

## Statutory Paternity leave: April 2020

Just as Maternity leave is gender-specific, so too is the usual definition of Paternity leave, being an entitlement only for fathers, enabling 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. Increasingly, same-sex partners of birth mothers and other co-parents can be included in this entitlement.

However, as Parental leave in several countries includes a period 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 ten months' leave after birth: four months for mothers, four months for fathers, and two months as a family entitlement to be divided between parents as they choose; there is, therefore, no Paternity leave *per se*, but four 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 ten months with the same name – 'birth leave' – the four 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), with payment dependent on collective agreements; plus a further 15 to 19 weeks' father's quota (about a third of the total Parental leave entitlement that only the father can use), which is well-paid from public sources; most of the Parental leave is a family entitlement.

In this review, Paternity leave is narrowly defined as a short period immediately after the birth that is only available to fathers (with some countries including to same-sex partners and other co-parents) and is in addition to Parental leave. For example, in Sweden there is a ten-day, temporary leave in connection with a child's birth or adoption, and this differs from the 90-day 'fathers' quota.' On this basis, **many countries have a statutory and designated Paternity leave** (plus the province of Québec in Canada). **Paternity leave is generally paid**, 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. **Duration of Paternity leave** can vary from just a couple of days to around a month.

Across countries, there are different dimensions of **flexibility in the implementation of Paternity leave**. The most common forms of flexibility in Paternity leave policy are in relation to the period during which the leave can be taken and regarding entitlements to additional time for multiple births. In three countries (Belgium, Italy, and Portugal), it is obligatory for fathers to take some or all of their Paternity leave.

Country	Summary of leave	Length of post-natal leave (weeks unless specified)			Flexibility
		Total	Paid	Well-paid	
Australia <sup>1</sup>	■ ■	2	2	✗	3
Austria					
Private sec	✗				
Public sec	■	4	None <sup>2</sup>	None	None
Belgium	■ ■ ■ OB	2	2	2*	2; 3
Brazil <sup>3</sup>	■ ■ ■	1 or 4	1 or 4	1 or 4	None
Bulgaria	■ ■ ■	15 days	15 days	15 days*	None
Canada	✗				
Québec	■ ■ ■	5	5	5*	1
Chile	■ ■ ■ OB	5 days	5 days	5 days	2; 3
China <sup>4</sup>	■ ■ ■	7 to 30 days	7 to 30 days	7 to 30 days	None
Croatia	✗				
Cyprus	■ ■ ■	2	2	2	3
Czech Republic	■ ■ ■	1	1	1*	3
Denmark	■ ■ ■	2	2	2*	3
Estonia	■ ■ ■	2	2	2*	2; 3
Finland	■ ■ ■	3	3	3 <sup>5</sup>	2; 3; 4
France	■ ■ ■	11 days	11 days	11 days* <sup>6</sup>	3
Germany	✗ <sup>7</sup>				
Greece					
Private sec	■ ■ ■	2 days	2 days	2 days	None
Public sec	■ ■ ■	2 days	2 days	2 days	None
Hungary	■ ■ ■	5 days	5 days	5 days	3; 4
Iceland <sup>8</sup>	✗				
Ireland	■ ■	2	2	✗	3
Israel	■ ■	6 days	5 days	3 days	None
Italy	■ ■ ■ OB	7 days <sup>9</sup>	7 days	7 days	2; 3; 5
Japan	✗				

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<sup>1</sup> Australia: two weeks' payment for fathers taking Parental leave ('Dad and Partner Pay'), which are included under Parental leave; this is a statutory entitlement paid flat-rate.

<sup>2</sup> Austria: there is a paid 'family time' where fathers receive a 'family time bonus' of €700 (see report) – available for all (self) employed fathers, but this is not well-paid.

<sup>3</sup> Brazil: longer in public sector; shorter in private sector.

<sup>4</sup> China: there is no statutory entitlement nationally; the given numbers are for regional provisions that, since 2018, have existed in all provinces.

<sup>5</sup> Finland: paid at 70 per cent of earnings, but a proportion is reduced beyond a specified level. More leave is available to fathers, but only three weeks can be used while the mother is on leave.

<sup>6</sup> There is no ceiling on payment in the public sector.

<sup>7</sup> Germany: many fathers use some of their Parental leave entitlements directly after the birth, in a manner similar to Paternity leave.

<sup>8</sup> Iceland: the law does not distinguish separate Maternity, Paternity, and Parental leaves, referring only to 'birth leave,' four months of which is for mothers, four months for fathers, and two months for parents to divide as they choose.

