

Statutory Maternity leave: April 2022

Many countries **have a statutory and designated Maternity leave entitlement**. Leave is paid in all these cases and mostly at a high earnings-related level (see 'Key' below for definition) for most or all of 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 Québec), Ireland, and South Africa, where no period of leave is paid at a high earnings-related level; and the UK, where less than half the leave period is paid at a high earnings-related level. In addition, in Bosnia and Herzegovina there is no state-level statutory entitlement to Maternity benefit, however, maternity benefits are regulated at the level of entities (Federation of Bosnia and Herzegovina (FBiH) and Republic Srpska (RS)), including the cantonal level in FBiH, and the level of Brčko District (BD). Currently, the RS entity, BD and FBiH's cantons provide some Maternity benefit, and amount varies from flat-rate benefits to 100 per cent of previous earnings.

Of the 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. Other countries without designated Maternity leave – Australia, Iceland, New Zealand, Norway, Portugal and Sweden – provide paid leave that women may or must 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.

The **period of post-natal Maternity leave** varies widely from just a few weeks to 12 months. In Greece and Uruguay, 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 rest of the country.

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 (not included in the table below) and after birth. In some countries, women can take more leave if they have a multiple birth, a higher order birth, or a medical complication.

Nine countries – Bosnia and Herzegovina, Bulgaria, Chile, Croatia, Czech Republic, Israel, Poland, Serbia and the UK - 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 being in exceptional circumstances (such as serious illness). Maternity leave can also be transferred to fathers in some other countries, but only in specific and extreme circumstances (such as death or severe illness); the Slovak Republic is the exception here, in that only the maternity benefit can be transferred to fathers.

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. 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 as being for 'mothers only' and for 'fathers only.' For instance, Iceland offers 12 months' Parental leave: six months each for the mother and father (they may each transfer up to six weeks to the other). With the Icelandic model, 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. Other examples include New Zealand, Norway, Portugal, and Sweden.

Country	Summary of leave	Maximum length of post-natal leave			Flexibility
		Total	Paid	Well-paid	
Argentina ¹					
Private sector	■ ■ OB	8.0	2.0	2.0	None
Public sector	■ ■ OB	8.3	2.3	2.3	1
Australia ²	□				
Austria	■ ■ ■ OB	1.9	1.9	1.9	1
Belgium	■ ■ ■ OB	3.3	3.3	3.3*	1
Bosnia and Herzegovina	■ OB TR	12	× ³	×	1; 3
Brazil ⁴	■ ■ ■	4 or 6	4 or 6	4 or 6	None
Bulgaria	■ ■ ■ OB TR	12	12	12*	3
Canada	■ ■	3.5 to 4.2	3.5	× ⁵	None
Québec	■ ■ ■	4.2	4.2	4.2*	2
Chile	■ ■ ■ OB TR	5.5	5.5	5.5*	3; 4

¹ Argentina: Leave includes a basic period of well-paid leave, plus a separate period of unpaid leave that women can apply for.

² Australia: the law only refers to 'Parental leave,' but it covers leave for mothers.

³ Bosnia and Herzegovina: There is no state-level statutory entitlement to maternity benefits. However, maternity benefits are regulated at the level of entities, including the cantonal level in FBiH, and the level of BD. Currently, the RS entity, BD and FBiH's cantons provide some Maternity benefit, and amount varies from flat-rate benefits to 100 per cent of previous earnings.

⁴ Brazil: six months for some public and private sector employers; four months for others.

⁵ Canada: low-income families can qualify for a higher benefit rate, up to 80 per cent of average insured earnings.

Country	Summary of leave	Maximum length of post-natal leave			Flexibility
		Total	Paid	Well-paid	
China ⁶	■■■	4 to 5	4 to 5	4 to 5	1
Croatia	■■■ OB TR	6	6	6	1; 3; 4
Cyprus	■■■ OB	3.7 ⁷	3.7	3.7	1
Czech Republic	■■■ OB TR	5.1	5.1	5.1*	1; 3
Denmark ⁸	■■■ OB	3.3	3.3	3.3*	None
Estonia	■■■ OB	1	1	1	None
Finland ⁹	■■■ OB	2.9	2.9	2.9 ¹⁰	None
France	■■■ OB	3.3 ¹¹	3.3	3.3*	1
Germany	■■■ OB	1.9	1.9	1.9	1

⁶ China: most provinces have (differently) extended the duration of Maternity leave; the most common extension is to 158 days.

⁷ Cyprus: 16 weeks for the first child, 20 weeks for mothers who have a second child and 24 weeks for the third and any subsequent child. Benefit payment also increases with the second, third and fourth child respectively.

