policy-making. The project intends to extend the knowledge on how policies promote well-being, inclusion and sustainable societal development among families. See: <http://www.soz.univie.ac.at/forschung/drittmittelprojekte/>.

Belgium

Laura Merla (Université catholique de Louvain) and Fred Deven (independent expert on family policies and social cohesion)⁷⁵

May 2014

NB. Belgium is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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)

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 eight 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 €98.70 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 post-natal 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

⁷⁵ Please cite as: Merla, L. and Deven, F. (2014) ‘Belgium country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

less advantageous compared with employees (e.g. eight weeks of paid leave). Attempts have been made to compensate for this to some extent; for example, self-employed mothers can request 105 service vouchers to pay for household help (equivalent to about €900). But monitoring data have revealed that some self-employed mothers do not want to use this possibility, and that about one-fifth simply omit to request these service vouchers (within the deadline of fifteen weeks after giving 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

- 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)

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 up to a ceiling of €107.91 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.

Regional or local variations in leave policy

- Civil servants in the Walloon region receive 15 days, on the basis of their Collective Agreement.

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)

- Four months per parent. Leave is an individual entitlement.

Payment and funding

- €707.08 per month net of taxes (€786.78 before taxes).
- Funded as Maternity leave.

Flexibility in use

- Leave may be taken full time, half-time over eight months or one day a week, over 20 months.
- For half-time leave, the total duration of eight months can be split into blocks of time, with a minimum of two months. For one-fifth leave, the total duration of 20 months can also be split into blocks, with a minimum of five months.
- Leave can also be combined as follows: one month at full time + two months at half-time + five months at one-fifth.
- Both parents can take leave at the same time.

Regional or local variations in leave policy

- The Flemish Community (i.e. the government in the Flanders area) pays an additional benefit bonus for a maximum of one year for Parental leave or Time Credit (see section 1d). The amount of this additional payment depends on the sector of employment (e.g. private, social profit or public) and the reduction of employment while taking leave. This additional benefit is largest for employees in the social profit sector, €475.20 net per month for employees taking a full-time break (in the case of Time Credit, for care reasons); while for employees in the private sector it is €169.30 net per month, and in the case of Time Credit this is paid whatever the reason for taking leave.

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 eight months of leave.
- Parents of disabled children can take leave until their child's 21st 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 rather similar scheme – 'career breaks' – applies in the public sector. All eligible workers have a basic right over their working lives to one paid year of this type of leave. This period can be extended up to 36 months by collective agreement negotiated at sectoral or company level, but only for leave taken to care for a child younger than eight years, (and for a disabled child up to 21 years), to provide palliative care, to care for a severely ill relative and/or to do a training course. Payment varies according to age, civil status and years of employment (e.g. it is higher for those employed for five years or more). The maximum for a full-time break is approximately €641 per month. The bonus for residents of the Flemish Community taking Parental leave also applies to this type of leave.
- For each company, there is a five per cent threshold of employees who can use the Time Credit system at any one time; priorities are settled within the company according to certain rules (e.g. priority in the case of care for a severely ill family member). 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, and by the federal government.

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 36 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 two 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 three years of age.

3. Changes in policy since April 2013 (including proposals currently under discussion)

None reported.

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, in 2002, a large majority of men used 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 was approximately 68 per cent. Only about five per cent of fathers continue to use only the three days of leave that was the previous entitlement.

The Belgian Institute for Equality of Women and Men (IGVM – IEFH) organized in November 2012 a symposium to celebrate the 10th anniversary of the introduction of the two weeks of Paternity leave (cf. Law – 1st July 2002). For that occasion, they also commissioned a quantitative study to analyse the experiences of approximately 800 fathers who took Paternity leave in 2008.

c. Parental leave

There is no information on what proportion of employees are *not* eligible for Parental leave.

In 2013 (up to October), approximately 53,000 employees used Parental leave: 69 per cent in the Flemish region, 23 per cent in the Walloon region and 8 per cent in the Brussels region. These figures suggest use of this leave is highest in the Flemish region. 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. But the possibility of combining two or more types of leave (e.g. mixing some full-time and some part-time leave) is rarely used, on average by about 1 per cent of men and 4 per cent of women.

Most of the users of Parental leave are women, although the proportion of fathers among all leave-takers is slowly growing. In early 2014, the Study Unit of RVA / ONEM (the agency in charge of payments for employees taking some type of leave or Time Credit break) issued a more detailed account of developments over the decade from 2002 to 2012. The proportion of men taking Parental leave increased from 8.3 to 25.7 per cent, with some levelling-off by the end of the period (RVA/ONEM, 2014).

Relating the number of men using Parental leave to the total number of employees again suggests there are regional differences. In 2012, 1.8 per cent male workers in the Flemish region took Parental leave, compared to 0.9 per cent in the Walloon region and 0.8 per cent in the Brussels region.

d. Other employment-related measures

Between 2009 and 2010, the number of Time Credit users rose overall by 3.6 per cent, but this consisted of a drop of 6.8 per cent in full-time use and an increase of 4.4 per cent in part-time use. Users of Time Credit in 2009 represented 2.5 per cent of the workforce: 3.4 per cent of women in the workforce and 1.8 per cent of men.

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 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.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

There is no research on statutory leave entitlements, and only limited official information on take-up. At best, large-scale comparative information is provided on the basis of administrative statistics (see above) by the federal agency – RVA / ONEM - in charge of the regulation and monitoring of the various types of leave in Belgium. There have been a number of publications documenting the use of these entitlements based on these administrative records, showing an overall increase in use, mostly by women to maintain continuous employment when having children. 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.

Some work has been initiated or commissioned by NGOs and stakeholders, such as the Flemish Family League (*‘Gezinsbond’*) or the socialist women’s movement (*‘Femmes Prévoyantes’*) often aiming to promote a larger share of care by fathers. In 2013, for example, 364 fathers and 440 mothers having at least one child were questioned online. This sample was representative for sex, age, and educational level of the respondents

(Vrints, 2014). With some focus on fathers, both were asked how they perceive their work-life balance, what kind of practical arrangements they developed and which changes they would still like to make.

b. Selected publications since April 2013

Fusulier, B., Sanchez, E., Balatore M. (2013) "Appartenance professionnelle et articulation travail/famille. Comparaison de deux groupes professionnels : les infirmières et les policiers", *Enfances, familles, générations*, Col.18 (18), p. 94-119.

This paper investigates the relationship between working life and family life by privileging an entry by the occupational/professional group in order to highlight the influence of occupational/professional norms on how to live and manage this relationship and the underlying tensions. Drawn on a questionnaire survey in French-speaking Belgium concerning 314 nurses-parents and 284 police officers-parents, the research results obviously show the role of gender, but also some interesting differences between the two occupations where feelings and mitigation modes of tensions between work and family are different. In conclusion, authors suggest to conceptualize the differences observed as two contrasted models: on the one hand, a sequential model in the nursing environment; on the other hand, an integrative model in the police.

RVA / ONEM (2014) *Ouderschapsverlof; Evolutie van de verhouding man/vrouw van 2002 tot 2012. / Congé parental. Evolution de la proportion homme/femme de 2002 à 2012. [Parental leave. Developments of the use by men and women from 2002 to 2012]*. Brussel: RVA - Dienst Studies / ONEM - Service Etudes). Available at: http://www.rva.be/D_stat/Studies/2014/Conge_Parental/NL.pdf.

A report, using administrative data, showing developments in the use of Parental leave over the decade 2002-12.

Vrints, L. (2014) 'En wat zeggen de vaders en de moeders?' ['What do fathers and mothers tell us?'], *Gezinsbond Focus op (vaders en werk [Fathers at work])*, February 2014: 5-9.

In April 2013, 364 fathers and 440 mothers with at least one young child were questioned online. With some focus on fathers, both were asked how they perceive their work-life balance, what kind of practical arrangements they developed and which changes they would still like to make.

c. Ongoing research

Work-life interference (and family in particular) within the scientific career (2012-2014). Bernard Fusulier and Maria del Rio Carral, UCL project. Funded by the Belgian National Fund for Research.

The project examines the phenomenon of work-life interference, which has become a crucial issue in contemporary societies, specifically focusing on post-doctoral researchers who, at the beginning of their careers, share similar working conditions such as temporary contracts and thus instability in a strongly competitive academic context. These 'young' researchers may be confronted with decisive life choices involving family and life projects. This study aims at analyzing, both qualitatively and quantitatively, the mechanisms at play in terms of the strategies, difficulties and tensions that may arise from the articulation of work and family lives. Contact: Bernard.fusulier@uclouvain.be.

Brazil

Bila Sorj (Federal University of Rio de Janeiro)⁷⁶

April 2014

NB. Brazil is a federal state

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note: Leave entitlements in Brazil are primarily governed by the Labour Law (*Consolidação das Leis do Trabalho - CLT*), which applies to the whole country but applies only to employees with regular work contracts or those that contribute to the Social Security Institute (INSS). Only half of the Brazilian labour force works in formal jobs and are thus entitled to such benefits. The conventions and collective agreements negotiated by trade unions may eventually extend such rights.

a. Maternity leave (*Licença Maternidade*) (responsibility of the National Institute for Social Security/INSS, Ministry of Social Security)

Length of leave (before and after birth)

- One hundred and twenty calendar days in the private sector, which can be extended to 6 months if the employer voluntarily adheres to the Company-Citizen Programme (*Programa Empresa Cidadã*). It may be taken from the 8th month of pregnancy.
- Six months in the federal public sector. At state and municipal levels, entitlement depends on the approval of the authorities; most state authorities approve this extended leave, but only a minority of municipalities.

Payment and funding

- One hundred per cent of earnings, with no ceiling. In the case of a variable salary (i.e. because of commission, gratuity, overtime, bonus pay), the payment is equivalent to the average of the last six months of work.
- If leave in the private sector is extended to six months, benefit is paid by the employer with the costs covered by fiscal rebates.
- In case of miscarriage or legal abortion (on the grounds of rape or risk to the mother's life), the maternity benefit payment is paid for two weeks.
- Funded for employees from contributions into a social security fund paid by employers and employees: employers pay 20 per cent of their salary bill; and

⁷⁶ Please cite as: Sorj, B. (2014) 'Brazil country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

employees pay on a sliding scale according to salary (eight per cent if under BRL1,317.08 [€424⁷⁷]; nine per cent between BRL1,317.08 and BRL2,195.12 [707]; and 11 per cent between BRL2,195.13 and BRL4,390.24 [1,413], which is the upper limit for social security payments). Funded entirely by own contributions for self-employed workers and business owners.

Flexibility in use

- Women may continue with paid work until birth if they explicitly declare that it is their personal decision to do so.

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

- All women who work and contribute to Social Security, whether this be through employment with a signed work card, as a temporary employee or self-employed.
- Housewives or students who do not earn a salary, but who pay monthly optional Social Security contributions to retain coverage, can enjoy the same benefit after contributing for at least ten months. In this case, the amount of the maternity benefit is that of the reference salary contribution (e.g. if she contributes on the basis of one minimum salary, she receives a minimum salary per month while on 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 mother has the right to another 15 days in some specific situations, such as when her or the baby's life is at risk.

b. Paternity leave (*Licença Paternidade*)

Length of leave (before and after birth)

- Five consecutive days in the private sector for birth or adoption of a child; ten days in the public sector.

Payment and funding

- Full earnings are paid by the employer under the provisions of labour legislation.

c. Parental leave

No statutory entitlement.

d. Childcare leave or career breaks

No statutory entitlement.

⁷⁷ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

e. Other employment-related measures

Adoption leave and pay

- In case of adoption of a child of up to one year old, Maternity leave is 120 days. For adoption in the age range one to four years, the leave is 60 days. From four to eight years, the period is 30 days. There is Paternity leave of five days after adoption, but paid by the employer.

Time off for the care of dependants

- Paid leave up to two consecutive days is granted in the case of the death of a spouse, ascendant, descendant, sibling or a person declared in his/her work card and for the purposes of Social Security as financially dependent.
- In the public sector, leave is granted to care for a sick spouse or companion, parent, child, stepfather/stepmother, stepchild or dependent, subject to approval by an official medical board. Leave may be granted for up to 60 days at 100 per cent of earnings; after which, a further 90 days of leave is possible, but with no payment. For the private sector, leave to care for a sick dependent can be part of a collective agreement, but not a labour law or regulation.

Flexible working

- The Labour Law provides for two 30-minute breaks for breast-feeding during the working day, until a child reaches six months.

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

The maximum period of post-natal leave available in Brazil is six months, paid at full earnings replacement. There is no entitlement to ECEC. However, Labour Law (CLT) states that every company with a workplace employing at least 30 women aged over 16 years must maintain a suitable place, in which, up to the sixth month of the breastfeeding phase, female employees can leave their babies under supervision and with adequate care. As a substitute for this requirement, the company can adopt the system of crèche assistance, an amount the company passes on directly to female employees so as not to be obliged to maintain a crèche. In this case, the benefits must be granted to every employee with a young child, regardless of the number of female employees in the establishment, and they must be the object of collective negotiation.

There is no entitlement to ECEC and no comparative information is available on levels of attendance at formal ECEC services.

3. Changes in policy since April 2013 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

No information, but 100 per cent take-up is likely as leave is a legal entitlement and payment is made from the social security fund and not by the employer.

b. Paternity leave

No information. But we can suppose there is 100 per cent take-up

c. Parental leave and Parental benefit

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

There is little research in this area because the issue of reconciling work and family has not been properly recognized as a social problem. The support provided by members of extended families (notably grandmothers), by networks of solidarity and by a large contingent of domestic workers (18 per cent of the female labour force) shape the social understanding that the reconciliation of work and family responsibilities is a private issue. However, some recent changes in the labour market (e.g. a significant increase in labour force participation by mothers with dependent children) and family structure (e.g. an increase in female lone-parent families) indicate that this question should gain importance as a social policy in the coming years.

b. Selected publications since April 2012

Reis, R.O. and Miraglia, L.M.M. (2013) *Da Possibilidade de Concessão de Licença Maternidade aos pais solteiros e casais homossexuais masculinos* [The possibility of granting maternity leave to single male parents and homosexual male couples]. Belo Horizonte: Anais do XX Encontro Nacional do CONPEDI. Available at: <http://www.publicadireito.com.br/artigos/?cod=c215b446bcdf956d>

The article discusses Maternity leave, maternity pay and the evident inequality of treatment that keeps being generated by these provisions in Brazil. Given the principle of equality - constitutionally established as a guarantee of equal treatment for all people in the same situation - the concession of a paid leave for a period that is different for men and women and the absence of legal provision for granting leave befitting the child's needs when male workers do not have a mother figure in their home environment, Maternity leave as currently provided has been causing effects in employment that offend the above mentioned principle, causing incalculable damage to working parents and their children. The present study proposes the possibility of extending these benefits to the male worker when, due to his paternal duties, they are essential for the protection, care and adaptation of the child under his custody.

Segalin, A. (2013) 'Serviço Social e viabilização de direitos: a licença/salário maternidade nos casos de adoção' ['Social Work and the viability of rights: the statutory maternity pay and leave in cases of adoption']. *Revista Serviço Social & Sociedade*, No.115. Available at: http://www.scielo.br/scielo.hp?pid=S0101-66282013000300010&script=sci_arttext.

The statutory Maternity pay and leave are benefits provided by the social security, and they are part of the public policy for social security. They apply to pregnant women and working mothers because of motherhood, irrespective of whether motherhood is biological or adoptive. It so happens that the 120 days of Maternity leave, without any loss to the job or wage, has been granted only in cases of biological parentage, and it has only been granted split into parts to adoptive mothers according to the child's age. This article reports this evident inequality, and it is an important record of the performance and contribution of Social Work (specifically in its socio-legal practice) to the protection and viability of two important social rights that are inseparable: the right to statutory Maternity pay and leave for adoptive mothers (maternity protection) and the right to family and community life for children and adolescents (childhood protection).

Souza JR, P.R., Araújo, L.M.M., Silva, C.A., Loures, M.L.S and Tomaz, W.S. (2013) 'Licença-maternidade na união estável homoafetiva diante de uma abordagem contemporânea da família brasileira' ['Maternity leave for the stable homoaffective union in the contemporary approach of the Brazilian family'], *Revista de Direito da Unigranrio*, No.6. Available at: <http://publicacoes.unigranrio.edu.br/index.php/rdugr/article/view/2297>.

This study is about criteria for Maternity leave analyzed through the prism of stable homosexual unions, as a constitutive element of the concept of contemporary family. The paper presents the history of the evolution of the social security law in Brazil and in the world, placing it in the context of human dignity, freedom, respect and legal security. A scenario analysis of the contemporary Brazilian family was an important tool for understanding some recent judicial decisions.

Publication not included in earlier reviews

Pereira, N. (2011) 'Aspectos relevantes acerca da proteção à maternidade' ['Relevant aspects concerning maternity protection'], *Revista Âmbito Jurídico*, No. 93. Available at: http://www.ambitojuridico.com.br/site/index.php?n_link=revista_artigos_leitura&artigo_id=10562

This study aims to examine the main rights for pregnant employees from a perspective of non-discrimination in the labour market, which is regulated by the Article 7, XVIII of the Brazilian Federal Constitution of 1988. The historical and legislative evolution of the women's labour market is addressed, as well as the special right that have been won, which is Maternity leave. Women's work had its origin in a time of great discrimination. Also, over the years, through great effort and state action, they were getting rights that allowed them to compete in the market working in a position more equal to men. Given the importance of the topic, the aim of this paper is to analyze the rights of a pregnant employee in the Brazilian legal code, as well as the repercussions of such guarantees in today's job market.

Vanalli, A.C.G. and Barhan, E.J. (2012) 'Após a licença maternidade: a percepção de professoras sobre a divisão das demandas familiares' ['After the maternity leave: perceptions of school teachers about the division of family work']. *Revista Psicologia e Sociedade*, Vol.24, No.1. Available at: http://www.scielo.br/scielo.php?pid=S0102-71822012000100015&script=sci_arttext.

The study investigates the experiences of school teachers returning from Maternity leave, examining the division of tasks with their partners as well as satisfaction with their own and their partner's family involvement and with their wider social-support network. It is based on interviews with 40 public school teachers, mothers of children under two years of age, in the state of São Paulo. The majority of the participants related spending double the time spent by their partners on domestic chores and childcare, assuming more high frequency tasks, performed at fixed times. In general, the respondents were satisfied with their own family involvement, although 65 per cent wanted to spend more time with their children. They evaluated their partner's family involvement as being good, but systematically lower than their own. Many used other sources of support, which were evaluated positively.

Nonetheless, the respondents were overloaded, pointing to the need to reorganize the division of family work.

c. Ongoing research

None reported.

Canada

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April 2014

NB. Canada is a federal state

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 Employment and Social Development Canada (previously 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*)

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.

⁷⁸ Please cite as: Doucet, A., Lero, D.S. and Tremblay, D.-G. (2014) 'Canada country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/.

Payment and funding

- Fifteen weeks of benefits at 55 per cent of average insured earnings up to an earnings ceiling of C\$48,600 [€32,651⁷⁹] (i.e. a benefit payment ceiling of C\$514 [€345] per week)⁸⁰. 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 available for 15 weeks out of 17-18 weeks leave.
- Administered under the federal EI fund, Maternity and Parental leave benefits are funded by premiums paid by employers and employees, based on a premium rate that applies to every C\$100 [€67] of insurable earnings, up to the maximum insurable earnings threshold (MIE) which is \$48,600 in 2013. The rates are set by the Employment Insurance Financing Board each year. Employers pay premiums that are 1.4 times those of employees. Employee premiums were set at C\$1.88 per C\$100 of insurable earnings in 2013; employer premiums were set at C\$2.63 per C\$100 of insurable earnings⁸¹. Self-employed individuals outside of Québec who opt in to the EI program in order to be eligible for special benefits pay the same as employees: C\$1.88 per C\$100 of insurable earnings up to a maximum of \$48,600 of earnings, or \$913.68 [€614].
- See 'regional or local variations' for additional contributions paid in **Québec**. Maternity and Parental leave benefits are taxable.

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.
- Maternity benefit receipt can be delayed/extended by the amount of time a newborn is hospitalized, but maternity benefits must be received within 52 weeks of the birth.

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 C\$69,000 [€46,356] per year for 2014 for 18 weeks of maternity leave; there is also no two-week waiting period⁸². 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.
- Benefits in **Québec** 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 2014 contributions are 0.559 per cent for employees, 0.782 per cent for employers and 0.993⁸³ per cent for self-employed, up to a maximum insurable income of C\$69,000 [€46,356]⁸⁴,

⁷⁹ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

⁸⁰ Government of Canada (2014) *Employment Insurance Maternity and Parental Leave Benefits*. Available at: <http://www.servicecanada.gc.ca/eng/sc/ei/benefits/maternityparental.shtml>

⁸¹ Government of Canada (2014). *2013 Actuarial Report on the Employment Insurance Premium Rate* (Ottawa: Canada Employment Insurance Financing Board, Chief Actuary, 2012), http://www.ceifb-oufaec.ca/en/PDF_Reports/Rate%20Setting/CA%20English%20Report%202013%20FINAL.pdf

⁸² Government of Quebec (Emploi et Solidarité Social) (2013). Available at: http://www.rqap.gouv.qc.ca/Index_en.asp

⁸³ <http://www.rqap.gouv.qc.ca/quoi-de-neuf.asp?idDoc=140429>

⁸⁴ http://www.csst.qc.ca/glossaire/Pages/salaire_maximum_annuel_assurable.aspx

compared with 4.51 per cent of insurable income (up to a maximum of C\$48,600 [€32,651] as an EI premium in other parts of Canada.

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 minimum 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 2011, most self-employed women (outside **Québec**) were not eligible for benefits since they typically work under business or service contracts and therefore are not considered to have insurable employment. Moreover, many part-time workers do not have enough hours to qualify. In 2010 Bill C-56 extended EI special benefits (maternity, parental, sickness and compassionate care leave benefits) to the self-employed on a voluntary 'opt-in' basis. In order to receive maternity benefits self-employed mothers outside of **Québec** must have registered one year previously, and qualify if they have reduced the amount of time devoted to their business by more than 40 per cent because of childbirth, paid contributions to the regime, and earned at least \$2,000 from self-employment in the reference period of the previous 52 weeks.⁸⁵

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 de la 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 C\$69,000 [€46,356] per year. Funding as for Maternity leave.

⁸⁵ Government of Canada (2013) *Qualifying for EI*. Available at: <http://www.servicecanada.gc.ca/eng/sc/ei/sew/eligibility.shtml>.

- Fathers in **Québec** (including self-employed workers) are eligible if they have earned at least C\$2,000 [€1,344] in the 52 preceding weeks.

c. Parental leave (*congé parental*)

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 C\$48,600 [€32,651] (i.e., a benefit payment ceiling of C\$541 [€363] per week. Funding as for Maternity leave.
- Low-income families (for families with a net income less than C\$25,921 [€17,414] per annum) are eligible for a family supplement up to a maximum of 80 per cent of insurable earnings. In **Québec**, this supplement averaged C\$35.38 [€24] per family and 5.8 per cent of beneficiaries using Parental leave received this supplement.

Flexibility in use

- Benefit payments can be claimed by one parent or shared. Leave benefits are limited to en 52 weeks after the birth. While on leave, a parent may earn C\$50 [€34] a week or 25 per cent of the weekly benefit, whichever is higher (or, if the applicant lives in one of 23 economic regions, up to CAN\$75 [€50] or 40 per cent of the weekly benefit). Parental leave benefits can be taken by either parent or shared, up to a total of 35 weeks of benefits.
- If both parents are eligible for parental leave, they are entitled to combined parental leave of up to 37 weeks. In most provinces, parents have the option of taking their parental leave at the same time, or one after the other, as long as the total combined parental leave does not exceed 37 weeks (Government of Canada, 2013)⁸⁶.
- Put differently, fathers can take parental leave while mothers are on maternity leave or parental leave. That is, as soon as a baby is born or adopted, a father can take parental leave even when the mother is on leave (Government of Ontario, 2014)⁸⁷.
- Parents of a newborn or newly adopted child who is hospitalized for an extended period have a window or up to two years to claim parental benefits.
- Parental leave benefits can be combined with EI-covered sickness or compassionate care benefits.
- Canadian Forces members who are ordered to return to duty while on Parental leave or whose Parental leave is deferred as a result of military requirements may receive benefits for an extended window of up to two years following their child's birth or adoption.

⁸⁶ http://www.labour.gc.ca/eng/standards_equity/st/pubs_st/maternity.shtml

⁸⁷ <http://www.worksmartontario.gov.on.ca/scripts/default.asp?contentID=1-5-3>

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 for each parent). Some jurisdictions require that leave be completed within 52 weeks.
- 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.
- **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 C\$69,000 [€46,356] 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 a minimum that ranges from 13 weeks to 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. Self-employed individuals are eligible if they registered for the EI Special Benefit program, have paid premiums for at least one year, and earned a minimum of C\$6,515 [€4,377] from self-employment in 2013 to qualify for benefits in 2014. Self-employed workers in Québec are eligible for 25 or 32 weeks if they have earned at least C\$2,000 [€1,347] 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 C\$2,000 [€1,347] 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 C\$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 hospitalized 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 federal 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; a court case challenging this policy was turned down in 2011.

Additional note (e.g., if leave payments are 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, 2012⁸⁸). 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, 2010⁸⁹).

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) that 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).

⁸⁸ Tremblay, D.-G. (2012) *Conciliation emploi-famille et temps sociaux*. Québec: Presses de l'université du Québec.

⁸⁹ 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.

- 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.
- All 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.
- In December 2012 a new type of EI benefit was created for parents of critically ill or injured children, which became available in June 2013 (PCIC). Under this provision, up to 35 weeks of EI benefits are available, and can be shared by parents to provide care or support to one or more critically ill children under the age of 18. The benefits are available to those who meet the existing eligibility requirements for EI special benefits, requiring 600 insurable hours during the qualifying period and are also available to eligible self-employed individuals who have contributed to EI. Claimants must provide a medical certificate, attesting that the child is critically ill. Only a few provinces have amended their legislation so far to provide for a matching period of unpaid leave.

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 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 over three years are below the average for the countries included in this review and for OECD countries. For actual attendance levels, see ‘relationship between leave and ECEC entitlements’ on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

In Québec, the February 20th 2014 budget proposed to increase the amount parents pay for childcare, up from C\$7 [€4.7] a day to C\$8 [€5.4] a day starting September 2014, and then to C\$9 [€6] a day in 2015. While an April 2014 provincial election resulted in a change in government, it is anticipated that this proposal will be reintroduced in a new budget.

4. Take-up of leave

Information on Maternity and Parental leave is collected for mothers and fathers (with attention given only to the views of mothers on the reasons for take up of leave in Statistics Canada surveys). Data are also collected by Employment and Social Development Canada (ESDC) on parental benefits taken per child, with some

disaggregation of parental benefits used by biological parents and by adopting parents. As reported by ESCD, “The average duration of parental claims can be adjusted to reflect the fact that parents often share the 35 weeks of parental benefits available to them”⁹⁰. Unfortunately, no information is presented on the number of cases where both parents shared Parental leave benefits.

Using weeks and amounts of benefits claimed (as expressed per child rather than per claim), analysis for 2011-12 indicates that, as in previous fiscal years, parents used almost all of the EI maternity and parental weeks to which they were entitled. So the vast majority of mothers received their 15-week Maternity leave entitlement, with the average duration of maternity benefits remaining around 14.6 weeks. During 2011/2012, the average duration of combined biological parental benefit claims per child was 32.6 weeks for parents who decided to share the parental benefits, and 32.1 weeks when parents did not share benefits. Mothers who received both maternity and parental benefits used 46.7 of the 50 weeks of combined benefits available, approximately 93.5 per cent of the full entitlement, a proportion that was similar to the previous year⁹.

In 2011/2012 the number of parental claims made by adopting parents was 1,840, an increase of 19.5 percent over the previous year. The average duration of EI adoptive parental claims was 25.1 weeks. Parents who adopted used 85.2% of the full 35 weeks of benefits available in 2011/2012.

Because some of the information available combines Maternity and Parental leave and benefits, the section below is organized under two headings: ‘mothers’ and ‘fathers’. Readers should note that statistics are kept separately for those who claim EI benefits under the federal plan and individuals in **Québec** who receive maternity, paternity or parental benefits under the QPIP.

a. Mothers

In 2011/2012, 167,540 Canadian mothers (excluding those from **Québec**) claimed Maternity benefits, a decrease of 0.6 per cent from the previous year and 3.1 per cent fewer than in 2009-2010. In 2012, 77.9 per cent of recent mothers (those with a child aged 12 months or less) had insurable employment. Of these, 88.2 per cent were receiving Maternal or Parental leave, virtually unchanged from 2011. **Québec** had the highest share of recent mothers with insurable employment, at 85.7 per cent, of whom 96.9 per cent were receiving Maternal or Parental leave.⁹¹

The vast majority of mothers who receive maternity benefits (95.3 per cent) go on to receive Parental leave benefits. Women comprised 86.3 per cent of those receiving biological Parental leave claims in 2011/2012 and 71.7 per cent of those who received Parental leave benefits following adoption. The average weekly Parental benefit for mothers was C\$382 [€257] compared to C\$427 [€287] per week for fathers following a birth.

b. Fathers

The most recent ESDC Employment Insurance Monitoring and Assessment report indicates that in 2011/2012 fathers accounted for almost 14 per cent of those who claimed biological Parental leave benefits and 28.3 per cent of those who claimed Parental leave benefits following an adoption⁹².

⁹⁰ Employment and Social Development Canada (2013) *2012 EI Monitoring & Assessment Report*, page 81. Available at: <http://www.esdc.gc.ca/eng/jobs/ei/reports/mar2012/index.shtml>

⁹¹ Statistics Canada (2012) *Employment Insurance Coverage Survey*. The Daily, November 15, 2013.

⁹² Employment and Social Development Canada (2013) *2012 EI Monitoring and Assessment Report*. Available at: <http://www.esdc.gc.ca/eng/jobs/ei/reports/mar2012/index.shtml>

Previous years had shown a steady increase in the take-up rate among eligible fathers in Canada (excluding **Québec**), from nine per cent in 2004 to 11 per cent in 2011, suggesting that more couples were sharing benefits. But this trend did not continue after 2011; outside Québec the percentage of fathers who claimed or intended to claim⁹³ Parental leave decreased from 11.0 per cent in 2011 to 9.4 per cent in 2012. According to 2012 data, for all provinces combined (i.e. excluding **Québec**), there was a decrease in the proportion of fathers who claimed or intended to claim Parental leave: from 29.3 per cent in 2011 down to 25.4 per cent in 2012⁹⁴.

However, the introduction of the QPIP (Québec Parental Insurance Plan), which includes leave that is exclusively for fathers, has had a huge impact on the number of fathers claiming or intending to claim leave in **Québec**, almost tripling in number since the introduction of the plan: from 27.8 per cent in 2005 to 80.1 per cent in 2012¹⁰.

On average, fathers who receive benefits following a birth take significantly fewer weeks than women who receive benefits. According to Statistics Canada, in 2010 those Canadian fathers taking leave, *including Québec*, took an average of nine weeks of paid Parental leave compared to 28 weeks for women⁹⁵. The trend has been for fathers to take fewer weeks each year (i.e., the average was 11 weeks in 2009, but only eight weeks in 2011); *excluding Québec*, fathers took an average of 18 weeks Parental leave benefits in 2009, 14 weeks in 2010 and 13 weeks in 2011. A different government data source, from HRSDC, reports that in 2010, Canadian biological fathers, *excluding Québec*, received an average of 16.2 weeks of parental benefits while biological mothers received 31.5 weeks⁹⁶. The most recent report indicated that biological fathers received an average of 16.3 weeks of parental benefits compared to 31.6 weeks for mothers in 2011/2012. Adopting fathers received an average of 20.3 weeks of benefits compared to 26.9 weeks of benefits for adopting mothers in the same period. The difference in numbers between data sources can be partly explained by the fact that Statistics Canada data include both biological and adoptive parents and are collected per calendar year rather than fiscal year.

In **Québec**, take-up of leave by fathers was already higher in 2004, with 22 per cent of fathers using some leave compared with nine per cent elsewhere in Canada. The Paternity and Parental leave scheme, introduced in 2006, has had a substantial impact on fathers' participation: in 2006, 56 per cent of eligible fathers in **Québec** took a period of Paternity and/or Parental leave, rising in 2012 to 78 per cent. Some 60,000 fathers use the regime each year and of this number, two thirds of fathers take the whole of the Paternity leave (three or five weeks, depending on the option chosen), while a third also take some Parental leave weeks. On average, in 2013 fathers receiving QPIP benefits took 13 weeks of combined benefits (Paternity and Parental), though this is less than half the weeks taken by the smaller proportion of fathers taking Parental leave elsewhere in Canada. The overall participation rate for fathers in the QPIP is 86.6 per cent according to QPIP data⁹⁷.

⁹³ Some data from Statistics Canada are based on mothers' reports on "how many weeks of leave their partner intends to claim" (personal correspondence with Scott Perrie, Survey Manager, Special Surveys Division, Statistics Canada, April 8, 2013).

⁹⁴ Statistics Canada (2012) *Employment Insurance Coverage Survey*. The Daily. November 15, 2013.

⁹⁵ Unpublished data from Statistics Canada Special Surveys Division.

⁹⁶ Human Resources and Skills Development Canada (2011) *EI Monitoring & Assessment Report* (Annex 3.9, p. 218). Available at: <http://www.hrsc.gc.ca/eng/jobs/ei/reports/mar2011/index.shtml>

⁹⁷ Data obtained directly from the statistical services of the QPIP on February 20, 2014. See also Régime québécois d'assurance parentale (2011) *Sondage auprès des pères ayant eu recours au Régime québécois d'assurance parentale* (RQAP). Québec : RQAP

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

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 these issues 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 fathers, including a large national study conducting research into the lives of diverse groups of Canadian fathers (Ball and Daly, 2013)⁹⁸.

Some recent research in **Québec** addresses the use of Paternity leave and the impact of Parental leave on careers and organizations and the Board of the Québec Parental leave regime has published in 2011 a survey on paternity and parental leave use. Also, the *ARUC sur la gestion des ages et des temps sociaux* (www.telug.ca/aruc-gats) has a report (Tremblay and Dodeler, 2014) and the *Conseil du statut de la femme* (Status of women council) in Québec is starting research on the impact of the leave take-up on fathers and the couple respectively.

b. Selected publications since April 2013

McKay, L. Marshall, K and Doucet, A. (2013) 'Fathers and Parental leave in Canada: Policies, practices and potential', in: J. Ball and K. Daly (eds.) *Father Involvement in Canada: Diversity, Renewal and Transformation*. Vancouver: UBC Press.

Book chapter combining a qualitative study carried out in Quebec and Ontario with quantitative analysis done by Statistics Canada.

Groden, F., Tremblay, D.-G. and Linckens, A. (2013) 'Temps de travail, implication professionnelle et temporalités sociales des gestionnaires dans une société de transport québécoise (ST): une analyse par niveau de responsabilités', in: Tremblay, D.-G. (ed.). *Temporalités sociales, temps prescrits, temps institutionnalisés*. Québec: Presses de l'université du Québec, pp. 97-118.

This chapter is on working time and leaves of managers in a public transport society, analysed according to hierarchical level.

Groden, F., Tremblay, D.-G. and Linckens, A. (2013) 'La conciliation vie privée-vie professionnelle des gestionnaires hommes et femmes: le cas d'une société de transport'. @GRH, No 6 / 2013-1: 117-147.

This article is a gendered analysis of work-life integration and leaves of managers in a public transport society.

Tremblay, D.-G. and Mascova, E. (2013) 'La gestion des temporalités familiales et domestiques et la carrière des avocats et avocates : différents modèles de conciliation?' [*Management of family and domestic temporalities and careers of male and female lawyers: different patterns of conciliation?*] *SociologieS*. Available at:

<http://sociologies.revues.org/4449?lang=en>.

⁹⁸ Ball, Jessica and Daly, Kerry (eds.) (2013). *Father Involvement in Canada: Diversity, Renewal and Transformation*. Vancouver: UBC Press.

This article is on work-life articulation and Parental leave uptake among lawyers.

Tremblay, D.-G. and Mascova, E. (2013) *Les avocats, les avocates et la conciliation travail-famille (Male and female lawyers and work-family balance)*. Montréal : Éditions du Remue-Ménage.

This book is about work-life articulation and Parental leave uptake among male and female lawyers.

Tremblay, D.-G., (2014) 'Quebec's Policies for Work-Family Balance: A Model for Canada?' in: B. Fox (ed.) *Family Patterns, Gender Relations* (4th edition) Toronto: Oxford University Press.

This chapter compares leave in Canada and Québec, along with other elements of Québec family policies, including child care.

Tremblay, D.-G. and Dodeler, N. (2014) *Les pères et la prise du congé parental/de paternité; des innovateurs!*

Report for the CURA on work-life articulation over the lifecourse. Forthcoming in book form in 2014.

c. Ongoing Research

Employers' practices related to maternity, parental, paternity and compassionate care leave (2013). Donna Lero, University of Guelph; Janet Fast, University of Alberta; and Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded by the Centre for Families, Work and Well-Being, University of Guelph.

This research compares data from a cross-section of 300 Canadian employers in the public, private and non-profit sectors and identifies factors associated with the provision of flexible work practices and paid and unpaid leave provisions for employees with a range of caregiving responsibilities. Contact: Donna Lero at dlero@uoguelph.ca

Engagement in work and work-life challenges for lawyers in Québec (2011-2014). Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded as part of the CURA (Community-Universities Research Alliance) on work-life articulation over the life-course, by Social Sciences and Humanities Research Council of Canada.

This research analyses the work-life challenges for lawyers working in different professional contexts. Contact: Diane-Gabrielle Tremblay at dgtrembl@teluq.ca; website: www.teluq.uqam.ca/aruc-gats

Fathers alone on parental/paternity leave in Québec (2013-2015) Diane-Gabrielle Tremblay, University of Québec-Téluq. Funded as part of the CURA (Community-Universities Research Alliance) on work-life articulation over the life-course, by Social Sciences and Humanities Research Council of Canada.

This research analyses the impact on fathers and on family division of labour of fathers taking Parental/Paternity leave and being alone with the child at home. A research report is available in French for the moment; article in English forthcoming. Contact: Diane-Gabrielle Tremblay at dgtrembl@teluq.ca; website: www.teluq.uqam.ca/aruc-gats.

Croatia

Ivana Dobrotić (University of Zagreb)⁹⁹

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*rodiljni dopust*); maternity exemption from work (*rodiljna pošteda od rada*); maternity care for the child (*rodiljna briga o novorođenom djetetu*) (responsibility of the Ministry of Social Policy and Youth)

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 for mother to take 98 days (28 days before the expected date of delivery and 70 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 average earnings, calculated on the average earnings on which health care contributions were paid during the 6 months prior to the leave, with no ceiling on payments.
- A parent who does not meet the condition of at least 12 months of continual insurance or 18 months of insurance with interruptions in the last two years receives 50 per cent of the 'budgetary base rate' of HRK3,326 per month [€439¹⁰⁰]; gross average earnings in 2013 were HRK7,939 [€1,049].
- *Maternity exemption from work/maternity care for the child*: 50 per cent of the budgetary base rate per month
- Funded from general taxation.

⁹⁹ Please cite as: Dobrotić, I. (2014) 'Croatia country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁰⁰ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

Flexibility in use

- *Maternity leave*: 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.
- 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. The period of part-time leave taken after a child is six months cannot exceed the period of part-time leave taken before the child reaches this age; the maximum period of part-time leave is until nine months after birth.
- *Maternity exemption from work/maternity care for the child*: from the 71st day, the mother can terminate the use of maternity exemption from work/maternity care for the child, in which case the father of the child 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 [€562] 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*: four months (120 days) per parent per child for the first and second born child; see 'variation in leave' below for third or higher order births. Leave is an individual entitlement, but two months can be transferred from one parent to the other.

- *Parental exemption from work/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 for the first six months, with a ceiling of 80 per cent of the budgetary base rate or eight months if both parents use Parental leave; 50 per cent of the budgetary base rate after the first six (or eight) months or if parents do not fulfil the condition of at least 12 months of continual insurance period or 18 months of insurance with interruptions in the last 2 years.
- *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. (Although this possibility was deleted in new legislation, legal opinion is that parents can still use leave in whatever way they choose).
 - 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.

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

- Fifteen months (450 days) per parent for twins, other multiple births and the third and every subsequent child. The additional period is transferable from one parent to another and paid at 50 per cent of the budgetary base rate.
- 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

- Employed/self-employed adoptive parents can take adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of six months per family for an adopted child under 18 years of age, paid as for Maternity leave. 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 parents of a child under eight years of age have the right to Parental leave of six months until the child turns eight years of age and all other rights of employed/self-employed parents.
- In the case of other adoptive parents (i.e. not employed or self-employed), one adoptive parent has the right to adoption leave (providing the spouse of the adoptive parent is not the parent of the child) of 12 months (regardless of the child's age). Adoption leave is extended for 60 days in the case of the adoption of twins, two or more children 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: for a child under three years, up to 60 days per family for each illness at 100 per cent of average earnings; for a child aged three to seven years, 70 per cent of average earnings (minimum of 25 per cent of budgetary base rate); for a child aged seven to 18 years, up to 40 days for each illness at 70 per cent of average earnings (minimum of 25 per cent of budgetary base rate); older child and co-resident spouse, up to 20 days for each illness at 70 per cent of average earnings, but only for serious medical conditions defined by regulation (minimum of 25 per cent of budgetary base rate). Leave for children under the 18 years of age can be extended on the basis of medical committee decision, and can be used only if the other co-resident parent is in employment or if a parent lives alone with a child (e.g. single parents, divorced parents). All payments subject to a ceiling of HRK4,257 [€562] per month. It can be used on part-time basis.
- A worker has the right to seven days fully paid leave per year 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 or 18 months of insurance with interruptions in the last 2 years, 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 or 18 months of insurance with interruptions in the last 2 years, otherwise 50 per cent of the budgetary base rate recalculated to the hourly rate.

Prenatal examinations (slobodan radni dan za prenatalni pregled)

- Pregnant workers have a right to use a number of hours - equivalent to one working day off per month - in order to attend prenatal examinations. Pregnant worker is obliged to announce to the employer the intention to use this right (in a written form, two days in advance)

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

The maximum period of post-natal leave available in Croatia is 12 or 14 months (depending on whether both parents use leave entitlements) for the first and second born child, or three years for twins, other multiple births and the third and every subsequent child); this is paid at 100 per cent of average earnings up to a low ceiling for Parental leave. There is an entitlement to ECEC from six years of age, for at least 250 hours as preparation for school at seven years; attendance is obligatory. Levels of attendance at formal services are well below the average for the countries included in this review. Croatia is not included in the comparative data on ECEC attendance in the OECD Family Database. It does, however, appear in the TransMonEE Database covering countries in Central and Eastern Europe and the Commonwealth of Individual States; according to this Database, levels of attendance at formal services in Croatia for children under and over 3 years are below the average for the countries included in this review and OECD countries (for more details see Table 'Relationship between leave and ECEC entitlements').

3. Changes in policy since April 2013 (including proposals currently under discussion)

In 2013 there were few changes in leave-related legislation (all effective since July 2013). Parental leave for first and second born children has increased to eight months – four months per parent, with two months transferable to the other parent and two months that are non-transferable. This is intended to harmonize with the EU Council Directive 2010/18/EU on Parental leave, and replaced the previous leave legislation that provided three months leave for each parent plus two additional 'bonus' months if the father used his three month

entitlement. The former legislation specifically permitted parents to use their leave entitlements at the same time, and this was removed in the new legislation; however, there is no legal basis to prevent parents continuing to do so if they choose.

All adoptive parents who are employees or self-employed become entitled to six months of adoption leave per family regardless of the child's age; previously the length of leave depended on the child's age at time of adoption. Also, employed and self-employed adoptive parents have become entitled to Parental leave of six months until their child turns eight years of age (previously until three years of age). However, a new act failed to harmonise their rights with the EU Council Directive 2010/18/EU on Parental leave, i.e. with the rights of employed and self-employed parents to eight months of Parental leave (two of them non-transferable). In the case of other adoptive parents (i.e. who are not employees or self-employed, but including farmers), one adoptive parent can exercise the right to adoption leave of 12 months regardless of the child's age (previously four to twelve months depending on the child's age).

The eligibility criteria for an entitlement to leave if a co-resident spouse or child is ill have become stricter (e.g. leave for a co-resident spouse can be used only for serious health conditions defined by law, leave for a child can be used only if the other parent is in employment or in the case that the parent is living alone with a child). At the same time, the number of the days that can be used for children under the age of seven has extended from 40 working days to 60 days per illness.

4. Take-up of leave

a. Maternity leave

Although there is the possibility for fathers to use part of Maternity leave (if mothers agree), official data show that Maternity leave is predominantly used by mothers. According to the latest information, for 2010, fathers used the transferred right in 0.2 per cent of cases.

There is no official information on what proportion of women and men take Maternity leave. But, Labour Force Survey data show that, on average over the period 2002-2011, 87.7 per cent of employed mothers have used the entitlement to leave during the six months after childbirth (i.e. Maternity leave); in 2008-2011, it was 86.8 per cent.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Parental leave is also predominantly used by mothers. According to the latest official data, for 2010, fathers account for two per cent of all Parental leave taken.

There is no official information on take-up rates. But, Labour Force Survey data for 2008-2011 show that the take-up rate for employed mothers during the Parental leave period was 84.0 per cent for 6-12 months after childbirth, falling to 18.0 per cent during 12-24 months. The take-up rate for fathers was much lower – around 0.3 per cent in the first year after birth.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

Studies have addressed childcare and gender equality policies.

b. Selected publications since April 2013

Pećnik, N. (ed.) (2013) *Kako roditelji i zajednice brinu o djeci najmlađe dobi u Hrvatskoj* [*How the parents and the community care for the children of youngest age in Croatia*], Zagreb: UNICEF.

The book presents the results of a quantitative survey of 1,700 parents of preschool children and a qualitative survey of policy-makers and experts in four counties in Croatia, dealing with parenting experiences and practices, and the accessibility, affordability and quality of different services aimed at parents with preschool children. It is the first comprehensive study of this type in Croatia, with chapters by experts involved in the project (Zdenko Babić, Ivana Dobrotić, Josip Grgurić, Marta Ljubešić, Ninoslava Pećnik, Sonja Pribela-Hodap) on different aspects of early child development and the need for state and community support, such as: parenting experience and parenting support; parenting practices from a gender equality perspective; work-family balance; health care services; early childhood education and care services; free-time activities; support and services for children with developmental difficulties and their parents; economic aspects of investment in early childhood development; the perspective of policy-makers and experts on the availability and the need for services in their communities. The book gives insight into the state of support in Croatia for children in their earliest years and their parents, particularly social class and regional differences in accessibility and affordability of different services and what particularly calls for additional state intervention to mitigate those inequalities.

c. Ongoing research

None reported.

Czech Republic

Jirina Kocourková (Charles University)¹⁰¹

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 to 22 weeks following birth. It is obligatory to take 14 weeks, including at least six weeks after the birth.

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

- Seventy per cent of daily earnings up to a maximum payment of CZK32,789 [€1,194¹⁰²] per month.
- Payment is financed from sickness insurance contributions by employers, paying 2.3 per cent of earnings.

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. If the father uses the leave, he must do so for at least seven days.

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.

¹⁰¹ Please cite as: Kocourková, J. (2014) 'Czech Republic country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁰² Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

- 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.
- When the child is stillborn, 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; as parents can work full time or part time while receiving parental benefit, it can be considered as a benefit to subsidise care costs, as well as a home care benefit for at-home parents.
- Parents can choose the period and amount of Parental benefit; the longest option is until the child is 48 months old and the shortest option is until the child is 24 months old. The maximum amount if taking the 24 month option is 70 per cent of previous monthly earnings, with a ceiling of CZK11,500 [€419] per month; while taking benefit until a child is three years has a ceiling of CZK7,000 [€255]. The maximum amount payable for the whole period is CZK220,000 [€8,013].
- 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 selected Parental benefit option may be changed after three months.
- 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.

