

Statutory Maternity leave: April 2024

Many countries **have a statutory and designated Maternity leave entitlement** (see Table 1). 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 benefits, with amounts varying 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. Fourteen states, the District of Columbia and Puerto Rico provide some benefit payments to parents missing work around the time of childbirth. Other countries without designated Maternity leave – Australia, Iceland, New Zealand, Norway, Portugal and Sweden (except 2 unpaid weeks)¹ – 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 (see Table 3).

The **period of post-natal Maternity leave** varies widely from just a few weeks to 12 months. In Argentina, 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. Similarly, in China, most provinces have (differently) extended the duration of Maternity leave with the most common extension being up to 158 days (around 5 months).

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 for premature birth, multiple births, higher-order births, in the case of disability of the child or medical complications.

¹ In Sweden, it is obligatory for women to take two weeks' leave either before or after birth; but to receive benefit, they must draw on their Parental leave benefit entitlement (see Table 3).

Thirteen countries – Bosnia and Herzegovina, Brazil, Bulgaria, Chile, Colombia, Croatia, Czech Republic, Denmark, Greece (private sector), 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 (and not the time right) 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 (cf. Table 3).
2. Emerging more recently is a move away from the idea of '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' or pregnant persons and for 'fathers only' or co-parents. 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.

Table 1: Post-natal Maternity leave (statutory; post-natal, employment-based, full-time, the first child entitlements): leave length, transferability and flexibility (April 2024)

Country	Post-natal leave length (months)			(Part of) leave is obligatory	(Part of) leave is transferable ²	Additional leave time ³	Leave flexibility ⁴	
	Total	Paid	Well-paid ¹				Part-time	In blocks
Argentina (private)	8	2	2	+	-	+	-	-
Argentina (public)	8.3	2.3	2.3	+	-	+	-	-
Australia	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Austria	1.9	1.9	1.9	+	-	+	-	-
Belgium	3.3	3.3	3.3*	+	-	+	+	-
Bosnia and Herzegovina	11.2	..	..	+	+	-	-	-
Brazil	4	4	4	-	+	+	+	-
Bulgaria	12.1	12.1	12.1*	+	+	-	-	-
Canada	3.5	3.3	0*	-	-	-	-	-
Canada: Quebec	4.2	4.2	4.2*	-	-	-	-	-
Chile	5.6	5.6	5.6*	+	+	+	+	-
China	2.8	2.8	2.8	-	-	+	-	-
Colombia	4	4	4	+	+	+	+	-
Croatia	6	6	6	+	+	+	+	-
Cyprus	4.7	4.7	4.7	+	-	+	-	-
Czech Republic	5.1	5.1	5.1*	+	+	+	-	-
Denmark	2.3	2.3	2.3*	+	+	-	-	+
Estonia	1	1	1	+	-	-	-	-
Finland	1	1	1*	+	-	-	-	-
France	3	3	3*	+	-	+	-	-
Germany	1.9	1.9	1.9	+	-	+	-	-
Greece (private)	11.1	11.1	2.1	+	+	-	-	-
Greece (public)	3	3	3	+	-	+	-	-
Hungary	5.6	5.6	5.6	+	-	-	-	-
Iceland	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL

Country	Post-natal leave length (months)			(Part of) leave is obligatory	(Part of) leave is transferable ²	Additional leave time ³	Leave flexibility ⁴	
	Total	Paid	Well-paid ¹				Part-time	In blocks
Ireland	9.3	5.6	0 ^{FR}	+	-	-	-	-
Israel	6	3.5	3.5*	+	+	+	-	-
Italy	5	5	5	+	-	+	-	-
Japan	1.9	1.9	1.9*	+	-	-	-	-
Korea	3	3	3*	+	-	+	-	-
Latvia	1.9	1.9	1.9	-	-	+	-	-
Lithuania	1.9	1.9	1.9	-	-	+	-	-
Luxembourg	2.8	2.8	2.8*	+	-	+	-	-
Malta	4.2	4.2	3.3	+	-	+	-	-
Mexico	2.3	2.3	2.3	+	-	+	-	-
Netherlands	2.8	2.8	2.8*	+	-	+	+	+
New Zealand	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Norway	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Poland	4.7	4.7	4.7	+	+	+	-	-
Portugal	see PL	see PL	see PL	see PL	see PL	see PL	see PL	see PL
Romania	4.2	4.2	4.2*	+	-	-	-	-
Russian Federation	2.3	2.3	2.3*	-	-	+	-	-
Serbia	11.3	11.3	11.3*	+	+	+	-	-
Slovak Republic	6.5	6.5	6.5*	+	-	+	-	-
Slovenia	2.6	2.6	2.6	+	-	+	-	-
South Africa	4.0	..	..	+	-	-	-	-
Spain	3.7	3.7	3.7*	+	-	+	+	+
Sweden	0.5	see PL	see PL	+	-	-	-	-
Switzerland	3.3	3.3	3.3*	+	-	+	-	-
Türkiye	9	3	3	+	-	+	-	-
United Kingdom	12.1	9.1	1.4	+	+	-	-	+
United States	..	..	..	..	..	..	..	..
Uruguay (private)	3.3	3.3	3.3	+	-	+	-	-

Country	Post-natal leave length (months)			(Part of) leave is obligatory	(Part of) leave is transferable ²	Additional leave time ³	Leave flexibility ⁴	
	Total	Paid	Well-paid ¹				Part-time	In blocks
Uruguay (public)	2.8	2.8	2.8	+	-	+	-	-
Vietnam	6	6	6	-	-	+	-	-

Notes: Only **statutory** leave entitlements regulated at the national level are included, that is, regional or occupational (variations in) provisions topping up state-level defined statutory rights are excluded. For all the variations in leave entitlements see country notes which contain more detailed information. If the period of leave in a country is expressed as weeks, weeks are converted to months on the basis of 4.3 weeks=1 month, i.e. 12 weeks would be expressed as 2.8 months.

Key: see PL=countries provide paid leave that women may or must take at and around childbirth, but this leave has a generic designation, such as 'Parental leave'; **..**=no statutory leave or payment; *****=ceiling on payments (only for part of the leave in Greece (private), Korea, Malta); **FR**=flat-rate benefit; **1**=earnings-related payment at 66 per cent of previous earnings or above (based on legal replacement rate; but note that in some countries benefits are taxed or may count towards income base for social security contributions, meaning that actual amounts received by the individuals may differ); **2**=part of Maternity leave is transferable to the father/co-parent in ordinary conditions (this does not include cases where the transfer is only permitted in the case of maternal death or incapacity); **3**=additional time for premature birth, multiple births, higher order births, in the case of disability of the child or medical complications (this include only situations when additional days/weeks of Maternity leave are available, and it does not include situations in which, for example, unused prenatal days can be used after birth or additional benefits are provided); **4**=leave can be used part-time (the time is proportionally extended), or in several blocks.