⁸ Denmark: The policies described here were operational until 31 July 2022. A new Parental leave replaces the current Maternity leave from 1 August 2022. For more details see section 3 in the country note.

⁹ Finland: The policies described here were operational until 31 July 2022. A new Parental leave replaces the current Maternity leave from 1 August 2022. For more details see section 3 in the country note.

¹⁰ Finland: the proportion of earnings paid is reduced beyond a specified level.

¹¹ France: 26 weeks if the pregnant mother already has two children and 34 weeks if the woman is expecting twins.

Country	Summary of leave	Maximum length of post-natal leave			Flexibility
		Total	Paid	Well-paid	
Greece					
Private sector	■■ OB	8.1	8.1	2.1 ¹²	None
Public sector	■■■ OB	3	3	3	1
Hungary	■■■ OB	5.6	5.6	5.6	None
Iceland ¹³	□ OB				
Ireland	■■	9.3	6.0	×	None
Israel	■■■ OB TR	6.0	3.5	3.5*	1; 3
Italy	■■■ OB	4.7	4.7	4.7	1
Japan	■■■ OB	1.9	1.9	1.9	1
Korea	■■■ OB	3.0	3.0	3.0*(30 days)	1
Latvia	■■■	1.9	1.9	1.9	1
Lithuania	■■■	1.9	1.9	1.9	1
Luxembourg	■■■ OB	2.8	2.8	2.8*	1
Malta	■■■ OB	4.2	4.2	3.3	None
Mexico	■■■ OB	2.3	2.3	2.3	1

¹² Greece: Concerning the basic maternity leave there is a ceiling in the leave payment by the Social Security Fund but mothers can claim the rest of payment (up to their wage level) from the Manpower Employment Organisation.

¹³ 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 chosen. Six months of 'birth leave' is reserved for women to take after birth, of which two weeks are obligatory.

Country	Summary of leave	Maximum length of post-natal leave			Flexibility
		Total	Paid	Well-paid	
Netherlands	■■■ OB	2.8	2.8	2.8*	1; 5
New Zealand ¹⁴	□				
Norway ¹⁵	□ OB				
Poland	■■■ OB TR	4.6	4.6	4.6	1; 3
Portugal ¹⁶	□				
Romania	■■■ OB	4.2	4.2	4.2	None
Russian Fed.	■■■	2.3	2.3	2.3*	1
Serbia ¹⁷	■■■ OB TR	11.2	11.2	11.2*	3
Slovakia ¹⁸	■■■ OB TR	6.5	6.5	6.5*	1
Slovenia	■■■ OB	2.6	2.6	2.6*	None
South Africa	■■ OB	4	×	×	None

¹⁴ New Zealand: the law does not refer to 'Maternity leave,' only 'paid Parental leave' (primary carer 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.'

¹⁵ 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. Six weeks of Parental leave is reserved for women to take after birth, and this is obligatory. This leave is included under Parental leave.

¹⁶ Portugal: the law does not refer to Maternity leave, only to 'Initial Parental leave,' part of which is reserved for mothers (six weeks for women after birth) with the remainder for parents to divide as they choose. This is included under Parental leave.

¹⁷ Serbia: in the case of multiple births, or for the third and every subsequent child, parents are entitled to 20.2 months of leave.

¹⁸ Slovakia: father may be on Maternity leave at the same time as the mother, but only if caring for an older child.

Country	Summary of leave	Maximum length of post-natal leave			Flexibility
		Total	Paid	Well-paid	
Spain	■■■ OB	3.7	3.7	3.7*	1; 4; 5
Sweden ¹⁹	□ OB				
Switzerland	■■■ OB	3.3	3.3	3.3*	None
Turkey	■■ OB	9	3	3	1
United Kingdom	■■ OB TR	12	9	1.4	3
USA ²⁰	×				
Uruguay					
Private sector	■■■ OB	3.3	3.3	3.3	1
Public sector	■■■ OB	3	3	3	1

Key:

Summary of leave: ×: no statutory entitlement. □: there is only a Parental leave provision. ■: 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

¹⁹ Sweden: obligatory for women to take two weeks' leave either before or after birth; to receive benefit, they must draw on their Parental leave benefit entitlement.

²⁰ USA: there is no separate Maternity leave, but parents may each 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. Six states, Washington D.C., and Puerto Rico provide some benefit payments to parents missing work around the time of childbirth.

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>). **TR:** part of Maternity leave is transferable to the father in ordinary conditions. **OB:** part or all of the Maternity 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 at 66 per cent of earnings or above; **✕:** none well-paid; *****: 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 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; 5 – part of leave can be taken at any time during a defined period after the birth. Does not include flexibility in using part of Maternity leave before or after birth.