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.
- For children under two years, payment of Parental benefit is conditional on parents not using a publicly-funded ECEC service for more than 45 hours a month. There is no limitation on service use for older children.

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 [€277] per month 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 of CZK3,000 [€109] from seven to 15 years of child's 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 CZK855 [€31] 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 three years, but most of this is low paid; leave paid at a high earnings-related rate runs for only five months. There is an entitlement to ECEC for a child aged five (the only one year before the basic school attendance) for the whole day. Levels of attendance at formal services for children under 3 years are very low, well below the average for the countries included in this review and for OECD countries; levels of attendance for children over 3 years are much higher, around both averages. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

None reported.

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. Since 2008, there has been no further increase; in 2010 4,986 men received Parental benefit compared with 328,777 women, i.e. 1.5 per cent of recipients were men, the same proportion as 2008. In 2013 5,200 men received Parental benefit, i.e. 1.8 per cent of all recipients.

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.

5. Research and publications on leave and other employment-related policies since April 2012

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 April 2013¹⁰³

Bosničová, N. and Kolářová, J. (eds.) (2012) *What works, what doesn't: International perspectives on balancing work and care*. Prague: Gender Studies.

The current family policies in the Czech Republic are compared with those in other developed countries from the perspective of work-life balance.

Maříková, H. (2012) 'Parents and their caring choices in the Czech Republic and Slovakia: The influence of policies or cultural beliefs?', in J. Malačič and M. Gams (eds.) *Proceedings of the 15th International Multiconference, Information Society - IS 2012*. Ljubljana: Institut Jožef Stefan, pp.42-45. Available at: http://is.ijs.si/is/is2012/zborniki/Zbornik_B.pdf

This paper contributes to the debate on the relative impact of institutions or cultural values by analyzing parental attitudes to childcare, i.e. by focusing on the micro level of decisions in

¹⁰³ This section includes four publications from 2012 not included in earlier reviews.

families instead of the macro level of political decisions and measures regarding childcare. The paper is based on analysis of 40 semi-structured interviews done in Prague and Bratislava with parents having a child in the first class of elementary school

Chan, C., Hamplová, D. and Le Bourdais, C. (2012) 'Are parental leaves considered as work interruptions by survey respondents? A methodological note', *Canadian Studies in Population*, Vol.39, No.1-2: 31-44.

Parental leaves and family-related work interruptions are linked to a variety of issues, such as children's well-being or women's work trajectories. Yet, the measurement of periods of absence from the labour market might be imprecise, especially in retrospective surveys.

Saxonberg, S., Hašková, H. and Mudrák, J. (2012) *The Development of Czech Childcare Policies*. Praha: Sociologické nakladatelství SLON.

The area that comprises today's Czech Republic has a long and rich history of providing childcare facilities to preschool children. Kindergartens continue to be popular to this day and at present almost all Czech children attend these facilities. On the other hand, nurseries nearly vanished in the Czech Republic.

c. Ongoing research

New forms of daily care of children in the Czech Republic (May 2012-April 2014). Research Institute for Labour and Social Affairs

The aim of the project is to propose new forms of childcare facilities to extend the current insufficient supply, in order to enable women to make a choice.

Denmark

Lotte Bloksgaard and Tine Rostgaard (Aalborg University)¹⁰⁴

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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, *Barselsorlov* 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 *Barselsorlov*, or literally Childbirth Leave, because they technically all originate from the same law on leave.

a. Maternity leave (*Graviditets* and *Barselsorlov*: 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. The first two weeks after birth are compulsory.

Payment and funding

- All employees are entitled to a daily cash benefits based on former earnings up to a ceiling of DKK4,075 [€546¹⁰⁵] per week before taxes for full-time employees and self-employed.
- The cash benefit scheme is funded by the state from general taxation, except for first eight weeks when municipalities bear half of the cost.

Flexibility in use

- None.

¹⁰⁴ Please cite as: Bloksgaard, L. and Rostgaard, T. (2014) ‘Denmark country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at:

¹⁰⁵ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

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

- Eligibility to full compensation 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 the cash benefit for self-employed workers (including helping a spouse) is 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 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 are eligible to the cash benefit.
- Unemployed people are entitled to cash 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)

- In Denmark leave is not only regulated via national legislation, but also via collective agreements in the labour market and agreements at company level. About 75 per cent of the workforce are covered by such collective agreements, and these workers receive compensation during leave from their employer up to their former earnings, i.e. their employer tops up the state benefit.
- To help employers finance these costs, different leave reimbursement 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 DKK600¹⁰⁶ [€80] per year for each full-time employee and receive reimbursement of up to DKK179¹⁰⁷ [€24] per hour for up to 25 weeks; this means that female employees with a salary below DKK29,000 [€3,886] per month will be able to receive full earnings for up to 25 weeks, without direct cost to the employer. The additional cost of compensation for employees with higher salaries than DKK29,000 [€3,886] per month has to be borne by the employer. Depending on the industry in question, the funds also cover full or parts of the Parental leave, e.g. within the industrial sector each parent is entitled to coverage for four weeks, and in addition three weeks can be shared.

¹⁰⁶ http://www.atp.dk/X5/wps/wcm/connect/dab/dk/index/beretbetal/bidragssatser#.Uz0e__I_sIj

¹⁰⁷

http://www.atp.dk/X5/wps/wcm/connect/dab/dk/index/refusion/hvor_meget_kan_du_faa#.Uz0fxPI_sII

- An evaluation of the funds covering the private sector in 2010 showed that around 100,000 companies were members of a fund. The report concluded that the funds seem to be beneficial for women - although employers did not believe that the fund had made them change their view on hiring women - and also that more men seemed to take up leave as a consequence of receiving payment during leave. Employers tended to be more positive towards men taking leave than earlier and generally were positive towards the fund. Around one third of employers were unaware of the possibility to receive reimbursement for 29 weeks – even in female dominated sectors - and therefore failed to claim such reimbursement. This was clearly related to whether or not employers paid wages during leave for their employees (COWI, 2010¹⁰⁸).

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

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.

Flexibility in use

- None.

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 male employees covered by collective agreements receive full earnings during the Paternity leave. Thus, in a survey from 2006, 85 per cent of fathers reported receiving full earnings during Paternity leave (Olsen, 2007¹⁰⁹).

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. This is an individual entitlement; however, although each *parent* can take 32 weeks of leave, each *family* can only claim 32 weeks of paid leave.

¹⁰⁸ COWI (2010) *Evaluering af barseludligningsloven*. Copenhagen: Ministry of Employment.

¹⁰⁹ Olsen, B. M. (2007) *Evaluering af den fleksible barselorlov: orlovsreglerne set fra forældres, kommuners og arbejdspladsers perspektiv*. Copenhagen: SFI - Det Nationale Forskningscenter for Velfærd.

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.
- Both parents can be on leave at the same time.
- 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)

- All employees covered by collective agreements receive full earnings during part or all of the Parental leave period; see 1a additional note.
- From 2007, the industrial sector (representing 7,000 employers nationwide including production, service, knowledge and IT) introduced a paid father's quota in Parental leave. The entitlement was up to nine weeks Parental leave with payment. Three weeks of this Parental leave with pay is for the father, three weeks for the mother and three weeks for the parents to share - the weeks for the mother and the father respectively were quotas and therefore lost if not used. Later agreements have prolonged the period to 4+4+3 weeks. In the 2012 agreement for the industrial sector, a clause was removed. This clause determined that pay during Parental leave was contingent on leave being taken immediately after the Maternity leave, i.e. the 15th week after birth. This reduced the flexibility of use considerably, especially in fathers' take-up of parental leave (Bloksgaard, 2009¹¹⁰). Now, parents covered by this agreement are allowed to take Parental leave within a year from the birth of the child with pay.
- As part of the labour market negotiations in Spring 2008, a similar Parental leave model was also introduced for employees working in the public sector. If both parents work in the state sector they are entitled 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

¹¹⁰ Bloksgaard, L. (2009) *Arbejdsliv, forældreskab og køn – forhandlinger af løn og barsel i tre moderne virksomheder [Work-life, parenthood and gender – wage and leave negotiations in three modern Danish companies]*. Aalborg: Aalborg University.

leave, all 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.

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

- Most working contracts and labour market agreements include the right to take one day off to care for a sick child. Public employees are entitled to two days for public employees. Leave is paid.
- All employees may, depending on the assessment of the local municipality, be eligible for a care benefit (*Plejevederlag*) if they care for a terminally ill relative or close friend at home; the municipality decides the length and level of benefit payment. There is no entitlement to leave associated with this benefit.

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 six months of age, so there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children under and over three years are well above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

The government consisting of Social Democrats, the Social Liberal Party (*De Radikale*) and the Socialist People's Party (*Socialistisk Folkeparti*) that came to power in October 2011 had originally intended to introduce a three months father's quota, inspired by the other Nordic countries¹¹¹. In January 2013, the government set up a leave committee (*Barselsudvalget*) to look into the possibilities for increasing fathers' use of Parental leave, e.g. by investigating

¹¹¹ Ministeriet for Ligestilling og Kirke [Ministry for Equality and Church] (2012) *Redegørelse – Perspektiv-og handlingsplan 2012*. Available at: http://www.lige.dk/files/PDF/PHplan/PH-plan_2012.pdf.

the experiences from other Nordic countries. The committee was instructed that any policy recommendations were not to result in increased expenditure for the state or employers, and the committee had to consider the related consequences for single parents and same-sex parents. The committee members consisted of representatives from ministries, labour market partners and labour market organisations.

The committee report came out in late summer 2013, overall recommending the introduction of a father's quota if the political ambition is to increase the number of men taking leave. The committee, however also stated that the evidence was less clear about how leave take-up affects parental labour market participation and the well-being of the child. Concurrently, the government announced that it would not enforce a father's quota. This decision was, according to the government, taken on the basis of the work of the leave committee and from a concern that a father's quota would result in a shorter leave take-up and/or a reduced income for a number of families. Instead, the government announced a motion for a 'leave bonus' for parents who divide the Parental leave more equally (a bonus of 100 DKR [€10], tax free, per day to fathers who have taken six weeks of leave. This caused some debate, not least as evidence from Sweden shows that a similar bonus is not effective. Consequently, the government in November 2013 decided against proposing a father's bonus. Thus, neither a father's quota nor a father's bonus has been enacted by the government, and it is still left to the collective agreement system in Denmark to secure earmarked Parental leave rights to fathers.

The newest development within the area is that the Socialist People's Party (*Socialistisk Folkeparti*), which resigned from the government coalition, in April 2014 tabled a motion for a resolution on a father's quota in Denmark. This means that all the parties in the national parliament of Denmark must vote for or against a father's quota. The intention is to force the government to decide on its position in regards to the issue of the father's quota.

4. Take-up of leave

a. Maternity leave

The present statistics on leave take-up do not provide exact data on the proportion of mothers using Maternity leave. An estimate, based on the number of births, shows that in 80 per cent of births mothers took leave, but this includes Parental leave¹¹².

However, in a survey conducted in 2006 among parents of children born in 2005, 99 per cent of mothers had taken Maternity leave.

In the same survey, nearly all mothers reported that they experienced no negative reaction from their employer when taking leave; 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 replacement⁶. However, recent newspaper reports citing the major trade unions refer to an increase since the financial crisis in the number of women being made redundant during Maternity and Parental leave. Most of these cases end in a settlement where the woman is offered compensation, often six to nine months earnings.

¹¹² Barselsudvalget [Leave Committee] (2013) *Rapport om øremærket barsel [Report on earmarked leave]*. Copenhagen: Ministry of Employment.

b. Paternity leave

Statistics show that 60 per cent of Danish fathers of children born in 2011 used Paternity leave⁹.

c. Parental leave

New statistics on the share of fathers and mothers who take-up Parental leave is also not available; however recent statistics from 2010 and 2011 show that Danish fathers on average only take 7.2 per cent of the Parental leave period¹¹³, considerably lower than in e.g. Sweden and Norway¹¹⁴.

The 2006 survey data showed that among parents of children born in 2005, 24 per cent of fathers took Parental leave and 94 per cent of mothers. Of these, 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. these 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 income⁶.

Among the men, public employees accounted 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; some men in the private sector only receive full earnings for part of the Parental leave period. Among those men who do not take leave, 88 per cent were employed in the private sector and this suggests that they have more difficulties taking leave and/or poorer rights.

The take-up of leave seems in the survey 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 days¹¹⁵. Recent statistics show that fathers in management positions are the fathers taking most leave¹⁰.

¹¹³ Danmarks Statistik (2012) *Statistiske efterretninger: Dagpenge ved graviditet, fødsel og adoption 2011*. 2012: 8, København: Danmarks Statistik.

¹¹⁴ Rostgaard, T. and Lausten, M. (forthcoming 2014) 'Gender equality incentive policies and their consequences for men and women's take up of parental leave in Denmark', in: G.B.Eydal and T.Rostgaard (eds.): *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Bristol: Policy Press.

¹¹⁵ Danmarks statistik (2008) *Fædre med højere jobs holder længere barselsorlov*. Available at: <http://www.dst.dk/OmDS/BagTal/Arkiv/2008-04-28-Faedre-med-hoejere-jobs-holder-laengere-barselsorlov.aspx>

The 2006 survey suggests that along with educational level, wages, workplace culture and age also seem to be important factors when men and women negotiate who should take Parental leave and these seem to be common factors for both the public and private sectors. Moreover according to the 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)⁶. Other studies, however, show that often the parents do not in reality negotiate the division of Parental leave; instead leave is often perceived as 'for women' and thus automatically divided according to cultural assumptions of gender and parenthood^{116 117}.

Traditional male work cultures at the workplace seem to play a role. A recent survey conducted among the population in general showed that more than 50 per cent of the fathers who took less than three month leave in total (Paternity and/or Parental leave) mention 'if my employer had clearly indicated that my job situation would not be negatively affected' and 'if my work place had a tradition for male employees taking leave' as factors that may have made them take longer leave¹¹⁸. This indicates that Danish fathers' limited leave take-up may be explained by a fear of leave having negative consequences or not being seen as 'appropriate' for men in work life.

The possibility for flexibility in taking part-time leave or postponing leave may be attractive, especially for fathers. 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 in the leave law: 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 period⁶.

The survey also revealed that 27 per cent of men and 42 per cent of women reported a lack of information on leave rights. This is supported by other studies, which conclude that the fact that leave entitlements are given by several different levels (law, collective agreements and company level) is blurring parents' insights into what they are entitled to^{13 14 119}.

Thirty seven per cent of men and 23 per cent of women in the survey from 2006 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 colleagues⁶. That role models and support from colleagues and superiors are important for Danish fathers' leave take-up is supported by another survey¹⁵.

¹¹⁶ Bloksgaard, Lotte (2009) *Arbejdsliv, forældreskab og køn – forhandlinger af løn og barsel i tre moderne virksomheder* [Work-life, parenthood and gender – wage and leave negotiations in three modern Danish companies]. Aalborg: Aalborg University.

¹¹⁷ Bloksgaard, Lotte (2011) *Mænd, barselsrettigheder og brug af barsel* [Men, leave rights and take-up of leave]. Available at:

http://vbn.aau.dk/files/58188336/M_nd_barselsrettigheder_og_brug_af_barsel_2011.pdf.

¹¹⁸ DJØF (2011) *Danskernes holdninger til barselsorlov*, Copenhagen: DJØF Publishing.

¹¹⁹ Bloksgaard, L. (2014) 'Negotiating leave in the workplace: constructions of leave practices and male identities among Danish fathers', in: G.B. Eydal and T.Rostgaard (eds.): *Nordic fatherhoods – Policies, Practices and Discourses of Contemporary Fatherhood*. Bristol: Policy Press.

d. Leave take-up in total

In addition to the (relatively) limited statistics referred to above, the available statistics presenting the present leave situation look across the entire leave period (Maternity, Paternity and Parental leave) and the data are presented in this section. This data is based on how many parents receive the cash benefit during leave.

After the data for the period 2010-2011¹²⁰ showed a small drop in the number of days that fathers take when both the mother and father take up leave - from 38 days on average in 2010 to 36 days in 2011 – the data for 2011-2012 show an increase: Fathers who took leave together with the mother increased their leave from 37 to 39 days, and fathers who took leave as the only parent in the family to do so increased their leave from 53 to 57 days¹²¹.

The information on leave use showed a general decline in leave take-up from 2009 to 2010 among Danish fathers, regardless of whether they were unskilled, skilled or professionals, but it seemed to affect especially fathers in the private sector¹²². This may indicate that the economic crisis had a negative impact on these fathers, with the risk of redundancy possibly preventing fathers from negotiating leave at their workplace and for fathers working in the private sector in particular. On the other hand, significantly more fathers working in municipalities within the public sector took leave, which most likely is related to the introduction of the six weeks father's quota in 2008¹²³. The latest increase in fathers' leave use (2011-2012) may be (partly) explained by the removal of the clause in the collective agreement of the industrial sector, which leads to larger flexibility in leave use for employees covered by this agreement, especially fathers¹²⁴ (see section 1c).

Statistics indicate that mothers' leave take-up is stable. Mothers who have taken leave together with the father took 295 to 298 days in 2007-2012, while mothers who have taken leave alone took 31 to 312 days over the same period¹²⁵.

5. Research and publications on leave and other employment-related policies since April 2013

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.

b. Selected publications since April 2013

Bloksgaard, L. (2013) 'Uten fedrekvote i lovgivningen: Danske fedres forhandlinger om permisjon fra arbeidet' ['Without a legislative father's quota. Danish fathers' negotiations of leave in the workplace'], in B. Brandth and E. Kvande (eds.) *Fedrekvoten og den farsvennlige velferdsstaten* [Paternity leave and the father-friendly welfare state]. Oslo: Oslo Universitetsforlag, pp. 194-210.

¹²⁰ Danmarks statistik (2013) *Dagpenge ved fødsel og adoption*. Nyt fra Danmarks statistik, nr. 124. København: Danmarks statistik.

¹²¹ Danmarks Statistik (2014) *Dagpenge ved fødsel 2013*. Nyt fra Danmarks Statistik, nr. 129.

¹²² Ugebrevet A4 (2013) *Krisen tvinger fædre væk fra barsel*. Available at: <http://www.ugebreveta4.dk/da/2013/201310/Fredag/Faderbarsel.aspx>.

¹²³ Momentum (2012) *Kommunalt ansatte mænd er blevet vilde med barsel*. Available at: <http://www.kl.dk/Momentum/momentum2012-8-2-id110277/>

¹²⁴ DR Nyheder (2014) 'Mænd i industrijob tager mere barsel'. 25.01.2014.

¹²⁵ Danmarks Statistik (2014) *Dagpenge ved fødsel 2013*. Nyt fra Danmarks Statistik, nr. 129.

This chapter discusses 'the Danish case' – the fact that Denmark has not a legislative father's quota. The chapter investigates the consequences thereof for Danish fathers' negotiations about Parental leave in the workplace.

Eydal, G.B and Rostgaard, T. (2013) 'Caring family - Policies and practices in Nordic Countries', in: M.H. Ottosen and U. Bjørndal (eds.) *Challenges for Future Family Policy in Nordic Countries*. Copenhagen: SFI, pp.83-122.

This chapter investigates the changes in family policies in Nordic countries in the last decades and their consequences.

Jacobsen, S.J., Klynge, A.H. and Holt, H. (2013) *Øremærkning af barsel til fædre. Et litteraturstudie* [Earmarking of paternity leave for fathers. A literature study]. Copenhagen: SFI.

This literature review studies in particular the evidence from the Nordic countries from introducing the father's quota. It shows that more fathers take leave if a father's quota is available.

Barselsudvalget [Leave Committee] (2013) *Rapport om øremærket barsel [Report on earmarked leave]*. Copenhagen: Ministry of Employment. Available at: http://bm.dk/~media/BEM/Files/Dokumenter/Publikationer/2013/Barsel_rapport%20pdf.ashx. Analysis of effects of the father's quota in the Nordic countries, with particular focus on single parents and same sex parents.

c. Ongoing research

PLEG (Parental Leave, Equality and Gender) project (2012-) Anette Borchorst, Tine Rostgaard and Lotte Bloksgaard, Aalborg University.

The focus of the project is leave for parents in the Nordic countries and the study of politics, policies and practices. Contact: Anette Borchorst (ab@dps.aau.dk), Tine Rostgaard (tr@dps.aau.dk) and Lotte Bloksgaard (bloksgaard@cgs.aau.dk).

'Nordic fatherhoods' is a book project supported financially by REASSESS and NOS-HS. The book focusses on the policies, practices and discourses on fatherhood in the Nordic countries, with contributions from a number of members of the international leave network and edited by G. Eydal and T. Rostgaard. The book will be published by Policy Press in Winter 2014 with the title *Fatherhood in the Nordic Welfare states: Comparing care policies and practice*.

Estonia

Katre Pall (Ministry of Social Affairs) and Marre Karu (PRAXIS Centre for Policy Studies)¹²⁶

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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: between 30 and 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. It is obligatory to take leave.

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 (€355 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.

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 more than one month. Self-employed people qualify for maternity benefit on the same conditions as workers.

¹²⁶ Please cite as: Pall, K. and Karu, M. (2014) 'Estonia country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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.

Payment and funding

- One hundred per cent of earnings, calculated by the employer, with a ceiling of six times average earnings.
- Funded from general taxation.

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 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

- Two types of benefit are available to all families who meet the eligibility conditions, whether or not parents take Parental leave.
- 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 €2,378 per month, equivalent to three times average earnings. The minimum benefit paid to working parents is the minimum wage, €355 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 €320 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 if the income from employment exceeds the level of benefit paid; in this case, income exceeding the level of benefit is divided by two and deducted from the level of benefit. However, the maximum reduction of benefit is 50 per cent.

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

- All families are eligible for parental and childcare benefits.
- 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

No statutory entitlement; see (e) *Time off for the care of dependents* for supplementary annual holiday entitlement.

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, with no ceiling. 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.
- A parent with a child under 14 years of age can take ten working days of unpaid leave per year.
- 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, calculated from the minimum wage, of €17 per day.
- All payments funded from general taxation.

Flexible working

- Breastfeeding mothers with a child under 18 months can take either a half an hour breastfeeding break every three hours or a one hour break per day. 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 post-natal leave available in Estonia is 36 months, half paid at a high earnings-related rate and the other half at a low flat rate. According to Social Welfare Act municipalities are obliged to provide a place in ECEC to all children, starting from age of 18 months, i.e. after the end of the high paid leave period. However, municipalities are not able to meet this obligation, and for children between 18 months and 3 years of age the lack of places in ECEC is a serious issue. Many municipalities that are not able to provide an 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 countries included in this review and for OECD countries; but above average for children over 3 years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

In 2014 the formula for calculating parental benefit while employed was changed. The new formula is more beneficial to working parents and may encourage more parents take up work when receiving parental benefit.

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. In 2013 when paternity leave payment was re-introduced, 38 per cent of fathers took leave.

c. Parental leave

No official statistics about take-up of leave are collected. Men account for about 6 per cent of the recipients of parental benefit. According to the Labour Force Survey (2010), 90.1 per cent of mothers and 5.4 per cent of fathers of children below eight years old reported that they had taken a Parental leave after the birth of their youngest child. Of those parents who reported taking leave, 35.2 per cent reported that they had taken two to three years, 27.5 per

cent one-and-a-half to two years, 23.2 per cent one to one-and-a-half years, and 6.7 per cent six months to one year; only 7.4 per cent of parents were on leave less than six months.

d. Other employment-related measures

In 2010, 26 per cent of people who received benefit for caring for a sick child were men.

5. Research and publications on leave and other employment-related policies since April 2013

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 April 2013

Biin, H., Karu, M., Masso, M. and Veldre, V. (2014) Analysis of Estonian parental leave schemes. Tallinn: Praxis Centre for Policy Studies. Available at: http://www.sm.ee/fileadmin/meedia/Dokumendid/Sotsiaalvaldkond/Uuringud__anal%C3%BC%C3%BCsid_ja_rahvusvahelised_kogemused/L%C3%B5plik_vanempuhkuste__aruanne_P RAXIS.pdf

The study of the Estonian Parental leave system covers all leave schemes that are in place specifically for parents with young children, including: Maternity leave, adoption leave, child care leave, Paternity leave, child leave, child leave without pay and leave to care for children who are ill. The aim is to assess to what extent the Estonian system meets the needs of the parents and the employers. The study seeks to answer two questions. First, if and how the current system allows parents to reconcile family and work; and secondly, whether and how the system motivates fathers to use their right to take up leave. The study supports the development of leave policies and provides proposals to develop and re-shape the regulations of the current system in order to support better family and work reconciliation and to increase the take-up by the fathers. The study estimates also the possible impact of the proposals for employers, the state and society as a whole. Contact: Helen Biin at helen.biin@praxis.ee.

c. Ongoing research

None reported.

Finland

Minna Salmi and Johanna Lammi-Taskula (National Institute for Health and Welfare)¹²⁷

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*äitiysvapaa/moderskapsledighet*¹²⁸) (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 €55,498, 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 €36,071, with a lower percentage for earnings above this level. Mothers not employed and those whose annual earnings are less than €10,253 before the birth get a minimum flat-rate allowance of €23.92a working day (€598 per month).
- Earnings-based benefits are funded by the sickness insurance scheme, financed by contributions from employers (approximately 70 per cent of the total cost) and employees (approximately 25 per cent). In 2014, employers pay 2.14 per cent of their total salary bill and employees 0.84 per cent of their taxable earnings; these percentages are subject to change in the state budget. The minimum flat-rate allowances and 0.1 per cent of the benefit expenditure are funded from state taxation.

Flexibility in use

- None.

¹²⁷ Please cite as: Salmi, M. and Lammi-Taskula, J. (2014) 'Finland country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹²⁸ Names of the different types of leave are given in Finnish and Swedish. Finland is a bilingual country with a Swedish-speaking minority.

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.

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 in 2010, 96 per cent of employees in the private sector were 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; so only 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

- Fifty-four working days (nine weeks), of which the father can take one to 18 days while the mother is on Maternity or Parental leave¹²⁹.

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

- Earnings-related benefit. During the first 30 days of Paternity leave taken after Maternity and Parental leave payment is made at 75 per cent of annual earnings up to €55,498, with a lower percentage for higher earnings. For the remaining period, and for the one to 18 days taken while the mother is on Maternity or Parental leave, payment is made at 70 per cent of annual earnings up to €36,071, with a lower percentage for earnings above this level. Minimum allowance as for Maternity leave.
- Funding as for Maternity leave.

¹²⁹ Until the end of 2012, and including fathers whose spouse's Maternity leave started before 1.1.2013, Paternity leave was 18 working days, plus a further 24 'bonus' days (four weeks) if the father took the last two weeks of Parental leave. The bonus days + two Parental leave weeks were called 'father's month' in the legislation from 2007 to 2012.

Flexibility in use

- One to 18 days can be taken at most in four segments while the mother is on Maternity or Parental leave. Subsequently, all days or the remaining 36 days can be taken at most in two segments with a minimum length of 12 days. All 54 days can be taken until the child turns two years of age, and the child can be in day care between Parental leave/Home care leave and Paternity leave.
- Paternity leave is child-specific, so that the birth of the next child before the leave period has elapsed for the previous child does not cancel the father's unused leave entitlement; he can take 24 leave days based on the previous child during the Maternity or Parental leave period for the next child.

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, to be taken after the end of Maternity leave. 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 €55,498, with a lower percentage for higher earnings. After this initial period of leave, the payment is 70 per cent of earnings up to €36,071, with a lower percentage for earnings above this level. 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 law does not specify whether or not parents can take leave at the same time.

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

- As for Maternity and Paternity leave. The father is entitled to Parental leave even if the mother does not fulfil the residence criteria; in this case the father's Parental leave period starts 75 days after the child's day of birth.
- The parental benefit is paid provided the mother has had a check-up by a doctor or a qualified nurse employed in the public health care within 5–12 weeks after the 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

- 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.
- Entitlement to the parental benefit ends if a new entitlement to parental benefit starts due to a next child.

d. Childcare leave or career breaks

- Childcare leave, referred to as 'Home care leave' (*hoitovapaa/ vårdledighet*) can be taken from the end of Parental leave until a child's third birthday. This leave can be taken in two parts, the minimum length being one month. While taking leave, a parent can receive a Home care allowance (*kotihoidon tuki*) consisting of a basic payment of €341.06 a month, with an additional €102.11 for every other child under three years and €65.61 for every other pre-school child over three years and a means-tested supplement (up to €182.52 a month). This Home care allowance can be paid to any parent – whether or not they are on 'home care leave' from their job - as long as their child is not in a childcare service provided or funded by the local authority. The average home care allowance per family in 2012 was €398 a month. Home care allowance is financed from municipal taxation with a state subsidy of 33 per cent of the costs.

In 2012, thirty per cent of local authorities paid a municipal supplement to the home care allowance; these supplements averaged €148 a month per child, with a range from €50 to €264. The local authorities usually impose specific conditions on paying the supplement, the most usual being that all under-school-aged children in the family are taken care of at home.

If a child under school age is taken care of in a private day care centre or by a private nanny or other person employed by the family and accepted by the local authority, the family is entitled to a private day care allowance (*yksityisen hoidon tuki*), which is €173.64 a month per child. An addition of up to €146.02 a month per child can be paid based on the size and income of the family. Some municipalities pay a municipal supplement to the private day care allowance.

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. A parent who adopts a child older than 12 months and 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 years.

Time off for the care of dependants

- Parents of children under ten years can take up to four days leave when a child falls ill (temporary childcare leave, *tilapäinen hoitovapaa/tillfällig vårdledighet*). 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 of children under three years are entitled to a flexible care allowance (*joustava hoitoraha/flexibel vårdpenning*) if, after taking Parental leave, they work shorter hours than is normal in the respective field. The flexible care allowance is €162.09 a month if the weekly working hours are at maximum 30 hours or 80 per cent of the normal full-time hours, and €243.13 a month if the weekly working hours are max. 22.5 hours or 60 per cent of the normal full-time hours.
- Parents can work reduced working hours (partial childcare leave, *osittainen hoitovapaa/partiell vårdledighet*) 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 during the child's first and second year at school are entitled to a partial home care allowance (*osittainen hoitoraha*) of €97.67 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). The maximum period of high paid leave is 11 months after birth. As there is an entitlement to ECEC from the end of the Parental leave, there is no gap between leave and ECEC entitlements. Levels of attendance at formal services for children under three years are about the average for the countries included in this review and for OECD countries; but below both averages for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

To increase opportunities of part-time work for parents of children under three years and to promote transition from Home care leave to the labour market, a Flexible care allowance was introduced from the beginning of 2014 for parents of children under three years whose weekly working hours are up to 30 hours or 80 per cent of full-time hours in the field. The Partial childcare leave remained for parents with children up to first and second grade at school, with partial childcare allowance paid to parents with a child on first and second grade at school.

A reform of childcare fees to encourage parents' part-time work is still under preparation. The aim is that fees for part-time care would correspond to the hours of actual attendance in childcare services better than has been the case until now; and that the varying fee practices in municipalities, who have had the right to set their own part-time care fees, would be standardised.

The present governmental programme sets as its goal to increase leave earmarked for fathers. In its draft version, the government's gender equality programme for 2012–2015 proposed "an increase of leave earmarked for fathers with a gradual progress towards the 6+6+6 model", but this proposal is not included in the final gender equality programme even if three of the six governmental parties have spoken in favour of the 6+6+6 model (for a description of this model, see the presentation 'Finland' in the annual seminar 2011 and Country Note for Finland in the 2009 annual review, pp. 168–169). However, this proposal does not appear in the final version.

In August 2013 the government decided in its structural policy programme on two major family policy reforms; these proposed reforms are now under preparation and will go through Parliament in the course of 2014. The Home Care Allowance (HCA) period will be split evenly between mothers and fathers; and the universal right to childcare services will be restricted to part-time care for those children who have a parent at home with a younger sibling on Maternity, Paternity, Parental or Home care leave or supported by the Home care allowance. Thus the mother and the father would both have an approximately one year non-transferable quota of the 26-month Home care allowance period. The rationale behind the decision is to have mothers return to the labour market sooner than is the case today and thus raise the employment rate of women, and to improve gender equality with fathers increasing their take-up of Home care allowance. The aim of the restriction to the universal right to childcare services is to compensate the municipalities for the growing costs which would result from more children attending services due to the reform of the HCA.

The decision on the HCA period is in principle a big positive step: a one year father's quota is introduced while earlier there was a strong political resistance towards the idea of a 'daddy quota', because some saw it as 'coercion' of fathers, and there was a strong emphasis on the 'free choice' of families to decide who takes Parental leave and for how long¹³⁰. Paternity leave is still relatively short, only nine weeks compared to the 18 weeks of Maternity leave, and no proposals to lengthen this period have been made, even if statistics show that a father-only leave quota supported with an earnings-based benefit is most likely to be taken up by fathers. Now a long father's quota is introduced to the HCA even if for several years only three per cent of fathers have taken care of their children using HCA.

¹³⁰ Salmi, M. and Lammi-Taskula, J. (2014 forthcoming) 'Policy goals and obstacles for fathers' parental leave in Finland': in T. Rostgaard and G. Björk Eydal (eds) *Fatherhood in the Nordic Welfare States - Comparing Care Policies and Practice*. Bristol: Policy Press.

Even after the father's quota for the HCA is introduced, few fathers are likely to use it for several reasons related to the low flat-rate allowance. Research shows that mothers who take the longest periods of HCA are those without a job waiting for them, with a low level of education and previous experiences of unemployment¹³¹. Thus they have difficulty finding a job after their leave ends due to a limited supply of jobs for people with a low level of education as a consequence of the globalised economy and the economic crisis. Fathers in these families, if mothers are unemployed or can only find low-paid jobs, cannot afford to stay at home on the low HCA. The only families where fathers might seize the opportunity to use the father-only HCA period are those where both spouses are employed and have about the same level of wages. But those families have seldom taken advantage of the Home care allowance for longer than the child's second birthday. In practice, therefore, the decision to split the HCA period between the parents is a way to shorten it by one year.

As a consequence, more two-year-olds and their siblings will enter childcare services as neither of their parents can stay at home on HCA. The government has not taken into account that in Finland only 54 per cent of children under school age attend these services, that is, almost half of the children entitled to childcare services do *not* take advantage of them. A survey of families with children made by THL in 2012 shows that 80 per cent of children who have a younger sibling cared for by a parent at home are also taken care of at home on a full-time basis¹³².

While the decision to restrict the universal right to childcare services is a way to compensate the municipalities for growing costs, it involves taking two major steps: 1) the principle of all parents' having 'free choice' between childcare services and home care for their children is abolished; and 2) control by authorities is reintroduced as regards the 'social grounds' on which a child can be entitled to full-time childcare services even if s/he has a parent on leave at home with a younger sibling. The decision to restrict the right to services has not been evaluated from the point of view of children. Several problems arise, such as: if more children only get part-time provision, how is the right of every child to early childhood education guaranteed and delivered in the childcare centres? What about the continuity of the child's relations with other children and adults if the child has previously been in full-time childcare?

The suggested reforms were not a surprise. The proposal to shorten the Home care allowance period was made by the OECD in 2005 and has been on the political agenda since the beginning of 2012. It was presented by the Ministry of Finance to the government negotiations on finance policy in March 2012. It was also presented several times by the director of the Government Institute for Economic Research in spring 2012, and by the Prime Minister in November 2012. What was new in August 2013 was a framing of the proposal as an issue of gender equality and paternal care, and not as a cut. The suggestion to restrict the right to childcare services has been made several times since 2004 by the State Secretary of the Ministry of Finance, the Child Ombudsman, The Association of Finnish Local and Regional Authorities and the Finnish Union of Practical Nurses. The suggestion was also presented by the Ministry of Finance to the government negotiations on finance policy in March 2012, even though the government programme states that the universal right to childcare will be kept intact. The Ministry then pointed out that the shortening of the HCA

¹³¹ Ongoing study by Minna Salmi, Johanna Lammi-Taskula and Johanna Närvi, see section 5 below, and footnote 9.

¹³² *Lastenhoidon järjestäminen päivähoitossa ja kotihoidontuella. THL Lapsiperhekysely. Lokakuu 2013. [Arranging childcare in day care services or supported by home care allowance. THL Survey of families with children. October 2013]. Available at: www.thl.fi/lapsiperhekysely.*

period will not lead to savings if the right to childcare services is not restricted at the same time.

However, present calculations show that instead of savings, the two reforms will lead to new costs. The decision to split the Home care period means that at most 20,000 mothers will enter the labour market, which is 1.2 per cent of the female labour force in 2012. The Ministry of Finance estimates that 40 per cent of these mothers will be unemployed, which leads to extra unemployment costs to the state budget. Together with the extra expenditure on childcare services, the net additional costs of these reforms are calculated to be €135 million a year.¹³³

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

Since the end of the 1990s, the great majority of fathers have taken the one to three weeks' Paternity leave, with the proportion of fathers taking Paternity leave increasing from 40 per cent in 1990 and 76 per cent in 2000 to 84 per cent in 2012, when the average length of the leave taken was 15 working days. Even so, in 2012 only 18,716 fathers, i.e. about 32 per cent of all fathers, took the father's month, that is the bonus Paternity leave days plus the last two weeks of the preceding Parental leave available for fathers between 2003 and 2012 (see footnote 3 above on the 'father's month'). However, the number of fathers taking the father's month had increased fivefold compared to 2003 when the bonus leave was introduced. The average length of leave taken from the father's month was 21 days in 2012¹³⁴.

The earlier one to 18 days of Paternity leave has been taken by fathers irrespective of their socio-economic background, or that of their spouses¹³⁵. Fathers who took only Paternity leave tended to take slightly longer periods after the bonus leave was introduced in 2003¹³⁶. Two-thirds of fathers took the whole three weeks Paternity leave; men who were more likely to take the whole leave included fathers of first-born children, students and entrepreneurs. Length of Paternity leave does not correlate any more with the father's age, education or income level or socio-economic status⁸.

¹³³ Pärnänen, A (2014) 'Kotihoidon tuen puolituksella vähäinen vaikutus' [Halving of the Home care allowance has minor effect]. Statistics Finland, net blog 24.3.2014; Ministeriöiden 24.1.2014 toimittama aineisto rakennepoliittisen ohjelman johtoryhmälle [Material supplied by ministries 24.1.2014 to the executive group of the structural policy programme].

¹³⁴ National Insurance Institution (2013) *Statistical Yearbook 2012*. Available at: www.kela.fi/statistics.

¹³⁵ 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.

¹³⁶ 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 perhevapaisten 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.

c. Parental leave

The 158 days of Parental leave is mostly taken by mothers. Almost all mothers take Parental leave whereas only two to three per cent of fathers have taken a longer Parental leave than the two weeks of the father's month 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 four per cent of mothers work to some extent during the leave period.

The father's month, from 2003 to 2012, under which there were bonus days of Paternity leave for fathers who took the last two weeks of Parental leave, increased the number of men taking Parental leave from 1,700 in 2002 to 5,700 in 2005, 12,156 in 2009 and 18,716 in 2011 - 32 per cent of fathers. However, only 1,9 per cent of fathers took a longer period of Parental leave in 2012. The average length of leave of those fathers who do take Parental leave has fallen; from 64 working days in 2002 to only 18 in 2012. Three-quarters of fathers taking leave use a month or less, while only 1.5 per cent use at least four months. The most common length of leave taken by fathers overall is 42 days, which means that men take all days earmarked for fathers – but no more⁹.

Although the father's month became gradually more popular, its contribution towards equalising parental responsibilities is called into question as, in a clear majority of families, the mother stayed at home during the father's month because she planned to continue to care for the child at home supported by the Home care allowance, and the father had to take his leave within six months of the end of the Parental leave⁸.

Men with high education, employed in the public sector in middle-sized or big organisations, and whose partners also have high education, have been more likely to take the father's month – but the leave periods they have taken were shorter than those taken by men with less education⁸. Overall, Parental leave is shared more often in families where both spouses have a high level of education and a medium or high 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 family⁸.

Unlike Paternity leave, the length of Parental leave taken by men has been 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 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 income¹³⁷. Both bonus leave and longer Parental leave have more often been taken by men if twins or triplets are born⁹.

The part-time option for taking Parental leave has not been popular. In 2003, the first year that it 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. The use has not increased subsequently; it has varied between 63 parents in 2012 and 120 in 2010, being 93 in 2013 (www.kela.fi/kelasto).

¹³⁷ Lammi-Taskula, J. (2007) *Parental Leave for Fathers? Gendered Conceptions and Practices in Families with Young Children in Finland*. Helsinki: Stakes.

d. Childcare leave or career breaks

Almost all families (88 per cent) take advantage of the Home care allowance (HCA) and Home care leave, at least for some time after Parental leave. Since 2006, statistics are available of use by women and men, showing that HCA is used almost entirely by mothers. In 97 per cent of all families receiving HCA, one of the parents takes care of the child and in 97 per cent of these families the carer is the mother.

In the long run, HCA has become less popular; the proportion of children aged nine to 24 months taken care of at home supported by the HCA has dropped from 58 per cent in 2000 to 51 per cent in 2012. Recently the take-up has varied: HCA 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 from 2007 on. At the same time the proportion of under-three-year-olds taken care of and supported by the HCA has varied between 53 and 50 per cent¹³⁸. The year-to-year variations of HCA take-up is probably due to variations in female labour force demand and in the composition of women giving birth. The decreasing popularity in the long run matches the growing proportion of young children attending childcare services from 2000 to 2012: while the proportion of under-one-year-olds in these services has dropped to less than one per cent, the proportion of one- and two-year-olds has risen from 35 to 41 per cent.

Statistics also enable an assessment of take-up periods of HCA. In families paid this allowance at some point before their child turns three years¹³⁹, periods taken have divided rather evenly during the past eight years: 26-30 per cent take less than seven months, 22-26 per cent between seven and 12 months, 27-29 per cent between 13 and 24 months, and 16-25 per cent longer than 24 months (the maximum length being 26-27 months). However, the proportion for the longest periods has declined from 2003 to 2012 from 25 to 16 per cent while the proportion taking the shortest periods has risen from 26 to 30 per cent. The (few) male recipients of HCA took less of the longest periods than their female counterparts (11 per cent) (calculations based on Statistical Yearbooks of the Social Insurance Institution 2004-2012). In the long run, from 1999 to 2010, the median length of HCA periods has been ten months.¹⁴⁰

The debate on possible cuts to the HCA period (see section 3 above) led to calculations on how many two-year-olds and their siblings are taken care of at home supported by the HCA. At the end of 2010, 36 per cent of two-year-olds belonged to this group either as the primary HCA recipient (69 per cent) or as a sibling of a younger HCA recipient (29 per cent). In 40 per cent of families the HCA covers the care of one child, in another 40 per cent two children, and in 19 per cent three or more children (calculations by Anita Haataja and Siru Keskinen, National Insurance Institution.) Nine per cent of three to seven-year-olds (27,600 children) were taken care of at home as siblings of younger children receiving HCA.

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 their child was two years old, also just under half were at home on care leave, either on HCA without a job waiting for them or already on Maternity or Parental leave with another baby. Some women at home were officially unemployed or combined home care of children with studying or part-time

¹³⁸ Report of the Working group on flexibility of the home care allowance and the child care system, Ministry of Social Affairs and Health, Reports 2013:14.

¹³⁹ 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.

¹⁴⁰ Aalto, A. (2013) *Katsaus osittaisen hoitorahan käyttöön 2000-luvulla* [Review on the take-up of partial home care allowance in the 2000s]. Helsinki: Kela Työpaperiä 43/2013.

work. The longest HCA periods were more often taken by mothers with a low level of education, over 40 years of age and with three or more children⁸.

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 their child was 18 months old; while almost 30 per cent 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 children¹⁴¹. Thus it seems that, contrary to common beliefs, only a small majority of Finnish mothers stay at home on family leave for several years non-stop, and it is a minority that takes the maximum length of leave.

A survey made in 2013 of parents with a child born in 2011 shows that 46 per cent of all mothers were employed and 40 per cent were at home taking care of the child/children; one in four mothers of two-year-olds were on leave with a younger child. Of those mothers whose youngest child was the two-year-old, only 24 per cent were still at home taking care of the child supported by the HCA while 59 per cent were employed and 17 per cent did something else such as studying or else were unemployed⁵.

Earlier only a small number of families – 2,100 in 2003 – took advantage of ‘partial childcare 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 but was again 13,144 in 2012. Of these, 42 per cent of families had a child under three years. The recent increase has happened among the parents of school children (from 6,545 to 7,585 families), but especially among the parents of younger children. Partial childcare leave for under three-year-olds has increased after a small decrease between 2007 and 2008; in 2009 it was paid for 3,449 families and in 2012 for 5,559 families, with 3.6 per cent of under-three-year-olds and 6.8 per cent of seven to eight-year-old school children receiving the allowance in 2012. Partial childcare leave is mostly (94 per cent) used by mothers and is most usually taken (40 per cent) for not longer than six months⁷; a third of the users take it for seven to 12 months and a quarter for more than 12 months⁷. From 1999 to 2010, the median length of partial care leave periods with children under three has been eight months¹³. Partial care leave is taken more often by women with a high education level and high socio-economic status, less often by young mothers, perhaps because they are less likely to have permanent employment^{8 13}. In families with a child under three years, mothers almost always (80 per cent) take partial care leave after a period of HCA period taken after Parental leave; on average, the child is 18 months old when the mother starts her partial care leave. Thus partial care leave does not function as an alternative to HCA but as a transition from full-time HCA to part-time employment¹³.

The use of the private day care allowance for under three-year-olds has remained quite stable: in 2012 4,631 families received this allowance for a child under three years, while the figure was 4,470 in 2011 and 4,403 in 2010. Even this allowance is primarily used for the care of children over three years, where it has risen from 9,259 recipient families in 2007 to 9,595 families in 2010 but decreased to 9,000 families in 2012; 3.4 per cent of under-three-year-olds and 4.7 per cent of under-seven-year-olds received the allowance in 2012⁷.

The results of recent research confirm earlier findings that the length of leave periods taken by women 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

¹⁴¹ 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.

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 HCA, 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^{5 8 142}.

e. Other employment-related measures

There are no annual statistics available on the take-up of temporary childcare leave. In the Quality of Work Life Survey from 2008, 72 per cent of employed mothers and 56 per cent of employed fathers with children under 10 year had taken temporary childcare leave during the past 12 months, compared to 65 per cent of mothers and 52 per cent of fathers in 2003. In families where both parents have full-time employment, 80 per cent of mothers and 68 per cent of fathers have taken temporary childcare leave¹⁴³. Of fathers with a child under three and an employed spouse, almost two thirds had taken the leave during the past year⁸.

5. Research and publications on leave and other employment-related policies since April 2013

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 leave and Home care leave and their 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 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 consequences of the HCA for mothers. Presently qualitative research is underway on the choices of care and career between parents in the context of insecure working life, and on various factors affecting the timing of mothers' return to employment from family leave.

b. Selected publications since April 2013

Haataja, A. and Valaste, M. (2014) *Applying child-based information to a microsimulation model. A better tool to assess outcomes of alternative entitlements to child care provisions?* Working Papers 52/2014. Helsinki: Kela. Available at:

<https://helda.helsinki.fi/bitstream/handle/10138/42508/WorkingPapers52.pdf?sequence=1>.

The study develops micro-macro level analyses of potential outcomes of a possible reform to cut or split the Home care allowance period. Cutting HCA decreases cash for care costs, but may increase childcare costs, if the mothers become available to the labour market earlier

¹⁴² 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.

