

## Statutory Paternity leave: April 2022

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 12 months' leave after birth: six months for mothers, six months for fathers, and each parent may transfer six weeks to the other parent; there is, therefore, no Paternity leave *per se*, but six 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 12 months with the same name – 'birth leave' – the six 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 16 weeks (Spain).

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 four countries (Belgium, Chile, 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	
Argentina					
Private sector	■■■	2 days	2 days	2 days	None
Public sector	■■■	4 days	4 days	4 days	None
Australia <sup>1</sup>	■■	2	2	×	3
Austria					
Private sector	×				
Public sector	■	4	None <sup>2</sup>	None	3
Belgium	■■■ OB	15 days	15 days	15 days*	2; 3

<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.

Country	Summary of leave	Length of post-natal leave (weeks unless specified)			Flexibility
		Total	Paid	Well-paid	
Bosnia and Herzegovina	✘				
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 <sup>5</sup>	3
Czech Republic	■■■	2	2	2*	3
Denmark <sup>6</sup>	■■■	2	2	2*	3
Estonia	■■■	30 days	30 days	30 days*	2; 3

<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> Cyprus: payment increases with the second, third and fourth child.

<sup>6</sup> Denmark: The policies described here were operational until 31 July 2022. A new Parental leave replaces the current Paternity leave from 1 August 2022. For more details see section 3 in the country note.

Country	Summary of leave	Length of post-natal leave (weeks unless specified)			Flexibility
		Total	Paid	Well-paid	
Finland	■■■	3	3	3 <sup>7</sup>	2; 3; 4
France	■■■	25 days	25 days	25 days* <sup>8</sup>	3
Germany	✕ <sup>9</sup>				
Greece	■■■	14 days	14 days	14 days	3
Hungary	■■■	5 days	5 days	5 days	3; 4
Iceland <sup>10</sup>	✕				
Ireland	■■	2	2	✕	3
Israel	■■	6 days	5 days	3 days	None
Italy	■■■ OB	10 days <sup>11</sup>	10 days	10 days	2; 3; 5
Japan	✕				
Korea	■■■	10 days	10 days	10 days	3
Latvia	■■■	10 days	10 days	10 days	3

<sup>7</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. The policies described here were operational until 31 July 2022. A new Parental leave replaces the current Paternity leave from 1 August 2022. For more details see section 3 in the country note.

<sup>8</sup> There is no ceiling on payment in the public sector.

<sup>9</sup> Germany: many fathers use some Parental leave entitlements directly after the birth which are exclusive to them, in a manner similar to Paternity leave.

<sup>10</sup> Iceland: the law does not distinguish separate Maternity, Paternity, and Parental leaves, referring only to 'birth leave', six months of which is for mothers, six months for fathers, and each parent may transfer up to six weeks to the other.

<sup>11</sup> Italy: a further one-day of optional Paternity leave can be taken if the mother agrees to transfer it from her Maternity leave. In addition, fathers may take three months' paid leave in exceptional circumstances, e.g. death or severe illness of the mother.

Country	Summary of leave	Length of post-natal leave (weeks unless specified)			Flexibility
		Total	Paid	Well-paid	
Lithuania	■■■	4	4	4*	3
Luxembourg <sup>12</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>13</sup>	■■■	6	6	6	3
New Zealand	■	2	×	×	3
Norway	■ <sup>14</sup>	2	×	×	2; 3 <sup>15</sup>
Poland	■■■	2	2	2	2; 3
Portugal <sup>16</sup>	■■■ OB	5	5	5	3

<sup>12</sup> Luxembourg: there is no statutory Paternity leave, although fathers can use ten days' well-paid leave due to 'extraordinary circumstances.'

<sup>13</sup> Netherlands: The length of leave is equivalent to six times 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 6 weeks, the length of leave shown in the table.

<sup>14</sup> Norway: whilst unpaid by the government, most employed fathers are covered by their individual employer or collective agreements.

<sup>15</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>16</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.

Country	Summary of leave	Length of post-natal leave (weeks unless specified)			Flexibility
		Total	Paid	Well-paid	
Romania	■■■	5 to 15 days <sup>17</sup>	5 to 15 days	5 to 15 days	3; 4
Russian Fed.	×				
Serbia	×				
Slovakia <sup>18</sup>	×				
Slovenia	■■■	4.3	4.3 <sup>19</sup>	4.3*	2; 4
South Africa <sup>20</sup>	■	10 days	10 days	10 days	
Spain	■■■	16	16	16*	2; 4
Sweden	■■■	10 days	10 days	10 days*	3; 4
Switzerland	■■■	2	2	2*	2; 3
Turkey					
Public	■■■	10 days	10 days	10 days	None
Private	■■■	5 days	5 days	5 days	None
United Kingdom	■■	10 days	10 days	×	3

<sup>17</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>18</sup> Slovakia: There is entitlement to a non-transferable maternity benefit that fathers can take while being on Parental leave (see country note for details).

<sup>19</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>20</sup> South Africa: there is no statutory Paternity leave, although fathers who wish to take leave at the time of the birth of their child can use their family responsibility leave. A private bill was launched in 2018 to amend this gap in the provision.

Country	Summary of leave	Length of post-natal leave (weeks unless specified)			Flexibility
		Total	Paid	Well-paid	
USA <sup>21</sup>	✘				
Uruguay					
Public	■■■	10 days	10 days	10 days	None
Private	■■■	13 days	13 days	13 days	None

### 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 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

<sup>21</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.

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.