<sup>9</sup> Italy: a further one-day of optional Paternity leave can be taken if the mother agrees to transfer these days from her Maternity leave. In addition, fathers may take three months' paid leave in exceptional circumstances, e.g. the death or severe illness of the mother.

Korea	■■■	3 to 5 days	3 days	3 days	3
Latvia	■■■	10 days	10 days	10 days	3
Lithuania	■■■	4	4	4*	3
Luxembourg <sup>10</sup>	✗ [ ]	2	2	2	
Malta					
Private sec	■■■	1 day	1 day	1 day	4
Public sec	■■■	5 days	5 days	5 days	3
Mexico	■■■	5 days	5 days	5 days	5
Netherlands <sup>11</sup>	■■■	5 days	5 days	5 days	3
New Zealand	■	2	✗	✗	3
Norway	■ <sup>12</sup>	2	✗	✗	2; 3 <sup>13</sup>
Poland	■■■	2	2	2	2; 3
Portugal <sup>14</sup>	■■■ OB	5	5	5	3
Romania	■■■	5 to 15 days <sup>15</sup>	5 to 15 days	5 to 15 days	3; 4
Russian Fed.	✗				
Slovakia	✗				
Slovenia	■■■	4.3	4.3 <sup>16</sup>	4.3*	2; 4
South Africa <sup>17</sup>	■	10 days	10 days	10 days	
Spain	■■■	12	12	12*	3; 2; 4
Sweden	■■■	10 days	10 days	10 days*	3; 4
Switzerland	✗				
United Kingdom	■■■	10 days	10 days	✗	3
USA <sup>18</sup>	✗				
Uruguay					
Public	■■■	10 days	10 days	10 days	None
Private	■■■	13 days	13 days	13 days	None

<sup>10</sup> Luxembourg: there is no statutory Paternity leave, although fathers can use ten days' well-paid leave due to 'extraordinary circumstances.'

**Key:**

**Summary of leave:** ✖: no statutory entitlement. ■: statutory entitlement but unpaid; ■■: statutory entitlement, some of the period paid, but either flat-rate or (if income-related) at less than 66 per cent of earnings for all or most of the period; ■■■: statutory entitlement, paid for all or most of the period 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://www.nbbmuseum.be/doc/seminar2010/fr/bibliographie/risque/compendiumjul2010.pdf>). **OB:** part or all of the Paternity leave period is obligatory. **Maximum length of post-natal leave: Paid:** payment may be flat-rate and/or earnings-related. The generosity of flat-rate payments relative to individual earnings varies across, and sometimes within, countries. See country notes for more detailed information. **Well-paid:** earnings-related payment

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<sup>11</sup> Netherlands: The length of leave is equivalent to the number of working hours per week per partner/father; for example, a full-time job of 38 hours per week gives a leave entitlement of 38 hours (i.e. one week), the length of leave shown in the table. Employers pay the first week at 100% of earnings.

<sup>12</sup> Norway: whilst unpaid by the government, most employed fathers are covered by their individual employer or collective agreements.

<sup>13</sup> Norway: 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.

<sup>14</sup> Portugal: the law does not refer to Paternity leave, referring only 'father's-only Parental leave.' It is included under Paternity leave because it is only for fathers.

<sup>15</sup> Romania: the statutory leave is granted for five days only, but ten extra days can be granted if the father has completed an infant care course for the first child.

<sup>16</sup> Slovenia: 30 days, paid at 100 per cent of average monthly earnings; not all income on which Parental leave contributions were paid is counted towards the basic earnings (e.g. in-work benefits and other income received in addition to basic earnings).

<sup>17</sup> South Africa: there is no statutory Paternity leave yet, although fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave. However, a private bill was launched in 2018 to amend this gap in the provision.

<sup>18</sup> USA: there is no separate Paternity leave, but fathers may take up to 12 weeks' unpaid leave for childbirth or for the care of a child up to 12 months of age, as part of the federal Family and Medical Leave Act; employers with fewer than 50 employees are exempt.

at 66 per cent of earnings or above; ✕: none well-paid; ✱: ceiling on earnings-related payment. **Square brackets [ ]:** fathers may use another type of leave at the time of the birth of a child, but 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 – leave can be taken at any time during a defined period after the birth; 4 – additional time for multiple births and large families; 5 – can be extended in the case of maternal incapacity or death.