¹⁴³ Lehto, A-M. and Sutela, H. (2009) *Three decades of working conditions. Findings of Finnish Quality of Work Life Surveys 1977–2008*. Helsinki: Statistics Finland

than before. The study also applies and develops a microsimulation model with new kinds of data in preparation for different childcare alternatives. The report presents preliminary potential outcomes of cutting entitlements to HCA by one year and discusses the strengths and limitations of the applied model and data

Närvi, J. (2014) *Määräaikainen työ, vakituinen vanhemmuus. Sukupuolistuneet työurat, perheellistyminen ja vanhempien hoivaratkaisut* [Temporary employment, permanent parenthood. Gendered careers, family formation and parents' care decisions]. Helsinki: THL. Based on interviews with parents of young children, this doctoral study investigated how parents' choices between work and family, and their possibilities for action, are related to the gendered structures and practices of working life and family life as well as to the cultural conceptions of work and parenthood. The focus was on the significance of work insecurity on choices of becoming a parent, on arranging the care of young children and on reconciling employment and family life. The study was based on interviews with 16 women and 13 men who had children under 11 years of age and experience of fixed-term or otherwise insecure employment contracts. The study showed that young women and men chose to become parents despite temporary employment contracts, since the experiences of insecurity were seen as a normal part of working life. Although the parents preferred to talk about welcoming a child in terms of emotions instead of a financial risk, some of the highly educated women had been worried about the continuity of a meaningful career and had wanted to postpone childbearing. In fact, to start the Maternity leave without an effective employment contract hindered these women's return to work as a planned process. This also easily led to a gendered division of labour between the spouses, since within these families the father's labour market position was often more stable than that of their partner's. For some parents, the gendered responsibilities were a practical fact, but for some they were also a habitual cultural model based on the ideal of home- and mother-centred childcare. The practices of shared parenthood required not only a conscious striving for a more equal division of labour, but also negotiations between parents about their respective employment situations.

c. Ongoing research

Family, kinship and social ties in three phases of life (2012–2016). Aino Luotonen, doctoral study at the University of Helsinki.

This qualitative doctoral study explores in what ways family and kinship ties and other significant relationships are constructed and changed in the lives of young Finnish adults forming their own family. It focuses on the social support received and exchanged by mothers on family leave but studies also two other phases in the family formation process: planning to get married and returning to work from family leave. The analysis is based on 12 focus group interviews with mothers of one-year-olds, nine interviews with couples planning their wedding and other qualitative data. Contact: Aino Luotonen at aino.luotonen@helsinki.fi.

Families with children (2012–2014). Social Insurance Institute (Kela).

The research department of the Social Insurance Institute is organising a comprehensive data base on families with children based on several registers. The data covers more than half of all mothers who have given birth between 1999 and 2010 and their families. Using this data base, the project investigates the relations between the policy reforms of the 2000s and changes in the sharing of Parental leave, as well as the relations between parents' choices and their labour market position, their family economy and their life in the long run. Moreover, the project aims at developing calculation models that simulate the alternative costs to families and to public funds of varying child care periods and forms of child care. A third aim is to investigate how employer characteristics, or parent's lack of employment, effect the take-up of Parental leave and child Home care leave. Contact: Anita Haataja at anita.haataja@kela.fi.

Peer group support for parents returning to work after family leave (2012–2014). Salla Toppinen-Tanner and Pia Pulkkinen, Finnish Institute of Occupational Health. Funded by the European Social Fund.

The aim of this project is to develop a peer group intervention for parents planning to return to work after family leave. Its purpose is to support the transition by reinforcing preparedness for the return to work and the reconciliation of family and work life. The research will look at the effects of the intervention on self-efficacy related to career management, inoculation against setbacks, on one's own life aspirations, utilization of social support networks, and other personal resources in a randomized controlled trial. The aim is to provide recommendations that will facilitate the transition and which can be implemented by a range of service providers. The project utilizes a peer group method, Towards Successful Seniority™ (*Työuran uurtaja*® in Finnish) developed at the Finnish Institute of Occupational Health. Contact: Salla Toppinen-Tanner at salla.toppinen-tanner@ttl.fi.

Family leaves, economic crisis and gender equality (2013–2015). Minna Salmi, Johanna Lammi-Taskula and Johanna Närvi, National Institute for Health and Welfare (THL)

Based on a survey of mothers and fathers with a child born in 2011, this study investigates the consequences of the economic crisis, which started in 2008, for mothers' and fathers' opportunities and obstacles for taking Parental and Home care leave. A comparison of the findings with those from similar survey data from 2001 and 2006 will bring out the changes in take-up and reasons for taking or not taking leave. The study asks if the economic crisis affected the duration of mothers' Home care leave, and if a long leave period is due to difficulties in finding employment. A special focus is on the possible connections of the economic crisis on fathers' choices to take or not take Parental leave: to what degree do the changing conditions of working life lead to growing work pressures that act as obstacles for fathers' take-up of leave. The study also investigates parents' assessments of the possibilities to combine part-time work and part-time leave as well as their ideas of how to develop the family leave schemes. Contact: Minna Salmi at minna.salmi@thl.fi.

France

Jeanne Fagnani (IRES) Danielle Boyer (Caisse nationale des allocations familiales) and Olivier Thévenon (Institut national d'études démographiques)¹⁴⁴

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 two weeks before the birth, the remainder can be taken before or after. It is obligatory to take leave.

Payment and funding

- Hundred per cent of earnings, up to a ceiling of €3,129 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 insurance¹⁴⁵, financed by contributions from both employees and employers. The total amount of this contribution is 15.45 per cent of gross pay, including all social contributions, with employees contributing 2.35 per cent and employers 13.10 per cent.

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.

¹⁴⁴ Please cite as: Fagnani, J., Boyer, D. and Thévenon, O. (2014) 'France country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁴⁵ 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.

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

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

b. Paternity leave (*Congé d'accueil à l'enfant* – literally 'leave for looking after a child') (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 1a).

Flexibility in use

- Leave 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.

c. Parental leave (*Congé parental*) (responsibility of Ministry of Labour, Social Affairs, Family, Solidarity and Urban Affairs)

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) – is available to all families who meet the eligibility condition whether or not parents take Parental leave. This is a flat-rate payment of €572.81 per month. If a parent works part time, the benefit is reduced.
- For parents with two or more children, CLCA is paid until a child is three years old. However in such cases, CLCA can only be paid to one parent taking leave for 30 months; to receive the remaining period of payment, the other parent must take the outstanding period of leave.
- For parents with only one child, CLCA is only paid until six months after the end of the Maternity leave, except where both parents take leave, in which case each parent taking leave can receive up to six months payment of CLCA.
- 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 € 819,14 is made 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 that are part of the social security system and provide a wide range of benefits for families with children. CAFs are financed by contributions from employers only, amounting to 5.4 per cent of gross wages, and not by employees unlike the Maternity and Paternity leaves that are funded from the health insurance scheme.

Flexibility in use

- 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.
- Parents can take Parental leave simultaneously. If they take it on a full-time basis, parents can be provided with CLCA successively.

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.

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 per year (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 (AJPP)*: 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 over the three years period, and the level of the allowance depends on the duration of work in the enterprise and on the family structure; in couples, the amount is €42.71 per day if one parent stops work completely; and €50.75 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. 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.

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

The maximum period of post-natal leave available in France is three years, but most of this is low paid or only paid for six months if there is only one child in the family; leave paid at a high rate lasts for less than four months. Since 1989 there is an entitlement to ECEC from three 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 two-and-a-half years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

A reform of the Parental leave scheme will be introduced from July 2014. Each parent of a single child will be permitted to take a six months period of leave with payment of CLCA. For parents with two children or more, the maximum duration for the first parent to claim paid leave (i.e. with payment of CLCA) will be two and a half years; only the other parent (mostly the father) will be able to take the remaining six months of paid leave (i.e. 'Take it or lose it' approach).

4. Take-up of leave

a. Maternity leave

Almost all mothers take up Maternity leave, which is obligatory, 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 2012.

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.

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 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.

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 these entitlements 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 full time are mostly blue-collar workers or employees with a stable job beforehand. Compared to fathers who do not take Parental leave, 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. Besides, the majority of fathers on Parental leave take it on a part-time basis (Boyer and Nicolas, 2013¹⁴⁶)

The number of parents receiving CLCA has been decreasing, falling from 670,000 in 2007 to 524,400 by the end of December 2013. Additionally, the proportion of the CLCA paid to parents who choose to work part-time during Parental leave has gone up, though it remains less than the amount paid to those who stop working completely. This financial incentive has, therefore, proven its efficiency and has sharply increased the number of recipients working part time while receiving the benefit.

¹⁴⁶ Boyer, D. and Nicolas, M. (2013) 'Les pères bénéficiaires du complément de libre choix d'activité', *CNAF e-ssentiel*, No.113, janvier 2013.

5. Research and publications on leave and other employment-related policies since April 2013

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 unemployment issue, reforms in pension and education systems and with the impact of the economic crisis on their professional situation.

b. Selected publications since April 2013

Boyer D (ed.) (2013) *L'accueil du jeune enfant en 2012. Données statistiques, observatoire national de la petite enfance*. Paris : CNAF. Available at:

http://www.caf.fr/sites/default/files/caf/741/Accueil_jeune_enfant_2012.pdf

This report coordinates and synthesizes all the scientific data on family-work balance in France, with extensive information on maternal employment and the usage of different types of ECEC service.

Boyer D, (2013) 'Baromètre d'accueil du jeune enfant, 2013', *CNAF l'essentiel*, No.140, novembre 2013. Available at:

<http://www.caf.fr/sites/default/files/cnaf/Documents/Dser/essentiel/140%20-%20ESSENTIEL%20-%20Barometre%20accueil%20jeune%20enfant.pdf>

This paper presents results from a third survey of families with young children, including those on Parental leave, and covers actual and desired usage of ECEC provisions.

c. Ongoing research

Les mères en congé parental à temps partiel (2013-2014). Danielle Boyer, Caisse nationale des allocations familiales (CNAF). Paris.

This research explores the reasons for mothers using the entitlement to part-time Parental leave compared with fathers. This research is based on 30 interviews being conducted with mothers on leave and working part time. Contact: Danielle Boyer at danielle.boyer@cnaf.fr.

Germany

Sonja Blum (University of Vienna) and Daniel Erler (pme Familienservice)¹⁴⁷

April 2014

NB. Germany is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership](#) page on website.

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

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

Length of leave (before and after birth)

- 14 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

- 100 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, which – if applicable – 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.
- Benefits for mothers with an income below €390 per month paid by the mother's health insurance alone and match their prior income.
- Mothers receiving unemployment benefits are also paid Maternity leave benefits by their health insurer and match their unemployment benefit.
- Self-employed and non-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. During the two months after birth, however, no paid work is allowed for reasons of health protection.

¹⁴⁷ Please cite as: Blum, S. and Erler, D. (2014) 'Germany country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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

- All female employees, including those employed part-time and those working below the statutory social insurance threshold (i.e. earning below €450 per month). 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 new-born child may receive the benefit.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*Elternzeit*) (responsibility of the Federal Ministry of Family Affairs, 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*¹⁴⁸) is paid for a period of 12 months, at a replacement rate of 67 per cent of a parent's average net earnings during the 12 months preceding childbirth. Both parents are equally entitled to the parental benefit but if both parents take at least two months of leave, the overall length of benefit payment is extended to 14 months, i.e. a bonus of two months is paid. The 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.
- Parental benefit is paid to all families who meet the eligibility conditions, whether or not parents take Parental leave. 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. Since 2011, the long-term unemployed are no longer eligible for parental benefit, as it is now credited against social assistance payments.
- 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.
- Moreover, there is a supplementary payment for parents with several small children (*Geschwisterbonus*): If there are two children under the age of three, or three or more

¹⁴⁸ The term was originally *Erziehungsgeld* (childcare benefit), but was changed to *Elterngeld* (parental benefit) with the 2007 reform, following the intention to emphasise the shared parental responsibility of bringing up children, including that of fathers.

children under the age of six in the household, the parental benefit is increased by 10 percent (or a minimum of €75).

- 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 e.g. worked 40 hours weekly before taking parental leave, and continues working 30 hours thereafter, s/he 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 (Bavaria, Baden-Württemberg, Thuringia, Saxony) 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

- There is an *individual* parental benefit entitlement for each child. Either one parent may take up *Elterngeld* for each eligible child; or parents may share the *Elterngeld*, e.g. in the case of twins, the father receives payment for one child and the mother for the other child. However, in the case of multiple births, this parental benefit may only be received during the first 14 months following the birth of the child(ren). The maternity benefit months are credited as parental benefit months for the mother for *each* 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

A Childcare benefit (*Betreuungsgeld*) of €100 per month (rising to €150 from August 2014) is paid to parents who care for their 1- and 2-year-old children at home or do not make use of public childcare facilities. At the same time, the money may be used for private childcare arrangements, i.e. parents can use childcare services, as long as they are not publicly provided or publicly funded.

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 ten 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.
- *Familienpflegezeit* (family caring time) permits employees, for a period of up to two years, to reduce their working time to a minimum of 15 hours, if they need to care for a dependent relative. During this period employees are paid a lower income, though the reduction in income is less than the reduction in hours; employees repay the difference by receiving the same amount of reduced earnings for an equivalent period after returning to full-time employment. For example, if employees reduce their working time from 100 to 50 per cent for two years, they will receive 75 per cent of their income during that time and for a further two years after returning to full-time work again. The compulsory long-term care insurance covers additional pension contributions during the caring time if care is given for at least 14 hours and employment is limited to a maximum of 30 hours per week. *Familienpflegezeit* is not a legal entitlement, but an optional provision that is available if covered by an individual contract or collective agreement. Although no comprehensive data on the take-up of family caring time is available yet, some conclusions may be drawn from data on employers' applications for loans and admittance to group insurance foreseen by the *Familienpflegezeit*-law. Until February 2013 only 147 such applications had been made, with an average duration of caring time of about 15 months.

Flexible working

- None.

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

The maximum period of post-natal leave available in Germany is three years, but most of this is unpaid; leave paid at a high rate runs for 12 months, plus two more months if at least two months leave is taken by each parent. From August 2013, there has been an entitlement to ECEC from the age of one year (before then, the entitlement only began at three years of age). So there is no gap between the end of well-paid leave and an ECEC entitlement. The

entitlement, however, does not specify hours per day or per week; many services in Western Germany still offer only part-time hours, while full-time opening has remained the norm in Eastern Germany.

Levels of attendance at formal services for children under three years are below the average for the countries included in this review and OECD countries; but well above the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page. However, it should be noted that despite substantial increases in ECEC provision in recent years, there still remains a large difference between Western Germany (without Berlin) and Eastern Germany, especially regarding provision for children under three years - 24.2 vs. 49.8 per cent in March 2013: according to the National Statistical Office. At that date, levels of provision still were below the 35 per cent level foreseen by the *KiföG*-law for the year 2013 and actual demand is considered to be even higher. Moreover, there are some indicators that the rapid quantitative expansion of ECEC services has not been accompanied by sufficient attention on the quality of services provided (Tietze et al., 2012).

3. Changes in policy since April 2013 (including proposals currently under discussion)

Following a decision of the Federal Social Court in 2013, there has been a change regarding the parental benefit (*Elterngeld*). In the case of multiple births, there is now a parental benefit entitlement individually for each child, while before there was only one entitlement (see Section 1c for details). This can also be claimed with retrospective effect for parental benefit periods from January 2009.

An entitlement to ECEC from one year of age was introduced in August 2013, at the same time as a new 'childcare benefit' - *Betreuungsgeld* – which pays a benefit to parents for children aged one and two years who do not use public childcare services. This benefit was envisaged in the *KiföG*-law of 2008, and right from its announcement it has been highly contested in the political and societal arena because it constitutes an economic incentive for parents – especially low-income parents – to delay their labour market re-entry. Although critics argued that this funding would be better spent to further expand childcare services, the *Betreuungsgeldgesetz* (Home-care benefit law) was approved in 2013 and the new benefit enacted.

The coalition agreement of the new CDU, CSU and SPD governing coalition, signed in November 2013, foresees the introduction of a so-called 'Elterngeld plus', whose purpose is to allow for significant part-time employment during the first 28 months after giving birth to a child. A 'partnership bonus', of 10 per cent of the parental benefit, will be paid to parental benefit recipients who *both* work between 25 and 30 hours per week. Furthermore, the coalition treaty stipulates that the 36 month of Parental leave should be more flexible in the future, e.g. by allowing parents to transfer 24 (instead of only 12) months of Parental leave to be used between the third and eighth year of the child's life without approval of the employer.

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 benefit 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 significantly from 3.3 per cent in 2006 to 29.3 per cent for children born in the second quarter of 2012, i.e. recipients from April 2012 to September 2013 (all data in this section from Statistisches Bundesamt, 2013). While almost every third father takes parental benefit, there are decisive regional variations amongst the federal states, from only 18.2 per cent in the Saarland to 37.9 per cent in Saxony.

The Parental benefit reform has, therefore, been successful in raising the take-up of leave by fathers, although a large majority, i.e. 78.3 per cent (April 2012 – September 2013), 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, from the parents of children born in the second quarter of 2012, just 11.6 per cent of Parental benefit takers made use of the option to prolong their take-up 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 22.2 per cent 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 about €300 for two years instead of one. An additional 23.1 per cent of recipients benefited from the low income component of the *Elterngeld*.

d. Childcare leave or career breaks

In March 2014, first data on home-care benefit take-up were published by the Federal Statistical Office (Statistisches Bundesamt 2014): The new *Betreuungsgeld* was granted for 64,877 cases between 1 August and 31 December 2013, and 95 per cent of the recipients were mothers. Almost 78 per cent of the recipients made an application for the maximum take-up period of 22 months. The take-up corresponds to about 23 per cent of the children born in this period (Schwentker, 2014).

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

For decades, research on German leave policies was rather patchy, largely due to a lack of systematic data on the utilisation and outcomes of leave measures. In recent years, however, research has been increasingly 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 April 2013

Geyer, J., Haan, P., Spieß, K.C. and Wrohlich, K. (2013) 'Das Elterngeld und seine Wirkungen auf das Haushaltseinkommen junger Familien und die Erwerbstätigkeit von Müttern' ['The parental allowance and its effects on the household income of young families and the employment of mothers'], *Zeitschrift für Familienforschung*, Vol.25, No.2: 193-211. The authors analyse, with the help of SOEP data, to what extent three political goals of the *Elterngeld* have been achieved: to create a one-year 'sanctuary' for young parents; to allow both parents to secure their livelihood; and to support mothers' employment. The article is included in a special issue (2013) of *Zeitschrift für Familienforschung* [Journal of Family Research] on the Parental benefit and Parental leave in Germany: <http://www.zeitschrift-fuer-familienforschung.de/Hefte/heft2013-2.html>.

Statistisches Bundesamt [Federal Statistical Office] (2013) *Statistik zum Elterngeld. Beendete Leistungsbezüge für im 2. Vierteljahr 2012 geborene Kinder* [Statistics on parental allowance. Completed performance bonuses for children born in the second Quarter of 2012]. Wiesbaden: Statistisches Bundesamt. Available at: https://www.destatis.de/DE/Publikationen/Thematisch/Soziales/Elterngeld/ElterngeldGeburtenVj5229208133234.pdf?__blob=publicationFile

Trappe, Heike (2013) 'Väterzeit – das Elterngeld als Beschleuniger von Gleichstellung?' ['Fathers time – the parents money as an accelerator of equality?'], *Zeitschrift für Familienforschung*, Vol.25, No.2: 238-264.

This paper focuses on men who claim Parental leave benefits in various German regions, and explores the determinants underlying take-up of these benefits. Fathers' decision to take Parental leave essentially follows economic considerations within the couple, with female partners' employment and their relative earnings having a positive impact. Couples where fathers' Parental leave exceeds the 'daddy quota' (two months) represent quite a select group that has become smaller over time. The article is included in a special issue (2013) of *Zeitschrift für Familienforschung* [Journal of Family Research] on the Parental benefit and Parental leave in Germany: <http://www.zeitschrift-fuer-familienforschung.de/Hefte/heft2013-2.html>.

Blum, S. (2014) 'No need to reinvent the wheel: family policy transfers in Germany and Austria', *Policy Studies* (published online 16 January 2014). Available at: <http://www.tandfonline.com/doi/full/10.1080/01442872.2013.875153#.Uvnk4hApchw>

This article investigates the role of vertical and horizontal policy transfers within the Parental leave and childcare reforms in Germany and Austria.

Hobler, Dietmar (2014) 'Der Beitrag der Väter zum beruflichen Wiedereinstieg ihrer Partnerinnen' ['The contribution of fathers to return to work of their partners'], *böcklerimpuls*, 2/2014. Available at: http://www.boeckler.de/45592_45622.htm

This short article summarises preliminary results of a new study on fathers' parental benefit take-up and its connections with mothers' return to the labour market.

Schwentker, B. (2014) 'Das Betreuungsgeld boomt' ['The childcare benefit is booming'], *Spiegel Online*, 13 March 2014. Available at: <http://www.spiegel.de/politik/deutschland/betreuungsgeld-anstieg-bei-der-herdpraemie-a-958416.html>.

Statistisches Bundesamt [Federal Statistical Office] (2014) *2013: Betreuungsgeld für knapp 65.000 Kinder. Pressemitteilung Nr. 95 [2013: childcare benefits for nearly 65,000 children. Press Release No. 95]*, 13 March 2014. Wiesbaden: Statistisches Bundesamt.

Publication not included in earlier reviews

Tietze, W., Becker-Stoll, F. Bense, J., Eckhardt, A. G., Haug-Schnabel, G., Kalicki, B. Keller, H. and Leyendecker, B. (eds.) (2012) *Nationale Untersuchung zur Bildung, Betreuung und Erziehung in der frühen Kindheit [National Study on Education and Care in Early Childhood]*. Weimar/Berlin: verlag das netz. Executive summary available at:

<http://www.nubbek.de/media/pdf/NUBBEK%20Broschuere.pdf>

Looking at cultural and structural input factors such as attitudes towards childcare outside the home, teacher-child ratios and teacher qualifications, this national study assesses the outcomes of childcare in terms of social, cognitive and physical development of children and in terms of its impact on the parental ability to engage in gainful employment while remaining involved in the care of their children. The study finds substantial regional and local variations in the quality of childcare, largely due to a lack of a national quality standards and a national monitoring system.

c. Ongoing research

None reported.

Greece

Evi Hatzivarnava Kazassi and Maria Karamesini (Centre for Gender Studies, Panteion University)¹⁴⁹

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 legislation and the National General Collective Agreements (NGCA) signed between the most representative national employers' organisations (SEV, GSEVEE, ESEE) and the General Confederation of Labour, which set the uniform minimum provisions for all workers in the private sector¹⁵⁰; (ii) leave arrangements for public sector employees that are covered by basic laws and the Code for Civil Servants and relevant legislation.

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

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).

¹⁴⁹ Please cite as: Kazassi, E.H. and Karamessini, M. (2014) 'Greece country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁵⁰ Provisions on leave arrangements are also included in other kinds of Collective Labour Agreements (i.e. sectoral, professional, enterprise), which 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. Due to the fact that such Agreements cannot include worse provisions than the minimum standards included in the National General Collective Agreement, they usually have improved provisions for working parents.

Payment and funding

- Basic leave: 100 per cent of earnings, on the condition that these do not exceed those granted to insured persons who belong to the highest insurance class of the IKA (main insurance Body in Greece).
- Special leave: minimum daily wage agreed in the National General Collective Agreement, as well as social insurance coverage.
- Basic leave: funded by the Social Security Fund and the Manpower Employment Organisation, which are financed on a tripartite bases (employers/employees/state) with employers paying 27.46 per cent of earnings and employees 16.5 per cent; these contributions will constitute 46 per cent of the 2014 budget of the Social Security Fund, which finances a wide range of benefits including pensions, medical expenses and long-term disability payments. 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.
- 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 employer.

c. Parental leave (Γονική Άδεια Ανατροφής)

Length of leave

- Four months per child for each parent. Leave is an individual entitlement that cannot be transferred.

Payment

- None.

Flexibility in use

- Leave may be taken up to the time the child turns six 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 or non-continuous employment with their present employer.
- Though the leave is for each child, it is necessary that one year of work with the same employer is completed after the end of any Parental leave taken for a previous child.
- If both parents work for the same employer, they decide together who is to use the leave first and for how long.
- Leave is granted by the employer according to a set of priorities; requests for Parental leave from parents of children with a disability or long-term illness or sudden illness and from single parents (due to the death of parent, total removal of parental responsibility or non-recognition of the child) are dealt with as an absolute priority.

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.
- In the case of the death of one parent or the total removal of parental responsibility or non-recognition of a child, the amount of parental leave granted to the other parent is double.
- 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)

- None.

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 parents that adopt or foster a child that is younger than six years of age (with an extension to eight years of age if adoption or fostering procedures are not finished), 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 (up to 18 years of age) need regular transfusion or dialysis or suffer from cancer or need a transplant: up to ten days per year paid leave, funded by the employer. Individual right
- Leave for parents due to the hospitalisation of a child (up to 18 years of age), which requires their immediate presence: up to 30 days per year unpaid leave on the condition that the parent has exhausted his/her normal Parental leave. Individual right.
- 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 and funded by the employer with no ceiling on 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)

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 the case of multiple births, Maternity leave after birth is extended by one month for each additional child.

b. Paternity leave (Άδεια Γέννησης Τέκνου)

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

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 1iic 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 (see section 1iie below – 'flexible working'). 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. For a parent who is unmarried, widowed, divorced or has a severely disabled child, the leave is extended by one month. In the case of multiple births, an extra six month is provided for each additional child.

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 20 months in the private sector; but leave paid at a high rate runs for only 6 months in the private sector and 12 months in the public sector. 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 from the end

of well-paid leave. Levels of attendance at formal services for children under and over 3 years are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

The economic crisis and the austerity measures continued to have a negative impact on employment and labour relations during the last year. Unemployment rose from 24.3 per cent in 2012 to 27.3 per cent in 2013 (compared with 9.5 per cent in 2009). At the same time, flexible forms of employment (part-time and rotation work¹⁵¹) increased. According to the Ministry of Labour, the share of part-time contracts in new labour contracts rose from 26.5 per cent in 2010 to 37.1 per cent in 2013, the share of rotation work from 6.6 per cent to nine per cent while the share of full-time contracts declined from 66.9 per cent to 53 per cent over the same period,

With regard to leave, though there has been no reduction in formal provision, work insecurity and the fear of unemployment have had a negative impact on the use of leave, while violations of Parental leave rights are recorded. In its 2012 Annual Report (published at the end of March 2013), the Citizen Ombudsman expressed its concern that "women are more exposed than in the past to non-dignified work conditions, particularly during the pregnancy period and the use of maternity leave, while they are pressed to accept flexible labour relations that do not allow them to fulfil their family obligations". In April 2013, the Ombudsman presented the 2012 special report on gender and labour relations to the Committee for Equality, Youth and Human Rights of the Greek Parliament stressing in particular the negative impact of financial crisis on all working people but particularly on women during pregnancy and maternity. However, in its 2013 Annual Report, the Ombudsman observes that there was a reduction of complaints by mothers regarding rotation work, but there were complaints about employers not agreeing to employ mothers in their previous post when returning from special Maternity leave. It seems, however, that the Ombudsman's intervention is crucial in "educating" the employers about their legal obligations.

On the positive side of developments, one should note the new provisions regarding the use of childcare leave in the case of multiple births in the public sector (Law 4210/13, art.6). With this Law, an extra six months paid childcare leave is granted for each additional child in the case of multiple births. This followed decisions taken by the European Court of Justice and the Greek Council of the State that upheld complaints for not granting special rights to such parents. In the same law, a clause that discriminated against fathers in the use of childcare leave was abolished. According to that clause, the father could not make use of the right if the mother did not work unless she suffered from serious disability making her incapable to care for the child. Also, a number of Ministries, following recommendations of the Citizen's Ombudsman, adjusted their practices and clarified their policies regarding the use of parental leaves.

In the private sector, again following European Commission remarks, another positive development came about in terms of gender equality in the use of childcare leave (reduced work hours). The National General Collective Labour Agreement signed in late March 2014, specifies that a working father has an independent right in the use of this leave. This right is granted also in cases where the mother is self-employed. It also clarifies the procedures by which the use of childcare leave by the father or the mother or both is decided. We note that

¹⁵¹ 'Rotation work' involves working reduced days per week or reduced weeks per month or reduced months per year, but working full-time hours when employed.

previously fathers made use of this leave only when mothers did not and even this would not apply in the case of self-employed mothers.

Another development that took place in 2013 (Law 4141/2013), though not directly related to parental leave, is the introduction of a special benefit for families with three children or more and below a certain income threshold. An annual benefit of €500 is provided for each child if the family income is less than €45,000 (for families with three children) or €48,000 (for families with four children and more). For eligible families with more than four children an extra €400 is added for each child after the fourth. This development came one year after the abolition of the special benefits for families with 3+ children and the introduction of a unified system of means-tested child benefits. At the same time, a law just passed by the Parliament (Law 4254/2014) abolished all family benefits that were provided by the Manpower Employment Organisation (OAED) to employees who did not receive such benefits from their employer or if the amount of benefit received from the employer was lower than the one provided by OAED. This came about as a result of the abolition of the special employer/employee contributions that fund family benefits. A worrying concern is that the abolition of contributions may also affect the six month special leave for the protection of maternity whose funding source remains uncertain for the time being.

We may finally add a brief comment on a positive measure adopted in 2012, which is the provision of a maternity benefit to all self-employed women for 14 weeks after the child's birth (Law 4097/12). The measure has not been implemented so far since the common ministerial decision that would specify the details for its implementation is still pending.

4. Take-up of leave

There is no information on take-up of the various types of leave. Statistics provided by the Labour Inspectors' Authority record employees on leave by sex; but there is no information about how many employees are eligible but do not make use of their entitlement. It seems, however, that it is mothers who overwhelmingly use leave to which both parents are eligible. For example in 2012, out of the total number of employed women, 1.2 per cent of women but only 0.02 per cent of men made use of the paid childcare leave, while only 0.3 per cent of women and a negligible percentage of men made use of the non-paid Parental leave (Labour Inspectors' Authority, 2012 Annual Report). But, as noted above, it seems likely that due to the economic crisis, high unemployment and the fear of dismissal, take-up rates are adversely affected in the private sector.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

Parental leaves have not been the focus of any research during 2013 or early 2014. Nor can we identify research on reconciliation of work and family life except for the survey that is quoted below.

b. Selected publications since April 2013

Diadikasia Ltd (2013) *Final Evaluation Report of the Survey on 'Reconciliation of Work and Family Life'*. Athens: Department of Labour, Social Insurance and Welfare (in Greek).

This is the final survey report, based on interviews with users and childcare facility representatives, of the national programme 'Reconciliation of Work and Family Life' (Operational Programme Human Resources Development) through which mothers (and since 2013 some categories of fathers) are subsidized in order to get childcare places for

their children. The survey shows the crucial role that such placements play in sustaining employment posts or providing time to look for a job.

c. Ongoing research

None reported.

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Hungary

Marta Korintus (General Directorate of Social Affairs and Child Protection)¹⁵²

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 Human Resources)

Length of leave (before and after birth)

- Twenty-four weeks: up to four weeks before birth. It is obligatory to take two weeks leave. However only mothers are entitled to take one type of Parental leave until the child’s first birthday (see 1c).

Payment (terhessegi-gyermekügyi 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 as 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.

¹⁵² Please cite as: Korintus, M. (2014) ‘Hungary country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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.
- Those insured mothers who will have their second or third child after 1 January 2014 while they already receive GYES or 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 mother

- If the newborn is cared for in an institute for prematurely born infants for a year, the unused portion of the maternity leave can be taken up after the child is taken home.
- Adopting mothers are eligible.
- Guardians who care for the child are eligible.
- The father (birth or adoptive) is eligible if the mother dies or is not present in the household due to health-related reasons.

b. Paternity leave¹⁵³

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.
- Funding as for Maternity leave..

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.

- Seven days in case of twins.

c. Parental leave (responsibility of the Ministry of National Resources)

There are two types of leave and benefit: (1) for non-insured parents, *Gyermekgondozasi segely*, GYES; (2) for insured parents, *Gyermekgondozasi dij*, GYED. Both are family

¹⁵³ 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.

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. This is a family entitlement.

Payment and funding

- **GYES:** until the child's third birthday, a flat-rate benefit equal to the amount of the minimum old-age pension, HUF28,500 [€94¹⁵⁴] per month in 2014. For multiple births, two hundred per cent of this amount is paid in the case of two children, 300 per cent for three children, with similar increases for additional children. Funded by the Treasury from general taxation.
- **GYED:** benefit of 70 per cent of average daily earnings, up to a ceiling of 70 per cent of twice the minimum daily wage (HUF142,100 [€467] per month in 2014). Funding as for Maternity leave.

Flexibility in use

- A parent taking **GYES** cannot work until the child's first birthday, but can then work unlimited hours while still receiving the full benefit until the child's third birthday. If the parent takes up GYES and works, she can still access public childcare for children under 3 years (*bölcsőde*).
- A parent taking **GYED** can work unlimited hours after the child's first birthday while still receiving the full benefit until the child's second birthday. If the parent takes up GYED and works, she can still access public childcare for children under 3 years (*bölcsőde*).

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

- **GYES:** all parents. Guardians are also eligible.
- **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. Foster parents are not eligible.
- **GYED:** women who would not be eligible under the above criteria but who completed two semesters at a state acknowledged higher education institution within two years before the birth of the child. They receive a payment equal to the minimum wage valid on the first day of their becoming eligible (HUF101,500 [€334] per month in 2014), except those studying for MA or PhD for whom the payment is 70 per cent of the guaranteed minimum wage (HUF82,600 [€271] per month in 2014).

¹⁵⁴ Conversion of local currency into Euros undertaken on 5-6 June 2014, 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

- **GYES:** 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 30 hours a week, 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 third 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 considered for pension.

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.

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 sickness benefit is paid at 50 or 60 per cent of earnings up to a ceiling.

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 post-natal leave available in Hungary is three years (except for families with three or more children, where leave can be taken until a child is eight years); the last year is paid at a low flat rate, but until a child is two years old, insured parents taking leave are paid at a high earnings-related level. There is an entitlement to ECEC (*óvoda/kindergarten*) from three years of age and it is compulsory to attend four hours a day from the age of five years. Children under three years are also entitled to an ECEC (*bölcsőde/nursery*) place, but there are not enough places; legislation is in place in both

cases but implementation varies. So though by legislation, 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 three 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 for children under three years are well below the average for the countries included in this review and OECD countries; but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

The government introduced four major changes taking effect from 1 January 2014: 1) a parent taking GYES or GYED can work unlimited hours after the child's first birthday while still receiving the full benefit; 2) when a second or third child is born, the benefits received are not lost, so the parent becomes eligible for two or three payments of GYES or GYED; 3) women who completed two semesters at a state-recognised higher education institution within two years before the birth of the child become eligible for GYED; d) employers receive additional tax relief when they employ women with three or more young children.

4. Take-up of leave

a. Maternity leave

There are only statistics on the number of women receiving benefit. The average monthly number in 2012 was 25,223, or 10.8 recipients per thousand women of fertile age. It is thought that almost all eligible women take leave.

b. Paternity leave

The total number of fathers taking leave during 2012 was 22,280, using 110,844 days, i.e. most fathers taking leave used their full five day entitlement.

c. Parental leave

There are only statistics on the number of recipients of benefit. The average monthly numbers in 2012 were: 168,037, or 72.1 recipients per thousand women of fertile age, for GYES; 81,839, or 35.1 recipients per thousand women of fertile age, for GYED; and 38,608, or 16.6 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 Parental 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 4.1 per cent of children under two years and 21.31 per cent of children between two and three years were in childcare centres in 2011, so the remainder probably had a parent (predominantly the 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 *bölcsőde* (nurseries taking children under three years of age); most children enter between 18 months and two years of age. It is yet to be seen what effects the changes introduced on 1 January 2014 will have.

d. Other employment-related measures

In 2011, the total number of paid leave days to care for a sick child was 773,000, which represented 3.9 per cent of all paid sick leave days.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

Research and publications on leave and employment related policies have been scarce in 2013.

b. Selected publications since April 2013

Központi Statisztikai Hivatal [Hungarian Statistical Office] (2013) *Szociálisstatistikai évkönyv 2012 [Yearbook of Welfare Statistics, 2012]* (with CD-ROM). Budapest: Központi Statisztikai Hivatal

This yearbook contains detailed data on a wide range of welfare measures and services including: social assistance, family benefits, child welfare provision, child protection, social benefits, basic social care and child care, social work activities and accommodation, rehabilitative employment, sick pay, retirement allowances and the social and guardianship authority administration in 2012, with a detailed methodology.

Spéder, Zs and Kapitány, B. (2014) 'Failure to realize Fertility Intentions: A Key Aspect of the Post-communist Fertility Transition', *Population Research and Policy Review*. DOI 10.1007/s11113-013-9313-6. Available at:

<http://link.springer.com/article/10.1007%2Fs11113-013-9313-6>

The paper focuses on the realization of fertility intentions, exploring a new aspect of the post-communist fertility transition. By making use of a follow-up study, the authors are able to compare five European countries and to analyze the chances of realizing short-term, time-dependent fertility intentions. There is always a difference between intention and behaviour. It is partly due to demographic and social factors, such as age, parity, partnership status; but once these are accounted for, important differences remain between western European and post-communist countries. In the period after the turn of the millennium, chances of realizing intentions are significantly lower in post-communist countries than in western European countries. The lower chance of realization is a consequence of social anomie originating from discrepancy between slow value shift and the increased dynamism of structural changes.

c. Ongoing research

Changing Families and Sustainable Societies: Policy Contexts and Diversity over the Life Course and Across Generations (FamiliesAndSocieties) (2013-2017). FamiliesAndSocieties Funded by the European Union. Hungarian partner: Centre for Social Sciences, Hungarian Academy of Sciences (MTA TK).

The main objectives of this project are to investigate the diversity of family forms, relationships, and life courses in Europe; to assess the compatibility of existing policies with these changes; and to contribute to evidence-based policy-making. The project intends to extend the knowledge on how policies promote well-being, inclusion and sustainable societal development among families.

Iceland

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April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

Note on terminology: the term *fæðingarorlof* (literally ‘birth leave’) is used in law to refer to paid Maternity, Paternity and Parental leave. Sometimes the term *foreldraorlof* (paternity leave) is used even though the law does not make such distinction between parental leave of fathers and mothers.

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 (*fæðingarorlof*)

Length of leave (before and after birth)

- Three months: one month may be taken before birth. It is obligatory to take two weeks of leave following the birth.

Payment and funding

- Eighty per cent of average total earnings for a twelve months long period ending six months before birth up to a ceiling of ISK 370,000 [€2,389¹⁵⁶] per month. The minimum payment to a mother working shorter part-time hours, i.e. between 25 and 49 per cent of full-time hours, is ISK 97,786 [€631] per month; and the minimum payment for a mother working 50-100 per cent of full-time-hours is ISK135,525 [€875]. For those working less than 25 per cent of full-time hours and those outside the labour market the amount is ISK59,137 [€382]. Students (75-100 per cent of full-time studies) receive a flat-rate payment of ISK135,525 [€875]. As a frame of reference, the minimum wage in Iceland is ISK193,000 [€1,246] per month.

¹⁵⁵ Please cite as: Eydal, G.B. and Gíslason, I.V. (2014) ‘Iceland country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁵⁶ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

- Funded by the Maternity/Paternity Leave Fund, which is financed from an insurance levy of 6.04 per cent of paid wages; 0.65 per cent of this revenue goes to this Fund.

Flexibility in use

- After the two weeks of obligatory leave, the mother can choose to take leave on a full time or part-time basis. 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'). This has to be negotiated with the employer. Parents can be on leave together, partly or the whole period.
- The total of nine months leave (covering Maternity, Paternity and joint rights) can be used until 24 months after the birth.

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

- All mothers that give birth to or adopt a child have individual non-transferable rights to three months paid Parental leave, regardless of sexuality or marital status.

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.
- In cases where there is only one parent (the other parent has died, in cases of artificial insemination or a lone parent adopts or takes a child in permanent foster), the parent has right to nine months paid parental leave.
- Maternity leave can be extended by two months if the mother suffers any complications during or after the birth.

b. Paternity leave (*fæðingarorlof*)

Length of leave

- Three months.

Payment and funding

- Eighty per cent of average total earnings for a twelve months long period ending six months before birth up to a ceiling of ISK 370.000 (€) per month. For maximum and minimum payments see 1a.

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 biological or adoptive fathers have individual non-transferable rights to three months paid Parental leave, regardless of sexuality or marital status.

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.
- In cases where there is only one parent (the other parent has died or a lone parent adopts or takes a child in permanent foster) the parent has right to nine months paid Parental leave.

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

Length of leave (before and after birth)

- Three months after birth. These are in addition to the earmarked months (three for each parent) and can be divided between the parents as they like.

Payment and funding

- Each parent is entitled to economic compensation based on his or her labour market situation and previous earnings (please see 1a for further information).

Flexibility in use

- The total of nine months leave (covering Maternity, Paternity and joint rights) can be used until 24 months after the birth.
- Leave can be taken in one continuous period or as several blocks of time. The leave can be taken on part-time or full-time basis and parents can be on leave together.

Regional or local variations in leave policy

- None.

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

- Each parent is entitled to leave based on his or her labour market situation.

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 sharable 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.

d. Childcare leave or career breaks (Foreldraorlof)

- Each parent may take four months of non-transferable unpaid leave until the child is eight years old.

e. Other employment-related measures

Adoption leave and pay

- Regulations on paid parental leave apply if the child is younger than eight years when adopted.

Time off for the care of dependants

- The ILO convention (no. 156) on Workers with Family Responsibilities has been ratified.

Flexible working

- Employers are required by the Act on Equal Status and Equal Rights of Women and Men 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, nine months of paid leave and two periods of four months of unpaid leave (1d). There is no entitlement to ECEC. However, most municipalities offer ECEC for children over the age of two years and even younger, and national statistics for 2012 show high attendance on all levels for children over 12 months: one per cent of children under 12 months are in early childhood centres, compared with 32 per cent of one-year-olds and 96 per cent of two to five-year-olds. Levels of attendance at formal services for children under and over three years are well above the average for the countries included in this review and OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

The Icelandic parliament adopted changes to the law on Parental leave in December 2012, with a staged increase to a 5+5+2 system. Following parliamentary elections in April 2013, a new coalition government came to power. This government deemed state finances to be in such a bad shape that the extension of the leave period adopted in December 2012 could not be carried out. There has been no clear statement on what the future holds; the law has been passed, but continues to await a decision on how it should be financed before it can be implemented.

4. Take-up of leave

a. Maternity leave

In 2010 (last year for which final figures are available), 99 per cent of women applying for leave used at least the three months available. For more details see 4c.

b. Paternity leave

See 4c.

c. Parents' joint rights

In 2010, 95.4 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 92 days leave compared to 179 for mothers). Overall, 17 per cent of fathers took some of the parents' joint rights, and 29,8 per cent took less than their three months of designated Paternity leave; 95 per cent of mothers took some period of parents' joint rights.

In 2009, 30.7 per cent of men and 40.4 per cent of women took leave in one uninterrupted period; the remainder took their leave in two or more parts.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

Research on leave and other employment-related policies has been a neglected area in Iceland though there has been some slow increase. Some studies include cross-national comparisons, which is reducing Iceland's previous knowledge gap in this area.

b. Selected publications since April 2013

Arnalds, Á.A, Eydal, G.B. and Gíslason, I.V. (2013) 'Equal rights to paid parental leave and caring fathers – the case of Iceland', *Stjórnmal og stjórnsýsla*, Vol.9, No.2: 323-344.

In 2000 the Icelandic parliament adopted unanimously a new and radical law on Parental leave. The leave was extended from six months to nine; divided between the parents so that fathers were allotted three months, mothers three and the remaining three divided between the two. One reason given for this division was to try to ensure that children received care from both parents. From the results of a questionnaire answered by parents who had their first child in 1997, 2003 or 2009 it was estimated whether the intention of the law was put into practice. The results indicate that the division of care between parents, from birth until three years, has changed in the intended direction and that this is mainly due to the law. The results also showed that this is least common among parents that do not live together. However, even amongst these parents the division of care is more equal among those who had their first child in 2009 than those who had their first in 1997. Finally, the results show that there is a direct correlation between the length of leave taken by the father and his involvement in care afterwards. Overall, these results indicate that the law has had the intended effect of providing children with care from both parents.

Eydal, G.B. and Gíslason, I.V. (2013) 'Family Policies: The case of Iceland', in M. Robila (ed.) *Handbook of Family Policies across the Globe*. New York: Springer, pp. 108-124.

This chapter provides a general overview of the development of family policy in Iceland in the 20th and 21st centuries and statistical information on aspects such as Parental leave, children in ECEC, divorces and so on.

Eydal, G.B. and Gíslason, I.V. (2013) 'Tredelt permisjon og lang fedrekvote – erfaringer fra Island', in: B. Brandth and E.Kvande (eds). *Fedrekvoten og den farsvennlige velferdsstaten [Paternity leave and the father-friendly welfare state]*. Oslo: Universitetsforlaget, pp.180-193

The chapter discusses the developments in gender relations that led to the extension of Parental leave in 2000 and its division in 3+3+3 months. Studies done on the effects this has had are summarized and possible development discussed.

Eydal, G.B. and Rostgaard, T. (2013) 'Caring families – policies and practices in Nordic countries', in: M.H. Ottosen and U.B. Björnberg (eds.) *Challenges for future family policies in the Nordic countries: Reassessing the Nordic Welfare Model*. Copenhagen: SFI.

The aim of the chapter is to critically examine and reassess how the Nordic welfare states provide support and services in relation to care. The chapter examines what services and support are provided for children and elderly people, including the main characteristics of schemes for paid Parental leave and early childhood education and care; support for families with sick and disabled children; and the policies aimed at ensuring that elderly people are ensured the right to live at home as long as possible, regardless of their need for assistance in daily life.

Eyjólfsdóttir, R. (2013) *Samræming fjölskyldulífs og atvinnu. Hvernig gengur starfsfólki á íslenskum vinnumarkaði að samræma fjölskyldulíf og atvinnu? [Coordination of family life and work. How are workers on the labour market to harmonize family and work?]* Unpublished M.Sc. thesis. University of Reykjavík.

Ernuðóttir, E. (2013) 'Að koma aftur á vinnustaðinn er eins og að koma aftur heim'. *Upplifun kvenna á samskiptum í fæðingarorlofi [Coming back to work is like coming back home]. Women's experiences of communication during Parental leave*. Unpublished MA thesis. Reykjavik: University of Iceland, Faculty of Business Administration.

Ingólfssdóttir, E. (2013) 'Det löser sig'. *En studie om hur isländska föräldrar överbygger omsorgsgapet mellan föräldradighet och förskola [It will be alright]. A study of how Icelandic parents bridge the care gap between parental leave and preschool*. Unpublished MA thesis. Lund: Lunds universitet, Sociologiska institutionen.

c. Ongoing research

Paid parental leave, fathers and mothers: Reconciliation of work and family (2013-). Guðný Björk Eydal and Ingólfur V. Gíslason, University of Iceland. Funded by the University of Iceland Research Fund and the Icelandic Equality Fund.

The aim of the project is to investigate through a survey how parents having a first child in 2009 have organized their work and the care of their child from birth until the age of three years. The parents are also asked about their labour market participation a year before birth. All parents of children born in Iceland in 2009 received a questionnaire and the survey was carried out in spring 2013. Such surveys have been conducted twice before; in 2001 it was conducted among parents of first-born children in 1997, and in 2007 among parents of first-born children born in 2003 (when the children were all three years or older). In the 2013 survey there were also questions regarding the influence of the economic crisis on how parents have organized work and care during the aftermath of the crises, since many parents in the group had made their plans regarding Parental leave before the cuts to the payments were made. Furthermore a qualitative study is planned among parents from Poland living in Iceland in order to gain knowledge about their experience of the Icelandic paid Parental leave system. Contact: Guðný Björk Eydal at ge@hi.is or Ingólfur V. Gíslason at ivg@hi.is.

Nordic Family Policies and Demographic Consequences 1990-2011. Guðný Björk Eydal, University of Iceland, with Trude Lappegard from Statistic Norway and Ólöf Garðarsdóttir, University of Iceland. Funded by the Norwegian Research Council.

A data set is being created from existing register data from Statistics Iceland about fertility, labour market position, education, family position and incomes; and from the Birth Leave

fund about the take-up of paid Parental leave by Icelandic parents. Contact: Ólöf Garðarsdóttir at olofgard@hi.is.

Ingólfur V. Gíslason at the University of Iceland has undertaken a qualitative study among couples in which the male spouse has been unemployed for at least three months but the female spouse is actively employed. A paper is being written on the results. He is also participating in an international research project headed by Francine M. Deutsch studying couples who equally share housework and paid employment. Finally, he is involved in an international project headed by Karin Wall which studies fathers that have been at home with their child for at least a month while the mothers are working. Contact: Ingólfur V. Gíslason at ivg@hi.is

Ireland

Eileen Drew (Trinity College Dublin)¹⁵⁷

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

- A weekly rate of €230 is paid to qualifying persons 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 4 per cent of earnings and employers 10.75 per cent

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.

¹⁵⁷ Please cite as: Drew, E. (2014) 'Ireland country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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.

- Fathers are entitled to Maternity leave if the mother dies within 40 weeks of the birth. In these circumstances, the father is entitled to a period of leave, the extent of which depends on the date of the mother's death. If the mother dies within 24 weeks of the birth he has an optional right to the additional Maternity leave. If the mother's death is over 24 weeks after the birth, the father is entitled to leave until 40 weeks after the birth. The leave starts within seven days of the mother's death.
- In the case of a child who is hospitalised, the mother may postpone her Maternity leave if she has taken 14 weeks (including at least 4 weeks since the baby was born) up to a period of six months with the agreement of the employer.

b. Paternity leave

No statutory entitlement.

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

Length of leave

- Eighteen weeks per parent per child. Leave is an individual entitlement that cannot be transferred, except where parents who are employed by the same employer in which case they can transfer a maximum of 14 weeks of their Parental leave entitlement to the other parent, subject to the employer's agreement. Both parents can take the leave at the same time.

Payment and funding

- None.

Flexibility in use

- Leave may be taken up to the child's eighth birthday, and up to 16 years in the case of children with disabilities and serious illness.
- An extension of the *force majeure* provisions includes persons in a relationship of domestic dependency, including same-sex partners. Same-sex partners are defined in the Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010.
- Leave may be taken in separate blocks of a minimum of six continuous weeks or more favourable terms subject to employer's agreement.

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

- All employees who have completed one year's continuous employment with their present employer.

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

- As leave is per child, the leave period is doubled for parents of twins and tripled for triplets.

- Parents with a disabled child do not get additional Parental leave, but would be eligible for Carer's leave (see 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.
- Statutory codes of practice specify 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

- 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 minimum of at least 13 weeks up to a maximum of 104 weeks unpaid 'Carer's 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 are entitled to adjust their working hours or, if breastfeeding facilities are provided at work, to take breastfeeding breaks up until the child is six months old.

- On return from Parental leave, an employee may request a change in their working hours or pattern. Employers must consider such a request but are not required to grant it.

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

The maximum period of post-natal leave available in Ireland is 18 months, but most of this is unpaid; leave paid at a low flat rate lasts for only six 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 nearly three years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under three years are about the average for the countries included in this review and OECD countries; but well below the average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

Budget 2014 provided that from January 2014 maternity benefit would be paid at a standard rate of €230; this replaces a previous earnings-related payment, though with a very low ceiling of €262 a week. Unpaid 'Carer's leave' leave, to provide full-time care for a dependant (e.g. a child with a severe disability), has been extended from 65 weeks to 104 weeks.

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 some women not being eligible for Maternity leave. In 2012, the Irish Government paid out €303 million to 45,129 mothers on Maternity leave (data from the Department of Social Protection). This substantial increase is due to various reasons: more births, more women in the labour market and in-migration of women of childbearing age.

According to a national study of Pregnancy at Work conducted in 2007-2009¹⁵⁸, two-thirds of the 23,000 the mothers surveyed had been in employment. The sample was selected by the Department of Social Protection (DSP) from its database of recipients of the universal child benefit. Of these, 92 per cent of mothers took paid Maternity leave, while 41 per cent took unpaid Maternity leave, mostly in addition to paid leave. Taking combined paid and unpaid leave was related to the mother's ability to afford a period of unpaid leave. Women who were self-employed or who worked in temporary/casual jobs or part-time employment during pregnancy were less likely to take paid maternity leave.

¹⁵⁸ Russell, H., Watson, D. and Banks, J. (2011) *Pregnancy at Work: A National Survey*. Dublin: HSE Crisis Pregnancy Programme and the Equality Authority.

Nearly half (48 per cent) of employed women received a top-up payment from their employer in addition to state maternity benefit. Receipt of such payments was higher among women who were already more financially secure. Nearly one-third (32 per cent) of the women surveyed who were in employment experienced problems around Maternity leave, the most common involving the timing or duration of leave, i.e. being pressurised into leaving work earlier or returning to work sooner than desired. The report concluded that the preferred option, among mothers who can afford it, would be for a longer period of maternity leave than the six months of statutory paid leave.

b. Paternity leave

No statutory entitlement.

c. Parental leave

Based on the findings of the *Pregnancy at Work* study (footnote 1), only 18 per cent of women who had returned to work after childbirth in 2007-2009 had requested to take any Parental leave. However, the authors noted that since leave can be taken at any point until the child reaches eight years of age, more women may avail of this entitlement at a later stage. Almost one-fifth (19 per cent) of women who had applied for Parental leave had their request refused, or leave was granted not in the form originally requested. The study showed that take-up of (unpaid) Parental leave is linked to women's ability to afford it. Women with an unemployed partner were four times less likely to request Parental leave than women with a working partner, indicating the constraint on choice associated with the household's financial position, which is likely to characterise many households during a period of recession. Women with higher earnings were more likely to have requested Parental leave. No information was given in the report on fathers' take up of Parental leave

d. Other employment-related measures

There is no recent information on take-up, the latest data being from a survey in 2001.

5. Research and publications on leave and other employment-related policies since April 2013

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 while the right to request flexible working applies only to persons returning from Parental Leave. 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 April 2013

Drew, E. and Humbert, A.L. (2014) 'Combining motherhood and entrepreneurship: strategies, conflict and costs', in: L. Kelly (ed.) *Women Entrepreneurship: New Management and Leadership Models. Volume 1*. Santa Barbara CA: Praeger.

The number of women entrepreneurs in Ireland is growing rapidly and they now represent over 15 per cent of business start-ups. However this is just half of the EU level of one in

three. With the current slow-down in growth of the Irish economy, particularly in services where women are well represented, rising female entrepreneurship will be vital to ensure that Irish female labour force participation remains at the Lisbon target level. This chapter concentrates on the experiences of women entrepreneurs and how they relayed their responses to motherhood, sacrifice, and seeking to balance their business and family lives. It is based on an exploratory study of women entrepreneurs, using a qualitative approach through in-depth interviews, conducted in 2005, with eight women entrepreneurs with dependent children. It outlines their experiences of doing entrepreneurship in what was then a fast-growing Irish economy. Drawing upon a body of international literature relating to gender and entrepreneurship, the paper uses the empirical interview data to discuss the costs, coping mechanisms and sacrifices made by these women in the context of motherhood.

Drew, E. and Watters, A. (2014 forthcoming, Autumn) “We’re not much use, but good for logistics”: An exploratory study of fathers and parenting leaves in Ireland’, *Journal of International and Comparative Social Policy*.

This paper examines family leaves in Ireland, particularly for fathers, in the context of changing parenting roles and the increased involvement of fathers in the care of their child(ren). Drawing upon the results of a survey of 637 parents and focus group discussions with parents it highlights parental experiences of Parental, Paternity and Maternity leave. Policy changes are explored to assess the preferences of fathers and mothers in terms of payment, duration and transferability of leaves between parents. In tandem with women’s increased access to employment, the study examines evidence of men’s desire for greater equality in family roles. The question posed is whether a policy response is needed in relation to fathers’ rights to family leave and, if so, on what terms?

c. Ongoing research

None reported.

Israel

Nadav Perez-Vaisvidovsky (Ashkelon Academic College)¹⁵⁹

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

a. Maternity Leave (חופשת לידה, *Hufshat Leida* – literally 'birth leave') (responsibility of the National Insurance Institute)

Length of leave (before and after birth)

- 26 weeks: up to six weeks before the birth and the remainder following the birth. It is obligatory to take the first fourteen weeks.

Payment and funding

- 100 per cent of earnings for the first 14 weeks, with a ceiling of five times the average salary (NIS44,755 [€9,452¹⁶⁰]). Per month). The remaining 12 weeks are unpaid.
- The benefit is paid by the National Insurance Institute, funded by contributions from employers, employees and the state. Employers pay 3.45 per cent of earnings and employees 0.4 per cent up to 60 per cent of average earnings; above which payment is 6.75 per cent and seven per cent respectively up to a ceiling.

Flexibility in use

- Women may use the first six weeks of leave before birth. The leave may be shortened to 14 weeks, but not by less than that.

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

- All women are entitled to the first 14 weeks of leave (including job protection, if relevant), regardless of employment status.
- Only women who have worked with the same employer for a full year before birth are entitled to a 26 weeks leave.
- Entitlement to benefits depends on prior participation in the labour force (and payment of social insurance) for ten out of 14 months or 15 out of 25 months prior to leave. Self-employed women are eligible.

¹⁵⁹ Please cite as: Perez-Vaisvidovsky, N. (2014) 'Israel country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁶⁰ Conversion of local currency into Euros undertaken on 5-6 June 2014, 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

- A mother who has been hospitalized during her leave for two weeks or more may extend her paid leave for the hospitalization period, up to four weeks, or split her leave so the hospitalization period will not be included.
- A mother whose baby has been hospitalized during the leave for two weeks or more may extend her paid leave for the hospitalization period, up to 20 weeks, or split her leave so the hospitalization period will not be included.
- In multiple child births, the mother is entitled to an additional three weeks of leave and benefits) for each child beyond the first.
- When the mother is unable to care for the newborn because of illness or disability, the full leave can be transferred to the father (and only to him). If both pass the eligibility criteria, benefits are then paid to the father, based on his income.
- The mother can transfer part of her leave to the father, as long as the following conditions are met:
 - The first six weeks after birth cannot be transferred.
 - Both the mother and the father must be eligible for leave and for benefits.
 - The minimum period to be transferred is 21 days.
 - The mother must return to work.
 - The mother has to provide written consent to transfer her leave.

b. Paternity leave

No statutory entitlement.

c. Parental leave (Also named חופשת לידה, *Hufshat Leida*)

Length of leave

- Up to one year after childbirth for each parent.

Payment and funding

- None.

Flexibility in use

- Both parents are entitled to take leave at the same time.
- Both parents can take up to two leave intervals.

Regional or local variations in leave policy

- None

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

- Parents are eligible to a leave period no longer than a quarter of the length of their employment with the current employer, up to a leave of one year for four years of employment.

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

- None

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 Maternal Leave apply as for other parents.

Time off for the care of dependents

- In case of the sickness of a child (below 16 years of age), parents may use up to eight days each year out of their own allotted sick leave (totaling 18 days per year, paid by the employer from the second day at 50 per cent of earnings, 100 per cent from the fourth day). A single parent may use up to 16 days. In case of a malignant disease, the period of leave increases to 90 days (110 for a single parent).
- Parents of a child with special needs are entitled to 18 days out of their own sick leave (36 for a single parent).
- In case of the sickness of a spouse, workers may use up to six days per year (60 days for a malignant disease), out of their allotted sick leave.
- During the pregnancy of his spouse, a worker is entitled to use seven days of his allotted sick leave to attend medical examinations and treatments related to the pregnancy.
- A worker may use up to six days per year of his allotted sick leave to care for a parent over 65 years of age.

Flexible working

- During the first four months after the end of the Maternity leave, mothers employed full time and who are breastfeeding are entitled to one hour absence from work, in addition to break times defined by law.

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

The maximum period of post-natal leave in Israel is 12 months, but most of this is unpaid; leave paid at a high rate runs for 3.25 months. There is no entitlement to ECEC. Demand for children under three years exceeds supply, and places in government regulated and subsidized care are hard to come by. So when the initial birth leave of 26 weeks ends, parents have difficulties finding places in regulated ECEC centres, especially when the leave ends in the middle of the school year. Many parents, therefore, have to use the unpaid Parental leave, or else rely on family assistance or on expensive, unregulated private care.

There is no comparative information on levels of attendance at formal services for children under three years; but attendance for children over three years is above average for the

countries included in this review and OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2004¹⁶¹ (including proposals currently under discussion)

Since 1952, there was 12 weeks paid Maternity leave ('birth leave') and unpaid leave up to one year after childbirth. In 2007, Maternity leave was extended from 12 weeks to 14 weeks, all paid at a 100 per cent of pre-birth income. In 2010, this leave was further extended from 14 to 26 weeks, but the additional period was unpaid; effectively, this meant a period of 12 weeks was moved from the unpaid Parental leave to the unpaid Maternity leave, though with lower eligibility criteria and better job protection for this period.

Legislation is currently underway to grant fathers eight days of Paternity leave upon the birth of a child, to be deducted from their existing sick leave and annual leave period.

4. Take-up of leave

a. Maternity leave

All eligible women use Maternity leave as it is obligatory; As of 2010, women taking this leave account for 62 per cent of all women giving birth. Only 0.35 per cent of women receiving Maternity leave benefit transfer part of it to their spouse.

b. Paternity leave

No statutory leave entitlement.

c. Parental leave

No data exist on the use of the unpaid Parental leave.

5. Research and publications on leave and other employment-related policies since April 2010²

a. General overview

Research on Israeli leave policy is quite rare; few studies target this policy specifically, and as Israel is not a member state of the EU, and has only recently joined the OECD, few comparative studies include Israel in their sample. Leaves are generally understood by researchers within the context of wider family policy, which has in turn been understood as subject to the logic of the Israeli-Arab, and specifically the Israeli-Palestinian, conflict. The main role of women, according to this logic, is to 'fight the demographic battle', and they are rewarded for fulfilling this role and can make claims to common resources based on its demands. This explains the then-generous Maternity leave of 12 weeks, introduced in 1952. Its stagnation for 55 years – and the minor expansions afterwards – are understood, again, within the general framework of family policy, now focusing on 'rewarding childbearing while neglecting childcare' policy, providing generous measures to pregnant women and to women seeking to become pregnant, but giving minimal support to parents after the children are born.

¹⁶¹ This section covers a longer period than other country notes since this is the first entry for Israel.

b. Selected publications since April 2010

Wasserstein, C. (2011) *Recipients of Maternity Benefits, 2010*. Jerusalem: National Insurance Institute. [Hebrew]

The last in a series of periodical publications providing data on the recipients of Maternity leave benefits.

Perez, N. (2011) *Making Fathers Care. Parental Leave for Fathers in Israel: Policy Recommendations*. Jerusalem: Taub Center. Available at: <http://taubcenter.org.il/index.php/publications/discussion-papers/social-welfare/making-fathers-care/lang/en/>.

In Israel, fathers have the opportunity to share 'maternity leave' with their wives, although only a handful of fathers use it. This program has become a failure. Through a survey of comparative analysis of the policy regarding such leave in other welfare states and through an analysis of other leave programs, this paper attempts to understand the reasons that the leave is not used by fathers and possible obstacles to its full use. Recommendations for improving the program in Israel are also made.

Perez-Vaisvidovsky, N. (2013) 'Fathers at a Crossroads: The Combined Effect of Organizational and Cultural Factors on the Making of Gender-Related Policy', *Social Politics*, Vol.20, No.3: 407-429.

Ideational explanations of social policy formation have gained a prominent role in the analysis of social policy formation in recent decades. Of late, researchers have taken up the task of creating explanations that combine ideational explanations with non-ideational ones. In this work, I will try to address this task at the intra-organizational level, creating an explanation for policy formation within a welfare state institution while taking into account both ideational and organizational factors. This method will be demonstrated using the legislative debate over the parental leave for fathers in Israel as a case study. The formation process of this program was long and complex, and included a struggle about the program's existence and its shape. This process allows us to look into the institutional interests of various participants shaping the struggle over the program. Coincidentally, it offers a look into the cultural perceptions of those participants—operationalized as policy frames—and the effect these perceptions have on policy formation. This dual view provides an insight into the inter-relation and inter-dependence of both factors. This analytical framework creates a rich explanation, combining both types of analysis, showing how, at times, policy makers adopt perceptions most fitting their institutional interests, while at other times, policy frames serve as the basis for determining institutional interests.

c. Ongoing research

None reported.

Italy

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For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Congedo di Maternità*) (responsibility of the Ministry of Labour and Social Policies and (for public employees) Ministry of Economy and Finance)

Length of leave (before and after birth)

- Twenty weeks (five months): at least four weeks before the birth. It is obligatory 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, Health and 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*'¹⁶³, the 20 week period is compulsory, but there are two options for taking this leave: four weeks before the birth

¹⁶² Please cite as: Addabbo, T., Giovannini, D. and Mazzucchelli, S. (2014) 'Italy country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

and 16 weeks after (upon presentation of a medical certificate); and eight weeks before the birth and 12 weeks 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.

- The mother can transfer two days to the father.

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

- 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 (*congedo di paternità*) (Ministry of Labour, Health and Social Policies)

Length of leave

- One day of compulsory leave. Fathers can take two additional days if the mother agrees to transfer these days from her Maternity leave allocation.

Payment and funding

- One hundred per cent of earnings.

Flexibility

- Leave can be used until five months after childbirth.

Eligibility

- All employees.

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

- 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;

¹⁶³ 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.

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)

- Each parent can take six months maximum with a maximum total length of ten months unless the father takes at least three months of leave. In the latter case the total length of leave for the couple is 11 months and the father can extend his leave to seven months.

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 (€16,294.85 = 6,517.94 x 2.5 in 2014)¹⁶⁴, 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.
- Leave can be taken as a single leave period up to a maximum of six months; or as shorter periods amounting to a maximum of six months.
- Parents can take leave at the same time.
- From the end of Maternity leave until 11 months after the birth, mothers (but not fathers) can exchange their Parental leave for vouchers of €300 per month for use in reducing childcare costs.

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

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<http://www.inps.it/bussola/VisualizzaDoc.aspx?sVirtualURL=%2FCircolari%2FCircolare%20numero%2044%20del%2026-03-2014.htm>

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.
- Law 228-24/12/2012 has established the possibility to use Parental leave on an hourly basis, leaving to collective agreements the task of establishing how this will be calculated and implemented.

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 fully paid by INPS (National Department for Social Welfare). Fathers and mothers cannot take this leave at the same time. Law 4 November 183/2010 (*Collegato Lavoro*) changes the conditions of eligibility for this leave - three paid days a month - for relatives of a 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) for breast feeding, 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 post-natal leave available in Italy is 14 to 17 months (depending on bonus months if the father takes Parental leave), and there is only around four months of well-paid leave entitlement. There is no entitlement to ECEC, though nearly all children over three years attend ECEC from three 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 three years is much lower and very variable between different regions. Levels of attendance at formal services for children under three years are below the average for the countries included in this review and for OECD countries, but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

A reform proposed by the new government is currently under discussion with specific proposals to extend Maternity leave to parasubordinate mothers (with a contract of collaboration not employees), to foster flexibility by promoting collective bargaining that introduces flexible hours of work to allow a better work-life balance, and by establishing networks of public and private childcare services¹⁶⁵.

4. Take-up of leave

a. Maternity leave

Maternity leave is obligatory for employees. In 2012, according to administrative data referred to by Istat (2013), about 360,000 employees used Maternity leave; 9 per cent were temporary workers and 91 per cent permanent workers.

¹⁶⁵ <http://www.lavoro.gov.it/Priorita/Documents/Interventi%20per%20il%20lavoro.pdf>

b. Paternity leave

As this was only introduced in January 2013, there is no information as yet on take-up of leave.

c. Parental leave

In 2012, Parental leave was used by 285,000 employees (6.7 per cent with temporary contracts and 93.3 per cent with permanent contracts); as with Maternity leave, the type of contracts varied regionally. According to the INPS data used for this analysis, also in 2012 89 per cent of employees using Parental leave are women and 11 per cent male (Istat, 2013).

Analysis of the measure that allows women to exchange paid Parental leave for vouchers to use in childcare services, introduced by Law 92/2012 and operating on a trial basis in 2013-14, shows that only a third of the €20 million allocated for this policy has been spent (Prioschi, 2013). It is still to be determined if this is due to the criteria for eligibility being too strict or to a low number of applications. The low number of vouchers can also in part be related to the application procedure to be followed by childcare institutions that has been considered as too complex and to be accomplished within a very limited time leading to take-up by only a few institutions amongst those that are eligible (Prioschi, 2013). Moreover, as stressed by Cardinali (2013a, b), the measure's focus on women could lead to the reproduction of the already very unequal division of care responsibilities within Italian families.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

The literature analysed deals with the gender allocation of time and work-life balance. The unbalanced distribution of time amongst Italian couples is confirmed. Work life balance is also considered as a relevant dimension within quality of work and explicitly measured. New data are provided on the take up of Parental leaves. Attention is also paid to the description of the normative changes introduced in Italy and to family policies in a comparative perspective providing a gender assessment of the policies.

b. Selected publications since April 2013¹⁶⁶

Gottardi, D. (2012) 'La tutela della maternità e della paternità, *Trattato di diritto di famiglia*' ['Maternity and paternity protection. Family Law Treatise'] directed by Zatti, in: L.Lenti (ed.) vol. VI, *Tutela civile del minore e diritto sociale della famiglia*, Vol.VI, 2nd ed., Milano: Giuffrè, 897-997.

The essay provides a complete analysis of the regulatory system set by the Act on maternity and paternity, as updated by the last legislative intervention of reform. It highlights the main theoretical and application issues of the regulatory system on the topic at both national and EU level. Particular attention is paid to the poor protection existing in certain areas of self-employment, professions, and other contracts.

Gottardi, D. (2012) 'La condivisione delle responsabilità genitoriali in salsa italiana' [*Sharing of parental responsibilities in Italian Sauce*], *Lavoro e diritto*, 2012, No.3-4: 609-620.

The article analyses the legislative changes introduced in 2012 regarding Paternity leave

¹⁶⁶ This section includes two publications from 2012 not included in earlier reviews.

and the provision of vouchers for working mothers as an alternative option to taking Parental leave. It criticises these amendments because of either the inaccurate domestic coordination or the contrast with the regulations set by the EU institutions.

Addabbo, T., Badalassi, G., Cardinali, V. and Facchinetti, G. (2013) 'ISG Indice di Sensibilità di Genere su base Regionale. Struttura e metodologia', *Isfol Working Paper*, 2013. Available at: <http://isfoloa.isfol.it/handle/123456789/523>.

The paper proposes a methodology to classify Italian regions according to the gender sensitiveness of their public policies and law. The indicators constructed also include public child care provisions and gender budgeting experiences.

Addabbo, T., Centra, M., Curtarelli, M., Fuscaldo, M. and Gualtieri, V. (2013) 'The quality of work dimensions. Results of a multivariate analysis from the Third Isfol Survey on Quality of work in Italy', *DEMB Working Paper Series*, October 2013, No. 17. Available at: http://merlino.unimo.it/campusone/web_dep/wpdemb/0017.pdf.

After an overview of the theoretical framework of the quality of work, the paper identifies five quality of work dimensions, in line with Gallino and La Rosa: ergonomic, complexity, autonomy, control and economic dimensions. The dimensions are described and measured by means of multivariate analysis to detect differences in terms of the factors affecting the level of these quality of work dimensions achieved, using the Third Isfol Survey on Quality of Work (IsfolQdL) carried out in 2010 on a sample of 5,000 workers and that allows the five dimensions of the quality of work to be operationalized. The results of the multivariate analysis confirm the worse position in terms of quality of work of temporary workers and lower skilled workers and a lower level for women in the economic and complexity dimensions. Women are more likely to be found in part-time work and show an improvement in the ergonomic dimension (including work-life balance) at the expense of the economic and complexity dimensions.

Bosoni M. L. (2013) *Conciliare paternità e lavoro. Studi di caso aziendali [Reconciling paternity and work. Case studies in business]*. Milano: Vita e Pensiero.

In the postmodern era, the transformations in masculinity have become a relevant issue: the traditional differentiation between male and female tasks (men more related to work and women to home) is no longer sustainable and needs to be reconsidered. Thus, the complex issue of balancing family and work represents a relevant challenge also for men. Several empirical studies highlight, in fact, a transformation of the father role, both in Italy and abroad, which implies a 'more involved' and 'new' father style. Nevertheless a strong relation with work remains a pivotal trait shaping men's identity, especially in Italy. In this context, the book presents findings from a study on working fathers, conducted in Italy between April 2010 and February 2011 and aimed to understand how men manage the 'double role' of fathers and workers, and how companies support their employees' needs. The hypothesis leading this research is that the expression of the father's role and the paternal reconciliation strategy are strongly influenced by the workplace. In particular, three case studies were undertaken, using a qualitative research technique. In total, 45 interviews were carried out: semi-structured interviews with managers, focused on corporate culture, and narrative interviews with employees (fathers of young children), focused on the transition to parenthood. The fathers interviewed were able to actively reflect on their experiences and regarded family and work reconciliation as a matter for men too. Company culture emerged as a central, powerful element shaping male reconciliation strategies.

Brilli Y., Del Boca D. and Monfardini C. (2013) 'Child Care Arrangements: Determinants and Consequences', *CHILD Working Papers Series* 18, Centre for Household, Income, Labour and Demographic Economics. Available at:

http://www.child.carloalberto.org/images/documenti/child18_2013.pdf.

This report summarizes the most recent empirical research on the effects of non-parental and household time investments on child development. The results from the studies

considering non-parental child care policies are presented taking into account the timing of the intervention. The majority of large-scale policies providing non-parental child care have positive effects on children's cognitive outcomes, both in the short and in the medium run. Early childhood policies can have long lasting effects on adult outcomes, also boosting the development of non-cognitive skills. The empirical results of the literature assessing the effects of time and income investments within the household show that while maternal time is crucial for child development, the father's and grandparents' time may also be important. There is already some evidence that the father's time can be a good substitute for maternal time, especially when the child grows up. [Abstract from Authors]

Brilli Y., Del Boca D., Pronzato C.D. (2013) 'Does child care availability play a role in maternal employment and children's development? Evidence from Italy', *Review of Economics of the Household*, DOI: [10.1007/s11150-013-9227-4](https://doi.org/10.1007/s11150-013-9227-4) Available at: <http://hdl.handle.net/1814/28839>

This paper investigates the effects of public child care availability in Italy on mothers' working status and children's scholastic achievements. The authors use a newly available dataset containing individual standardized test scores of pupils attending the second grade of primary school in 2009–2010 in conjunction with data on public child care availability. The estimates indicate positive and significant effects of child care availability on both mothers' working status and children's language test scores. They find that a percentage change in public child care coverage increases mothers' probability to work by 1.3 percentage points and children's language test scores by 0.85 percent of one standard deviation; they do not find any effect on Math test scores. Moreover, the impact of a percentage change in public child care on mothers' employment and children's language test scores is greater in provinces where child care availability is more limited

Cardinali, V. (2013a) 'Voucher per asili nido. Perché così non va' ['Voucher for nurseries. Why so wrong']. *Ingenere* online. Available at: <http://ingenere.it/articoli/voucher-nidi-e-baby-sitter-perch-cos-non-va>

The article provides a gender assessment of the introduction of vouchers to cover childcare expenditure introduced by the Monti Government.

Cardinali V. (2013b) par. 4.2, 4.3, 4.4.1. in: Isfol (2013). *Rapporto di monitoraggio del mercato del lavoro 2012* [Monitoring report of the labor market 2012]. Roma: Isfol.

The chapter. analyses the context of the Italian labour market from a gender perspective and proposes a gender impact evaluation of the labour market reform carried out by the Monti Government.

Consigliera Nazionale Pari Opportunità (2013a) *Congedo per il padre: istruzioni per l'uso* [Leave for the father. Instructions for use]. Available at: http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130319+Congedo+di+paternit%C3%A0.htm

This publication provides an explanation of the new Paternity leave arrangements.

Consigliera Nazionale Pari Opportunità (2013b) *Voucher di cura: Istruzioni per l'uso* [The childcare voucher. Instruction for use] Available at: http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130403+Voucher.htm

This publication provides an explanation of the new childcare voucher arrangements.

Consigliera Nazionale Pari Opportunità (2013c) *La procedura di convalida delle dimissioni e risoluzioni consensuali introdotta dalla L.92/2012* [The validation procedure for resigning and consensual resolutions introduced by L.92/2012]. Available at:

http://www.lavoro.gov.it/ConsiglieraNazionale/In_Evidenza/20130404+Procedura+convalida+dimissioni.htm

This publication provides an explanation of the new arrangements for monitoring to avoid 'dimissioni in bianco'

Del Boca D., Pronzato C. and Sorrenti G. (2013) 'La crisi economica bussata alla porta dei nidi' ['The economic crisis is knocking at the door of the nurseries'], *Ingenere online*, 2 August 2013. Available at: <http://ingenere.it/articoli/la-crisi-economica-bussa-alla-porta-dei-nidi>.

In Italy in 2013, nearly one-fifth of children live in households below the poverty line. The impoverishment of families and the increase in female employment make the nursery more and more important. But early childhood services are threatened by cuts and lower revenue from fees. The primary aim is to balance a high level of service quality by a ratio of revenue:cost that allows sustainability. In most areas there is a rationing of the supply of nursery places: in fact, this number is less than the demand. The rationing of the service is through access criteria that assign different scores to the characteristics of different households. The choice of criteria determines the selection of families and consequently of their contribution, the revenue of the municipality, and the sustainability of the service itself.

De Vita L. (2013), *Il welfare mancante delle partite Iva. Alla ricerca di nuove tutele* [The missing welfare of VAT. Looking for new protections]. *Ingenere online*, 31 October 2013. Available at: <http://ingenere.it/articoli/il-welfare-mancante-delle-partite-iva-alla-ricerca-di-nuove-tutele>.

Italy, in 2012, has the highest number of independent workers in Europe: 16.2 per cent of working women have a business or are self-employed compared to 7.5 per cent in Germany and 6.6 per cent in France. The progressive feminization of this type of work concerns professional, scientific and technical activities, and above all health care and social assistance services where women are employed almost twice as often as men. This feminization of self-employment seems to happen in a total absence of social policies, with the exception of the maternity allowance (introduced in 2007). This article presents a number of limitations. In addition to the gaps in the pension plan and the lack of parenting support, the allowance is differently configured for professionals who can only subscribe to the *gestione separata* of INPS than for those who are equipped with autonomous pension funds and assistance linked to different professional associations.

Galasso V., Profeta P., Pronzato C. and Billari F. (2013) 'The Difficult Case of Persuading Women: Experimental Evidence from Childcare', *IZA Discussion Paper No. 7677* Available at: <http://ftp.iza.org/dp7677.pdf>

Gender stereotypes are well established also among women. Yet, a recent literature suggests that learning from other women's experience about the effects of maternal employment on child outcomes may increase female labour force participation. To further explore this channel, the authors designed a randomized survey experiment, in which 1500 Italian women aged 20 to 40 were exposed to two information treatments on the positive consequences of formal childcare on children's future educational attainments. They found that women reduced their intended labour supply. However, this result hides diverse effects: highly educated non-mothers were persuaded by the information treatments to increase their intended use of formal child care (and to pay more); whereas low educated mothers reduced their intended labour supply. These findings are consistent with women responding to monetary incentive and/or having different preferences for maternal care. These responses send a warning signal about the true effectiveness – in terms of take-up rates – of often advocated public policies regarding formal child care. [Abstract from Authors]

Inps, Istat and Ministero del lavoro e delle politiche sociali (2013) *Rapporto sulla Coesione sociale: Anno 2013* [Report on Social Cohesion: year 2013]. Available at: <http://www.istat.it/it/archivio/108637>

Amongst the different indicators provided in this report, there is data on the allocation of time and difference in the time devoted by men and women to unpaid care and domestic work. This shows the persistence of an unbalanced distribution of unpaid work by gender in Italy,

though there has been a small increase in the time devoted by men to unpaid work activities and a decrease on the amount provided by women in domestic work. The report also provides figures on employment rates by gender and household composition to understand the effect of parenthood on employment. Data on the number of recipients of Maternity leaves, Parental leaves and leaves to assist disabled relatives are also provided up to year 2012 by type of contract and employment.

Istat (2013a) *Bes 2013: il benessere equo e sostenibile in Italia [Bes 2013: equitable and sustainable well-being in Italy]*. Available at: http://www.istat.it/it/files/2013/03/bes_2013.pdf
This first report on equitable and sustainable wellbeing – carried out by CNEL (National Council for Economy and Labour) and Istat (National Institute of Statistics) - presents the results of an initiative that puts Italy at the forefront of the international scene in terms of developing health status indicators that go beyond GDP. The report presents the most important elements in twelve domains considered crucial to the wellbeing of Italians: Health; Education and Training; Work and work-family reconciliation; Economic well-being; Social relationships; Safety; Subjective well-being; Policy and institutions; Quality of services; Research and Innovation; Environment; Landscape and cultural heritage. It ends with a summary table of trends.

Istat (2013b) *Natalità e fecondità della popolazione residente: caratteristiche e tendenze recenti [Birth and fertility of the resident population: characteristics and recent trends]*. Available at: <http://www.istat.it/it/archivio/104818>
Italy is in demographic decline: the average rate of fertility is declining and the average age at first birth is on the rise (more than 7 per cent of those born in 2012 have a mother of at least 40 years). The decline of the birthrate is mostly due to a decrease among Italian-born parents, while those born of foreign parents are still increasing, although to a lesser extent than in previous years. Fertility levels are slightly higher in the North and Centre (1.5 and 1.4 children per woman compared with 1.3 of the South); the highest rates are among women living in Bolzano and Trento (1.6 children per woman), Valle d'Aosta (1.57), and Lombardy (1.51). This, however, is due to the greater numbers and fertility of foreign people.

Istat (2013c) *Rapporto annuale 2013 – La situazione del Paese (Annual Report 2013 – The situation in the country)*. Available at: <http://www.istat.it/it/archivio/89629>
The twenty-first edition of the Annual Report develops a documented reflection on the transformations affecting the Italian economy and society, integrating the information produced by Istat (National Institute of Statistics) and the National Statistical System. The complex situation of the Country is also analyzed through the information that emerged from the early results of the Census of industry and services, using innovative perspectives (i.e. the examination of public perceptions with respect to the economic and social context and the functioning of the institutions) and adopting new tools and microsimulation models. There are four major thematic areas addressed: macroeconomic and social context (chapter 1); competitiveness and growth potential of the system of Italian firms (section 2); opportunities and participation in the labour market (Chapter 3); the point of view of citizens (Chapter 4). In a context marked by deep economic difficulty (decline in GDP and in purchasing power of households, rising unemployment, youth unemployment and long-term unemployment) women's employment increases. This is due to the increase in foreign workers, older women remaining in the labour market due to the pension reform, and more women entering the labor market (even in conditions considered non-acceptable in the past) to replace the loss of male income. This increase in female employment continues to be concentrated in low-skilled and part-time jobs; there is also a high gender pay gap.

Istat (2013d) *'Rapporto sulla coesione sociale: anno 2013 - nota per la stampa' [Report on Social Cohesion: year 2013 - Note for the press]*. Available at www.istat.it

This note summarizes the main results of the Fourth Report on social cohesion, including data on the take up of Parental and Maternity leaves, confirming low take-up of Parental leave by fathers.

Istat (2013e) 'L'offerta comunale di asili nido e altri servizi socio-educativi per la prima infanzia: anno scolastico 2011-2012' ['The offer of municipal nurseries and other social and educational services for early childhood: 2011-2012 school year'], *Istat* 25 July 2013. Available at <http://www.istat.it/it/archivio/96663>

This note provides data on municipal child care services in Italy. Since 2003 the data shows an increase in coverage for children under three years (from 9 to 11.8 per cent), but a reduction in the last year connected to cuts in public spending. It confirms the variation across regions from 26.5 per cent in Emilia Romagna in the North of Italy) region to 2.5 per cent in Calabria in the South.

Mazzucchelli S. (2013) 'Families, care and work facing the challenges of a globalized world: the role of companies', in: E. Carrà (ed.) *Families, care and work-life balance services. Case studies of best practices*. Milano: Centro di Ateneo, Università Cattolica.

The paper presents the results of a national survey carried out on behalf of the National Observatory on the Family aimed at identifying some good practices in companies of work-family reconciliation. Italian companies have been mapped with a quantitative methodology; then case studies have been made. Using a complex methodology (both quantitative and qualitative), it has been possible to reach an articulated judgment about the case studies and to highlight interesting elements, dimensions and dynamics of corporate and management culture. The analyses carried out generally disclose a strong coherence especially with corporate culture and the modality with which these values are translated on a daily basis into the reality of each company and in concretely implemented reconciliation measures; this reveals transparency in company processes and the communication modalities used. Finally the enacted reconciliation programmes turn out to be well developed, structured and coherent in their constitutive parts.

Mencarini L.(2013) *Ancora meno figli in tempo di crisi? [Even fewer children in times of crisis?]*. *Ingenere* online, 16 September 2013. Available at: <http://ingenere.it/articoli/ancora-meno-figli-tempo-di-crisi>.

What happens to fertility in times of economic crisis? The question is crucial in national and international debates. Demographic Research (the most popular on-line journal of Demographic Studies) explored this theme by relating fertility to unemployment in different European countries. The results suggest that the crisis (even in its early stage, i.e. in the three/four years beyond 2008) has left a visible trace on fertility rates in Europe: the modest upward trend in fertility has stalled in some countries (Belgium, France, Italy, Ireland, Slovenia, Poland, Great Britain) and was even reversed in others (Spain, Greece, Hungary, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, Latvia). The crisis (measured by the change in unemployment) seems to have a negative effect on fertility. But the relative change of fertility with respect to the relative change in unemployment rates has some differences: it is relatively greater at younger ages; it is not the same for all birth orders, but more noticeable for first born; it is higher at all ages in the countries of Southern Europe; it is generally not very strong.

Pacelli L., Pasqua S. and Villosio C. (2013) 'Labor Market Penalties for Mothers in Italy', *Journal of Labor Research*, Vol.34, No.4: 408-432

The authors use a large Italian employer-employee matched dataset to study how motherhood affects women's working career in terms of labour force participation and wages. They confirm that the probability of exiting employment significantly increases for mothers of pre-school children; however, this is mitigated by higher job quality, human capital endowment and childcare accessibility. Most importantly, the availability of part-time jobs reduces their probability of moving out of the labour force. Women not leaving

employment after becoming mothers experience lower wages than women with no pre-school child, and there are no signs of this gap closing five years after childbirth. Contrary to previous literature, the wage gap penalty emerges only among women working full-time, thanks to the high protection accorded to part-time jobs in Italy

Prifti E. and Vuri D. (2013) 'Employment protection and fertility: Evidence from the 1990 Italian reform', *Labour Economics*, Vol. 23(C): 77-88.

This paper investigates the effect of Employment Protection Legislation (EPL) on fertility decisions of Italian working women using administrative data. The authors exploit a reform that introduced in 1990 costs for dismissals that did not have 'fair cause' or 'justified motive' in firms below 15 employees, while leaving costs unchanged for bigger firms. They use this quasi-experimental situation to study the hypothesis that increased EPL reduces future job insecurity and positively affects a female worker's proneness to take childbearing decisions. They find that reduced economic insecurity following a strengthening of the EPL regime has a positive and sizable effect on fertility decisions of Italian working women. This result stands after controlling for possible interactions with other policy reforms occurring around 1990, changes in the sample of workers and firms, and use of an alternative set of exclusion restrictions.

Riva E. (2013) 'Workplace work-family interventions: Italy in times of welfare state retrenchment and recession', *International Journal of Sociology and Social Policy*, Vol. 33 No. 9/10:565 – 578

The purpose of this article is to investigate work-family interventions in Italian organizations within the context of a national welfare regime and in the face of recession. Case studies of eight leading companies in the field of workplace work-family policies is supported by a literature review as well as an analysis of national legislation and the political agenda concerning work-family issues. Findings indicate that, against the backdrop of the institutional framework, one impact of the recession may be the setting aside of workplace work-family interventions, especially in small and medium-sized organizations with limited resources. Evidence collected using case study research suggests that this has not happened in larger companies where employers have adopted a strategic approach to work-family issues. In these larger firms, work-family policies have been assessed and reorganized as a result of an increasing concern for workplace performance and efficiency. In this regard, resilience to the crisis in workplace arrangements is related to the fact that the adoption of an evidence-based approach makes economic sense and contributes to obtaining the long-term support needed from important stakeholders.

Rossi G. (2013), 'The family-work balance: how to turn it into a virtuous relationship for families and society?', in: I. Crespi and G. Rossi (eds.) *Balancing work and family care: European experiences*. Milano: Franco Angeli.

The subject of this chapter is to verify empirically whether, and under what conditions, the work-family relationship - as it is actually experienced in everyday life -- can be considered 'good' and turn the family into a resource for itself and society. To answer this important research question, the results emerging from a recent quantitative study (*The Family, a Resource for Society*) are taken as the starting point. The study is based on a sample of 3,527 individuals, men and women, aged 30 to 55, living in highly urbanised areas of Italy. After exploring the ideal family in relation to work and family expectations in the near future, the survey investigated the motivations underlying reconciliation choices and also the practice of reconciliation, that is, what people have actually done to reconcile family and work.

Ruspini E. (2013) 'Men Who Care. Men's Changing Commitments to Care in Italy', in: I. Crespi and T. Miller (eds.) *Family, Care and Work in Europe: an Issue of Gender?*, Macerata: EUM Edizioni Università di Macerata.

This chapter discusses some aspects of Italian men's changing attitudes towards care, and especially childcare. This is explored from two viewpoints: the individual and the institutional. On the one hand, men (especially if belonging to the younger generations) are beginning to claim a greater share in bringing up their children. The desire to discover (or rediscover) the terms and values of one's specific masculinity also seems to be growing. On the other hand, these changes are influencing the institutional level: in order to support contemporary processes of social change, some legislative and educational initiatives have been developed, aimed at a reconsideration of masculinity (as it is traditionally defined); at a deconstruction of the violent symbolism still affecting the process of male socialization; at education to 'new' forms of masculinity. The author discusses some initiatives aimed at supporting changes in traditional forms of masculinity towards a culture of gender equality; and presents some collective efforts that have arisen as part of a national men's network of critical thought on dominating models of masculinity.

Todesco L. (2013) *Quello che gli uomini non fanno. Il lavoro familiare nelle società contemporanee [What men don't do. Family work in contemporary societies]*. Roma: Carocci.

What is domestic work? Why is it a fundamental element of our society? What is its economic value? Why does it continue to fall primarily on women, despite the progress in equality between the sexes? What are the consequences of the family work division on the couple's stability and psychological well-being? These are just some of the questions that the book aims to answer through a research review. The picture that emerges reveals that family work is a complex element of social reality and it is essential for the functioning and well-being of families. Many questions remain open despite the large number of studies conducted on the subject. However, it seems clear that family work goes beyond the mere processing of individual tasks involving complex dynamics on the identity level. In addition, although the issue is often taken for granted, the choices in the management of family labour appear to be fraught with consequences for both the professional and family life of individuals as well as for the well-being and equal opportunities of the society as a whole.

Zanatta A.L. (2013), *I nuovi nonni [The new grandparents]* Bologna: Il Mulino.

This book aims to make a contribution to knowledge about grandparents, rather neglected in sociological studies although in contemporary Western society they have taken on greater importance than in the past, for a number of reasons: they live longer and in better health; thanks to the pension system they have become economically independent (and often they help the families of their children); the relationships with their grandchildren become closer and more affectionate, because grandparents often play a crucial role in caring for them to allow mothers to work outside the home. Finally, they are often a point of reference in times of crisis and change in the family, such as a separation, a divorce, a family recomposition. In these cases, intergenerational solidarity can stop the increasing fragility of the family.

Brilli, Y. (2014) 'Public investments in children's human capital. Evidence from the literature on non-parental child care', *Rivista Italiana degli Economisti*, Vol.XIX, No.1: 169-194.

The article surveys the literature on the effect of childcare services on children's human capital. Attention is paid to the theoretical and econometric models followed in the literature to assess the impact. The literature analysed shows a positive effect of non-parental childcare on children's cognitive outcomes and mixed effects on non-cognitive ones.

School of Management del Politecnico di Milano (2014) *La diffusione e i benefici dello smart working in Italia [The diffusion and the benefits of smart working in Italy]*. Available at: http://www.osservatori.net/dati-e-pubblicazioni/dettaglio/journal_content/56_instance_vp56/10402/1408650

The report, based on research involving 600 Italian companies and 1,000 professionals, analyses the Smart Working phenomenon in Italy, describing in detail the innovative

approaches and benefits associated with new patterns of work, in terms of organizational policies (teleworking, flexitime), physical layout of work spaces and digital technologies.

Verashchagina, A. and Capparucci, M. (2014) 'Living through the crisis in Italy: the labour market experience of men and women', in: M. Karamessini and J. Rubery (eds.) *Women and Austerity: The economic crisis and the future for gender equality*. New York: Routledge.

In assessing the impact of the crisis on the Italian labour market by gender, this chapter stresses the unbalanced distribution of paid and unpaid work by gender in Italy and highlights the difficulties faced by women workers when they are pregnant (forced dismissals) or in their return to work and how they could be affected by the crisis and the impact of recent policy reforms carried out by the Italian government.

c. Ongoing research

None reported.

Japan

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April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Sanzen-Sango Kyugyo*) (responsibility of the Ministry of Health, Labour and Welfare)

Length of leave (before and after birth)

- Fourteen weeks: six weeks before the birth, the remaining eight weeks after birth, six weeks of which are obligatory.

Payment and funding

- Two-thirds of the mother's average daily earnings, up to a ceiling that only affects a very small number.
- Funded from the Employees' Health Insurance system, financed by contributions from employees, employers, local government and the state.

Flexibility in use

- A woman can return six weeks after childbirth, if a doctor has confirmed the activities she will undertake will have no adverse effects on her.

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

- All women employees are eligible for Maternity leave, but only those covered by the Employees' Health Insurance systems are eligible for Maternity benefit payment (*Shussan-teate-kin*). This means that women enrolled in the National Health Insurance system (including Special national health insurance societies) - such as self-employed women, or part-time or casual employees - are not eligible for Maternity Benefit.

¹⁶⁷ Please cite as: Nakazato, H. and Nishimura, J. (2014) 'Japan country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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, Maternity leave can be taken from 14 weeks before birth.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*Ikuji kyugyo*, literally 'childcare leave') (responsibility of the Ministry of Health, Labour and Welfare)

Length of leave

- Leave can be taken by each parent until a child is 12 months old; it is an individual entitlement. Leave can, however, be extended to 14 months for one of the parents if *both* parents take some of the leave. A typical situation might be that a mother takes leave until the baby is 12 months old, and the father either starts leave on the same day that the mother finishes or starts his leave some time before and then returns to work when the baby becomes 14 months old.
- A parent already on leave can extend Parental leave up to 18 months where (1) the child needs care for a period of two weeks or more due to injury, sickness, etc.; or (2) admission to a childcare centre has been requested but denied for the time being.

Payment and funding

- Sixty-seven per cent of earnings for the first 180 days, up to a ceiling of JPY426,900 [€3,054¹⁶⁸] with a minimum payment of JPY46,431 [€332] a month and a maximum payment of JPY286,021 [€2,046] per month; then 50 per cent of earnings with a minimum payment of JPY34,650 [€248] a month and a maximum payment of JPY213,450 [€1,527] per month. The average monthly earnings of permanent full-time female employees in 2013 was JPY251,800 [€1,801].
- The benefit payment is reduced if the benefit plus payment from the employer exceed 80 per cent of earnings.
- Funded from the Employment Insurance system, financed by contributions from employees, employers and the state.

Flexibility in use

- A parent must generally take Parental leave in one consecutive time period, except in the case of a father who has taken leave during the eight weeks following childbirth (i.e. during the Maternity leave period); in which case, the father can take another period of Parental leave after returning to work.
- Both parents can take leave at the same time, with both receiving benefit payments if they are both covered by Employment Insurance.

¹⁶⁸ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

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

- Parental leave only applies to an employee employed on a fixed-term contract when he/she meets both the following conditions: (1) he/she has been employed by the same employer for a continuous period of at least one year; and (2) he/she is likely to be kept employed after the day on which his/her child reaches one year of age.
- Workers may be excluded if (1) employed by the employer for less than one year; or (2) their employment is to be terminated within one year (or six months if leave continues until the child reaches one year and six months of age); or (3) they work two days or less per week.
- When a person covered by Employment Insurance takes Parental leave, he/she is eligible for a benefit payment if they have contributed to Employment Insurance for at least 12 months during the two years preceding the date on which the leave started, and if they have worked for 11 or more days in those 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 parents)

- None.

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

- None.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- Although there are no special leave provisions for adoption, adoptive children are treated in the same way as biological children for the purposes of Parental leave.

Time off for the care of dependants

- A short-term family care leave is available for up to five days per parent per year for a child under compulsory school age (six years) if the child is injured, ill or needing a health examination; or up to ten days per year if there are two or more children of this age. The leave is unpaid.
- Family care leave can be taken for a spouse, elderly parents or other dependent 'subject family members', including a child, for each occurrence of a condition where the subject family member requires constant care for a period of two weeks or more due to serious illness or disability, with a limit of 93 days over the whole lifetime of each subject family member. This is paid at 40 per cent of earnings.

Flexible working

- Women with a child under 12 months are entitled to unpaid breaks of at least 30 minutes twice a day; breaks are not specifically for breastfeeding, but can be used for other purposes, e.g. leaving early to pick up children from childcare centres.

- Until a child reaches the age of three years, parents have the right to reduce their normal working hours to six hours per day. There is no payment for working reduced hours. This does not apply to workers excluded by collective labour agreements (e.g. those employed for less than one year).
- Employers may not require an employee with a child below compulsory school age (1) to work more than 24 hours per month or 150 hours per year of overtime; or (2) work night shifts, i.e. between 22.00 and 05.00 – if the employee requests not to work these hours.

Measures to promote leave policy effective in workplaces

- Under the Act on the Advancement of Measures to Support Raising the Next Generation of Children (2003), employers were obliged to establish (or to make an effort to establish) two to five year action plans for 2005-2015 for improving the employment environment to support balancing work and child raising. Employers with more than 300 employees (100 after April, 2011) are obliged to establish action plans; while employers with fewer employees are obliged to make an effort to establish plans. The Government grants certificates to employers whose action plans and achievement meets nine conditions, and allows them to use a certification mark called 'Kurumin'. These conditions includes: at least one male employee took Parental leave during the period of the plan; and the Parental leave take-up rate for female employees during the period of the plan is 70 per cent or over. These conditions are relaxed for smaller companies.

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

The maximum period of paid post-natal leave available in Japan is 14 months (including two months of bonus leave if the leave period is shared by parents); the maximum period of high paid leave is nearly eight months.. There is no universal entitlement to ECEC although there is an obligation on local authorities to provide childcare places for children from birth to school age (6 years) who "lack" care because of their parents' work or health issues. Despite this obligation, there is a significant shortage of childcare places especially in metropolitan areas.

Three related Acts on Children and Child Care were passed in August 2012 and the Child Welfare Act was revised. Under the revised Child Welfare Act, the obligation of the local authorities to provide childcare places is relaxed so they do not necessarily need to directly provide childcare places. Under the new system, local authorities will match childcare needs to providers and subsidise the fees to a larger variety of childcare providers. Entitlement for childcare and the amount of benefit will be assessed depending on conditions such as the age of the child, parents' working hours and earning. Aiming to start the new system in April 2015, the framework of the new system has been discussed by the National Council for Children and Child Care (*Kodomo Kosodate Kaigi*), which consists of representatives of various stakeholder groups.

Levels of attendance at formal services for children under three years are slightly below the average for the countries included in this review and OECD countries; but above average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

There was a change in the benefit scheme so the rate of payment is raised from 50 to 67 per cent for the first six months of Parental leave (see section 1c); this is intended to encourage more fathers to take leave.

The government is continuing to prepare a new ECEC system aiming to start in 2015 (see section 2).

4. Take-up of leave

a. Maternity leave

The figures in this section are taken from the 2007 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)¹⁶⁹, based on a national sample of 6,160 private sector workplaces that employed five or more regular employees.

The average length of pre-natal Maternity leave taken by women who had single pregnancies from 1 April 2006 to 31 March 2007 was 42.1 days, with 72.2 per cent of them taking 42 or less days off and 26.0 per cent 43 to 98 days. The average length of post-natal leave taken was 54.5 days, with 77.2 per cent taking 56 days (8 weeks), 9.9 per cent 42 to 55 days, and 12.9 per cent 57 or more days.

b. Paternity leave

The figures in this section are taken from the 2011 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)¹⁷⁰, based on a national sample of 4,097 private sector workplaces that employ five or more regular employees.

Although there is no statutory Paternity leave, 46.8 per cent of the workplaces that were surveyed provided their workers with 'leave for childbearing of spouse' (*haigusha shussan kyuka*), which can be interpreted as non-statutory Paternity leave. The proportion increased from the same survey in 2008 by 10.8 percentage point. Most (88.9 per cent) of workplaces that have this provision entitle their workers to one to five days of leave; 77.6 per cent provide paid leave, and 4.2 per cent provide partially paid leave. The proportion of workplaces that provide paid leave decreased by 5.2 percentage point from 2008 survey (82.8 per cent).

Just over half (52.9 per cent) of male workers at workplaces that provided this leave and whose partners gave birth from 1 April 2009 to 31 March 2010 took leave.

c. Parental leave and childrearing benefit

The figures in this section are taken from the 2012 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*)¹⁷¹.

¹⁶⁹ Ministry of Health, Labour and Welfare, 2008, *2007 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-19.html>.

¹⁷⁰ Ministry of Health, Labour and Welfare, 2012, *2011 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-23r.html>.

¹⁷¹ Ministry of Health, Labour and Welfare, 2013, *2012 Basic Survey of Gender Equality in Employment Management*. Available at: <http://www.mhlw.go.jp/toukei/list/71-24.html>.

A large proportion (83.6 per cent) of female workers who had given birth between 1 October 2010 and 30 September 2011 had started or applied for Parental leave on 1 October 2012 or before. The proportion, however, decreased by 4.2 percentage point from the previous year (87.8 per cent).

The proportion of men was much lower: 1.89 per cent of male workers whose spouse had given birth between 1 October 2010 and 30 September 2011 had started or applied for Parental leave on 1 October 2012 or before. The proportion decreased by 0.74 percentage points from the previous year (2.63 per cent).

A third (33.8 per cent) of female workers who returned to work from leave between 1 April 2009 and 31 March 2010 had taken ten to 12 months of leave; 22.4 per cent had taken 12 to 18 months. Among male workers who returned to work after taking leave in the same period, 75.4 per cent took less than one month of leave, and 41.3 per cent took less than five days.

The figures above do not take into account the number of female workers who had quit their job before the birth of children. According to the 14th National Fertility Survey 2010, about 27 per cent of mothers who had given birth to their first child in 2005-09 remained in their job and 17 per cent of all mothers had taken Parental leave.

d. Other employment-related measures

The 2012 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*) shows the following proportion of workplaces provide other employment-related measures: reduced working hours - 58.4 per cent; exemption from overtime work - 54.9 per cent; flexitime for child care - 13.2 per cent; starting/finishing work earlier or later - 32.9 per cent; providing on-site childcare centre - 2.6 per cent; subsidizing child care costs - 4.4 per cent; and enhanced Parental (child care) leave - 13.0 per cent.

The latest figures of take-up rates for these measures among workers who returned from Parental leave to workplaces providing each measure are from The 2010 Basic Survey of Gender Equality in Employment Management (*Koyo-kinto Kihon Chosa*) and vary depending on the type of measure. There are also differences between male and female workers: 35.5 per cent of female workers used the reduced working hours measure, compared with only 1.1 per cent of male workers; 54.4 per cent of female workers used on-site childcare centres, compared with no men; and 56.2 per cent of male workers took advantage of flexitime, compared with 21.2 per cent of female workers.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

Because of increasing concerns about work/life issues and declining fertility, a number of studies on 'work-life balance' policies and related provisions at work have been published during the last decade. Most research focuses on either the take-up or the effect of these policies and provisions, or on measures to promote implementation/take-up.

In the next subsection, we have selected literature that explicitly addressed Parental leave (literally translated from Japanese as 'child care leave') and is based on original research data.

b. Selected publications since April 2013

Fukahori, R. (2013) 'Ikuji Kaigo Kyugyohou no kaisei koka: Tanjikan kinnmu seido gimuka to kikon josei no rishoku, shigoto manzokudo' ['The effects of change in the childcare and nursing care leave programme: The effects of mandatory short-working hours on turnover and work satisfaction of married women'], in: Y Higuchi et al. (eds.) *Hatarakikata to koufukukan no dainamizumu [The dynamism between work and happiness: The effects of family and life cycle]*. Tokyo: Keio University Press, pp.113-138.

Parents have the right to reduce their normal working hours to six hours per day until a child reaches the age of three years, since the 2010 childcare and nursing care leave reform. This chapter investigates the effects of these changes on turnover and work satisfaction of married women, based on analyses of the Japan Household Panel Survey, conducted by Panel Data Research Centre at Keio University. This indicates that establishing the right to reduced working hours has decreased turnover and increased work satisfaction among Japanese married women.

Ishii-Kuntz, M. (2013) *"Ikumen gensho" no shakaigaku [Sociology of Fathers Involving childcare]*. Tokyo: Keiso Shobo.

This book explores determinants of father's participation in childcare, and its effects on children, wife, the relationship between husband and wife, and the father himself. In addition, this book also discusses the historical, social, cultural and political background of fathers' involvement in childcare. The work is conducted from two perspectives. The first is to explore what kind of circumstances and attitudes enable fathers to participate in childcare, rather than why fathers do not participate. The second is a comparative perspective. Based on the data analyses, the author draws implications for education, policy, workplace and local community if the involvement of fathers in childcare is to increase.

Otobe, Y. and Otobe, H. (2013) 'Ikuji kyugyo wo shutoku suru josei sougoshoku no zouka ni tomonau kadai: josei sogoushoku no sinnsoitsu saiyō yokusei to katsuyaku no ba no gennsho' ['Challenges with the increase of women on a main career track who take childcare leave: Decline in recruitment of newly graduate women on a main career track and shrinkage of opportunities in the workplace']. *Japanese Journal of Research on Household Economics*, No.99: 74-81.

This article explores the differences in the number of women who take Parental ('childcare') leave among different career tracks and sections in the workplace and the relevant factors, based on interviews with workers who are responsible for personnel matters at a food manufacturing company. It reveals that there are more general office employees who take leave compared to women on a main career track, and that there are considerable differences in the number of women on a main career track who leave among different sections, i.e. research, sale and marketing, production, and central office. The authors point out that the reason why the number of women who take leave on the main career track is very small in the sales and marketing section is that it is difficult to assign responsible work to those returning to the workplace after taking leave, because of sales quotas and heavy workload. The authors also suggest the possibility of a decline in recruitment of newly graduated women for a main career track because of the difficulties faced by women taking leave.

Takahashi, M., Kamano, S., Matsuda, T., Onode, S. and Yoshizumi, K. (2014) 'Worklife balance in Japan: New policies, old practices', in: B Hobson (ed.) *Worklife balance: The agency and capabilities gap*. Oxford: Oxford University Press, pp.92-125.

Based upon interviews with mothers and fathers in dual-earner household, the authors investigated barriers to making claims and exercising rights for work-life balance. They found that the gap between policies and actual practices is caused in large part by gendered working patterns that are legitimated in the public discourse and reproduced in workplace culture and practices. In addition, they found that cultural expectations, workplace culture,

and policy implementation mutually reinforce each other, and make it difficult to utilizing work-life balance rights. Based on these results, they suggest increasing incentives for work-life balance and changing working time regimes if changes are to be made in the future.

Takeishi, E. and Matsubara, M. (2014) 'Dansei no ikuji kyugyo: shutoku sokushin no tame no manejimento' ['Men's childcare leave: Workplace management for enhancing men's take-up of child care leave'], in: H. Sato and E. Takeishi (eds.) *Waku raifu baransu no kadai [Challenges to work-life balance]*. Tokyo: University of Tokyo Press, pp.97-124.

This chapter investigates workplace management to enhance men's take-up of childcare leave. Based on a survey and interviews with managers whose subordinate workers have taken childcare leave, the authors highlight the importance of appropriate handovers, changes in work allocation, as well as support by supervisors.

c. Ongoing research

Basic Survey of Gender Equality in Employment Management. (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/toukei/list/71-23.html> (Japanese)

This annual survey is based on a national sample of 10,000 private sector workplaces that employ five or more regular employees. It provides nationally representative data on provision and uptake of Parental leave and other employment-related provision to help workers to reconcile their work with care of children and other dependent family members.

Contact: Equal Employment Policy Division, Equal Employment, Children and Families Bureau (+81+3-5253-1111: ext. 7837)

The National Fertility Survey. (Every five years). National Institute of Population and Social Security Research. <http://www.ipss.go.jp/pr-ad/e/eng/06.html>

This survey investigates the situation and issues regarding marriage, childbirth and child-rearing in Japan. Unlike the Basic Survey of Gender Equality in Employment Management, it covers those who quit their job before the birth of a child, therefore enabling the relationship between job retention and Parental leave for mothers to be examined.

Longitudinal Survey of Newborns in the 21st Century (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/english/database/db-hw/vs03.html> (2001 cohort) and <http://www.mhlw.go.jp/toukei/list/27-22.html> (2010 cohort)

This panel surveys of children who were born in January and July 2001 (2001 cohort) and May 2010 (2010 cohort), and their family, has been conducted annually since 2001 and 2011 respectively. The information provided includes parents' job status, child care and take-up of measures including parental leave and shortened working hours for parents, and use of childcare services. Contact: Longitudinal Survey Office, Statistics and Information Department at c-cohort@mhlw.go.jp

Longitudinal Survey of Adults in the 21st Century (Annual survey). Ministry of Health, Labour and Welfare. <http://www.mhlw.go.jp/toukei/list/28-9.html> (2002 cohort). <http://www.mhlw.go.jp/toukei/list/28-24.html> (2012 cohort)

This panel surveys of people who were 20 to 34-years-old in October 2002 and 2012, and their spouses, has been conducted annually since 2002 and 2012 respectively. The information provided includes job experience, marriage, childbearing and take-up of measures including Parental leave and shortened working hours for parents. Contact: Longitudinal Survey Office, Statistics and Information Department at s-cohort@mhlw.go.jp

Japanese Panel Survey of Consumers (JPSC) (annually). Undertaken and funded by the Institute for Research on Household Economics. <http://www.kakeiken.or.jp/en/JPSC/jpsc.html>

This is an annual panel survey, since 1993, which now has four different cohorts of women and has been used to examine the effect of Parental leave take-up on job retention and childbearing. Contact: info@kakeiken.or.jp.

Lithuania

Ruta Braziene (Kaunas University of Technology) and Giedre Purvaneckiene (Seimas, Lithuanian Parliament)¹⁷²

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*nėštumo ir gimdymo, motinystės atostogos*) (responsibility of the Ministry of Social Security and Labour)

Length of leave (before and after birth)

- The duration of maternity leave is 18 weeks (126 calendar days; 70 calendar days before child birth and 56 calendar days afterwards).

Payment and funding

- 100 per cent of previous net earnings, up to a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 [€1,379¹⁷³].
- Funded from the Social Insurance Fund, which is funded by contributions from employers and employees. Self-employed people are obliged to pay social insurance contributions.

Flexibility in use

- None

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

- All employed mothers who have paid at least 12 months of social insurance contributions during the last 24 months are eligible for Maternity leave. Self-employed women 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

¹⁷² Please cite as: Braziene, R. and Purvaneckiene, G. (2014) 'Lithuania country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/.

¹⁷³ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

- In case of multiple or premature births or complicated baby delivery, 14 extra days are provided.

b. Paternity leave (*tėvystės atostogos*) (responsibility of Ministry of Social Security and Labour)

Length of leave (before and after birth)

- Twenty eight calendar days after childbirth.

Payment and funding

- As for Maternity leave.

Flexibility in use

- None.

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

- Fathers who have at least 12 months of social insurance during the last 24 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.

c. Parental leave (*vaiko priežiūros atostogos*) (responsibility of Ministry of Social Security and Labour)

Length of leave

- Until the child is three years of age. Leave is a family entitlement.

Payment and funding

- Parents can choose between two options:
 - 100 per cent of net earnings until the child is 12 months;
 - 70 per cent of net earnings until the child is 12 months and 40 per cent of net earnings until the child is 24 months.
- The last period of leave until the child is three years of age is unpaid.
- Payment for either option is up to a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 [€1,379].
- Funded as for Maternity leave.

Flexibility in use

- None.

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

- Parents are eligible for parental benefit if they have paid social insurance taxes at least for 12 months during the last 24 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

- In the case of multiple births, the parental benefit increases according to the number of children, but not exceeding a ceiling of 3.2 times average insured monthly income, currently LT4,761.6 (€1,379).
- Grandfather, grandmother or any actual caregiver of a child (if parents do not use leave themselves) is eligible for Parental leave, but not for parental benefit.

d. Childcare leave or career breaks

No statutory entitlement.

e. Other employment-related measures

Adoption leave and pay

- If a person adopts or takes foster care of newborn baby, she/he is entitled to maternity leave from the moment of adoption up to the child is seventy days of age. Maternity benefit is paid on the same grounds as to biological mother. Adoptive parents or foster caregivers have the same rights to parental leave and benefit as biological parents.

Time off for the care of dependants

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

Flexible working

- No statutory entitlement.

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

The maximum period of post-natal leave available in Lithuania is three years, but only the first year is paid at a high earnings-related rate; if the option for a second year of paid leave is taken, the second year is paid at a low earnings-related rate. There is no entitlement to ECEC at any age. Levels of attendance at formal services for children under and over three years are below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

None reported.

4. Take-up of leave

a. Maternity leave

One hundred per cent of employed women take up Maternity leave.

b. Paternity leave

No information.

c. Parental leave

No information for mothers; for fathers, the only information is that 4.5 per cent take up some Parental leave.

d. Other employment-related measures

No information.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

The low fertility rate in Lithuania is regarded as a threat to the national security. Therefore demographic research was included among the tasks of the National Research Programme *Social Challenges to the National Security* by the Research Council of Lithuania. In the framework of this programme in 2010-2013 several research projects were completed or are being implemented, for example, *Gender inequality, public policy and the future of fertility in Lithuania* and *Fertility and family changes: factors, consequences, and possibilities to increase fertility*.

b. Selected publications since April 2013

None reported.

c. Ongoing research

None reported.

Luxembourg

Nevena Zhelyazkova (Maastricht University), Marianne Loutsch (Inspection générale de la sécurité sociale, Luxembourg) and Marie Valentova (CEPS/INSTEAD, Luxembourg)¹⁷⁴

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

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

Length of leave

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

Payment and funding

- Hundred per cent of earnings up to a ceiling equal to five times the minimum social wage in Luxembourg (€9,605.13 per month).
- The Maternity leave scheme is fully integrated into the National Health Fund and is funded in the same way as all sickness benefits, with funding shared between employers (30 per cent), employees (30 per cent) and the State (40 per cent). More specifically, Maternity leave payments are funded from contributions made specifically to cover benefits for sick leave; in 2014, the non-state contributions were 0.5 per cent of earnings, equally divided between employers and employees (i.e. 0.25 per cent of earnings each), though the proportion going towards Maternity pay cannot be differentiated.

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.

¹⁷⁴ Please cite as: Zhelyazkova, N., Loutsch, M. and Valentova, M. (2014) 'Luxembourg country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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. Leave is an individual entitlement.

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 eight weeks. There is an entitlement to ECEC from three years of age, though only for part-time nursery education usually consisting of daily morning sessions + three two-hour afternoon sessions per week. Attendance is obligatory from four years. So there is a substantial gap of nearly two years between the end of leave and an ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services are above the average for the countries included in this review and OECD countries, both for children under and over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (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

No statutory entitlement.

c. Parental leave

Presently there is only limited information on the proportion of eligible parents using Parental leave. The first available source of take-up rates is the evaluation of Parental leave in Luxembourg completed by KPMG in November 2002¹⁷⁵. The estimated number of potential beneficiaries who used their right to Parental leave in 1999-2001 (the two years following the introduction of Parental leave in Luxembourg) was 30 per cent - 5.3 per cent of eligible fathers and 68 per cent of eligible mothers. These figures included both Luxembourgish residents and cross-border workers. However, the report does not make it clear exactly how these figures have been estimated.

Another source of information is a study that investigates the work-family trajectories of parents working in Luxembourg who had a child in 2003 and who were eligible to take Parental leave¹⁷⁶. The analysis shows that 13 per cent of the eligible fathers who had a child in 2003 used Parental leave before their child turned five years, the maximum period within which Parental leave can be taken. In comparison, 66 per cent of mothers who were eligible used their right to Parental leave. The majority of mothers who took Parental leave used it immediately after their Maternity leave ended.

The annual report of the Luxembourg Ministry of Family and Integration provides a complete overview of the usage of the Parental leave covering 1999 to 2012¹⁷⁷. This shows a number of trends. The total number of users of Parental leave has increased markedly over the last thirteen years; at the end of 1999, only 1,433 parents were on Parental leave, compared to 4,025 at the end of 2012. In particular, the number of men using leave has increased dramatically, from only 90 at the end of 1999 to 942 at the end of 2012. The increased participation of men in Parental leave is also evident in the increasing share of male users (calculated as the percentage of all leave takers who are male), from 6.3 per cent at the end of 1999 to 23.4 per cent in 2012. Nevertheless women remain the majority of leave users, as they use on average 80.1 per cent of all leave taken over the period.

Throughout the period 1999 - 2012, women were more likely than men to be using the first leave period available for the child, immediately after Maternity leave, while fathers were more likely to be using the second leave (each parent has a six month period of leave). On average for the period 1999-2012, 79.8 per cent of men taking leave did so in the second leave period, compared with only 6.6 per cent of women leave-takers. Moreover throughout the period, the number of second leave periods taken increased, as in more families both parents took their entitlement. In 1999, 1,383 parents took the first period of leave, compared with only 50 second period leave takers; but by 2012, the total of first period leave takers had risen to 2,995, whilst second periods leave takers now stood at 1,030; put another way, the number of men taking the second period of leave had shot up from 30 to 826.

There is also a marked gender difference in using the leave full time or part time. Between 1999 and 2012, women taking leave were more likely to use it full time (63.4 per cent on average), compared to men (44.7 per cent on average). The general trend for both genders

¹⁷⁵ KPMG Assurance Advisory Luxembourg (2002) *Etude d'évaluation de l'impact du congé parental au Grand-Duché de Luxembourg [Evaluation study of the impact of Parental leave in the Grand Duchy of Luxembourg]*. Available at:

http://www.gouvernement.lu/salle_presse/actualite/2002/12/23biltgen/dossier.pdf

¹⁷⁶ Zhelyazkova, N. (2013) *Parental leave within the broader work-family trajectory: What can we learn from sequence analysis? (UNU-MERIT Working Paper No 2013-049)*. Available at: <http://www.merit.unu.edu/publications/wppdf/2013/wp2013-049.pdf>.

¹⁷⁷ Ministry of Family and Integration (2012) *Rapport d'activité 2012 [Activity report 2012]*. Available at: http://www.cnpf.lu/fileadmin/file/cnpf/formation/rapport_activites__2012.pdf

has been an increase in the percentage of part-time users and a decrease in the percentage of full-time users.

d. Other employment-related measures

There is no information.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

Nothing reported.

b. Selected publications since April 2013

Bousselin, A. (2013) *Exchange of good practices on gender equality: Parenting in Luxembourg*. Available at: http://ec.europa.eu/justice/gender-equality/files/exchange_of_good_practice_fr/lu_comments_paper_fr2013_en.pdf

This short paper describes parenting in Luxembourg, focusing on the issue of reconciliation of work and family life.

Valentova, M. and Bia, M. (2013) *Parental leave among single child parents: take up and labor market effects. Analysis of parental leave take-up among mothers and fathers of single child and impact of the parental leave policy on women's labour market engagement*. Report for the Ministry of Family and Integration of Luxembourg. Luxembourg: CEPS/INSTEAD.

Zhelyazkova, N. (2013a) *Male use of parental leave in Luxembourg: Empirical analysis of administrative records (UNU-MERIT Working Paper No 2013-045)*. Available at: <http://www.merit.unu.edu/publications/wppdf/2013/wp2013-045.pdf>

The study investigates the decisions of fathers to use Parental leave at the individual level. The focus is on the opportunity cost fathers would face for using the leave. Data for the analysis are based on anonymous administrative records of fathers working in the Grand Duchy of Luxembourg. The results of the study suggest a negative, although non-linear, relationship between foregone income and the hazard of taking Parental leave. Surprisingly, however, salary growth in the six-month period prior to taking Parental leave has a positive, rather than a negative effect on the hazard of taking Parental leave.

Zhelyazkova, N. (2013b) *Parental leave within the broader work-family trajectory: What can we learn from sequence analysis? (UNU-MERIT Working Paper No 2013-049)*. Available at: <http://www.merit.unu.edu/publications/wppdf/2013/wp2013-049.pdf>.

This paper illustrates how sequence analysis can be used to analyse work-family reconciliation strategies of parents and in particular the role of parental leave in these strategies. The use of administrative records makes a detailed, longitudinal analysis possible, which enables a holistic approach to the question from the broader life-course view. In addition, as an explorative technique, sequence analysis results are a powerful instrument for formulating further research questions. For the paper anonymous administrative records of mothers and fathers working in Luxembourg are used.

Zhelyazkova, N. (2014a) *Discovering and explaining work-family strategies of parents in Luxembourg (UNU-MERIT Working Paper 2014-022)*. Available at: <http://www.merit.unu.edu/publications/wppdf/2014/wp2014-022.pdf>.

This paper discovers and explains typical patterns of work-family reconciliation for parents who had a child in 2003 in Luxembourg, thus facing the same macroeconomic and

institutional conditions. Work-family trajectories are reconstructed as sequences of states using administrative records, so that working hours and use of leave provisions or other social security benefits are taken into account. Next, a clustering algorithm is applied to identify typical patterns. The analysis reveals that when the birth of a child is positioned as a pivotal point in the work-family trajectory, it appears to be a transition point for about a third of the female trajectories. For these women the event marks the beginning of a long-term reduction of labour participation manifested either in reducing the number of hours of work or in leaving the labour force. On the contrary, the career trajectories of working fathers are stable across time and for the majority of fathers there are no marked differences in work-force participation before and after the birth of a child. Work and family-related variables are used to test the hypothesis that women make a decision on reducing their labour market participation based on comparing the values of their time at home and the opportunity cost of not working. The results are in line with this reasoning for explaining the pattern of leaving the labour force after the birth of a child. However, economic reasoning does not seem to explain the pattern of reducing the number of hours per week after the birth of a child.

Zhelyazkova, N. (2014b) *Parental leave take up and return to work of mothers in Luxembourg: An application of the model of nested dichotomies (UNU-MERIT Working Paper 2014-023)*. Available at: <http://www.merit.unu.edu/publications/wppdf/2014/wp2014-023.pdf>.

This paper analyses the use of Parental leave after birth of a child for working mothers. Even though employment rates of women in industrialized countries are rising, women continue to assume the primary responsibility for caring for young children after they are born. Therefore it is important to understand what factors account for women's decision to use or not use Parental leave. The behaviour of mothers is conceptualized as a series of three decisions taking place after the compulsory period of Maternity leave. The first decision is to retain a relationship with the pre-birth employment or to leave the labour force. Women who do not quit their employment, make a second choice: to return to work immediately or to take Parental leave for a fixed period of time, which guarantees them the right to return to work. Finally at the end of Parental leave, women decide whether to return to work or to quit their job. The empirical analysis is performed on administrative data provided by the Grand Duchy of Luxembourg. In order to account for the sequential nature of the decisions, the model for nested dichotomies (Fox, 1997) has been used. The result lends partial support to economic reasoning about women's decision making. Salary-related opportunity cost seems to be particularly important in the first and third decision, but not in the second. There are also interesting differences based on the nationality of the women.

c. Ongoing research

Analysis of parental leave take up in Luxembourg among men and women and policy impact on female labour market participation using administrative records data. (March - December 2013). Marie Valentova. Funded by Ministry of Family and Integration of Luxembourg

The project uses administrative records (the IGSS data) to analyze Parental leave take-up and labour market outcomes of the Parental leave policy in Luxembourg. The project has three main objectives. The first objective is to provide evidence regarding Parental leave take-up in Luxembourg among parents (men and women) of one child, working with a sample of Luxembourg residents that contains men and women who are eligible for Parental leave. The second objective is to analyze individual determinants of parental leave-taking among Luxembourg's mothers and fathers with a single child, including characteristics such as: nationality, country of residence, age, blue/white color worker, sector, occupational category, size of the firm where one works, number of hours worked per month, income, etc. The third objective is to assess the impact of introducing Parental leave on mothers' attachment to the labor market. Luxembourg, compared to other EU27 countries, exhibits a high rate of women who are inactive in the labor market due to family responsibilities. The third part of the project, therefore, examines the impact of the introduction of the Parental

leave policy on the labour market participation of first-time mothers, in particular comparing the labour market decisions (return to employment vs. transition to inactivity) of mothers in the periods before and after 1999, i.e. the introduction of parental leaves. Contact: Marie Valentova at Marie.Valentova@ceps.lu.

The Netherlands

Laura den Dulk (Erasmus University Rotterdam)

April 2014¹⁷⁸

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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. Leave must start four weeks before birth and up to six weeks can be taken before the birth, with ten weeks to twelve 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. It is obligatory to take leave.

Payment and funding

- Hundred per cent of earnings up to a ceiling equivalent to the maximum daily payment for sickness benefit (€197).
- 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 (€1485.60 a month before taxes).

¹⁷⁸ Please cite as: den Dulk, L. (2014) 'Netherlands country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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. For example, a full-time job of 38 hours a week gives a leave entitlement of 988 hours (i.e. 26 weeks). Leave is an individual, non-transferable entitlement.
- 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) 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

- None. But all parents taking Parental leave are entitled to a tax reduction of €4.24 an hour for each hour of leave. This tax reduction is offered until 2015.

Flexibility in use

- Leave can be taken until a child is 8 years old.
- 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.
- Parents can take leave at the same time, if they choose.

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 ten 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 earnings 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)¹⁷⁹.

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.

¹⁷⁹ Beekma, 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.

- 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.
- 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 to be taken part-time (i.e. 12 weeks at half of the working hours). With the agreement of the employer long-term care leave can also be taken full time or less hours per week over a longer period to a maximum of 18 weeks. The right is conditional: an employer can refuse the leave if the organisation's interests are seriously harmed.
- 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 post-natal leave available in the Netherlands per family is nearly 15 months, but most of this is unpaid (except for a tax reduction) and involves part-time leave; full-time leave paid at a high rate runs for only 10 weeks. There is an entitlement to ECEC from four years of age, though only for part-time schooling (22 hours a week during school time). So there is a gap of nearly three 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 three years are well above the average for the countries included in this review and OECD countries (though this includes many two year olds attending part-time playgroups); but are below both averages for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

The law on modernizing leave arrangements and working times (*Wet houdende modernisering regelingen voor verlof en arbeidstijden*), sent to Parliament two years ago, is still debated. The Minister of Social Affairs sent a second proposal (32 855) to the Parliament on April 22, 2014. This proposal includes: the extension of Paternity leave by three days; the possibility to take up short-term and long-term care leave arrangements for household members other than a child or partner; and the possibility to take up long-term care leave not only in case of a life-threatening illness but in all cases where long-term care is needed. This last proposed extension is related to the idea that (older) people should be able to live at home as long as possible and care, in these cases, is provided more and more by family and friends¹⁸⁰.

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 in 2004 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 pay¹⁸¹.

c. Parental leave

Figures from Statistics Netherlands show that in 2013, 124,000 female employees and 124,000 male employees (working 12 hours or more per week) were entitled to Parental leave. Of women eligible for Parental leave, 57 per cent took leave for an average of 12 months and 10 hours a week; among men eligible for Parental leave, 23 per cent took leave for an average of 16 months and eight 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 29 hours per week, fathers 39. For men the use of Parental leave has grown since 2003 from 15 per cent to 18 per cent in 2007 and 23 per cent in 2013; while for women, uptake increased from 42 per cent in 2003 and 2007 to 57 per cent in 2013¹⁸².

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

¹⁸⁰file:///C:/Users/Laptop/Downloads/tweede-nota-van-wijziging-wetsvoorstel-modernisering-regelingen-voor-verlof-en-arbeidstijden.pdf.

¹⁸¹Van 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.

¹⁸²Centraal Bureau voor de Statistiek (2014) *Ouderschapsverlof; gebruik en duur*. Available at: [http://statline.cbs.nl/StatWeb/publication/default.aspx?DM=SLNL&PA=72022NED&D1=a&D2=1-2&D3=0-2&D4=\(I-9\)-I&HDR=G1%2cG3&STB=G2%2cT&VW=T](http://statline.cbs.nl/StatWeb/publication/default.aspx?DM=SLNL&PA=72022NED&D1=a&D2=1-2&D3=0-2&D4=(I-9)-I&HDR=G1%2cG3&STB=G2%2cT&VW=T)

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 respectively¹⁸³.

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 respectively¹⁸⁴.

In a comprehensive study on the position and participation of women from ethnic minorities in Dutch society, published in 2006, attention is paid to the use of Parental leave by Turkish, Moroccan, Surinamese and Antillean working parents¹⁸⁵. Take-up was 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 were 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 2013, 232,000 women and 200,000 men took care of a sick child, parent or partner for a short period, and 32 per cent of the women and 38 per cent of the men took some sort of leave. A large proportion used their annual holiday leave (45 per cent of men taking some kind of leave and 41 per cent of women). Of those taking leave, 24 per cent of men and 29 percent of women used short-term care leave¹⁸⁶.

Use of leave in longer periods of care. According to figures of National Statistics in 2013 443,000 employees (245,000 women and 198,000 men) took care of a sick member of their family on a regular basis and/or for a longer period; 17 per cent who undertook such care took some sort of leave. Mostly they used short-term care leave (35 per cent), but also many employees use their holidays to care for a seriously ill relative (31 per cent of employees taking some form of leave use their annual leave)¹⁸⁷

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 arrangements¹⁸⁸.

¹⁸³ 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.

¹⁸⁴ Ewalds, D. (2010) 'Ouderschapsverlof in de marksector meestal niet betaald', in: *Webmagazine, woensdag 15 december 2010*, Den Haag: Centraal Bureau voor de Statistiek.

¹⁸⁵ Keuzenkamp, S. and Merens, A. (2006) *Sociale atlas van vrouwen uit etnische minderheden*. Den Haag: Sociaal en Cultureel Planbureau. An English summary will be available at <http://www.scp.nl/english/publications/summaries>

¹⁸⁶ <http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=71516ned&D1=a&D2=a&D3=l&HDR=G1,G2&STB=T&VW=T>

¹⁸⁷ <http://statline.cbs.nl/StatWeb/publication/?DM=SLNL&PA=71516ned&D1=0-16,78-93&D2=a&D3=a&HDR=G1,G2&STB=T&VW=T>

¹⁸⁸ SZW (Sociale Zaken en Werkgelegenheid) (2006) *Beleidsdoorlichting Arbeid en Zorg*. Den Haag: Ministerie van Sociale Zaken en Werkgelegenheid.

The Working Hours Adjustment Act

As is well known, many workers in the Netherlands work part time. The Netherlands Institute of Social Research has published three reports on part-time work in the Netherlands^{189 190}. 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.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

An expert meeting organized by the Ministry of Social Affairs April 2014 noted that in the last few years no research has been conducted on the take up of leave arrangements in the Netherlands.

b. Selected publications since April 2013

Cloïn, M. (ed.) (2013) *Met het oog op de tijd. Een blik op de tijdbesteding van Nederlanders* [*With an eye on the time. Time use in the Netherlands*]. The Hague: SCP.

This time use study reports on the period 2006-2011. So far, there appears to be little impact of the economic crisis on the way Dutch people spend their time, that is, the researchers note little change in the time spent on paid work or in the way people spend their leisure time. Feelings of time pressure seem to be more common (reported by 25 per cent of people), but this is not related to more time spent on paid or unpaid labor or to less leisure time.

Dulk, L. den & Groeneveld, S. (2013) 'Work-Life Balance Support in the Public Sector in Europe', *Review of Public Personnel Administration*, Vol.33, No.4: 384 – 405.

This article examines the level of support for the integration of paid work and personal life (work-life balance [WLB] support, including leave arrangements) in public sector organizations in Europe. Data of the Establishment Survey on Working Time and Work-Life Balance 2004-2005 (ESWT) is used to analyze the supportiveness of public sector organizations within and between countries. So far, little attention has been paid to variation within the public sector and whether and to what degree this is related to institutional and economic drivers. The results suggest that institutional pressure is the most important driver for public sector organizations to offer WLB support to their employees: State support in a country has a positive relationship with WLB support in public organizations, in particular for public administration organizations.

Dulk, L. den, Groeneveld, S., Ollier-Malaterre, A. and Valcour, M. (2013) 'National context in work-life research: A multi-level cross-national analysis of the adoption of workplace work-life arrangements in Europe', *European Management Journal*, Vol.31, No.5: 478-494.

¹⁸⁹ Portegijs, W. and Keuzenkamp, S. (eds) (2008) *Nederland deeltijdland. Vrouwen en deeltijdwerk* [*Part-time working in the Netherlands*]. Den Haag: Sociaal en Cultureel Planbureau.

¹⁹⁰ Portegijs, W. (ed.) (2008) *Verdeelde tijd. Waarom vrouwen in deeltijd werken* [*A picture of part-time working*]. Den Haag: Sociaal en Cultureel Planbureau.

¹⁹¹ 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.

This study focuses on nation-level drivers of organizations' adoption of leaves/childcare and flexible work arrangements (FWA) beyond what is mandated by the state. It is one of the first studies to examine interaction effects between nation-level and organization-level variables. Drawing on institutional theory and work-life research, the authors focus on three nation-level variables: state support for combining work and family life, cultural centrality of work and male unemployment rate. They test the interactions of these variables with organizational size, sector and proportion of female employees using the ESWT data set 2004-2005. State support for combining work and family life was positively associated with the adoption of leaves/childcare and FWA; cultural centrality of work was negatively associated with leaves/childcare and FWA; and male unemployment rate was not significantly associated with any. Public sector and large organizations were more sensitive to state support, cultural centrality of work and male unemployment than private sector and small organizations. In contrast, organizations employing a greater proportion of female employees were less sensitive to state support. These findings illustrate that organizational policies are influenced by the national contexts in which they are embedded, although some organizations are more sensitive to these contexts than others.

Klis, M. van der (2013) (ed.) *Gezinnen onderweg. Dagelijkse mobiliteit van ouders van jonge kinderen in het combineren van werk en gezin [Daily mobility of parents with young children combining work and family]*. The Hague: SCP.

The aim of this research is to gain insight in the everyday mobility of parents with young children, the restrictions they face and the way they solve difficulties or problems. Parents with young children make more movements per day than people without children and mothers make more movements than fathers although fathers cover more distance than mothers do. The freedom to decide how to organize daily mobility is limited. Opening hours of schools and formal daycare and the eating and sleeping times of children restrict parents use of flexible working hours and prevent them from traveling outside rush hours. The possibility of working from home has a positive impact on the daily mobility of parents.

Vlasblom, J.D., Josten, E. And Voogd-Hamelink, M. de (2013) *Aanbod van arbeid 2012 [Supply of labour 2012]*. The Hague: SCP.

This Dutch employee panel study reports, *inter alia*, that the percentage of employees with flexible start and finishing times slightly increased from 36 per cent in 2000 to 38 per cent in 2010. The proportion of employees working from home increased from nine per cent in 2002 to 14 per cent in 2010. The latter is mainly used to decrease traveling time and to finish working overtime. The economic crisis appears to slow down the growth of part-time working: the proportion of employees that wish to (further) reduce their working hours declined from 17 per cent in 2002 to nine per cent in 2010.

c. Ongoing research

Self-employment and work-life balance. Anne Annink, doctoral study at Erasmus University Rotterdam.

The aim of the study is to examine the work-life balance of self-employed persons in Europe, a changing but neglected group of workers in work-life research. The study will make use of the European Social Survey to investigate the work-life balance of the self-employed in differing policy contexts before and during the economic crisis. The study includes mapping of leave policies for self-employed. Contact: Anne Annink at annink@fsw.eur.nl.

Employers and work-life issues in European workplaces: the perspective of top managers. Wike Been, doctoral study at Utrecht University.

The aim of the study is to investigate the views and support of top managers regarding work-life policies in five different European countries. This multi-method study includes interviews with top managers and a vignette study. Contact: Wike Been at W.M.Been@uu.nl

New Zealand

Heather McDonald (Heathrose Research)¹⁹²

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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\$488.17 [€303¹⁹³] 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\$137.50 [€85] before tax per week. Payment is indexed annually as at 1st July each year, according to movements in the minimum wage.
- Funded from general taxation.

¹⁹² Please cite as: McDonald, H. (2014) 'New Zealand country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁹³ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

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).

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 post-natal leave available in New Zealand is 12 months but most of this is unpaid; leave is paid at an earnings-related rate for only 14 weeks. There is an entitlement to ECEC from three years of age, though only for part-time nursery education (for a maximum of six hours attendance a day and 20 hours a week. So there is a two year gap between the end of leave and an ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

There have been no policy changes by Government since April 2013.

An opposition member has drafted a private members bill that would extend the period of paid Parental leave to 26 weeks. The bill has been reported back to Parliament (second reading) by the Select Committee, which was unable to agree on whether the Bill should be passed. It would appear unlikely that the Bill will have its third reading ahead of the General Election scheduled for 20 September 2014. Public debate continues on the Bill and the Government has suggested it may use its power of financial veto to quash the Bill.

There is currently a Government Employment Relations Amendment Bill (105-2) before Parliament that will amend the provisions relating to the right to request flexible working arrangements. The Bill, which has passed its second reading extends the right to request flexible work arrangements to all employees (not just carers) and removes all restriction on when an employee may request such arrangements.

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 April 2013

a. General overview

Currently, there is no research being undertaken on leave or related areas in New Zealand..

b. Selected publications since April 2013

Masselot, A. (2013) 'Gender Implications of New Zealand's Gender-Neutral Law and Policies on Work-Life Balance', paper given at *2nd New Zealand Labour Law Society Conference* (NZLLS), AUT, Auckland, 22 Nov 2013. Available at:

<http://ir.canterbury.ac.nz/handle/10092/8840>

The paper claims that New Zealand's approach to work-life balance is somewhat unique because it is neither about women nor about families. The author applies a critical legal analysis to reveal that New Zealand's approaches to family and workplace challenges are underpinned by patriarchal values favouring traditional family compositions and gender roles. This ultimately also impacts directly on the way individual employers and workers are able to negotiate private and employment responsibilities. The paper explores the legal principles required for adequate work-life balance and their implications for the New Zealand legal order.

Wilson, S., Spies-Butcher, B., Stebbing, A. and St John, S. (2013) 'Wage-Earners' Welfare after Economic Reform: Refurbishing, Retrenching or Hollowing out Social Protection in Australia and New Zealand?', *Social Policy & Administration*, Vol.47, No.6: 623–646..Available at:

<http://onlinelibrary.wiley.com/doi/10.1111/spol.12035/abstract?deniedAccessCustomisedMessage=&userIsAuthenticated=false>

Australia and New Zealand developed distinctive 'wage-earner welfare states', with social protection largely delivered through high breadwinner basic incomes and residual social policies. Market reforms then pursued in both countries during the 1980s and 1990s retrenched important elements of the Antipodean model. This article offers a novel characterization of major reforms to both welfare states from the mid-1990s to the early 2010s with a focus on industrial relations, as a form of wage-earner welfare, and expansion to social provision for families and retirees that may be viewed as responding to the evolving needs of wage-earners as family patterns diversify and populations age. The changes taken together produced a 'hollowing out' of wage-earner welfare in both countries, accompanied by increasingly stratified welfare, which marginalizes and stigmatizes many outside the workforce. The article also notes persistent differences, reflecting the more radical and 'pure' New Zealand experiment, its relatively centralized politics and stronger liberal tradition.

c. Ongoing research

None reported.

Norway

Berit Brandth and Elin Kvande (Norwegian University of Science and Technology)¹⁹⁴

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 leave¹⁹⁵. 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

- Seventeen weeks: three weeks before the birth and fourteen weeks following birth. It is obligatory to take six weeks leave.

Payment and funding

- Hundred of earnings (see 1c).
- Funded from general taxation.

¹⁹⁴ Please cite as: Brandth, B. and Kvande, E. (2014) 'Norway country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁹⁵ 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.

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 the previous year. Non-employed women receive a one-off payment of NOK35,263 [€4,316¹⁹⁶].

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’ (+10 weeks = father’s quota, see 1c).

Payment

- ‘Daddy days’ are unpaid by government; payment depends on individual or collective agreements and most fathers are covered by such 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.

¹⁹⁶ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

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) + a further three weeks before birth. Of the post-natal period, 14 weeks are for mothers, including three weeks before birth and seven after included in 1a above, under Maternity leave; and 14 weeks are for fathers (*fedrekvoten* or 'father's quota'). The remaining 18 or 28 weeks is a family entitlement and may be taken by either mother or father. See 'flexibility' below for options available to parents.
- From 1 July 2014, the mother and father quota period will be reduced and the family period increased (see section 3).

Payment and funding

- Parental money may either be taken for 49 weeks at 100 per cent of earnings or for 59 weeks at 80 per cent of earnings, up to a ceiling of six times the basic national insurance benefit payment (i.e. NOK492,732 a year [€60,313]).
- Non-employed women receive a flat-rate payment of NOK35,263 [€4,316].
- Funded from general taxation.

Flexibility in use

- For the family entitlement part of leave, it is possible to choose a longer period of leave (36 weeks) paid at 80 per cent of earnings, or a shorter (26 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 result in a longer period. A written agreement from the employer is required in both cases. There is also a requirement that the mother has returned to employment or study for the father to take leave.
- Father's quota: this period of leave (twelve 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.
- Father's quota: this may not be taken in the first six weeks of the parental money period, except for multiple births or adoption. Otherwise, fathers are free to choose at what time during the period to use it and whether to take the quota as part-time leave, also whether to split it or use it in one block; this flexible use requires agreement with the employer.
- During the period of the father's quota, both parents may be on leave together.
- The family entitlement part may also be taken as one block of time or split into shorter blocks of time.

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 family entitlement and father's quota are somewhat different. The father can use the 26/36 weeks of paid leave (the family entitlement) even if the mother is not eligible; but the mother is required to take up work or study (at least 75 per cent of full-time hours). 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 12-24 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 NOK5,000 (€601 per month for a child aged 12-18 months, and NOK3,303 (€397 for a child aged 18-24 months). 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 [€4,316].

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

- The Work Environment Act grants breastfeeding mothers the right of breastfeeding breaks of up to one hour per day, without payment. But collective agreements ensure pay in many sectors.
- Parents have a right to part-time work to care for children until children are ten years old. This is unpaid.

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

The maximum period of post-natal leave available in Norway is just over three years, but about two years of this is unpaid; leave paid at a high earnings-related rate runs for 13 months. There is an entitlement to ECEC from one year of age, supposed to be available on a full-time basis at kindergartens. So there is no gap between the end of leave and an ECEC entitlement in theory. However, a child must be born before September 1, to be guaranteed a place in the autumn (start of the school year). Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

From 1st July 2013 the Parental money period was extended to 49/59 weeks with 100/80 per cent of earnings. At the same time, the mother's quota was extended to 14 weeks and the same for the father's quota, while the shared period was reduced to 18/28 weeks. The rationale for this change in Parental leave design was to achieve more equal rights between mothers and fathers, the Icelandic tripartite model being a source of inspiration.

The new conservative government has decided to reverse this change and reduce the mother's and father's quota to ten weeks while increasing the sharable Parental leave by eight weeks. The new government has also increased the degree of transferability that is possible, with the father's work situation being a justification for transferring his leave to the mother. These changes will happen after 1 July 2014.

The government has proposed that women who breastfeed children under one-year-old should have the right to paid leave for one hour a day, to cover employees who do not have paid breastfeeding leave as part of their collective agreement.

On 1 August 2012 the 'cash-for-care' scheme was revised. Parents with a child aged 12 to 24 months are already entitled to receive a cash benefit on condition they do not use publicly funded ECEC service, but the revision increases the amount of the benefit for children under 18 months. The full benefit is now NOK3,303 (€404 per child per month for the oldest children in this group - 19-23 months - and NOK5,000 [€612] for the youngest - 13-18 months). The new conservative government has plans to increase the cash for care to NOK6,000 [€734].

4. Take-up of leave

a. Maternity leave

Nine out of ten mothers have the right to parental money; the remainder do not meet eligibility conditions. These figures are based on data from public records¹⁹⁷.

b. Paternity leave

The share of fathers who take time off work around the birth of the child is approximately the same as for the father's quota (89 per cent). 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 recent public records show that 90 per cent of fathers take leave of some length. However, figures based on public records in 2011 show that 18 per cent of the parental leave days were taken by fathers.

With every expansion of the father's quota fathers increase their uptake the following year. During 2012, 21 per cent of the fathers took exactly 12 weeks (60 working days), compared with only 0.6 per cent in 2011; the 'father's quota' increased from ten to 12 weeks between these two dates. Flexible use is increasing as the father's quota has been lengthened. In 2012, 21 per cent of eligible fathers took their father's quota as part-time, combining leave and work.

The sharable parental leave is for the most part taken by mothers and has in practice become a Maternity leave. In 2012, only 15 per cent of fathers took any of this part of Parental leave (i.e. in addition to the father's quota). Father's use of this leave is dependent on the mother and her willingness to share: mothers who have invested in education and have strong ties to working life (e.g. work full time and have higher status work) are thus most likely to share. This means that fathers are more likely to take some Parental leave when mothers have a high educational level, high income and work status, and full-time employment.

However, some characteristics of the father are also associated with use of leave. Although class differences are small, the father's level of education has some influence, particularly on the length of the leave. The eligible 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 sometimes negotiate with their employers when they want to take more leave than the father's quota, and the view that Parental leave is really for mothers is to be found among some employers. Fathers therefore may experience their jobs as a hindrance to taking more leave.

¹⁹⁷ Grambo, A.C. and Myklebø, S. (2009) *Moderne familier – tradisjonelle valg. En studie av mors og fars uttak av foreldrepermisjoner*. Oslo: Nav.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

There is constant research being undertaken. It is dispersed across many institutions in Norway, including a substantial part that in the form of doctoral or other small-scale studies.

b. Selected publications since April 2013

Bungum, B. and Kvande, E. (2013) 'The rise and fall of "cash for care" in Norway: changes in the use of child-care policies', *Nordic Journal of Social Research*, Vol. 4: 32-54.

The cash-for-care scheme was introduced in 1998 in Norway. During the first period after its introduction, the percentage of users was high at 91 per cent. Since 2005, however, the use has decreased substantially year by year. This article analyses more closely 'the rise and fall of the cash-for-care scheme in Norway, with a focus on the intersection of gender, class, and ethnicity in parents' use of cash for care over this period. The findings indicate that cash for care is a scheme that mainly encourages mothers who have low income and a low educational level and who are to a large degree from immigrant backgrounds to remain outside the labour market. By distinguishing between three phases, the article also illustrates how the intersection of gender, class, and ethnicity enters in different ways into both the discourse and the practices connected to the cash-for-care scheme since it was introduced in 1998.

Berit Brandth and Elin Kvande (ed.) (2013) *Fedrekvoten og den farsvennlige velferdsstaten*. [*The Father's Quota and the Father-friendly Welfare State*]. Oslo: Universitetsforlaget.

This book analyses the experiences of twenty years with the father's quota in Norway. Topics include the development of the policy design, how Norwegian fathers use and experience the quota, the effect on housework and care-work, how immigrant fathers use the quota, policies in other Nordic countries .

Ellingsæter, A. L. (2014) 'Nordic earner-carer models: Why stability and instability?', *Journal of Social Policy*, Vol. 43, No. 4

This article examines family policy development through the theoretical lenses of party competition and incremental changes in order to uncover underlying tensions and ongoing struggles. The main source of instability and policy displacement is party competition over values of 'equal parenthood' versus 'parental choice', largely following a left-right divide.

c. Ongoing research

New theoretical perspectives on the Nordic model of work-family reconciliations (2012-2015). Berit Brandth, Elin Kvande and Sigtona Halrynjo, Norwegian University of Science and Technology (NTNU).

The objectives of this ongoing study are to develop new theoretically informed understandings and perspectives on the Nordic model of work/family adaptations, to contribute to new empirical knowledge on work/family adaptations through examination of possibilities and dilemmas within three empirical research contexts and to situate the Norwegian model in an international context through international collaboration and a comparative book project. Contact: Elin Kvande at elin.kvande@svt.ntnu.no and Berit Brandth at berit.brandth@svt.ntnu.no

'De andre fedrene'. Om farskap og maskulinitet blant minoritetsetniske menn i likestillingslandet. [*The other fathers'. Fathering and masculinity among minority ethnic men*]

(2012-2014). Anette Hoel, doctoral study at Norwegian University of Science and Technology (NTNU). Contact Anette Hoel at anette.hoel@svt.ntnu.no

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] (2012-2014). Kristine Smeby, doctoral study at Norwegian University of Science and Technology (NTNU). Contact: Kristine Smeby at Kristine.Smeby@svt.ntnu.no

Poland

Piotr Michoń (Poznań University of Economics), Anna Kurowska (University of Warsaw) and Irena Kotowska (Warsaw School of Economics)¹⁹⁸

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 six or 52 weeks, depending on payment level (see ‘payment and funding’ below. Up to two weeks can be used before the expected date of birth. It is obligatory for the mother to take 14 weeks. The first 20 weeks are referred to as ‘maternity leave’ (*urlop macierzyński*), the next six weeks as ‘additional Maternity leave’ (*dodatkowy macierzyński*).
- If the 52 week option is used, the second 26 week period is referred to as ‘Parental leave’ (*urlop rodzicielski*)¹⁹⁹.
- Eight weeks leave is given in the case of the death of a baby.

Payment and funding

- Twenty six weeks at 100 per cent of average earnings for 12 months before the birth or 52 weeks at 80 per cent, with no ceiling on payments
- Funded from the Social Insurance Fund, financed by contributions by employees (2.45 per cent of earnings) and self-employed workers (PLN55.07 [€13²⁰⁰] per month), with some additional finance from the State to cover pension contributions. There is no contribution from employers.

¹⁹⁸ Please cite as: Michoń, P., Kotowska, I.E. and Kurowska A. (2014) ‘Poland country note’, in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

¹⁹⁹ Despite being referred to officially as ‘Parental leave’, the second 26 weeks of leave is referred to as ‘Maternity leave’, both throughout this country note and in the comparative tables, since it is not equally available to mothers and fathers, but is an entitlement for women that they may transfer in part to fathers.

²⁰⁰ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

Flexibility in use

- The non-obligatory part of Maternity leave and the 'Parental leave' (*urlop rodzicielski*) part can be combined with part-time working (maximum half of full-time hours), with payment proportional to the working time.
- The mother has to decide what leave to take (26 or 52 weeks) two weeks before the start of the leave. If the mother decides for 26 weeks, she can change to the 52 week option at the end of this period, in which case she is paid 100 per cent of average earnings for the first 26 weeks and 60 per cent for the second 26 weeks.
- The second 26 weeks period can be taken as one continuous period of leave or as several periods, each not shorter than eight weeks, each period immediately after the one before.
- 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, the 'Maternity leave' part, which is 26 weeks for one birth, is extended to 37 weeks for twins, 39 weeks for triplets, 41 weeks for quadruplets and 43 weeks for quintuplets. Six weeks of this supplementary leave for multiple births is referred to as 'additional Maternity leave'. The length of the 'Parental leave' part, the second 26 weeks, is not extended in the case of multiple births.

b. Paternity leave (*urlop ojcowski*) (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Two weeks.

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* – literally ‘childcare leave’) (responsibility of the Ministry of Labour and Social Policy)

Length of leave

- Thirty six months after Maternity leave until the child is five years old; 34 months is a family entitlement, with one month as an individual entitlement for the mother and another month for the father.

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 [€97] per month is paid if monthly household income per capita does not exceed PLN539 [€131], to be increased to PLN574 [€139] from November 2014. The basic payment is for 24 months, but the period can be extended to 36 months where there is more than one child or to 72 months if a child is disabled.
- Funded from general taxation.

Flexibility in use

- Leave can be taken until a child’s fifth birthday.
- Parents can take leave in one continuous period or in up to five separate blocks.
- Parents can take leave together for up to four months.
- Both parents have individual, non-transferable right to one month of the leave.
- 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.

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 means-tested payment of PLN400 [€97] 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 four years, but most of this is means-tested and low paid; leave paid at a high rate runs for twelve months. There is no entitlement to ECEC, but it is compulsory to attend ECEC (for one year) or to enter school from six years. So there is a gap of two years between the end of leave and ECEC entitlement and of five years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

Changes to the Parental leave (*urlop wychowawczy*) have been introduced in 2013. The leave period is still 36 months; but 34 months is now a family entitlement, with one additional month only for the mother, and one month only for the father. Employees are entitled to use the leave period in five blocks of time; and parents are able to use four months of leave at the same time. The means-tested childcare benefit will remain at the same level but the limit of the household income per capita has increased to PLN574 [€139] per month.

4. Take-up of leave

a. Maternity leave

The Social Insurance Institution (*Zakład Ubezpieczeń Społecznych*) collects data on Maternity and Paternity leave benefits.

In 2013, a new Maternity leave option was introduced, enabling mothers to choose between 26 weeks at 100 per cent of earnings or 52 weeks at 80 per cent of earnings; leave can be transferred to fathers after 14 weeks. The first beneficiaries of these new regulations received their allowances in July (women) and late August 2013 (men). It is important to note that between July 2013 and January 2014, data were collected only for employers with less than 21 employees. Among these employees, the number of parents who received the Maternity leave benefit for the second six month period (i.e. who took advantage of the new leave option) rose from around 6,200 in July to around 77,500 in January 2014. The vast

majority were mothers who accounted for 99 per cent of all beneficiaries in September 2013 and 98.5 per cent in January 2014. However in absolute terms the number of fathers taking at least part of the extended Maternity leave (i.e. the second six months referred to as 'Parental leave') rose from 200 in September 2013 to 1,100 in January 2014.

In February 2014 the data were collected for the first time for all companies (not only those with less than 21 employees). On this basis, 107,200 parents were then taking advantage of the benefit, of whom 1,600 (1.5 per cent) were fathers.

Data on maternity allowances provided by the Social Insurance Institution include the number of days paid to all recipients. The number of days of Maternity leave used in a year has been rising, probably due to the increase in the number of births since 2004 and changes in the regulations: from 2,226,200 days in 2004 to 4,262,400 in 2010 and 5,544,500 in 2013. The increase in the number of days observed in 2013 might be due to the increase of leave days available to parents.

The average payment has risen from PLN42.49 [€10] a day in 2005 to PLN72.58 [€18] in 2012. The main reason for this rise in the average payment is increased earnings in Poland.

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. The first data on take-up indicate that 16,600 out of 100,000 entitled fathers took advantage of the leave in the 12 months up to August 2011; in the next eight months, the number of fathers taking leave was 14,200, implying an increasing take-up rate.

In January 2014, only 4,500 fathers used their right to Paternity leave; they received on average relatively higher payment (PLN94.63 [€23] a day) than did mothers during Maternity leave (PLN66.17 [€16] a day). There are two explanations: women earn relatively less than men; and the average payment during Maternity leave can be lower because some mothers decide to take the longer leave option with a lower benefit payment.

c. Parental leave

There are no regular and coherent government statistics on the use of Parental leave (*urlop wychowawczy* – literally 'childcare 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, 121,200 in 2009 and 111,900 in 2010. The average amount of the 'parental allowance' has also been decreasing in recent years, from PLN403.56 [€98] per month in 2005 to PLN381.90 [€92] in 2008; but in 2009, there was a small increase to PLN385.88 [€93]. In 2012 the allowance increased on average to PLN388.52 [€94] and the average number of allowances paid every month was 81,550.

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 their 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 Survey²⁰¹. Amongst those entitled to take Parental leave, nearly 50 per cent of mothers but only 2.5 per cent of fathers did so. 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).

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 two per cent of children under three years of age attended crèches, and 41 per cent of children aged three to five years attended kindergartens; according to the National Statistics Office, in 2010-11 20,174 two-year-olds were in nursery, compared to 192,588 children three-year-olds who were in kindergarten. These figures for attendance at ECEC 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

²⁰¹ 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.

In the largest Polish survey *Diagnoza Społeczna*, published in 2011, the respondents were asked to select a solution that would facilitate the reconciliation of work and family responsibilities²⁰². Even though the length of Maternity leave has increased in recent years, longer leave was most often given as the best solution for reconciling work and family life, both by women (26 per cent) and men (20 per cent). The next most frequently cited solution was flexible working time (26 per cent women, 23 per cent men), followed by 'better opportunities for outside home care for young children (up to seven years)' (16 per cent of respondents). One in ten of both women and men chose prolongation of paid Parental leave as the best method.

Similarly, long Maternity and Parental leave is often discussed as a tool for encouraging people to have more children. In 2012 27 per cent of Poles indicated 'longer maternity leaves' as a tool to achieve this aim²⁰³; while in 2013 almost half of Polish society considered 12 months of leave (Maternity and Parental) after birth to be an effective tool for encouraging young people for having children²⁰⁴. By the same token, Polish society does not consider 'Paternity leave' to be an important policy tool.

Given these results, it is not surprising that the extension in 2013 of Maternity leave, including six months of 'Parental' leave, gained much support in Polish society; 91 per cent of adult Poles rated it beneficial²⁰⁵. But most people (58 per cent) did not think men were interested in taking the 'Parental' leave part. After the extension of Maternity leave, two other measures to support reconciling work and family have considerable support: flexible working hours (55 per cent of men and 57 per cent of women); and childcare facilities for children under 7 years (33 per cent of men and 37 per cent of women)²⁰⁶.

5. Research and publications on leave and other employment-related policies since April 2013

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.

²⁰² Czapiński J. and Panek T. (eds.) (2011) *Diagnoza społeczna [rok]*. Available at: <http://www.diagnoza.com/index.html>

²⁰³ CBOS (2012) *Polityka państwa wobec rodziny [State policy towards the family]* (No. BS/67/2012). Warszawa: CBOS.

²⁰⁴ CBOS (2013) *O roli kobiet w rodzinie (No. BS/30/2013) [The role of women in the family]*. Warszawa: CBOS.

²⁰⁵ CBOS (2013a) *Postawy prokreacyjne kobiet (No. BS/29/2013) [Attitudes to women's fertility]*. Warszawa: CBOS.

²⁰⁶ Czapiński, J., and Panek, T. (2013) 'Diagnoza społeczna 2013: warunki i jakość życia Polaków' ['Social Diagnosis 2013: conditions and quality of life of Poles'], *Quarterly of the University of Finance and Management in Warsaw*, Vol.7 (special issue).

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 April 2013

Kurowska, A. (2013) 'Ocena zasadności założeń reformy urlopów i zasiłków związanych z opieką nad małym dzieckiem' ['Assessment of the merits of the reform leave and benefits associated with the care of a small child'], *Problemy Polityki Społecznej, Studia i Dyskusje*, Vol. 2, No.21: 155-170.

The purpose of this article is to assess the potential impact of the reform of Maternity and Parental leave proposed by the government, on the situation of women in the labour market, the division of childcare between parents and fertility. In the article, the author refers to the results of empirical studies conducted in European countries and formulates proposals for crucial modifications of the reforms in order to achieve the results expected by the government.

Kurowska, A. and Tomaszewska, M. (2013) 'Differences in fulfilling the entitlement to pre-school education in Masovian voivodship - in search of political conditions of local social citizenship', *Problemy Polityki Społecznej, Studia i Dyskusje*, Vol.4, No.23: 85-103.

In the present paper, we analyse the differences in the use of pre-school education from the point of view of local social citizenship theory. Adopting this perspective means that, the level of diffusion of pre-school education reflects the level of entitlement to this type of education, an ingredient of the 'social element of citizenship'.

c. Ongoing research

None reported.

Portugal

Karin Wall and Mafalda Leitão (University of Lisbon)²⁰⁷

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 Solidarity and Social Security)

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.
- Previously payment was calculated on the basis of 14 months of previous earnings. But from 2012 only 12 months of previous earnings are taken into account; this means that monthly payment now corresponds closely to previous monthly earnings, whereas before it was slightly above.
- When the 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

²⁰⁷ Please cite as: Wall, K. and Leitão, M. (2014) 'Portugal country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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 2013). 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 Solidarity and Social Security)

Length of leave

- Twenty working days, ten 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 the ten obligatory days must be taken consecutively immediately after birth, the other five days must be taken during the first month after birth; the other ten optional days must be taken while the mother is on Initial Parental leave.

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 the 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 Solidarity and Social Security)

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
- Payment can only be made to one parent at a time.

Flexibility in use

- Leave may be taken up to the child's sixth birthday.
- Leave 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)

- If the three months are taken as unpaid Parental leave, they 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 leave 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 unpaid 'childcare leave' and six months at 25 per cent of previous earnings, is three years. Leave paid at a high rate lasts for up to six months, depending on gender sharing of leave. Since 2009, there is an entitlement to ECEC from five years of age, in nursery education available for eight hours a day. So there is a gap of around two 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 three years are above the average for the countries included in this review and for OECD countries; and around average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

In spite of the economic crisis, there have been no changes or major cuts in the leave scheme (heavy cuts were introduced in family allowances). Moreover, the agenda of the government (a centre-right wing coalition government elected in June 2011) does not propose any changes in leave policies. However, it recognizes the importance of the issue of work/family balance and the need to increase the number of places in services for children below three years. It has done this by changing the legislation regulating crèches in order to allow the latter to increase the number of children per classroom: up to ten children per room below one year (formerly eight per room), up to 14 children per room between one and two years (formerly ten) and up to 18 children per room between age two and three years (formerly 15). The issue of quality in crèches has been raised due to this change.

Meanwhile in April 2013 the Minister of Solidarity and Social Security announced the government's intention to use European funds to promote female part-time work (paid as full-time work) in order to allow parents to have more time to raise their children. However no specific measures were proposed and the intention was therefore received with some perplexity by stakeholders and the media. The government's intention was presented as a way to promote fertility since births continue to decrease (down from 101,381 in 2010 to 96,856 in 2011, 89,841 in 2012 and an estimated 82,787 births in 2013). In March 2014 the government appointed a working group to propose new measures to increase fertility. In this context new proposals for measures may be expected in 2014/2015.

4. Take-up of leave

a. Initial Parental Leave (formerly Maternity leave)

Due to the decline in fertility the total number of paid Initial Parental leaves has been decreasing, down from 81,300 in 2011 to 75,553 in 2012 and to 69,521 in 2013. These figures include: mothers and fathers with a sufficient record of social security contributions

entitled to 80-100 per cent of earnings compensation; as well as mothers and fathers with no record or an insufficient record of social security contributions, who are only entitled to a flat-rate benefit (see 1a for benefit eligibility). The latter represent 20.5 per cent of the total number of paid Initial Parental leaves. There has been a slight decrease in the number of parents claiming this flat-rate benefit introduced in 2008 (16,919 in 2010, 16,008 in 2011, 15,558 in 2012 and 14,319 in 2013) mainly due to some restrictions in eligibility introduced in November 2010.

The decrease in paid Parental leaves may be seen to be related to the decrease in the number of births over the last few years. It is estimated that in 2013 there were less 7,054 births (in 2012 less 7,015 births; in 2011 less 4,525).

b. Initial Parental Leave and Sharing Bonus

Although there has been a decrease in the number of total paid Initial Parental leaves, the percentage of parents who decided to share leave has increased slightly over the last few years. In 2013, 76.1 per cent of Initial Parental leaves were taken without the gender sharing bonus, compared with 79 per cent in 2011, 77.6 in 2012; and 23.8 per cent were divided between both parents with entitlement to the sharing bonus (meaning that the father took at least 30 days of leave alone, without the mother, or *vice versa*), compared with 20.5 per cent in 2011 and 22.3 in 2012.

Initial Parental leave taken without the gender sharing bonus is nearly all taken by mothers, with half of the leave taken for a period of 4 months (54 per cent) and the other half for 5 months (46 per cent).

Initial Parental leave taken with the 'sharing bonus' has to be shared between both parents. Although only the first six weeks have to be taken by the mother, in practice nearly all parents divide the leave between themselves by allocating four or five months to the mother and one month (the last month of Initial Parental leave, when the mother goes back to work) to the father. Among these couples, in 2013 59 per cent (9,834) chose the longer leave period (six months paid at 83 per cent of earnings), compared to 58 per cent in 2010; while 41 per cent (6,726) preferred the five months option paid at 100 per cent of earnings. This would seem to indicate that parents are choosing to stretch the period of leave to six months even if they receive a slightly lower level of earnings compensation.

Data on the 'sharing bonus' since it came into effect in May 2009 shows a strong initial increase in take-up in 2009 and 2010 (from 596 fathers who shared Maternity leave in 2008 to 16,391 fathers sharing Initial Parental leave in 2010); then only a slight increase in 2011 and again in 2012, followed by a slight decrease in absolute numbers in 2013 with 16,560 fathers staying at home on their own for 30 or more days, during the five or six months of leave (16,351 fathers in 2010, 16,719 in 2011 and 16,862 in 2012). However, this represents 23.8 per cent of all Initial parental leaves in 2013, up from 20.3 per cent in 2010.

c. 'Father's-only parental leave' (formerly Paternity leave)

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 two 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 also 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 four 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, and up until the 2009 policy reform, take-up rates increased steadily: 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, when 'Paternity leave' became 'father-only Parental leave' and ten days became obligatory, take-up of leave increased to 56 per cent for the ten compulsory days and 47 per cent for the additional ten days. Take-up of the obligatory leave is not at 100 per cent for two main reasons: statistics exclude employees with special social protection regimes, e.g. civil servants, bank workers; and the labour inspection services only recently began to control take-up of leave by fathers, making for lack of implementation by some employers. In 2010 and 2012 take up increased again, first to 62 and then to 68 per cent for the ten compulsory days; and to 52 and then to 58 per cent for the ten optional days. In 2013, there was no change in take up; 68 per cent of fathers took the ten obligatory days; 58 per cent of fathers took the ten optional days (percentages based on the number of fathers who take leave in relation to the number of estimated births for 2013). If, again, take-up is calculated in relation to the total number of Initial Parental leaves granted, then the proportions in 2013 increased to 81 per cent for the ten obligatory days and 69.6 per cent for the ten optional days.

d. 'Additional Parental leave' (formerly Parental leave)

Take-up of Additional Parental leave is still low even if it 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 only 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. In 2012 2,166 parents took this leave, with a further increase in 2013 to 2,321, which represents 3.3 per cent of all parents who were granted Initial Parental leave.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

None reported.

b. Selected publications since April 2013

Wall, K. (ed.) (2013) *Relatório 2012 do OFAP - Observatório das Famílias e das Políticas de Família [Annual Report 2011 of The Observatory of Families and Family Policies]*. Lisbon: ICS and CIES. Available at: www.observatoriodofamilias.ics.ul.pt

This report maps changing family forms and analyses developments in family policies in Portugal in 2012.

c. Ongoing research

Sharing and negotiating Parental Leave: the father, mother and employers' perspectives (2013-2017). Mafalda Leitão, doctoral study at Instituto de Ciências Sociais [Institute of Social Sciences], University of Lisbon (2013-2017)

The double postponement: men and women coping with childbearing intentions in their late 30s and early 40s (2012-2015). Vanessa Cunha (coordinator), ICS University of Lisbon, Filomena Mendes, University of Evora. Funded by the National Foundation for Science and Technology.

This research project intends to produce a further questioning in relation to childbearing intentions within the framework of contemporary postponement and decision-making processes, and specifically regarding the transitions to the first and the second child in cohorts that are coming close to the end of reproductive life. There are three aims that will be pursued within a life course perspective: to identify the mechanisms that are engendering those postponements and how they entail coping with and reshaping childbearing intentions throughout the life course; to understand the chain of decision-making processes that triggers the childbearing postponement, and the resulting balance of gains and costs for one's life; and to clarify if the gender gap concerning the childbearing agenda turns into a gender trap by jeopardizing childbearing intentions of one or both. The research relies on two methodological approaches: a qualitative one based on in-depth interviews with men and women aged between 35 and 45, in order to understand how they cope with the transitions to the first and second child; and a quantitative one, regarding the analysis of data from the Census 2011 and 2001, to portray the current demographic trends concerning postponement, childlessness and one-child families in Portugal, outlining major changes in a period of a decade. Contact: Vanessa Cunha at Vanessa.cunha@ics.ul.pt.

Changes in parental leaves and their impact on men's experiences of leave (2012-2016). Karin Wall (Coordinator), Sofia Marinho and Mafalda Leitão. ICS, University of Lisbon. funded by EEA Grants Programme Area 14 (mainstreaming gender equality and promoting work-life balance).

This qualitative research project draws on in-depth interviews with fathers who took up the 'sharing bonus' introduced in the 2009 leave policy reform (see Section 1a.). The project is part of a wider project on Men's Roles in a Gender Equality Perspective as from February 2014 (to 2016).

Network on fathers on leave alone and gender equality (2013-2015). Karin Wall (coordinator), ICS, University of Lisbon.

Drawing on the above project ('Changes in parental leaves and their impact on men's experiences of leave') in Portugal, a small network of researchers from the international leave network (Spain, U.K., Sweden, Finland, Norway, Iceland, France, Switzerland, Canada, Portugal, Japan) are carrying out similar in-depth interviews in order to provide a comparative cross-national analysis of the impact of leave taken up by fathers, in a solo manner, on gender equality and family life. Contact: Karin Wall at karin.wall@ics.ulisboa.pt.

Russian Federation

Oxana Sinyavskaya (National Research University – Higher School of Economics), Zhanna Kravchenko (Södertörn University) and Irina Grigoryeva (St Petersburg State University)²⁰⁸

May 2014

NB. The Russian Federation is a federal state, with 85 regions in May 2014.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (отпуск по беременности и родам) (responsibility of Ministry of Labour and Social Protection)

Length of leave (before and after birth)

- Seventy calendar days before and 70 calendar days after childbirth.

Payment and funding

- Hundred per cent of average earnings, calculated on basis of employment during 24 months before taking leave²⁰⁹. There is a ceiling for maternity benefits based on the ceiling on earnings for social insurance contributions established by the state on an annual basis, the actual number of worked days and the length of the leave. For women applied for a leave in 2014, the ceiling for social insurance contributions in 2012 was RUB512,000 [€10,800²¹⁰] and in 2013 RUB568,000 [€11,981]. Hence, the ceiling for the benefit will be $(512,000+568,000)/730 \times 140 = \text{RUB}207,123$ [€4,369], where 730 is the maximum standard number of working days over two years and 140 is the length of the leave. If the woman worked less than 730 days, the actual number of days she worked is used in the calculation. The minimum amount of maternity benefit cannot be lower than $5,554 \times 24 / 740 \times 140 = \text{RUB}25,564$ [€539], where RUB5,554 [€117.93] is a new level of minimum wage per month²¹¹.

²⁰⁸Please cite as: Sinyavskaya, O., Kravchenko, Z. and Grigoryeva, I. (2014) 'Russian Federation country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

²⁰⁹ From January 1, 2014 a woman cannot choose a base for benefits calculation.

²¹⁰ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

²¹¹ Minimum and maximum values can be increased to regional coefficients established by law for regions with higher level of costs of living (e.g. Far North or Far East regions).

- Unemployed women discharged on grounds of closing down of business during 12 months before registered at the unemployment office can receive Maternity leave benefits at the level of RUB300 [€6] per month. They cannot receive unemployment benefits at the same time of receiving maternity benefits. To compare, for 2014, the amount of unemployment benefits, established at the federal level varies from a minimum of RUB850 [€18] to a maximum of RUB4,900 [€103] per month, is financed and administered by regional authorities.
- Full-time students receive the benefit in the amount of student benefit (funded by the Federal budget). Not all students receive the payment, the conditions and the size of the benefit is regulated by each educational institution.
- Funded by the Social Insurance Fund, which is largely financed from employers' contributions, supplemented by transfers from the federal budget.

Flexibility in use

- None.

Regional or local variations in leave policy

- Regional authorities can introduce additional payments during the period of Maternity leave. For instance, Moscow government increases benefits for officially registered unemployed mothers discharged on grounds of closing down of business during 12 months before registered at the unemployment office.
- There are no official statistics about regional variations in practice.

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

- All insured women (including registered self-employed) and military personnel.
- Unemployed women discharged on grounds of closing down of business during 12 months before registered at the unemployment office
- Full-time students
- Women adopted a child if they belong to categories listed above

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

- In the case of multiple births, the length of leave increases to 84 days before the birth, and to 110 days after.
- In the case of complicated delivery, 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 Labour and Social Protection)

Length of leave

- Until three years after childbirth. It is a family entitlement, which can be taken by only one person.

Payment and funding

- Forty per cent of average earnings during the two years preceding birth, paid until a child is 18 months, with a minimum payment of RUB2,576.63 [€54] per month for the first child, and of RUB5153.24 [€109] for the second and subsequent children in 2014. There is a ceiling for Parental leave payments based on the ceiling for social insurance contributions established by the state on an annual basis. The amount is calculated by taking the ceiling for these social insurance contributions for a selected two year period (for leaves calculated in 2014 earnings in 2012-2013 are taken into account; including ceilings of RUB512,000 [€10,800] in 2012 and of RUB568,000 [€11,981] in 2013), divided by 730 (the maximum standard number of working days over two years) and multiplied by 30.4 (the average number of calendar days per month). The maximum payment is RUB17,990 [€379]²¹² per month in 2014.
- For employed parents with children between 18 and 36 months, a payment of RUB50 [€1] per month is also provided. Women who became unemployed while on Parental leave because their employer closes down and do not receive unemployment benefits are also eligible.
- For unemployed people, who have lost their jobs *during* Parental leave because their employer has closed down during the 12 months prior to them registering as unemployed, Parental leave benefit is calculated on basis of their earnings during 12 months before their unemployment. These unemployed people have to choose either to receive unemployment benefit or Parental leave benefit.
- Other unemployed or inactive parents are provided with the minimum payment (i.e. RUB2,576.63 [€54] per month for the first child, and of RUB5,153.24 [€109] for all subsequent children).
- If a woman has a right for paid parental leave benefits and maternity leave benefits (e.g., if she is pregnant with a second child), she has to choose one benefit to get.
- The payments are not taxable.
- Payments for insured workers are funded by the Social Insurance Fund and for those who are not insured (e.g. students, unemployed) - from the federal budget.

Flexibility in use

- Parents taking leave may work part time.

Regional or local variations in leave policy

- The 85 regional governments can increase the federal level of Parental leave benefits within the minimum and maximum levels set by the central government - RUB2,576.63 [€54] per month and RUB17,990.1 [€379] respectively. There is further scope for regional variations, e.g. regional governments may provide additional

²¹² Minimum and maximum values can be increased to regional coefficients established by law for regions with higher level of costs of living (e.g. Far North or Far East regions).

payments from regional budgets; or link payments to the order of births, increasing payments with each subsequent child; or target special groups of the population; and/or make these payments means-tested. For instance, Moscow government has introduced additional payments for some categories of unemployed women, single parents, families with both parents unemployed, families with many (3 or more) children, poor families. Furthermore regional governments are encouraged to introduce additional payments for care of a child between 18 and 36 months.

- There are no official statistics about regional variations in practice.

Eligibility

- Any insured caregiver (in proportion to previous earnings).
- Uninsured mothers or fathers (at a minimum level)

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 a parent/carer and the age of the child. Leave for taking care of a sick child can be taken by any relative (mother, father, grandparents). For a child under the age of seven years, up to 60 days leave may be taken per year, with 45 days for a child aged seven to 14 years old (up to 15 days per time); for instance, a family with two children, one below seven years and another between seven and 14 years old, can get up to 105 days of sick leave per year. 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, under a ceiling for social insurance contributions for a selected two year period (for leaves calculated in 2014 earnings in 2012-2013 are taken into account; including ceilings of RUB512,000 [€10,800] in 2012 and of RUB568,000 [€11,981] in 2013).

Flexible working

- Before Maternity leave or immediately afterwards, employed women are entitled to an annual paid vacation regardless of length of employment.
- Mothers of children younger than 18 months 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.
- Employees with two and more children under the age of 14 years, parents of disabled children under the age of 18 years, and single parents with children younger than 14 years may receive annual unpaid leave of up to 14 days.
- Mothers of children under 18 years old working in rural area can get one additional unpaid day off per month.
- Written agreement of an employee with children below three years (or below five years in the case of single parents) should be obtained for her/him to work overtime, during weekends, or for business trips.
- All regulations are established in the Labour Code and costs are carried by employers.

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

The maximum period of post-natal leave available in the Russian Federation is three years, but the last 18 months is unpaid, and most of the first 18 months are paid at a relatively low rate; only the first 10 weeks after birth are paid at a relatively high rate. Officially, there is an entitlement to ECEC from two months of age, which means no *de jure* gap between the end of well paid leave and an ECEC entitlement. However, the government officially supports development of the formal childcare for children from three to seven years old; there is no statistics on the formal childcare use or waiting lists for children under one year old; and at the regional level additional restrictions can be introduced on the registration / entry to kindergarten based on child's age (e.g., places in kindergartens can be limited to children older than two or three years).

The Russian Federation is not included in the comparative data on ECEC attendance in the OECD Family Database. It does, however, appear in the TransMonEE Database covering countries in Central and Eastern Europe and the Commonwealth of Individual States; according to this Database, levels of coverage of children under three years old by formal childcare in Russia declined from 2005 and was 17.1 per cent in 2010/2011, which was below the average for OECD countries (for more details see Table 'Relationship between leave and ECEC entitlements'). There is no information available for 2013/2014.

3. Changes in policy since April 2013 (including proposals currently under discussion)

From January 1, 2014 there is no choice in calculating the amount of monthly benefits during Maternity and Parental leave. All payments are calculated based on earnings for the last two 12 month periods.

Since 2012 a national reform has been under consideration for extending the payment of 40 per cent of earnings during Parental leave from 18 to 36 months. This is expected to be introduced in three stages in the 85 regions, according to variations in levels of ECEC

provision. No measures have been yet enacted, and no decisions made about levels of ECEC provision.

From May 2012, the government pays special attention on the development of policy instruments for supporting the employment of women with children. The activity was initiated by the Presidential Decree No. 606 on May 7, 2012, which instructed the Russian government "to take measures aimed at creating conditions for women to combine employment with child-rearing responsibilities, as well as at organizing vocational training (retraining) of women on parental leave until the child reaches the age of three". At the federal level a set of recommendations and indicators were developed by the Ministry of Labour and Social Protection in the beginning of 2013. Realization of this policy has been delegated to regional level; regions are expected to adopt special programmes for supporting mothers' employment or include additional measures in existing employment or socio-development programmes aimed at expanding flexible forms of employment, and programmes on vocational training/re-training. Up to now there is no information on the realization of these activities at regional level.

According to new pension laws adopted at the end of 2013, from 1 January 2014 three periods of Parental leave up to 18 months each (4.5 years in total) and from 1 January 2015 four periods of leave up to 18 months each (six years in total) can be included in the length of insurance seniority (i.e. employment records for the period when contributions to the state pension fund has been made) used for calculating pension benefits instead of two periods (three years in total) by previous law.

4. Take-up of leave

a. Maternityleave

Although it is not obligatory, it is assumed that almost all eligible women take Maternity leave.

b. Paternity leave

There is no statutory entitlement.

c. Parental leave

According to Rosstat data, in 2012 the number of insured people on paid Parental leave to care for a child under 18 months was 2,275,646, and the number of uninsured people receiving benefit for caring for a child under 18 months was 1,595,080. No more recent information is available. Since benefits for caring for a child from birth to 18 months are available for both insured and uninsured persons and can be combined with part-time employment, it can be assumed that take-up is 100 per cent.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

Research on reconciliation of work and family life is still sparse in Russia, mostly due to lack of survey data or statistics. However, there is a growing interest in these issues motivated by the population ageing and the current population policy of the Russian government launched in 2007. More studies on the relationship between female employment, fertility and family

policy measures, including childcare use, which draw on data from the Russian Longitudinal Monitoring Survey (RLMS) or Generations and Gender Survey (GGS) have appeared recently. Furthermore, the government has ordered the National Research University – Higher School of Economics (HSE) to undertake applied research on ‘Employment of women with children under 16’ to be conducted in 2013.

The main methodological problem of all studies trying to analyse the effect of recent policies on fertility and female employment in Russia is that several measures were introduced simultaneously, and hence it is impossible to estimate the sole impact of extended coverage and increased reimbursement level of Parental leave allowances on the fertility or employment.

b. Selected publications since April 2013

Levin, M., Oshchepkov, A. and Shilova, N. (2013) ‘Otsenka vliania doshkol’nyh obrazovatel’nyh uchrezhdenii na zaniatost’ rossiiskih materei’ [‘Assessment of the effect of pre-school education on Russian mothers’ employment’], *Finansy*, No. 3: 89-106

The article studies the relations between mothers’ employment and children’s attendance at preschool educational institutions (kindergarten) in 2000-2009 in Russia based on RLMS data. The results show a significant negative effect of children under 3 years on the female employment, which can be reduced by almost twice at the expense of using formal childcare. According to their estimates, a 35 per cent increase in formal childcare coverage gives a 8.5 percentage point increase for female employment.

Sinyavskaya, O. and Billingsley, S. (2013) ‘The importance of job characteristics to women’s fertility intentions and behavior in Russia’, *Stockholm Research Reports in Demography*, Working 2013: 12. Available at:

http://www.su.se/polopoly_fs/1.152115.1382345967!/menu/standard/file/WP_2013_6.pdf

The authors assess whether a relationship between employment characteristics and fertility exists in the low fertility context of Russia. In general, the study provides evidence that reconciliation of work and family roles is related to childbearing; in particular, job characteristics that are considered family-friendly are positively associated with intentions and behavior in Russia. More specifically, authors find stronger relationships between job characteristics and having a second birth than the timing of entering parenthood. Attitudes toward work and family roles appear to be related to fertility intentions to only a small extent and do not mediate relationships between job characteristics and intentions.

Slonimczyk, F. and Yurko, A. (2013) *Assessing the impact of the maternity capital policy in Russia*, IZA Discussion Paper No.7705. Available at: <http://ftp.iza.org/dp7705.pdf>

The article analyses the effects of Russian government pro-natalist policy launched in 2007 with particular attention to ‘maternity capital’ assistance (\$11,000) given to women for the second or subsequent birth. The authors use a structural dynamic programming model of fertility and labour force participation in order to evaluate the effectiveness of the policy. The conclusion is that 2007 family policy measures augmented long-run fertility by about 0.15 children per woman. A version will appear as an article in *Labour Economics* in 2014.

Grigorieva, N., Duprat-Kushtanina, V. and Sharova, M. (2014) ‘Sotsial’naia politika v oblasti roditel’sтва: sravnitel’nyi analiz (Rossia – Frantsia)’ [‘Social policy in the field of parenting and childlessness: a comparative analysis of Russia and France’], *Zhurnal issledovaniï sotsial’noi politiki*, Vol.12, No.1, No.1: 21-38

The article presents an analysis of Russian and French family policy from the point of view of preventing non-medical childlessness. The focus on a comparative analysis aims to reflect both the differences of welfare state regimes and the resemblance of the ideologies in use in their social sector, which relies mostly on families. Authors conclude that the best incentive

for reducing childlessness would appear to be a complex social policy minimizing the negative consequences of maternity such as drops in income and radical lifestyle changes. They emphasize that this policy should be flexible, leaving young mothers with the choice in deciding when they should return to work, how to fix their working schedule and what type of childcare is preferable for them.

Kravchenko, Z. and Grigoryeva, I. (2014) 'Family policy in Russia: Folkways versus stateways revisited', M.Robila (ed.) *Handbook of family policies across the globe*. New York: Springer, pp.223-237.

Family policy in Russia has a long history of juggling with ideas of family autonomy and state intervention. During the Soviet period, the policies were aimed at stimulating fertility and female employment by providing institutional childcare and job protection. By the time the reforms broke through in the 1990s, the country was facing several consequences of the earlier policy design. The double burden of work and care carried by women was accompanied by virtual "crowding out" of men from the family domain. The dramatic turmoil in economic, political and social life brought a new light on the issue of decreasing fertility and rocketing poverty. In this chapter, the authors focus on the interplay between several family policy sectors related to these challenges, present the current regulations, highlight their effects, and discuss possible directions for future policy realization.

c. Ongoing research

Research on 'Employment of women with children' is conducted by researchers from National research university – Higher School of Economics in the framework of an applied research on family policy development financed by Russian government in 2014. This research continues the applied research on 'Employment of women with children under 16' conducted by the same group in 2013. It includes secondary data analysis of Russian census of 2010, of Complex survey of living conditions of Russian population conducted by Rosstat in 2011, and of 'Moscow and Muscovites' survey conducted in 2014. Main focuses include formal childcare coverage and availability of training vocational programs for women with small children.

South Africa

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April 2014

NB. South Africa is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

²¹³ Please cite as: Dancaster, L. and Cohen, T. (2014) 'South Africa country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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, but 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 38 per cent to 60 per cent of earnings depending on level of earnings with a maximum income threshold of ZAR14,872 [€1,027²¹⁴] per month. It is for a maximum period of 17.32 weeks and application must be made eight weeks before the birth of the child. The amount of maternity benefit received from the UIF depends on the credit that has built up from working. Credits are accumulated at a rate of one day per six days worked. Hence, to gain maximum credit for the full period of maternity pay it is necessary to have worked continuously for four years. 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 one per cent of the employee's earnings, up to a maximum of ZAR14,872 [€1,027] per month i.e. the maximum combined contribution is ZAR297.44 [€21] 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.
- 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

²¹⁴ Conversion of local currency into Euros undertaken on 10 June 2014, using <http://finance.yahoo.com/currency-converter/>

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.

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.
- An employee falling under the Public Service Bargaining Council may take up to eight working days per pregnancy to attend medical examinations. The Determination does not specifically state that these absences are paid but it could be interpreted to be so given the wording of the Determination in general.
- A 2012 (LRS, 2013) survey of wage agreements collected from trade unions, bargaining councils and sectoral determinations - covering a diverse range of industries and over 900 bargaining units - showed that employers offered Maternity leave ranging from the statutory minimum of four months in sectoral determinations to 5.1 months in bargaining council agreements²¹⁵. The percentage of employers offering maternity pay (as a percentage of basic wage) ranged from 20 percent in sectoral determinations to 47.7 percent in bilateral agreements.
- 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.

²¹⁵ Labour Research Service. (2013) *Bargaining Monitor*, Vol.27, No.179: 1-19. Available at: http://www.lrs.org.za/docs/LRS_BM_Strategic%20Bargaining%20in%202013.pdf.

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 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 in the private sector 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.
- Evidence from a 2012 survey (LRS, 2013, see footnote 1) found that employers offered improvements on the three day statutory minimum period of family responsibility leave ranging from 3.8 days to 4.3 days.
- Employees in the public service are permitted to utilise five 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 is four months, paid at 38-60 per cent of earnings. There is no entitlement to ECEC and compulsory school age is seven years. The 2011 General Household Survey (StasSA, 2011) indicates that 65 percent of children aged between 0-4 years do not attend a crèche, ECD, playgroup, nursery school or pre-primary school.

3. Changes in policy since April 2013 (including proposals currently under discussion)

The Unemployment Insurance Amendment Bill was tabled in Parliament on the 12 March 2014, and is still to be passed. The proposed amendments to the Unemployment Insurance Act include an increase in the level of maternity benefits and an extension of the coverage of benefits: the Bill stipulates that maternity benefits must be paid at a rate of 66 per cent of earnings subject to a maximum threshold set by the Minister; and credits towards maternity (and other unemployment) benefits should accrue at a rate of one day per four days worked rather than the present rate of one day per six days worked. There is no change to the maximum period of payment of maternity benefits (17.32 weeks).

The amendments further propose: a qualifying period of 13 weeks before a contributor may claim maternity benefits (this does not apply to any of the other types of unemployment benefits); the extension of unemployment benefits to cover learners undergoing learnership training, civil servants and foreign workers who are within South Africa; that a contributor who has a miscarriage or bears a still-born child in the third trimester will receive full maternity benefits (up from the current position of six weeks); and removing the amendments the requirement to make an application for maternity benefits eight weeks before the expected date of childbirth (the time limit has been deleted).

4. Take-up of leave

a. Maternity leave

The 2012 Quarterly Labour Force Survey (Statistics South Africa, 2012²¹⁶) indicates that 51.7 per cent of employees had access to some form of Maternity or Paternity leave in 2012. The 2013 Quarterly Labour Force Survey (Statistics South Africa, 2013²¹⁷) indicated a 5.1 per cent increase on the 2012 figure.

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 April 2013

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 April 2013

None reported.

c. Ongoing research

None reported.

²¹⁶ Statistics South Africa (2012) *Quarterly Labour Force Survey, Quarter 3, 2012: Statistical release P0211*. <https://www.statssa.gov.za/Publications/P0211/P02113rdQuarter2012.pdf>.

²¹⁷ Statistics South Africa (2013) *Quarterly Labour Force Survey, Quarter 3, 2013: Statistical release P0211*. Available at: <http://www.statssa.gov.za/publications/P0211/P02113rdQuarter2013.pdf>.

Slovak Republic

Daniel Gerbery(Comenius University/ Institute for Labour and Family Research)²¹⁸

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*materská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)

Length of leave (before and after birth)

- Thirty-four weeks: six to eight weeks before the birth. It is obligatory to take this leave.

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

- Sixty-five per cent of daily earnings calculated on the basis of the previous year. There is a ceiling of 1.5 times the national average monthly wage. If Maternity benefit is lower than Parental allowance (see 1c below), then an additional payment is made to make up the difference.
- Payment is financed from sickness insurance contributions by employers and employees, each of whom pay 1.4 per cent of earnings; self-employed workers pay 4.4 per cent of declared earnings.

Flexibility in use

- Leave can be started six to eight weeks before birth.

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

- To be eligible for maternity benefit, an employee must have contributed to sickness insurance for at least 270 days during the two years before the birth.

²¹⁸ Please cite as: Gerbery, D. (2014) 'Slovak Republic country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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 is extended to 37 weeks for single mothers and 43 weeks in the case of multiple births.
- Twenty eight weeks in case of foster carers (31 weeks for single persons, 37 weeks for persons caring for at least two new born children).
- In the case of a stillbirth, the mother is granted a maximum 14 weeks of Maternity leave.

b. Paternity leave

No statutory entitlement.

c. Parental leave (*rodičovská dovolenka*) (responsibility of Ministry of Labour, Social Affairs and Family)

Length of leave

- Until the child reaches three years. Leave is a family entitlement, which only one parent may use.

Payment and funding

- A Parental allowance - *rodičovský príspevok* - of €203.20 per month is available to all families who meet the eligibility condition whether or not they take Parental leave; parents can work full time or part time while receiving parental benefit. Only one parent is entitled to Parental allowance.
- Parental allowance is funded from general taxation.

Flexibility in use

- None.

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

- The provision of regular care for at least one child up to the age of three years or six years in the case of a child with a long-term health problem or disability.
- Residence or temporary stay of an entitled person in the Slovak Republic.
- Parental allowance is not provided to parents if their older child (up to three years or older child up to six years if s/he has a long-term health problem or disability) has been removed from their personal care and the Local Office of the Labour, Social Affairs and Family provides an allowance to a foster parent for that child.

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

- Parental leave and Parental allowance can continue until a child is 6 years old if the child has a long-term health problem or disability.
- Parental allowance is increased by 25 per cent per child in the case of multiple births; it is halved if older children do not regularly attend compulsory school.

e. 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 ten days of leave per episode either to care for a sick relative at home (including a sick child) or to take care of a child under the age ten years for other reasons, e.g. if the child's school is closed. They receive a benefit (*Ošetrovné*), earnings-related but with a low ceiling, which is paid for a maximum of ten calendar days.

Flexible working

- None.

Other measures

- A Childcare allowance (*Príspevok na starostlivosť o dieťa*) is available to cover some of the costs of childcare. It is provided to one of the parents (or foster parents) if they work or take part in secondary or tertiary education. The allowance is provided in two forms. The first is where childcare is provided by official providers, when it is paid up to the level of officially declared costs, with a ceiling of €230 per month. The second is where childcare is provided by other persons or relatives when it is paid at the level of €41.10 per month, without the need to declare childcare costs. The allowance is paid up to the age of three years, or six years in the case of a child with a long-term health problem or disability.

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

Slovakia has a network of ECEC services, but these are mainly for older children, with the highest enrolment rates among four and five-year-old children. This reflects the upper age limit for Parental leave, but also a shortage of places in kindergartens; with limited capacity, kindergartens prefer older children who should be in the process of preparation for compulsory education.

The maximum period of paid post-natal leave available in Slovakia is three years, but this is paid at a low earnings-related level or at a flat rate. There is no entitlement to ECEC. Levels of attendance at formal services for children under three years are very low, well below the average for the countries included in this review and for OECD countries; levels of attendance for children over three years are much higher, but still below both averages. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

None reported.

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

There is no information on Parental leave use, only for the payment of Parental allowance, which is paid to all families. The number of men receiving Parental allowance is extremely low. In 2011, men accounted for 1 per cent of recipients.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

Recently, policy-oriented research on child raising, work-life balance, supply and use of pre-school institutional care has been undertaken in particular by the Institute for Labour and Family Research, which is affiliated to the Ministry of Labour, Social Affairs and Family. Relevant research has been conducted at the Institute for Sociology of the Slovak Academy of Science within the international research project European Value Survey (EVS), as well as at the Department of Sociology at the Faculty of Philosophy of Comenius University in Bratislava within the international research project International Social Survey Programme (ISSP). Important contributions to the study of population attitudes toward family, care, gender equality and related issues were published by the non-governmental Institute of Public Affairs.

b. Selected publications since April 2013

None reported.

c. Ongoing research

The Institute for Labour and Family Research is preparing a Summary Report on Family which will capture main trends in living conditions of families in Slovakia and challenges for family policy. This Institute also regularly prepares a report on gender equality in the Slovak Republic. Contact: Silvia Porubánova at Silvia.Porubanova@ivpr.gov.sk or Barbora Holubova at Barbora.Holubova@ivpr.gov.sk.

The Institute for Sociology of the Slovak Academy of Science, the Department of Sociology at the Faculty of Philosophy at Comenius University, and the Institute of Social and Cultural Studies at Matej Bell University in Banská Bystrica are participating in the Family and

Gender Roles module of the International Social Survey Programme 2012-2013 is ongoing.
Contact: Miloslav Bahna at miloslav.bahna@savba.sk

Slovenia

Nada Stropnik (Institute for Economic Research, Slovenia)²¹⁹

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*materinski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunitites)

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 15 days of leave.

Payment and funding

- Hundred per cent of average basic income on which Parental leave contributions were paid during the 12 months prior to the leave; the last of these 12 months is defined as the penultimate one before the month of the first application for leave. Not all income on which the contributions were paid is counted into the basic income, e.g., in-work benefits and other income received in addition to basic earnings. If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage (€434.03 a month) is taken into account for the missing period.
- Normally there is no ceiling. But currently, and until the year following the year in which economic growth exceeds 2.5 per cent of the GDP, the ceiling is two times the average wage (approximately €3,050 per month); the minimum is 55 per cent of the minimum wage (€434.03).
- 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 €434 to €829 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 funds came from general taxation.

²¹⁹ Please cite as: Stropnik, N. (2014) 'Slovenia country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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 (less at least 28 days) can be delegated to the father or another person (who nurses and cares for a child) 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 (and father'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.

b. Paternity leave (*očetovski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunites)

Length of leave

- Ninety calendar days (about 13 weeks).
- As the economy improves (i.e. in the year following the year in which economic growth exceeds 2.5 per cent), the final 75 days of current leave, which are unpaid, will be gradually replaced by 15 days of paid leave.

Payment and funding

- During the first 15 days of the Paternity leave, 90 per cent of average earnings based on earnings on which Parental leave contributions were paid during the 12 months prior to the leave, if those earnings averaged €763.06 or more per month, and up to a ceiling of two times the average wage in Slovenia (approximately €3,050 per month). The payment increases to 100 per cent for a father earning less than €763.06 a month. Not all income on which Parental leave contributions were paid is counted into the basic earnings, e.g., in-work benefits and other income received in addition to basic earnings. If the contributions were paid during a period shorter than 12 months, 55 per cent of the minimum wage (€434.03 a month) is taken into account for the missing period.
- For the remaining 75 days the father is paid social security contributions based on the minimum wage (approximately €174 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 section 1a.
- When Paternity leave is changed, after the economy improves, all 30 days of leave will be paid at 100 per cent of the basic income up to a ceiling of 2.5 times the average wage in Slovenia.
- Funding as for Maternity leave.

Flexibility in use

- The leave may be taken as individual working days, but in that case the length of the leave is equal to 70 per cent of the eligible calendar days.
- The first 15 days must be taken during the child's first six months; the remaining 75 days may be taken up to the child's third birthday. However, a father may exceptionally take the first 15 days of leave until the child is one year of age if he adopted the child after the age of six months, if he was continuously absent due to professional reasons, if the child was continuously and full-day in an institution, or if paternity was determined later on.
- When Paternity leave is changed, after the economy improves, the second 15 day period of paid leave (to replace the current 75 days of unpaid leave) may be taken as full-time or part-time leave until the child completes the first grade of primary school.

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 father

- 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; according to the Centre for Social Work's opinion, he has evidently shown no intention to care for the child or is otherwise neglecting his parental responsibilities, or according to the physician's certificate, he is not able to nurse and care for the child.
- The father is not entitled to the first 15 days of Paternity leave if he uses Maternity leave.
- If the father does not use Paternity leave, the following persons are entitled to it: mother's husband or cohabiting partner, partner of either sex in the registered same-sex partnership, and other persons if nursing and taking care of the child. The same applies to the spouse, cohabiting partner or partner in the registered same-sex partnership of the person using Maternity leave.

c. Parental leave (*starševski dopust*) (responsibility of the Ministry of Labour, Family, Social Affairs and Equal Opportunites)

Length of leave

- Two hundred and sixty calendar days (about 37 weeks). Leave is a family entitlement.
- From 1 September 2014, Parental leave will become an individual entitlement, with each parent entitled to 130 days of leave (see section 3).

Payment and funding

- As for the first 15 days of Paternity leave (see 1b).
- 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

- The parents have to agree upon the use of Parental leave in writing 30 days prior to the expiry of Maternity leave. If the parents cannot reach agreement 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.
- Parents can combine Parental leave (20 hours per week mother, 20 hours per week father) and take it at the same time.
- Both parents may use additional days (exceeding 260 days) of full-time Parental leave at the same time: a) in the case of multiple births, b) for a child in need of special care, and c) if parents already have at least two children below eight years of age or care for a child in need of special care.
- At least 185 days have to be taken as a continuous full-time or part-time leave.
- 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.
- From 1 September 2014, a number of changes will be made (see section 3).

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 in need of special care.
- Leave is extended by 30 days if parents already have at least two children who have not yet completed the first grade of primary school; by 60 days if they have three such children; and by 90 days if they have four or more such children.
- Additional leave for premature or multiple births or if parents have two or more younger children is a family entitlement, i.e. the parents must decide which of them will take the leave.
- Another person who actually nurses and cares for a child is entitled to Parental leave, reduced by the number of days the mother and the father have already used.
- If the mother is 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 with the mother's and the father's consent.

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.
- From 1 September 2014, this special adoption leave will end and all adoptive parents will have the same entitlements to Parental leave as other parents (see section 3).

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 proportional part of 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. From 1 September 2014, a number of changes will be made (see section 3).
- Breastfeeding mothers who work full time have the right to a break during working time lasting not less than one hour a day. From 1 September 2014, a number of changes will be made (see section 3).

Other

- A parent leaving the labour market in order to take care of four or more children – and who has been insured for Parental leave or an active job searcher for at least 12 months in the last three years - is entitled to have social security contributions (based on the minimum wage) paid from the state budget until the youngest child completes the first grade of primary school.

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

The maximum period of post-natal leave available in Slovenia is 13.7 months and leave paid at a high earnings-related 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 and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

As an emergency measure due to financial problems, from August 2013 until the year following the year in which economic growth exceeds 2.5 per cent of GDP, the ceiling on payments for Maternity leave, too, has been reduced from 2.5 to 2 times the average wage in Slovenia (Act on Emergency Measures in the Field of Labour Market and Parental Care 2013).

A new Parental Protection and Family Benefit Act was adopted in April 2014, to be implemented from 1 September 2014. It has brought several important revisions:

- Each parent has the right to half of Parental leave (that is, 130 days each), so it is no longer a family entitlement. The mother is allowed to transfer 100 days of her entitlement to the father (30 days are the mother's exclusive right), while the father is allowed to transfer all 130 days of his parental leave to the mother.
- While retaining the existing 15 days of paid Paternity leave (taken before the child is six months of age), the existing 75 days of unpaid Paternity leave have been replaced by additional 15 days of paid Paternity leave to be used after Parental leave and before the child has completed the first grade of primary school. However, there is a delay in the implementation of the revised Paternity leave: in the three years that will follow the year in which the increase in GDP exceeds 2.5 per cent, paid Paternity leave will be extended by five days a year while the unpaid Paternity leave will be reduced by 25 days a year. The Paternity leave can now also be used part time.
- Special adoption leave will end since adoptive parents are granted the same rights as other parents.
- 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 proportional part of the minimum wage for the hours not worked, until the younger child completes the first grade of elementary school (and not only until it reaches the age of six years). One year of this entitlement is a non-transferrable right of each of the parents.
- A payment amounting to a proportion of the minimum wage is introduced for a one-hour breastfeeding break to which full-time employed mothers of children up to the age of nine months are entitled. After that, until the child is 18 months old, only the social security contributions are paid based on the proportional part of the minimum wage.

4. Take-up of leave

a. Maternity leave

As Maternity leave is obligatory, all employed women should take up leave.

b. Paternity leave

Roughly four in five fathers take up to 15 days of Paternity leave while one in five leave-takers take more than 15 days. 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. The share of fathers taking some of the leave has been slowly increasing, from around 5 per cent in the mid 2000s to almost 7 per cent in 2012. Considering the full wage compensation (until the end of May 2012) 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 April 2013

a. General overview

Gender roles, work/family life balance and equal opportunities on the labour market are of particular research interest.

b. Selected publications since April 2013

Švab, A. and Humer, Z. (2013) "I Only Have to Ask Him and He Does It...". 'Active Fatherhood and (Perceptions of) Division of Family Labour in Slovenia', *Journal of Comparative Family Studies*, Vol. XXXIV, No. 1: 57-79.

In this article, Švab and Humer identify a number of gender differences in parenting and domestic labour practices, including: men do nicer and less routine work (conversations, reading, listening, and play) and perceive their paternal role in a more educative way; women do more direct child care, physical chores, such as nursing, feeding, washing, clothing; men do work which is less time-limited or is time-flexible or time-unlimited; compared to women, men's participation in childcare is more optional (they can choose situations and the work they want to do); men also have greater possibilities of reaching an agreement about when they will be involved (such as spending more time with their children on weekends); men's participation is supportive and helping (i.e. men help but the main responsibility for care is borne by women, women play the role of a manager, they bear the responsibility for planning and organising, even when the partners share their work relatively evenly); women often carry out child care as a simultaneous or secondary activity, while men often carry out child care as a primary activity; fathers perceive their role as active and important when the child is a bit older (not a baby or a toddler anymore); fathers usually take care of children when mothers are absent due to work or when they have to do some household chores.

c. Ongoing research

None reported.

Spain

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April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*Permiso y prestación por maternidad*) (responsibility of the Ministry of Labour and Social Security)

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 €3,425.70 a month in 2013 and €3,597.00 in 2014.
- 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 (unchanged since 2010).
- 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 4.7 per cent to cover common contingencies which include pensions, sickness and leaves (*contingencias comunes*), with an additional contribution paid to cover unemployment. In the case of public servants, all contributions are paid by their employer.

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.

²²⁰ Please cite as: Escobedo, A.; Meil, G. and Lapuerta, I. (2014) 'Spain country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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 (non-eligible employees receive a flat-rate payment for 42 days after delivery): 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. Besides, 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, 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.
- If the baby dies, Maternity leave is not reduced.
- If the mother dies, the father can take the Maternity leave entitlements, independently of the mother's previous employment situation and entitlements.
- 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 or partly transferred, so both parents may share full or part-time leave simultaneously.
- The non-contributory benefit is extended by 14 days (from 42 to 56 days) for lone mothers, large families, multiple births or disabilities.

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

- Employed and self-employed pregnant women and mothers breastfeeding babies less than nine months old are entitled to be relocated to another workplace if working conditions are not compatible with women in such circumstances or it is a risk for the baby. If this is not possible or cannot be reasonably required, the working contract or activity has to be interrupted, and leave can be taken with payment of 100 per cent of earnings. Such leave correspondingly lasts until the beginning of Maternity leave or until the baby reaches the age of nine months.
- A number of regional and local governments have improved entitlements for public sector employees. For example, women working for the municipality of Madrid have a right up to eight additional weeks of maternity leave.

**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 calendar days: two days of Birth leave (*permiso por nacimiento*) and thirteen days of Paternity leave (*permiso de paternidad*)

Payment and funding

- One hundred per cent of earnings, paid by the Social Security Fund with the same ceiling as for Maternity leave. In the case of public servants, all contributions are paid by their employer.
- Funding as for Maternity leave, except for the first two days that are paid by employers

Flexibility in use

- The two days of Birth Leave (*permiso por nacimiento*) have to be used at the time of birth. 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 taken during or immediately after the end of Maternity leave and on a full-time or part-time basis. This does not apply in the public sector, where the 15 days are considered as a whole, to be taken full-time at birth time as a general rule (except when the specific regional government - *Comunidades Autónomas* - or institution regulates differently). Fathers who use Paternity leave part time need their employer's agreement.

Regional or local variations in leave policy

- A number of regional and local governments have improved entitlements for public sector employees. For example, in Catalonia they 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. The same applies for male employees of the municipality of Madrid (collective agreement, 2012-2015, though the leave has to be taken at birth or adoption) and other cities.

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

- All employees have the right to Birth leave (self-employed are excluded).
- All employed fathers or partners (employees and self-employed) fulfilling contributory requirements (i.e. at least 180 days in the previous seven years, or 360 days during working life) are entitled to Paternity 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 father

- Leave is extended by two extra days per child from the second onward in the case of multiple births (or adoption or fostering) or if the child has a disability; and from 15 to 20 days for large families or households with a disabled person.
- 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) (see 1e below).

- 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 Employment and Social Security)

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. Since 2011 all employees taking leave are credited with social security contributions for the whole period, which affects pension accounts, health cover and new Maternity or Paternity leave entitlements.

Flexibility in use

- There are no limits to the number of periods of leave that can be taken until the child is three years old, with no minimum period required.

Regional or local variations in leave policy

- Since 2000, seven out of seventeen regional governments -*Comunidades Autónomas*- have introduced flat-rate benefits (Navarra in 2000; Castile and León in 2001; Basque Country and Castile-La Mancha in 2002; La Rioja in 2003; and, finally, Balearic Islands and Murcia in 2008). However, these benefits have been reduced or abolished since 2009 as a consequence of the fiscal crisis. For example:
 - Basque Country: €271.25 per month for mothers or fathers in 2014 (compared to €291 in 2011).
 - La Rioja: €250 per month in 2014, but restricted to families with an annual income below €40,000 or €50,000 in case of large families (the amount of the benefit remains stable since it was introduced, but the income ceiling has been increased).
 - Balearic Islands abolished benefits in 2010; Murcia in 2011; Castilla-León and Castilla-La Mancha in 2012; and Navarre in 2013.

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)

- The period of job-secured leave is extended (to fifteen or eighteen months) and 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.

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).
- One of the parents in a homosexual and lesbian couple can benefit from the Maternity leave entitlement in the case of an adoption and of surrogate maternity.
- 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 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); 109 types of illness are included. The scheme is paid at 100 per cent of regulatory basis from sickness insurance, with previous contributory requirements as for Maternity and Paternity leave. This entitlement is extended to parents working part time, in which case leave must be at least equivalent to 25 per cent of full-time hours. The leave is an individual right, but

only one of the parents is entitled to take leave at any one time; but parents can alternate the use of it on a monthly base. In case of divorce, when there is no agreement, the parent with legal custody has the right to take this leave and if they have joint custody, it is the one who makes first claim.

- 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 cases of chronic dependency, the informal carer on leave may receive a payment if co-resident, which varies depending on region of residence, relative's level of dependency recognised by a public agency, and household income (e.g. in the case of Navarre, one of the regions with the highest benefits, the payments are between €180 and €542.85 per month in 2014). The payment is claimed by the dependent relative. 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.
- 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. In case of multiple births (or multiple adoption or foster) the length of this leave increases proportionally.
- 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 twelfth year or to look after a disabled child (*reducción de jornada por guarda legal*). 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). Besides, public employees have guaranteed some working time flexibility to adapt, for example to school hours.
- Since 2000, a number of regional governments have introduced payments to parents reducing their working hours; for example: Basque Country, Navarre, La Rioja, Galicia or Castilla-León have provided flat-rate payments to support this measure proportional to the working time reduction, though Castilla-Leon and Castilla La Mancha have abolished these payments in 2012. Since 2002 public employees in Catalonia, both fathers and mothers, can 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, since 2012 they can consolidate this reduction in working time during the first year as full-time leave to extend in practice their maternity or paternity leave.

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

The maximum period of post-natal leave available in Spain is three years, but most of this period is unpaid; leave paid at a high rate ends after Maternity and Paternity leave (around five months after birth, including the consolidation of reduced working hours). The 2006 Spanish Education Law (Ley Orgánica de Educación), modified in 2013 by the Law for the Improvement of Educational Quality (Ley Orgánica para la Mejora de la Calidad Educativa), provides an entitlement to ECEC from three years onwards, and nearly all children over this age attend early 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 and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

In the present context of economic recession and public funding cutbacks in Spain, additional support to parents taking leave provided by regional governments (Autonomous Communities) has been severely reduced (see 1c and 1e).

The proposal to increase Paternity leave from two to four weeks, which had been postponed since 2011, has finally been approved in December 2013 to be implemented from January 1st, 2015 (*Disposición final 22 Ley 22/2013, de 23 de diciembre, BOE-A-2013-13616*, modifying the 9/2009 Paternity leave law). The right to reduce the duration of the working day (without economic compensation) has been extended from January 2014 to all employees with a child under 12 years (as it was already in the public sector); previously the age limit was eight years.

A new education law approved in December 2013 (*Ley Orgánica 8/2013, de 9 de diciembre, para la Mejora de la Calidad Educativa - LOMCE*) no longer mentions services for children under three years as the first stage of early education, as it was considered since 1990; and the regulation of these services will now depend on regional governments. This deregulation trend initiated in 2003, and particularly strong in some regions, is favouring a more private and childcare orientation for the services for this young age group, though some regions are maintaining an educational orientation and regulation. At the same time, public funding and subsidies for services for children under three years are being severely reduced, especially since 2012, resulting in a general increase of costs to families (e.g. an increase of up to 175 per cent in costs to parents, depending on income, was reported in the Madrid region in 2012²²¹).

4. Take-up of leave

a. Maternity leave

Maternity leave benefit covered 65.7 per cent of the 454,648 births in 2012 (authors' calculations based on data provided by the Social Security Institute and the Spanish Statistical Institute). Coverage is slightly lower than the previous years, after a long period of continuous increase (from 31 per cent in 1995 to 68 per cent in 2009) due to growing

²²¹ www.eldiario.es, 22/09/2013

maternal employment and better coverage of atypical employment situations. It is worth highlighting that in the context of crisis and very high general unemployment, maternal employment is nearly no diminishing while female activity rate in central adult age groups has sharply increased. According to the survey 'The social use of leave in Spain, 2012' (see section 5.c), 80 per cent of mothers aged 25 to 60 who were in paid employment when pregnant benefited from Maternity leave, with this percentage higher among younger women than among older ones (89 per cent for those aged less than 40 and 72 per cent for older women). 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 all leaves (1.7 per cent in 2013).

In 2013, an average of 5,470 women per month were on leave because of risk during pregnancy, with an average duration of 93.5 days, equivalent to 0.14 per cent of all live births in 2012. Since 2008 (the first year for which there are available take-up data) there is a steady increase in the number of women who take this kind of leave, from 2,546 per month to 5,470 in 2013), while the average number of days of leave taken has decreased (from 120 to 93.5 in the same period). The mean number of women per month taking leave during breastfeeding because of risk (introduced in 2007) has decreased once again to 70.7 in 2013, a tendency which can be observed since 2009, when it reached a maximum of 100.8 women per month. The mean number of days in leave has increased slightly to 123 days.

b. Paternity leave

Most fathers are eligible for Paternity leave according to the Labour Force Survey data. While Paternity leave was restricted to two days (*permiso por nacimiento* i.e. Birth leave) paid by employers, there was no information on take-up rates. But from March 2007, fathers have received a 13 days payment from Social Security funds, and coverage was 54.1 per cent in 2012 (authors' own calculations based on the ratio number of fathers who took a leave to total number of births), three percentage points less than the previous year. Besides, in 2012 the absolute number of fathers who took Paternity leave decreased by 9.7 per cent, due mostly to the decrease in births and male employment. However, according to the survey 'The social use of leave in Spain, 2012' (see section 5c), the take-up rate among those entitled to Paternity leave is much higher: 74 per cent of men who became fathers after the introduction of this leave and were working at that time report having used it. Those who were working when they fathered a child and did not take it are mostly men who work without contract or are self-employed. The difference between take-up rates can be attributed to the high proportion of unemployment among young adults (the proportion of unemployed men aged 30 to 34 years increased from 9.2 per cent in 2008 to 25.9 percent in 2012) and to the fact that Social Security Institution does not register the Paternity leave of public servants.

On the other hand, the coverage rate amongst entitled fathers shows a positive trend in spite of the crisis context: from 63.8 per cent in 2008 to 76.7 per cent in 2011 (applying an estimation model to registered social security data), which could be explained both by a genuine interest in taking Paternity leave and by the fact that male employment has been reduced in sectors and groups with lower quality employment conditions²²².

c. Parental leave

In 2012, 29,651 people started some period of Parental leave (15.1 per cent less than in 2011). This corresponds to 6.5 per cent of the births in that year, 0.7 percentage points less than the previous year, but still higher than in the recent past (in 1995 it was only 1.7 per

²²²Flaquer, L. and Escobedo, A. (2014). See section 5b.

cent). However, it represents only 2.1 per cent of children under three years old, a relevant age since leave can be taken until children reach three years. Fathers made up five per cent of users, 0.5 percentage points more than in 2011²²³.

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 four per cent fathers with a median duration of 172 days; 36 per cent of fathers and 26 per cent of mothers used unpaid Parental leave for less than three months. Eleven per cent of user mothers and 25 per cent of user fathers company, which means that in these cases the use of Parental leave was connected to a change of employment²²⁴.

According to the survey 'The social use of leave in Spain, 2012'²²⁵, only 0.5 per cent of men aged 25 to 59 who were working when they became fathers made use of Parental leave, compared to 10.4 per cent of women. In most cases leave was taken for the first child (69 per cent); and women mostly took it just after Maternity leave (64 per cent) for a maximum of one year (85 per cent), and most commonly for six months or less (46 per cent), i.e. until a childcare arrangement was available. After leave, all men returned to a full-time job, but only 55 per cent of women did so, while a third returned to part-time job or part-time leave (35 per cent) and only seven per cent gave up paid work altogether or lost their jobs (three per cent).

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 and gender equal use made of the fully paid working time reduction of one-third of usual working hours for parents of children under one year old, which was available for public employees in Catalonia between 2002 and 2012 (see section 3 in the 2013 Annual Report).

Otherwise the use of unpaid working time reductions is limited. According to the survey 'The social use of leave in Spain, 2012', 19.9 per cent of women and 1.8 per cent of men aged 25 to 59 years who were working when they became parents made use of the right to reduce their working hours. As in the case of Parental leave, most working time reduction is taken for the first child (61 percent among those with two or more children) and, among women, mostly taken just after Maternity leave (55 per cent) or during the first year of the child (79 per cent). Men reduce their working hours mostly for less than one year (72 per cent), while women tend to do it for a rather longer period of time (61 per cent for more than one year).

According to the Statistical Yearbook of the Ministry of Labour, the number of parents who have taken the leave to care for seriously ill children, introduced in 2011, has increased slightly from 1,114 in 2012 to 1,126 in 2013. However, the mean number of days of leave taken has risen sharply from 176.9 to 329.9 during the period. Additionally and in the frame of this new leave regulation to care for severely ill children, 1,138 parents have benefited from paid working time reductions during 2012, with a mean duration of the leave of 177 days.

²²³ Ministerio de Empleo y Seguridad Social (2013) *Anuario de Estadísticas del Ministerio de Empleo y Seguridad Social, 2012*. Available at:

<http://www.empleo.gob.es/es/estadisticas/contenidos/anuario.htm>

²²⁴ 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*. FIPROS. Ministerio de Trabajo. Available at www.seg-social.es/prdi00/groups/public/documents/binario/097543.pdf.

²²⁵ Meil, G. (2014). See sections 5b and 5c.

Unpaid 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 (Escobedo and Navarro, 2007). Since 2006 the number of users has grown, increasing to 6,122 new users in 2012 (compared with 3,332 in 2005). The proportion of new male users remains stable at around 15 per cent between 2010 and 2012.

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 benefit for informal carers introduced since the 2006 Spanish Law to support dependents. In February 2014, 43 per cent of all benefits provided under this law were used for paying informal family carers (403,569 benefits, four per cent less than one year ago), covering 54 per cent of the recognised cases of dependency. In 2011 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). However from July 2012 onwards, such social security coverage becomes voluntary and from 2013 it is in charge of the informal carer. In February 2014, Social Security had formalised 16,046 with family carers of which 10.4 per cent were men and 47 per cent were 50 to 60 years old (SAAD Statistics). It is not known how benefits paid to dependents to support family carers are used. Experts suggest that as payments for services have to be co-funded by local authorities, which are the most indebted government level, social managers tend to provide this support which is funded at regional and central state level, so that families can at least receive some help that they seem to manage afterwards in diverse ways.

5. Research and publications on leave and other employment-related policies since April 2013

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. Father's use of leave arrangements is presently the main research focus.

Since 2006, a fund on Social Protection has supported research on leave arrangements and the Ministry of Labour created a continuous database with a sample of four per cent of all social security contributors, 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. The Ministry still provides limited information on leave arrangements, but has allowed researchers to produce detailed information about unpaid leaves such as 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 on paid leaves (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, which research projects have contributed to filling (see Lapuerta in Spain country note, sections 5b and c, of the 2013 Annual Review)

There is increasing research interest in the benefits addressed to long-term dependent and family informal carers 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. Further research is needed in this area.

b. Selected publications since April 2013

Meil, G. (2013) 'European men's use of parental leave and their involvement in child care and housework', *Journal of Comparative Family Studies*, Vol.XLIV, No.5: 557-570

Over the last ten years, equal opportunities policy has tended to actively further men's use of Parental leave to favour gender equality. This article draws from the European 2005 Working Conditions Survey, and more specifically the subsample of fathers with children under the age of three years to analyse whether Paternity leave is related to their greater involvement in childcare and housework. Zero-inflated Poisson regression analysis, controlling for working conditions, family circumstances, level of schooling, women's empowerment in society and duration of leave, revealed a direct relationship between Paternity leave taking in the year prior to the survey and men's involvement in daily childcare and housework. Such use of leave appears, then, to be an effective mechanism for promoting greater gender equality in the domestic domain.

Castro, C. and Pazos, M. (2014, forthcoming) 'Parental leave and gender equality in Europe', *Feminist Economics* [A preliminary version in Spanish of this paper is available at: http://www.ief.es/documentos/recursos/publicaciones/papeles_trabajo/2012_09.pdf]

This article analyses Parental leave policies in 21 European countries and their influence on the behaviour of men. Entitlement characteristics, such as non-transferability, duration, payment, compulsory period and other policy conditions are examined in order to assess their effects on the proportion of leave men take up out of the total leave time allotted to them in each country. The findings, which suggest that a large majority of men take non-transferable and highly paid leave while only a small minority takes other types of leave, provided the basis for developing an equality indicator. This indicator ranks countries according to the degree in which Parental leave policies would contribute to reinforce or diminish the sexual division of labor according to the authors. Results indicate that although Iceland is the most advanced, no country has equal, non-transferable and well paid leave policy for each parent, which would be a pre-condition to equal childcare participation of men and women.

Escobedo, A. (2014) 'Conciliating Parent's Labor and Family Life', in: A. Ben-Arieh, F. Casas, I. Fronces and J.E. Korbin (eds.) (2014) *Handbook of Child Well-Being: Theories, Methods and Policies in Global Perspective*. Dordrecht: Springer, pp. 2153-2172.

This chapter analyses how from the 1970s progressively more gender neutral family-related leaves have been in development in welfare states as a key piece of the emerging care and work arrangement in society. Leave arrangements for working parents and informal carers in European policy have become a regulatory mechanism for the changing relationship between individuals in families, the labour market and the state, providing de-commodification and supporting family formation while lessening conjugal income dependencies and enhancing a pluralistic approach to care. The chapter reviews the growing scientific evidence of the positive impact of Parental leave on children's well-being and cognitive development. As a conclusion it addresses the question on how and by whom care will be provided in the future.

Escot, L., Fernández Cornejo, J.A. and Poza, C. (2014) 'Fathers' use of childbirth leave in Spain: The effects of the 13-day paternity leave', *Population Research and Policy Review*, Vol.33, No.3: 419-53. Available at: <http://link.springer.com/article/10.1007/s11113-013-9304-7>

This article investigates, for the case of Spain, to what extent the introduction in March 2007 of a non-transferable 13 day Paternity leave has encouraged men to make greater use of leave at childbirth. Data were drawn from the Spanish Economically Active Population

Survey, covering the period 2005-2009. The authors use a natural experiment approach, comparing the behaviour of wage-earning fathers with children of less than one year of age before and after the reform and using mothers as a control group. After estimating a difference-in-differences logistic regression model the results show a higher percentage of males on leave in the reference week in the post-reform period (after 2007). The article also analyzes some of the personal and socio-economic determinants of the fathers' use of leave. Fathers are more likely to be on leave if they have stability in employment, if there are facilities for reconciling work and family life (e.g. working in the public sector) and if the partner is employed. The father's age has an interesting U-shaped influence.

Flaquer, L. and Escobedo, A (2014) 'Licencias parentales y política social de la paternidad en España' [Parental leave and the social politics of fatherhood in Spain], *Cuadernos de Relaciones Laborales*, Vol. 32, No.1: 69-99.

The article explores first the different employment impact of motherhood and fatherhood. Results from an analysis of longitudinal data from the Spanish Social Security show how the birth of a first child is a turning point from which male and female employment trajectories diverge, so that for fathers this juncture is clearly associated with an intensification of their breadwinning role. After exploring the development of the social politics of fatherhood in Spain, the article focuses on the evolving regulation of parenthood leaves in Spain from a comparative perspective. In the final part of the article, the authors analyse social security and labour data and propose indicators on Paternity leave take-up rates following the upgrading of this benefit in 2007. In spite of cutbacks resulting from the recession, results indicate that Paternity leave take-up rates in relation to potential male users have increased from 2008 to 2011, although significant variations appear by region, educational attainment and quality of employment.

Meil, G. and Rogero-García, J. (2014) 'Abuelos y padres en el cuidado de los niños' ['Does paternal childcare replace grandparental support in the work - family balance?'], *Cuadernos de Relaciones Laborales*, Vol. 32, No.1

Fathers' participation in childcare has been on a steady rise in recent years. This paper explores whether such growing involvement is replacing grandparents' caring role or whether the two are complementary. The data used were drawn from the *Survey on parental leave*, whose coverage included 1,125 working parents living with their likewise working partners and children under the age of 13 years. The results suggest that paternal and grandparental childcare tend to be more substitutional than complementary. The analysis also shows that a significant portion of dual-earner households do not routinely rely on grandparents for childcare, and that paternal and maternal grandparents do not replace but rather complement one another.

c. Ongoing research

The social use of Parental leave (2009-2014). 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 are being 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; and also on a representative telephone survey of 4,000 people of working age (25 to 60) living in Spain conducted during the first quarter of 2012. Contact: Gerardo Meil at gerardo.meil@uam.es

Employment and Family Decisions in the Transition to the First Child in Europe (2010-2014). Coordinated by María José González, *Universitat Pompeu Fabra*. Funded by the Spanish Ministry of Science and Innovation.

The main objective of this research is to analyse the negotiation processes through which double income couples (where both partners are enrolled in the labour market) distribute paid and unpaid work (household tasks and child care). The focus is on the transition to the first child and takes into account different institutional contexts in four countries: Spain, Sweden, Netherlands and Germany. The transition to the first child is a key moment in couple's bargaining and decision making concerning the articulation of career and childbearing plans. The arrival of the first child has been related to an increase in gender inequalities inside families, and these inequalities have an important impact on women's employment prospects. The research strategy is based on in-depth interviews at two points in time: during the first pregnancy and one year after the birth of the child. Following couples through time enables the study to analyse discrepancies between social expectations and practices, including the use of Parental leaves. More information available at: <http://www.transparent-project.com/info.html>. Contact: María José González at mjose.gonzalez@upf.edu

One-parent families of the new Century: Challenges and dilemmas in a change time (2012-2014) [*Familias monoparentales del nuevo siglo. Retos y dilemas en tiempos de cambio*]. Elisabet Almeda (coordinator), Department of Sociology of the *Universitat de Barcelona*. Funded by the Spanish Ministry of Science and Innovation.

The research project aims at deepening the understanding of the changes around one-parent households and families, their profiles, their livelihood strategies and use welfare policies in Spain during the first decade of the century, as well as the social impact of such changes. The specific use and perception by single parents of leave arrangements in connection to other work-family arrangements is being investigated. The methodological design is based on qualitative and quantitative methods, and the project is divided into four phases: first a theoretical approach to single parenthood; second the design and implementation of an experimental survey in order to collect data on single parenthood; third a qualitative study based on discussion groups and participation action research; and fourth the design of a questionnaire model to contribute to improve statistics on this type of households. Contact: Elisabet Almeda at elisabet.almeda@ub.edu

Reform of Parental Leave System: Equal Non-Transferable Fully Paid Parental Leave. A Case Study to Estimate the Overall Benefits of Specific Policy Reforms within the Gender Equality Political Agenda: the EU and Spanish Cases (2013-2014). Cristina Castellanos Serrano, Tavistock Institute of Human Relations. Funded by the European Institute for Gender Equality.

This research aims at summarising a review of the current EU policy reform agenda and proposes a methodology to estimate the costs and benefits of a particular policy reform. It proposes an ex-ante evaluation methodology, which is applied to the Parental leave system in the EU and Spanish contexts. In particular, this study considers why Spain is especially suitable to introduce this particular reform, based on literature review, frame analysis, casual chain analysis and stakeholder interviews; and the expected consequences (cost and benefits) of applying the policy reform at national and international level. The evaluation introduces the rights-based and socio-economic approaches. The final report aims at influencing decision-making and policy action in the EU gender equality agenda, concluding with political and institutional recommendations. Contact: Cristina Castellanos Serrano at c.castellanos@tavinstitute.org

Paternal involvement in childcare in Spain (2013-2015) [*La implicación paterna en el cuidado de los hijos en España*]. Lluís Flaquer (coordinator), Department of Sociology of the

Universitat Autònoma de Barcelona. Funded by the Spanish Ministry of Science and Innovation.

The project aims at deepening the understanding of processes of emerging new fathering models in Spain in connection with a greater participation of fathers in the household, their increased daily interaction with children and their growing share of care responsibilities. Apart from the study of concrete practices of father involvement, the research inquires into the impact of public policy, in particular family policy, on the institutionalization as well as on the social and cultural construction of new models of fatherhood and into the analysis of demands from political actors and other stakeholders keen to promote certain legal and policy reforms aiming at supporting a greater father involvement within families. In this sense, the project will focus on the effects from the implementation of certain recent political or legislative measures such as the take-up of paternity leave or the use of shared custody in post-divorce families. The methodological design is multi-strategic in character and is based on the articulation of qualitative and quantitative methods. To this end a multi-level comparative analysis on the influence of the national and institutional context on father involvement by means of time use surveys will be undertaken, on the one hand, and, on the other, the project will draw on data collected from focus groups made up of fathers, mothers and teenagers and on interviews to experts and civic action groups for gender equality in order to understand better the taking of greater responsibility from fathers in the care of children, its relation to child well-being and the social and political construction of new fathering models. Contact: Lluís Flaquer at lluis.flaquer@uab.cat.

Fathers on Leave Alone in Spain (2014-2015). Gerardo Meil (coordinator), Department of Sociology, Universidad Autónoma de Madrid.

The research focuses on use by fathers of any kind of leave to care for children while the mother returns to paid work for at least one month. A first objective is to examine fathers' negotiations and experiences of leave taking "alone" in dual earner families with a child under 3 years. Research will tap the reasons why some men take a large share of leave and the consequences of leave taking on fatherhood and work-family life. Are the new measures tailored to their needs and preferences in terms of work-family balance and well-being? What are the factors that promote or hinder men's take up of leaves? How are father's perspectives influenced by mother's attitudes or workplace cultures? What is the impact of leave, in particular of stay-at-home-alone fathering when the mother returns to work, on family dynamics and the father-child bond? And what is its impact on men's professional career? This study is part of a collaborative research project 'Fathers on Leave Alone' coordinated by Prof. Karin Wall and Prof. Margaret O'Brien, which adopts a comparative perspective among several industrialized countries. Contact: Gerardo Meil at gerardo.meil@uam.es

Sweden

Ann-Zofie Duvander (Stockholm University), Linda Haas (Indiana University) and C. Philip Hwang (University of Gothenburg)²²⁶

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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

a. Maternity leave (*graviditetsspänning*) (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 77.6 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 77.6 per cent of income. See footnote for Parental leave.

b. Temporary leave in connection with a child's birth or adoption (*tillfällig föräldrapenning i samband med barns födelse eller adoption*) (responsibility of the Ministry of Social Affairs)²²⁷

Length of leave

- Ten days. 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 SEK333,000 [€36,625²²⁸] per year (see 'Parental leave' for reduction of payment to 77.6 per cent).

²²⁶ Please cite as: Duvander, A.-Z. Haas, L. and Hwang, C. P. (2014) 'Sweden country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

²²⁷ Referred to as 'Paternity leave' in earlier reviews; revised here to provide literal translation of entitlement, which is gender-neutral

²²⁸ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

- Payments come from the Swedish Social Insurance Agency. Employers and the self-employed make contributions for this purpose; employers pay 31.42 per cent on all employees' earnings, of which approximately 2.2 per cent is earmarked 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, regardless of time in employment.
- 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 in the event of twins.

c. Parental leave (*föräldraförsäkring*) (responsibility of the Ministry of Social Affairs)

Length of leave (before and after birth)

- Each parent is entitled to take leave from work until their child is 18 months old. There are 480 days of paid leave per family and they can be used during the 18 months but also afterwards²²⁹. Sixty days are reserved for each parent and cannot be transferred (often called *mammamånader* or a 'mother's quota'; and *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.

Payment and funding

- For eligible parents (see below), 390 days at 77.6 per cent of earnings up to an earnings ceiling of SEK444,000 [€48,834] per year²³⁰; the remaining 90 days at a flat-rate payment of SEK180 a day [€20]. Since January 2008 and applied to all parts of parental insurance, earnings are reduced by three per cent before calculating the 77.6 per cent payment. Non-eligible parents receive SEK225 [€25] a day for 480 days.
- Funding as for Temporary Leave in Connection with Birth and Adoption.
- A 'Gender Equality Bonus' (*jämställdhetsbonus*) offers an economic incentive for families to divide Parental leave more equally between the mother and the father. Both parents receive SEK50 [€5] tax free each per day for every day they use the leave equally. The bonus applies to the 390 days of earnings-related leave after the

²²⁹ In theory, each parent could take unpaid leave until their child is 18 months, then an additional 480 days of paid leave. In practice this does not happen as (i) parents choose to take paid leave in the period after the birth and (ii) the level of payment would be low since it is based on income during the preceding 240 days, i.e. when on unpaid leave. It is important to understand that leave is based on two laws, one concerning the right to leave, the other the right to payment.

²³⁰ The ceiling for Parental leave is higher than for temporary leave in connection with a child's birth or adoption to encourage use of Parental leave by fathers.

two reserved months are used by each parent (i.e., 270 days). When parents share the leave equally the bonus is worth a maximum of SEK13,500 [€1,485] tax free.

Flexibility in use

- The length of leave is counted in days (rather than weeks or months) to enhance flexibility of use. It is also possible to use leave for part of a day.
- Paid and unpaid leave can be combined to enable parents to stay at home longer.
- Starting with children born from 1 January 2014, paid leave can be used until the child turns 12 years old, though only 96 days can be used after the child turns four years. For children born before this date, parents may use the paid leave at any time until a child's eighth birthday or the end of the first school year.
- 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. Many employers allow for more periods.
- Two parents can take up to 30 days of leave at the same time, until the child reaches one year of age. These days have been labelled "double days" (*dubbeldagar*).

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

- All parents are entitled to paid Parental leave, but paid leave at 77.6 per cent of earnings requires parents to have had an income of over SEK225 [€25] 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 since it keeps them at a higher benefit level. 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 77.6 per cent of earnings and 90 days at a flat rate of SEK180 [€20] a day; for each additional child in a multiple birth, parents are entitled to an additional 180 days at 77.6 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 ceiling²³¹.

²³¹ Lindquist, G. S. and Wadensjö, E. (2005) *Inte bara socialförsäkringar – Kompletterande 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*

d. Childcare leave or career breaks

- In 2008, a municipal child-raising allowance (*vårdnadsbidrag*) was reinstated. Starting in 2009, municipalities could choose whether or not to provide a benefit of up to SEK3,000 [€330] 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

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 this leave 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 years, and for children aged 12 to 15 years with a doctor's certificate. This is paid at 77.6 per cent of earnings, up to an earnings ceiling of SEK333,000 [€36,625] per year; it is a family entitlement and it can be used to care for sick children. Sixty of these days can also 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 of temporary parental leave associated with birth or adoption (see 1b) also come under this category of temporary Parental leave.
- Parents whose children are sick or functionally disabled for more than six months can apply for a care allowance (*vårdbidrag*) from the birth of the child until the child reaches the age of 19 years. The maximum amount parents can receive per year is SEK111,250 [€12,236].

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 one year of age, available on a full-time basis in centres or at licensed family day carers to employed parents (or part-time if parents are not employed). Consequently, there is no gap between the end of leave and an ECEC entitlement. Levels of attendance at formal services for children under

group for studies in national economy, 2005:2]. Stockholm: Regeringskansliet, Finansdepartementet. Available at: www.regeringen.se/sb/d/5225/a/52073

and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

For children born from 1 January 2014, parents may receive payment for Parental leave until the child reaches 12 years of age (formerly it was eight); 80 percent of the leave (384 days) has to be used before the child turns four years. Most leave is used within the first two years of the child's life, but days are often also used to extend holidays or cover days when ECEC or school is closed. The argument for change was to encourage return to the labour market, and entry to the labour market among immigrant parents.

There is increased discussion about possible measures to make the leave use more gender equal; for example, increasing the reserved months for each parent has been mentioned. No specific proposals have yet been made by the present government.

4. Take-up of leave

a. Maternity leave

In 2010, 20 per cent of pregnant women took pre-birth leave for an average of 39 days²³².

b. Temporary leave at the birth or adoption of a child

For all children born in 2011, 75 per cent of fathers, same-sex partners or other designated persons took this leave⁶. Only employed parents are eligible, but 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 until recently it has been possible to use this benefit until a child reaches the age of eight years or after the first school year is ended, the majority of parents have taken the main part of the leave before their child reaches the age of two years (all children are entitled to a childcare place from 12 months of age).

In 2012, the vast majority of women (93 per cent) and men (98 per cent) who took Parental leave were entitled to benefits at the earnings-related compensation level as opposed to the low flat-rate level. Foreign-born parents, especially mothers, are more likely than native-born parents to have access to only the low flat-rate payment^{7 11}.

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 Swedes²³³.

²³² Försäkringskassan [Swedish Social Insurance Agency] (2012) *Social insurance in figures 2012*. Available at: www.forsakringskassan.se.

²³³ Försäkringskassan [Swedish Social Insurance Agency] (2010) *Outnyttjad föräldrapenning [Unused parental leave]*. Socialförsäkringsrapport 2010:14. Available at: www.forsakringskassan.se.

The great majority of fathers of children born in 2004 (88.3 per cent) took Parental leave at some stage before their child's eighth birthday, mainly starting when their children were 13 to 15 months of age. Fathers of children born in 2003 took on average 91 days of Parental leave during the eight years they could use the leave, and mothers took 342 days⁹. In 2011, 44 per cent of Parental leave benefit recipients were men, compared to 56 per cent who were women, though on average mothers took 95 days and fathers 37 days during that one year⁷. So mothers still take most Parental leave, although the proportion of total days used by men has slowly increased: in 1989, fathers took about seven per cent of all Parental leave days used in that year; by 2013, it had increased to about 25 per cent²³⁴. The percentage of couples that are sharing Parental leave fairly equally (40-60 per cent) is very slowly increasing, with 12.7 per cent of couples equally sharing leave for children born in 2010²³⁵.

The average father received benefits of SEK633 [€70] per day in 2012, while the average mother received benefits of SEK522 [€58]²³⁶.

In 2012, the Gender Equality Bonus was received for 151,138 children. In these cases both parents had used more than their 60 reserved days; this represents 56 per cent of parents eligible for the bonus, up slightly from 54 per cent in 2011. On average, women received SEK3,600 [€397] in bonus compared to SEK4,800 [€530] for men (www.forsakringskassan.se). On average, women and men each received the bonus for 14.5 days in 2012¹⁰.

Regarding the double days (which parents can use to be home together during the first year), 48,694 parents used these in 2012¹¹. As 111,770 children were born in 2011 and their parents were eligible for double days in the subsequent year, a substantial proportion of parents use this benefit (however, both parents in a couple may use the benefit at different points in time).

Fathers with higher 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. 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 agreements. Fathers are more likely to take Parental leave for a first child⁹.

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; though the second month had a less dramatic effect than the first. The introduction of the Gender Equality Bonus had no similar effects during its first 18 months²³⁷.

More than one third of Swedish municipalities have decided to offer the child-raising allowance. However, relatively few parents appear to take advantage of this benefit. During 2011, only 2.9 per cent of children ages one to three years had parents who received this

²³⁴ Försäkringskassan [Swedish Social Insurance Agency] (2013) De jämställda föräldrarna [Equal parents]. *Socialförsäkringsrapport 2013:8*.

²³⁵ Försäkringskassan [Swedish Social Insurance Agency] (2013) De jämställda föräldrarna [Equal parents]. *Socialförsäkringsrapport 2013:8*.

²³⁶ Försäkringskassan [Swedish Social Insurance Agency] (2013) *Social insurance in figures 2013*. Available at: www.forsakringskassan.se.

²³⁷ Duvander, A. and Johansson, M. (2012) *Ett jämställt uttag? Reformen inom föräldraförsäkringen [Equal use? Reforms within parental leave insurance] Rapport 2012:4*. Inspectorate of Social Insurance. Available at <http://www.inspsf.se/>

benefit²³⁸, The vast majority (92 per cent) of the parents who applied for the allowance were women; 40 per cent of applicants had foreign backgrounds (compared to 27 per cent of parents in Sweden generally).

d. Other employment-related measures

Mothers are more likely than fathers to work part-time hours (34 hours or less per week); 45 per cent of employed mothers with two children, the youngest being one to two years old, worked part time in 2009, compared to only seven per cent of employed fathers²³⁹. A recent study of 20,000 parents found that 28 per cent of mothers but only two per cent of fathers of children aged two to seven years chose to work reduced hours (30-36 hours) because they had children; no distinction is made in this study between parents who have used their entitlement to work part time and those who have come to working part time through other routes²⁴⁰. Moreover, no official statistics are kept concerning how many parents working part time are doing so by exercising their entitlement to work reduced hours.

When temporary Parental leave is used to care for sick children, it is more often used by mothers, who took 64 per cent of all days taken in 2012¹¹.

Parents are increasingly using the care allowance to care for children with longer-term illness or disability (*vårdbidrag*); in 2012 it was paid to the parents of 49,660 children, almost double as many boys as girls¹¹.

5. Research and publications on leave and other employment-related policies since April 2013

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. Recent research has involved evaluations of the gender equality bonus and home care allowance. In addition, more attention is paid to the flexibility in leave use, for example how long parents stay at home during the child's first year and how much the Parental leave is used during the child's preschool years.

b. Selected publications since April 2013

Carlson, J. (2013) 'Sweden's parental leave insurance: A policy analysis of strategies to increase gender equality', *Journal of Sociology and Social Welfare*, Vol.XL, No.2: 63-76. This article analyzes the intention of changes in Parental leave policy on gender equality using two conceptual approaches, a 'gender systems approach' and a 'strategy analysis'. The gender system approach views gender relations and the gendered division of labour for childcare as socially constructed and examines how these are embedded in social policies. The strategy analysis conceptualizes policies as solutions to accepted problems and sees policies as ways of exerting power over others, providing inducements or penalties. Policy

²³⁸ Försäkringskassan. 2013. *Vårdbidrag*. Socialförsäkringsrapport 2013:9.

²³⁹ Statistiska Centralbyrån (2010) *På tal om kvinnor och män [Talking about women and men]*. Available at: www.scb.se.

²⁴⁰ Larsson, J. (2012) *Studier i tidsmässig välfärd – med fokus på tidsstrategier och tidspolitik för småbarnsfamiljer [Studies in Temporary Welfare – focusing on time strategies and time politics for families with small children]*. Doctoral thesis: Department of Sociology, University of Gothenburg.

strategies define what rights people have as well as the formal and informal rules that prescribe how actions are to be undertaken in certain situations. While the author concludes that Swedish policymaking is somewhat effective in deconstructing gendered parenting and in developing effective strategies for encouraging fathers to take Parental leave, the lack of equality in leave use remains something still to be explained. Workplace obstacles and “multi-layered constructions of gender that perpetuate more rigid gender parenting roles” were hypothesized as formidable barriers to equality.

Duvander, A.-Z. (2013) *Föräldrapenning och föräldraledighet [Parental leave, length, benefit level and number of episodes]*, ISF Report 2013:13. Stockholm: Swedish Social Insurance Inspectorate.

This report concerns the use of the Swedish Parental leave system from the 1990s to the present. The legislation concerning ‘parental leave benefits’ and ‘parental leave’ (right to leave from work to care for children) are separate. Though similar in English, these two terms are more distinct from one another in Swedish. Therefore, the number of paid Parental leave days is not the same as number of days off work for most parents. The main result is that the length of the Parental leave episode appears considerably longer than the number of paid Parental leave days. Women take longer episodes of leave, but women and men take about the same number of episodes. Men thus take many shorter episodes. Women and men take about the same number of paid days per week on leave. There is a clear trend of men increasing the length of their episodes over time but women’s episode lengths have not shortened in the same way. It is likely that women’s unpaid part of leave has increased since the 1990s began.

Johansson, M. and Duvander, A.-Z. (2013) *Effekter på jämställdhet av reformer i föräldraförsäkringen [Effects on gender equality of reforms in the parental leave insurance]*, ISF Report 2013:17. Stockholm: Swedish Social Insurance Inspectorate.

This report analyzes the effects of the introduction of the reserved months on the use of parental benefit for care of sick children and on women’s and men’s income development. The objective is to investigate effects of the reforms on more long-term dimensions of gender equality, namely income development and use of parental benefit for caring for sick children. The approach used is called difference in difference. It is important to keep in mind that the reforms may also bring other, more gradual effects to various areas of gender-equal behavior. The results indicate that the parental benefit of caring for sick children is more equally divided after the first reserved month was introduced. The second reserved month, however, did not seem to directly affect the use of the benefit. The second measure, women’s and men’s income development during the years following childbirth, did not seem to be affected by the introduction of the first reserved month. However, the income development of women was affected by the introduction of the second reserved month. Men’s income developments were not affected by the first or the second reserved month.

Klinth, R. (2013) ‘Den svenska pappapolitiken i historisk belysning’ [‘Swedish pappa politics in historical perspective’]. In: E. Blomberg and K. Niskanen (eds.) *Arbete & jämställdhet: förändringar under femtio år [Work and Gender Equality – Changes in the 50 Years]*. Stockholm: SNS.

This chapter analyzes the history of ‘pappa politics’ in Sweden, starting with 1970, when Prime Minister Olaf Palme made a case in a speech for “The emancipation of man”. The author claims Sweden’s debate takes for granted that men as well as women would benefit from a reconstruction of the gendered order and is based on an optimism about men’s willingness and ability to change as well as a belief in their capacity as parents (which is not true in most other nations). However, employing Bacchis’ (2006) model for the construction of policy problems, he explains how the ‘problem’ of fatherhood has been conceptualized in different ways at different points in history, and that change has been controversial and contested. Perhaps most importantly, fathers’ responsibility for early childcare is still portrayed as a right rather than as a responsibility, a position that does not challenge the

traditional division of labour for childcare, the traditional division of power in society and essentialist viewpoints on nurturing. He concludes that it is difficult to change well-established gender relations, but that the Swedish case does suggest change is possible.

Swedish Social Insurance Agency (2013) *Ojämsställd arbetsbörda. Föräldraledighetens betydelse för fördelning av betalt och obetalt arbete [Unequal workload. The impact of parental leave on the distribution of paid and unpaid work]*, Social Insurance Report 2013_9. Stockholm: Swedish Social Insurance Agency.

The report examines the ways that women and men combine career and family, as well as the role that the use of Parental leave insurance plays in the allocation of gainful employment and unpaid labour between parents. The study looks at the length of Parental leave and its correlation with the use of parental benefit days.

Boye, K. (2014) *Can you stay at home today? The relationship between economic dependence, parents' occupation and care leave for sick children. Working paper 2014:4*. Uppsala: Institute for Evaluation of Labour Market and Education Policy, Uppsala. Available at: <http://www.ifau.se/Upload/pdf/se/2014/wp2014-04-Can-you-stay-at-home-today.pdf>.

This is one of only a few studies on the division of care leave for sick children between parents in Sweden and the first to attempt to examine the importance of differences in parents' work characteristics. The study uses register data for parents with children born in 1999-2002 to analyse two aspects of working life that may influence how parents divide care leave between them: the parents' relative wages and differences in their occupations. First, the results show that a father's share of care leave increases as the mother's economic dependence decreases. This suggests that decisions about care leave are influenced by bargaining power gained through relative economic resources. Second, the resources of couples where both partners work in the same occupation are more equal than the resources of other couples. Their wages are more similar, and they also divide care leave more equally than couples where the partners work in different occupations. However, the fact that couples who work in the same occupation tend to share more equally does not seem to be explained by similarities in the partners' work characteristics or by relatively low economic dependence of women, but instead may be explained by unmeasured, stable characteristics. Gender egalitarianism and greater possibilities for women in terms of career and wages are put forward as possible characteristics for couples working in the same occupation that may influence the way they divide care leave.

Duvander, A-Z. (2014) 'Män, föräldraledigheten och försäkringen' ['Men, parental leave and social insurance'], Appendix 5 in: *Män och jämställdhet [Men and gender equality]*. Stockholm: Statens offentliga utredningar.

This report for the national commission on men and gender equality provides a detailed description of men's Parental leave rights and use over time. It points out that men tend not to receive information about Parental leave directly from the government, but only through information sent to mothers. Men actually have more rights to paid leave days after childbirth than mothers do, since fathers have an additional 10 days of leave and mothers often take part of their Parental leave before the birth. It shows that 25 per cent of fathers have incomes over the ceiling for receiving benefits, compared to only 10 per cent of mothers. The social class gap in fathers' leave use is discussed as increasing.

Johansson, T. (2014) 'Män, familj och föräldraskap' ['Men, family and parenthood'], in: *Män och jämställdhet [Men and gender equality]*. Stockholm: Statens offentliga utredningar.

This chapter in the report for the national commission on men and gender equality documents the lack of equality in leave use, especially with very young children (e.g., 25 per cent of fathers take no Parental leave during the child's first two years). To promote men's leave use, he recommends that the leave be divided into three equal parts (one for the mother, one for the father and the other to be shared) and that parent education and information about Parental leave be made much more available and directed toward fathers.

c. Ongoing research

Fathers on Leave in a Changing Policy Environment – The case of Sweden (2013-present). Sara Thalberg, Ann-Zofie Duvander and Linda Haas. Funded by Stockholm University's Linnaeus Center of Social Policy and Family Dynamics in Europe.

This is an interview study of Stockholm fathers who have taken extensive Parental leave, remaining home alone to care for children, to understand the negotiations surrounding leave, experiences while on leave, the benefits and challenges of fathers providing solo care and the potential impact solo parenting might have on gender equality goals. Contact Sara Thalberg at sara.thalberg@sociology.su.se.

Nordic Family Policy and Demographic Consequences (2012-2015). Trude Lappegård, Statistics Norway and Ann-Zofie Duvander, Stockholm University. Funded by the Norwegian Research Council.

The overall objective of this project is to advance understanding of the link between Nordic family policy and demographic behaviour (i.e., continued childbearing and family stability) and life-course earnings. There are three sub-goals: (1) develop more comprehensive insight into the consequences of use of the parental leave policy for demographic behaviour and life-course earnings, examining the effect of individual take up of parental leave as well as the allocation between parents, (2) consider the effects of specific changes, or so-called 'critical junctures' in family policy, i.e., the introduction of the fathers' quota within the parental leave policy and the introduction of the childcare cash benefit, (3) expand the analyses of the effects of family policy by examining the importance of regional variations and possible effects of cultural, structural and economic contexts. Contact: Ann-Zofie Duvander at ann-zofie.duvander@sociology.su.se.

Organizational Culture and Gender Equality (2009-present) Linda Haas, Indiana University and C. Philip Hwang, University of Gothenburg. Funded by the Swedish Council for Working Life and Social Research.

This project studies in depth the process of organizational change—and resistance to change—in five Swedish-owned large private companies, with a predominant male workforce, selected to represent a range of support for fathers taking leave. Our main question is: What specific organizational processes facilitate and discourage fathers' taking parental leave in particular company contexts? In each company, multiple stakeholders were interviewed: a top manager, the HR director, a middle manager supervising white collar workers and a middle manager supervising blue-collar fathers, and focus groups with fathers working under each middle manager. The project aims to investigate rationales for encouraging fathers to take leave, identify change agents, and reveal strategies used by advocates to bring about change. We also seek increased understanding of the resistance to accommodating fathers taking leave and insight into what aspects of traditional company culture clash most with accommodating fathers' leave. Contact: Linda Haas at lhaas@iupui.edu.

Switzerland

Isabel Valarino (University of Lausanne)²⁴¹

April 2014

NB. Switzerland is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 cantons 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.

²⁴¹ Please cite as: Valarino, I. (2014) 'Switzerland country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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)

- Sixteen weeks, starting on the day of delivery. It is obligatory to take eight weeks leave.
- After this period and until the 16th week after birth, women can only be employed with their consent. Only 14 weeks are paid; the two additional weeks are unpaid.
- 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 for 98 days (14 weeks), up to a ceiling of CHF196 [€161²⁴²] per day which is equivalent to a monthly income of CHF7,350 [€6,035] for employees or an annual income ceiling for self-employed workers of CHF88,200 [€72,423].
- 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 paying 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.

²⁴² Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

- 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 has a maternity allowance targeted at all resident mothers, including adoptive and home-making mothers. The daily allowance of CHF38.20 [€31] is paid over 98 days (equivalent to CHF1,140 [€936] per month during 3.2 months). Working mothers 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.’²⁴³). 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. It is estimated that 27 per cent of collective labour agreements provide for at least one day of paid Paternity leave and/or give access to an unpaid Parental leave ranging between three months and two years²⁴⁴. Approximately half of the employed population is covered by a collective labour agreement in Switzerland.

c. Parental leave

No statutory entitlement.

There is some indication that a minority of companies in the private sector grant employees unpaid Parental leaves²⁴⁵. A majority of cantonal public employers also grant unpaid

²⁴³ Carruzzo, P. (2009) *Le contrat individuel de travail. Commentaire des articles 319 à 341 du Code des obligations*. Zürich: Ed. Schulthess

²⁴⁴ Office fédéral des assurances sociales (2013) *Congé de paternité et congé parental. Etat des lieux et présentation de divers modèles [Paternity and parental leave. Status and presentation of various models]*. Available at: <http://www.bsv.admin.ch/aktuell/medien/00120/index.html?lang=fr&msg-id=50638>

²⁴⁵ 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*, [Electronic Version], 48. Available at: http://www.rezonance.ch/fs-search/download/Rapport_per_cent20Via2_per_cent2014.12.2004.pdf?version_id=621040.

Parental leaves - ranging from one to 24 months – but in a few cases with gendered eligibility criteria (leaves exclusively or predominantly addressed to female civil servants)²⁴⁶.

d. Childcare leave or career breaks

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 Vaud and Geneva entitle adoptive parents to 14 and 16 weeks of pay, respectively, at 80 per cent²⁴⁷. 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 and half of the time spent breastfeeding out of the company's site is considered as work time. 'Work time' means that time spent breastfeeding is not considered as a rest period; it must not be compensated for by additional working time and should not be deducted from vacation and overtime hours. Salary payment during the time spent breastfeeding is currently not mandatory.

²⁴⁶ 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-](http://www.vs.ch/Press/DS_18/PUBL-2007-03-27-11717/fr/Administrations_publicques_F_CSDE_Gesine_Fuchs_Bale_per_cent202004.pdf)

[11717/fr/Administrations_publicques_F_CSDE_Gesine_Fuchs_Bale_per_cent202004.pdf](http://www.vs.ch/Press/DS_18/PUBL-2007-03-27-11717/fr/Administrations_publicques_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>.

²⁴⁷ Such provisions are possibly also proposed in other cantons, but there is no overall documentation available.

- 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 hours²⁴⁸.

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, with an additional two weeks of unpaid leave. There is no entitlement to ECEC at any age and no information on levels of attendance at formal services for children under three years. For children over three years, levels of attendance are well below the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

Since the implementation of maternity insurance in 2005, almost 30 parliamentary propositions in favour of a Parental or Paternity leave have been submitted. None of them has been accepted by both Chambers of the Parliament. The Federal Council (federal government) has also been systematically opposed to the introduction of Parental leave policies. It has, however, published in October 2013 a report which evaluates the different proposals submitted, as well as newly crafted proposals. A variety of leave models - as regards length (from one to 24 weeks), payment and financing system - were evaluated according to their economic consequences and expected outcomes on uptake rates, gender equality and the family⁴. The government concluded that these policies could contribute to a more gender equal division of tasks in the family, but considered it was not the main priority as regards work-family life reconciliation policies in Switzerland, in comparison with ECEC services. Instead, it announced it would examine the possibility of implementing a statutory right for employees to reduce their working hours by 20 per cent after the birth of a child²⁴⁹.

Four parliamentary interventions in favour of a Parental or a Paternity leave were submitted since April 2013 and have not yet been considered by the Parliament. Two Motions submitted in March 2014 propose to replace the existing Maternity leave by a Parental leave. One, submitted by a Liberal MP, proposes that parents share the 98 days of maternity benefits between them. The other, submitted by the Green Liberal Group, proposes a system where the total length of the Parental leave would increase as fathers took up more leave, up to a maximum of 20 weeks: e.g. the following number of weeks would be granted to the mother/father: 14/0; 13/2.5; 12/5 ; 11/7.5; 10/10.

Two proposals were submitted in favour of a Paternity leave. A Green Motion proposes that legislative changes in federal law (e.g. in the Code of Obligations) are made in order to

²⁴⁸ 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.

²⁴⁹ <https://www.news.admin.ch/message/index.html?lang=fr&msg-id=50638>

enable the cantons to implement paid Paternity leaves if they wish to. An MP from the Christian-Democratic Group proposed to implement a two-week paid Paternity leave to be taken flexibly, during the six months following the birth of the child. The benefits (80 per cent of salary, up to a ceiling of CHF196 [€161]) would be financed through the Loss of Earnings Compensation Act, as for maternity benefits.

Finally, a parliamentary initiative submitted in December 2013 requests that adoptive parents of children under four years are granted 84 days (three months) of paid leave. The adoption leave would be financed through the Loss of Earnings Compensation Act and compensated at 80 per cent of the salary (as for maternity benefits), but both mothers and fathers would be eligible.

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 them. It is estimated that the majority of recipients take up the maximum length of paid leave (98 days)²⁵⁰. Until recently, 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, since the law came into force on the 1st July) benefited from allowances; rising to 60,394 in 2008 and 69,411 in 2011; but in 2012, for the first time since the implementation of maternity insurance, the number of Maternity leave recipients - 68,534 employed mothers²⁵¹ - has slightly decreased.

In 2012, the average amount of the daily indemnities granted to mothers was CHF117 [€96] per day, well below the ceiling of CHF196.

According to Sottas and Millioud¹⁰, in 2006 80 per cent of leave recipients were married, 15 per cent single and five per cent divorced. The majority of recipients were employees (83 per cent); 14 per cent were self-employed and three per cent inactive (eligible because they previously received unemployment, health or disability benefits).

Employed women tend to take a longer Maternity leave than the legal minimum of 14 paid weeks following childbirth. A recent survey conducted with 335 employed women who had had a child in the last five years revealed that over 60 per cent of them had taken leave that exceeded 14 weeks¹². But for only half of them, this additional leave was paid by the employer, while for 37 per cent of the sample this leave was unpaid²⁵².

b. Paternity leave

No statutory leave entitlement.

²⁵⁰ Sottas, G. and 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.

²⁵¹ <http://www.bsv.admin.ch/themen/eo/00051/index.html?lang=fr>

²⁵² Aeppli, D. C. (2012) *Wirkungsanalyse. Mutterschaftentschädigung [Analysis of effects. Maternity benefits]*. 95. Available at: http://www.bsv.admin.ch/themen/eo/00049/index.html?lang=de&download=NHZLpZeg7t,Inp6lONTU042l2Z6ln1acy4Zn4Z2qZpnO2Yuq2Z6gpJCEdIB2hGym162epYbg2c_JjKbNoKSn6A--

c. Parental leave and Parental benefit

No statutory leave entitlement.

5. Research and publications on leave and other employment-related policies since April 2013

a. General overview

There is little research on Maternity, Parental or Paternity leave, except for some research on special Paternity and Parental leave entitlements available in public administrations and on common practices and/or needs in the private sector. However, no representative statistics are available on the proportion of working men and women who can benefit from such policies and who take advantage of them.

The Federal Department of Home Affairs and the Federal Department of Economic Affairs provide a 'Work-Family life conciliation' online platform gathering information (in French, German and Italian) about cantonal and communal work-family objectives and instruments: <http://www.berufundfamilie.admin.ch/informationsplattform/index.html?lang=fr>. The data cover cantonal and communal pre-school and school-age childcare services and 'family friendly' working conditions offered by public employers and promoted in the private sector. Information about instruments and legal frameworks, covering a wide range of leaves and flexible working arrangements, are available and updated annually.

b. Selected publications since April 2013

Office fédéral des assurances sociales (2013) *Congé de paternité et congé parental. Etat des lieux et présentation de divers modèles [Paternity and parental leave. Status and presentation of various models]*. 111. Available at:

<http://www.bsv.admin.ch/aktuell/medien/00120/index.html?lang=fr&msg-id=50638>

The federal government published a report evaluating eight different possible leave models for Switzerland: 1) unpaid Parental or Paternity leave (length to determine) ; 2) use of private pension savings to finance four months of Parental leave ; 3) new optional private parental insurance for four months (tax deductible) ; 4) one week of paid Paternity leave (paid by employers); 5) four weeks paid paternity leave (insurance system); 6) four months of paid Parental leave (insurance system) with one month quota for each parent; 7) six months of paid Parental leave (insurance system) with one month quota for each parent; 8) combination of models 1, 2 and 5. For each of these models, the costs, advantages, disadvantages and possible outcomes for families, the economy and gender equality were assessed.

Valarino, I. (2014) *The Emergence of Parental and Paternity Leaves in Switzerland: A Challenge to Gendered Representations and Practices of Parenthood*. Ph.D. thesis, University of Lausanne, Lausanne.

Using a multilevel and mixed-methods research design, the thesis describes the emergence of Parental and Paternity leaves in the political, media, and labour market spheres in Switzerland (1998-2011) and whether this emergence challenged gendered representations and practices of parenthood. Especially in recent years, Parental and Paternity leaves have been increasingly problematized, as a result of political and institutional events. Overall, this emergence contributed to making fatherhood visible in the public sphere, challenging albeit in a limited way gendered representations and practices of parenthood. Along with representations of involved fatherhood and change in gender relations, fathers were also defined as secondary, temporary and optional parents. Finally, a common trend was

identified, namely the increasing importance of the economic aspects of Parental and Paternity leaves with the consequence of sidelining their gender-equality potential.

c. Ongoing research

Fathers on Leave Alone in Switzerland (2013-2014). Isabel Valarino, Institute of Social Sciences, University of Lausanne.

This ongoing qualitative study analyses the experiences of men who took at least one month of leave in order to care alone for their children in Switzerland and the effects on their fathering practices, identity and work life. The aim is to explore the variety of leaves men take in the current institutional context where no federal statutory Parental or Paternity leaves exist. This study is part of a collaborative research project 'Fathers on Leave Alone' coordinated by Prof. Karin Wall and Prof. Margaret O'Brien, which adopts a comparative perspective among several industrialized countries. Contact: Isabel Valarino at Isabel.valarino@unil.ch

United Kingdom

Margaret O'Brien (University of East Anglia), Peter Moss (Institute of Education University of London), Alison Koslowski (University of Edinburgh) and Mary Daly (University of Oxford)²⁵³

April 2014

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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. It is obligatory to take leave during the two weeks after childbirth.

Payment and funding

- Ninety per cent of woman's average earnings for six weeks with no ceiling + a flat-rate payment of either £138.18 [€170²⁵⁴] or 90 per cent of average gross weekly earnings (whichever is lower) for 33 weeks. The remaining 13 weeks are unpaid.
- This payment is administered by employers. Medium and large employers can claim back 92 per cent from the Exchequer and small employers can claim back 103 per cent. This is done through reductions to the amount of National Insurance Contributions paid by employers to HM Revenue & Customs.

Flexibility in use

- The mother can opt to start her leave at any point from 11 weeks before the beginning of the week the baby is due until the baby is born.
- Mothers can choose to return to employment from two weeks after childbirth (or four, if they work in a factory).
- Up to ten 'Keep In Touch' days can be worked during the period of statutory maternity leave without it affecting Maternity leave or pay

²⁵³ Please cite as: O'Brien, M., Moss, P., Koslowski, A. and Daly, M. (2014) 'United Kingdom country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2013*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

²⁵⁴ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

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, up to 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 £138.18 [€170] a week or 90 per cent of average gross weekly earnings, whichever is the lesser.
- Women who are not eligible for SMP may be eligible for a Maternity Allowance (MA) of 39 weeks at the flat rate of £138.18 [€170] or 90 per cent of average gross weekly earnings, whichever is the lowest. Women who have recently left work, changed jobs, or are self-employed may be eligible for this payment. To qualify, they must have worked for 26 weeks out of the 66 preceding the expected week of childbirth and have earned at least £30 [€37] per week on 13 of these weeks.

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

- Once the baby is 20 weeks' old, if a mother returns to work from Maternity leave, the father or mother's partner may be eligible to take the balance of her untaken Maternity leave, if he or she meets continuous employment service qualifying conditions. This is termed Additional Paternity Leave (APL), and is for a minimum of two weeks and a maximum of 26 weeks. The amount of APL may not exceed the amount of untaken Maternity leave. 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 £138.18 [€170] 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 unpaid²⁵⁵.
- Fathers must give their employer eight 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. The maximum amount of APL taken may not exceed 52 weeks.
- Fathers can change the dates later if needed, as long as they give six 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.

²⁵⁵ 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>.

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 payments²⁵⁶.

b. Paternity leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Two weeks.

Payment and funding

- Flat-rate payment of £138.18 [€170] 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 eight 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 pay⁴.

²⁵⁶ 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>.

c. Parental leave (responsibility of the Department for Business, Innovation and Skills)

Length of leave

- Eighteen weeks per parent per child up to the child's fifth birthday. Leave is an individual, non-transferable entitlement.
- Only four weeks of leave may be taken in any one calendar year, unless an employer agrees otherwise, i.e. the 18 weeks cannot be taken in one continuous period of time.

Payment

- None.

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 unless the employer agrees otherwise.
- Leave may be taken up to the child's fifth birthday, or 18th birthday for a disabled child. Adoptive parents may take leave up to the fifth anniversary of the adoption or the child's 18th birthday, whichever is sooner.

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 may take leave 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 is entitled to 36 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'²⁵⁷.
- 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.

²⁵⁷ 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>

e. Other employment-related measures

Adoption leave and pay

- Providing they meet the eligibility criteria, an adoptive parent (or one of the parents in a joint adoption) is eligible for 52 weeks' adoption leave paid at a flat-rate payment of £138.18 [€170] 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 (if they meet the eligibility criteria).

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 arrangements'²⁵⁸. 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'.²⁵⁹

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 20 months but most of this is unpaid or low paid; leave paid at a high rate is only available for six weeks of Maternity leave. There is an entitlement to ECEC from three years of age though only for part-time nursery education (15 hours a week for 38 weeks per year). So there is a 16 month gap between the end of leave and an ECEC entitlement, and a gap of nearly three years between the end of well-paid leave and an ECEC entitlement. Levels of attendance at formal services for children under and over three years are above the average for the countries included in this review and for OECD countries. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

²⁵⁸ 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>

²⁵⁹ 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>

3. Changes in policy since April 2013 (including proposals currently under discussion)

The Children and Families Act was given royal assent on 13 March 2014. The Act is wide-ranging, covering several aspects of child and family welfare including the following work-family measures:

- After the first two weeks of Maternity leave, the mother will be able to transfer Maternity leave to her partner (husband, biological father, civil partner). This leave is termed Shared Parental Leave; it is replacing a similarly designed instrument, which was called Additional Paternity Leave (APL), under which mothers could only transfer leave to partners after 20 weeks and is to be abolished.
- Unlike APL, there is no requirement for a woman to return to employment before the father can begin taking SPL. Instead mothers must commit to a return to employment date in the future when she will end her Maternity leave.
- Shared Parental Leave can only be taken in one week (seven day) blocks of time. It cannot be taken in a day mode or on a flexible part-time basis, although parents can take alternating weeks and there is provision for parents to take leave together.
- Statutory Shared Parental Pay is available for eligible employees meeting prescribed qualifying requirements, although income replacement levels will not be any greater than the current Maternity Leave provision. That is, partners taking Statutory Shared Parental Pay will be paid at the lesser of 90 per cent of earnings or the flat rate of £138.18 [€170]. The remaining 13 weeks of the first year would be unpaid.
- In order to qualify for Shared Parental leave, an individual will need to meet a length of service qualifying criterion (likely to be 26 weeks service with the same employer by the 15th week before the Expected Week of Childbirth), have a partner who meets an economic activity test (have worked for 26 weeks out of the 66 weeks before the EWC and have earned at least £30 [€37] per week for 13 of these weeks) and be working for the same employer when they want to take leave. These tests replicate existing ones (for paternity leave and maternity allowance) and the government expects them to be well-understood. Permission is not required from employers. If an employee meets the continuous employment test and the other parent or partner meets an economic activity test, the employee is entitled to SPL.
- Entitlements for adopters and intended parents in surrogacy cases are more closely aligned with the rights available to birth parents, e.g. no qualifying period for leave; enhanced pay to 90 per cent of earnings for the first six weeks; and time off to attend introductory appointments. Intended parents in surrogacy and 'foster to adopt' arrangements will also qualify for adoption leave and pay
- A new right for partners/fathers to take two unpaid half days of leave (to a maximum of six and a half hours each) to attend antenatal appointments with their pregnant partner, with the ability to complain to an employment tribunal if leave is refused.
- The right to request flexible working has been extended to all employees, not only those with caring responsibilities; and employers must deal with applications for flexible working in a 'reasonable manner'.

With respect to Shared Parental leave, despite its stated objectives "to encourage greater participation by fathers in caring for their children; reduce the gender penalty suffered by women who take long periods away from the workplace"²⁶⁰, the Act represents a scaling back on some of the earlier proposals contained in the government's 2011 *Modern Workplaces* consultation paper, which were intended to reconfigure and modernise UK's

²⁶⁰ <http://www.education.gov.uk/a00221161/children-families-bill>

leave system. These earlier proposals²⁶¹ were to reduce the length of Maternity leave (currently 52 weeks) and pay (currently 39 weeks, mostly at a low flat rate) to 18 weeks; and to reclassify the remainder of existing Maternity Leave as Parental Leave. Proposals for the new Parental leave included: four weeks of paid Parental leave exclusive to each parent to be taken in the first year (i.e. including a 'daddy month' 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).

Due to devolved government, England, Scotland, Wales and Northern Ireland each have distinct education systems, including early childhood education and care. However, the UK Government retains responsibility for areas such as labour market policies (including leave policies) and the tax system. Consequently it becomes more challenging to integrate education, care and labour market policies, as they are managed by different administrations. This is exemplified in the recent Children and Young People (Scotland) Bill published in March 2014, which has no mention of leave policy, presumably as this is a UK labour market policy issue, only of children's rights and services, which are seen as a Scottish education policy issue.

There is much political interest in the Nordic approach to welfare in Scotland, which might imply a different approach to leave policies in the case of independence. There will be a referendum on 18 September 2014 in Scotland to decide whether Scotland should become an independent country. The Scottish Government published a paper 'Scotland's Future: Your Guide to An Independent Scotland' –

<http://www.scotland.gov.uk/Publications/2013/11/9348/0>), and Chapter 5 covers 'Early Learning and Childcare'. Whilst there is no explicit mention of leave policy in this chapter, the text suggests an openness to reform in this area: "Independence will provide the ability to join up policy, tackling head-on the issues that have blighted generations. We can create opportunities for the whole education system, in particular allowing us to:

- invest in the early years of childhood by transforming the childcare system to match the best in Europe
- integrate our approach to education with wider social policies, such as taxation and benefits, and to address the child poverty that can adversely affect the ability of young people to learn and to develop [.....]

Currently Westminster controls tax, benefits and labour market policy, and Scotland controls education policy" (Chapter 5: 191 - 2).

Leave policy is also mentioned on page 447 of the document in part 5 'Questions and Answers':

"What will maternity and paternity rights, and flexible parental leave look like in an independent Scotland? Powers over these issues will transfer to the Scottish Parliament on independence. On independence, parents will continue to have the same maternity and paternity rights as now, with future Scottish governments then able to decide how the system of parental support should be improved."

The Scottish Parliament Equal Opportunities Committee has been looking into 'fathers and parenting' and a background note on parental leave and balancing work/family life has been prepared²⁶². The Scottish Government has also recently commissioned research including

²⁶¹ Department for Business, Innovation and Skills (2011) *Modern Workplaces*.

²⁶² http://www.scottish.parliament.uk/S4_EqualOpportunitiesCommittee/20_March_papers.pdf

reviews of leave policies²⁶³; while in May 2014, it established a short life Parental leave advisory group to inform future developments on leave policies²⁶⁴.

4. Take-up of leave

This section relies on the most recent publicly available national data: the Maternity and Paternity Rights and Women Returners Survey 2009/10²⁶⁵). This joint survey for the Department for Work and Pensions with the Department for Business, Innovation and Skills provides a detailed, statistically representative, updated picture of Maternity and Paternity leave, Statutory Maternity and Paternity Pay (SMP and SPP), Occupational Maternity and Paternity Pay (OMP and OPP) and Maternity Allowance (MA). It assesses the impact of changes brought about as a result of the Work and Families Act 2006, and examines mothers' return to work decisions alongside the availability of family friendly employment practices. Telephone interviews took place with 2,031 mothers and 1,253 fathers who had worked in the 12 months prior to the birth of their child, 12 to 18 months after the birth. A further source is the UK government's Fourth Work-life Balance (WLB4) Employee Survey (2012)²⁶⁶, which was carried out in early 2011, though this survey was not as focused on early parenthood as the Maternity and Paternity Rights and Women Returners Survey.

a. Maternity leave

According to the 2009/10 survey, the mean length of Maternity leave taken by women increased from 32 weeks in 2006 to 39 weeks in 2008; that is by approximately two months in the space of two years. The Work and Families Act 2006 policy goal of lengthening utilization of paid Statutory Maternity leave (SMP) and Maternity allowance (MA) from 26 weeks to 39 weeks was successful. However, results show that the remaining period of unpaid leave (i.e. weeks 40 to 52) was less attractive to mothers: just under half (45 per cent) made use of this leave. Duration of maternity pay and length of Maternity leave taken are positively associated, particularly for economically disadvantaged women. Those taking the shortest 'paid' leaves (up to 39 weeks of Maternity Leave) were low-earners, part-time workers and the self-employed; while those taking the longest leave were: high earners and those in full-time employment.

The Maternity and Paternity Rights and Women Returners Survey 2009/10 did not collect systematic data on the exact timing of women's return to work but by 12-18 months after childbirth, three out of four (77 per cent) mothers had returned to employment. As in previous surveys mothers' decision to return to work was mainly motivated by economic considerations. The factors with the strongest association with returning to work included: employer size and sector, duration of pre-birth job, type of maternity pay received, family structure and mothers' educational levels.

The overwhelming majority of mothers who had worked before childbirth had received some type of maternity pay: 42 per cent of mothers received Statutory Maternity Pay (SMP) only; 32 per cent received SMP and Occupational Maternity Pay (OMP), the most generous pay

²⁶³ Naumann, I. et al. (2013) *Early Childhood Education and Care Provision: International Review of Policy, Provision and Funding. Final Report*. Edinburgh: Centre for Research on Families and Relationships. Available at: <http://www.scotland.gov.uk/Resource/0041/00416230.pdf>

²⁶⁴ Alison Koslowski is a member of the Scottish Government Parental Leave Advisory Group and can be contacted for further information.

²⁶⁵ Chanfreau, J., Gowland, S., Lancaster, Z., Poole, E., Tipping, S. and Toomse, M. (2011) *Maternity and Paternity Rights and Women Returners Survey 2009/2010* (Department of Work and Pensions Research Report No 777). Available at: <http://research.dwp.gov.uk/asd/asd5/rrs-index.asp>

²⁶⁶ http://www.esds.ac.uk/doc/7112/mrdoc/pdf/7112_employee_survey.pdf

package; 4 per cent received OMP only; 11 per cent received Maternity Allowance only; and 11 per cent of mothers received no maternity pay. The last group, who received no maternity pay, had the least advantageous employment conditions. These updated findings are in line with the earlier survey by Smeaton and Marsh²⁶⁷.

b. Paternity leave

The 2009/10 survey showed that 91 per cent of fathers took time off around the time of their baby's birth. Of those taking time off, 49 per cent took statutory Paternity leave only, 25 per cent statutory leave plus other paid leave, 18 per cent other paid leave only and 5 per cent unpaid leave. Those taking statutory paternity leave were most likely to take the statutory two weeks (50 per cent); 34 per cent took less than two weeks and 16 per cent more than two weeks. The odds of taking Paternity leave were significantly higher for men working in the public sector and where there were family friendly arrangements available in the workplace.

Some employers 'topped up' statutory Paternity leave payment: 39 per cent of fathers received full pay for less than two weeks, 33 per cent for two weeks and 9 per cent for more than two weeks. Large private and public sector organisations were most likely to give full payment for longer periods of paternity leave. Small and medium size private sector employers were most likely to pay the minimum statutory rate.

c. Parental leave

Provision and take-up of statutory Parental leave data are not systematically reported in the 2009/2010 survey. Instead paid and unpaid *informal* Parental leave is reported on as a form of family-friendly arrangement. Findings show that in their first post-birth job five per cent of mothers used 'fully paid' Parental leave, one per cent 'partly paid' Parental leave and five per cent unpaid Parental leave. For employed fathers, 17 per cent used 'fully paid' parental leave, six per cent 'partly paid' Parental leave and seven per cent unpaid Parental leave. Although the data are not comparable with the 2006 survey¹⁴, they do suggest a rise in uptake of Parental leave by mothers and fathers in the post-natal period.

Findings from the Fourth Work-life Balance (WLB4) Employee Survey (2012) show that only 11 per cent of parents with a child under 6 years had reported taking Parental leave.

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 WLB4 show that 79 per cent of employees stated that they were aware of the right to request flexible working, a significant increase from the baseline period in 2006 where only 42 per cent of employees stated that they were aware of its introduction (Hooker et al., 2006²⁶⁸). At both time periods the awareness of the right to request flexible working was lower in those employed in routine and manual occupations.

²⁶⁷ 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>.

²⁶⁸ 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.

In 2011, 22 per cent of employees reported requesting a change to working arrangements in the last two years (most commonly, women, parents and those with caring responsibilities). From employees perspectives', requests were not accepted in 13 per cent of cases. For a further 8 per cent, the outcome was uncertain. Although the methodology was different, this refuse rate is higher than that reported by employers in an earlier survey (40 per cent of employers report receiving requests in the previous 12 months, with only nine per cent of these requests refused (Hayward et al., 2007).

According to the Fourth Work-life Balance (WLB4) Employee Survey (2012), 30 per cent of employees with an ill child had worked flexibly – most commonly reported for those employees in the private sector and in professional/ managerial occupations.

5. Research and publications on leave and other employment-related policies since April 2013

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 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 April 2013

Browne, J. (2013) 'The Default Model: Gender Equality, Fatherhood and Structural Constraint's, *Politics and Gender*, Vol.9, No.2: 152-173.

What does a political commitment to gender equality mean in the context of fatherhood? In what ways should the state support or compel fathers so as to affect greater gender equality? If there is any consensus on these questions in the gender literature, then it is that existing family leave policy - even the most progressive - has fallen short of a satisfactory answer. Typically, this failure is understood either in economic terms - that policy provision is simply inadequate in scale - or in terms of individual preferences that should be encouraged to change. Indeed, both of these approaches intend to incentivize men to take up more caring duties, a theme that has become central to the politics of gender equality

Gordon, H. and Szram, J. (2013) 'Paternity leave experiences of NHS doctors', *Clinical Medicine*, Vol.13, No.5: 426-430.

This study assesses NHS doctors' experiences of Paternity leave and evaluates whether practices have changed since the introduction of additional paternity leave (APL) in April 2011. An anonymised online survey designed to discover experiences and uptake of APL and ordinary paternity leave (OPL) was distributed to all members of the London Deanery Synapse® network. In total, 364 fathers responded. Their seniority ranged from foundation trainees to consultants. Following the formal introduction of OPL in 2003, the number of fathers taking any Paternity leave increased (from 50 per cent to 95.6 per cent). The majority of respondents (76.7 per cent) felt well supported by their employer. Since the introduction of APL, 3 per cent of respondents took additional leave. Reasons for the low uptake of APL included the impracticalities of the law, poor awareness and perceived attitudes and

implications for training. Problems with OPL included the inadequate provision of cover and difficulties in timing the leave appropriately.

Naumann, I., McLean, C., Koslowski, A., Tisdall, K., Lloyd, E. (2013), *Early Childhood Education and Care Provision: International Review of Policy, Delivery and Funding*. Edinburgh: Scottish Government. Available at:

<http://www.scotland.gov.uk/Resource/0041/00416230.pdf>

This report provides an overview of the current situation regarding early childhood education and care provision in Scotland, England, Sweden, Denmark, Norway, Slovenia, France and the Netherlands. For each of these nations the review provides a country report (chapters two to nine) with detailed information on the national frameworks of ECEC, guiding principles and objectives, governance, types of services, types of providers, funding and costs, systems of quality assurance and access levels. There is, of course, some duplication of information in the Scotland and England chapters, as many relevant areas are not fully devolved. In addition, the report covers the provision of after school care in the eight countries.

O'Brien, M. (2013) 'Fitting fathers into work-family policies: international challenges in turbulent times', *International Journal of Sociology and Social Policy*, Vol. 33 No. 9/10: 542-564.

This paper examines the international challenges of fitting fathers into work-family policies at a time of global economic turbulence. The paper's design is a comparative policy analysis approach using international working time, Paternity, Maternity and Parental leave data from selected rich, middle and poorer income nations. Leave policies are examined in relation to the place of fathers in the work-family policy mix between 2010 and 2011. Its main findings include that short well-compensated Paternity leave provision is emerging in poorer and middle income countries but none offer the range of father-targeted parental leave innovation observed in some richer nations; and that a comparison of leave policy changes effecting fathers between 2010 and 2011 showed resilience in face of economic downturn particularly in European countries.

Twamley, K., Brunton, G., Sutcliffe, K., Hinds, K. and Thomas, J., (2013) 'Fathers' involvement and the impact on family mental health: evidence from Millennium Cohort Study analyses', *Community, Work & Family*, Vol.16, No.2: 212-224.

This study investigates the interplay between the mental health of mothers and fathers and family socioeconomic resources, and the impact for children's cognitive and social development. The study uses survey data from the Millennium Cohort Study linked with the Foundation Stage Profile assessment for children in the primary year of school in England between 2005 and 2006. The study includes 4,781 families from England where both parents' mental health had been assessed using the Kessler 6 scale. Associations between parents' mental health and children's cognitive and social development were estimated using regression models. Multivariate models were used to explore the mediating role of the families' socioeconomic resources. Gender interaction models were used to explore whether effects of parents' mental health differ for girls and boys. The study finds lower attainment in communication, language and literacy, mathematical development and personal, social and emotional development among children whose parents were experiencing high levels of psychological distress. Parents' age and qualifications and families' socioeconomic resources strongly mediated the effects of parents' psychological distress on children's attainment, and although independent effects of mother's mental health were maintained, effects of father's mental health were not. Stronger effects of mothers' mental health were found for boys than for girls. These findings highlight the interplay between the mental health of parents, families' socioeconomic resources and children's development which speaks for the need for close integration of mental health and social interventions to improve the well being of families.

c. Ongoing research

The 'Families 24/7' project (2011-1014). JAMK University of Applied Sciences, Jyväskylä University, the National Institute for Health and Welfare in Finland, the University of Utrecht in the Netherlands and the University of Manchester in the UK (Dr Vanessa May). Funded by the Academy of Finland.

Very little is known about how parents who work evenings, nights and weekends organize their child-care or about the impact this has on child well-being. The aim of the 'Families 24/7' project is to help fill this gap in knowledge. The team will be comparing the experiences of parents working standard and non-standard hours as a way of distinguishing what the main differences between these groups are in terms of issues they face in finding appropriate child-care, and the child-care arrangements they have access to. Contact: Vanessa May at Vanessa.may@manchester.ac.uk.

Fathers, work and families in twenty-first century Britain: beyond the breadwinner model? (2012-2014). Dr Svetlana Speight, National Centre for Social Research; Professor Margaret O'Brien, Thomas Coram Research Unit, Institute of Education; and Dr Sara Connolly, University of East Anglia. Funded by the Economic and Social Research Council.

This study aims to profile the work and family life of fathers in a European context. It draws on secondary analysis of four large-scale datasets; Understanding Society, the European Labour Force Survey, the European Social Survey and the British Household Panel Study. Although principally focused on fathers in the UK, the study will also include international data to enable comparisons with countries with different labour market contexts and different social policies around the family and work.

Families and Societies (2013-17) University of Edinburgh, University of Liverpool and London School of Economics. Funded by the EU's Seventh Framework programme.

These UK universities are partners in a European project, *FamiliesAndSocieties – Changing families and sustainable societies: Policy contexts and diversity over the life course and across generations*. The main objectives of the project are: to investigate the diversity of family forms, relationships, and life courses in Europe; to assess the compatibility of existing policies with family changes; and to contribute to evidence-based policy-making. Website at <http://www.familiesandsocieties.eu/>

United States

Sheila B. Kamerman and Jane Waldfogel (Columbia University)²⁶⁹

April 2014

NB. United States is a federal state.

For comparisons with other countries in this review – on demographic, economic, employment and gender equality indicators and on leave provision and early childhood education and care services - go to [cross-country comparisons](#) page on website. To contact authors of country notes, go to [membership-list of members](#) page on website.

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 earnings) 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

²⁶⁹ Please cite as: Kamerman, S.B. and Waldfogel, J. (2014) 'United States country note', in: P. Moss (ed.) *International Review of Leave Policies and Research 2014*. Available at: http://www.leavenetwork.org/lp_and_r_reports/

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 TDI programme with up to six weeks of a partially paid leave (55-60 per cent of earnings up to a maximum of US\$1,075 [€787²⁷⁰] a week in 2014) 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.
- 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, funded by worker payroll contributions; however, this programme has never been funded or implemented.
- *New Jersey* enacted a paid family leave in 2009. 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 \$595 [€436] a week in 2014 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. All workers who contribute to the programme have the opportunity to draw benefits.
- *Rhode Island* has also passed a paid family leave law, which went into effect in January 2014. The legislation extends the state's existing TDI programme to provide four weeks paid leave to care for a newborn child or a family member with a serious illness. The programme is financed by employee payroll deductions and pays a minimum of \$74 [€54] per week and a maximum of \$752 [€551] per week.
- *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).

²⁷⁰ Conversion of local currency into Euros undertaken on 5-6 June 2014, using <http://finance.yahoo.com/currency-converter/>

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 three years are above average for the countries participating in this review and for OECD countries; but below average for children over three years. For actual attendance levels, see 'relationship between leave and ECEC entitlements' on [cross-country comparisons](#) page.

3. Changes in policy since April 2013 (including proposals currently under discussion)

A number of states are continuing to discuss possible paid family leave programmes. Paid sick leave programmes are also under discussion at both the state and city level.

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 recipients²⁷¹. About 80 per cent of working parents between the ages of 18 to 54 years 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^{272 273 274}. 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^{275 276 277 278} and little or no effects on leave usage by new fathers^{9 10}. 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.

²⁷¹ 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.

²⁷² 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.

²⁷³ Waldfogel, J. (2001) 'Family and Medical Leave: evidence from the 2000 surveys', *Monthly Labor Review*, September: 17-23.

²⁷⁴ 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.

²⁷⁵ 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.

²⁷⁶ Waldfogel, J. (1999), 'The impact of the Family and Medical Leave Act', *Journal of Policy Analysis and Management*, Vol.18, 2: 281-302.

²⁷⁷ Han, W.-J. and Waldfogel, J. (2003) 'Parental leave: The impact of recent legislation on parents' leave-taking', *Demography*, Vol.40, 1: 191-200.

²⁷⁸ 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.

5. Research and publications on leave and other employment-related policies since April 2013

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.

b. Selected publications since April 2013

Klerman, J., Daley, K., and Pozniak, A. (2013) *Family and Medical Leave in 2012: Technical Report*. Washington, DC: U.S. Department of Labor. Available at:

<http://www.dol.gov/asp/evaluation/fmla/FMLATEchnicalReport.pdf>

This report presents the results of new surveys of the effects of the FMLA on employers and employees. It follows up the two earlier sets of surveys (from 1995 and 2000) that have been carried out in the 20 years since the passage of the FMLA in 1993. The report finds that the FMLA has now become routine for employees and employers. Employees are aware of and make use of the law. Employers report little or no negative impacts.

c. Ongoing research

Work-Family Policies and Child and Family Well-Being (Ongoing). Jane Waldfogel, Columbia University School of Social Work; Wen-Jui Han, New York University; Christopher Ruhm, University of Virginia.

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 varied sources including the CPS as well as several longitudinal studies.